

NEWCASTLE COAL INFRASTRUCTURE GROUP
COAL EXPORT TERMINAL

PROJECT APPROVAL (06_0009)

COMPLIANCE TRACKING PROGRAM

REVISION G



APRIL 2012

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1 INTRODUCTION

The Newcastle Coal Infrastructure Group (NCIG) Coal Export Terminal (CET) (the Project) is located on Kooragang Island in Newcastle, New South Wales (Figure 1). The Project includes the construction and operation of a CET up to 66 million tonnes per annum (Mtpa), including associated rail and coal handling infrastructure and wharf/shiploading facilities on the south arm of the Hunter River.

NCIG is the proponent of the Project and is a consortium of the following six companies:

- Hunter Valley Energy Coal Limited;
- Centennial Coal Company Limited;
- Donaldson Coal Pty Limited;
- Peabody Energy Australia Coal Pty Limited;
- Yancoal; and
- Whitehaven Coal Mining Pty Ltd.

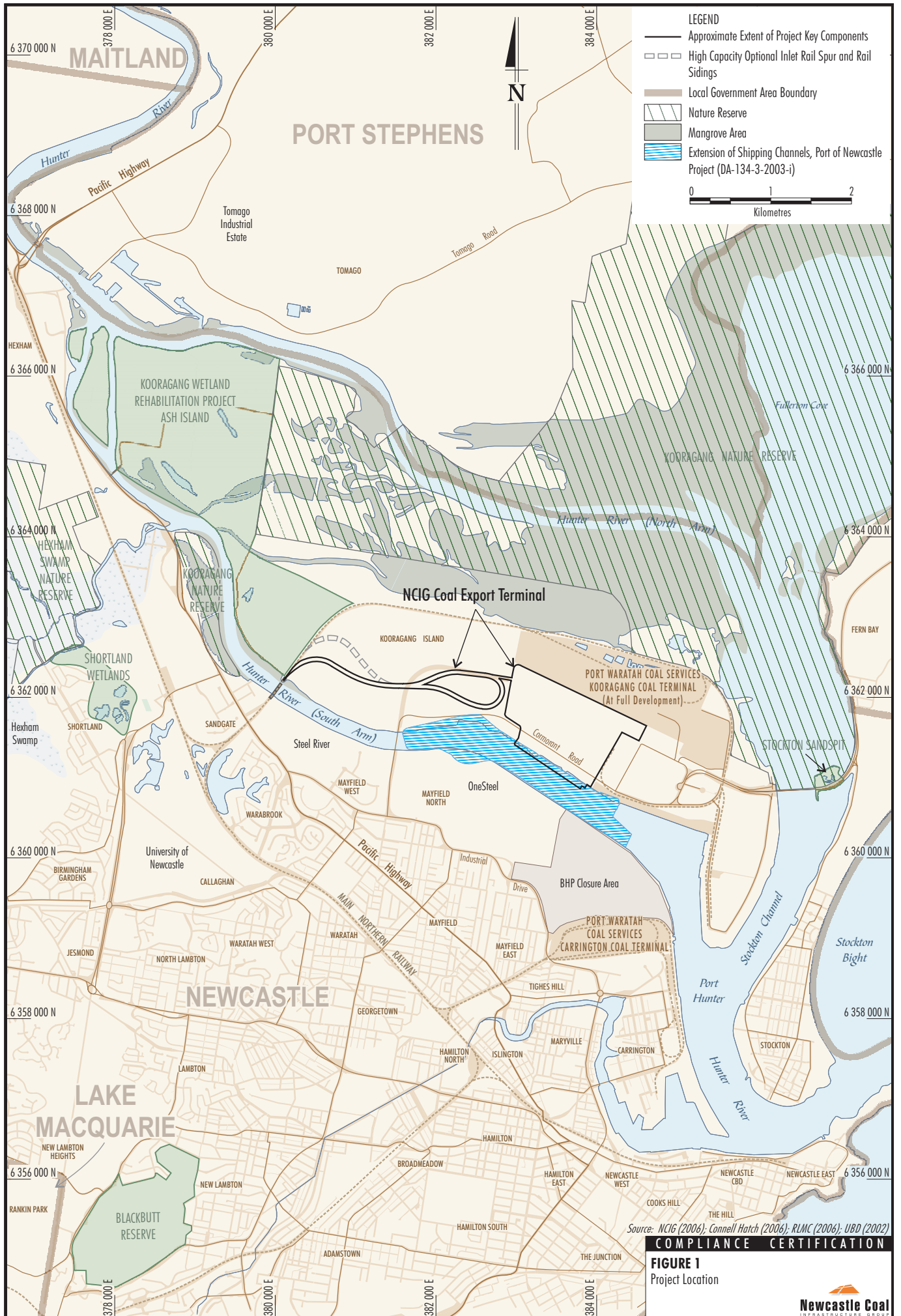
NCIG was granted Project Approval (06_0009) on 13 April 2007. This Compliance Tracking Program (CTP) has been prepared in accordance with Condition 5.1, Schedule 2 of the Project Approval (06_0009). Table 1 indicates where each component of Condition 5.1, Schedule 2 of Project Approval is addressed within this CTP.

Table 1
Condition 5.1, Schedule 2 of Project Approval (06_0009)

Project Approval (06_0009) Condition	Section Addressed in this Document
5. COMPLIANCE MONITORING AND TRACKING Compliance Tracking Program	
<i>5.1 The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to:</i>	This CTP
<i>a) provisions for periodic review of the compliance status of the project against the requirements of this approval;</i>	Section 2
<i>b) provisions for periodic reporting of compliance status to the Director-General;</i>	Section 3
<i>c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing; and</i>	Section 4
<i>d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.</i>	Section 5

The Project consists of the following development phases:

- **Stage 1 Construction** – involved the construction and commissioning of rail infrastructure, the coal storage area, wharf facilities and shiploaders. The initial construction phase of the Project has been completed providing a coal export terminal with a nominal capacity of 30 Mtpa.
- **Stage 1 Operation** –operation of the CET commenced in July 2010, with the facility scheduled to ramp up to a capacity of 30 Mtpa.
- **CET progressive development** – will involve the progressive development of the CET up to 66 Mtpa capacity. The next stage of development (Stage 2AA) commenced in October 2010 and is designed to augment CET capacity to 53 Mtpa. The Stage 2AA development phase is expected to be completed by July 2012. The timing of further development of the Project capacity up to 66 Mtpa will depend on coal market demand.



- **Construction of the high capacity optional inlet rail spur and rail sidings (if deemed necessary)** – will involve the construction of the high capacity optional inlet rail spur from the Kooragang mainline. The timing and need for the construction of the high capacity optional inlet rail spur and rail sidings will depend on the capacity of the Project and the interaction of Project related rail traffic with other rail traffic on the Kooragang mainline.

Condition 1.10, Schedule 2 of Project Approval (06_0009) provides for the progressive development of the required management plans and monitoring programs. Condition 1.10 relevantly states:

With the approval of the Director-General, the Proponent may prepare any management plan or monitoring program required by this approval on a progressive basis. Where a management plan and monitoring program is required before carrying out any development, or stage of development, the plans/programs may be prepared and submitted in relation to either discrete components of the project or for a specified time period.

In accordance with Condition 1.10, Revision A of this CTP addresses those requirements considered necessary to be in place prior to the commencement of construction.

The remainder of this CTP is structured as follows:

- Section 2: Details the Compliance Status Review.
- Section 3: Explains the reporting of compliance status to the Director-General.
- Section 4: Outlines the program for Independent Environmental Auditing.
- Section 5: Describes the Non-compliance Response Mechanism.

Supporting appendices to the CTP are as follows:

- Appendix A Compliance Status Review.

2 COMPLIANCE STATUS REVIEW

Periodic reviews of the Project’s compliance status against the requirements of Project Approval (06_0009) will be conducted in accordance with Condition 5.1(a), Schedule 2 of Project Approval (06_0009).

Project Approval (06_0009) contains general conditions relevant to the entire Project and specific conditions relevant to each of the development phases described in Section 1. This CTP will be reviewed and revised prior to the commencement of each of the development phases. Table 2 shows the proposed timing and responsibility for the compliance status reviews.

