

Project Approval

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

I, the Minister for Planning, approve the project referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

SIGNED

Frank Sartor MP
Minister for Planning

Sydney

1 FEBRUARY

2006

File No: S04/00699

Red type represents November 2007 modification.
Blue type represents August 2010 modification
Green type represents August 2012 modification
Purple type represents February 2014 modification
Orange type represents November 2014 modification
Pink type represents August 2016 modification

SCHEDULE 1

Application No: 05-0021.
Proponent: Wilpinjong Coal Pty Limited.
Approval Authority: Minister for Planning.
Land: See Appendix 1.
Project: Wilpinjong Coal Project.

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DEFINITIONS

Annual review	The review required by condition 2 of schedule 5.
ARTC	Australian Rail Track Corporation Ltd
BCA	Building Code of Australia
Biodiversity offset strategy	The conservation and enhancement strategy described in the original EIS as amended by EA (Mod 5), and depicted conceptually in the figure in Appendix 3
Blast misfire	The failure of one or more holes in a blast pattern to initiate
CCC	Community Consultative Committee
Conditions of this approval	Conditions contained in schedules 1 to 5 inclusive
Council	Mid-Western Regional Council
CPI	Australian Bureau of Statistics Consumer Price Index
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
DRE	Division of Resources and Energy within the Department of Trade and Investment, Regional Infrastructure and Services
EIS	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), EA (Mod 5) and EA (Mod 6)
EA (Mod 1)	Environmental assessment titled <i>Wilpinjong Coal Project Operational Phase Mine Access Route and Blasting Frequency Modification</i> , dated April 2007, and the associated response to submissions
EA (Mod 3)	Environmental assessment titled <i>Wilpinjong Coal Mine Mining Rate Modification</i> , dated May 2010, and the associated response to submissions
EA (Mod 4)	Environmental Assessment titled <i>Wilpinjong Coal Mine 2011 Modification</i> , dated September 2011, and the associated response to submissions
EA (Mod 5)	Environmental Assessment titled <i>Wilpinjong Coal Mine Modification Environmental Assessment</i> , dated July 2013, and the associated response to submissions
EA (Mod 6)	Environmental Assessment titled <i>Wilpinjong Coal Mine Modification Environmental Assessment Modification 6 to the Project Approval 05-0021</i> , dated June 2014, and the associated response to submissions
EA (Mod 7)	Letter from Peabody Energy Australia Pty Ltd, dated 29 July 2016, titled "Wilpinjong Coal Mine (PA 05-0021) – Modification of Product Rail Limit of Approval"
EEC	Endangered ecological community as defined under the <i>NSW Threatened Species Conservation Act 1995</i>
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Executive Director, Mineral Resources	Executive Director, Mineral Resources within DRE, or equivalent position
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Incident	A set of circumstances that: <ul style="list-style-type: none"> causes or threatens to cause material harm to the environment; and/or breaches 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

Minister	Minister for Planning and Environment, or delegate
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency, or a mining company or its subsidiary
Project	The development as described in the EIS
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
Public infrastructure	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.
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the project to a good condition to ensure it is safe, stable and non-polluting
RMS	Roads and Maritime Services
ROM	Run-of-mine
Secretary	Secretary of the Department, or nominee
Site	Land to which the Project Application applies
Statement of commitments	The Proponent's commitments in Appendix 8
Ulan Road Strategy	The strategy prepared by the Arrb Group Limited, dated December 2011 as amended by the Director-General's letter dated 25 May 2013

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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.

TERMS OF APPROVAL

2. The Proponent shall carry out the project generally in accordance with the:

- (a) EIS;
- (b) statement of commitments; and
- (c) conditions of this approval.

Notes:

- The general layout of the project is shown in Appendix 2;
- The statement of commitments is reproduced in Appendix 8.

3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these documents.

LIMITS ON APPROVAL

5. The Proponent may undertake mining operations on the site until 8 February 2027.

Note: Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Director-General and DRE. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been properly rehabilitated.

6. The Proponent shall not:
 - (a) extract more than 16 million tonnes of ROM coal from the site in a calendar year; and
 - (b) transport more than 12.5 million tonnes of product coal from the site in a calendar year, except in the year 2016
- 6A. In the 2016 calendar year, the Proponent may transport up to 13 million tonnes of product coal from the site.
7. The Proponent shall ensure that:
 - (a) all product coal is transported from the site by rail;
 - (b) no more than 10 laden trains leave the site on any one day; and
 - (c) not more than 6 laden trains leave the site per day on average when calculated over any calendar year.

STRUCTURAL ADEQUACY

8. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works; and
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

DEMOLITION

9. The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.

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.

OPERATION OF PLANT AND EQUIPMENT

- 10. The Proponent shall ensure that all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS

- 11. With the approval of the Director-General, the Proponent may submit any strategy, plan or program required by this approval on a progressive basis.

Note: The conditions of this approval require certain strategies, plans, and programs to be prepared for the project. They also require these documents to be reviewed and audited on a regular basis to ensure they remain effective. However, in some instances, it will not be necessary or practicable to prepare these documents for the whole project at any one time; particularly as these documents are intended to be dynamic and improved over time. Consequently, the documents may be prepared and implemented on a progressive basis. In doing this however, the Proponent will need to demonstrate that it has suitable documents in place to manage the existing operations of the project.

PLANNING AGREEMENT

- 12. By 31 December 2010, unless otherwise agreed by the Director-General, the Proponent shall use its best endeavours to enter into a planning agreement with Council, in accordance with Division 6 of Part 4 of the EP&A Act, that provides for the upgrade of Ulan-Wollar Road as described in Appendix 9.
- 12A. By 31 December 2012, the Proponent shall enter into an agreement with Council to pay community infrastructure and amenity contributions to Council equivalent to a total of \$12,000 (in 2012 dollar value) for each permanent employee/contractor at the site in excess of 100, with part-payments of this total to be:
 - (a) spread equally over the following 20 years of mine life;
 - (b) payable by 31 March each year; and
 - (c) indexed in accordance with the CPI for the December quarter of the previous year (except for the initial 2013 part-payment).

Notes: For example, if at 1 January 2013 the site workforce is 333, the Proponent must pay Council, by 31 March 2013, an amount calculated as follows:

$$(333-100) \times \frac{\$12,000}{20} = \$139,800$$

This requirement is in addition to the continuation of previous planning agreements entered into between the Proponent and the Council.

