

Whitehaven Coal Mining Limited

**Independent Environmental
Compliance Audit
Sunnyside Coal Mine**

April 2011



Independent Environmental Compliance Audit Sunnyside Coal Mine

Prepared by

Umwelt (Australia) Pty Limited

on behalf of

Whitehaven Coal Mining Limited

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1.0 Introduction

1.1 Sunnyside Open Cut Coal Mine

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

Sunnyside is located approximately 15 kilometres west of Gunnedah and 2 kilometres north of the Oxley Highway in central northern New South Wales. Sunnyside produces a low ash, high energy, low sulphur thermal coal for the export market.

The NSW Minister for Planning granted approval of the project on 24 September 2008 and included:

- mining up to 1.0 million tonnes of run-of-mine (ROM) coal by open cut methods over a 7 year period;
- constructing and operating surface facilities and infrastructure, including coal screening and crushing, administration facilities and workshops;
- transporting coal via road truck to the Whitehaven Coal Handling and Preparation Plant (CHPP) and Rail Loading Facility located 5 kilometres to the west of Gunnedah rail; and
- upgrading the road network between the mine site and the CHPP.

On site construction activities commenced on 10 November 2008. Coal was first transported off site late 2008.

1.2 Independent Environmental Audit

Whitehaven commissioned Umwelt (Australia) Pty Limited (Umwelt) to conduct an independent environmental audit of its Sunnyside operations. The audit was conducted in accordance with Schedule 5 Condition 6 of the Project Approval (PA 06_0308). The audit assessed the compliance status of Sunnyside against the development consent and other relevant environmental approvals and licences, for operations occurring between 24 September 2008 and 3 February 2011.

The onsite component of the environmental audit was conducted on 3 February 2011. Some information requested by the audit team but not available on-site at the time of the audit was subsequently 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. **Appendix 1 to 4** includes detailed checklist of the status of compliance with the conditions of the Project Approval, the Statement of Commitments, the Environment Protection Licence and the Mining Lease respectively.

The audit was led by Rod Williams, Senior Environmental Scientist with the assistance of Jenny Ehmsen, Senior Environmental Scientist. Michelle Kirkman, Associate, was the Project Director and provided strategic direction for the audit and reviewed this report.

1.3 Scope of the Audit

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

- Environmental Assessment (EA);
- Sunnyside Coal Project Response to Public and Government Agency Submissions (June 2008);
- Sunnyside Coal Project Supplementary Response to Submissions (July 2008);
- Statement of Commitments; and
- Conditions of the Approval.

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

The specific requirements of Schedule 5 Condition 6 of the Project Approval include the following:

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 development. 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 the 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 or EPL (including any strategy, plan or program required under these approvals);*
- d) review the adequacy of strategies, plans or programs required under these approvals; and if appropriate;*
- e) recommend measures or actions to improve the environmental performance of the project and/or any strategy, plan or program required under these approvals*

Schedule 5 Condition 7 goes on to state:

Within 6 weeks of the completing 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 a response to any recommendations contained in the audit report.

The audit was conducted in accordance with PA 06_0308, which requires that an independent environmental audit of the development be commissioned within two years of the approval (24 September 2008) and every three years thereafter, unless the Director-General directs otherwise. The audit covers the period from 24 September 2008 to 3 February 2011.

As required by the Project Approval, the audit covered the following key areas:

- consultation with relevant agencies;
- the environmental performance of the development, and its effect on the surrounding environment;

- compliance with relevant standards, performance measures and regulatory requirements; and
- the adequacy of the Environmental Management Strategy and environmental management plans/protocols.

Statutory compliance of the Sunnyside operations was ascertained with reference to conditions and commitments made in the following documents:

- Project Approval (PA 06_0308);
- Environmental Assessment (EA) titled *Environmental Assessment Sunnyside Coal Project via Gunnedah*, (Olsen Environmental Consulting Pty Limited RW Corkery 2008);
- Response to Public and Government Agency Submissions (RW Corkery and Co Pty Limited June 2008);
- Environmental Management Strategy (August 2008);
- Energy Savings Action Plan (May 2009);
- Hydrocarbon Management Plan (June 2009) (NB: not required under the project approval);
- Noise Monitoring Program incorporating a Noise Management Protocol and Noise Monitoring Program (August 2008);
- Site Water Management Plan (August 2008);
- Spontaneous Combustion Management Plan (May 2009) (NB: not required under the project approval);
- Waste Management Plan (August 2008);
- Air Quality Monitoring Program incorporating an Air Monitoring Protocol (August 2008);
- Blast Monitoring Program (July 2010);
- Aboriginal Cultural Heritage Management Plan (July 2008);
- Sunnyside Coal Mine – Mine Closure Plan (July 2010);
- Rehabilitation and Landscape Management Plan (August 2006); and
- Environmental Protection Licence (No. 12957);
- Water Licence (90BL254904, 90BL255246, 90BL254691, 90BL253767, 90BL253768, 90BL253769, 90BL254686, 90BL254687, 90BL254688, 90BL254689, 90BL254690); and
- Mining Lease No 1624 (the mining lease identifies that conditions 2-8 and 17-23 relate to environmental management and as such only these conditions have been reviewed as part of this audit).

1.4 Structure of this Document

This report contains the following sections:

- *Section 1 – Introduction.* An overview of the Sunnyside Open Cut Coal Mine and purpose and scope of the audit.
- *Section 2 – Audit Methodology.* A detailed description of the audit process.
- *Section 3 – Audit Findings.* An overview of the findings of the audit, including detailed descriptions of any non-compliance identified, associated recommendations and findings from the site inspection.
- *Section 4 – Conclusion*
- *Appendix 1 – 4 - Checklists* of relevant approval documentation including the Project Approvals, Statements of Commitments, EPL, and mining lease applying to the project. The checklists provide a detailed review of each compliance condition applying to the project.
- *Appendix 5 - Agency Interview Questions.*
- *Appendices 6 - 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 Sunnyside and a site inspection of the open cut 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

A Phase 1 audit was conducted. That is, an audit that relied on verification by viewing available documents, site inspections and interviews with relevant personnel, without undertaking any site sampling or monitoring.

Following is a brief overview of the main elements of the environmental audit process.

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 5**. A summary of the phone interviews is provided in **Section 3.2**.

2.3 Site Interviews and Inspections

2.3.1 Opening Meeting

The audit commenced with an opening meeting with the Manager of Mining Engineering, Des George, Project Manager, Michael Clark, Group Environmental Manager, Danny Young and Environmental Officer, Jill Scealy.

The audit team was introduced and the scope of their responsibilities was conveyed to the auditees. The purpose, depth and scope of the audit were outlined. The methods to be used by the team to conduct the audit were explained. It was stated that the audit team 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 operation.

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

2.3.2 Audit Interviews

Audit interviews were conducted with Michael Clark (Project Manager), Danny Young (Group Environmental Manager) and Jill Scealy (Environmental Officer) during the site component of the audit on 3 February 2011.

2.3.3 Data Collection and Verification

Where possible, documents and data collected during the audit process were reviewed prior to the onsite component of the audit. 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.

2.3.4 Site Inspections

A detailed site inspection of the key areas of the mine was undertaken as part of the audit. Des George, Michael Clark, Danny Young and Jill Scealy accompanied the audit team during the site inspection. Areas inspected during the inspection included:

- the road haulage route,
- site facilities (office, amenity and workshop areas),
- active open cut area,
- coal handling and processing area,
- out of pit overburden emplacement area,
- amenity bunds,
- southern turkeys nest dam,
- southern boundary fence,
- water management structures,
- rehabilitation areas, and
- hydrocarbon storage facility.

2.3.5 Closing Meeting

Prior to leaving the site, the audit team conducted a closing meeting with Michael Clark, Danny Young and Jill Scealy. 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 development consent checklist was 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 all 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.

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.

Not Applicable

A condition or requirement is not relevant to the operation of the Sunnyside Coal Mine e.g. subsidence management requirements noted within the Mining Lease.

Note

The intent and explicit requirements of the condition have been met, however further improvement is recommended.

Timing of Environmental Performance

For the purpose of a compliance audit the timeframe for environmental performance against the Environment Protection Licence (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 Results and Discussion

The detailed findings of the audit are presented in this section. Detailed assessments of compliance with relevant compliance documents are provided in **Appendices 1 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 Sunnyside.

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**. Specific findings of the audit in relation to each approval, lease or licence is discussed in **Section 3.3**. The results of the site inspections undertaken for the project and any other issues identified during the audit are provided in **Section 3.4**.

In summary, the audit found Sunnyside to be non-compliant with a number of the administrative aspects associated with the conditions of the Project Approval which require Sunnyside to report on the implementation and effectiveness of mitigation measures implemented, maintaining an active water balance spreadsheet, consult with, or gain approval from government agencies for certain activities, notification of the affected landowner and DECCW on the identification of an exceedance. It is considered that compliance with the majority of these conditions is generally an administrative matter in that in most cases the overall intent of the condition has been complied with, although specific elements of the condition have not and are unlikely to result in any significant environmental harm or impact.

The assessment of compliance against the Statement of Commitments identified Sunnyside to be non-compliant with a number of commitments. It was found that these non-compliances generally relate to extracting groundwater from underground No 5 prior to holding an extraction licence, gaining approval from government agencies for documentation, not interrogating monitoring data against EA triggers levels and/or predictions, opportunities to improve waste oil management practices, operational commitments which have not been included in management plans and/or been implemented.

The assessment of compliance against the EA and the response to submissions identified that Sunnyside has generally undertaken the construction and operation of the open cut mine in accordance with the project description contained in the EA and the commitments made within the response to submission documentation.

A number of the commitments are noted as 'verification', as it was not possible to determine if the requirements of the condition have been satisfied, either due to the timing of the audit and the associated works and/or the wording of the commitments and/or an inability to confirm completion as part of the on-site inspection. While it was not possible to unequivocally confirm compliance with such requirements it is considered that the overall intent of the condition has been complied satisfied and any potential environmental impact(s) would result in an insignificant impact.

Non-compliances and areas where improvement of environmental management practice is required to ensure full compliance with regulatory requirements are discussed in **Section 3.3**.

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
Project Approval	35	142	26	12
Statement of Commitments	25	189	17	11
Environmental Protection Licence No. 12957	28	61	5	0
Mining Lease 1624	10	21	2	1

Note that the numbers refer to the number of conditions and subconditions

3.1 Status of Development at Sunnyside Coal Mine

The audit has identified that the operations at Sunnyside are generally being undertaken in accordance with the Project Approval and associated documentation including the EA and Response to Submissions Report; management plans and other permits, such as EPL (No. 12957). Measures are in place to prevent and minimise environmental harm and very few community complaints have been received during the two years since the commencement of operations.

Construction activities at the mine commenced on 10 November 2008 and the first coal transported off site December 2008. At the time of the site inspection the coal screening and crushing plant was being constructed and only one of the two turkeys nest dams had been constructed. Construction of the following components had been completed prior to the inspection:

- site facilities (office, amenity and workshop areas),
- upgrades to the road haulage route,
- coal handling and processing area,
- amenity bunds and there rehabilitation,
- southern turkeys nest dam,
- southern boundary fence, and
- water management structures.

Open cut mining operations were being undertaken at the time of the audit. Rehabilitation of the base of the overburden dump had commenced and a good grass cover was observed during the audit. Further rehabilitation works to be undertaken once the final landform levels of the overburden dump are achieved. Progressive rehabilitation of these areas is expected to have commenced prior to the next independent environmental audit.

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
DECCW	Steve O'Donoghue	25/1/11	Road traffic noise was an issue of concern for DECCW.
Gunnedah Council	Carolyn Hunt	28/1/11	Not aware of any particular issues. Council receives a copy of the AEMR and has input through the CCC.
I&I NSW	Michael Lloyd	25/1/11 & 4/3/11	Messages have been left however no response has been received.
NOW	Christie Jackson	25/1/11 & 4/3/11	Messages have been left however no response has been received.

3.3 Compliance Issues

The Sunnyside operation was found to be operating generally in compliance with the relevant approvals and licences. However, a number of non-compliances were identified where action is required to ensure full compliance for some conditions. A number of verifications were also identified, where full compliance with a condition could not be determined as either insufficient evidence was available but the auditor felt that the requirement had likely been met, or the determination of compliance was dependent on the outcome of a programmed action being finalised by Sunnyside and there was no specific timing requirement in the condition.

A full compliance assessment against the requirements of relevant approval documents and licences is provided in **Appendices 1 to 4**. A summary of the non-compliances for each approval document is provided below.

Recommendations arising from the audit process are shown in italics.

3.3.1 Development Consent

Operations at Sunnyside are generally being undertaken in a manner that is consistent with and at times exceed the requirements of the project approval. 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 development consent was completed as part of the audit and is included as **Appendix 1**. A summary of the non-compliance issues are outlined below.

Schedule 2: Condition 1 – Non-compliance

Condition 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.

The audit includes a number of recommendations where improvements could be implemented to further prevent and/or minimise any environmental impact and therefore achieve full compliance.

Schedule 2: Condition 2 (d) – Non-compliance

Condition 2: The Proponent shall carry out the project generally in accordance with the:

d) Statement of Commitments

A number of non-compliances with the Statement of Commitments were identified during the audit. Refer to **Section 3.3.2** for further detail.

Schedule 2: Condition 2 (e) – Non-compliance

Condition 2: The Proponent shall carry out the project generally in accordance with the:

e) conditions of this consent

A number of non-compliances with the development consent conditions were identified during the audit. Refer to **Section 3.3.1** for further detail.

Schedule 2: Condition 12 – Non-compliance

Condition 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.

Sunnyside did not hold an occupation certificate from Council for the office and crib facilities.

Recommendation

Obtain an occupation certificate from Council for the office and crib facilities.

Schedule 3: Condition 2 – Non-compliance

Condition 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)

Day/Evening L_{A10} (15 minute)	Land
40	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")

Construction activities at Sunnyside commenced on 10/11/2008. Sunnyside noted an overlap between the construction and operational activities. The 2008/2009 AEMR notes a number of exceedances generally due to inversion conditions and the construction of the amenity bund. These exceedances were identified based on a criterion of 35 dB(A) which is the operational noise criterion. Given the construction of the amenity bund was identified as a construction

activity, the appropriate noise criteria is 40 dB(A). Using this criteria the number of exceedances was reduced to one potential exceedance which occurred on 20 July 2009.

Recommendation

Consider which criterion is applicable where there is construction and operation criterion.

Schedule 3: Condition 3 – Non-compliance

Condition 3: 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:

Table 2 Operational noise impact assessment criterion dB(A)

Day/Evening L_{Aeq}(15 minute)	Land
35	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")

Exceedances at Glendower, Ferndale, Illili, Plain View and Lilydale were recorded between June 2009 and May 2010. NB Lilydale however is a mine owned property. The 2008/09 AEMR notes DoP, DECCW and landowner were notified of the exceedances.

Recommendation

Continue to investigate and implement measures during temperature inversions to minimise and/or eliminate noise exceedance.

Schedule 3: Condition 8(c) – Non-compliance

Condition 8: The Proponent shall:

- (a) implement all reasonable and feasible best practice noise mitigation measures;**
- (b) investigate ways to reduce the noise generated by the project, including off-site road noise; and**
- (c) report on these investigations and the implementation and effectiveness of these measures in the AEMR**

The 2008/2009 AEMR notes that it was not possible to confine operations to be in pit during the early stages of operation. Sunnyside Coal Mine representatives advised that construction start times were staged to minimise noise exceedances (pers comm. M Clark 3/2/2011). The AEMR does not include any discussion regarding the implementation or the effectiveness of noise mitigation measures. NB: the 2009/2010 AEMR was in preparation at the time of the audit.

Recommendation

Include discussion within the AEMR regarding the implementation or the effectiveness of noise mitigation measures.

Schedule 3: Condition 12 – Non-compliance

Condition 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).

The 2008/2009 AEMR notes compliance. Blasting records however show that Blast No. 3 and No. 4 occurred at 9:59am.

Recommendation

Undertake blasting within nominated hours.

Schedule 3: Condition 18 – Non-compliance

Condition 18: 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.

Table 7 Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10µm (PM ₁₀)	Annual	30µg/m ³

Table 8 Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10µm (PM ₁₀)	24 hour	50 µg/m ³

Table 9 Long term impact assessment criterion for deposited dust

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

Three PM₁₀ 24 hr exceedances were recorded in December 2009 (two exceedances at Illili and one at Lilydale NB Lilydale is a mine owned residence).

The Air Quality Monitoring Program notes direct TSP monitoring is not undertaken, and the PM₁₀ particle size fraction is typically in the order of 50 per cent of the TSP mass in rural areas and as a consequence, the achievement of the PM₁₀ annual average goal will ensure the annual TSP goal is achieved. Reporting against TSP criteria will therefore be based on a calculation, multiplying the recorded PM₁₀ results by a factor of 2. On this basis TSP exceedances also occurred during December 2009. It is noted that assuming that the PM₁₀ is equivalent to 50 per cent of the TSP concentration is a conservative assumption for the mining industry and may overestimate PM₁₀ emissions.

Specific TSP monitoring is not being undertaken. While the approval does not specifically require TSP monitoring to be undertaken, it has specified a criterion. Sunnyside advised that

compliance with the TSP criterion is assessed via the interpolation of PM₁₀ monitoring results. It is also noted that while DoP has not confirmed TSP monitoring is not required, it has approved the Air Quality Monitoring Program for the mine which did not include the monitoring of TSP and that it is standard practice to use a conversion factor. It was further noted that the EPL for the site does not require TSP to be monitored.

Schedule 3: Condition 23 (a) and (c) – Non-compliance

Condition 23: The Site Water Balance must:

(a) include details of: ... off-site water transfers

(c) be reviewed and recalculated each year using the most recent water monitoring data.

Sunnyside has committed to developing an excel based water balance spreadsheet; however this has not been undertaken to date. Sunnyside Coal Mine has advised that no off site water transfers have occurred.

Recommendation

Develop and implement the site water balance spreadsheet.

Review the site water balance data and compare usage against that predicted in the EA on a per tonne of coal basis or other applicable pro rata basis.

Schedule 3: Condition 27 (b) – Note

Condition 27: The Groundwater Contingency Plan must:

(b) establish trigger levels, benchmarks and contingency criteria; and

The trigger levels are noted in Section 7.2 of the Site Water Management Plan. Not all of the Statement of Commitment measures however have been included in the management plan e.g. commitment 7.11. It is noted that the Site Water Management Plan identifies that a sustained 3 metre reduction in a bore water level over a three month period would trigger an investigation. Given the groundwater modeling predicted mining impacts would reduce bore water levels by <2 metres, a 3 metre initial trigger level may or may not be sufficiently sensitive depending on the initial SWL of the bore and thus the initiation of an investigation and the implementation of mitigation measure not occur in a timely manner.

The benchmarks and contingency criteria are noted in Section 6.3 and 7.3 of the Site Water Management Plan respectively.

Recommendation

Update the management plan to include all EA trigger levels.

It is also recommended that Sunnyside adopt a consistent approach between the commitments made in the Statement of Commitments and management plans or provide justification as to why an alternative trigger level has been adopted.

Schedule 3: Condition 30 – Non-compliance

Condition 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:

- (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**
- (b) be submitted to the Director-General and DPI for approval by 1 March 2009;**
- (c) include:**
 - **the rehabilitation objectives for the site; and**
 - **details of who is responsible for monitoring, reviewing and implementing the plan.**

No evidence was provided which confirmed the Director-General approved the appointment of the expert/s who prepared the plan.

