

CONSERVATION AGREEMENT

BETWEEN

THE MINISTER ADMINISTERING
THE NATIONAL PARKS AND WILDLIFE ACT 1974 (NSW)

AND


Ulan Coal Mines Limited

FOR

Brokenback Conservation Area – Area 1



Ulan Coal Mines Limited Director (Print name and sign)



Ulan Coal Mines Limited Director/Secretary (Print name and sign)

ANTHONY LEAH

Chief Executive OEH (Print name and sign)



<<This page to be signed by all parties to the Agreement>>

CONSERVATION AGREEMENT UNDER PART 4 DIVISION 12 OF THE NATIONAL PARKS AND WILDLIFE ACT 1974

THIS AGREEMENT is between the **Minister** administering the NSW *National Parks and Wildlife Act 1974* (**Minister**) and **Ulan Coal Mines Ltd** the owner of part Lot 46 in Deposited Plan 750735 being the property known as the Brokenback Conservation Area - Area 1 (**Owner**).

BACKGROUND

- A The Owner is the registered proprietor of the Land. That part of the Land shown by hatching on Diagram A of Annexure A to the Conservation Agreement is the conservation area (Conservation Area). The Conservation Area is approximately 21.9 hectares in size.
- B The Conservation Agreement satisfies commitments made to secure biodiversity offsets relating to the Ulan Coal Mines Limited Project PA 08/0184 (NSW) and the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) Approval EPBC No 2009/5252).
- C It is the intention of the parties that the Conservation Area will not be used as a biodiversity offset or other conservation measure related to any future development or activity, consistent with current NSW Government policy.
- D The Conservation Area is to be managed to restore and protect the Conservation Values.
- E The Owner and the Minister recognise:
- i) The Conservation Area contains three plant community types (refer to Table 1, Annexure B):
- Red Ironbark - Black Cypress Pine - stringybark +/- Narrow-leaved Wattle shrubby open forest on sandstone in the Gulgong - Mendooran region, southern Brigalow Belt South Bioregion (PCT 478)
 - Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion (PCT 479)
 - Rough-barked Apple - Blakely's Red Gum - Narrow-leaved Stringybark +/- Grey Gum sandstone riparian grass fern open forest on in the southern Brigalow Belt South Bioregion and Upper Hunter region (PCT 481)
 - Potential habitat for one flora species listed as vulnerable under the NSW *Threatened Species Conservation Act 1995* (TSC Act), *Homoranthus darwinioides*.
- ii) The Conservation Area contains habitat for 30 vulnerable and 3 endangered species listed under the TSC Act, of these, 9 are also listed as either vulnerable, marine, migratory, endangered or critically endangered under the EPBC Act. Two threatened fauna species have been observed in the area (refer to Table 2, Annexure B).
- iii) The Conservation Area has good connectivity to the woodland areas which surround the site. The Conservation Area also has connectivity values with other Ulan Coal Mines Pty Ltd Conservation Areas: Brokenback Conservation Area is located immediately to the East-southeast and the Bobadeen offset areas which lies 3.8 kilometres to the east. All are linked by continuous native vegetation. Vegetation corridors to the east also link Area 1 to the Goulburn River National Park and Durrigere State Conservation Area.
- iv) The Conservation Area contains areas of cliff line and cave habitat which provides habitat for threatened species such as *Petrogale penicillata* (Brush-tailed Rock Wallaby), cave dependent micro-bat species such as *Chalinobus dwyeri* (Large-eared Pied Bat), *Miniopterus australis* (Little Bentwing Bat) and *Miniopterus schreibersii oceanensis* (Eastern Bent-wing Bat) as well as other non-threatened fauna species.

- v) The Conservation Area contains 17 identified Aboriginal objects that are listed on the Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) register as detailed in Table 3, Annexure B.

1 DEFINITIONS AND INTERPRETATION

1.1 Definitions

In the Conservation Agreement, unless the contrary intention appears:

"**Aboriginal Object**" means any deposit, object or material evidence (not being a handcraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

"**AHIMS Register**" means heritage sites and information managed by OEH under National Parks and Wildlife Act 1974 No 80 89A and in accordance with Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.

"**BC Act**" means the *Biodiversity Conservation Act 2016* and the regulations in force thereunder;

"**BCA1**" means the Brokenback Conservation Area 1 and refers to the Conservation Area;

"**Chief-Executive**" means the Chief-Executive of OEH or a person or organisation to whom the Chief Executive's rights and duties under this Conservation Agreement have been delegated;

"**Commencement date**" means the date on which the Minister signs the Conservation Agreement;

"**Conservation Agreement**" means this Conservation Agreement entered into under section 69B of the NPW Act;

"**Conservation Area**" means that part of the Land shown by hatching on Diagram A of Annexure A to the Conservation Agreement;

"**Conservation Values**" means the biodiversity values of the Conservation Area specified in Annexure B to the Conservation Agreement;

"**control**", in relation to the Land, means lawful occupation, possession or management of the Conservation Area;

"**controlled burning**" means the controlled application of fire under specified environmental and weather conditions to a predetermined area and at the time, intensity and rate of spread required to attain planned resource management objectives;

"**critical habitat**" has the same meaning as in section 4 of the TSC Act;

"**cultural heritage**" refers to the aesthetic, historic, scientific, social, spiritual or other values of a place and associated physical evidence and traditions held by past, present or future generations of peoples, including Aboriginal peoples;

"**damage**" has the same meaning as in section 5 of the NPW Act;

"**development**" has the same meaning as in section 69A of the NPW Act;

"**EPBC Act**" refers to the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth);

"**exotic plant**" means an introduced, alien, exotic, non-indigenous, non-native or a plant species living outside its native distributional range;

"**fauna**" has the same meaning as in section 5 of the NPW Act;

"**geo-heritage**" means any karst environment and any geological deposits and landforms that provide habitat for indigenous fauna and includes values identified as geo-heritage under the heading Conservation Values in Annexure B to the Conservation Agreement;

"**harm**" has the same meaning as in section 5 of the NPW Act;

"**indigenous fauna**" means a species of animal that was established in, or started regularly migrating to New South Wales prior to European settlement and includes fauna listed in Annexure B to the Conservation Agreement;

"**indigenous plants**" means a species of plant that was established in New South Wales prior to European settlement and includes plants listed in Annexure B to the Conservation Agreement;

"**Land**" means the land in folio identifier in part Lot 46 in Deposited Plan 750735, being the property known as the Brokenback Conservation Area – Area 1 - UCML (**Owner**).

"**Minister**" means the Minister for the time being administering the NPW Act and where not repugnant to the context includes the servants, agents and delegates of the Minister;

"**NPW Act**" means the *National Parks and Wildlife Act 1974* (NSW) and any regulations from time to time in force thereunder;

"**native fauna**" has the same meaning as "protected fauna" in section 5 of the NPW Act;

"**native plant**" has the same meaning as in section 5 of the NPW Act;

"**native vegetation**" has the same meaning as in the *Native Vegetation Act 2003* (NSW);

"**OEH**" means the Office of Environment and Heritage, the NSW Government Public Service agency responsible for administering the NPW Act or a person or organisation to whom OEH's rights and duties under this Conservation Agreement have been delegated;

"**Owner**" means the registered proprietor of the Land from time to time, being Ulan Coal Mines Limited as at the date of the Conservation Agreement, and includes any successors in title within the meaning of section 69E of the NPW Act;

"**pest animal**" means any non-native animal having, or with the potential to have, an adverse economic, environmental or social impact on the Conservation Area;

"**pesticide**" has the same meaning as in section 5 of the *Pesticides Act 1999* (NSW);

"**reasonable**" in relation to carrying out an activity, means making a legitimate effort and carrying out the activity in such a way as to have a minimal negative impact on the Conservation Values of the Conservation Area;

"**recovery plan**" means a recovery plan as defined in section 4 of the TSC Act, or a biodiversity conservation program established in accordance with Part 4 Division 6 of the BC Act;

"**road**" allows the passage of vehicles and persons and may be of more developed construction and surface improvement;

"**threatened species, populations and ecological communities**" and "**threatened species, population or ecological community**" have the same meaning as in the TSC Act;

"**TSC Act**" means the *Threatened Species Conservation Act 1995* (NSW);

"**track**" allows non-vehicular access only;

"**trail**" allows the passage of vehicles and persons and is of minimal construction, being of limited width and minimal surface improvement; and

"**Year 1**" means twelve month period following the Commencement date.

1.2 Interpretation

In the Conservation Agreement, except where the context otherwise requires:

- (a) words importing the singular number shall include the plural and masculine gender the feminine or neuter and vice versa; and
- (b) any reference to a person shall be deemed to include a corporate body and vice versa.

2 CONSERVATION AGREEMENT UNDER THE NPW ACT

- 2.1 The Minister enters into the Conservation Agreement relating to the Land with the Owner under section 69B of the NPW Act and clause 17(2) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.
- 2.2 The Owner acknowledges that the Minister, the Chief Executive or OEH may delegate some or all of their roles or duties under the Conservation Agreement to another person or organisation, including the Biodiversity Conservation Trust established under the BC Act. The Minister, the Chief Executive or OEH may give the Owner notice in writing of any change to their address for service of notices, and the Owner must use the address set out in any such notice.

3 TERM

The Conservation Agreement shall operate in perpetuity.

4 OBTAINING OF CONSENTS, PERMITS AND AUTHORISATIONS

The Owner is responsible for obtaining all necessary licenses, consents, authorisations, permits or approvals in order to lawfully comply with and carry out its obligations under the Conservation Agreement or to undertake or enable any other identified action or development under clauses 5 or 6.