SUPPLY OF OVERBURDEN

- 13. With the approval of the Director-General, the Proponent may supply small quantities of overburden material to regional infrastructure projects in the vicinity of the site.

Note: The use of this material in the regional infrastructure project must be authorised prior to the supply of any material.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

ACQUISITION UPON REQUEST

- Upon receiving a written request for acquisition from the owner of the land listed in Table 1, the Proponent shall acquire the land in accordance with the procedures in conditions 5 – 6 of schedule 4.

Table 1: Land subject to acquisition upon request

30 – Gaffney

Note: To interpret the locations referred to in Table 1, see the applicable figures in Appendix 7.

NOISE

Noise Criteria

- 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	
	<i>L_{Aeq}(15 minute)</i>	<i>L_{Aeq}(15 minute)</i>	<i>L_{Aeq}(15 minute)</i>	<i>L_{A1}(1 minute)</i>
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			-

Noise generated by the project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 10 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

- 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 (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)	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.

7. (deleted)

8. (deleted)

Blasting Hours

9. The Proponent shall only carry out blasting on the site between 9am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Director-General.

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.

Property Investigations

12. If any landowner of privately-owned land claims that buildings and/or structures on his/her land have been damaged as a result of blasting associated with the project, then within 3 months of receiving this request, the Proponent shall:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate the claim; and
 - (b) give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damages to the satisfaction of the Director-General.

If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.

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.

Operating Conditions

13. During mining operations on the site, the Proponent shall:
- (a) implement best blasting practice to:
 - protect the safety of people and livestock in the area surrounding blasting operations;
 - protect public or private infrastructure/property and Aboriginal cultural heritage sites in the area surrounding blasting operations from blasting damage; and
 - minimise the dust and fume emissions from blasting at the project;
 - (b) limit temporary blasting-related road closures to 1 per day;
 - (c) co-ordinate the timing of blasting on site with the timing of blasting at the adjoining Moolarben and Ulan coal mines to minimise the potential cumulative blasting impacts of the three mines;

- (d) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site; and
 - (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, to the satisfaction of the Director-General.
14. Prior to carrying out any blasting within 500 metres of a public road or railway on the site, the Proponent shall obtain approval from Council (in respect of public roads) and ARTC (in respect of the Gulgong-Sandy Hollow railway).

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.

AIR QUALITY

Odour

16. The Proponent shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.

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	^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 6: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	^d Criterion
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;
- (e) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see Note d above under Table 10);
- (f) 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;
- (g) 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:
- (a) be prepared in consultation with the EPA;
 - (b) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this approval;
 - (c) describe the air quality management system;
 - (d) 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.

21. (deleted)

METEOROLOGICAL MONITORING

22. During the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- (a) complies with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
 - (b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy*, to the satisfaction of the Director-General.

Note: A system to measure temperature lapse rate at the site must be established in accordance with condition 22(b) by 31 December 2010, or as otherwise agreed by the Director-General.

SOIL AND WATER

Water Supply

23. The Proponent shall ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of mining operations to match its licensed water entitlements, to the satisfaction of the Director-General.

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.

Discharge Limits

24. The Proponent shall not discharge any water from the site or irrigate any waste water on site except as may be expressly provided by an EPL, or in accordance with section 120 of the POEO Act.

Cumby Creek Relocation

25. The Proponent shall design, construct, maintain, and rehabilitate the proposed relocation of Cumby Creek, to the satisfaction of the Director-General.
26. Within one month of completing the construction of the Cumby Creek relocation, the Proponent shall submit an as-executed report, certified by a practising registered engineer, to the Director-General.

27. Prior to destroying the original creek line, the Proponent shall demonstrate that the Cumbo Creek Relocation is operating successfully, in consultation with NOW, and to the satisfaction of the Director-General.

Site Water Management Plan

28. The Proponent shall prepare and implement a Site Water Management Plan for the project, to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with EPA and NOW by suitably qualified expert/s whose appointment/s have been approved by the Director-General; and
 - (b) include:
 - a Cumbo Creek Relocation Plan;
 - a Site Water Balance;
 - an Erosion and Sediment Control Plan;
 - a Surface Water Management and Monitoring Plan;
 - a Ground Water Monitoring Program; and
 - a Surface and Ground Water Response Plan.

Note: The Department accepts that the initial Site Water Management Plan may not include the detailed plans for the proposed relocation of Cumbo Creek. However, if this occurs, the Proponent will be required to seek approval from the Director-General for an alternative timetable for completion and approval of the Cumbo Creek Relocation Plan.

Cumbo Creek Relocation Plan

29. The Cumbo Creek Relocation Plan must include:
- (a) a vision statement for the creek relocation;
 - (b) an assessment of the water quality, ecological, hydrological and geomorphic baseline conditions in Cumbo Creek;
 - (c) the detailed design and specifications for the creek relocation;
 - (d) a construction program for the creek relocation, describing how the work would be staged, and integrated with mining operations;
 - (e) a revegetation program for the relocated creek using a range of suitable native species;
 - (f) water quality, ecological, hydrological and geomorphic performance and completion criteria for the creek relocation based on the assessment of baseline conditions; and
 - (g) a program to monitor and maintain the water quality, ecological, hydrological and geomorphic integrity of the creek relocation.

Site Water Balance

30. The Site Water Balance must:
- (a) include details of:
 - sources of water;
 - reliability of water supply;
 - water use on site;
 - water management on site;
 - off-site water transfers;
 - reporting procedures; and
 - (b) describe measures to minimise water use by the project.

Erosion and Sediment Control

31. The Erosion and Sediment Control Plan must:
- (a) be consistent with the requirements of the Department of Housing's Managing Urban Stormwater: Soils and Construction manual;
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
 - (d) describe the location, function, and capacity of erosion and sediment control structures; and
 - (e) describe what measures would be implemented to maintain the structures over time.

