

Appendix 3

COMPLIANCE REVIEWS

- PA 06_0308 (Table A3-1)
- Environment Protection Licence
No 12957 (Table A3-2)
- ML 1624 (Table A3-3)

TABLE A3-1
Compliance Review – PA 06_0308

Condition	Conditional Requirement	Compliance	Comments
Schedule 2: Administrative Conditions			
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.	No	Various non compliances recorded during the reporting period.
2.	The Proponent shall carry out the project generally in accordance with the: a) EA; b) Sunnyside Coal Project Response to Public and government Agency Submissions Government Agency Submissions (June 2008); c) Sunnyside Coal Project Supplementary Response to Submissions (July 2008) d) Statement of Commitments (see Appendix 3); and e) Conditions of this approval.	No	Aspects of operation not generally in accordance with EA. Discussion with relevant regulators is ongoing, with the intent to obtain a modification to the Project Approval and develop the associated Care and Maintenance MOP.
3.	If there is an 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.	Not applicable	
4.	The Proponent shall comply with any reasonable and feasible requirements of the Director-General arising from the Departments 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.	Yes	Any requests by the Department have been addressed.
5.	Mining operations may take place on the site for 7 years from the grant of the mining lease for the project. <i>Note: Under this Approval, the Proponent is required to rehabilitate the site to the satisfaction of the Director-General and DPI. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated to a satisfactory standard.</i>	Not yet applicable	
6.	The Proponent shall not extract more than 1 million tonnes of ROM coal a year from the site.	Not applicable	No coal extracted during the reporting period.
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.	Not Applicable	No transport of coal occurred during the reporting period.
8.	Construction activities may take place only between 7 am to 6 pm each Monday to Friday and 7 am to 4pm on Saturdays, and not on Public Holidays.	Not applicable	No construction during the reporting period.
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.	Not applicable	No mining activities took place during the reporting period.
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.	Not Applicable	No transport of coal occurred during the reporting period.

Condition	Conditional Requirement	Compliance	Comments
11.	With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.	Not applicable	
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. 	Not applicable	No related activity during the reporting period.
13.	The Proponent shall ensure that all demolition work is carried out in accordance with <i>Australian Standard 2601-2001: The Demolition of Structures</i> , or its latest version.	Not applicable	No demolition works during reporting period.
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. 	Yes	
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.	No longer applicable	Period for contributions has ended.
Schedule 3: Specific Environmental Conditions			
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.	Not applicable	Property purchased at commencement of the project.
2.	The Proponent shall ensure that the noise generated during the construction of the project does not exceed the level set out in Table 1. <ul style="list-style-type: none"> Over the day/evening limit of 40 LA10(15 minute), for any residences on, or more than 25% of, any privately owned land (except at "Lilydale") 	Not applicable	No construction during the reporting period.
3.	The Proponent shall ensure that the noise generated during mining operations and other activities on the site does not exceed the level set out in Table 2: <ul style="list-style-type: none"> Over the day/evening limit of 35 LAeq(15 minute), for any residences on, or more than 25% of, any privately owned land (except at "Lilydale") However, if the Proponent has a written negotiated noise agreement with the landowner of any land, and a copy of this agreement has been forwarded to the Department and DECC, then the Proponent may exceed the noise limits in Table 1 or Table 2 on that land in accordance with the negotiated noise agreement.	Yes	
4.	If the noise generated by the project exceeds the level in Table 3, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 8-10 of schedule 4. <ul style="list-style-type: none"> Over the day/evening limit of 40 LAeq(15 minute), for any residences on, or more than 25% of, any privately owned land (except at "Lilydale") 	Not Applicable	No written requests received to date.

Condition	Conditional Requirement	Compliance	Comments
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), the Proponent shall implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner. These additional mitigation measures must be reasonable and feasible.</p> <p>If within 3 months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.</p> <p>Within 3 months of this approval, the Proponent shall notify all applicable landowners of their entitlements under this condition.</p>	Not Applicable	No written requests received to date.
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> <ul style="list-style-type: none"> • Over the day/evening limit of 55 LAeq(1 hour), for any residence adjacent to Torrens Road <p><i>Note: Traffic noise generated by the project is to be measured in accordance with the relevant procedures in the DECC's Environmental Criteria for Road Traffic Noise.</i></p>	Yes	
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. These additional mitigation measures must be reasonable and feasible.</p> <p>If within 3 months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.</p> <p>Within 3 months of this approval, the Proponent shall notify all applicable landowners of their entitlements under this condition.</p>	Not yet applicable	No written requests received to date.
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 and rail noise and;</p> <p>(c) report on these investigations and the implementation and effectiveness of these measures in the AEMR,</p> <p>to the satisfaction of the Director-General.</p>	Yes	See Section 3.10.3 for further details on noise mitigation initiatives.