The plan was not submitted to the Director-General or DI&I within the required timeframe.

The plan includes a monitoring program however, further detail is required of the proposed monitoring frequencies. Monitoring should be undertaken at frequencies which assist in confirming that the mine is progressing towards satisfying the short and long term objectives.

Recommendations

Follow up with DoP, Council and DI&I regarding their satisfaction with the submitted plan.

Locate evidence that confirms expert appointment approved by the Director-General or seek Director -General approval of the appointment of the expert.

Update the plan with additional details regarding monitoring frequency.

Schedule 3: Condition 36 – Non-compliance

Condition 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.

Evidence of the RTA and Council satisfaction with the Construction Traffic Management Plan was not sighted. A Construction Traffic control plan had been prepared, sighted (Rev 1 report No J1868).

Recommendations

Locate evidence that confirms RTA and Council are satisfied with the plan. If evidence cannot be located no retrospective action required.

Schedule 3: Condition 37 – Non-compliance

Condition 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.

Agreement dated 5 August 2009 which is outside the six month timeframe. The agreement does not appear to cover the relevant section of the Oxley Highway as per the roads definition in the agreement.

Sunnyside has advised that the Roads and Traffic Authority, is responsible for the section of the Oxley Highway between Coocooboonah Lane and Blackjack Road, thus it is not possible for Sunnyside to comply with this condition. However, correspondence from Council dated 10 February 2010 notes preliminary discussions between RTA and Whitehaven regarding the upgrade and funding arrangements have been held.

Recommendations

Complete actions within required timeframe or seek extension of time from the Department of Planning, as required.

Liaise with DoP on how to demonstrate compliance and meet the intent of this condition.

Schedule 3: Condition 42 (c) and (d) – Non-compliance

Condition 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) be submitted to the Director-General for approval within 3 months of this approval; and

(d) include a program to monitor the effectiveness of measures to reduce energy use on site.

Sighted ESAP dated 18 May 2008 Rev 3. It is noted that the document not signed by General Manager. The ESAP was submitted to DoP on 3 July 2009 which is outside the required timeframe.

Measures described in Table 15 of the Energy Savings Action Plan are not being implemented, i.e. noted as TBA.

The 2009 Sunnyside AEMR (Section 3.17.3) details the diesel usage rates for dump trucks while for road trucks it states the fuel efficiency measures which have been implemented. The effectiveness of these measures at a high level has been considered for dump trucks on a per tonne of ROM basis, however no discussion has been provided on mitigation measures which have been or could be implemented or their effectiveness.

Recommendations

Complete actions within required timeframe or seek extension of time from the Department of Planning, as required.

Implement the ESAP and energy savings measures and report on their effectiveness in reducing energy use on site and/or reissue management plan to meet current intent.

Identify potential fuel efficiency opportunities and measure and assess the effectiveness of these measures once implemented.

Schedule 3: Condition 43 (e) – Non-compliance

Condition 43: The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must:
(e) include a program to monitor the effectiveness of these measures.

Section 6 notes the volume of material recycled will be reported in the AEMR. However there is no monitoring/review of the effectiveness of the measures put in place i.e. target/trigger levels or a comparison of waste produced using a relevant pro rata comparison basis.

Recommendation

Monitor and review of the effectiveness of the waste management measures put in place i.e. establish target/trigger levels on a prorata basis as relevant.

Schedule 5: Condition 2 – Non-compliance

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.

Sunnyside have advised that the individual management plans which have been approved by DoP provide this information.

Recommendation

Submit a consolidated plan to DoP or seek agreement from DoP that the existing approved management plans satisfy this requirement.

Schedule 5: Condition 3 – Non-compliance

Condition 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.

Noise and dust exceedances have occurred. It is uncertain if Sunnyside has notified the Department and other relevant agencies of the exceedance/incident within 24 hours.

Recommendation

Ensure reporting timeframes are met.

Schedule 5: Condition 5 (f) – Non-compliance

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:

(f) include an analysis of these monitoring results against the relevant: impact assessment criteria/limits;

The AEMR does not include a comparison of the groundwater monitoring results against nominated groundwater triggers.

Recommendation

Compare the groundwater monitoring results against nominated groundwater triggers in all future AEMR's.

Schedule 5: Condition 10 – Non-compliance

Condition 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

Some management plans have been updated since being approved. It is uncertain if these updated plans have been provided to the relevant agencies and CCC. It is noted however that the current revision of the management plans are available on the web site.

Recommendation

Provide updated copies of relevant documents to relevant agencies and CCC.

3.3.2 Statement of Commitments

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

Commitment Number 1.4 Obtain all necessary certifications for all buildings constructed or relocated on site from Gunnedah Shire Council.

Sunnyside does not hold an occupation certificate for the workshop, combined office, crib and training room facilities from Council.

Recommendation

Seek an occupation certificate for the workshop, combined office, crib and training room facilities from Council.

Commitment Number 1.12 Operational water will initially be supplied from water within the Gunnedah Coal Mine No. 5 Entry underground workings. This will eventually augment the pit groundwater inflow and water drawn from the various sedimentation

and fresh water dams that would form part of the site surface water management system.

Initially water sourced from town supply prior to holding bore licences 90BL255246 and 90BL254691. Sunnyside advised that delays in receipt of the licence from NOW necessitated that an alternate water supply be sourced.

Recommendation

Ensure obligations made as part of the EA are complied with.

Commitment Number 1.17 Road Construction Permit to be applied for from Gunnedah Shire Council prior to modifications and other roadworks associated with re-alignment of Coocooboonah Lane and public road intersections along the coal transport route.

No evidence sighted.

Recommendation

Locate evidence of permit, in accordance with this condition.

Commitment Number 1.18 A Water Licence be applied for and granted before installation and operation of a water bore into the Gunnedah No. 5 Colliery workings.

Converted an initial exploration hole within the underground mine to an extraction hole. 90BL254691 valid from 27 April 2009 - 2014 and 90BL255246 valid from 18 Jan 2010 to 2015. Extraction from underground workings commenced late 2008.

Sunnyside advised that delays in receipt of the licence from NOW necessitated that water be extracted prior to receipt of the licence.

Recommendation

Commence groundwater extraction from the underground mine only once all necessary licences and approvals are held.

Commitment Number 2.4 Contact all potentially affected landowners and surrounding residents prior to initial construction and the commencement of any upgrading works to inform/discuss the proposed works.

No evidence sighted.

Recommendation

Construction related issue - no retrospective action required.

Commitment Number 2.5 Liaise routinely with local residents to ensure their satisfaction with all aspects of changed traffic conditions.

No evidence sighted.

Recommendation

Construction related issue - no retrospective action required.

Commitment Number 4.3 Undertake blasting within the hours: 10.00am to 5.00pm/Monday to Friday and 10.00am to 2.00pm Saturday.

The 2008/2009 AEMR notes compliance. Blasting records however show that Blast No. 3 and No. 4 occurred at 9:59am.

Recommendation

Undertake blasting within nominated hours.

Calibrate and synchronise time stamp on monitoring equipment.

Commitment Number 7.12 Implement the water monitoring programme outlined in Section 4B1.6.1 including ongoing review and modification as required.

Statistical analysis of groundwater monitoring results and comparison of the result against the impact assessment criterion is not being undertaken.

Remediation triggers in the management plan are also inconsistent with Section 4B 1.6.3 of EA i.e. 3 metres over three months. Section 6.4.3 of the plan notes that groundwater yields would be undertaken of the Lilydale bore, in addition to Ph, EC, standing water levels and various water quality parameters. Table 6.10 of the management plan notes the ground water monitoring locations, frequency and parameters. In field pH and electrical conductivity monitoring has not been undertaken at quarterly intervals as per the management plan. It is also noted that no results for site 3709 and 22497 are presented in the AEMR.

Recommendation

Undertake interrogation of the monitoring data, as required. Update the management plan to include all EA mitigation measures. Undertake monitoring in accordance with Table 6.10 of the management plan.

Commitment Number 8.18 Conduct operational noise monitoring monthly for the first six months of mining operations, reverting to quarterly for the remainder of the year.

Monitoring was undertaken in January, March, May, June, July, August, September, October, and November for the first year of operations.

It was noted that this commitment is not consistent with what is in the approved Noise Monitoring Program document. It is also noted that winter months are when temperature inversions are more likely and this is when monthly monitoring was carried out.

Recommendation

No recommendation.

Commitment Number 8.22 Install a blast monitor at all residences within a 2km radius of the active blasting area to monitor blast parameters.

Table 1 of the Blast Monitoring Program identifies eight residential receivers within 2 kilometres of the mine site boundary. Monitoring is not being undertaken at all eight locations. The distance between the receiver and the active blasting area will vary over the life of the mine and as such the requirement to or not to undertake monitoring may change depending on the location of the blast relative to the receiver. While the distance to residences within 2 kilometres of the mine site boundary may not be equivalent to the active blasting area, Sunnyside is undertaking monitoring at the closest residential receiver located

to the north, south, east and west of the mine boundary. It is noted however that no exceedances of the blast parameters has occurred.

Recommendation

Update the Blast Monitoring Program or confirm residential receivers located within 2 kilometres of the active blasting area over the life of the mine and undertaken blast monitoring at these locations.

Commitment Number 10.1 Securely store all hydrocarbon products in accordance with the approved Hydrocarbon Management Plan.

Hydrocarbon Management Plan sighted. During site inspection, observed waste oils stored in 1000L isotainers in an earthen bund. No evidence of oil spoils was observed in the earthen bund.

Recommendation

Permanent waste oil storage measures need to be established in accordance with DECCW Storage and Handling Liquids guidelines. It was noted that the contractor has a self bunded waste oil tank.

Commitment Number 10.4 Ensure all storage tanks are either self-bunded tanks or bunded with an impermeable surface and have a capacity to contain a minimum 110% of the largest storage tank capacity.

Diesel is stored in a self bunded tank, new oils are stored in concrete bunded area, but waste oils are not stored in a bund with an impermeable surface.

Recommendation

Waste oils to be stored in a bund with an impermeable surface.

Commitment Number 10.10 Enlarge the sediment basins or construct additional sediment basins, if required, to capture a minimum of a 5 day 90%ile storm event.

Sighted Stewart Survey plan dated 7/5/2009 Ref 3606dams.dwg. Tables 2.2 and 2.6 of the Site Water Management Plan nominates the required dam and basin size basin design specifications as follows.

Sediment Basin (SB)/Storage Dam (SD) Number	Catchment Area (ha)	Sediment basin volume (90%ile 5 day storm event) (m ³)	As constructed volumes (m ³)
SB 1	20	8,000	0
SB 2	40	10,000	7,200
SB 3	20	8,000	6,700
SB 4	70	10,000	10,300
SB 5			7,000
SD 1	24	1,000	1,900
SD 2	125	4,000	9,200
SD 3	150	8,900	10,500
SD 4	115	8,900	8,800
Total	564	58,800	61,600

The above basin and dam specification shows that sediment basins SB2, SB3 and storage dam SD4 are undersized, while SB1 has not been constructed and an additional sediment basins SB5 has been constructed. It is noted that the total constructed storage volume is greater than that required in the Site Water Management Plan and that the basins and dams operate in a series i.e. a chain of ponds. However, depending on:

- where the excess capacity is located in the system e.g. the last pond or the first etc.;
- the catchment area associated with SB5;
- SB5's catchment area interaction with the basins and dams located upstream and down stream

it can not be determined if the system as a whole satisfies the five day 90%ile storm event.

Recommendation

Update the Site Water Management Plan to confirm the capacity of the basin and dam system complies with the 5 day 90%ile storm event requirement.

Commitment Number 10.13 Prepare an annual review of the water balance for management of surface and pit water.

Sunnyside has committed to developing an excel based water balance spreadsheet, this has not been undertaken. Sunnyside Coal Mine has advised that no off site water transfers have occurred.

Recommendation

Develop an excel based water balance spreadsheet and undertake an annual review of the water balance.

Commitment Number 14.4 Place higher alkalinity soils over the surface of the overburden emplacement to provide neutralising capacity in the event pockets of acid forming rock are encountered.

No subsequent soil testing has been undertaken outside that completed for the EA. The EA identified a low potential for acid rock drainage. No acid rock has been identified to date (pers comm M Clark 3/2/2011).

Recommendation

Undertake soil test to confirm pH of soil / overburden materials and place higher alkalinity soils over the surface of the overburden dumps that contain acid forming rock.

Commitment Number 14.5 Install erosion protection around stockpiles of this material with direct transfer from source to sink commenced as soon as practicable.

As no soil testing has been undertaken outside that completed for the EA, it is unclear if the need to install erosion protection around stockpiles of this material has been triggered.

Recommendation

Undertake soil test to confirm pH of soil/overburden materials and implement controls if required.

Commitment Number 16.1 Implement a policy which encourages employment of local district personnel with training and certification of suitable local persons provided.

Sunnyside staff are not aware of an official policy but the majority of the staff are local.

Commitment Number 18.10 Prepare a Traffic Management Plan to ensure appropriate procedures are in place for public traffic during the realignment of Coocooboonah Lane and intersection upgrades - for submission with Section 138 permit applications to Gunnedah Shire Council and RTA.

No evidence sighted.

Recommendation

Locate evidence that confirms plan submitted to Council as part of Section 138 application process. If evidence cannot be located no retrospective action required.

3.3.3 Environmental Protection Licence

Sunnyside is required to and holds an EPL for its operation as it conducts an activity that requires a licence under the POEO Act. The EPL outlines Sunnyside's responsibilities and the environmental performance standards it is required to meet, being:

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

Sunnyside reports its performance against the above responsibilities and environmental performance via the submission of its Annual Return.

The licence reviewed as part of this audit has a review date of 18 August 2014. Sunnyside's compliance with the EPL is discussed below.

Sunnyside's EPL requires the submission of an Annual Return which contains a summary of monitoring results, details of non-compliances with the licence and a calculation of any fees owing. The Annual Return for 2009 was submitted within the required timeframe. The 2010 Annual Return was in preparation at the time of the audit and therefore did not form part of the audit documentation reviewed.

The annual return for 2009 listed two non-compliances with the site's EPL. These are associated with discontinuous PM10 monitoring at points 7 and 8 and exceedance of noise limits over the 2009 winter period at various monitoring locations. Three complaints were recorded in the 2009 Annual Return. The Sunnyside web site notes two complaints for 2010.

Non compliance - Condition L6.1 Noise emissions limits

Construction activities commenced on 10/11/2008. Sunnyside Coal Mine noted an overlap between the construction and operational activities. The 2008/2009 AEMR notes a number of exceedances generally due to the construction of the amenity bunds during temperature inversion conditions. These exceedances were assessed based on criterion of 35 dB(A) which is the operational noise criterion. Given the construction of the amenity bund was identified as a construction activity the appropriate noise criteria is 40 dB(A), based on this criteria the number of exceedances was reduced to one potential exceedance on 20 July 2009.

Recommendation

Where there is construction and operational criterion consider which criteria is applicable before determining compliance.

Non compliance - Condition M2.1 Air Quality emission limits

Sunnyside utilise a HVAS to collect PM₁₀ samples on a six day cycle. Not all PM10 samples have been collected at monitoring at points 7 and 8, in accordance with the six day cycle. Sunnyside advised that the missed monitoring events were a result of interference from residents of the properties (i.e. turned power off).

Recommendation

Undertake sampling in accordance with the nominated frequency.

Non compliance - Condition R2 Incident reporting

DECCW have been issued with written notifications of noise exceedances once Sunnyside become aware of the incident. This method of communication is not consistent with notification as 'soon as practicable' but is considered adequate for the associated issue.

No evidence was sighted which confirmed the EPA had been notified via the pollution line or that the EPA had received written notification within seven days of the incident.

Recommendations

Ensure the reporting timeframes are complied with (e.g. notification of incidents).

3.3.4 Environmental Management Plans

A number of Environmental Management Plans have been prepared for Sunnyside. The management plans address specific impacts from Sunnyside's operation and reflect the requirements detailed in the project approval and EA. The environmental management plans include:

- Environmental Management Strategy (August 2008);
- Energy Savings Action Plan (May 2009);
- Hydrocarbon Management Plan (June 2009) (NB not required under the project approval);
- Noise Monitoring Program incorporating a Noise Management Protocol and Noise Monitoring Program (August 2008);
- Site Water Management Plan (August 2008);
- Spontaneous Combustion Management Plan (May 2009) (NB not required under the project approval);
- Waste Management Plan (August 2008);
- Air Quality Monitoring Program incorporating an Air Monitoring Protocol (August 2008);
- Blast Monitoring Program (July 2010);

- Aboriginal Cultural Heritage Management Plan (July 2008);
- Sunnyside Coal Mine – Mine Closure Plan (July 2010); and
- Rehabilitation and Landscape Management Plan (August 2006).

Condition 6d) of Schedule 5 of the development consent requires that this audit ‘review the adequacy of Strategies, plans or programs required under these approvals’.

Findings/Recommendations

Generally the management plans are considered satisfactory and are being implemented except as noted below.

General

- *Submit the plans which have been updated since their approval to relevant government agencies for review and approval, as required.*
- *Ensure that a full review of the environmental management plans is undertaken regularly or when major changes are made to operations to ensure they remain relevant.*

Site Water Management Plan

- *Ensure that all of the mitigation measures/trigger levels detailed in the EA are included in the management plans.*
- *Undertake groundwater monitoring at the nominated frequencies.*

Rehabilitation and Landscape Management Plan

The plan includes a monitoring program however further detail is required of the proposed monitoring frequencies. Further detail regarding the frequency of monitoring is required to assist in confirming that the mine is progressing towards satisfying the short and long term objectives. In some instances further detail is required to assist in determining the effectiveness of the measures implemented or what constitutes completion/achievement of the objective i.e. closure criteria.

Energy Savings Action Plan

The Energy Savings Action Plan was prepared in May 2009. A review of the Plan showed that generally it has been prepared in accordance with the Guidelines for Energy Savings Action Plans (DEUS, 2005).

Specific requirements of the Plan included the development of a program to monitor the effectiveness of measures to reduce energy use on site and the implementation of the plan. Whilst the plan provides a summary of the estimated energy usage and costs for the first three years of operation and identifies major energy using equipment no comparison with the actual energy used has been provided.

Section 3.1 of the plan notes the energy savings initiatives. It is unclear however, if these measures have been implemented and if so how effective they have been in reducing energy demands. Given this is a greenfield development it is assumed that many if not all of the measures were included in the design specifications, construction and ongoing operation of

the mine and it may not be possible to make a direct comparison i.e. pre and post implementation of measure.

Table 15 of the plan notes the most likely cost effective opportunities; however the majority of the fields in the table are incomplete i.e. noted as TBA. Without the inclusion of such information it is not possible to determine if the implementation of such measures is cost effective. It is noted that DoP have relaxed the reporting requirements in accordance with Condition 42(a) however, this does not relax the other requirements associated with complying with this consent. Sunnyside therefore must implement the ESAP and energy savings measures and report on their effectiveness in reducing energy use on site and /or reissue management plan to meet current intent.

3.3.5 Mining Lease

Operations at Sunnyside are generally being undertaken in a manner that is consistent with the requirements of the Mining Lease. However, a number of non-compliances were identified where action is required to ensure full compliance.

A full compliance checklist against the requirements of ML 1624 was completed as part of the audit and is included as **Appendix 4**. A summary of the non-compliance issues are outlined below.

