



Independent Environmental Audit 2022

Sunnyside Coal Mine

5 October 2022

Project No: 0655811

Independent Audit Certification Form

Independent Audit Certification Form	
Development Name	Sunnyside Coal Mine
Development Consent No.	PA – 06_0308
Description of Development	Open cut coal mine
Development Address	259 COOCOBOONAH LANE, Gunnedah NSW 2380
Operator	Namoi Mining Pty Limited
Operator Address	PO Box 638 NEWCASTLE NSW 2300
Independent Audit	
Title of Audit	Sunnyside Coal Mine Independent Environmental Audit 2022
<p>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</p> <ul style="list-style-type: none">• The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2018 and Post Approval Requirements – Independent Audits• The findings of the audit are reported truthfully, accurately and completely;• I have exercised due diligence and professional judgement in conducting the audit;• I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;• I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;• I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);• Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and• I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so. <p>Note.</p> <p>a) The Independent Audit is an 'environmental audit' for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</p> <p>b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</p>	
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Document details	
Document title	Independent Environmental Audit 2022
Document subtitle	Sunnyside Coal Mine
Project No.	0655811
Date	5 October 2022
Version	Final
Author	Heather McKay, Sophie Barkla
Client Name	Whitehaven Coal Limited

Document history

Version	Revision	Author	Reviewed by	ERM approval to issue		Comments
				Name	Date	
Draft	0	Heather McKay, Sophie Barkla	Oliver Moore	Oliver Moore	20/9/22	
Final	0	Heather McKay, Sophie Barkla	Oliver Moore	Oliver Moore	5/10/22	

Signature Page

5 October 2022

Independent Environmental Audit 2022

Sunnyside Coal Mine



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EXECUTIVE SUMMARY

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned to perform an Independent Environmental Audit (IEA) of the Sunnyside Coal Mine ('SCM') located 15km west of Gunnedah, NSW on behalf of Whitehaven Coal Limited (herein referred to as 'WCL'). The primary purpose of the audit was to satisfy the Department of Planning and Environment (DPE) Ministers' Conditions of Approval (CoA) Project Approval number PA 06_0308, which requires completion of an independent audit every three years from the date of the approval. The audit period assessed in this IEA is 14 September 2019 to 7 September 2022 (the date the remote interview was completed as part of the audit).

The audit included a review of:

- DPIE, Ministers Conditions of Approval PA 06_0308 issued 24 September 2008, as modified;
- Environmental Protection Licence (EPL) 12957;
- Mining Lease 1624 issued 5 November 2008; and
- Implementation of Management Plans developed as part of the Ministers Conditions of Approval.

Whitehaven Coal has established the control systems generally required for the stage of development i.e. rehabilitation and closure. All staff interviewed demonstrated an understanding of requirements and a commitment to the application of the requisite management systems and plans.

A qualitative risk assessment was also completed on the findings, consistent with AS/NZS ISO31000:2018 and as described in the Department of Planning & Environment publication "Independent Audit Post Approval Requirements (2020)". The number of non-conformances with the statutory conditions and implementation of the management plans is summarised in *Table E1* below.

Table E.1 Summary of Audit Findings

Review	Non-compliances (NC)	Administrative non-compliance (ANC)	Observations (Obs NC)	Observations (Obs C)
Statutory Instruments	-	1	-	-
Implementation of Plans	-	-	-	-

An action table addressing all findings of the audit has been developed by Whitehaven Coal and will be issued separately to this report.

1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned to perform an Independent Environmental Audit (IEA) of the Sunnyside Coal Mine (SCM). The mine is located 15 km west of Gunnedah, New South Wales (NSW), on behalf of Whitehaven Coal Limited (herein referred to as WHC). The primary purpose of the audit was to satisfy the Department of Planning and Environment (DPE) Ministers' Conditions of Approval (CoA) Project Approval number PA 06_0308 (Modification 4), which requires completion of an independent audit every three years from the date of the approval. The audit period assessed in this IEA is 14 September 2019 to 7 September 2022 (the date the remote audit was completed as part of the audit). The audit must:

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

The Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

1.1 Overview of Operations and Approvals

Sunnyside Coal Mine is an open cut coal mine which was originally approved by the Minister for Planning under Project Approval PA 06_0308 on 24 September 2008 to Namoi Mining Pty Ltd. PA 06_0308 MOD 4 was approved in June 2022 which approves mining to 5 November 2020.

The Sunnyside Coal Mine lies within the mining lease (ML) 1624. Sunnyside Coal Mine is owned and licences are held by Namoi Mining Pty Ltd, which is a wholly owned subsidiary of Whitehaven Coal Limited.

The current site Environmental Protection Licence (EPL) 12957, was granted on 19 April 2021.

Mining operations for coal ceased in August 2019, with coal crushing and transporting activities ceasing on the 27th of October 2019. At the time of the audit, the mine is now considered to be in the closure phase. Significant reinstatement, rehabilitation and revegetation works have occurred during the audit period.

1.1.1 Description of primary processes undertaken during the audit period

Activities on-site during the audit period predominately include the following:

- Rehabilitation including landform establishment, contouring, topsoiling, seeding and tree-planting;
- Pest management;
- Removal of infrastructure;
- Water Management and Monitoring; and
- Waste Management.

1.1.1.1 Rehabilitation

At the time of the audit, the mine was considered to be in the closure phase with operational activities focused on land reinstatement, reshaping, rehabilitation and revegetation activities. The site has been

rehabilitated to final landform, topsoiled and seeded to final land use. Rehabilitation activities conducted to date include:

- Removal of all fixed infrastructure;
- Reducing the height and reshaping the southern section of the overburden dump;
- Installing crest drainage on the overburden dump that included a stabilised drains to direct all runoff water towards the drain;
- Re-profiling the void batters slopes, and backfilling the void to be free draining;
- Placement of subsoil and topsoil layers;
- Seeded and planting of disturbed areas to final landform vegetation requirements (Pasture and Woodland);
- Infill Hiko seedling planting along void batters and koala corridors;
- Removal of three dams, highwall turkeys nest, SB3 and the northern dam that was used for storage of pumped bore water; and
- Removal of waste including tyres and poly-pipe.

Infrastructure remaining on site includes two sediment dams that will be removed when vegetation has stabilised, and a koala fence also to be removed. Two farm dams will remain after relinquishment.

Rehabilitation monitoring is undertaken as detailed in the closure MOP, including:

- Monthly inspection by site environmental officer to assess for any obvious issues including erosion, settlement, vegetation dieback;
- Annual walkthrough to assess severity of any erosion, slope stability and landforms, visual assessment of vegetation, weed incursion, impact from pests, and site disturbance, general assessment against closure criteria;
- Annual ecological assessment by an ecologist using, grassland and woodland rehabilitation using Whitehaven developed rehab monitoring methodology based on BAM; and
- Annual LiDAR using fixed wing plane, which gives detailed surface image and classified elevation points, which are used for change detection and determination of vegetation growth and health.

Rehabilitation monitoring was conducted By Aspect Ecology in 2020 and 2021. Survey results were assessed against the completion criteria in the SCM Closure Mining Operations Plan (CMOP). In relation woodland domains the 2021 Aspect report made the following observations:

- All sites are yet to meet the minimum required cover value for combined litter and vegetation cover;
- All sites are yet to meet native grass completion criteria cover requirements;
- All sites are yet to meet the minimum values for mid-storey cover;
- All sites had a significant proportion of plant cover contributed by weeds;
- No active gully or tunnel erosion features or rills >300mm depth were observed; and
- All previously planted seedlings in the 2011 rehabilitation site died.

In relation to the pasture domains the following observations were made:

- The average combined total of vegetation and litter cover exceeded the completion criteria minimum of 85% at five of the nine pasture rehabilitation sites;
- two sites were well above the average level of biomass calculated for analogue sites, while the remaining seven were below, with only one site having a similar level of biomass to analogue sites;
- two sites had overall levels of plant cover similar to analogue sites, and the remaining seven had levels that were lower;

- species group contributions were variable, with three sites having very little grass; and
- Native species were absent from one site, whilst two sites contained only one native species.

During the audit period, infill planting has been ongoing. The site has also commenced a seed coating trial in 2021 and developed a strategy to reduce subtropical grasses.

1.1.1.2 Water Management

The SCM lies within the catchment of the Namoi River. The majority of the surface water runoff flows northwards across the mine site. It then flows into Coochooboonah Creek which flows north-west within a constructed waterway paralleling Coochooboonah Lane. Water from SD3 and SD4 are licenced to discharge if required. The Superintendent – Closed Mines reported that no offsite discharge events occurred during the audit period.

Site water management comprises with surface water monitoring as per the Water Management Plan 9WMP). Groundwater monitoring is undertaken on a quarterly basis as per the WMP.

1.2 Audit Objectives

The primary objectives of the audit included:

- assessment of the environmental performance of the site, and its effects on the surrounding environment and sensitive receivers;
- assess whether the site is complying with the requirements in the CoA, and any other relevant consents/approvals (including any assessment, plan or program required under these consents/approvals);
- review the adequacy of the Whitehaven Coal Environmental Management Strategy and Environmental Monitoring Program required under the abovementioned consents/approvals; and
- identify opportunities for improved environmental management and recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

1.3 Audit Scope

The scope of works in order to complete the Audit includes the following:

- the audit to be carried out in accordance with AS/NZS ISO 19011:2018: Guidelines for auditing management systems;
- review of compliance against the documentation identified in CoA (as it relates to the current activities at the Sunnyside Mine) which included;
 - document review of compliance against the CoA;
 - a site inspection to assess compliance against field based CoA;
 - review of supporting plans developed as part of the Consent Conditions and assessment of their adequacy towards effective environmental performance;
 - draft report with results of compliance assessment; issued for comment to Whitehaven Coal; and
 - a final report issued for submission to the DPE.

The audit covers the period 14 September 2019 to 7 September 2022 and is limited to assessing the activities completed during the audit period.

1.4 Audit Criteria

The audit covered the following specifications and standards, with a particular focus on activities associated with the current stages of operation. The documents relevant to this audit included:

- Conditions of Approval PA 06_0308 (Modification 4) including Statements of Commitments;
- Mining Leases 1624;
- EPL 12957;
- Implementation of Management Plans:
 - Aboriginal Cultural Heritage Management Plan (Sch3 C33);
 - Air Quality Management Plan (Sch3 C19A);
 - Blast Management Plan (Sch3 C17B);
 - Bushfire Management Plan (SoC Sch18 C17);
 - Energy Savings Action Plan (Sch3 C42);
 - Environmental Management Strategy (Sch5 C1);
 - Environmental Monitoring Program (Sch5 C2);
 - Hydrocarbon Management Plan (SoC Sch18 C8);
 - Koala Management Plan (SoC Sch18 C2);
 - Noise Management Plan (Sch3 C9A);
 - Rehabilitation and Landscape Management Plan / Closure Mining Operations Plan (Sch3 C30);
 - Pollution Incident Response Management Plan (EPL Schedule 4 C2);
 - Spontaneous Combustion Monitoring Plan (SoC Sch18 C7);
 - Water Management Plan (Sch3 C22); and
 - Waste Management Plan (Sch3 C43).
- monitoring results and trends;
- comparison of monitoring results against regulatory limits and CoA limits (where applicable);
- community complaints with review completed for any trends and identifying the source of an established trend; and
- regulatory actions including any letters, penalty notices and prosecutions.

1.5 Limitations of this report

This disclaimer, together with any limitations specified in the report, applies to this report and its use.

This report was prepared in accordance with the contracted scope of services for the specific purpose stated and subject to the applicable cost, time and other constraints. In preparing this report, ERM relied on:

- a) client/third party information which was not verified by ERM except to the extent required by the scope of services, and ERM do not accept responsibility for omissions or inaccuracies in the client/third party information; and
- b) information taken at or under the particular times and conditions specified, and ERM do not accept responsibility for any subsequent changes.

This report has been prepared solely for use by, and is confidential to, the client and ERM accepts no responsibility for its use by other persons. This report is subject to copyright protection and the copyright owner reserves its rights. This report does not constitute legal or financial advice.

2. AUDIT METHODOLOGY

2.1 Methodology and Process

The audit comprised a desktop review of records and other related documentation, and an interview with key site personnel on the 7 September 2022.

The audit process included the following primary components:

- Development of a Terms of Reference, which included:
 - Audit scope and objectives;
 - Date and location of audit;
 - Members of audit team;
 - List of people to be audited; and
 - List of reference documents and audit criteria;
- A project inception meeting was held on 22 July 2022 to confirm details of the Terms of Reference, site inspection logistics and request for documentation required prior to the site inspection component of the audit;
- An opening meeting was held on 7 September 2022 prior to the interview to confirm the audit objectives and scope for the site inspection. Attendees included:
 - Heather McKay (ERM Lead Auditor);
 - Sophie Barkla (ERM Support Auditor);
 - Andrew Raal (Superintendent – Closed Mines, WHC);
 - Olivia Hulbert (Officer – Rehabilitation and Closed Mines, WHC);
 - Jemma Gooley (Group Environmental Officer - Compliance, WHC);
 - Daryl Robinson (Project Manager – Mine Rehabilitation, WHC); and
 - Lynden Cini (Group Superintendent – Environment, WHC).

2.2 Agency and Community Consultation

ERM consulted with the agencies and stakeholders as required including Department of Planning and Environment (DPE) (including departments for Water and Environment, Energy and Science), Resources Regulator, New South Wales Environment Protection Authority (NSW EPA), Gunnedah Shire Council, NSW Natural Resource Access Regulator (NRAR) and the Community Consultative Committee (CCC). Emails were issued on 4 August 2022, with a follow up email submitted on 23 August 2022 to those that had not yet replied. Responses are outlined in *Table 2.1*.

Table 2.1 Agency and Stakeholder Consultation Summary

Agency/Stakeholder	Method	Consultation summary	Response	IEA Response
Department of Planning and Environment (DPE) (Planning NSW)	Email on 4 August 2022	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<ul style="list-style-type: none"> Check maintenance of koala fence. 	SCM confirmed through maintenance records that the koala fence has been repaired when required. SCM also advised that the koala fence would be removed in the future as the koala corridor is established.
Department of Planning and Environment (DPE) – Water	Email on 4 and 23 August 2022	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	No response.	N/A
NSW Resources Regulator	Email on 4 August 2022	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<ul style="list-style-type: none"> Note that from 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016. The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice. Request for final report to be sent to the Regulator. 	The auditor reviewed evidence that SCM has submitted a Rehabilitation Management Plan and rehabilitation forward plan to the Resources Regulator in accordance with the standard condition of mining leases. The RMP and forward plan is still to be approved. An annual rehabilitation report was submitted to the regulator in December 2021.
Natural Resource Access Regulator (Water)	Email on 4 August 2022	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<ul style="list-style-type: none"> No known concerns or areas of interest. Provided details on bores within the mining lease boundary – 	SCM confirmed that there has been no groundwater take during the audit period.

Agency/Stakeholder	Method	Consultation summary	Response	IEA Response
			presumes all bores are inactive and sealed, no active GW or SW take is occurring except that which is authorised under basic landholder rights.	
New South Wales Environment Protection Authority (NSW EPA)	Email on 4 August 2022	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<ul style="list-style-type: none"> ■ Stockpiles of waste tyres and bitumen, seen on-site by EPA officers in April 2021; ■ Sediment and erosion controls, particularly around the overburden emplacement. 	<p>The auditor sighted copies of waste transfer certificates and aerial imagery confirming that tyres and bitumen has been removed from the site.</p> <p>The auditor sighted maintenance records confirming that erosion controls around the overburden emplacement are in the process of repair by ripping and filling with stone (31/8/22). The Environment Officers inspect the site including evidence of erosion on a monthly basis.</p>
Gunnedah Shire Council	Email on 4 and 23 August 2022	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<ul style="list-style-type: none"> ■ Outstanding works: the development conditions which apply to the haul road and Coccooboonah Lane have not been complied with and works need to be completed. 	Refer to CoA Sch 2.35
Community Consultation Committee (CCC)	<ul style="list-style-type: none"> ■ Email on 4 and 23 August 2022 ■ Follow-up call with Michal Brokeman on 25 August 2022 	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<p>CCC suggested the following areas of interest:</p> <ul style="list-style-type: none"> ■ Steepness of High Wall – Steepness for wildlife to navigate without harm, possible lack of vegetation growth and erosion. ■ Lack of rehabilitation on one of side walls 	SCM advised that these issues are addressed in the CCC. SCM advised that further grading of the high wall was not possible as it would have taken the disturbance outside the mining lease. The final high wall gradient has been approved by the NSW Resources Regulator in the Closure MOP.

In each case, an email was sent to representatives of each agency requesting feedback on those issues considered most relevant by their Department at the time of the audit. The consultation outlining the terms of reference was provided prior to the site inspection to obtain feedback and draw attention to any key issues, within the agreed scope of the audit. The Departmental correspondence is provided in *Appendix B*.

Responses received required the audit to focus on compliance against CoA as well as biodiversity management, rehabilitation, management plans and environmental monitoring. These areas are captured in the audit findings.

2.3 Classification of Audit Findings

Findings resulting from an assessment of audit evidence were divided into six categories as follows:

- **Compliant (C):** the intent and all elements of the audit criteria requirements have been complied with within the scope of the audit.
- **Not Verified (NV):** insufficient verifiable evidence to demonstrate that the intent and all elements of the audit criteria have been complied with within the scope of the audit.
- **Non-compliant (NC):** Failure to meet the audit requirements, failure to achieve the field performance outcomes identified in documentation, or ineffective environmental management of the activity.
- **Administrative Non-compliance (ANC):** technical conformance with audit requirements that would not impact on performance and is considered minor in nature (e.g. report submitted but not on the due date, failed monitor or late monitoring session). This would not apply to performance-related aspects (e.g. exceedance of a noise limit) or where a requirement had not been met at all (e.g. noise management plan not prepared and submitted for approval). Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions).
- **Observation (O):** Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance.
- **Not Triggered (NT)** – A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, and therefore a determination of compliance could not be made.
- **Note:** A statement or fact, where no assessment of compliance is required.

A qualitative risk assessment was also completed on the findings, consistent with AS/NZS ISO31000:2018 and as described in the Department of Planning & Environment publication “Independent Audit Post Approval Requirements (2020). The overall level of risk was estimated by combining the likelihood of harm occurring with the estimated level of harm associated with each finding. Risk levels have been assigned as follows:

- **High:** Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence;
- **Medium:** Non-compliance with:
 - potential for serious environmental consequences, but is unlikely to occur; or
 - potential for moderate environmental consequences, but is likely to occur;
- **Low:** Non-compliance with:
 - potential for moderate environmental consequences, but is unlikely to occur; or
 - potential for low environmental consequences, but is likely to occur.

3. AUDIT FINDINGS

3.1 Previous audit follow up

The last audit was conducted by ERM for the period 1 October 2016 through 13 September 2019. A summary of the 2019 audit findings and their status is summarised below in *Table 3.1 and Table 3.2*.

