

NEWCASTLE COAL INFRASTRUCTURE GROUP  
COAL EXPORT TERMINAL

PROJECT APPROVAL (06\_0009)

COMPLIANCE TRACKING PROGRAM

REVISION B



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## PREFACE

In accordance with Condition 1.10, Schedule 2 of the Project Approval (06\_0009), this Compliance Tracking Program specifically covers the first 12 months of construction of the Project and will be revised/updated within the next 12 months to cover construction activities after this time. Additional plans/programs will be prepared and submitted to the Director-General of the Department of Planning for approval prior to carrying out the associated aspect of construction.

## 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;
- Excel Coal Limited (Peabody Energy Australia Coal Pty Limited);
- Felix Resources Limited (formerly White Mining Limited); and
- Whitehaven Coal Mining Pty Ltd.

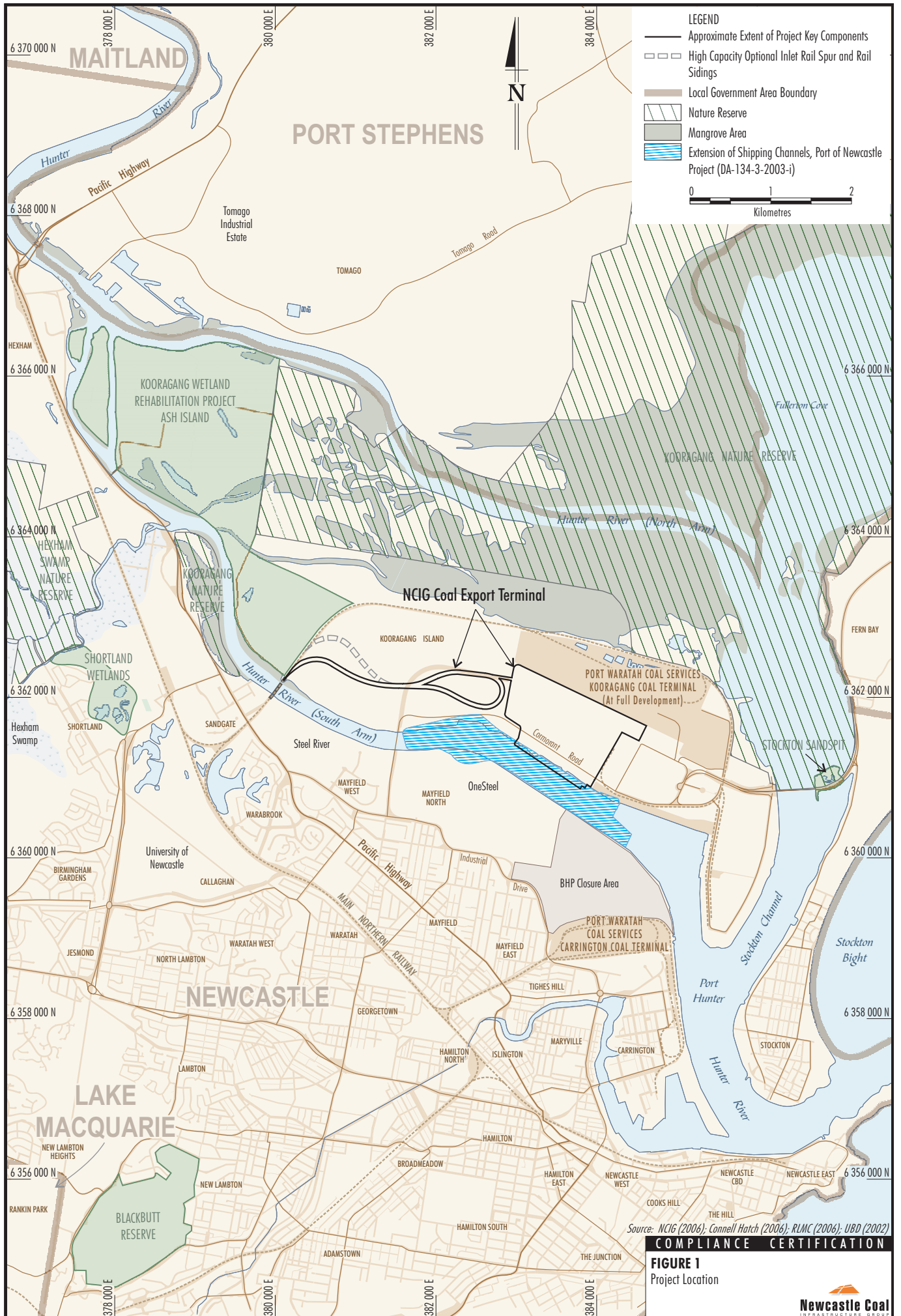
NCIG was granted Project Approval (06\_0009) on 13 April 2007. This Compliance Tracking Program (CTP) has been prepared in accordance with Condition 5.1, Schedule 2 of the Project Approval (06\_0009). Table 1 indicates where each component of Condition 5.1, Schedule 2 of Project Approval is addressed 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 |
|--|------------------------------------|
| <p><b>5. COMPLIANCE MONITORING AND TRACKING</b></p> <p><b>Compliance Tracking Program</b></p> <p><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></p> | 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:

