

CONSERVATION AGREEMENT

BETWEEN

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

AND

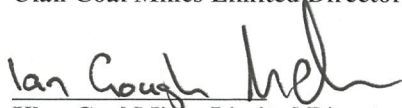
Ulan Coal Mines Limited

FOR

Highett Road *Acacia ausfeldii* Management Area



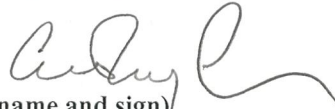
Ulan Coal Mines Limited Director (Print name and sign)



Ulan Coal Mines Limited Director (Print name and sign)

ANTHONY LEAN

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 *National Parks and Wildlife Act 1974* (**Minister**) and **Ulan Coal Mines Limited** the owner of part Lot 66 in Deposited Plan 750773 being the property known as the Highett Road *Acacia ausfeldii* Management Area (**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 19.19 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).
- 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 two plant community types (refer to Table 1, Annexure B):
- 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 (BBS) 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 BBS Bioregion and Upper Hunter region (PCT 481)
- ii) The Conservation Area contains habitat for twenty one vulnerable fauna species and two endangered fauna species under the TSC Act and three vulnerable, one endangered and one migratory species under the EPBC Act. One plant species, *Acacia ausfeldii*, listed as vulnerable under the TSC Act was observed inside the conservation area. One hundred individual *Acacia ausfeldii* plants have been identified and subject to continuous monitoring, although this number had reduced to approximately 35 living individuals in 2017. (refer to Table 2, Annexure B).
- iii) The Conservation Area has good connectivity to adjacent woodland areas, particularly to the north and east of the site.
- iv) The threatened flora species *Acacia ausfeldii* is present within the Conservation Area. This species is listed as vulnerable under the *Threatened Species Conservation Act* and is listed on the ROTAP list and coded as 3RCa.
- v) The Conservation Area may contain Aboriginal heritage values; however, no detailed studies have been undertaken.

1 DEFINITIONS AND INTERPRETATION

1.1 Definitions

In the Conservation Agreement, unless the contrary intention appears:

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

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

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

"**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;

"**HRMA**" means the Highett Road *Acacia ausfeldii* Management Area and refers to the Conservation Area;

"**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 of part Lot 66 in Deposited Plan 750773;

"**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 OEHL
(Print name and sign)

Anthony Lean
Witness signature

NICKI COMINS 59 Goulburn Street
Sydney NSW 2000
Witness Name and Address

Date 7.5.19

7.5.19
Date

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

Charles Allan Callow
Director: Ulan Coal Mines Limited
(Print name and sign)
21.12.2018
Date

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

R Stoney
Witness signature

Jason Martin
Witness signature

ROBIN STONEY
Witness Name and Address

Jason Martin
Witness Name and Address

31 SHORT ST MUDGEES NSW

8 Newman St Muswellbrook 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

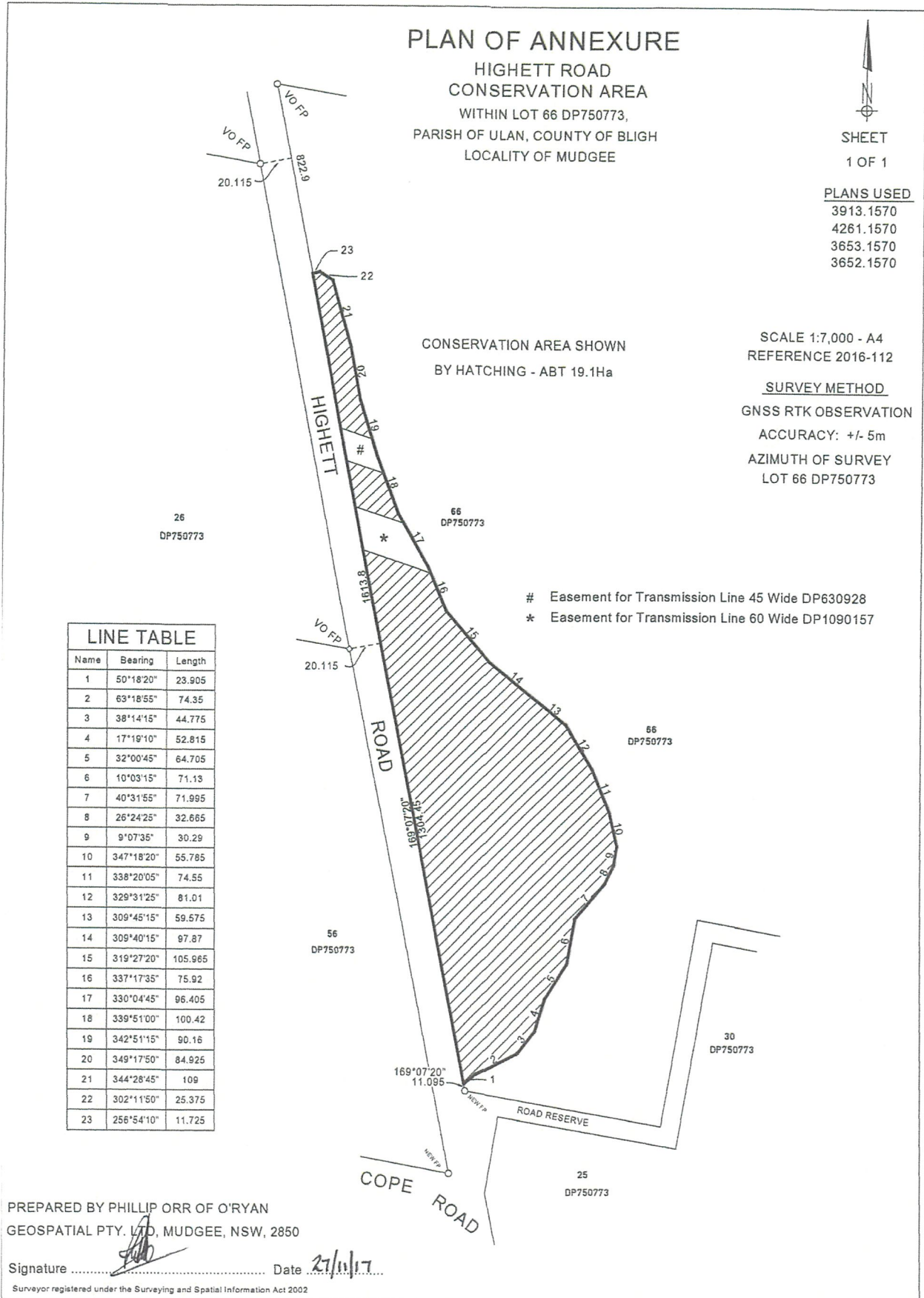
Address for service of notices on the Chief Executive OEHL


