Annexure A

Project Approval

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

The Land and Environment Court of New South Wales approves the Project Application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

Red type represents the December 2011 modification
Blue type represents the conditions modified by the November 2011 court judgment and associated Orders

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SCHEDULE 1

Application Number:	08_0184
Proponent:	Ulan Coal Mines Limited
Land:	See Appendix 1
Project:	Ulan Continued Operations Project

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DEFINITIONS

Adaptive management	Adaptive management includes monitoring subsidence effects and impacts and, based on the results, modifying the mine plan as mining proceeds to ensure that the effects, impacts and/or associated environmental consequences remain within the predicted and/or designated ranges
Annual review	The review required by Condition 3 of Schedule 5
Approved mine plan	The mine plan depicted in the figure in Appendix 2
ARTC	Australian Rail Track Corporation
BCA	Building Code of Australia
Built features	Includes any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk, or driveway; and pipeline, water, sewer, telephone, gas or other service main
CCC	Community Consultative Committee
CEEC	Critically endangered ecological community as defined under the *Threatened Species Conservation Act 1995*
Cliff	Continuous rock face, including overhangs, having a minimum height of 10 metres and a slope greater than 66°
Conditions of this approval	Conditions contained in Schedules 2 to 5 inclusive
Council	Mid-Western Regional Council
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 Infrastructure
Director-General	Director-General of the Department, or delegate
DRE	Division of Resources and Energy, within DTIRIS
DTIRIS	Department of Trade & Investment, Regional Infrastructure and Services
EA	Environmental assessment titled *Ulan Coal Continued Operations Environmental Assessment*, dated October 2009; associated response to submissions titled *Ulan Coal Continued Operations - Response to Submissions,* dated February 2010; and correspondence to the Department of Planning, dated 13 April 2010, 14 May 2010 and 8 September 2010; and the additions to the original offset strategy depicted in the figure in Appendix 4 and explained in correspondence to the Department dated 20 March 2012.
EA (MOD 1)	Environmental assessment titled *Modification of Ulan Coal Continued Operations – North 1 Underground Mining Area, Minor Modification to Ulan No. 3 & Ulan West Mine Plans & Proposed Concrete Batching Plant*, dated July 2011; and associated response to submissions titled *Response to Submissions - Modification of Ulan Coal Continued Operations – North 1 Underground Mining Area, Minor Modification to Ulan No. 3 & Ulan West Mine Plans & Proposed Concrete Batching Plant*, dated September 2011
EEC	Endangered ecological community as defined under the *Threatened Species Conservation Act 1995*
Environmental consequences	The environmental consequences of subsidence impacts, including: damage to built features; loss of surface water flows to the subsurface; loss of standing pools; adverse water quality impacts; cliff falls; rock falls; damage to Aboriginal heritage sites; impacts on aquatic ecology; and ponding
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPL	Environment Protection Licence issued under *POEO Act*
Executive Director, Mineral Resources	Executive Director, Mineral Resources within DRE
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
First workings	Development of the main headings and gateroads in the underground mining area
Heritage Branch	Heritage Branch of the Department
Incident	A set of circumstances that 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	In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to the noise and air quality conditions in Schedules 3 and 4 it means 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 active mining areas, coal reject emplacement areas, tailings dams and infrastructure areas, synonymous with dirty water
Mining operations	Includes the removal of overburden and the extraction, processing, handling, storage and transportation of coal
Minister	Minister for Planning and Infrastructure, or delegate
Minor	Small in quantity, size and degree
Mitigation	Activities associated with reducing the impacts of the project
Negligible	Small and unimportant, such as to be not worth considering
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
Offset strategy	The biodiversity conservation and enhancement program described in the EA, and depicted generally in Appendix 4
POEO Act	*Protection of the Environment Operations Act 1997*
Privately-owned land	Land that is not owned by a public agency or a mining company (or its subsidiary)
Project	The development described in the EA
Proponent	Ulan Coal Mine Limited, or its successors
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
Reasonable costs	The costs agreed between the Department and the Proponent for obtaining independent experts to review the adequacy of any aspects of an extraction plan
Rehabilitation	The treatment or management of land disturbed by the project for the purpose of establishing a safe, stable and non-polluting environment, and includes remediation
Remediation	Activities associated with partially or fully repairing the impacts and/or environmental consequences of the project
ROM	Run-of-mine
RTA	Roads and Traffic Authority
Safe, serviceable & repairable	Safe means no danger to users, serviceable means available for its intended use, and repairable means damaged components can be repaired economically
Second workings	Extraction of coal from longwall panels, mini-wall panels or pillar extraction
Site	The land to which the project application applies, as listed in Appendix 1
SMP	Subsidence Management Plan
Statement of commitments	The Proponent's commitments in Appendix 9
Steep slopes	An area of land having a natural gradient of between 33° and 66°
Subsidence	The totality of subsidence effects and impacts and their associated environmental consequences
Subsidence effects	Deformation of the ground mass due to mining, including all mining-induced ground movements, including both vertical and horizontal displacement, tilt, strain and curvature
Subsidence impacts	Physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and upsidence and surface depressions or troughs

THE SEAL OF THE LAND AND ENVIRONMENT COURT NEW SOUTH WALES

SCHEDULE 2
ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. 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) EA;
   (b) EA (MOD 1);
   (c) statement of commitments; and
   (d) conditions of this approval.

   Notes:
   - *The general layout of the project is shown in Appendix 2; and*
   - *The statement of commitments is reproduced in Appendix 9.*

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 reports, strategies, plans, programs, reviews, audits 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 carry out mining operations on the site until 30 August 2031.

   Note: Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of either the Director-General or the Executive Director, Mineral Resources. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.

6. The Proponent shall not:
   (a) extract more than 4.1 million tonnes of ROM coal from the open cut mining operations on site in a calendar year; and
   (b) export more than 20 million tonnes of coal from the site in a calendar year.

7. The Proponent shall ensure that:
   (a) all product coal is transported from the site by rail;
   (b) no product coal is transported to the west of the site on the Tallawang to Wallerawang rail corridor; and
   (c) no more than 10 laden trains leave the site each day.

SURRENDER OF CONSENTS

8. By the end of June 2012, or as otherwise agreed by the Director-General, the Proponent shall surrender all existing development consents for the site (apart from DA 113-12-98) in accordance with Section 104A of the EP&A Act.

9. Within 3 months of the completion of longwalls 26, West 2, and West 3, or as otherwise agreed by the Director-General, the Proponent shall surrender DA 113-12-98 in accordance with Section 104A of the EP&A Act.

   Note: To identify the longwalls referred to in this condition, see the figures in Appendix 2.

10. Prior to the surrender of the consents referred to in Conditions 8 and 9 above, the conditions of this approval shall prevail to the extent of any inconsistency with the conditions of these consents.

STRUCTURAL ADEQUACY

11. 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

12. 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.

OPERATION OF PLANT AND EQUIPMENT

13. The Proponent shall ensure that all the plant and equipment used on site, or to transport coal from the site, is:
    (a) maintained in a proper and efficient condition; and
    (b) operated in a proper and efficient manner.

STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM

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

Notes:

- *While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

15. The Proponent shall continue to implement the existing strategies, plans or programs that apply to any development on site until they are replaced by an equivalent strategy, plan or program approved under this approval.

PLANNING AGREEMENT

16. By the end of June 2011, unless otherwise agreed by the Director-General, the Proponent shall enter into a planning agreement with Council in accordance with:
    (a) Division 6 of Part 4 of the EP&A Act; and
    (b) the terms of the Proponent's offer dated 11 November 2010, which is summarised in the Table in Appendix 8.

SCHEDULE 3
ENVIRONMENTAL PERFORMANCE CONDITIONS

ACQUISITION UPON REQUEST

1. Upon receiving a written request for acquisition from an owner of the land listed in Table 1, the Proponent shall acquire the land in accordance with the procedures in Conditions 6 - 7 of Schedule 4.

Table 1: Land subject to acquisition upon request

Noise	Subsidence
93 - Rostherine Pty Ltd	80 – "Broken Back"
274 - North-Eastern Wiradjuri Community Fund Ltd	

Note: To interpret the locations referred to in Table 1, see the figure in Appendix 3.

The acquisition requirements in this condition do not apply to any of the land in the first column of Table 1 if it is subsequently rezoned for industrial development.

NOISE

Noise Criteria

2. Except for the noise-affected 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 on more than 25 percent of any privately-owned land.

Table 2: Noise Criteria dB(A)

Location	Day	Evening	Night	
	$L_{Aeq\ (15\ min)}$	$L_{Aeq\ (15\ min)}$	$L_{Aeq\ (15\ min)}$	$L_{A1\ (1\ min)}$
254	38	38	37	45
57	37	37	36	45
7	36	36	36	45
All privately-owned land	35	35	35	45
Ulan Public School		35 (internal) When in use		-
Ulan Anglican Church Ulan Catholic Church		40 (internal) 40 (internal) When in use		-

Notes:

- *To identify the locations referred to in Table 2, see figure in Appendix 3; and*
- *Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.*

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

Noise Acquisition Criteria

3. If the noise generated by the project exceeds the criteria in Table 3 at any residence on privately-owned land or on more than 25 percent of any 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 6 - 7 of Schedule 4.

Table 3: Noise acquisition criteria dB(A) $L_{Aeq\ (15min)}$

Location	Day	Evening	Night
All privately-owned land	40	40	40

Notes:

- *Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.*
- *For this condition to apply, the exceedances of the criteria must be systemic.*

Cumulative Noise Criteria

4. Except for the noise-affected land referred to in Table 1, the Proponent shall implement all reasonable and feasible measures to ensure that the noise generated by the project combined with the noise generated by other mines in the area does not exceed the criteria in Table 4 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 4: Cumulative noise criteria dB(A) $L_{Aeq\ (period)}$

Location	Day	Evening	Night
All privately-owned land	50	45	40

Note: Cumulative noise is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy.

Cumulative Noise Acquisition Criteria

5. If the noise generated by the project combined with the noise generated by other mines in the area exceeds the criteria in Table 5 at any residence on privately-owned land or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner, the Proponent shall acquire the land on as equitable basis as possible with the relevant mines in accordance with the procedures in Conditions 6-7 of Schedule 4.

Table 5: Cumulative noise land acquisition criteria dB(A) $L_{Aeq\ (period)}$

Location	Day	Evening	Night
All privately-owned land	55	50	45

Note:

- *Cumulative noise is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy; and*
- *For this condition to apply, the exceedances of the criteria must be systemic.*

Additional Noise Mitigation Measures

6. Upon receiving a written request from the owner of any residence:
   (a) on the land listed in Tables 1 or 6; or
   (b) on privately-owned land where subsequent noise monitoring shows that the noise generated by the project is greater than or equal to $L_{Aeq\ (15\ minute)}$ 38 dB(A) on a systemic basis,

   the Proponent shall implement additional noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner. These measures must be reasonable and feasible.

   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 6: Land where additional noise mitigation is available at the residence upon request

Location	Receiver
254	Geoffrey Mitchell & Mary Mitchell

Note: To identify the locations referred to in Table 6, see the figure in Appendix 3.

Rail Noise

7. The Proponent shall seek to ensure that its rail spur is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with noise limits L6.1 to L6.4 in RailCorp's EPL (No. 12208) and ARTC's EPL (No. 3142) or a Pollution Control Approval issued under the former *Pollution Control Act 1970*.

Operating Conditions

8. The Proponent shall:
   (a) implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the operational, low frequency, rail, and road traffic noise generated by the project;
   (b) regularly assess the real-time noise monitoring and meteorological forecasting data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this approval; and
   (c) co-ordinate the noise management on site with the noise management at Moolarben and Wilpinjong mines to minimise the cumulative noise impacts of the mines,

   to the satisfaction of the Director-General.

Noise Management Plan

9. 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 OEH and Council, and submitted to the Director-General for approval within 3 months of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010;
   (b) describe the noise mitigation measures that would be implemented to ensure compliance with conditions 2-8 of this schedule, including a real-time noise management system that employs both reactive and proactive mitigation measures;
   (c) include a noise monitoring program that:
      - uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the project; and
      - includes a protocol for determining exceedances of the relevant conditions of this approval;
   (d) include a protocol that has been prepared in consultation with the owners of the Moolarben and Wilpinjong mines for minimising and managing the cumulative noise impacts of the mines.

Note: The effectiveness of the Noise Management Plan is to be reviewed and audited in accordance with the requirements in Schedule 5. Following these reviews and audits, the plan is to be revised to ensure it remains up to date (see Condition 4 of Schedule 5).

BLASTING

Blasting Criteria

10. The Proponent shall ensure that the blasting on site does not cause exceedances of the criteria in Table 7.

Table 7: Blast impact 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%
Heritage Sites on site	133	10	0%

Note: To identify the relevant heritage sites referred to in this condition, see the figure in Appendix 7.

Blasting Hours

11. The Proponent shall only carry out blasting on 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 Director-General.

Blasting Frequency

12. The Proponent shall not carry out more than 1 blast a day on site, unless an additional blast is required following a blast misfire.

Note: A blast may involve a number of explosions within a short period, typically less than two minutes.

Property Inspections

13. If the Proponent receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on their land, or to have a previous property inspection report updated, then within 2 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:
      - establish the baseline condition of the buildings and/or structures on the land or update the previous property inspection report; and
      - identify any 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.

Property Investigations

14. If the owner of any privately-owned land claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this claim 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.

Operating Conditions

15. The Proponent shall
    (a) implement best blasting management practice on site to:
        - protect the safety of people and livestock in the surrounding area;
        - protect public or private property in the surrounding area; and
        - minimise the dust and fume emissions of the blasting;
    (b) co-ordinate the blasting on site with the of blasting at the Moolarben and Wilpinjong mines to minimise the cumulative blasting impacts of the mines; and
    (c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site,

    to the satisfaction of the Director-General.

Blast Management Plan

16. 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 OEH and Council, and submitted to the Director-General for approval within 3 months of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010;
    (b) describe the blast mitigation measures that would be implemented to ensure compliance with conditions 10-15 of this schedule;
    (c) describe the measures that would be implemented to ensure the public can get up-to-date information on the proposed blasting schedule on site;
    (d) include a blast monitoring program to evaluate the performance of the project; and
    (e) include a protocol that has been prepared in consultation with the owners of the Moolarben and Wilpinjong mines for minimising and managing the cumulative blasting impacts of the mines.

    Note: The effectiveness of the Blast Management Plan is to be reviewed and audited in accordance with the requirements in Schedule 5. Following these reviews and audits, the plan is to be revised to ensure it remains up to date (see Condition 4 of Schedule 5).

AIR QUALITY & GREENHOUSE GAS

Odour

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

Greenhouse Gas Emissions

18. The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site including the release of Scope 2 greenhouse gas emissions attributable to operations at the site and which are under the control of the Proponent, in each case to the satisfaction of the Director-General.

Air Quality Criteria

19. The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the particulate emissions generated by the project do not exceed the criteria listed in Tables 8, 9 and 10 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 8: Long term 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 criterion for particulate matter

Pollutant	Averaging period	[d] Criterion
Particulate matter < 10 µm (PM_{10})	24 hour	[a] 50 µg/m^3

Table 10: Long term criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total[1] deposited dust level
[c]Deposited dust	Annual	[b]2 g/m^2/month	[a]4 g/m^2/month

Notes for Tables 8 -10:

- *[a]Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to other sources);*
- *[b] Incremental impact (i.e. incremental increase in concentrations due to the project 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, sea fog, fire incidents, illegal activities or any other activity agree to by the Director-General in consultation with OEH.*

Air Quality Acquisition Criteria

20. If the particulate matter emissions generated by the project exceed the criteria in Tables 11, 12, and 13 at any residence on privately-owned land or on more than 25 percent of any 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 6 - 7 of Schedule 4.

