

NEWCASTLE COAL INFRASTRUCTURE GROUP  
COAL EXPORT TERMINAL

PROJECT APPROVAL (06\_0009)  
MODIFICATION APPROVAL (MOD2 06\_0009)

COMPLIANCE TRACKING PROGRAM

REVISION N



April 2018

Document No. CTP-REVISION N.DOC

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## 1 INTRODUCTION

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

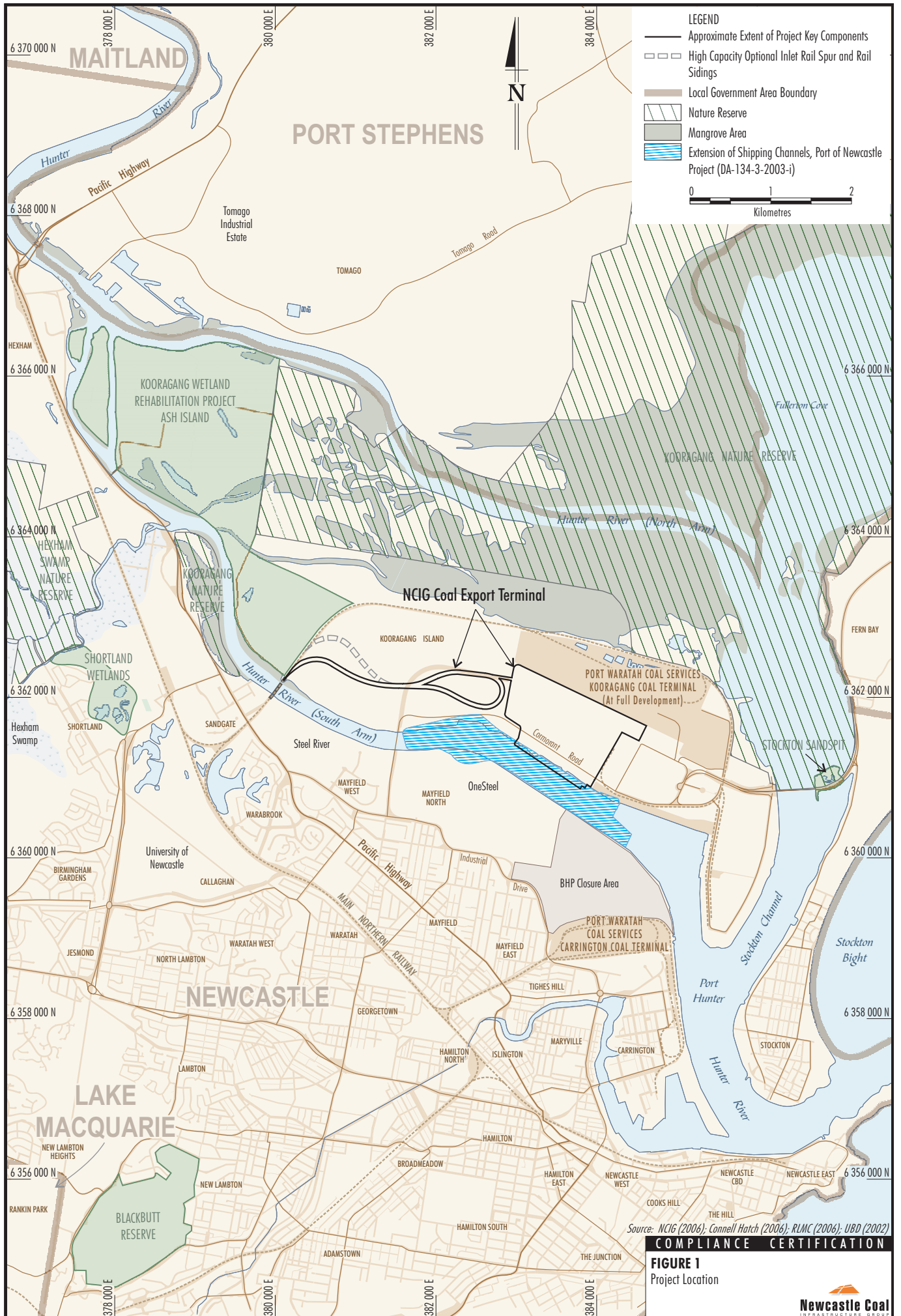
NCIG is the proponent of the Project and is a consortium of the following six companies:

- Banpu Public Company Limited;
- BHP Billiton Group;
- Peabody Energy Corporation;
- Whitehaven Coal Limited; and
- Yankuang Group Co. Ltd.

NCIG was granted Project Approval (06\_0009) on 13 April 2007. Project Modifications were approved on 27 November 2007 and 13 May 2013. 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
<b>5. COMPLIANCE MONITORING AND TRACKING</b> <b>Compliance Tracking Program</b> <i>5.1 The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to:</i>	This CTP
<i>a) provisions for periodic review of the compliance status of the project against the requirements of this approval;</i>	Section 2
<i>b) provisions for periodic reporting of compliance status to the Director-General;</i>	Section 3
<i>c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing; and</i>	Section 4
<i>d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.</i>	Section 5



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 addressed those requirements considered necessary to be in place prior to the commencement of construction.

The remainder of this CTP is structured as follows:

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

Supporting appendices to the CTP are as follows:

- Appendix A Compliance Status Review.

## 2 COMPLIANCE STATUS REVIEW

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

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

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

Project Development Phase	Compliance Status Review Revision Timing	Responsibility	Status
Construction.	Prior to the commencement of construction of the Project and then six monthly thereafter. Note – compliance reviews include the Independent Environmental Audit.	NCIG Environmental Representative.	Complete
Operation.	Prior to the commencement of operation of the Project and then six monthly thereafter. Note – compliance reviews include the Independent Environmental Audit (3-yearly).	NCIG Environmental Representative.	Ongoing
CET progressive development.	Prior to each phase of progressive development of the Project.	NCIG Environmental Representative.	Complete
Construction of the high capacity optional inlet rail spur and rail sidings.	Prior to the commencement of construction of the high capacity optional inlet rail spur and rail.	NCIG Environmental Representative.	Complete

Beyond the above schedule, this Compliance Tracking document will have a minimum frequency of once per year.

### **3 REPORTING OF COMPLIANCE STATUS TO THE DIRECTOR-GENERAL**

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

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

### **4 INDEPENDENT ENVIRONMENTAL AUDIT**

An Independent Environmental Audit will be conducted on a 3-yearly basis (as agreed by the Director-General's delegate on letter dated 14 July 2016) 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 was conducted within 12 months of the commencement of construction. This has been conducted annually until 2015, with the most recent Independent Environmental Audit conducted in November/December 2015. The next Independent Environmental Audit will be conducted in November 2018.

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

### **5 NON-COMPLIANCE RESPONSE MECHANISM**

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

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

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

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

#### **2. Development of Management Strategy**

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

**3. Implementation**

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

**4. Review**

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

**Note** – *The NCIG Compliance Tracking Protocol now encompasses compliance obligations additional to Project Approval 06\_0009 (both actual compliance and compliance as defined under ISO14001:2015, i.e. needs and expectations of interested parties). Examples include Environment Protection Licence conditions, EPBC Approval conditions, or needs and expectations of relevant stakeholders as defined by NCIG's Environmental Management System. Therefore, non-compliances with these conditions will be resolved consistently with the process outlined above, but will not be highlighted as a non-compliance with regard to Project Approval 06\_0009 and therefore not include a formal Management Strategy with the Director-General.*

APPENDIX A

COMPLIANCE STATUS REVIEW

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**APPENDIX A  
Compliance Review 06\_0009**