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

Address for service of notices on the Minister:

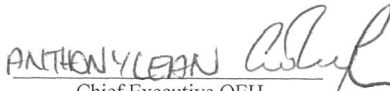
NSW Minister for the Environment
GPO Box 5341 Sydney NSW 2001.

ANNEXURE A – DIAGRAM A: CADASTRAL BOUNDARIES OF CONSERVATION AREA




Ulan Coal Mines Limited Director


Ulan Coal Mines Limited Director/Secretary


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 two plant community types:

- 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

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*, *Stypantra 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, 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)
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	11.03
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	8.07
TOTAL			19.1

B The Conservation Area contains the following threatened flora species (refer to **Annexure B**, **Table 2** and **Diagram E**):

- *Acacia ausfeldii* (Ausfeld's Wattle) (V– TSC Act)

C The Conservation Area represents approximately 19.1 ha of ecologically significant vegetation and fauna habitat and is considered a significant addition 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 to the north and east of the site. In addition, the regeneration of the vegetation in the Conservation Area will likely improve habitat corridor linkages around and within the area.

D The Conservation Area may contain Aboriginal heritage values; however, no detailed studies have been undertaken.

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: February 2017).

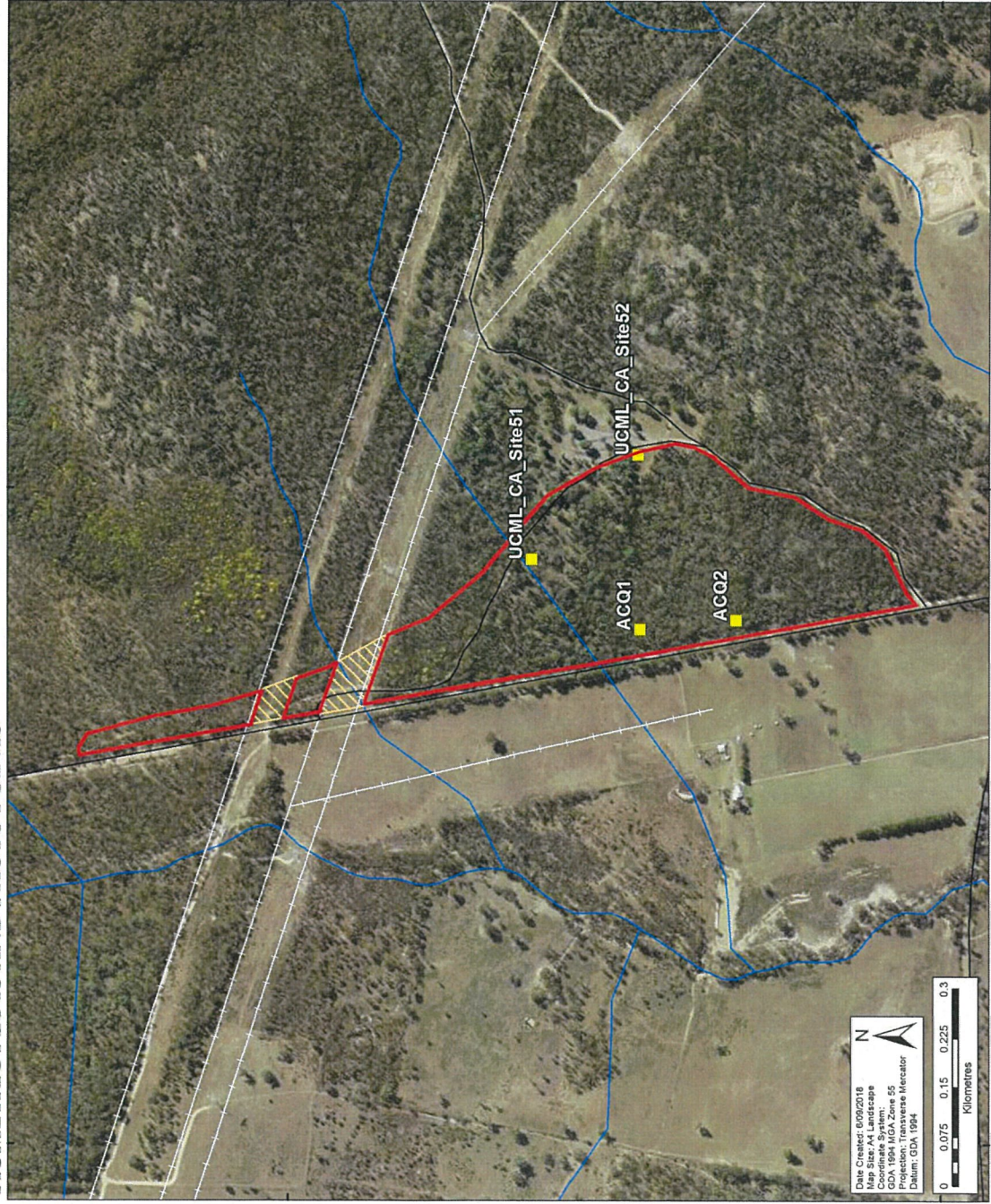
Common Species Name	Scientific Species Name	TSC Act Listing	EPBC Act Listing	Confirmed on site Y/N
Birds				
Dusky Woodswallow	<i>Artamus cyanopterus cyanopterus</i>	V		N
Gang-gang Cockatoo	<i>Callocephalon fimbriatum</i>	V		N
Glossy Black Cockatoo	<i>Calyptorhynchus lathami</i>	V		N
Speckled Warbler	<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
Painted Honeyeater	<i>Grantiella picta</i>	V	V	N
Little Lorikeet	<i>Glossopsitta pusilla</i>	V		N
White-bellied Sea Eagle	<i>Haliaeetus leucogaster</i>	-	M	N
Black-breasted Buzzard	<i>Hamirostra melanosternon</i>	V		N
Little Eagle	<i>Hieraaetus morphnoides</i>	V		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 subs.)	<i>Melithreptus gularis gularis</i>	V		N
Turquoise Parrot	<i>Neophema 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
Grey-crowned Babbler (eastern subspecies)	<i>Pomatostomus temporalis temporalis</i>	V		N
Diamond Firetail	<i>Stagonopleura guttata</i>	V		N
Mammals				
Spotted-tail Quoll	<i>Dasyurus maculatus</i>	V	E	N
Squirrel Glider	<i>Petaurus norfolcensis</i>	V		N
Brush-tailed Rock-Wallaby	<i>Petrogale penicillata</i>	E	V	N
Reptiles				
None				
Amphibians				
None				
Flora				
Ausfeld's Wattle	<i>Acacia ausfeldii</i>	V		Y
Ecological communities				
None				

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

ANNEXURE B – DIAGRAM A: LOCATION OF BIOMETRIC PLOTS AND PHOTO POINTS

Ulan Coal Mines Limited - Highett Road *Acacia ausfeldtii* Management Area

BIOMETRIC PLOTS AND PHOTO POINTS



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www.glencore.com

- Legend**
- Highett Road *Acacia ausfeldtii* Management Area
 - Biometric plots and photo points
 - Watercourses
 - Transmission Line Easement - 60m Wide
 - Infrastructure
 - Access Trails
 - Service Easements