Table 11: Long term 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 12: Short term 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 13: Long term 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 for Tables 11 - 13:

- *[a]Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to other sources);*
- *[b] Incremental impact (i.e. incremental increase in concentrations due to the project 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, sea fog, fire incidents, illegal activities or any other activity agree to by the Director-General in consultation with OEH.*

Operating Conditions

21. The Proponent shall:
    (a) implement best practice air quality management on site, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated by the project, including those generated by any spontaneous combustion on site,
    (b) minimise any visible air pollution generated by the project; and
    (c) regularly assess the real-time air quality monitoring and meteorological forecasting data, and relocate, modify and/or stop operations on site to ensure compliance with the relevant conditions of this approval; and
    (d) co-ordinate air quality management on site with the air quality management at the Moolarben and Wilpinjong mines to minimise the cumulative air quality impacts of the mines,

    to the satisfaction of the Director-General.

Air Quality & Greenhouse Gas Management Plan

22. The Proponent shall prepare and implement a detailed Air Quality & Greenhouse Gas Management Plan for the project to the satisfaction of the Director-General. This plan must:
    (a) be prepared in consultation with OEH and Council, and submitted to the Director-General for approval within 3 months of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010;
    (b) describe the measures that would be implemented to ensure compliance with conditions 17-21 of this schedule, including a real-time air quality management system that employs reactive and proactive mitigation measures; and
    (c) include an air quality monitoring program, that uses a combination of real-time monitors, high volume samplers and dust deposition gauges to evaluate the performance of the project, and includes a protocol for determining exceedances with the relevant conditions of this approval.

    Note: The effectiveness of the Air Quality & Greenhouse Gas Management Plan is to be reviewed and audited in accordance with the requirements in Schedule 5. Following these reviews and audits, the plan is to be revised to ensure it remains up to date (see Condition 4 of Schedule 5).

METEOROLOGICAL MONITORING

23. 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 the *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*.

SUBSIDENCE

Performance Measures

24. The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 14.

Table 14: Subsidence Performance Measures

Water	
Ulan, Mona & Cockabutta Creeks	No greater environmental consequences than predicted in the EA
Biodiversity	
Threatened species, populations, habitat or ecological communities	Negligible impact
Land	
Cliffs in the Brokenback Conservation Area	Nil environmental consequences
Other cliffs	Minor environmental consequences
Heritage	
Aboriginal sites	Nil impact in the Brokenback Conservation Area, Grinding Groove Conservation Areas; and on Mona Creek/Cockabutta Creek Rock Shelter Sites
Talbragar Fish Fossil Reserve	Negligible impact
Other Heritage Sites	No greater impact than predicted in the EA
Built Features	
All built features	Safe, serviceable and repairable unless the owner agrees otherwise in writing
Public Safety	
Public Safety	No additional risk due to mining

Notes:

- *The Proponent will be required to define more detailed performance indicators for each of these performance measures in the various management plans that are required under this approval; and*
- *For reference purposes, the heritage sites referred to in Table 14 are depicted in the figures in Appendices 6 & 7.*

First Workings

25. The Proponent shall not carry out any first workings on site that are inconsistent with the approved mine plan without the written approval of the Director-General.

Extraction Plan

26. The Proponent shall prepare and implement an Extraction Plan for all second workings on site to the satisfaction of the Director-General. These plans must:
    (a) be prepared by a team of suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;
    (b) be approved by the Director-General before the Proponent carries out any of the second workings covered by the plan;
    (c) include detailed plans of the proposed second workings and any associated surface development;
    (d) include detailed performance indicators for each of the performance measures in Table 14;
    (e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this approval;
    (f) describe the measures that would be implemented to ensure compliance with the performance measures in Table 14, and remediate any predicted impacts and/or environmental consequences;
    (g) include the following to the satisfaction of DRE:
        - a subsidence monitoring program to:
            - provide data to assist with the management of the risks associated with subsidence;
            - validate the subsidence predictions; and
            - analyse the relationship between the subsidence effects and impacts under the Extraction Plan and any ensuing environmental consequences;
        - a Built Features Management Plan, which has been prepared in consultation with the owner/s of any relevant features, to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings on these features;
        - a Public Safety Management Plan to ensure public safety in the mining area;
        - a revised Rehabilitation Management Plan; and
    (h) include:
        - revised Water, Biodiversity, and Heritage Management Plans for the project, which specifically provide for the management of any potential subsidence impacts and/or environmental consequences of the proposed second workings;
        - a Land Management Plan that has been prepared in consultation with relevant landowners, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on land in general; and
        - a program to collect sufficient baseline data for future Extraction Plans.

    This condition does not apply to the second workings for longwalls 26, West 2 and West 3 which are covered by an existing Subsidence Management Plan.

    Note: To identify the longwalls referred to in this condition, see the relevant figure in Appendix 2.

Payment of Reasonable Costs

27. The Proponent shall pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent persons to review the adequacy of any aspect of the Extraction Plan.

SOIL & WATER

Water Licences

28. The Proponent shall obtain all necessary water licences for the project under the *Water Act 1912* or the *Water Management Act 2000*.

Baseflow Offsets

29. The Proponent shall offset the loss of any baseflow to the Goulburn and Talbragar Rivers caused by the project to the satisfaction of the Director-General. The offset should be effected by the retirement of water entitlements within the catchments of the Goulburn and Talbragar Rivers unless the Proponent can provide alternative means of offsetting baseflow to the satisfaction of the Director-General, in which case the Proponent may offset any losses by those alternative means.

Note: As at the date of this approval, baseflow losses for the Goulburn River and Talbragar River are modelled as 0.05 ML/day and 0.13 ML/day respectively. Improved or additional hydrological data may lead to amendments to these modelled losses.

Compensatory Water Supply

30. The Proponent shall provide a compensatory water supply to any owner of privately-owned land whose supply is adversely impacted (other than an impact that is negligible) as a result of the project, in consultation with NOW, and to the satisfaction of the Director-General.

    The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the project. Equivalent water supply must be provided (at least on an interim basis) within 24 hours of the loss being identified.

    If the Proponent and the landowner 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.

    If the Proponent is unable to provide an alternative long-term supply of water, then the Proponent shall provide alternative compensation to the satisfaction of the Director-General.

Surface Water Discharges

31. The Proponent shall ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL.

Remediation of the Goulbourn River Diversion

32. The Proponent shall remediate the Goulburn River Diversion to the satisfaction of the Director-General, in general accordance with the proposed strategy in the EA.

Water Supply to "The Drip"

33. The Proponent shall ensure that the project has no impact on the water supply to the "Drip".

Water Management Plan

34. The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must:
    (a) be prepared in consultation with OEH, NOW, DRE and Council by suitably qualified and experienced persons whose appointment has been approved by the Director-General;
    (b) be submitted to the Director-General for approval within 3 months of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010); and
    (c) include:
    - a Site Water Balance;
    - the Goulburn River Diversion Remediation Plan;
    - an Erosion and Sediment Control Plan;
    - a Surface Water Monitoring Program;
    - a Groundwater Monitoring Program; and
    - a Surface and Ground Water Response Plan.

    Note: The effectiveness of the Water Management Plan is to be reviewed and audited in accordance with the requirements in Schedule 5. Following these reviews and audits, the plan is to be revised to ensure it remains up to date (see Condition 4 of Schedule 5).

35. The Site Water Balance must:
    (a) include details of:
    - sources and security of water supply;
    - water use on site;
    - water management on site;
    - off-site water transfers; and

    (b) describe what measures would be implemented to minimise potable water use on site.

36. Goulburn River Diversion Remediation Plan must include:
    (a) geomorphic and geotechnical assessment of the existing diversion;
    (b) assessment of flood hydraulics of the existing diversion;
    (c) staging and timing of remediation works;
    (d) detailed design of bed and bank remediation works;
    (e) revegetation and rehabilitation methods;
    (f) a program to monitor surface water flows, quality, stream health and channel stability; and
    (g) an implementation program.

37. The Erosion and Sediment Control Plan must:
    (a) be consistent with the requirements of the *Managing Urban Stormwater: Soils and Construction Manual* (Landcom 2004, or its latest version);
    (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.

38. The Surface Water Monitoring Program must include:
    (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project (including the Goulburn River, Talbragar River, Spring Gully, Ulan Creek, Bobadeen Creek, Curra Creek, Mona Creek and Cockbutta Creek);
    (b) a program to augment the baseline data over the life of the project;
    (c) surface water quality and stream health assessment criteria, including trigger levels for investigating any potentially adverse surface water impacts; and
    (d) a program to monitor:
        - surface water flows, quality, and impacts on water users;
        - stream health; and
        - channel stability,

        in the Goulburn River, Talbragar River, Spring Gully, Ulan Creek, Bobadeen Creek, Curra Creek, Mona Creek and Cockbutta Creek.

39. The Groundwater Monitoring Program must include:
    (a) detailed baseline data of groundwater levels, yield and quality in the region, and particularly any groundwater bores, springs and seeps (including spring and seep fed dams) that may be affected by mining operations on site;
    (b) a program to augment the baseline data over the life of the project;
    (c) groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
    (d) a program to monitor and/or validate
        - groundwater inflows to the open cut and underground mining operations;
        - the impacts of the project on:
            - the alluvial, Triassic, coal seam and interburden aquifers;
            - base flows to the Goulburn and Talbragar Rivers and associated creeks;
            - any groundwater bores, springs and seeps on privately-owned land;
            - the "Drip"; and
            - riparian vegetation along the Goulburn and Talbragar Rivers and associated creeks; and
        - the seepage/leachate from any tailings dams, water storages or backfilled voids on site; and
    (e) a program to calibrate and validate the groundwater model for the project, and calibrate it to site specific conditions.

    Note: The program to monitor and/or validate the impacts of the project on the "Drip" will need to be prepared and implemented in collaboration with the owners of the Moolarben coal mine.

40. The Surface and Ground Water Response Plan must describe what measures and/or procedures would be implemented to:
    (a) respond to any exceedances of the surface water, stream health, and groundwater assessment criteria;
    (b) offset the loss of any base flow to the Goulburn and/or Talbragar Rivers and/or associated creeks caused by the project;
    (c) compensate landowners of privately-owned land whose water supply is adversely affected by the project; and
    (d) mitigate and/or offset any adverse impacts on riparian vegetation.

BIODIVERSITY

Biodiversity Offset

41. The Proponent shall implement the offset strategy outlined in Table 15, described in the EA, and shown conceptually in the figure in Appendix 4 to the satisfaction of the Director-General.

Table 15: Biodiversity Offset Strategy

	Clearing, Removal and/or Disturbance	Offset Areas			
		Spring Gully Cliffline Management Area	Brokenback Conservation Area	Bobadeen Vegetation Offset Area	Bobadeen East Offset Area
Native Vegetation (ha)	408	211	58	1,116	229
EEC / CEEC (ha)	69	-	-	296	169
Cliffline (km)	11.7	9		3	

41A. The Proponent shall ensure that the offset areas contain suitable habitat for any significant and/or threatened species identified in the areas to be cleared, removed and/or disturbed.

42. The Proponent shall ensure that at least 244 hectares within the Bobadeen Vegetation Offset Area and 169 hectares within the Bobadeen East Offset Area includes the re-establishment and/or improvement of:
(a) significant and/or threatened plant communities, including:
- White Box Woodland;
- Blakely's Red Gum Open Forest; and

(b) significant and/or threatened plant communities; and:
(c) habitat for significant and/or threatened animal species.

Long Term Security of Offset

43. Within 1 year of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010, the Proponent shall make suitable arrangements to provide appropriate long term security for the Bobadeen Vegetation Offset Area, the Bobadeen East Offset Area, the Brokenback Conservation Area, the stand of *Acacia ausfeldii* along the eastern side of Highett Road and the Spring Gully Cliffline Management Area to the satisfaction of the Director-General.

Biodiversity Management Plan

44. 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 Council by suitably qualified and experienced persons;
(b) be submitted to the Director-General for approval by the end of June 2012;
(c) describe how the implementation of the offset strategy would be integrated with the overall rehabilitation of the site (see below);
(d) include:
- a description of the short, medium, and long term measures that would be implemented to:
  - implement the offset strategy; and
  - manage the remnant vegetation and habitat, both on site and in the offset areas;
- detailed completion criteria as well as performance criteria for measuring the short, medium and long term success of the offset strategy, including annual indicators and trigger values for the regeneration/revegetation of both the Box-Gum Woodland and Acacia ausfeldii, and the provision of suitable habitat for threatened woodland birds;
- a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:
  - implementing revegetation and regeneration within the offset areas, including the establishment of canopy, sub-canopy (if relevant), understorey and ground strata;
  - protecting vegetation and soil outside the disturbance areas;
  - rehabilitating creeks and drainage lines on the site (both inside and outside the disturbance areas), to ensure no net loss of stream length and aquatic habitat;
  - managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological);
  - managing salinity;
  - undertaking pre-clearance surveys;
  - managing impacts on fauna;
  - minimising the impacts on fauna, including providing important habitat features (e.g. hollows) during the period of revegetation and rehabilitation;
  - landscaping the site, and particularly the land adjoining public roads, to minimise visual and lighting impacts;
  - collecting and propagating seed;
  - salvaging and reusing material from the site for habitat enhancement;
  - propagating threatened flora and native grassland (including *Acacia ausfeldii*);
  - protecting and managing *Acacia ausfeldii*;
  - controlling weeds and feral pests;
  - managing grazing and agriculture on site;
  - controlling access; and

- bushfire management;
- a program to monitor and report on the effectiveness of these measures and the performance of the offset strategy, with summary reporting to be carried out annually and comprehensive reporting every three years following the independent environmental audit (see condition 8 of schedule 5);
- a description of the contingency measures that would be implemented to improve the performance of the offset strategy if the detailed performance criteria above are not being met in any given year; and
- details of who would be responsible for monitoring, reviewing, and implementing the plan.

Note: The effectiveness of the Biodiversity Management Plan is to be reviewed and audited in accordance with the requirements in Schedule 5. Following these reviews and audits, the plan is to be revised to ensure it remains up to date (see Condition 4 of Schedule 5).

Conservation Bond

45. Within 6 months of the approval of the Biodiversity Management Plan (see above), the Proponent shall lodge a conservation bond with the Department to ensure that the 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 offset strategy; 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 implemented to the satisfaction of the Director-General, the Director-General will release the conservation bond.

If the offset strategy is not implemented to the satisfaction of the Director-General, the Director-General will call in all or part of the conservation bond, and arrange for the satisfactory implementation of the offset strategy.

HERITAGE

Long Term Security of Proposed Conservation Areas

46. Within 1 year of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010, the Proponent shall make suitable arrangements to provide appropriate long term security for the two Grinding Groove Conservation Areas to the satisfaction of the Director-General.

Note: For reference purposes, these areas are depicted in the figure in Appendix 6.

Heritage Management Plan

47. The Proponent shall prepare and implement Heritage Management Plan for the project to the satisfaction of the Director-General. This plan must:
(a) be prepared in consultation with OEH, the Aboriginal community, the Heritage Branch, Council, any local historical organisations and relevant landowners;
(b) be submitted to the Director-General for approval within 3 months of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010;
(c) include the following in relation to Aboriginal heritage management on site:
- a detailed plan of management for the Brokenback Conservation Area, the two Grinding Groove Conservation Areas;
- program/procedures for:
  - recording, salvaging, excavating and/or managing the Aboriginal sites and potential archaeological deposits within the project disturbance area;
  - conserving, managing, and monitoring the Aboriginal sites outside the project disturbance area, including the 11 rock shelters located adjacent to Mona and Cockabutta Creeks, 27 rock shelter within the Brokenback Conservation Area, 4 groove sites within the two Grinding Groove Conservation Areas;
  - managing the discovery of any new Aboriginal objects or skeletal remains during the project;
  - maintaining and managing access to archaeological sites by the Aboriginal community; and
  - ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site.

(d) include the following for the management of other heritage on site:
- conservation management plans for the Old Ulan Village and Bobadeen Homestead;
- program/procedures for:
  - photographic and archival recording of potentially affected heritage items;
  - making the conservation management plans and photographic and archival recording publicly available once they are completed;
  - protection and monitoring of heritage items outside the project disturbance area;

- baseline dilapidation surveys of all heritage items potentially affected by subsidence and/or blasting;
- monitoring, notifying and managing the effects of subsidence and/or blasting on potentially affected heritage items; and
- additional archaeological excavation and/or recording of any significant heritage items requiring demolition.