Approval/Licence Condition	Condition				Project Compliance Achieved?	Compliance Details April 2018	Compliance Status April 2018
Conditions noted with this colouring were amended as per Modification on 27 November 2007							
Conditions noted with this colouring were amended as per Modification on 13 May 2013.							
Project Approval 06_0009/MOD1/MOD2							
1.1	The Proponent shall carry out the project generally in accordance with the: a) Major Projects Application 06_0009; b) <i>Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal</i> , prepared by Resource Strategies Pty Ltd and dated July 2006; c) <i>Responses to Submissions</i> , prepared by Newcastle Coal Infrastructure Group and dated December 2006; and d) Plan of subdivision titled <i>Stage 1 Proposed Subdivision of Lot 122 DP 874949, Lot 2 DP 581473, Lot 6 DP 1015754 and Lots 71 and 74 DP 1119950, Stages 2 and 3 Proposed Subdivision of Lot 20 DP 262325</i> (surveyors reference HW43.01.03.00) prepared by Paul John Stivano and undated; and plan of subdivision titled <i>Plan of Subdivision of Lot 122 DP 874949, Lot 2 DP 581473, Lot 6 DP 1015754 and Lots 71 and 74 DP 1119950</i> (surveyors reference HW43.01.03.00) prepared by Paul John Stivano and dated 2 November 2007; e) modification application MP 06_0009 MOD 2 and supporting document titled <i>Newcastle Coal Infrastructure Group Coal (NCIG) Export Terminal Rail Flyover Modification Environmental Assessment</i> prepared by NCIG and dated June 2012, as modified by the Response to Submissions document prepared by NCIG and dated 6 December 2012; and f) the conditions of this approval.				Yes - Ongoing	NCIG is conducting development 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: a) the conditions of this approval and any document listed from condition 1.1a) to 1.1e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and b) any document listed from condition 1.1a) to 1.1e), the most recent document shall prevail to the extent of the inconsistency.				Yes - Ongoing	NCIG have not identified any inconsistency in the documents listed in Condition 1.1.	NCIG have not identified any inconsistency in the documents listed in Condition 1.1.
1.3	The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of: a) any reports, plans or correspondence that are submitted in accordance with this approval; and b) the implementation of any actions or measures contained in these reports, plans or correspondence.				Yes - Ongoing	NCIG 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 April 2018.
1.5	The project shall be limited to a maximum export capacity of 66 million tonnes of coal per annum.				Yes	The export capacity for the Stage 2F of the NCIG development is 66 million tonnes per annum.	The NCIG development 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 upon receipt of the Director-General's satisfaction that: a) the Compensatory Habitat and Ecological Monitoring Program required under condition 2.20 is being implemented according to the timeframes required, or to the extent agreed by the Director-General; and b) the Proponent has complied with rail infrastructure design requirements required to in condition 2.39 of this approval.				Yes	The High Capacity Optional Inlet Rail Spur and Rail Sidings will be constructed. The Compensatory Habitat and Ecological Monitoring Program (CHEMP) is being implemented to the extent agreed by the Director-General, as per letter from DoPI dated 9 September 2013. NCIG has complied with the rail infrastructure design requirements required in condition 2.39, as per letter from ARTC dated 12 August 2013 and letter from PWCS dated 14 August 2013.	Condition satisfied, as of 9 September 2013, based on receipt of letters from DoPI, ARTC and PWCS.
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. These documents have been revised to allow for terminal operations. Compliance with these licences, permits and approvals is ongoing. These documents are available on site.	All licences, permits and approvals are being updated as required and maintained as a part of the Stage 1 development stage. These documents have been revised to allow for terminal operations. Compliance with these licences, permits and approvals is ongoing. These documents are available on site.
1.7(a)	Prior to the issue of the Subdivision Certificate, the Proponent shall provide to the relevant certifying authority evidence that all easements and covenants required by this approval have been or will be registered for the subdivision.				Yes	Easements and covenants registered for the subdivision were registered with the NSW Department of Lands on 29/11/2007.	Easements and covenants have been registered as an element of the subdivision process.
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: a) Maintained in a proper and efficient condition; and 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 <i>Protection of the Environment Operations Act 1997</i> , 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.	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 operations and development activities are being undertaken in a manner to minimise or prevent dust emissions from the site. This has included an active operational dust management system, together with construction controls such as cessation of activities, wetting of the site in unfavourable meteorological conditions and also preventative stabilisation of susceptible areas.

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Approval/Licence Condition	Condition				Project Compliance Achieved?	Compliance Details April 2018	Compliance Status April 2018
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 operations and development activities are being undertaken in a manner to minimise or prevent dust emissions from the site. This has included an active operational dust management system, together with construction controls such as cessation of activities, wetting of the site in unfavourable meteorological conditions and also preventative stabilisation of susceptible areas.
2.5	The Proponent shall control dust emissions on all internal roads, trafficable areas and manoeuvring areas to minimise the potential for dust generation by sealing, or otherwise treating surfaces in a manner acceptable to the Director-General.				Yes - Ongoing	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, limiting access, signage 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.	The NCIG coal export terminal has been designed and is operated in a manner which ensures that the opportunity for dust emissions during operations is minimised. NCIG development activities are undertaken in a manner to minimise or prevent dust emissions from the site.
2.7	As soon as practicable after the placement of fill/ preloading material on the Site, the Proponent shall cover, seal, grass or otherwise treat the Site in a manner acceptable to the Director-General to minimise the potential generation of wind-blown dust from the fill/ preload material. The Proponent shall maintain the cover, seal, grass or other treatment for the duration of relevant Site preparation and preloading activities, and following the addition of further fill/ preload materials that may occur from time to time during that period.				Yes - Ongoing	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:  a) AM-1 Guide to Siting of Sampling Units (AS 2922-1987). b) AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987). c) AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications.  The meteorological monitoring station shall be installed at or near the Site and the Proponent shall use the meteorological monitoring station to undertake the monitoring required under condition 3.1 of this approval. This condition does not preclude the Proponent from reaching 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. This was relocated to an alternate location adjacent the Clearwater Pond in September 2010. 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 regular functionality checks of the equipment.