Created by: emily.bathgate Time: 1:42:14 PM

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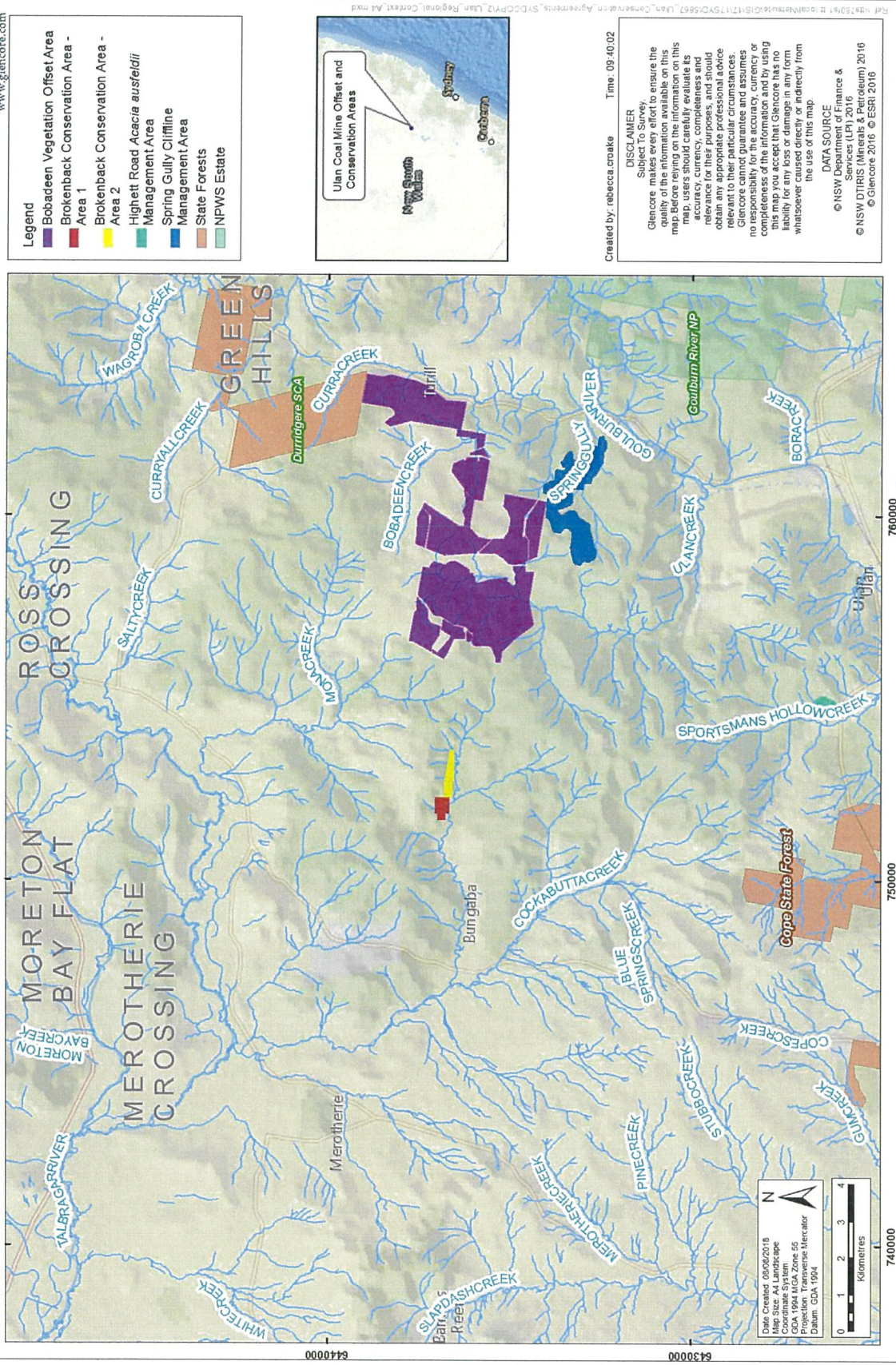
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ANNEXURE