

**INDEPENDENT
ENVIRONMENTAL
COMPLIANCE AUDIT**

**SUNNYSIDE COAL MINE –
PA 06_0308**

December 2013



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Prepared by
Umwelt (Australia) Pty Limited

on behalf of
Whitehaven Coal Limited

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1.0 Introduction

1.1 Sunnyside Coal Mine

Whitehaven Coal Limited (Whitehaven) is the leading coal producer in the Gunnedah basin. Whitehaven has one underground, three active open cut mining operations, and the Sunnyside Coal Mine, which is the subject of this independent environmental compliance audit and which is currently under care and maintenance.

On the 24 September 2008, the Sunnyside Coal Project (Project Approval No 06_0308) was approved by the Minister for Planning and involves constructing and operating a new open cut coal mine and associated infrastructure, and includes:

- extracting up to 1 million tonnes of run of mine coal each year for a period of 7 years;
- using open cut and highwall auger mining techniques to extract coal;
- transporting this coal to the Whitehaven Siding coal handling and preparation plant at Gunnedah for processing; and
- progressively rehabilitating the site.

The Sunnyside Mine was placed into care and maintenance in November 2012 and a new Mining Operations Plan (MOP) for the site is currently being prepared for the care and maintenance phase.

The on-site component of the environmental audit was conducted on 17 October 2013. Some information requested by the audit team was not available on-site at the time of the audit and has subsequently been provided to the audit team for review. This report provides an outline of the audit methodology and results, and provides recommended actions for achieving full compliance with environmental approvals. **Appendices 2, 3, and 4** include detailed checklists of the status of compliance with the conditions of the Project Approval (PA06_0308), Environment Protection Licence (EPL) 12957, Mining Lease 1624 (ML1624) for the project respectively. The audit assessed the compliance status of Sunnyside operations against the Project Approval and other relevant environmental approvals and licences, for operations occurring between March 2011 and September 2013.

The audit was led by Jenny Ehmsen; a RABQSA registered Lead Environmental Auditor (Certificate No. 15186). As required by Condition 8 of Schedule 5 of the Project Approval, the audit team was approved by Department of Planning and Infrastructure (DP&I) to undertake the audit (letter of approval from DP&I dated 24 September 2013).

1.2 Audit Objectives

Two key objectives have been identified for the independent environmental audit for the Sunnyside operations as follows:

- to undertake an independent environmental audit of the Sunnyside operation as required by Condition 6 of Schedule 5 of the Conditions of Project Approval; and
- to assess the environmental performance of the Sunnyside operations and the ability of the Whitehaven environmental management systems and controls to provide for sustainable management of the operation.

1.3 Audit Scope

The Sunnyside project was approved subject to a range of conditions as specified in the Project Approval.

Condition 2 of Schedule 2 of the Approval provides the Terms of Approval for the project which identifies that the project shall be carried out generally in accordance with the:

- Environmental Assessment (EA);
- Statement of Commitments;
- Conditions of the Approval; and
- Two (2) Response to Submission documents.

In order to assess the level of compliance with the terms of the approvals, Condition 6 of Schedule 5 of the Sunnyside Approval requires that independent environmental audits be carried out.

Specifically, Condition 6 of Schedule 5 of the Sunnyside Approval states:

Within 2 years of this approval, and every 3 year thereafter, unless the Director-General directs otherwise, the proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:

- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
- (b) include consultation with relevant agencies;
- (c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements of this approval and any relevant Mining Lease and EPL (including any strategy, plan or program under these approvals);
- (d) review the adequacy of strategies, plans and/or programs required under these approvals; and, if appropriate; and
- (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.

Notes: This audit team should be led by a suitably qualified auditor, and include experts in the field of water, noise management and mine rehabilitation.

Based on the information provided by the DP&I, the audit at Sunnyside included a review of the operational activities to November 2012 and a review of current performance in relation to care and maintenance activities.

1.4 Audit Criteria

As required by the Project Approvals, the audit criteria for the Sunnyside operations included:

- Project Approval (PA 06_0308);
- Environment Protection Licence (12957); and
- Mining Lease (1624).

Plans and programs prepared post approval for the Sunnyside Open Cut Coal Mine were also included in the audit, including:

- Noise Monitoring Program (both Operational and Care & Maintenance phases);
- Blast Monitoring Program;
- Air Quality Monitoring Program (both Operational and Care & Maintenance phases);
- Water Management, including:
 - Site Water Balance;
 - Erosion and Sediment Control Plan;
 - Surface Water Monitoring Plan;
 - Groundwater Monitoring Program; and
 - Groundwater Contingency Plan;
- Rehabilitation and Landscape Management Plan;
- Mine Closure Plan;
- Aboriginal Cultural Heritage Management Plan;
- Energy Savings Action Plan;
- Waste Management Plan;
- Environmental Management Strategy;
- Environmental Monitoring Program;
- Annual Environmental Management Review;
- EPL Annual Return;
- Particulate Matter Control – Best Practice Pollution Reduction Program;
- Pollution Incident Response Management Plan; and
- Mining Operations Plan.

1.5 Structure of this Document

This report contains the following sections:

- **Section 1.0** – Introduction. An overview of the Sunnyside Coal Mine and purpose and scope of the audit.
- **Section 2.0** – Audit Methodology. A detailed description of the audit process.
- **Section 3.0** – Audit Findings. An overview of the findings of the audit, including detailed descriptions of any non-compliance identified.

- **Section 4.0** – Environmental Performance. An overview of the environmental performance of the Sunnyside operations, including the findings from the site inspection.
- **Section 5.0** – Conclusion.
- **Appendix 1.** Agency Interview Questions.
- **Appendices 2 to 4** – Checklists of relevant approval documentation including the Project Approval, EPL, and mining leases applying to the project. The checklists provide a detailed review of each compliance condition applying to the project.
- **Appendix 5** – Photographic Plates. Photographs of key site features referred to in this report.

2.0 Audit Methodology

The audit process involved the interview of personnel and relevant regulatory agencies, a review of documentation and samples of records provided by Whitehaven Coal and a site inspection of the Sunnyside operations to determine the level of environmental performance and compliance of the project. The audit process is described in more detail in **Sections 2.1 to 2.5**.

2.1 Preliminary Document Review

Prior to the audit, environmental documentation associated with the Sunnyside mining operation was reviewed by the auditor. This involved a review of the EA and Project Approval for the project and the management plans that have been prepared to guide the environmental management of the operations.

2.2 Agency Consultation

As part of the audit process, interviews were undertaken with relevant government agency staff with a regulatory role relating to the project. The views of these agencies in relation to the project were determined through phone interviews. These phone interviews consisted of an Umwelt representative asking a standard set of questions which are provided in **Appendix 1**. A summary of the phone interviews is provided in **Section 3.2**.

2.3 Site Interviews and Inspections

2.3.1 Opening Meeting

The opening meeting was held at the Whitehaven Coal office at the Gunnedah Coal Handling and Preparation Plant (CHPP) commencing at 8.30 am on 17 October 2013. The participants are outlined in **Table 2.1**.

Table 2.1 – Opening Meeting Attendees

Opening Meeting	Organisation	Title
Danny Young	Whitehaven	Group Environmental Manager
Jenny Ehmsen	Umwelt	Lead Environmental Auditor

The Lead Auditor outlined the purpose, depth and scope of the audit. The methods to be used by the auditor to conduct the audit were explained. It was stated that the auditor would be interviewing personnel, reviewing site management plans, examining records and conducting a site inspection in order to address specific compliance requirements, particularly those related to the relevant approvals and licences for the Sunnyside operations.

Following the opening meeting, a preliminary site inspection was undertaken to familiarise the auditor with the site and operations.

2.3.2 Data Collection and Verification

Where possible, documents and data collected during the audit process were reviewed on site. A number of documents were provided to the audit team prior to the on-site component of the audit. Several documents that were not available during the on-site component of the audit were provided following the audit.

All information obtained during the audit process was verified by the audit team where possible. For example, statements made by site personnel were verified by viewing documentation and/or site inspections where possible. Where suitable verification could not be provided, this has been identified in the audit findings.

2.3.3 Site Inspections

A detailed site inspection of the key areas of the mine was undertaken as part of the audit. Danny Young accompanied the auditor during the site inspection. Areas inspected during the inspection included:

- site facilities area;
- workshop and hardstand areas, including washdown areas and hazardous goods storage (**Plates 1 and 2**);
- open cut pit (**Plate 3**);
- waste emplacement area;
- ROM and product coal stockpiling and loading areas (**Plate 4**);
- water management dams;
- koala enhancement areas and koala fencing; and
- coal transport route, including Coochooona Lane, Blackjack Road, Quia Road, Torrens Road and Oxley Highway.

2.3.4 Closing Meeting

The closing meeting was held at the Gunnedah CHPP Office commencing at 12.00 pm on 17 October 2013.

The participants are outlined in **Table 2.2**.

Table 2.2 – Closing Meeting Attendees

Closing Meeting	Organisation	Title
Danny Young	Whitehaven	Group Environment Manager
Jenny Ehmsen	Umwelt	Lead Environmental Auditor

The objectives of this meeting were to discuss any outstanding matters, present preliminary findings and outline the process for finalising the audit report.

2.4 Reporting

Following completion of the site audit, the Project Approval, EPL and ML checklists were completed and audit notes were reviewed in order to compile a list of outstanding matters to be noted in the audit report. This report was prepared to provide an overview of the status of compliance by reference to the relevant compliance documentation and any other observations of the auditors during the site inspections and interviews. This report has been prepared on an exception basis, highlighting any areas where action or improvement is required.

2.5 Definitions

The reporting of results from the compliance audit was determined based on the following definitions.

Compliance

The intent and explicit requirements of the condition have been met. This includes meeting all requirements with respect to consultation (agency or otherwise), timing of actions or activities, the preparation of management plans or other specific requirements of the condition.

The failure to meet any or all of the specific requirements of the condition would result in a non compliance.

Non Compliance

A non compliance occurs when any of the specific requirements of the condition have not been met (i.e. if any sub-component of a requirement is not met (such as timing or consultation), the entire requirement is considered to be non-compliant).

Verification

The inability to provide formal written verification (letter, fax, email, meeting minutes, etc.) that a requirement has been met does not necessarily result in a non compliance. If the auditor is able to verify by other demonstrable means (visual inspection, personal communication, etc.) that a condition has been met then, in most cases, the operation should be considered to be in compliance for that condition.

Observation

The intent of the condition has been met, however it is considered that either:

- the issue has the potential to deteriorate to a non-compliance if not further addressed; or
- further improvement is recommended.

Not Triggered

A condition or requirement has an activation or timing requirement which had not been triggered or completed at the time of the audit and therefore a determination of compliance could not be made. It is recommended that future audits assess compliance of any conditions or requirements that were found to have not been triggered during this audit.

Timing of Environmental Performance

For the purpose of a compliance audit the timeframe for environmental performance against the EPL can be divided into two periods:

- the current period which is the time from the beginning of the most recent EPL reporting period to the time the audit is conducted; and
- the historical period, which is the time prior to the most recent EPL reporting period.

3.0 Audit Findings

The detailed findings of the audit are presented in this section. Detailed assessments of compliance with relevant compliance documents are provided in **Appendices 2 to 4**. The findings of this audit are based upon visual observations of the site and its vicinity, interviews with site personnel and our interpretation of the documentation provided by Whitehaven Coal.

Opinions presented herein apply to the site as it existed at the time of the audit and from information provided by site personnel. Any changes to this information of which Umwelt is not aware and has not had the opportunity to evaluate therefore cannot be considered in this report.

A summary of the phone interviews undertaken with agencies with regulatory roles relating to the project is provided in **Section 3.2**. A review of the status of actions from the 2011 compliance audit is provided in **Section 3.3**. Specific findings of the audit in relation to each approval, lease or licence are discussed in **Section 3.4**. The results of the site inspections undertaken for the project and any other issues identified during the audit are provided in **Section 4.0**.

A summary of the compliance assessment is provided in **Table 3.1**.

Table 3.1 – Summary of Statutory Compliance

Approval/Licence	Not Triggered	Compliance	Non-Compliance	Verification Required	Observation
Project Approval	32	154	4	2	17
Environmental Protection Licence No. 12957	24	54	5	7	3
Mining Lease 1624	12	29	2	0	3

Note: The numbers refer to the number of conditions and subconditions.

3.1 Status of Development at Sunnyside Coal Mine

The Sunnyside operations have been in care and maintenance since November 2012 when mining activity at the site ceased. Trucking operations continued until May 2013 to remove the stockpiled coal from the site. Whilst plant and machinery is parked up on the hardstand area at the site, there are no active operations on site.

The audit included an assessment of monitoring results for the site for the period March 2011 to September 2013 to assess the level of compliance with the environmental criteria specified in the Project Approval, EPL and Mining Lease for the site. Given that no operations were being undertaken on site at the time of the audit, it was not possible to verify compliance with some conditions which relate specifically to operational issues.

A key focus of the audit was to assess the management of the site in relation to the care and maintenance phase of the project. The site is no longer manned on a daily basis, therefore environmental management of the site needs to be robust and effective to minimise the potential for issues to occur.

The inspection of the site generally found that rehabilitation of the waste emplacement was well advanced with successful tree planting in most areas. The site appeared to be stable with no evidence of erosion and sedimentation and no visible dust was sighted, despite the very windy conditions at the time of the inspection.

3.2 Agency Consultation

Consultation was undertaken with relevant government agencies to identify any particular issues of concern relating to the Sunnyside operations. The results of the consultation undertaken are tabled in **Table 3.2**.

Table 3.2 – Agency Consultation

Agency	Person Contacted	Date(s) Contacted	Response
DP&I	Steve O'Donoghue	11/10/2013	Requested audit include assessment of current rehabilitation status, particularly given care and maintenance phase and the potential move to closure. Identified an issue with noise exceedances whilst operational. Raised issue regarding water management on site, particularly given site is not manned on a daily basis – what provisions/processes are in place to address water issues following storm events.
Environment Protection Authority	Kharl Turnbull	14/10/2013	Raised issue of spontaneous combustion and complaints from nearby residents – requested that audit address how Whitehaven are managing this issue. In terms of EPL, water management will be a key issue for care and maintenance – how is this to be managed? Requested audit address the status of rehabilitation of the site in terms of managing dust.
Office of Water	Martin O'Rourke	11/10/2013	No particular concerns raised.
Department of Trade and Investment – DRE	Simon Lund	11/10/2013 – message left 7/11/2013	Aware of spontaneous combustion issue. Awaiting submission of revised MOP from Whitehaven. Has advised Whitehaven that Final Void Management Plan and updated Mine Closure Plan will be required to accompany revised MOP. Advised that Whitehaven need to make a decision on the future of the pit so that rehabilitation of the site can progress – currently stalled.

3.3 Previous Compliance Audit 2011

In February 2011, Umwelt undertook an inspection of the Sunnyside Mine to evaluate compliance of the mine's operations with Project Approval. The inspection focused primarily on the consistency of the operations with the approval, general environmental management, dust management, surface water and groundwater management, noise management and blasting management.

Where previous non-compliances relate to ongoing operations at the site, these have been reviewed by Umwelt as part of the 2013 audit. However, given that operations have ceased at Sunnyside, not all of the previous findings could be closed out.

Non-compliances from the previous report that are still outstanding include the submission of reports within required timeframes. It was noted that Whitehaven has improved its compliance management and tracking from the previous audit, however there were still incidences within the audit period when incident reporting was not within required timeframes (refer to **Section 4.1.1.2**).

3.4 Compliance Issues

The Sunnyside Coal Mine was found to be operating generally in compliance with the terms of the relevant approvals and licences applying to it. However, a number of non-compliances were identified where action is required to ensure full compliance is met for some conditions/requirements. A number of verifications were also identified, where full compliance with a condition/requirement could not be determined as either insufficient evidence was available or the condition related to operational issues which could not be verified as the mine is now in care and maintenance.

A full compliance assessment against the requirements of relevant approval documents and licences is provided in **Appendices 2 to 4**. A summary of the non-compliances for each approval document is provided below.