- **Construction** – will involve the construction and commissioning of rail infrastructure, the coal storage area, wharf facilities and shiploaders. An initial 33 month construction phase is expected for a Project capacity of 33 Mtpa.
- **Initial operation** – will involve the operation of the CET to a capacity of 33 Mtpa.
- **CET progressive development** – will involve the progressive development of the CET up to 66 Mtpa capacity. 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 Pre-Construction 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**

| <b>Project Development Phase</b>   | <b>Compliance Status Review Revision Timing</b>   | <b>Responsibility</b>              |
|--|---|------------------------------------|
| Construction.  | Prior to the commencement of construction of the Project.   | NCIG Environmental Representative. |
| Initial operation.   | Prior to the commencement of operation of the Project.  | 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 6 months 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 6 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 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 3) 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 will comprise the following four stages:

1. Identification of the non-compliance.
2. Management Strategy.
3. Implementation.
4. Review.

### ***Identification of the Non-compliance***

The first stage of the Non-compliance Response Mechanism involves identification of the non-compliance. Non-compliances will be initially identified by a Compliance Status Review (Section 2) or Independent Environmental Audit (Section 3) or by the NCIG Environmental Representative. At this stage the relevant details of the non-compliance will be recorded and relevant NCIG representatives will be notified by the NCIG Environmental Representative.

### ***Management Strategy***

The management strategy component involves determination of the 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.

### ***Implementation***

This stage involves implementation of the actions and/or management measures chosen in the management strategy process. The Environmental Representative will be responsible for the timely implementation of the selected actions and/or management measures.

### ***Review***

An important component of the Non-compliance Response Mechanism is the review of the Management Strategy and Implementation stages. These will be assessed by determining 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.

APPENDIX A  
PRE-CONSTRUCTION  
COMPLIANCE STATUS REVIEW

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**APPENDIX A  
Compliance Review 06\_0009**

| Approval Condition | Condition   | Compliance Status | Initial Compliance Achievement   | Ongoing Status  |
|--------------------|---|-------------------|--|---|
| 1.1                | The Proponent shall carry out the project generally in accordance with the:<br>a) Major Projects Application 06_0009;<br>b) Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal, prepared by Resource Strategies Pty Ltd and dated July 2006;<br>c) Responses to Submissions, prepared by Newcastle Coal Infrastructure Group and dated December 2006; and<br>d) the conditions of this approval.  | Yes - Ongoing     | NCIG will carry out the development generally in accordance with the documents listed in Condition 1.1.  | NCIG is conducting development in accordance with the documents listed in Condition 1.1.  |
| 1.2                | In the event of an inconsistency between:<br>a) the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and<br>b) any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.   | Yes - Ongoing     | NCIG will comply with Condition 1.2 in the event of an inconsistency.  | 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:<br>a) any reports, plans or correspondence that are submitted in accordance with this approval; and<br>b) the implementation of any actions or measures contained in these reports, plans or correspondence.   | Yes - Ongoing     | NCIG will comply with any reasonable requirement(s) of the Director-General in accordance with Condition 1.3.  | 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     | Project Approval (06_0009) was granted on 13 April 2007 and therefore has not lapsed.  | The Project Approval (06_0009) remains current as at September 2008.  |
| 1.5                | The project shall be limited to a maximum export capacity of 66 million tonnes of coal per annum.   | Yes               | The maximum export capacity for the first stage of the NCIG development is 33 million tonnes per annum.  | The NCIG development first stage will not exceed the approved export limit of 66 million tonnes per annum.  |
| 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 1.1b) of this approval upon receipt of the Director-General's satisfaction that:<br>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<br>b) the Proponent has complied with rail infrastructure review requirements required under condition 2.40 of this approval.   | Yes - N/A         | The High Capacity Optional Inlet Rail Spur and Rail Sidings are not required for the first stage of the NCIG development (i.e. 33 Mtpa).   | Not applicable as the High Capacity Optional Inlet Rail Spur and Rail Sidings are not required for the first 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     | Environment Protection Licence 12693 was issued by the Department of Environment and Climate Change on 26 October 2007 under the Protection of the Environment Operations Act, 1997. Copies of Project Approval (06_0009) and all relevant environmental approvals will be kept on site by the Environmental Representative. | All licences, permits and approvals are being updated as required and maintained as a part of the Stage 1 development stage. 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 the construction, operation, and where relevant, decommissioning of the development.   | Yes - Ongoing     | NCIG will implement all practicable measures to prevent and minimise harm to the environment in accordance with Condition 1.8.   | 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:<br>a) Maintained in a proper and efficient condition; and<br>b) Operated in a proper and efficient manner.   | Yes - Ongoing     | All plant and equipment installed at the premises for the NCIG development will be maintained and operated in accordance with Condition 1.9.   | 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     | NCIG will comply with Condition 1.10 where a management plan and monitoring program is required before carrying out any development or stage of development.   | 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 Protection of the Environment Operations Act 1997, to be emitted beyond the boundary of the Site.   | Yes - Ongoing     | Environment Protection Licence 12693 was issued by the Department of Environment and Climate Change on 26 October 2007 for the NCIG development. NCIG will comply with section 129 of the Protection of the Environment Operations Act 1997 in accordance with Condition 2.1.  | 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 will design, construct, commission, operate and maintain the Project in accordance with Condition 2.2.  | NCIG development activities are undertaken in a manner to minimise or prevent dust emissions from the site. This has included cessation of activities and 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     | NCIG will take all practicable measures to comply with Condition 2.3.  | 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 will take all practicable measures to comply with Condition 2.4.  | NCIG development activities are undertaken in a manner to minimise or prevent dust emissions from the site. This has included cessation of activities and 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     | NCIG will control dust emissions in accordance with Condition 2.5.   | 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     | NCIG will design, construct, operate and maintain the Project in accordance with Condition 2.6.  | NCIG development activities are undertaken in a manner to minimise or prevent dust emissions from the site. The coal export terminal has been designed to ensure that the opportunity for dust emissions during operations is minimised.  |
| 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     | NCIG will minimise the potential generation of wind-blown dust from fill/preload material in accordance with Condition 2.7.  | 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:<br>a) AM-1 Guide to Siting of Sampling Units (AS 2922-1987).<br>b) AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987).<br>c) AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications.<br><br>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 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     | NCIG installed a meteorological monitoring station on the Project site on 3 September 2007. NCIG will operate and maintain the meteorological monitoring station in accordance with Condition 2.8.   | The meteorological monitoring station is being maintained on the site with monthly reports generated.   |