**Table 2
Schedule for Compliance Status Review Revisions**

Project Development Phase	Compliance Status Review Revision Timing	Responsibility
Construction.	Prior to the commencement of construction of the Project and then six monthly thereafter.	NCIG Environmental Representative.
Initial operation.	Prior to the commencement of operation of the Project and then six monthly thereafter.	NCIG Environmental Representative.
CET progressive development.	Prior to each phase of progressive development of the Project.	NCIG Environmental Representative.
Construction of the high capacity optional inlet rail spur and rail sidings (if deemed necessary).	Prior to the commencement of construction of the high capacity optional inlet rail spur and rail sidings (if deemed necessary).	NCIG Environmental Representative.

3 REPORTING OF COMPLIANCE STATUS TO THE DIRECTOR-GENERAL

In accordance with Condition 5.1(b), Schedule 2 of Project Approval (06_0009), each revision of this CTP will be provided to the Director-General. The revised CTP will be provided to the Director-General within 1 (one) month of each compliance status review.

In addition, in accordance with Condition 6.4, Schedule 2 of Project Approval (06_0009), each revision of this CTP will be made available on the NCIG website. The revised CTP will be placed on the NCIG website within 1 (one) months of each compliance status review.

4 INDEPENDENT ENVIRONMENTAL AUDIT

An Independent Environmental Audit will be conducted on an annual basis (or as otherwise agreed by the Director-General) in accordance with Condition 5.1(c), Schedule 2 of Project Approval (06_0009). The Independent Environmental Audit will be conducted by a suitably qualified independent person and in accordance with *ISO 19011:2002 Guidelines for Quality and/or Environmental Management Systems Auditing*.

The first Independent Environmental Audit will be conducted within 12 months of the commencement of construction and annually thereafter.

In accordance with Condition 6.4, Schedule 2 of Project Approval (06_0009), the outcomes of the Independent Environmental Audit report will be made available on the NCIG website.

5 NON-COMPLIANCE RESPONSE MECHANISM

In accordance with Condition 5.1(d), Schedule 2 of Project Approval (06_0009), presented below is the Non-compliance Response Mechanism to be implemented in the event that a non-compliance with Project Approval (06_0009) is identified by a Compliance Status Review (Section 2) or Independent Environmental Audit (Section 4) or by the NCIG Environmental Representative. The objective of the Non-compliance Response Mechanism is to rectify any identified non-compliance. The NCIG Environmental Representative will be responsible for the implementation of the Non-compliance Response Mechanism.

The Non-compliance Response Mechanism process of identifying and rectifying a non-compliance with Project Approval (06_0009) will involve the following elements:

1. Identification of the Non-compliance

Non-compliances will likely be identified by a Compliance Status Review (Section 2), Independent Environmental Audit (Section 3) or by the NCIG Environmental Representative. The relevant details of the non-compliance will be recorded and relevant NCIG representatives will be notified by the NCIG Environmental Representative. The details of any non-compliance will be provided to the Director-General within 1 (one) month of the compliance status review.

2. Development of Management Strategy

A management strategy will be developed to determine appropriate actions and/or management measures that will be utilised to address the non-compliance to comply with Project Approval (06_0009). This may necessitate the need for further investigation of the particulars of the non-compliance and consultation with government authorities and relevant NCIG representatives. Appropriate actions and/or management measures will depend on the nature of the individual non-compliance. The proposed actions and/or management measures that have been devised to rectify an identified non-compliance will be provided to the Director-General within 1 (one) month of the compliance status review.

3. Implementation

The implementation of the actions and/or management measures chosen in the management strategy process will be undertaken in a timely manner. The NCIG Environmental Representative will be responsible for the implementation of the selected actions and/or management measures. The implementation of actions and/or management measures determined to be most effective for the rectification of will typically occur within 1 (one) month of the compliance status review. Depending on the nature of the individual non-compliance the implementation of actions and/or management measures may take greater than 1 (one) month, however, in this situation, the Director-General will be consulted.

4. Review

A review of the Management Strategy and Implementation stages will be undertaken to determine if the identified non-compliance has been addressed and that compliance with Project Approval (06_0009) is now achieved. Where necessary, the Management Strategy phase of the protocol will be reviewed. A review of the effectiveness of implemented actions and/or management measures will be undertaken within two (2) months of their implementation and the outcomes of this review will be provided to the Director-General within 1 (one) month of this implementation review.

APPENDIX A

COMPLIANCE STATUS REVIEW

**APPENDIX A
Compliance Review 06_0009**

Approval Condition	Condition	Project Compliance Achieved?	Compliance Status April 2012
1.1	The Proponent shall carry out the project generally in accordance with the: a) Major Projects Application 06_0009; b) <i>Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal</i> , prepared by Resource Strategies Pty Ltd and dated July 2006; c) <i>Responses to Submissions</i> , prepared by Newcastle Coal Infrastructure Group and dated December 2006; and d) the conditions of this approval.	Yes - Ongoing	NCIG is conducting development in accordance with the documents listed in Condition 1.1.
1.2	In the event of an inconsistency between: a) the conditions of this approval and any document listed from condition 1.1(a) to 1.1(c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and b) any document listed from condition 1.1(a) to 1.1(c) inclusive, and any other document listed from condition 1.1(a) to 1.1(c) inclusive, the most recent document shall prevail to the extent of the inconsistency.	Yes - Ongoing	NCIG have not identified any inconsistency in the documents listed in Condition 1.1.
1.3	The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of: a) any reports, plans or correspondence that are submitted in accordance with this approval; and b) the implementation of any actions or measures contained in these reports, plans or correspondence.	Yes - Ongoing	NCIG have complied with all requested requirements of the Director-General in accordance with Condition 1.3.
1.4	This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically and substantially commenced on or before that time.	Yes - Ongoing	The Project Approval (06_0009) remains current as at April 2012.
1.5	The project shall be limited to a maximum export capacity of 66 million tonnes of coal per annum.	Yes	The NCIG development second stage (Stage 2F) will reach the approved export limit of 66 million tonnes per annum. The approved export limit of 66 million tonnes per annum will not be exceeded.
1.6	The Proponent may only proceed to construct the infrastructure marked as "High Capacity Optional Inlet Rail Spur and Rail Sidings" in Figure 2-1 of the document referred to under condition 1.1(b) of this approval upon receipt of the Director-General's satisfaction that: a) the Compensatory Habitat and Ecological Monitoring Program required under condition 2.20 has been implemented to the extent agreed by the Director-General; and b) the Proponent has complied with rail infrastructure review requirements required under condition 2.40 of this approval.	Yes - N/A	Not applicable as the High Capacity Optional Inlet Rail Spur and Rail Sidings are not required for the current stage of the NCIG development.
1.7	The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the Site at all times during the project.	Yes - Ongoing	All licences, permits and approvals are being updated as required and maintained as a part of the Stage 1 and Stage 2AA development stages. These documents have been revised to allow for terminal operations. Compliance with these licences, permits and approvals is ongoing. These documents are available on site.
1.8	The Proponent shall ensure that all practicable measures shall be taken to prevent and minimise harm to the environment as a result of construction, operation, and where relevant, decommissioning of the development.	Yes - Ongoing	NCIG activities are being conducted in a manner to prevent and minimise harm to the environment in accordance with Condition 1.8.
1.9	The Proponent shall ensure that all plant and equipment installed at the premises or used in conjunction with the project must be: a) Maintained in a proper and efficient condition; and b) Operated in a proper and efficient manner.	Yes - Ongoing	All plant and equipment on the NCIG development site are being regularly inspected to ensure they are maintained and operated in accordance with Condition 1.9.
1.10	With the approval of the Director-General, the Proponent may prepare and submit any management plan or monitoring program required by this approval on a progressive basis. Where a management plan and monitoring program is required before carrying out any development or stage of development, the plans/programs may be prepared and submitted in relation to either discrete components of the project or for a specified time period.	Yes - Ongoing	All management plans or monitoring programs required under this development were submitted and approved prior to commencement of NCIG development activities.
2.1	The Proponent shall not permit any offensive odour, as defined under section 129 of the <i>Protection of the Environment Operations Act 1997</i> , to be emitted beyond the boundary of the Site.	Yes - Ongoing	No offensive odour has been emitted beyond the boundary of the site as a result of NCIG development activities.
2.2	The Proponent shall design, construct, commission, operate and maintain the project in a manner that minimises or prevents the emission of dust from the Site including wind blown and traffic generated dust.	Yes - Ongoing	NCIG operations and development activities are being undertaken in a manner to minimise or prevent dust emissions from the site. This has included an active operational dust management system that focuses on the coal stockpile area, together with construction controls such as cessation of activities, wetting of the site in unfavourable meteorological conditions and also preventative stabilisation of susceptible areas.
2.3	The Proponent shall take all practicable measures to ensure that all vehicles entering or leaving the Site, carrying a load that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times, to the extent practicable.	Yes - Ongoing	All vehicles carrying a load that are entering or leaving the site are covered to minimise the potential to generate dust.
2.4	All activities on the Site shall be undertaken with the objective of preventing visible emissions of dust beyond the boundary of the Site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate.	Yes - Ongoing	NCIG operations and development activities are being undertaken in a manner to minimise or prevent dust emissions from the site. This has included an active operational dust management system that focuses on the coal stockpile area, together with construction controls such as cessation of activities, wetting of the site in unfavourable meteorological conditions and also preventative stabilisation of susceptible areas.
2.5	The Proponent shall control dust emissions on all internal roads, trafficable areas and manoeuvring areas to minimise the potential for dust generation by sealing, or otherwise treating surfaces in a manner acceptable to the Director-General.	Yes - Ongoing	All trafficable areas are maintained to minimise the generation and emission of dust including sealing and wetting as appropriate and necessary.
2.6	The Proponent shall design, construct, operate and maintain the project in a manner that minimises the potential generation of fugitive dust emissions from plant and equipment, including where relevant and practicable, design of the project to minimise the number of coal transfer points, minimise the drop height from stackers to stockpiles, full or partial enclosure of conveyors, installation of wind shields and belt cleaning systems to conveyors, and installation of dust control equipment to mobile plant.	Yes - Ongoing	The NCIG coal export terminal has been designed and is operated in a manner which ensures that the opportunity for dust emissions during operations is minimised. NCIG development activities are undertaken in a manner to minimise or prevent dust emissions from the site.
2.7	As soon as practicable after the placement of fill/ preloading material on the Site, the Proponent shall cover, seal, grass or otherwise treat the Site in a manner acceptable to the Director-General to minimise the potential generation of wind-blown dust from the fill/ preload material. The Proponent shall maintain the cover, seal, grass or other treatment for the duration of relevant Site preparation and preloading activities, and following the addition of further fill/ preload materials that may occur from time to time during that period.	Yes - Ongoing	Disturbed areas of the site are being stabilised and treated by sealing or vegetating as soon as practical.
2.8	The Proponent shall install, operate and maintain a meteorological monitoring station to monitor weather conditions representative of those on the Site, in accordance with: a) AM-1 Guide to Siting of Sampling Units (AS 2922-1987). b) AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987). c) AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications. The meteorological monitoring station shall be installed at or near the Site and the Proponent shall use the meteorological monitoring station to undertake the monitoring required under condition 3.1 of this approval. This condition does not preclude the Proponent from reaching an agreement with any other relevant party for the installation, operation and maintenance of a shared monitoring station, or shared use of an existing monitoring station representative of the Site, provided the outcomes of this condition are achieved.	Yes - Ongoing	The meteorological monitoring station is being maintained on the site.

