

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, the Planning Assessment Commission approves the modification of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Gabrielle Kibble AO
Member of the Commission



Brian Gilligan
Member of the Commission

Sydney

7 February 2014

SCHEDULE 1

The project approval (05_0021) for the Wilpinjong Coal Project, granted by the Minister for Planning on 1 February 2006.

SCHEDULE 2

1) Replace the following definitions

Director-General EIS	Director-General of the Department, or nominee The Environmental Impact Statement Assessment titled <i>Wilpinjong Coal Project EIS</i> , dated May 2005, and associated response to submissions as subsequently modified by EA (Mod 1), EA (Mod 3), EA (Mod 4) and EA (Mod 5)
Incident	A set of circumstances that: <ul style="list-style-type: none">causes or threatens to cause material harm to the environment; and/orbreaches or exceeds the limits or performance measures/criteria in this approval
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in schedules 3 and 4 of this approval where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mine water	Water that accumulates within, or drains from, active mining and infrastructure areas (synonymous with dirty water)
Mining operations	Includes the removal and emplacement of overburden and extraction, processing, handling, storage and transport of coal on site
Proponent	Wilpinjong Coal Pty Limited, or any person or persons who rely on this approval to carry out the development that is the subject of this approvals
Rehabilitation	The restoration of land disturbed by the project to a good condition to ensure it is safe, stable and non-polluting

2) In the list of Definitions, insert the following in alphabetical order:

Biodiversity offset strategy	The conservation and enhancement strategy described in the original EIS as amended by EA (Mod 5), and depicted conceptually
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Blast misfire	in the figure in Appendix 3
Conditions of this approval	The failure of one or more holes in a blast pattern to initiate
CPI	Conditions contained in Schedules 1 to 5 inclusive
EA (Mod 5)	Australian Bureau of Statistics Consumer Price Index
EPA	Environmental Assessment titled <i>Wilpinjong Coal Mine Modification Environmental Assessment</i> , dated July 2013, and the associated response to submissions
Public Infrastructure	Environment Protection Authority
Ulan Road Strategy	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
	The strategy prepared by the Arrb Group Limited, dated December 2011 as amended by the Director-General's letter dated 25 May 2013

- 3) Delete condition 1 of Schedule 2, and insert the following:
1. In addition to meeting the specific performance criteria established under this approval, the Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the project.
- 4) In condition 2 of schedule 2, delete paragraphs (b) to (f), and insert the following:
- (b) statement of commitments; and
 - (c) conditions of this approval.
- 5) In condition 6 of Schedule 2, insert the word "and" at the end of paragraph (a), and delete paragraph (b) and reorder any subsequent paragraphs.
- 6) After condition 9 of Schedule 2, insert the following:

PROTECTION OF PUBLIC INFRASTRUCTURE

- 9A. Unless the Proponent and the applicable authority agree otherwise, the Proponent shall:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

Note: This condition does not apply to any damage to roads caused as a result of general road usage.

- 7) Delete conditions 2 to 8 of Schedule 3, and insert the following:

Noise Criteria

2. Except for the land referred to in Table 1, the Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 2 at any residence on privately-owned land or at the other specified locations.

Table 2: Noise Impact assessment criteria dB(A)

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
135	38	38	38	45
129 and 137	37	37	37	45
69	36	36	36	45
Wollar Village – Residential	36	35	35	45
All other privately owned land	35	35	35	45
901 – Wollar School	35(internal) 45 (external) When in use			-
150A – St Luke's Anglican Church	40 (internal) When in use			-
900 – St Laurence O'Toole Catholic Church				

Goulburn River National Park/Munghorn Gap Nature Reserve	50 When in use	-
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Noise generated by the project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 11 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, the criteria in Table 2 do not apply if the Proponent has an agreement with the relevant owner/s to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

Notes:

- To interpret the locations referred to in Table 2, see the applicable figures in Appendix 7; and
- For the Goulburn River National Park/Munghorn Nature Reserve noise levels are to be assessed at the most affected point at the boundary of the Goulburn River National Park/Munghorn Nature Reserve.

Mitigation Upon Request

3. Upon receiving a written request from the owner of any residence on the land listed in either Table 1 or Table 3, the Proponent shall implement additional noise mitigation measures (such as double-glazing, insulation and/or air conditioning) at the residence in consultation with the landowner. These measures must be reasonable and feasible, and directed towards reducing the noise impacts of the project on the residence.

If within 3 months of receiving this request from the owner, the Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.

Table 3: Land subject to additional noise mitigation upon request

Receiver ID
69, 129, 135 and 137

Note: To interpret the land referred to in Table 3, see the applicable figures in Appendix 7.

Operating Conditions

4. The Proponent shall:
 - (a) implement best management practice to minimise the operational, road, and rail noise of the project;
 - (b) operate a comprehensive noise management system that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this approval;
 - (c) minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply (see Appendix 11);
 - (d) only use locomotives and rolling stock that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL;
 - (e) co-ordinate noise management at the site with the noise management at Moolarben and Ulan mines to minimise cumulative noise impacts; and
 - (f) carry out regular monitoring to determine whether the project is complying with the relevant conditions of this approval, and publish these monitoring results on its website, to the satisfaction of the Director-General.

Noise Management Plan

5. The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Director-General. This plan must:
 - (a) be prepared in consultation with the EPA, and submitted to the Director-General for approval by the end of May 2014;
 - (b) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this approval;
 - (c) describe the proposed noise management system in detail; and

- (d) include a monitoring program that:
 - evaluates and reports on:
 - the effectiveness of the noise management system;
 - compliance against the noise criteria in this approval; and
 - compliance against the noise operating conditions;
 - includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a better indicator of compliance with the noise criteria in this approval and trigger for further attended monitoring); and
 - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.

BLASTING

Blast Impact Assessment Criteria

6. The Proponent shall ensure that blasting on the site does not cause exceedances of the criteria in Table 4.

Table 4: Blasting impact assessment criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Residence on privately owned land	115	5	5% of the total number of blasts over a period of 12 months
	120	10	0%
All public infrastructure	-	50 <i>(or a limit determined by the structural design methodology in AS 2187.2-2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Director-General)</i>	0%

However, these criteria do not apply if the Proponent has a written agreement with the relevant owner to exceed these criteria, and has advised the Department in writing of the terms of this agreement.

- 8) Delete conditions 10 and 11 of Schedule 3, and insert the following:

Blasting Frequency

10. The Proponent may carry out a maximum of:
- (a) 2 blasts a day; and
 - (b) 5 blasts a week, averaged over a calendar year, at the project site.

This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, blast misfires or blasts required to ensure the safety of the mine or its workers.

Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.

Property Inspections

11. If the Proponent receives a written request from the owner of any privately-owned land within 2 kilometres of any approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Proponent shall:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:

- establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
 - identify measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/or structures; and
- (b) give the landowner a copy of the new or updated property inspection report.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Director-General for resolution.

- 9) At the end of condition 12 of Schedule 3, insert the following paragraph:

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the independent property investigation, either party may refer the matter to the Director-General for resolution.