Condition	Conditional Requirement	Compliance	Comments
9.	The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must: <ul style="list-style-type: none"> (a) be prepared in consultation with the DECC; (b) be submitted to the Director-General for approval prior to carrying out any development on site; and (c) include: <ul style="list-style-type: none"> • attended monitoring measures; and • a noise monitoring protocol for evaluating compliance with the noise impact assessment and 	Yes	Plan approved by DG – 20 th October 2008.
10.	The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 5 and any residence on privately-owned land. <ul style="list-style-type: none"> • 115dB, Allowable exceedances: 5% of the total number of blasts in a 12 month period. • 120dB at any time. 	No	See Section 3.9.3 of AEMR
11.	The Proponent shall ensure that the ground vibration level from blasting, or any other activity at the project does not exceed the criteria in Table 6 at any residence on privately-owned land. <ul style="list-style-type: none"> • 5mm/s, Allowable exceedances: 5% of the total number of blasts in a 12 month period. • 10mm/s at any time. 	Yes	
12.	The Proponent shall carry out blasting on site only between 10 am and 5 pm each Monday to Friday and 10am and 2 pm on Saturdays (excepting Public Holidays).	Yes	
13.	The Proponent shall not carry out more than: <ul style="list-style-type: none"> (a) 2 blasts a day; and (b) 5 blasts a week, averaged over any 12 month period on site. 	Yes	
14.	At least 2 months before carrying out any blasting on the site, the Proponent shall advise all landowners within 2 km of proposed blasting activities, and any other landowner nominated by the Director-General that they are entitled to a property inspection to establish the baseline condition of the property.	Not applicable to this reporting period	
15.	If the Proponent receives a written request for a property inspection from any such landowner, the Proponent shall: <ul style="list-style-type: none"> (a) commission a suitably qualified person, whose appointment has been approved by the Director-General, to inspect and report on the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and (b) give the landowner a copy of this property inspection report. <p><i>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.</i></p>	Not applicable	No requests received in reporting period.

Condition	Conditional Requirement	Compliance	Comments
16.	<p>If any landowner within 2 km of proposed blasting activities, or any other landowner nominated by the Director-General, claims that his/her property, including vibration-sensitive infrastructure such as water supply or underground irrigation mains, has been damaged as a result of blasting at the project, the Proponent shall within 3 months of receiving this request:</p> <p>(a) commission a suitably qualified person whose appointment has been approved by the Director-General to investigate the claim and prepare a property investigation report; and</p> <p>(b) give the landowner a copy of the report. If this independent investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damage to the satisfaction of the Director-General. If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.</p>	Not applicable	No claims made during the reporting period.
17.	Prior to the commencement of blasting, the Proponent shall prepare and implement a detailed Blast Monitoring Program for the project, in consultation with the DECC and to the satisfaction of the Director-General.	Yes	Approved by DG – 20 th October 2008.
18.	<p>The Proponent shall ensure that dust emissions generated by the project do not cause additional exceedances of the criteria listed in Tables 7 to 9 at any residence on privately owned land, or on more than 25 percent of any privately-owned land.</p> <ul style="list-style-type: none"> • Total suspended particulate (TSP) matter – Annual average: 90µg/m³ • Particulate matter <10 µm(PM10) – Annual average: 30 µg/m³ • Particulate matter <10 µm(PM10) – 24 hour period - 50 µg/m³ • Deposited dust – Annual average: <ul style="list-style-type: none"> ○ Maximum increase in deposited dust level – 2 g/m²/month ○ Maximum total deposited dust level – 4 g/m²/month 	Yes	
19.	<p>The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:</p> <p>(a) be submitted to the Director-General prior to the commencement of construction activities;</p> <p>(b) be prepared in consultation with the DECC; and</p> <p>(c) use a combination of high volume samplers and dust deposition gauges to monitor the performance of the project.</p>	Yes	Approved by DG – 20 th October 2008.
20.	During the project, the Proponent shall ensure there is a suitable continuously operating meteorological station on site that complies with the requirements in <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> (DECC, 2007), or its latest version.	No	EPL varied to remove requirement for meteorological monitoring. Ongoing applicability of Condition 20 to be discussed with DP&E.
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.	Yes	No discharges during the reporting period.