Findings/Recommendations

The independent environmental audit has made a number of recommendations to eliminate and/or minimise the potential of environmental harm and as such a non compliance against Condition 2 of the mining lease is noted. It is noted however, that no evidence of actual environmental harm was observed during the audit.

3.4 Environmental Performance

3.4.1 Site Inspection

The site inspection of the Sunnyside mine was conducted on 3 February 2011 and found the site to be generally operating with effective environmental management controls in place and Sunnyside personnel indicated a good understanding of key environmental management issues and approach. Sunnyside personnel indicated in particular, a good understanding of the environmental management requirements and responsibilities.

Key observations made during the site inspection included:

- groundwater extraction commenced prior to holding of licence from NOW. The initial exploration hole within the underground mine was converted to an extraction hole. The water licences issued being 90BL254691 and 90BL255246 are valid from 27 April 2009 - 2014 and from 18 Jan 2010 - 2015 respectively, however extraction from underground workings commenced late 2008.
- existing environmental management measures described by Sunnyside during the audit interviews were verified during the inspection e.g. Koala Proof fence and turkeys nest dam (see **Plate 1 in Appendix 6**);
- vegetation planting on the acoustic bund appears to have resulted in adequate vegetative cover (see **Plate 2 and 3 in Appendix 6**);

- good hydrocarbon/chemical storage management measures implemented (see **Plate 4, 5 and 6** in **Appendix 6**);
- incorrect storage of waste oil (see **Plate 7** of **Appendix 6**). Waste oil storage should be undertaken in a bund with an impervious base;
- the project was being undertaken in accordance with that described in the EA;
- the mitigation measures noted in the EA and various management plans were generally being implemented;
- the operations were well defined and contained. Site disturbance creep did not appear to be an issue;
- the equipment and facilities were clean and appeared well maintained;
- no evidence of past hydrocarbon spills was evident;
- hydrocarbon spill kits were inspected and contained relevant materials;
- no obvious noise issues were evident. Noise exceedances have been recorded and are typically associated with temperature inversions conditions. Sunnyside implements a range of mitigation measures (where practicable) to eliminate and or minimise noise emissions under these conditions;
- rehabilitation works were being undertaken and appeared successful. It is expected that progressive rehabilitation of the final landform will have been commenced prior to the next audit;
- diversion drains were in place and well vegetated. No obvious signs of erosion or sediment deposition were observed;
- coal transport vehicles were observed in transit. Trucks were tarped, clean and were not observed to be adversely impacting traffic flow.
- the transport route was free of coal i.e. no loss of load or tracking of material was evident;
- no obvious dust emissions/plumes were observed (the site water cart was observed in operation over the course of the day). Exceedance of dust levels have been recorded at Sunnyside, however these were attributable to regional events such as dust storms and bushfires with no exceedances attributed to any specific activities occurring at the site;
- environmental and mining personnel demonstrated a good working relationship;
- the Environmental Manager, Environmental Officer and Project Manager were aware of their current, ongoing and longer term environmental management requirements;
- the Environmental Manager, Environmental Officer and Project Manager appeared to be working collaboratively on ensuring the longer term environmental management requirements were being adequately planned for;
- fire fighting equipment was observed and located adjacent to the self bunded diesel tank;
- inspection of the waste skip bins etc confirmed waste streams were being appropriately separated; and
- good on site record management. Given the number of commitments associated with this project, it is recommended that a commitments register be developed to assist in tracking and confirming compliance against the project requirements.

4.0 Conclusion

The development consent requires Sunnyside to consult with various government agencies during the preparation of management plans and seek the Director-General's satisfaction for numerous conditions. Generally these plans have been prepared in consultation with government agencies as required and the Director-General has indicated their satisfaction with the plans.

In addition to the administrative/technical non-compliances, further non-compliances have been identified associated with noise exceedances, groundwater monitoring (frequencies and parameters) not undertaken in accordance with the schedule contained in the management plan, missing trigger levels/criteria within the groundwater management plan and not undertaking interrogation of monitoring groundwater data.

With regard to the other environmental approvals, the audit also found Sunnyside was generally operating in accordance with its EPL with some minor administrative matter requiring attention.

Sunnyside is also required to have various documents available on the company's website. The information was readily available and easily accessed i.e. user friendly.

While there are a number of primarily administrative aspects associated with the development consent which need to be addressed to achieve full compliance, operationally the environmental performance of the site was found to be satisfactory at the time of the audit inspection.

The recommendations associated with non conformance are aimed at improving environmental performance and ensuring full compliance, it is noted that the current operation of the mine does not pose an immediate or a high level of risk to the environment.

APPENDIX 1

Project Approval Compliance Checklists

Schedule	Condition No.	Requirement	Compliance Y/N/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.	N	Site inspection and audit of compliance documentation found no significant issues relating to environmental management, however non-conformances have been identified. Environmental Management Plans are established. Good level of environmental awareness amongst all staff interviewed as part of the audit.	
	2	The Proponent shall carry out the project generally in accordance with the:			
		(a) EA;	Y	Generally in accordance with the EA, the project description and the project layout shown in Figure B.	
		(b) Sunnyside Coal Project Response to Public and Government Agency Submissions (June 2008);	Y	Generally in accordance with the Response to Public and Government Agency Submissions .	
		(c) Sunnyside Coal Project Supplementary Response to Submissions (July 2008);	Y	Generally in accordance with the Supplementary Response to Submissions .	
		(d) Statement of Commitments (see Appendix 3); and	N	Non-compliances as noted below	
		(e) conditions of this approval.	N	Non-compliances as noted below	
		Notes:			
		<i>The general layout of the project is shown in Figure 1 of Appendix 2; and</i>			
		<i>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.	Y		
	4	The Proponent shall comply with any reasonable and feasible requirements of the Director-General arising from the Department's assessment of:	Y	Sunnyside Coal mine have addressed the requirements arising from the Departments review of the information provided.	
		(a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and	Y	Sunnyside Coal mine have addressed the requirements arising from the Departments review of the information provided.	
		(b) the implementation of any actions or measures outlined in these reports, plans, programs, strategies or correspondence.	Y	Sunnyside Coal mine have addressed the requirements arising from the Departments review of the information provided.	
5	Mining operations may take place on the site for 7 years from the grant of the mining lease for the project.	Y	Sunnyside Coal mines Mining Lease is dated 5 November 2008. Operations commenced on site on 10 November 2008.		
	<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>				
6	The Proponent shall not extract more than 1 million tonnes of ROM coal a year from the site.	Y	The 2008/2009 AMER notes 111,817 ROM Coal (T) was extracted for the reporting period. Production data sighted for the March to December 2010 period shows 200,354 tonnes of ROM coal was produced. Production for the 2011 calendar year as of February 2011 is 28,214 tonnes of ROM coal.		
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.	Y	Coal trucks were observed along the coal transport route on 2 February 2011. Sunnyside Coal mine also advised that the coal transport route is included as a condition within the contract for the trucking company.		
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.	V	Construction works commenced in November 2008 and were completed prior to the commencement of the audit. Sunnyside coal mine advised that construction activities were undertaken during the approved hours, however this could not be verified.		
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.	Y	Sighted visitors register also interviewed site personnel who confirmed the hours of operations.		
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.	Y	Sunnyside Coal mine advised that the approved trucking hours is 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. Toll have a GPS system MT Data which tracks truck movements and times - this is used to ensure compliance with haulage contract hours and routes.		
	Note: See condition 39 of Schedule 3.				

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments				
	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.	Y	Sunnyside Coal mine have not sought approval from the Director-General for the progressive submission of management plans. Noise, Blasting, Air Quality, Site Water, Aboriginal Cultural Heritage Management Plans and the Environmental Management Strategy Approved by DoP in letter dated 20 October 2008. Energy Savings action Plan Approved by DOP in letter dated 10 July 2009. Rehabilitation and Landscape Management Plan approval status to be confirmed.	Rehabilitation and Landscape Management Plan approval status to be confirmed.				
	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. <i>Notes:</i> <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>	N	Gunnedah Shire Council issued a temporary construction certificate for office and crib room facilities on 12 November 2008, which covered a period of 6 months. Gunnedah Shire Council issued a construction certificate (Number 450024) for workshop, combined office, crib and training room on 24 March 2010. Gunnedah Shire Council issued an occupation certificate on the 17/3/09. The occupation certificate only covers the ablutions facilities.	Obtain an occupation certificate from council for the office and crib facilities.				
	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. The original Sunnyside residence has been relocated offsite.					
	14	The Proponent shall ensure that all plant and equipment used on site is: (a) maintained in a proper and efficient manner; and (b) operated in a proper and efficient manner.	Y	Plant operators pre start check sighted for 2352 - DZ803 dated 31/1/11. Sunnyside Coal Mine also utilises the PULSE management system which generates and records maintenance and defect schedules for all plant and equipment.					
	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.	Y	Sighted newspaper article re cheque handover. Sunnyside advised that there are no outstanding development contributions owing to council at the time of the audit (pers comm D Young 3/2/2011)	It is recommended that Sunnyside Coal mine consider establishing a review period after which time competency is reassessed.				
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	Sunnyside Coal Mine entered into voluntary agreement with the landowner to acquire the property. The property was settled on 18 September 2008, i.e. prior to the project approval being issued and commencement of on site activities .					
	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.	N	Construction activities commenced on 10/11/2008. Sunnyside Coal Mine noted an overlap between the construction and operational activities. The 2008/2009 AEMR notes a number of exceedences generally due to inversion conditions and the construction of the amenity bund. These exceedences were identified based on a criterion of 35dBA which is the operational noise criterion. Given the construction of the amenity bund was identified as a construction activity the appropriate noise criteria is 40dBA, using this criteria the number of exceedences was reduced to one potential exceedence on 20 July 2009.	Consider which criteria is applicable to determine compliance where there is construction and operational criterion.				
		<p>Table 1 Construction noise impact assessment criterion dB(A)</p> <table border="1"> <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")			
Day/Evening LA10 (15 minute)	Land								
40	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")								
	3	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:							

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments				
		<p>Table 2 Operational noise impact assessment criterion dB(A)</p> <table border="1"> <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")	N	Exceedences at Glendower, Ferndale, Illili, Plain View and Lilydale between June 2009 and May 2010. NB Lillydale is a mine owned residence. DoP, DECCW and landowner notified of the exceedences as noted in the 2008/09 AEMR.	Continue to investigate and implement measures during temperature inversions to minimise and/or eliminate noise exceedence.
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.	NT	No negotiated noise agreement in place at the time of the audit.					
	4	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.	NT						
		<p>Table 3: Land acquisition criterion dB(A)</p> <table border="1"> <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")			
Day/Evening LA10 (15 minute)	Land								
40	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")								
	5	Upon receiving a written request from the landowner of:	NT						
		(a) 'Illili', 'Ferndale', or							
		(b) any residence on privately owned land where noise generated by the project exceeds 37 dB(A) LAeq(15minute),							
		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. 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.							
	6	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:	Y	Spectrum Acoustic undertook road traffic noise monitoring during September 2009 and May 2010, which showed the road traffic noise to be 45 dBA and 44dBA, well below the criterion. Given the level of traffic generated by the project is significantly below that approved, no exceedences are expected. Further road traffic noise assessment is only considered warranted if the production from the mine is significantly increased i.e. doubled.					
		<p>Table 4: Traffic noise criterion dB(A)</p> <table border="1"> <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			
Day/Evening LAeq(15 minute)	Road								
55	Any residence adjacent to Torrens Road								

Schedule	Condition No.	Requirement	Compliance Y/N/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								
	8	The Proponent shall:									
		(a) implement all reasonable and feasible best practice noise mitigation measures;	Y	During inversion conditions, in pit activities undertaken between 7 and 9am where possible.							
		(b) investigate ways to reduce the noise generated by the project, including off-site road noise; and	Y	Road traffic noise levels are below threshold, as such there is no need to investigate ways to reduce levels.							
		(c) report on these investigations and the implementation and effectiveness of these measures in the AEMR;	N	The 2008/2009 AEMR notes that it was not possible to confine operations to be in pit during the early stages of operation. Sunnyside Coal Mine representatives advised that construction start times were staged to minimise noise exceedences. The AEMR does not discuss the implementation or the effectiveness of this measure.	Include discussion within the AEMR regarding the implementation or the effectiveness of noise mitigation measures.						
		to the satisfaction of the Director-General.	Y	No correspondence has been received from the Director-General regarding this matter and satisfaction has therefore been assumed.							
	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:	Y	Noise Monitoring Program for the Sunnyside Coal Project (prepared August 2008). Noise mitigation measures and noise monitoring, as detailed in the plan is being undertaken.							
		(a) be prepared in consultation with DECC;	Y	Sighted email correspondence to DECCW dated 15 October 2008.							
		(b) be submitted to the Director-General for approval prior to carrying out any development on site; and	Y	Noise Management Plan approved by DoP 20/10/08. On site construction commenced 10 November 2008.							
		(c) include									
		attended monitoring measures; and	Y	Sections 5.2 and 5.3 of the Noise Monitoring Program							
		a noise monitoring protocol for evaluating compliance with the noise impact assessment and land acquisition criteria in this approval.	Y	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.									
		<p align="center">Table 5: Airblast overpressure impact assessment criteria</p> <table border="1"> <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%	Y	Blast results to September 2010 indicate no exceedences of 5 mm/sec (max 2.39)	
Airblast overpressure level (dB(Lin Peak))	Allowable exceedance										
115	5% of the total number of blasts in a 12 month period										
120	0%										
	11	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.	Y	Blast results to September 2010 indicate no exceedences of 115 dB (max 114.8)							
		<p align="center">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%			
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).	N	2008/2009 AEMR notes compliance. Blasting records however show that Blast No. 3 and No. 4 occurred at 9:59am.	Undertake blasting within nominated hours.						
	13	The Proponent shall not carry out more than:									

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments																							
		(a) 2 blasts a day; and	Y	Records show only one blast per day to date																								
		(b) 5 blasts a week, averaged over any 12 month period; on site.	Y	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.	Y	Sunnyside voluntarily undertook preblasting inspection of 10 properties. Sighted "Ivanhoe" inspection report dated November 2008. Inspections undertaken by Kelly Covey Consulting Engineers. First blast undertaken 18 November 2008.																								
	15	If the Proponent receives a written request for a property inspection from any such landowner, the Proponent shall:	NT																									
		(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	NT	Kelly Covey Consulting Engineers undertook voluntarily preblasting inspection on behalf of Sunnyside Coal Mine. Given this voluntarily approach the Director-General's approval of the appointment of Kelly Covey Consulting Engineers was not triggered.																								
		(b) give the landowner a copy of this property inspection report.	NT																									
		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.																										
	16	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:	NT	Mulwalla property in excess of 2km from the mine has made a claim. Kelly Covey were commissioned to undertake a structural inspection which indicates that the claim was not justified. Sighted report dated December 2010.																								
		(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	NT																									
		(b) give the landowner a copy of the report.	NT	Sighted letter dated 21 January 2010 (sic).																								
		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. 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.	NT	No further correspondence from Mulwalla received to date.																								
	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.	NT	Sighted Blast Monitoring Program for the Sunnyside Coal Mine (Rev 0 dated 1 August 2008). Sighted correspondence to DECCW dated 15 October 2008. Submitted to DoP and approved 20/10/08. The current revision of the program is Rev 2 the current version of this program should be forward to DoP and DECCW.																								
	18	The Proponent shall ensure that dust emissions generated by the project do not cause additional exceedences 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. Table 7: Long term impact assessment criteria for particulate matter <table border="1" data-bbox="394 1501 1172 1585"> <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> Table 8: Short term impact assessment criterion for particulate matter <table border="1" data-bbox="394 1638 1172 1701"> <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> Table 9: Long term impact assessment criterion for deposited dust <table border="1" data-bbox="394 1753 1246 1837"> <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> <small>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.</small>	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	N	PM10 24 hr exceedences in December 2009 (two exceedences at Illili and one at Lilydale - NB Lilydale is a mine owned residence). Sunnyside Coal Mine are not monitoring TSP, it is noted however that the environment protection licence does not require TSP to be monitored. Seek agreement from DoP not to monitor TSP.	Specific TSP monitoring is not being undertaken. While the approval does not specifically require TSP monitoring to be undertaken, it has specified a criterion. Sunnyside advised that compliance with the TSP criterion is assessed via the interpolated of PM10 monitoring result. It is also noted that while DoP has not confirmed TSP monitoring is not required it has approved the Air Quality Monitoring Program for the mine which did not include the monitoring of TSP.
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																									

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
	19	The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:	Y	Sighted Air Quality Monitoring Program for the Sunnyside Coal Project (Rev 0 dated 8 August 2008). Sighted DoP approval of the Air Quality Monitoring Program letter dated 20 October 2008.	
		(a) be submitted to the Director-General prior to the commencement of construction activities;	Y	Submitted to DoP and approved 20/10/08. Construction works commenced on site on 10 November 2008.	Include discussion within the AEMR regarding the implementation or the effectiveness of noise mitigation measures.
		(b) be prepared in consultation with the DECC; and	Y	Sighted email from DECCW dated 14/10/2008	
		(c) use a combination of high volume samplers and dust deposition gauges to monitor the performance of the project.	Y	2 x PM10 high volume air samplers 6 x dust deposition gauges are used to assess air quality levels as described in Section 4 of the Air Quality Monitoring Program and the monitoring data provided.	Results provided are to August 2010. Monitoring records to be updated as results are received.
		Note: This condition must be read in conjunction with Section 11 of the Statement of Commitments.			
	20	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.	Y	Meteorological station observed on site and monitoring data sighted for April, August and December 2008 and August 2010. DoP's 11 March 2009 inspection noted the solar radiation sensor was not in operation at that time. A solar radiation sensor was operating at the time of the Umwelt audit and is noted in the monitoring data.	
		Note: These conditions must be read in conjunction with Section 7 and 10 of the Statement of Commitments.			
	21	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.	Y	Sunnyside Coal mine advise that no water has been discharged from the mine site.	
	22	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:	Y	DoP approved the Site Water Management Plan, sighted letter dated 20 October 2008. Construction activities commenced on site on 10 November 2008. DoP approved the appointment of Mr Colin Davies and Mr Andrew Dawkins, sighted letter dated 8 October 2008. Correspondence to DECCW sighted - email dated 10 September 2008. DOP notes DWE have not provided comment. Sunnyside Coal Mine advised that DWE has not provided any correspondence on this matter. Sighted Water Management Plan dated 8/8/2008 Rev 0	
		(a) Site Water Balance;	Y		
		(b) Erosion and Sediment Control Plan;	Y	Sighted section 4.0 of the Site Water Management Plan	
		(c) Surface Water Monitoring Plan;	Y	Sighted section 5.0 of the Site Water Management Plan	
		(d) Groundwater Monitoring Program; and	Y	Sighted section 6.0 of the Site Water Management Plan	
		(e) Groundwater Contingency Plan.	Y	Sighted section 7.0 of the Site Water Management Plan	
	23	The Site Water Balance must:			
		(a) include details of:			
		sources and security of water supply;	Y	Included in Table 3.2 of WMP. Initially utilised town water to supply site prior to establishing groundwater extraction bores.	
		water use on site;	Y	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. Given production is significantly less than that assessed by the EA, Sunnyside Coal Mine should consider comparing water usage rates on a per tonne basis or other relevant prorata basis and report on this basis.	
		water management on site;	Y		
		off-site water transfers;	N	Sunnyside has committed to developing a excel based water balance spreadsheet, this has not been undertaken. Sunnyside Coal Mine has advised that no off site water transfers have occurred.	Develop and implement the site water balance spreadsheet.
		reporting procedures;	Y	Section 3.4.1 of the Site Water Management Plan. Rev 0 Dated 8 August 2008.	
		(b) describe measures to minimise water use by the project; and	Y	Control of haul roads i.e. minimise width, instruct drivers to drive on wet spots.	
		(c) be reviewed and recalculated each year using the most recent water monitoring data.	N	Sunnyside has committed to developing a excel based water balance spreadsheet, this has not been undertaken as per WMP Section 3.4.1. It is noted that the AEMR compares actual usage against the predictions.	Review the site water balance data and compare usage against that predicted in the EA on a per tonne of coal basis or other applicable prorata basis.
	24	The Erosion and Sediment Control Plan must:			
		(a) be consistent with the requirements of <i>Managing Urban Stormwater: Soils and Construction manual</i> (Landcom, 2004), or its latest version;	Y		
		(b) identify activities that could cause soil erosion and generate sediment;	Y	Sighted WMP Section 4.2	