APPENDIX A  
Compliance Review 06\_0009

| Approval Condition | Condition  | Compliance Status | Initial Compliance Achievement   | Ongoing Status  |
|--------------------|--|-------------------|--|---|
| 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 will minimise noise emissions from plant and equipment operated on the Project site in accordance with Condition 2.9.   | 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  |
| 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.<br><br><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     | NCIG will undertake works in accordance with Condition 2.10.   | 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 will not conduct piling works on Sunday or public holidays.   | NCIG have not commenced piling works, but these will not be conducted on Sunday or public holidays once initiated.  |
| 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 details of how the DECC's requirements with respect to the variation of hours have been addressed.   | Yes - Ongoing     | If NCIG are required to undertake works outside of the hours under Condition 2.10, NCIG will seek the Director-General's approval.   | NCIG sought and received Director -General approval to conduct dynamic replacement 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:<br><br>a) meteorological condition of: wind speeds up to 3 ms <sup>-1</sup> (measured at 10 metres above ground level); or<br>b) temperature inversion conditions up to 3°C per 100 metres and wind speeds up to 2ms-1 (measured at 10 metres above ground level).   | Yes - Ongoing     | NCIG will design and construct the Project to comply with the maximum allowable noise contributions in accordance with Condition 2.13.   | NCIG undertake regular noise measurement and assessment to ensure compliance with the noise requirements. A noise model of the export terminal has been developed operations to ensure that the maximum allowable noise contribution limits are not exceeded.   |
| 2.14               | For the purpose of assessment of noise contributions specified under condition 2.13 of this consent, noise from the project shall be:<br><br>a) measured at the most affected point on or within the Site boundary at the most sensitive receiver to determine compliance with L <sub>Aeq15</sub> <sub>(min,tab)</sub> night noise limits.<br>b) measured at one metre from the dwelling façade to determine compliance with L <sub>A1(1 min,tab)</sub> noise limits.<br>c) subject to the modification factors provided in Section 4 of the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000), where applicable.<br><br>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 will measure noise in accordance with Condition 2.14. NCIG will measure noise in accordance with the Construction Noise Management Plan that was approved by the Director-General on 15 June 2007.  | NCIG undertake regular noise measurement and assessment in accordance with the requirements of the Construction Noise Management Plan and Condition 2.14.   |
| 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         | Trains will not be operated on the Project site during construction of the Project.  | Trains are not currently operating on the site.   |
| 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 RLMC. 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     | Professor David Goldney was approved by the Director-General of the Department of Planning on 2 May 2007 as a qualified ecologist. Professor David Goldney conducted a pre-construction survey for the presence of <i>Litoria aurea</i> in April/May 2007. No members of the species were located during the survey. Notwithstanding, a Green and Golden Bell Frog Management Plan (GGBFMP) has been prepared by NCIG. Comments on the GGBFMP were received from the DECC and RLMC on 25 September 2007 and 11 October 2007, respectively. | Professor David Goldney and Dr Arthur White have conducted pre-construction survey activities prior to the disturbance of all areas of identified sensitive habitat on site.  |
| 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     | NCIG will design and construct the relevant rail infrastructure in accordance with Condition 2.17.   | Rail drainage infrastructure have been designed 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     | NCIG will include site hygiene management as part of the training program for employees and contractors in accordance with Condition 2.18.   | 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 was approved by the Director-General of the Department of Planning on 2 May 2007 as a qualified ecologist to advise NCIG on the mitigation and management of impacts in accordance with Condition 2.19.  | 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  | Compliance Status | Initial Compliance Achievement  | Ongoing Status  |
|--------------------|--|-------------------|---|---|
| 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     | NCIG has undertaken ecological surveys (April/May 2007) to identify and quantify the extent and types of habitat that would be lost or degraded as a result of the Project in accordance with Condition 2.20(a). In accordance with Condition 2.20(b)(i) NCIG will commence compensatory habitat works within 6 months of commencement of construction. Construction of the optional rail spur is not required for Stage 1 of the Project up to 33 Mtpa capacity. NCIG will develop in consultation with the DECC, and submit for approval of the Director-General, a Compensatory Habitat and Ecological Monitoring Program in accordance with Condition 2.20. | A Compensatory Habitat and Ecological Monitoring Program is being developed and implemented in consultation with the DECC within the approved timeframe.  |
| 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     | NCIG has developed and submitted for the approval of the RTA and Newcastle City Council a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes traffic control measures to be implemented for the Project. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d). The Construction Traffic Management Protocol was approved by the Newcastle City Council on 5 July 2007.   | Traffic management implemented as a part of the Construction Traffic Management Protocol has ensured that project traffic has not adversely affect 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     | NCIG has developed and submitted for the approval of the RTA and Newcastle City Council a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes design details for physical traffic control devices and signs to be installed and maintained for the Project. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d). The Construction Traffic Management Protocol was approved by the Newcastle City Council on 5 July 2007.   | The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol are in the process of design approval with RTA and Council.       |
| 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     | NCIG has developed and submitted for the approval of the RTA and Newcastle City Council a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes access to the relevant Project site areas consistent with Condition 2.23.   | 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     | NCIG developed a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which was approved by the RTA and Newcastle City Council on 12 November 2007 and 5 July 2007 respectively. As stated in the Protocol traffic control signals and associated civil works will be designed and constructed in accordance with Condition 2.24 a)-c).   | Not applicable as the temporary haulage road has not been required by 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     | NCIG will remove the traffic control signals outlined in Condition 2.24 at the completion of the construction in accordance with Condition 2.25.  | 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 to 9.00 am and 4.00 pm to 6.00 pm on weekdays.</p>  | Yes - Ongoing     | NCIG will utilise the traffic control signals in accordance with Condition 2.26.  | 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     | NCIG developed a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which was approved by the RTA and Newcastle City Council on 12 November 2007 and 5 July 2007 respectively. As stated in the Protocol Intersections will be designed and constructed in accordance with Condition 2.27 a)-e).  | The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol are in the process of design approval with RTA and Council.       |