Condition	Conditional Requirement	Compliance	Comments
22.	The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must be submitted to the Director-General for approval prior to the commencement of construction activities (not including public road upgrades other than the realignment of Coochooboonah Lane) in consultation with the DECC and DWE by suitably qualified expert/s whose appointment/s have been approved by the Director-General and include a: (a) Site Water Balance; (b) Erosion and Sediment Control Plan; (c) Surface Water Monitoring Plan; (d) Groundwater Monitoring Program; and (e) Groundwater Contingency Plan.	Yes	Approved by DG – 20 th October 2008.
23.	The Site Water Balance must: (a) include details of: <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; (b) describe measures to minimise water use by the project; and (c) be reviewed and recalculated each year using the most recent water monitoring data.	Yes	As per condition.
24.	The Erosion and Sediment Control Plan must: (a) be consistent with the requirements of <i>Managing Urban Stormwater: Soils and Construction</i> manual (Landcom, 2004), or its latest version; (b) identify activities that could cause soil erosion and generate sediment; (c) describe measures to minimise soil erosion and the potential for transport of sediment to downstream waters; (d) describe the location, function, and capacity of erosion and sediment control structures; and (e) describe what measures would be implemented to monitor and maintain the structures over time.	Yes	As per condition.
25.	The Surface Water Monitoring Program must include: (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project; (b) surface water impact assessment criteria; (c) a program to monitor the impact of the project on surface water flows and quality; and (d) procedures for reporting the results of this monitoring.	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
26.	The Groundwater Monitoring Program must include: (a) further development of the regional and local groundwater model; (b) detailed baseline data to benchmark the natural variation in groundwater levels, yield and quality (including at any privately owned bores in the vicinity of the site); (c) groundwater impact assessment criteria; (d) a program to monitor the impact of the project on groundwater levels, yield and quality; and (e) procedures for reporting the results of this monitoring.	Yes	As per condition.
27.	The Groundwater Contingency Plan must: (a) provide measures to mitigate any impacts of the mine on the quality or quantity of groundwater supplies available on privately-owned land; (b) establish trigger levels, benchmarks and contingency criteria; and (c) provide for negotiated agreements with affected landowners, including compensation where mining impacts result in increased extraction costs for landowners.	Yes	As per condition.
28.	The Proponent shall implement the Koala habitat management and enhancement actions described in the EA (shown conceptually in Figure 6 in Appendix 4) in consultation with the DECC and to the satisfaction of the Director-General.	Yes	Management and enhancement actions have been implemented.
29.	The Proponent shall rehabilitate the site to the satisfaction of the Director-General and DPI.	Not yet applicable	

Condition	Conditional Requirement	Compliance	Comments
30.	<p>The Proponent shall prepare and implement a detailed Rehabilitation and Landscape Management Plan for the site to the satisfaction of the Director-General and DPI. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with DECC, DWE and Council by suitably qualified expert/s whose appointment/s have been approved by the Director-General; and (b) be submitted to the Director-General and DPI for approval by 1 March 2009; (c) include: <ul style="list-style-type: none"> • the rehabilitation objectives for the site; • a description of how the rehabilitation of the site would be integrated with the landscape of the surrounding area; • detailed performance and completion criteria for the rehabilitation of the site; • a detailed description of the measures that would be implemented to achieve the performance and completion criteria for each site, including the procedures to be implemented for <ul style="list-style-type: none"> - protection and enhancement of koala habitat; - progressively rehabilitating the areas disturbed by mining operations; - restoration of agricultural land suitability; - revegetating the site; - protecting and/or enhancing areas in the vicinity of the disturbance area; - conserving and re-using any topsoil; - controlling weeds and feral pests; - controlling access; and - bushfire management. • a program to monitor the performance of the rehabilitation against the stated objectives, • performance and completion criteria; • a description of the potential risks to successful rehabilitation, and a description of the contingency measures that would be implemented to minimise these risks; • and details of who is responsible for monitoring, reviewing and implementing the plan. 	No (Not applicable to this reporting period)	The plan was submitted in September 2011 and was approved by DoPI in October 2011.
31.	<p>At least 2 years prior to the cessation of mining operations on the site the Proponent shall prepare a Mine Closure Plan. This plan 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; (e) describe the measures that would be implemented to minimise or manage the on-going environmental effects of the project; and (f) describe how the performance of these measures would be monitored over time. 	Yes	Mine Closure Plan was developed as part of the Rehabilitation and Landscape Management Plan.