Surface Water Management and Monitoring

32. The Surface Water Management and Monitoring Plan must include:
- (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the project;
 - (b) surface water and stream health assessment criteria;
 - (c) a program to monitor surface water flows, quality and impacts on water users (upstream and downstream of the project in Wilpinjong and Cumbo Creeks);
 - (d) a program to assess stream health conditions in Wilpinjong and Cumbo Creeks;
 - (e) a program to monitor channel stability in Wilpinjong and Cumbo Creeks;
 - (f) reporting procedures;

- (g) a protocol for the investigation, notification, and mitigation of identified exceedances of the surface water and stream health assessment criteria; and

Groundwater Monitoring

33. The Groundwater Monitoring Program must include:
- detailed baseline data, based on sound statistical analysis, to benchmark the pre-mining natural variation in groundwater levels, yield and quality (including privately owned groundwater bores within the predicted drawdown impact zone identified in the EA);
 - groundwater impact assessment criteria (including for monitoring bores and privately owned bores);
 - a program for accurately delineating the boundary of the Wilpinjong Creek alluvial aquifer in any areas intersected by mining;
 - a program to monitor:
 - impacts on the groundwater supply of potentially affected landowners;
 - impacts of the water supply borefield;
 - impacts on the Wilpinjong Creek alluvial aquifer;
 - connectivity and groundwater leakage to/from Cumbo Creek following relocation;
 - impacts on groundwater dependent ecosystems and riparian vegetation;
 - the volume of ground water seeping into the open cut mine workings;
 - regional ground water levels and quality in the alluvial, coal seam, and interburden aquifers; and
 - the groundwater pressure response in the surrounding coal measures.
 - procedures for the verification of the groundwater model; and
 - reporting procedures for the results of the monitoring program and model verification.

Surface and Ground Water Response Plan

34. The Surface and Ground Water Response Plan must include:
- a protocol for the investigation, notification and mitigation of any exceedances of the surface water, stream health and groundwater impact assessment criteria;
 - measures to mitigate and/or compensate potentially affected landowners with privately owned groundwater bores within the predicted drawdown impact zone identified in the EA, including provision of alternative long term supply of water to the affected landowner that is equivalent to the loss attributed to the project;
 - measures to mitigate and/or compensate potentially affected landowners for the loss of surface water flows in Wilpinjong Creek downstream of the open cut;
 - measures to minimise, prevent or offset groundwater leakage from the Wilpinjong Creek alluvial aquifer if the rate of leakage exceeds EA predictions;
 - measures to mitigate any direct hydraulic connection between the backfilled open cut and the Wilpinjong Creek and Cumbo Creek alluvium if the potential for adverse impacts is detected; and
 - the procedures that would be followed if any unforeseen impacts are detected during the project.
35. Within 6 months of the Independent Environmental Audit (see condition 7 in schedule 5), the Proponent shall update the Site Water Management Plan to the satisfaction of the Director-General.

BIODIVERSITY

Biodiversity Offset Strategy

36. The Proponent shall implement the biodiversity offset strategy described in the EIS, 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
Biodiversity Offset Areas D and E	211 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:
- (a) calculating the full cost of implementing The Biodiversity Offset Strategy (other than land acquisition costs); and
 - (b) 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.

- 40. (deleted)
- 41. (deleted)
- 42. (deleted)
- 43. (deleted)
- 44. (deleted)

HERITAGE

Archaeological Salvage Program

- 45. The Proponent shall prepare and implement a salvage program for the project, in consultation with the OEH and the Aboriginal communities, and to the satisfaction of the Director-General.
- 46. Before the commencement of salvage operations, the Proponent shall ensure that a keeping place is established to temporarily house objects recovered from the salvage program.
- 47. The Proponent shall temporarily house the objects recovered during the salvage program in the keeping place established for the purpose, and in consultation with the OEH and the Aboriginal communities, replace the objects within the rehabilitated landscape.

Aboriginal Cultural Heritage Management Plan

- 48. The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan, in consultation with OEH and the Aboriginal communities, and to the satisfaction of the Director-General. The plan must include:
 - (a) a detailed description of the measures that would be implemented to protect Aboriginal sites outside the project disturbance area;
 - (b) a detailed monitoring program for Aboriginal sites 72, 152 and 153 (as shown in Appendix 5);
 - (c) a description of the measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during the project; and
 - (d) a protocol for the ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site.

Archival Record of Certain Heritage Sites

- 49. The Proponent shall prepare an archival record of the remaining heritage sites listed in Table 3-20 of the EA (shown in Appendix 6), prior to any activity associated with the project that may disturb these sites, in accordance with the requirements of the NSW Heritage Office, and to the satisfaction of the Director-General.

TRANSPORT

Monitoring of Coal Transport

- 50. The Proponent shall:
 - (a) keep records of the:
 - amount of coal transported from the site each year; and
 - number of coal haulage train movements generated by the project (on a daily basis); and
 - (b) include these records in the Annual Review.

Ulan Road Strategy

- 51. The Proponent shall:
 - (a) work with Council and the owners of the Moolarben and Ulan mines to develop a detailed plan for the implementation of the Ulan Road Strategy; and
 - (b) make financial contributions towards the implementation of this 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:
- (a) schedule shift changes on site to occur outside of school bus hours; and
 - (b) 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.

53. (deleted)

VISUAL IMPACT

Visual Amenity

54. The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.

Lighting Emissions

55. The Proponent shall:
- (a) take all practicable measures to mitigate off-site lighting impacts from the project; and
 - (b) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the Director-General.

WASTE

56. The Proponent shall:
- (a) monitor the amount of waste generated by the project;
 - (b) investigate ways to minimise waste generated by the project;
 - (c) implement reasonable and feasible measures to minimise waste generated by the project;
 - (d) ensure irrigation of treated wastewater is undertaken in accordance with OEH's *Environmental Guideline for the Utilisation of Treated Effluent*; and
 - (e) report on waste management and minimisation in the Annual Review, to the satisfaction of the Director-General.
57. The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) 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;
 - (b) identify the various waste streams of the project;
 - (c) 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.
 - (d) describe what measures would be implemented to manage other wastes at the site;
 - (e) (deleted)
 - (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.
- 57A. The Proponent shall prepare and implement a Spontaneous Combustion Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be submitted to the Secretary for approval by the end of December 2014;
 - (b) identify and characterise all plies, seams and interburden which carry a risk of generating spontaneous combustion;
 - (c) identify all areas (including stockpiles and waste emplacement) at risk of spontaneous combustion events;
 - (d) include a protocol for the ongoing monitoring and management of areas at risk of spontaneous combustion events; and
 - (e) include a protocol for the management of on-site heating and spontaneous combustion events.

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 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.

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.

SCHEDULE 5

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. The strategy must:
 - (a) be submitted to the Director-General for approval within 6 months of the date of this approval;
 - (b) provide the strategic framework for environmental management of the project;
 - (c) identify the statutory approvals that apply to the project;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (f) include:
 - copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and
 - a clear plan depicting all the monitoring to be carried out in relation to the project.