3.4.1 Project Approval 06_0308

Operations at the Sunnyside site were generally being undertaken in a manner that is consistent with the requirements of the Project Approval (PA 06_0308). However, a number of non-compliances were identified where action is required to ensure full compliance.

A full compliance checklist against the requirements of the Project Approval was completed as part of the audit and is included as **Appendix 2**. A summary of the non-compliance issues are outlined below.

Schedule 2: Condition 1 – Non-compliance

The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

Site inspection and audit of compliance documentation identified one key issue in relation to environmental management of the site. This relates to spontaneous combustion of the carbonaceous material in the stockpiles within the pit which has resulted in community complaints in relation to odours. Also, given that the mine is now in care and maintenance, review and detailed development of the Mine Closure Plan is considered appropriate at this stage.

Schedule 3: Condition 10 – Non-compliance

The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 5 at any residence on privately-owned land.

Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
115	5% of the total number of blasts in a 12 month period
120	0%

Note: The overpressure values in Table 5 apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut-off frequency a correction of 5 dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10 Hz should not be used.

Blast results reviewed during the audit identified several blast exceedances in May, June and October 2011 and January 2012. Evidence was sighted that investigations were undertaken in each case and notifications of the exceedances were provided to the landowner and relevant government agencies in each case. In May 2012, the EPA issued a Penalty Infringement Notice for the January 2012 exceedance.

Given that the mine is now in care and maintenance and blasting has ceased on site, no further actions are considered to be required, unless mining activity recommences.

3.4.2 Environmental Protection Licence 12957

Whitehaven Coal holds an EPL for its Sunnyside operation as it conducts an activity that requires a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). The EPL outlines Whitehaven Coal's responsibilities and the environmental performance standards it is required to meet, being:

- operating conditions;
- monitoring and recording conditions; and
- reporting conditions.

Whitehaven Coal reports its performance against the above responsibilities and environmental performance status via the submission of its EPL Annual Return. The licence reviewed as part of this audit was dated 18 April 2013.

A full compliance checklist against the requirements of EPL 12957 was completed as part of the audit and is included as **Appendix 3**. A summary of the non-compliance issues are outlined below.

Condition L6.1 (b) – Non-compliance

Noise from the premises must not exceed:

(b) an LAEq(15minute) noise emission criterion of 35dB(A) at all times (day, evening and night time periods);

A review of the monitoring data for the period March 2011 to September 2013 identified exceedances at Glendower, Ferndale, Plain View and Lilydale between August 2011 and September 2012. Evidence was sighted that the DP&I, EPA and landowner were notified of the exceedances as noted in the 2011-2012 AEMR. Investigations were undertaken and actions were initiated aimed at minimising further exceedances. As a result, a negotiated noise agreement was established with the owner of the Plain View property.

Evidence was sighted that Whitehaven sought and gained approval from the EPA (email dated 30/1/2013) to cease noise monitoring during the care and maintenance phase as no active mining operations were taking place. The noise monitoring plan for the site was amended accordingly. Notification was also sent to DP&I (letter dated 15/1/2013) with approval of the revised management plan being received from DP&I by letter dated 16/1/2013.

It is considered that Whitehaven's actions in investigating the noise exceedances and the actions taken in response were appropriate and, given that mining operations have now ceased on site, no further actions are considered to be required.

Condition L7.1 – Non-compliance

The overpressure level from blasting operations at the premises must not exceed 115dB (LinPeak) for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

And

Condition L7.2 – Non-compliance

The overpressure level from blasting operations at the premises must not exceed 120dB (LinPeak) at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account when determining whether or not the limit has been exceeded.

Blast results reviewed during the audit identified several blast exceedances in May, June and October 2011 and January 2012. Evidence was sighted that investigations were undertaken in each case and notifications of the exceedances were provided to the landowner and relevant government agencies in each case. In May 2012, the EPA issued a Penalty Infringement Notice for the January 2012 exceedance.

Given that the mine is now in care and maintenance and blasting has ceased on site, no further actions are considered to be required, unless mining activity recommences.

Condition M2.1 – Non-compliance

For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Points 1, 2, 3, 4, 5, 6			
Pollutant	Units of measure	Frequency	Sampling Method
Particulates – Deposited Matter	Grams per square metre per month	Continuous	AM-19
Points 7, 8			
Pollutant	Units of measure	Frequency	Sampling Method
PM10	Micrograms per cubic metre	Continuous	AM-18
Points 9, 10			
Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	Microsiemens per centimetre	Special Frequency 1	In situ
Oil and Grease	Milligrams per litre	Special Frequency 1	Grab sample
Total organic carbon	Milligrams per litre	Special Frequency 1	Grab sample
Total suspended solids	Milligrams per litre	Special Frequency 1	Grab sample
pH	pH	Special Frequency 1	In situ
Points 11, 12			
Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	Microsiemens per centimetre	Special Frequency 2	In situ
Oil and Grease	Milligrams per litre	Special Frequency 2	Grab sample
Total organic carbon	Milligrams per litre	Special Frequency 2	Grab sample
Total suspended solids	Milligrams per litre	Special Frequency 2	Grab sample
pH	pH	Special Frequency 2	In situ

Note: Water monitoring requirements will be included as part of a licence variation following completion of construction works of the approved site water management plan as documented in the report "Site Water Management Plan for the Sunnyside Coal Mine, Namoi Mining Pty. Ltd., 8/8/2008"

During a review of the monitoring data for the mine, it was noted that not all PM10 samples have been collected at monitoring at points 7 and 8. Power outages and machine failure have resulted in several samples being missed. It was also noted that these occurrences had been reported as non-compliances in the site's Annual Returns.

Evidence was sighted during the audit to verify that Whitehaven had approval from EPA to cease PM10 monitoring at the Lilydale property, given that the property was acquired by the mine.

Air quality monitoring is continuing to be undertaken during the care and maintenance phase, however, given that power outages and machine failures are intermittent and sometimes beyond the control of Whitehaven, no further actions are considered to be required.

Condition M8.2 (a) – Non-compliance

To determine compliance with condition(s) L7.1, L7.2, L7.3 and L7.4:

a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at receptors R1, R2, R4 and R6 – for all blasts carried out in or on the premises; and

During a review of the blast monitoring results, it was noted that a blast monitor malfunction resulted in no monitoring of blast No 46 at Innisvale in March 2012. It was also noted that this was reported as a non-compliance in the 2011-2012 Annual Return.

Whitehaven undertook an investigation as to the cause of the blast monitor failure and repairs were effected such that all further blasts have been monitored as required. It is considered that no further actions are required.

3.4.3 Mining Lease 1624

A full compliance checklist against the environmental requirements of ML 1624 was completed as part of the audit and is included as **Appendix 4**. There were two non-compliances recorded against ML 1624.

Condition 2 – Non-compliance

The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.

Site inspection and audit of compliance documentation identified one key issue in relation to environmental management of the site. This relates to spontaneous combustion of the carbonaceous material in the stockpiles within the pit which has resulted in community complaints in relation to odours. Also, given that the mine is now in care and maintenance, review and detailed development of the Mine Closure Plan is considered appropriate at this stage.

Condition 18 – Non-compliance

Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.

There are currently issues with spontaneous combustion in the southern end of the pit. This has resulted in complaints from neighbours in relation to odours from the spontaneous combustion. Whitehaven is currently investigating options to push in and cover the southern end of the pit to address the spontaneous combustion issues. It is understood that works will be commenced in the coming month.

Since the audit site inspection was undertaken, it is understood that the EPA has issued a clean-up notice to Whitehaven in relation to the spontaneous combustion issue.

3.5 Environmental Management Plans

Whitehaven has developed a range of environmental management plans to address the requirements of the Sunnyside Project Approval (06_0308). The management plans developed for the Sunnyside operations address specific impacts associated with the project, such as noise, and reflect the requirements detailed in the Project Approval and statement of commitments. The plans and programs required to be prepared include:

- Noise Monitoring Program (Care & Maintenance);
- Blast Monitoring Program;
- Air Quality Monitoring Program (Care & Maintenance);
- Water Management, including:
 - Site Water Balance;
 - Erosion and Sediment Control Plan;
 - Surface Water Monitoring Plan;
 - Groundwater Monitoring Program; and
 - Groundwater Contingency Plan;
- Rehabilitation and Landscape Management Plan;
- Mine Closure Plan;
- Aboriginal Cultural Heritage Management Plan;
- Energy Savings Action Plan;
- Waste Management Plan;
- Environmental Management Strategy; and
- Environmental Monitoring Program.

Additionally, the following plans were reviewed which were not specifically required by the conditions of the Project Approval but which were prepared by Whitehaven Coal to guide the environmental management of the operations.

- Mining Operations Plan 2008-2015 for the Sunnyside Coal Mine (prepared 2008).

Condition 8(c) of Schedule 5 of the Project Approval requires that the audit assess the environmental performance of the project against any plan or program made under the Project Approval or other approval. Condition 8(d) also requires that the audit review the adequacy of any plan or program made under an approval document.

The management plans have generally not been substantially changed since the last audit undertaken in February 2011, with the exception of the Air Quality Monitoring Program and the Noise Monitoring Program which have both been amended for the Care and Maintenance phase. The 2011 audit also identified that the Rehabilitation and Landscape Management Plan had not been approved and an Environmental Monitoring Program had not been prepared. Both of these plans have now been prepared, submitted and approved by DP&I.

The audit found that the management plans and programs that had been prepared for the project were generally adequate and prepared in accordance with the relevant compliance requirements. Whitehaven Coal was found to be generally operating in accordance with those management plans whilst the mine was operational. Although the Air Quality Monitoring Program and the Noise Monitoring Program have been amended for the care and maintenance phase, these amendments have primarily related to a reduction in monitoring requirements.

Key issues in relation to the adequacy of the documents reviewed and their implementation on-site are discussed in the following sections.

3.5.1 Water Management Plan

The Water Management Plan for the site has not yet been updated to reflect the care and maintenance phase of the project. The site water balance is likely to change as a result of the lack of operational activities and this could affect the current water management system on site. Given that the site is no longer manned on a daily basis, it is recommended that the Site Water Management Plan be reviewed and amended to ensure that appropriate strategies and controls are in place to minimise the potential for off-site discharges to occur.

3.5.2 Mine Closure Plan

The approved Mine Closure Plan for the site was prepared in 2010. Given that mining has not progressed to the extent envisaged by the current Plan, and the Plan was fairly conceptual in nature, it is recommended that the Plan be reviewed and amended to address the current care and maintenance phase and the potential move to closure. It is noted that the current approval only permits mining to be undertaken up until September 2015. Therefore, there is a need for Whitehaven to make a decision on the status of the site such that a move to closure can be commenced if the site is not to be further mined.

4.0 Environmental Performance

As described in **Section 2.4**, inspections of the project site and associated infrastructure were undertaken on 17 October 2013. Areas inspected during the site inspection included the site facilities area, workshop and hardstand, coal crushing and stockpiling area, open cut pit, waste emplacements, water management structures, and coal transport route.

Given that the mine is now in care and maintenance, no operational activities were being undertaken at the time of the site inspection. The audit, therefore, focussed on the stability of the site and the environmental management controls to be implemented for the care and maintenance phase.

4.1 Key Environmental Issues

4.1.1 Spontaneous Combustion

The Sunnyside site is now not manned on a daily basis. Regular inspections are done on a weekly and monthly basis, and Whitehaven are responding to issues as they arise. However, an issue with spontaneous combustion within the pit has been ongoing for several months (**Plates 5 and 6**) which has resulted in complaints from nearby residents in relation to odours and other issues.

Whitehaven has been addressing the issue by using a dozer to push material to cover the spontaneous combustion outbreaks. Whilst this will temporarily address a specific event, ongoing combustion will require further work. Whitehaven advised that investigations are underway to source suitable cover material from the site to cover and reshape the southern end of the pit. These works had not been undertaken at the time of the audit.

The spontaneous combustion issue was raised by both EPA and DRE in consultations undertaken for the audit. It is understood that since the audit site inspection, EPA have issued Whitehaven with a clean-up order in relation to the spontaneous combustion occurring on the site.

4.1.2 Rehabilitation and Mine Closure

The rehabilitation undertaken on site to date was compared to the plans provided in the EA and the approved Mining Operations Plan (MOP). Based on this review, Whitehaven appears to be progressing with the completion of rehabilitation in accordance with the plans detailed within the MOP with the waste emplacement the key area of rehabilitation undertaken to date. Areas of rehabilitation were inspected during the audit and found to be in reasonable condition. Groundcover growth and tree growth on the waste emplacement was quite good (**Plates 7 and 8**).

It was noted by the auditor that although the mine is currently in care and maintenance, no further rehabilitation of the site has taken place, as Whitehaven are currently awaiting a decision on the future of the site from their executive. Given that the mine approval is due to expire in September 2015 (less than two years away), it is considered that the lack of further rehabilitation of the site is an issue for Whitehaven. There are areas of the site (such as the top of the waste emplacement and areas around the southern end of the pit) which could have rehabilitation commenced. It is recommended that Whitehaven consider further rehabilitation of the site in the preparation of the revised MOP for the care and maintenance phase.

4.1.3 Air Quality

Whitehaven continues to implement the approved air quality monitoring program for the site. It was noted during the site inspection that revegetation of the waste emplacement was the key dust control measure in use at the site. Weather conditions at the time of the audit were very windy (up to 70km/hr winds measured at the nearest Bureau of Meteorology weather station). Despite the very windy conditions, there was little to no evidence of dust lift off from the site. There is currently no vehicular traffic within the mine site, given the care and maintenance phase, and the site appeared relatively stable.

4.1.4 Koala Enhancement Areas and Koala Fencing

The koala enhancement areas described in the Landscape Management Plan were inspected during the audit. Tree planting has been undertaken to provide connecting habitat, with good tree growth observed during the site inspection (**Plate 9**).

The koala fence installed around the southern boundary of the pit was observed to be still in place, however it was noted that maintenance of the fence is required with several sections missing the colourbond sheeting at the top and quite a few holes in the fence observed during the audit site inspection.

4.2 Whitehaven Compliance Management and Review

Evidence was sighted during the audit to indicate that Whitehaven is generally aware of its compliance obligations. Requirements from Project Approval conditions and commitments identified in the Statement of Commitments have generally been translated into the various management plans and monitoring programs for the site operations.

In terms of assessing their environmental performance, the site Environmental Officer for Sunnyside conducts monthly site inspections using a standard checklist and reviews the monthly environmental monitoring data. Using this data, the Whitehaven Group Environmental Manager prepares monthly reports that are provided to senior management to review the environmental performance of the operations.

Where exceedances have been reported, evidence was sighted to indicate that notification of the exceedances to DP&I and EPA has been undertaken. The auditor noted a significant improvement in the notification and management of incidents from the previous audit such that most incidents are notified and reported within the timeframes required by the conditions of approval.

Evidence was also sighted that Whitehaven conducts a compliance assessment each year as part of the AEMR with the results of this assessment being included as an Appendix to the AEMR. It is considered that this process will facilitate the identification of non-compliance issues on an annual basis and should result in improved performance during future independent audits.

5.0 Conclusion

Whitehaven has implemented comprehensive environmental management and monitoring systems at its Sunnyside Coal Mine, including environmental management controls to address the current care and maintenance phase of the project. Whitehaven's management team and environmental personnel have shown considerable commitment to environmental performance at the site. This is reflected through the overall positive responses received from government agencies interviewed for the audit and the general compliance with environmental performance found as part of this audit.

The audit found a number of non-compliances and observations with respect to the relevant approvals and licences that apply to the project which generally related to the following issues:

- spontaneous combustion issues within the pit;
- exceedance of specific environmental performance criteria relating to noise and blasting; and
- a lack of further progress on rehabilitation of the site, whilst the site is in care and maintenance.