- 10) In condition 13 of Schedule 3, delete the word “and” at the end of paragraph (c), and insert it at the end of paragraph (d). Insert the following paragraph after (d):

- (e) carry out regular monitoring to determine whether the project is complying with the relevant conditions of this approval, and publish these monitoring results on its website,

- 11) Delete condition 15 of Schedule 3, and insert the following:

Blast Management Plan

15. The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with the EPA, and submitted to the Director-General for approval by the end of May 2014;
 - (b) (describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this approval;
 - (c) (propose and justify any alternative ground vibration limits for public infrastructure in the vicinity of the site (if relevant); and
 - (d) include a monitoring program for evaluating and reporting on compliance with the blasting criteria and operating conditions of this approval.
- 12) Delete conditions 17 to 21 of Schedule 3, and insert the following:

Air Quality Impact Assessment Criteria

17. Except for the land referred to in Table 1, the Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not cause exceedances of the criteria listed in Tables 5, 6 and 7 at any residence on privately-owned land.

Table 5: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	^dCriterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³

Table 6: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	^dCriterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³

Table 7: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes to Tables 5-7:

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources);

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own);

^c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and

^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Director-General.

Mine-owned Land

- 18A. The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not cause exceedances of the criteria listed in Tables 8, 9 and 10 at any occupied residence on mine-owned land (including land owned by another mining company) unless:
- the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under schedule 4 of this approval;
 - the tenant of any land owned by the Proponent can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;
 - air mitigation measures such as air filters, a first flush roof water drainage system and/or air conditioning) are installed at the residence, if requested by the tenant or landowner (if the residence is owned by another mining company);
 - air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining company) of particulate emissions in the vicinity of the residence; and
 - data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property, to the satisfaction of the Director-General.

Air Quality Acquisition Criteria

18. If particulate matter emissions generated by the project exceed the criteria, or contribute to the exceedance of the relevant cumulative criteria, in Tables 8, 9 and 10 at any residence on privately-owned land, then upon receiving a written request for acquisition from the landowner, the Proponent shall acquire the land in accordance with the procedures in conditions 5 – 6 of schedule 4.

Table 8: Long term land acquisition criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³

Table 9: Short term land acquisition criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 150 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	24 hour	^b 50 µg/m ³

Table 10: Long term land acquisition criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes to Tables 8-10:

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources);

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own);

^c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and

^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Director-General.

Operating Conditions

19. The Proponent shall:
- implement all practicable measures to minimise the off-site odour and fume emissions generated by any spontaneous combustion at the project;
 - implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;
 - minimise any visible air pollution generated by the project;
 - operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this approval;
 - minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see Note d above under Table 10);
 - co-ordinate the air quality management on site with the air quality management at the Moolarben and Ulan mines to minimise cumulative air quality impacts;
 - carry out regular monitoring to determine whether the project is complying with the relevant conditions of this approval, and publish these monitoring results on its website, to the satisfaction of the Director-General.

Air Quality Management Plan

20. The Proponent shall prepare and implement an Air Quality Management Plan for the project to the satisfaction of the Director-General. This plan must:
- be prepared in consultation with the EPA;
 - describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this approval;
 - describe the air quality management system;
 - include an air quality monitoring program that:
 - adequately supports the air quality management system;
 - evaluates and reports on the:
 - the effectiveness of the air quality management system;
 - compliance with the air quality criteria;
 - compliance with the air quality operating conditions; and
 - defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.

Note: The air quality monitoring program may incorporate monitoring from any relevant regional monitoring network endorsed by EPA.

- 13) Beneath condition 23 of Schedule 3, insert the following:

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the project.

- 14) Delete conditions 36 to 44 of Schedule 3, and the heading before condition 36, and insert the following:

BIODIVERSITY

Biodiversity Offset Strategy

36. The Proponent shall implement the biodiversity offset strategy described in the EA, summarised in Table 11, and shown conceptually in Appendix 3, to the satisfaction of the Director-General.

Table 11: Biodiversity Offset Strategy

Area	Size
Enhancement and Conservation Areas	480 ha

Long Term Security of Biodiversity Offsets

37. By the end of December 2015, unless the Director-General agrees otherwise, the Proponent shall make suitable arrangements to protect the Enhancement and Conservation Areas and Biodiversity Offset Areas in Table 11 in perpetuity to the satisfaction of the Director-General. In relation to protecting Biodiversity Offset Areas D and E, the Proponent shall use its best endeavours to add the relevant land to the adjoining National Park.

Biodiversity Management Plan

38. The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with OEH, and submitted to the Director-General for approval by the end of September 2014;
 - (b) describe the short, medium, and long term measures that would be implemented to:
 - manage the remnant vegetation and fauna habitat on the site; and
 - implement the biodiversity offset strategy;
 - integrate the implementation of the biodiversity offset strategy to the greatest extent practicable with the rehabilitation of the site and the adjacent regeneration areas;
 - (c) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary);
 - (d) include a detailed description of the measures that would be implemented for over the next 3 years for:
 - enhancing the quality of existing vegetation and fauna habitat in the biodiversity offset areas;
 - creating native vegetation and fauna habitat in the biodiversity offset areas, regeneration areas and rehabilitation area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary);
 - maximising the salvage of resources within the approved disturbance area - including vegetative and soil resources – for beneficial reuse in the enhancement of the biodiversity offset areas, regeneration areas or rehabilitation area;
 - collecting and propagating seed;
 - protecting vegetation and fauna habitat outside the approved disturbance area on-site;
 - minimising the impacts on fauna on site, including undertaking pre-clearance surveys;
 - managing any potential conflicts between the proposed enhancement works in the biodiversity offset strategy areas and any Aboriginal heritage values (both cultural and archaeological) in these areas;
 - managing salinity;
 - controlling weeds and feral pests;
 - controlling erosion;
 - managing grazing and agriculture on site;
 - controlling access; and
 - bushfire management;
 - (e) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;
 - (f) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate against these risks; and
 - (g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

Note: The Regeneration Areas nominally comprise some 357 ha and are shown conceptually in Appendix 4. In the event that the Enhancement and Conservation Areas are greater than 480 ha, the Regeneration Areas may be reduced in area to the equivalent extent.

Conservation Bond

39. By 31 December 2015, unless otherwise agreed by the Director-General, the Proponent shall lodge a Conservation Bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond shall be determined by:
- calculating the full cost of implementing The Biodiversity Offset Strategy (other than land acquisition costs); and
 - employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Director-General.

If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Director-General, the Director-General will release the bond.

If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Director-General will call in all, or part of, the conservation bond, and arrange for the satisfactory completion of the relevant works.

Notes:

- Existing bonds which have been paid for the existing Enhancement and Conservation Areas remain current and are satisfactory to fulfill the requirements of this condition for those areas;*
- Alternative funding arrangements for long-term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond, and*
- The sum of the bond may be reviewed in conjunction with any revision to the Biodiversity Offset Strategy.*

- 15) Delete conditions 51 to 53 of Schedule 3, and insert the following:

Ulan Road Strategy

51. The Proponent shall:
- work with Council and the owners of the Moolarben and Ulan mines to agree to a detailed plan for the implementation of the Ulan Road Strategy; and
 - make financial contributions towards the implementation of the agreed detailed plan, in accordance with the requirements in the plan, with its share of the mining companies' contribution for implementation of the strategy to be proportionate to its share of mining-related traffic to be generated on the road during the life of the strategy.