5 USE OF THE CONSERVATION AREA

The Owner must not undertake, consent to or permit the following activities on or in the Conservation Area, unless provided for under the Conservation Agreement or with prior written consent of the Chief-Executive:

- (a) the sowing or planting of trees, grasses or other plants;
- (b) the introduction of any non-indigenous plants or non-indigenous fauna;
- (c) the entry of domestic animals including pets (except for the Owner's domestic pets, and only if kept under control/on a leash) and domestic livestock;
- (d) the use or application of fertilizers or pesticides;
- (e) the use of trail bikes, four wheel drive vehicles or any other vehicle off any formed road (except for management purposes, research, firefighting and/or any emergency requirements);
- (f) any works, especially any revegetation work, or any development which has the potential to adversely impact on any of the Conservation Values;
- (g) the removal of any biological or inorganic component of the Conservation Area;
- (h) any works which will adversely affect the natural flows of water;
- (i) grazing of domestic livestock;
- (j) any act or omission that may harm any native fauna, native plants, their habitats, cultural heritage or geo-heritage in the Conservation Area or the Conservation Values;
- (k) the construction of any new road, access track, trail, building or internal fencing; and
- (l) subdivide the Conservation Area.

6 MANAGEMENT OF THE CONSERVATION AREA

- 6.1 The Owner must undertake the management actions and achieve aims listed in Item 1 and Item 2 of Annexure C to the Conservation Agreement on or in the Conservation Area, at the times specified in Item 1 of Annexure C to the Conservation Agreement, for a minimum period of 10 years from the Commencement date.
- 6.2 The Owner must undertake the management actions listed in Item 2 of Annexure C to the Conservation Agreement on or in the Conservation Area, from Year 11 for the duration of the Conservation Agreement.
- 6.3 The Owner must undertake the management actions specified above (in clauses 6.1 and 6.2) according to the permissions and guidelines specified in Item 3 of Annexure C.
- 6.4 The Owner may undertake additional management actions (not specified in clauses 6.1 and 6.2 above) listed in Item 3 of Annexure C to the Conservation Agreement on or in the Conservation Area, if carried out in the manner prescribed in Item 3 of Annexure C to the Conservation Agreement.

7 MONITORING

- 7.1 The Owner must engage a suitably qualified person (such as an ecologist) to undertake the monitoring program as set out in Annexure D to the Conservation Agreement (Monitoring Program).
- 7.2 The Monitoring Program must be undertaken for a minimum 10 year period after commencement of the Conservation Agreement.
- 7.3 The Monitoring Program may be reviewed and varied after the commencement date of the Conservation Agreement with written approval from OEH.

8 REPORTING OBLIGATIONS

- 8.1 Following completion of the Monitoring Program the Owner should (at least every three years) submit to OEH basic photo point photos for the purpose of identifying changes occurring in the Conservation Area. At the time of submitting the photos, the Owner must also report any unforeseen deterioration of any of the Conservation Values specified in Annexure B, or any threat to the Conservation Values specified in Annexure B. This will form the basis for decisions about ongoing management actions for the Conservation Area.

9 USE OF THE CONSERVATION AREA BY SERVANTS, AGENTS, LESSEES OR LICENSEES

The Owner must incorporate the terms of the Conservation Agreement in any lease or licence issued over the Conservation Area, and at all times ensure that any servant, contractor, consultant, agent, lessee, licensee occupying the Conservation Area shall be aware of the relevant provisions of the Conservation Agreement.

10 CHANGE OF OWNERSHIP

- 10.1 The Owner must notify the Chief-Executive in writing of any change of ownership or control of the Land within twenty-eight (28) days after the change of ownership or control. The notice must include the name and address of the new Owner of the Land or person in control of the Land.

- 10.2 If the Land is sold or ownership transferred within the first 10 years of this Agreement, the management actions listed in Item 1 of Annexure C and the Monitoring Program detailed in Annexure D must be carried out by the new owner for the remaining period.

11 RIGHT TO INSPECT

The Minister may, at any time upon first giving reasonable notice to the Owner, enter upon the Conservation Area to inspect the condition of the Conservation Area and ensure compliance with the Conservation Agreement.

12 OBLIGATIONS OF THE MINISTER

- 12.1 The Minister agrees to notify the Registrar General when the Conservation Agreement has been entered into so that the Registrar General can carry out his or her responsibilities under section 69G of the NPW Act.
- 12.2 The Minister will arrange for the provision of technical advice and any other assistance to the Owner as the Minister deems necessary to assist with the implementation of the Conservation Agreement.

13 NON-COMPLIANCE

In the event that the Owner fails to comply with the Conservation Agreement, including, without limitation, damaging or causing damage to the Conservation Area, OEH may issue a written notice to the Owner requiring the Owner to remedy the non-compliance or damage within a specified time period. This clause does not affect any rights of the parties under section 69G of the NPW Act.

14 DISPUTE RESOLUTION

- 14.1 Where there is a dispute, difference or claim (dispute), the party raising the dispute must notify the other party in writing of the nature of the dispute, including the factual and legal basis of the dispute (written notice).
- 14.2 Within fourteen (14) days of the written notice, the Chief-Executive of OEH and the Owner, or nominated senior representatives of the parties, must attempt to resolve the dispute. If the dispute cannot be resolved within twenty-one (21) days of the written notice, the Chief-Executive of OEH and the Owner will refer the matter to mediation.
- 14.3 The parties will agree on the terms of appointment of the mediator and the terms of the mediation in writing within twenty-eight (28) days, failing which the mediation will be at an end and either party may commence court proceedings in respect of the dispute.
- 14.4 If the matter has not been resolved within twenty-eight (28) days of the appointment of the mediator, the mediation process will be at an end and either party may commence court proceedings in respect of the dispute.

15 COSTS

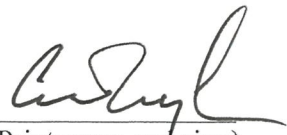
The Owner will bear costs of, and incidental to, the preparation of the Conservation Agreement, including survey and legal costs.

16 COMMENCEMENT

The Conservation Agreement shall have effect from the day the Minister executes the Conservation Agreement.

Executed as an agreement


SIGNED by
The Chief Executive, Office of Environment
and Heritage, as the Minister’s delegate under
Section 21(1) of the *National Parks and Wildlife
Act 1974*


ANTHONY LEAN
Chief Executive OEH (Print name and sign)


VICKI COMINS
Witness


Date 7.5.19

59 Goulburn Street
Sydney NSW 2000
Witness Name and address



Date 7.5.19

SIGNED by the OWNER Executed by Ulan Coal Mines Limited pursuant to Section 127 of the
Corporations Act 2001 (Commonwealth).


Director: Ulan Coal Mines Limited
(Print name and sign)
21.12.2018.
Date


Director: ~~Secretary~~ Ulan Coal Mines Limited
(Print name and sign)
3/1/2019
Date


Witness signature


Witness signature

ROBYN STONEY
Witness Name and Address

Jason Martin
Witness Name and Address

31 SHORT ST MUDGEE NSW

8 Newman St Maxwellbrook NSW 2333

21 12 2018
Date

3/1/19
Date

Address for service of notices on the Owner:

General Manager
Ulan Coal Mines Limited
Private Mail Bag 3006
Mudgee NSW 2850

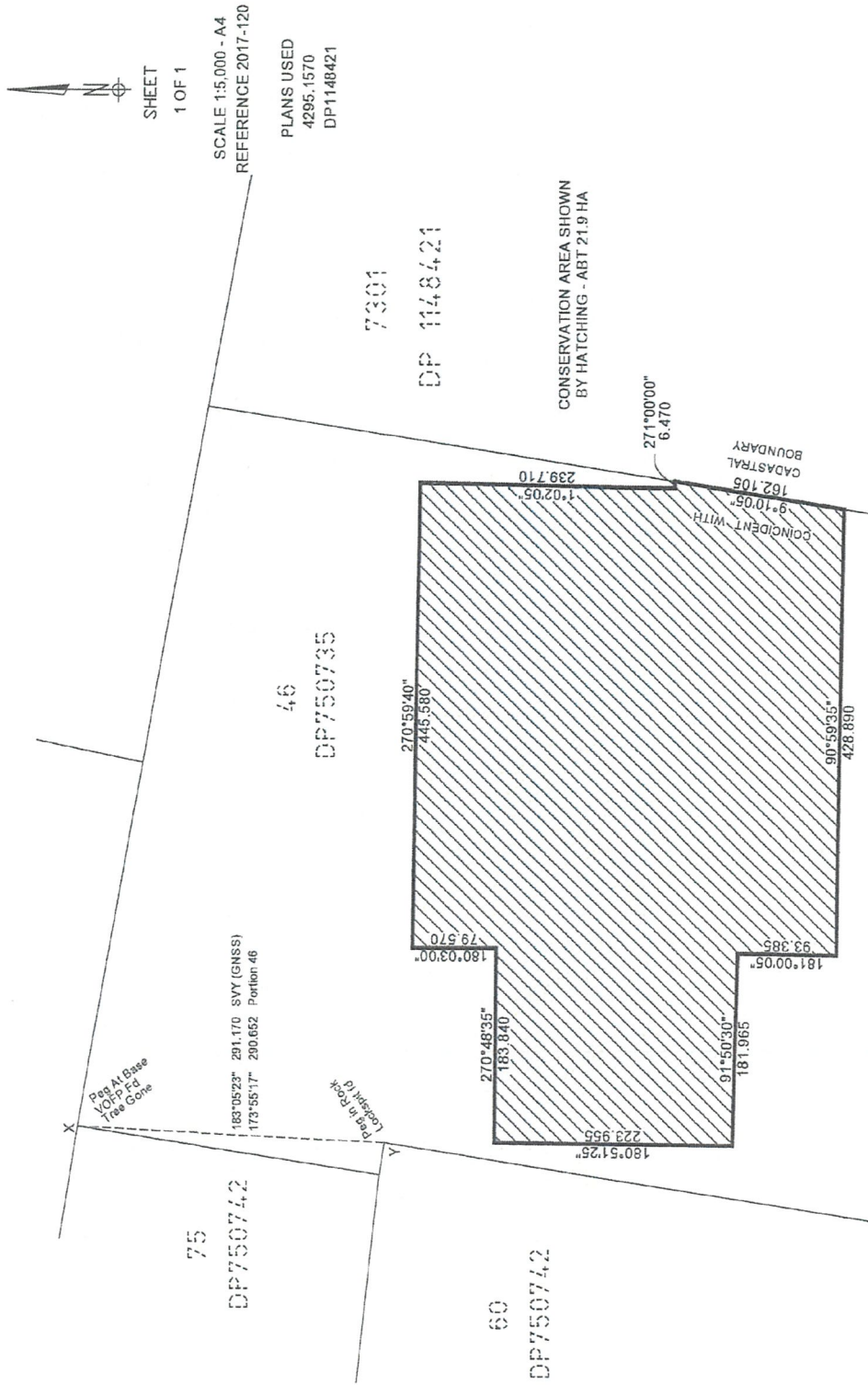
Address for service of notices on the Chief Executive OEH