Several of the non-compliances identified during the audit, particularly those related to secondary requirements for documents under the Project Approval, are considered unlikely to affect Whitehaven's ability to effectively manage environmental issues in accordance with the relevant approvals and licences that apply to the project. For the non-compliances identified that were associated with exceedances of performance criteria, Whitehaven was found to be addressing the issues that have arisen in a satisfactory manner and reporting exceedances to relevant government agencies as required under the Project Approval and EPL.

The key issue for the site going forward will be in Whitehaven making a decision on the future of the mining operation. Although a closure plan was prepared for the mine in 2010, it has not been updated to reflect the current status of operations. Given that the Project Approval will lapse in less than two years, Whitehaven will need to consider progressing further rehabilitation of the site, with a view to closure. Should operations recommence, Whitehaven may need to seek a modification to the Project Approval if mining operations will extend past September 2015.



APPENDIX 1

Agency Interview Questions

**Sunnyside Independent Environmental Audit – October 2013
Agency Questions**

Agency:		Time:	
Representative(s):		Location:	
Date:			

1. What is your agency's role in relation to the Sunnyside mining operations?
2. What is your specific role within the agency, particularly relating to your involvement with the Sunnyside mining operations?
3. What aspects of your agency's statutory role relate to the Sunnyside mining operations?
4. In relation to the Sunnyside mining operations compliance with statutory requirements administered by your agency:
4.1. Are you satisfied with the Sunnyside mining operations reporting of compliance status (including monitoring results)?
4.2. Are you aware of any past or current compliance issues (including fines, notices etc.)? If so please provide details.
4.3. What actions were taken to resolve these compliance issues (e.g. programs developed, activities modified etc.) and were you satisfied with these actions?
4.4. Are you aware of any currently outstanding compliance issues or actions?
5. Are you aware of any outstanding community complaint issues in relation to the Sunnyside mining operations?
6. Are you satisfied with the way in which community complaints have been managed by the Sunnyside mining operations?
7. Do you have any other specific environmental or community issues in relation to the Sunnyside mining operations that need to be addressed?



APPENDIX 2

Compliance Assessment PA 06_0308

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments	
2	1	The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction , operation, or rehabilitation of the project.	NC	Site inspection and audit of compliance documentation identified one key issue in relation to environmental management of the site. This relates to spontaneous combustion of the carbonaceous material in the stockpiles within the pit which has resulted in community complaints in relation to odours. Also, given that the mine is now in care and maintenance, review and detailed development of the Mine Closure Plan is considered appropriate at this stage.		
	2	The Proponent shall carry out the project generally in accordance with the: (a) EA;	C	The 2011 audit confirmed that operations were generally being undertaken in accordance with the project description contained in the EA. Mining operations ceased in November 2012, with trucking of stockpiled materials continuing until May 2013.	There were no operations on site at the time of the audit. The mine is now in care and maintenance.	
		(b) Sunnyside Coal Project Response to Public and Government Agency Submissions (June 2008);	C	The 2011 audit confirmed that operations were generally being undertaken in accordance with the Response to Public and Government Agency Submissions . Given that mining operations ceased in November 2012, further verification that activities were being undertaken in accordance with the Response to Public and Government Agency Submissions could not be undertaken at this audit.		
		(c) Sunnyside Coal Project Supplementary Response to Submissions (July 2008);	C	The 2011 audit confirmed that operations were generally being undertaken in accordance with the Supplementary Response to Submissions . Given that mining operations ceased in November 2012, further verification that activities were being undertaken in accordance with the Supplementary Response to Submissions could not be undertaken at this audit.		
		(d) Statement of Commitments (see Appendix 3); and	O	The Statement of Commitments primarily relates to the operation of the site. Given that mining has ceased and the site is currently in care and maintenance, verification of the commitments could not be undertaken at this audit.		
		(e) conditions of this approval.	NC	Non-compliances as noted below		
	Notes: <i>The general layout of the project is shown in Figure 1 of Appendix 2; and The Statement of Commitments is reproduced in Appendix 3.</i>					
	3	If there is any inconsistency between the above documents, the latter document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	C	No inconsistencies identified at this stage.		
	4	The Proponent shall comply with any reasonable and feasible requirements of the Director-General arising from the Department's assessment of: (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and	C	Whitehaven has prepared revised management plans for the care and maintenance phase for both noise and air quality. These plans were submitted to the DP&I for review, with Whitehaven further revising the plans to take into account comments received from DP&I and other government agencies.		
		(b) the implementation of any actions or measures outlined in these reports, plans, programs, strategies or correspondence.				
5	Mining operations may take place on the site for 7 years from the grant of the mining lease for the project.	C	Sunnyside Coal mines Mining Lease is dated 5 November 2008. Operations commenced on site on 10 November 2008 and went into care and maintenance in November 2012.			
	<i>Note: Under this Approval, the Proponent is required to rehabilitate the site to the satisfaction of the Director-General and DPI. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated to a satisfactory standard.</i>	Noted				
6	The Proponent shall not extract more than 1 million tonnes of ROM coal a year from the site.	C	Production data reviewed during the audit identified the following production levels which are well within the approval limit: 2010-2011 - approx 314,000 tonnes 2011-2012 - approx 533,000 tonnes 2012-2013 - approx 306,000 tonnes			
7	The Proponent shall use the coal transport route shown in Figure 2 of Appendix 2 to transport all coal from the site to the Whitehaven Siding CHPP.	C	Coal trucks were observed along the coal transport route on 2 February 2011 during the previous audit and evidence was sighted that the haul route was identified in trucking contracts. Trucking operations from Sunnyside ceased in May 2013 once stockpiled coal had been removed. Trucks are not currently using the haul route.			
8	Construction activities may take place only between 7am to 6pm each Monday to Friday and 7am to 4pm on Saturdays, and not on Public Holidays.	NT	As advised last audit, construction works commenced in November 2008 and were completed prior to the commencement of the previous audit.			

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments				
	9	Mining operations may take place only between 7am to 10pm each Monday to Friday and 7am to 6pm on Saturdays, and not on Public Holidays.	C	When operating, mining was confined to the approved hours of operation. This was verified at the last audit. Mining operations at Sunnyside ceased in November 2012 when the mine was put into care and maintenance.					
	10	Transport of coal may take place only between 7am to 6pm Monday to Friday (or between 7am to 8pm during Eastern Summer Time) and between 7am to 4pm on Saturdays, and not on Public Holidays. Note: See condition 39 of Schedule 3.	C	The previous audit confirmed that the approved trucking hours were included as a condition within the contract for the trucking company. Sunnyside Coal Mine advised that trucking operations have only been undertaken to 6pm to date. These contract conditions have not changed since the last audit. Trucking operations ceased in May 2013 once stockpiled coal had been transferred to the Gunnedah CHPP.					
	11	With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.	C	Revised management plans for noise and air quality have been prepared for the care and maintenance phase of the operations.					
	12	The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. Notes: <i>Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.</i> <i>Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.</i>	C	The previous audit identified that an occupation certificate from GSC had not been obtained for all of the buildings on site. Evidence was sighted during this audit to show that an occupation certificate covering all of the buildings and structures on site has now been received.					
	13	The Proponent shall ensure that all demolition work is carried out in accordance with <i>Australian Standard AS 2601-2001: The Demolition of Structures</i> , or its latest version.	NT	No demolition of buildings has been undertaken.					
	14	The Proponent shall ensure that all plant and equipment used on site is: (a) maintained in a proper and efficient manner; and	V	The operations at Sunnyside have been placed into a care and maintenance phase. Consequently, no operations were being undertaken at the time of the audit and this condition could not be verified at this time.					
		(b) operated in a proper and efficient manner.	V	The operations at Sunnyside have been placed into a care and maintenance phase. Consequently, no operations were being undertaken at the time of the audit and this condition could not be verified at this time.					
	15	By 31 November 2008, and on each anniversary of that date until and including 2012, the Proponent shall provide development contributions of \$100,000 per annum to the Gunnedah Shire Council for expenditure by the Council on community enhancement projects.	C	Evidence was sighted to demonstrate that contributions had been paid.					
3	1	Upon receiving a written request for acquisition from the owner of 'Lilydale', the Proponent shall acquire the land in accordance with the procedures in conditions 8-10 of schedule 4. <i>Note: These conditions must be read in conjunction with Section 8 of the Statement of Commitments.</i>	NT	It was confirmed at the last audit that the Lilydale property had been acquired prior to commencement of operations.					
	2	The Proponent shall ensure that the noise generated during the construction of the project does not exceed the level set out in Table 1. Table 1 Construction noise impact assessment criterion dB(A) <table border="1" data-bbox="421 1518 1276 1623"> <thead> <tr> <th>Day/Evening LA10 (15 minute)</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>40</td> <td>Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")</td> </tr> </tbody> </table>	Day/Evening LA10 (15 minute)	Land	40	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")	NT	Construction of the Sunnyside site was completed prior to the last audit in 2011. No further construction works have been undertaken.	
Day/Evening LA10 (15 minute)	Land								
40	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")								

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments				
	3	<p>The Proponent shall ensure that the noise generated during mining operations and other activities on the site does not exceed the level set out in Table 2:</p> <table border="1" style="margin-left: 40px;"> <caption>Table 2 Operational noise impact assessment criterion dB(A)</caption> <thead> <tr> <th>Day/Evening LAeq(15 minute)</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>35</td> <td>Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> To determine compliance with the LAeq (15 minute) limit, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable. These limits apply under meteorological conditions of: <ul style="list-style-type: none"> wind speeds of 3 m/s at 10 metres above ground level; or up to 3°C/100 m temperature inversion strength for all receivers, plus a 2 ms source-to-receiver component drainage flow wind at 10 metres above ground level for those receivers where applicable. 	Day/Evening LAeq(15 minute)	Land	35	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")	NC	Exceedences at Glendower, Ferndale, and Plain View between August 2011 and September 2012. DP&I, EPA and landowner notified of the exceedences as noted in the 2011-2012 AEMR.	Evidence was sighted that Whitehaven sought and gained approval from the EPA (email dated 30/1/2013) to cease noise monitoring during the care and maintenance phase as no active mining operations were taking place. The noise monitoring plan for the site was amended accordingly. Notification was also sent to DP&I (letter dated 15/1/2013) with approval of the revised management plan being received from DP&I by letter dated 16/1/2013. As noted below, the Plain View noise exceedance in September was within private agreement limit.
Day/Evening LAeq(15 minute)	Land								
35	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")								
		However, if the Proponent has a written negotiated noise agreement with the landowner of any land, and a copy of this agreement has been forwarded to the Department and DECC, then the Proponent may exceed the noise limits in Table 1 or Table 2 on that land in accordance with the negotiated noise agreement.	C	A negotiated noise agreement has been in place for the Plain View property since August 2012. An exceedance of the project approval noise criteria was recorded at the Plain View property in September 2012 but the level was within the criteria identified in the negotiated noise agreement.					
	4	<p>If the noise generated by the project exceeds the level in Table 3, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 8-10 of schedule 4.</p> <table border="1" style="margin-left: 40px;"> <caption>Table 3: Land acquisition criterion dB(A)</caption> <thead> <tr> <th>Day/Evening LA10 (15 minute)</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>40</td> <td>Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")</td> </tr> </tbody> </table> <p>Note: Noise generated by the project is to be measure in accordance with the notes presented below Table 1.</p>	Day/Evening LA10 (15 minute)	Land	40	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")	NT	No written requests for acquisition received.	
Day/Evening LA10 (15 minute)	Land								
40	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")								
	5	<p>Upon receiving a written request from the landowner of:</p> <p>(a) 'Illili', 'Ferndale', or</p> <p>(b) any residence on privately owned land where noise generated by the project exceeds 37 dB(A) LAeq(15minute),</p> <p>the Proponent shall implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner.</p> <p>These additional mitigation measures must be reasonable and feasible.</p> <p>If within 3 months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.</p> <p>Within 3 months of this approval, the Proponent shall notify all applicable landowners of their entitlements under this condition.</p>	NT	No requests for acquisition have been received.					
	6	<p>The Proponent shall implement all reasonable and feasible measures to ensure that the traffic noise generated by the project combined with the traffic noise generated by other mines does not exceed the level in Table 4:</p> <table border="1" style="margin-left: 40px;"> <caption>Table 4: Traffic noise criterion dB(A)</caption> <thead> <tr> <th>Day/Evening LAeq(15 minute)</th> <th>Road</th> </tr> </thead> <tbody> <tr> <td>55</td> <td>Any residence adjacent to Torrens Road</td> </tr> </tbody> </table> <p>Note: Traffic noise generated by the project is to be measure in accordance with the relevant procedures in the DECC's Environmental Criteria for Road Traffic Noise.</p>	Day/Evening LAeq(15 minute)	Road	55	Any residence adjacent to Torrens Road	O	Two traffic noise exceedences were recorded in Torrens Road in May and September 2012. The Roslyn property where road noise monitoring is conducted on Torrens Lane is owned by Whitehaven so is considered to be project related and not a non-compliance.	Trucking operations from Sunnyside ceased in May 2013 and the mine is now in care and maintenance.
Day/Evening LAeq(15 minute)	Road								
55	Any residence adjacent to Torrens Road								

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments						
	7	If the traffic noise generated by the project exceeds the criterion in Table 4, the Proponent shall, upon receiving a written request from any landowner adjacent to Torrens Road, implement noise mitigation measures such as double glazing, insulation and/or air conditioning at any residence on the land in consultation with the landowner. These additional mitigation measures must be reasonable and feasible. If within 3 months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution. Within 3 months of this approval, the Proponent shall notify all applicable landowners of their entitlements under this condition.	NT	No written request has been received.							
	8	The Proponent shall: (a) implement all reasonable and feasible best practice noise mitigation measures;	C	Whilst operational, during inversion conditions, in pit activities were undertaken between 7 and 9am wherever possible.							
		(b) investigate ways to reduce the noise generated by the project, including off-site road noise; and	C	Road traffic noise levels were generally within criteria, although there were two exceedances identified in May and September 2012. It was noted that the Roslyn property where road noise monitoring is conducted on Torrens Lane is owned by Whitehaven so is considered to be project related and not a non-compliance. Trucking of coal from Sunnyside to the Gunnedah CHPP ceased in May 2013 such that there is no further requirement to investigate noise levels.	The 2011-2012 AEMR includes a discussion of noise criteria and the environmental performance of the operations during the reporting period (Section 3.10). This discussion includes identifying measures that could be implemented to reduce noise levels.						
		(c) report on these investigations and the implementation and effectiveness of these measures in the AEMR; to the satisfaction of the Director-General.	C	The 2011-2012 AEMR includes a discussion of noise criteria and the environmental performance of the operations during the reporting period (Section 3.10). This discussion includes identifying measures that could be implemented to reduce noise levels.							
	9	The Proponent shall prepare and implement a detailed Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must:	C	Currently approved Plan is Noise Monitoring Program for the Sunnyside Coal Project Edition 1 Revision 1 dated 15/01/2013.							
		(a) be prepared in consultation with DECC;	C	The original Plan included consultation with DECCW (Sighted email correspondence to DECCW dated 15 October 2008). EPA was consulted in relation to the cessation of quarterly noise monitoring during the care and maintenance phase (sighted emails dated 8 and 30 January 2013).							
		(b) be submitted to the Director-General for approval prior to carrying out any development on site; and	C	The original Noise Management Plan was approved by DoP 20/10/08. A revised Noise Monitoring Program was prepared as a result of the mine being put into care and maintenance, with this revised Plan approved by DP&I on 16/1/2013							
		(c) include - attended monitoring measures; and	C	Prior to the care and maintenance phase, the previous Noise Monitoring Program included attended noise monitoring measures (see Sections 5.2 and 5.3 of the previous Noise Monitoring Program). Since the commencement of care and maintenance operations at the site, attended noise monitoring has been discontinued with approval from both DP&I and EPA.							
		- a noise monitoring protocol for evaluating compliance with the noise impact assessment and land acquisition criteria in this approval.	C	This is discussed in Section 5.4 and Appendix 1 of Noise Monitoring Program.							
	10	The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 5 at any residence on privately-owned land. Table 5: Airblast overpressure impact assessment criteria <table border="1" data-bbox="430 1659 1157 1774"> <thead> <tr> <th>Airblast overpressure level (dB(Lin Peak))</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td>115</td> <td>5% of the total number of blasts in a 12 month period</td> </tr> <tr> <td>120</td> <td>0%</td> </tr> </tbody> </table> <p>Note: The overpressure values in Table 5 apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut-off frequency a correction of 5 dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10 Hz should not be used.</p>	Airblast overpressure level (dB(Lin Peak))	Allowable exceedance	115	5% of the total number of blasts in a 12 month period	120	0%	NC	Blast results reviewed during the audit identified several blast exceedances in May, June and October 2011 and January 2012. Evidence was sighted that notifications of the exceedances were provided to the landowner and relevant government agencies in each case.	Blasting on site ceased in September 2012.
Airblast overpressure level (dB(Lin Peak))	Allowable exceedance										
115	5% of the total number of blasts in a 12 month period										
120	0%										