Note: The effectiveness of the Heritage Management Plan is to be reviewed and audited in accordance with the requirements in Schedule 5. Following these reviews and audits, the plan is to be revised to ensure it remains up to date (see Condition 4 of Schedule 5).

TRANSPORT

Monitoring of Coal Transport

48. The Proponent shall:
    (a) keep accurate records of the:
        - amount of coal transported from the site (on a monthly basis); and
        - the date and time of each train movement from the site; and
    (b) make these records publicly available on its website at the end of each calendar year.

Operating Conditions

49. The Proponent shall:
    (a) schedule shift changes on site to occur outside the school bus hours;
    (b) notify Council of any changes to the shifts on site;
    (c) co-ordinate the shift changes on site with the shift changes of the adjoining Moolarben and Wilpinjong mines to minimise the cumulative traffic impacts of the three mines; and
    (d) implement all reasonable and feasible measures to minimise the project's contribution to the traffic on Ulan Road, to the satisfaction of the Director-General.

Ulan Road Strategy

50. By the end of December 2011, unless the Director-General directs otherwise, the Proponent shall prepare to the satisfaction of the Director-General a strategy for the upgrade and maintenance of Ulan Road between Mudgee and the entrance to the underground surface facilities at the Ulan mine over the next 21 years.

    This strategy must be prepared in conjunction with the owners of both the Moolarben and Wilpinjong mines, and the cost of preparing the strategy should be shared equally between the Proponent and the owners of these mines.

    The strategy must:
    (a) be prepared by a suitably qualified, experienced and independent person whose appointment has been endorsed by the Director-General;
    (b) be prepared in consultation with both the RTA and Council;
    (c) determine the design standard of the relevant section of road (and any associated intersections) to the satisfaction of the RTA (based on the relevant road design guideline(s));
    (d) identify the works required to upgrade the road to the designated design standard;
    (e) estimate the cost of these works and the likely annual costs for maintaining the upgraded road;
    (f) identify any measures that could be implemented to reduce the amount of mine traffic on the road, such as providing long-term parking in Mudgee to support increased car pooling, and the likely cost of implementing these measures;
    (g) identify any measures that could be implemented to minimise the traffic noise impacts of mine traffic on Ulan Road on adjoining residences, and the likely cost of implementing these measures;
    (h) include a detailed program for the proposed upgrade and maintenance of the road, implementation of traffic noise mitigation measures, and implementation of any works to support efforts to reduce the amount of mine traffic on the road;
    (i) calculate what each mine and the Council shall contribute towards the implementation of the detailed program outlined in (h) above, including consideration of:
        - the likely traffic generated by each mine as a proportion of the total traffic on the road;
        - any mine contributions that have been made towards the upgrading of the road in recent years; and
        - any relevant planning agreements that deal with the funding or maintenance of roads in the Mid-Western LGA; and
    (j) include a detailed contributions plan for the three mines and the Council to support the implementation of the detailed program described in (h) above.

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

51. Once the Ulan Road Strategy has been approved by the Director-General, the Proponent shall contribute towards the implementation of the strategy in accordance with the detailed contributions plan in the strategy.

VISUAL

Visual Amenity and Lighting

52. The Proponent shall:
    (a) minimise the visual impacts, and particularly the off-site lighting impacts, of the main infrastructure area and associated ancillary surface works;
    (b) take all practicable measures to further mitigate off-site lighting impacts from the project; and
    (c) 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

53. The Proponent shall:
    (a) minimise the waste (including coal reject) generated by the project; and
    (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of,

    to the satisfaction of the Director-General.

54. The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must describe the measures that would be implemented to ensure compliance with condition 53 above and be submitted to the Director-General within 3 months of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010.

    Note: The effectiveness of the Waste Management Plan is be reviewed and audited in accordance with the requirements in Schedule 5. Following these reviews and audits, the plan is to be revised to ensure it remains up to date (see Condition 4 of Schedule 5).

REHABILITATION

Rehabilitation Objectives

55. 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 EA (and depicted conceptually in the figures in Appendix 5), and comply with the objectives in Table 16.

Table 16: Rehabilitation Objective

Feature	***Objective***
Mine site (as a whole)	Safe, stable & non-polluting
Surface infrastructure	To be decommissioned and removed, unless the Director-General agrees otherwise
Watercourses to be undermined	Hydraulically and geomorphologically stable, with riparian vegetation that is the same or better than prior to mining
Cliffs	No additional risk to public safety compared to prior to mining
Other land affected by the project	Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of: • local native plant species; and • a landform consistent with the surrounding environment
Built features affected by subsidence	Repair to pre-mining condition or equivalent unless the owner agrees otherwise
Community	Minimise the adverse socio-economic effects associated with mine closure

Progressive Rehabilitation

56. The Proponent shall carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance.

Rehabilitation Management Plan

57. 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, OEH, NOW, Council and the CCC;
    (b) be prepared in accordance with any relevant DRE guideline;
    (c) describe how the rehabilitation of the site would be integrated with the implementation of the offset strategy;

(d) build, to the maximum extent practicable, on the other management plans required under this approval;

(e) document the scientific knowledge gained during the rehabilitation, and make it publicly available; and

(f) be submitted to the Executive Director, Mineral Resources for approval within 3 months of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010).

SCHEDULE 4
ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. Within 1 month of the date of final Orders being made by the Land and Environment Court proceedings No. 10998 of 2010, the Proponent shall notify in writing the owners of:
   (a) 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;
   (b) any residence on the land listed in Table 1 or Table 6 of Schedule 3 that they are entitled to ask for additional noise mitigation measures to be implemented at their residence at any stage during the project; and
   (c) any privately-owned land within 2 kilometres of the approved open cut mining pit on site 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.

2. Within 2 weeks of obtaining monitoring results showing:
   (a) exceedances of the relevant criteria in Schedule 3, the Proponent shall notify the affected landowners and/or tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the project is complying with the relevant criteria again;
   (b) exceedances of the relevant criteria in Condition 6(b) of Schedule 3, the Proponent shall notify in writing the applicable owner that they are entitled to ask for additional noise mitigation measures to be installed at their residence; and
   (c) exceedances of the relevant air quality criteria in Schedule 3, send the affected landowners and tenants (including the tenants of any mine-owned land) a copy of the NSW Health fact sheet entitled *"Mine Dust and You"* (as may be updated from time to time).

INDEPENDENT REVIEW

3. If an owner of privately-owned land considers the project to be exceeding the relevant 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 person, 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 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 towards 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.

4. If the independent review determines that the project is complying with the relevant criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

   If the independent review determines that the project is not complying with the relevant impact assessment criteria in Schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:
   (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until the project complies with the relevant criteria; or
   (b) secure a written agreement with the landowner to allow exceedances of the relevant criteria,

   to the satisfaction of the Director-General.

   If the independent review determines that the project is not complying with the relevant acquisition criteria in Schedule 3, and that the project is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Proponent shall acquire all or part of the landowner's land in accordance with the procedures in Conditions 6-7 below.

5. If the independent review determines that the relevant criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for this exceedance, then together with the relevant mine/s the Proponent shall:
   (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until there is compliance with the relevant criteria; or

(b) secure a written agreement with the landowner and other relevant mines to allow exceedances of the relevant criteria,

to the satisfaction of the Director-General.

If the independent review determines that the relevant acquisition criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for this exceedance, then upon receiving a written request from the landowner, the Proponent shall acquire all or part of the landowner's land on as equitable a basis as possible with the relevant mine/s in accordance with the procedures in Conditions 6-7 below.

LAND ACQUISITION

6. 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 on the land 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 any additional noise mitigation measures under Condition 6 of Schedule 3;

(b) the reasonable costs associated with:
- relocating within the Mid-Western Regional 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 disputing 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.

7. The Proponent shall pay all reasonable costs associated with the land acquisition process described in Condition 6 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. This strategy must:
   (a) be submitted to the Director-General for approval within 3 months of the date of final Orders being made by the Land and Environment Court in proceedings No. 10998 of 2010;
   (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 any strategies, plans and programs approved under the conditions of this approval; and
      - a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.

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.

   Note: The Director-General may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Annual Review

3. By the end of March 2012, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:
   (a) 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;
   (b) 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
      - the relevant statutory requirements, limits or performance measures/criteria;
      - the monitoring results of previous years; and
      - the relevant predictions in the EA;
   (c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;

(d) identify any trends in the monitoring data over the life of the project;
(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
(f) 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:
(a) the submission of an annual review under Condition 3 above;
(b) the submission of an incident report under Condition 6 below;
(c) the submission of an audit report under Condition 8 below; and
(d) any modification to the conditions of this approval, (unless the conditions require otherwise),
the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General.

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 establish and operate a new Community Consultative Committee (CCC) for the projects within the Ulan mine complex in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version), and to the satisfaction of the Director-General. This CCC must be operating by the end of March 2011.

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*
- *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community.*

REPORTING

Incident Reporting

6. The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the project 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.

Regular Reporting

7. 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

8. By the end of June 2013, 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 any field specified by the Director-General.

9. Within 6 weeks of the completion of 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

10. Within 1 month of the date of final Orders being made by the Land and Environment Court proceedings No. 10998 of 2010, the Proponent shall:

(a) make copies of the following publicly available on its website:

- the documents referred to in Condition 2 of Schedule 2;
- all current statutory approvals for the project;
- all approved strategies, plans and programs required under the conditions of this approval;
- the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
- a complaints register, updated on a monthly basis;
- minutes of CCC meetings;
- the annual reviews of the project;
- any independent environmental audit of the project, 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

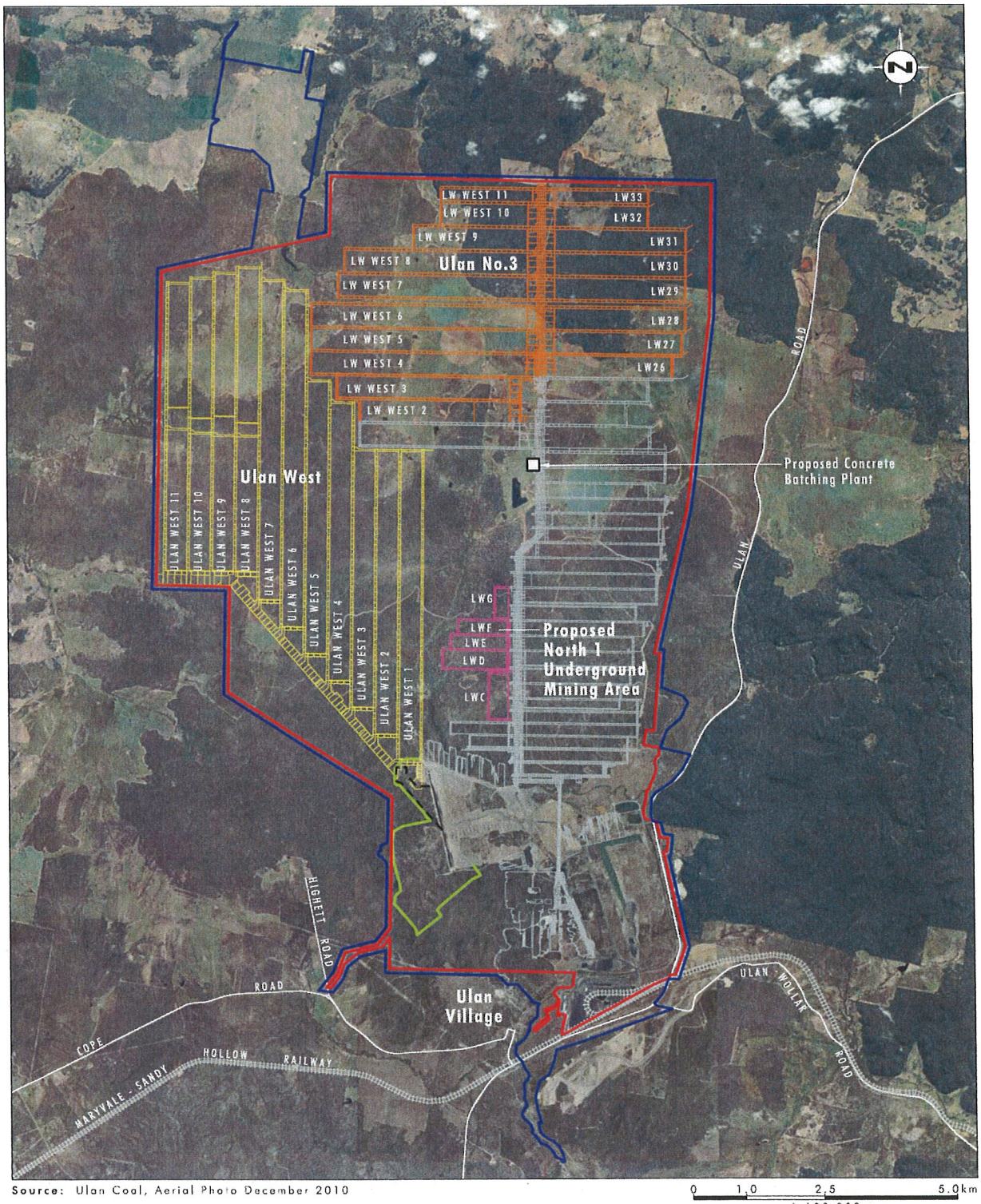
Lot	DP	Owner
3	132117	Mine Owned (UCML)
4	132117	Mine Owned (UCML)
19	132631	Mine Owned (UCML)
1	182395	Mine Owned (UCML)
2	182395	Mine Owned (UCML)
3	182395	Mine Owned (UCML)
4	182395	Mine Owned (UCML)
1	206588	Mine Owned (UCML)
2	206588	Mine Owned (UCML)
3	206588	Mine Owned (UCML)
4	206588	Mine Owned (UCML)
5	206588	Mine Owned (UCML)
6	206588	Mine Owned (UCML)
7	206588	Mine Owned (UCML)
8	206588	Mine Owned (UCML)
B	408792	Mine Owned (UCML)
C	408792	Mine Owned (UCML)
1	431692	State Rail Authority of NSW
1	432146	State Rail Authority of NSW
2	432146	Mine Owned (UCML)
1	518563	Mine Owned (UCML)
2	518563	Mine Owned (UCML)
1	534014	Crown Land
2	534014	Private
3	534014	Private
2	537477	Mine Owned (UCML)
1	552740	Mine Owned (UCML)
1	572488	Mine Owned (UCML)
101	595015	Mine Owned (UCML)
151	595016	Mine Owned (UCML)
4	615702	Mine Owned (UCML)
32	631102	Mine Owned (UCML)
31	655483	NE Wiradjuri Wilpinjong Community Fund Ltd
1	661026	Mine Owned (UCML)
1	701346	Mine Owned (UCML)
3	701346	Mine Owned (UCML)
4	701346	Mine Owned (UCML)
83	704077	Crown Land Leased (UCML)
84	704077	Private
85	704094	Mine Owned (UCML)
1	720331	Mine Owned (UCML)
1	720332	Mine Owned (UCML)
1	720333	Mine Owned (UCML)
1	720334	Mine Owned (UCML)
2	720334	Crown Land Leased (UCML)
3	720334	Crown Land Leased (UCML)