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.

Management Plan Requirements

2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria;
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the project;
 - effectiveness of any management measures (see c above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to improve the environmental performance of the project over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and

- (h) a protocol for periodic review of the plan.

Annual Review

3. By the end of March each year, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:
- describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year;
 - include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions in the EA;
 - identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - identify any trends in the monitoring data over the life of the project;
 - identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
 - describe what measures will be implemented over the next year to improve the environmental performance of the project.

Revision of Strategies, Plans and Programs

4. Within 3 months of:
- the submission of an annual review under condition 3 above;
 - the submission of an incident report under condition 7 below;
 - the submission of an audit under condition 9 below; and
 - 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.

Community Consultative Committee

5. The Proponent shall operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General. This CCC must be established and operated in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version).

Notes:

- The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval; and*
- The CCC should be comprised of an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community.*

Management of Cumulative Impacts

6. In conjunction with the owners of the nearby Moolarben and Ulan mines, the Proponent shall use its best endeavours to minimise the cumulative impacts of the project on the surrounding area, to the satisfaction of the Director-General.

REPORTING

Incident Reporting

7. The Proponent shall **immediately** notify, the Director-General and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the project, the Proponent shall notify the Director-General and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

8. The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.

INDEPENDENT ENVIRONMENTAL AUDIT

9. By the end of December 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
 - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
 - (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

Note: This audit team must be led by a suitably qualified auditor and include experts in surface water, groundwater and any other fields specified by the Director-General.

10. Within 3 months of commissioning this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

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.
-

**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
25	755425	Wilpinjong Coal Pty Limited

Lot Number	Plan Number	Registered Owner
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
93	755425	Wilpinjong Coal Pty Limited

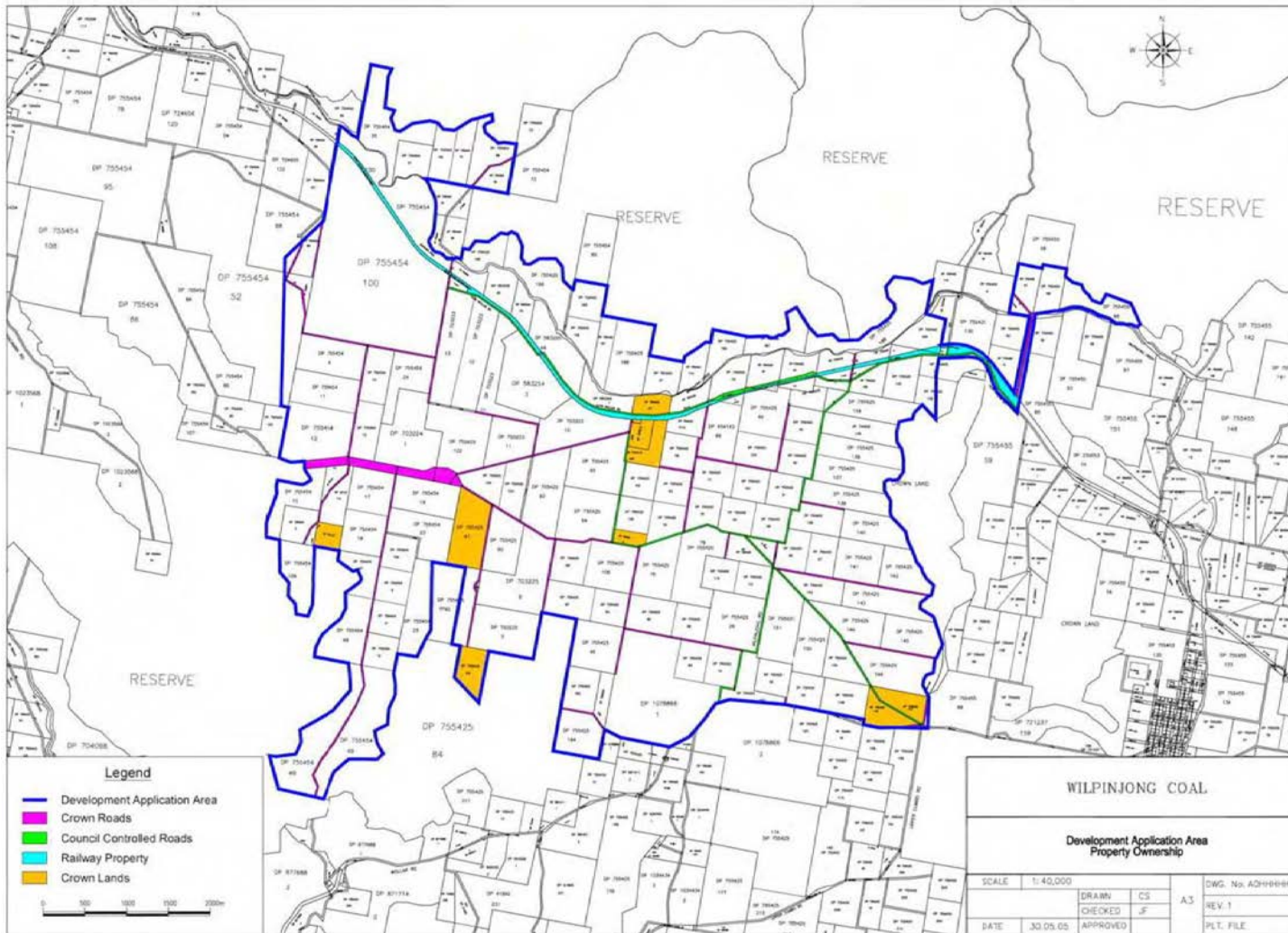
Lot Number	Plan Number	Registered Owner
94	755425	Wilpinjong Coal Pty Limited
95	755425	Wilpinjong Coal Pty Limited
95	755455	Wilpinjong Coal Pty Limited
96	755455	Wilpinjong Coal Pty Limited
100	755454	Wilpinjong Coal Pty Limited
104	755454	Wilpinjong Coal Pty Limited
105	755425	Wilpinjong Coal Pty 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
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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
184	755425	Wilpinjong Coal Pty Limited

Lot Number	Plan Number	Registered Owner
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