Condition	Conditional Requirement	Compliance	Comments
32.	The Proponent shall not destroy any known Aboriginal objects (as defined in the <i>National Parks and Wildlife Act 1974</i>) without the written approval of the Director-General.	Yes	As per condition.
33.	The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Director-General. This plan must: <ul style="list-style-type: none"> (a) be submitted to the Director-General prior to the commencement of construction activities (not including public road upgrades other than the realignment of Coccoofoonah Lane); (b) be prepared in consultation with the DECC and the local Aboriginal community; (c) include a protocol for the ongoing consultation and involvement of Aboriginal communities in the conservation and management of Aboriginal heritage on site; and (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. 	Yes	Approved by DG – 20 th October 2008
34.	The Proponent shall keep records of the amount of coal transported from the site each year, and include these records in the AEMR.	Not applicable in this reporting period	No coal was transported in the reporting period
35.	Prior to transporting any coal off-site, the Proponent shall: <ul style="list-style-type: none"> (a) construct a realignment of Coccoofoonah Lane to the satisfaction of the landowner and Council; (b) upgrade the intersection of Coccoofoonah Lane and the Oxley Highway to the satisfaction of the RTA and Council; (c) upgrade the intersection of the Oxley Highway and Blackjack Road to the satisfaction of the RTA 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. 	Not applicable to this reporting period	NMPL received approval from RTA and Council to commence haulage prior to upgrade of the Oxley Highway/Coccoofoonah Lane intersection and Oxley Highway/Blackjack Road intersection. All transport route upgrades have been completed.
36.	Prior to carrying out any development on site, the Proponent shall prepare, and subsequently implement, a Construction Traffic Management Plan for the project to the satisfaction of the RTA and Council.	Yes	As per condition.
37.	Within 6 months of this approval the Proponent shall enter into an agreement with Council for the maintenance of the section of the Oxley Highway between Coccoofoonah Lane and Blackjack Road.	No (Not applicable to this reporting period)	Road Maintenance Agreement finalised August 2009.
38.	Prior to transporting coal from the site the Proponent shall construct 2 bus stops on the Oxley Highway to the satisfaction of Council.	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
39.	Notwithstanding condition 10 of Schedule 2, the Proponent shall ensure no coal is transported from the site during AgQuip.	Not applicable in this reporting period.	
40.	The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General	Yes	As per condition. See Section 3.11.2
41.	The Proponent shall ensure that: (a) no outdoor lights shine above the horizontal; and (b) all external lighting associated with the project complies with <i>Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting</i> .	Yes	As per condition.
42.	The Proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Director-General. This plan must: (a) be prepared in accordance with the <i>Guidelines for Energy Savings Action Plans (DEUS, 2005)</i> , or its latest version; (b) include consideration of energy use by mobile equipment; (c) be submitted to the Director-General for approval within 3 months of this approval; and (d) include a program to monitor the effectiveness of measures to reduce energy use on site.	Yes	Approved by DG – July 2009.
43.	The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must: (a) be submitted to the Director-General 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 <i>Environmental Guidelines :Use of Effluent by Irrigation (DEC, 2004)</i> , or its latest version; and (e) include a program to monitor the effectiveness of these measures.	Yes	Approved by DG – 28 th October 2008.
Schedule 4: Additional Procedures			
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.	Not Applicable	Property was purchased at commencement of project.
2.	If the results of monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria in schedule 3, then the Proponent shall notify the Director-General and the affected landowners and/or existing or future tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 3. However, no notification is required if the impact is predicted in the EA or where an agreement has been negotiated with a landowner that excludes the requirement for ongoing notification of such impacts.	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
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 Director-General in writing for an independent review of the impacts of the project on his/her land. If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Director-General's decision:</p> <ul style="list-style-type: none"> (a) consult with the landowner to determine his/her concerns; (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to: <ul style="list-style-type: none"> o determine whether the project is complying with the relevant impact assessment criteria in schedule 3; o and identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and (c) give the Director-General and landowner a copy of the independent review. <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 Director-General.</p>	Not applicable	No requests during the reporting period.
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> <ul style="list-style-type: none"> (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and (b) conduct further monitoring to determine whether these measures ensure compliance; or (c) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Director-General. <p>If further monitoring under paragraph (b) determines that the project is complying with the relevant criteria, then the Proponent may discontinue the independent review with the approval of the Director-General.</p>	Not yet applicable	
5.	<p>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.</p>	Not yet applicable	

Condition	Conditional Requirement	Compliance	Comments
6.	<p>If:</p> <p>(a) the landowner disputes the results of the independent review; or</p> <p>(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 the Director-General for resolution.</p> <p>Where matters referred to the Director-General under this condition cannot be resolved by the Director-General within 28 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process.</p>	Not yet applicable	
Schedule 5: Environmental Management, Monitoring, Auditing and Reporting			
1.	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General prior to the commencement of construction activities, and:</p> <p>(a) provide the strategic framework 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; • 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>	Yes	Approved by DG – 20 th October 2008.
2.	<p>The Proponent shall prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the Director-General. This program must be submitted to the Director-General within 6 months of this approval and consolidate the various monitoring requirements in schedule 3 of this approval into a single document.</p>	Yes	Completed and approved by DoPI on 10 th October 2011.
3.	<p>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.</p>	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
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) describe 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. 	No	Subsequent to agreement with the Department, a report regarding blast overpressure exceedance was submitted on 14 th March 2014.
5.	<p>Within 12 months of this approval, and annually thereafter, the Proponent shall submit an AEMR to the Director-General and to all relevant agencies. This report must:</p> <ul style="list-style-type: none"> (a) identify the standards and performance measures that apply to the project; (b) describe the works carried out in the last 12 months; (c) describe the works that would be carried out in the next 12 months; (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years; (e) include a summary of the monitoring results for the project during the past year; (f) include an analysis of these monitoring results against the relevant: <ul style="list-style-type: none"> o impact assessment criteria/limits; o monitoring results from previous years; and o predictions in the EA; (g) identify any trends in the monitoring results over the life of the project; (h) identify any non-compliance during the previous year; and (i) describe what actions were, or are being, taken to ensure compliance. 	Yes	As per condition.