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
		(c) describe measures to minimise soil erosion and the potential for transport of sediment to downstream waters;	Y	Sighted WMP Section 4.3 and 4.4	
		(d) describe the location, function, and capacity of erosion and sediment control structures; and	Y	Sighted WMP Sections 2.2, 4.3 and 4.4	
		(e) describe what measures would be implemented to monitor and maintain the structures over time.	Y	Sighted WMP Sections 4.4 and 4.6. Salinity monitoring of void water is not occurring quarterly as per section 4.4 (viii). No void water has been pumped out of the void.	
	25	The Surface Water Monitoring Program must include:			
		(a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project;	Y	Sighted WMP Sections 5.2.	
		(b) surface water impact assessment criteria;	Y	Sighted WMP Section 5.3.	
		(c) a program to monitor the impact of the project on surface water flows and quality; and	Y	No information on flows within creeks provided only Ph and EC. It is assumed that these creeks are ephemeral. 2008 / 2009 AEMR Section 3.3.2 notes no monitoring of any kind undertaken due to low dam levels and generally dirty nature of water and would be of limited value.	
		(d) procedures for reporting the results of this monitoring.	Y	Section 5.4.1 confirm distribution of AEMR to CCC and Gunnedah Council. Monitoring results reported to the CCC on a quarterly basis. Sighted CCC minutes of September 2010 which notes monitoring results attached. Mr Stephen Benham represent Gunnedah Council on the CCC.	
	26	The Groundwater Monitoring Program must include:			
		(a) further development of the regional and local groundwater model;	Y	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.	
		(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);	Y	Information sourced from EA.	
		(c) groundwater impact assessment criteria;	Y	Sighted Site Water Management Plan Section 7.2	
		(d) a program to monitor the impact of the project on groundwater levels, yield and quality; and	Y		
		(e) procedures for reporting the results of this monitoring.	Y	Monitoring results are reported via the AEMR and made available to the CCC on a quarterly interval.	
	27	The Groundwater Contingency Plan must:			
		(a) provide measures to mitigate any impacts of the mine on the quality or quantity of groundwater supplies available on privately-owned land;	Y	Sections 7.2.2 and 7.2.3 identifies a compensation procedure and options.	
		(b) establish trigger levels, benchmarks and contingency criteria; and	Note	Trigger levels noted in Section 7.2 of the Site Water Management Plan. Not all of the Statement of Commitment measures have been included in the management plan e.g. commitment 7.11. 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.	Update the management plan to include all EA mitigation measures.
		(c) provide for negotiated agreements with affected landowners, including compensation where mining impacts result in increased extraction costs for landowners.	Y	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.			
	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.	Y	Sunnyside Coal Mine have completed the construction of the Koala proof fence and commenced the habitat enhancement works / koala corridors i.e. tree plantings. Further tree planting works to be undertaken and verification of these works to be undertaken as part of future audits.	
		Note: Conditions 29-31 must be read in conjunction with Section 17 of the Statement of Commitments.			
	29	The Proponent shall rehabilitate the site to the satisfaction of the Director-General and DPI.	NT		
	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:	N	Rehabilitation and Landscape Management Plan submitted to DoP DPI and awaiting confirmation of satisfaction. The copy reviewed as part of the audit contained tracked changes and does not satisfactorily address the majority of the project approval requirements.	Follow up with DoP and DPI regarding their satisfaction with the submitted plan.

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
		(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	N	Appendix 2 of the plan contains copies of the correspondence to Gunnedah Shire Council, Office of Water and DECCW. All letters however were unsigned. Only the Office of Water has provided comment on the plan.	Locate evidence that confirms expert appointment approved by the Director-General or seek Director-General approval of the appointment of the expert.
		(b) be submitted to the Director-General and DPI for approval by 1 March 2009;	N	Sought DWE involvement in letter dated 3 June 2010. Timeframe not complied with.	Ensure reporting timeframes are met.
		(c) include:			
		the rehabilitation objectives for the site;	Y	Section 4.0	
		a description of how the rehabilitation of the site would be integrated with the landscape of the surrounding area;	Y	Sections 4.0 and 5.0	
		detailed performance and completion criteria for the rehabilitation of the site;	Y	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	Y		
		protection and enhancement of koala habitat;	Y	Sections 6.0 and 7.0	Update the plan to include a figure showing the extent of fencing required.
		progressively rehabilitating the areas disturbed by mining operations;	Y	Sections 6.0 and 7.0	
		restoration of agricultural land suitability;	Y	Sections 6.0 and 7.0	
		revegetating the site;	Y	Sections 6.0 and 7.0	
		protecting and/or enhancing areas in the vicinity of the disturbance area;	Y	Sections 6.0 and 7.0	
		conserving and re-using any topsoil;	Y	Sections 6.0 and 7.0	
		controlling weeds and feral pests;	Y	Sections 6.0 and 7.0	Consider introducing control site(s) to assist with determining completion.
		controlling access; and	Y	Sections 6.0 and 7.0	
		bushfire management.	Y	Sections 6.0 and 7.0	
		a program to monitor the performance of the rehabilitation against the stated objectives, performance and completion criteria;	Y	Section 8.0	Update Section 8.2 and 8.3 of the plan to include monitoring frequency requirements.
		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	Y	Section 9.0	
		details of who is responsible for monitoring, reviewing and implementing the plan.	Y	Section 12.0	
	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:	Y	Sighted Mine Closure Plan Dated July 2010	
		(a) define the objectives and criteria for mine closure;	Y	Section 2.0	
		(b) investigate options for the future use of the site;	Y	Section 8.1	
		(c) provide a detailed methodology for decommissioning the site's storage dams;	Y	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;	Y	Section 4.4	
		(e) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and	Y	Section 7.0	
		(f) describe how the performance of these measures would be monitored over time.	Y	Section 7.0	
		Note: These conditions must be read in conjunction with Section 12 of the Statement of Commitments.			
	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.	Y	pers comm D Young 3/2/2011.	
	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:	Y	DOP approval of Management Plan dated 20 October 2008. Sighted ACHMP dated 10/7/2008 Rev 0	
		(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);	Y	On site construction works commenced 10 November 2008	
		(b) be prepared in consultation with the DECC and the local Aboriginal community;	Y	Sight correspondence to DECCW Maria Cotter email dated 20 August 2008 and correspondence from Gunida Gunyah letter dated 6 August 2008, Min Min Aboriginal Corporation dated 4 September 2008, Red Chief LALC letter dated 29 August 2008.	
		(c) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site; and	Y	Section 3.4 and 4.1. Red Chief LALC involved in site stripping activities 14-16/9/2009.	

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
		(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.	Y	Section 3.2.1, 3.2.3 and 3.4	
		Note: These conditions must be read in conjunction with Section 2 of the Statement of Commitments.			
	34	The Proponent shall keep records of the amount of coal transported from the site each year, and include these records in the AEMR.	Y	2008/2009 AEMR notes 89,725 tonnes of coal transported from the mine. Sighted excel spreadsheet of daily production data for the period May 2010 to 6 February 2011 (66,268 tonnes).	
	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;	V	Sighted correspondence from Gunnedah Council (W Kerr email dated 15/8/2008) and RTA (S Green letter dated 30/6/2008) confirming approval to transport of coal off site prior to construction Coocooboonah Lane. No evidence sighted from the landowner regarding their satisfaction.	
		(b) upgrade the intersection of Coocooboonah Lane and the Oxley Highway to the satisfaction of the RTA and Council;	V	Observed that the works had been undertaken. Sighted letter from RTA dated 30/6/2009 advising that the detailed design documents have been accepted. No correspondence from RTA or Council confirming their satisfaction with the works sighted.	
		(c) upgrade the intersection of the Oxley Highway and Blackjack Road to the satisfaction of the RTA and Council;	V	Observed that the works had been undertaken. Sighted letter from RTA dated 30/6/2009 advising that the detailed design documents have been accepted. No correspondence from RTA or Council confirming their satisfaction with the works sighted.	
		(d) upgrade the section of Blackjack Road to be used for coal transport to the satisfaction of Council;	V	Observed that the works had been undertaken. No correspondence from Council confirming their satisfaction with the works sighted.	
		(e) upgrade the intersection of Blackjack Road and Quia Road to the satisfaction of Council;	V	Observed that the works had been undertaken. No correspondence from Council confirming their satisfaction with the works sighted.	
		(f) upgrade the section of Quia Road to be used for coal transport to the satisfaction of Council;	V	Observed that the works had been undertaken. No correspondence from Council confirming their satisfaction with the works sighted.	
		(g) upgrade the intersection of Quia Road and Farrar Road to the satisfaction of Council;	V	Observed that the works had been undertaken. No correspondence from Council confirming their satisfaction with the works sighted.	
		(h) upgrade the intersection of Quia Road and Torrens Road to the satisfaction of Council; and	V	Observed that the works had been undertaken. No correspondence from Council confirming their satisfaction with the works sighted.	
		(i) upgrade Torrens Road to the satisfaction of Council.	V	Observed that the works had been undertaken. No correspondence from Council confirming their satisfaction with the works sighted.	
	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.	N	Earthworks commenced 12 November 2008 (2008 / 2009 AEMR Section 2.2) Construction Traffic control plan sighted (Rev 1 report No J1868).	Locate evidence that confirms RTA and Council is satisfied with the plan or seek confirmation that confirms the RTA and Council is satisfied with the plan, in accordance with this condition.
	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.	N	Agreement dated 5 August 2009 which is outside the six month timeframe. The agreement does not appear to cover the relevant section of the Oxley Highway as per the roads definition in the agreement. However, correspondence from Council dated 10 February 2010 notes preliminary discussions between RTA and Whitehaven regarding the upgrade and funding arrangements have been held.	Complete actions within required timeframe or seek extension of time from the Department of Planning as required. Liaise with DoP on how to demonstrate compliance and meet the intent of this condition.
	38	Prior to transporting coal from the site the Proponent shall construct 2 bus stops on the Oxley Highway to the satisfaction of Council.	Y	Sighted letter from Gunnedah Council dated 18 February 2010 confirming their satisfaction with the construction of the bus stops.	
	39	Notwithstanding condition 10 of Schedule 2, the Proponent shall ensure no coal is transported from the site during AgQuip.	V	Equip dates are identified in the forward work plan and noted that no trucking can occur on these dates.	
	40	The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.	Y	Sighted amenity bunds, revegetation works being undertaken progressively. DOP have undertaken a site inspection and noted that the bunds were under construction at that time. Sunnyside has since completed these works and notified DOP, DOP has provided no further comment.	
	41	The Proponent shall ensure that:			
		(a) no outdoor lights shine above the horizontal; and	Y	pers comm M Clarke 3/2/2011.	
		(b) all external lighting associated with the project complies with Australian Standard AS4282 (NT) 1995 - Control of Obtrusive Effects of Outdoor Lighting .	Y	pers comm M Clarke 3/2/2011.	

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
	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:	N	DOP approval of Management Plan dated 10 July 2009. Sighted ESAP dated 18 May 2008 Rev 3. Doc not signed by GM. Measures described in Table 15 of the Energy Savings Action Plan are not being implemented, i.e. noted as TBA.	
		(a) be prepared in accordance with the <i>Guidelines for Energy Savings Action Plans</i> (DEUS, 2005), or its latest version.	Y	Section 1.0	
		(b) include consideration of energy use by mobile equipment;	Y	Section 2.4, 5.0 and 8.4	
		(c) be submitted to the Director-General for approval within 3 months of this approval; and	N	Submitted to DoP 3 July 2009. Plan not submitted to DoP within timeframe.	Complete actions within required timeframe or seek extension of time from the Department of Planning as required.
		(d) include a program to monitor the effectiveness of measures to reduce energy use on site.	N	Measures described in Table 15 of the Energy Savings Action Plan are not being implemented, i.e. noted as TBA.	Implement energy savings measures.
	43	The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must:	Y	DOP approval of Waste Management Plan dated 28/10/08. Sighted Waste Management Plan dated 8/8/2008 Rev 0. Document not signed by General Manager.	
		(a) be submitted to the Director-General for approval prior to the commencing of construction;	Y	Construction commenced 10 November 2008.	
		(b) identify the various waste streams of the project;	Y	Section 2.0	
		(c) describe what measures would be implemented to reuse, recycle, or minimise the waste generated by the project;	Y	Section 5.0	
		(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	Y	Approved by Council and in operation at the time of inspection.	
		(e) include a program to monitor the effectiveness of these measures.	N	Section 6 notes the volume of material recycled will be reported in the AEMR. However there is no monitoring / review of the effectiveness of the measures put in place i.e. target / trigger levels - pro rata comparison.	Monitor and review of the effectiveness of the measures put in place i.e. establish target / trigger levels on a prorata basis.
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	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. Sighted letter from Lorraine Boyce Solicitors dated 26/9/2008.	
	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.	Y	Sighted letters to landowners (dated 28 August 2009, 6 October 2009, 23 June 2010), DECCW (dated 12 and 28 August 2009, 16 October 2009, 27 September 2010) and DOP (dated 30 June 2009, 28 August 2009, 16 October 2009, 27 September 2010)	
	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		
		(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		

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
		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.			
	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		
		(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, to the satisfaction of the Director-General.	NT		
		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.			
	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		
	6	If:			
		(a) the landowner disputes the results of the independent review; or	NT		
		(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. 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.	NT		
	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		
		(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			
		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;			
		(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;			
		obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and			
		(c) reasonable compensation for any disturbance caused by the land acquisition process.	NT		

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
		<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>			
	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:	Y	Sighted Environmental Management Strategy dated 7 August 2008 Rev 0 and DOP approval dated 20 October 2008. Construction commenced 10 November 2008.	
		(a) provide the strategic context for environmental management of the project;	Y	Sections 1 - 4.	
		(b) identify the statutory requirements that apply to the project;	Y	Section 3.0	
		(c) describe in general how the environmental performance of the project would be monitored and managed;	Y	Section 5.0	
		(d) describe the procedures that would be implemented to:			
		keep the local community and relevant agencies informed about the operation and environmental performance of the project;	Y	Section 6.0	
		receive, handle, respond to, and record complaints;	Y	Section 6.2	
		resolve any disputes that may arise during the course of the project;	Y	Section 6.3	
		respond to any non-compliance;	Y	Section 7.0	
		management cumulative impacts; and	Y	Section 5.16	
		respond to emergencies; and	Y	Section 8.0	
		(e) describe the roles, responsibility, authority and accountability of all key personnel involved in the environmental management of the project.	Y	Section 4.0	
	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.	N	Sunnyside have advised that the individual management plans provide this information, which DoP have approved.	Submit a consolidated plan to DOP or seek agreement from DOP that the existing approved management plans satisfy this requirement.
	3	As soon as practicable, and in any event within 24 hours of detecting an exceedence 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 exceedence/incident.	N	Noise and dust exceedences have occurred. It is uncertain if Sunnyside has notified the Department and other relevant agencies of the exceedence/incident within 24 hours.	Ensure reporting timeframes are met.

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
	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:	Y	Letters provided relevant information - notification and report was provided at the same time.	Ensure reporting timeframes are met.
		(a) describes the date, time and nature of the exceedance/incident;	Y	Letters provided relevant information - notification and report was provided at the same time.	
		(b) identifies the cause (or likely cause) of the exceedance/incident;	Y	Letters provided relevant information - notification and report was provided at the same time.	
		(c) describes what action has been taken to date; and	Y	Letters provided relevant information - notification and report was provided at the same time.	
		(d) describes the proposed measure to address the exceedance/incident.	Y	Letters provided relevant information - notification and report was provided at the same time.	
	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:		2008/2009 AEMR period is from 1 December 2009 to 30 November 2009 (ML dated 5 November 2008). 2009 / 2010 was not available on the website or during the on site component of the audit. The 2009 /2010 AEMR was not due to be submitted to DII until after the audit.	
		(a) identify the standards and performance measures that apply to the project;	Y	Section 3.0	
		(b) describe the works carried out in the last 12 months;	Y	Section 2.0	
		(c) describe the works that would be carried out in the next 12 months;	Y	Section 2.0	
		(d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;	Y	2008/2009 Section 4.1	
		(e) include a summary of the monitoring results for the project during the past year;	Y	Section 3.0	
		(f) include an analysis of these monitoring results against the relevant:	Y	Section 3.0	
		impact assessment criteria/limits;	N	Comparison against nominated groundwater triggers was absent	
		monitoring results from previous years; and	Y	2009/2010 AEMR not due until February 2011	
		predictions in the EA;	Y	Section 3.0	
		(g) identify any trends in the monitoring results over the life of the project;	Y	2009/2010 AEMR not due until February 2011	
		(h) identify any non-compliance during the previous year; and	Y	Section 3.10 Noise	
		(i) describe what actions were, or are being, taken to ensure compliance.	Y	Section 3.10 Noise	
	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:	Y	Whitehaven Coal letter to DOP dated 2 September 2010	
		(a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;	Y	Sighted DOP letter dated 3/11/2010	
		(b) include consultation with the relevant agencies;	Y	Section 2.2	
		(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);	Y	Whole of report	
		(d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate,	Y	Whole of 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.	Y	As noted in the report	
		<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>	Y	Sighted DOP letter dated 3/11/2010	
	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.	NT		

Schedule	Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
	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.	NT		
	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.	Y	First meeting held March 2009.	Sunnyside to confirm CCC establishment date.
	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	N	Some management plans have been updated since being approved. It is uncertain if these updated plans have been provided to the relevant agencies and CCC. It is noted however that the current revision of the management plans is available on the web site.	Provide updated copies of relevant documents to relevant agencies and CCC.
		(b) put a copy of the relevant document/s on its website.	Y	Sited documents on company web site.	
	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	Y	Sited documents on company web site.	
		(b) update these results on a regular basis (at least every three months).	N	Sited documents on company web site. Monitoring reports and CCC meeting minutes updated every three months. It was noted however that the December 2010 monitoring results and CCC minutes had not been uploaded to the Web site.	
			NT	35	
			Y	142	
			NC	25	
			V	12	