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments						
	11	<p>The Proponent shall ensure that the ground vibration level from blasting, or any other activity at the project does not exceed the levels in Table 6 at any residence on privately-owned land.</p> <p>Table 6: Ground vibration impact assessment criteria</p> <table border="1"> <thead> <tr> <th>Peak particle velocity (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>5% of the total number of blasts in a 12 month period</td> </tr> <tr> <td>10</td> <td>0%</td> </tr> </tbody> </table>	Peak particle velocity (mm/s)	Allowable exceedance	5	5% of the total number of blasts in a 12 month period	10	0%	C	Blast results to September 2012 indicate no exceedences of 5 mm/sec (max 2.3)	Blasting on site ceased in September 2012.
Peak particle velocity (mm/s)	Allowable exceedance										
5	5% of the total number of blasts in a 12 month period										
10	0%										
	12	The Proponent shall carry out blasting on site only between 10 am and 5 pm each Monday to Friday and 10 am and 2 pm on Saturdays (excepting Public Holidays).	C	A review of blasting records showed that all blasts undertaken during the period covered by the audit were undertaken within the required timeframes.							
	13	The Proponent shall not carry out more than:									
		(a) 2 blasts a day; and	C	Records show only one blast per day to date							
		(b) 5 blasts a week, averaged over any 12 month period; on site.	C	Records show maximum of 2 blasts per week to date							
	14	At least 2 months before carrying out any blasting on the site, the Proponent shall advise all landowners within 2 km of proposed blasting activities, and any other landowner nominated by the Director-General, that they are entitled to a property inspection to establish the baseline condition of the property.	C	This was verified at the 2011 audit.							
	15	<p>If the Proponent receives a written request for a property inspection from any such landowner, the Proponent shall:</p> <p>(a) commission a suitably qualified person, whose appointment has been approved by the Director-General, to inspect and report on the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and</p> <p>(b) give the landowner a copy of this property inspection report.</p> <p>Note: It is preferable for the property inspection to be carried out prior to the commencement of blasting activities on the site, and the Proponent should facilitate this occurring wherever possible.</p>	C	Pre-blasting property inspection reports were reviewed at the 2011 audit.							
	16	<p>If any landowner within 2 km of proposed blasting activities, or any other landowner nominated by the Director-General, claims that his/her property, including vibration-sensitive infrastructure such as water supply or underground irrigation mains, has been damaged as a result of blasting at the project, the Proponent shall within 3 months of receiving this request:</p> <p>(a) commission a suitably qualified person whose appointment has been approved by the Director-General to investigate the claim and prepare a property investigation report; and</p> <p>(b) give the landowner a copy of the report.</p> <p>If this independent investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damage to the satisfaction of the Director-General.</p> <p>If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.</p>	C	Since the previous audit, Whitehaven has had several complaints in relation to blast exceedances. As a result of these complaints, individual properties have been re-inspected (Ferndale October 2011, Illili September 2011 and Long property May 2012).							
			C	Kelley Covey undertook the original property inspections and was commissioned to undertake the re-inspections. Property inspections reports sighted during the audit.							
			C	Sighted letters to property owners enclosing a copy of the report for each property.							
			NT	The property re-inspections undertaken did not find any blast related impacts at any of the properties.							
	17	Prior to the commencement of blasting, the Proponent shall prepare and implement a detailed Blast Monitoring Program for the project, in consultation with the DECC and to the satisfaction of the Director-General.	C	The Blast Monitoring Program was reviewed at the previous audit. Blasting ceased at the site in September 2012 and as such, a revised Blast Monitoring Program for the care and maintenance phase is not required.							

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments																							
	18	<p>The Proponent shall ensure that dust emissions generated by the project do not cause additional exceedances of the criteria listed in Tables 7 to 9 at any residence on privately owned land, or on more than 25 percent of any privately-owned land.</p> <p>Table 7: Long term impact assessment criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10µm (PM₁₀)</td> <td>Annual</td> <td>30µg/m³</td> </tr> </tbody> </table> <p>Table 8: Short term impact assessment criterion for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10µm (PM₁₀)</td> <td>24 hour</td> <td>50 µg/m³</td> </tr> </tbody> </table> <p>Table 9: Long term impact assessment criterion for deposited dust</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m²/month</td> <td>4 g/m²/month</td> </tr> </tbody> </table> <p>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air – Determination of Particulates – Deposited Matter – Gravimetric Method.</p>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m ³	Particulate matter < 10µm (PM ₁₀)	Annual	30µg/m ³	Pollutant	Averaging period	Criterion	Particulate matter < 10µm (PM ₁₀)	24 hour	50 µg/m ³	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month	O	Monitoring results for deposited dust and annual average PM10 showed no exceedances of criteria for the period covered by the audit. However, there were two exceedances of the 24 hour PM10 criteria in November and December 2012. On both occasions, investigations by Whitehaven identified that the landowner was conducting ploughing of the paddock which may have contributed to the anomalous result. The mine ceased mining activities in November 2012, therefore the December 2012 result is unlikely to be attributable to the operations at Sunnyside.	
Pollutant	Averaging period	Criterion																										
Total suspended particulate (TSP) matter	Annual	90 µg/m ³																										
Particulate matter < 10µm (PM ₁₀)	Annual	30µg/m ³																										
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Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																									
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month																									
	19	<p>The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:</p> <p>(a) be submitted to the Director-General prior to the commencement of construction activities;</p> <p>(b) be prepared in consultation with the DECC; and</p> <p>(c) use a combination of high volume samplers and dust deposition gauges to monitor the performance of the project.</p> <p>Note: This condition must be read in conjunction with Section 11 of the Statement of Commitments.</p>	C	The original Air Quality Monitoring Program for the Sunnyside Coal Project (Rev 0 dated 8 August 2008) was approved by DP&I by letter dated 20 October 2008. The Plan was revised for the Care and Maintenance Phase, with the revised Plan being approved by DP&I on 16/01/2013.																								
			C	The original Plan included consultation with (then) DECC. The revised Plan for Care and Maintenance included consultation with EPA (emails dated 8 and 30 January 2013).																								
			C	The original air quality monitoring network used 2 x PM10 high volume air samplers 6 x dust deposition gauges to assess air quality levels as described in Section 4 of the original Air Quality Monitoring Program. Since the program commenced, Whitehaven acquired the Lilydale property which was unoccupied. The revised air quality monitoring program has removed the HVAS from the Lilydale location, such that there is now only one HVAS monitored.																								
			Noted																									
	20	<p>During the project, the Proponent shall ensure there is a suitable continuously operating meteorological station on the site that complies with the requirements in <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> (DECC, 2007), or its latest version.</p> <p>Note: These conditions must be read in conjunction with Section 7 and 10 of the Statement of Commitments.</p>	O	The met station located on site was operational whilst the mine was operational. Following the placement of the mine into a care and maintenance phase, Whitehaven sought and gained approval from EPA to cease operation of the met station until such time as mining operations recommenced.	Whilst specific approval to cease operation of the met station was not obtained from DP&I, there are no activities currently being undertaken on site. DP&I approved the cessation of noise monitoring at the site, which may imply that weather monitoring was also no longer required.																							
	21	<p>Except as may be expressly provided for by an EPL, or in accordance with section 120 of the <i>Protection of the Environment Operations Act 1997</i>, the Proponent shall not discharge any mine water from the site.</p>	C	Whitehaven advised that two water discharges occurred during the period covered by the audit. Water quality monitoring was undertaken for both discharges and all results were within the criteria specified in both the Project Approval and the EPL.																								
	22	<p>The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must be submitted to the Director-General for approval prior to the commencement of construction activities (not including public road upgrades other than the realignment of Coocooboonah Lane) in consultation with the DECC and DWE by suitably qualified expert/s whose appointment/s have been approved by the Director-General and include a:</p> <p>(a) Site Water Balance;</p> <p>(b) Erosion and Sediment Control Plan;</p> <p>(c) Surface Water Monitoring Plan;</p> <p>(d) Groundwater Monitoring Program; and</p> <p>(e) Groundwater Contingency Plan.</p>	O	The original Site Water Management Plan was approved by DP&I by letter dated 20 October 2008. It is recommended that the Water Management Plan be reviewed and amended to reflect the requirements of the care and maintenance phase, particularly given that the site is no longer manned on a regular basis and water usage will be less than that envisaged due to the lack of operations.	It is understood that Whitehaven will be preparing a revised MOP for the care and maintenance phase and that this plan will include a revised water management plan.																							
			C	Included in section 3.0 of the Site Water Management Plan																								
			C	Included in section 4.0 of the Site Water Management Plan																								
			C	Included in section 5.0 of the Site Water Management Plan																								
			C	Included in section 6.0 of the Site Water Management Plan																								
			C	Included in section 7.0 of the Site Water Management Plan																								

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
	23	The Site Water Balance must:			
		(a) include details of:	C	Included in Table 3.2 of WMP.	
		- sources and security of water supply;	C	Section 3.2 WMP estimates that between 75 -100ML pa of water will be used by the mine. The AEMR notes actual usage and compares this against the predictions.	
		- water use on site;	C	Described in various subsections in Section 2 of the Plan.	
		- water management on site;	C	Whitehaven advised that no off site water transfers have occurred.	
		- off-site water transfers;	C	Section 3.4.1 of the Site Water Management Plan identifies that the site water balance will be updated annually as part of the AEMR. A review of the 2011-2012 AEMR includes a discussion water sources, demand and water usage on site for the reporting period.	
		- reporting procedures;	C	Measures to minimise water usage on site are described in Section 3.2 of the Plan.	
	(b) describe measures to minimise water use by the project; and	C	2011-2012 AEMR (Section 2.8.4) includes a discussion on water usage for the reporting period and comparing that with previous years water usage and the predictions made in the EA.		
	(c) be reviewed and recalculated each year using the most recent water monitoring data.	C			
	24	The Erosion and Sediment Control Plan must:	C		
		(a) be consistent with the requirements of <i>Managing Urban Stormwater: Soils and Construction</i> manual (Landcom, 2004), or its latest version;	C	Included in WMP Section 4.2	
		(b) identify activities that could cause soil erosion and generate sediment;	C	Included in WMP Section 4.3 and 4.4	
		(c) describe measures to minimise soil erosion and the potential for transport of sediment to downstream waters;	C	Included in WMP Sections 2.2, 4.3 and 4.4	
		(d) describe the location, function, and capacity of erosion and sediment control structures; and	C	Included in WMP Sections 4.4 and 4.6.	
	(e) describe what measures would be implemented to monitor and maintain the structures over time.	C			
	25	The Surface Water Monitoring Program must include:	C	Described in WMP Sections 5.2.	
		(a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project;	C	Identified in WMP Section 5.3.	
		(b) surface water impact assessment criteria;	C	A surface water monitoring program is described in Section 5.4.	
		(c) a program to monitor the impact of the project on surface water flows and quality; and	C	Section 5.4.1 identifies how results will be reported - generally through AEMR and CCC. A review of AEMRs, CCC minutes and observation of the Whitehaven website confirms that reporting is being undertaken as described.	
	(d) procedures for reporting the results of this monitoring.	C			
	26	The Groundwater Monitoring Program must include:	C	WMP section 6.4.8 notes modification of the groundwater model will be undertaken "as required following annual review and assessment of ongoing data collection" and "will be extended beyond the active mine life in order to assess the potential long term change in groundwater re-pressurisation and water quality ...". No modification has been undertaken to date.	
(a) further development of the regional and local groundwater model;		C	Information sourced from EA.		
(b) detailed baseline data to benchmark the natural variation in groundwater levels, yield and quality (including at any privately owned bores in the vicinity of the site);		C	Described in Site Water Management Plan Section 7.2		
(c) groundwater impact assessment criteria;		C	Groundwater monitoring plan is described in Section 6.		
(d) a program to monitor the impact of the project on groundwater levels, yield and quality; and		C	Section 6.4.11 identifies how results will be reported - generally through AEMR and CCC. A review of AEMRs, CCC minutes and observation of the Whitehaven website confirms that reporting is being undertaken as described.		
(e) procedures for reporting the results of this monitoring.	C				
27	The Groundwater Contingency Plan must:	C	Sections 7.2.2 and 7.2.3 identify a compensation procedure and options.		
	(a) provide measures to mitigate any impacts of the mine on the quality or quantity of groundwater supplies available on privately-owned land;	C	Trigger levels noted in Section 7.2 of the Site Water Management Plan. Benchmarks noted in Section 6.3 of the Site Water Management Plan. Contingency Criteria noted in Section 7.3 of the Site Water Management Plan.		
		(b) establish trigger levels, benchmarks and contingency criteria; and			

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
		(c) provide for negotiated agreements with affected landowners, including compensation where mining impacts result in increased extraction costs for landowners.	C	Sighted Site Water Management Plan Section 7.2.2.	
		Note: This condition must be read in conjunction with Sections 2, 9 and 18 of the Statement of Commitments.	Noted		
	28	The Proponent shall implement the Koala habitat management and enhancement actions described in the EA (shown conceptually in Figure 6 in Appendix 4) in consultation with the DECC and to the satisfaction of the Director-General.	O	Tree planting works have been undertaken in the enhancement corridors identified in Figure 6. This tree planting was observed during the site inspection and found to be exhibiting good tree growth. The koala fence was observed to be still in place, however it was noted that several sections of the fence were in need of maintenance.	
		Note: Conditions 29-31 must be read in conjunction with Section 17 of the Statement of Commitments.	Noted		
	29	The Proponent shall rehabilitate the site to the satisfaction of the Director-General and DPI.	O	Whilst rehabilitation of the waste emplacement has been undertaken, further rehabilitation progress has slowed until a final decision on the mine's future has been made by Whitehaven.	
	30	The Proponent shall prepare and implement a detailed Rehabilitation and Landscape Management Plan for the site to the satisfaction of the Director-General and DPI. This plan must:	C	Rehabilitation and Landscape Management Plan Version 1 dated 27 September 2011.	
		(a) be prepared in consultation with DECC, DWE and Council by suitably qualified expert/s whose appointment/s have been approved by the Director-General; and	C	Appendix 2 of the plan contains copies of the correspondence to Gunnedah Shire Council, Office of Water and DECCW. Only the Office of Water has provided comment on the plan.	
		(b) be submitted to the Director-General and DPI for approval by 1 March 2009;	O	This condition was identified as non-compliant at the previous audit and relates to the timeframe in which the plan was prepared and submitted. The Plan was approved by DP&I by letter dated 10/10/2011.	
		(c) include:			
		- the rehabilitation objectives for the site;	C	Described in Section 4.0	
		- a description of how the rehabilitation of the site would be integrated with the landscape of the surrounding area;	C	Described in Sections 4.0 and 5.0	
		- detailed performance and completion criteria for the rehabilitation of the site;	C	Described in Section 7.0	
		- a detailed description of the measures that would be implemented to achieve the performance and completion criteria for each site, including the procedures to be implemented for	C		
		- protection and enhancement of koala habitat;	C	Described in Sections 6.0 and 7.0	It was observed during the audit site inspection that koala enhancement planting and the koala fence have been implemented.
		- progressively rehabilitating the areas disturbed by mining operations;	C	Described in Sections 6.0 and 7.0	Rehabilitation of the waste emplacement was inspected during the audit - good tree growth was observed and little evidence of erosion.
		- restoration of agricultural land suitability;	C	Described in Sections 6.0 and 7.0	
		- revegetating the site;	C	Described in Sections 6.0 and 7.0	
		- protecting and/or enhancing areas in the vicinity of the disturbance area;	C	Described in Sections 6.0 and 7.0	
		- conserving and re-using any topsoil;	C	Described in Sections 6.0 and 7.0	
		- controlling weeds and feral pests;	C	Described in Sections 6.0 and 7.0	Weeds were generally observed to be well managed, although maintenance weeding of some areas was noted to be required.
		- controlling access; and	C	Described in Sections 6.0 and 7.0	
		- bushfire management.	C	Described in Sections 6.0 and 7.0	
		- a program to monitor the performance of the rehabilitation against the stated objectives, performance and completion criteria;	C	Described in Section 8.0	
		- a description of the potential risks to successful rehabilitation, and a description of the contingency measures that would be implemented to minimise these risks; and	C	Described in Section 9.0	
		- details of who is responsible for monitoring, reviewing and implementing the plan.	C	Described in Section 12.0	