APPENDIX A
Compliance Review 06_0009

Approval Condition	Condition	Project Compliance Achieved?	Compliance Status April 2012
2.9	The Proponent shall minimise noise emissions from plant and equipment operated on the Site in relation to the project according to the principles outlined in the NSW Government's <i>Industrial Noise Policy</i> .	Yes - Ongoing	NCIG undertake regular noise measurement and assessment to ensure compliance with the requirements of the Construction Noise Management Plan and the limits detailed in Environmental Protection Licence 12693. These assessments have consistently found that NCIG activities are compliant with criteria detailed in EPL12693.
2.10	All Site preparation, filling/ preloading and construction works that may generate an audible noise at any residential receptor shall only be undertaken between 7:00 am and 6:00 pm. Audible noise is defined as "noise that can be heard at the receiver". This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons. <i>Note: 'safety or emergency reasons' refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.</i>	Yes - Ongoing	Construction works that generate an audible noise at any residential receptor are not being undertaken outside of the hours of 7:00 am and 6:00 pm.
2.11	Notwithstanding condition 2.10 of this approval, piling works shall not be conducted on Sundays or public holidays.	Yes - Ongoing	NCIG piling works have not been conducted on Sunday or public holidays.
2.12	The Proponent may seek the Director-General's approval to conduct Site preparation, filling/ preloading and construction works outside the hours specified under condition 2.10 on a case-by-case basis. In seeking the Director-General's approval, the Proponent shall demonstrate a need for activities to be conducted during varied hours and how local acoustic amenity will be protected, as well as detail how the DECC's requirements with respect to the variation of hours have been addressed.	Yes - Ongoing	NCIG have not undertaken works outside the hours detailed in Condition 2.10.
2.13	The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project do not exceed the maximum allowable noise contributions specified in Table 1 below, at those locations and during those periods indicated. The maximum allowable noise contributions apply under: a) meteorological condition of: wind speeds up to 3 m ¹ (measured at 10 metres above ground level); c b) temperature inversion conditions up to 3C per 100 metres and wind speeds up to 2ms-1 (measured at 10 metres above ground level).	Yes - Ongoing	NCIG undertake regular noise measurement and assessment to ensure compliance with the noise requirements. A noise model of the export terminal has been developed to ensure that the maximum allowable noise contribution limits are not exceeded during construction or operational activities.
2.14	For the purpose of assessment of noise contributions specified under condition 2.13 of this consent, noise from the project shall be: a) measured at the most affected point on or within the Site boundary at the most sensitive receiver to determine compliance with $L_{Aeq,15}$ (minutes) night noise limits. b) measured at one metre from the dwelling façade to determine compliance with $L_{Aeq,15}$ (minutes) noise limits. c) subject to the modification factors provided in Section 4 of the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000), where applicable. Notwithstanding, should direct measurement of noise from the development be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the DECC (refer to Section 11 of the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000)). Details of such an alternative noise assessment method accepted by the DECC shall be submitted to the Director-General prior to the implementation of the assessment method.	Yes - Ongoing	NCIG undertake regular noise measurement and assessment in accordance with the requirements of the Construction Noise Management Plan and Condition 2.14. These assessments have found that NCIG activities are compliant with Condition 2.14 and the noise criteria detailed in EPL12693.
2.15	The Proponent shall take necessary actions to ensure that trains operated on the Site meet the noise performance criteria established under condition 2.13.	Yes - N/A	NCIG liaise with rail operators in relation to performance on a regular basis.
2.16	Prior to the commencement of construction, including Site preparation and fill/ preloading activities, the Proponent shall employ a qualified ecologist approved by the Director-General to undertake a pre-construction survey of all areas to be affected by construction works for the presence of <i>Litoria aurea</i> . Should members of this species be located within any area to be affected by the project, the Proponent shall notify the Director-General and prepare a management plan for the relocation of <i>Litoria aurea</i> individuals in consultation with the DECC and RLMD. The management plan shall include, but not be limited to, the identification of potential locations, management procedures and monitoring requirements for the relocation of <i>Litoria aurea</i> individuals prior to the commencement of works.	Yes - Ongoing	The management of matters associated with the Green and Golden Bell Frog is being undertaken in accordance with the Green and Golden Bell Frog Management Plan (GGBFMP) and in consultation with Professor David Goldney and Dr Arthur White.
2.17	The Proponent shall design and construct relevant rail infrastructure associated with the project to include culverts, underpasses or other similar measures to permit the movement of <i>Litoria aurea</i> and other amphibian species under the rail infrastructure. The culverts, underpasses or other similar measures shall be installed to include suitable habitat for <i>Litoria aurea</i> , and to provide protection from predators.	Yes - Ongoing	Rail drainage infrastructure have been designed and constructed to permit the movement of amphibians including suitable habitat and protection from predators.
2.18	All employees and contractors involved in construction or operation of components of the project in areas known or suspected of providing habitat for <i>Litoria aurea</i> and other amphibian species shall be trained in Site hygiene management in accordance with <i>Hygiene Protocol for the Control of Disease in Frogs</i> (NPWS, 2001) prior to the commencement of the relevant work.	Yes - Ongoing	Site hygiene management is a part of the general induction training for all site personnel. The site protocol requires that the manual handling of any amphibian is only be conducted by those personnel trained in site hygiene techniques detailed by <i>Hygiene Protocol for the Control of Disease in Frogs</i> (NPWS, 2001).
2.19	The Proponent shall employ a qualified ecologist, approved by the Director-General, for the duration of construction works, including Site preparation and fill/ preloading activities, to advise on the mitigation and management of impacts to listed threatened species that may be affected by the relevant works.	Yes - Ongoing	Professor David Goldney and Dr Arthur White continue to work on the site providing ecological advice and guidance as required.