The Chief Executive
NSW Office of Environment and Heritage
PO Box A290 Sydney South NSW 1232

Address for service of notices on the Minister:

NSW Minister for the Environment
GPO Box 5341 Sydney NSW 2001.

ANNEXURE A - DIAGRAM A: CADASTRAL BOUNDARIES OF CONSERVATION AREA



PLAN OF ANNEXURE
BROKENBACK CONSERVATION
AREA 1
 WITHIN LOT 46 DP750735
 PARISH OF BLIGH COUNTY OF BLIGH
 LOCALITY OF BUNGABA

PREPARED BY PHILLIP ORR OF O'RYAN
 GEOSPATIAL PTY. LTD, MURREE, NSW, 2850

SURVEY METHOD
 GNSS RTK OBSERVATION
 CADASTRAL CORNERS 'X' - 'Y' DEFINED
 ALL OTHER CADASTRAL BOUNDARIES NOT DEFINED
 ACCURACY: +/- 5m

Signature Date 27/11/17
 Surveyor registered under the Surveying and Spatial Information Act 2002

Anthony Lean

 Ulan Coal Mines Limited Director

Phillip Orr

 Ulan Coal Mines Limited Director/Secretary

Anthony Lean

 Chief Executive OEH

ANNEXURE B – CONSERVATION VALUES

1. CONSERVATION VALUES

The Owner and the Minister recognise that the Conservation Area contains the following conservation values:

A The Conservation Area contains three plant community types:

- PCT 478: Red Ironbark - Black Cypress Pine - stringybark +/- Narrow-leaved Wattle shrubby open forest on sandstone in the Gulgong - Mendooran region, southern Brigalow Belt South Bioregion
- PCT 479: Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion
- PCT 481: Rough-barked Apple - Blakely's Red Gum - Narrow-leaved Stringybark +/- Grey Gum sandstone riparian grass fern open forest on in the southern Brigalow Belt South Bioregion and Upper Hunter region

Red Ironbark - Black Cypress Pine - stringybark +/- Narrow-leaved Wattle shrubby open forest on sandstone in the Gulgong - Mendooran region, southern Brigalow Belt South Bioregion (PCT 478)

Mid-high to tall open forest co-dominated by Red Ironbark (*Eucalyptus fibrosa*), Black Cypress Pine (*Callitris endlicheri*), Red Stringybark (*Eucalyptus macrorhyncha*) and/or Narrow-leaved Stringybark (*Eucalyptus sparsifolia*) and the small tree *Acacia linearifolia*. Other trees may include Scribbly Gum (*Eucalyptus rossii*), Grey Gum (*Eucalyptus punctata*) and Slaty Gum (*Eucalyptus dawsonii*). The last two species are at or near their western limit. The shrub layer is sparse and includes *Phyllanthus hirtellus*, *Brachyloma daphnoides* subsp. *daphnoides*, *Hibbertia obtusifolia*, *Melichrus urceolatus*, *Cassinia laevis*, *Persoonia linearis*, *Pultenaea microphylla*, *Dillwynia sieberi*, *Hibbertia circumdans*, *Olearia microphylla*, *Acacia uncinata*, *Indigofera australis*, *Lissanthe strigosa* subsp. *strigosa*, *Bursaria spinosa* subsp. *spinosa* and *Ozothamnus diosmifolius*.

The ground cover is mid-dense to sparse. The small shrubs *Platysace ericoides* and *Astroloma humifusa* are often present. Grasses include *Joycea pallida* and *Austroanthonia racemosa*. The mat-rushes include *Lomandra filiformis*, *Lomandra confertifolia* and *Lomandra multiflora* along with the sedge *Lepidosperma laterale*. Forb species include *Pomax umbellata*, *Chrysocephalum semipapposum*, *Goodenia hederacea* subsp. *hederacea*, *Veronica plebeia*, and *Stypandra glauca*.

This PCT occurs on sandy loam to clayey sand soils derived from sandstone, siltstone, shale or slate on footslopes, hillcrests and hillslopes in hill and low hill landform patterns in the Dunedoo - Merriwa region of the extreme south BBS Bioregion overlapping into the NSW SWS Bioregion and upper Hunter Valley and Capertee Valley. Grades into a similar community dominated by Inland Scribbly Gum - Red Stringybark open forest (ID477), into the Dapper Mugga Ironbark community (ID403) and a Narrow-leaved Ironbark - Black Cypress Pine shrubby community (ID479) on sandstones. Partly cleared.

Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion (PCT 479)

This vegetation community is a tall open forest dominated by Narrow-leaved Ironbark (*Eucalyptus crebra*), Black Cypress Pine (*Callitris endlicheri*) often with *Eucalyptus sparsifolia*, *Eucalyptus punctata* or *Eucalyptus dwyeri*. Other tree species may include *Eucalyptus nubila*, *Acacia linearifolia*, *Acacia crassa*, *Eucalyptus macrorhyncha*, *Eucalyptus fibrosa* and *Corymbia trachyphloia* subsp. *amphistomatica*. The occasional presence of *Eucalyptus punctata* and *Eucalyptus sparsifolia* indicates this community is transitioning into typical Sydney Basin sandstone vegetation. The shrub layer is usually sparse but may be mid-dense in places and is rich in species. Shrub species include *Cassinia*

arcuata, *Acacia buxifolia* subsp. *buxifolia*, *Acacia verniciflua*, *Acacia piligera*, *Cassinia laevis*, *Dodonaea triangularis*, *Phyllanthus hirtellus*, *Sannantha cunninghamii*, *Macrozamia spiralis*, *Melichrus urceolatus*, *Allocasuarina gymnanthera*, *Melichrus erubescens*, *Grevillea sericea*, *Styphelia triflora*, *Acacia sertiformis*, *Leucopogon muticus*, *Hibbertia obtusifolia*, *Kunzea parvifolia*, *Acrotriche rigida*, *Prostanthera howelliae*, *Exocarpos cupressiformis* and *Choretrum* sp. *A*.

The ground cover is usually sparse and may contain litter or rock. Grass species include *Joycea pallida*, *Austrostipa densiflora*, *Echinopogon caespitosus* var. *caespitosus*, *Digitaria ramularis*, *Aristida vagans* and *Microlaena stipoides* var. *stipoides*. The low shrub *Astroloma humifusum* may be present. Sedges such as *Gahnia aspera* and *Lepidosperma laterale* and mat-rushes such as *Lomandra glauca* and *Lomandra filiformis* subsp. *coriacea* may be present. Forb species include *Pomax umbellata*, *Goodenia hederacea* subsp. *hederacea*, *Gonocarpus elatus*, *Dianella revoluta* var. *revoluta*, *Stypandra glauca* and *Xerochrysum viscosum*.

This PCT occurs on red-brown loamy clay to sandy loam soils derived from sandstone, siltstone and shale in hill and low hill landforms in the southern BBS, northern NSW SWS and north-western Sydney Basin Bioregions. Some areas have been cleared but reasonable representation occurs in reserves.

Rough-barked Apple - Blakely's Red Gum - Narrow-leaved Stringybark +/- Grey Gum sandstone riparian grass fern open forest on in the southern Brigalow Belt South Bioregion and Upper Hunter region (PCT 481)

Tall open forest to woodland dominated by *Angophora floribunda*, *Eucalyptus blakelyi* with *Eucalyptus punctata* grading upslope into *Eucalyptus crebra*, *Eucalyptus sparsifolia*, *Acacia linearifolia* and *Callitris endlicheri*. Shrubs are sparse and include *Styphelia triflora*, *Hibbertia obtusifolia*, *Persoonia linearis* and *Xanthorrhoea johnsonii*.

The ground cover is very sparse and bare in creek beds. Grasses include *Microlaena stipoides* var. *stipoides*, *Echinopogon caespitosus*, *Echinopogon ovatus*, *Imperata cylindrica* var. *major*, *Arundinella nepalensis* and *Lachnagrostis filiformis*. Forbs include *Dichondra repens*, *Persicaria prostrata*, *Hydrocotyle laxiflora*, *Geranium solanderi* var. *solanderi*, *Poranthera microphylla*, *Rorippa laciniata*, *Rumex brownii*, *Urtica incisa*, *Sigesbeckia australiensis*, *Veronica plebeia* and *Geranium potentilloides* var. *potentilloides*. The rock fern *Cheilanthes sieberi* subsp. *sieberi* and the tall ferns *Pteridium esculentum* and *Pteris tremula* also occur. The sedge *Carex appressa* and rush *Juncus psammophilus* may be present.