If there is any dispute between the various parties involved in either the development of the detailed plan or the implementation of the strategy, then any of the parties may refer the matter to the Director-General for resolution.

Traffic Management

52. The Proponent shall:
- schedule shift changes on site to occur outside of school bus hours; and
 - co-ordinate the shift changes on site with the shift changes of the adjoining Moolarben and Ulan mines to minimise the potential cumulative traffic impacts of shift changes of the three mines,
- to the satisfaction of the Director-General

- 16) After condition 56 of Schedule 3, insert the following:

57. The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must:
- be submitted to the Director-General for approval prior to the acceptance of building wastes and the like at the site, or prior to the end of May 2014, whichever is the later;
 - identify the various waste streams of the project;
 - include a Life of Mine Tailings Strategy that must:
 - be prepared by a team of suitably qualified and experienced persons whose appointment has been endorsed by the Executive Director, Mineral Resources; and
 - address all aspects of life-of-mine tailings management, including design, operation, water balance, decommissioning and rehabilitation.
 - describe what measures would be implemented to manage other wastes at the site;

- (e) describe in detail what measures would be implemented to prevent and manage spontaneous combustion events at the site;
- (f) describe what measures would be implemented to reuse, recycle, or minimise wastes generated by the project; and
- (g) include a program to monitor the effectiveness of these measures.

REHABILITATION

Rehabilitation Objectives

58. The Proponent shall rehabilitate the site to the satisfaction of the Executive Director, Mineral Resources. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS and EA (Mod 5) (and depicted conceptually in the figure in Appendix 4), and comply with the objectives in Table 12.

Table 12: Rehabilitation Objectives

Feature	Objective
Mine site (as a whole)	<ul style="list-style-type: none"> • Safe, stable and non-polluting; • Constructed landforms are to drain to the natural environment (excluding final voids); • Minimise the visual impact of final landforms as far as is reasonable and feasible; and • Ensure the final landforms are generally consistent with the surrounding topography of the area, taking into account relief patterns and principles.
Final Voids	<ul style="list-style-type: none"> • Minimise the size and depth of final voids so far as is reasonable and feasible, subject to meeting the objectives below; • Minimise the drainage catchment of the final void so far as is reasonable and feasible; • Negligible high wall instability risk; • The size and depth of the final voids must be designed having regard to their function as long-term groundwater sinks, to ensure that groundwater flows through the back-filled pit towards the final void; and • Minimise risk of flood interaction for all flood events up to and including the Probable Maximum Flood level.
Surface infrastructure	<ul style="list-style-type: none"> • To be decommissioned and removed, unless the Executive Director, Mineral Resources agrees otherwise.
Agricultural land	<ul style="list-style-type: none"> • Establish agricultural land in areas indicated in the figure in Appendix 4 to a similar agricultural suitability to that existing prior to mining.
Other Land	<ul style="list-style-type: none"> • Restore ecosystem function in the Enhancement and Conservation Areas including maintaining or establishing self-sustaining ecosystems comprised of a combination of: <ul style="list-style-type: none"> - native woodland, including EECs; - habitat for threatened fauna species; and - wildlife corridors (as indicated in the figure in Appendix 4). • Restore ecosystem function in Regeneration Areas, establishing a trajectory towards self-sustaining ecosystems comprised of a combination of: <ul style="list-style-type: none"> - native woodland/riparian areas; and - wildlife corridors (as indicated in the figure in Appendix 4).
Community	<ul style="list-style-type: none"> • Ensure public safety; and • Minimise the adverse socio-economic effects associated with mine closure.

Progressive Rehabilitation

59. The Proponent shall rehabilitate the site progressively as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies shall be employed when areas prone to dust generation cannot be permanently rehabilitated.

Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the project.

Long Term Security of Rehabilitated Areas

60. Prior to relinquishing the mining lease over the site, unless the Director-General agrees otherwise, the Proponent shall make suitable arrangements to protect rehabilitation areas having significant conservation value, to the satisfaction of the Director-General.

Note: This condition does not apply to land tenure commitments with Native Title Claimant Groups.

Rehabilitation Management Plan

61. The Proponent shall prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of the Executive Director, Mineral Resources. This plan must:
- (a) be prepared in consultation with the Department, NOW, OEH, Council and the CCC;
 - (b) be submitted to the Executive Director, Mineral Resources for approval by 31 December 2014, unless the Director-General agrees otherwise;
 - (c) be prepared in accordance with any relevant DRE guideline;
 - (d) describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy;
 - (e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);
 - (f) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, and address all aspects of rehabilitation including mine closure, final landform, and final land use;
 - (g) include interim rehabilitation where necessary to minimise the area exposed for dust generation;
 - (h) include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and
 - (i) build to the maximum extent practicable on the other management plans required under this approval.
- 17) Delete Schedule 4 and replace with the following:

SCHEDULE 4 ADDITIONAL PROCEDURES FOR AIR QUALITY & NOISE MANAGEMENT

NOTIFICATION OF LANDOWNERS/TENANTS

1. The Proponent shall:
 - (a) notify in writing the owners of:
 - any residence on the land listed in Table 1 of Schedule 3 that they have the right to require the Proponent to acquire their land at any stage during the project;
 - any residence on the land listed in Table 2 of Schedule 3 that they have the right to request the Proponent to ask for additional noise mitigation measures to be installed at their residence at any stage during the project; and
 - any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated;
 - (b) notify the tenants of any mine-owned land where the predictions in the EA or monitoring results identify that noise or dust emissions generated by the project are likely to be greater than the relevant criteria in schedule 3 of their rights under this approval; and
 - (c) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EA identify that dust emissions generated by the project are likely to be greater than the relevant air quality criteria in Schedule 3 at any time during the life of the project.
2. Prior to entering into any tenancy agreement for any land owned by the Proponent that is predicted to experience exceedances of the recommended dust and/or noise criteria, or for any of the land listed in Tables 1 or 2 that is subsequently purchased by the Proponent, the Proponent shall:
 - (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and
 - (b) advise the prospective tenants of the rights they would have under this approval, to the satisfaction of the Director-General.
3. As soon as practicable after obtaining monitoring results showing:

- (a) an exceedance of any relevant criteria in Schedule 3, the Proponent shall notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the project is again complying with the relevant criteria; and
- (b) an exceedance of the relevant air quality criteria in Schedule 3, the Proponent shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).

INDEPENDENT REVIEW

4. If an owner of privately-owned land considers the project to be exceeding the criteria in Schedule 3, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land.

If the Director-General is satisfied that an independent review is warranted, then within 2 months of the Director-General's decision, the Proponent shall:

- (a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the Director-General, to:
 - consult with the landowner to determine his/her concerns;
 - conduct monitoring to determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and
 - if the project is not complying with these criteria then:
 - determine if more than one mine is responsible for the exceedance, and if so the relative share of each mine regarding the impact on the land;
 - identify the measures that could be implemented to ensure compliance with the relevant criteria; and
- (b) give the Director-General and landowner a copy of the independent review.