Table 3.1 Summary of 2019 Audit Findings

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	2022 Status				
Minister's Conditions of Approval PA 06_0308									
3.3	<p>The Proponent shall ensure that the noise generated during mining operations and other activities on the site does not exceed the level set out in Table 2:</p> <p><i>Table 2: Operational noise impact assessment criterion dB(A)</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Day/Evening LAeq(15 minute)</th> <th style="width: 50%;">Land</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">35</td> <td>Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")</td> </tr> </tbody> </table> <p><i>Refer to Appendix A for Notes related to this condition.</i></p>	Day/Evening LAeq(15 minute)	Land	35	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")	<p>Noise exceedances were noted above 35 dBL during the audit period.</p> <p>On 21 June 2018, during the quarterly noise monitoring, two exceedances were recorded of day criteria, of 37 dBL (Glendower property) and 38 dBL (Illili property).</p> <p>The consultant undertaking the monitoring reported that the exceedances were likely due to adverse weather and inversion conditions and also noted that noise monitoring results returned to below the criteria during the same monitoring event. Therefore, no additional mitigation measure were proposed.</p> <p>The exceedances were reported to DP&E, who issued a Warning Letter dated 30 August 2018 for the exceedances. No further action was required by the Department.</p>	NC	No further action required.	<p>Deemed as Compliant during this audit.</p> <p>Noise monitoring is no longer required. EPL amended September 17, 2020, confirmed by an email from the EPA outlining their approval for removal of noise monitoring from the licence.</p>
Day/Evening LAeq(15 minute)	Land								
35	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")								

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	2022 Status						
3.10	<p>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> <p><i>Table 5: Airblast overpressure impact assessment criteria</i></p> <table border="1" data-bbox="278 516 629 768"> <thead> <tr> <th data-bbox="278 516 448 636">Airblast overpressure level (dB(Lin Peak))</th> <th data-bbox="463 516 629 569">Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td data-bbox="278 636 448 730">115</td> <td data-bbox="463 636 629 730">5% of the total number of blasts in a 12 month period</td> </tr> <tr> <td data-bbox="278 730 448 768">120</td> <td data-bbox="463 730 629 768">0%</td> </tr> </tbody> </table> <p><i>Refer to Appendix A for Notes related to this condition.</i></p>	Airblast overpressure level (dB(Lin Peak))	Allowable exceedance	115	5% of the total number of blasts in a 12 month period	120	0%	<p>During the audit period there have been six recorded events where blast results have been above the blast criteria of 115 dB(Lin Peak).</p> <p>On 11 April 2018 two readings were recorded:</p> <ul style="list-style-type: none"> ■ 117.9 dB at Plainview; and ■ 115.9 dB at Ferndale. <p>On 14 May 2018, a further three events were recorded:</p> <ul style="list-style-type: none"> ■ 115.8 dB at Plainview; ■ 115.7 dB at Illili; and ■ 117.7 dB at Ferndale. <p>On the 7 June 2019, one blast exceedance was recorded:</p> <ul style="list-style-type: none"> ■ 116 dB at Plainview. <p>SCM issued an email to the DP&E to advise of exceedances in blast criteria at the mine for the months of April and May 2018.</p> <p>SCM received a warning letter from DP&E dated 10 July 2018 for exceeding the 5% allowable exceedance threshold, as there had been five exceedances across 12 blast events.</p> <p>SCM engaged blast consultants (Terrock) in September 2018 to investigate the airblast exceedances and provide additional mitigation measures to prevent future exceedance in blast criteria. The report concluded that airblast over pressure exceedances occurring in May and April 2019 may have been impacted by face direction, firing direction and powder factor, and should be considered when designing or implementing future blasts.</p> <p>The blast non-compliance in 2019 was lodged to the DP&E on 7 June 2019. No measures were taken given that the blast was the last one associated with mining activities. This blast was also outside the 5% allowable exceedance threshold, as there had been 12 blasts in the preceding 12 months.</p> <p>There have been no exceedances of the 120 dB(Lin Peak) blast criteria during the audit period.</p>	NC	No further action required, as there is no further blasting proposed at SCM.	Not triggered during this audit.
Airblast overpressure level (dB(Lin Peak))	Allowable exceedance										
115	5% of the total number of blasts in a 12 month period										
120	0%										
5.5A	<p>Within 3 months of the submission of an:</p> <p>(a) AEMR under condition 5 of schedule 5 above;</p> <p>(b) incident report under condition 4 of schedule 5 above;</p> <p>(c) audit under condition 6 below; or</p> <p>(d) any modification to the conditions of this approval, the proponent shall review, and if necessary revise, the strategies, plans and programmes required under this approval to the satisfaction of the Secretary. Where this review leads to revision of any plan then within four weeks of the</p>	<p><i>Sunnyside Management Plan Review.xlsx</i> sets out when management plans have been reviewed and which 5.5A condition ((a) to (d)) has triggered the review. It is noted that submission of MOD 3 (granted in January 2019) would trigger a review of management plans to occur within three months of approval, therefore by April 2019. According to the <i>Sunnyside Management Plan Review.xlsx</i>, reviews were completed in May 2019.</p> <p>It is also noted that the tracking spreadsheet does not currently track the review of the Rehabilitation and Landscape Management Plan (as required by condition 3.30).</p>	ANC	A site register for MP updates is used for tracking document reviews. The Land and Rehabilitation Management Plan, which is embedded in the Closure MOP will be added to the register.	Deemed as Compliant .						

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	2022 Status
	<p>review the revised document must be submitted to the Secretary and any other relevant agency for approval.</p> <p><i>Refer to Appendix A for Notes related to this condition.</i></p>				
5.10	<p>The Proponent shall:</p> <p>(a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> ■ the EA; ■ all current statutory approvals for the project; ■ approved strategies, plans and programs required under the conditions of this approval; ■ a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval; ■ a complaints register, updated on a monthly basis; ■ any independent environmental audit, and the Applicant's response to the recommendations in any audit; and ■ any other matter required by the Secretary; and <p>(b) keep this information up to date, to the satisfaction of the Secretary.</p>	<p>Most information stipulated in Condition 5.10 is publically available via the Whitehaven Coal website. However, it was noted that blast monitoring results were not consistently published in monthly EPL monitoring results on the website as required. Examples include:</p> <ul style="list-style-type: none"> ■ Air blast overpressure data was not provided for January 2018 or July 2019, despite blast activity occurring on the 5/1/2018 and 5/7/2019, respectively; ■ Air blast overpressure and ground peak particle velocity monitoring data for location 26 ('Ivanhoe') was not included for September 2017 to January 2018, March to July 2018. <p>Furthermore, whilst no complaints were reported for the 2019 period, monthly complaint register had not been available on the WCL website.</p>	ANC	<p>Noted and updated on the website.</p> <p>No formal complaints received in 2019 to date, blank complaints register has been uploaded to website.</p>	Deemed as Compliant .

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	2022 Status						
Environmental Protection Licence 12957											
P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <p>Air</p> <p><i>Refer to Appendix A for condition table.</i></p>	<p>Monitoring has been undertaken at all sites for the duration of the audit period.</p> <p>Deposited dust sample at location 6 (SD7) in November 2018 was destroyed in laboratory during analysis.</p>	ANC	No additional actions to be undertaken. Monitoring was undertaken as per the requirement, however one result was destroyed during laboratory analysis.	Deemed as Compliant						
L4.1	<p>Noise generated at the premises must not exceed the noise limits in the table below.</p> <table border="1"> <thead> <tr> <th>Locality and Location</th> <th>Day-LAeq (15 minute)</th> <th>Evening-LAeq (15 minute)</th> </tr> </thead> <tbody> <tr> <td>All surrounding residences</td> <td>35</td> <td>35</td> </tr> </tbody> </table>	Locality and Location	Day-LAeq (15 minute)	Evening-LAeq (15 minute)	All surrounding residences	35	35	<p>Noise exceedances were noted above 35 dBL during the audit period.</p> <p>On 21 June 2018, during the quarterly noise monitoring, two exceedances were recorded of day criteria, of 37 dBL (Glendower property) and 38 dBL (Illili property).</p> <p>The consultant undertaking the monitoring reported that the exceedances were likely due to adverse weather and inversion conditions and also noted that noise monitoring results returned to below the criteria during the same monitoring event. Therefore, no additional mitigation measure were proposed.</p> <p>The exceedances were reported to DPE, who issued a Warning Letter dated 30 August 2018 for the exceedances. No further action was required by the Department.</p>	NC	No additional actions required. Continue monitoring surrounding residences as required.	Not triggered
Locality and Location	Day-LAeq (15 minute)	Evening-LAeq (15 minute)									
All surrounding residences	35	35									
L5.1	<p>The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations 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</p>	<p>During the audit period there have been six recorded events where blast results have been above the blast criteria of 115 dB(Lin Peak).</p> <p>On 11 April 2018 two readings were recorded:</p> <ul style="list-style-type: none"> ■ 117.9 dB at Plainview; and ■ 115.9 dB at Ferndale. <p>On 14 May 2018, a further three events were recorded:</p> <ul style="list-style-type: none"> ■ 115.8 dB at Plainview; ■ 115.7 dB at Illili; and ■ 117.7 dB at Ferndale. <p>On the 7 June 2019, one blast exceedance was recorded:</p> <ul style="list-style-type: none"> ■ 116 dB at Plainview. <p>SCM issued an email to the DP&E to advise of exceedances in blast criteria at the mine for the months of April and May 2018. SCM received a warning letter from DP&E dated 10 July 2018 for exceeding the 5% allowable exceedance threshold, as there had been five exceedances across 12 blast events.</p> <p>SCM engaged blast consultants (Terrock) in September 2018 to investigate the airblast exceedances and provide additional mitigation measures to prevent future exceedance in blast criteria. The report noted concluded that airblast over pressure exceedances occurring in May and April 2019 may have been</p>	NC	No additional action required as there is no further blasting proposed at SCM.	Not Triggered						

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	2022 Status
		<p>impacted by face direction, firing direction and powder factor, and should be considered when designing or implementing future blasts.</p> <p>The blast non-compliance in 2019 was lodged to the DP&E on 7 June 2019. No measures were taken given that the blast was the last one associated with mining activities. This blast was also outside the 5% allowable exceedance threshold, as there had been 12 blasts in the preceding 12 months.</p> <p>There have been no exceedances of the 120 dB(Lin Peak) blast criteria during the audit period.</p>			
M1.3	<p>The following records must be kept in respect of any samples required to be collected for the purposes of this licence:</p> <p>(a) the date(s) on which the sample was taken;</p> <p>(b) the time(s) at which the sample was collected;</p> <p>(c) the point at which the sample was taken; and</p> <p>(d) the name of the person who collected the sample.</p>	<p>ALS COC includes field data sheet which includes this information.</p> <p>SLR reports do not include the person name who is undertaking the sampling. WHL advised that this information is held by SLR, but not contained within the report. Whilst this is the case, the EPL imposes requirements on the mine operator, and therefore these details should be held by SCM.</p>	ANC	Ensure SLR and all contractors undertaking monitoring include all details required by this condition (i.e. name of sampler)	Deemed as Compliant
M5.2	<p>The record must include details of the following:</p> <p>(a) the date and time of the complaint;</p> <p>(b) the method by which the complaint was made;</p> <p>(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;</p> <p>(d) the nature of the complaint;</p> <p>(e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</p> <p>(f) if no action was taken by the licensee, the reasons why no action was taken.</p>	<p>One complaint (29/01/2018) was recorded during the audit period. The published complaint register includes all requirements excluding the personal details. Personal details of the complainant were provided in a separate email from Environment Officer (dated 17 September 2019). SCM advised that details of complaints are maintained on WHC CMO Complaint system. From a review of the CMO system, it did not appear that the system is maintained or updated regularly, with the 2018 complain still identified as 'under investigation'. From discussion with the Environment Officer during the audit, the complaint had been closed and no outstanding action was required.</p>	ANC	Update and maintain the CMO system to ensure the status of complaints are kept current and relevant.	Deemed as Compliant

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	2022 Status
Mining Licence 1624					
3a	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.	<p>The Auditors were advised that the site has received a penalty notice (NTCE0003223) from the Regulator for operating the mine without an approved MOP between the period of 19th and 22nd January 2019.</p> <p>The Operations Manager advised that whilst the operational period referred to in the Notice falls across three days, mine operations without an approved MOP constituted one operational day (as the mine does not operate on the weekends).</p> <p>The site presently has an approved MOP in place (approved 22 January 2019) providing approval for period up to 22 January 2026.</p> <p>The current MOP is referred to as the Closure Mining Operations Plan (Closure MOP) for works until 5 November 2025.</p>	ANC	No action required. The site is now operating under an approved MOP.	Deemed as Compliant
3b	<p>The MOP must:</p> <ul style="list-style-type: none"> i) identify areas that will be disturbed by mining operations; ii) detail the staging of specific mining operations; iii) identify how the mine will be managed to allow mine closure; iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment; v) reflect the conditions of approval under: <ul style="list-style-type: none"> ■ 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. 	<p>The approved Closure MOP generally addresses the requirements of this condition.</p> <p>The Closure MOP Section 2.3.4 Overburden Emplacement and Supplementary Earthworks, identifies that 2m of inert material is required for carbonaceous material, whereas the remainder of the Closure MOP, in a number of sections, identifies the need for a minimum 5m of inert material above carbonaceous material. From site interviews it was established that the site is installing 5m of inert material.</p>	ANC	Ensure that when the MOP is next updated this inconsistency is removed.	Deemed as Compliant
15b	<p>Blast Overpressure</p> <p>The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied</p>	Refer to CoA Condition 3.10 for exceedances related to 115 dB.	NC	Refer to CoA Condition 3.10	Not triggered.

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	2022 Status
	premises, as the case may be, unless determined otherwise by the Department of Environment and Climate Change.				
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.	Refer to CoA Condition 3.18 for some air quality exceedances for PM ₁₀ .	NC	Refer to CoA Condition 3.18	Deemed as Compliant .

3.2 Complaints summary

Complaints registers for the audit period were available online and/or for review. There were no complaints received during the audit period.

3.3 Incident Summary

A review of incidents during the audit period was undertaken through a review of the incident reports provided by the Site, as well as monitoring data.

The following incidents/exceedances of assessment criteria were reported for the audit period:

- 2019 - Diesel spill on 24 September 2019;
- 2019 – the 24-hour average PM₁₀ particulate level was exceeded on 9 occasions: 17, 23 and 29 October; 16, 22 and 28 November, 10, 16 and 22 December;
- 2020 - PM₁₀ HVAS exceedances on 3 and 9 January and 2 February;
- 2022 - PM₁₀ HVAS sampling error on 18 August at the “Illilli” sampling unit.

All events have been investigated and reported to the regulators as required. No regulatory action has been taken or is pending in relation to these events.

3.4 Environmental monitoring performance

3.4.1 Noise

Noise monitoring is no longer required, as of 17 September, 2020, confirmed by an email from the EPA outlining their approval for this omission of noise monitoring from the licence.

The last noise monitoring was conducted in July 2020, after which the EPL was amended to reflect the removal of need to monitor noise during the mine closure period. The updated condition includes that the site will need to resume noise monitoring if noise complaints are received. No noise complaints were received by SCM during the audit period.

No noise exceedances were reported between September 2019 and July 2020.

3.4.2 Air Quality

Monthly dust deposition monitoring was conducted by ALS during the audit period, and PM₁₀ is measured every 6 days. Twelve (12) exceedances of PM₁₀ over the 24-hour period limit were noted during the audit period (9 in 2019 and 3 in 2020). However, these were investigated and determined to be associated with regional and local events (drought and bushfire).

3.4.3 Blasting

No blasting activities were conducted during the audit period.

3.4.4 Water Management

3.4.4.1 Surface Water

The majority of water storage dams have been removed. Two dams remain (SB2 and SB4) that will be removed during future rehabilitation. Licenced surface water discharge points onsite included storage dam 4 (SD4). Aerial imagery provided during the remote interview depicted dams with water levels significantly below their full capacity. No wet weather discharges were recorded during the audit period.

3.4.4.2 Groundwater

Groundwater monitoring locations are stipulated within Table 8 of the approved WMP (dated June 2018). Neither the CoA nor EPL stipulates the frequency of groundwater monitoring to be undertaken.

Rather, the EPL notes that groundwater monitoring should be undertaken in accordance with the approved WMP. It is noted that the WMP does not stipulate a frequency to groundwater monitoring. Groundwater monitoring data provided showed that monitoring is typically completed every 6 months. The CoA requires the mine to have in place a groundwater contingency plan to mitigate the impacts of groundwater quality or quantity to privately owned land surrounding the site (CoA 3.27). Whilst the WMP includes a groundwater contingency plan, no defined or established trigger levels are stipulated within the WMP as required by the condition.

3.4.4.3 Water Take

The site holds Water Access Licence (WAL) 29537 that allows water take of 120 units from the Gunnedah – Oxley Basin. No groundwater take was reported since 2019 when a total of 26.76ML groundwater sources was used.

3.5 Management Plan Adequacy

The Management Plans for the site were reviewed and the adequacy in meeting the relevant approval requirements was assessed in view of current operations at the site. The site's Management Plans underwent review and approval during the audit period as required by the Conditions of Approval. In general, Management Plans were considered appropriate for the site's operations at the time of the audit.

In accordance with the Conditions of Approval Schedule 3 Condition 27, the Water Management Plan must contain a groundwater contingency plan that provides measures to mitigate any impacts on the quality or quantity of groundwater supplies and establishes trigger levels, benchmarks and contingency criteria. Whilst the plan stipulates a trigger level for quantity, it does not establish trigger levels for quality. It is noted that analysis of groundwater samples undertaken on a six monthly basis are assessed against the Australia and New Zealand Guidelines for Fresh and Marine Water Quality (2000) (ANZECC) and reported in the Annual Review. No issues with groundwater quality have been identified.

3.6 Environmental Protection Licence

The site operates under Environment Protection Licence (EPL) 12957 issued to Namoi Mining Pty Ltd. The site submitted Annual Returns to the EPA, a requirement for the audit period. The following non-compliances were noted:

2019:

- Nil.

2021:

- Nil.

2022:

- Nil.

Findings identified against the site's EPL are outlined in *Appendix A*.

3.7 Mining Leases

Sunnyside Coal Mine lies within the mining lease (ML) 1624 issued to Namoi Mining Pty Ltd on 5 November 2008. Sunnyside Coal Mine is wholly owned and managed by Whitehaven Coal.

No non-compliances with the Mining Lease have been reported during the audit period. The Mining Lease conditions and the summary of audit findings are provided in *Appendix A*.