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Approval/Licence Condition	Condition				Project Compliance Achieved?	Compliance Details April 2018	Compliance Status April 2018
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 Licence 12693. These assessments have found that NCIG activities are compliant with criteria detailed in EPL12693.
2.10	All Site preparation, filling/ preloading and construction works that may generate an audible noise at any residential receptor shall only be undertaken between 7:00 am and 6:00 pm. Audible noise is defined as "noise that can be heard at the receiver". This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons.  <i>Note: 'safety or emergency reasons' refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.</i>				Yes - Ongoing	NCIG will undertake works in accordance with Condition 2.10.	Construction activities that generate audible noise at any residential receptor are only undertaken from 7.00am to 6.00pm. The CNMP documented the noise monitoring locations in Section 4.1 – Construction Noise Limits. The CNMP and associated construction noise monitoring program demonstrated that construction noise is appropriately monitored and the construction noise impact is adequately managed (including occasional out-of-hours works). NCIG implemented operator-attended construction noise monitoring at two additional locations in Q1 2014: □ SG1 Sandgate - 4 Mangrove Road; and □ M1 Mayfield - 68 Bull Street or equivalent alternative locations (within the receiver area) as deemed appropriate. The current construction monitoring program will remain in place until the completion of Rail Flyover Modification construction works. Construction activities have now ceased, currently this conditions does not apply to NCIG activities.
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 piling works have not been conducted on Sunday or public holidays.
2.12	The Proponent may seek the Director-General's approval to conduct Site preparation, filling/ preloading and construction works outside the hours specified under condition 2.10 on a case-by-case basis. In seeking the Director-General's approval, the Proponent shall demonstrate a need for activities to be conducted during varied hours and how local acoustic amenity will be protected, as well as details of how the EPA'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 did not undertake works outside the hours detailed in Condition 2.10.
2.13	The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project do not exceed the maximum allowable noise contributions specified in Table 1 below, at those locations and during those periods indicated. The maximum allowable noise contributions apply under:  a) meteorological condition of: wind speeds up to 3 ms <sup>-1</sup> (measured at 10 metres above ground level); or  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 to ensure that the maximum allowable noise contribution limits are not exceeded during construction or operational activities.
2.14	For the purpose of assessment of noise contributions specified under condition 2.13 of this consent, noise from the project shall be:  a) measured at the most affected point on or within the Site boundary at the most sensitive receiver to determine compliance with L <sub>Aeq(15 minute)</sub> night noise limits.  b) measured at one metre from the dwelling façade to determine compliance with L <sub>A1(1 minute)</sub> noise limits.  c) subject to the modification factors provided in Section 4 of the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000), where applicable.  Notwithstanding, should direct measurement of noise from the development be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (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 EPA 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. These assessments have found that NCIG activities are compliant with Condition 2.14 and the noise criteria detailed in EPL12693.
2.15	The Proponent shall take necessary actions to ensure that trains operated on the Site meet the noise performance criteria established under condition 2.13.				Yes - N/A	Trains are currently being operated as a essential element of the NCIG CET operations.	NCIG liaise with rail operators in relation to performance on a regular basis.
2.16	Prior to the commencement of construction, including Site preparation and fill/ preloading activities, the Proponent shall employ a qualified ecologist approved by the Director-General to undertake a pre-construction survey of all areas to be affected by construction works for the presence of <i>Litoria aurea</i> . Should members of this species be located within any area to be affected by the project, the Proponent shall notify the Director-General and prepare a management plan for the relocation of <i>Litoria aurea</i> individuals in consultation with the OEH 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. A member of the species was located on the NCIG and the Director General was notified on the 15 November 2007. A Green and Golden Bell Frog Management Plan (GGBFMP) was consequently prepared by NCIG in consultation with DECC and RLMC. Comments on the GGBFMP were received from the DECC and RLMC on 25 September 2007 and 11 October 2007, respectively.	The management of matters associated with the Green and Golden Bell Frog is being undertaken in accordance with the Green and Golden Bell Frog Management Plan (GGBFMP) and in consultation with Professor David Goldney and Dr Arthur White.
2.17	The Proponent shall design and construct relevant rail infrastructure associated with the project to include culverts, underpasses or other similar measures to permit the movement of <i>Litoria aurea</i> and other amphibian species under the rail infrastructure, and shall have consideration of existing and proposed frog habitat areas and movement corridors. 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, and shall be designed in consultation with OEH and PWCS.				Yes - Ongoing	NCIG have constructed the relevant rail infrastructure in accordance with Condition 2.17. Rail culverts for Stage 1 were designed and constructed in accordance with guidance provided by Dr Arthur White to provide for the movement of <i>Litoria aurea</i> and other amphibian species under the rail infrastructure. Drainage and culvert design for Stage 2F has been completed with PWCS and OEH agreement.	Stage 1 rail drainage infrastructure have been designed and constructed to permit the movement of amphibians including suitable habitat and protection from predators. Stage 2F (Flyover) drainage infrastructure has been designed to permit the movement of amphibians including suitable habitat and protection from predators. Stage 2F drainage has been constructed in accordance with the approved design.
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 is undertaking site hygiene management as part of the training program for employees and contractors in accordance with Condition 2.18, including the importance of not handling <i>Litoria aurea</i> , and calling for Environmental Representative to relocate individuals found.	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 to 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).
2.19A	The Proponent shall minimise clearing of native vegetation, edge effects and fragmentation to the greatest extent practicable and shall maintain retained native vegetation and habitat on Site. In relation to the clearing required for the High Capacity Optional Inlet Rail Spur and Rail Sidings, the amount of clearing to the west of the existing Kooragang Island Main Line shall be limited to a maximum of 2.6 hectares including 1.32 hectares of <i>Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South East Corner Bioregions Endangered Ecological Community</i> , and 0.13 hectares of <i>Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions Endangered Ecological Community</i> .				Yes - Ongoing	NCIG will clear only a maximum of 2.6 hectares of Endangered Ecological Communities (EECs), including 1.32 hectares of Coastal Saltmarsh and 0.13 hectares of Freshwater Wetlands on Coastal Floodplains.	NCIG has cleared no greater than 2.6 hectares of native vegetation from the western side of the Kooragang Island Main Line. This was done as part of rigorous internal clearance protocols, surveyed by a qualified surveyor.
2.19	The Proponent shall employ a qualified ecologist, approved by the Director-General, for the duration of construction works, including Site preparation and fill/ preloading activities, to advise on the mitigation and management of impacts to listed threatened species that may be affected by the relevant works.				Yes - Ongoing	Professor David Goldney and Dr Arthur White were approved by the Director-General of the Department of Planning on 2 May 2007 and 25 October 2007 respectively as a qualified ecologists 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.

