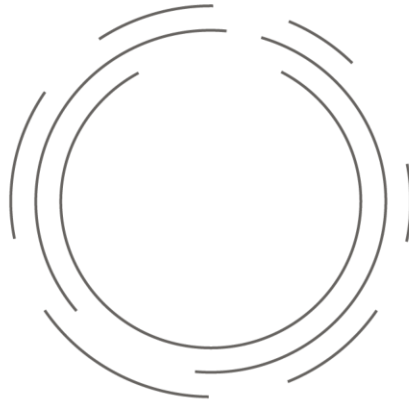




Response to Audit Non-Compliances and Recommendations



Table of Contents

1.	Response to Audit Non-Compliances	3
2.	Response to Audit Recommendations.....	6

1. Response to Audit Non-Compliances

Document, Schedule, Condition	Condition Description	Compliance Status	Recommendation	Action	Timing
SSD7142 , Schedule 2, Condition B28	The Applicant must: ... (c) operate a comprehensive air quality management system that uses a combination of predictive meteorological and air quality forecasting and real-time monitoring to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;	Non-compliant (Low)	It is recommended that UWJV continue to maintain and manage the site air quality monitoring network in accordance with the AQGHGMP to ensure data is available to verify compliance with SSD 7142 criteria.	Continue to maintain and manage the site air quality monitoring network in accordance with the AQGHGMP to ensure data is available to verify compliance with SSD 7142 criteria.	Ongoing
SSD7142 , Schedule 2, Condition B40	The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.	Non-compliant (Low)	It is recommended that UWJV regularly review the conditions of water licences held for the development to ensure that appropriate compliance notifications are made and monitoring information is retained.	Regularly review conditions of water licences to ensure that appropriate compliance notifications are made and monitoring information is retained.	Ongoing
SSD7142 , Schedule 2, Condition B56	Within 12 months of commencing Phase 1A, or other timeframe agreed by the Planning Secretary, the Applicant must retire the Stage 1 credits as specified in Table 5, excluding ecosystem credits to be satisfied using Ecological Mine Rehabilitation. The Applicant must notify the Planning Secretary of its intention to satisfy Stage 1 credits using Ecological Mine Rehabilitation and provide details of the	Non-compliant (Low)	It is recommended that UWJV continue to engage closely with the relevant agencies to secure Biodiversity Stewardship Agreement for the project, in accordance with DPE advice of October 2021.	Retire the biodiversity credits specified in Table 5 of the consent, or the equivalent number of credits as set out in the Biodiversity	End June 2024

Number:

Owner: Environment & Community Manager

Status:

Final

Version:

1.0

Effective:

27 Dec 2023

Page 3 of 9

Document, Schedule, Condition	Condition Description	Compliance Status	Recommendation	Action	Timing
	particular ecosystem credits proposed to be satisfied in this manner within 12 months of commencing Phase 1A.			Management Plan, to offset the biodiversity impacts of the development.	
SSD7142, Schedule 2, Condition B70	Within 12 months of commencing Phase 1B, or other timeframe agreed by the Planning Secretary, the Applicant must make suitable arrangements for the long-term protection of 18.5 hectares of compensatory habitat to account for disturbing the previous compensatory habitat area for United Underground Coal Mine (DA 410-11-2002-i).	Non-compliant (Low)	It is recommended that UWJV continue to engage closely with the relevant agencies to secure Biodiversity Stewardship Agreement for the project, in accordance with DPE advice of October 2021.	As per B56 above	As per B56 above
SSD7142, Schedule 2, Condition B85	The Applicant must: (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;	Non-compliant (Low)	A number of lighting complaints were recorded in 2020 and 2021 which on investigation by UWJV were found to be related to the siting of lighting plant. Review of these complaints and UW responses indicate that additional reasonable and feasible steps to minimise off-site lighting impacts could have been implemented during 2020, 2021 and 2022. It is recommended that UWJV continue to regularly review the siting and operation of mobile lighting plant required for night-time operations and consider the potential for off-site lighting impacts. It is recommended that UWJV consider the findings of the ERR (2023) visual review and implement additional roadside plantings along the Golden Highway to screen views of the site, in consultation with RMS.	Consider the findings of the ERR (2023) visual review and implement additional roadside plantings along the Golden Highway to screen views of the site, in consultation with RMS.	End March 2024