3.7.1 Mining Amendment (Standard Conditions of Mining Leases – Rehabilitation Regulations 2021)

The Mining Amendment (Standard Conditions of Mining Leases – Rehabilitation Regulations 2021) came into effect on 2 July 2021 and apply to all existing leases for large mines from 2 July 2022. The new rehabilitation conditions replace existing rehabilitation and environmental management conditions on the current lease from 2 July 2022. The new conditions will require the lease holder to:

- prevent or minimise harm to the environment;
- rehabilitate land and water as soon as reasonably practicable after disturbance occurs;
- achieve the approved final land use for the mining area as set out in the:
 - rehabilitation objectives statement;
 - rehabilitation completion criteria statement;
 - final landform and rehabilitation spatial plan (large mines only);
- undertake a rehabilitation risk assessment and implement measures to eliminate, minimise or mitigate risks to achieving the final land use;
- prepare and implement a rehabilitation management plan (large mines only);
- prepare an annual rehabilitation report which describes the progress of rehabilitation over the annual reporting period; and
- prepare a forward program which includes the schedule of mining and rehabilitation activities for the next three years demonstrating how rehabilitation will occur as soon as reasonably practicable after disturbance.

The auditor sighted evidence to confirm compliance with these requirements including the rehabilitation risk assessment and confirmation that the Rehabilitation Management Plan and forward program have been submitted to the NSW Resources Regulator and are awaiting approval.

3.8 Compliance with regulatory instruments

A compliance check of the CoA, EPL and ML conditions as well as management plan review has been completed and is provided in Appendix A. Non-compliances and observations for each component are summarised in *Table 3.3*.

As discussed in *Section 2.3*, a qualitative risk assessment was also completed on the findings as follows:

- non-compliances assessed as 'high' have been colour coded red;
- non-compliances assessed as 'moderate' have been colour coded orange;
- non-compliances assessed as 'low' have been colour coded yellow; and
- administrative non-compliances have been colour coded blue.

Table 3.3 Summary of 2022 Audit Findings

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action
Minister's Conditions of Approval PA 06_0308				
<i>Water Management Plan</i>				
3.27	<p>The Groundwater Contingency Plan must:</p> <ul style="list-style-type: none"> (a) provide measures to mitigate any impacts of the mine on the quality or quantity of groundwater supplies available on privately-owned land; (b) establish trigger levels, benchmarks and contingency criteria; and (a) (c) provide for negotiated agreements with affected landowners, including compensation where mining impacts result in increased extraction costs for landowners. 	<p>A groundwater contingency plan is captured within the WMP (Section 6). Whilst the plan stipulates a trigger level for quantity, the WMP does not sufficiently "establish trigger levels, benchmarks and contingency criteria" for groundwater quality. The groundwater contingency plan should also define sources of groundwater data (if regional data is utilised to assess groundwater impacts) or define when SCM will undertake additional groundwater monitoring events to (beyond annual groundwater monitoring) determine whether the contingency plan should be enacted.</p> <p>The WMP was updated in February 2020 to include groundwater quality triggers, however it has not been submitted to the Department for approval and endorsement.</p> <p>It is noted that groundwater quality is monitored and samples are analysed against the Australia and New Zealand Guidelines for Fresh and Marine Water Quality (2000) (ANZECC) and reported in the Annual Review. No issues with groundwater quality have been identified.</p>	ANC	Submit the Water Management Plan (updated in February 2020) for approval by the Secretary.

4. CONCLUSION

An audit of CoA, Mining Lease and Environmental Protection Licence conditions has been completed as well as a check against commitments made in the management plans developed as part of CoA conditions for the site.

Overall, compliance was generally achieved with the audit documents that were reviewed. The number of non-compliances with the statutory conditions and implementation of the management plans is summarised in *Table 4.1* below.

Table 4.1 Summary of Audit Findings

Review	Non-compliances (NC)	Administrative non-compliance (ANC)	Observations (Obs NC)	Observations (Obs C)
Statutory Instruments	-	1	-	-
Implementation of Plans	-	-	-	-

An action response table has been developed by Whitehaven Coal addressing all audit findings and will be submitted separately to this report.

APPENDIX A

CONDITIONS OF APPROVAL, ENVIRONMENTAL PROTECTION LICENCE AND MINING LEASE COMPLIANCE TABLES

TABLE A1 - PROJECT APPROVAL
Compliance with Project Approval 06_0308

Document details	
Document title	Table A1 - Project Approval
Document subtitle	Compliance with Project Approval 06_0308
Project No.	0655811
Date	5 October 2022
Version	1.0
Author	Sophie Barkla, Heather McKay
Client Name	Whitehaven Coal Mining Limited

TABLE A1 - PROJECT APPROVAL
Compliance with Project Approval 06_0308

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
SCHEDULE 2 – ADMINISTRATIVE CONDITIONS					
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT					
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/A	Noted. Compliance with this condition is detailed throughout this report.	Note	N/A
TERMS OF APPROVAL					
2.	The Proponent must carry out the project: a. generally in accordance with the EA and Statement of Commitments; and b. in accordance with the conditions of this approval. <i>Notes:</i> • The general layout of the project is shown in Figure 1 of Appendix 2; and • The Statement of Commitments is reproduced in Appendix 3.	N/A	Noted.	Note	N/A
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.	N/A	Noted.	Note	N/A
4.	The Proponent shall comply with any reasonable and feasible requirements of the Secretary arising from the Department's assessment of: a. any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and b. the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.	N/A	Noted.	Note	N/A
LIMITS ON APPROVAL					
5.	The Proponent may carry out mining operations on the site until 5 November 2020. <i>Note: Under this Approval, the Proponent is required to rehabilitate the site to the satisfaction of the Secretary and the Resources Regulator. 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>	N/A	Noted.	Note	N/A
6.	The Proponent shall not extract more than 1 million tonnes of ROM coal a year from the site.	Annual Reviews 2019, 2020, 2021	According to ARs for the audit period, the following amounts of ROM coal were extracted from the site: ■ 2019: 244,865 t ■ 2020: 0 t ■ 2021: 0 t ROM coal extraction ceased in 2020.	C	N/A
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.	Noted	The approved route was utilised until coal transport ceased on 29 October 2019.	C	N/A

TABLE A1 - PROJECT APPROVAL
Compliance with Project Approval 06_0308

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
HOURS OF OPERATION					
8.	Construction activities may take place only between 7 am to 6 pm each Monday to Friday and 7 am to 4 pm on Saturdays, and not on Public Holidays.	Annual Reviews 2019, 2020, 2021	No construction activities were conducted during the audit period.	NT	N/A
9.	Mining operations may take place only between 7 am to 10 pm each Monday to Friday and 7 am to 6 pm on Saturdays, and not on Public Holidays.	Annual Reviews 2019, 2020, 2021	Mining operations and rehabilitation activities were undertaken within the permitted operating times, as confirmed by the 2019, 2020, and 2021 Annual Reviews.	C	N/A
10.	Transport of coal may take place only between 7 am to 6 pm Monday to Friday (or between 7 am to 8 pm during Eastern Summer Time) and between 7 am to 4 pm on Saturdays, and not on Public Holidays. <i>Note: See condition 39 of Schedule 3.</i>	2019 Haulage – Sunnyside from 14 th September.xlsx	Daylight savings in 2019 started on 6 October 2019. From this point forward until 5 April 2020, it is considered “Eastern Summer Time”. From review of the 2019 Haulage document provided, it can be confirmed that transportation of coal from the premises was conducted between the permitted hours.	C	N/A
MANAGEMENT PLANS / MONITORING PROGRAMS					
11.	With the approval of the Secretary, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.	N/A	Noted.	Note	N/A
STRUCTURAL ADEQUACY					
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> <ul style="list-style-type: none"> • Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the project. 	Annual Reviews 2019, 2020, 2021 Interview with Superintendent – Closed Mines	No construction has taken place on site during the audit period.	NT	N/A
DEMOLITION					
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.	Liberty Industrial Rocglen and Sunnyside Fixed Plant and Infrastructure Decommissioning Study	Demolition records stated that Liberty Industrial (the contracted company conducted demolition works) demolition practices comply with the requirements of AS 2601 –2001 ‘The Demolition of Structures’ and pertinent codes of practice applicable to the demolition activities required for this site.	C	N/A
OPERATION OF PLANT AND EQUIPMENT					
14.	The Proponent shall ensure that all plant and equipment used on site is: <ul style="list-style-type: none"> a. maintained in a proper and efficient condition; and b. operated in a proper and efficient manner. 	Equipment maintenance spreadsheet – ‘sunny side data excel.xlsx’ Novocom weather station calibration record 15/7/2022	The equipment maintenance spreadsheet provided to the auditor confirming that equipment was maintained consistently. Novocom conduct the weather station maintenance. Service and calibration records (6 and 12 monthly) were reviewed in the system during the interview with the site.	C	N/A
COMMUNITY ENHANCEMENT FUNDS					

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
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.	N/A	This condition is only applicable prior to the audit period, and is not relevant to this audit.	NT	N/A

SCHEDULE 3 – SPECIFIC ENVIRONMENTAL CONDITIONS

ACQUISITION OF AFFECTED PROPERTIES

Acquisition Upon Request

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.	N/A	Confirmed in previous IEA.	NT	N/A
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NOISE

Note: These conditions must be read in conjunction with Section 8 of the Statement of Commitments.

Construction Noise Impact Assessment Criteria

2.	<p>The Proponent shall ensure that the noise generated during the construction of the project does not exceed the level set out in Table 1.</p> <p><i>Table 1: Construction noise impact assessment criterion dB(A)</i></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")	N/A	Outside audit period.	NT	N/A
Day/Evening LA10(15 minute)	Land								
40	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")								

Operational Noise Impact Assessment Criteria

3.	<p>The Proponent shall ensure that the noise generated during mining operations and other activities on the site does not exceed the level set out in Table 2:</p> <p><i>Table 2: Road traffic noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th>Day/Evening LA10(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 $L_{Aeq}(15\text{ minute})$ 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 EPA 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 	Day/Evening LA10(15 minute)	Land	35	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")	<p>Annual Reviews 2019, 2020, 2021</p> <p>Environmental Noise Monitoring – Q3 2019, Q4 2019, Q1 2020, Q2 2020</p>	No noise exceedances were recorded up to the removal of noise monitoring requirement from the EPL in September 2020 (Refer EPL condition P1.3). No noise complaints have been received during the audit period.	C	N/A
Day/Evening LA10(15 minute)	Land								
35	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")								

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>o up to 3-C/100 m temperature inversion strength for all receivers, plus a 2 m/s source-to-receiver component drainage flow wind at 10 metres above ground level for those receivers where applicable.</p> <p>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 EPA, then the Proponent may exceed the noise limits in Table 1 or Table 2 on that land in accordance with the negotiated noise agreement.</p>				

Land Acquisition Criteria

4.	<p>If the noise generated by the project exceeds the level in Table 3, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 8-10 of schedule 4.</p> <table border="1"> <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 measured 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")	Interview with Superintendent - Closed Mines and Officer Rehabilitation & Closed Mines	Not triggered.	NT	N/A
Day/Evening LA10(15 minute)	Land								
40	Any residence on, or more than 25% of, any privately owned land (except at "Lilydale")								

Additional Operational Noise Mitigation Measures

5.	<p>Upon receiving a written request from the landowner of:</p> <p>a. "Illili", "Ferndale", or</p> <p>b. any residence on privately owned land where noise generated by the project exceeds 37 dB(A) LAeq(15 minute),</p> <p>the Proponent shall implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner.</p> <p>These additional mitigation measures must be reasonable and feasible.</p> <p>If within 3 months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>Within 3 months of this approval, the Proponent shall notify all applicable landowners of their entitlements under this condition.</p>	Interview with Superintendent - Closed Mines and Officer Rehabilitation & Closed Mines	Not triggered.	NT	N/A
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Traffic Noise Impact Assessment Criteria

6.	<p>The Proponent shall implement all reasonable and feasible measures to ensure that the traffic noise generated by the project combined with the traffic noise generated by other mines does not exceed the level in Table 4:</p> <p>Table 4: Traffic noise criterion dB(A)</p> <table border="1"> <thead> <tr> <th>Day/Evening LAeq(1 hour)</th> <th>Road</th> </tr> </thead> <tbody> <tr> <td>55</td> <td>Any residence adjacent to Torrens Road</td> </tr> </tbody> </table>	Day/Evening LAeq(1 hour)	Road	55	Any residence adjacent to Torrens Road	Environmental Noise Monitoring documents – Q3 and Q4 2019, Q1 and Q2 2020	Noise monitoring requirements ceased September 17, 2020, with EPL amended to remove this requirement, confirmed by an email from the EPA outlining their approval for this removal of noise monitoring from the licence. Coal transport ceased on 29 October 2019.	C	N/A
Day/Evening LAeq(1 hour)	Road								
55	Any residence adjacent to Torrens Road								

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<i>Note: Traffic noise generated by the project is to be measured in accordance with the relevant procedures in the EPA's NSW Road Noise Policy.</i>				
Additional Traffic Noise Mitigation Measures					
7.	<p>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.</p> <p>These additional mitigation measures must be reasonable and feasible.</p> <p>If within 3 months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>Within 3 months of this approval, the Proponent shall notify all applicable landowners of their entitlements under this condition.</p>	N/A	Not triggered.	NT	N/A
Continuous Improvement					
8.	<p>The Proponent shall:</p> <p>(a) implement all reasonable and feasible best practice noise mitigation measures;</p> <p>(b) investigate ways to reduce the noise generated by the project, including off-site road noise; and</p> <p>(c) report on these investigations and the implementation and effectiveness of these measures in the AEMR, to the satisfaction of the Secretary.</p>	<p>Interview with Superintendent - Closed Mines and Officer Rehabilitation & Closed Mines</p> <p>Environmental Noise Monitoring – Q3 2019, Q4 2019, Q1 2020, Q2 2020</p> <p>Annual Reviews, 2019, 2020, 2021</p>	No noise exceedances or complaints recorded during the audit period. Noise monitoring was ceased in September 2020 as mining operations had ceased.	C	N/A
Operating Conditions					
9.	<p>The Proponent shall undertake the following to the satisfaction of the Secretary:</p> <p>(a) implement all reasonable and feasible measures to minimise the operational and road noise generated by the development;</p> <p>(b) operate a comprehensive noise management system on site to guide the day-to-day planning of mining operations, and the implementation of noise mitigation mining measures to ensure compliance with the relevant conditions of this approval;</p> <p>(c) minimise the noise impacts of the development during meteorological conditions when the noise limits in this approval do not apply; and</p> <p>(d) carry out attended noise monitoring, when required by the Secretary, to determine whether the development is complying with the relevant conditions of this approval.</p>	As above	As above.	C	N/A

Noise Management Plan

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
9A.	<p>The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Secretary. The plan must</p> <p>(a) be prepared in consultation with the EPA and be submitted to the Secretary for approval prior to recommencing operations;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this approval;</p> <p>(c) describe the proposed noise management system in detail;</p> <p>(d) include a monitoring programme that:</p> <p style="margin-left: 40px;">a. evaluates and reports on:</p> <p style="margin-left: 80px;">i. the effectiveness of the noise management system;</p> <p style="margin-left: 80px;">ii. compliance against the noise criteria in this approval; and</p> <p style="margin-left: 80px;">iii. compliance against the noise operating conditions; and</p> <p style="margin-left: 40px;">b. defines what constitutes a noise incident, and include a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.</p>	Noise Management Plan, August 2020	The site operates under a Noise Management Plan which meets the requirements of this condition, noting that noise monitoring has not been undertaken since July 2020 following cessation of mining operations.	C	N/A

BLASTING AND VIBRATION

Airblast Overpressure Limits

10.	<p>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> <p><i>Table 5: Airblast overpressure impact assessment criteria</i></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><i>Note: The overpressure values in Table 5 apply when the measurements are performed with equipment having a lower cut-off frequency of 2 Hz 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.</i></p>	Airblast overpressure level (dB(Lin Peak))	Allowable exceedance	115	5% of the total number of blasts in a 12 month period	120	0%	Annual Review 2019	Blasting ceased prior to the audit period. The last blast was conducted on 5 July 2019.	NT	N/A
Airblast overpressure level (dB(Lin Peak))	Allowable exceedance										
115	5% of the total number of blasts in a 12 month period										
120	0%										

Ground Vibration Impact Assessment Criteria

11.	<p>The Proponent shall ensure that the ground vibration level from blasting, or any other activity at the project does not exceed the levels in Table 6 at any residence on privately-owned land.</p> <p><i>Table 6: Ground vibration impact assessment criteria</i></p> <table border="1"> <thead> <tr> <th>Peal 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>	Peal particle velocity (mm/s)	Allowable exceedance	5	5% of the total number of blasts in a 12 month period	10	0%	Annual Review 2019	No blasting was conducted during the audit period.	NT	N/A
Peal particle velocity (mm/s)	Allowable exceedance										
5	5% of the total number of blasts in a 12 month period										
10	0%										

Blasting Hours

TABLE A1 - PROJECT APPROVAL
Compliance with Project Approval 06_0308

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
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).	Annual Review 2019	As above.	NT	N/A
Blasting Frequency					
13.	The Proponent shall not carry out more than: (a) 2 blasts a day; and (b) 5 blasts a week, averaged over any 12 month period; on site.	Annual Review 2019	As above.	NT	N/A
Property Inspections					
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 Secretary, that they are entitled to a property inspection to establish the baseline condition of the property.	N/A	As above.	NT	N/A
15.	If the Proponent receives a written request for a property inspection from any such landowner, the Proponent shall: (a) commission a suitably qualified person, whose appointment has been approved by the Secretary, 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 (b) give the landowner a copy of this property inspection report. 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.	N/A	Not triggered	NT	N/A
Property Investigations					
16.	If any landowner within 2 km of proposed blasting activities, or any other landowner nominated by the Secretary, 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: (a) commission a suitably qualified person whose appointment has been approved by the Secretary to investigate the claim and prepare a property investigation report; and (b) give the landowner a copy of the report. 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 Secretary. If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.	N/A	No blasting was conducted during the audit period.	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
Operating Conditions					
17.	<p>During mining operations on site, the Proponent shall:</p> <p>(a) implement best practice to manage potential blasting impacts associated with the project to:</p> <ul style="list-style-type: none"> protect the safety of people and livestock in the surrounding area; protect public or private infrastructure/property in the surrounding area from any damage; and minimise the dust and fume emissions of any blasting; <p>(b) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site.</p>	N/A	No blasting was conducted during the audit period.	NT	N/A
17A.	<p>The Proponent shall not undertake blasting on-site within 500 metres of any public road or any land outside the site not owned by the Proponent unless the Proponent has undertaken the following to the satisfaction of the Secretary:</p> <p>(a) demonstrated that the blasting can be carried out closer to the infrastructure or land without compromising the safety of the people or livestock or damaging the infrastructure and / or other buildings and structures;</p> <p>(b) included specific measures in the Blast Management Plan, required under condition 17B, that would be implemented while blasting is being carried out within 500 metres of the infrastructure or land; or</p> <p>(c) provided a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the infrastructure or land, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	N/A	As above.	NT	N/A