Lot	DP	Owner
4	720334	Mine Owned (UCML)
1	720335	Mine Owned (UCML)
55	722794	Crown Land Leased (UCML)
1	722880	Mine Owned (UCML)
2	722880	Mine Owned (UCML)
3	722880	Mine Owned (UCML)
4	722880	Mine Owned (UCML)
1	722881	Mine Owned (UCML)
1	722882	Mine Owned (UCML)
2	722882	Mine Owned (UCML)
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44	736630	Mine Owned (UCML)
45	736630	Mine Owned (UCML)
46	736630	Mine Owned (UCML)
47	736630	Mine Owned (UCML)
48	736630	Mine Owned (UCML)
49	736630	Mine Owned (UCML)
50	736630	Mine Owned (UCML)
51	736630	Mine Owned (UCML)
52	736630	Mine Owned (UCML)
53	736630	Mine Owned (UCML)
54	736630	Mine Owned (UCML)
2	750735	Crown Land Leased (UCML)
3	750735	Mine Owned (UCML)
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5	750735	Crown Land Leased (UCML)
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16	750735	Mine Owned (UCML)
17	750735	Mine Owned (UCML)
18	750735	Mine Owned (UCML)
19	750735	Mine Owned (UCML)
20	750735	Mine Owned (UCML)
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23	750735	Private
24	750735	Private
27	750735	Private
28	750735	Private
29	750735	Private
30	750735	Mine Owned (UCML)
31	750735	Mine Owned (UCML)

Lot	DP	Owner
32	750735	Private
33	750735	Private
34	750735	Private
35	750735	Mine Owned (UCML)
36	750735	Mine Owned (UCML)
37	750735	Mine Owned (UCML)
38	750735	Private
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43	750735	Crown Land Leased (UCML)
44	750735	Private
45	750735	Mine Owned (UCML)
46	750735	Mine Owned (UCML)
47	750735	Mine Owned (UCML)
48	750735	Crown Land Leased (UCML)
49	750735	Crown Land Leased (Private)
50	750735	Mine Owned (UCML)
51	750735	Mine Owned (UCML)
52	750735	Private
53	750735	Mine Owned (UCML)
54	750735	Mine Owned (UCML)
55	750735	Private
56	750735	Mine Owned (UCML)
178	750735	Mine Owned (UCML)
179	750735	Mine Owned (UCML)
180	750735	Mine Owned (UCML)
211	750735	Mine Owned (UCML)
212	750735	Mine Owned (UCML)
213	750735	Private
2	750736	Mine Owned (UCML)
45	750736	Mine Owned (UCML)
46	750736	Mine Owned (UCML)
54	750736	Mine Owned (UCML)
60	750736	Mine Owned (UCML)
61	750736	Mine Owned (UCML)
164	750748	State Conservation Area
59	750759	Private
1	750773	Mine Owned (UCML)
2	750773	Mine Owned (UCML)
3	750773	Mine Owned (UCML)
5	750773	Mine Owned (UCML)
9	750773	Mine Owned (UCML)
11	750773	Mine Owned (UCML)
13	750773	Crown Land Leased (UCML)
14	750773	Crown Land Leased (UCML)
15	750773	Crown Land
16	750773	Crown Land Leased (UCML)

Lot	DP	Owner
17	750773	Mine Owned (UCML)
18	750773	Mine Owned (UCML)
20	750773	Mine Owned (UCML)
27	750773	Mine Owned (UCML)
28	750773	Mine Owned (UCML)
52	750773	Crown Land Leased (UCML)
54	750773	Mine Owned (UCML)
58	750773	Mine Owned (UCML)
59	750773	Mine Owned (UCML)
63	750773	Mine Owned (UCML)
64	750773	Mine Owned (UCML)
65	750773	Mine Owned (UCML)
66	750773	Mine Owned (UCML)
68	750773	Mine Owned (UCML)
70	750773	Mine Owned (UCML)
71	750773	Mine Owned (UCML)
72	750773	Crown Land Leased (UCML)
73	750773	Mine Owned (UCML)
74	750773	Mine Owned (UCML)
75	750773	Mine Owned (UCML)
76	750773	Crown Land Leased (UCML)
78	750773	Mine Owned (UCML)
79	750773	Mine Owned (UCML)
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13	755439	Mine Owned (UCML)
20	755439	Mine Owned (UCML)
27	755439	Mine Owned (UCML)
33	755439	Crown Land Leased (UCML)
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92	755442	Mine Owned (UCML)
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7003	1025349	Crown Land Leased (UCML)
7005	1028230	Crown Land
1	1069300	Mine Owned (UCML)
800	1128041	Mine Owned (UCML)
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Various Crown Road and Land Reserves		

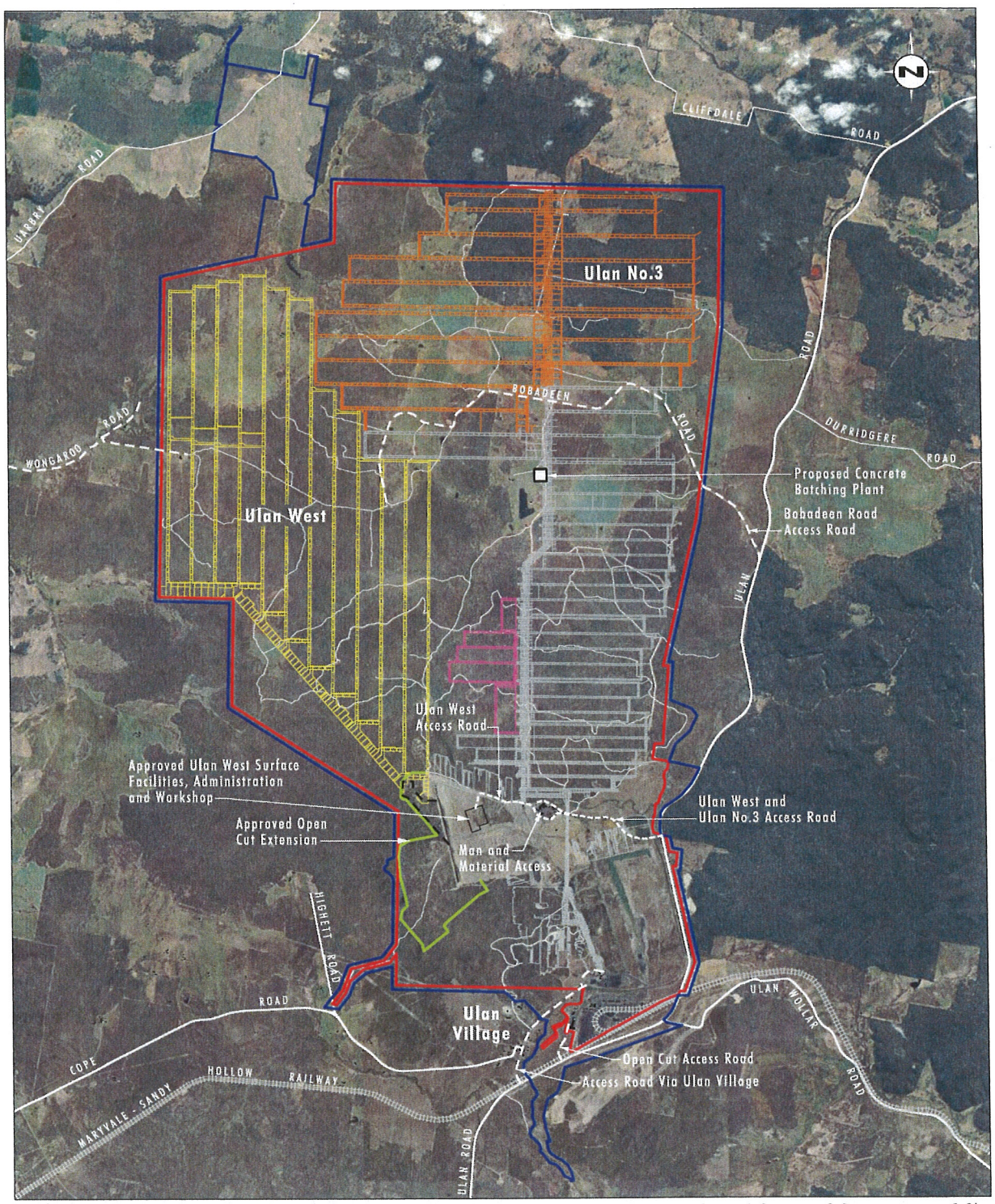
APPENDIX 2
PROJECT LAYOUT PLANS



Legend

- Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- Approved Open Cut Extension
- Ulan West Mine Plan
- Ulan No.3 Mine Plan
- Previous Underground Mining Operations
- Proposed North 1 Underground Mining Area
- Box Cut Option
- Proposed Concrete Batching Plant

Ulan Coal S75W Modifications
Proposed North 1 Underground Mining Area, Concrete Batching Plant and Modified Mine Plan



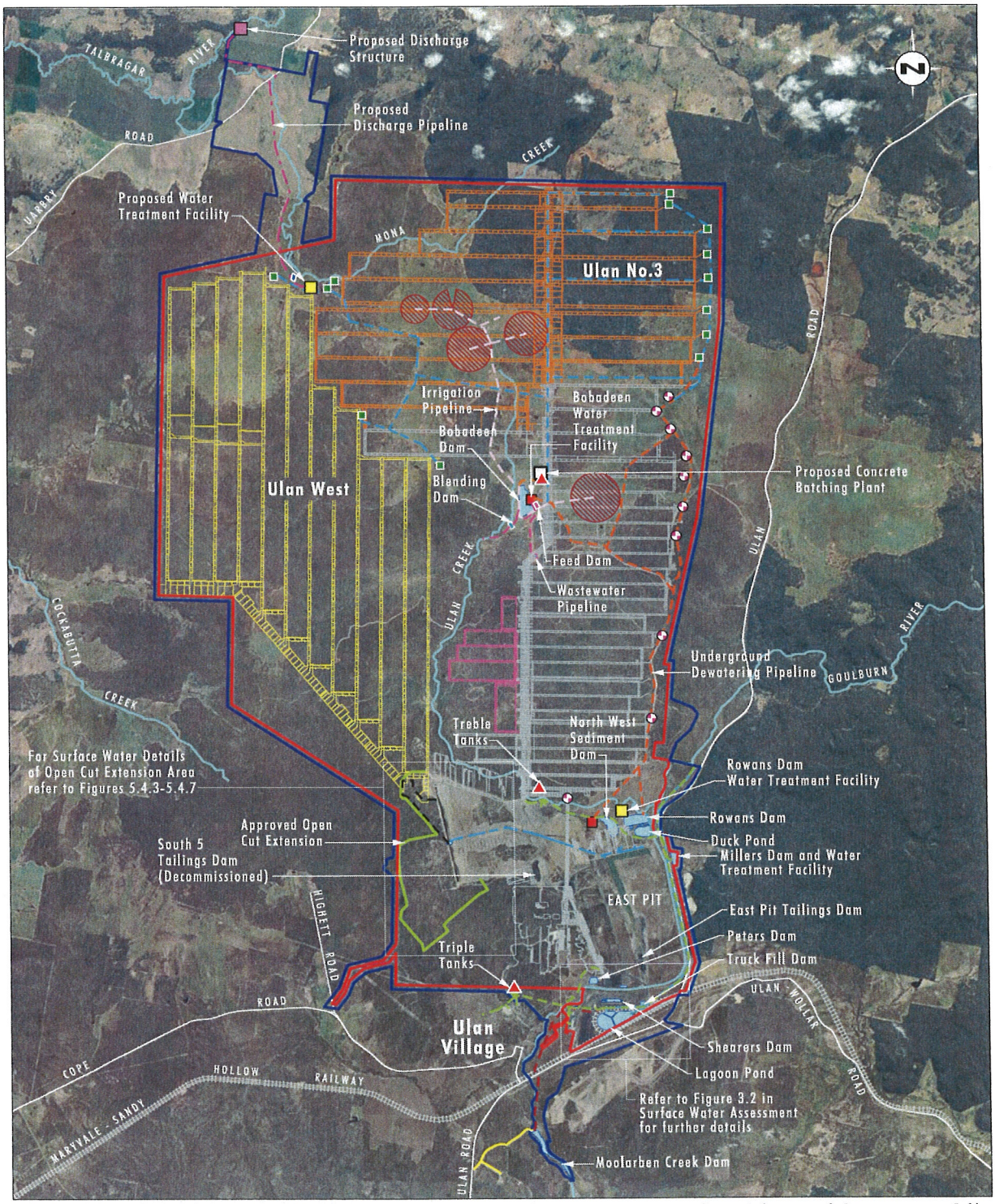
Source: Ulan Coal, Aerial Photo December 2010

0 1.0 2.5 5.0km
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Legend

- Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- Approved Open Cut Extension
- Ulan West Mine Plan
- Ulan No.3 Mine Plan
- Previous Underground Mining Operations
- Proposed North 1 Underground Mining Area
- Site Access Road
- Box Cut Option
- Tracks
- Proposed Concrete Batching Plant

Access Roads



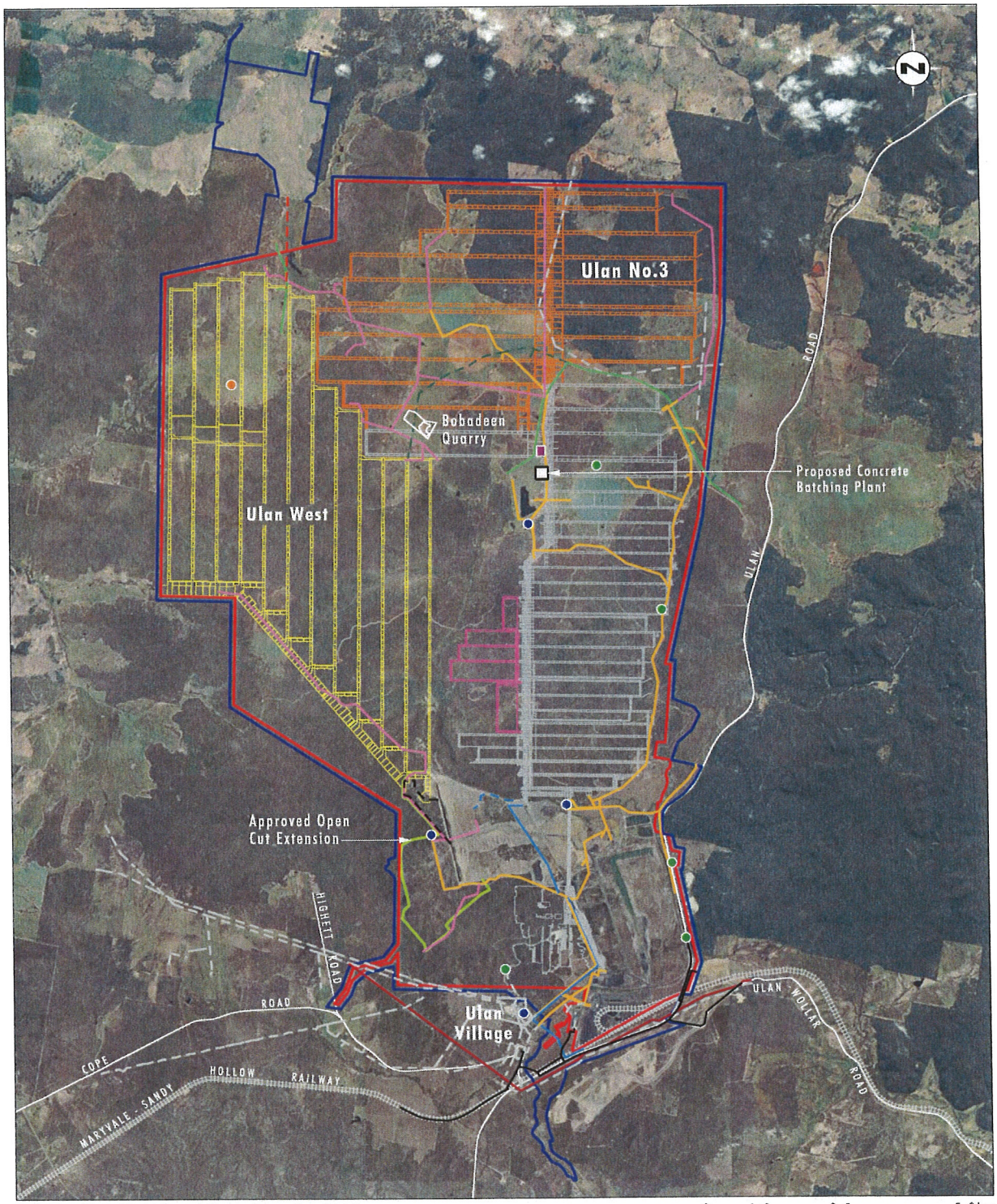
Source: Ulan Coal, Aerial Photo December 2010