Occurs on alluvial sands or loam soil derived mainly from sandstone in hill or low hill landforms in the upper Hunter Valley mainly in the Sydney Basin Bioregion with small areas in the BBS Bioregion. Partly cleared and sometimes weed infested due to position in valleys.

Annexure B, Annexure B, Table 1 shows the area of each plant community type by condition state (see also **Diagram C**).

Annexure B, Table 1: Plant community types present in the Conservation Area

PCT code	Plant community type (PCT)	Condition	Area (ha)
478	Red Ironbark - Black Cypress Pine - stringybark +/- Narrow-leaved Wattle shrubby open forest on sandstone in the Gulgong - Mendooran region, southern Brigalow Belt South Bioregion	Intact	0.69
479	Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion	Intact	2.25

PCT code	Plant community type (PCT)	Condition	Area (ha)
481	Rough-barked Apple - Blakely's Red Gum - Narrow-leaved Stringybark +/- Grey Gum sandstone riparian grass fern open forest on in the southern Brigalow Belt South Bioregion and Upper Hunter region	Intact	18.91
TOTAL			21.85

B The following threatened fauna species have been observed within the Conservation Area (and refer to **Annexure B, Table 2** and **Diagram E**):

- *Chalinolobus dwyeri* (Large-eared Pied Bat) (V – TSC Act, V – EPBC Act)
- *Miniopterus schreibersii oceanensis* (Eastern Bentwing-bat) (V – TSC Act)

C The Conservation Area represents approximately 21.85 ha of native vegetation and fauna habitat which contributes to flora and fauna species conservation outcomes in the Hunter-Central Rivers CMA. There is good connectivity between the Conservation Area and adjacent woodland areas, particularly from the north and south of the site. The Conservation Area also has connectivity values with other offset area including the adjacent Brokenback Conservation Area areas 2 and 3 to the east and the Bobadeen offset areas which lie several hundred metres to the east. The Durrigere State Conservation Area is located to the east and the Goulburn River National Park to the southeast with bushland corridors available to both. In addition, the maintenance of the Conservation Area will likely improve habitat values around and within the area.

Annexure B, Table 2: Threatened fauna species found within 10km radius of site which may occur within the Conservation Area due to the presence of suitable habitat (search conducted February 2017).

Common Species Name	Scientific Species Name	TSC Act Listing	EPBC Act Listing	Confirmed on site Y/N
Birds				
Dusky Woodswallow	<i>Artamus cyanopterus cyanopterus</i>	V		N
Gang-gang Cockatoo	<i>Callocephalon fimbriatum</i>	V		N
Glossy Black Cockatoo	<i>Calyptorhynchus lathami</i>	V		N
Speckled Warbler	<i>Chthonicola sagittata</i>	V		N
Spotted Harrier	<i>Circus assimilis</i>	V		N
Brown Treecreeper (eastern subspecies)	<i>Climacteris picumnus victoriae</i>	V		N
Varied Sittella	<i>Daphoenositta chrysoptera</i>	V		N
Black Falcon	<i>Falco subniger</i>	V		N
Little Lorikeet	<i>Glossopsitta pusilla</i>	V		N
Painted Honeyeater	<i>Grantiella picta</i>	V	V	N
White-bellied Sea Eagle	<i>Haliaeetus leucogaster</i>	V	Mar	N
Black-breasted Buzzard	<i>Hamirostra melanosternon</i>	V		N
Little Eagle	<i>Hieraetus morphnoides</i>	V		N

Common Species Name	Scientific Species Name	TSC Act Listing	EPBC Act Listing	Confirmed on site Y/N
Swift Parrot	<i>Lathamus discolor</i>	E	CE, M	N
Malleefowl	<i>Leipoa ocellata</i>	E	V	N
Hooded Robin (south-eastern form)	<i>Melanodryas cucullata cucullata</i>	V		N
Black-chinned Honeyeater (eastern subspecies)	<i>Melithreptus gularis gularis</i>	V		N
Turquoise Parrot	<i>Neophema pulchella</i>	V		N
Barking Owl	<i>Ninox pulchella</i>	V		N
Powerful Owl	<i>Ninox strenua</i>	V		N
Blue-billed Duck	<i>Oxyura australis</i>	V		N
Scarlet Robin	<i>Petroica boodang</i>	V		N
Flame Robin	<i>Petroica phoenicea</i>	V		N
Grey-crowned Babbler (eastern subspecies)	<i>Pomatostomus temporalis temporalis</i>	V		N
Diamond Firetail	<i>Stagonopleura guttata</i>	V		N
Mammals				
Large-eared Pied Bat	<i>Chalinolobus dwyeri</i>	V	V	Y
Spotted-tail Quoll	<i>Dasyurus maculatus</i>	V	E	N
Little Bentwing-bat	<i>Miniopterus australis</i>	V		N
Eastern Bentwing-bat	<i>Miniopterus schreibersii oceanensis</i>	V		Y
Squirrel Glider	<i>Petaurus norfolcensis</i>	V		N
Brush-tailed Rock Wallaby	<i>Petrogale penicillata</i>	E	V	N
Koala	<i>Phascolarctos cinereus</i>	V	V	N
Flora				
Fairy Bells	<i>Homoranthus darwinioides</i>	V	V	N
Ecological communities				
White Box Yellow Box Blakely's Red Gum Woodland		EEC	CEEC	N

V= Vulnerable, E= Endangered, CE= Critically Endangered, M= Migratory, Mar= Marine, E2= Endangered Population, EEC= Endangered Ecological Community, CEEC= Critically Endangered Ecological Community

- D The conservation area contains 17 identified Aboriginal objects that are listed on the Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) register as detailed in Annexure B and Table 3.

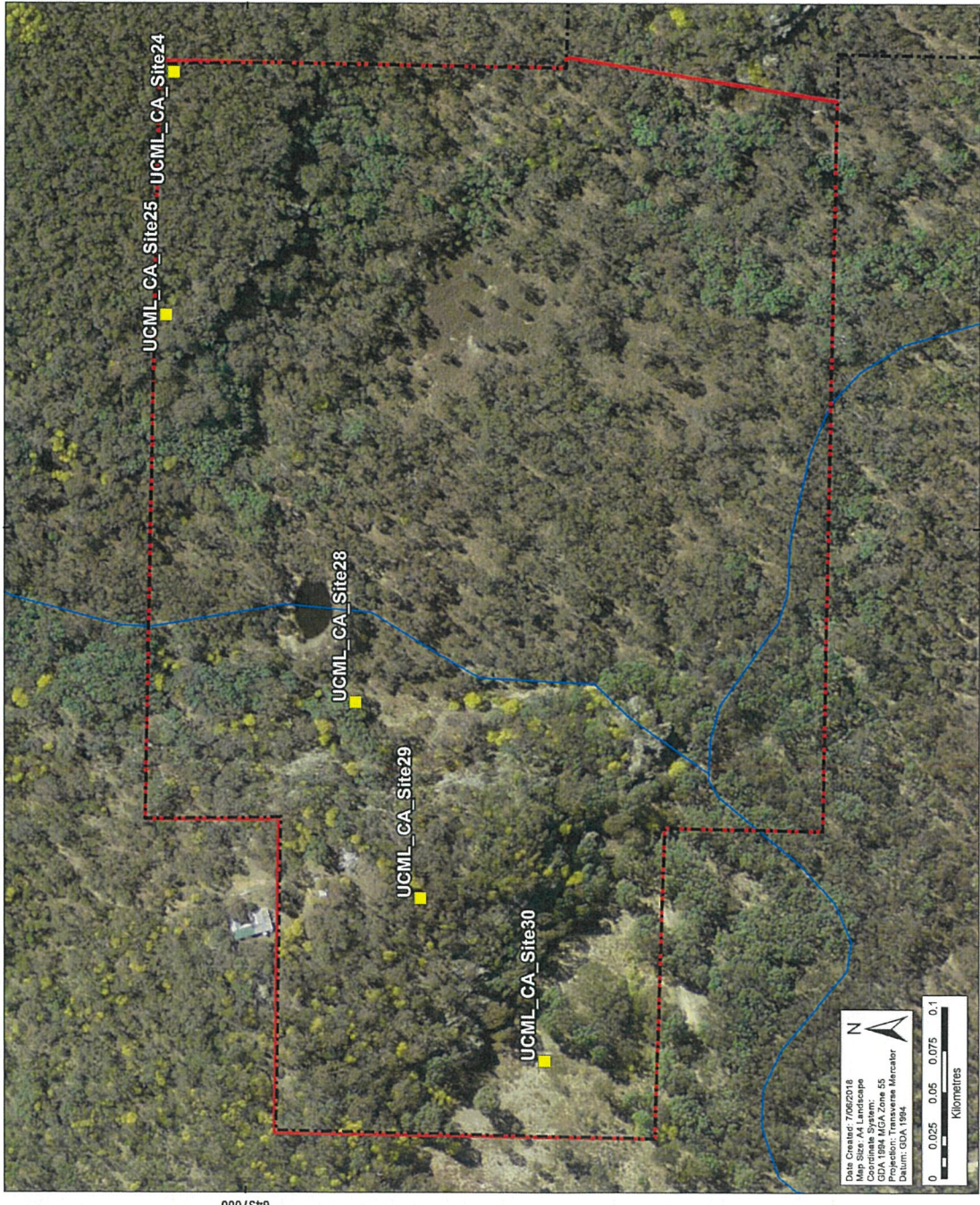
Annexure B, Table 3: Aboriginal heritage objects identified in Brokenback Conservation Area – Area 1