Condition	Conditional Requirement	Compliance	Comments
6.	<p>Within 2 years of this approval, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <ul style="list-style-type: none"> (a) include consultation with the relevant agencies; (b) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval and any associated EPL or Mining Lease (including any strategy, plan or program required under these approvals); (c) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate, (d) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals. <p><i>Note: This audit team must be led by a suitably qualified auditor and include experts in the fields of water, noise management and mine rehabilitation.</i></p>	Yes	Audit undertaken in 2013.
7.	<p>Within 6 weeks of the completing of this audit, or as otherwise directed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.</p>	Yes	Audit Report was received in December 2013. The Report, and the proponents' response to the Report, were submitted on 8 th January 2014.
8.	<p>Within 3 months of submitting the audit report to the Director-General, the Proponent shall review, and if necessary revise the strategies/plans/programs required under this approval to the satisfaction of the Director-General.</p>	Yes	Site Water Management Plan was updated in November 2013. This was consistent with the recommendation made in the Audit Report,
9.	<p>Within 3 months of this approval, the Proponent shall establish a Community Consultative Committee (CCC) for the project. This CCC must be established and operated in accordance with the <i>Guideline for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007)</i>, or its latest version, and to the satisfaction of the Director-General.</p>	Yes	Sunnyside Community Consultative Committee established in January 2009.
10.	<p>Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMRs required under this approval, the Proponent shall:</p> <ul style="list-style-type: none"> (a) provide a copy of the relevant document/s to the relevant agencies and CCC; and (b) put a copy of the relevant document/s on its website. 	Yes	All relevant documentation available on the Whitehaven website. AEMR also provided to relevant agencies and CCC.
11.	<p>During the project, the Proponent shall:</p> <ul style="list-style-type: none"> (a) make a summary of all monitoring results required under this approval publicly available at the mine and on its website; and (b) update these results on a regular basis (at least every three months). 	Yes	Data provided on website in CCC monitoring reports, EPL monitoring data and AEMR.

TABLE A3.2

Compliance Review – Environment Protection Licence 12957

Condition	Conditional Requirement	Compliance	Comments
A1.1	This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2: Construction of surface infrastructure including but not limited to access roads, intersection and surface facilities prior to mining.	Not Applicable	
A1.2	The 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. Coal Works: 0 – 2,000,000 t handled Mining for Coal: 0 – 500,000 t produced	Yes	No Coal Works or Mining for Coal occurred during the reporting period.
A1.3	The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.	Not Applicable	
A2.1	The licence applies to the following premises: Premises Details: SUNNYSIDE COAL PROJECT 259 COOCOBOONAH LANE GUNNEDAH NSW 2380 LOT 1 DP 393755, LOT 3 DP 611154, LOT 12 DP 755503	Yes	Premises details are correct
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; (b) and the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.	Yes	As per condition.
P1.1	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. (refer to table "Air", EPL p. 7, Appendix 2)	Yes	

Condition	Conditional Requirement	Compliance	Comments
P1.2	The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.	Not Applicable	
P1.3	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area. (refer to table "Water and Land", EPL p. 8, Appendix 2)	Not Applicable	
L1.1	Comply with Section 120 of the POEO Act 1997 (re pollution of waters).	Yes	All efforts are maintained to ensure compliance with Section 120.
L2.1	For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Yes	No discharge of waters from site hence no potential for pollution of waters
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Not Applicable	No monitoring required
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 below.	Not Applicable	No monitoring required
L2.4	Water and/or Land Concentration Limits: Point 9, 10 Oil & Grease 10 mg/L pH 6.5 – 8.5 TSS 50 mg/L	Not applicable	No monitoring required
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 millimetres, 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.	Not applicable	No monitoring required

Condition	Conditional Requirement	Compliance	Comments
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.	Yes	As per condition.
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.	Not Applicable	As per condition.
L4.1	Noise generated at the premises must not exceed the noise limits below: LAeq(15min) criterion of 35dB(A) at all times (day, evening and night time periods); and LA1(1 min) criterion of 45dB(A) during night time periods.	Yes	Site not operating, monitoring not required by licence
L4.2	For the purpose of the criteria 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; c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.	Not Applicable	
L4.3	To determine compliance with L4.1: 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. 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. c) with the noise limits in the Noise Limits table, the noise measurement equipment must be located: i) at the most affected point at a location where there is no dwelling at the location; or ii) at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.	Not Applicable	Noise monitoring not required by licence