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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 OEH, 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 75 hectares of compensatory habitat in a location agreed by the Director-General, in consultation with the OEH. The compensatory habitat shall include viable and sustainable populations of <i>Litoria aurea</i> with a mosaic of wetland, terrestrial and breeding habitat, which includes foraging, sheltering, and wintering habitat attributes and movement corridors, in order to maximise the potential reproductive output of the <i>Litoria aurea</i> population. This amount of compensatory habitat may be reduced if the Proponent can determine, using a scientific methodology agreed to the Department, in consultation with the OEH, that the population of <i>Litoria aurea</i> impacted by the project is less than 37.5 hectares. The reduced amount shall be agreed to by the Department, in consultation with the OEH, by June 2015;</p> <p>ii) for migratory shore bird habitat (including endangered ecological communities) lost as a result of the project, including filling in of parts of Deep Pond and Swan Pond from construction of rail and associated infrastructure, the establishment of 8 hectares of compensatory habitat in a location agreed by the Director-General, in consultation with the OEH. The commencement of compensatory habitat works shall occur within six months of the commencement of construction of the High Capacity Optional Inlet Rail Spur and Rail Sidings, or as otherwise agreed by the Director-General;</p> <p>c) provision for on-going ecological studies and migratory bird monitoring in and around Deep Pond and Swan Pond, to investigate bird behaviour and to inform the design process for components of the project affecting these ponds;</p> <p>d) provision for the funding of works required under this condition, to be managed by a mechanism that provides 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. The Proponent shall provide the following commitments in the Program, or as otherwise agreed by the Director-General:</p> <p>i. before 31 December 2013, the Proponent shall secure compensatory habitat locations required under condition 2.20b);</p> <p>ii. before 31 December 2014, the Proponent shall have completed the migratory shorebird compensatory habitat works required under condition 2.20b)ii);</p> <p>iii. before 31 December 2016, the Proponent shall have completed the <i>Litoria aurea</i> compensatory habitat works required under condition 2.20b)j). If a viable breeding population of <i>Litoria aurea</i> has not been established as a part of the implemented compensatory habitat works then the Proponent is required to purchase an equivalent area of land that is known to contain the species and manage this land for the enduring conservation of the species in perpetuity. Any land required to be purchased is required to be completed by 31 December 2019.</p>				Yes - Ongoing	<p>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 commenced compensatory habitat works prior to 1 March 2009 in accordance with the extended deadline approved by the Director General. Version 1 of the Compensatory Habitat and Ecological Monitoring Program was developed in consultation with the DECC, and approved by Dept of Planning in November 2010. The Bell Frog Research Area was completed in accordance with this version of the CHEMP in January 2013. An updated version of the CHEMP was developed in consultation with OEH and DoPI in June 2013, including plans for development of 75ha of GGBF habitat and 8ha of Shorebird habitat. The GGBF component of the updated version was approved on 7 August 2013. DoPI provided in principle support of the Shorebird component, with zoning and in perpetuity protection to be satisfied before full approval. The updated CHEMP provides for ongoing ecological studies and migratory shorebird monitoring in and around Deep and Swan Ponds. The CHEMP has a Consultative Board, with means of allocating resources for ongoing adaptive management and review of performance. GGBF Research is currently being conducted by Newcastle University. As part of the updated CHEMP, a total of 17ha of mangroves were removed from Area E, to satisfy both Shorebird habitat and ameliorative works requirements. Appropriate monitoring will be conducted as a part of compensatory habitat works and ameliorative works. Timing has been included in the CHEMP, which reflects the deadlines outlined in condition 2.20 i, i)-iii). Three breeding events were observed in three consecutive seasons in the NCIG Green and Golden Bell Frog habitat by April 2017.</p> <p>NCIG received a letter from Planning &amp; Environment on 31/7/17 confirming that there is no longer a requirement to purchase an equivalent area of land known to contain GGBF as the compensatory habitat works had been completed for GGBF under condition 2.20 b) i) and condition 2.20 i) iii)</p>	<p>The updated GGBF component of the Compensatory Habitat and Ecological Monitoring Program was approved by the Director-General on 7 August 2013. Activities have been implemented ongoing including establishment of a Compensatory Habitat Consultative Board, regular 6-monthly board meetings, works as directed by the Board, construction of a trial Research Area Pond site on Ash Island, introduction of captive-bred animals to the Research Area, research on the behavioural characteristics of <i>Litoria aurea</i> and detailed monitoring of the Research Area. Construction of 75ha of GGBF habitat on Ash Island was completed in November 2014. Breeding has occurred during the 2014/15 season in the 75 Ha and the Research Ponds. Proposed shorebird compensatory habitat is currently being pursued with DoPI and NPWS. An appropriate mechanism is being developed to ensure protection in perpetuity of the ecological asset. A Deed of Agreement was signed in 2016 between the NSW Minister for the Environment and NCIG to secure land for the creation and management of migratory shorebird habitat at Area E, Ash Island. Habitat creation was completed in November 2016. NCIG had achieved the Green and Golden Bell Frog performance indicator by the end of summer 2016 (March 2016). There is no longer a requirement to purchase an equivalent area of land known to contain GGBF as the compensatory habitat works had been completed for GGBF under condition 2.20 b) i) and condition 2.20 i) iii)</p>
2.20A	<p>Financial surety of the requirements specified in condition 2.20 will be provided by the Proponent to the Department in the form of a Conservation Bond. Within 3 months of the date of the approval of modification application MP 06_0009 MOD 2, referred to in condition 1.1e), the Proponent shall determine the sum of the Conservation Bond to the satisfaction of the Director-General, in consultation with OEH, based on the following:</p> <p>a) calculating the full cost of fulfilling its compensatory habitat obligations outlined in condition 2.20, in perpetuity, (including and land acquisition costs). These costs need to consider research, establishment of habitat, ongoing monitoring and management of the habitat.</p> <p>b) employing a suitably qualified quantity surveyor to verify the calculated costs.</p> <p>The Conservation Bond is required to be lodged with the Department by 30 July 2013, or as otherwise agreed by the Director-General, to ensure that the biodiversity offsets outlined in condition 2.20 are implemented in accordance with the performance and timing commitments provided in the Compensatory Habitat and Ecological Monitoring Program. If the offset is completed in accordance with the performance and timing commitments in the Compensatory Habitat and Ecological Monitoring Program to the satisfaction of the Director-General, in consultation with the OEH, the Director-General will release the bond. If the offset is not completed in accordance with the performance and timing commitments in the Compensatory Habitat and Ecological Monitoring Program, the Director-General may, in consultation with OEH, call in all or part of the Conservation Bond, and arrange for the satisfactory completion of the relevant works. The sum of the Conservation Bond may be reduced subject to the successful performance of the compensatory works. The reduction of the Conservation Bond would be at the agreement of the Director-General, in consultation with the OEH. In relation to <i>Litoria aurea</i>, successful performance works include the identification of a viable breeding population.</p>				Yes	<p>A letter dated 1 October 2013 was received from DoPI, stating that they are satisfied with the amount proposed for the Conservation Bond. The letter required lodgement of the bond within 14 days of the date of the letter, which NCIG are implementing. This bond was calculated to include the full cost of fulfilling its compensatory obligations in Condition 2.20 in perpetuity. A suitably qualified quantity surveyor verified these costs.</p> <p>On 31/7/17 DoPE recognised the successful performance of the compensatory works and reduced the Conservation Bond to only retain ongoing management and monitoring costs</p>	<p>NCIG is in compliance with Condition 2.20A, after lodgement of the Conservation Bond within 14 days of the letter received from DoPI. DoPI recognised receipt of the Conservation Bond on 01/10/2013 through letter. On 31/7/17 DoPE recognised the successful performance of the compensatory works and reduced the Conservation Bond to only retain ongoing management and monitoring costs</p>
2.20B	<p>In the event that the project is modified such that it results in impacts to biodiversity different to those assessed in the document referred to in condition 1.1b), the Proponent is required to submit for the approval of the Director-General, a revised Compensatory Habitat and Ecological Monitoring Program within three months of any approval.</p>				Yes	<p>The project has not been modified to date beyond, such that biodiversity impacts result beyond those identified in documents identified in condition 1.1b).</p>	<p>NCIG complies with condition 2.20B, as there are no additional biodiversity impacts.</p>
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 RMS 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	<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 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. An updated CTMP, including construction of the Rail Flyover was approved by RMS on 2 July 2013, and approved by NCC on 5 August 2013.</p>	<p>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.</p>

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2.22	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 RMS 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.					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. An updated CTMP, including construction of the Rail Flyover was approved by RMS on 2 July 2013, and approved by NCC on 5 August 2013.	The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed.

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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: i) Pacific National access road; ii) Temporary haulage road (construction phase only); iii) Egret Street; and iv) Raven Street, Curlew Street. b) Wharf Area: i) Temporary haulage road (construction phase only); and ii) Wharf access road. c) Rail area: i) Delta access road (construction phase only); and 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 RMS 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; b) the signals shall be co-ordinated with the adjacent Blue Circle railway level crossing signals; and 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. An updated version was approved by RMS and Newcastle City Council on 2 July 2013 and 5 August 2013 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 RMS 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 RMS 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 RMS. 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; b) the left turn in would require a sealed left turn deceleration lane; 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; d) a central median may be required on Cormorant Road at the exit of the Site to physically prevent right turn movements; e) adjustments to the footpath and cycleways shall be undertaken to the satisfaction of the RMS 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. An updated version was approved by RMS and Newcastle City Council on 2 July 2013 and 5 August 2013 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 have been installed by RMS.
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 RMS. The Proponent shall ensure that the intersection should include as a minimum:</p> <p>a) traffic movements shall be physically restricted to left in/left out/right in only; b) the existing intersection shall be upgraded to include construction of concrete medians in Cormorant Road; c) this intersection shall be integrated with the wind turbine access to the satisfaction of the RMS and Council.</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 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. An updated version was approved by RMS and Newcastle City Council on 2 July 2013 and 5 August 2013 respectively.	The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed in accordance with RMS and Council requirements.
2.29	<p>The Proponent shall construct a u-turn facility at the Pacific National access road to the satisfaction of the RMS 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 b) is designed to cater for B-double movements.</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 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. An updated version was approved by RMS and Newcastle City Council on 2 July 2013 and 5 August 2013 respectively.	The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed in accordance with RMS and Council requirements.
2.30	<p>The Proponent shall ensure that the intersection of Cormorant Road and the Wharf access road to the south of the Site is designed and constructed in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines to the satisfaction of the RMS. 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; b) the left turn in would require a deceleration lane; and c) the left turn out should be constructed at right angles to Cormorant Road as a give way arrangement.</p>				Yes - Ongoing	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). An updated version was approved by RMS on 2 July 2013.	Not applicable as NCIG traffic movements not utilising an independent Cormorant Road and wharf access road intersection. This access point has been incorporated into the Cormorant Road / Pacific National access road intersection works as required by Condition 2.28. NCIG has been in consultation with RMS regarding the current Cormorant Road upgrades.