**APPENDIX A
Compliance Review 06_0009**

Approval Condition	Condition	Project Compliance Achieved?	Compliance Status April 2012
2.20	<p>The Proponent shall develop and submit for the approval of the Director-General, a Compensatory Habitat and Ecological Monitoring Program to detail how habitat and ecological values lost as a result of the project will be off-set, and how ecological monitoring will be undertaken to inform on-going ecological management. The Program shall be developed in consultation with the DECC, and shall include, but not necessarily be limited to:</p> <p>a) ecological surveys, following detailed design of the project, to identify and quantify the extent and types of habitat that would be lost or degraded as a result of the project;</p> <p>b) provision for establishment of compensatory habitat for each relevant component of the project as follows, unless otherwise agreed by the Director-General</p> <p>i) for <i>Litoria aurea</i> habitat lost as a result of the project, establishment of compensatory habitat in a location agreed by the Director-General, in consultation with DECC, to no less than twice the area of habitat identified under a), with commencement of compensatory habitat works within six months of the commencement of construction;</p> <p>ii) for migratory shore bird habitat lost as a result of the filling in of parts of Deep Pond and the construction of the optional rail spur, establishment of compensatory habitat in a location agreed by the Director-General, in consultation with the DECC, equivalent to no less than twice the area of habitat identified under a), with commencement of compensatory habitat works prior to the commencement of construction of the optional rail spur.</p> <p>c) provision for on-going ecological studies and migratory bird monitoring in and around Deep Pond, to investigate bird behaviour and to inform the design process for components of the project affecting Deep Pond;</p> <p>d) provision for the funding of works required under this condition, to be managed by a board, trust or other mechanism that provides a sound and legally enforceable means of allocating resources for ongoing adaptive management and review of the performance of compensatory habitat works for the life of the project;</p> <p>e) provision for research into <i>Litoria aurea</i> in and around Kooragang Island and the Hunter Estuary, as may be identified by the Proponent in consultation with relevant ecological and research groups;</p> <p>f) provision for ameliorative works on land surrounding the project Site, as may be negotiated by the Proponent with the relevant adjacent land owners, to improve or restore natural hydrology and ecosystems, remove mangrove communities where relevant and restore locally-endemic Endangered Ecological Communities;</p> <p>g) consideration of coordinating compensatory and ameliorative works with similar requirements for other developments, including with respect to the development the subject of development consent DA-134-3-2003-i (dredging and remediation of the South Arm of the Hunter River);</p> <p>h) monitoring requirements for compensatory habitat works and other ecological amelioration proposed under the Program; and</p> <p>i) timing and responsibilities for the implementation of the provisions of the Program.</p>	Yes - Ongoing	A Compensatory Habitat and Ecological Monitoring Program was submitted to the Director-General and was approved on 16 November 2010. Works were conducted during the 2011/2012 period in accordance with the requirements of Condition 2.20, the Compensatory Habitat and Ecological Monitoring Program and at the direction of the Compensatory Habitat Consultative Board.
2.21	<p>Prior to the commencement of construction of the project, including fill/preload activities, the Proponent shall develop and submit for the approval of the RTA and Council, construction traffic control measures to be implemented for the project. The construction traffic control measures shall include measures to ensure that project traffic does not adversely affect traffic movements on Cormorant Road during peak traffic times.</p>	Yes - Ongoing	Traffic management implemented as a part of the Construction Traffic Management Protocol has ensured that project traffic has not adversely affected traffic movements on Cormorant Road during peak traffic times.
2.22	<p>The Proponent shall design, install and maintain physical traffic control devices and signs for all prohibited traffic movements referred to in Appendix C of the document referred to under condition 1.1b) of this approval, during construction and operation of the project, as relevant. The Proponent shall submit design details of the traffic control devices and signs to the RTA and Council for approval prior to their installation. Traffic control devices and signs shall be installed prior to the commencement of construction and operation, as relevant, and at the expense of the Proponent.</p>	Yes - Ongoing	The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed in accordance with RTA and Council requirements.
2.23	<p>The Proponent shall ensure that all access to the relevant Site areas shall be via the following routes:</p> <p>a) Main Site Area:</p> <p>i) Pacific National access road;</p> <p>ii) Temporary haulage road (construction phase only);</p> <p>iii) Egret Street; and</p> <p>iv) Raven Street, Curlew Street.</p> <p>b) Wharf Area:</p> <p>i) Temporary haulage road (construction phase only); and</p> <p>ii) Wharf access road.</p> <p>c) Rail area:</p> <p>i) Delta access road (construction phase only); and</p> <p>ii) Pacific National access road.</p>	Yes - Ongoing	Access to the NCIG site is only being conducted via the routes specified in Condition 2.23.
2.24	<p>The Proponent shall ensure that traffic control signals and associated civil works are designed and constructed at the intersection of Cormorant Road and the temporary haulage road, west of the existing Blue Circle railway level crossing, in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines, to the satisfaction of the RTA including but not limited to, the following works:</p> <p>a) the traffic control signals shall be designed to restrict all movements at the intersection to through movements only;</p> <p>b) the signals shall be co-ordinated with the adjacent Blue Circle railway level crossing signals; and</p> <p>c) provision shall be made for on-road Nelson Bay Road cyclists at the intersection.</p>	Yes - Ongoing	Not applicable as the temporary haulage road has not been required for the NCIG project.
2.25	<p>The Proponent shall ensure that the traffic control signals outlined in condition 2.24 at the intersection of Cormorant Road and the temporary haul road shall be removed to the satisfaction of the RTA and Council, at completion of the construction phase or after 12 months of operation of the signals. This shall include any rehabilitation work required to Cormorant Road as determined by the RTA and Council.</p>	Yes - Ongoing	Not applicable as the traffic control signals for temporary haulage road have not been installed.
2.26	<p>The Proponent shall ensure that the traffic control signals at the intersection of Cormorant Road and the temporary haul road shall not be utilised for traffic movements across Cormorant Road between 6.00 am and 9.00 am and 4.00 pm to 6.00 pm on weekdays.</p>	Yes - Ongoing	Not applicable as the traffic control signals for temporary haulage road have not been installed.
2.27	<p>The Proponent shall ensure that the intersection of Cormorant Road/Tourle Street and the Delta access road to the west of the Site is designed and constructed in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines to the satisfaction of the RTA. The Proponent shall ensure that the intersection include, as a minimum, the following:</p> <p>a) traffic movements shall be physically restricted to left in/left out only;</p> <p>b) the left turn in would require a sealed left turn deceleration lane;</p> <p>c) the left turn out should be constructed at right angles to Cormorant Road as a give way arrangement and sealed for an appropriate length to ensure that materials are not tracked onto Cormorant Road. The Proponent shall ensure that shaker grids are provided on-Site at the start of the seal;</p> <p>d) a central median may be required on Cormorant Road at the exit of the Site to physically prevent right turn movements;</p> <p>e) adjustments to the footpath and cycleways shall be undertaken to the satisfaction of the RTA and Council.</p>	Yes - Ongoing	The physical traffic control devices and signs for all prohibited traffic movements have been installed by RTA.