APPENDIX 2

Statement of Commitment Compliance Checklists

Statement of Commitments

	Requirement	Compliance Y/N/NT	Evidence	Comments
1	General Project Management			
1.1	All activities will be subject to the Mining, Rehabilitation and Environmental Management Process managed by the Department of Primary Industries - Mineral Resources.	Y	The Mining Operations Plan available on the web site is not signed or dated. Operations are however being undertaken in accordance with the MOP.	Documents placed on the web site should be signed and dated.
1.2	Operate the mine with comprehensive systems to manage and monitor groundwater, surface water, noise, blasting, air quality, visibility, Aboriginal heritage, flora, fauna, traffic, visual and socio-economic aspects.	Y	Management plans in place and are being implemented.	
1.3	Apply for a Mining Lease with boundaries generally coincident with the Project Site.	Y	Sighted Mining lease 1624 dated 5 Nov 2008.	
1.4	Obtain all necessary certifications for all buildings constructed or relocated on site from Gunnedah Shire Council.	N	Gunnedah Shire Council issued a temporary construction certificate for office and crib room facilities on 12 November 2008, which covered a period of 6 months. Gunnedah Shire Council issued a construction certificate (Number 450024) for workshop, combined office, crib and training room on 24 March 2010. Gunnedah Shire Council issued an occupation certificate on the 17/3/09. The occupation certificate only covers the ablutions facilities.	Seek an occupation certificate for workshop, combined office, crib and training room facilities.
1.5	Seek approval from Gunnedah Shire Council to install a septic system on site.	Y	Sighted On Site Sewage Management Approval dated 8/5/07.	
1.6	Undertake all rehabilitation and site decommissioning within 12 months of the end of mining. This would include re-instating Coochoonah Lane to its pre-mining alignment.	NT	Mining has not yet been completed.	
1.7	Implement management strategies to minimise the likelihood of spontaneous combustion.	Y	Sighted Spontaneous Combustion Management Plan Dated May 2009 Rev 0. Section 6.0. No incidents of spontaneous combustion have been reported.	
1.8	Construct the out-of-pit overburden emplacement in a manner that would ensure the initial emplaced overburden would form an acoustic barrier around the operating area within the emplacement.	Y	Amenity bunds constructed during the initial stages of development. All bunds in place at the time of inspections.	
1.9	Undertake a geological and geotechnical assessment prior to any auger mining to confirm it is both safe and economic to proceed.	NT		

Statement of Commitments

	Requirement	Compliance Y/N/NT	Evidence	Comments
1.10	Direct surface runoff water around the final void.	NT	Diversion bunds in place at the time of inspection.	
1.11	Potable water would be transported from Gunnedah to supplement rainwater collected off site buildings and stored in tanks. Ablutions water would be transported from Gunnedah.	Y	Potable water is trucked in from Gunnedah to supplement on site collection. Sighted Invoice #00700576 dated 3/3/09 for 1 water delivery to crib tank. Water is also collected from roofs and is being used for hand basins and workshop area.	
1.12	Operational water will initially be supplied from water within the Gunnedah Coal Mine No. 5 Entry underground workings. This will eventually augment the pit groundwater inflow and water drawn from the various sedimentation and fresh water dams that would form part of the site surface water management system.	N	Initially water sourced from town supply prior to holding bore licences 90BL255246 and 90BL254691.	
1.13	Power will be predominantly generated on site by diesel powered generators.	Y	All power on site is generated from diesel generators which were inspected during the site inspection.	
1.14	There will be capacity to store 68 000L of diesel and 10 000L of oil on site in self-bunded fuel tanks.	Y	Diesel was observed to be stored in a self bunded tank with a bunded area for refuelling. Oil is stored in 1000L pods within a bunded area behind the workshop.	
1.15	An Environment Protection Licence to be applied for.	Y	EPL 12957 held and current.	
1.16	RTA approval to be sought for proposed roadwork's along the Oxley Highway.	Y	Sighted Road Occupancy Licence No TMC 162483, TMC 150086, and works authorisation deed from the RTA dated 30/06/2009.	
1.17	Road Construction Permit to be applied for from Gunnedah Shire Council prior to modifications and other roadworks associated with re-alignment of Coocooboonah Lane and public road intersections along the coal transport route.	N	No evidence sighted.	Locate evidence of permit, in accordance with this condition.
1.18	A Water Licence be applied for and granted before installation and operation of a water bore into the Gunnedah No. 5 Colliery workings.	N	Converted initial exploration hole to extraction hole within underground mine. 90BL254691 valid from 27 April 2009 - 2014 and 90BL255246 valid from 18 Jan 2010 to 2015. Extraction from underground workings commenced late 2008.	Commence activities only once all necessary licences and approvals are held.
1.19	A licence be applied and granted from WorkCover for the installation of explosives magazine within the Project Site area.	NT	There is no explosives magazine on site.	Explosives for blasting are bought onto the site at the time of blasting. Holes are loaded and may be slept but no explosives are stored on site.

Statement of Commitments

	Requirement	Compliance Y/N/NT	Evidence	Comments
2	Traffic and Transport			
2.1	Ensure all trucks transporting coal are well maintained and that drivers act in a courteous manner at all times.	Y	All trucks transporting coal are road registered. Truck maintenance is the responsibility of the haulage contractor. Observation of a haul truck on site at the time of the audit showed that the contractor is an accredited operator under the Heavy Vehicle Accreditation Scheme, including being accredited for Maintenance Management.	
2.2	Avoid loading trucks that are unroadworthy or not carrying covers.	Y	The haul trucks observed during the audit all had automatic covers.	
2.3	Ensure all truck drivers operate in accordance with a Transport Policy and Code of Conduct.	Y	Copies of driver licences and certificates of competencies are maintained with induction records (records sighted). Sunnyside Mine has a Code of Driver Behaviour which is signed by all drivers (e.g. Code signed by Garry Davey 28/4/10).	
2.4	Contact all potentially affected landowners and surrounding residents prior to initial construction and the commencement of any upgrading works to inform/discuss the proposed works.	N	No evidence sighted.	Construction related issue - no retrospective action required.
2.5	Liaise routinely with local residents to ensure their satisfaction with all aspects of changed traffic conditions.	N	No evidence sighted.	Construction related issue - no retrospective action required.
2.6	Relocate part of Coocooboonah Lane to avoid disturbing remnant Koala habitat. RTA requested changes will result in approximately three trees being removed.	Y	Coocooboonah Lane has been relocated to the east of the previous alignment. An ecologist undertook an inspection of the trees prior to being felled.	
2.7	Upgrade parts of the proposed coal transport route beyond Coocooboonah Lane and various intersections to improve traffic flow and safety aspects.	Y	The coal haulage route to the CPP was inspected during the audit. Road upgrades had been completed as identified in the EA.	
2.8	The truck fleet will consist of a mix of standard 28t capacity semi-trailers and 40t capacity B-Double vehicles.	Y	Trucks observed during the audit were predominantly B-Doubles (e.g. Toll truck No. T20)	
2.9	Develop a Road Maintenance and Capital Improvement Agreement with Gunnedah Shire Council.	Y	Sighted agreement dated 5 August 2009	
2.10	Erect appropriate road signage.	V	Road signage has been installed along Coocooboonah Lane and along the coal transport route as identified in the approved plans.	This commitment does not specify what is appropriate road signage or who is responsible for assessing whether the signage is appropriate or not. Whilst signage has been provided as part of the road construction and intersection upgrade works, this condition cannot be verified at this time, although in the auditors opinion, the road signage that has been erected is appropriate for the area.

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	Requirement	Compliance Y/N/NT	Evidence	Comments
2.11	Ensure all employees and contractors are regularly informed about the safe driving requirements to and from the Project Site.	Y	Training program in place using WHC_STD_OC_Vehicles and Driving and WHC_STD_OC_Operate Light Vehicle. Both modules include a competency assessment (examples of completed competencies sighted in training records). Sunnyside has a Code of Driver Behaviour, safe driving is included in the generic induction and is reinforced in safety briefs.	
2.12	Transport all oversize loads with all necessary permits.	Y	Oversize loads are transported with appropriate permits - permits sighted.	
2.13	Erect a blast board at the Project Site entrance and update at least 24 hours prior to each blast.	Y	Blast board has been installed at the entrance to the mine site on Coocooboonah Lane. Blast records include photos of blast board at each blast to show that it is updated.	
3 Operating Hours - Site Establishment				
3.1	Undertake on-site construction within the hours of: 7.00am to 6.00pm/Monday to Friday, 7.00am to 4.00pm/Saturday.	V	Sunnyside advised that the approved construction hours is included as a condition within the contract and noted as part of the on site induction process.	It is not possible to verify if this condition has been satisfied, as these activities were completed prior to the audit, although in the auditors opinion, it is likely that this requirement has been satisfied.
3.2	Undertake coal transport route construction within the hours of: 7.00am to 6.00pm/Monday to Friday with the contingency to extend to 8.00pm if light and seasonal conditions permit, 7.00am to 4.00pm/Saturday.	V	Sunnyside Coal mine advised that the approved construction hours is included as a condition within the contract.	It is not possible to verify if this condition has been satisfied, as these activities were completed prior to the audit, although in the auditors opinion, it is likely that this requirement has been satisfied.
4 Operating Hours - Operations				
4.1	Undertake vegetation clearing/soil removal within the hours: 7.00am to 6.00pm/Monday to Friday with the contingency to extend operations to 8.00pm if light and seasonal conditions permit. Saturday activity would be between 7.00am and 4.00pm with contingency to extend through to 6.00pm.	Y	Sunnyside Coal mine advised that the approved hours of operation are included as a condition within the contract. Operational staff interviewed where aware of the approved hours of operation.	It is not possible to verify if this condition has been satisfied on a day by day basis, although in the auditors opinion, it is likely that this requirement has been satisfied.
4.2	Undertake drilling within the hours: 7.00am to 8.00pm/Monday to Friday and 7.00am to 6.00pm Saturday.	Y	Sunnyside Coal mine advised that the approved hours of operation are included as a condition within the contract. Operational staff interviewed where aware of the approved hours of operation.	It is not possible to verify if this condition has been satisfied on a day by day basis, although in the auditors opinion, it is likely that this requirement has been satisfied.
4.3	Undertake blasting within the hours: 10.00am to 5.00pm/Monday to Friday and 10.00am to 2.00pm Saturday.	N	2008/2009 AEMR notes compliance. Blasting records however show that Blast No. 3 and No. 4 occurred at 9:59am.	Undertake blasting within nominated hours.
4.4	Undertake overburden/interburden removal and placement within the hours 7.00am to 10.00pm Monday to Friday and 7.00am to 4.00pm Saturday.	Y	Sunnyside Coal mine advised that the approved hours of operation are included as a condition within the contract. Operational staff interviewed where aware of the approved hours of operation.	

Statement of Commitments

	Requirement	Compliance Y/N/NT	Evidence	Comments
4.5	Undertake internal transport of coal product to ROM stockpile within the hours 7.00am to 10.00pm Monday to Friday and 7.00am to 4.00pm Saturday.	Y	Sunnyside Coal mine advised that the approved hours of operation are included as a condition within the contract. Operational staff interviewed where aware of the approved hours of operation.	It is not possible to verify if this condition has been satisfied on a day by day basis, although in the auditors opinion, it is likely that this requirement has been satisfied.
4.6	Undertake on-site processing within the hours 7.00am to 10.00pm Monday to Friday and 7.00am to 6.00pm Saturday.	Y	Sunnyside Coal mine advised that the approved hours of operation are included as a condition within the contract. Operational staff interviewed where aware of the approved hours of operation.	It is not possible to verify if this condition has been satisfied on a day by day basis, although in the auditors opinion, it is likely that this requirement has been satisfied.
4.7	Undertake coal transport to Whitehaven CHPP and Rail Loading Facility within the hours 7.00am to 6.00pm Monday to Friday with contingency to extend to 8.00pm light and seasonal conditions permitting.	Y	Sunnyside Coal mine advised that the approved hours of operation are included as a condition within the contract. Operational staff interviewed where aware of the approved hours of operation.	It is not possible to verify if this condition has been satisfied on a day by day basis, although in the auditors opinion, it is likely that this requirement has been satisfied.
4.8	Undertake maintenance within the hours: 24 hours over 7 days.	Y	Sunnyside Coal mine advised that the approved hours of operation are included as a condition within the contract. Operational staff interviewed where aware of the approved hours of operation.	
4.9	Undertake rehabilitation within the hours: 7.00am to 6.00pm/Monday to Friday and 7.00am to 4.00pm Saturday.	Y	Sunnyside Coal mine advised that the approved hours of operation are included as a condition within the contract. Operational staff interviewed where aware of the approved hours of operation.	It is not possible to verify if this condition has been satisfied on a day by day basis, although in the auditors opinion, it is likely that this requirement has been satisfied.
5	Waste Management			
5.1	Place all paper and general wastes originating from the Site Facilities Area, together with routine maintenance consumables from the daily servicing of equipment in garbage bins located adjacent to the various buildings.	Y	Sighted waste oil recycling facility and steel skip bins.	
5.2	Collect general waste bins and place contents in large waste skip bins positioned adjacent to the heavy vehicle maintenance building to await removal by licensed contractor.	Y	Sighted facilities during on site inspection.	
5.3	Collect industrial waste regularly.	Y	Sighted waste oil collection invoices.	
5.4	Collect waste oils and grease and pump to bulk storage tanks.	Y	1000l Isotainers used for the storage of waste oil.	
5.5	Store waste oils and grease at the maintenance workshop for collection by a licensed waste recycling contractor.	Y	Sighted waste oil collection invoices.	
5.6	Collect all parts and packaging and transfer to the maintenance workshop for disposal or recycling.	Y	Sighted during on site inspection.	
5.7	Install adequate toilet and ablution facilities within the mine facilities area for the site workforce and visitors.	Y	Sighted during on site inspection.	
5.8	Direct sewage to a bio-cycle (or equivalent system) with effluent irrigation to land - to be approved by Gunnedah Shire Council.	Y	Sighted approval by Council dated 8/5/07	

Statement of Commitments

	Requirement	Compliance Y/N/NT	Evidence	Comments
5.9	Store potentially hydrocarbon-contaminated water in the oil/water separator for regular removal from site by a licensed contractor.	Y	Sighted during on site inspection.	
5.10	Assemble all proposed waste management practices in a Waste Management Plan.	Y	Sighted WMP Dated 8/8/2008 Rev 0	
6 Safety and Security				
6.1	Ensure compliance with statutory regulations and maintain awareness of changes.	Y	Sighted Safety Management Plans prepared and approved by DII. Sighted Safety Audit report carried out by DII.	
6.2	Eliminate or control safety and health hazards in the work environment.	Y	Sighted Hazard Register and Hazard Identification Report books. Sunnyside implement the Take 5 process with sample Take 5 reports reviewed during the audit. Sighted Daily Inspection Checklist Mining dated 1/2/11.	
6.3	Provide relevant occupational health and safe working practices and job training.	Y	Sunnyside have implemented an OHS training program. Sighted training records for Kerri Gleeson and Michael Clark. It was noted that some of the competency assessments for Mr Clark are very old e.g. WCM-IM-SP Forks attachment Assessment competency dated 20/11/05.	It is suggested that Sunnyside implement review period after which time the competency should be reassessed.
6.4	Conduct regular safety meetings and provide open forum for input from all employees.	Y	Sunnyside has established an OHS Committee. Minutes of committee meetings are provided on the OHS notice board (e.g. minutes for 21/12/10).	
6.5	Provide effective emergency arrangements for all employees and general public protection.	Y	Emergency arrangement are posted on the OHS notice board and in the crib room. Emergency procedures were noted to be included in the site induction.	
6.6	Undertake regular employee assessment and counselling if required.	Y	Sunnyside operates an employee assistance program and sighted notification on notice board.	
6.7	Ensure all contractors adopt the NMPL's policy objectives and maintain safety standards at all times while working on the premises.	Y	Included in site induction. Sighted Code of Driver Behaviour for contract truck drivers.	
6.8	Develop an Occupational Health and Safety Management System and Major Hazard Management System to be approved by the Chief Inspector of Coal Mines.	Y	Sighted HSMS Assessment done by DPI (ref 09/4559) dated 11/6/09.	
6.9	Erect and maintain all boundary fencing encompassing the Project Site.	Y	Boundary fencing has been provided. Sections sighted on site inspection were noted to be in good condition.	
6.10	Install lockable mine entrance gate.	Y	Lockable gates were observed at the mine entrance.	
6.11	Erect appropriate security fencing signs at key locations in and around the Project Site.	Y	Sighted signage during site inspection.	
6.12	Erect advisory truck traffic warning signage prior to intersection of private sections of the proposed coal transport route along the re-aligned Coocooboonah Lane.	Y	Sighted signs in place during site inspection.	
6.13	Ensure all equipment complies with Mine Design Guidelines (MDG15).	Y	MDG15 inspection checks undertaken. Records sighted for On Highway Truck Safety Inspection (Unit No. SER703 2/2/11) and Dump Truck Safety Inspection (Unit No. RDT866 21/1/11)	
6.14	Submit Mining Operations Plan to the Department of Primary Industries.	Y	Sighted correspondence from DPI dated 25 September 2008 approving the MOP.	

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	Requirement	Compliance Y/N/NT	Evidence	Comments
7	Groundwater			
7.1	Obtain all necessary approvals and construct a groundwater bore (see Figure A) to withdraw water collected in the void of the Gunnedah No. 5 underground workings.	Y	Bore licence held - 90BL255246 and 90BL254691	
7.2	Control dirty or contaminated surface water within surface structures (see Commitments in Section 10).	Y	Diversion banks / bunds in place and operating effectively.	
7.3	Refuel the mining fleet within designated areas of the Project surface facilities.	Y	Designated refuelling facility in operation and on site refuelling tanker also in operation for in pit refuelling.	
7.4	Undertake all maintenance works requiring the use of oils, greases and lubricants within designated areas of the Project surface facilities.	Y	Designated hard stand areas established and in operation for maintenance works.	
7.5	Direct all water from wash-down areas and workshops, except some mobile equipment to oil/water separators and containment systems.	Y	Workshop areas and hydrocarbon refuelling areas incorporate drainage which is connected to the oil and water separate.	
7.6	Ensure all storage tanks are either self-bunded tanks or bunded with an impermeable surface and a capacity to contain a minimum 110% of the largest storage tank capacity.	Y	Observed during site inspection.	Improvements to the storage of chemical to be improved such that it complies with AS1940.
7.7	Construct two turkey's nest dams for the storage of any surplus open cut pit inflows (rather than direct placement into underground workings).	Y	One dam constructed at the time of inspection. Pit is producing very little water and there has not been a need to construct the second dam. No water has been pumped from the pit to date.	
7.8	Preferentially use water in the two turkey's nest dams for on-site dust suppression (rather than placing water from these dams underground).	NT	Pit is producing very little water and there has not been a need to construct the second dam. No water has been pumped from the pit to date. Dust suppression water is being sourced directly from the open cut pit sumps.	
7.9	Construct a suitable bore and install appropriate pumping equipment to place diluted pit water (from Turkey's Nest Dam No. 2) into the No. 5 underground workings. (All bores would be licenced by DWE).	NT	No operational to commence construction of the reinjection bore due to the absence of excess water.	
7.10	Pump water to the No. 5 underground workings only from the second turkey's nest dam (to ensure only diluted water is placed underground). This would occur in the event of excessive wet weather when the second turkey's nest dam is approaching its capacity.	NT	No operational requirement to commence construction of the reinjection bore due to the absence of excess water.	
7.11	Undertake remedial action if the available groundwater for existing groundwater users if reduced by over 15% due to mine activities.	Y	No adjoining groundwater users have claimed that mining has reduced bore yields. Note P5, P6 and P8 show decreasing water levels above trigger level exceeded (2008/2009 AEMR). While there has been reductions in the groundwater levels by more than 15% the 2008/ 2009 AEMR note this is because of the predominantly dry conditions.	