B – DIAGRAM B: REGIONAL LOCATION OF PROPERTY

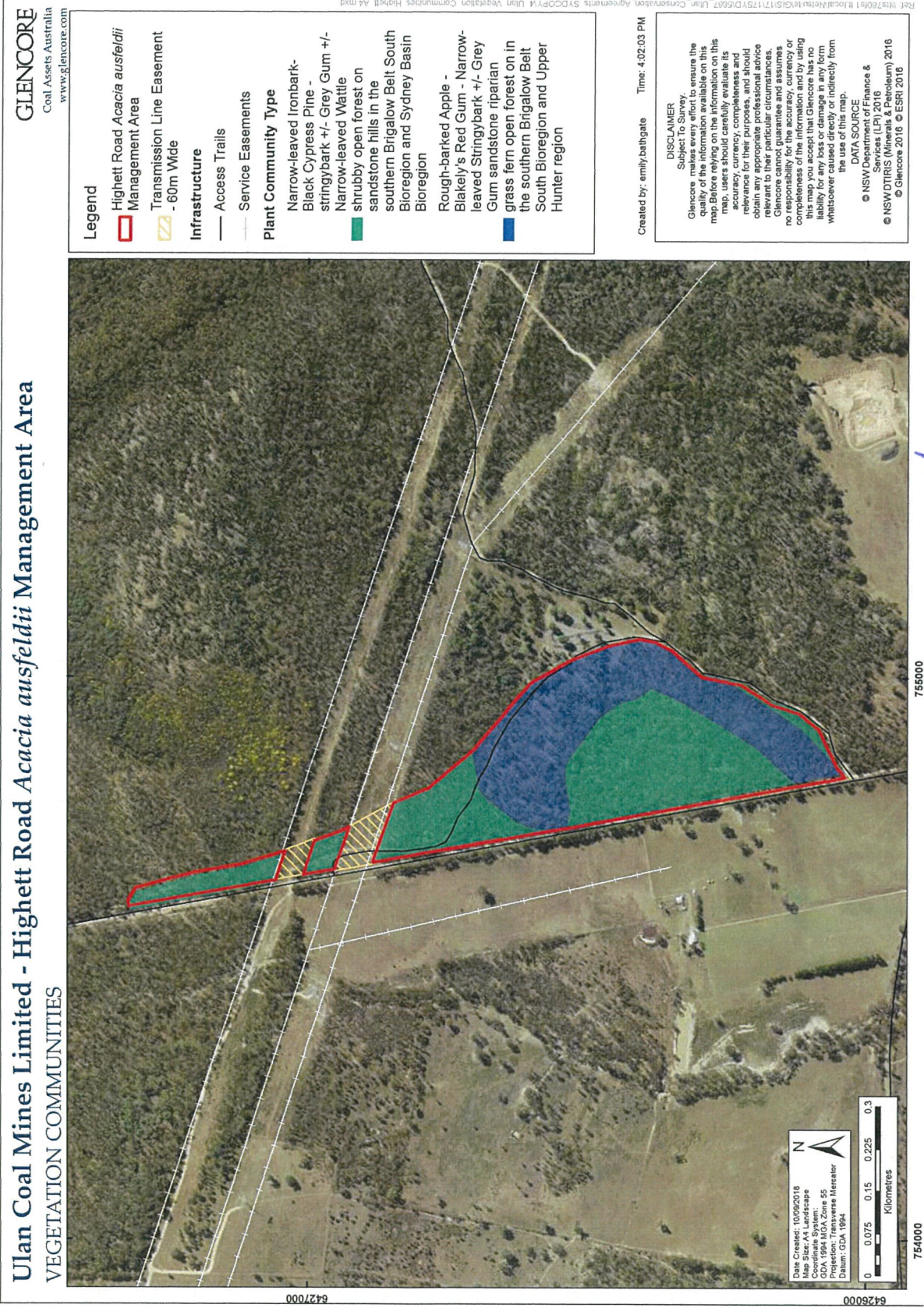
Ulan Coal Mines Limited - Conservation Areas and Offset Areas

