Approval

Ulan West Extension, Ulan, New South Wales (EPBC 2015/7511)

This decision is made under sections 130(1) and 133 of the Environment Protection and Biodiversity Conservation Act 1999.

Approved action

<table>
<thead>
<tr>
<th>person to whom the approval is granted</th>
<th>Ulan Coal Mines Limited</th>
</tr>
</thead>
<tbody>
<tr>
<td>proponent’s ACN</td>
<td>000 189 248</td>
</tr>
<tr>
<td>proposed action</td>
<td>extension of the existing Ulan West underground coal mine and surface infrastructure, Ulan NSW.</td>
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</tbody>
</table>

Approval decision

<table>
<thead>
<tr>
<th>Controlling provision</th>
<th>Decision</th>
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<tr>
<td>listed threatened species and communities (sections 18 &amp; 18A)</td>
<td>Approved</td>
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conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 1 March 2036

Decision-maker

<table>
<thead>
<tr>
<th>name and position</th>
<th>Victoria Press</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Acting Assistant Secretary</td>
</tr>
<tr>
<td></td>
<td>Assessments (NSW, ACT) and Fuel Branch</td>
</tr>
</tbody>
</table>

signature


date of decision

2 March 2016
Conditions attached to the approval

1. The approval holder must not clear:
   a. more than 13.8 hectares of vegetation for the proposed surface infrastructure corridor, at the impact site
   b. any White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland community present at the impact site

2. To minimise impacts to the White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland ecological community at the impact site, the approval holder must achieve the following outcome:
   a. For the life of the approval, the pre-mining extent and condition of the White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland ecological community (as identified at Annexure B) must be maintained or enhanced

3. The approval holder must undertake a monitoring program (which includes baseline monitoring) at the impact site and control sites, to detect and measure the impacts of subsidence on the White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland ecological community at the impact site. The monitoring program must:
   a. detail the program (including baseline data, objectives, methods, frequency, control sites) to be implemented
   b. be planned so that the data gathered is adequate to: inform adaptive management, and demonstrate whether outcomes described in these conditions have been met.
   c. identify the pre-mining extent and condition of White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland community against the EPBC Act listing description for White Box-Yellow Box-Blakely’s Red Gum Grassy woodland and Derived Native Grassland community prior to commencement of the action
   d. be prepared and implemented by a suitably qualified person and be consistent with the most recent version of relevant EPBC Act recovery plans
   e. The approval holder must submit the monitoring program described in condition 3 (a)-(d), for the Minister’s approval. Longwall mining beneath White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland must not occur before the monitoring program is approved.

4. The approval holder must implement the Ulan Coal Mine Biodiversity Management Plan and approved monitoring program described in condition 3(a)-(e) at the impact site until 1 March 2036.
5. To mitigate any potential impacts to the Large-eared Pied Bat, the approval holder must identify, and develop a strategy to conserve, suitable cliff line habitat in the event that Large-eared Pied Bat maternity roosts are found in cliff line habitat within the subsidence zone prior to longwall mining occurring.
   a. The strategy must be submitted to the Department, and be approved by the Minister. Mining beneath cliff line habitat within the impact site must not occur if the strategy is not approved.

6. The approval holder must engage a suitably qualified person to undertake monitoring of cliff line habitat for maternity roosts of the Large-eared Pied Bat within subsidence zones, in accordance with the EPBC Act survey guidelines for the Large-eared Pied Bat. Monitoring must be undertaken no more than 4 weeks prior to mining beneath cliff line habitat.
   a. If maternity roosts for the Large-eared Pied Bats are determined to be present in cliff line habitats within the subsidence zone during the pre-mining monitoring period, the approval holder must implement the approved strategy required under Condition 5 to mitigate any impact from the action on Large-eared Pied Bats.

Standard conditions

7. If the Minister is not satisfied that the outcomes required under Conditions 1(a), 1(b) and 2(a) are likely to be achieved, or if there is insufficient evidence that the outcomes required under Conditions 1(a), 1(b) and 2(a) are being achieved, the Minister may (in writing) require the approval holder to submit a plan for Minister’s approval to reduce, mitigate, remediate or offset impacts to matters protected under the controlling provisions of this approval within a designated timeframe. The Minister may request that the plan be prepared or reviewed by a person designated or agreed to by the Minister. If the Minister approves the plan then the approved plan must be implemented.

8. Within 10 business days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.

9. The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits may be posted to the Department’s website. The results of audits may also be publicised through the general media.