AHIMS Number	Description	Significance
36-3-1539	Rock shelter with artefacts	High
36-3-1540	Rock shelter with art and artefacts	High
36-3-1541	Rock shelter with grinding grooves and artefacts	Moderate
36-3-2031	Isolated find	Low
36-3-2032	Artefact scatter	Low
36-3-2033	Artefact scatter	Moderate
36-3-2034	Artefact scatter	Moderate
36-3-2035	Artefact scatter	Low
36-3-2036	Isolated find	Low
36-3-2037	Artefact scatter	Low
36-3-2038	Rock shelter with artefacts	Moderate
36-3-2039	Artefact scatter	Moderate
36-3-2040	Rock shelter with art	Moderate – high
36-3-2041	Artefact scatter	Moderate
36-3-2042	Artefact scatter	Low – moderate
36-3-2043	Artefact scatter	Moderate
36-3-2044	Artefact scatter	Moderate

ANNEXURE B – DIAGRAM A: LOCATION OF BIOMETRIC PLOTS AND PHOTO POINTS
Ulan Coal Mines Limited - Brokenback Conservation Area - Area 1
 BIOMETRIC PLOTS AND PHOTO POINTS

GLENCORE
 Coal Assets Australia
 www.glencore.com

- Legend**
- Brokenback Conservation Area - Area 1
 - Biometric plots and photo points
 - Watercourses
 - Fence Lines



Created by: emily.bathgate Time: 12:32:30 PM

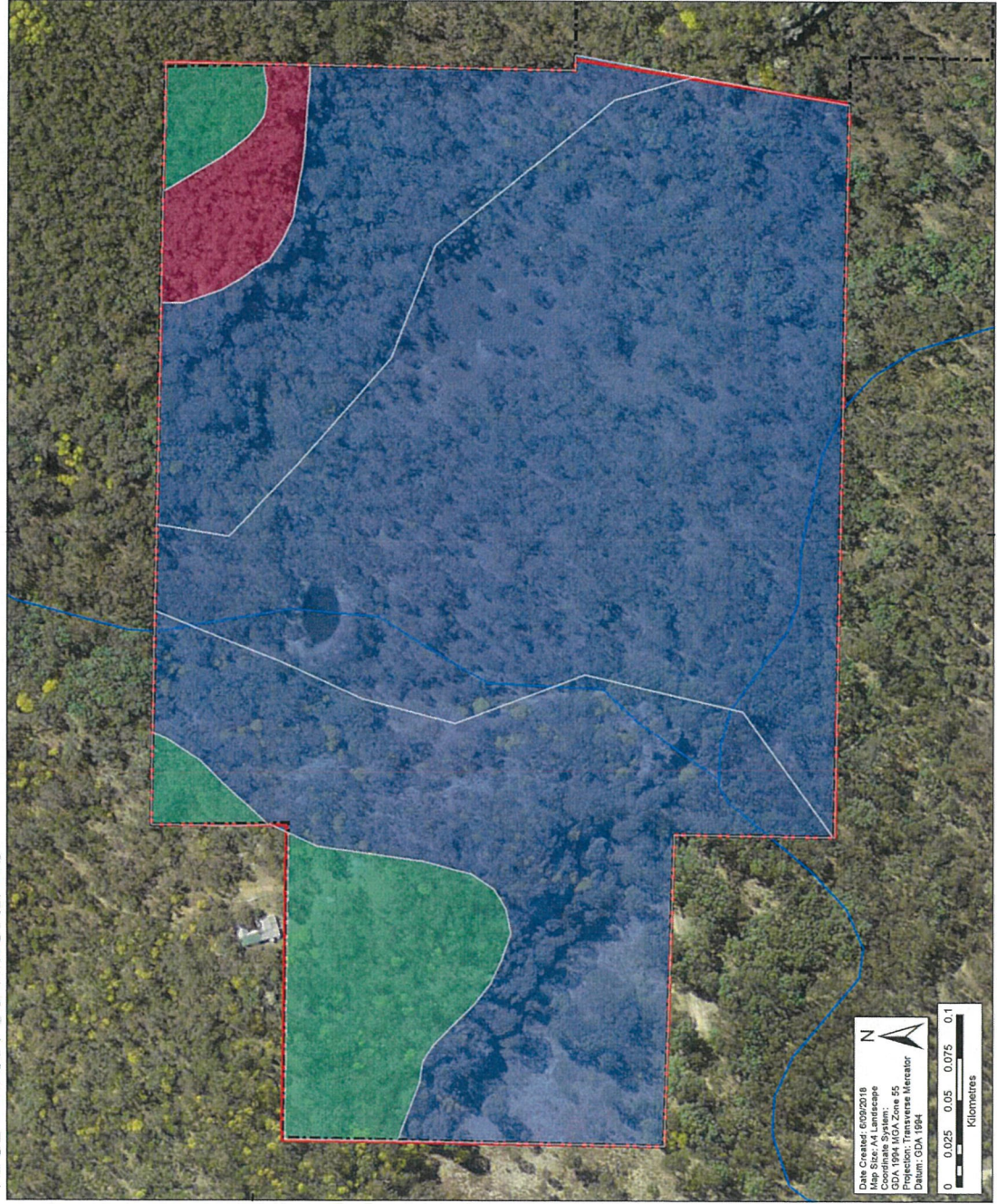
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ANNEXURE B – DIAGRAM C: CURRENT VEGETATION CONDITION

Ulan Coal Mines Limited - Brokenback Conservation Area - Area 1 VEGETATION COMMUNITIES



GLENCORE
Coal Assets Australia
www.glenore.com

- Legend**
- Brokenback Conservation Area - Area 1
 - Watercourses
 - Fence Lines
- Plant Community Type**
- Red Ironbark - Black Cypress Pine - stringybark +/- Narrow-leaved Wattle shrubby open forest on sandstone in the Gulgong - Mendooran region, southern Brigalow Belt South Bioregion
 - Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion
 - Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion
 - Rough-barked Apple - Blakely's Red Gum - Narrow-leaved Stringybark +/- Grey Gum sandstone riparian grass fern open forest on in the southern Brigalow Belt South Bioregion and Upper Hunter region
- Current Condition State**
- Intact

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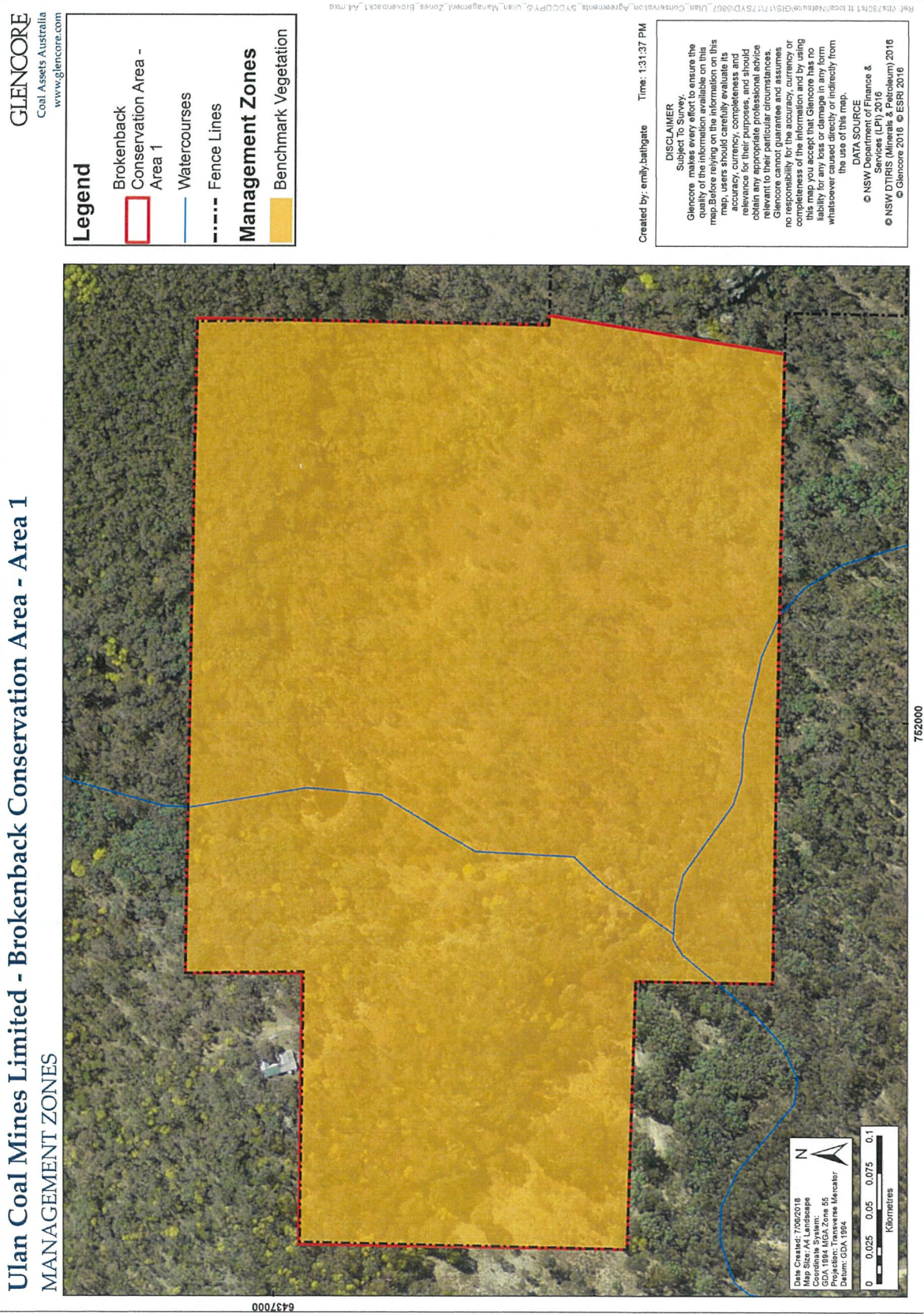
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ANNEXURE B – DIAGRAM D: MANAGEMENT ZONES