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2.28	<p>The Proponent shall ensure that the intersection of Cormorant Road/Pacific National access shall be designed and constructed in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines, to the satisfaction of the RTA. The Proponent shall ensure that the intersection should include as a minimum:</p> <p>a) traffic movements shall be physically restricted to left in/left out/right in only;</p> <p>b) the existing intersection shall be upgraded to include construction of concrete medians in Cormorant Road;</p> <p>c) this intersection shall be integrated with the wind turbine access to the satisfaction of the RTA and Council.</p>	Yes - Ongoing	The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed in accordance with RTA and Council requirements.
2.29	<p>The Proponent shall construct a u-turn facility at the Pacific National access road to the satisfaction of the RTA and Council. The Proponent shall ensure that the u-turn facility:</p> <p>a) is located a minimum distance of 100 metres from Cormorant Road to avoid any potential conflict with traffic at the intersection; and</p> <p>b) is designed to cater for B-double movements.</p>	Yes - Ongoing	The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed in accordance with RTA and Council requirements.
2.30	<p>The Proponent shall ensure that the intersection of Cormorant Road and the Wharf access road to the south of the Site is designed and constructed in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines to the satisfaction of the RTA. The Proponent shall ensure that the intersection includes the following minimum requirements:</p> <p>a) traffic movements shall be physically restricted to left in/left out/right in only;</p> <p>b) the left turn in would require a deceleration lane, and</p> <p>c) the left turn out should be constructed at right angles to Cormorant Road as a give way arrangement.</p>	Yes - Ongoing	Not applicable as NCIG traffic movements not utilising an independent Cormorant Road and wharf access road intersection. This access point has been incorporated into the Cormorant Road / Pacific National access road intersection works as required by Condition 2.28.
2.31	<p>The Proponent shall ensure that the intersection of Cormorant Road/Egret Street is designed and constructed in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines to the satisfaction of the RTA. The Proponent shall ensure that the intersection includes, as a minimum:</p> <p>a) traffic movements shall be physically restricted to left in/left out and right in only; and</p> <p>b) the existing intersection shall be modified to include the construction of concrete medians in Cormorant Road.</p>	Yes - Ongoing	The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed in accordance with RTA and Council requirements.
2.32	<p>The Proponent shall ensure that the bridge structure over Cormorant Road is designed and constructed to RTA requirements, including (but not limited to):</p> <p>a) allowance for future road widening/duplication of Cormorant Road;</p> <p>b) a minimum 6.5 metre vertical height clearance be provided from the top of the Cormorant Road pavement to the underside of the bridge structure;</p> <p>c) the bridge structure and its approaches to be designed to minimise impacts on maintenance activities required within the road reserve; and</p> <p>d) any maintenance activities required for the bridge structure shall be carried out from within/on the bridge structure.</p>	Yes - Ongoing	The bridge structure over Cormorant Road was been designed and constructed to RTA requirements.
2.33	The Proponent shall enter into an agreement with the RTA for the ongoing maintenance and demolition of the bridge structure.	Yes - Ongoing	NCIG entered into an agreement with the RTA prior to the construction of the bridge structure in December 2010 in accordance with Condition 2.33. The design and maintenance procedures were approved by RTA.
2.34	The Proponent shall submit for the approval of the RTA and Council, detailed designs for the road works referred to under condition 2.22, condition 2.32 inclusive 2.24, prior to the commencement of construction of those works, and prior to the commencement of construction of the relevant components of the project. All road works shall be undertaken and completed to the satisfaction of the RTA and Council.	Yes - Ongoing	The road works required by the Construction Traffic Management Protocol have been designed and completed in accordance with the requirements of the RTA.
2.35	The project shall be designed, constructed, maintained and operated so as not to preclude any future expansion of Cormorant Road to accommodate four lanes of traffic. The Proponent shall consult with the RTA during detailed design of the project to ensure that the requirements of this condition are reflected in the final design of the project. In this regard, the Proponent will be required to enter into a Works Authorisation Deed with the RTA and submit detailed design plans and any additional relevant information, as may be required under the Deed, to the RTA for each specific change to the state road network for the RTA's assessment and approval.	Yes - Ongoing	The project was designed and constructed so as not to preclude any future expansion of Cormorant Road to accommodate four lanes of traffic. The project is not encroaching into the designated four lane road corridor.
2.36	The Proponent shall ensure that any property requirements including acquisition and/or road reserve dedication shall be in accordance with the requirements of the RTA and Council and at the full expense of the Proponent.	Yes - Ongoing	All property requirements have been completed at the full expense of NCIG.
2.37	<p>The Proponent shall design, construct and maintain all internal road works, including the car park, to meet the following requirements:</p> <p>a) compliance with the provisions of relevant Australian Standards, RTA standards and guidelines, and Council codes;</p> <p>b) installation of clear signage to demarcate all vehicle movements within the Site;</p> <p>c) installation and maintenance of any landscaping on the Site so as not to affect driver sight distance for vehicles entering and exiting the Site; and</p> <p>d) clear demarcation of all visitor, disabled, ambulance and service vehicle parking areas.</p>	Yes - Ongoing	All internal roads and car parks have been designed, constructed and maintained to the requirements of Condition 2.37.
2.38	Prior to the commencement of any works associated with the construction of rail infrastructure on land associated with the Kooragang Island Waste Emplacement Facility, the Proponent shall consult with RLMC to reach agreement on the detailed design and operational aspects of the rail infrastructure components of the project on land owned by RLMC. Design details shall include all measures outlined in the documents referred to in condition 1.1.	Yes - Ongoing	Consultation has been undertaken with Hunter Development Corporation and Newcastle Port Corporation and the arrangement of the NCIG rail infrastructure has been approved.