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	Requirement	Compliance Y/N/NT	Evidence	Comments
7.12	Implement the water monitoring programme outlined in Section 4B1.6.1 including ongoing review and modification as required.	N	Statistical analysis of groundwater monitoring results is not being undertaken and no comparison of the result against the impact assessment criterion is being undertaken. Remediation triggers in the management plan are also inconsistent with Section 4B 1.6.3 of EA i.e. 3m over 3 months. Section 6.4.3 of the plan notes that groundwater yields would be undertaken of the Lilydale bore, in addition to Ph EC, standing water levels and various water quality parameters. WTable 6.10 of the management plan notes the ground water monitoring locations, frequency and parameters. In field pH and electrical conductivity monitoring has not been undertaken at quarterly intervals as per the management plan. It is also noted that no results for site 3709 and 22497 are presented in the AEMR.	Undertake interrogation of the monitoring data, as required. Update the management plan to include all EA mitigation measures. Undertake monitoring in accordance with Table 6.10 of the management plan.
7.13	Develop contingency measures identified to address any impacts identified by monitoring.	Y	Water Management Plan Section 7.0	
7.14	Include relevant data in the Sunnyside Mine Annual Environmental Management Report (AEMR).	Y	Reporting as per Section 6.4.11 of Management plan for 2008/2009 AEMR.	
7.15	Prepare a monitoring report at the conclusion of mining to outline changes in the local groundwater system.	NT	Inconsistencies between monitoring location in Management Plans and AEMR.	
7.16	Establish and maintain a coverage of piezometers to the satisfaction of DWE in the vicinity of the open pit and the Project Site.	Y	Water Management Plan referred to DWE for comment however no subsequent correspondence received.	
8 Noise and Vibration				
8.1	Seal the re-aligned Coochoonah Lane and all other upgraded road sections.	Y	Coochoonah Lane was observed to have been sealed and road upgrades have been undertaken along the coal transport route.	
8.2	Regularly maintain all roads comprising the proposed coal transport route under a contribution plan with Gunnedah Shire Council.	Y	Sighted road maintenance agreement dated 5 August 2009.	It was noted that Coochoonah Lane was in need of maintenance at the time of the audit. Sunnyside reported that this issue had been reported to GSC under the terms of the agreement.
8.3	Avoid all noisy activities occurring concurrently during construction particularly before 9.00am when the affects of local inversions may be noticeable.	V	Implemented through Pre-Start instructions.	It is not possible to verify if this condition has been satisfied, as these activities were completed prior to the audit, although in the auditors opinion, it is likely that this requirement has been satisfied.

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	Requirement	Compliance Y/N/NT	Evidence	Comments
8.4	Construct the out-of-pit overburden emplacement to provide an acoustic barrier between the open cut and Non-Project-related residences.	Y	Out of pit emplacement sighted during audit.	
8.5	Construct the amenity bund around the coal processing area to act as an acoustic barrier.	Y	Amenity bund sighted during audit.	
8.6	Adhere strictly to hours of operation, including transport activities, enforced by Mine Management.	Y	Toll have a GPS system MT Data which tracks truck movements and times - this is used to ensure compliance with haulage contract hours and routes.	
8.7	Use equipment with lower sound power levels in preference to more noisy equipment.	Y	Noted in Noise Management Plan. Compliance checks are done on equipment used on site.	
8.8	Regularly service all equipment used on site to ensure the power sound levels remain at or below the levels used in the modelling to assess generated noise levels and compliance with the criteria.	Y	Plant inspection and maintenance records sighted during audit.	
8.9	Ensure that bulldozers either operate in first gear when reversing on the out-of-pit emplacement (and demonstrating compliance with noise criteria) or suspends operations (when compliance is not achieved with noise criteria).	Y	Bulldozers are programmed to only operate in 1st gear in reverse. 2nd and 3rd gears are locked out.	
8.10	Manage scraper operations through seasonal/daily programming to avoid operations during inversion conditions and, when necessary to reduce the number of scrapers operating from two to one when noise monitoring demonstrates the Laeq(15 minute) criteria of 35dB(A) is or will be exceeded.	Y	Scraper operations are now spasmodic. If inversions conditions exist, then Pre-Start briefing is used to instruct drivers to relocate topsoil stockpiles. Two noise complaints received between 2009 and 2010.	It is not possible to verify if this condition has been satisfied, as these activities were not being undertaken at the time of the audit, although in the auditors opinion, it is likely that this requirement has been satisfied.
8.11	Confine operations to lower levels of the in-pit overburden emplacement to mitigate noise exceedences under adverse wind conditions, i.e. avoid operations on elevated section of the overburden emplacements during inversions and SSW winds.	Y	Pre-Start briefings are used to instruct operators to relocate operations if conditions require it. One noise complaint received during 2009 and 2010.	It is not possible to verify if this condition has been satisfied, as these activities were not being undertaken at the time of the audit, although in the auditors opinion, it is likely that this requirement has been satisfied.
8.12	Fit mid frequency broadband reversing beepers to mobile mining equipment, decreasing sound power levels by 2dB(A) to 3dB(A).	Y	"Squashed Duck" reversing beepers heard on site and Sunnyside reported they are fitted to the majority of vehicles.	
8.13	Ensure the on-site road network is well maintained to limit body noise from empty trucks travelling on internal roads.	Y	Mine haul road was in good condition at the time of the audit. Sunnyside reported it is graded when required.	
8.14	Maintain dialogue with neighbours and local community to ensure any concerns over construction, operational or transport noise are addressed.	Y	This is done through the CCC which has several local residents on the committee.	

Statement of Commitments

	Requirement	Compliance Y/N/NT	Evidence	Comments
8.15	Establish a noise monitoring program, in consultation with the DECC, prior to the commencement of the Project, designed to initially validate the predictions arising from the modelling and then record noise levels against the Project noise criteria.	Y	Noise Monitoring Program sighted and reviewed. Monitoring results reviewed. Sighted email correspondence to DECCW dated 15 October 2008.	
8.16	Document all proposed noise management strategies formally in a Noise Management Plan.	Y	Sighted Noise Monitoring Program for the Sunnyside Coal Project (prepared August 2008)	
8.17	Monitor construction noise near 'Lily dale' when the realignment of Coochooboonah Lane is being undertaken.	NT	Lily dale was acquired by Sunnyside prior to the approval being granted. Therefore, it was mine owned during the construction period.	
8.18	Conduct operational noise monitoring monthly for the first six months of mining operations, reverting to quarterly for the remainder of the year.	N	Monitoring was undertaken in Jan, Mar, May, Jun, July, Aug, Sept, Oct, Nov for the first year of operations. It was noted that this commitment is not consistent with what is in the approved Noise Monitoring Program document. It is also noted that winter months are when temperature inversions are more likely and this is when monthly monitoring was carried out.	Ensure appreciate wording of project statement of commitments.
8.19	Instruct all truck drivers to avoid the use of engine brakes when approaching the Project Site entrance and coal transport route intersections and to be mindful when accelerating.	Y	Sighted Code of Driver Behaviour which includes this requirement. Drivers observed to be following this requirement at the time of the audit.	
8.20	Adhere strictly to approved hours of coal transportation.	Y	Toll have a GPS system MT Data which tracks truck movements and times - this is used to ensure compliance with haulage contract hours and routes.	
8.21	Ensure all blasts are designed to comply with blast limits specified in the Environment Protection Licence.	Y	Blast records reviewed showed that to date there have been no blast exceedences.	
8.22	Install a blast monitor at all residences within a 2km radius of the active blasting area to monitor blast parameters.	N	Blast Monitoring Program identifies residences to be monitored. The Blast Monitoring Plan identifies all the residences with a 2km radius of the mine site boundary. While this is not equivalent to the active blasting area the four monitoring location are the closest in each direction.	Monitor at all locations required.
8.23	Use aggregates for blast hole stemming to prevent venting of explosion gases.	Y	Sighted delivery dockets for delivery of aggregate from Boral e.g. Invoice #6354 20/12/10 for 20-7 mm stemming aggregate.	
8.24	Use average size blasts (MIC860kg) when within the range of 150m to 210m of axe grinding groove (AGGI).	NT	Blasts have not yet been undertaken in proximity to the grinding groove but requirements are identified in Section 7 of Blast Monitoring Program.	
9	Fora and Fauna			
9.1	Re-align Coochooboonah Lane to avoid removal of Koala habitat.	Y	Observed realigned road.	
9.2	Erect fencing to exclude livestock from Koala habitat areas.	NT	No livestock held on the mine area. It is also noted that there is boundary fence in place.	
9.3	Erect a Koala-proof fence around the active mine area.	N	Fence installed along the southern boundary adjacent to area of Koala Habitat as per the EA. This however does not encompass the entire active mining area.	
9.4	Restrict speeds of all vehicles on the Project Site to 40kph.	Y	Signage observed and no speeding vehicles observed during inspection.	

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	Requirement	Compliance Y/N/NT	Evidence	Comments
9.5	Utilise local tree species in revegetation of disturbed areas with an emphasis on Koala feed trees.	V	Approximately 200 tube stock have been planted within Koala enhancement area. Sunnyside advised the tubestock comprised white box and yellow box which are Koala feed trees and were sourced from a supplier in Binnaway. Further works are to be undertaken and as such compliance should be determined during future audits.	
9.6	Re-establish a small area of the Endangered ecological community Native Vegetation on Cracking Clay Soils of the Liverpool Plains.	NT	Section 4B.8.5 notes this community is located on the eastern extremity of the proposed realignment of Coccooboonah Lane. This work is to be undertaken once Coccooboonah Lane is reinstated (pers comm D Young 3/2/2011).	
9.7	Undertake clearing so the extent is minimised and consistent with operational requirements.	Y	Clearing is undertaken progressively. Two 50 metre wild strip are cleared in advance of the active mining area (pers comm M Clarke 3/2/2011).	
9.8	Clearly define all areas to be cleared.	Y	Extent of surface disturbance/ open cut footprint has been surveyed and pegged.	
9.9	Transfer soil material and biomass removed beyond the first 18 to 24 months of mining directly to an active rehabilitation area, where practicable.	NT	Mining is approximately 6 months behind schedule. Removal and placement in active rehabilitation areas is expected to commence within the next 6 months.	
9.10	Undertake progressive rehabilitation of all disturbed areas.	Y	Rehabilitation of all amenity bunds complete.	
9.11	Control noxious weeds at all times.	Y	Register of weed control sighted. Works undertaken by Trevor Jones. The mine also undertake inspections with council weed officer to identify and target problem areas.	
9.12	Adopt a strategy to rehabilitate specific areas of the Project Site to native vegetation, create and/or improve habitat corridors on and adjacent to the Project Site, and protect areas of native vegetation from agricultural activities on NMPL land external to the Project Site.	Y	Approximately 200 tube stock planted within Koala enhancement area. Sunnyside advised that no agricultural activities are undertaken on NMPL land external to the project site.	
9.13	Maintain, expand and/or create several Koala habitat corridors to promote the linkage of remnant vegetation in the local area.	Y	Approximately 200 tube stock planted within Koala enhancement area. Further works to be undertaken over the life of the mine as detailed in the Rehabilitation and Landscape Management Plan.	
9.14	Conserve the existing native vegetation on the Project Site during the life of the proposal and in the final landform.	Y	Works undertaken within the approved disturbance footprint and mine footprint surveyed and marked with pegs.	
9.15	Carry out, where possible, tree removal, especially the mature trees in late spring and early autumn to avoid spring nesting birds and over-wintering bats.	Y	Only three trees associated with the construction of Coccooboonah Lane. Clearing did not occur outside nominated period.	Include this clearing timeframe requirement in the EMS.
9.16	Undertake inspections of mature trees for nesting birds and roosting bats prior to each clearing campaign where mature tree with hollows are to be removed.	Y	Pre clearance inspection undertaken for Coccooboonah lane realignment. No tree clearance undertaken within the open cut to date.	
9.17	Relocate any nesting and roosting hollows, as well as nests, used by listed threatened species to appropriate locations nearby.	NT		
9.18	Bury all stumps, branches and tree trunks from felled timber within the overburden emplacements.	NT	No tree clearance undertaken within the open cut to date.	

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	Requirement	Compliance Y/N/NT	Evidence	Comments
9.19	Commence post-mining rehabilitation of the Box Cut area as soon as possible. Re-establish the connectivity of habitat corridor along Coocooboonah Lane. Commence post-mining establishment of the Koala habitat corridors between Coocooboonah Lane and the remnant woodlands south of the Project Site as soon as practicable to re-establish and enhance the connectivity of local Koala habitat corridors.	NT		
9.20	Include a vertebrate pest control program as part of the mining operation and management plan.	Y	Included in the rehabilitation and Landscape Management plan	
9.21	Avoid the clearing of native vegetation along the road shoulders where the proposed coal transport route utilizes public roads.	Y	No clearing works have been undertaken or required.	
10 Surface Water				
10.1	Securely store all hydrocarbon products in accordance with the approved Hydrocarbon Management Plan.	N	Hydrocarbon Management Plan sighted. During site inspection, observed waste oils stored in 1000L isotainers in an area surrounded by a poorly constructed temporary earthen bund.	Permanent waste oil storage measures need to be established. It was noted that the contractor has a self bunded waste oil tank.
10.2	Refuel all of the NMPL's mining fleet within designated areas of the Project surface facilities.	Y	During the site inspection, observed refuelling bund at diesel tank. Sighted refuelling truck which refuels plant and equipment in pit.	
10.3	Direct all water from wash-down areas and workshops, except some mobile equipment to oil/water separators and containment systems.	Y	Sighted oil/water separator which captures water from wash-down area and workshop.	
10.4	Ensure all storage tanks are either self-bunded tanks or bunded with an impermeable surface and have a capacity to contain a minimum 110% of the largest storage tank capacity.	N	Diesel tank is self bunded, new oils are stored in concrete bunded area, but waste oils are not stored in a bund with an impermeable surface.	Waste oils to be stored in a bund with an impermeable surface.
10.5	Construct catchment banks/drains directing sediment-laden water to sediment basins.	Y	Sighted drains in office and workshop area which direct dirty water to sediment basin.	
10.6	Maintain groundcover on all land that is not being used for processing facilities, administration/maintenance facilities, roads, mining activities and the overburden emplacement.	Y	It was observed during the site inspection that most areas are well vegetated. The only exception was the pre-strip area to the south of the site which was reported to have been stripped about 12 months ago.	
10.7	Add flocculants to dirty water within the sediment basins, if required, to expedite the settlement process.	NT	This has not been required to date.	
10.8	Implement the monitoring program nominated in the Environment Protection Licence to enable appropriate auditing and management.	Y	Monitoring data sighted and reviewed during the audit.	
10.9	Record any periods when elevated levels of sediment occur in water discharged from site.	NT	No discharges have occurred from the site, but sampling has been undertaken as a precaution for storm runoff from the December 2010 storms.	
10.10	Enlarge the sediment basins or construct additional sediment basins, if required, to capture a minimum of a 5 day 90%ile storm event.	N	Sighted Stewart Survey plan dated 7/5/2009 Ref 3606dams.dwgNo evidence sighted. Tables 2.2 and 2.6 of the Site Water Management Plan nominates the required basin size. It is noted that sediment basins SB2 and SB3 are undersized.	Increase the size of sediment basins SB2 and SB3 to satisfy the 5 day 90%ile storm event requirement.

Statement of Commitments

	Requirement	Compliance Y/N/NT	Evidence	Comments
10.11	Construct an additional storage dam downstream, if required. This dam would become the new site discharge point and monitoring location.	NT	This has not been required to date.	
10.12	Implement a 3-phase remedial action plan in the event of a major hydrocarbon spill.	NT	Hydrocarbon management plan sighted dated June 2009 Rev 0. Not on web site.	
10.13	Prepare an annual review of the water balance for management of surface and pit water.	N	This is included in the AEMR. Sunnyside has committed to developing a excel based water balance spreadsheet, this has not been undertaken. Sunnyside Coal Mine has advised that no off site water transfers have occurred.	
11 Air Quality				
11.1	Fence off all land which is not to be disturbed to encourage natural regeneration.	Y	Existing fencing, including koala fence sighted during site inspection.	
11.2	Establish ground cover on all disturbed areas and emplacement area as soon as possible.	Y	Sighted vegetated amenity bund during site inspection. Also sighted rehab on corner of emplacement area behind workshop.	
11.3	Undertake soil stripping at a time when there is sufficient soil moisture to prevent significant lift-off of dust.	Y	Soil stripping was being undertaken at the time of the inspection and there were no obvious signs of dust at that time.	
11.4	Avoid stripping soil in periods of high wind.	Y	Scraper operators are instructed to park up during windy periods, sighted M Clark diary entries.	
11.5	Use water application for dust suppression to increase soil moisture should stripping occur during periods of high wind or low soil moisture.	Y	Water cart observed in operation on site during the site inspection.	
11.6	Utilise water injection on the drill rigs or alternatively fit them with dust collectors.	Y	Drill rigs have either water injection systems, or both water injection and dust collection systems.	
11.7	Use aggregates for blast hole stemming to prevent venting of explosion gases.	Y	Sighted delivery dockets for delivery of aggregate from Boral e.g. Invoice #6354 20/12/10 for 20-7 mm stemming aggregate.	
11.8	Conduct blasting both before the establishment, and after the break up of low-level atmospheric temperature inversions.	Y	During winter, aim to blast around 12pm to avoid inversions. Blast records confirm this has occurred on blasts to date.	
11.9	Avoid ripping of softer overburden material during periods of high wind.	Y	Operators are instructed to park up during windy periods, sighted M Clark diary entries.	
11.10	Spray low moisture coal with water prior to excavation to raise moisture content to >6%.	NT	moisture content typically >6%.	
11.11	Minimise clearing ahead of construction.	V		It was not possible to confirm compliance with this requirement as construction activities had been completed prior to the on site component of the audit, although in the auditors opinion, it is likely that this requirement has been satisfied.

Statement of Commitments



	Requirement	Compliance Y/N/NT	Evidence	Comments
11.12	Water cleared areas regularly during construction activities.	V		It was not possible to confirm compliance with this requirement as construction activities had been completed prior to the on site component of the audit, although in the auditors opinion, it is likely that this requirement has been satisfied.
11.13	Minimise clearing ahead of construction activities.	V		It was not possible to confirm compliance with this requirement as construction activities had been completed prior to the on site component of the audit, although in the auditors opinion, it is likely that this requirement has been satisfied.
11.14	Water active construction areas regularly.	V		It was not possible to confirm compliance with this requirement as construction activities had been completed prior to the on site component of the audit, although in the auditors opinion, it is likely that this requirement has been satisfied.
11.15	Restrict truck speeds on roads under construction to <50kph.	V		It was not possible to confirm compliance with this requirement as construction activities had been completed prior to the on site component of the audit, although in the auditors opinion, it is likely that this requirement has been satisfied.
11.16	Apply water to the coal at the feed hopper, crusher and all conveyor transfer and discharge points at the rate of approximately 2.0L/t coal processed.	V	Coal preparation plant in construction at the time of the audit. Water cart on site observed watering coal stockpiles.	
11.17	Temporarily cease operation in the event of protracted dry periods, high winds and significant dust generation and dispersal towards the surrounding residences.	Y	Scrapers and other equipment parked up during windy periods or when dust generation is an issue, sighted M Clark diary entries.	
11.18	Minimise the extent of clearing/site preparation in advance of mining.	Y	Minimal advanced clearing was observed at the time of the inspection. Staff advised that two 50 metre wild strip are cleared in advance of the active mining area.	