Ulan Coal Mines Limited - Brokenback Conservation Area - Area 1 MANAGEMENT ZONES

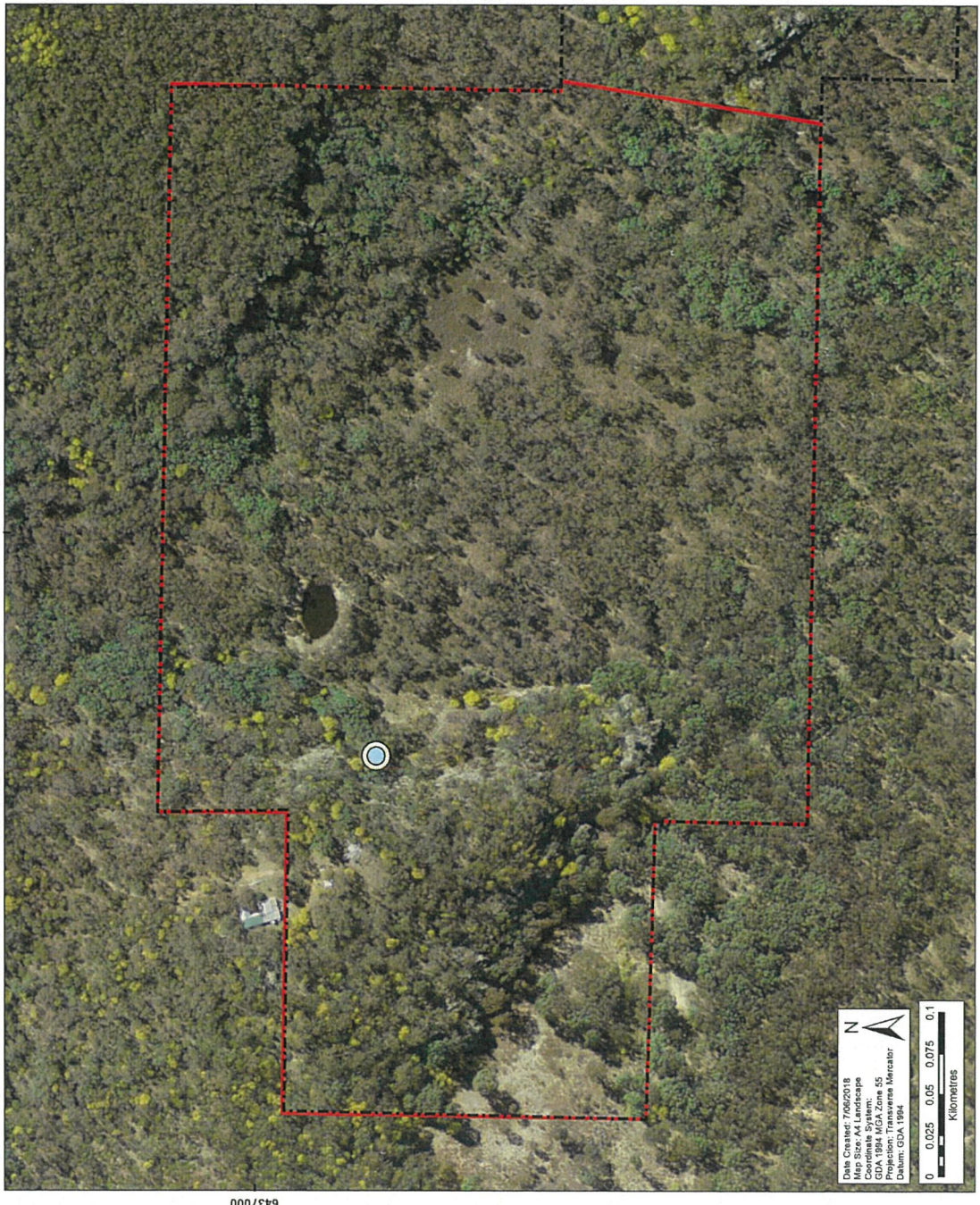


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ANNEXURE B – DIAGRAM E: THREATENED SPECIES LOCATIONS Ulan Coal Mines Limited - Brokenback Conservation Area - Area 1 THREATENED SPECIES LOCATIONS

GLENCORE
Coal Assets Australia
www.glencore.com

- Legend**
- Brokenback Conservation Area - Area 1
 - Fence Lines
 - Eastern Bentwing-bat
 - Large-eared Pied Bat



Date: 07/08/2018
 Map Size: A4 Landscape
 Coordinate System:
 GDA 1994 MGA Zone 55
 Projection: Transverse Mercator
 Datum: GDA 1994
 Data Source: GDA 1994

0 0.025 0.05 0.075 0.1
 Kilometres

N

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ANNEXURE B - PHOTO POINT PHOTOGRAPHS

Four photos were taken at each point in a clockwise direction, with the first photo orientated facing along the 50 m transect from the star picket. Compass directions of each photo from the star picket are given below and GPS reference points for each site are provided in **Annexure D, Table 1**.

Photos taken in February 2017 are presented below.

UCML_CA_Site24 monitors an area of PCT479 Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion. Dominant canopy species include *Eucalyptus fibrosa* (Red Ironbark), *Eucalyptus dwyeri* (Dwyer's Red Gum) and *Acacia linearifolia* (Narrow-leaved Wattle). The dominant mid-storey species are *Persoonia linearis* (Narrow-leaved Geebung), *Allocasuarina gymnanthera* (Mallee Sheoak), *Leucopogon muticus* (Blunt Beard-heath). Dominant ground layer species include *Gonocarpus tetragynus*, *Digitaria* sp. and *Phyllanthus hirtellus* (Thyme Spurge).

No exotic species were recorded within the site.



North (0°) (February 2017)



East (90°) (February 2017)



South (180°) (February 2017)



West (270°) (February 2017)

UCML_CA_Site25 monitors an area of PCT478 Red Ironbark - Black Cypress Pine - Stringybark +/- Narrow-leaved Wattle shrubby open forest on sandstone in the Gulgong - Mendooran region, southern Brigalow Belt South Bioregion. Dominant canopy species include *Eucalyptus sparsifolia* (Narrow-leaved Stringybark), *Eucalyptus dwyeri* (Dwyer's Red Gum) and *Acacia linearifolia* (Narrow-leaved Wattle). The dominant mid-storey species are *Allocasuarina gymnanthera* (Mallee Sheoak), *Cassinia quinquefaria* (Cough Bush) and *Acacia doratoxylon* (Currawang). Dominant ground layer species include *Gonocarpus tetragynus* (Common Raspwort), *Cassinia quinquefaria* and *Lomandra confertifolia* (Mat-rush).

No exotic species were recorded within the site.



North (0°) (February 2017)



East (90°) (February 2017)



South (180°) (February 2017)



West (270°) (February 2017)

UCML_CA_Site28 monitors an area of PCT481 Rough-barked Apple - Blakely's Red Gum - Narrow-leaved Stringybark +/- Grey Gum sandstone riparian grass fern open forest on in the southern Brigalow Belt South Bioregion and Upper Hunter region. Dominant canopy species include *Angophora floribunda* (Rough-barked Apple), *Eucalyptus blakelyi* (Blakely's Red Gum) and *Acacia linearifolia* (Narrow-leaved Wattle). The dominant mid-storey species are *Acacia linearifolia* (Narrow-leaved Wattle), *Cassinia arcuata* (Sifton Bush), and *Brachyloma daphnoides* (Daphne Heath). Dominant ground layer species include *Cassinia arcuata* (Sifton Bush), *Sannantha cunninghamii* (Dainty Baeckea) and *Microlaena stipoides* (Weeping Grass).

Weed cover is low with *Opuntia* sp. (Prickly Pear), and *Conyza* sp. (Fleabane) present in the site.



North (0°) (February 2017)



East (90°) (February 2017)



South (180°) (February 2017)



West (270°) (February 2017)

UCML_CA_Site29 monitors an area of PCT479 Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion. Dominant canopy species is *Eucalyptus crebra* (Narrow-leaved Ironbark). The dominant mid-storey species are *Acacia linearifolia* (Narrow-leaved Wattle), *Allocasuarina gymnanthera* (Mallee Sheoak), and *Cassinia quinquefaria* (Cough Bush). Dominant ground layer species include *Gonocarpus tetragynus* (Common Raspwort), *Cassinia quinquefaria* (Cough Bush) and *Austrostipa scabra* (Speargrass).

No exotic species were recorded within the site.



North (0°) (February 2017)



East (90°) (February 2017)



South (180°) (February 2017)



West (270°) (February 2017)

UCML_CA_Site30 monitors an area of PCT481 Rough-barked Apple - Blakely's Red Gum - Narrow-leaved Stringybark +/- Grey Gum sandstone riparian grass fern open forest on in the southern Brigalow Belt South Bioregion and Upper Hunter region. Dominant canopy species include *Angophora floribunda* (Rough-barked Apple) and *Eucalyptus blakelyi* (Blakely's Red Gum). The dominant mid-storey species are *Cassinia arcuata* (Sifton Bush) and *Persoonia linearis* (Narrow-leaved Geebung). Dominant ground layer species include *Arundinella nepalensis* (Reedgrass), *Dianella longifolia* (Flax Lilly) and *Lomandra confertifolia* (Mat-rush).

Weed cover is low with *Hypochaeris radicata* (Catsear) the dominant exotic species in the site.