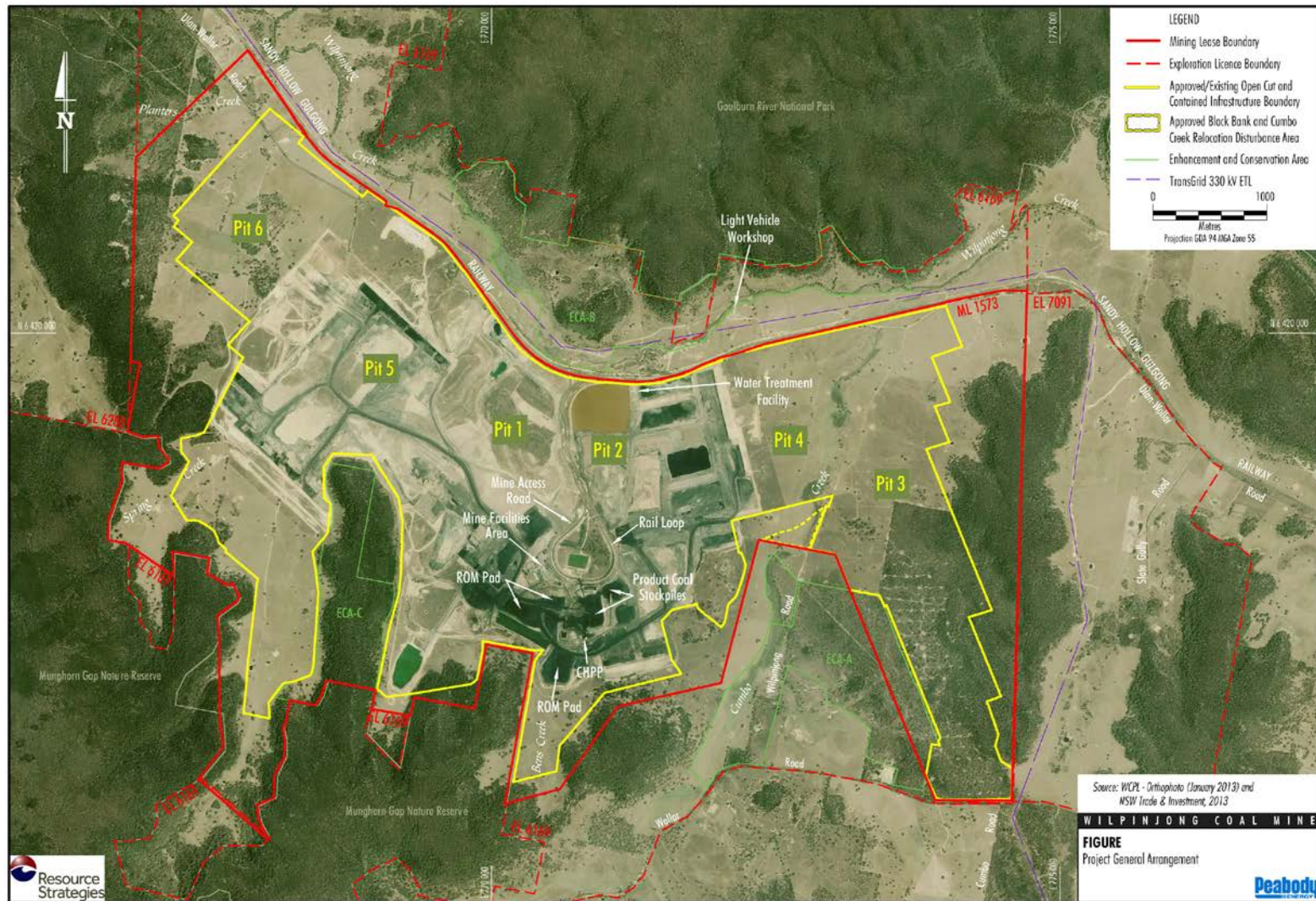
CROWN LAND		
77	755425	Crown Land
91	755425	Crown Land
97	755425	Crown Land
115	42127	Crown Land
147	755425	Crown Land
233	723412	Crown Land
234	723412	Crown Land
235	723412	Crown Land
7302	1138926	Crown Land