REGIONAL LOCATION OF PROPERTIES



ANNEXURE B – DIAGRAM C: CURRENT VEGETATION COMMUNITIES

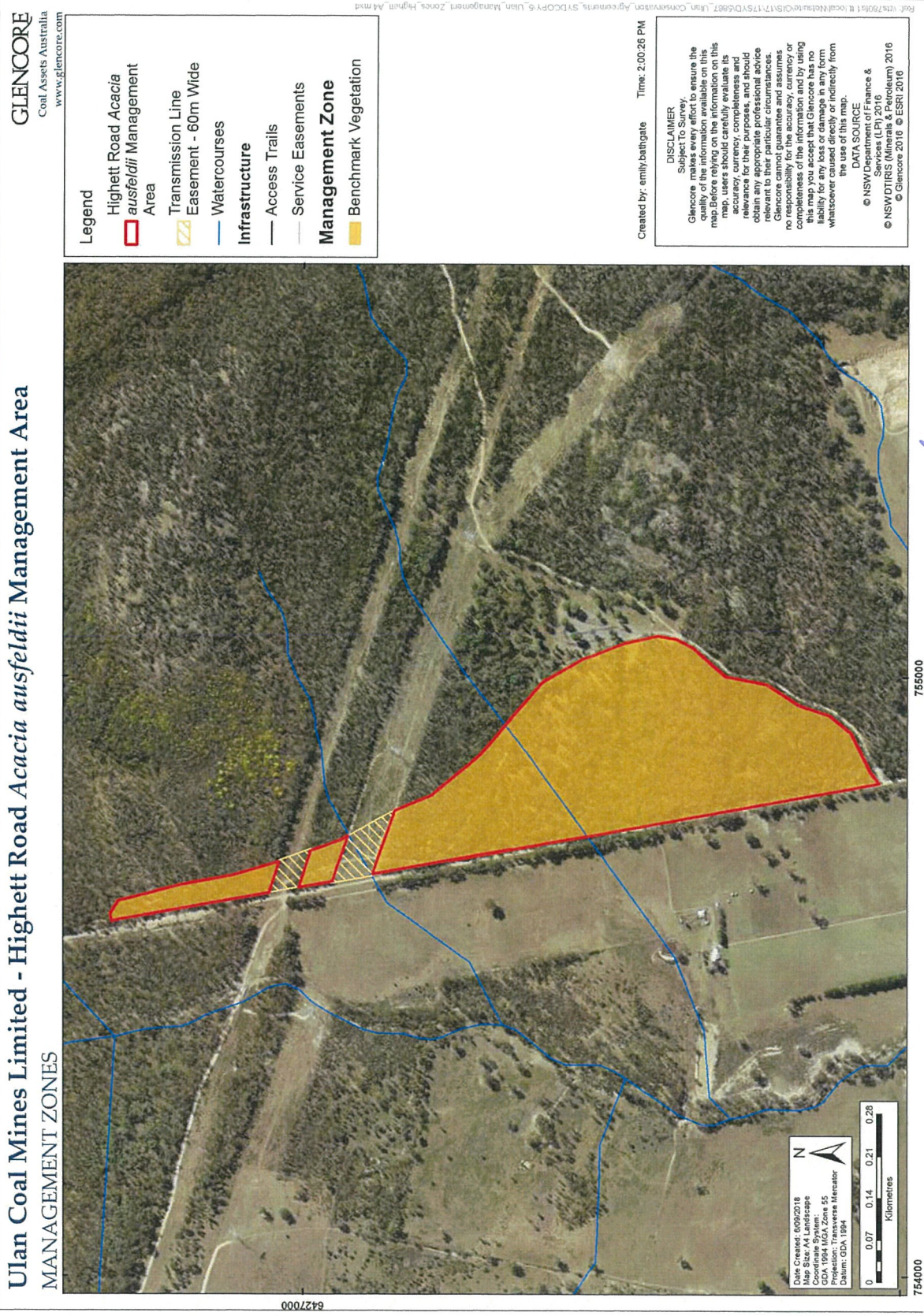
Ulan Coal Mines Limited - Highett Road *Acacia ausfeldii* Management Area
VEGETATION COMMUNITIES