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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 shall 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     | <p>NCIG has developed and submitted for the approval of the RTA and Newcastle City Council a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes designs for the intersection of Cormorant Road/Pacific National access. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d). The Construction Traffic Management Protocol was approved by the Newcastle City Council on 5 July 2007.</p>        | <p>The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol are in the process of design approval with RTA and Council.</p>                           |
| 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     | <p>NCIG has developed and submitted for the approval of the RTA and Newcastle City Council a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes designs for the u-turn facility. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d). The Construction Traffic Management Protocol was approved by the Newcastle City Council on 5 July 2007.</p>   | <p>The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol are in the process of design approval with RTA and Council.</p>                           |
| 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     | <p>NCIG has developed and submitted for the approval of the RTA a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes design for the intersection of Cormorant Road and the Wharf access road. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d).</p>  | <p>The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol are in the process of design approval with RTA and Council.</p>                           |
| 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     | <p>NCIG has developed and submitted for the approval of the RTA a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes design for the intersection of Cormorant Road/Egret Street. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d).</p>   | <p>The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol are in the process of design approval with RTA and Council.</p>                           |
| 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     | <p>NCIG has developed and submitted for the approval of the RTA a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes design for the bridge structure over Cormorant Road. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d).</p>  | <p>The proposed bridge structure over Cormorant Road has been designed. This structure is yet to be constructed.</p>   |
| 2.33               | <p>The Proponent shall enter into an agreement with the RTA for the ongoing maintenance and demolition of the bridge structure.</p>  | Yes - Ongoing     | <p>NCIG will enter into an agreement with the RTA in accordance with Condition 2.33.</p>  | <p>NCIG will enter into an agreement with the RTA prior to the construction of the bridge structure in accordance with Condition 2.33.</p>   |
| 2.34               | <p>The Proponent shall submit for the approval of the RTA and Council, detailed designs for the road works referred to under condition 2.22 to condition 2.32 inclusive, 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.</p>   | Yes - Ongoing     | <p>NCIG has developed and submitted for the approval of the RTA and Newcastle City Council a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes detailed designs for the road works of the relevant components of the Project. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d). The Construction Traffic Management Protocol was approved by the Newcastle City Council on 5 July 2007.</p> | <p>Road works required by the Construction Traffic Management Protocol are in the process of design approval with RTA and Council.</p>   |
| 2.35               | <p>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.</p>      | Yes - Ongoing     | <p>NCIG has developed and submitted for the approval of the RTA a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes designs consistent with the requirements of Condition 2.35. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d).</p>   | <p>The project has been designed and is being 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.</p> |
| 2.36               | <p>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.</p>  | Yes - Ongoing     | <p>NCIG will comply with Condition 2.36 in regard to acquisition and/or road reserve dedication.</p>  | <p>All property requirements have been completed at the full expense of NCIG.</p>  |
| 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     | <p>NCIG has developed and submitted for the approval of the RTA and Newcastle City Council a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes designs for the internal road works. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d). The Construction Traffic Management Protocol was approved by the Newcastle City Council on 5 July 2007.</p>   | <p>All internal roads and car parks have been designed, constructed and maintained to the requirements of Condition 2.37.</p>  |
| 2.38               | <p>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.</p>   | Yes - Ongoing     | <p>NCIG has consulted with the RLMC regarding the detailed design and operational aspects of the rail infrastructure components of the Project.</p>   | <p>Consultation with Hunter Development Corporation and Newcastle Port Corporation is ongoing to reach agreement on aspects of rail infrastructure.</p>  |