LAND ACQUISITION

5. Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:

- (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the project, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise mitigation measures in condition 1 of Schedule 3;
- (b) the reasonable costs associated with:
 - relocating within the Mid-Western Regional Council local government area, or to any other local government area determined by the Director-General; and
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution.

Upon receiving such a request, the Director-General will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- consider submissions from both parties;
- determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
- prepare a detailed report setting out the reasons for any determination; and
- provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Director-General for review. Any request for a review must be accompanied by a detailed report setting out the

reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Director-General will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.

Within 14 days of this determination, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the Director-General's determination.

If the landowner refuses to accept the Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land shall cease, unless the Director-General determines otherwise.

6. The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 5 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

- 18) After condition 1 of Schedule 5, insert the following:

Adaptive Management

- 1A. The Proponent must assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria and/or performance measures has occurred, the Proponent must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement remediation measures as directed by the Director-General, to the satisfaction of the Director-General.

- 19) Delete condition 4 of Schedule 5, and insert the following:

4. Within 3 months of:
 - (a) the submission of an annual review under condition 3 above;
 - (b) the submission of an incident report under condition 7 below;
 - (c) the submission of an audit under condition 9 below; and
 - (d) any modification to the conditions of this approval;the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Director-General for approval.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.

- 20) In condition 5 of Schedule 5, delete the second dot point under "notes", and insert the following:

- *The CCC should be comprised of an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community.*

- 21) In condition 7 of Schedule 5, insert the word "immediately" after the word "shall" in the first sentence of the paragraph.

- 22) In condition 10 of Schedule 5, delete the words "6 weeks of the completion of this audit", and insert "3 months of commissioning this audit."

- 23) Delete condition 11 of Schedule 5, and insert the following:

11. From the end of October 2010, the Proponent shall:
 - (a) make the following information publicly available on its website:
 - the EIS;

- current statutory approvals for the project;
 - approved strategies, plans or programs required under the conditions of this approval;
 - a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the last five annual reviews;
 - any independent environmental audit, and the Proponent's response to the recommendations in any audit;
 - any other matter required by the Director-General; and
- (b) keep this information up to date,
to the satisfaction of the Director-General.

24) Delete Appendices 1 to 4 and insert the following:

**APPENDIX 1
SCHEDULE OF LAND**

Lot Number	Plan Number	Registered Owner
1	653565	Maurice Bloom & Rose Beheit (Possessary)
148	755425	Peabody Pastoral Holdings Pty Limited
pt 1	755455	Peabody Pastoral Holdings Pty Limited
pt 52	755454	Ulan Coal Mines Limited
pt 68	755454	Ulan Coal Mines Limited
1	112124	Wilpinjong Coal Pty Limited
1	583254	Wilpinjong Coal Pty Limited
1	703224	Wilpinjong Coal Pty Limited
1	724617	Wilpinjong Coal Pty Limited
1	727117	Wilpinjong Coal Pty Limited
1	728756	Wilpinjong Coal Pty Limited
pt 1	1078866	Wilpinjong Coal Pty Limited
2	720305	Wilpinjong Coal Pty Limited
3	583254	Wilpinjong Coal Pty Limited
3	755425	Wilpinjong Coal Pty Limited
3	755454	Wilpinjong Coal Pty Limited
5	703225	Wilpinjong Coal Pty Limited
5	755454	Wilpinjong Coal Pty Limited
6	703225	Wilpinjong Coal Pty Limited
6	755454	Wilpinjong Coal Pty Limited
9	755425	Wilpinjong Coal Pty Limited
9	755454	Wilpinjong Coal Pty Limited
10	703223	Wilpinjong Coal Pty Limited
10	755454	Wilpinjong Coal Pty Limited
11	703223	Wilpinjong Coal Pty Limited
11	755454	Wilpinjong Coal Pty Limited
12	703223	Wilpinjong Coal Pty Limited
12	755425	Wilpinjong Coal Pty Limited
12	755454	Wilpinjong Coal Pty Limited
13	703223	Wilpinjong Coal Pty Limited
13	755425	Wilpinjong Coal Pty Limited
13	755454	Wilpinjong Coal Pty Limited
14	755425	Wilpinjong Coal Pty Limited
14	755454	Wilpinjong Coal Pty Limited
15	755454	Wilpinjong Coal Pty Limited
17	755454	Wilpinjong Coal Pty Limited
18	755425	Wilpinjong Coal Pty Limited
18	755454	Wilpinjong Coal Pty Limited
19	755454	Wilpinjong Coal Pty Limited
22	755454	Wilpinjong Coal Pty Limited
23	755454	Wilpinjong Coal Pty Limited
24	755454	Wilpinjong Coal Pty Limited

Lot Number	Plan Number	Registered Owner
25	755425	Wilpinjong Coal Pty Limited
26	755425	Wilpinjong Coal Pty Limited
27	755425	Wilpinjong Coal Pty Limited
31	755454	Wilpinjong Coal Pty Limited
34	755425	Wilpinjong Coal Pty Limited
35	755425	Wilpinjong Coal Pty Limited
35	755454	Wilpinjong Coal Pty Limited
37	755425	Wilpinjong Coal Pty Limited
40	755425	Wilpinjong Coal Pty Limited
41	583255	Wilpinjong Coal Pty Limited
42	583255	Wilpinjong Coal Pty Limited
43	583255	Wilpinjong Coal Pty Limited
44	583255	Wilpinjong Coal Pty Limited
44	755425	Wilpinjong Coal Pty Limited
45	755425	Wilpinjong Coal Pty Limited
45	755454	Wilpinjong Coal Pty Limited
46	755425	Wilpinjong Coal Pty Limited
46	755454	Wilpinjong Coal Pty Limited
47	755454	Wilpinjong Coal Pty Limited
48	755454	Wilpinjong Coal Pty Limited
49	755425	Wilpinjong Coal Pty Limited
49	755454	Wilpinjong Coal Pty Limited
50	755425	Wilpinjong Coal Pty Limited
52	755425	Wilpinjong Coal Pty Limited
53	755425	Wilpinjong Coal Pty Limited
54	755425	Wilpinjong Coal Pty Limited
55	755425	Wilpinjong Coal Pty Limited
56	755425	Wilpinjong Coal Pty Limited
57	755425	Wilpinjong Coal Pty Limited
57	755455	Wilpinjong Coal Pty Limited
58	755425	Wilpinjong Coal Pty Limited
59	755425	Wilpinjong Coal Pty Limited
66	654143	Wilpinjong Coal Pty Limited
70	755425	Wilpinjong Coal Pty Limited
71	755425	Wilpinjong Coal Pty Limited
72	755454	Wilpinjong Coal Pty Limited
75	755425	Wilpinjong Coal Pty Limited
76	755425	Wilpinjong Coal Pty Limited
78	755425	Wilpinjong Coal Pty Limited
79	755425	Wilpinjong Coal Pty Limited
80	755425	Wilpinjong Coal Pty Limited
83	755425	Wilpinjong Coal Pty Limited
87	755425	Wilpinjong Coal Pty Limited
88	755425	Wilpinjong Coal Pty Limited
90	755425	Wilpinjong Coal Pty Limited