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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 RMS. 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 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). An updated version was approved by RMS on 2 July 2013.</p>	<p>The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed in accordance with RMS and Council requirements.</p>
2.32	<p>The Proponent shall ensure that the bridge structure over Cormorant Road is designed and constructed to RMS requirements, including (but not limited to):</p> <p>a) allowance for future road widening/duplication of Cormorant Road; 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; c) the bridge structure and its approaches to be designed to minimise impacts on maintenance activities required within the road reserve; and 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). An updated version was approved by RMS on 2 July 2013.</p>	<p>The bridge structure over Cormorant Road was designed and constructed to RMS requirements.</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 entered into an agreement with the RTA in accordance with Condition 2.33.</p>	<p>NCIG entered into an agreement with the RTA prior to the construction of the bridge structure in December 2010 in accordance with Condition 2.33. The design and maintenance procedures were approved by RTA.</p>
2.34	<p>The Proponent shall submit for the approval of the RMS and Council, detailed designs for the road works referred to under condition 2.22 to condition 2.32 inclusive 2.24, prior to the commencement of construction of those works, and prior to the commencement of construction of the relevant components of the project. All road works shall be undertaken and completed to the satisfaction of the RMS 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. An updated version was approved by RMS and Newcastle City Council on 2 July 2013 and 5 August 2013 respectively.</p>	<p>The road works required by the Construction Traffic Management Protocol have been designed and completed in accordance with the requirements of the RMS.</p>

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2.35	The project shall be designed, constructed, maintained and operated so as not to preclude any future expansion of Cormorant Road to accommodate four lanes of traffic. The Proponent shall consult with the RMS 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 RMS and submit detailed design plans and any additional relevant information, as may be required under the Deed, to the RMS for each specific change to the state road network for the RTA's assessment and approval.				Yes - Ongoing	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). An updated version was approved by RMS on 2 July 2013.	The project was designed and constructed so as not to preclude any future expansion of Cormorant Road to accommodate four lanes of traffic. The project is not encroaching into the designated four lane road corridor.
2.36	The Proponent shall ensure that any property requirements including acquisition and/or road reserve dedication shall be in accordance with the requirements of the RMS and Council and at the full expense of the Proponent.				Yes - Ongoing	NCIG will comply with Condition 2.36 in regard to acquisition and/or road reserve dedication.	All property requirements have been completed at the full expense of NCIG.
2.37	The Proponent shall design, construct and maintain all internal road works, including the car park, to meet the following requirements: a) compliance with the provisions of relevant Australian Standards, RMS standards and guidelines, and Council codes; b) installation of clear signage to demarcate all vehicle movements within the Site; 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 d) clear demarcation of all visitor, disabled, ambulance and service vehicle parking areas.				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 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. An updated version was approved by RMS and Newcastle City Council on 2 July 2013 and 5 August 2013 respectively.	All internal roads and car parks have been designed, constructed and maintained to the requirements of Condition 2.37.
2.38	Prior to the commencement of any works associated with the construction of rail infrastructure on land associated with the Kooragang Island Waste Emplacement Facility, the Proponent shall consult with RLMC to reach agreement on the detailed design and operational aspects of the rail infrastructure components of the project on land owned by RLMC. Design details shall include all measures outlined in the documents referred to in condition 1.1.				Yes - Ongoing	NCIG has consulted with the RLMC and NPC regarding the detailed design and operational aspects of the rail infrastructure components of the Project.	Consultation has been undertaken with Hunter Development Corporation and Newcastle Port Corporation and the arrangement of the NCIG rail infrastructure has been approved.
2.39	The Proponent shall consult with PWCS and ARTC, and meet the reasonable requirements of ARTC with respect to the design of the project, including those components of the project that may affect the design, connection and operation of existing and proposed ARTC and PWCS rail infrastructure assets.				Yes - Ongoing	NCIG consulted with the ARTC with respect to those components relating to ARTC's existing rail infrastructure assets. ARTC confirmed that the NCIG design conforms to ARTC requirements (ARTC letter dated 22 May 2007). ARTC was consulted with regarding the Rail Flyover design and an approval letter was granted on 12 August 2013. PWCS was consulted with regarding the Rail Flyover design and a letter was received stating their satisfaction with the design on 14 August 2013.	NCIG constructed rail connections to ARTC's existing rail infrastructure assets in accordance with ARTC's requirements. NCIG will construct the rail connections for the Rail Flyover to the design agreed with ARTC and PWCS
2.40	Utilities, services and other infrastructure potentially affected by construction shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the project shall be undertaken to make suitable arrangements for access to, diversion, protection and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Proponent, unless otherwise agreed by the utility or service provider.				Yes - N/A	NCIG has consulted with the appropriate services owners to access, divert, protect or support affected infrastructure	Infrastructure to be affected as a part of the Rail Flyover construction will be appropriately managed, in accordance with consultation undertaken with services owners, eg. Ausgrid.
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 operation and 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	NCIG has designed and constructed surface water and stormwater management infrastructure to comply with Condition 2.42. Environment Protection Licence 12693 was issued by the Department of Environment and Climate Change on 26 October 2007. The most recent version of the EPL includes monitoring locations during discharge events, implying that NCIG may be required to discharge when rainfall exceeds the design capacity.	All surface water and stormwater management infrastructure was designed with the intent of achieving a 1 in 100 ARI rainfall design capacity. NCIG only discharges when the design capacity is exceeded. No discharge occurred in the 2017 period with the exception of an event in June 2017.
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	NCIG has taken all reasonable measures during construction of the Project to prevent soil erosion and discharge of sediments and pollutants from the site.	NCIG ensured that soil erosion and discharge of sediments and pollutants from the site were 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 and maintained silt fences, drains and sedimentation ponds to prevent erosion or dispersal of stockpiled construction materials and fill/preload material in accordance with Condition 2.45.
2.45A	Prior to the commencement of construction of the High Capacity Optional Inlet Rail Spur and Rail Sidings the Proponent shall sample and characterise the quality of the existing groundwater in and around the rail infrastructure corridor to determine groundwater quality trigger values.				Yes	NCIG conducted groundwater sampling and characterisation of the area in and around the Rail Flyover corridor prior to the commencement of the construction. Groundwater quality trigger values have since been determined from this data.	Investigation was completed and appropriate groundwater trigger levels were developed based on the investigation.