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Legend

- Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- Approved Open Cut Extension
- Ulan West Mine Plan
- Ulan No.3 Mine Plan
- Previous Underground Mining Operations
- Proposed North 1 Underground Mining Area
- Box Cut Option
- Proposed Concrete Batching Plant
- Dams
- Existing Dewatering Bore Pipeline
- Existing Irrigation Pipeline
- Existing Reverse Osmosis Pipelines
- Existing Moolarben Raw Water Pipeline
- Existing Potable Water
- Creeks
- Existing Moolarben Dam to Orica Pipeline
- Approved Pipeline
- Existing Dewatering Points
- Existing Irrigation Pivots
- Existing Fire Fighting Water Reservoir
- Existing Water Treatment Facility
- Approved Water Treatment Facility
- Approved Dam
- Approved Dewatering Bore

Current and Proposed Water Management Infrastructure



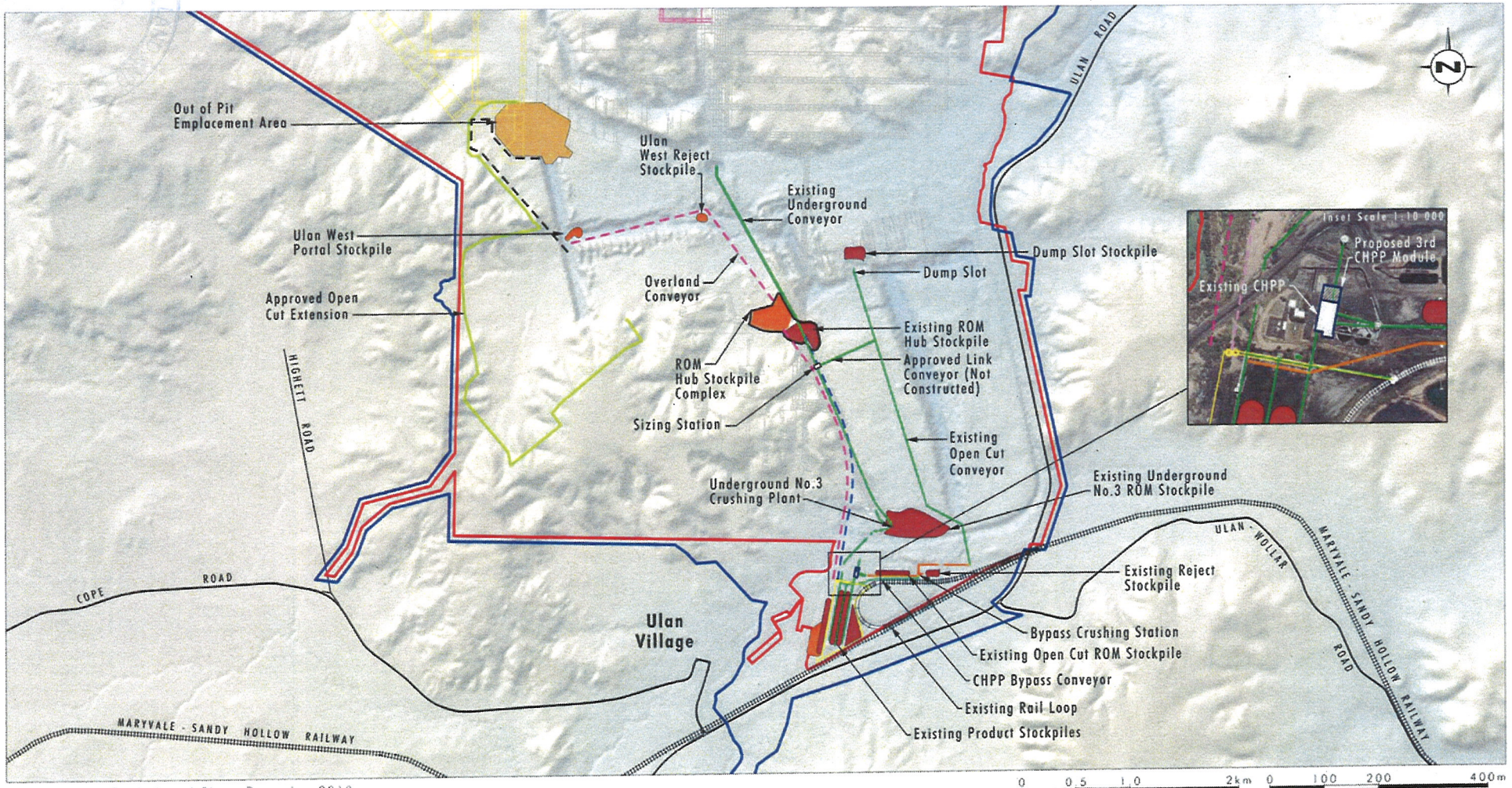
Source: Ulan Coal, Aerial Photo December 2010

0 1.0 2.5 5.0km
1:100 000

Legend

- Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- Approved Open Cut Extension
- Ulan West Mine Plan
- Ulan No.3 Mine Plan
- Previous Underground Mining Operations
- Proposed North 1 Underground Mining Area
- Box Cut Option
- Proposed Concrete Batching Plant
- Bobadeen Quarry
- Existing Power Line UCML
- Existing Country Energy Power Line
- Existing Transgrid Power Line
- Existing Fibre Optics UCML
- Existing Fibre Optics Telstra
- Existing Telstra Line Active
- Existing Telstra Line Inactive
- Existing Substations
- Existing Communication Towers
- Existing Power Line Private
- Approved Power Line
- Approved Communication Towers
- Approved Fibre Optic

Current and Proposed Power and Telecommunications Services

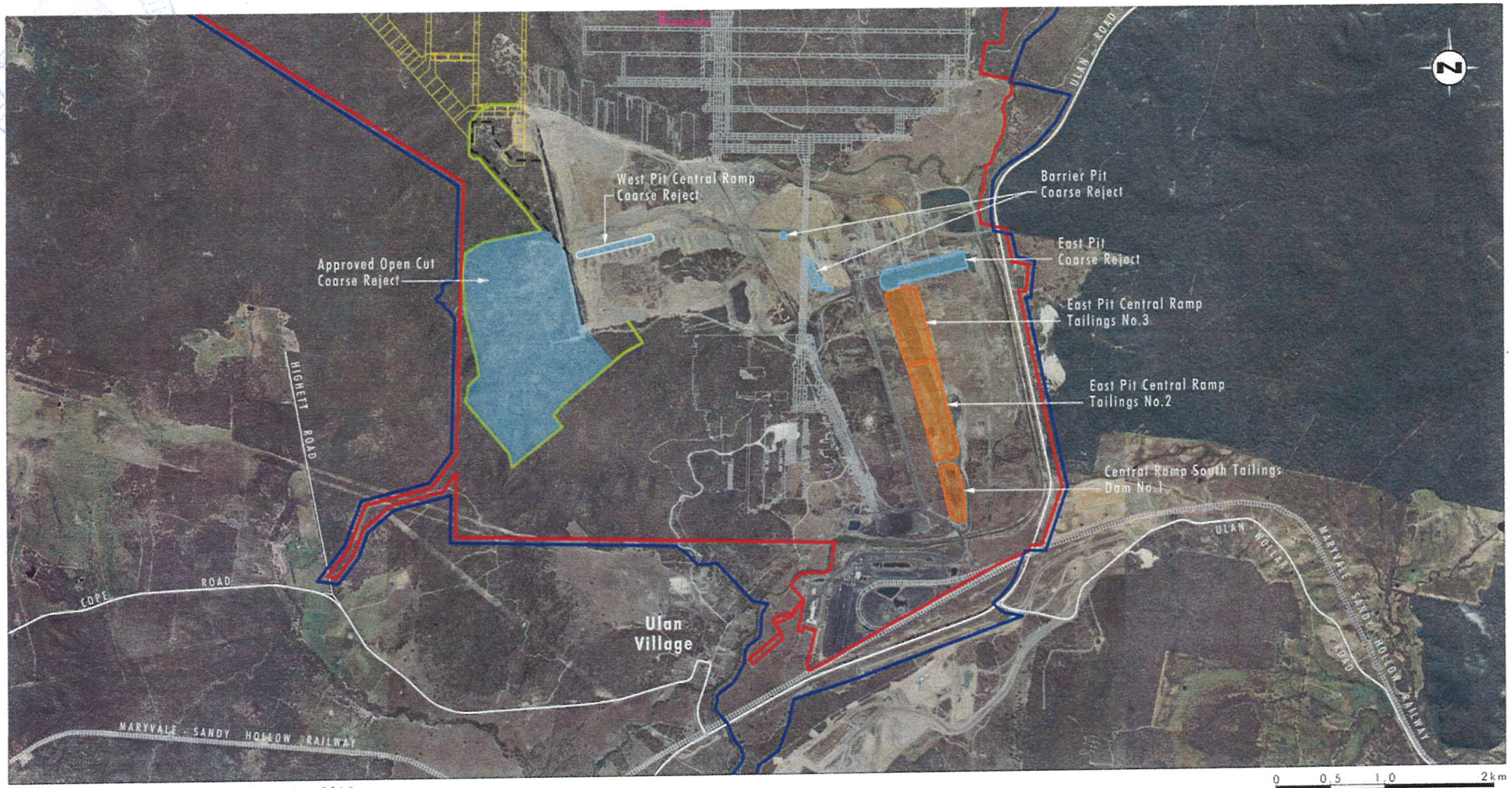


Source: Ulan Coal, Aerial Photo December 2010

Legend

- Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- Approved Open Cut Extension
- Ulan West Mine Plan
- Previous Underground Mining Operations
- Existing Stockpile
- Proposed Stockpile
- Out of Pit Emplacement Area
- Existing Conveyors
- Proposed Conveyor
- Approved Ulan No.3 Overland Conveyor (option)
- Approved Product Coal Conveyors
- Approved CHPP Bypass Conveyor
- Box Cut Option
- Proposed North 1 Underground Mining Area

Conceptual Coal Handling, Preparation and Stockpiles



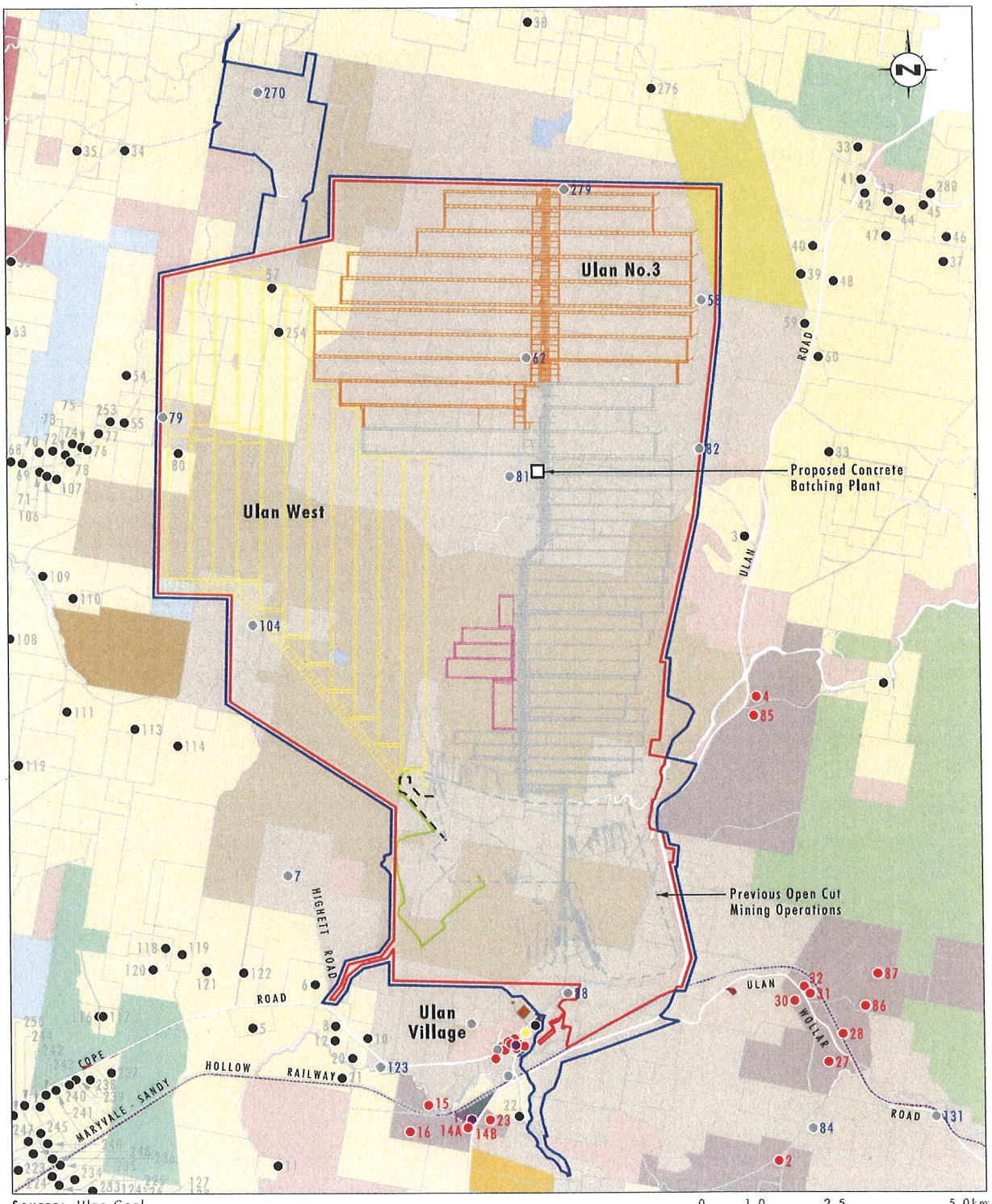
Source: Ulan Coal, Aerial Photo December 2010

Legend

- Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- Approved Open Cut Extension
- Ulan West Mine Plan
- Previous Underground Mining Operations
- Tailings Emplacement Area
- Coarse Reject Emplacement Area
- Box Cut Option
- Proposed North 1 Underground Mining Area