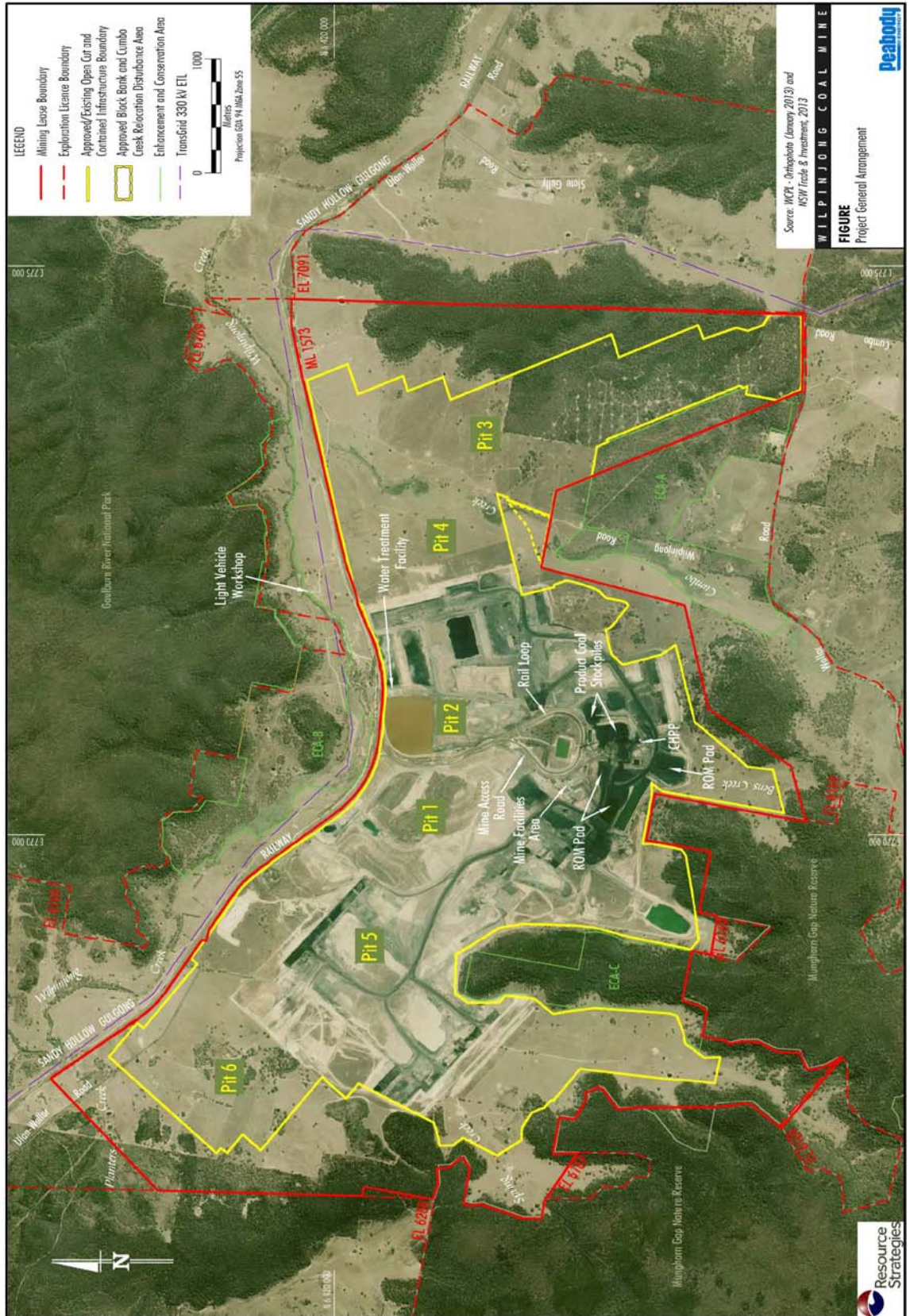
Lot Number	Plan Number	Registered Owner
93	755425	Wilpinjong Coal Pty Limited
94	755425	Wilpinjong Coal Pty Limited
95	755425	Wilpinjong Coal Pty Limited
95	755455	Wilpinjong Coal Pty Limited
96	755455	Wilpinjong Coal Pty Limited
100	755454	Wilpinjong Coal Pty Limited
104	755454	Wilpinjong Coal Pty Limited
105	755425	Wilpinjong Coal Pty Limited
106	755425	Wilpinjong Coal Pty Limited
109	755454	Wilpinjong Coal Pty Limited
110	755454	Wilpinjong Coal Pty Limited
114	42127	Wilpinjong Coal Pty Limited
116	755425	Wilpinjong Coal Pty Limited
122	755425	Wilpinjong Coal Pty Limited
123	755425	Wilpinjong Coal Pty Limited
124	755425	Wilpinjong Coal Pty Limited
125	755425	Wilpinjong Coal Pty Limited
128	755425	Wilpinjong Coal Pty Limited
pt 132	755425	Wilpinjong Coal Pty Limited
133	755425	Wilpinjong Coal Pty Limited
134	755425	Wilpinjong Coal Pty Limited
135	755425	Wilpinjong Coal Pty Limited
136	755425	Wilpinjong Coal Pty Limited
137	755425	Wilpinjong Coal Pty Limited
138	755425	Wilpinjong Coal Pty Limited
139	755425	Wilpinjong Coal Pty Limited
140	755425	Wilpinjong Coal Pty Limited
141	755425	Wilpinjong Coal Pty Limited
142	755425	Wilpinjong Coal Pty Limited
143	755425	Wilpinjong Coal Pty Limited
144	755425	Wilpinjong Coal Pty Limited
145	755425	Wilpinjong Coal Pty Limited
146	755425	Wilpinjong Coal Pty Limited
149	755425	Wilpinjong Coal Pty Limited
150	755425	Wilpinjong Coal Pty Limited
151	755425	Wilpinjong Coal Pty Limited
152	755425	Wilpinjong Coal Pty Limited
153	755425	Wilpinjong Coal Pty Limited
156	755425	Wilpinjong Coal Pty Limited
157	755425	Wilpinjong Coal Pty Limited
158	755425	Wilpinjong Coal Pty Limited
160	755425	Wilpinjong Coal Pty Limited
161	755425	Wilpinjong Coal Pty Limited
182	755425	Wilpinjong Coal Pty Limited
183	755425	Wilpinjong Coal Pty Limited

Lot Number	Plan Number	Registered Owner
184	755425	Wilpinjong Coal Pty Limited
186	755425	Wilpinjong Coal Pty Limited
187	755425	Wilpinjong Coal Pty Limited
188	755425	Wilpinjong Coal Pty Limited
194	755425	Wilpinjong Coal Pty Limited
195	755425	Wilpinjong Coal Pty Limited
196	755425	Wilpinjong Coal Pty Limited
pt 131	755425	Wilpinjong Coal Pty Limited
pt 237	724588	Wilpinjong Coal Pty Limited
pt 69	755455	Wilpinjong Coal Pty Limited
pt 89	755455	Wilpinjong Coal Pty Limited
pt 92	755425	Wilpinjong Coal Pty Limited