Blast Management Plan

17B.	<p>The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA, and be submitted to the Secretary for approval prior to recommencement of ROM coal mining operations on site;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this approval; and</p> <p>(c) include a monitoring programme for evaluation and reporting on compliance with the blasting criteria and operating conditions of this approval."</p>	N/A	Blasting ceased prior to the audit period.	NT	N/A
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AIR QUALITY

Air Quality Impact Assessment Criteria

18.	<p>The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Tables 7, 8 and 9 at any residence on privately owned land.</p> <p><i>Table 7: Long term impact assessment criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Pollutant	Averaging Period	^d Criterion				<p>Complaints register 2019 – to date</p> <p>Annual Review 2019, 2020, 2021</p> <p>EPL Monthly monitoring summaries</p>	<p>Exceedances of criteria in Table 7, 8 and 9 during the audit period was as follows:</p> <p>2019:</p>	C	N/A
Pollutant	Averaging Period	^d Criterion									

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations																				
	<table border="1"> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM10)</td> <td>Annual</td> <td>^a 30 µg/m³</td> </tr> </table> <p>Table 8: Short term impact assessment criterion for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM10)</td> <td>24 hour</td> <td>^a 50 µg/m³</td> </tr> </tbody> </table> <p>Table 9: Long term impact assessment criteria for deposited dust</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>Maximum increase² in deposited dust level</th> <th>Maximum total¹ deposited dust level</th> </tr> </thead> <tbody> <tr> <td>^c Deposited dust</td> <td>Annual</td> <td>^b 2 g/m²/month</td> <td>^a 4 g/m²/month</td> </tr> </tbody> </table> <p>Notes to Tables 7-9</p> <ul style="list-style-type: none"> • a Total impact (ie. incremental increase in concentrations due to the development plus background concentrations due to all other sources); • b Incremental impact (ie. incremental increase in concentrations due to the development on its own); • c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air – Determination of Particulate Matter – Deposited Matter – Gravimetric Method; and • d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Secretary. 	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM10)	Annual	^a 30 µg/m ³	Pollutant	Averaging Period	^d Criterion	Particulate matter < 10 µm (PM10)	24 hour	^a 50 µg/m ³	Pollutant	Averaging Period	Maximum increase ² in deposited dust level	Maximum total ¹ deposited dust level	^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month	<p>Email correspondence between the Site and DPIE –‘RE Elevated dust reading at Sunnyside Mine for October 2019.msg’</p> <p>Community Consultative Committee meeting reports November 2019, February 2020, November 2020, May 2021, March 2022</p> <p>Report to NSW Department of Planning and Environment on 15/05/2020 for PM10 HVAS exceedances in January and February 2020.</p>	<ul style="list-style-type: none"> • PM10 Dust exceedances in October 2019 (17th, 23rd, and 29th) were all reported on 13th November 2019. <p>2020:</p> <ul style="list-style-type: none"> • PM10 Dust exceedances in January (6th and 9th) and February (2nd) were reported to the DPIE on 28 April 2020. • Deposited dust exceedance occurred in January 2020 and February 2020 causing annual average to exceed criteria. According to the 2020 Annual Review, the exceedances were due to regional dust event. 		
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³																							
Particulate matter < 10 µm (PM10)	Annual	^a 30 µg/m ³																							
Pollutant	Averaging Period	^d Criterion																							
Particulate matter < 10 µm (PM10)	24 hour	^a 50 µg/m ³																							
Pollutant	Averaging Period	Maximum increase ² in deposited dust level	Maximum total ¹ deposited dust level																						
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month																						

Operating Conditions

19.	<p>The Proponent shall:</p> <p>(a) implement best practice management, including all reasonable and feasible measures, to minimise odour, fume and dust emissions of the project;</p> <p>(b) implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;</p> <p>(c) minimise any visible air pollution;</p> <p>(d) minimise the surface disturbance on the site;</p> <p>(e) operate an air quality management system on site to guide the day-to-day planning of mining operations and with the relevant conditions of this approval; and</p> <p>(f) minimise the air quality impacts of the project during adverse meteorological conditions.</p>	Air Quality Management Plan, October 2017	The site operates under an approved AQMP that meets the requirements of this condition. Operations for the majority of the audit period have been limited to rehabilitation activities with limited odour, fume or dust emissions.	C	
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Air Quality Management Plan

19A.	<p>The Proponent shall prepare and implement an Air Quality Management Plan for the project to the satisfaction of the Secretary. The plan must:</p> <p>(a) be prepared in consultation with the EPA and submitted to the Secretary for approval prior to recommencing any ROM coal mining operations on site;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this approval;</p> <p>(c) describe the air quality management system in detail; and</p>	Air Quality Management Plan, October 2017	<p>The site operates under an approved AQMP which meets the requirements of this condition.</p> <p>(a) The AQMP describes Air Quality Controls and Management Measures in Section 3.</p> <p>(b) Air Quality Management and Mitigation is discussed in Section 3.1, and Notification and Independent Review in Section 3.2 of the AQMP.</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(d) include an air quality monitoring programme that:</p> <ul style="list-style-type: none"> a. uses air quality monitors to evaluate the performance of the project against the air quality criteria in this approval; b. adequately supports the air quality management system; c. evaluates and reports on the effectiveness of the air quality management system and compliance against the air quality operating conditions; and d. defines what constitutes an air quality incident and includes a protocol for determining and notifying the Department and relevant stakeholders of any air quality incidents. 		<p>(c) Monitoring and Reporting is discussed in Section 4 of the AQMP, which includes details of the monitoring program and monitoring locations.</p> <p>The Air Quality Monitoring Program:</p> <ul style="list-style-type: none"> a. includes air quality monitors to evaluate the performance of the project against the air quality criteria in this approval (deposited dust gauges (for deposited dust) and a High Volume Air Sampler (HVAS) (for PM10)); b. adequately supports the air quality management system, based on previous experience at the site when operational; c. includes process for evaluating and reporting on the effectiveness of the air quality management system, whereby a review of the air quality management and monitoring will be included in Annual Reviews; d. includes definition of what constitutes an air quality incident and protocol for determining and notifying the Department and relevant stakeholders of any air quality incidents in Section 4.3.1. 		

METEOROLOGICAL MONITORING

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 site that complies with the requirements in Approved Methods for Sampling of Air Pollutants in New South Wales (DECC, 2007), or its latest version.	Real time weather monitoring in Sentinex Weather data spreadsheets 14/9/19-5/9/22	Real time weather monitoring was sighted during interview on Sentinex Repository. Calibrations done 6-monthly and 12-monthly. Weather monitoring data was sighted covering the entirety of the audit period.	C	N/A
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WATER MANAGEMENT

Discharge

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.	Monthly monitoring reports September 2019 to September 2022	No wet weather discharges have occurred during the audit period.	C	N/A
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Water Management Plan

TABLE A1 - PROJECT APPROVAL
Compliance with Project Approval 06_0308

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
22.	<p>The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Secretary. This plan must be submitted to the Secretary for approval prior to the commencement of construction activities (not including public road upgrades other than the realignment of Coochooona Lane) in consultation with the Secretary and DoI Lands & Water by suitably qualified expert/s whose appointment/s have been approved by the Secretary and include a:</p> <p>(a) Site Water Balance;</p> <p>(b) Erosion and Sediment Control Plan;</p> <p>(c) Surface Water Monitoring Plan;</p> <p>(d) Groundwater Monitoring Program; and</p> <p>(e) Groundwater Contingency Plan; and</p>	Water Management Plan, June 2018	The approved Water Management Plan meets the requirements of this condition.	C	N/A
Site Water Balance					
23.	<p>The Site Water Balance must:</p> <p>include details of:</p> <ul style="list-style-type: none"> • sources and security of water supply; • water use on site; • water management on site; • off-site water transfers; • reporting procedures; <p>(b) describe measures to minimise water use by the project; and</p> <p>(c) be reviewed and recalculated each year using the most recent water monitoring data.</p>	Water Management Plan, June 2018	The water balance is provided as a section in the Water Management Plan.	C	N/A
Erosion and Sediment Control					
24.	<p>The Erosion and Sediment Control Plan must:</p> <p>(a) be consistent with the requirements of Managing Urban Stormwater: Soils and Construction manual (Landcom, 2004), or its latest version;</p> <p>(b) identify activities that could cause soil erosion and generate sediment;</p> <p>(c) describe measures to minimise soil erosion and the potential for transport of sediment to downstream waters;</p> <p>(d) describe the location, function, and capacity of erosion and sediment control structures; and</p> <p>(e) describe what measures would be implemented to monitor and maintain the structures over time.</p>	Water Management Plan, June 2018 TaskTracker maintenance records	<p>The Erosion and Sediment Control Plan (ESCP) is outlined in Section 3 of the Water Management Plan.</p> <p>The Water Management Plan states that the ESCP:</p> <p>Is consistent with the requirements of the Department of Housing's <i>Managing Urban Stormwater: Soils and Construction Manual</i> (Landcom, 2004).</p> <p>The ESCP:</p> <ul style="list-style-type: none"> • Identifies sources of erosion and sedimentation; • Describes erosion and sediment control measures and the potential for transport of sediment to downstream waters; 	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<ul style="list-style-type: none"> • Describes the location, function, and capacity of erosion and sediment control structures (Section 3.3 and 3.4); and • Describes the measures that will be implemented to monitor and maintain the structures over time. <p>The auditor sighted evidence including maintenance records that inspection and repair of erosion and sediment control measures have been completed during the audit period.</p> <p>The auditor sighted maintenance records confirming that erosion controls around the overburden emplacement are in the process of repair by ripping and filling with stone (31/8/22). The Environment Officers inspect the site including evidence of erosion on a monthly basis.</p>		
Surface Water Monitoring Program					
25.	<p>The Surface Water Monitoring Program must include:</p> <p>(a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project;</p> <p>(b) surface water impact assessment criteria;</p> <p>(c) a program to monitor the impact of the project on surface water flows and quality; and</p> <p>(d) procedures for reporting the results of this monitoring.</p>	Water Management Plan, June 2018	<p>The Surface Water Monitoring Program in Section 4 of the Water Management Plan (WMP), includes:</p> <p>(a) Baseline surface water quality information (Section 4.2) (additional detailed baseline data is presented in the Environmental Assessment from 2008);</p> <p>(b) Surface Water Impact Assessment Criteria (Section 4.3);</p> <p>(c) Surface Water Monitoring program (Section 4.4); and</p> <p>(d) Procedures for reporting of monitoring results – noted as to be reported in the Annual Review (Section 4.5).</p>	C	N/A
Groundwater Monitoring Program					
26.	<p>The Groundwater Monitoring Program must include:</p> <p>(a) further development of the regional and local groundwater model;</p> <p>(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);</p> <p>(c) groundwater impact assessment criteria;</p> <p>(d) a program to monitor the impact of the project on groundwater levels, yield and quality; and</p> <p>(e) procedures for reporting the results of this monitoring.</p>	Water Management Plan, June 2018	<p>The Groundwater Monitoring Program in Section 5 of the WMP includes:</p> <p>(a) Groundwater model (Section 5.2);</p> <p>(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) – including information on groundwater chemistry and flow;</p> <p>(c) Groundwater impact assessment criteria (Section 5.5.1 detailing what parameters are measured with bore water and groundwater sampling. Bores are measured for Standing Water Level (SWL), field pH and electrical conductivity (EC) on a quarterly basis. Groundwater</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>samples are collected on a six monthly basis and analysed for major ions (TDS, Na, K, Ca, Mg, Cl, HCO₃, NO₃, SO₄ and hardness) and selected filtered (0.45µm) metals including Iron (Fe), Copper (Cu), Zinc (Zn), Lead (Pb), Arsenic (As), Cadmium (Cd), Aluminium (Al), Mercury (Hg), Manganese (Mn), Boron (B), Barium (Ba), Beryllium (Be), Cobalt (Co), Chromium (Cr), Nickel (Ni), Selenium (Se), Vanadium (V), at a NATA registered laboratory;</p> <p>(d) Procedures for reporting the results of this monitoring – results of water quality analysis is reported in the Annual Reviews.</p>		

Groundwater Contingency Plan

27.	<p>The Groundwater Contingency Plan must:</p> <p>(a) provide measures to mitigate any impacts of the mine on the quality or quantity of groundwater supplies available on privately-owned land;</p> <p>(b) establish trigger levels, benchmarks and contingency criteria; and</p> <p>(c) provide for negotiated agreements with affected landowners, including compensation where mining impacts result in increased extraction costs for landowners.</p>	<p>Water Management Plan, June 2018 (Section 6)</p> <p>Email 'RE: Update Sunnyside Water Management Plan' – 10/2/2020</p> <p>InViron database for groundwater quality monitoring</p>	<p>A groundwater contingency plan is captured within the WMP (Section 6). Whilst the plan stipulates a trigger level for quantity, the WMP does not sufficiently "establish trigger levels, benchmarks and contingency criteria" for groundwater quality. The groundwater contingency plan should also define sources of groundwater data (if regional data is utilised to assess groundwater impacts) or define when SCM will undertake additional groundwater monitoring events to (beyond annual groundwater monitoring) determine whether the contingency plan should be enacted.</p> <p>The WMP was updated in February 2020 to include groundwater quality triggers, however it has not been submitted to the Department for approval and endorsement.</p> <p>It is noted that groundwater quality is monitored and samples are analysed against the Australia and New Zealand Guidelines for Fresh and Marine Water Quality (2000) (ANZECC) and reported in the Annual Review. No issues with groundwater quality have been identified.</p>	ANC	<p>Submit the Water Management Plan that was reviewed and updated for approval by the Secretary.</p>
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LANDSCAPE MANAGEMENT

Koala Habitat

Note: This condition must be read in conjunction with Sections 2, 9 and 18 of the Statement of Commitments.

28.	<p>The Proponent shall implement the Koala habitat management and enhancement actions described in the EA (shown conceptually in Figure 5 in Appendix 2) in consultation with the BCS and to the satisfaction of the Secretary.</p> <p><i>Note: Conditions 29 – 31 must be read in conjunction with Section 17 of the Statement of Commitments.</i></p>	<p>Koala Management Plan, October 2017</p> <p>Koala spotting register sighted during interview</p>	<p>The Koala Management Plan (KMP) was approved by the Secretary in October 2017. The KMP is being implemented to meet the intention of the condition.</p> <p>The koala fence is planned to be removed as part of the closure of the site.</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
		Sunnyside Management Plan Reviews spreadsheet	The koala sighting register viewed during the interview indicated that no koalas have been sighted on site since December 2021.		

Rehabilitation

29.	<p>The Applicant must rehabilitate the site to the satisfaction of the Resources Regulator. This rehabilitation must comply with the objectives in Table 10.</p> <p><i>Table 10: Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Mine site (as a whole)</td> <td> <ul style="list-style-type: none"> • Safe, stable and non-polluting • Final landforms maximise geotechnical performance, stability and hydrological function • Constructed landforms maximise surface water drainage to the natural environment • Minimise long term groundwater seepage from the site to ensure negligible environmental consequences beyond those predicted for the project • Minimise visual impact of final landforms as far as is reasonable and feasible </td> </tr> <tr> <td>Surface infrastructure</td> <td>To be decommissioned and removed, unless the Resources Regulator agrees otherwise</td> </tr> <tr> <td>Final Voids</td> <td>No final void and free-draining to the natural drainage system</td> </tr> </tbody> </table>	Feature	Objective	Mine site (as a whole)	<ul style="list-style-type: none"> • Safe, stable and non-polluting • Final landforms maximise geotechnical performance, stability and hydrological function • Constructed landforms maximise surface water drainage to the natural environment • Minimise long term groundwater seepage from the site to ensure negligible environmental consequences beyond those predicted for the project • Minimise visual impact of final landforms as far as is reasonable and feasible 	Surface infrastructure	To be decommissioned and removed, unless the Resources Regulator agrees otherwise	Final Voids	No final void and free-draining to the natural drainage system	<p>Aspect Ecology Rehabilitation Monitoring Reports – 2020, 2021</p> <p>Annual Reviews – 2019, 2020, 2021</p>	<p>As this IEA was a remote audit, rehabilitation efforts were not able to be inspected in person.</p> <p>The site is currently in the rehabilitation and closure phase, and thus rehabilitation works are ongoing. All surface infrastructure has been removed from the site.</p> <p>Rehabilitation monitoring reports are prepared on an annual basis and report on the progress towards the rehabilitation objectives.</p>	C	N/A
Feature	Objective												
Mine site (as a whole)	<ul style="list-style-type: none"> • Safe, stable and non-polluting • Final landforms maximise geotechnical performance, stability and hydrological function • Constructed landforms maximise surface water drainage to the natural environment • Minimise long term groundwater seepage from the site to ensure negligible environmental consequences beyond those predicted for the project • Minimise visual impact of final landforms as far as is reasonable and feasible 												
Surface infrastructure	To be decommissioned and removed, unless the Resources Regulator agrees otherwise												
Final Voids	No final void and free-draining to the natural drainage system												

Rehabilitation Management Plan

30.	The Proponent must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the <i>Mining Act 1992</i> . (Amended in MOD 4)	Email from Resources Regulator dated 2 August 2022	The Rehabilitation Management Plan has been submitted to the Resources Regulator and is under assessment as confirmed by email from the Resources Regulator dated 2 August 2022.	C	N/A
31.	<p>At least 2 years prior to the cessation of mining operations on the site the Proponent shall prepare and implement a Mine Closure Plan to the satisfaction of the Resources Regulator. This plan must be prepared as a component of the Mining Operations Plan required under the conditions of the mining lease and must:</p> <ul style="list-style-type: none"> (a) define the objectives and criteria for mine closure; (b) investigate options for the future use of the site; (c) provide a detailed methodology for decommissioning the site's storage dams; (d) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local and regional employment levels; 	Closure Mining Operations Plan, August 2020	The Closure MOP was prepared in accordance with this condition. This condition was deleted in MOD 4 approved in June 2022.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(e) describe the measures that would be implemented to minimise or manage the on-going environmental effects of the project; and</p> <p>(f) describe how the performance of these measures would be monitored over time;</p> <p>(g) include a program of geotechnical assessment and appropriate mitigation actions of all constructed areas of the final landform (including emplacement areas, high walls and end walls) to demonstrate the stability of the final landform into perpetuity; and</p> <p>(h) be prepared in accordance with the relevant guidelines.</p> <p><i>Note: this clause was deleted in MOD 4.</i></p>				

HERITAGE

Note: These conditions must be read in conjunction with Section 12 of the Statement of Commitments.