Conceptual Coarse Reject and Tailings Emplacement Areas

APPENDIX 3
LAND OWNERSHIP PLANS



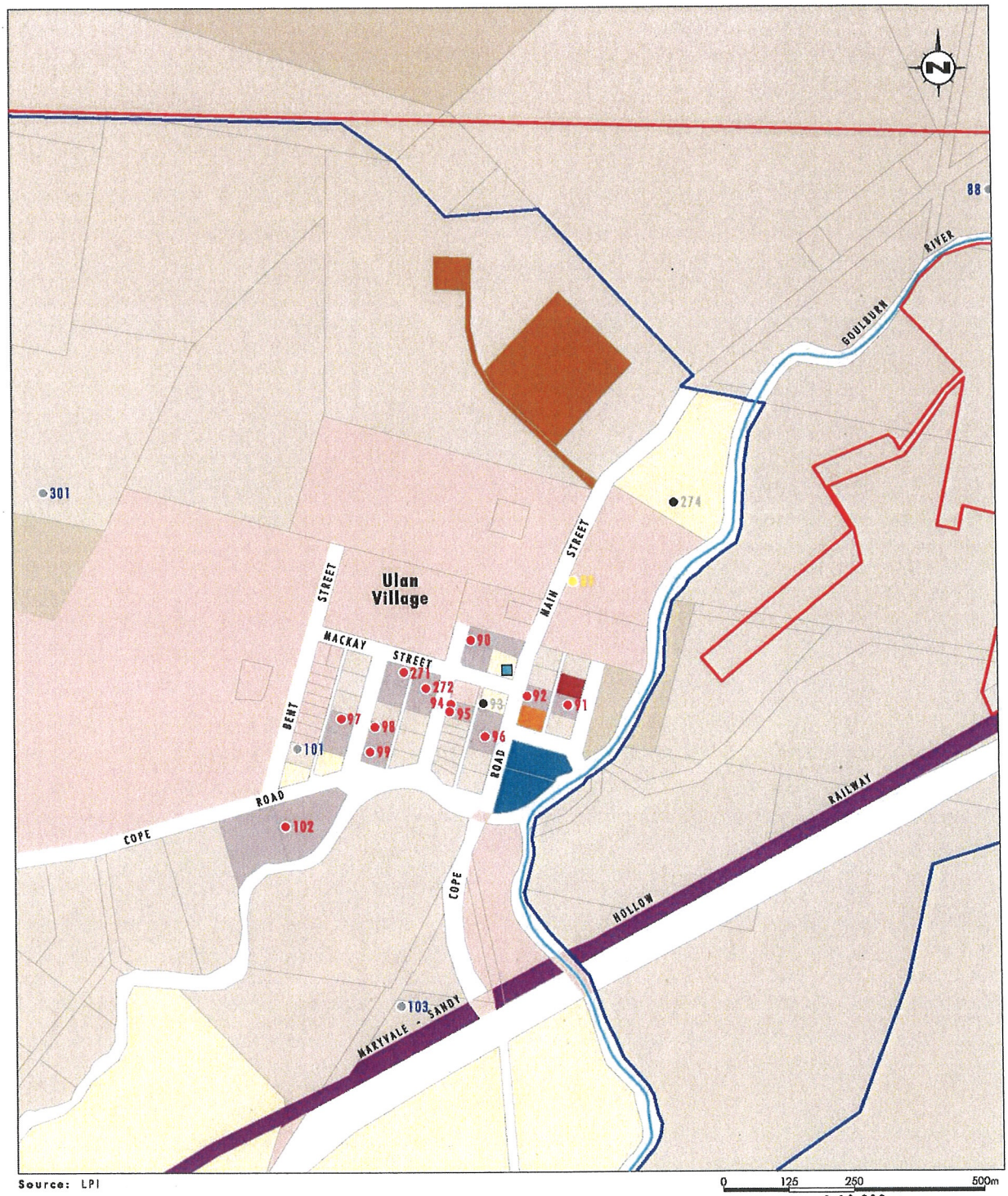
Source: Ulan Coal

0 1.0 2.5 5.0km
1:100 000

Legend

- Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- Approved Open Cut Extension
- Ulan West Mine Plan
- Ulan No.3 Mine Plan
- Previous Underground Mining Operations
- Proposed North 1 Underground Mining Area
- Box Cut Option
- Mid Western Regional Council
- Anglican Property Trust Diocese of Bathurst
- Mine Owned (Moolarben)
- State Conservation Area
- State Rail Authority of NSW
- State Forests of NSW
- Crown Land
- Crown Land Licensed (UCML)
- Crown Land Leased (Private)
- National Park
- Country Energy
- Industrial
- The State Of NSW (Trigonometrical Station)
- Orica Australia Pty Limited
- Department of Education and Training
- Mine Owned (UCML)
- Private
- Mine Owned Residence (Moolarben)
- Mine Owned Residence (UCML)
- Private Residence
- Ulan Community House
- Industrial Property

Land Ownership



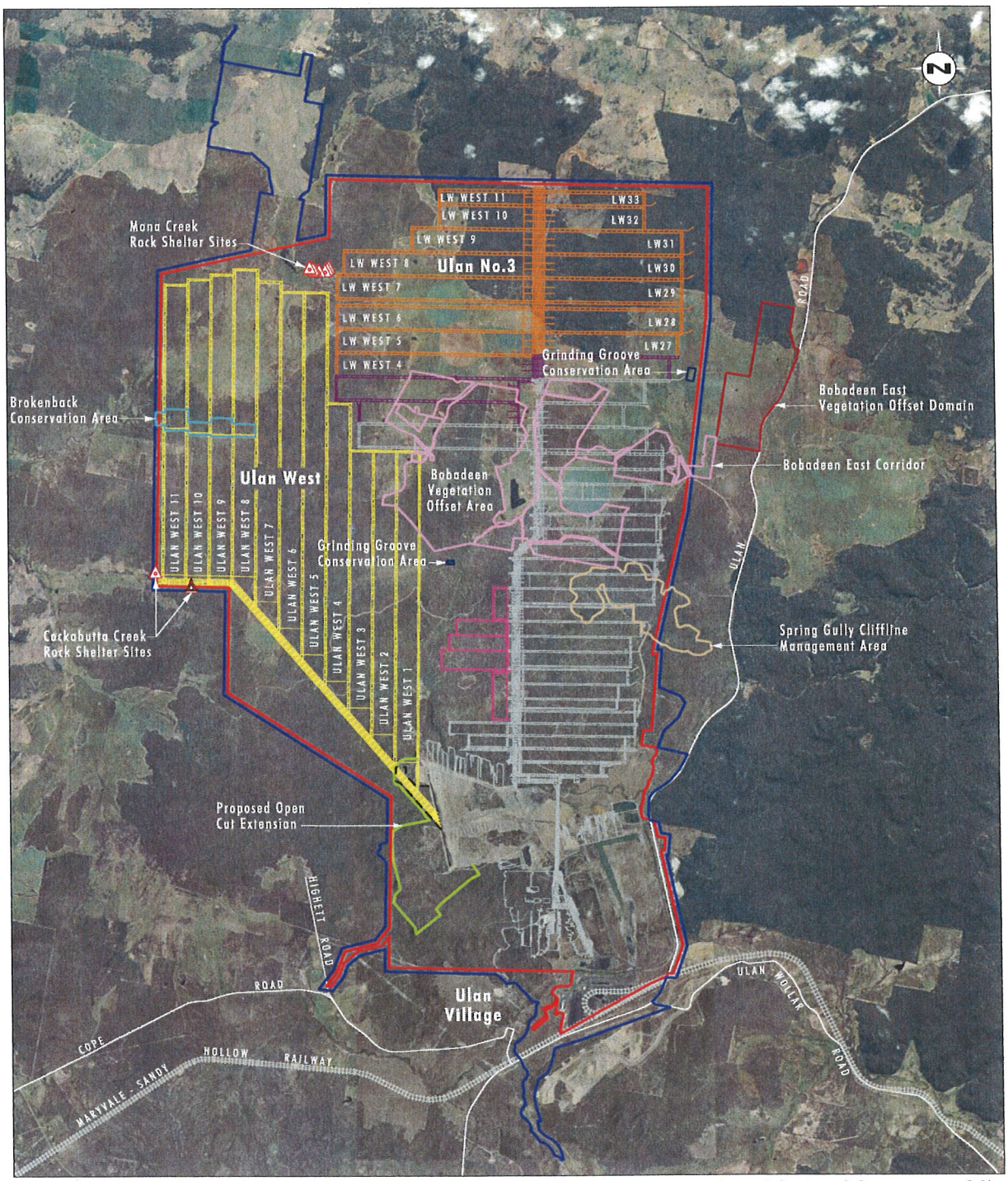
Legend

- Colliery Holding Boundary
- Project Boundary
- Crown Land
- Country Energy
- Private
- Mined Owned (UCML)
- Mined Owned (Moolarben)
- Mid Western Regional Council
- Department of Education and Training
- Crown Land Leased (UCML)
- State Rail Authority of NSW
- Anglican Property Trust Diocese of Bathurst
- Private Residence
- Mine Owned Residence (UCML)
- Mine Owned Residence (Moolarben)
- Ulan Community House
- Ulan Pub

Land Ownership Ulan Village

File Name (A4): R05_V1/2423_169.dgn

APPENDIX 4
OFFSET STRATEGY



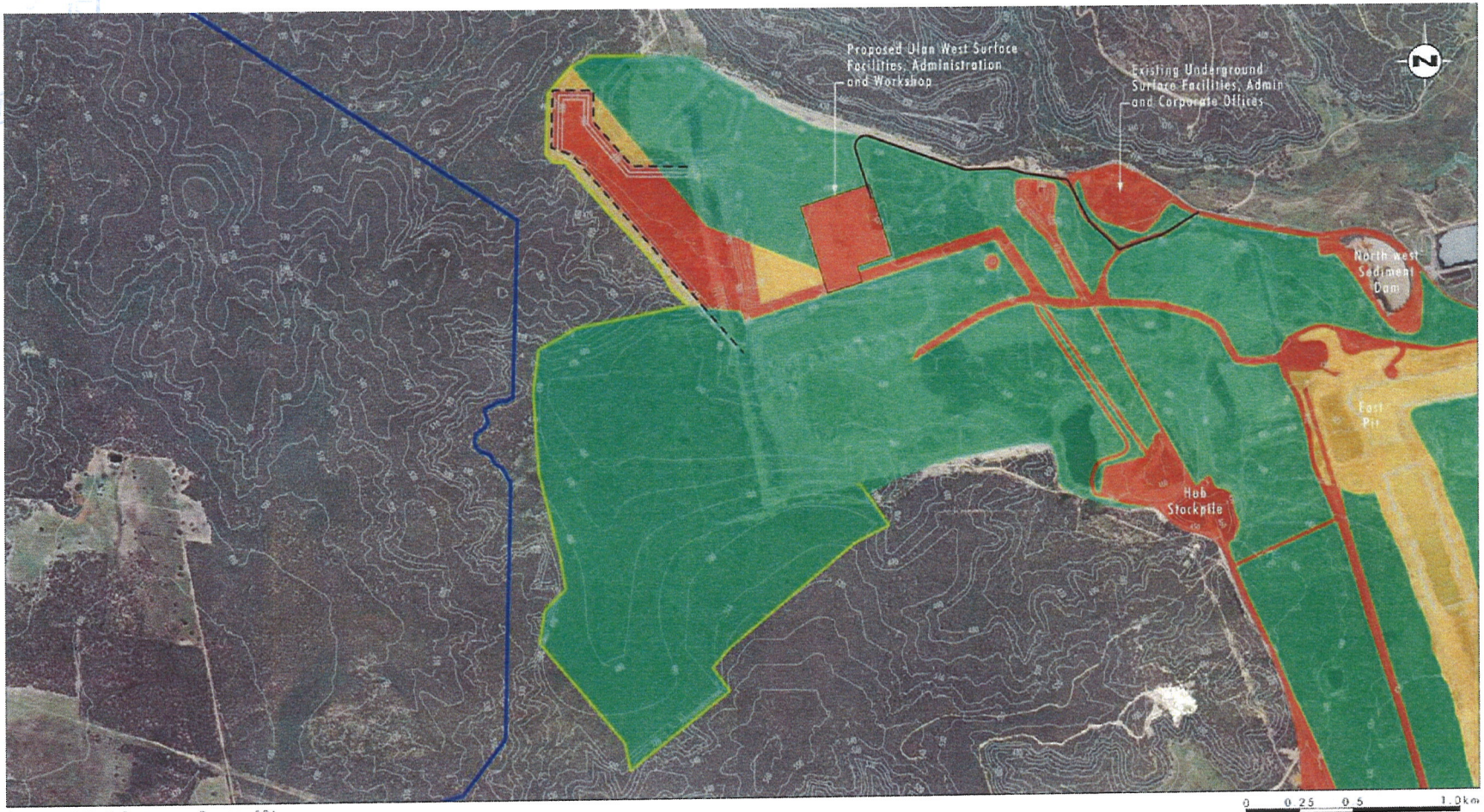
Source: Ulan Coal, Aerial Photo December 2007

0 1.0 2.5 5.0km
1 100 000

Legend

- Colliery Holding Boundary
- Project Boundary
- Proposed Open Cut Extension
- Proposed Ulan West Mine Plan
- Ulan No.3 Underground Mine Plan
- Previous Underground Mining Operations
- Current Mining and SMP Approved Area
- Proposed 1 North Mine Plan
- Bobadeen Vegetation Offset Area
- Brokenback Conservation Area
- Spring Gully Cliffline Management Area
- Grinding Groove Conservation Area
- Bobadeen East Vegetation Offset Domain
- Box Cut Option

Offset and Management Area



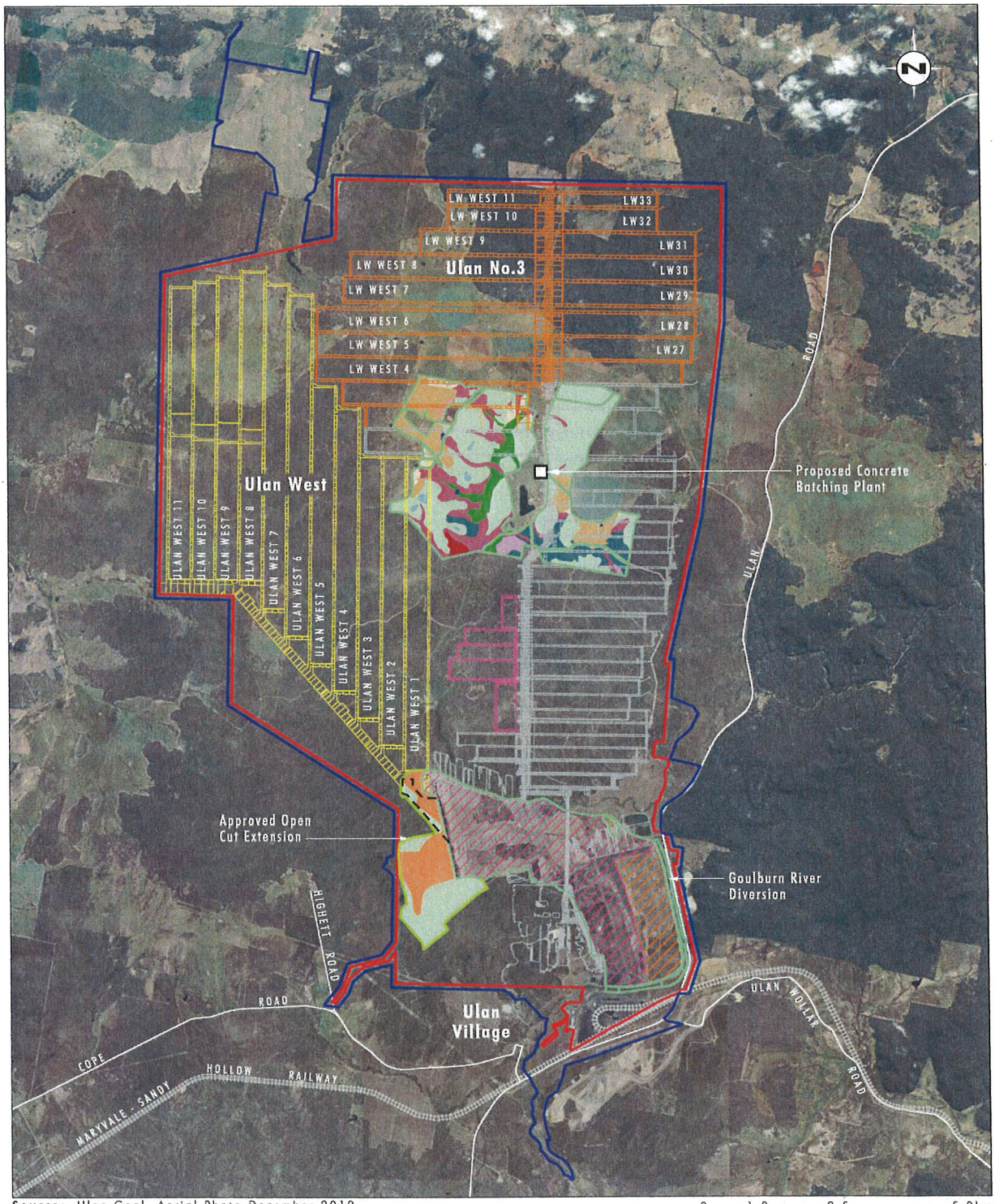
Source: Arkhill Engineers, Downer EDI
Note: 1 Contour interval 10m
2 Refer to figure 5.4.3 to 5.4.7 for the Surface Water Management