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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 has consulted with the ARTC with respect to those components relating to ARTC's existing rail infrastructure assets. ARTC confirmed that the NCIG design confirms to ARTC requirements (ARTC letter dated 22 May 2007). NCIG will continue to liaise with ARTC in respect to connection to ARTC's existing rail infrastructure assets.   | Consultation with ARTC is ongoing to reach agreement on connection details for NCIG rail infrastructure into the existing ARTC rail assets.  |
| 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         | The High Capacity Optional Inlet Rail Spur and Rail Sidings are not required for the first stage of the NCIG development (i.e. 33 Mtpa).  | NCIG are not constructing the High Capacity Optional Inlet Rail Spur and Rail Sidings as a part of the first stage of the NCIG development (i.e. 33 Mtpa).   |
| 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     | Environment Protection Licence 12693 was issued by the Department of Environment and Climate Change on 26 October 2007 for the NCIG development. NCIG will comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> in accordance with Condition 2.41.   | The NCIG development is being undertaken in accordance with the Environment Protection Licence 12693 and section 120 of the <i>Protection of the Environment Operations Act 1997</i> .   |
| 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     | NCIG will design and construct surface water and stormwater management infrastructure in accordance with Condition 2.42. Environment Protection Licence 12693 was issued by the Department of Environment and Climate Change on 26 October 2007 for the NCIG development and permits the discharge of water from the site at the release points from the land reclamation area into the Hunter River. | All surface water and stormwater management infrastructure on the Site have been designed to accommodate a 1 in 100 ARI rainfall event. All current discharges are undertaken via the provisions of Environment Protection Licence 12693.  |
| 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 will take all reasonable measures during construction of the Project to prevent soil erosion and discharge of sediments and pollutants from the site.  | 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 will manage stormwater on the site in accordance with Condition 2.44. The Construction Surface Water Management Plan was approved by the Director-General on 03 October 2007 in accordance with Condition 7.3(b).  | 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 will prevent erosion or dispersal of stockpiled construction materials and fill/preload material in accordance with Condition 2.45.  | NCIG have installed 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 dredging works of clean material subject of development consent (DA-134-3-2003-i) or VENM will be used as fill/preload material in accordance with Condition 2.46.   | Only dredging works of clean material subject of development consent (DA-134-3-2003-i) or VENM is being used as 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 of 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 clean material sourced by dredging works, subject of development consent (DA-134-3-2003-i) will be used in fill/preloading activities on the site. The approval of the Director-General will be sought if a different source of fill/preload material is proposed.   | Only dredging works of clean material subject of development consent (DA-134-3-2003-i) or VENM is being used 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. |
| 2.48               | Unless otherwise agreed by the Director-General, fill/ preload material sourced from the development of 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 will transport and manage fill/preload material in accordance with the Dredged Material Transport Strategy. The Dredged Material Transport Strategy was developed in consultation with Newcastle City Council and Roads and Traffic Authority (RTA) and approved by the RTA on 23 November 2007 in accordance with B2.29 of development consent (DA-134-3-2003-i).                               | 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     | NCIG will minimise potential leakage from stormwater and surface water management infrastructure intended to manage actual potentially contaminated water in accordance with Condition 2.49.  | 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         | NCIG will use preferentially treated wastewater (if available) for the purposes of dust control during operation of the Project in accordance with Condition 2.50. Therefore Condition 2.50 is not applicable prior to the commencement of construction.  | Stormwater runoff collection have met all of the water needs of the project.   |
| 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     | NCIG will direct machinery wash down waters and amenities wastewater to sewer or an appropriately licensed liquid waste disposal facility.  | The wash down and amenities wastewater is being managed to ensure 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     | NCIG will design, install, maintain and operate rainwater tanks in accordance with Condition 2.52.  | The coal export terminal will collect and use rainwater runoff in preference to potable water supply.  |