Statement of Commitments

	Requirement	Compliance Y/N/NT	Evidence	Comments
11.19	Clearly define any access or haul roads and restrict vehicles and equipment to those roads.	Y	Haul roads were observed to be clearly defined during the site inspection.	
11.20	Routinely apply water with or without chemical dust suppressants.	Y	Water cart observed in operation on site during the site inspection.	
11.21	Progressively rehabilitate areas of disturbance including topsoil and subsoil stockpiles.	Y	Amenity bund walls have been rehabilitated - observed to be well vegetated with grass and tree planting had commenced. Final landform had not been achieved within the out of pit emplacement areas and therefore progressive rehabilitation of this area is not possible at this time.	
11.22	Install bund walls and wind breaks as required.	Y	Amenity bund walls observed during site inspection.	
11.23	Regularly water haul roads.	Y	Water cart observed in operation on site during the site inspection.	
11.24	Avoid coal being loaded above the truck body sides.	Y	Tarps are at the top of the truck body and any coal above that would be knocked off by the tarps. Trucks sighted leaving the site did not have coal above the truck body sides.	
11.25	Cover all trucks carrying product coal from the mine with approved covers and securely fix the tailgates to prevent windblown dust emission or spillages.	Y	Inspected Toll truck T20 - automatic tarps fitted and tailgate secure. Sighted haulage trucks leaving site - all had covers.	
11.26	Fit all earthmoving equipment on-site with exhaust controls which satisfy NSW DECC emission requirements.	Y	All exhaust controls are as manufactured - no modifications undertaken. Operator Pre-Start Check includes visual inspection of emissions. Plant operators pre start check sighted for 2352 - DZ803 dated 31/1/11.	
11.27	Ensure all equipment is properly maintained to ensure no unacceptable exhaust emissions occur and commit to the removal of any vehicle or item of mobile equipment from on-site activities which is observed not to comply with NSW DECC guidelines.	Y	Plant operators pre start check sighted for 2352 - DZ803 dated 31/1/11. Sunnyside Coal Mine also utilises the PULSE management system which generates and records maintenance and defect schedules for all plant and equipment.	
11.28	Direct the exhausts of all equipment upwards or to the side so as not to impinge on the ground and cause dust lift-off.	Y	Trucks and plant sighted during the site inspection had mufflers pointing upwards or sideways.	
11.29	Undertake an air quality monitoring program to demonstrate compliance with the nominated goals specified in the Environmental Protection Licence.	Y	Sighted Air Quality Monitoring Program for the Sunnyside Coal Project (Rev 0 dated 8 August 2008).	
	1 Deposited dust at selected residences and strategic locations surrounding the Project Site.	Y	6 x dust deposition gauges are used. Results reviewed.	
	2 Continuous wind speed and direction at the Project Site weather station.	Y	Weather station observed on site and weather data reviewed during audit.	
	3 PM10 dust at a residence nearby six day cycle. Refer Section 4B.5.8.	Y	2 x PM10 high volume air samplers in use. Results reviewed.	
11.30	Avoid burning vegetation.	Y	Sunnyside has a policy of no burning on site.	
11.31	Use water injection or dust collectors during drilling.	Y	Drill rigs have either water injection systems, or both water injection and dust collection systems.	

Statement of Commitments

	Requirement	Compliance Y/N/NT	Evidence	Comments
11.32	Avoid ripping of softer overburden material during periods of high wind.	Y	Scrapers and other equipment parked up during windy periods or when dust generation is an issue, sighted M Clark diary entries.	
11.33	Establish and maintain a dust monitoring program in line with recommended locations.	Y	2 x PM10 high volume air samplers 6 x dust deposition gauges are used to assess air quality levels as described in Section 4 of the Air Quality Monitoring Program and the monitoring data provided.	
11.34	Install and maintain an automatic weather station within the Project Site.	Y	Weather station observed on site and weather data reviewed during audit.	
11.35	Adopt strategies to reduce GHG emissions as nominated in EA Section 4B.5.5.4.	Y	Commitments included in the Energy Savings Action Plan Rev 3, dated 18 May 2009.	
11.36	Install first flush devices on the domestic water tanks at 'Werona', 'Ivanhoe', 'Mulwalla', 'Mulwalla 2', 'Innisvale', 'Sugarloaf', 'Lilydale', 'Woodlawn', 'Plain View', 'Illili', 'Glendower', 'Ferndale' and 'Eulalie'.	Y	First flush diverters have been installed - copies of receipts sighted.	
12 Aboriginal Heritage				
12.1	Undertake medium sized blasts when open cut pit is near axe grinding groove.	NT	Blasts have not yet been undertaken in proximity to the grinding groove but requirements are identified in Section 7 of Blast Monitoring Program.	
12.2	Cover axe grinding groove with straw bales to prevent possible fly rock damage when blasting is nearby.	Y	Mitigation measures already in place. Sighted Plate 6 in 2008 /2009 AEMR. Blasting operations are outside the distance requiring the implementation of measures.	
12.3	Invite Aboriginal monitors to site for all soil stripping and ground disturbance activities. Manage any sites detected in accordance with the relevant acts.	Y	Sighted soil stripping - Aboriginal site monitoring form dated 14/9/09 and 16/9/09.	
12.4	Cease work at any area if further Aboriginal objects are uncovered during the course of the Project, and contact NSW DECC for advice.	NT		
12.5	Conduct a Cultural Heritage Awareness Induction Course for staff, contractors and any heritage monitors working on the Project Site to help raise awareness and ameliorate any impact on heritage sites during site establishment and subsequent mining activities.	Y	Information contained in the Section 4.11 of the Generic induction manual.	
13 Visibility				
13.1	Minimise cleared or non-vegetated areas by progressively rehabilitating the Project Site.	Y	Sighted vegetated amenity bund during site inspection. Also sighted rehab on corner of emplacement area behind workshop.	
13.2	Design the overburden emplacements to as much as possible, replicate existing topographic features.	Y	Works being undertaken in accordance with MOP and EA.	
13.3	Minimise the extent of land disturbance/clearing in advance of mining.	Y	Minimal advanced clearing was observed at the time of the inspection. Staff advised that two 50 metre wild strip are clearing in advance of the active mining area.	
13.4	Implement air quality controls as identified in Section 4B.5.5.	Y	Sighted Air Quality Monitoring Program for the Sunnyside Coal Project (Rev 0 dated 8 August 2008).	

Statement of Commitments

	Requirement	Compliance Y/N/NT	Evidence	Comments
13.5	Maintain the mine and associated areas of disturbance in a clean and tidy condition at all times.	Y	During site inspection, it was noted that mine and associated facilities were well maintained.	
13.6	Construct amenity bund around coal processing area to provide visual screening.	Y	Amenity bund sighted during site inspection. Bund was observed to be well vegetated.	
13.7	Use a maximum of six lighting plants for night-time activities.	Y	Only four lighting plants are currently located on site.	
13.8	Position and direct floodlights to minimise emissions.	Y	Operators are advised during Pre-Shift Start-up Briefing to position lights to point downwards.	
13.9	Maintain regular communications with those residents whose visual amenity is affected by the Project and implement any reasonable additional control to further reduce the impact on their visual amenity.	Y	Primarily achieved through CCC which has several local residents as members. Views of the site are available from sections of the Oxley Highway and the Woodlawn and Lilydale properties (NB Lilydale is a mine owned property). No evidence was sighted which confirmed Sunnyside has had regular communication with the Woodlawn landowner on this issue. No additional visual controls have been implemented to that detailed in the EA.	
14 Soils, Land Capability and Agricultural Suitability				
14.1	Strip topsoil from each SMU to a depth of 15cm. Stockpile topsoil for later retrieval and spreading over specific areas during the first 18 to 24 months of mine operations. Beyond this period, Project Site topsoil would be typically directly transferred onto sections of the final landform.	Y	Observed temporary topsoil stockpiles for later reuse. Topsoil appeared to be from the same profile. Stripping depth written into MOP and Management plans. Topsoil not being directly transferred onto final landform as wet weather had slowed rate of mining such that operations are approximately 6 months behind schedule.	
14.2	Strip topsoil from each SMU to a depth of 50cm below the topsoil. Stockpiles would be available for re-spreading as areas become available for rehabilitation.	Y	Observed temporary topsoil stockpiles for later reuse. Topsoil appeared to be from the same profile. Stripping depth written into MOP and Management plans. Topsoil not being directly transferred onto final landform as wet weather had slowed rate of mining such that operations are approximately 6 months behind schedule. Removal and placement in active rehabilitation areas is expected to commence within the next 6 months.	
14.3	Strip further subsoil to bedrock and segregate each SMU.	Y	Observed discrete soil units stockpiles.	
14.4	Place higher alkalinity soils over the surface of the overburden emplacement to provide neutralising capacity in the event pockets of acid forming rock are encountered.	N	No subsequent soil testing has been undertaken outside that completed for the EA. The EA identified a low potential for acid rock drainage. No acid rock has been identified to date (M pers comm Clarke 3/2/2011).	Undertake soil test to confirm pH of soil / overburden materials.
14.5	Install erosion protection around stockpiles of this material with direct transfer from source to sink commenced as soon as practicable.	N	As no soil testing has been undertaken outside that completed for the EA. It is unclear if the installation of erosion protection around stockpiles of this material has been triggered.	
14.6	Topsoil stockpiles not exceed 2m in height and where practicable, be maintained as windrows in preference to larger structures.	Y	Suitable stockpiling was observed during the site inspection.	
14.7	Seed any stockpiles with a non-persistent cover crop as soon as possible after they have been established to reduce erosion potential and assist in the maintenance of the biological viability of the soil.	Y	All long term stockpiles have been seeded and are in a stable condition for reuse. Sighted Coochoonah Lane stockpiles as part of site inspection.	

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	Requirement	Compliance Y/N/NT	Evidence	Comments
14.8	Subsoil stockpiles to generally not exceed 3m in height and typically be placed in larger stockpiles than the topsoil.	Y	Suitable stockpiling was observed during the site inspection.	
14.9	Maintain and regularly reconcile with rehabilitation requirements an inventory of soil resources present on the Project Site, i.e.. both in stockpiles and awaiting stripping.	Y	Information collected during monthly survey and also information contained in the AEMR.	
14.10	Utilise water management structures to divert surface water flow away from soil stockpile areas to reduce the potential for erosion.	Y	Stockpiles are positioned away from natural drainage lines. No upslope clean water diversions were observed around stockpiles, it is noted however that the stockpiles inspected were located within small surface water catchments areas and the area upslope of the stockpiles was well vegetated and is therefore expected to generate minimal surface water flows and thus have minimal erosion potential.	Consider implementing upslope surface water diversions when there is minimal vegetation cover upslope and / or may be exposed to significant surface water flows i.e. erosion potential.
14.11	Place silt-stop fencing or similar immediately downslope of stockpiles where required, until stable vegetation cover is established.	Y	Hay bales utilised as required. Hay bales are used in preference to silt fencing.	
14.12	Monitor erosion from soil stockpiles or rehabilitated surfaces throughout the life of the Project with remedial works undertaken should erosion be observed.	Y	Monthly environmental officer checklist completed - Sighted checklist dated 30/12/2010. OCE inspection completed per shift e.g.. Daily Inspection Checklist Mining dated 1/2/11.	
14.13	Undertake all clearing and topsoil stripping in campaigns on an as-needs basis.	Y	Stripping undertaken in 50m intervals.	
15 Bushfire Controls				
15.1	Clear vegetation away from blast (>20m).	Y	Minimum of 50 metres is cleared away from blasts	
15.2	Remove all coal from open cut around blast.	Y	No visible coal on drill pad during inspection.	
15.3	Undertake blast design by qualified personnel.	Y	Blasting undertaken by blast contractor.	
15.4	Undertake refuelling within designated fuel bays or within cleared area of the Project Site.	Y	Designated refuelling bays sighted during site inspection.	
15.5	Turn vehicle engines off during refuelling.	Y	Included in procedure for refuelling. Operators trained in refuelling process.	
15.6	Enforce no smoking policy in designated areas of the Project Site.	Y	No smoking signs observed around the site, including in workshop area, around fuel and oil storages.	
15.7	Maintain fire extinguishers within all site vehicles.	Y	Vehicles inspected and sighted around the site during the inspection were noted to have fire extinguishers.	
15.8	Regularly inspect and water stockpiles.	Y	Water cart observed in operation on site during the site inspection watering haul roads and stockpiles. Daily inspection done by OCE each shift - e.g. Daily Inspection Checklist Mining dated 1/2/11.	
15.9	Control stockpile height and volume to limit the duration coal is retained in stockpiles.	Y	Sighted Spontaneous Combustion Management Plan for Sunnyside Coal Project (Ed 1 Rev 0) dated May 2009. Stockpile controls included in Section 6.2.	
15.10	Maintenance of housekeeping by mine management.	Y	During site inspection, it was noted that mine and associated facilities were well maintained.	
15.11	Ensure water cart is available to assist in extinguishing any fire ignited.	Y	Water cart is permanently on site and was observed on site at the time of the audit.	
16 Socio-Economic				

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	Requirement	Compliance Y/N/NT	Evidence	Comments
16.1	Implement a policy which encourages employment of local district personnel with training and certification of suitable local persons provided.	N	Sunnyside staff not aware of official policy but the majority of the staff are local.	
16.2	Provide a local induction kit to any new workers (from outside the district) including contact details for community groups and services throughout the region.	Y	These are available and are provided to new staff upon request - sourced from tourist information centre.	
16.3	Inform Gunnedah Council of the predicted increase of population based on employment at the Project.	Y	The 2008 / 2009 AEMR notes Sunnyside had an average of 6 full time and 1 part time employees during the reporting period.	
16.4	Establish a community enhancement fund to the value of \$500,000.	Y	Sighted newspaper article on cheque handover for first instalment.	
17 Rehabilitation				
17.1	Stabilise earthworks, drainage lines and disturbed areas no longer required for mine-related activities in order to minimise erosion and the associated generation of sediment-laden water, and to reduce the visibility of activities from adjacent properties and the local road network.	Y	Sighted vegetated amenity bund during site inspection. Also sighted rehab on corner of emplacement area behind workshop.	
17.2	Provide a low maintenance, geotechnically and safe landform which is commensurate with a variety of agricultural land uses and/or nature conservation.	NT	Final landform is described in the MOP which includes these requirements. The works are being undertaken in accordance with the MOP.	
17.3	Blend the created landforms with the surrounding land fabric as far as practicable.	NT	Final landform is described in the MOP which includes these requirements. The works are being undertaken in accordance with the MOP.	
17.4	Utilise native tree, shrub and grass species and/or pasture species comparable with either the existing vegetation communities or those which occurred in the area prior to mining and agriculture-related disturbance.	Y	Species to be used for revegetation have been identified in the Koala Management Plan (includes koala feed tree species), the MOP and the Land Management Plan for the site.	
17.5	Rehabilitate out-of-pit emplacement with agricultural pasture species and incorporate random tree plantings.	Y	Rehab has commenced on the corner of the emplacement area behind workshop. At this stage only grass species have been used as cover crops but tree planting has not yet commenced.	
18 Management Plans				
18.1	Mining Operations Plan.	Y	unsigned and undated on web	
18.2	Koala Management Plan.	Y	Sighted Koala Management Plan prepared by Kevin Mills & Associates, October 2007. KMP forms Part 3B of the Specialist Consultant Studies Compendium of the EA.	
18.3	Vegetation Management Plan.	Y	Forms part of the Rehabilitation and Landscape Management Plan which has been prepared but not yet approved by DoP.	
18.4	Blast Monitoring Plan.	Y	Sighted plan dated July 2010 Rev 2	
18.5	Surface Water Management Plan.	Y	Sighted plan dated 8/8/2008 Rev 0	
18.6	Waste Management Plan.	Y	Sighted plan dated 8/8/2008 Rev 0	
18.7	Spontaneous Combustion Monitoring Plan.	Y	Sighted plan dated may 2009 Rev 0	
18.8	Hydrocarbon Management Plan.	Y	Sighted plan dated June 2009 Rev 0	
18.9	Mine Closure Plan.	Y	Sighted plan dated July 2010	

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	Requirement	Compliance Y/N/NT	Evidence	Comments
18.10	Prepare a Traffic Management Plan to ensure appropriate procedures are in place for public traffic during the realignment of Coocooboonah Lane and intersection upgrades - for submission with Section 138 permit applications to Gunnedah Shire Council and RTA.	N	No evidence sighted.	Locate evidence that confirms plan submitted to Council as part of Section 138 application process.
18.11	Construction Noise Management Plan.	Y	Included in Noise Monitoring Program (Section 3.1)	
18.12	Operations Noise Management Plan.	Y	Sighted Plan dated 1/8/2008 Rev 0	
18.13	Traffic Noise Management Plan.	Y	Included in Noise Monitoring Program (Section 3.3)	
18.14	Air Quality Monitoring Plan.	Y	Sighted plan dated 8/8/2008 Rev 0	
18.15	Groundwater Management Plan.	Y	Sighted plan dated 8/8/2008 Rev 0	
18.16	Archaeological Site Management Plan.	Y	Sighted plan dated 10/7/2008 Rev 0	
18.17	Bushfire Management Plan.	Y	Forms part of the Rehabilitation and Landscape Management Plan which has been prepared but not yet approved by DoP.	

APPENDIX 3

Environment Protection Licence Compliance Checklists

Condition No.	Requirement	Compliance Y/N/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.	Y		
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.	Y	The scheduled activities were observed in progress at the site.	
	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.	Y		
	Scheduled Activity	Y	The scheduled activities were observed in progress at the site.	
	Mining for Coal			
	Coal works			
	Fee Based Activity	Y	2008/2009 AEMR notes 89,725 tonnes of coal transported from the mine. Sighted excel spreadsheet of daily production data for the period	
	Mining for Coal Scale >50,000 - 200,000 T produced			
	Coal works Scale 0 - 200,000 T loaded			
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.	Y	Sunnyside requested licence variation on 28 May 2009 - granted 18 August 2009.	
A2.1	The licence applies to the following premises: Premises Details Sunnyside Coal Project 259 Coochooboonah Lane GUNNEDAH NSW 2380 LOT 1 DP 393755; LOTS 12, 162 DP 755503 LOT 16 DP 755031	Y	Aerial photo with cadastral overlay shows that operations are being carried out within approved boundary.	
A3.1	Not applicable			
A4.1	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.	?		Copy of licence application required to confirm compliance against this condition.