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2.39	The Proponent shall consult with, and meet the requirements of ARTC with respect to those components on the project that directly affect the design and connection of rail infrastructure with ARTC's existing rail infrastructure assets.	Yes - Ongoing	NCIG constructed rail connections to ARTC's existing rail infrastructure assets in accordance with ARTC's requirements. NCIG is consulting ARTC in relation to additional connections relating to the next development phase.
2.40	Prior to the commencement of construction of the infrastructure marked as "High Capacity Optional Inlet Rail Spur and Rail Sidings" in Figure 2-1 of the document referred to under condition 1.1b) of this approval, the Proponent shall undertake, in consultation with ARTC and the owner/ operator of the existing Kooragang Coal Loader, a review of the need for that infrastructure. The purpose of this review shall be to confirm the need for the infrastructure in light of the circumstances and operational requirements existing at the time of implementing this component of the project. The Proponent shall notify the Director-General of the outcomes of the review as soon as practicable after its completion.	Yes - N/A	NCIG are not constructing the High Capacity Optional Inlet Rail Spur and Rail Sidings as a part of the first stage (i.e. 30 Mtpa) or the second stage (i.e. 53 Mtpa) of the NCIG development. NCIG are currently in discussion with ARTC and the owner/ operator of the existing Kooragang Coal Loader in relation to reviewing the infrastructure.
2.41	Except as may be expressly provided under the provision of an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> which prohibits the pollution of waters.	Yes - Ongoing	The NCIG operation and development is being undertaken in accordance with the Environment Protection Licence 12693 and section 120 of the Protection of the Environment Operations Act 1997
2.42	Unless otherwise agreed by the Director-General, the Proponent shall design, construct, maintain and operate surface water and stormwater management infrastructure on the Site to accommodate a 1 in 100 ARI rainfall event, and shall not permit the discharge of any water from the Site to the Hunter River unless expressly provided under the provision of an Environment Protection Licence.	Yes - Ongoing	All surface water and stormwater management infrastructure on the Site have been designed to accommodate a 1 in 100 ARI rainfall event. Discharges of water to the Hunter River is not being undertaken as a part of operational or development activities.
2.43	The Proponent shall take all reasonable measures to prevent soil erosion and the discharge of sediments and pollutants from the Site during construction of the project.	Yes - Ongoing	NCIG are ensuring that soil erosion and discharge of sediments and pollutants from the site are minimised by implementing all reasonable prevention measures.
2.44	The Proponent shall install stormwater drains, stormwater ponds, settlement ponds and/or storage ponds and other erosion, sediment and pollution controls as may be appropriate to manage stormwater on the Site. The Proponent shall maintain all erosion, sediment and pollution control infrastructure at or above design capacity for the duration of construction of the project and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.	Yes - Ongoing	NCIG have constructed stormwater infrastructure to manage stormwater on the site in accordance with the Construction Surface Water Management Plan and Condition 2.44.
2.45	All stockpiled construction materials shall be stabilised and covered where practicable to prevent erosion or dispersal of the materials. The Proponent shall manage any fill/ preload material brought to the Site in manner that prevents erosion and dispersal of those materials.	Yes - Ongoing	NCIG have installed and maintained silt fences, drains and sedimentation ponds to prevent erosion or dispersal of stockpiled construction materials and fill/preload material in accordance with Condition 2.45.
2.46	Materials classified as Virgin Excavated Natural Materials (VENM) or those referred to under condition 2.47, shall be used as fill/ preload material for the project.	Yes - Ongoing	Only material classified as VENM is being used as defined fill/preload material in accordance with Condition 2.46.
2.47	Unless otherwise agreed by the Director-General, the Proponent shall only source clean materials for use in fill/ preloading activities from the development the subject of development consent DA-134-3-2003-i (dredging and remediation of the South Arm of the Hunter River). Where the Proponent seeks the agreement of the Director-General to use fill/ preload materials from a different source, the Director-General may require submission of additional information to demonstrate how the impacts from heavy vehicle movements will be adequately and appropriately mitigated and managed.	Yes - Ongoing	Only material classified as VENM have been utilised as fill/preload material in accordance with Condition 2.46. The approval of the Director General has not been required as alternative material have not been sourced for use as a defined fill/preload.
2.48	Unless otherwise agreed by the Director-General, fill/ preload material sourced from the development the subject of development consent DA-134-3-2003-i shall be transported and managed consistently with an approved Dredged Material Transport Strategy under that development consent (condition B2.29).	Yes - Ongoing	NCIG have managed and transported all fill/preload material in accordance with the Dredged Material Transport Strategy.
2.49	All stormwater and surface water management infrastructure on the Site intended to manage actual or potentially contaminated water shall be lined with a low-permeability material to minimise potential leakage. Collected stormwater shall be reused on Site for beneficial purposes such as the wetting of coal to reduce dust emissions from the Site.	Yes - Ongoing	No contaminated water has been encountered by the NCIG project.
2.50	In the event that stormwater runoff collection cannot meet the water demand of the Site, treated wastewater, if available from the relevant water authority, shall be used preferentially over potable water for the purposes of dust control, unless otherwise agreed by the Director-General.	Yes - N/A	Discussion were held with the Hunter Water Corporation in relation to utilising treated wastewater as a part of the NCIG operations. Treated wastewater is currently not available for utilisation. Liaison with Hunter Water Corporation is ongoing in relation to this matter.
2.51	All machinery wash down waters and amenities wastewater shall be directed to sewer (subject to Hunter Water Corporation approval), or to an appropriately licensed liquid waste disposal facility.	Yes - Ongoing	The wash down is being directed to sewer. Amenities wastewater is being directed to sewer and to an appropriately licensed liquid waste disposal facility as appropriate for amenity areas of the project site. This is undertaken in a manner which ensures there is no resulting pollution.
2.52	The Proponent shall design, install, maintain and operate rainwater tanks for the collection of water for domestic and potable uses on the Site. Collected rainwater shall be used preferentially to external potable water supplies.	Yes - Ongoing	The coal export terminal is collecting and utilising rainwater runoff in preference to potable water supply for landscaping and ground maintenance purposes.
2.53	The Proponent shall engage an appropriately qualified person to audit construction of the rail infrastructure over land used as part of the KIWEF against the commitments contained in the documents referred to in condition 1.1. The auditor shall provide the Director-General and the DECC with quarterly reports on the disturbance and recapping of the waste emplacement area during construction. In the event any deviation from the commitments made in the abovementioned documents, prior approval should be sought from the DECC, and any deviation from the commitments shall be described in detail and reasons for the change provided and fully justified.	Yes - Ongoing	Environ completed the required audit tasks as required by Condition 2.53. This audits were undertaken until the finalisation of capping activities in the in the KIWEF land. These reports have been provided to the Department of Planning and DECCW.
2.54	The Proponent shall ensure that any contaminated materials removed from the Site be directed to a waste management facility lawfully permitted to accept the materials.	Yes - Ongoing	Contaminated materials removed from the Project site have been managed by waste management facilities lawfully permitted to accept the materials.
2.55	To avoid any doubt, nothing in this approval relieves the need to comply with the requirements of Environment Protection Licence No. 6437 as it relates to the on-going management of the KIWEF.	Yes - Ongoing	NCIG are undertaking activities in compliance with Environment Protection Licence No.6437.

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2.56	All waste materials removed from the Site shall only be directed to a waste management facility lawfully permitted to accept the materials.	Yes - Ongoing	Contaminated materials removed from the Project site have been managed by waste management facilities lawfully permitted to accept the materials.
2.57	Except as expressly permitted in an appropriate licence, waste shall not be received at the Site for storage, treatment, processing or reprocessing or disposal.	Yes - Ongoing	Waste has not been received at the Site for storage, treatment, processing or reprocessing or disposal.
2.58	Within six months of the commencement of construction of the project, or as otherwise agreed by the Director-General, the Proponent shall install the bund along the southern side of the stockpile yard (northern side of Cormorant Road) to the satisfaction of the Director-General.	Yes - N/A	A bund along the southern side of the stockpile yard has been completed to meet the requirements of Condition 2.58.
2.59	The Proponent shall ensure that all external lighting installed as part of the project is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with AS 4282 – 1997 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	Yes - Ongoing	All external lighting has been designed in a manner so as not to create a nuisance to surrounding land uses.
2.60	The Proponent shall plant and maintain local native vegetation species along the earthen bund referred to under condition 2.58. Vegetation shall be planted prior to the commencement of operation of the project, and shall aim to screen the project from visual receptors towards the south, to the greatest extent practicable.	Yes - N/A	Local vegetation species was planted on the earthen bund prior to commencement of operational activities.
2.61	Advertising and project identification signs shall not be installed along the Cormorant Road frontage of the Site.	Yes - Ongoing	No advertising or project identification signs has been installed along the Cormorant Road frontage of the site.
3.1	From the commencement of construction of the project, the Proponent shall continuously monitor, utilising the meteorological monitoring station referred to under condition 2.8 of this approval, each of the parameters listed in Table 2, utilising the sampling method indicated and applying a 15-minute average period to all results, and recording data in units specified in Table 2.	Yes - Ongoing	A meteorological monitoring station is being maintained on site with monitoring undertaken in accordance with Condition 3.1.
3.2	Prior to the commencement of operation of the project, the Proponent shall develop and submit for the approval of the Director-General and the DECC, an Ambient Dust Monitoring Program to outline how the ambient dust impacts of the project will be monitored. The Program shall include, but not necessarily be limited to: a) identification of an integrated air quality monitoring network, developed in consultation with the owner/ operator of the existing Kooragang Coal Loader; b) locations, frequencies and methods for monitoring total suspended particles, PM10 and deposited particulate matter; c) provision for the use of at least four hi-volume samplers (HVAS), four dust depositional gauges and a meteorological station capable of monitoring wind direction and speed in accordance with condition 2.8 and condition 3.1 of this approval; d) investigation of the use of Tapered Element Oscillating Microbalance Samplers (TEOMS) as part of the integrated air quality monitoring network. Should the Proponent consider TEOMS not to be required, the Proponent may seek approval from both the Director-General and the DECC to exclude this requirement. In seeking such an exclusion, the Proponent's reasons for the exclusion shall be provided and be fully justified; e) provided that the use of TEOMS is proven to be justified (as outlined in d) above), the Proponent shall utilise real-time monitoring data to inform environmental management decisions associated with the project; f) a framework for identifying actual and potential dust impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts; g) provision for independent review and auditing of the Program; and h) mechanisms for updating the Program as may be required from time to time.	Yes - N/A	The Ambient Dust Monitoring Program was submitted to the Director-General and DECCW for approval on 12 March 2010 as a component of the NCIG Dust Management Plan.
3.3	Following one full year of data collection in accordance with an approved Ambient Dust Monitoring Program (refer to condition 3.2), the Proponent shall undertake a model validation study to review TSP, PM ₁₀ and dust deposition levels to assess compliance with the dust impact predictions made in the documents referred to under condition 1.1 and with applicable ambient air quality goals. The model validation study shall be undertaken in accordance with <i>Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales</i> (DEC, 2005), and any specific requirements of the DECC.	Yes - N/A	A model validation study was completed utilising one full year of dust monitoring data. This study determined that the NCIG project was in compliance with the dust impact predictions made in the documents referred to under condition 1.1 and with applicable ambient air quality goals.
3.4	Within 28 days of conducting the dust validation study referred to under condition 3.3 of this approval, the Proponent shall provide the Director-General and the DECC with a copy of the report. If the dust validation study identifies significant deviance from the predictions made in the documents referred to under condition 1.1 or any exceedence with ambient air quality goals, the Proponent shall detail what additional measures would be implemented to further mitigate dust impacts. The Proponent shall clearly indicate who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be assessed and reported to the Director-General.	Yes - N/A	The model validation study was submitted to the Director-General and DECCW with 28 days of finalisation of the study on 31 August 2011.
3.5	The requirements of conditions 3.3 and 3.4 shall be repeated once one year of dust monitoring data is available after the project exceeds an export rate of 33 million tonnes of coal per annum.	Yes - N/A	The model validation study referred to in Conditions 3.3 & 3.4 will be repeated annually after the terminal export rate exceeds 33 million tonnes of coal per annum.
3.6	Within 90 days of the commencement of operation of the project, or as otherwise agreed by the Director-General, and during a period in which the project is operating under normal operating conditions, the Proponent shall undertake a program to confirm the noise performance of the project. The noise program shall include, but not necessarily be limited to: a) noise monitoring, consistent with the guidelines provided in the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000), to assess compliance with condition 2.13 of this approval; b) methodologies, locations and frequencies for noise monitoring; c) identification of monitoring sites at which pre- and post-project noise levels can be ascertained; d) details of any complaints and enquiries received in relation to noise generated by the project within the first 90 days of operation; e) an assessment of night-time use of audible alarm systems; f) a statement of whether the Site is in compliance with noise limits outlined in condition 2.13; and g) any additional noise mitigation measures and timetables for implementation.	Yes - N/A	The Noise Monitoring Program required by Condition 3.6 was undertaken and a report prepared. This report was provided to the Director-General on 01 November 2010.
3.7	Within 28 days of conducting the noise monitoring referred to under condition 3.6 of this approval, the Proponent shall provide the Director-General and the DECC with a copy of the report. If the noise monitoring report identifies any non-compliance with the noise limits imposed under this approval (refer condition 2.13), the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.	Yes - N/A	The Noise Monitoring Program report was provided to the Director-General and DECCW on the 01 November 2010.