Condition	Conditional Requirement	Compliance	Comments
L4.4	The noise limits set out in the Noise Limits table apply under all meteorological conditions except for the following: a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or c) Stability category G temperature inversion conditions. For the purposes of this condition: a) Data recorded by the meteorological station identified as EPA Identification Point(s) W1 must be used to determine meteorological conditions; and 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.	Not Applicable	
L4.5	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.	Not Applicable	
L4.6	The noise limits set this licence do not apply where a current legally binding agreement exists between the licensee and the occupant of a residential property that: (a) agrees to an alternative noise limit for that property; or (b) provides an alternative means of compensation to address noise impacts from the premises. A copy of any agreement must be provided to the EPA before the licensee can take advantage of the agreement.	Yes	Agreement in place with "Plain View" property, monitoring point R6.
L5.1	The overpressure level from blasting operations at the premises must not exceed 115dB(Lin Peak) for more than 5% of total number of blasts over reporting period.	No	Refer to section 3.9.3
L5.2	The overpressure level from blasting operations at the premises must not exceed 120dB(Lin Peak) at any time.	No	Refer to section 3.9.3
L5.3	Ground vibration peak particle velocity from blasting operations must not exceed 5mm/s for more than 5% of the total number of blasts during each reporting period.	Yes	
L5.4	Ground vibration peak particle velocity from blasting operations must not exceed 10mm/s at any time.	Yes	
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.	Not applicable	

Condition	Conditional Requirement	Compliance	Comments
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.	Yes	No mining operations occurred during the reporting period.
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.	Not Applicable	
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.	Yes	
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.	Not Applicable	
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.	Not Applicable	
L7.1	The maximum tonnage of extraction of ROM coal at the premises during the reporting period must not exceed 1 million tonnes.	Not applicable	No ROM coal extracted during the reporting period.
O1.1	Carry out licensed activities in a competent manner, i.e. (a) processing, handling, movement and storage of materials and substances; and (b) treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Not Applicable	
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity must: (a) be maintained in a proper and efficient condition; and (b) be operated in a proper and efficient manner.	Not Applicable	
O3.1	Minimise or prevent emission of dust from the premises.	Yes	
O3.2	Ensure all trucks cover their loads after loading to prevent wind blown emissions and spillage. The covering must be maintained until immediately before unloading the trucks.	Not Applicable	

Condition	Conditional Requirement	Compliance	Comments
M1.1	Record and retain monitoring results required as per this licence.	Yes	
M1.2	Keep all monitoring records associated with this licence: (a) in a legible form; (b) for at least 4 years; (c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Yes	
M1.3	Keep the following records in respect to samples required: (a) sampling date; (b) sampling time; (c) sampling location; and (d) sample collector's name.	Yes	
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 in the opposite columns.	Yes	
M2.2	Air Monitoring Requirements (refer to tables "Point 1, 2, 3, 4, 5, 6" and "Point 7", EPL p. 13, Appendix 2)	Yes	
M2.3	Water and/ or Land Monitoring Requirements (refer to tables "Point 9, 10" and "Point 11, 12", EPL p. 14, Appendix 2)	Not Applicable	No monitoring required
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.	Not Applicable	
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.	Not Applicable	

Condition	Conditional Requirement	Compliance	Comments
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 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.	Yes	
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.	Not applicable	No monitoring required
M4.1	Keep a legible record of all complaints re pollution arising from licenced activity.	Yes	
M4.2	Keep the following records of complaints. (a) date and time of complaint; (b) method complaint made; (c) any personal details of complainant; (d) nature of complaint; (e) licensee's action in response, any follow-up contact; and (f) if no action – reason why.	Yes	
M4.3	Keep records of complaints for 4 years.	Yes	
M4.4	Present records to EPA upon request.	Not Applicable	
M5.1	Operate telephone complaints line for receipt of complaints from the public.	Yes	
M5.2	Notify the public of the complaints telephone line number.	Yes	
M5.3	The preceding two conditions do not apply until 3 months after: a) the date of the issue of this licence or b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.	Not Applicable	
M6.1	(a) Monitor airblast and ground vibration at receptors R1, R2, R4 and R6. (b) Instrumentation used to measure airblast and vibration must meet AS2187.2-2006.	Yes	