Initials: *BA 15*

ANNEXURE B – DIAGRAM D: MANAGEMENT ZONES

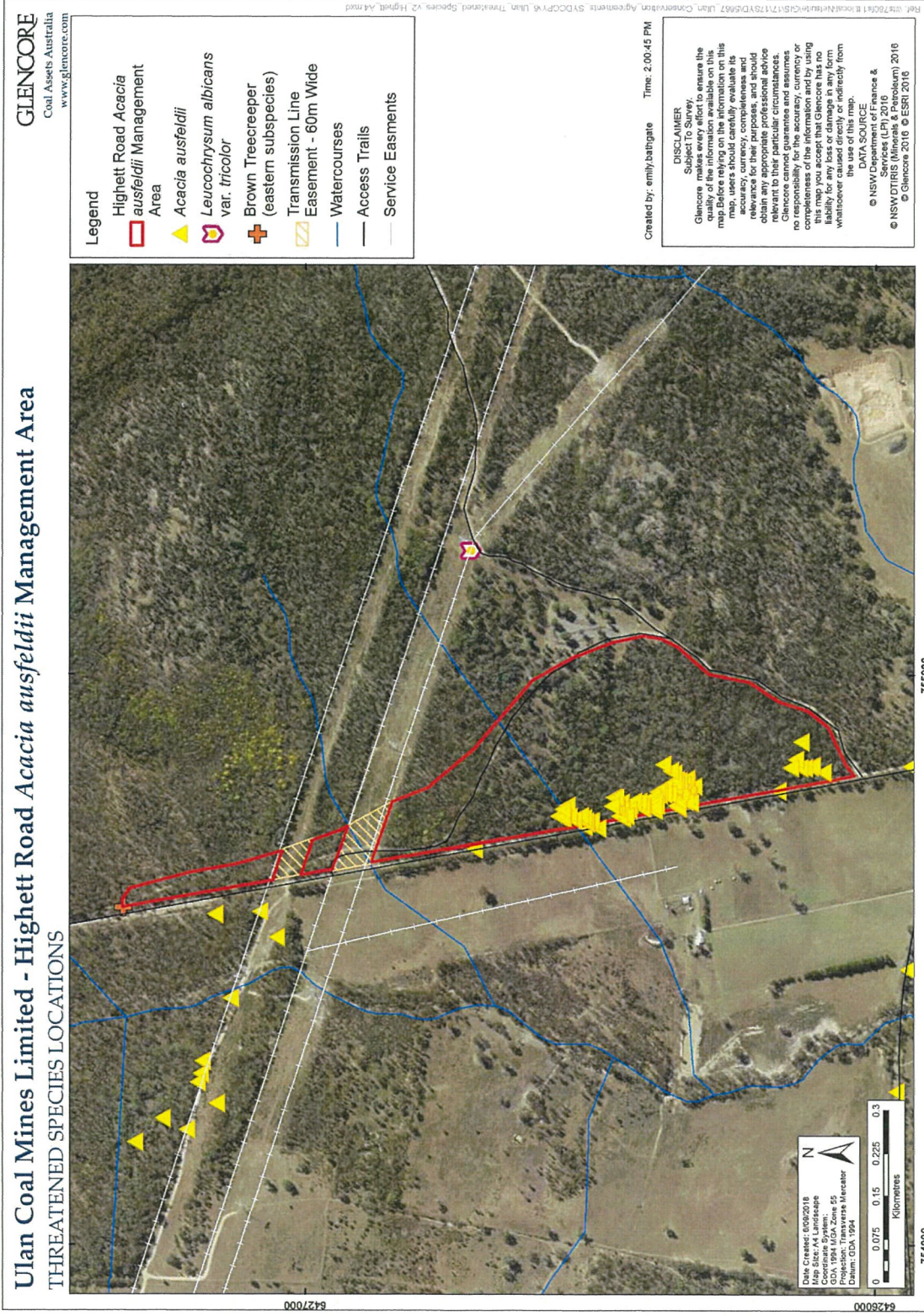
Ulan Coal Mines Limited - Hightett Road *Acacia ausfeldii* Management Area
MANAGEMENT ZONES



Initials
AD. 19

ANNEXURE B – DIAGRAM E: THREATENED SPECIES

Ulan Coal Mines Limited - Hightt Road *Acacia ausfeldii* Management Area
THREATENED SPECIES LOCATIONS



Handwritten signature/initials

ANNEXURE B – PHOTO POINT PHOTOGRAPHS

Four photos were taken at each monitoring site in a clockwise direction, with the first photo orientated north from the star picket (start of the transect), followed by east, south and west. 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 are presented on pages 19 to 22.