Legend

- Project Boundary
- Proposed Open Cut Extension
- Infrastructure/Stockpile
- Rehabilitation
- Unshaped Overburden
- Proposed Access Road
- Box Cut Option

Conceptual Open Cut Mining and Progressive Rehabilitation Year 12

File Name [A4]: R05_V1/2423_318.dgn



Source: Ulan Coal, Aerial Photo December 2010

0 1.0 2.5 5.0km
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Legend

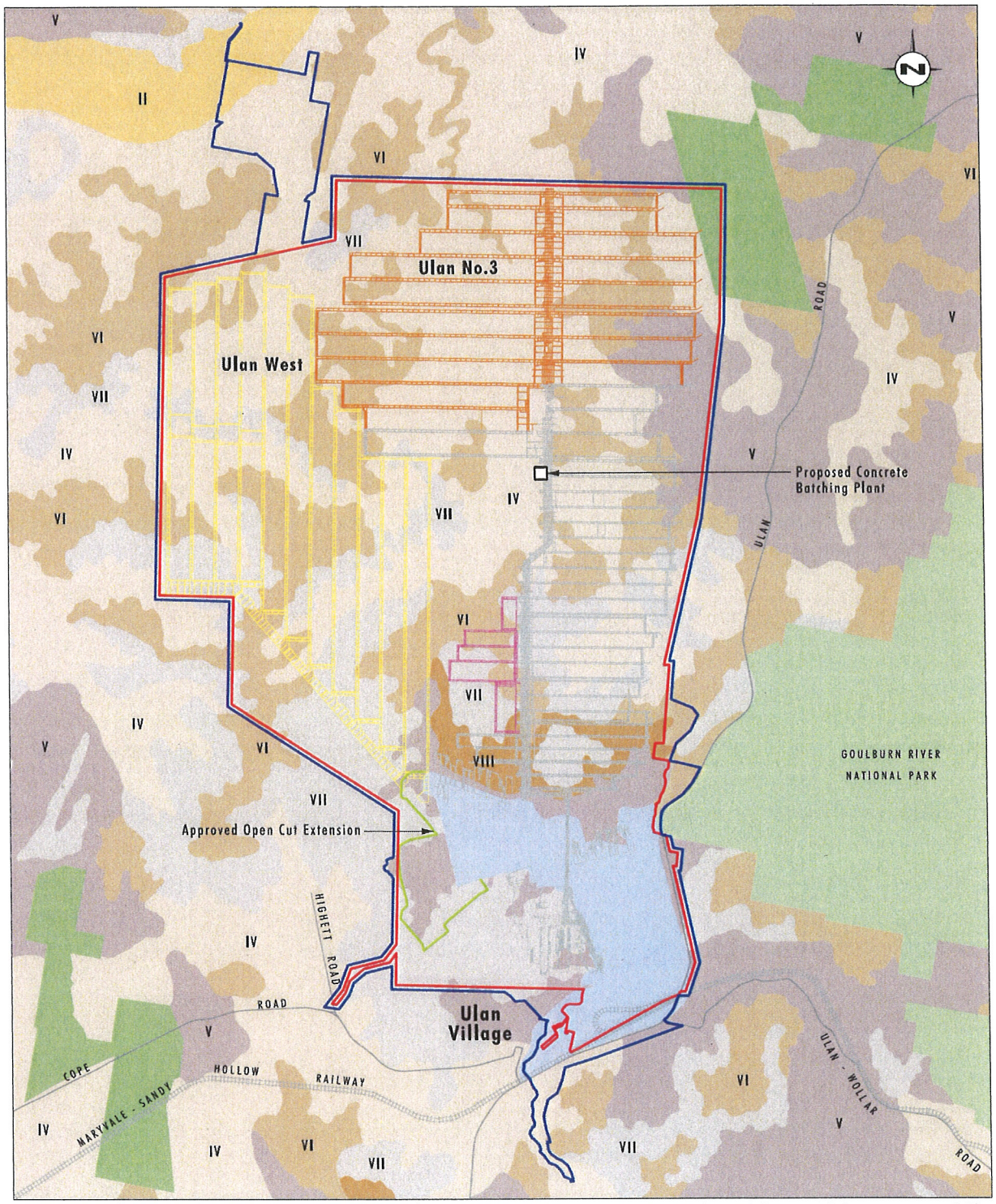
- Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- Approved Open Cut Extension
- Ulan West Mine Plan
- Ulan No.3 Mine Plan
- Previous Underground Mining Operations
- Proposed North 1 Underground Mining Area
- Box Cut Option
- Proposed Concrete Batching Plant
- Rehabilitation Areas

Post-Revegetation Communities:

- Ironbark Open Forest Complex on Sandstone
- Modified White Box Woodland
- Narrow-leaved Ironbark Open Forest & Scribbly Gum Woodland - Heathland on Sand Plateaux
- Narrow-leaved Ironbark Open Forest on Alluvium/Colluvium
- Rough-barked Apple Open Forest
- Scribbly Gum Woodland - Heathland on Sand Plateaux
- She-oak Low Forest on Sandstone Crests
- Stringybark-Ironbark Open Forest on Sandstone Slopes
- Blakely's Red Gum Open Forest

Revegetation Areas

- Cleared
- Derived Native Grassland
- Grey Box Woodland
- Improved Pasture
- Unimproved Pasture
- Water Bodies
- White Box Woodland
- Open Woodland
- Woodland



Source: Umwelt (2009), Lands NSW (2007) and Ulan Coal

0 1.0 2.5 5.0km
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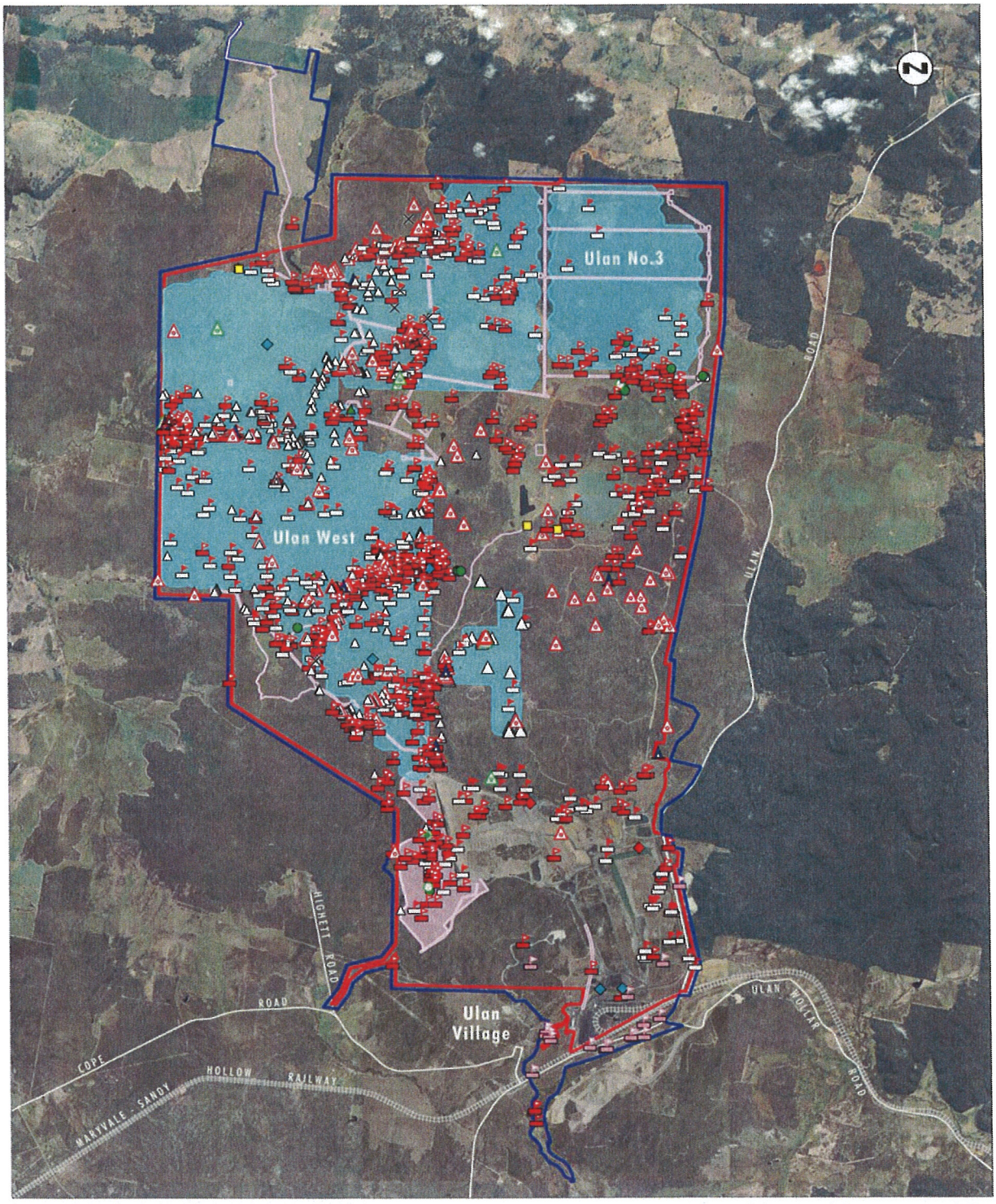
Legend

- Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- Approved Open Cut Extension
- Ulan West Mine Plan
- Ulan No.3 Mine Plan
- Previous Underground Mining Operations
- Proposed North 1 Underground Mining Area
- Proposed Concrete Batching Plant
- National Park

Land Capability

- II Suitable for Regular Cultivation
- III Suitable for Grazing with Occasional Cultivation
- IV Suitable for Grazing with Occasional Cultivation (Structural Soil Conservation Works Required)
- V Suitable for Grazing with No Cultivation
- VI Other (Land Best Protected by Green Timber)
- VII Other (Unsuitable for Agricultural and Pastoral Production)
- VIII Mining and Quarrying Area
- State Forest

APPENDIX 6
ABORIGINAL HERITAGE SITES



Source: Ulan Coal, SouthEast Archaeology 2009 and Aerial Photo December 2007

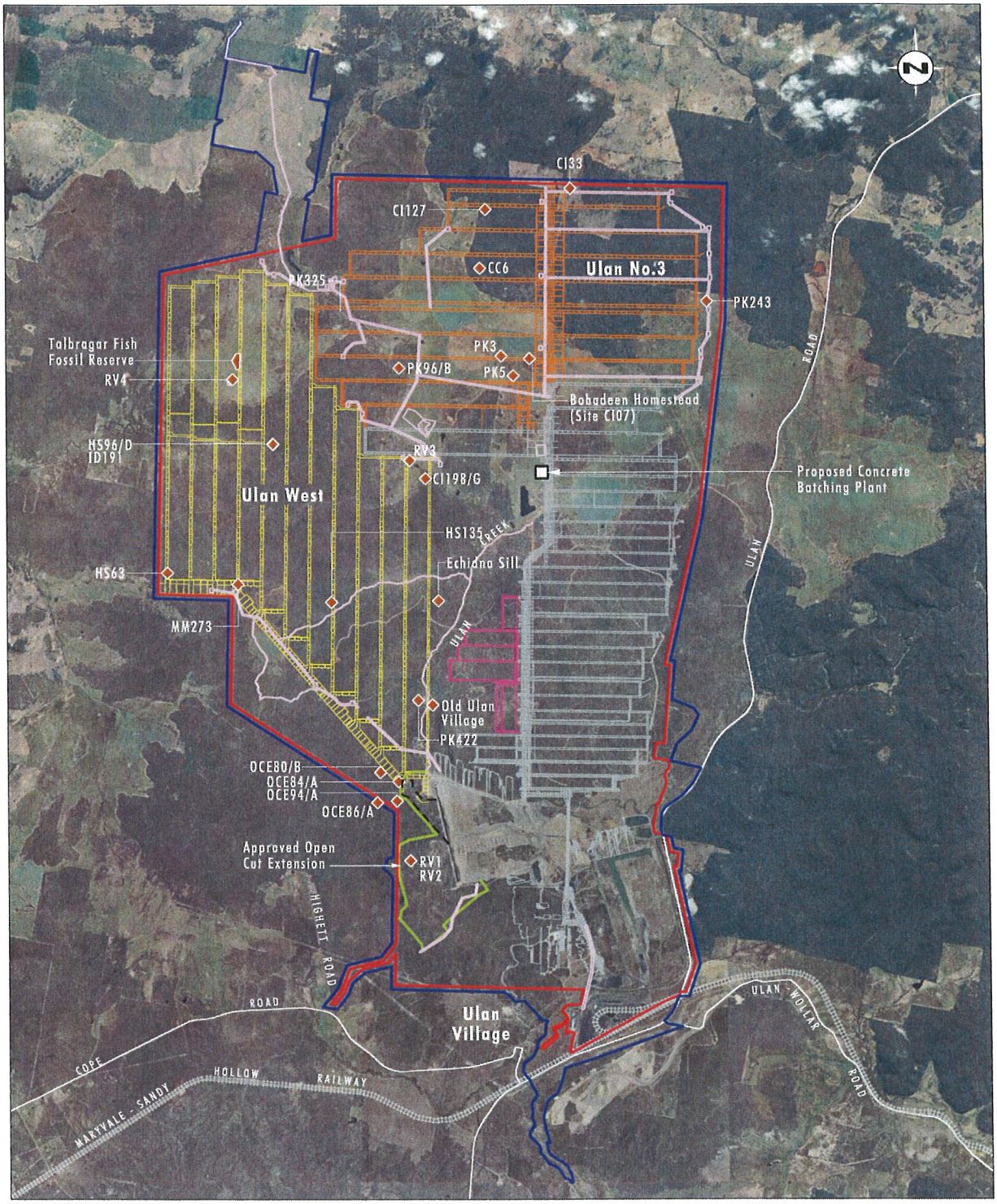
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Legend

- Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- Potential Surface Impacts
- Potential Subsidence Impacts
- Artefact Scatter
- Grinding Grooves
- Grinding Grooves and Artefact Scatter
- Isolated Find
- Ochre Quarry
- Open Site
- Rockshelter with Art
- Rockshelter with Art and Artefacts
- Rockshelter with Artefacts
- Rockshelter with Grinding Grooves
- Rockshelter with PAD
- Waterhole/Well
- Rockshelter with Art and Grinding Grooves and Artefacts
- Rockshelter with Grinding Groove and Artefact
- Scarred Tree
- Scarred Tree and Artefact Scatter
- Stone Arrangement

Aboriginal Site Locations

APPENDIX 7
HERITAGE SITES



Legend

- Colliery Holding Boundary
- UCML Continued Operations Project Approval Area
- Approved Open Cut Extension
- Ulan West Mine Plan
- Ulan No.3 Mine Plan
- Previous Underground Mining Operations
- Proposed North 1 Underground Mining Area
- Box Cut Option
- Proposed Concrete Batching Plant
- Historical Sites/Items
- Infrastructure Footprint

European and Natural Heritage Sites/Items within Project Area

APPENDIX 8
GENERAL TERMS OF THE PLANNING AGREEMENT

Investment Area	Proposed Planning Contribution	Contribution Amount	Instalment Schedule	Comment
Social	Community Infrastructure Fund	$3.475 Million	To be paid in 2 installments, with: • $2 Million to be paid within 30 days of the plannining agreement being made; and • $1.475 million to be paid within a year of the first payment.	Funding arrangements to be subject to a set of governance arrangements agreed to by Council and the Proponent.
Roads & Traffic	Contribution towards the maintenance of Cope Road	$1.05 Million (21 x $50,000)	• To be paid annually, with the first installment being paid within 30 days of the planning agreement being made; and • Payments to be adjusted annually for CPI.	-
TOTAL		**$4.525 Million**		

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APPENDIX 9
STATEMENT OF COMMITMENTS