Condition	Conditional Requirement	Compliance	Comments
M6.2	For the purpose of conditions M8.1 and M9.1, the noise monitoring locations are described as: EPA ID : Description of location R1 : Property 'Innisvale' residence R2 : Property 'Ivanhoe' residence R4 : Property 'Illili' residence R5 : Property "Ferndale" residence R6 : Property 'Plain View' residence	Not Applicable	
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: A Statement of Compliance; and A Monitoring and Complaints Summary. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	Yes	
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below	Yes	
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.	Not Applicable	
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 Applicable	
R1.5	Provide EPA with Annual Return no later than 60 days after end of each reporting period.	No	2012/2013 AR submitted beyond required 60 day period from licence anniversary
R1.6	Retain copy of Annual Return for 4 years.	Yes	
R1.7	Certify the Statement of Compliance within the Annual Return and sign the Monitoring and Complaints Summary by: (a) licence holder; or (b) approved person.	Yes	

Condition	Conditional Requirement	Compliance	Comments
R2.1	Notify EPA of threatening or harmful incidents as soon as practicable by phoning EPA's Pollution Line service.	Yes	
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	Yes	
R3.1	Upon an EPA officer suspecting that an event is causing or likely to cause environmental harm: (a) at the premises; or (b) in connection with vehicles or plant associated with the licenced activities; a request may be made for a written report of the event.	Yes	
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.	Yes	
R3.3	The report may be required to include: (a) event cause, time and duration; (b) type, volume and concentration of every pollutant discharged; (c) contact details of employees or agents of licensee who witnessed event; (d) contact details of any other persons witnessing the event; (e) the action taken and follow-up contact with complainants in relation to event; (f) mitigation measures proposed to prevent recurrence; (g) any other relevant matters.	Not Applicable	
R3.4	EPA may request further details – must be supplied within specified time.	Not Applicable	
R4.1	BLAST REPORTING	Not Applicable	
R4.2	Report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known.	Yes	
R4.3	The results of the blast monitoring required by this licence must be submitted to the EPA at the end of each reporting period.	Yes	

Condition	Conditional Requirement	Compliance	Comments
R4.4	A noise compliance assessment report must be submitted to the EPA within thirty (30) days of the completion of the quarterly noise monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include: a) an assessment of compliance with noise limits detailed in the limit conditions of this licence; and b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits detailed in the limit conditions of this licence.	Not Applicable	No monitoring required
G1.1	Retain a copy of this licence at premises to which the licence applies.	Yes	
G1.2	Produce licence to EPA officer upon request.	Not Applicable	
G1.3	Make licence available for inspection by any employee or agent of licensee working at premises.	Yes	
U1.1	The licensee must undertake the following steps: 1. Calculate the wind erosion exposed surface area (in hectares) within the premises as of 31 July 2015. 2. Determine the wind erosion exposed surface area (in hectares) predicted as at 31 July 2015 within the licensee's Environmental Assessment for the premises. 3. Compare the areas calculated in steps 1 and 2. 4. Submit a written report to the EPA at armidale@epa.nsw.gov.au containing the analysis required in steps 1 to 3, by 31 August 2015. The report submitted to the EPA must be accompanied by spatial data to confirm the wind erosion exposed surface area calculations. The following data is required: · Shapefiles showing the premises boundary. · Shapefiles showing the wind erosion exposed area within the premises as of 31 July 2015 · Shapefiles showing areas classified as stabilised surface as of 31 July 2015 · Details of any studies undertaken to verify that the areas of stabilised surface meet the definition.	Not Applicable	

Condition	Conditional Requirement	Compliance	Comments
U1.2	<p>Definitions: Environmental Assessment means any environmental assessment document prepared in order to gain approval or consent under the Environmental Planning and Assessment Act (1979) under which the licensee currently operates at the premises. If the predictions made in this document do not correspond to the current year of mine operation, the licensee should extrapolate between predictions. Stabilised Surface means any previously disturbed surface area which shows visual or other evidence of surface crusting and is resistant to wind-driven fugitive dust and is demonstrated to be stabilised. Stabilisation can be determined in accordance with one or more of the applicable test methods contained in the Rule 403 Implementation Handbook located at: www.capcoa.org/Docs/SCAQMD%20r403%20handbook.doc. Wind Erosion Exposed Surface Area means the portion of the premises surface which has been physically moved, uncovered, destabilised or otherwise modified from its natural state, thereby increasing the potential for fugitive particulate matter emissions, but excluding areas which have been:</p> <ul style="list-style-type: none"> · paved or covered by a permanent building or structure; · maintained with a vegetative ground cover of at least 50% of ground cover for particular areas. Vegetative ground cover can be determined in accordance with the standardised procedure for revegetation assessment contained in Atyeo C. & Thackway R. (2009) located at: http://data.daff.gov.au/data/warehouse/pe_brs90000004196/revegetationManual200906_20100410_ap14.pdf or · classified as a stabilised surface. 	Not Applicable	
E1.1	The licensee must notify the EPA's Manager, Armidale Region in writing 1 month prior to mining or handling of any coal on the premises	Not Applicable	