| 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 reapplying of the waste emplacement area during construction. In the event of 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     | NCIG has engaged Environ to audit construction of the rail infrastructure in accordance with Condition 2.53.  | Environ are undertaking regular inspections of the KIWEF site and preparing quarterly reports on compliance with Condition 2.53.   |
| 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     | Any contaminated materials removed from the Project site will be managed in accordance with Condition 2.54.   | 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 will comply with the requirements of Environment Protection Licence No.6437 as it relates to the on-going management of the KIWEF.   | 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     | All waste material removed from the Project site will be managed in accordance with Condition 2.56.   | 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     | Environment Protection Licence 12693 was issued by the Department of Environment and Climate Change on 26 October 2007 for the NCIG development. NCIG will comply with Condition 2.57.                            | 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         | NCIG will construct the earthen bund within six months of commencement of construction in accordance with Condition 2.58. Therefore Condition 2.58 is not applicable prior to the commencement of construction.   | A bund along the southern side of the stockpile yard is currently being finalised 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     | NCIG will install external lighting in accordance with Condition 2.59.  | 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         | Vegetation will be planted along the earthen bund prior to the commencement of operation in accordance with Condition 2.60. Therefore Condition 2.60 is not applicable prior to the commencement of construction. | Local vegetation species have been programmed to be 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     | NCIG will not install advertising and Project identification signs along the Cormorant Road frontage of the site in accordance with Condition 2.61.   | No project identification signs are allocated to be 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 was installed at the Project site on 03 September 2007 in accordance with Condition 2.8.  | A meteorological monitoring station is being maintained on site with monthly reports generated.   |
| 3.2                | <p>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 <b>Ambient Dust Monitoring Program</b>, to outline how the ambient dust impacts of the project will be monitored. The Program shall include, but not necessarily be limited to:</p> <p>a) identification of an integrated air quality monitoring network, developed in consultation with the owner/ operator of the existing Kooragang Coal Loader;</p> <p>b) locations, frequencies and methods for monitoring total suspended particles, PM10 and deposited particulate matter;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>g) provision for independent review and auditing of the Program; and</p> <p>h) mechanisms for updating the Program as may be required from time to time.</p> | Yes - N/A         | The Ambient Dust Monitoring Program is not required during construction of the Project. Therefore Condition 3.2 is not applicable.  | Not applicable as operation of the project has not commenced.   |
| 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 <sub>10</sub> , 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         | The Ambient Dust Monitoring Program is not required during construction of the Project. Therefore Condition 3.3 is not applicable.  | Not applicable as operation of the project has not commenced.   |
| 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 exceedance 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 Ambient Dust Monitoring Program is not required during construction of the Project. Therefore Condition 3.4 is not applicable.  | Not applicable as operation of the project has not commenced.   |
| 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 Ambient Dust Monitoring Program is not required during construction of the Project. Therefore Condition 3.5 is not applicable.  | Not applicable as operation of the project has not commenced.   |
| 3.6                | <p>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:</p> <p>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.</p> <p>b) methodologies, locations and frequencies for noise monitoring;</p> <p>c) identification of monitoring sites at which pre- and post-project noise levels can be ascertained;</p> <p>d) details of any complaints and enquiries received in relation to noise generated by the project within the first 90 days of operation;</p> <p>e) an assessment of night-time use of audible alarm systems;</p> <p>f) a statement of whether the Site is in compliance with noise limits outlined in condition 2.13; and</p> <p>g) any additional noise mitigation measures and timetables for implementation.</p>   | Yes - N/A         | The Noise Monitoring Program is not required during construction of the Project. Therefore Condition 3.6 is not applicable.   | Not applicable as operation of the project has not commenced.   |
| 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 is not required during construction of the Project. Therefore Condition 3.7 is not applicable.   | Not applicable as operation of the project has not commenced.   |