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2.45B	Prior to the commencement of construction, the Proponent must develop a long-term groundwater monitoring program in and around the High Capacity Optional Inlet Rail Spur and Rail Sidings to identify changes in groundwater quality from pre-construction groundwater conditions. The groundwater monitoring program will include an action plan should groundwater quality trigger values be exceeded during the course of the monitoring program and the Proponent shall rectify and adverse impact on groundwater that may be detected. Groundwater monitoring must commence at least one month prior to the commencement of construction.				Yes - Ongoing	A long-term Groundwater Monitoring Program was developed before the construction of the Rail Flyover in accordance with Condition 2.45B.	Groundwater monitoring is being undertaken in accordance with the Ground Water Monitoring Program.
2.46	Materials classified as Virgin Excavated Natural Materials (VENM) or those referred to under condition 2.47, shall be used as fill/ preload material for the project.				Yes - Ongoing	Only material classified as VENM will be used as fill/preload material in accordance with Condition 2.46.	Only material classified as VENM is being used as defined fill/preload material in accordance with Condition 2.46.
2.47	Unless otherwise agreed by the Director-General, the Proponent shall only source clean materials for use in fill/ preloading activities from the development the subject of development consent DA-134-3-2003-i (dredging and remediation of the South Arm of the Hunter River). Where the Proponent seeks the agreement of the Director-General to use fill/ preload materials from a different source, the Director-General may require submission of additional information to demonstrate how the impacts from heavy vehicle movements will be adequately and appropriately mitigated and managed.				Yes - Ongoing	Only material classified as VENM will be used for fill/preload activities on the site. The approval of the Director-General will be sought if a different source of fill/preload material is proposed.	Only material classified as VENM have been utilised as fill/preload material in accordance with Condition 2.46. The approval of the Director General has not been required as alternative material have not been sourced for use as a defined fill/preload.
2.48	Unless otherwise agreed by the Director-General, fill/ preload material sourced from the development the subject of development consent DA-134-3-2003-i shall be transported and managed consistently with an approved Dredged Material Transport Strategy under that development consent (condition B2.29).				Yes - Ongoing	NCIG 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.				Partial Compliance	Discussions were held with the Hunter Water Corporation in relation to utilising treated wastewater as a part of the NCIG operations during the early stages of construction. While wastewater is currently available for utilisation, cost and supply management make it an unviable option. Liaison with Hunter Water Corporation is ongoing in relation to this matter.	Cost and supply management make the utilisation of wastewater an unviable option. Liaison with Hunter Water Corporation is ongoing in relation to this matter.
2.51	All machinery wash down waters and amenities wastewater shall be directed to sewer (subject to Hunter Water Corporation approval), or to an appropriately licensed liquid waste disposal facility.				Yes - Ongoing	NCIG will direct machinery wash down waters and amenities wastewater to sewer or an appropriately licensed liquid waste disposal facility.	The wash down is being directed to sewer. Amenities wastewater is being directed to sewer and to an appropriately licensed liquid waste disposal facility as appropriate for amenity areas of the project site. This is undertaken in a manner which ensures there is no resulting pollution.
2.52	The Proponent shall design, install, maintain and operate rainwater tanks for the collection of water for domestic and potable uses on the Site. Collected rainwater shall be used preferentially to external potable water supplies.				Yes - Ongoing	NCIG has designed and installed rainwater tanks in accordance with Condition 2.52.	The coal export terminal is collecting and utilising rainwater runoff in preference to potable water supply for landscaping and ground maintenance purposes.
2.53	The Proponent shall engage an appropriately qualified person to audit construction of the rail infrastructure over land used as part of the KIWEF against the commitments contained in the documents referred to in condition 1.1, including the High Capacity Optional Inlet Rail Spur and Rail Sidings. The auditor shall provide the Director-General and the EPA with quarterly reports on the disturbance and recapping 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 EPA, and any deviation from the commitments shall be described in detail and reasons for the change provided and fully justified.				Yes - Ongoing	NCIG engaged Environ to audit construction of the rail infrastructure in accordance with Condition 2.53. Audit reports have been made available to the DEP.	Environ completed the required audit tasks as required by Condition 2.53. These audits were made available to DEP.
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 has been completed to meet the requirements of Condition 2.58.
2.59	The Proponent shall ensure that all external lighting installed as part of the project is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with AS 4282 – 1997 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .				Yes - Ongoing	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.	Local vegetation species were 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 advertising or project identification signs has been installed along the Cormorant Road frontage of the site.
3.1	From the commencement of construction of the project, the Proponent shall continuously monitor, utilising the meteorological monitoring station referred to under condition 2.8 of this approval, each of the parameters listed in Table 2, utilising the sampling method indicated and applying a 15-minute average period to all results, and recording data in units specified in Table 2.				Yes - Ongoing	A meteorological monitoring station 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 monitoring undertaken in accordance with Condition 3.1.
3.2	Prior to the commencement of operation of the project, the Proponent shall develop and submit for the approval of the Director-General and the EPA 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:  a) identification of an integrated air quality monitoring network, developed in consultation with the owner/ operator of the existing Kooragang Coal Loader;  b) locations, frequencies and methods for monitoring total suspended particles, PM10 and deposited particulate matter;  c) provision for the use of at least four hi-volume samplers (HVAS), four dust depositional gauges and a meteorological station capable of monitoring wind direction and speed in accordance with condition 2.8 and condition 3.1 of this approval;  d) investigation of the use of Tapered Element Oscillating Microbalance Samplers (TEOMS) as part of the integrated air quality monitoring network. Should the Proponent consider TEOMS not to be required, the Proponent may seek approval from both the Director-General and the EPA to exclude this requirement. In seeking such an exclusion, the Proponent's reasons for the exclusion shall be provided and be fully justified;  e) provided that the use of TEOMS is proven to be justified (as outlined in d) above), the Proponent shall utilise real-time monitoring data to inform environmental management decisions associated with the project;  f) a framework for identifying actual and potential dust impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts;  g) provision for independent review and auditing of the Program; and  h) mechanisms for updating the Program as may be required from time to time.				Yes - N/A	The Ambient Dust Monitoring Program was submitted for approval to the Director General and DECCW prior to commencement of operational activities.	The Ambient Dust Monitoring Program was submitted to the Director-General and DECCW for approval on 12 March 2010 as a component of the NCIG Dust Management Plan. The most recent version is May 2015.
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 EPA.				Yes - N/A	The data collected by the approved Ambient Dust Monitoring Program will be utilised to undertake a model validation study after one full year of operational activity.	A model validation study was completed utilising one full year of dust monitoring data. This study determined that the NCIG project was in compliance with the dust impact predictions made in the documents referred to under condition 1.1 and with applicable ambient air quality goals.
3.4	Within 28 days of conducting the dust validation study referred to under condition 3.3 of this approval, the Proponent shall provide the Director-General and the EPA with a copy of the report. If the dust validation study identifies significant deviance from the predictions made in the documents referred to under condition 1.1 or any exceedence with ambient air quality goals, the Proponent shall detail what additional measures would be implemented to further mitigate dust impacts. The Proponent shall clearly indicate who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be assessed and reported to the Director-General.				Yes - N/A	The model validation study report referred to in Condition 3.3 will be provided to the Director-General and DECCW with 28 days of finalisation of the study.	The model validation study was submitted to the Director-General and DECCW within 28 days of finalisation of the study on 31 August 2011.
3.5	The requirements of conditions 3.3 and 3.4 shall be repeated once one year of dust monitoring data is available after the project exceeds an export rate of 33 million tonnes of coal per annum.				Yes - N/A	The model validation study referred to in Conditions 3.3 & 3.4 will be repeated within 12 months after the terminal export rate exceeds 33 million tonnes of coal per annum.	The model validation study referred to in Conditions 3.3 & 3.4 was repeated in June 2013, one year after the terminal export rate exceeded 33 million tonnes of coal per annum. The study was communicated to DEP.
3.6	Within 90 days of the commencement of operation of the project, or as otherwise agreed by the Director-General, and during a period in which the project is operating under normal operating conditions, the Proponent shall undertake a program to confirm the noise performance of the project. The noise program shall include, but not necessarily be limited to:  a) noise monitoring, consistent with the guidelines provided in the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000), to assess compliance with condition 2.13 of this approval.  b) methodologies, locations and frequencies for noise monitoring;  c) identification of monitoring sites at which pre- and post-project noise levels can be ascertained;  d) details of any complaints and enquiries received in relation to noise generated by the project within the first 90 days of operation;  e) an assessment of night-time use of audible alarm systems;  f) a statement of whether the Site is in compliance with noise limits outlined in condition 2.13; and  g) any additional noise mitigation measures and timetables for implementation.				Yes - N/A	The Noise Monitoring Program required by Condition 3.6 was undertaken with 90 days of the commencement of operations.	The Noise Monitoring Program required by Condition 3.6 was undertaken and a report prepared. This report was provided on the 01 November 2010.
3.7	Within 28 days of conducting the noise monitoring referred to under condition 3.6 of this approval, the Proponent shall provide the Director-General and the EPA with a copy of the report. If the noise monitoring report identifies any non-compliance with the noise limits imposed under this approval (refer condition 2.13), the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.				Yes - N/A	The Noise Monitoring Program report required by Condition 3.7 was prepared and provided to the Director-General and DECCW	The Noise Monitoring Program report was provided to the Director-General and DECCW on the 01 November 2010. The most recent version is May 2015.