TABLE A3-3

Compliance Review – ML 1624

Relevant Condition	Conditional Requirement	Compliance	Comments
1	Service of notice on landholders within 3 months of granting of mining lease.	Not Applicable.	NMPL only landholders on mining lease.
2	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.	No	Spontaneous combustion issues discussed in Section 3.14.
3	Prepare and submit a MOP in accordance with DG's guidelines.	Yes	Initial MOP lodged with DPI and accepted on the 25 th September 2008. MOP period ends September 2015. Care and Maintenance MOP to be prepared in next reporting period.
4	Lodge an annual Environmental Management Report with DG annually.	Yes	
5.	Prepare the EMR in accordance with requirements in the Mining Lease.	Yes	Prepared in accordance with the requirements.
6	Submit additional environmental reports as directed by the DG.	Not yet applicable	No directions issued.
7	Rehabilitate disturbed land to a sustainable/agreed end land use to the satisfaction of the DG.	Not Yet Applicable	
8	Prepare a Subsidence Management Plan prior to commencing underground mining, in accordance with specified requirements	Not applicable	Open cut operation.
9	(a) Ensure that at least 10 competent people are efficiently employed on the lease area on each day week day except Sunday or any week day that is a public holiday, OR (b) Expend on operations an amount of not less than \$175, 000 per annum whilst the lease is in force.	Not applicable	Suspension of condition granted 10 th October 2013.
10	Comply with any direction given by an Environmental Officer of the Department in regard to non-compliance with the Act or any condition of this lease.	Not yet applicable	No direction received during reporting period.
11	Provide an exploration report, within a period of 28 days after each anniversary of the date this lease has effect. The report must be to the satisfaction of the DG and contain the specified requirements.	Yes	As per condition.

Relevant Condition	Conditional Requirement	Compliance	Comments
15(a)	Ensure that ground vibration peak particle velocity generated by any blasting does not exceed 10mm/sec and does not exceed 5mm/sec in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises.	Yes	
15(b)	Ensure that blast overpressure noise level generated by any blasting does not exceed 120 dB (linear) and does not exceed 115 dB (linear) more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises.	No	See Section 3.9.3 of AEMR
16	Carry out operations in a manner that ensures the safety of persons and stock.	Yes	As per condition.
17(a)	Advise DWE Regional hydrogeologist of intention to drill exploration holes 28 days prior to commencement.	Not applicable	No exploration drilling during the reporting period.
17(b)	All exploration drill holes must be completed to the satisfaction of the Director General in relation to:- <ul style="list-style-type: none"> • adequate marking/survey • sealed to prevent collapse • sealed with cement plugs to prevent discharge of groundwaters • if meets gas, it is plugged to prevent escape • if meets artesian or sub-artesian flow is sealed to prevent contamination of aquifer • once no longer used, is sealed according to Department guidelines • once no longer used, the land is left in a clean, tidy and stable condition. 	Not applicable	No exploration drilling during the reporting period.
18	Operations must be carried out so as not to cause or aggravate air pollution, water pollution or soil contamination or erosion.	No	Spontaneous combustion issue and remediation discussed in Section 3.14
19	Operations must not interfere with transmission lines, communication lines, pipelines or any other utility, without prior written approval of the DG and subject to any conditions he may stipulate.	Yes	As per condition.
20	Activities must not interfere with or damage fences and gates must be closed or left open in accordance with landholder requirements.	Yes	As per condition.

Relevant Condition	Conditional Requirement	Compliance	Comments
21(a)	Operations must not affect any road unless in accordance with the MOP or written approval of Director General.	Yes	As per condition.
21(b)	Leaseholder must pay to the authority responsible for the road the cost incurred in fixing any damage to the roads caused by the operations.	Yes	Agreement in place with GSC.
22	Access tracks kept to a minimum and positioned so as not to cause unnecessary damage. Temporary tracks to be ripped, topsoiled and revegetated when no longer required.	Yes	As per condition.
23(a)	Trees must not be felled without the consent of the landholder who is entitled to the use of the timber.	Yes	As per condition.
23(b)	Trees must not be felled on the lease area except where it directly obstructs or prevents the carrying out of operations.	Yes	As per condition.
23(c)	Timber from Crown land within the lease area must not be used until all relevant approvals have been obtained.	Yes	As per condition.
25	Comply with direction of Director General if notice is issued with regard to resource recovery	Not Yet Applicable	No notice issued.
27	Provision of Security of \$3,175,000 to the Minister to ensure fulfilment of lease conditions.	Yes	As per condition.
31	Make every reasonable attempt, and demonstrate attempts, to enter into a cooperation agreement with the holder(s) of any overlapping petroleum title(s).	Not Applicable	