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

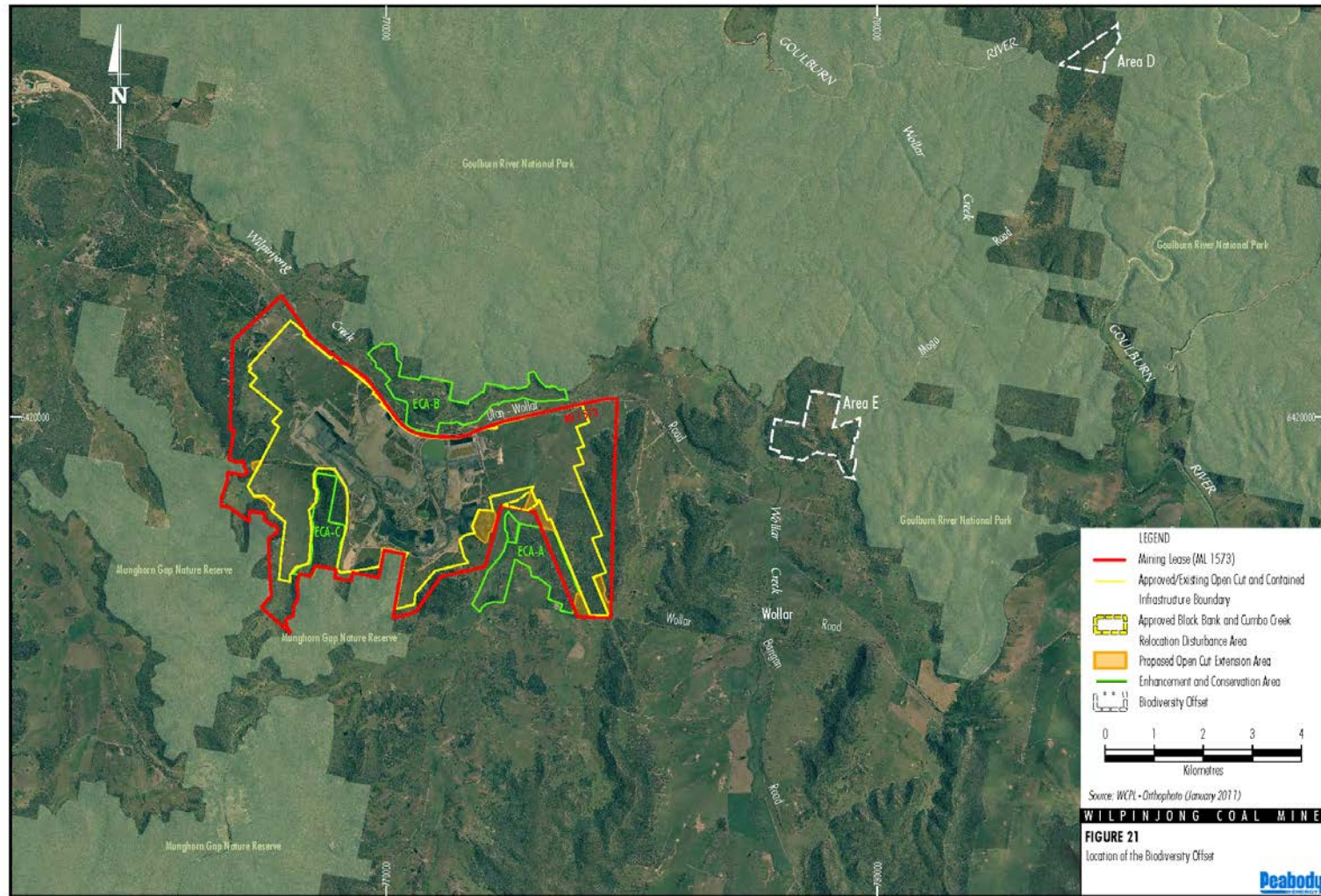
STATE RAIL AUTHORITY OWNERSHIP MAP



APPENDIX 2 PROJECT LAYOUT PLAN