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3.8	The requirements of conditions 3.6 and 3.7 shall be repeated within 90 days of the commencement of operation of each stage of the project, including the operation of the High Capacity Optional Inlet Rail Spur and Rail Sidings.				Yes - N/A	The Noise Monitoring Program was repeated within 90 days of Stage 2AA operation and Stage 2F operation. The process will be repeated after the operation of the Rail Flyover.	The Noise Monitoring Program was completed within 90 days of the completion of Stage 2AA and Stage 2F development phases. Correspondence received back from DoPI indicates that any future monitoring that may show potential exceedances of noise criteria should be communicated with the department.
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 EPA and OEH as soon as practicable after agreement on the terms of the Protocol.</p>				Yes - N/A	The Coordinated Environmental Monitoring and Management Protocol was prepared in consultation with PWCS and in accordance with Condition 4.1.	The Coordinated Environmental Monitoring and Management Protocol was provided to the Director-General and DECCW on 21 December 2009. Approval of this document was provided by Department of Planning on 07 June 2010. The most recent version is July 2016. Quarterly coordination meetings are held between NCIG and the owner/operator of the existing Kooragang Coal Loader (PWCS) in accordance with the Protocol.
4.2	Prior to the commencement of construction of any component of the project, or within such period as otherwise agreed by the Director-General, the Proponent shall develop, in consultation with RMS, a <b>Coordinated Works Program</b> to ensure that the requirements of this approval, and the conditions imposed on the development the subject of development consent DA-134-3-2003-i (dredging and remediation of the South Arm of the Hunter River) are met and coordinated where the relevant works are interrelated. The Program shall specifically focus on requirements for coordination of works in and around the Hunter River foreshore, ecological monitoring and management, and scheduling of dredging and fill/ preloading activities.				Yes	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 was undertaken in accordance with the Coordinated Works Program.
4.3	<p>The proponent shall participate in any cumulative dust study that may be commissioned by the Department, in consultation with DECC. Any such study shall be focussed on cumulative dust impacts from major port and industrial sources in the Lower Hunter Estuary on potentially affected residential and sensitive receptors, with specific reference to receptors in Fern Bay, Stockton, Mayfield and Carrington. The extent of the Proponent's involvement in such a study shall be agreed with and to the satisfaction of the Director-General, and shall include, but not necessarily be limited to:</p> <p>a) provision of monitoring data associated with the environmental performance of the project;</p> <p>b) provision of management and auditing documentation associated with the project and relevant to the study;</p> <p>c) access to the project and relevant technical and environmental experts associated with the project;</p> <p>d) arrangements for any financial contributions to cover reasonable expenses associated with the study; and</p> <p>e) such other matter as the Proponent and Director-General may agree.</p>				Yes	The Department has not yet commissioned a cumulative dust study.	NCIG are in a position to participate in a cumulative dust study as and when required by the Director-General
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 <i>ISO 19011:2002 - 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. Compliance was also verified prior to commencement of operations through third party auditing.
5.2	<p>The independent environmental audit referred to in condition 5.1c) shall:</p> <p>(a) be conducted by a suitable qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;</p> <p>(b) include consultation with the relevant agencies;</p> <p>(c) assess the environmental performance of the project and assess whether it is complying with the requirements of this approval, and any other relevant approvals and relevant EPL/s;</p> <p>(d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and</p> <p>(e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.</p> <p>Note: This audit team must be led by a suitable qualified auditor, and include experts in biodiversity, air quality, noise, surface water and groundwater management and other fields as specified by the Director-General.</p>				Yes	NCIG undertook an Independent Environmental Audit, which was commenced in November 2015 and was completed in February 2016. The audit included a lead auditor and a team of experts in the specified fields, approved by the Director-General.	NCIG will complete the next independent environmental audit in accordance with Condition 5.2 in November 2018 after agreement by DoPE that Independent Environmental Auditing could occur on a 3-yearly basis.
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 enquires 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> <p>Compliance_Tracking_Apr 18</p>				Partial Compliance	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 required details are displayed on the NCIG website (www.ncig.com.au). Although, NCIG does not currently have a sign displayed near the entrance with the required details, this is currently being rectified.	<p>NCIG complaints facilities have been maintained, including a 24 hour complaints telephone number (1800 016 304); postal address (PO Box 644 Newcastle 2300), email address (enquiries@ncig.com.au) and NCIG website (www.ncig.com.au). All complaints that have been received are managed through these facilities.</p> <p>NCIG are currently in the process of re-installing signage with relevant contact details.</p>

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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> <ul style="list-style-type: none"> <li>a) the date and time, where relevant, of the complaint.</li> <li>b) the means by which the complaint was made (telephone, mail or email).</li> <li>c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect.</li> <li>d) the nature of the complaint.</li> <li>e) record of operational and meteorological condition contributing to the complaint.</li> <li>f) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant.</li> <li>g) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.</li> </ul> <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.	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> <ul style="list-style-type: none"> <li>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;</li> <li>b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;</li> <li>c) a copy of each strategy, plan and program required under this approval; and</li> <li>d) the outcomes of compliance tracking in accordance with condition 5.1 of this approval.</li> </ul>					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>iv) measures to monitor and manage groundwater impacts, particularly in the vicinity of the High Capacity Optional Inlet Rail Spur and Rail Sidings, and</p> <p>v) measures to monitor and manage potential Aboriginal Heritage impacts.</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	<p>The Construction Environmental Management Plan for the Stage 2AA development phase was prepared and submitted to the Director-General prior to commencement of construction activities.</p> <p>The Construction Environmental Management Plan for the Stage 2F development phase was prepared and submitted to the Director-General prior to commencement of 2F construction activities.</p> <p>The Construction Environmental Management Plan for the Stage 2F development phase, including the Rail Flyover, was prepared and submitted to the Director-General prior to commencement of Rail Flyover construction activities.</p>	<p>The Construction Environmental Management Plan for the Stage 2AA development phase was prepared and submitted on 26 August 2010. Approval by the Director-General was received on 21 September 2010.</p> <p>The Construction Environmental Management Plan for the Stage 2F development phase was prepared and submitted on 28 March 2012. Approval by the Director-General was received on 14 June 2012.</p> <p>The Construction Environmental Management Plan for the Stage 2F development phase, including the Rail Flyover, was prepared and submitted on 26 June 2013. Approval by the Director-General was received on 28 June 2013.</p>
7.2	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:				NA		
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 for the Stage 2AA development phase was prepared and submitted on 26 August 2010. Approval by the Director-General was received on 21 September 2010. The Acid Sulfate Soil Management Plan for the Stage 2F development phase was prepared and submitted on 28 March 2012. Approval by the Director-General was received on 14 June 2012. Approval by the Director-General was received on 28 June 2013.	The NCIG development is being undertaken in accordance with the Acid Sulfate Management Plan. This includes a program of soils and water sampling and materials management procedures. This program of testing has found that there are no issues with acid sulphate soils on the NCIG project site.
7.3(b)	b) a <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 and Swan Ponds, 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 for the Stage 2AA development phase was prepared and submitted on 26 August 2010. Approval by the Director-General was received on 21 September 2010. The Construction Surface Water Management Plan for the Stage 2F development phase was prepared and submitted on 28 March 2012. Approval by the Director-General was received on 14 June 2012. Approval by the Director-General was received on 28 June 2013.	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:				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 for the Stage 2AA development phase was prepared and submitted on 26 August 2010. Approval by the Director-General was received on 21 September 2010. The Construction Noise Management Plan for the Stage 2F development phase was prepared and submitted on 28 March 2012. Approval by the Director-General was received on 14 June 2012. Approval by the Director-General was received on 28 June 2013.	The NCIG development is being undertaken in accordance with the Noise Management Plan. This includes regular noise monitoring and reporting, together with complaint handling procedures. The assessments of noise have found that NCIG activities are compliant with Condition 2.14 and the noise criteria detailed in EPL12693.

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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 for the Stage 2AA development phase was prepared and submitted on 26 August 2010. Approval by the Director-General was received on 21 September 2010. The Construction Traffic Management Protocol for the Stage 2F development phase was prepared and submitted on 28 March 2012. Approval by the Director-General was received on 14 June 2012. Approval by the Director-General was received on 28 June 2013.	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 both on and off the site.
7.3(e)	e) a <b>Construction Aboriginal Heritage Management Plan</b> to detail how construction impacts on Aboriginal heritage will be minimised and managed. The plan shall be developed in consultation with the local Aboriginal Community, and include, but not necessarily be limited to:  i) a commitment to provide opportunities for representatives of the local Aboriginal community to monitor any initial ground disturbance activities associated with previously undisturbed environments within the project area;  ii) procedures for dealing with previously unidentified Aboriginal objects (excluding human remains) including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence by a suitably qualified archaeologist in consultation with the Department, OEH and the local Aboriginal community, and registering of the new site in the OEH's Aboriginal Heritage Information Management System (AHIMS) register;  iii) procedures for dealing with human remains, including cessation of works in the vicinity and notification of the Department, NSW Police, OEH and local Aboriginal community and not recommencing any works in the area unless authorised by the OEH and/or the NSW Police; and  iv) heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) and obligations under the conditions of this approval including site identification, protection and conservation of Aboriginal cultural heritage;					Yes - Ongoing	The Construction Aboriginal Heritage Management Plan was developed as part of the Construction Environmental Management Plan for Stage 2F construction, including construction of the Rail Flyover. Approval by the Director-General was received on 28 June 2013.	The NCIG development is being undertaken in accordance with the Construction Aboriginal Heritage Management Protocol. This includes management of heavy vehicle techniques to ensure the occurrence of any conflict is reduced both on and off the site.