Aboriginal Cultural Heritage Management Plan

32.	The Proponent shall not destroy any known Aboriginal objects (as defined in the National Parks and Wildlife Act 1974) without the written approval of the Secretary.		No Aboriginal cultural Heritage sites have been identified during the audit period.	C	
33.	<p>The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be submitted to the Secretary prior to the commencement of construction activities (not including public road upgrades other than the realignment of Coocooboonah Lane);</p> <p>(b) be prepared in consultation with the BCS and the local Aboriginal community;</p> <p>(c) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site; and</p> <p>(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.</p>	Aboriginal Culture Heritage Management Plan, October 2017	The ACHMP has not been amended in the audit period.	C	N/A

TRANSPORT

Monitoring of Coal Transport

34.	The Proponent shall keep records of the amount of coal transported from the site each year, and include these records in the AEMR.	2019 Haulage – Sunnyside from 14 th September	Records were sighted of this information being maintained by the site for required years of the audit period.	C	N/A
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Traffic Management

35.	<p>Prior to transporting any coal off-site, the Proponent shall:</p> <p>(a) construct a realignment of Coocooboonah Lane to the satisfaction of the landowner and Council;</p>	N/A	<p>This condition relates to activities undertaken prior to the current IEA audit period, and is therefore not applicable to this audit.</p> <p>The auditor sighted correspondence between WHC and Gunnedah Shire Council on options to reinstatement the original</p>	NT	
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	(b) upgrade the intersection of Coocooboonah Lane and the Oxley Highway to the satisfaction of the RMS and Council; (c) upgrade the intersection of the Oxley Highway and Blackjack Road to the satisfaction of the RMS and Council; (d) upgrade the section of Blackjack Road to be used for coal transport to the satisfaction of Council; (e) upgrade the intersection of Blackjack Road and Quia Road to the satisfaction of Council; (f) upgrade the section of Quia Road to be used for coal transport to the satisfaction of Council; (g) upgrade the intersection of Quia Road and Farrar Road to the satisfaction of Council; (h) upgrade the intersection of Quia Road and Torrens Road to the satisfaction of Council; and (i) upgrade Torrens Road to the satisfaction of Council.		alignment of Coocooboonah Lane. The preferred option is to retain the current road and rehabilitate the old road.		
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 RMS and Council.	Note	This condition relates to activities undertaken prior to the current IEA audit period, and is therefore not applicable to this audit.	NT	N/A
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.	Note	This condition relates to activities undertaken prior to the current IEA audit period, and is therefore not applicable to this audit.	NT	
38.	Prior to transporting coal from the site the Proponent shall construct 2 bus stops on the Oxley Highway to the satisfaction of Council.	Note	This condition relates to activities undertaken prior to the current IEA audit period, and is therefore not applicable to this audit.	NT	
38A.	Prior to recommencing any coal haulage from the site, the Proponent shall undertake the road safety improvement recommendations identified.	Note	This condition relates to activities undertaken prior to the current IEA audit period, and is therefore not applicable to this audit.	NT	
29.	The Proponent shall only dispatch coal from the site by road or receive coarse and/or fine rejects on the site between the hours of: (a) 7 am to 9.15 pm, Monday to Friday; (b) 7 am to 5.15 pm Saturday; and (c) at no time on Sundays and public holidays.	2019 Haulage – Sunnyside from 14 th September	The auditor reviewed coal haulage records and confirmed that coal was dispatched during the approved times.	C	
39.	Notwithstanding condition 10 of Schedule 2, the Proponent shall ensure no coal is transported from the site during AgQuip.		Not triggered	NT	

VISUAL IMPACT

Visual Amenity

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
40.	The Proponent shall minimise the visual impacts of the project to the satisfaction of the Secretary.		No complaints or issues have been raised related to visual impact.	C	

Lighting Emissions

41.	The Proponent shall ensure that: (a) no outdoor lights shine above the horizontal; and (b) all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting.	Interview with Superintendent - Closed Mines and Officer Rehabilitation & Closed Mines	No lighting is used on site.	NT	
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GREENHOUSE GAS

Energy Savings Action Plan

42.	The Proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in accordance with the Guidelines for Energy Savings Action Plans (DEUS, 2005), or its latest version; (b) include consideration of energy use by mobile equipment; (c) be submitted to the Secretary 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.	Energy Savings Action Plan, October 2017	An Energy Savings Action Plan which meets the requirements of this condition was approved prior to the audit period.	C	
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WASTE

Waste Minimisation

43.	The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be submitted to the Secretary for approval prior to commencing of construction; (b) identify the various waste streams of the project; (c) describe what measures would be implemented to reuse, recycle, or minimise the waste generated by the project; (d) ensure irrigation of treated wastewater is undertaken in accordance with Environmental Guidelines: Use of Effluent by Irrigation (DEC, 2004), or its latest version; and (e) include a program to monitor the effectiveness of these measures.	Waste Management Plan, October 2017	A Waste Management Plan that meets the requirements of this condition was approved prior to the audit period. The auditor sighted waste transfer documents confirming that remaining waste tyres have been removed from the site. No waste remains on the site.	C	
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SCHEDULE 4 – ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

TABLE A1 - PROJECT APPROVAL
Compliance with Project Approval 06_0308

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
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.		This condition relates to activities undertaken prior to the current IEA audit period.	NT	
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 Secretary 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.		No exceedances related to the project were required to be notified during the audit period.	NT	

INDEPENDENT REVIEW

Landowners

3.	<p>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 Secretary in writing for an independent review of the impacts of the project on his/her land.</p> <p>If the Secretary is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Secretary's decision:</p> <p>(a) consult with the landowner to determine his/her concerns;</p> <p>(b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to conduct monitoring on the land, to:</p> <ul style="list-style-type: none"> • 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 <p>(c) give the Secretary and landowner a copy of the independent review.</p> <p>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 Secretary.</p>	Interview with Superintendent - Closed Mines and Officer Rehabilitation & Closed Mines	No written complaints have been received by the site for the audit period.	C	
4.	<p>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:</p> <p>(a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and</p> <p>(b) conduct further monitoring to determine whether these measures ensure compliance; or</p> <p>(c) secure a written agreement with the landowner to allow exceedances of the relevant criteria,</p> <p>to the satisfaction of the Secretary.</p>	Interview with Superintendent - Closed Mines and Officer Rehabilitation & Closed Mines	No written complaints have been received by the site for the audit period.	C	

TABLE A1 - PROJECT APPROVAL
Compliance with Project Approval 06_0308

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	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 Secretary.				
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 exceedances, 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.	Interview with Superintendent - Closed Mines and Officer Rehabilitation & Closed Mines	No written complaints have been received by the site for the audit period.	C	
6.	If: (a) the landowner disputes the results of the independent review; or (b) the Proponent is unable to secure a written agreement under condition 4(c) with the landowner then (subject to condition 5) either the Proponent or the landowner may refer the matter to Secretary for resolution. Where matters referred to the Secretary under this condition cannot be resolved by the Secretary within 28 days, the Secretary shall refer the matter to an Independent Dispute Resolution Process.	Interview with Superintendent - Closed Mines and Officer Rehabilitation & Closed Mines	No written complaints have been received by the site for the audit period.	C	
LAND ACQUISITION					
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: (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: • 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: • relocating within the Gunnedah local government area, or to any other local government area determined by the Secretary; • 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.	Interview with Superintendent - Closed Mines and Officer Rehabilitation & Closed Mines	No written requests have been received during the audit period.	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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 Secretary for resolution.</p> <p>the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.</p> <p>Upon receiving such a request, the Secretary shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or 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 Secretary.</p> <p>Within 14 days of 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 Secretary.</p>				
8.	The Proponent shall bear the costs of any valuation or survey assessment requested by the independent valuer, or the Secretary and the costs of determination referred above.	Interview with Superintendent - Closed Mines and Officer Rehabilitation & Closed Mines	Not triggered.	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.	Interview with Superintendent - Closed Mines and Officer Rehabilitation & Closed Mines	Not triggered.	NT	

SCHEDULE 5 - ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1.	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must be submitted to the Secretary prior to the commencement of construction activities, and:</p> <p>(a) provide the strategic context for environmental management of the project;</p> <p>(b) identify the statutory requirements that apply to the project;</p> <p>(c) describe in general how the environmental performance of the project would be monitored and managed;</p> <p>(d) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> • keep the local community and relevant agencies informed about the operation and environmental performance of the project; 	Environmental Management Strategy, October 2017	The approved Environmental Management Strategy complies with the requirements of this condition.	C	
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TABLE A1 - PROJECT APPROVAL
Compliance with Project Approval 06_0308

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the project; • respond to any non-compliance; • manage cumulative impacts; and • respond to emergencies; and <p>(e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project.</p>				
ENVIRONMENTAL MONITORING PROGRAM					
2.	The Proponent shall prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the Secretary. This program must be submitted to the Secretary within 6 months of this approval and consolidate the various monitoring requirements in schedule 3 of this approval into a single document.	Environmental Monitoring Program, October 2017	The Environmental Monitoring Program (EMP) was revised in October 2017, and approved by the Department on 24 October 2017 and is being implemented as intended by the condition.	C	
REPORTING					
Incident Reporting					
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 environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.	HVAS Exceedance, October 2019 HVAS Exceedance Nov and December 2019 HVAS Exceedance, Q1 2020	The auditor sighted evidence of exceedances of limits/performance criteria being reported to the Department within 24 hours.	C	
4.	<p>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:</p> <ul style="list-style-type: none"> (a) describes the date, time, and nature of the exceedance/incident; (b) identifies the cause (or likely cause) of the exceedance/incident; (c) describes what action has been taken to date; and (d) describes the proposed measures to address the exceedance/incident. 	HVAS Exceedance, October 2019 HVAS Exceedance Nov and December 2019 HVAS Exceedance, Q1 2020	Written reports have been provided to the Department within 6 days of the reported incident or at a time specified by the Department.	C	
Annual Review					
5.	<p>By the end of March each year, the Proponent must submit a review of the environmental performance of the project for the previous calendar year to the satisfaction of the Secretary. This review must:</p> <ul style="list-style-type: none"> (a) describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year; (b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the: 	Annual Reviews: 2019, 2020, 2021	Annual Reviews are provided to the Secretary and the reviews in this audit period provide details as per the condition.	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> • relevant statutory requirements, limits or performance measures/criteria; • monitoring results of previous years; and • relevant predictions in the EIS; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the project.</p> <p>Note: The "Post Approval Requirements for State Significant Developments - Annual Review Guideline 2015, NSW Government, October 2015" (or its latest version) provides a reporting framework to integrate the reporting requirements of the Annual Review required by the Department under the project approval and the Annual Environment Management Report (AEMR) required by the Resources Regulator under the Mining Lease.</p>				
Revision of Strategies, Plans and Programs					
5A.	<p>Within 3 months of the submission of an:</p> <ul style="list-style-type: none"> (a) AEMR under condition 5 of schedule 5 above; (b) incident report under condition 4 of schedule 5 above; (c) audit under condition 6 below; or (d) any modification to the conditions of this approval, <p>the proponent shall review, and if necessary revise, the strategies, plans and programmes required under this approval to the satisfaction of the Secretary. Where this review leads to revision of any plan then within four weeks of the review the revised document must be submitted to the Secretary and any other relevant agency for approval.</p> <p>Note: This is to ensure the strategies, plans and programmes are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project."</p>	Sunnyside Management Plan Review.xlsx	Sunnyside Management Plan Review.xlsx sets out when management plans have been reviewed and which 5.5A condition ((a) to (d)) has triggered the review.	C	
INDEPENDENT ENVIRONMENTAL AUDIT					
6.	<p>Within 2 years of this approval, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <ul style="list-style-type: none"> (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies; 	Independent Environmental Audit 2011, 2013, 2016, 2019	IEAs have been conducted for the site routinely in accordance with the requirements of this condition and were observed to meet the requirements of this condition.	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(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);</p> <p>(d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate,</p> <p>(e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.</p> <p>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.</p>				
7.	Within 6 weeks of the completing of this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.	Independent Environmental Audit (IEA) Report 2019	The previous IEA was submitted to the Department along with an Audit Action Plan, which was generally implemented during the audit period.	C	
8.	Within 3 months of submitting the audit report to the Secretary, the Proponent shall review, and if necessary revise the strategies/plans/programs required under this approval to the satisfaction of the Secretary.	Sunnyside Management Plan Review.xlsx	The strategies, plans and programs have been reviewed in accordance with this condition.	C	
COMMUNITY CONSULTATIVE COMMITTEE					
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 <i>the Guideline for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007)</i> , or its latest version, and to the satisfaction of the Secretary.	CCC Meeting Minutes & Environmental Monitoring Report: May 2018, February 2019, November 2019, February 2020, November 2020, May 2021, March 2022	Community Consultative Committee meetings were held as required during the audit period.	C	
ACCESS TO INFORMATION					
10.	<p>The Proponent shall:</p> <p>(a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> • the EA; • all current statutory approvals for the project; • approved strategies, plans and programs required under the conditions of this approval; 	Whitehaven - Sunnyside Website https://whitehavencoal.com.au/our-business/our-assets/sunnyside-mine/	<p>(a) The Whitehaven Sunnyside website includes the documents in Condition 2 of Schedule 2 (EA, statement of commitments and a copy of this approval). The following were also identified on the website:</p> <ul style="list-style-type: none"> • All current approvals • Approved strategies, plans and programs • Monitoring results summaries • Complaints register 	C	N/A

TABLE A1 - PROJECT APPROVAL
 Compliance with Project Approval 06_0308

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> • a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval; • a complaints register, updated on a monthly basis; • any independent environmental audit, and the Applicant's response to the recommendations in any audit; and • any other matter required by the Secretary; and <p>(b) keep this information up to date, to the satisfaction of the Secretary.</p>		<ul style="list-style-type: none"> • CCC meeting minutes • Annual reviews, IEAs and other relevant project data 		

TABLE A2 - EPL

Compliance with Environment Protection Licence (EPL) 12957

Document details	
Document title	Table A2 - EPL
Document subtitle	Compliance with Environment Protection Licence (EPL) 12957
Project No.	0655811
Date	5 October 2022
Version	1.0
Author	Sophie Barkla, Heather McKay
Client Name	Whitehaven Coal Mining Limited

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations												
1. Administrative Conditions																	
A1 What the licence authorises and regulates																	
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.	N/A	Noted.	Note	N/A												
A1.2	This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.	Annual Review 2019, 2020, 2021	The Annual Review indicated ROM volumes of: 2019: 244,865 t 2020: 0 t 2021: 0 t The site completed coal mining operations in August 2019, with coal crushing and transporting activities ceasing on the 27th of October 2019. As per the tonnage values above, the Proponent is compliant with this condition.	C	N/A												
<table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>0 - 2000000 T annual handing capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>0 - 500000 T annual production capacity</td> </tr> <tr> <td>Mining for coal - Previous licence variation (in force up until 19 April 2021)</td> <td>Mining for coal</td> <td>>500000-2000000 T annual production capacity'</td> </tr> </tbody> </table>						Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	0 - 2000000 T annual handing capacity	Mining for coal	Mining for coal	0 - 500000 T annual production capacity	Mining for coal - Previous licence variation (in force up until 19 April 2021)	Mining for coal	>500000-2000000 T annual production capacity'
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Coal works	Coal works	0 - 2000000 T annual handing capacity															
Mining for coal	Mining for coal	0 - 500000 T annual production capacity															
Mining for coal - Previous licence variation (in force up until 19 April 2021)	Mining for coal	>500000-2000000 T annual production capacity'															
A2 Premises or plant to which this licence applies																	
A2.1	The licence applies to the following premises: SUNNYSIDE COAL PROJECT 259 COOCOBOONAH LANE GUNNEDAH NSW 2380 THE LAND WITHIN THE PREMISES BOUNDARY AS SHOWN ON THE MAP ENTITLED 'FIGURE 1 - SUNNYSIDE EPL MONITORING SITES' RECEIVED BY THE EPA 4 AUGUST 2017 (DOC17/402715-01).		Site is at approved location.	C	N/A												
A3 Information supplied to the EPA																	
A3.1	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to: a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and	Refer to this audit table.	Refer to this audit table.	Note.	N/A												

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.				

2. Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <p style="text-align: center;"><i>Air</i></p> <table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Ambient air monitoring</td> <td></td> <td>Deposited dust location labelled 'SD1' on property Ferndale identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).</td> </tr> <tr> <td>2</td> <td>Ambient air monitoring</td> <td></td> <td>Deposited dust location labelled 'SD3' near property PlainView identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).</td> </tr> <tr> <td>4</td> <td>Ambient air monitoring</td> <td></td> <td>Deposited dust location labelled 'SD5' located on the mine boundary and lot 118 DP75503 and lot 1 DP 1192426, identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).</td> </tr> <tr> <td>5</td> <td>Ambient air monitoring</td> <td></td> <td>Deposited dust location labelled 'SD6' on property Illili identified on Figure 1 -Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).</td> </tr> <tr> <td>6</td> <td>Ambient air monitoring</td> <td></td> <td>Deposited dust location labelled 'SD7' on property Innisvale identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).</td> </tr> <tr> <td>7</td> <td>Ambient air monitoring</td> <td></td> <td>PM10 location labelled 'SA1' on property Illili identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).</td> </tr> </tbody> </table>	EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	1	Ambient air monitoring		Deposited dust location labelled 'SD1' on property Ferndale identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).	2	Ambient air monitoring		Deposited dust location labelled 'SD3' near property PlainView identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).	4	Ambient air monitoring		Deposited dust location labelled 'SD5' located on the mine boundary and lot 118 DP75503 and lot 1 DP 1192426, identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).	5	Ambient air monitoring		Deposited dust location labelled 'SD6' on property Illili identified on Figure 1 -Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).	6	Ambient air monitoring		Deposited dust location labelled 'SD7' on property Innisvale identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).	7	Ambient air monitoring		PM10 location labelled 'SA1' on property Illili identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).	<p>EPL Monitoring Data: 2019 Monthly EPL Monitoring data 2020 Monthly EPL Monitoring data 2021 Monthly EPL Monitoring data</p>	<p>Monitoring has been undertaken at the approved for the duration of the audit period.</p> <p style="text-align: center;">-</p>	C	N/A
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																														
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7	Ambient air monitoring		PM10 location labelled 'SA1' on property Illili identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).																														
P1.2	<p>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.</p>	<p>Annual Reviews 2019, 2020, 2021</p>	<p>No wet weather discharges occurred during the audit period.</p>	C	N/A																												