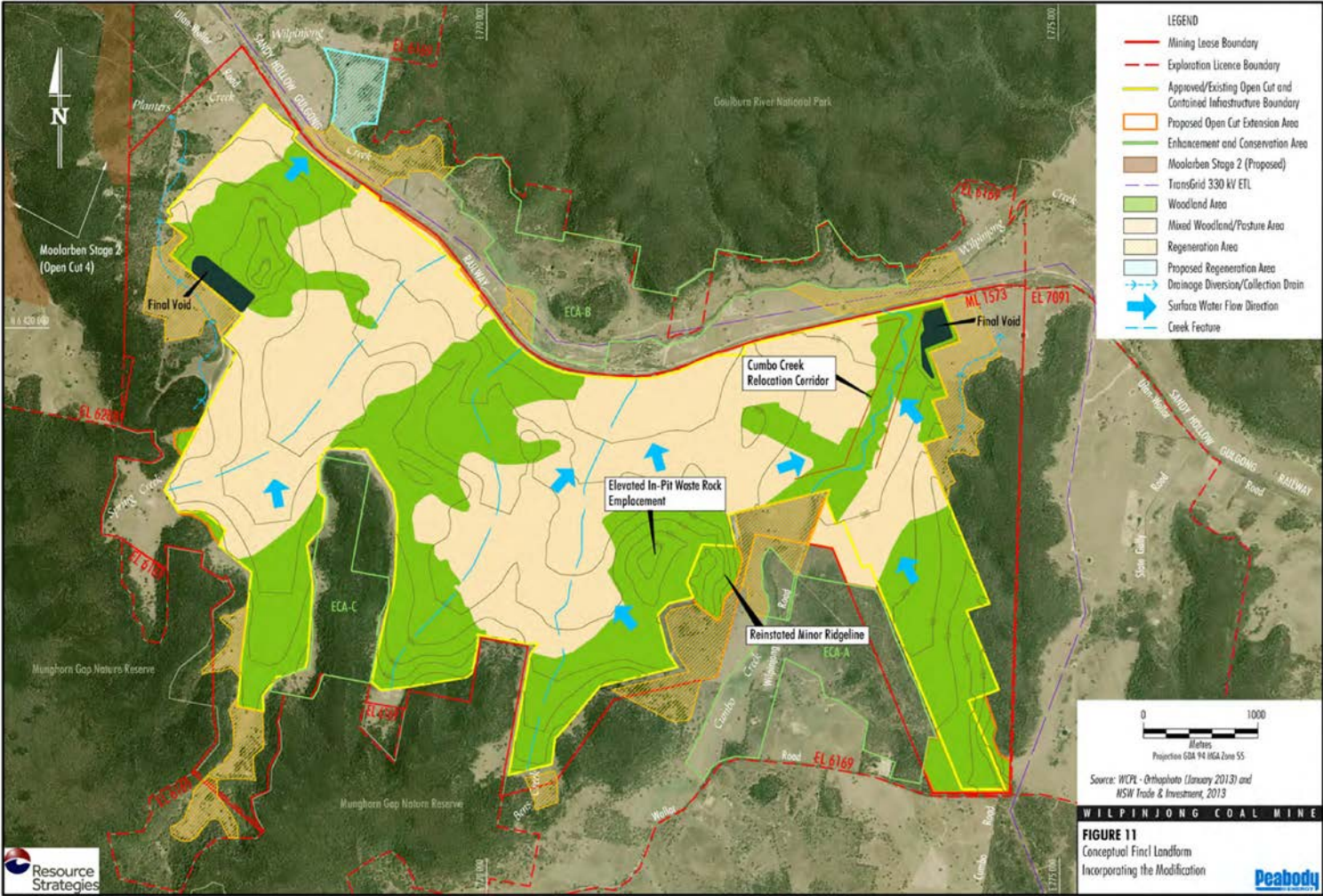
APPENDIX 3 OFFSET STRATEGY



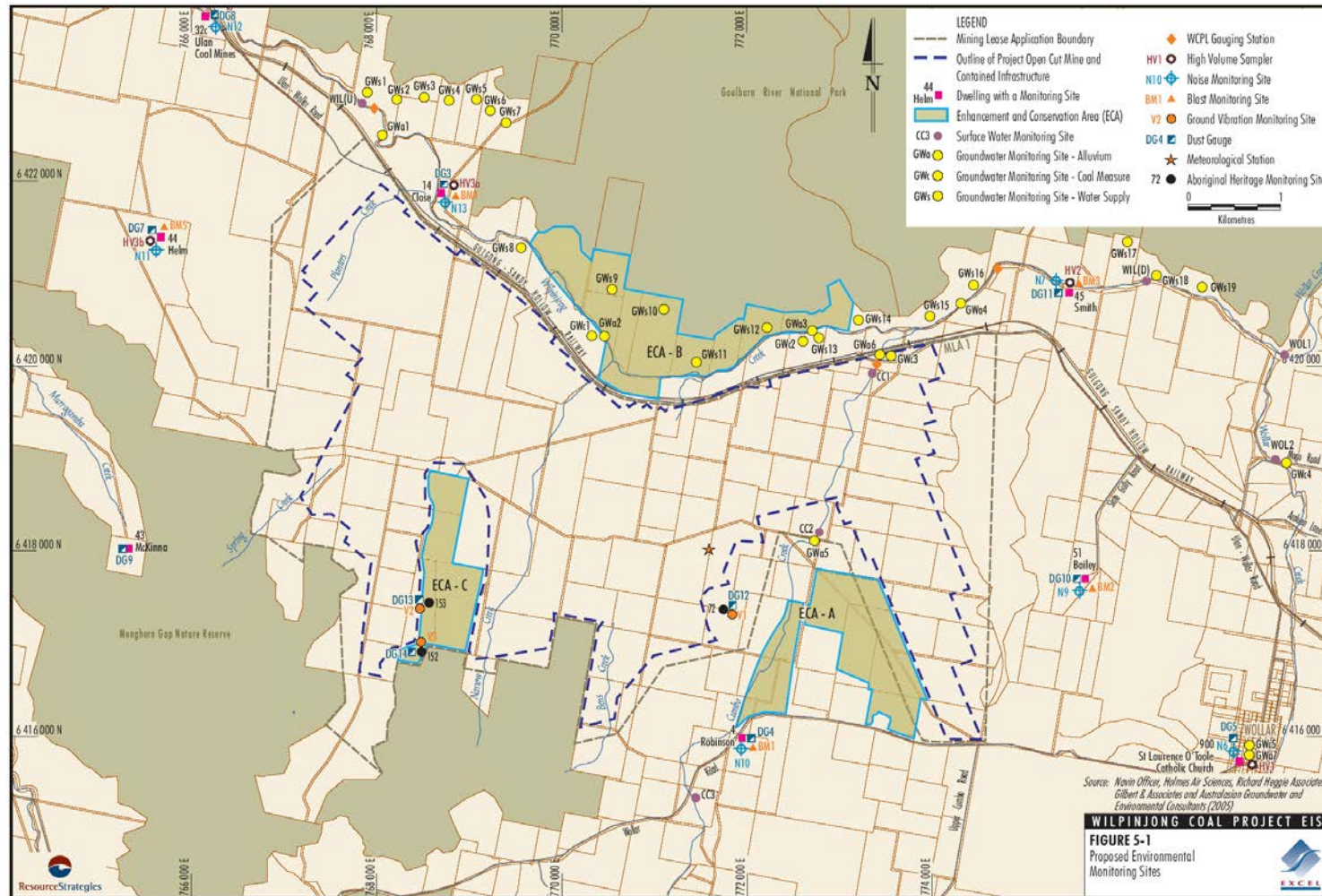
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APPENDIX 4