Number:

Owner: Environment & Community Manager

Status:

Final

Version:

1.0

Effective:

27 Dec 2023

Page 4 of 9

Document, Schedule, Condition	Condition Description	Compliance Status	Recommendation	Action	Timing
CCL775 , Condition 5	a) The lease holder must not mine within any part of the lease area which is within the notification area of the Wambo Tailings Dam, Wambo Hunter Pit Tailings Dam, Wambo Chitter Dump Tailings Dam and Riverview Void In-pit Water Storage Dam without the prior written approval of the Minister and subject to any conditions the Minister may stipulate. b) Where the lease holder desires to mine within the notification area, the lease holder must: (i) at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and (ii) provide such information as the Minister may direct.	Not Compliant (Administrative)	It is recommended that UWJV continue to engage with DS NSW to gain the approval of the Minister for CCL 775 operations within the declared dam notification areas.	Engage with DS NSW to gain the approval of the Minister for CCL 775 operations within the declared dam notification areas.	End April 2024

Number:

Owner: Environment & Community Manager

Status:

Final

Version:

1.0

Effective:

27 Dec 2023

2. Response to Audit Recommendations

Document, Schedule, Condition	Condition Description	Compliance Status	Recommendation	Action	Timing
SSD7142, Schedule 2, Condition B2	Noise generated by the development must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy (EPA, 2000). Appendix 4 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.	Compliant	It is recommended that future UWJV noise monitoring reports refer to the INP. It is noted that the UWJV September 2023 noise monitoring report includes this reference.	Complete	Complete
SSD7142, Schedule 2, Condition B32	The Applicant must prepare an Export Management Plan for the development to the satisfaction of the Planning Secretary. This plan must set out protocols that require the Applicant to use all reasonable and feasible measures to ensure that any coal extracted from the development that is to be exported from Australia, is only exported to countries that are: (a) parties to the Paris Agreement within the United Nations Framework Convention on Climate Change; or	Compliant	It is recommended that the document control sections of the Export Management Plan are updated to include the effective and review dates.	Update the Export Management Plan.	Complete
SSD7142, Schedule 2, Condition B37	Prior to the commencement of Phase 1B and for the remaining life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that: (a) complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007);	Compliant	It is recommended that future Weather Station Calibration Reports include a statement confirming the units are in compliance with the respective requirements of the Approved Methods and the INP.	Request inclusion of Statement into Calibration Reports from Novecom.	Prior to next calibration.
SSD7142, Schedule 2, Condition B52	The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: ...	Compliant	It is recommended that the links to the public documents referred to in Section 8.1 the Water Management Plan are updated at the next revision of the document.	Update the links in the WMP.	Upon next review (April 24).

Number:

Owner: Environment & Community Manager

Status:

Final

Version:

1.0

Effective:

27 Dec 2023

Page 6 of 9

Document, Schedule, Condition	Condition Description	Compliance Status	Recommendation	Action	Timing
	(d) utilise existing data from nearby mines and build on existing monitoring programs, where practicable;				
SSD7142, Schedule 2, Condition B52	water storage capacity;	Compliant	It is recommended that the WMP is updated to include a summary of the capacity for UW water storages, or a reference to the approved UW SWMP, which includes this information.	Include a reference to the UW water storages in WMP.	Upon next review (April 24).
SSD7142, Schedule 2, Condition B52	(iv) Surface Water Management Plan that includes: - detailed baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development, including: - stream and riparian vegetation health; - channel stability (geomorphology); and - water supply for other surface water users;	Compliant	It is recommended that the web links Section 6 of the SWMP are reviewed and updated to at the next revision of the plan.	Update the links in the SWMP.	Upon next review (April 24).
SSD7142, Schedule 2, Condition B52	- a program to regularly monitor: - compliance with the relevant performance measures listed in Table 4 and the performance criteria established above; - controlled and uncontrolled discharges and seepage/leachate from the site; - impacts on water supply for other water users; - surface water inflows, outflows and storage volumes to inform the Site Water Balance; and - the effectiveness of the surface water management systems and the measures within the Erosion and Sediment Control Plan;	Compliant	Section 10.3 of the SWMP does not include reference to the program for monitoring of seepage / leachate from the site. It is recommended that the SWMP is reviewed and updated to refer to this monitoring program.	Include a reference to the seepage/leachate monitoring program in SWMP.	Upon next review (April 24).
SSD7142, Schedule 2, Condition B71	The Applicant must prepare a Biodiversity Management Plan to the satisfaction of the Planning Secretary. This plan must:	Compliant	It is recommended that UW retire the biodiversity credits specified in Table 5 of the consent, or the equivalent number of credits as set out in the	As per B56 above	As per B56 above

Number:

Owner: Environment & Community Manager

Status:

Final

Version:

1.0

Effective:

27 Dec 2023

Page 7 of 9

Document, Schedule, Condition	Condition Description	Compliance Status	Recommendation	Action	Timing
	... include a Biodiversity Offset Strategy that: (i) recalculates, if necessary, in accordance with the BC Act the number of biodiversity credits required under condition B55 to offset the impacts of the development; (ii) describes how the biodiversity credits in Table 5 (or as recalculated) will be identified, secured and retired; (iii) if adjustments are made to the staging of credit retirements in Table 5 (see conditions B58 and B59), detail the adjusted stages and associated surface disturbance areas; and (iv) describes how significantly impacted threatened species and communities listed under the EPBC Act would be suitably offset;		BDMP, to offset the biodiversity impacts of the development. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.		
SSD7142 , Schedule 2, Condition B91	The Applicant must: (a) take all reasonable steps to minimise the waste (including coal rejects) generated by the development;	Compliant	It is recommended that the UWJV Waste Management Plan is reviewed and updated to include a date the document was created or updated and a reference number. It is recommended that waste segregation requirements are regularly communicated to UWJV personnel during training.	Update the Waste Management Plan document control information.	Complete
SSD7142 , Statement of Commitments, Section 8.0 Management Measures_048, 049	United will implement a comprehensive Biodiversity Offset Strategy for the Project as outlined in Section 6.9.6, including: - o establishment of proponent-managed offset sites possibly including the Highfields Offset Site, Mangrove Offset Site and Wambo Offset Site - o mine site ecological rehabilitation contributing 25 per cent of the overall biodiversity offset requirement	Compliant	It is recommended that UWJV continue to liaise with the relevant agencies to secure the required biodiversity offsets for the project using a suitable contemporary mechanism.	As per B56 above	As per B56 above

Number:

Owner: Environment & Community Manager

Status:

Final

Version:

1.0

Effective:

27 Dec 2023

Page 8 of 9

Document, Schedule, Condition	Condition Description	Compliance Status	Recommendation	Action	Timing
	(estimated at around 878 hectares of ecological rehabilitation) o Payments into the Upper Hunter Offsets Scheme fund and/or establishment of further offset sites for the residual credits that need to be retired.				
SSD7142 , Statement of Commitments, Section 8.0 Management Measures_059	Subject to the agreement of RMS and relevant landholders, additional roadside tree planting will be undertaken along the existing Golden Highway to screen views of the Project	Compliant	It is recommended that UWJV consider the findings of the ERR (2023) visual review and implement additional roadside plantings along the Golden Highway to screen views of the site, in consultation with RMS.	As per B85 above	As per B85 above

Number:

Owner: Environment & Community Manager

Status:

Final

Version:

1.0

Effective:

27 Dec 2023