



WILPINJONG COAL PTY LTD

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2 June 2020

Executive Director, Energy & Resources
Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Attention: Stephen O'Donoghue

Via planning portal

Dear Stephen,

RE: REQUEST FOR EXTENSION IN TIME TO TRANSFER OFFSETS 1-5

Wilpinjong Coal Pty Ltd (WCPL) are required by Condition 32, Schedule 3 of Development Consent (SSD-6764) to transfer Biodiversity Offset Areas 1-5 (BOAs 1 - 5) as part of the biodiversity offset package for the Wilpinjong Extension Project that was approved by the Planning Assessment Commission on 24 April 2017.

WCPL are required to transfer Biodiversity Offset Areas 1-5 within 3 years of the commencement of the development as required by Condition 35, Schedule 3 of SSD-6764.

As required by Condition 8, Schedule 2 of SSD-6764) WCPL notified the Department of Planning, Industry and Environment (DPIE) in writing of WCPL's intention to commence the approved development on 19 September 2017.

32. *The Applicant must implement the biodiversity offset strategy as summarised in Table 7 and shown conceptually in Appendix 7, to the satisfaction of the Secretary.*

Table 7: Biodiversity Offset Strategy

Area	Offset	Minimum Size (hectares)
Existing Offsets	Enhancement and Conservation Areas	480
	Biodiversity Offset Areas D and E	211
Additional Offsets	Offset Area 1	199
	Offset Area 2	416.5
	Offset Area 3	124.5
	Offset Area 4	38
	Offset Area 5	218
Regeneration areas		148
Rehabilitation Areas		2,906
	TOTAL	4,741

35. *Within 3 years of the commencement of the development under this consent, unless the Secretary agrees otherwise, the Applicant must secure Offset Areas 1 to 5 by:*
- (a) *transferring the land to National Park estate; or*
 - (b) *entering into a Biobanking Agreement; or*
 - (c) *a combination of (a) and (b).*

The Applicant must use its best endeavours to secure Offset Areas 1 to 5 by transferring the land to adjoining National Park estate, in consultation with OEH.

WCPL are seeking an extension in time from the Secretary for an additional 12 months to complete the transfer before the 19 September 2021. This request is being sought by WCPL due to the additional time required to negotiate the necessary land subdivisions for the transfer of BOAs 1 – 5, with both the Mid-Western Regional Council and Upper Hunter Shire Council and the temporary cessation of 'in person' meetings due to COVID 19. There are ten separate subdivisions required to be completed to allow the transfer to occur. In addition, the engagement of registered surveyors to prepare the survey plans for each relevant subdivision application were temporally halted due to COVID 19.

Given the current circumstances, WCPL intends to proceed at the earliest opportunity to secure BOAs 1 - 5 by transfer into the National Park Estate in accordance with Conditions 32 and 35, Schedule 3.

WCPL notes that the offset areas have been accepted for transfer to NPWS and both parties have commenced discussion regarding the associated transfer fee payable to NPWS. Additionally, WCPL continues to prepare the areas for transfer, undertaking the following activities;

- Internal fencing removal
- Houses/buildings demolition and waste removal
- Initial pest and weed control activities
- External boundary fencing establishment

If you have any further questions or wish to discuss this request, please call (02) 6370 2528.

Yours sincerely,



Ian Flood
Manager Project Development & Approvals
Wilpinjong Coal Mine
Peabody Energy Australia Pty Ltd