CONCEPTUAL REHABILITATION PLAN



APPENDIX 5 ABORIGINAL SITES

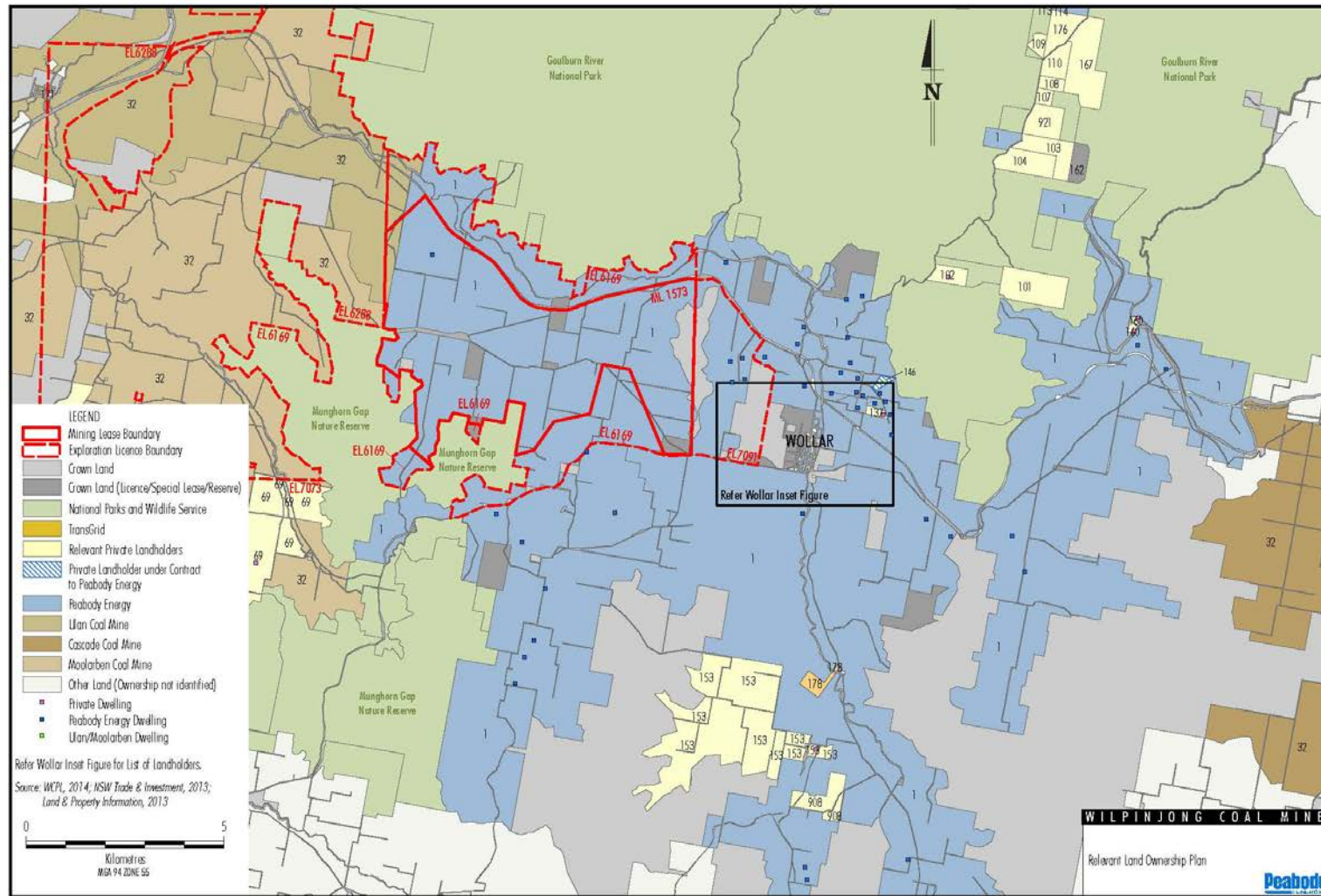


**APPENDIX 6
HERITAGE SITES**

**Table 3-20
Sites of Local Heritage Significance Identified in the Project Survey**

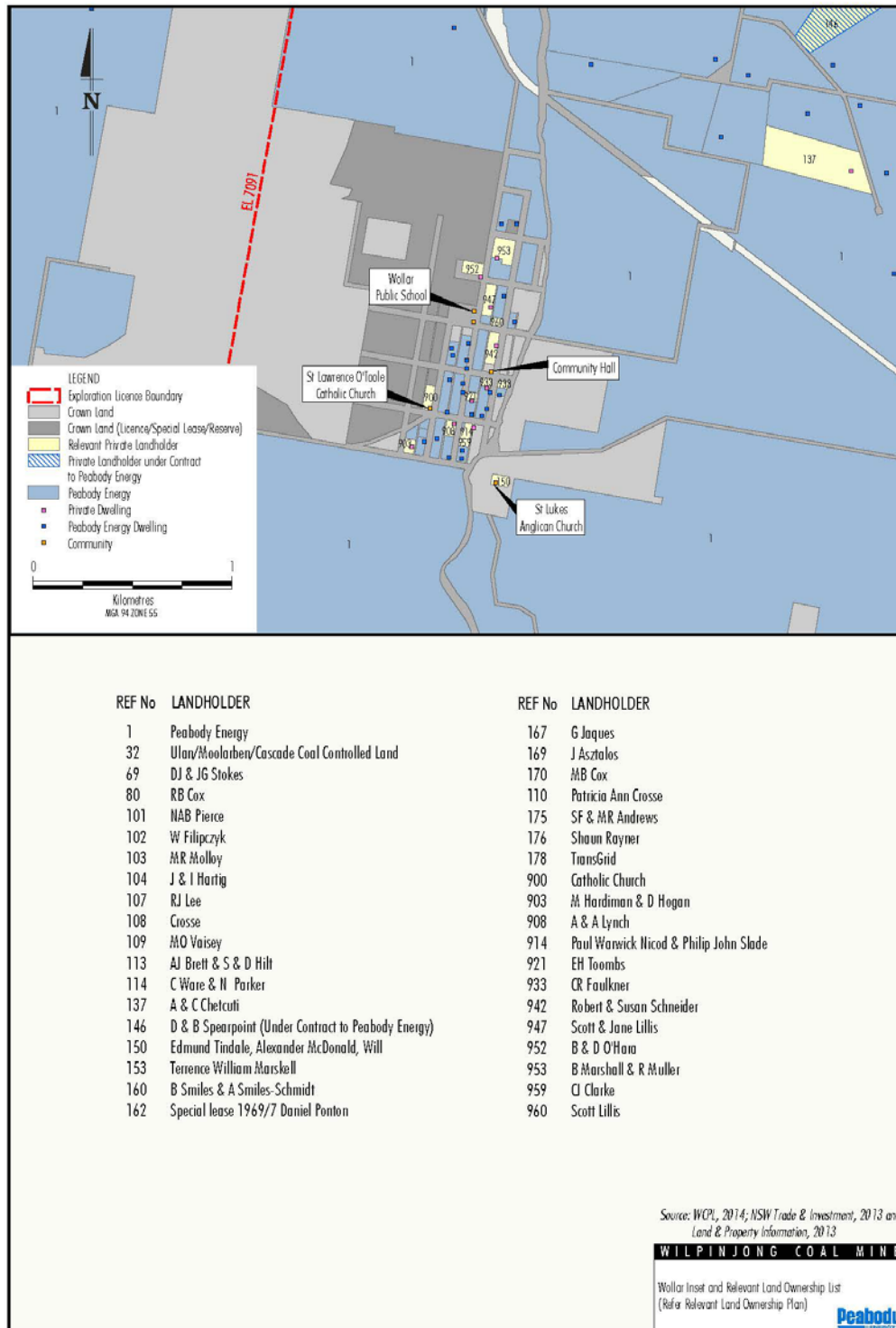
Site No.	Place Name	History and Description
1.	<i>Cumbo Creek</i>	Built 1912, stone cottage with later additions, now in poor condition.
2.	<i>Hillside</i>	First building possibly built 1866, and added to over time. Key early slab buildings intact, but in poor condition.
3.	<i>Keylah</i>	Slab building built 1896, stone section 1922. Intact and in good condition.
4.	<i>Warrawong</i>	Slab cottage, originally built near the junction of Wilpinjong and Cumbo Creek, moved to present site 1912.
5.	Atcheson's cottage, Wyangle Portion 19 Wilpinjong	Concrete structure, probably built 1930s now in poor condition.
6.	Loy's cottage	Slab cottage, built circa 1894, and possibly used for a time as a school room. Now in ruin.
7.	<i>Pine Park</i> woolshed	Slab woolshed built in 1930s. In good condition.
8.	Post and rail fence, Portion 106 Cumbo	Long section of post and rail fence, unknown date and in poor condition.
9.	Wilpinjong Road stone embankment, Portion 26 Cumbo	43 m long stone road embankment, possibly from 19 th century. Intact.

APPENDIX 7
FIGURE 1 – REGIONAL RECEIVER LOCATION PLANS



WIL-14-14_MoU Part EA_000_2014

FIGURE 2 – WOLLAR VILLAGE RECEIVER LOCATION PLANS



WIL-14-14_Mat6 Part EA_Ord_2024

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.

APPENDIX 9
TERMS OF PLANNING AGREEMENT

Contribution to Road Upgrades

- (a) \$600,000 plus GST for the widening and sealing of the section of Ulan-Wollar Road west of the Marragamba Bridge and extending for 2800 m to the point where Moolarben Coal Mines has upgraded the road from the west, with any surplus money to be spent on the Ulan Road upgrade works required under condition 50 of schedule 3; and
- (b) \$50,000 plus GST or equivalent value in gravel for the upgrading for the Ulan-Wollar Road.

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) wind speeds greater than 3 m/s at 10 m above ground level; or
 - (b) temperature inversion conditions between 1.5 °C and 3°C/100m and wind speeds greater than 2 m/s at 10 m above ground level; or
 - (c) temperature inversion conditions greater than 3°C/100m

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.