North (0°) (February 2017)



East (90°) (February 2017)



South (180°) (February 2017)



West (270°) (February 2017)

ANNEXURE C – MANAGEMENT OF THE CONSERVATION AREA

ITEM 1: MANAGEMENT AIMS AND ACTIONS REQUIRED TO BE UNDERTAKEN FOR MINIMUM PERIOD OF 10 YEARS. ALL ACTIONS TO BE UNDERTAKEN IN ACCORDANCE WITH ANNEXURE C, ITEM 3: PERMISSIONS AND GUIDELINES.

Aim	Timing	Management action	Indicative cost for management action
Weed Control	Years 1-10	Management of areas of priority and environmental weeds as required.	\$4,000 total
Vertebrate Pest Control	Years 1-10	Feral pest management activities to be undertaken as required.	\$4,000 total
Fire management ecological / hazard reduction burn (if required)	Years 1-10	No ecological burns currently proposed.	N/A
Maintain vehicle access to Conservation Area for visitor management, fire management, weed and fencing management	Years 1-10	There are no vehicle access trails within the Conservation Area. Vehicle access through the landscape surrounding the Conservation Area is maintained by either Mid-Western Regional Council or UCML, and as such have not been included within the costings for management.	N/A
Managing visitor impacts (visitors include OEH inspectors; weed control contractors; fire maintenance contractors; NSW Rural Fire Service; fencing and maintenance contractors and the Owner)	Years 1-10		N/A
Maintain boundary fencing	Years 1-10	No fencing present within Conservation Area.	N/A
Periodic maintenance/replacement of access gates	Years 1-10		N/A

Aim	Timing	Management action	Indicative cost for management action
Livestock management	Years 1-10	Stock management is undertaken on an as needs basis. Any rogue stock which has entered the offset area will be removed as required.	N/A
Threatened species, populations and endangered ecological communities (EEEC)	Years 1-10	The Owner must follow current best practice advice regarding the management of threatened species when carrying out any activities within the Conservation Area. This advice may be provided by OEH, Local Land Services, the Commonwealth Department of Environment or subsequent authorities.	N/A
Aboriginal Places and Aboriginal Objects	Years 1-10	The Owner must preserve and protect Aboriginal Places and Aboriginal Objects and other sites of cultural heritage significance on or in the Conservation Area and in accordance with the relevant legislation.	N/A
Monitoring Reporting	Years 1-10	Prepare monitoring reports according to specifications in Annexure D.	\$2,000 per report \$20,000 total
Total indicative cost for 10-year period			\$ 28,000

ANNEXURE C – MANAGEMENT OF THE CONSERVATION AREA**ITEM 2: MANAGEMENT ACTIONS REQUIRED TO BE UNDERTAKEN FROM YEAR 11 ONWARDS.
ALL ACTIONS TO BE COMPLETED ACCORDING TO ANNEXURE C – ITEM 3: PERMISSIONS AND GUIDELINES.**

Issue	Management action
Exotic plants	The Owner must take reasonable measures in relation to the control of exotic plants. Techniques specified in Annexure C Item 3 must be used.
Pest animals	The Owner must take reasonable measures in relation to monitoring of pest animals. Techniques specified in Annexure C Item 3 must be used.
Threatened species, populations and endangered ecological communities (EEC)	The Owner must follow current best practice advice regarding the management of threatened species when carrying out any activities within the Conservation Area. This advice may be provided by OEH, Local Land Services, the Commonwealth Department of Environment or subsequent authorities.
Managing visitor impacts (visitors include OEH inspectors; weed control contractors; fire maintenance contractors; NSW Rural Fire Service; fencing and maintenance contractors and the Owner)	The Owner must take reasonable measures to ensure that visitor disturbance to the Conservation Area is minimised by keeping visitors to tracks and trails except for management purposes and ensuring all visitor vehicles and equipment entering the Conservation Area are clean and free from weeds and/or seeds. Guidance specified in Annexure C Item 3 Visitation and research must be used.
Maintain vehicle access to Conservation Area for visitor management, fire management, weed and fencing management	The Owner must take reasonable measures to ensure that vehicle access is maintained by maintaining and repairing access trails as required. Techniques specified in Annexure C Item 3 must be used.
Monitoring and Reporting	The Owner must complete a monitoring report at least every 3 years as described in Clause 8 of the Conservation Agreement. Refer Annexure D Item 3 Opportunistic Observations.
Livestock	The Owner must remove any livestock which have entered the Conservation Area as soon as practical.
Aboriginal Places and Aboriginal Objects	The Owner must preserve and protect Aboriginal Places and Aboriginal Objects and other sites of cultural heritage significance on or in the Conservation Area and in accordance with the relevant legislation.
Fencing	The Owner must take reasonable measures to construct and maintain fences along the boundaries of the Conservation Area where adjacent land use cause or are likely to cause adverse impacts on or in the Conservation Area. Techniques specified in Annexure C Item 3 must be used.

ANNEXURE C – ITEM 3: PERMISSIONS AND GUIDELINES

Control of pest animals and non-indigenous fauna (in addition to pest animal control management actions in Items 1 and 2 of Annexure C to the Conservation Agreement)

- a) Participate in community pest animal control programs, and encourage neighbours to implement pest animal control programs. Contact your Local Land Services office or National Parks and Wildlife Service Area office to find out where community control programs are occurring.
- b) Methods for pest animal control can include; shooting, trapping and use of poisonous baits consistent with advice from OEH and Local Land Services. Use control methods identified as ‘humane’ as defined in the NSW Codes of Practice and Standard Operating Procedures for Humane Pest Vertebrate Control (Control Capture and Destruction of Feral Animals in Australia) as developed by the NSW Department of Primary Industries.
- c) Pest animal control activities to be determined based on density and species of pest animals. Methods for monitoring pest animal activity should include:
 - i) observations and/or hearing calls,
 - ii) the use of standard “sand plots” or camera stations,
 - iii) the use of non-poisoned “bait stations”,
 - iv) scat counts, and
 - v) other quantitative techniques which can be designed in discussion with OEH or Local Land Services.

Control of weeds and exotic plants (in addition to weed control management actions in Items 1 and 2 of Annexure C to the Conservation Agreement)

- d) Apply a range of techniques including:
 - i) Removal of weeds by hand ensuring that all plant parts which can reproduce are removed and that soils do not become prone to erosion.
 - ii) Use of carefully selected herbicide according to label directions and/or current off label permit, ensuring minimal off target damage.
 - iii) Use of appropriate control measures as recommended in the Department of Primary Industries Noxious and Environmental Weed Control Handbook 6th Edition 2014 or equivalent replacements for control of weeds, ensuring minimal off target damage.
 - iv) Use of forestry mulching or slashing machinery only with prior written permission from OEH.
 - v) Ensure control programs are commenced when timing and extent of weed removal will minimise adverse effects on wildlife (weeds may provide protection or habitat for native fauna). Dense thickets of lantana should be removed gradually in mosaic patterns to minimise disturbance to the habitat of native animals.
 - vi) Other weed control methods may only be undertaken with prior written permission of OEH.
 - vii) Contact OEH if any uncertainty exists regarding weed control methods.

Cultural heritage

- e) Recording and management of any newly identified Aboriginal Objects or artefacts, in consultation with OEH (and the relevant local Aboriginal community where applicable).

Development

- f) Carrying out any development as described in the Conservation Agreement and maintaining development (including existing fire trails, access trails and infrastructure), with the following conditions:
- i) clear a corridor not greater than 3 metres wide during construction or for maintenance for the installation of fences or other agreed rural structures;
 - ii) move fallen timber and any other obstructions to maintain access trails, tracks and fences;
 - iii) where clearing is permitted under the Agreement and necessary, undertake all works in a manner that minimises disturbance to soil and hydrological characteristics.

Fencing, tracks and trails

- g) Construction and maintenance of all fences using wildlife friendly materials including plain wire (non-barbed) on top and bottom strands, unless OEH has given prior written approval to adopt a different construction approach.
- h) Construction of any new internal fence, access track or trail only with prior written approval from OEH.
- i) Maintaining existing access walking tracks in the Conservation Area to a maximum width of 2m.
- j) Maintaining existing access vehicular trails in the Conservation Area to a maximum width of 4m with 1m either side permissible for clearing.
- k) Removal of old fences and closing of unwanted tracks within the Conservation Area and facilitate restoration of indigenous vegetation according to Annexure C Item 3 (points 'n' and 'o' over page).

Fire management (in addition to fire management actions in Item 1 of Annexure C to the Conservation Agreement)

- l) Using fire hazard reduction burns and controlled burning which take into account the recommended fire intervals given in the *Bush Fire Environmental Assessment Code for New South Wales* (Rural Fire Service February 2006), *Final Fire Management Plan Goulburn River National Park and Munghorn Gap Nature Reserve* (DEC2004) and the guidelines contained in the *Threatened Species Hazard Reduction Lists for the Bush Fire Environmental Assessment Code* or equivalent replacements.

Current recommendations are:

- i) Minimum fire intervals of:
 - 10 – 40 year fire interval for remnant areas of Red Ironbark - Black Cypress Pine - stringybark +/- Narrow-leaved Wattle shrubby open forest on sandstone in the Gulgong - Mendooran region, southern Brigalow Belt South Bioregion (PCT478), Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion (PCT479), and Rough-barked Apple - Blakely's Red Gum - Narrow-leaved Stringybark +/- Grey Gum sandstone riparian grass fern open forest on in the southern Brigalow Belt South Bioregion and Upper Hunter region (PCT481),
 - 50 – 100 year fire interval for areas of regenerating or rehabilitated vegetation regardless of its PCT type.
- ii) wherever possible canopy or crown fires should be avoided.
- iii) wherever possible no more than 50% of the Conservation Area should be burnt in any twelve month period.
- iv) both live and dead trees with hollows should be protected from burning as far as practicable in order to preserve nesting habitat for hollow dwelling animals.