Monitoring methods for *Acacia ausfeldii*

Monitoring of *Acacia ausfeldii* commenced in spring 2011 with benchmark vegetation and was undertaken annually for the first 5 years to measure the condition of remnant vegetation and identify any deterioration or improvement in habitat quality. Monitoring occurs biennially however, should disturbance occur to this population, monitoring of the habitat condition monitoring plots will return to annual monitoring with biennial monitoring recommencing after three years.

Monitoring within the benchmark vegetation consists of the following method:

- Monitoring native species richness, native tree cover, native mid-storey cover, native ground cover, exotic species cover and regeneration progression over time.

Monitoring requirements for *Acacia ausfeldii* utilizes the Bio Banking assessment methodology (OEH, 2014) which consists of 20 m x 50 m habitat condition monitoring plots to assess cover and abundance, identification of stratum and growth form for each species and, 20 m x 20 m plots to monitor the following:

- floristic composition and structure;
- progress of revegetation/regeneration towards target native vegetation community;
- general health of vegetation;
- evidence of natural regeneration;
- requirements for species-specific planting or thinning;
- success of management actions implemented following previous monitoring inspections;
- non-vascular ground cover (litter, cryptogam, logs >10 cm diameter, rocks >5 cm diameter, bare soil) (% cover); and
- the occurrence and abundance of weeds, evidence of animal disturbance and observable impacts.

One hundred *Acacia ausfeldii* individuals were tagged within the existing population of *Acacia ausfeldii* along Highett Road for monitoring in spring 2011. The 2011 monitoring data forms the baseline data used to indicate health, growth and reproductive status of the 100 individual specimens tagged. These 100 individuals are monitored biennially, with the following data collected for each individual:

- number, density, height, diameter at base, condition rating and reproductive status of tagged *Acacia ausfeldii* seedlings, saplings and mature shrubs.

Targeted surveys for *Acacia ausfeldii* regeneration are conducted every two years within the Highett Road population. Three randomly placed transects (50 m length) and 20 randomly placed 1 m x 1 m quadrats are monitored, and the number of *Acacia ausfeldii* seedlings along each transect and within each quadrat recorded.

ACQ1 monitors an area of Narrow-leaved Ironbark – Black Cypress Pine – Stringybark shrubby open forest. Dominant canopy species include *Eucalyptus macrorhyncha* (Red Stringybark) and *Callitris endlicheri* (Black Cypress Pine). The dominant mid-storey species are *Exocarpos cupressiformis* (Native Cherry) and *Acacia decora* (Western Silver Wattle), with a ground layer dominated by *Austrostipa scabra* (Speargrass) and *Aristida ramosa* (Purple Wiregrass).

Weed cover is low with *Hypochaeris radicata* (Cats ear) and *Conyza sp.* (Fleabane) present within the site.



North (0°) (February 2017)



East (90°) (February 2017)



South (180°) (February 2017)



West (270°) (February 2017)

ACQ2 monitors an area of Narrow-leaved Ironbark – Black Cypress Pine – Stringybark shrubby open forest. Dominant canopy species within the site are *Eucalyptus crebra* (Narrow-leaved Ironbark) and *Callitris endlicheri* (Black Cypress Pine). The dominant mid-storey species are *Exocarpos cupressiformis* (Native Cherry) and *Acrotriche rigida*, whilst *Austrostipa scabra* (Speargrass), *Einadia hastata* (Berry Saltbush) and *Rytidosperma sp.* (Wallaby Grass) dominate the ground layer.

Weed cover is low with *Hypochaeris radicata* (Cats ear) and *Conyza sp.* (Fleabane) present within the site.



North (0°) (February 2017)



East (90°) (February 2017)



South (180°) (February 2017)



West (270°) (February 2017)

UCML_CA_Site51 monitors an area of Rough-barked Apple – Blakely’s Red Gum – Narrow-leaved Stringybark open forest. Dominant canopy species are *Angophora floribunda* (Rough-barked Apple), *Eucalyptus blakelyi* (Blakely’s Red Gum) and *Eucalyptus melliodora* (Yellow Box). The dominant mid-storey species are *Styphelia triflora* (Pink Five-Corners) and *Cassinia arcuata* (Sifton Bush), whilst *Aristida vagans* (Three-awn Speargrass), *Aristida ramosa* (Purple Wiregrass) and *Austrostipa scabra* (Speargrass) dominate the ground layer.

Weed cover is low with *Hypochaeris radicata* (Cats ear), *Conyza sp.* (Fleabane) and *Petrorhagia nanteuilii* present within the site.