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
	31	At least 2 years prior the cessation of mining operations on the site the Proponent shall prepare a Mine Closure Plan. This plan must:	O	Sighted Mine Closure Plan Dated July 2010. This Plan was prepared prior to the care and maintenance phase. Given that mining operations have not proceeded to the full extent envisaged by the plan, it is recommended that it be reviewed, and revised if required, to reflect the current status of the site and the requirements of the revised Care and Maintenance MOP that is to be prepared.	
		(a) define the objectives and criteria for mine closure;	C	Described in Section 2.0	
		(b) investigate options for the future use of the site;	C	Described in Section 8.1	
		(c) provide a detailed methodology for decommissioning the site's storage dams;	C	Described in Section 5.5 - retained for stock use	
		(d) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local and regional employment levels;	C	Described in Section 4.4	
		(e) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and	C	Described in Section 7.0	
		(f) describe how the performance of these measures would be monitored over time.	C	Described in Section 7.0	
		Note: These conditions must be read in conjunction with Section 12 of the Statement of Commitments.	Noted		
	32	The Proponent shall not destroy any known Aboriginal objects (as defined in the <i>National Parks and Wildlife Act 1974</i>) without the written approval of the Director-General.	C	Whitehaven advised that no artefacts had been destroyed or impacted to their knowledge.	
	33	The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Director-General. This plan must:	C	Current approved ACHMP dated 10/7/2008 Rev 0. This plan will remain in place for the care and maintenance phase as no further revisions were considered to be required.	
		(a) be submitted to the Director-General prior to the commencement of construction activities (not including public road upgrades other than the realignment of Coocooboonah Lane);	C	Confirmed at the previous audit.	
		(b) be prepared in consultation with the DECC and the local Aboriginal community;	C	Confirmed at the previous audit.	
		(c) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site; and	C	Soil Stripping - Aboriginal Site Monitoring records for 5/7/2011 and 6/7/2011 identified that both Red Chief and Bigundi were involved in site monitoring.	
		(d) describe the measures that would be implemented to protect Aboriginal sites on site, or if any new Aboriginal objects or skeletal remains are discovered during the project.	C	This is discussed in Section 3.2.1, 3.2.3 and 3.4 of the Plan. Evidence of implementation identified through the use of the Aboriginal Site Monitoring Records reviewed during the audit.	
		Note: These conditions must be read in conjunction with Section 2 of the Statement of Commitments.	Noted		
	34	The Proponent shall keep records of the amount of coal transported from the site each year, and include these records in the AEMR.	C	Sighted excel spreadsheets of production data. AEMRs reviewed during the audit confirmed that production levels are included in the AEMR as required.	
	35	Prior to transporting any coal off-site, the Proponent shall:			
		(a) construct a realignment of Coocooboonah Lane to the satisfaction of the landowner and Council;	C	Completion of required road upgrades was confirmed at the last audit. The road haulage route was inspected during the audit and found to be in good condition. It should be noted that trucking from Sunnyside to Gunnedah CHPP ceased in May 2013. The road maintenance agreement between Whitehaven and GSC covers the maintenance of the haul roads and this agreement will remain in place throughout the care and maintenance phase.	
		(b) upgrade the intersection of Coocooboonah Lane and the Oxley Highway to the satisfaction of the RTA and Council;	C		
		(c) upgrade the intersection of the Oxley Highway and Blackjack Road to the satisfaction of the RTA and Council;	C		
		(d) upgrade the section of Blackjack Road to be used for coal transport to the satisfaction of Council;	C		
		(e) upgrade the intersection of Blackjack Road and Quia Road to the satisfaction of Council;	C		
		(f) upgrade the section of Quia Road to be used for coal transport to the satisfaction of Council;	C		
		(g) upgrade the intersection of Quia Road and Farrar Road to the satisfaction of Council;	C		
		(h) upgrade the intersection of Quia Road and Torrens Road to the satisfaction of Council; and	C		
		(i) upgrade Torrens Road to the satisfaction of Council.	C		
	36	Prior to carrying out any development on site, the Proponent shall prepare, and subsequently implement, a Construction Traffic Management Plan for the project to the satisfaction of the RTA and Council.	C	Evidence of the Construction Traffic Management Plan was not available at the last audit. Evidence has now been sighted to indicate that the Traffic Management was in place at the time of construction and appropriate Road Occupancy Licences from RTA were obtained for the works.	

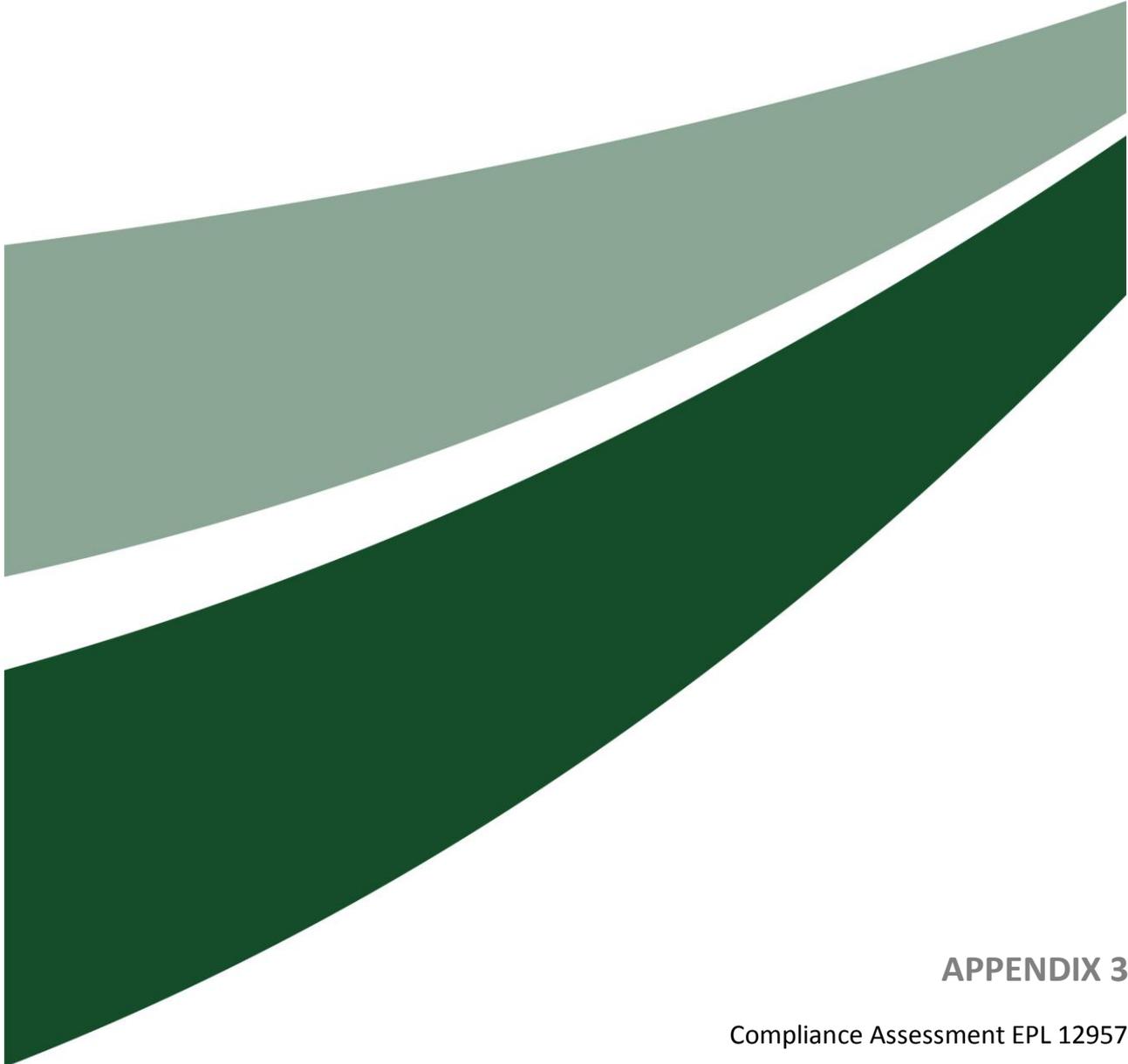
Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
	37	Within 6 months of this approval the Proponent shall enter into an agreement with Council for the maintenance of the section of the Oxley Highway between Coocooboonah Lane and Blackjack Road.	O	This condition was identified as non-compliant at the previous audit and relates to the timeframe in which the road maintenance agreement was established. Agreement dated 5 August 2009 which is outside the six month timeframe.	
	38	Prior to transporting coal from the site the Proponent shall construct 2 bus stops on the Oxley Highway to the satisfaction of Council.	C	This was confirmed at the previous audit.	
	39	Notwithstanding condition 10 of Schedule 2, the Proponent shall ensure no coal is transported from the site during AgQuip.	C	Production records for 2011 and 2012 demonstrate that no coal was trucked from Sunnyside to the Gunnedah CHPP during the Ag Quip dates 16-18 August 2011 and 21-23 August 2012.	
	40	The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.	C	The amenity bunds noted during the last audit were observed to have been grassed and planted with trees. The site is currently not operational and no visual issues were evident at the time of the audit.	
	41	The Proponent shall ensure that: (a) no outdoor lights shine above the horizontal; and (b) all external lighting associated with the project complies with <i>Australian Standard AS4282 (NT) 1995 - Control of Obtrusive Effects of Outdoor Lighting</i> .	C	Since mining operations ceased in November 2012, there has been no lighting of the site.	
	42	The Proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Director-General. This plan must:	C	DP&I approval of Management Plan dated 10 July 2009. Sighted ESAP dated 18 May 2008 Rev 3.	
		(a) be prepared in accordance with the <i>Guidelines for Energy Savings Action Plans</i> (DEUS, 2005), or its latest version.	C	A review of the Plan indicated that it had been generally prepared in accordance with the relevant guidelines as described in Section 1.0.	
		(b) include consideration of energy use by mobile equipment;	C	This is described in Section 2.4, 5.0 and 8.4 - actions no longer required due to no mining activities being undertaken on site.	
		(c) be submitted to the Director-General for approval within 3 months of this approval; and	O	This condition was identified as non-compliant in the last audit and relates to the Plan being submitted for approval beyond the timeframe identified in the condition.	
		(d) include a program to monitor the effectiveness of measures to reduce energy use on site.	C	Measures described in Table 15 of the Energy Savings Action Plan - actions no longer relevant as no mining activities currently occurring on site.	
	43	The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must:	C	DOP approval of Waste Management Plan dated 28/10/08. Sighted Waste Management Plan dated 8/8/2008 Rev 0 - no revisions were considered to be required as a result of the care and maintenance phase.	
		(a) be submitted to the Director-General for approval prior to the commencing of construction;	C	Construction commenced 10 November 2008.	
		(b) identify the various waste streams of the project;	C	Described in Section 2.0 of the Plan.	
		(c) describe what measures would be implemented to reuse, recycle, or minimise the waste generated by the project;	C	Described in Section 5.0 of the Plan.	
		(d) ensure irrigation of treated wastewater is undertaken in accordance with <i>Environmental Guidelines: Use of Effluent by Irrigation</i> (DEC, 2004), or its latest version; and	C	Septic system approved by Council but not in operation at the time of inspection.	
		(e) include a program to monitor the effectiveness of these measures.	O	The Waste Management Plan identifies that waste management data will be documented and reported in the AEMR. It was noted that whilst the AEMR provides a general description of wastes generated by the project, there does not appear to be any discussion on the volumes of waste and a comparison with previous volumes to assess the effectiveness of the waste management measures.	
4	1	Within 1 month of this approval, the Proponent shall notify the owner of 'Lilydale' in writing that he/she has the right to require the Proponent to acquire their land at any stage during the project.	NT	It was confirmed at the last audit that Lillydale was acquired by Sunnyside coal mine on the 18/9/2008 i.e. prior to the project approval being issued i.e. 24/9/2008.	
	2	If the results of monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria in schedule 3, then the Proponent shall notify the Director-General and the affected landowners and/or existing or future tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 3. However, no notification is required if the impact is predicted in the EA or where an agreement has been negotiated with a landowner that excludes the requirement for ongoing notification of such impacts.	C	For example, sighted letters to DP&I, OEH and the landowners dated 14 June 2012 in regard to noise exceedances identified during routine quarterly noise monitoring in May 2012. Also sighted letters to landowners and agencies including quarterly noise monitoring from September 2012 which identified that noise levels were within criteria.	

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
	3	If a landowner considers the project to be exceeding the impact assessment criteria in schedule 3, except where this is predicted in the EA, then he/she may ask the Director-General, in writing for an independent review of the impacts of the project on his/her land. If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Director-General's decision:	NT	No independent reviews have been requested to date.	
		(a) consult with the landowner to determine his/her concerns;	NT		
		(b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to:	NT		
		determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and			
		identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and			
		(c) give the Director-General and landowner a copy of the independent review.	NT		
		If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.	NT		
	4	If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:	NT	No independent reviews have been requested to date.	
		(a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and	NT		
		(b) conduct further monitoring to determine whether these measures ensure compliance; or	NT		
		(c) secure a written agreement with the landowner to allow exceedences of the relevant criteria,	NT		
		to the satisfaction of the Director-General.			
		If further monitoring under paragraph (b) determines that the project is complying with the relevant criteria, then the Proponent may discontinue the independent review with the approval of the Director-General.	NT		
	5	If further monitoring under condition 4(b) determines that measures implemented under condition 4(a) have not achieved compliance with the land acquisition criteria in schedule 3, and the Proponent cannot then secure within 3 months a written agreement with the landowner under condition 4(c) to allow these exceedences, then the Proponent shall, upon receiving a written request from the landowner, acquire all or part of the landowner's land in accordance with the procedures in conditions 7-9 below.	NT	No independent reviews have been requested to date.	
	6	If:			
		(a) the landowner disputes the results of the independent review; or	NT	No independent reviews have been requested to date.	
		(b) the Proponent is unable to secure a written agreement under condition 4(c) with the landowner then (subject to condition 4) either the Proponent or the landowner may refer the matter to the Director-General for resolution.	NT		
		Where matters referred to the Director-General under this condition cannot be resolved by the Director-General within 28 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process.			