Item	Assessment Requirement				Reference/ Evidence	Comments	Compliance	Recommendations															
	Water and Land				Interview with Superintendent Closed Mines and Officer Rehabilitation and Closed Mines																		
	EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																			
	9	Wet weather discharge Discharge water quality monitoring	Wet weather discharge Discharge water quality monitoring	Discharge point from Storage Dam 3 located on northern side of premises labelled 'SD3' on the map entitled identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).																			
	10	Wet weather discharge Discharge water quality monitoring	Wet weather discharge Discharge water quality monitoring	Discharge point from Storage Dam 4 located on northern side of premises labelled 'SD4' on the map identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).																			
	11	Ambient water quality monitoring		Monitoring point on Coocooboonah Creek upstream of project site labelled 'CCUS' on the map identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).																			
	12	Ambient water quality monitoring		Monitoring point on Coocooboonah Creek downstream of project site labelled 'CCDS' on the map identified on Figure titled 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01).																			
P1.3	<p>The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.</p> <p style="text-align: center;">Noise / Weather</p> <table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>25</td> <td>Meteorological Station</td> <td>Identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' as weather station received by the EPA on 4 August 2017 (EPA DOC17/402715-01).</td> </tr> <tr> <td colspan="3" style="text-align: center;">Noise monitoring locations removed in 2021 variation</td> </tr> <tr> <td>13</td> <td>Noise monitoring</td> <td>Property known as Ferndale, identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01) as noise monitoring location in key.</td> </tr> <tr> <td>14</td> <td>Noise monitoring</td> <td>Property known as Illili, identified on 'Figure 1 - Sunnyside EPL Monitoring</td> </tr> </tbody> </table>				EPA identification no.	Type of Monitoring Point	Location Description	25	Meteorological Station	Identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' as weather station received by the EPA on 4 August 2017 (EPA DOC17/402715-01).	Noise monitoring locations removed in 2021 variation			13	Noise monitoring	Property known as Ferndale, identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01) as noise monitoring location in key.	14	Noise monitoring	Property known as Illili, identified on 'Figure 1 - Sunnyside EPL Monitoring	<p>Noise monitoring data: Q3 2019, Q4 2019, Q1 2020, Q2 2020</p> <p>Email from EPA dated 17/09/2019</p>	<p>Noise monitoring requirements ceased September 17, 2020, confirmed by an email from the EPA outlining their approval for this omission of noise monitoring from the licence. The EPL was varied in April 2021.</p>	C	N/A
EPA identification no.	Type of Monitoring Point	Location Description																					
25	Meteorological Station	Identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' as weather station received by the EPA on 4 August 2017 (EPA DOC17/402715-01).																					
Noise monitoring locations removed in 2021 variation																							
13	Noise monitoring	Property known as Ferndale, identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01) as noise monitoring location in key.																					
14	Noise monitoring	Property known as Illili, identified on 'Figure 1 - Sunnyside EPL Monitoring																					

Item	Assessment Requirement		Reference/ Evidence	Comments	Compliance	Recommendations
		Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01) as noise monitoring location in key.				
15	Noise monitoring	Property known as Glendower, identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01) as noise monitoring location in key.				
16	Noise monitoring	Property known as Innisvale, identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01) as noise monitoring location in key.				
17	Noise monitoring	Property known as Plainview, identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01) as noise monitoring location in key.				
19	Air blast overpressure & ground vibration peak particle velocity monitoring	Property known as Ferndale, identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01) as blast monitoring location in key.				
20	Air blast overpressure & ground vibration peak particle velocity monitoring	Property known as Illili, identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01) as blast monitoring location in key.				
23	Air blast overpressure & ground vibration peak particle velocity monitoring	Property known as Innisvale, identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01) as blast monitoring location in key.				
24	Air blast overpressure & ground vibration peak particle velocity monitoring	Air blast overpressure & ground vibration peak particle velocity monitoring				
25 (included above)						
26	Air blast overpressure & ground vibration peak particle velocity monitoring	Property known as Ivanhoe, identified on 'Figure 1 - Sunnyside EPL Monitoring Sites' received by the EPA on 4 August 2017 (EPA DOC17/402715-01) as blast monitoring location in key.				

3 LIMIT CONDITIONS

L1 Pollution of Waters

L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Annual Returns 2019, 2020, 2021 EPL Monitoring Data 2019 - 2022 Groundwater Monitoring Results	Instances of pollution were generally not identified in the records observed by the auditor.	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																								
		Complaints Register 2019 – to date																											
L2 Concentration Limits																													
L2.1	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.	EPL Monitoring Data: 2019 Monthly EPL Monitoring data 2020 Monthly EPL Monitoring data 2021 Monthly EPL Monitoring data	No exceedances recorded for water/land concentrations during the audit period.	C	N/A																								
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	EPL Monitoring Data: 2019 Monthly EPL Monitoring data 2020 Monthly EPL Monitoring data 2021 Monthly EPL Monitoring data	No pH exceedances recorded during the audit period.	C	N/A																								
L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table(s).	Note	Noted.	Note.	N/A																								
L2.4	Water and/or Land Concentration Limits POINT 9,10	EPL Monitoring Data: 2019 Monthly EPL Monitoring data 2020 Monthly EPL Monitoring data 2021 Monthly EPL Monitoring data	No exceedances recorded for water/land concentrations during the audit period.	C	N/A																								
	<table border="1"> <thead> <tr> <th>Pollutant</th> <th>Unit 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	Unit 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				
Pollutant	Unit 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																								
L2.5	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: 38.4 mm 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.	2019 Monthly EPL Monitoring data 2020 Monthly EPL Monitoring data 2021 Monthly EPL Monitoring data	No discharges recorded for 2019-2021 as reported in the EPL monthly monitoring reports.	C	N/A																								

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations						
L3 Waste											
L3.1	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.	Note	All waste has been removed from the site.	NT	N/A						
L3.2	This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.	Note	Noted.	Note	N/A						
L4 Noise limits											
L4.1	Noise generated at the premises must not exceed the noise limits in the table below. <table border="1" data-bbox="278 737 1344 905"> <thead> <tr> <th>Locality and Location</th> <th>Day- LAeq (15 minute)</th> <th>Evening- LAeq (15 minute)</th> </tr> </thead> <tbody> <tr> <td>All surrounding residences</td> <td>35</td> <td>35</td> </tr> </tbody> </table>	Locality and Location	Day- LAeq (15 minute)	Evening- LAeq (15 minute)	All surrounding residences	35	35	2019 Monthly EPL Monitoring data 2020 Monthly EPL Monitoring data 2021 Monthly EPL Monitoring data Quarterly attended noise monitoring reports, Wilkinson Murray, 2019-2020 Email from EPA dated 17/9/2020	No noise exceedances in Q3 and Q4 2019, or Q1 and Q2 2020. Noise monitoring ceased after June 2020. The EPL was amended, removing requirements for noise monitoring, confirmed by an email sent from the EPA on 17 September 2020.	C	N/A
Locality and Location	Day- LAeq (15 minute)	Evening- LAeq (15 minute)									
All surrounding residences	35	35									
L4.2	The noise limits identified in the above table do not apply at privately owned residences that are: a) identified as residences subject to acquisition or noise mitigation on request within the Project Approval; or b) subject to a private agreement, relating to the noise levels, between the licensee and the land owner.	Note.	Noted.	NT	N/A						
L4.3	For the purpose of the table above: a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays; b) Evening is defined as the period from 6pm to 10pm;	Note.	Noted.	NT	N/A						
L4.4 Determining Compliance											
L4.4	To determine compliance: a) with the Leq(15 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located: i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or ii) within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable iii) within approximately 50 metres of the boundary of a National Park or a Nature Reserve.	Quarterly attended noise monitoring reports, Wilkinson Murray, 2019-2020	Noise monitoring locations were sighted in the quarterly noise monitoring reports, and are confirmed to be in the appropriate proximity to dwelling property boundaries. There are no nearby National Parks or Nature Reserves.	C	N/A						

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>b) with the LA1(1 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located within 1 metre of a dwelling façade.</p> <p>c) with the noise limits in the Noise Limits table, the noise measurement equipment must be located:</p> <p>i) at the most affected point at a location where there is no dwelling at the location; or</p> <p>ii) at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.</p>				
L4.5	<p>The noise limits set out in the Noise Limits table apply under all meteorological conditions except for the following:</p> <p>a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or</p> <p>b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or</p> <p>c) Stability category G temperature inversion conditions.</p> <p>For the purposes of this condition:</p> <p>a) Data recorded by the weather station, marked as "weather station" on figure 1 - Sunnyside EPL Monitoring site (DOC17/402715-01) must be used to determine meteorological conditions; and</p> <p>b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.</p>	EPL Monthly monitoring reports 2019 - 2020	There were no reported incidents of noise exceedances during the audit period.	C	N/A
L4.6	<p>For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.</p>	Quarterly attended noise monitoring reports, Wilkinson Murray, 2019-2020	<p>Noise monitoring reports for Q3 2019, Q4 2019, Q1 2020 and Q2 2020 conducted by Wilkinson Murray include the requirements listed against this condition in the methodology sections, indicating that monitoring was carried out in accordance with these requirements.</p> <p>The quarterly environmental noise monitoring documents state that noise emissions from the mine have been assessed for applicable modifying factors due to annoying characteristics, including low frequency noise, as described in the EPA Industrial Noise Policy and superseding EPA Noise Policy for Industry.</p> <p>The Site received approval from EPA via email on September 17, 2020 stating that the Site was no longer required to undertake noise monitoring, with possibility to change depending on noise complaints.</p>	C	N/A
L4.7	<p>The noise limits set by this licence do not apply where a current legally binding agreement exists between the licensee and the occupant of a residential property that:</p> <p>a) agrees to an alternative noise limit for that property; or</p> <p>b) provides an alternative means of compensation to address noise impacts from the premises.</p>		The requirements of this condition were not triggered during the audit period.	NT	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations								
	A copy of any agreement must be provided to the EPA before the licensee can take advantage of the agreement.												
M8 (from previous modification, removed in 2021)													
M8.1	<p>To determine compliance with condition(s) L4.1:</p> <p>For each monitoring point specified below, the Licensee must monitor the noise or vibration parameter specified in Column 1. The Licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.</p> <p>POINT: 13, 14, 15, 16, 17</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) LA max LA1 (1 minute) LA10 LA90 LAmin</td> <td>Quarterly</td> <td>Type 1 Noise Meter -attended monitoring in accordance with Australian Standards and the NSW Industrial Noise policy</td> </tr> </tbody> </table>	Parameter	Units of Measure	Frequency	Sampling Method	Ambient Noise	LAeq (15 minute) LA max LA1 (1 minute) LA10 LA90 LAmin	Quarterly	Type 1 Noise Meter -attended monitoring in accordance with Australian Standards and the NSW Industrial Noise policy	Quarterly attended noise monitoring reports, Wilkinson Murray, 2019-2020	Noise monitoring was undertaken in accordance with this condition until the noise monitoring conditions were removed.	C	N/A
Parameter	Units of Measure	Frequency	Sampling Method										
Ambient Noise	LAeq (15 minute) LA max LA1 (1 minute) LA10 LA90 LAmin	Quarterly	Type 1 Noise Meter -attended monitoring in accordance with Australian Standards and the NSW Industrial Noise policy										
M8.2	<p>To assess compliance with the noise limits presented in the Noise Limits table, attended noise monitoring must be undertaken in accordance with the condition titled Determining Compliance, outlined above, and:</p> <p>a) at each one of the locations listed in the Noise Limits table;</p> <p>b) occur quarterly in a reporting period;</p> <p>c) occur during each day and evening period as defined in the NSW Industrial Noise Policy for a minimum of:</p> <p>i) 1.5 hours during the day; and</p> <p>ii) 30 minutes during the evening.</p> <p>d) occur for three consecutive operating days.</p>	Quarterly attended noise monitoring reports, Wilkinson Murray, 2019-2020	Noise monitoring was undertaken in accordance with this condition until the noise monitoring conditions were removed.	C	NA								
L5 Blasting													
L5.1	The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations 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.	Annual Review 2019	There were no blasts reported after 5 July 2019. Blasting activities ceased prior to the audit period.	NT	N/A								
L5.2	The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. 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.		Refer to L5.1.	NT	N/A								
L5.3	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations 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.		Refer to L5.1.	NT	N/A								

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
L5.4	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. 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.		Refer to L5.1.	NT	N/A
L5.5	Offensive blast fume must not be emitted from the premises. <i>Definition:</i> <i>Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:</i> 1. are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or 2. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.		Blasting activities ceased prior to the audit period.	NT	N/A
L6 Hours of Operation					
L6.1	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.	Annual Reviews	No construction has been conducted during the audit period.	NT	N/A
L6.2	Mining operations covered by this licence (other than transport of coal from the premises and blasting) must only be carried out 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.	Annual Reviews	It was confirmed in the Annual Reviews from 2019, 2020 and 2021 that all mining operations (including rehabilitation) were conducted between the times outlined in this condition.	C	N/A
L6.3	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.	2019 Haulage – Sunnyside from 14 th September.xlsx	Daylight savings in 2019 started on 6 October 2019. From this point forward until 5 April 2020, it is considered “Eastern Summer Time”. From review of the 2019 Haulage document provided, it can be confirmed that transportation of coal from the premises was conducted between the permitted hours.	C	N/A
L6.4	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.		Blasting activities ceased prior to the audit period.	NT	N/A
L6.5	Conditions L6.1, L6.2, L6.3 and L6.4 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.	N/A	Noted.	Note.	N/A
L6.6	The hours of operation specified in conditions L6.1, L6.2, L6.3 and L6.4 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.	N/A	Noted.	Note.	N/A

4 OPERATING CONDITIONS

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
O1 Activities must be carried out in a competent manner					
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 b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Annual Reviews 2019, 2020, 2021 Waste Management Plan Complaints Register 2019 – to date	Limited waste has been generated during the audit period. The auditor sighted waste transport certificates confirming waste tyres were removed from the site. Review of aerial imagery confirmed that waste tyres and gravel have been removed from the site. A diesel spill was recorded on 24 September 2019 (estimated 200-300L). Whilst transferring diesel fuel from the main fuel storage tank to site service truck tank overflowed. An incident report was submitted to the EPA the following day (25 September 2019). The spill was cleaned up. No further action was required by the EPA.	C	N/A
O2 Maintenance of plant and equipment					
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 b) must be operated in a proper and efficient manner.	Maintenance records 'sunny side data excel.xlsx'	The maintenance records provided include information on the equipment maintenance completed during the audit period demonstrating that required service and maintenance was undertaken. No issues or incidents related to maintenance or use of equipment have been reported during the audit period.	C	N/A
O3 Dust					
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.	HVAS exceedance notifications Annual Reviews 2019, 2020, 2021 HVAS data spreadsheet – 'HVAS IIIIII FULL Audit Period.xlsx'	All air quality exceedances were recorded in annual reviews, and the appropriate incident reports were submitted. All air quality exceedances were determined to be the result of weather events, including drought and bushfire, and not from site activity. Therefore, Sunnyside is compliant with this condition. Dust suppression via water (150,000L) was used on 6 January 2020 to minimise emission of dust from the premises.	C	N/A
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.	2019 Haulage – Sunnyside from 14 th September.xlsx Air Quality Management Plan Community Complaints Register 2019 – to date	Coal was transported from the premises until 29 October 2019. No complaints were recorded in relation to air quality related to coal transport.	C	N/A
O4 Other Operating Conditions					
Blast fumes					

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
O4.1	Offensive blast fume must not be emitted from the premises. Definition: Offensive blast fume means post-blast gases (whether visible or invisible, odorous or odourless) from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances: (i) are harmful to (or is likely to be harmful to) a person that is outside the premises from which it is emitted, or (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.	Annual reviews	Blasting activities ceased prior to the audit period.	NT	N/A
	Pollution Incident Response Management Plan The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions, fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.	Pollution Incident Response Management Plan (PIRMP)	Sunnyside has a PIRMP in place, with last revision date on 09/11/2021. The PIRMP documents systems and procedures in place at the Site to deal with incidents.	C	N/A
O4.2	The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions, fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.	PIRMP	As above.	C	N/A
O4.3	The licensee must keep the PIRMP on the premises at all times.	Sunnyside website	PIRMP is kept on the Sunnyside website, therefore any person on site is able to access the PIRMP online at any time.	C	N/A

5 MONITORING AND RECORDING CONDITIONS

M1 Monitoring Records					
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.	Note.	Noted.	Note	N/A
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; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Annual Reviews 2019, 2020, 2021 EPL Monitoring Data documents	All records required for the licence reviewed by ERM were considered to be in compliance with this condition. Records reviewed were found to be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	C	N/A
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	EPL Monthly Monitoring Data Annual Reviews 2019, 2020, 2021 ALS Depositional Dust field sheets	Depositional dust testing is conducted by ALS, whereby all of the required details are recorded, as noted from the ALS field sampling documents provided.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																																				
	d) the name of the person who collected the sample.																																								
M2 Requirement to monitor concentration of pollutants discharged																																									
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:	N/A	Noted.	Note	N/A																																				
M2.2	<p>Air Monitoring Requirements</p> <p>POINT 1,2,4,5,6</p> <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> <p>POINT 7</p> <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>Every 6 days</td> <td>AM-18</td> </tr> </tbody> </table>	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	PM10	micrograms per cubic metre	Every 6 days	AM-18	EPL Monthly monitoring reports 2019 - 2022	<p>ERM reviewed the monitoring data associated with air quality and found that the points identified in this condition were monitored during the audit period. The units of measurement were in accordance with this condition and the sampling methodology was consistent with those required under this condition.</p> <p>In relation to frequency of monitoring, some data were not captured at the required frequency during the audit period due to data interruption, power failure or calibration error in the continuous monitoring equipment, however these interruptions were generally not a result of failure to monitor and therefore Sunnyside are considered compliant with this condition.</p>	C	N/A																				
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																																						
PM10	micrograms per cubic metre	Every 6 days	AM-18																																						
M2.3	<p>Water and/ or Land Monitoring Requirements</p> <p>POINT 9,10</p> <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>pH</td> <td>pH</td> <td>Special Frequency 1</td> <td>In situ</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> </tbody> </table> <p>POINT 11,12</p> <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> </tbody> </table>	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	pH	pH	Special Frequency 1	In situ	Total organic carbon	milligrams per litre	Special Frequency 1	Grab sample	Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample	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	EPL Monthly Monitoring reports September 2019 – September 2022	ERM reviewed the monitoring data associated with the water monitoring for the site. There were no discharges and therefore monitoring of the parameters above was not conducted or required.	NT	N/A
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																																						
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Conductivity	microsiemens per centimetre	Special Frequency 2	In situ																																						
Oil and Grease	milligrams per litre	Special Frequency 2	Grab sample																																						