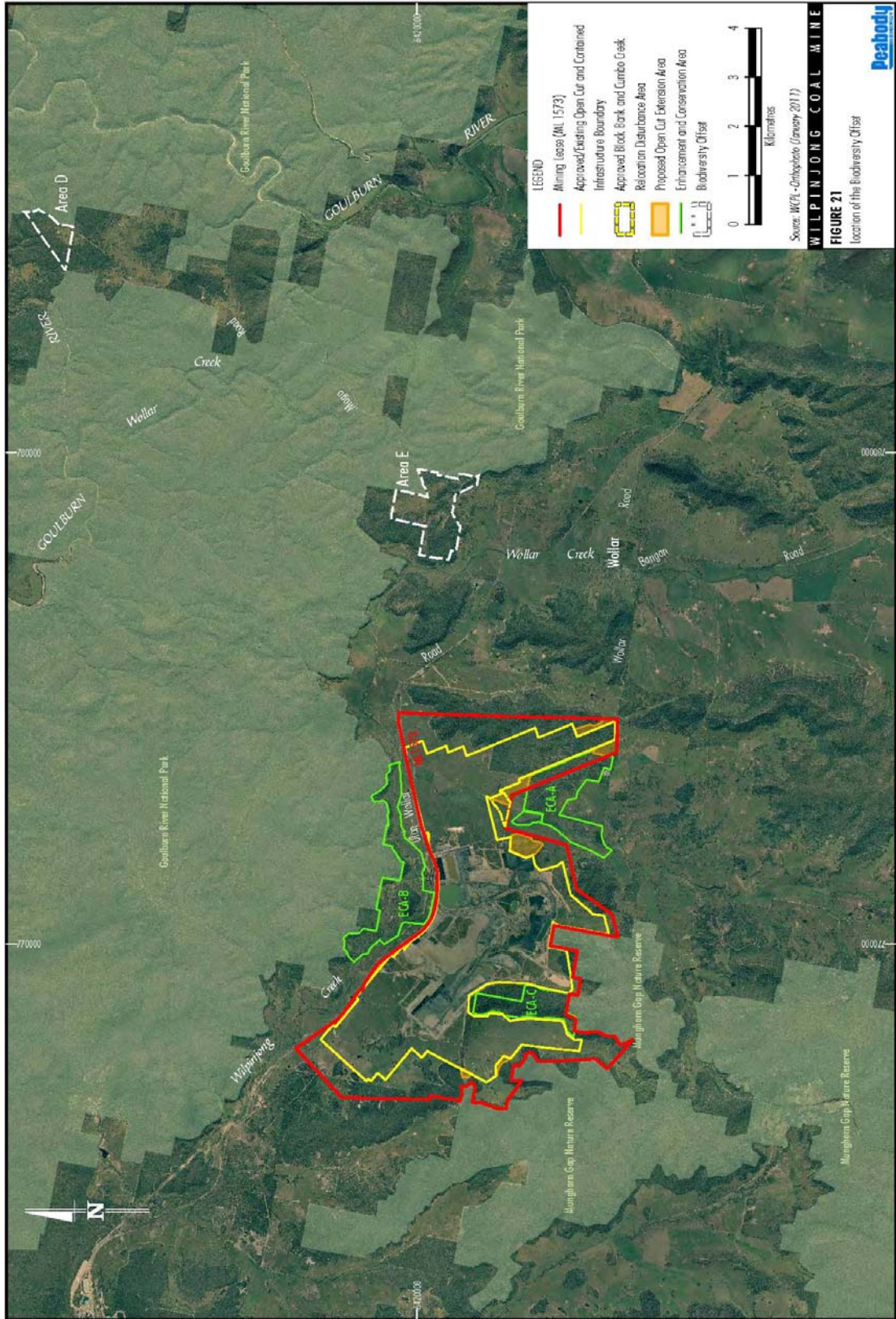
CROWN LAND		
77	755425	Crown Land
91	755425	Crown Land
97	755425	Crown Land
115	42127	Crown Land
147	755425	Crown Land
233	723412	Crown Land
234	723412	Crown Land
235	723412	Crown Land
7302	1138926	Crown Land

Crown Roads, Council Roads and property under the control of the State Rail Authority have been identified and are shown on the attached plan.

APPENDIX 2 PROJECT LAYOUT

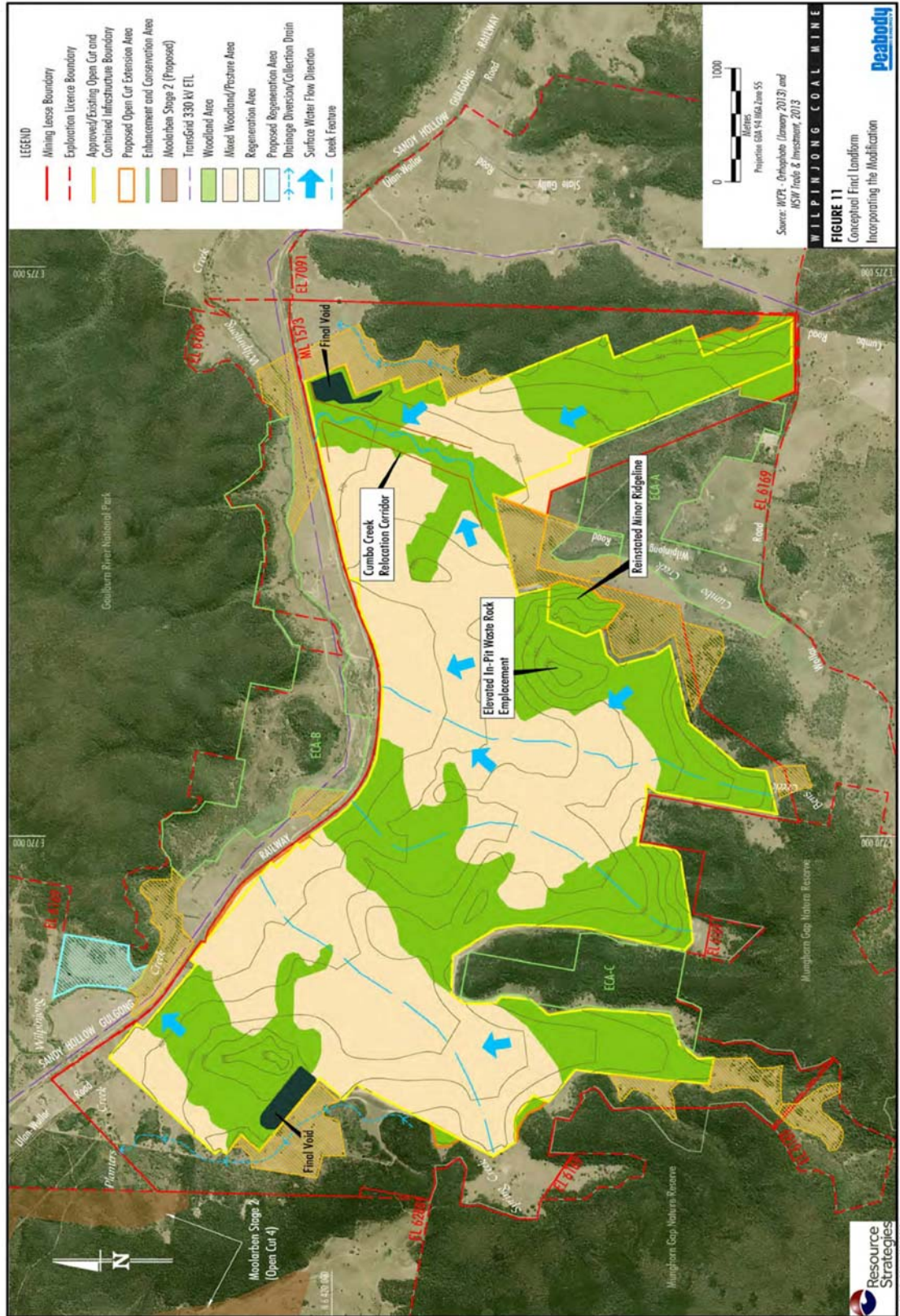


**APPENDIX 3
OFFSET STRATEGY**



WIL-12-12_25000x412_221A

APPENDIX 4 CONCEPTUAL REHABILITATION PLAN



25) Delete Appendices 7 and 8, and insert the following:

APPENDIX 7
FIGURE 1 – REGIONAL RECEIVER LOCATION PLAN

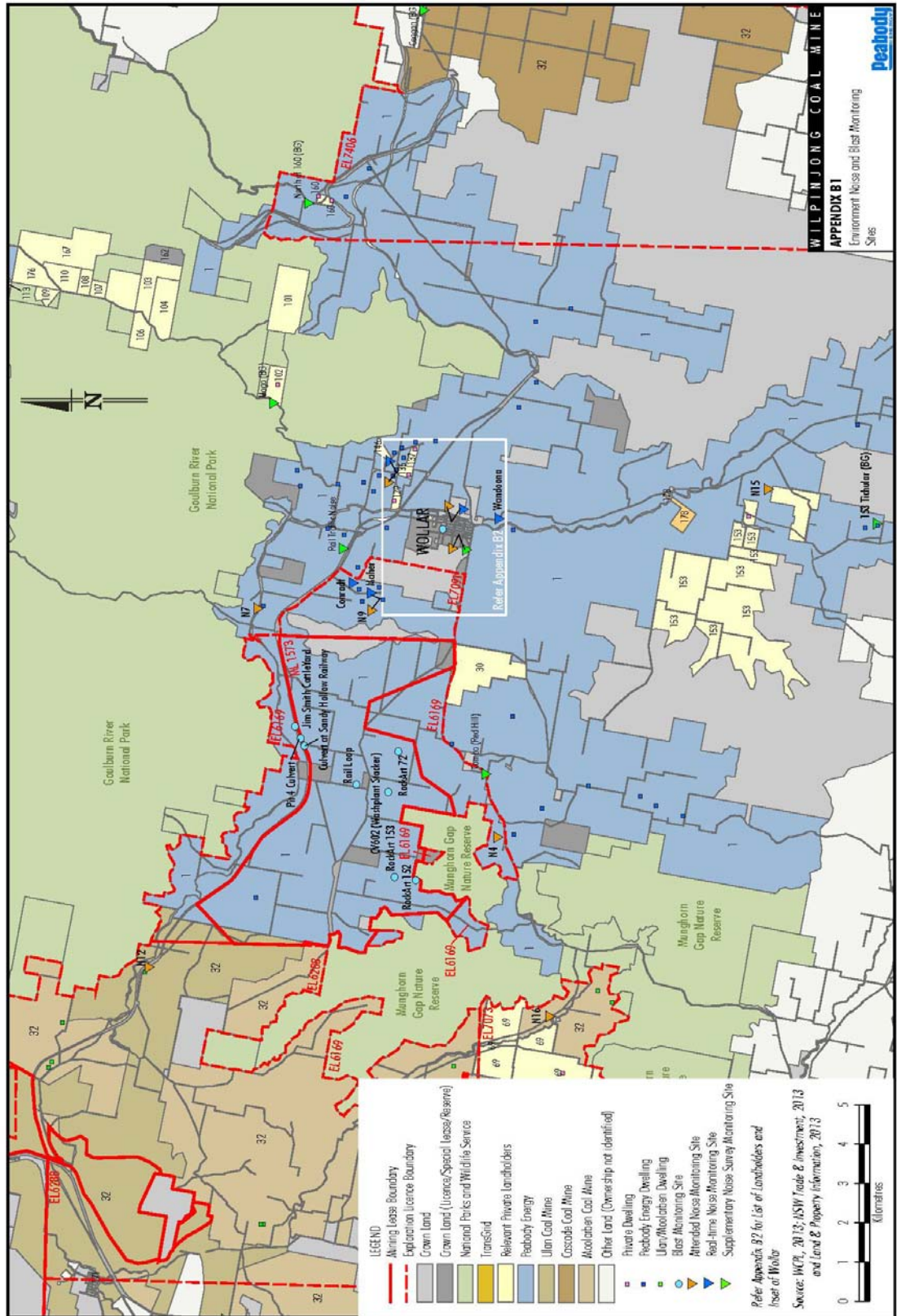
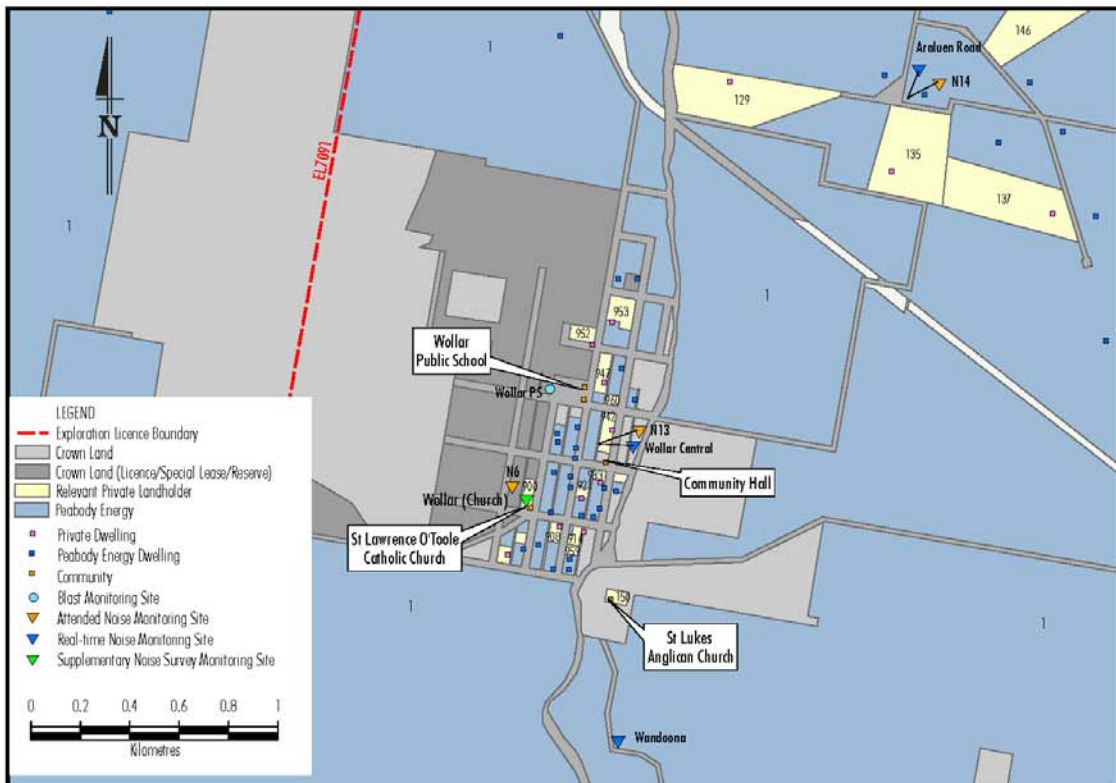