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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 is not required during construction of the Project. Therefore Condition 3.8 is not applicable.  | Not applicable as operation of the project has not commenced.  |
| 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 <b>Coordinated Environmental Monitoring and Management Protocol</b> 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 is not required during construction of the Project. Therefore Condition 4.1 is not applicable.  | Not applicable as operation of the project has not commenced.  |
| 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 <b>Coordinated Works Program</b> to ensure that the requirements of this approval, and the conditions imposed on the 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     | NCIG has developed a Coordinated Works Program and submitted to NSW Maritime in May 2007 for comment. No comments were received from NSW Maritime. The Coordinated Works Program was finalised in August 2007.   | 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 <b>Compliance Tracking Program</b> to track compliance with the requirements of this approval. The Program shall include, but not necessarily 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 - <i>Guidelines for Quality and/ or Environmental Management Systems Auditing</i>; and</p> <p>d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.</p>   | Yes - Ongoing     | This Compliance Tracking Program will be implemented in accordance with Condition 5.1.   | The Compliance Tracking Program was completed and verified prior to commencement of construction. This program will be instigated for the duration of the project.   |
| 6.1                | Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.  | Yes - Ongoing     | NCIG will make available all documents required under this approval for public inspection on request (subject to confidentiality).   | 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 has established a complaints telephone number (1800 016 304); postal address (PO Box 644 Newcastle 2300) and email address (enquiries@ncig.com.au). The details are displayed on a sign near the entrance to the Project site (installed on 31 October 2007) and on the NCIG website (www.ncig.com.au). | NCIG complaints facilities have been maintained for the duration of dredging operations. These facilities include a 24 hour complaints telephone number (1800 016 304); postal address (PO Box 644 Newcastle 2300) and email address (enquiries@maritime.nsw.gov.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). |
| 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     | NCIG will record all complaints in a Complaints Register in accordance with Condition 6.3. In accordance with Condition 7.2, arrangements for complaints handling procedures during construction will be included in the Construction Environmental Management Plan.   | 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). NCIG will maintain up-to-date information on the website in accordance with Condition 6.4.   | 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 Director-General approved Nathan Juchau as a suitably qualified and experienced Environmental Representative on 03 October 2007.   | 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 <b>Construction Environmental Management Plan</b> 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 was approved by the Director-General on 22 July 2007 (subject to addressing of issues in the final version).  | The NCIG development is being undertaken in accordance with the Construction Environmental Management Plan. This includes the monitoring and management of dust, soil erosion, noise, traffic and complaints.                              |
| 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, an <b>Acid Sulfate Soil Management Plan</b> prepared in accordance with guidance provided in <i>Acid Sulfate Soil Manual</i> (Acid Sulfate Soil Management Advisory Committee, 1998);  | Yes - Ongoing     | The Acid Sulfate Soil Management Plan was developed as part of the Construction Environmental Management Plan (Condition 7.2). The Acid Sulfate Soil Management Plan was approved by the Director-General on 22 July 2007 in accordance with Condition 7.3(a).   | 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.   |
| 7.3(b)             | b) a <b>Construction Surface Water Management Plan</b> 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 Construction Surface Water Management Plan was developed as part of the Construction Environmental Management Plan (Condition 7.2). The Construction Surface Water Management Plan was approved by the Director-General on 03 October 2007 in accordance with Condition 7.3(b).  | 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 <b>Construction Noise Management Plan</b> to detail how construction noise and vibration impacts would be minimised and managed, including, but not necessarily limited to: <p>i) details of construction activities and a schedule for construction works;</p> <p>ii) identification of construction activities that have the potential to generate noise and/ or vibration impacts on surrounding land uses, particularly residential areas;</p> <p>iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria/ guidelines;</p> <p>iv) procedures for notifying residents of construction activities that are likely to effect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints; and</p> <p>v) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected.</p>   | Yes - Ongoing     | The Construction Noise Management Plan was developed as part of the Construction Environmental Management Plan (Condition 7.2). The Construction Noise Management Plan was approved by the Director-General on 15 June 2007 in accordance with Condition 7.3(c).   | 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.  |
| 7.3(d)             | d) a <b>Construction Traffic Management Protocol</b> 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 Construction Traffic Management Protocol was developed as part of the Construction Environmental Management Plan (Condition 7.2). The Construction Traffic Management Protocol was approved by the Director-General on 23 July 2007 in accordance with Condition 7.3(d). The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d). The Construction Traffic Management Protocol was approved by the Newcastle City Council on 5 July 2007 in accordance with Condition 7.3(d). | The NCIG development is being undertaken in accordance with the Construction Traffic Management Protocol. This includes management of heavy vehicle techniques to ensure the occurrence of any conflict is reduced by on and off the site. |