Item	Assessment Requirement				Reference/ Evidence	Comments	Compliance	Recommendations
	pH	pH	Special Frequency 2	In situ				
	Total organic carbon	milligrams per litre	Special Frequency 2	Grab sample				
	Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample				
M2.4	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.				N/A	Noted.	Note	N/A
M2.5	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 flow and as soon as practicable after each wet weather discharge from points 9 and 10 commences and in any case not more than 12 hours after each discharge commences. Note: Groundwater monitoring points have not been formally included in the licence. However, the licensee is required to undertake groundwater monitoring in accordance with the premises currently approved Water Management Plan required under Project Approval 06_0308 as modified. The results of this monitoring are required to be reported in the premises Annual Review.				N/A	Noted.	Note	N/A
M3 Testing methods – concentration limits								
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 approved in writing by the EPA for the purposes of that testing prior to the testing taking place. Note: The Protection of the Environment Operations (Clean Air) Regulation 2010 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".				Air Quality Management Plan	In accordance with the requirements of "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW" dust deposition is undertaken in accordance with AS3580.10.1-2003. High volume sampler analysis is undertaken by ALS in house: Referenced to AS 3580.9.3-2015, AS 3580.9.6-2015 and AS 3580.9.14-2013: A gravimetric method for the determination of suspended particulate matter in ambient air from High Volume sampler.	C	N/A
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.				Water Management Plan	ERM has found that the methodology employed was in accordance with the requirements of the approved methods publication.	C	N/A
M4 Weather monitoring								
M4.1	At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.				N/A	Noted.	Note	N/A
	POINT 25				EPL monthly monitoring data Real time weather monitoring	From review of meteorological station monitoring data, outputs for the required analytes were observed continuously and examples of failure to measure were not identified. Sampling	C	N/A

Item	Assessment Requirement					Reference/ Evidence	Comments	Compliance	Recommendations
	Parameter	Sampling method	Units of measure	Averaging period	Frequency		methods were reportedly in accordance with the methods described in the condition. The auditor did not identify any examples of non-compliances against this condition, however it is noted that the weather station was unable to be physically inspected. Notwithstanding this, the real-time data were available and calibration has been undertaken.		
	Rainfall	AM-4	mm/h	1 hour	Continuous				
	Wind Speed @ 10 metres	AM-2 & AM-4	m/s	15 minutes	Continuous				
	Wind Direction @ 10 metres	AM-2 & AM-4	°	15 minutes	Continuous				
	Temperature @ 2 metres	AM-4	°C	15 minutes	Continuous				
	Temperature @ 10 metres	AM-4	°C	15 minutes	Continuous				
	Sigma theta @ 10 metres	AM-2 & AM-4	°	15 minutes	Continuous				
	Total Solar Radiation	AM-4	W/m ²	15 minutes	Continuous				
	Siting	AM-1 & AM-4	-	-	-				
	Note: Sigma theta must be measured at 10 metres.								
M4.2	The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in this section.					Sentinex Weather Station Calibration Report	The 12-month weather station calibration report was provided to ERM, conducted on 15/7/2020 by Novecom, confirming that all sensors passed the testing. It was noted that the 30m and 60m temperature weather sensors were not installed and were to be replaced, however these parameters are not required to be measured by this EPL.	C	N/A
M5 Recording of Pollution Complaints									
M5.1	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.					Community Complaints Register Annual Returns	A summary of all complaints received either directly to the Site or via regulators are recorded on the Rocglen website, as well as in the SCM Community Consultative Committee (CCC) Environmental Monitoring Reports and Annual Returns.	C	N/A
M5.2	The record must include details of the following: a) the date and time of the complaint;					Community Complaints Register	Although no complaints were received during the audit period, the complaints register includes headings for the following details:	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>b) the method by which the complaint was made;</p> <p>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;</p> <p>d) the nature of the complaint;</p> <p>e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</p> <p>f) if no action was taken by the licensee, the reasons why no action was taken.</p>		<p>a) the date and time of the complaint;</p> <p>b) the method by which the complaint was made;</p> <p>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;</p> <p>d) the nature of the complaint;</p> <p>e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</p> <p>f) if no action was taken by the licensee, the reasons why no action was taken.</p>		
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Community Complaints Registers (2009-2022)	The Community Complaints Registers are available on the SCM website from 2009 to 2022. Therefore, the Site retains records of complaints for longer than four years prior to the start of the audit period. Therefore, Sunnyside is compliant with this condition.	C	N/A
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	WHC website	Available on the company website.	C	N/A
M6 Telephone complaints Line					
M6.1	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.	<p>Test of Complaints Line</p> <p>Copy of email notification from complaints/community phone line</p> <p>Return phone call from Site member after contacting community phone line</p>	SCM maintains a telephone complaints line through Vodafone, whereby the site relevant to the complaint, caller details (name, address, phone number), reason for call, and whether a return call is requested, are all recorded. This message is then emailed to the Superintendent – Closed Mines, who also receives a text message notification.	C	N/A
M6.2	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.	Sunnyside website	The telephone complaints line is listed on the Sunnyside website (link: https://whitehavencoal.com.au/our-business/our-assets/sunnyside-mine/), with a preface of 'Contact us for more information, to provide feedback or to lodge a complaint.'	C	N/A
M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	N/A	The licence was issued greater than 3 months prior to the audit period, therefore this condition was not triggered.	NT	N/A

M7 Blasting

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations												
M7.1	<p>To determine compliance with condition(s) L5.1, L5.2, L5.3 and L5.4:</p> <p>For each monitoring point specified below, the Licensee must monitor the noise or vibration parameter specified in Column 1. The Licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.</p> <p>POINT: 19, 20, 23, 24, 26</p> <table border="1" data-bbox="281 478 1338 1150"> <thead> <tr> <th>Parameter</th> <th>Units of Measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Blast Noise</td> <td>dB (Lin Peak)</td> <td>Every Blast</td> <td>Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.</td> </tr> <tr> <td>Blast Vibration</td> <td>mm/s</td> <td>Every Blast</td> <td>Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.</td> </tr> </tbody> </table> <p>Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in this licence at any "noise sensitive locations" other than the locations identified in the above condition.</p>	Parameter	Units of Measure	Frequency	Sampling Method	Blast Noise	dB (Lin Peak)	Every Blast	Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.	Blast Vibration	mm/s	Every Blast	Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.	Annual Reviews – 2019, 2020, 2021	Blasting activities ceased prior to the audit period.	NT	N/A
Parameter	Units of Measure	Frequency	Sampling Method														
Blast Noise	dB (Lin Peak)	Every Blast	Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.														
Blast Vibration	mm/s	Every Blast	Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.														
6 Reporting Conditions																	
R1	Annual return documents																
R.1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. <p>At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.</p>	Email from EPA portal providing proof of submission of Annual Returns	The Site provided proof of submissions of the 2019, 2020 and 2021 Annual Returns.	C	N/A												

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
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.	Email from EPA portal providing proof of submission of Annual Returns	See R1.1	C	N/A
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.		The licence has not been transferred.	NT	
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.		Not triggered	NT	
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or 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').	Email from EPA portal providing proof of submission of Annual Returns	The Site provided evidence of submissions of the 2019, 2020 and 2021 Annual Returns, which were all submitted prior to the Annual Return due date.	C	N/A
R1.6	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.		Annual returns are available for at least the previous 4 years.	C	N/A
R1.7	Within the Annual Return, the Statements 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.	Annual Returns submission confirmation emails from eConnect EPA for 2018-2019, 2019-2020, 2020-2021.	Annual Returns are submitted digitally via the EPA e-connect portal which includes a statement of certification but are not physically signed.	C	N/A
R2	Notification of environmental harm				
	Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.				
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Note	Noted.	Note	N/A
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.	Email from EPA Customer Service, 25 September 2019.	Email from the EPA Customer Service on 25 September 2019 confirmed receipt of the	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
			notification of an incident (diesel spill) on 24 September 2019.		
R3	Written report				
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.	SunnysideCoalMine_EPL12957_Fuel_Spill_24Sept19.pdf	The EPA requested a formal report of the diesel spill event on 24 September 2019 within 7 days. The report was provided on 2 October 2019.	C	N/A
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.	SunnysideCoalMine_EPL12957_Fuel_Spill_24Sept19.pdf	The EPA requested a formal report of the diesel spill event on 24 September 2019 within 7 days. The report was provided on 2 October 2019.	C	N/A
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.	SunnysideCoalMine_EPL12957_Fuel_Spill_24Sept19.pdf	The diesel fuel spill report from 24 September 2019 includes all required parameters outlined in this condition.	C	N/A
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.	SunnysideCoalMine_EPL12957_Fuel_Spill_24Sept19.pdf	Further details were not requested.	NT	N/A
R4	Other reporting conditions				
R4.1	The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.		No blasts were conducted during the audit period.	NT	N/A
7 GENERAL CONDITIONS					
G1	Copy of licence kept at the premises or plant				

TABLE A2 - EPL
Compliance with Environment Protection Licence (EPL) 12957

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Sunnyside website https://whitehavencoal.com.au/Documentations/Sunnyside%20Mine/Approvals/Environment%20Protection%20Licence/SUN-EPL%2012957.pdf	The Licence is kept on the Sunnyside website, which is accessible via the internet by anyone on site.	C	N/A
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.		Noted	Note	
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Sunnyside website https://whitehavencoal.com.au/Documentations/Sunnyside%20Mine/Approvals/Environment%20Protection%20Licence/SUN-EPL%2012957.pdf	The EPL is available on the WHC website.	C	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

Document details	
Document title	Table A3 – Mining Lease 1624
Document subtitle	Compliance with Mining Lease 1624
Project No.	0655811
Date	5 October 2022
Version	1.0
Author	Sophie Barkla, Heather McKay
Client Name	Whitehaven Coal Mining Limited

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
Mining Lease Conditions 2010					
Notice to Landholders					
1.	<p>Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.</p> <p>If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.</p>		Outside audit period.	NT	
Environmental Harm					
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.	Note	Noted.	Note	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
Mining Operations Plan					
3.	<p>(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.</p> <p>(b) The MOP must:</p> <ul style="list-style-type: none"> i) identify areas that will be disturbed by mining operations; ii) detail the staging of specific mining operations; iii) identify how the mine will be managed to allow mine closure; iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment; v) reflect the conditions under: <ul style="list-style-type: none"> - 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. <p>(c) The titleholder may apply to the Director-General to amend an approved MOP at any time.</p> <p>(d) It is not a breach of this condition if:</p> <ul style="list-style-type: none"> 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</i> 	<p>Closure Mining Operations Plan, August 2020</p> <p>Aspect Ecology Rehabilitation Monitoring Reports – 2020, 2021 Agronomist report Feb 2022 – Feed assessment, weed assessment</p> <p>Feed analysis report Pinnacle Agriculture</p> <p>Feb 2022 – weed inspection</p> <p>Weed treatment spreadsheet ‘Sunnyside Survey 123 Records for weed treatment’, 2019 – to date</p> <p>Interview with Superintendent – Closed Mines and Officer – Rehabilitation and Closed Mines</p>	<p>The CMOP:</p> <ul style="list-style-type: none"> i) identifies areas that will be disturbed by mining operations in Section 2.3; ii) details staging of specific mining operations in Section 2.3; iii) identifies how the mine will be managed to allow mine closure in Sections 5, 7 and 9; iv) identifies how mining operations will be carried out on site in order to prevent and or minimise harm to the environment in Section 3; v) Reflects the conditions of approval under: <ul style="list-style-type: none"> - The Environmental Planning and Assessment Act 1979; - The Protection of the Environment Operations Act 1997; 	C	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p><i>Health and Safety Act 2000</i>; and</p> <p>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.</p> <p>(e) A MOP ceases to have affect 7 years after date of approval of 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.</p>		<p>- And any other approvals relevant to the development including the conditions of this lease, in Sections 1.4 and 4.1; and</p> <p>Has regard to any relevant guidelines adopted by the Director-General in Sections 1.4 and 7.1.</p>		
Environmental Management Reporting					
4.	The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.	Annual Reviews 2019, 2020, 2021	Annual Reviews have been submitted as required.	C	N/A
5.	<p>The EMR must:</p> <p>i) report against compliance with the MOP;</p> <p>ii) report on progress in respect of rehabilitation completion criteria;</p> <p>iii) report on the extent of compliance with regulatory requirements; and</p> <p>have regard to any relevant guidelines adopted by the Director-General;</p>	Annual Reviews 2019, 2020, 2021	The Annual Reviews contain the required information.	C	N/A
Additional Environmental Reports					
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.	Note	Noted.	NT	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
Rehabilitation					
7.	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Aspect Ecology Rehabilitation Monitoring Reports – 2020, 2021	<p>In progress.</p> <p>It is noted that with the commencement of the Mining Amendment (Standard Conditions of Mining Leases – Rehabilitation) Regulation 2021, this lease will be amended to include new standard conditions related to rehabilitation. Sunnyside has submitted the Rehabilitation Management Plan and forward plan to the Resources Regulator and is awaiting approval.</p>	C	N/A
Subsidence Management					
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.	Note	N/A	NT	N/A
8. (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	Note	N/A	NT	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<i>the Applications for Subsidence Management Approvals guidelines (EDG17)</i>				
8. (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>Coal Mine Health and Safety Act 2002</i> , or the document <i>New Subsidence Management Plan Approval Process - Transitional Provisions (EDP09)</i> .	Note	N/A	NT	N/A
8. (d)	Subsidence Management Plans are to be prepared in accordance with <i>the Guideline for Applications for Subsidence Management Approvals</i> .	Note	N/A	NT	N/A
8. (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> .	Note	N/A	NT	N/A
Working Requirement					
9.	The lease holder must: (a) ensure that at least ten (10) competent people are efficiently employed on the lease area on each week day except Sunday or any week day that is a	Interview with Superintendent – Closed Mines and Officer –	Resources Regulator has been notified of the Site closure. This condition is not applicable after mining activities cease. It	NT	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>public holiday, OR</p> <p>(b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$175,000 per annum whilst the lease is in force.</p> <p>The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.</p>	Rehabilitation and Closed Mines	was noted that the Site continues to meet this expenditure.		
Control of Operations					
10.	<p>(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to: -</p> <ul style="list-style-type: none"> i) cease working the lease; or ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified. <p>(b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.</p> <p>(c) A direction referred to in this condition may be served on the Mine Manager.</p>	Note	Noted.	Note	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
Reports					
11.	<p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <ul style="list-style-type: none"> (a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period; (b) Details of expenditure incurred in conducting that exploration; (c) A summary of all geological findings acquired through mining or development evaluation activities; (d) Particulars of exploration proposed to be conducted in the next twelve months period; (e) All plans, maps, sections and other data necessary to satisfactorily interpret the report. 	Note	Not relevant to this audit period.	NT	N/A
Licence to Use Reports					
12.	<ul style="list-style-type: none"> (a) The lease holder grants to the Minister, by way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright. (b) The non-exclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992. 	Note	Noted.	Note	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
Confidentiality					
13.	<p>(a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential while the lease is in force, except in cases where:</p> <ul style="list-style-type: none"> (i) The lease holder has agreed that specified reports may be made non-confidential. (ii) Reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease. <p>(b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title of any subsequent flow-on title, has terminated.</p> <p>(c) The Director-General may extend the period of confidentiality.</p>	Note	Not relevant to this audit period.	NT	N/A
Terms of the non-exclusive licence					
14.	<p>The terms of the non-exclusive copyright licence granted under condition 12 are:</p> <ul style="list-style-type: none"> (a) the Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports. (b) the Minister and any sub-licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database. 	Note	Noted	Note	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(c) the lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright.</p> <p>(d) there is no royalty payable by the Minister for the licence.</p> <p>(e) if the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months notice.</p>				

Blasting

Ground Vibration

15. (a)	The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Climate Change.	N/A	Blasting activities ceased prior to audit period.	NT	N/A
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Blast Overpressure

15. (b)	The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear)	N/A	Blasting activities ceased prior to audit period.	NT	N/A
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TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Climate Change.				
Safety					
16.	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Discussed during interview with Site.	No shafts are present on site. The site is fenced and locked. No drilling was conducted during the audit period.	C	N/A
Exploratory Drilling					
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 Hydrologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes. (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;	N/A	No drilling was conducted during the audit period.	NT	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> 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 as clean, tidy and stable condition. 				
Prevention of soil erosion and pollution					
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	Annual Reviews 2019, 2020, 2021 EPL monthly monitoring reports 2019-2022	No evidence of pollution has been identified. Erosion is monitored in monthly site inspections and rehabilitation undertaken as required.	C	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	observe and perform any instructions given by the Director-General in this regard.				
Transmission lines, Communication lines and Pipelines					
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.		Noted.	Note	N/A
Fences, Gates					
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. (b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.	Monthly environment inspections. ArcGIS fence maintenance records TaskTracker proof of fence inspections 31/8/22	The Site is fully fenced and locked at all times and is inspected on a monthly basis The auditor sighted maintenance records confirming repairs to the fence.	C	N/A
Roads and Tracks					
21. (a)	(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. (b) The lease holder must pay to the designated authority in control of the road (generally the local	Emails between the Site and Gunnedah Shire Council, July and September 2021	SCM has agreed with Gunnedah Shire Council to rehabilitate the original Coocoonabah Lane and re-establish the realignment as a single lane road.	C	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	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 Mine Subsidence Compensation Fund.				
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 Environment and Climate Change.	Aerial imagery	Access tracks have been rehabilitated.	C	N/A
Trees and Timber					
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.	Discussed during interview with Site	No tree removal has been conducted during the audit period. Some trees are planned to be removed during the high wall drain construction, which is approved in MOD of June 2022. This was checked by ecologists and determined to not be critical koala habitat. It will include removal of very small regrowth trees.	C	N/A
23. (b)	The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the		Not triggered.	NT	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	lease area except such as directly obstructs or prevents the carrying on of operations. Ant clearing not authorised under the Mining Act 1992 must comply with the provisions of the <i>Native Vegetation Act 2003</i> .				
23. (c)	The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.	Note	Noted	NT	N/A
Resource Recovery					
25.	<p>(a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to recover such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director-General, provide such information as the</p>		No notice has been received from the Regulator.	NT	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>Director-General may specify about the recovery of the mineral resources of the lease area.</p> <p>(d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director-General has incorporated the views of the lease holder.</p> <p>(e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the <i>Mining Act, 1992</i>.</p> <p>(f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.</p>				
Indemnity					
26.	<p>The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease</p>		Noted	Note	N/A

TABLE A3 – MINING LEASE 1624
Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	holder may be licensed or compelled to do.				
Security					
27.	<p>(a) A security in the sum of \$3,175,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under this lease. If the lease holder fails to fulfill any one or more of such obligations the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of this lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.</p> <p>(b) The lease holder must provide the security required by sub-clause (a) in one of the following forms:</p> <p>(i) cash,</p> <p>(ii) a security certificate in a form approved by the Minister and issued by an authorised deposit-taking institution.</p>	<p>Interview with Superintendent – Closed Mines</p> <p>Letter from Resources Regulator, 3/2/22</p>	<p>The Assessed Deposit was reduced to \$1,465,000.00 from \$10M, as per letter from Resources Regulator (on 3/2/22).</p>	C	N/A

TABLE A3 – MINING LEASE 1624
 Compliance with Mining Lease 1624

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
Cooperation Agreement					
31.	<p>The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping petroleum title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts and • rehabilitation issues. 	Interview with Superintendent – Closed Mines	No communication has occurred with Santos on the petroleum lease overlap. WHC owns the surface rights.	C	N/A

APPENDIX B DEPARTMENTAL CORRESPONDENCE

Tony Dwyer
Group Manager – Approvals and Environment
Namoi Mining Pty Ltd

By email only: tdwyer@whitehavencoal.com.au

13/07/2022

Dear Mr Dwyer

**Sunnyside Coal (MP06_0308)
2022 IEA auditor endorsement request**

Reference is made to your post approval matter, MP06_0308-PA-8, request for the Secretary's endorsement of suitably qualified persons to prepare the 2022 Independent Environmental Audit (IEA) for the Sunnyside Coal Mine, submitted as required by Schedule 5, Condition 6 of MP06_0308 as modified (the approval) to the Department of Planning and Environment (the department) on 27 June 2022. Reference is also made to your response to the departments request for information (RFI-46000225), submitted to the department on 12 June 2022.