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3.8	The requirements of conditions 3.6 and 3.7 shall be repeated within 90 days of the project exceeding an export rate of 33 million tonnes of coal per annum.	Yes - N/A	The Noise Monitoring Program will be repeated within 90 days of the completion of the Stage 2AA development phase which has an export capacity of 53 million tonnes of coal per annum.
4.1	<p>Prior to the commencement of operation of the project, or within such period as otherwise agreed by the Director-General, the Proponent shall develop, in consultation with owner/ operator of the existing Kooragang Coal Loader, a Coordinated Environmental Monitoring and Management Protocol to provide a framework for the coordinated and cooperative monitoring and management of environmental impacts from the developments. The Protocol shall include, but not necessarily be limited to:</p> <p>a) procedures for access to, and provision of, monitoring data from each development, particularly in relation to dust and noise emissions;</p> <p>b) the respective remediation and redevelopment works;</p> <p>c) arrangements for coordinated and cooperative monitoring of ambient environmental impacts, including agreements relating to sharing of monitoring networks/ infrastructure, coordinated interpretation of monitoring results and coordination dissemination of monitoring results to relevant parties;</p> <p>d) measures to ensure a coordinated and cooperative approach to the management of common or cumulative environmental impacts from the developments;</p> <p>e) arrangements for communication between the parties, including designated contact persons and contact details;</p> <p>f) notification procedures in the event of an incident at either development that may impact on the other development, or generate a significant common or cumulative impact;</p> <p>g) any agreement for participation in the development of any of the management plans or monitoring programs required under this approval;</p> <p>h) mechanism for review of the Protocol from time to time; and</p> <p>i) such other matters as parties may agree.</p> <p>The Applicant shall provide a copy of the Protocol to the Director-General and the DECC as soon as practicable after agreement on the terms of the Protocol.</p>	Yes - N/A	The Coordinated Environmental Monitoring and Management Protocol was and provided to the Director-General and DECCW on 21 December 2009. Approval of this document was provided by Department of Planning on 07 June 2010. Quarterly coordination meetings are held between NCIG and the owner/ operator of the existing Kooragang Coal Loader (PWCS) in accordance with the Protocol.
4.2	Prior to the commencement of construction of any component of the project, or within such period as otherwise agreed by the Director-General, the Proponent shall develop, in consultation with NSW Maritime, a Coordinated Works Program to ensure that the requirements of this approval, and the conditions imposed on the development the subject of development consent DA-134-3-2003-i (dredging and remediation of the South Arm of the Hunter River) are met and coordinated where the relevant works are interrelated. The Program shall specifically focus on requirements for coordination of works in and around the Hunter River foreshore, ecological monitoring and management, and scheduling of dredging and fill/ preloading activities.	Yes - Ongoing	The project works associated with Project Approvals 06_0009 and DA-134-3-2003-i is being undertaken in accordance with the Coordinated Works Program.
5.1	<p>The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily be limited to:</p> <p>a) provisions for periodic review of the compliance status of the project against the requirements of this approval;</p> <p>b) provisions for periodic reporting of compliance status to the Director-General;</p> <p>c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing and</p> <p>d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.</p>	Yes - Ongoing	The Compliance Tracking Program was completed and verified prior to commencement of construction. Compliance was also verified prior to commencement of operations through third party auditing.
6.1	Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.	Yes - Ongoing	Project documents have been made available for public inspection as requested.
6.2	<p>Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints and enquiries for the life of the project (including construction and operation):</p> <p>a) a telephone number on which complaints and enquiries about construction and operational activities at the Site may be registered.</p> <p>b) a postal address to which written complaints and enquiries may be sent.</p> <p>c) an email address to which electronic complaints and enquiries may be transmitted.</p> <p>The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the Site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign. This information is also to be provided on the Proponent's website.</p>	Yes - Ongoing	NCIG complaints facilities have been maintained for the duration of the project (including construction and operations). These facilities include 24 hour complaints telephone number (1800 016 304); postal address (PO Box 644 Newcastle 2300) and email address (enquiries@ncig.com.au). The details are advertised on site signage and in all NCIG public notices and newsletters and on the NCIG website (www.ncig.com.au). All complaints that have been received are managed through these facilities.
6.3	<p>The Proponent shall record details of all complaints received through the means listed under condition 6.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:</p> <p>a) the date and time, where relevant, of the complaint.</p> <p>b) the means by which the complaint was made (telephone, mail or email).</p> <p>c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect.</p> <p>d) the nature of the complaint.</p> <p>e) record of operational and meteorological condition contributing to the complaint.</p> <p>f) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant.</p> <p>g) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.</p> <p>The Complaints Register shall be made available for inspection by the Director-General upon request.</p>	Yes - Ongoing	The details of all complaints received by NCIG have been recorded in the Complaints Register in accordance with Condition 6.3.
6.4	<p>The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:</p> <p>a) a copy of the documents referred to under condition 1.1 of this approval, and any documentation supporting modifications to this approval that may be granted from time to time;</p> <p>b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;</p> <p>c) a copy of each strategy, plan and program required under this approval; and</p> <p>d) the outcomes of compliance tracking in accordance with condition 5.1 of this approval.</p>	Yes - Ongoing	NCIG has established a website (www.ncig.com.au) which contains up-to-date project information in accordance with Condition 6.4.