Condition No.	Requirement	Compliance Y/N/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> <p>Air</p> <table border="1" data-bbox="201 281 1668 1304"> <thead> <tr> <th data-bbox="201 281 418 350">EPA Identification no.</th> <th data-bbox="418 281 706 350">Type of Monitoring Point</th> <th data-bbox="706 281 970 350">Type of Discharge Point</th> <th data-bbox="970 281 1668 350">Description of Location</th> </tr> </thead> <tbody> <tr> <td data-bbox="201 350 418 541">1</td> <td data-bbox="418 350 706 541">Ambient Air Monitoring</td> <td data-bbox="706 350 970 541"></td> <td data-bbox="970 350 1668 541">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="201 541 418 732">2</td> <td data-bbox="418 541 706 732">Ambient Air Monitoring</td> <td data-bbox="706 541 970 732"></td> <td data-bbox="970 541 1668 732">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="201 732 418 924">3</td> <td data-bbox="418 732 706 924">Ambient Air Monitoring</td> <td data-bbox="706 732 970 924"></td> <td data-bbox="970 732 1668 924">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="201 924 418 1115">4</td> <td data-bbox="418 924 706 1115">Ambient Air Monitoring</td> <td data-bbox="706 924 970 1115"></td> <td data-bbox="970 924 1668 1115">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="201 1115 418 1304">5</td> <td data-bbox="418 1115 706 1304">Ambient Air Monitoring</td> <td data-bbox="706 1115 970 1304"></td> <td data-bbox="970 1115 1668 1304">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>	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.	Y	Monitoring locations are identified in the Air Quality Monitoring Program (Section 4.3). A review of monitoring data indicates that monitoring is being undertaken at the locations specified.	
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location																									
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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.	Y	Monitoring locations are identified in the Site Water Management Plan (Section 5.3). A review of 2008 /2009 AEMR shows that no surface water monitoring was undertaken during the reporting period. It is also noted that the meteorological station recorded three rainfall events in excess of 20mm.																									

Condition No.	Requirement				Compliance Y/N/NT	Evidence	Comments						
	Water and Land												
	EPA Identification No.	Type of monitoring point	Type of discharge point	Description of location									
	9	Wet weather discharge Discharge water quality	Wet weather discharge Discharge water quality monitoring	Discharge point from Storage Dam 3 located on northern side of premises labelled "SD3" on figure titled "Proposed Wet Weather Discharge Monitoring Points" submitted with licence variation application dated 14 May 2009									
	10	Wet weather discharge Discharge water quality	Wet weather discharge Discharge water quality monitoring	Discharge point from Storage Dam 4 located on northern side of premises labelled "SD4" on figure titled "Proposed Wet Weather Discharge Monitoring Points" submitted with licence variation application dated 14 May 2009									
	11	Ambient water quality monitoring		Monitoring point on Coccooboonah Creek upstream of project site labelled "CCUS" on figure titled "Proposed Wet Weather Discharge Monitoring Points" submitted with licence variation application dated 14 May 2009									
	12	Ambient water quality monitoring		Monitoring point on Coccooboonah Creek downstream of project site labelled "CCDS" on figure titled "Proposed Wet Weather Discharge Monitoring Points" submitted with licence variation application dated 14 May 2009									
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							
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.				Y	Weather station observed in operation on site. Weather data reviewed during the audit.							
	<table border="1"> <thead> <tr> <th>EPA Identification No.</th> <th>Type of Monitoring Point</th> <th>Description of Location</th> </tr> </thead> <tbody> <tr> <td>W1</td> <td>Weather analysis</td> <td>Weather monitoring station on Sunnyside labelled as W1 in figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, dated 10 December 2008"</td> </tr> </tbody> </table>				EPA Identification No.	Type of Monitoring Point	Description of Location	W1	Weather analysis	Weather monitoring station on Sunnyside labelled as W1 in figure titled "Sunnyside Coal Mine – Air Quality Monitoring Network and Sunnyside Meteorological Station, dated 10 December 2008"			
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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.				Y								
L2.1	Not applicable												
L2.2	Not applicable												

Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments																								
L3.1	For each monitoring/discharge point or utilisation area specified in the table\>s 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.	NT	No discharges have occurred to date																									
L3.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	NT	No discharges have occurred to date																									
L3.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\>s. Water and Land Points 9, 10 <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	NT	No discharges have occurred to date	
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L3.4	The Total Suspended Solids concentration limits specified for Points 9 and 10 may be exceeded for water discharged provided that: (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 (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. 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.	NT	No discharges have occurred to date																									
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.	Y	No wastes other than those generated on the premises were observed on site 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: (a) an L10(15minute) noise emission criterion of 40dB(A) during initial construction period; and	N	Construction activities commenced on 10/11/2008. Sunnyside Coal Mine noted an overlap between the construction and operational activities. The 2008/2009 AEMR notes a number of exceedences generally due to inversion conditions and the construction of the amenity bund. These exceedences were assessed based on criterion of 35dBA which is the operational noise criterion. Given the construction of the amenity bund was identified as a construction activity the appropriate noise criteria is 40dBA, based on this criteria the number of exceedences was reduced to one potential exceedence on 20 July 2009.	Consider which criteria is applicable to determine compliance where there is construction and operational criterion.																								

Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
	(b) an LAeq(15minute) noise emission criterion of 35dB(A) at all times (day, evening and night time periods);	N	Exceedences at Glendower, Ferndale, Illili, Plain View and Lilydale between June 2009 and May 2010. NB Lillydale however is a mine owned property. DoP, DECCW and landowner notified of the exceedences as noted in the 2008/09 AEMR.	Continue to investigate and implement measures during temperature inversions to minimise and/or eliminate noise exceedence.
L6.2	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 (ie. 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. Day time is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and public holidays. Evening is defined as the period from 6pm to 10pm. Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays. Initial Construction Period is limited to a maximum of a 6 month period from commencement of construction activities on the premises.	Y	Monitoring reports reviewed showed that these criteria are being adhered to.	
	Notes 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. To determine compliance with LA1(1 minute) noise limits, noise from the project is to be measured at 1 metre from the dwelling facade. 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). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.	Y	Monitoring reports reviewed showed that these criteria are being adhered to.	
L6.3	The noise emission limits identified in this licence apply under all meteorological conditions except: (a) during rain and wind speeds (at 10m height) greater than 3m/s; and (b) under "non-significant weather conditions". 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.	noted noted noted		
L6.4	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: (a) agrees to an alternative noise limit for that property; or (b) provides an alternative means of compensation to address noise impacts from the premises. A copy of any agreement must be provided to the EPA before the licensee can take advantage of the agreement.	NT	No negotiated agreements in place.	
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.	Y	Blast results to September 2010 indicate no exceedences of 115 dB (max 114.8)	

Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
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.	Y	Blast results to September 2010 indicate no exceedences of 120 dB (max 114.8)	
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.	Y	Blast results to September 2010 indicate no exceedences of 10 mm/sec (max 2.39)	
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.	Y	Blast results to September 2010 indicate no exceedences of 5 mm/sec (max 2.39)	
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.	Y	Sunnyside advised that the approved construction hours is included as a condition within the contract and noted as part of the on site induction process. One noise complaint received during 2009 and 2010.	It is not possible to verify if this condition has been satisfied, as these activities were completed prior to the audit, although in the auditors opinion, it is likely that this requirement has been satisfied.
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.	Y	Sunnyside Coal mine advised that the approved hours of operation are included as a condition within the contract. Operational staff interviewed where aware of the approved hours of operation. Two traffic complaints received between 2009 and 2010.	It is not possible to verify if this condition has been satisfied on a day by day basis, although in the auditors opinion, it is likely that this requirement has been satisfied.
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.	Y	Sunnyside Coal mine advised that the approved hours of operation are included as a condition within the contract. Operational staff interviewed where aware of the approved hours of operation. Two traffic complaints received between 2009 and 2010.	It is not possible to verify if this condition has been satisfied on a day by day basis, although in the auditors opinion, it is likely that this requirement has been satisfied.
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.		2008/2009 AEMR notes compliance. Blasting records however show that Blast No. 3 and No. 4 occurred at 9:59am.	Very minor departure to approved blast 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.	Y	Production records indicate that production has not exceeded 1 million tonnes per annum. 2008/2009 AEMR notes 89,725 tonnes of coal transported from the mine. Sighted excel spreadsheet of daily production data for the period May 2010 to 6 February 2011 (66,268 tonnes).	

Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
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	Y	Generally, operations were observed to be carried in a competent manner. Materials such as stone dust, resins and hydrocarbon products were observed to be managed in accordance with the management measures identified in the approved management plans.	
	(b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Y	Wastes resulting from the construction and operation of Stage 1 were observed to be generally well managed. Wastes streams were observed to be separated and disposed of in an appropriate manner.	
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	Y	Plant operators pre start check sighted for 2352 - DZ803 dated 31/1/11. Sunnyside Coal Mine also utilises the PULSE management system which generates and records maintenance and defect schedules for all plant and equipment.	
	(b) must be operated in a proper and efficient manner.	Y	Sighted training records for Kerri Gleeson and Michael Clark. It was noted that some of the competency assessments for Mr Clark are very old e.g. WCM-IM-SP Forks attachment Assessment competency dated 20/11/05.	It is recommended that Sunnyside Coal mine consider establishing a review period after which time the competencies are reassessed.
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.	Y	Air Quality Management Plan prepared and implemented. A water cart was observed in use on the site during the site inspection to wet down the internal site access roads and disturbed areas. The air quality monitoring program notes drill rigs will utilise water injection or alternatively, be fitted with dust collectors.	
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.	Y	Covering of loads included in Code of Driver Behaviour. Inspected Toll truck T20 which had automatic covers. All trucks sighted leaving the site had covers over loads.	
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.	Y	Monitoring results are retained and recorded.	
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;	Y	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	Y	All monitoring data undertaken to date available on web site.	
	(c) produced in a legible form to any authorised officer of the EPA who asks for them.	NT		

Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments																																																																
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; (b) the time(s) at which the sample was collected; (c) the point at which the sample was taken; and (d) the name of the person who collected the sample.	Y Y Y Y	Field notes are recorded on field sheets for each sample.																																																																	
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: Points 1, 2, 3, 4, 5, 6 <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Particulates – Deposited Matter</td> <td>Grams per square metre per month</td> <td>Continuous</td> <td>AM-19</td> </tr> </tbody> </table> Points 7, 8 <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM₁₀</td> <td>Micrograms per cubic metre</td> <td>Continuous</td> <td>AM-18</td> </tr> </tbody> </table> Points 9, 10 <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>Microsiemens per centimetre</td> <td>Special Frequency 1</td> <td>In situ</td> </tr> <tr> <td>Oil and Grease</td> <td>Milligrams per litre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>Total organic carbon</td> <td>Milligrams per litre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>Milligrams per litre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 1</td> <td>in situ</td> </tr> </tbody> </table> Points 11, 12 <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>Microsiemens per centimetre</td> <td>Special Frequency 2</td> <td>In situ</td> </tr> <tr> <td>Oil and Grease</td> <td>Milligrams per litre</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> <tr> <td>Total organic carbon</td> <td>Milligrams per litre</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>Milligrams per litre</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 2</td> <td>In situ</td> </tr> </tbody> </table> 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"	Pollutant	Units of measure	Frequency	Sampling Method	Particulates – Deposited Matter	Grams per square metre per month	Continuous	AM-19	Pollutant	Units of measure	Frequency	Sampling Method	PM ₁₀	Micrograms per cubic metre	Continuous	AM-18	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	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	N	A HVAS is used to collect PM ₁₀ samples on a 6 day cycle. No all PM ₁₀ samples have been collected at monitoring at points 7 and 8.	Undertake monitoring in accordance with the EPL.
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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 (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 (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. 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".	Y NT NT	Monitoring data shows that air quality is being measured using approved methods.																																																																	

Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
M3.2	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	Y	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.	Y	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:	Y	Complaints records reviewed. Relevant details are being recorded. Records showed that complaints are being investigated and actioned.	
	(a) the date and time of the complaint;	Y		
	(b) the method by which the complaint was made;	Y		
	(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;	Y		
	(d) the nature of the complaint;	Y		
	(e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and	Y		
	(f) if no action was taken by the licensee, the reasons why no action was taken.	Y		
M4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	NT	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.	Y	A complaints line is reported to operate and details are published on a regular basis in the local newspaper - need evidence of newspaper ad etc.	It was noted that the complaints line number is not advertised as such on the Whitehaven website.

Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments																																																		
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.	Y	A complaints line is reported to operate and details are published on a regular basis in the local newspaper - need evidence of newspaper ad etc.																																																			
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.																																																			
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 " <i>Site Water Management Plan for the Sunnyside Coal Mine, Namoi Mining Pty Ltd, 8/8/2008</i> ".	Y																																																				
M7.1	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. <table border="1" style="margin-left: 20px;"> <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	Y	Weather station observed in operation during site inspection. Weather data reviewed during the audit confirmed that required parameters are being measured.	
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M8.1	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.	Y	Review of monitoring data confirms that monitoring is being undertaken using the identified sampling methods.																																																			

Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments												
	<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) LAmix LA10 LA90 LAmin</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) LAmix LA10 LA90 LAmin	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"							
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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.	Y	Blast records reviewed during audit.													
M8.3	For the purpose of conditions M8.1 and M8.2, the noise monitoring locations are described as: <table border="1"> <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	Y	Noise monitoring locations identified in Noise Monitoring Program. Review of monitoring results confirms that monitoring is being undertaken at the locations specified.	
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													

Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
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.	Y	2009 Annual Return included non-compliances Monitoring and complaints summary was provided. The 2010 was note available at the time of the audit as it was note due to 13 February 2011.	
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.	Y	Annual Return for 2009 Reporting Period sighted during audit. The 2010 was note available at the time of the audit as it was note due to 13 February 2011.	
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.	
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: (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.	NT	Licence has not been surrendered or revoked.	
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').	Y	2009 Annual Return due 13/2/10 and received by EPA on 10/2/10. The 2010 was note available at the time of the audit as it was note due to 13 February 2011.	
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.	Y	Copies of Annual Returns were available for audit.	
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 (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	Y	Annual Returns were noted to be signed by a Director and the Company Secretary as required where the licensee is a company.	
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.	Y	DECCW issue with written notifications of noise exceedances after becoming aware of the incident. This method of communication is not consistent with notification as "soon as practicable" but is considered adequate for the associated issue.	

Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
R2.1	Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.	N	No evidence sighted.	Locate evidence that confirms DECCW was notified within 7 days of an incident, in accordance with this condition.
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.	N	No evidence sighted.	Locate evidence that confirms DECCW was notified within 7 days of an incident, in accordance with this 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 exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.	NT	No exceedences of blasting limits have been recorded to date.	
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.	Y	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.	Y	Copy of licence was available at premises.	
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.	
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Y	The licence was available to the auditors on site. Employees and / or agents can access the licence via the company web site or the DECCW web site from on site computers.	

Condition No.	Requirement	Compliance Y/N/NT	Evidence	Comments
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.	
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G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Y	Copy of licence was available at premises.	
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.	
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Y	The licence was available to the auditors on site. Employees and / or agents can access the licence via the company web site or the DECCW web site from on site computers.	

APPENDIX 4

Mining Lease Compliance Checklists

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 Y/N/NT/NA	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.	N	Site inspection and audit of compliance documentation found no significant issues relating to environmental management. Environmental Management Plans are established. Good level of environmental awareness amongst all staff interviewed as part of the audit. However the independent environmental compliance audit includes a number of recommendations to prevent and/or minimise any harm to the environment e.g. waste oil management.	
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.	Y	Sighted letter dated 25 September 2008	
	(b) The MOP must:			
	i) identify areas that will be disturbed by mining operations;	Y	Section 3 of MOP	
	ii) detail the staging of specific mining operations;	Y	Section 3 of MOP	
	iii) identify how the mine will be managed to allow mine closure;	Y	Section 5 of MOP	
	iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment;	Y	Section 7 of MOP	
	v) reflect the conditions of approval under:	Y	Section 1.3 of the MOP identifies the approvals and licences applicable to Sunnyside's operations.	
	the <i>Environmental Planning and Assessment Act 1979</i>			
	the <i>Protection of the Environment Operations Act 1997</i>			
	and any other approvals relevant to the development including the conditions of this lease; and			
	vi) have regard to any relevant guidelines adopted by the Director-General.	Y	Sighted letter dated 25 September 2008	
	(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			
	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.	NT	MOP is valid until September 2015.	
4	The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.	Y	One AEMR (2008 / 2009) has been produced to date for Sunnyside.	
5	The EMR must: a) report against compliance with the MOP;	Y	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;	Y	Section 5.2.2. Minimal rehabilitation works have been undertaken given the early stage of mining activities i.e. Final landforms of overburden dumps has not been reached. Rehabilitation of disturbed land undertaken to date comprised seeding of soil stockpiles, drainage lines and storage dam banks.	
	c) report on the extent of compliance with regulatory requirements; and	Y	Section 3.0	
	d) have regard to any relevant guidelines adopted by the Director-General.	Y	Section 1.1.1	
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.	NT	Minimal rehabilitation works have been undertaken given the early stage of mining activities i.e. Final landforms of overburden dumps has not been reached. Rehabilitation of disturbed land undertaken to date comprised seeding of soil stockpiles, drainage lines and storage dam banks. Once final landform is achieved rehabilitation is expected to be undertaken on a progressive basis as part of ongoing open cut operations. Sunnyside have not sought the Director - Generals satisfaction for these works as operations are ongoing. The earthworks undertaken to date are generally consistent with the MOP. The satisfaction of the works will be confirmed with the Director-General as part of mine closure.	

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.	NA	Sunnyside is an open cut operation.	
	(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> .	NA	Sunnyside is an open cut operation.	
	(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> .	NA	Sunnyside is an open cut operation.	
	(d) Subsidence Management Plans are to be prepared in accordance with the <i>Guideline for Applications for Subsidence Management Approvals</i> .	NA	Sunnyside is an open cut operation.	
	(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> .	NA	Sunnyside is an open cut operation.	
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.	V	Sunnyside have not advised if any exploratory holes been drilled?	
	(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;			
	(ii) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;			
	(iii) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters;			
	(iv) if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;			
	(v) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers.			
	(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.			
(vii) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.				
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.	Y	Works are generally being undertaken in accordance with the approved MOP and in accordance with the requirements of the Project Approval and EPL.	See separate compliance assessments against Project Approval and EPL.
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 not 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.	Y	Sunnyside owns the land upon which surface disturbances are being undertaken.	
	(b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.	Y	Sunnyside owns the land upon which surface disturbances 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.	Y	Cocoooonah lane has be realigned as noted in Section 1.6.3 of the MOP	
	(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.	NT	Road upgrade works as identified in the EA have been completed. Sunnyside coal mine have a road maintenance agreement in place with council.	
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.	Y	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.	Y	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> .	Y	Sunnyside has a site clearing permit process. Sunnyside has a Part 3A approval in place and thus the Native Vegetation Act does not apply.	
	(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

Agency and Council Interview Questions

**Appendix 5 - Sunnyside and Narrabri North Environmental Audits –
February 2011
Agency Questions**

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

1. What is your agency's role in relation to the Sunnyside and/or Narrabri North mining operations?
•
2. What is your specific role within the agency, particularly relating to your involvement with the Sunnyside and/or Narrabri North mining operations?
•
3. What aspects of your agency's statutory role relate to the Sunnyside and/or Narrabri North mining operations?
•
4. In relation to the Sunnyside and/or Narrabri North mining operations compliance with statutory requirements administered by your agency:
4.1. Are you satisfied with the Sunnyside and/or Narrabri North 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 and/or Narrabri North mining operations?
•
6. Are you satisfied with the way in which community complaints have been managed by the Sunnyside and/or Narrabri North mining operations?
•
7. Do you have any other specific environmental or community issues in relation to the Sunnyside and/or Narrabri North mining operations that need to be addressed?
•

APPENDIX 6

Site Inspection Photographs



PLATE 1
Management Measures - Koala Proof Fence and Turkeys Nest Dam



PLATE 2
Vegetated Bund



PLATE 3
Vegetated Bund



PLATE 4
Self Contained Diesel Storage



PLATE 5
Oil and Chemical Storage



PLATE 6
Contractor oil storage facility



PLATE 7
Sunnyside Waste Oil Storage Facility

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