Commitment	
Hours of Operation, Concept Mine Plan and Rail Haulage	
Hours of Operation	
6.2.1	Mining and associated activities for the Project may be undertaken 24 hours a day, seven days a week.
6.2.2	Construction will generally be undertaken between 7.00 am and 7.00 pm daily. Construction activities may occur outside these hours when UCML is satisfied that such activities are inaudible at nearest private residences.
Refinement of Mine Plan	
6.2.3	Any refinements to the concept mine plan outlined in this EA report will be detailed and assessed as part of Extraction Plans required by the project approval or other relevant process.
6.2.4	The locations of ancillary surface infrastructure required to support underground mining will be documented and detailed within the operational approvals required for UCML to continue its mining and associated activities.
Rail Haulage	
6.2.5	The peak number of trains from UCML will be limited to a maximum of 10 per day i.e. 20 train movements.
6.2.6	No product coal will be transported from site by road transport except in an emergency situation with prior approval of the Director General.
6.2.7	Annual average and maximum daily train movements and tonnages will be reported in the Annual Environmental Management Report (refer to commitment 6.17.1).
Subsidence	
6.3.1	Where a potential subsidence impact is predicted on private property, UCML will prepare a Private Property Subsidence Management Plan for each of the potentially affected private landholders. These plans will clearly outline impacts of mining on the property and the management and remediation measures to be implemented, by agreement with the landowner.
Groundwater	
6.4.1	A groundwater monitoring program will be implemented for the Project as outlined in **Section 5.3**, or as otherwise agreed by the Director General, in accordance with the water management plan for the project. The groundwater monitoring program will include: • Continued measurement of groundwater levels, pressures and water quality within the existing regional network of monitoring bores and an expanded network as underground mining progresses to the north and west, specifically considering: ▪ depressurisation monitoring of at least three multi level piezometer strings equipped with vibrating wire transducers (or equivalent) and distributed within the Permian-Triassic strata; ▪ strata hydraulic conductivity measurement on rock core obtained at these above noted piezometer locations; ▪ daily or more frequent monitoring of pore pressures and piezometric elevations by installed auto recorders in selected new piezometers. • Mine water seepage monitoring, including: ▪ measurement of all water pumped underground and all mine water pumped to surface on a daily basis. Measurement will be undertaken using calibrated flow meters or other suitable gauging apparatus; ▪ routine monitoring of coal moisture content delivered from the working face, ventilation humidity and any build up of water storage in the goaf. Groundwater monitoring will include: ▪ monthly monitoring of basic water quality parameters pH and EC in pumped mine water. ▪ six monthly monitoring of pH and EC in the regional monitoring network. ▪ annual measurement of total dissolved solids (TDS) and speciation of water samples in selected piezometers to support identification of mixing of groundwater types. ▪ graphical plotting of basic water quality parameters and identification of trend lines

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	and statistics including mean and standard deviation calculated quarterly. Comparison of trends with rainfall and any other identifiable processes that may influence such trends. The monitoring network and monitoring programme will be reviewed on an annual basis to determine ongoing suitability and any proposed changes will be discussed in the annual review of monitoring results.
	Monitoring Review and Management Strategy
6.4.2	The results of groundwater monitoring and a comparison of measured and predicted impacts will be reported in the annual review required by project approval conditions.
6.4.3	Impacts on the privately owned licensed bores identified in **Section 5.3** as being potentially affected, will be assessed by monitoring and in the event that any utilised privately owned bore is significantly adversely affected, an alternative water supply will be provided by UCML until such time as the bore is re-established or replaced, or appropriate compensation established, in accordance with project approval requirements.
6.4.4	The groundwater monitoring results will be analysed (graphically and statistically) as new results become available i.e. quarterly or six monthly. In addition, a monitoring review and verification process will be established as part of the Water Management Plan process, to verify regional groundwater losses as necessary to refine groundwater mitigation strategies.
6.4.5	Identification of any changes or long term trends in groundwater outside the predicted impacts will result in an investigation to determine if the trend is a result of the Project operations and if so, identify management strategies to be implemented to address the identified issues as per UCML's Internal TARP process (T – trigger; A – Action; R – response; P – Plan).
6.4.6	Review of depressurisation of coal measures and comparison of responses with aquifer model predictions will be completed every two years. Expert review will be undertaken by a suitably qualified hydrogeologist, and reported in accordance with the process set out in the Water Management Plan.
	Surface Water
6.5.1	As described in **Section 5.4**, UCML will implement clean water divisions to minimise the volume of water to be handled within the mine water management system.
6.5.2	The staged remediation strategy for the Goulburn River Diversion will be implemented, generally as described in **Section 5.4**.
6.5.3	In addition to the detailed mine water seepage monitoring outlined in Commitment 6.4.1, water usage, rainfall, dam volumes and discharges (including transfers) will be monitored to assist in the management of the mine water management system. This monitoring will be conducted in a manner that enables the detailed water balance to be maintained and updated at least annually for ongoing operations. The water balance will be used on an ongoing basis for operational management and will also be reported in annual review required by project approval conditions.
6.5.4	Subsidence monitoring will include pre and post mining within drainage lines. This will include monitoring of the presence of surface cracking, surface ponding or out of channel flows and remediation measures as appropriate (refer to **Section 5.4**).
6.5.5	Water which is in excess of UCML operational needs will be managed in accordance with the following hierarchy: 1. water sharing; 2. Bobadeen Irrigation; and 3. offsite discharge.
6.5.6	UCML will undertake a research study on the Talbragar River commenced at least six months prior to any discharge into this waterway. The study is to require UCML to satisfy the following: 1. Establish baseline ecological, hydrological and geomorphological conditions of the Talbragar River downstream of the discharge point. 2. develop a flow release protocol at the discharge point to maintain the conditions identified in (1) 3. develop a monitoring program to review the effectiveness of the release protocols.

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	Ecology
6.6.1	Underground mining will not be undertaken within the Brokenback Conservation Area, as shown on **Figure 1.2**.
6.6.2	UCML will utilise existing disturbed ground areas, where practicable, for the placement of infrastructure associated with underground mining, to avoid impact on significant ecological features such as the White Box Woodland TEC.
6.6.3	Surface infrastructure, e.g. pipelines, power lines and roads, will be co-located, where practicable, to minimise ground disturbance.
6.6.4	UCML will rehabilitate and revegetate the open cut to self-sustaining native vegetation communities, being Grey Box Woodland and Ironbark Open Forest Complex on Sandstone communities which are characteristic of the pre-mining composition.
6.6.5	Revegetation works will use local provenance species, where possible.
6.6.6	The results of the ecological monitoring and management measures will be reviewed and reported annually, in accordance with project approval requirements. Management measures will be adapted, as required, on the basis of monitoring outcomes.
6.6.7	UCML proposes to provide for long term conservation of the Bobadeen Vegetation Offset Area. The appropriate mechanism for achieving this long term conservation security will be determined in accordance with project approval requirements. At this stage it is proposed to involve rezoning for environmental protection
6.6.8	A rehabilitation area within the post-mining open cut area will be established to trial the success of *Acacia ausfeldii* seed germination. Should this trial prove unsuccessful UCML will establish a suitable offset which is located outside any future mining area in consultation with DECCW and DoP.
6.6.9	The design and construction of water crossings will be undertaken in accordance with the NSW Fisheries guidelines for Fish Friendly Waterway Crossings and in liaison with NSW Fisheries.
	Aboriginal Archaeology
6.7.1	Impacts to the Mona Creek 23-30 rockshelter sites (ID# 180-187) and the Cockabutta Creek 18-20 sites (ID# 160-162) will be avoided under this project.
6.7.2	Detailed recording of the stone arrangements (ID# 589, 603, 697 and 700) will be undertaken, prior to commencement of secondary extraction under these sites.
6.7.3	Archaeological survey of all potential impact areas that could not be accessed during the present investigation will be completed prior to any impact occurring in these areas.
	European and Natural Heritage
6.8.1	UCML will carry out archival recording of Old Ulan Village and Bobadeen Homestead to Heritage Branch, Department of Planning standards prior to longwall mining within 100 metres of the structure.
6.8.2	A Conservation Management Plan or Strategy will be prepared for the site of Old Ulan Village, in accordance with project approval requirements, to ensure appropriate short and long term management strategies are determined. This will include a maintenance strategy for Old Ulan Village, to be developed prior to longwall mining within 100 metres of the structure.
6.8.3	The Talbragar Fish Fossil Reserve will be secured with appropriate fencing and suitable signage subject to landowner approval.
	Air Quality
6.9.1	Measures to minimise dust emissions from the operation will be included in the project design such as enclosures on top of overland conveyors and spray systems for permanent coal stockpiles where practicable.
6.9.2	The Project will minimise the total disturbance footprint and the area of untreated hardstand to the minimum practicable;
6.9.3	UCML will continue to implement existing dust controls, including: • watering of active mining areas, active spoil emplacement areas and haul roads that are subject to frequent vehicle movements; • all drill rigs are equipped with dust control systems and are regularly maintained for effective use; • automatic sprays fitted to dump hopper and crushing plant to minimise dust from coal processing activities; • topsoil stripping is preferentially undertaken when there is sufficient moisture content in the soil; • minimising the area of disturbance by restricting vegetation clearing ahead of mining operations, rehabilitating mine spoil dumps as soon as practicable after mining and

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	using existing facilities and infrastructure where possible; • restricting blasting activities during adverse weather conditions
6.9.4	UCML will continue to implement the current spontaneous combustion management system to address the coal's susceptibility to spontaneous combustion, which includes procedures for identifying potential sources of carbonaceous material with spontaneous combustible properties and methods for handling and disposing of these materials.
	Noise and Vibration
6.10.1	UCML will implement all reasonable and feasible measure to minimise the noise impact from the Project at residences.
6.10.2	UCML will design and undertake blasts to ensure the relevant vibration and blast overpressure criteria are met at private residences, unless there is an agreement with these residents in relation to blast impacts above the relevant criteria.
6.10.3	UCML will consult with residents surrounding the project area prior to the first blast on site and identify those residents that may wish to be notified of blasting times on an ongoing basis.
6.10.4	UCML is committed to ameliorating any low frequency noise issues due to the Project in accordance with best practice guidelines and management practices, when the issue is identified.
6.10.5	Minor blasts such as that associated with small scale construction projects i.e. construction of ventilation shafts will not be limited in terms of frequency or require monitoring where UCML confirms by design and prediction prior to blasting that the overpressure and vibration levels will be less than 95dBL and 1 mm/sec at all private buildings or structures.
	Traffic and Transport
6.11.1	UCML will participate in the preparation and implementation of the Ulan Road Strategy, in accordance with project approval requirements.
	Visual
6.12.1	UCML will implement the following visual controls to screen or filter views of project infrastructure from residential and public road locations: • maintaining vegetation screening along Ulan Road; • ensuring that all lighting associated with the Project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting; • all buildings and infrastructure potentially visible to the public to be coloured in suitable natural tones, where practicable; • directing light towards work areas and not towards private residences; • progressive rehabilitation of disturbed areas; and • revegetation will be progressively undertaken of the Goulburn River Diversion, as described in Section 5.4 of the EA.
	Greenhouse Gas and Energy Assessment
6.13.1	UCML will continue to implement their existing greenhouse gas and energy management commitments, as described in **Section 5.12**.
6.13.2	UCML will investigate and implement where feasible GHG and energy management and mitigation initiatives during the design, operation and decommissioning of the Project.
6.13.3	UCML will continue to monitor and seek to improve its energy and greenhouse gas performance against performance targets.
6.13.4	UCML will report is greenhouse and energy performance via legislative reporting requirements.
	Decommissioning and Mine Closure
6.14.1	Within 12 months of project approval, UCML will revise the current conceptual mine closure plan. A detailed closure planning process will be undertaken for the Project five years prior to cessation of mining.
6.14.2	Decommissioning of the mining operations and surface facilities associated with the Project will occur progressively throughout the life of the Project, in accordance with conditions of the relevant mining titles. This will include progressive decommissioning of mine entries, ventilation fans, ventilation shafts, borehole facilities and associated surface facilities. A decommissioning plan will be prepared for each stage as part of the extraction plan and/or rehabilitation management plan process.
	Waste
6.15.1	The management of waste materials generated by the construction and operation of the Project will be managed through the design; procurement of construction materials and purchasing; identification and segregation of reusable and recyclable materials; processing materials for recycling; and considering environmental impacts for waste removal processes.

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Community	
Economic Development – Employment, Education and Training	
6.16.1	UCML currently aims to maximise local employment and provide training and education opportunities through: • Advertising employment, apprenticeships and traineeships in local media; • Providing an employment pack that allows local residents to register their interest in employment opportunities at the UCML office; • Sharing information about mining careers at UCML and corporate entity with local schools; • Offering training opportunities through partnerships with local tertiary education providers; • Participating in the corporate school scholarship program; and • Continued implementation of Corporate and UCML Corporate Social Involvement (CSI) programs.
6.16.2	In addition to current practices, UCML proposes to: • Formalise a policy that gives local residents employment preference where they have the required skills and experience, and demonstrate a cultural fit with the organisation; • Provide access to the corporate careers centre via the UCML website so that local residents can easily register their interest in employment online; and • Develop partnerships with other local organisations, such as the Mudgee Regional Tourism Inc. Committee, to promote employment opportunities in non-mining related sectors to the families of UCML employees.
Economic Development –Business Opportunities	
6.16.3	UCML will continue to implement XCN Procurement Policy giving preference to sourcing materials and services from local companies where all other commercial factors are equal.
Quality of Life – Community Investment	
6.16.4	UCML will review its social involvement program three yearly in consultation with key stakeholders such as the Community Consultative Committee and Mid-Western Regional Council to ensure the program's focus areas remain relevant and address issues of greatest community need/challenge.
6.16.5	UCML will continue to reduce the impacts of its workforce on local health services by continuing current activities such as: • Running an in-house annual influenza vaccination program; • Providing in-house employee medical assessments every three years; • Offering First Aid training to employees; • Delivering a health promotion program for UCML employees; • Encourage raising funds for health-related causes (e.g. hospital equipment, the Cancer Foundation etc) through staff volunteering and fund raising activities.
Quality of Life – Road Safety	
6.16.6	UCML will continue to promote safe driver practices in its internal newsletter and apply a driver fatigue policy to all employees
6.16.7	UCML will investigate the possibility of providing a bus to transport workers as part of the Ulan Road Strategy, required by project approval conditions.
Cumulative Impacts	
6.16.8	UCML will continue to work with representatives from neighbouring mines to discuss and address issues of common concern in relation to management of cumulative impacts, in accordance with project approval requirements.
6.16.9	Ulan Coal Mines will participate in any working parties / forums which Council or government may establish to address the impact of regional development on health care, land availability, education and childcare services.
Residential Subdivision Commitments	
6.16.10	UCML will develop the remaining 74 residential allotments required to complete the obligations outlined in the Deed of Agreement (1983) signed by the Minister, UCML and Council in relation to the development of 250 serviced residential lots, as part of the former approval of Ulan Colliery. This development will be completed in consultation with Mid Western Regional Council (MWRC) to stage the subdivision release to meet predicted residential demand in accordance with the MWRC Land Use Strategy.
Voluntary Planning Agreement	
6.16.11	By the end of December 2011, UCML will seek to enter into a planning agreement with

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	Council in accordance with Division 6 of Part 4 of the EP&A Act. This agreement will take into account the above mentioned commitments and any relevant contributions under previous consents for mining operations on the site, in order to provide for further reasonable contributions towards the provision of local infrastructure and services to meet the demand generated by the project in the Mid-Western Regional local government area. The agreement will also take into account the contributions made to development and maintenance of the public road system, in accordance with relevant project approval conditions.
Environmental Management, Monitoring, Auditing and Reporting	
Annual Review	
6.17.1	UCML will prepare an Annual Review, in accordance with project approval requirements.
Surrender of Redundant Development Consents	
6.17.2	UCML will surrender all other development consents that relate to activities that are adequately covered in the new project approval, in accordance with the new project approval conditions.
Independent Environmental Audit	
6.17.3	UCML will commission and pay the full cost of an Independent Environmental Audit of the Project in accordance with project approval conditions.

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