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7.1	<p>Prior to the commencement of construction of the project, or otherwise agreed by the Director-General, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s) for the approval of the Director-General. The Proponent shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Director-General, during the operation of the project. The Environmental Representative(s) shall be:</p> <p>a) the principal contact point in relation to the environmental performance of the project;</p> <p>b) responsible for all management plans and monitoring programs required under this approval;</p> <p>c) responsible for considering and advising on matters specified in the conditions of this approval, and all other licences and approvals related to the environmental performance and impacts of the project;</p> <p>d) responsible for receiving and responding to complaints in accordance with condition 6.2 of this approval; and</p> <p>e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.</p>	Yes - Ongoing	The approved NCIG Environmental Representative (Nathan Juchau) continues to be employed on the project.
7.2	<p>Prior to the commencement of construction of the project, the Proponent shall prepare and implement a Construction Environmental Management Plan to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be prepared in accordance with <i>Guideline for the Preparation of Environmental Management Plans</i> (DIPNR 2004) and shall include, but not necessarily be limited to:</p> <p>a) a description of all activities to be undertaken on the Site during construction including an indication of stages of construction, where relevant;</p> <p>b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;</p> <p>c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:</p> <p>i) measures to monitor and manage dust emissions;</p> <p>ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities;</p> <p>iii) measures to monitor and control noise emissions during construction works;</p> <p>d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;</p> <p>e) the additional studies listed under condition 7.3 of this approval;</p> <p>f) a traffic control plan to detail the various traffic control measures to be used for construction traffic access connections to the classified road network; and</p> <p>g) complaints handling procedures during construction.</p> <p>The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.</p>	Yes - Ongoing	The Construction Environmental Management Plan for the Stage 2AA development phase was prepared and submitted on 26 August 2010. Approval by the Director-General was received on 21 September 2010.
7.3	As part of the Construction Environmental Management Plan for the project required under condition 7.2 of this approval, the Proponent shall prepare and implement the following:	Yes - Ongoing	
7.3(a)	a) where soil testing prior to the commencement of construction identifies the presence of acid sulfate soils, a Acid Sulfate Soil Management Plan prepared in accordance with guidance provided in <i>Acid Sulfate Soil Manual</i> (Acid Sulfate Soil Management Advisory Committee, 1998);	Yes - Ongoing	The NCIG development is being undertaken in accordance with the Acid Sulfate Management Plan. This includes a program of soils and water sampling and materials management procedures. This program of testing has found that there are no issues with acid sulphate soils on the NCIG project site.
7.3(b)	b) a Construction Surface Water Management Plan to detail how surface water and stormwater will be managed on the Site during construction. The Plan shall include use of appropriately-sized stormwater controls, in accordance with <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004). The Plan shall include specific measures to avoid sediment-laden stormwater from entering Deep Pond, wetland areas or the Hunter River, and a monitoring program for stormwater leaving the Site;	Yes - Ongoing	The NCIG development is being undertaken in accordance with the Surface Water Management Plan. This includes installation of stormwater controls, water quality monitoring and management.
7.3(c)	c) a Construction Noise Management Plan to detail how construction noise and vibration impacts would be minimised and managed, including, but not necessarily limited to:	Yes - Ongoing	The NCIG development is being undertaken in accordance with the Noise Management Plan. This includes regular noise monitoring and reporting, together with complaint handling procedures. The assessments of noise have found that NCIG activities are compliant with Condition 2.14 and the noise criteria detailed in EPL12693.
7.3(d)	d) a Construction Traffic Management Protocol to detail how heavy vehicle movements associated with the project will be managed during construction, including Site preparation and fill/ preloading activities. The Protocol shall specifically address the movement of oversize loads to and from the Site, the management of construction traffic, restrictions to the hours of heavy vehicle movements to avoid road use conflicts, and the transport of construction waste materials. In addition to approval from the Director-General, the Construction Traffic Management Protocol shall be submitted for the approval of the RTA and Council.	Yes - Ongoing	The NCIG development is being undertaken in accordance with the Construction Traffic Management Protocol. This includes management of heavy vehicle through instigation of measures to ensure the occurrence of any conflict is reduced both on and off the site.

APPENDIX A
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Approval Condition	Condition	Project Compliance Achieved?	Compliance Status April 2012
7.4	In the event that construction of the project is phased up to the maximum capacity specified under condition 1.5, the requirements of conditions 7.3 and 7.4 shall be repeated prior to the commencement of construction of each phase of the project.	Yes - Ongoing	The Construction Environmental Management Plan, and associated plan as detailed in Conditions 7.3(a) to (d), for the Stage 2AA development phase was prepared and submitted on 26 August 2010. Approval by the Director-General was received on 21 September 2010.
7.5	Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Director-General an Operation Environmental Management Plan (OEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's <i>Guideline for the Preparation of Environmental Management Plans</i> (DIPNR 2004), and shall include, but not necessarily be limited to: a) a description of all activities to be undertaken on the Site during operation including an indication of stages of operation, where relevant; b) statutory and other obligations that the Proponent is required to fulfil during operation including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies; c) details of how the environmental performance of the operations will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan: i) measures to monitor and manage dust emissions; ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during operation; iii) measures to monitor and control noise emissions during operation; d) a description of the roles and responsibilities for all relevant employees involved in the operation of the project; e) the additional studies listed under condition 7.6 of this approval; and f) complaints handling procedures during operation. The Operation Environmental Management Plan shall be made available for inspection by the public upon request following its approval by the Director-General.	Yes - N/A	The Operational Environmental Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010.
7.6	As part of the Operation Environmental Management Plan for the project required under condition 7.5 of this approval, the Proponent shall prepare and implement the following:	Yes - N/A	The Operational Environmental Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010.
7.6(a)	a) a Dust Management Plan to outline measures to minimise and manage any impacts from the operation of the project on local air quality. The Plan shall include, but not necessarily be limited to: i) identification of all major sources of dust emissions that may occur as result of the operation of the project; ii) description of the procedures to manage the dust emissions from the sources identified; iii) identification of the locations where monitoring of dust emissions is to be undertaken; iv) procedures for monitoring dust emissions from the project, in accordance with the requirements of this approval and the Environment Protection Licence for the project; v) protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions; and vi) description of procedures to be undertaken if any non-compliance is detected.	Yes - N/A	The Dust Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010 in accordance with Condition 7.6(a).
7.6(b)	b) a Noise Management Plan to outline monitoring, management procedures and measures to minimise total operational noise emissions from the project. The Plan shall also include, but not necessarily be limited to: i) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval; ii) identification of activities that will be carried out in relation to the project and the associated noise sources; iii) assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval; iv) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the Site during the project; v) details regarding the procurement process to guarantee that equipment levels meet the noise levels as provided in the documents listed in condition 1.1; vi) development of reactive and pro-active strategies for dealing promptly with any noise complaints; vii) noise monitoring and reporting procedures; and viii) regular internal audits of compliance of all plant and equipment with acceptable design noise.	Yes - N/A	The Noise Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010 in accordance with Condition 7.6(b).
7.6(c)	c) a Water Management Plan to outline the water management system for the Site. The Plan shall include, but not necessarily be limited to: i) predicted Site water balance including the water supply system; ii) details regarding water management structures such as settling ponds, water tanks and the water management system for dredge sea water; iii) locations and design specifications for all water diversions from undisturbed runoff areas including channel design and stabilisation, sediment retention storages and other structures; iv) details on the internal drainage system including bunding, drainage channels, dewatering sumps and any pipelines; v) procedures for the management of groundwater encountered on Site and any temporary dewatering facilities; and vi) procedures to be implemented to minimise potential surface water impacts.	Yes - N/A	The Water Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010 in accordance with Condition 7.6(c).
7.6(d)	d) a Spontaneous Combustion Management Protocol to outline measures to minimise and manage the spontaneous combustion of the coal stockpiles. The Plan shall include, but not necessarily be limited to: i) coal stockpile management measures; ii) monitoring of potential causes of spontaneous combustion events; and iii) corrective action in the event of spontaneous combustion.	Yes - N/A	The Spontaneous Combustion Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010 in accordance with Condition 7.6(c).
7.7	The Operation Environmental Management Plan required under conditions 7.5 and 7.6 shall periodically reviewed and maintained, to reflect any phasing of implementation of the project, and any operational changes that may be made from time to time.	Yes - N/A	The Operation Environmental Management Plan is scheduled to be reviewed periodically in accordance with Condition 7.7.
8.1	The Proponent shall notify the Director-General of any incident with actual or potential significant off-Site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the incident to the Director-General within seven days of the date on which the incident occurred.	Yes - Ongoing	NCIG have notified the Director-General of all applicable incidents in accordance with Condition 8.1.
8.2	The Proponent shall maintain a register of accidents, incidents and potential incidents with actual or potential significant off-Site impacts on people or the biophysical environment. The register shall be made available for inspection at any time by the independent qualified person or team conducting the Environmental Audit and/or the Director-General.	Yes - Ongoing	The details of all incidents associated with the NCIG project have been recorded in the Incident Register in accordance with Condition 8.2.
8.3	The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 8.1 of this consent, within such period as the Director-General may agree.	Yes - Ongoing	NCIG have met the requirements of the Director-General when requested.