The department) has reviewed the nominations and information you have provided and is satisfied that these experts are suitably independent, qualified and experienced. In accordance with Schedule 5, Condition 6 of the consent, the Secretary has agreed to the following audit team:

- Mr Oliver Moore (Technical Oversight)
- Ms Heather McKay (Lead Auditor)
- Sophie Barker (Support Auditor)
- Toivo Zoete (Rehabilitation Specialist)

Please ensure this correspondence is appended to the IEA report.

The IEA must be prepared, undertaken, and finalised in accordance with Schedule 5, Conditions 6 and 7 of the approval and the department's *Independent Audit Post Approval Requirements (2020)*. Failure to meet these requirements will require revision and resubmission.

Should you wish to discuss the matter further, please contact Joel Curran, Senior Compliance Officer on 02 4904 2702 or compliance@planning.nsw.gov.au

Yours sincerely

Department of Planning and Environment

A handwritten signature in black ink, appearing to read "James Epstein".

James Epstein
A/ Team Leader
Compliance

As nominee of the Planning Secretary

From: [Resources Regulator](#)
To: [Sophie Barkla](#)
Subject: AREQ0031161 | Sunnyside Coal Mine | Enquiry (external) | Other Enquiry | 04 Aug 2022 16:51:33
Date: Monday, 15 August 2022 9:21:28 AM
Attachments: [viewourvideos.png](#)
[default_banner.jpg](#)
[RegionalNSWLogo.png](#)
[visitourwebsite.png](#)
[subscribe.png](#)
[ERM_Sunnyside_2022.pdf](#)

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Dear Ms Barkla,

Please find attached the Regulator's response to your request for consultation on the independent environmental audit of the Sunnyside Coal Mine.

Regards,

Jenny Ehmsen
Principal Compliance Auditor
MAI - Enforcement | Resources Regulator
T 4063 6443 M 0438 735 010



[Department Regional NSW](#)



The Department of Regional New South Wales acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.



Ref:MSG0744827_hlsAIACLg2Uk64v1TVh

From: [fredkelpie](#)
To: [Sophie Barkla](#)
Subject: Re: Whitehaven Coal Sunnyside IEA
Date: Wednesday, 24 August 2022 8:41:23 PM
Attachments: [image001.png](#)
[image002.png](#)

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Afternoon Sophie,

In previous meetings both Michael Brokeman and myself had raised concerns regarding the steepness and non rehabilitation of one of the side walls on the Western? side of the mine.

At the time I had two concerns, one being the steepness for wildlife to navigate without harm and possible lack of vegetation growth and erosion.

Thank-you & Regards,

Lizzette Ferguson

On Tue, Aug 23, 2022 at 3:41 PM Sophie Barkla <Sophie.Barkla@erm.com> wrote:

Hi All,

This is a gentle reminder to please reply to this email by the end of next week if you would like to raise any questions or concerns regarding the Whitehaven Sunnyside project from an environmental management perspective. Please see my previous email attached below for all details.

Kind regards,

Sophie

Sophie Barkla
Environmental Consultant (ESG)
Pronouns: She/Her/Hers

ERM

Level 15, 309 Kent St | Sydney | NSW 2000

M +61 430 953 460

E Sophie.Barkla@erm.com | **W** www.erm.com

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From: Sophie Barkla

Sent: Thursday, August 4, 2022 5:06 PM

To: michael@nvbricks.com.au; crfuller@bigpond.com; fred.kelpie@gmail.com; wadehudson@infogunnedah.com.au

Cc: Heather McKay <Heather.McKay@erm.com>; Oliver Moore <Oliver.Moore@erm.com>; ARaal@whitehavencoal.com.au; DarylRobinson@whitehavencoal.com.au; JGooley@whitehavencoal.com.au; LCini@whitehavencoal.com.au; OHulbert@whitehavencoal.com.au

Subject: Whitehaven Coal Sunnyside IEA

Dear Whitehaven Coal Sunnyside Community Consultative Committee,

ERM are currently completing the Independent Environmental Audit (IEA) for Whitehaven Coal on the Condition of Approval (CoA) numbers 6, 7 and 8 of Schedule 5 (Independent Environmental Audit) of the Sunnyside Coal Project Application No 06_0308. The project is also governed by EPL 12957.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management perspective.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The audit will be completed on 7 September 2022, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 27 August 2022.

I can be contacted at the details outlined below to discuss further.

Kind regards,

Sophie Barkla
Environmental Consultant (ESG)
Pronouns: She/Her/Hers

ERM

Level 15, 309 Kent St | Sydney | NSW 2000

M +61 430 953 460

E Sophie.Barkla@erm.com | **W** www.erm.com

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From: [Joel Curran](#)
To: [Sophie Barkla](#)
Cc: [Heather McKay](#); [Oliver Moore](#)
Subject: RE: Whitehaven Coal Sunnyside IEA
Date: Tuesday, 9 August 2022 9:16:35 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

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Hi Sophie

No specific areas of concern from the department. While the mine was operating, there were some minor issue with the koala fencing. Maintenance of the fence should be checked as part of the audit.

Regards

Joel Curran
Senior Compliance Officer

Development Assessment | Department of Planning and Environment
T 02 4904 2702 | M 0412 323 331 | E joel.curran@planning.nsw.gov.au
PO Box 1226 | Newcastle NSW 2300

Please direct all email correspondence to compliance@planning.nsw.gov.au
www.dpie.nsw.gov.au



The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

The Department has upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

From: Sophie Barkla <Sophie.Barkla@erm.com>
Sent: Thursday, 4 August 2022 4:49 PM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>; James Epstein <James.Epstein@planning.nsw.gov.au>; Heidi Watters <Heidi.Watters@Planning.nsw.gov.au>
Cc: Heather McKay <Heather.McKay@erm.com>; Oliver Moore <Oliver.Moore@erm.com>; ARaal@whitehavencoal.com.au; DarylRobinson@whitehavencoal.com.au; JGooley@whitehavencoal.com.au; Lynden Cini <LCini@whitehavencoal.com.au>; OHulbert@whitehavencoal.com.au

Subject: Whitehaven Coal Sunnyside IEA

Dear DPIE,

ERM are currently completing the Independent Environmental Audit (IEA) for Whitehaven Coal on the Condition of Approval (CoA) numbers 6, 7 and 8 of Schedule 5 (Independent Environmental Audit) of the Sunnyside Coal Project Application No 06_0308. The project is also governed by EPL 12957.

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I can be contacted at the details outlined below to discuss further.

Kind regards,

Sophie Barkla
Environmental Consultant (ESG)
Pronouns: She/Her/Hers

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Level 15, 309 Kent St | Sydney | NSW 2000

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From: [Molly Zarb](#)
To: [Sophie Barkla](#)
Subject: RE: Whitehaven Coal Sunnyside IEA
Date: Monday, 15 August 2022 12:20:00 PM
Attachments: [image001.png](#)
[image001.png](#)

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Hi Sophie,

The EPA raises the following issues for consideration in the IEA:

- Stockpiles of waste tyres and bitumen, seen on-site by EPA officers in April 2021;
- Sediment and erosion controls, particularly around the overburden emplacement.

If you wish to discuss this further, please contact me on (02) 6773 7000 or by email to info@epa.nsw.gov.au, marked to my attention.

Warm regards,

Molly Zarb (she/her)
A/ Senior Operations Officer
Regulatory Operations Regional West
NSW Environment Protection Authority
D 02 6773 7000 | M 0447 834 979

NSW EPA logo



www.epa.nsw.gov.au @NSW_EPA

The EPA acknowledges the Traditional Custodians of the land, waters and sky where we work. As part of the world's oldest surviving cultures, we pay our respect to Aboriginal Elders past, present and emerging.

I work on Anaiwan Country.



Report pollution and environmental incidents 131 555 or +61 2 9995 5555

----- Forwarded Message -----

From: Sophie Barkla [sophie.barkla@erm.com]
Sent: 4/08/2022 4:52 PM
To: info@epa.nsw.gov.au
Cc: darylrobinson@whitehavencoal.com.au; heather.mckay@erm.com; oliver.moore@erm.com; araal@whitehavencoal.com.au; jgooley@whitehavencoal.com.au; lcini@whitehavencoal.com.au; ohulbert@whitehavencoal.com.au
Subject: Whitehaven Coal Sunnyside IEA

Dear NSW EPA,

ERM are currently completing the Independent Environmental Audit (IEA) for Whitehaven Coal on the Condition of Approval (CoA) numbers 6, 7 and 8 of Schedule 5 (Independent Environmental Audit) of the Sunnyside Coal Project Application No 06_0308. The project is also governed by EPL 12957.

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The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The audit will be completed on 7 September 2022, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 27 August 2022.

I can be contacted at the details outlined below to discuss further.

Kind regards,

Sophie Barkla

Environmental Consultant (ESG)

Pronouns: She/Her/Hers

ERM

Level 15, 309 Kent St | Sydney | NSW 2000

M +61 430 953 460

E Sophie.Barkla@erm.com | **W** www.erm.com



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From: [Hudson - Wade](#)
To: [Sophie Barkla](#)
Cc: [Green - Breanna](#)
Subject: RE: Whitehaven Coal Sunnyside IEA
Date: Friday, 26 August 2022 4:25:44 PM
Attachments: [image001.png](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.png](#)
[1883059 - Response to Sunnyside Coal Mine - Independent Environmental Au....pdf](#)

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Hi Sophie,

Please find attached comments from Council with regards to outstanding works for this development. Council has had multiple conversations with the operator of the mine around completion of these works, however, no such completion of works has occurred.

If you have any questions regards to the attached letter please email me or call me on 6740 2100

Kind Regards

Wade Hudson Senior Development Officer

Gunnedah Shire Council

T +61 2 6740 2100 **F** 02 6740 2129 **E** wadehudson@infogunnedah.com.au

PO Box 63 (63 Elgin Street), GUNNEDAH NSW 2380

www.gunnedah.nsw.gov.au **or** www.facebook.com/gunnedahshire

I acknowledge the Kamilaroi Aboriginal Nation as the traditional custodians of the land on which I live, work and play. I pay my respect to Elders past and present.

From: Sophie Barkla [<mailto:Sophie.Barkla@erm.com>]
Sent: Thursday, 4 August 2022 4:54 PM
To: Council Email
Cc: Heather McKay; Oliver Moore; ARaal@whitehavencoal.com.au;
DarylRobinson@whitehavencoal.com.au; JGooley@whitehavencoal.com.au; Lynden Cini;
OHulbert@whitehavencoal.com.au
Subject: Whitehaven Coal Sunnyside IEA

Dear Gunnedah Shire Council,

ERM are currently completing the Independent Environmental Audit (IEA) for Whitehaven Coal on the Condition of Approval (CoA) numbers 6, 7 and 8 of Schedule 5 (Independent Environmental Audit) of the Sunnyside Coal Project Application No 06_0308. The project is also governed by EPL 12957.

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project from an environmental management perspective.

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I can be contacted at the details outlined below to discuss further.

Kind regards,

Sophie Barkla
Environmental Consultant (ESG)
Pronouns: She/Her/Hers

ERM

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From: Alex Bowlay <alex.bowlay@nrar.nsw.gov.au>
Sent: Monday, 8 August 2022 11:58 AM
To: Sophie Barkla
Cc: Heather McKay; Oliver Moore; ARaal@whitehavencoal.com.au; DarylRobinson@whitehavencoal.com.au; JGooley@whitehavencoal.com.au; Lynden Cini; OHulbert@whitehavencoal.com.au; Mike Sharpin
Subject: RE: Whitehaven Coal Sunnyside IEA

Follow Up Flag: Follow up
Flag Status: Flagged

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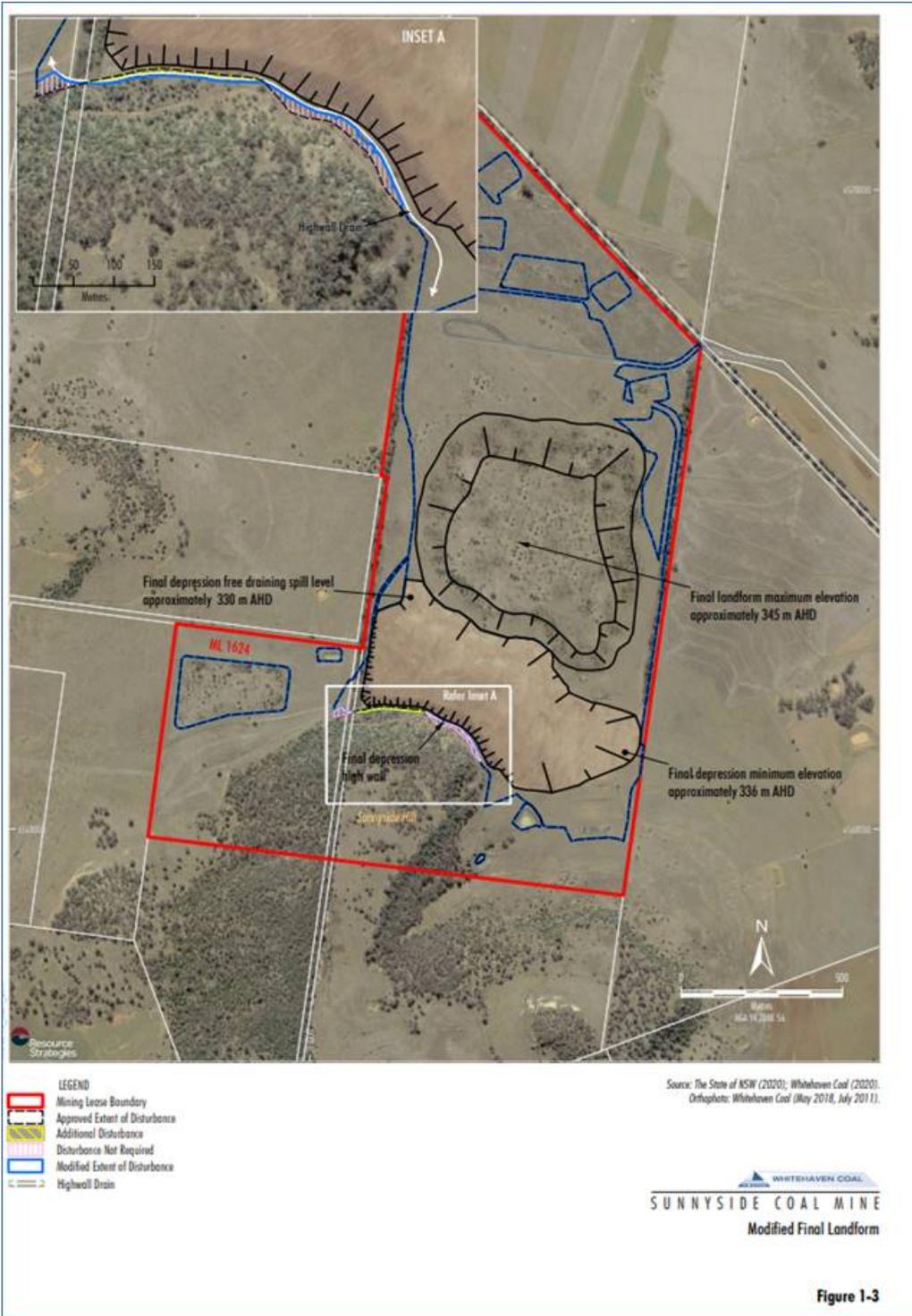
Hi Sophie, in consultation with colleagues at NRAR, I can advise that NRAR has no known concerns or areas of interest in relation to the planned audit of the Sunnyside mine near Gunnedah, which is understood to be closed and undergoing rehabilitation. NRAR understands that as per the June 2022 MOD 4 determination (modified final landform – map 1 below), surface water drains generally northwards, with a diversion drain to be placed to intercept potentially erosive flows off Sunnyside Hill. It's understood the former mine site is a free-draining final landform with a final depression rather than a final void.

WaterNSW information shows the existence of current water management work approvals for 4 bores within the mining lease boundary (map 2 below): 90WA820869 (BLR - stock watering), 90WA821242 (BLR - stock watering, domestic), 90WA821243 (BLR - stock watering, domestic) and 90WA822534 (mining purpose, nominated by WAL 29537 with 120 ML share component). NRAR presumes all bores are inactive and sealed and that no active groundwater or surface water take is occurring other than that which may be authorised under basic landholder rights, e.g. harvestable rights dams situated in the northern portion of the site capturing runoff or water from minor streams in accordance with current [harvestable rights](#) orders.

If the audit reveals information that may be of interest to NRAR in terms of surface water or groundwater take, please advise.

MAP 1

MAP 2





Regards

Alex Bowlay
Senior Investigator
NRAR
(02) 4904 2557
0428 953 378

From: Sophie Barkla <Sophie.Barkla@erm.com>
Sent: Thursday, 4 August 2022 5:01 PM
To: Alex Bowlay <alex.bowlay@nrar.nsw.gov.au>
Cc: Heather McKay <Heather.McKay@erm.com>; Oliver Moore <Oliver.Moore@erm.com>;

ARaal@whitehavencoal.com.au; DarylRobinson@whitehavencoal.com.au; JGooley@whitehavencoal.com.au; Lynden Cini <LCini@whitehavencoal.com.au>; OHulbert@whitehavencoal.com.au

Subject: Whitehaven Coal Sunnyside IEA

Dear NSW Natural Resource Access Regulator,

ERM are currently completing the Independent Environmental Audit (IEA) for Whitehaven Coal on the Condition of Approval (CoA) numbers 6, 7 and 8 of Schedule 5 (Independent Environmental Audit) of the Sunnyside Coal Project Application No 06_0308. The project is also governed by EPL 12957.

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I can be contacted at the details outlined below to discuss further.

Kind regards,

Sophie Barkla

Environmental Consultant (ESG)

Pronouns: She/Her/Hers

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India	South Korea
Indonesia	Spain
Ireland	Sweden
Italy	Switzerland
Japan	Taiwan
Kazakhstan	Thailand
Kenya	UAE
Malaysia	UK
Mexico	US
Mozambique	Vietnam

ERM Sydney Office

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Sydney NSW 2000

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