10. Within 40 business days of 14 February each year for the period which the approval has effect, the approval holder must publish a compliance report on their website addressing compliance with the conditions of this approval over the previous 12 months ending on 14 February. Documentary evidence providing proof of the date of publication and details of how to access the compliance report must be provided to the Department within 48 hours of publishing the compliance report.
11. Non-compliance with any of the conditions of this approval must be reported to the Department within 48 hours of the approval holder becoming aware of the non-compliance.

12. Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.

13. If, at any time after seven years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.

14. The approval holder must maintain a dedicated webpage on compliance with these conditions that is publically available on the approval holder’s website for the life of the approval. The webpage must include: a copy of the approval conditions (and any subsequent variations or other formal changes to the approval); all monitoring results required under these conditions; compliance reports required under condition 7; and any management plans (which must be published within 1 month of being approved).
Definitions:

**Action** the extension of existing Ulan West underground coal mine (EPBC 2009/5252), located 1.5 kilometres (km) east of the village of Ulan, within the Mid-Western Regional Council Local Government Area, and approximately 38 km north-northeast of Mudgee in New South Wales.

**Approval holder** means the person to whom the approval is granted, or any person acting on their behalf, or to whom the approval is transferred under section 145B of the EPBC Act.

**Business days**: measured in relation to the doing of any action, any day other than a Saturday, a Sunday, or a public holiday that occurs in New South Wales.

**Clear/Clearing** is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation, but does not include measures for weed and pest management.

**Commencement/Commenced/Commencement of the action** is the first instance of underground mining that results in subsidence, clearing of vegetation, the erection of ventilation and dewatering infrastructure, or the use of heavy-duty equipment for the purpose of surface construction within the impact site. This does not include the creation of underground access roads, maintenance or use of existing surface access tracks, erection or construction of security fencing and signage, remediation/corrective actions or investigative activities such as accessing the site for surveying or planning purposes.

**Cliff line habitat** means cliff lines and caves that are suitable for Large-eared Pied Bat maternity roosts in accordance with the EPBC Act Large-eared Pied Bat National Recovery Plan.

**Control sites** are sites to be monitored concurrently with project sites or offset sites, to provide evidence of the relative impacts or improvements as a result of the approved action. The control sites must be located in areas not impacted by mining subsidence and within 10 km of the impact site.

**Department** is the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

**EPBC Act** is the *Environment Protection and Biodiversity Conservation Act 1999*.

**Impact site** means the Ulan West Extension area, 4505 Ulan Road, ULAN NSW 2850. Refer to Figure 3 of the *EPBC 201517511 Ulan West Extension Preliminary Documentation*.

**Large-eared Pied Bat** (*Chalinolobus dwyeri*) is a species listed as vulnerable under the EPBC Act

**Minister** is the Minister administering the EPBC Act and includes a delegate of the **Minister**.

**New or increased impact** is when there is new or increased impact on any matter protected by the controlling provisions for the action, when compared to the program that has been approved by the Minister.
Proposed surface infrastructure corridor is designed for the ventilation shafts and associated infrastructure that is required at the proposed main headings of the longwall panels. The conceptual location of surface infrastructure is found at Annexure 1.

Subsidence zone is the area affected by subsidence from longwall mining within the impact site.

Suitably qualified person means a person with relevant tertiary qualifications and/or a minimum of three years demonstrated experience relevant to the task in question.

Ulan Coal Mine Limited Biodiversity Management Plan (UCML BMP) includes ecological management strategies, procedures, controls and monitoring programs, including pre-disturbance procedures that are implemented for the management of biodiversity. The UCML BMP can be found at www.ulancoal.com.au/EN/Environment/Environment%20Management%20Plan/Biodiversity%20Management%20Plan.pdf

White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland is an ecological community listed as critically endangered under the EPBC Act. This critically endangered ecological community is present in three separate patches at the impact site. The community is mapped at Annexure 2.
Legend

- Approved Conceptual Ulan West Mine Plan (not the subject of the action)
- Proposed Extension to Approved Conceptual Ulan West Mine Plan (forms part of the action)
- TPBC Referral Area
- Mining Lease Application (MLA475)
- Approved Brokenback Conservation Area
- Approved Infrastructure Corridor (not the subject of the action)
- Proposed Conceptual Infrastructure Corridor (forms part of the action)
- Potential Location of Realigned Ventilation Shaft Compounds (forms part of the action)

Data Source: Ulan Coal (2014)

Figure 3
Proposed Action
Ulan West Extension

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