North (0°) (February 2017)



East (90°) (February 2017)



South (180°) (February 2017)



West (270°) (February 2017)

UCML_CA_Site52 monitors an area of regenerating Rough-barked Apple – Blakely’s Red Gum – Narrow-leaved Stringybark open forest. The canopy and mid-storey is dominated by *Angophora floribunda* (Rough-barked Apple). *Aristida vagans* (Three-awn Speargrass), *Aristida ramosa* (Purple Wiregrass) and *Podolepis neglecta* dominate the ground layer.

Weed cover is low with *Conyza sp.* (Fleabane) and *Verbascum thapsus* (Great Mullein) forming the dominant exotic species in the site. The priority weed *Hypericum perforatum* (St John’s Wort) is also present within 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	Access roads to the Conservation Area are maintained by Mid-Western Regional Council, 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	Fence maintenance where required, locked gates and additional permanent signage to discourage trespassers.	\$1000
Maintain boundary fencing	Years 1-10		\$10,000
Periodic maintenance/replacement of access gates	Years 1-10		N/A
Livestock management	Years 1-10	Stock management is undertaken on an as needs basis. Any rogue stock which has entered the offset	N/A

Aim	Timing	Management action	Indicative cost for management action
Threatened species, populations and endangered ecological communities (EEC)	Years 1-10	area will be removed as required.	N/A
Aboriginal Places and Aboriginal Objects	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. Requirements as per Saving Our Species (SoS) Program regular monitoring of species abundance, extent and condition on the site will be conducted to determine population trends through time. The extent and severity of threats will also be monitored to assess the effectiveness of management actions. Management actions will be adapted, added or removed over time in response to monitoring results, based on maximising the project's effectiveness.	N/A
Monitoring Reporting	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. Prepare monitoring reports in accordance with the biennial monitoring methodology as outlined in Annexure D.	\$2,000 per report \$20,000 total
Total indicative cost for 10-year period			\$ 39,000

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. As per Condition 44 in PA 08_0184 the propagation of threatened flora and native grassland (including <i>Acacia ausfeldii</i>), protecting and managing <i>Acacia ausfeldii</i> , detailed completion criteria and 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, are the management actions required to be undertaken in order to conserve the <i>Acacia ausfeldii</i> population.
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.
Livestock	The Owner must remove any livestock which have entered the Conservation Area as soon as practical.

Issue	Management action
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.

Easements

- g) Management of easements for electricity and other purposes should be undertaken managed with the intent of minimum environmental impact.

Fencing, tracks and trails

- h) 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.
- i) Construction of any new internal fence, access track or trail only with prior written approval from OEH.
- 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 - 30 year inter-fire period for 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)
 - 5 - 20 year minimum fire interval for 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)
 - 50 – 100 year fire interval for areas of regenerating or rehabilitated vegetation regardless of its PCT type.
 - *Acacia ausfeldii* exhibits a very specific temperature requirement for germination with germination not occurring if the heat of fire does not reach 100 degrees Celsius.

- Variations that occur in fire intensity and evenness limit the likelihood of successful germination of *Acacia ausfeldii*, resulting in the species occupying only a small part of the landscape.
 - 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) tube stock planting, and/or
 - iv) 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.
 - ii. Acacia assistance program to be monitored annually five years after planting/revegetation has been undertaken (estimated commencement 2019) before reverting to the monitoring schedule for reference sites.
- (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 OEH copies of those receipts upon request by OEH.
- (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

It is outlined in the Ulan Annual Floristic Monitoring Report conducted by Eco Logical Australia (ELA, 2015), *Acacia ausfeldii* populations have indicated a decline and cessation of growth with the population of live individuals reaching 51 as of spring 2015, down to 33 as of spring 2017. Of those individuals recorded, most showed either severe dieback, damage or dead branches. Very few individuals (3, or 6%) were assessed as being healthy and it is expected that this defined population will continue to senesce and decline over the coming years. As such listing the locations of the 100 individuals would not be required due a significant number senescing therefore the list would not represent any significant data.

Photo Point / Site No.	Easting/Northing GDA 94 MGA 55	Vegetation Community Represented
ACQ1	754762, 6426459	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
ACQ2	754777, 6426312	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_Site51	754869, 6426624	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_Site52	755029, 6426462	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 DECEMBER 2016

Photo Point / Site No.	Native species richness	Overstorey cover %pfc	Mid-storey cover %pfc	Ground cover – grasses %pfc	Ground cover – shrubs %pfc	Ground cover – other %pfc	Proportion overstorey regen. (%)	Exotic cover	Number of Trees with Hollows	Total length of fallen logs
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
ACQ1	41	11	1.5	8	6	12	66	0	0	200
ACQ2	35	25.5	0	12	4	2	50	0	0	130
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_Site51	39	12.5	0.5	14	0	2	100	4	0	0
UCML_CA_Site52	29	4	0	34	0	4	100	4	1	0

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 Allow

Ulan Coal Mines Limited Director (Print name and sign)

Van Gough

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

ANTHONY LEAK *Anthony Leak*

Chief Executive OEH (Print name and sign)

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