FIGURE 2 – WOLLAR VILLAGE RECEIVER LOCATION PLAN



Ref No.	Landholder	Ref No.	Landholder
1	Peabody Energy	162	Special lease 1969/7 Daniel Ponton
30	William Gaffney	167	G Jaques
32	Ulan/Woolarben/Cascade Coal Controlled Land	169	J Asztalos
69	DJ & JG Stokes	170	MB Cox
80	RB Cox	110	Patricia Ann Crosse
101	NAB Pierce	175	SF & MR Andrews
102	W Filipczyk	176	Shaun Rayner
103	MR Holloy	178	TransGrid
104	J & I Hartig	900	Catholic Church
106	JA Sales	903	MA Hardiman & D Hogan
107	RJ Lee	908	A & A Lynch
108	Crosse	914	Paul Warwick Nicod & Philip John Slade
109	MO Vaisey	921	EH Toombs
113	AJ Brett & S & D Hilt	933	CR Faulkner
114	C Ware & H Parker	942	Robert & Susan Schneider
129	K & R Roser	947	Scott & Jane Lillis
135	K & R Roser	952	B & D O'Hara
137	A & C Chetcuti	953	B Marshall & R Muller
146	D & B Spearpoint	959	CJ Clarke
150	Edmund Tindale, Alexander MacDonald, Will	960	Scott Lillis
153	Terrence William Marskell	961	Jaques Family Investments P/L
160	B Smiles & A Smiles-Schmidt		

Source: WCP, 2013; NSW Trade & Investment, 2013 and Land & Property Information, 2013

WILPINJONG COAL MINE
APPENDIX B2
 Environment Noise and Blast Monitoring
 Sites - Wollar



APPENDIX 8 STATEMENT OF COMMITMENTS

Update of Environmental Management Plans

Within 3 months of augmentation of the Project Approval to incorporate Modification 5, existing Environmental Management Plans required by the Project Approval will be reviewed and, if necessary, revised to incorporate the Modification.

Operational Noise

WCPL will continue to implement real-time noise monitoring and associated controls, such that noise from the Wilpinjong Coal Mine will comply with relevant Project Approval noise criteria (including a commitment to modify the operations as required to achieve continued compliance with project specific noise levels in the Village of Wollar under relevant meteorological conditions, as described in the Project Approval, EPL 12425 and the amended Noise Management Plan).

Blasting

WCPL will include the results of all blast monitoring required by Environment Protection Licence 12425 as a Blast Monitoring Report with the Licence Annual Return. The Blast Monitoring Report will include the following information relating to each blast carried out within the premises during the reporting period covered by the Annual Return:

- the date and time of each blast;
- the location of each blast on the premises;
- the blast monitoring results (airblast overpressure and ground vibration) and at each blast monitoring location; and
- an explanation for any missing blast monitoring results.

Elevated Waste Rock Emplacement

To minimise the risk of spontaneous combustion occurring in the elevated waste rock emplacement (to be constructed in the south of Pit 2) prior to final rehabilitation occurring, a number of management measures will be employed, including:

- the emplacement will be designed and constructed with designated carbonaceous material zones to avoid future exposure of the carbonaceous material (i.e. to maintain a minimum of 5 m of compacted inert material coverage over the carbonaceous material, including following final land forming);
- the emplacement will be constructed with water management structures (e.g. diversion drains, lined drains and/or armoured drop structures) to minimise erosion that could expose carbonaceous materials prior to final land forming; and
- the emplacement outer batters will be temporarily rehabilitated (e.g. by aerial seeding) to minimise erosion prior to the emplacement being fully rehabilitated at the end of the mine life.

Disposal of Building and Demolition Waste

WCPL will classify the waste materials generated by building and demolition works on Peabody Energy owned lands, and only the inert portion of these wastes will be disposed at depth in the waste rock emplacements at the Wilpinjong Coal Mine (e.g. at least 5 m below the final landform surface).

Biodiversity

The Modification 5 biodiversity offset will secure approximately 211 ha of land. A biodiversity offset strategy will be prepared by a suitably qualified person(s) to facilitate the management of the biodiversity offset area. The biodiversity offset strategy will be developed within six months of augmentation of the Project Approval to incorporate Modification 5.

WCPL intends to reach an agreement with the NSW Government so that the biodiversity offset can be permanently added to the adjoining Goulburn River National Park. WCPL recognises that the formal process of incorporating the area into the National Park may take some time, and as a result an interim conservation arrangement will be made to ensure protection and management of the biodiversity offset (e.g. a voluntary conservation agreement with the NSW Minister for the Environment).

Operational Water Management

WCPL will improve on-site water flow and inventory monitoring including:

- calibration of existing and/or installation of additional electromagnetic flow meters between pumped storages;
- installation of water level sensors in the main mine water storages to continuously record stored water levels; and
- surveys of key storages to correlate recorded water levels with stored water volumes.

Groundwater Monitoring

WCPL will extend groundwater monitoring at the Wilpinjong Coal Mine and surrounds by installing additional alluvial and hard rock piezometers.

Monitoring of the extended piezometer network will be conducted in accordance with the Groundwater Monitoring Program.

Surface Water Monitoring

WCPL will undertake quarterly analysis of copper and zinc at water quality sampling points on Wilpinjong, Cumbo and Wollar Creeks.

Light Vehicle Servicing

On-site light vehicle servicing will be limited to Wilpinjong Coal Mine vehicles.

Traffic

WCPL will continue to encourage car pooling by employees to minimise traffic movements on the public road network.

WCPL will continue to work constructively with Mid-Western Regional Council, Ulan Coal Mines and Moolarben Coal Mines to implement the Ulan Road Strategy road upgrade and road maintenance requirements.

Visual

WCPL will establish an additional native vegetation corridor along the east-west section of Wollar Road in the vicinity of ECA-A, that will limit potential views of the Wilpinjong Coal Mine from Wollar Road, once established.

- 26) Delete Appendix 10, and replace with the following:

**APPENDIX 10
NOISE COMPLIANCE ASSESSMENT**

Applicable Meteorological Conditions

1. The noise criteria in Table 2 of the conditions are to apply under all meteorological conditions except the following:
 - (a) during periods of rain or hail;
 - (b) average wind speed at microphone height exceeds 5 m/s;
 - (c) wind speeds greater than 3 m/s measured at 10 m above ground level; or
 - (d) temperature inversion conditions greater than 5.5°C/100 m.

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station located on the site.

Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.
4. This monitoring must be carried out at least 12 times a year, unless the Director-General directs otherwise.
5. Unless the Director-General agrees otherwise, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) meteorological conditions during which collection of noise data is not appropriate;
 - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
 - (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.