- m) Lighting a fire, or causing a fire to be lit on the Conservation Area if it complies with the *Rural Fires Act 1997* (NSW), and:
- i) the lighting of the fire is a necessary component of bush fire hazard reduction work carried out in accordance with a notice served on the Owner under the Rural Fires Act 1997 (NSW) or other applicable legislation; or
 - ii) life or property is in immediate threat by bush fire and the lighting of the fire is reasonably necessary to protect life or property; or
 - iii) the fire is a camp fire, subject to the compliance with the Rural Fires Act 1997 (NSW), or
 - iv) the Chief-Executive gives prior written consent to the lighting of the fire.

Restoration of indigenous vegetation

- n) Restoration of native vegetation on the Conservation Area using a preferred method of encouraging and retaining natural regeneration. Preferred methods include:
- i) bush regeneration
 - ii) brush mulching; and/or
 - iii) direct seeding.
- o) Revegetation to establish indigenous plants to maintain the vegetation structure in keeping with the identified vegetation community, using species produced from material sourced locally and without fertilisers, where the ability to regenerate naturally within a reasonable time frame has been lost, or to prevent soil erosion.

Seed collection

- p) Collection of seed on the Conservation Area for non-commercial use in accordance with Guidelines and Codes of Practice developed by Florabank (www.florabank.org.au), or subsequent equivalent and with the following limitations and permissions:
- i) Collect seed in the Conservation Area only if seed of the particular species and genotype is not available elsewhere, or if the seed collected is intended for seedlings that will be planted within the Conservation Area or adjacent to the Conservation Area.
 - ii) Seeds may be collected from within endangered ecological communities.
 - iii) Seeds may not be collected from species individually listed in Schedules 1, 1A or 2 to the TSC Act without prior written approval from the Chief-Executive, or under a licence granted under section 132C of the NPW Act or section 91 of the TSC Act.
 - iv) Seeds may be collected from any protected species listed in Schedule 13 to the NPW Act.
 - v) Seeds may be collected from any other native species.

Thinning of indigenous vegetation

- q) Thinning of regenerating indigenous species which are altering the structure of the vegetation in the Conservation Area and/or reducing the Conservation Values only with prior written approval from the Chief-Executive OEH.

Threatened species

- r) Implementing any measures included in recovery plans for any threatened species, population or ecological communities which are or may be found in the Conservation Area.
- s) Implementing other specific management advice from OEH for any threatened species, populations or ecological communities which are or may be found in the Conservation Area.

Use of timber

- t) Harvesting of fallen non-hollow wood in amounts necessary for heating the Owner's dwelling on the Land and camp fires on the Conservation Area.

Visitation and research (in addition to management actions in Items 1 and 2 of Annexure C to the Conservation Agreement)

- u) Visitation, research and community use at a level that does not adversely impact on the Conservation Values or the amenity of the Owner. Research projects must be first discussed with OEH before being carried out.

ANNEXURE D – MONITORING PROGRAM

- (a) The Owner must engage a suitably qualified person (such as an ecologist) to undertake monitoring within the Conservation Area, beginning in 2019 (Monitoring Event). The frequency of monitoring activities will be targeted by site type:
- i. Reference sites are to be monitored annually commencing 2019.
- (b) Each Monitoring Event must include:
- i) **photo monitoring** – Four photos are required to be taken at each of the four monitoring photo points. Photos must be taken from the exact location and bearing to allow subsequent comparison and assessment. Photo point locations are provided in **Table 1** of Annexure D to the Conservation Agreement (**below**). Baseline photographs are provided in Annexure B to the Conservation Agreement;
 - ii) **quadrat monitoring** – Quadrat data must be collected at each of the four floristic quadrat monitoring sites. Quadrat locations are provided in **Table 1** of Annexure D to the Conservation Agreement (**below**). Results must be compared to baseline and benchmark quadrat data which is provided in **Tables 1** and **2** of Annexure D to the Conservation Agreement **below**.
 - iii) a **walk through assessment** to record opportunistic sightings within the Conservation Area including:
 - i. fire events or impacts of fire management
 - ii. weeds (including compiling a list of exotic species and recording new weed infestations including location and extent)
 - iii. pest animals (species and location must be recorded, including evidence of pest animals such as burrows, scats or disturbance)
 - iv. visitor impact and vehicle access (including evidence of any recent usage, and the presence of any new access tracks)
 - v. rubbish dumping
 - vi. natural regeneration of previously disturbed areas; and
 - vii. sightings of threatened species.
- (c) After each Monitoring Event, the Owner must produce a monitoring report on the Conservation Area by December 30 of each year, beginning in 2019 (Monitoring Report).

The Monitoring Report must include:

- i. a description of all completed management actions undertaken in the previous 12-month period;
- ii. completed monitoring data sheets (including photographs) using the template provided in Table 3 of Annexure D to the Conservation Agreement (below);
- iii. a discussion of the changes recorded at monitoring points and quadrats;
- iv. a discussion of the condition of Conservation Values;
- v. a discussion of effectiveness of any management actions implemented; and
- vi. recommendations and proposed management actions to be performed in following year(s).

The Monitoring Report must be submitted to OEHL within **21 days** of it being received by the Owner.

- (d) The Owner must retain receipts from third party contractors engaged by the Owner to undertake management actions listed in items 1 and 2 of Annexure C to the Conservation Agreement and provide to OEHL copies of those receipts upon request by OEHL.

- (e) The Monitoring Event and the Monitoring Report comprise the monitoring program (Monitoring Program). The Owner must complete the Monitoring Program to the satisfaction of OEH, for a minimum period of 10 years from the date of the Conservation Agreement.

ANNEXURE D – TABLE 1: MONITORING POINT LOCATIONS AND CORRESPONDING VEGETATION COMMUNITIES REPRESENTED AS AT MARCH 2017

Photo Point / Quadrat No.	Easting/Northing GDA 94 MGA 56	Vegetation Community Represented
UCML_CA_Site24	752247.075 / 6437043.829	Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion
UCML_CA_Site25	752104.285 / 6437047.825	Red Ironbark - Black Cypress Pine - stringybark +/- Narrow-leaved Wattle shrubby open forest on sandstone in the Gulgong - Mendooran region, southern Brigalow Belt
UCML_CA_Site28	751898.314 / 6436935.372	Rough-barked Apple - Blakely's Red Gum - Narrow-leaved Stringybark +/- Grey Gum sandstone riparian grass fern open forest on in the southern Brigalow Belt South Bioregion and Upper Hunter region
UCML_CA_Site29	751783.443 / 6436896.835	Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion
UCML_CA_Site30	751688.109 / 6436824.078	Rough-barked Apple - Blakely's Red Gum - Narrow-leaved Stringybark +/- Grey Gum sandstone riparian grass fern open forest on in the southern Brigalow Belt South Bioregion and Upper Hunter region

ANNEXURE D – TABLE 2: BIOMETRIC VEGETATION TYPE BENCHMARKS AND BASELINE QUADRAT SCORES AS AT MARCH 2017.

Photo Point / Quadrat Number	Native species richness	Overstorey cover %pfc	Mid-storey cover %pfc	Ground cover – grasses %pfc	Ground cover – shrubs %pfc	Ground cover – other %pfc	Proportion oversotrey regen. %	Exotic cover %nfc	Number of Trees with Hollows	Total length of fallen logs
478 Red Ironbark - Black Cypress Pine - stringybark +/- Narrow-leaved Wattle shrubby open forest on sandstone in the Gulgong - Mendooran region, southern Brigalow Belt South Bioregion (HU707)										
Benchmark values	25	20	10	5	5	5	N/A	N/A	0.8	46
UCML_CA_Site25	27	7.9	7.2	0	4	0	100	2	1	66
479 Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion (HU702)										
Benchmark values	31	5	2	2	2	2	N/A	N/A	2	40
UCML_CA_Site24	30	10.5	6.4	0	0	8	100	0	4	24
UCML_CA_Site29	19	13	8.5	2	6	8	100	0	1	47
481 Rough-barked Apple - Blakely's Red Gum - Narrow-leaved Stringybark +/- Grey Gum sandstone riparian grass fern open forest on in the southern Brigalow Belt South Bioregion and Upper Hunter region (HU713)										
Benchmark values	31	10	5	0	10	5	N/A	N/A	1.5	10
UCML_CA_Site28	35	18.5	3.8	8	12	2	100	4	0	0
UCML_CA_Site30	33	34	0.2	8	12	4	100	0	0	2

ANNEXURE D – TABLE 3: MONITORING DATA SHEET

Monitoring Data Sheet			
Monitoring Point Number		Date	
Vegetation Community			
1. Site Photo(s) Taken			
2. Floristic BioMetric attributes			
Native cover			
Overstorey:			
Midstorey:			
Groundcover(grass):			
Groundcover (shrub):			
Groundcover (other):			
Native species richness:			
Proportion of canopy species regenerating			
Exotic cover			
Number of trees with hollows			
Total length of fallen logs			
3. Opportunistic observations	GPS coordinates	Photo number	Observations
Natural regeneration of disturbed areas			
Threatened species sightings			
Fire event/fuel			
Weeds			
Pest animals			
Visitor impact/vehicles			
Rubbish dumping			

Charles Allan Allan

Ulan Coal Mines Ltd Director (Print name and sign)

Ian Gould

Ulan Coal Mines Ltd Director/Secretary (Print name and sign)

ANTHONY LEAN

Anthony Lean

Chief Executive OEH (Print name and sign)

<<End of Agreement to be signed by all parties to the Agreement>>