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| 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 maximum export capacity for the first stage of the NCIG development is 33 million tonnes per annum.  | The first stage of the NCIG development is 33 million tonnes per annum and will therefore not exceed the maximum approved capacity.              |
| 7.5                | <p>Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Director-General an <b>Operation Environmental Management Plan (OEMP)</b> 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:</p> <p>a) a description of all activities to be undertaken on the Site during operation including an indication of stages of operation, where relevant;</p> <p>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;</p> <p>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:</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 operation;</p> <p>iii) measures to monitor and control noise emissions during operation;</p> <p>d) a description of the roles and responsibilities for all relevant employees involved in the operation of the project;</p> <p>e) the additional studies listed under condition 7.6 of this approval; and</p> <p>f) complaints handling procedures during operation.</p> <p>The Operation Environmental Management Plan shall be made available for inspection by the public upon request following its approval by the Director-General.</p> | Yes - N/A         | The Operation Environmental Management Plan is not required during construction of the Project. Therefore Condition 7.5 is not applicable.       | Not applicable as operation of the project has not commenced.  |
| 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 Operation Environmental Management Plan is not required during construction of the Project. Therefore Condition 7.6 is not applicable.       | Not applicable as operation of the project has not commenced.  |
| 7.6(a)             | <p>a) a <b>Dust Management Plan</b> 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:</p> <p>i) identification of all major sources of dust emissions that may occur as result of the operation of the project;</p> <p>ii) description of the procedures to manage the dust emissions from the sources identified;</p> <p>iii) identification of the locations where monitoring of dust emissions is to be undertaken;</p> <p>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;</p> <p>v) protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions; and</p> <p>vi) description of procedures to be undertaken if any non-compliance is detected.</p>  | Yes - N/A         | The Dust Management Plan is not required during construction of the Project. Therefore Condition 7.6(a) is not applicable.                       | Not applicable as operation of the project has not commenced.  |
| 7.6(b)             | <p>b) a <b>Noise Management Plan</b> 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:</p> <p>i) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval;</p> <p>ii) identification of activities that will be carried out in relation to the project and the associated noise sources;</p> <p>iii) assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval;</p> <p>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;</p> <p>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;</p> <p>vi) development of reactive and pro-active strategies for dealing promptly with any noise complaints;</p> <p>vii) noise monitoring and reporting procedures; and</p> <p>viii) regular internal audits of compliance of all plant and equipment with acceptable design noise.</p>   | Yes - N/A         | The Noise Management Plan is not required during construction of the Project. Therefore Condition 7.6(b) is not applicable.                      | Not applicable as operation of the project has not commenced.  |
| 7.6(c)             | <p>c) a <b>Water Management Plan</b> to outline the water management system for the Site. The Plan shall include, but not necessarily be limited to:</p> <p>i) predicted Site water balance including the water supply system;</p> <p>ii) details regarding water management structures such as settling ponds, water tanks and the water management system for dredge sea water;</p> <p>iii) locations and design specifications for all water diversions from undisturbed runoff areas including channel design and stabilisation, sediment retention storages and other structures;</p> <p>iv) details on the internal drainage system including bunding, drainage channels, dewatering sumps and any pipelines;</p> <p>v) procedures for the management of groundwater encountered on Site and any temporary dewatering facilities; and</p> <p>vi) procedures to be implemented to minimise potential surface water impacts.</p>   | Yes - N/A         | The Water Management Plan is not required during construction of the Project. Therefore Condition 7.6(c) is not applicable.                      | Not applicable as operation of the project has not commenced.  |
| 7.6(d)             | <p>d) a <b>Spontaneous Combustion Management Protocol</b> to outline measures to minimise and manage the spontaneous combustion of the coal stockpiles. The Plan shall include, but not necessarily be limited to:</p> <p>i) coal stockpile management measures;</p> <p>ii) monitoring of potential causes of spontaneous combustion events; and</p> <p>iii) corrective action in the event of spontaneous combustion.</p>   | Yes - N/A         | The Spontaneous Combustion Management Protocol is not required during construction of the Project. Therefore Condition 7.6(d) is not applicable. | The Spontaneous Combustion Management Protocol is not required during construction of the Project. Therefore Condition 7.6(d) is not applicable. |
| 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 not required during construction of the Project. Therefore Condition 7.7 is not applicable.       | Not applicable as operation of the project has not commenced.  |
| 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 will notify the Director-General in accordance with Condition 8.1.  | 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     | NCIG will maintain a register in accordance with Condition 8.2.  | 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 will meet the requirements of the Director-General in accordance with Condition 8.3.  | NCIG have met the requirements of the Director-General when requested.   |