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
	7	Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:	NT	No written requests for acquisition have been received to date.	
		(a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the project the subject of the project application, having regard to the:	NT		
		existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and	NT		
		presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the 'additional noise mitigation measures' in conditions 5 and 7 of schedule 3;	NT		
		(b) the reasonable costs associated with:	NT		
		relocating within the Gunnedah local government area, or to any other local government area determined by the Director-General;	NT		
		obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and	NT		
	(c) reasonable compensation for any disturbance caused by the land acquisition process.	NT			
			However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution. Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer of Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired. The appointed valuer is to provide a full report and explanation of the determination and proposed terms to the Proponent, landowner and the Director-General. Within 14 days of the receiving the independent valuer's determination, the Proponent shall make a written offer to purchase the land at a price not less than the independent valuer's determination. If the landowner refuses to accept this offer within 6 months of the date of the Proponent's offer, the Proponent's obligations to acquire the land shall cease, unless otherwise agreed by the Director-General.	NT	
	8	The Proponent shall bear the costs of any valuation or survey assessment requested by the independent valuer, or the Director-General and the costs of determination referred above.	NT		
	9	If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.	NT		
5	1	The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General prior to the commencement of construction activities, and:	C	Sighted Environmental Management Strategy dated 7 August 2008 Rev 0 and DP&I approval dated 20 October 2008. Whilst the Plan was generally implemented during operation of the site, many of the actions are not relevant for the care and maintenance phase of the operation.	
		(a) provide the strategic context for environmental management of the project;	C	Described in Sections 1 - 4 of the Plan.	
		(b) identify the statutory requirements that apply to the project;	C	Described in Section 3.0 of the Plan.	
		(c) describe in general how the environmental performance of the project would be monitored and managed;	C	Described in Section 5.0 of the Plan.	
		(d) describe the procedures that would be implemented to:	C		
		keep the local community and relevant agencies informed about the operation and environmental performance of the project;	C	Described in Section 6.0 of the Plan.	
		receive, handle, respond to, and record complaints;	C	Described in Section 6.2 of the Plan.	
		resolve any disputes that may arise during the course of the project;	C	Described in Section 6.3 of the Plan.	
		respond to any non-compliance;	C	Described in Section 7.0 of the Plan.	
		management cumulative impacts; and	C	Described in Section 5.16 of the Plan.	
respond to emergencies; and	C	Described in Section 8.0 of the Plan.			
(e) describe the roles, responsibility, authority and accountability of all key personnel involved in the environmental management of the project.	C	Described in Section 4.0 of the Plan.			

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
	2	The Proponent shall prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the Director-General. This program must be submitted to the Director-General within 6 months of this approval and consolidate the various monitoring requirements in schedule 3 of this approval into a single document.	O	This was identified as a non-compliance during the last audit. Whitehaven has now prepared the required Environmental Monitoring Program which was approved by DP&I on 10/10/2011. It is noted that the Plan was not prepared and submitted within the required timeframe.	
	3	As soon as practicable, and in any event within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) material harm to the environmental, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.	O	It was noted in the previous audit that notifications to DP&I and other relevant agencies were not always undertaken in a timely manner. It was noted during this audit that notification practices have improved significantly, particularly since January 2012. However, there were some blasting exceedances in mid 2011 that were not reported until January 2012.	
	4	Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that: (a) describes the date, time and nature of the exceedance/incident; (b) identifies the cause (or likely cause) of the exceedance/incident; (c) describes what action has been taken to date; and (d) describes the proposed measure to address the exceedance/incident.	O	For example, blast exceedance on 18/1/2012 - sighted email advice to EPA and DP&I dated 19/1/2012. Sighted email to EPA & DP&I dated 1/02/2012 providing a copy of the blast investigation report. This was outside the 6 day period specified in the condition. For the blast exceedance on 3/5/2011, sighted letters to DP&I, EPA and landowners notifying of exceedance and also a copy of the blast exceedance report - this reporting was within the 6 day period specified in the condition.	
	5	Within 12 months of this approval, and annually thereafter, the Proponent shall submit an AEMR to the Director-General and to all relevant agencies. This report must:		AEMRs for the 2010-2011 and 2011-2012 reporting periods were reviewed during the audit.	
		(a) identify the standards and performance measures that apply to the project;	C	The standards and performance measures for individual impacts are described in the various subsections in Section 3 of the AEMR. For example, the air quality criteria from the Project Approval are identified in Section 3.1.1 of the 2011-2012 AEMR.	
		(b) describe the works carried out in the last 12 months;	C	Section 2.0 of the 2011-2012 AEMR provides a description of the activities undertaken on site during the reporting period.	
		(c) describe the works that would be carried out in the next 12 months;	C	Section 1.1.3 of the 2011-2012 AEMR identifies that the mine was being placed into a care and maintenance phase with a new MOP to be prepared to manage the care and maintenance operations.	
		(d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;	C	Complaints received during the reporting period are summarised in Section 4.1 of the 2011-2012 AEMR which includes a comparison of the number of complaints with previous years.	
		(e) include a summary of the monitoring results for the project during the past year;	C	The environmental performance of the operations is discussed in the subsections of Section 3 of the 2011-2012 AEMR. The monitoring results datasets are also included as Appendices to the AEMR.	
		(f) include an analysis of these monitoring results against the relevant: - impact assessment criteria/limits;	C	Each of the subsections of Section 3 of the 2011-2012 AEMR include a discussion on the performance of the operations which provides a comparison of actual results against the applicable criteria for that issue. For example, Section 3.9.1.1 identifies the criteria for blasting, with Section 3.9.2 providing a discussion of whether or not the blast monitoring undertaken demonstrated compliance with the applicable criteria.	
		- monitoring results from previous years; and	O	The discussions provided in the various subsections of Section 3 of the AEMR do not generally include a comparison of monitoring results against previous years, although it was noted that the full datasets (including previous years) were provided as appendices to the AEMR.	
		- predictions in the EA;	O	The discussions of environmental performance in the various subsections of Section 3 of the AEMR do not generally include a comparison against the predictions in the EA.	
		(g) identify any trends in the monitoring results over the life of the project;	C	It was noted that full datasets of environmental monitoring data were included as appendices to the AEMR.	
		(h) identify any non-compliance during the previous year; and	C	For example, Section 3.9 of the AEMR discusses the non-compliances associated with exceedances of blast criteria. Similarly, Section 3.10 discusses the exceedances of the operational noise criteria that occurred during the reporting period.	
		(i) describe what actions were, or are being, taken to ensure compliance.	C	For example, Section 3.9 Blasting and Section 3.10 Noise of the 2011-2012 AEMR which identify actions that were being investigated and implemented to address exceedances of the relevant performance criteria.	

Schedule	Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
	6	Within 2 years of this approval, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:	C	Whitehaven Coal letter to DOP dated 2 September 2010 for previous audit, and similar letter to DP&I dated 23/9/2013 for the 2013 audit.	
		(a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;	C	Previous audit conducted by Umwelt in February 2011. Umwelt was again approved by DP&I to undertake the 2013 audit (letter dated 24/9/2013)	
		(b) include consultation with the relevant agencies;	C	Consultation with relevant government agencies was undertaken for the previous audit and has similarly been undertaken for this audit. Results of such consultation are included in the audit report.	
		(c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements of this approval and any relevant mining lease or EPL (including any strategy, plan or program required under these approvals);	C	This was addressed in the previous audit report.	
		(d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate,	C	This was addressed in the previous audit report.	
		(e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.	C	This was addressed in the previous audit report from which Whitehaven developed their audit action plan.	
		<i>Note: This audit team must be led by a suitably qualified auditor and include experts in the fields of water, noise management and mine rehabilitation.</i>	Noted		
	7	Within 6 weeks of the completing of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.	C	The previous audit report was submitted to DP&I with an action plan by letter dated 27 May 2011. The audit report and action plan were accepted by DP&I by letter dated 17/6/2011. An action plan update was provided by Whitehaven to DP&I on 30/11/2011.	
	8	Within 3 months of submitting the audit report to the Director-General, the Proponent shall review, and if necessary revise the strategies/plans/programs required under this approval to the satisfaction of the Director-General.	C	Whitehaven advised that management plans were reviewed following the previous audit, however only the Rehabilitation and Landscape Management Plan and Environmental Monitoring Program were revised as a result of the audit findings.	
	9	Within 3 months of this approval, the Proponent shall establish a Community Consultative Committee (CCC) for the project. This CCC must be established and operated in accordance with the <i>Guideline for Establishing and Operating Community Consultative Committees for Mining Projects</i> (Department of Planning, 2007), or its latest version, and to the satisfaction of the Director-General.	C	Evidence was sighted to indicate that regular CCC meetings are held for the Sunnyside operations. Minutes of meetings indicate that meetings were being held on a bi-monthly basis, however Whitehaven are seeking to reduce the frequency of meetings for the duration of the care and maintenance period.	
	10	Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMRs required under this approval, the Proponent shall:			
		(a) provide a copy of the relevant document/s to the relevant agencies and CCC; and	C	Evidence was sighted (letters dated 7/7/2011) that Whitehaven advised all relevant government agencies that copies of all approved management plans, audit reports and AEMRs were available on the Whitehaven website.	
		(b) put a copy of the relevant document/s on its website.	C	Copies of all approved management plans were observed to be available on the Whitehaven website.	
	11	During the project, the Proponent shall:			
		(a) make a summary of all monitoring results required under this approval publicly available at the mine and on its website; and	C	Monitoring results summaries were observed to be available on the Whitehaven website and were noted to be updated on a monthly basis.	
		(b) update these results on a regular basis (at least every three months).	C	Monitoring results summaries were observed to be available on the Whitehaven website and were noted to be updated on a monthly basis.	



APPENDIX 3

Compliance Assessment EPL 12957

Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
A1.1	This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2. Construction of surface infrastructure including but not limited to access roads, intersection and surface facilities prior to mining.	C		
A1.2	This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by the condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.	C	The listed scheduled activities were being carried out until November 2012 when the mine was placed into a care and maintenance phase.	
	Scheduled Activity	C	Production data reviewed during the audit identified the following ROM production levels which are well within the approval limit: 2010-2011 - approx 314,000 tonnes 2011-2012 - approx 533,000 tonnes 2012-2013 - approx 306,000 tonnes	
	Mining for Coal			
	Coal works			
	Fee Based Activity			
	Mining for Coal Scale 0 - 500,000 T produced			
	Coal works Scale 0 - 2,000,000 T handled			
A1.3	The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.	C	This was confirmed at the 2011 audit.	
A2.1	The licence applies to the following premises: Premises Details Sunnyside Coal Project 259 Coochooboonah Lane GUNNEDAH NSW 2380 LOT 1 DP 393755; LOT 12 DP 755503 LOT 3 DP 611154	C	Aerial photo with cadastral overlay shows that operations are being carried out within approved boundary.	
A3.1	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to: (a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environmental Operations (Savings and Transitional) Regulation 1998; and (b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.	V	The operations at Sunnyside have been placed into a care and maintenance phase. Consequently, no operations were being undertaken at the time of the audit and this condition could not be verified at this time.	

Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments																												
P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or setting of limits for the emission of pollutants to the air from the point.</p> <table border="1" data-bbox="270 386 1196 1276"> <thead> <tr> <th colspan="4" data-bbox="270 386 1196 407">Air</th> </tr> <tr> <th data-bbox="270 407 415 464">EPA Identification no.</th> <th data-bbox="415 407 608 464">Type of Monitoring Point</th> <th data-bbox="608 407 789 464">Type of Discharge Point</th> <th data-bbox="789 407 1196 464">Description of Location</th> </tr> </thead> <tbody> <tr> <td data-bbox="270 464 415 625">1</td> <td data-bbox="415 464 608 625">Ambient Air Monitoring</td> <td data-bbox="608 464 789 625"></td> <td data-bbox="789 464 1196 625">Deposited dust location labelled "SD1" on property Ferndale identified on Figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008" submitted to DECC in email dated 12 December 2008.</td> </tr> <tr> <td data-bbox="270 625 415 787">2</td> <td data-bbox="415 625 608 787">Ambient Air Monitoring</td> <td data-bbox="608 625 789 787"></td> <td data-bbox="789 625 1196 787">Deposited dust location labelled "SD3" on property Ferndale identified on Figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008" submitted to DECC in email dated 12 December 2008.</td> </tr> <tr> <td data-bbox="270 787 415 949">3</td> <td data-bbox="415 787 608 949">Ambient Air Monitoring</td> <td data-bbox="608 787 789 949"></td> <td data-bbox="789 787 1196 949">Deposited dust location labelled "SD4" on property Ferndale identified on Figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008" submitted to DECC in email dated 12 December 2008.</td> </tr> <tr> <td data-bbox="270 949 415 1110">4</td> <td data-bbox="415 949 608 1110">Ambient Air Monitoring</td> <td data-bbox="608 949 789 1110"></td> <td data-bbox="789 949 1196 1110">Deposited dust location labelled "SD5" on property Ferndale identified on Figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008" submitted to DECC in email dated 12 December 2008.</td> </tr> <tr> <td data-bbox="270 1110 415 1272">5</td> <td data-bbox="415 1110 608 1272">Ambient Air Monitoring</td> <td data-bbox="608 1110 789 1272"></td> <td data-bbox="789 1110 1196 1272">Deposited dust location labelled "SD6" on property Ferndale identified on Figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008" submitted to DECC in email dated 12 December 2008.</td> </tr> </tbody> </table>	Air				EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location	1	Ambient Air Monitoring		Deposited dust location labelled "SD1" on property Ferndale identified on Figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008" submitted to DECC in email dated 12 December 2008.	2	Ambient Air Monitoring		Deposited dust location labelled "SD3" on property Ferndale identified on Figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008" submitted to DECC in email dated 12 December 2008.	3	Ambient Air Monitoring		Deposited dust location labelled "SD4" on property Ferndale identified on Figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008" submitted to DECC in email dated 12 December 2008.	4	Ambient Air Monitoring		Deposited dust location labelled "SD5" on property Ferndale identified on Figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008" submitted to DECC in email dated 12 December 2008.	5	Ambient Air Monitoring		Deposited dust location labelled "SD6" on property Ferndale identified on Figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008" submitted to DECC in email dated 12 December 2008.	C	<p>Monitoring locations are identified in the Air Quality Monitoring Program (Section 4.3).</p> <p>A review of monitoring data indicates that monitoring is being undertaken at the locations specified. A licence variation was approved to remove SD4 (Ferndale) and SA2 monitoring locations from the licence. Monitoring is now only conducted at SD1, SD3, SD5, SD6, SD7 and SA1.</p>	
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Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments																								
P1.2	The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.	C	Monitoring locations are identified in the Site Water Management Plant (Section 5.3).																									
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P1.3	The following utilisation area referred to in the table below are identified in this licence for the purposes of the monitoring and/or setting of limits for any application of solids or liquids to the utilisation area.	NT	There are no utilisation areas identified in the Licence.																									
P2	The following point(s) in the table are identified in this licence for the purpose of the monitoring of weather parameters at the point.	C	Monitoring data reviewed during the audit confirmed that meteorological monitoring was being carried out whilst the site was operational. It was noted that EPA approved a licence variation in April 2013 to remove this condition from the licence.																									
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L1.1	Except as may be expressly provided in any other condition of this license, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	C	Whitehaven advised that two water discharges occurred during the period covered by the audit. Water quality monitoring was undertaken for both discharges and all results were within the criteria specified.																									
L2.1	For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	C	Whitehaven advised that two water discharges occurred during the period covered by the audit. Water quality monitoring was undertaken for both discharges and all results were within the criteria specified.																									
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	C	Whitehaven advised that two water discharges occurred during the period covered by the audit. Water quality monitoring was undertaken for both discharges and all results were within the criteria specified.																									

Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments																								
L2.3	<p>To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.</p> <p>Water and Land Points 9, 10</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td>-</td> <td>-</td> <td>-</td> <td>10</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>-</td> <td>-</td> <td>-</td> <td>6.5 – 8.5</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>-</td> <td>-</td> <td>-</td> <td>50</td> </tr> </tbody> </table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Oil and Grease	milligrams per litre	-	-	-	10	pH	pH	-	-	-	6.5 – 8.5	Total suspended solids	milligrams per litre	-	-	-	50	C	Whitehaven advised that two water discharges occurred during the period covered by the audit. Water quality monitoring was undertaken for both discharges and all results were within the criteria specified.	
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																							
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L3.4	<p>The Total Suspended Solids concentration limits specified for Points 9 and 10 may be exceeded for water discharged provided that:</p> <p>(a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 38.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and</p> <p>(b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 38.4 millimetre, 5 day rainfall event.</p> <p>Note: 38.4mm equates to the 5 day 90%ile rainfall depth for Gunnedah sourced from Table 6.3a Managing Urban Stormwater: Soils and Construction Volume 1:4th edition, March 2004.</p>	C	Whitehaven advised that two water discharges occurred during the period covered by the audit. Water quality monitoring was undertaken for both discharges and all results were within the criteria specified.																									
L4.1	Not applicable																											
L5.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	C	The previous audit identified that no wastes other than those generated on the premises were being received by Whitehaven. For this audit, no waste materials other than those previously generated during operations were observed during the site inspection.																									
L5.2	This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require any environment protection licence.	NT																										
L6.1	Noise from the premises must not exceed:	NT	Construction of the Sunnyside site was completed prior to the last audit in 2011. No further construction works have been undertaken.																									
	(a) an L10(15minute) noise emission criterion of 40dB(A) during initial construction period; and	NC	Exceedences at Glendower, Ferndale, and Plain View between August 2011 and September 2012. DP&I, EPA and landowner notified of the exceedences as noted in the 2011-2012 AEMR.																									
	(b) an LAEq(15minute) noise emission criterion of 35dB(A) at all times (day, evening and night time periods);																											
L6.2	<p>Laeq(15minute) is the equivalent continuous noise level- the level of noise equivalent to the energy-average of noise levels occurring over a measures period (i.e.. 15 minutes). LA1(1minute) is the A-weighted sound pressure level that is exceeded for 1 per cent of the time over a 1 minute measurement period.</p> <p>Day time is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and public holidays.</p> <p>Evening is defined as the period from 6pm to 10pm.</p> <p>Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.</p> <p>Initial Construction Period is limited to a maximum of a 6 month period from commencement of construction activities on the premises.</p>	Noted	Monitoring reports reviewed showed that these criteria are being adhered to.																									

Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
	<p>Notes</p> <p>To determine compliance with the Laeq(15minute) noise limits, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30m of a dwelling where the dwelling is more than 30m from the boundary, over a period of 15 minutes using "FAST" response on the sound meter.</p> <p>To determine compliance with LA1(1 minute) noise limits, noise from the project is to be measured at 1 metre from the dwelling facade.</p> <p>Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Policy).</p> <p>The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.</p>	Noted	Monitoring reports reviewed showed that these criteria are being adhered to.	
L6.3	<p>The noise emission limits identified in this licence apply under all meteorological conditions except:</p> <p>(a) during rain and wind speeds (at 10m height) greater than 3m/s; and</p> <p>(b) under "non-significant weather conditions".</p> <p>Note: Field meteorological indicators for non-significant weather conditions are described in the NSW Industrial Noise Policy, Chapter 5 and Appendix E in relation to wind and temperature inversions.</p>	Noted		
L6.4	<p>The noise limits set by condition L6.1 of the licence do not apply where a current legally binding agreement exists between the licensee and the occupant of a residential property that:</p> <p>(a) agrees to an alternative noise limit for that property; or</p> <p>(b) provides an alternative means of compensation to address noise impacts from the premises.</p> <p>A copy of any agreement must be provided to the EPA before the licensee can take advantage of the agreement.</p>	C	A negotiated noise agreement has been in place for the Plain View property since August 2012. An exceedance of the project approval noise criteria was recorded at the Plain View property in September 2012 but the level was within the criteria identified in the negotiated noise agreement. Evidence was sighted that Whitehaven had submitted a copy of the negotiated agreement to EPA.	
L7.1	The overpressure level from blasting operations at the premises must not exceed 115dB (LinPeak) for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	NC	Blast results reviewed during the audit identified several blast exceedances in May, June and October 2011 and January 2012. Evidence was sighted that notifications of the exceedances were provided to the landowner and relevant government agencies in each case.	In May 2012, the EPA issued a Penalty Infringement Notice for the January 2012 exceedance.
L7.2	The overpressure level from blasting operations at the premises must not exceed 120dB (LinPeak) at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account when determining whether or not the limit has been exceeded.	NC	Blast results reviewed during the audit identified several blast exceedances in May, June and October 2011 and January 2012. Evidence was sighted that notifications of the exceedances were provided to the landowner and relevant government agencies in each case.	
L7.3	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blast over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	C	Blast results to September 2012 indicate no exceedances of 5 mm/sec (max 2.3). Mining operations ceased on site in November 2012 and no blasting has occurred since that date.	
L7.4	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	C	Blast results to September 2012 indicate no exceedances of 5 mm/sec (max 2.3). Mining operations ceased on site in November 2012 and no blasting has occurred since that date.	
L8.1	Construction activities covered by this licence must only be carried out between the hours of 0700 to 1800 hrs Monday to Friday and between 0700 and 1600 hrs Saturday and at no time on Sundays and Public Holidays.	NT	Construction of the Sunnyside site was completed prior to the last audit in 2011. No further construction works have been undertaken.	
L8.2	Mining operations covered by this licence (other than transport of coal from the premises and blasting) must only be carried between the hours of 0700 and 2200 hrs Monday to Friday, and 0700 and 1800 hrs Saturday, and at no time on Sundays and Public Holidays.	C	When operating, mining was confined to the approved hours of operation. This was verified at the last audit. Mining operations at Sunnyside ceased in November 2012 when the mine was put into care and maintenance.	

Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
L8.3	Transportation of coal from the premises must only be carried out between the hours of 0700 and 1800 (Eastern Standard Time) hrs Monday to Friday, and 0700 and 2000 hrs (Eastern Summer Time) Monday to Friday, and 0700 to 1600 hrs on Saturdays, and at no time on Sundays and Public Holidays.	C	The previous audit confirmed that the approved trucking hours were included as a condition within the contract for the trucking company. Sunnyside Coal Mine advised that trucking operations have only been undertaken to 6pm to date. These contract conditions have not changed since the last audit. Trucking operations ceased in May 2013 once stockpiled coal had been transferred to the Gunnedah CHPP.	
L8.4	Blasting in or on the premises must only be carried out between the hours of 1000 and 1700 hours Monday to Friday, and 1000 and 1400 hrs on Saturdays, and no time on Sundays and Public Holidays.	C	A review of blasting records showed that all blasts undertaken during the period covered by the audit were undertaken within the required timeframes.	
L8.5	Conditions L8.1, L8.2, L8.3 and L8.4 do not apply to the delivery of material, and mining operation, if required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances notification must be provided to the EPA and affected residents as soon as practicable.	NT		
L8.6	The hours of operation specified in conditions L8.1, L8.2, L8.3 and L8.4 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.	NT	No variation to hours of operation has been sought.	
L9.1	The maximum tonnage of extraction of ROM coal at the premises during the reporting period must not exceed 1 million tonnes.	C	Production data reviewed during the audit identified the following production levels which are well within the approval limit: 2010-2011 - approx 314,000 tonnes 2011-2012 - approx 533,000 tonnes 2012-2013 - approx 306,000 tonnes	
O1.1	Licensed activities must be carried out in a competent manner. This includes: (a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and	O	The operations at Sunnyside have been placed into a care and maintenance phase. Consequently, no operations were being undertaken at the time of the audit and this condition could not be verified at this time. However, it was observed during the site inspection that there is an issue in relation to spontaneous combustion of carbonaceous material within the pit that has resulted in complaints from nearby residents.	It is understood that subsequent to this audit, the EPA has issued a cleanup notice to Whitehaven in relation to the spontaneous combustion issue.
	(b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	V	The operations at Sunnyside have been placed into a care and maintenance phase. Consequently, no operations were being undertaken at the time of the audit and this condition could not be verified at this time.	
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: (a) must be maintained in a proper and efficient condition; and	V	The operations at Sunnyside have been placed into a care and maintenance phase. Consequently, no operations were being undertaken at the time of the audit and this condition could not be verified at this time.	
	(b) must be operated in a proper and efficient manner.	V	The operations at Sunnyside have been placed into a care and maintenance phase. Consequently, no operations were being undertaken at the time of the audit and this condition could not be verified at this time.	
O3.1	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.	C	Air quality controls were noted to be included in the Air Quality Management Plan prepared for the project and implementation of these controls was confirmed at the previous audit. No specific controls have been identified for the care and maintenance phase, although it was observed that the site was not generating dust during the audit site inspection, despite the weather conditions at the time being extremely windy (up to 70km/hr winds recorded at Gunnedah Airport Bureau of Meteorology Station).	
O3.2	Trucks transporting coal from the premises must be covered immediately after loading to prevent wind blown emissions and spillage. The covering must be maintained until immediately before unloading the trucks.	V	This was previously verified at the last audit. Given that the site is currently in care and maintenance, no trucks are currently transporting coal from the site.	
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	C	Monitoring results are retained and recorded.	

Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments																								
M1.2	All records required to be kept by this licence must be: (a) in a legible form, or in a form that can readily be reduced to a legible form;	C	Copies of monitoring reports and summaries available in legible forms.																									
	(b) kept for at least 4 years after the monitoring or event to which they relate took place; and	C	Monitoring data was noted to be available from 2008.																									
	(c) produced in a legible form to any authorised officer of the EPA who asks for them.	NT																										
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: (a) the date(s) on which the sample was taken;	C	Field notes are recorded on field sheets for each sample.																									
	(b) the time(s) at which the sample was collected;	C																										
	(c) the point at which the sample was taken; and	C																										
	(d) the name of the person who collected the sample.	C																										
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	NC	A HVAS is used to collect PM10 samples on a 6 day cycle. Not all PM10 samples have been collected at monitoring at points 7 and 8. Power outages and machine failure have resulted in samples being missed. These have been reported as non-compliances in the site's Annual Returns. For other monitoring points, a review of monitoring data confirmed that sampling and analysis is being undertaken as required.																									
	Points 1, 2, 3, 4, 5, 6																											
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Note: Water monitoring requirements will be included as part of a licence variation following completion of construction works of the approved site water management plan as documented in the report "Site Water Management Plan for the Sunnyside Coal Mine, Namoi Mining Pty. Ltd., 8/8/2008"																												
M3.1	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: (a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or	C	Monitoring data and reports shows that air quality is being measured using approved methods.																									
	(b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or	NT																										
	(c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology in writing by the EPA for the purposes of that testing prior the testing taking place.	NT																										

Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
	Note: The Protection of the Environment Operations (Clean Air) Regulation 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".			
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted. For the purposes of the table(s) above Special Frequency 1 means the collection of samples as soon as practicable after each discharge commences and in any case not more than 12 hours after each discharge commences. For the purposes of the table(s) above Special Frequency 2 means the collection of samples quarterly (in the event of a flow during the quarter) at a time when there is a flow and as soon as practicable after each wet weather discharge from points 9 and 10 commences and in any case not more than 12 hours after each discharge commences. Note: Groundwater monitoring points have not been formally included in the licence. However, the licensee is required to undertake groundwater monitoring in accordance with a Department of Planning approved Water Management Plan required under Schedule 3, condition 2 Project Approval 06-0308 dated 24 May 2008. The licensee has submitted the document "Site Water Management Plan for the Sunnyside Coal Mine, Namoi Coal Mining Pty Ltd, 2008". This document has been approved by Planning following consultation by the licensee with the EPA. The results of this monitoring are required to be reported in the Annual Environmental Management Report (AEMR) and submitted to the EPA under the conditions of approval.	C	Water monitoring is being undertaken in accordance with the approved methods.	
M4.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	C	Complaints records sighted during the audit and were noted to be available on the Whitehaven Sunnyside website.	
M4.2	The record must include details of the following: (a) the date and time of the complaint;	C	Complaints records are maintained by Whitehaven and a summary of complaints is maintained on the Whitehaven website. The complaints records identify the information required by this condition, however, for privacy reasons, complainant details are not included in the website summary.	
	(b) the method by which the complaint was made;	C		
	(c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;	C		
	(d) the nature of the complaint;	C		
	(e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and	C		
	(f) if no action was taken by the licensee, the reasons why no action was taken.	C		
M4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	C	Complaint records were available from the commencement of operations.	
M4.4	The record must be produced to any authorised officer of the EPA who asks to see them.	NT	Complaint records are available on the Whitehaven Sunnyside website, however complainant details have been omitted from the website version.	
M5.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	C	A complaints line is reported to operate and details are published on a regular basis in the local newspaper.	
M5.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	C	A complaints line is reported to operate and details are published on a regular basis in the local newspaper with the number advertised on the Whitehaven website. Copies of the 2012 and 2013 newspaper ads were sighted during the audit.	
M5.3	Conditions M5.1 and M5.2 do not apply until 3 months after: (a) the date of the issue of this licence or	NT	Licence was issued more than 3 months ago.	
	(b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.	NT	Licence is not a replacement.	

Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments																																																		
M6.1	Not applicable.																																																					
	Note: Volume monitoring requirements will be included as part of a licence variation following completion of construction works of the approved site water management plan as documented in the report "Site Water Management Plan for the Sunnyside Coal Mine, Namoi Mining Pty Ltd, 8/8/2008".	NT	There are no volume monitoring requirements in the current version of the licence.																																																			
M7.1	<p>For each monitoring point specified in the table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.</p> <table border="1"> <thead> <tr> <th colspan="5">Point W1</th> </tr> <tr> <th>Parameter</th> <th>Units of Measure</th> <th>Frequency</th> <th>Averaging Period</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Rainfall</td> <td>mm</td> <td>Continuous</td> <td>1 hour</td> <td>AM-4</td> </tr> <tr> <td>Wind speed @ 10 metres</td> <td>m/s</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 & AM-4</td> </tr> <tr> <td>Wind direction @ 10 metres</td> <td>°</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 & AM-4</td> </tr> <tr> <td>Temperature @ 2 metres</td> <td>°C</td> <td>Continuous</td> <td>15 minute</td> <td>AM-4</td> </tr> <tr> <td>Temperature @ 10 metres</td> <td>°C</td> <td>Continuous</td> <td>15 minute</td> <td>AM-4</td> </tr> <tr> <td>Sigma theta @ 10 metres</td> <td>°</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 & AM-4</td> </tr> <tr> <td>Solar radiation</td> <td>W/m²</td> <td>Continuous</td> <td>15 minute</td> <td>AM-4</td> </tr> <tr> <td>Additional requirements - Siting - Measurement</td> <td></td> <td></td> <td></td> <td>AM-1 & AM-4 AM-2 & AM-4</td> </tr> </tbody> </table>	Point W1					Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method	Rainfall	mm	Continuous	1 hour	AM-4	Wind speed @ 10 metres	m/s	Continuous	15 minute	AM-2 & AM-4	Wind direction @ 10 metres	°	Continuous	15 minute	AM-2 & AM-4	Temperature @ 2 metres	°C	Continuous	15 minute	AM-4	Temperature @ 10 metres	°C	Continuous	15 minute	AM-4	Sigma theta @ 10 metres	°	Continuous	15 minute	AM-2 & AM-4	Solar radiation	W/m ²	Continuous	15 minute	AM-4	Additional requirements - Siting - Measurement				AM-1 & AM-4 AM-2 & AM-4	C	Monitoring data reviewed during the audit confirmed that meteorological monitoring was being carried out whilst the site was operational. It was noted that EPA approved a licence variation in April 2013 to remove this condition from the licence.	
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Additional requirements - Siting - Measurement				AM-1 & AM-4 AM-2 & AM-4																																																		
M8.1	<p>For each monitoring point specified below, the Licensee must monitor the noise or vibration parameter specified in Column 1. The Licensee must use the sampling method, units of measure, and sample at the frequency, specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.</p> <p>Points: R2, R4, R5 and R6</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Ambient Noise</td> <td>LAeq (15 minute) L_{Amax} L_{A10} L_{A90} L_{Amin}</td> <td>Frequency of monitoring as detailed in the document "Noise Monitoring Program for the Sunnyside Coal Project, incorporating a Noise Management Protocol and Noise Monitoring, Namoi Mining Pty. Ltd, dated 1/8/08"</td> <td>Type 1 Noise Meter – Attended monitoring as detailed in the document "Noise Monitoring Program for the Sunnyside Coal Project, incorporating a Noise Management Protocol and Noise Monitoring, Namoi Mining Pty. Ltd, dated 1/8/08"</td> </tr> </tbody> </table>	Parameter	Units of measure	Frequency	Sampling Method	Ambient Noise	LAeq (15 minute) L _{Amax} L _{A10} L _{A90} L _{Amin}	Frequency of monitoring as detailed in the document "Noise Monitoring Program for the Sunnyside Coal Project, incorporating a Noise Management Protocol and Noise Monitoring, Namoi Mining Pty. Ltd, dated 1/8/08"	Type 1 Noise Meter – Attended monitoring as detailed in the document "Noise Monitoring Program for the Sunnyside Coal Project, incorporating a Noise Management Protocol and Noise Monitoring, Namoi Mining Pty. Ltd, dated 1/8/08"	C	A review of monitoring data and reports confirms that monitoring was being carried out as required by this condition whilst the site was operational. Whitehaven has sought approval from EPA to cease further noise monitoring for the duration of the care and maintenance phase as there will be no noise generating activities being undertaken.																																											
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M8.2	To determine compliance with condition(s) L7.1, L7.2, L7.3 and L7.4: a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at receptors R1, R2, R4 and R6 - for all blasts carried out in or on the premises; and b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.	NC	Blast monitor malfunction resulted in no monitoring of blast at Innisvale in March 2012. This was reported as a non-compliance in the 2011-2012 Annual Return.																																																			
		C	Blast Monitoring Program identified monitors that are used are compliant with AS 2187.2																																																			

Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments												
M8.3	For the purpose of conditions M8.1 and M8.2, the noise monitoring locations are described as: <table border="1" data-bbox="273 373 1121 598"> <thead> <tr> <th>EPA Identification No.</th> <th>Description of Location</th> </tr> </thead> <tbody> <tr> <td>R1</td> <td>Property 'Innisvale' residence</td> </tr> <tr> <td>R2</td> <td>Property 'Ivanhoe' residence</td> </tr> <tr> <td>R4</td> <td>Property 'Illili' residence</td> </tr> <tr> <td>R5</td> <td>Property 'Ferndale' residence</td> </tr> <tr> <td>R6</td> <td>Property 'Plain View' residence</td> </tr> </tbody> </table>	EPA Identification No.	Description of Location	R1	Property 'Innisvale' residence	R2	Property 'Ivanhoe' residence	R4	Property 'Illili' residence	R5	Property 'Ferndale' residence	R6	Property 'Plain View' residence	C	Noise monitoring locations identified in Noise Monitoring Program. Review of monitoring results confirms that monitoring was being undertaken at the locations specified whilst the site was operational.	
	EPA Identification No.	Description of Location														
R1	Property 'Innisvale' residence															
R2	Property 'Ivanhoe' residence															
R4	Property 'Illili' residence															
R5	Property 'Ferndale' residence															
R6	Property 'Plain View' residence															
	Note: The location, frequency of monitoring and the parameters to be monitored may be varied by the EPA once the variability of the noise impacts is established.	NT	No variation to monitoring program has been requested by EPA													
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: (a) a Statement of Compliance; and (b) a Monitoring and Complaints Summary. A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	C	Both annual returns reviewed during the audit included a statement of compliance and a monitoring and complaints summary.													
		C	Both were submitted using the Annual Return form provided by EPA.													
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.	C	Annual Returns for 2010-2011 and 2011-2012 Reporting Period were reviewed during the audit.													
R1.3	Where this licence is transferred from the licensee to a new licensee: (a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and (b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. Note: An application to transfer a licence must be made in the approved form for this purpose.	NT	Licence has not been transferred.													
		NT	Licence has not been transferred.													
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:	NT	Licence has not been surrendered or revoked.													
	(a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or															
	(b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.															
R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	C	The 2010-2011 Annual Return was received by EPA on 2/2/2012. The 2011-2012 Annual Return was received by EPA on 6/2/2013. Both returns were submitted within the 60 day timeframe (due date being 13 February each year).													
R1.6	Not applicable.															
R1.7	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	C	Copies of Annual Returns for the period covered by the audit were available for audit. Copies of previous Annual Returns were available to the auditors.													
R1.8	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: (a) the licence holder; or	C	Annual Returns were noted to be signed by a Director and the Company Secretary as required where the licensee is a company.													
	(b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	NT														

Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
R1.9	A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.	NT		
R2	Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	O	It was noted in the previous audit that notifications to DP&I and other relevant agencies were not always undertaken in a timely manner. It was noted during this audit that notification practices have improved significantly, particularly since January 2012. However, there were some blasting exceedances in mid 2011 that were not reported until January 2012.	
R2.1	Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.	C	Notifications are made either by phoning the Pollution Line or emailing the EPA contact for the project - evidence was sighted of both methods.	
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	O	For example, blast exceedance on 18/1/2012 - sighted email advice to EPA and DP&I dated 19/1/2012. Sighted email to EPA & DP&I dated 1/02/2012 providing a copy of the blast investigation report. This was outside the 7 day period specified in the condition. For the blast exceedance on 3/5/2011, sighted letters to DP&I, EPA and landowners notifying of exceedance and also a copy of the blast exceedance report - this reporting was within the 7 day period specified in the condition.	
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: (a) where this licence applies to premises, an event has occurred at the premises; or (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	NT	No written reports have been requested by the EPA.	
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	NT	No written reports have been requested by the EPA.	
R3.3	The request may require a report which includes any or all of the following information: (a) the cause, time and duration of the event; (b) the type, volume and concentration of every pollutant discharged as a result of the event; (c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; (d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; (e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; (f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and (g) any other relevant matters.	NT	No written reports have been requested by the EPA.	
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	NT	No written reports have been requested by the EPA.	
R4.1	The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	C	Evidence was sighted that blast exceedances have been reported to EPA as required. The EPA issued a Penalty Infringement Notice to Whitehaven for the blast exceedance in January 2012.	
R4.2	The results of the blast monitoring required by condition M8.2 must be submitted to the EPA at the end of each reporting period.	C	Blast results submitted to EPA as part of AEMR.	
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	V	The site is currently in care and maintenance, and is not manned on a regular basis. A copy of the licence is available at the Gunnedah CHPP office.	
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	NT	No authorised officer has asked to see it.	

Condition No.	Requirement	Compliance C/NC/O/NT	Evidence	Comments
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	V	The licence was available to the auditors. Employees and / or agents can access the licence via the company web site or the DECCW web site.	
E1 (Note)	The EPA understands that the licensee has ceased coal mining and handling activities at the premises. It is the EPA's intention to include Pollution Reduction Programs requiring the licensee to implement a number of best practice measures to address wheel-generated dust and the handling of overburden to reduce particulate emissions from coal mining activities, if coal mining recommences.	Noted		
E1.1	The licensee must notify the EPA's Manager, Armidale Region in writing 1 month prior to mining or handling any coal on the premises.	NT	Mining has not recommenced and there were no coal handling operations sighted at the time of the audit.	



APPENDIX 4

Compliance Assessment ML 1624

Mining Lease No: 1624



Conditions 2-8 and 17-23 are identified in the Mining Lease as conditions relating to environmental management

Condition No.	Requirement	Compliance C/NC/NT/O	Evidence	Comments
2	The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	NC	Site inspection and audit of compliance documentation identified one key issue in relation to environmental management of the site. This relates to spontaneous combustion of the carbonaceous material in the stockpiles within the pit which has resulted in community complaints in relation to odours. Also, given that the mine is now in care and maintenance, review and detailed development of the Mine Closure Plan is considered appropriate at this stage.	
3	(a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries.	O	Currently approved MOP was approved by letter dated 25 September 2008. Whilst this MOP indicated it covered the operations to 2015, it does not address the issues associated with the care and maintenance phase the mine is now in. It is understood that Whitehaven has been waiting for an approval from DRE for the Suspension of Conditions of Authority, prior to preparing a revised MOP. The approval for suspension was not received by Whitehaven until 10 October 2013.	Evidence was sighted that DRE has recently approved the care and maintenance of the mine and has requested Whitehaven to prepare a new MOP to address care and maintenance issues. It is understood that Whitehaven has prepared a draft MOP for the care and maintenance phase which will now be finalised and submitted to DRE for approval.
	(b) The MOP must:			
	i) identify areas that will be disturbed by mining operations;	C	Section 3 of currently approved MOP	
	ii) detail the staging of specific mining operations;	C	Section 3 of currently approved MOP	
	iii) identify how the mine will be managed to allow mine closure;	C	Section 5 of currently approved MOP	
	iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment;	C	Section 7 of currently approved MOP	
	v) reflect the conditions of approval under:	C	Section 1.3 of the currently approved MOP identifies the approvals and licences applicable to Sunnyside's operations.	
	- the <i>Environmental Planning and Assessment Act 1979</i>	C		
	- the <i>Protection of the Environment Operations Act 1997</i>	C		
	- and any other approvals relevant to the development including the conditions of this lease; and	C		
	vi) have regard to any relevant guidelines adopted by the Director-General.	C	The MOP refers to the Guidelines to the Mining, Rehabilitation and Environmental Management Process" prepared by the DPI-MR (the "Guidelines" - Ref:EDG03 MREMP guide V3.doc) which were the relevant guidelines in effect when the MOP was prepared.	
	(c) The titleholder may apply to the Director-General to amend an approved MOP at any time.	NT		
	(d) It is not a breach of this condition if:	NT		
	i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the <i>Mining Act 1992</i> , the <i>Environmental Planning and Assessment Act 1979</i> , <i>Protection of the Environment Operations Act 1997</i> or the <i>Occupational Health and Safety Act 2000</i> , and	NT		
	ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.	NT		
	(e) A MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the Director-General.	O	Current MOP is valid until September 2015. However, the current MOP does not address the care and maintenance requirements.	Evidence was sighted that DRE has recently approved the care and maintenance of the mine and has requested Whitehaven to prepare a new MOP to address care and maintenance issues.
4	The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.	C	The AEMRs for 2010-2011 and 2011-2012 reporting periods were reviewed during the audit.	

Mining Lease No: 1624



Conditions 2-8 and 17-23 are identified in the Mining Lease as conditions relating to environmental management

5	The EMR must: a) report against compliance with the MOP;	C	Section 1.1.5.2 notes "All mining and environmental management activities are undertaken generally in accordance with the MOP..." Sections 2.2, 2.3 and 2.4 also note land preparation, construction and mining generally undertaken in accordance with the MOP.	
	b) report on progress in respect of rehabilitation completion criteria;	C	Rehabilitation of the site is discussed in Section 5 of the 2011-2012 AEMR. This section describes the tree planting program on the rehabilitated slopes of the waste emplacement area which is the major area of rehabilitation undertaken to date.	The rehabilitation of the waste emplacement area was inspected during the audit. Good tree growth was observed with the area showing little signs of erosion.
	c) report on the extent of compliance with regulatory requirements; and	C	Appendix 3 of each of the 2010-2011 and 2011-2012 AEMRs includes a compliance review against each of the conditions of the Project Approval, EPL and Mining Lease for the site.	The compliance reviews undertaken by Whitehaven for their AEMRs has identified where key compliance issues have arisen and allowed Whitehaven to address issues as they arise.
	d) have regard to any relevant guidelines adopted by the Director-General.	C	Section 1.1.1 of the 2011-2012 AEMR references the <i>Guidelines to the Mining, Rehabilitation and Environmental Management Process</i> , Version 3, dated January 2006 which were the guidelines in effect at the time the AEMRs were produced.	
6	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.	NT	No additional reports have been requested.	
7	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	O	Rehabilitation works have been undertaken on the northern and eastern sides of the overburden emplacement area. This area has been grassed and planted with trees. Good tree growth was apparent at the time of the audit. Given that the mine is in care and maintenance with less than two years remaining on its approval, it was noted that there has been no further progress on rehabilitation of the site.	Further rehabilitation works have not progressed, pending a decision on the future of the mine. It was noted that the landform on site at the time of the audit appeared to be reasonably stable with little evidence of erosion and no dust being blown from the emplacement area or the pit, despite the very windy conditions.
8	(a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.	NT	Sunnyside is an open cut operation - no underground mining is proposed or approved.	
	(b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc) and pillar extractions and are otherwise defined by the <i>Applications for subsidence Management Approvals guidelines (EDG17)</i> .	NT	Sunnyside is an open cut operation - no underground mining is proposed or approved.	
	(c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the <i>Mine Health & Safety Act 2004</i> , or the document <i>New Subsidence Management Plan Approval Process - Transitional Provisions (EDP09)</i> .	NT	Sunnyside is an open cut operation - no underground mining is proposed or approved.	
	(d) Subsidence Management Plans are to be prepared in accordance with the <i>Guideline for Applications for Subsidence Management Approvals</i> .	NT	Sunnyside is an open cut operation - no underground mining is proposed or approved.	
	(e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 3 and will be subject to the Annual Environmental Management Report process as set out under Condition 4. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document <i>New Approval Process for Management of Coal Mining Subsidence - Policy</i> .	NT	Sunnyside is an open cut operation - no underground mining is proposed or approved.	
17	(a) At least twenty eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Water and Energy Regional Hydrogeologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes.	C	Sighted letter to Regional Hydrogeologist dated 20 April 2011 advising of exploration activity at Sunnyside. Also Notification to the NSW Office of Water - Commencement of Drilling Operations dated 2 July 2012.	
	(b) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:- (i) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;	C	Survey co-ordinates identified on Drillhole Cementing Records.	

Mining Lease No: 1624



Conditions 2-8 and 17-23 are identified in the Mining Lease as conditions relating to environmental management

	(ii) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;	C	Sighted Drillhole Cementing Records for holes SUN188 to SUN211C.	
	(iii) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters;	C		
	(iv) if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;	C		
	(v) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers.	C		
	(vi) once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.	C		
	(vii) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.	C		
18	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	NC	There are currently issues with spontaneous combustion in the southern end of the pit. This has resulted in complaints from neighbours in relation to odours from the spontaneous combustion.	Whitehaven is currently investigating options to push in and cover the southern end of the pit to address the spontaneous combustion issues. It is understood that works will be commenced in the coming month. Since the audit was undertaken, it is understood that EPA has issued a cleanup notice to Whitehaven to address this issue.
19	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.	NT	There are no utilities located within the mining area.	
20	(a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.	C	Whitehaven own the land upon which the operations are being undertaken.	
	(b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.	C	Whitehaven own the land upon which the operations are being undertaken.	
21	(a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate.	C	Coocooboonah Lane was re-aligned during the construction phase of the project - no further road upgrades or realignments have been required. A road maintenance agreement remains in place.	
	(b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mines Subsidence Compensation Fund.	C	Whitehaven has a road maintenance agreement in place with Gunnedah Council for maintenance and repair of the roads used by the operations. This agreement is still in place despite the mine being in care and maintenance.	
22	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Climate Change and Environment.	C	Access tracks to dams. All access tracks remain in use and as such no remediation has been undertaken.	
23	(a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden.	C	Land on which works are currently being undertaken is owned by Sunnyside.	
	(b) The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the <i>Native Vegetation Act 2003</i> .	C	The previous audit confirmed that Sunnyside had a site clearing permit process in place for mining operations. No mining operations have taken place on the site since November 2012 and no evidence of tree clearance outside of the approved footprint was observed during the audit site inspection.	
	(c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.	NT	There is no crown land within the lease area.	



APPENDIX 5

Photographic Plates



PLATE 1
Workshop and Hardstand Area - fuel and oil storage



PLATE 2
Workshop and Hardstand Area - dump trucks parked up on hardstand



PLATE 3
Sunnyside Open Cut Pit



PLATE 4
ROM and Product Coal Stockpiling Area



PLATE 5
Spontaneous Combustion within Open Cut Pit



PLATE 6
Spontaneous Combustion on Overburden Emplacement



PLATE 7
Rehabilitation of Waste Emplacement



PLATE 8
Rehabilitation of Waste Emplacement



PLATE 9
Koala Enhancement Area



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