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7.4	In the event that construction of the project is staged or phased up to the maximum capacity specified under condition 1.5, the requirements of conditions 7.2 and 7.3 shall be repeated prior to the commencement of construction.				Yes - Ongoing	The development of new Construction Environmental Management Plans has been completed for each new stage of construction, including the Rail Flyover.	The Construction Environmental Management Plan, and associated plan as detailed in Conditions 7.3(a) to (d), for the Stage 2F development phase was prepared and submitted on 28 March 2012. Approval by the Director-General was received on 14 June 2012.  The Construction Environmental Management Plan for the Stage 2F development phase, including the Rail Flyover, was prepared and submitted on 26 June 2013. Approval by the Director-General was received on 28 June 2013.
7.5	Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Director-General an <b>Operation Environmental Management Plan</b> (OEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's <i>Guideline for the Preparation of Environmental Management Plans</i> (DIPNR 2004), and shall include, but not necessarily be limited to:  a) a description of all activities to be undertaken on the Site during operation including an indication of stages of operation, where relevant; b) statutory and other obligations that the Proponent is required to fulfil during operation including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies; c) details of how the environmental performance of the operations will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan: i) measures to monitor and manage dust emissions; ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during operation; iii) measures to monitor and control noise emissions during operation; iv) measures to monitor and manage onsite native vegetation and habitat. d) a description of the roles and responsibilities for all relevant employees involved in the operation of the project; e) the additional studies listed under condition 7.6 of this approval; and f) complaints handling procedures during operation.  The Operation Environmental Management Plan shall be made available for inspection by the public upon request following its approval by the Director-General.				Yes - N/A	The Operational Environmental Management Plan was submitted for approval to the Director General and DECCW prior to commencement of operational activities.	The Operational Environmental Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010. The most recent version is December 2017.
7.6	As part of the Operation Environmental Management Plan for the project required under condition 7.5 of this approval, the Proponent shall prepare and implement the following:				Yes - N/A	The Operational Environmental Management Plan prepared and implemented prior to commencement of operational activities.	The Operational Environmental Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010.
7.6(a)	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:  i) identification of all major sources of dust emissions that may occur as result of the operation of the project; ii) description of the procedures to manage the dust emissions from the sources identified; iii) identification of the locations where monitoring of dust emissions is to be undertaken; iv) procedures for monitoring dust emissions from the project, in accordance with the requirements of this approval and the Environment Protection Licence for the project;  v) protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions; and vi) description of procedures to be undertaken if any non-compliance is detected.				Yes - N/A	The Dust Management Plan was developed as part of the Operational Management Plan (Condition 7.5). The Dust Management Plan was submitted for approval to the Director General and DECCW prior to commencement of operational activities.	The Dust Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010 in accordance with Condition 7.6(a). The most recent version is December 2017.
7.6(b)	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:  i) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval; ii) identification of activities that will be carried out in relation to the project and the associated noise sources; iii) assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval; iv) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the Site during the project; v) details regarding the procurement process to guarantee that equipment levels meet the noise levels as provided in the documents listed in condition 1.1; vi) development of reactive and pro-active strategies for dealing promptly with any noise complaints; vii) noise monitoring and reporting procedures; and viii) regular internal audits of compliance of all plant and equipment with acceptable design noise.				Yes - N/A	The Noise Management Plan was developed as part of the Operational Management Plan (Condition 7.5). The Noise Management Plan was submitted for approval to the Director General and DECCW prior to commencement of operational activities.	The Noise Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010 in accordance with Condition 7.6(b). The most recent version is December 2017.
7.6(c)	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:  i) predicted Site water balance including the water supply system; ii) details regarding water management structures such as settling ponds, water tanks and the water management system for dredge sea water; iii) locations and design specifications for all water diversions from undisturbed runoff areas including channel design and stabilisation, sediment retention storages and other structures; iv) details on the internal drainage system including bunding, drainage channels, dewatering sumps and any pipelines; v) procedures for the management of groundwater encountered on Site and any temporary dewatering facilities; and vi) procedures to be implemented to minimise potential surface water impacts.				Yes - N/A	The Water Management Plan was developed as part of the Operational Management Plan (Condition 7.5). The Water Management Plan was submitted for approval to the Director General and DECCW prior to commencement of operational activities.	The Water Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010 in accordance with Condition 7.6(c). The most recent version is December 2017.
7.6(d)	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:  i) coal stockpile management measures; ii) monitoring of potential causes of spontaneous combustion events; and iii) corrective action in the event of spontaneous combustion.				Yes - N/A	The Spontaneous Combustion Management Plan was developed as part of the Operational Management Plan (Condition 7.5). The Spontaneous Combustion Management Plan was submitted for approval to the Director General and DECCW prior to commencement of operational activities.	The Spontaneous Combustion Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010 in accordance with Condition 7.6(d). The most recent version is December 2017.
7.7	The Operation Environmental Management Plan required under conditions 7.5 and 7.6 shall periodically reviewed and maintained, to reflect any phasing of implementation of the project, and any operational changes that may be made from time to time.				Yes - N/A	The Operation Environmental Management Plan is scheduled to be reviewed periodically in accordance with Condition 7.7.	The Operation Environmental Management Plan is scheduled to be reviewed periodically in accordance with Condition 7.7. See updates of relevant documents in comments above.

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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.
<b>Environmental Protection Licence No. 12693</b>							
1.0	<b>Administrative Conditions</b>						
A1.1	<b>What the licence authorises and regulates</b>						
A1.1	This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.				Yes - Ongoing	Coal exported through facility exceeded both of the stated thresholds	Compliance achieved
	<b>Scheduled Activities</b>	<b>Scale</b>					
	Coal Works	>5,000,000 T handled					
	Shipping in Bulk	>500,000 T loaded and unloaded					
A2	<b>Premises or plant to which this licence applies</b>						
A2.1	The licence applies to the following premises: Newcastle Coal Infrastructure Group Cormorant Road Kooragang NSW 2304 and PREMISES MARKED AND SHOWN AS "DENOTES DRYLAND" AND "DENOTES WETLAND" BOUNDED BY "DENOTES BOUNDARY OF N.C.I.G. MANAGEMENT AND CONTROL" ON THE PLAN TITLED "PLAN FOR EPA SUBMISSION, NCIG COAL LOADING FACILITY, KOORAGANG ISLAND", PREPARED BY MONTEATH & POWYS PTY LTD, SHEET 1/2, DATED 08/12/2015, REV.3 ("THE PREMISES plan") (EPA REF. DOC 15/524237). THE PREMISES ALSO INCLUDES THE SHIP LOADER MARKED AND SHOWN AS "DENOTES MOBILE SHIP LOADERS" ON THE PREMISES PLAN, WHICH ARE MOBILE PLANT THAT WORK ALONG THE KOORAGANG 8, 9 AND 10 BERTHS.				Yes - Ongoing	Premises in EPL accurately reflect lease area of NCIG	Compliance achieved
A3	<b>Information supplied to the EPA</b>						
A3.1	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to:  a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and  b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.				Yes - Ongoing	Activities carried out in accordance with original EPL application and subsequent variations.	Compliance achieved
2	<b>Discharges to Air and Water and Applications to Land</b>						
P1	<b>Location of monitoring/discharge points and areas</b>						
P1.1	The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.				Yes - Ongoing	Meteorological Monitoring is continuously undertaken at point 19	Compliance achieved
	<b>Air</b>	<b>EPA ID No.</b>	<b>Type of Monitoring</b>	<b>Location Description</b>			
		19	Meteorological Monitoring	Meteorological Monitoring station located on the premises, marked and shown as "EPA Monitoring Point 19 (Meteorological Station)" on the Monitoring Points Plan.			
P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.				N/A	N/A	N/A
P1.3	The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.				Yes - Ongoing	The following locations are monitored as required as part of NCIG's Water Quality Monitoring Program	Compliance achieved
	<b>Water and land</b>	<b>EPA Identification No.</b>	<b>Type of Monitoring</b>	<b>Location Description</b>			
		1	Groundwater quality monitoring	Groundwater monitoring well, located to the northeast of the Rail Dump Station, marked and shown as "EPA Monitoring Point 1 (GW1)" on the Monitoring Points Plan.			
		20	Groundwater quality monitoring	Groundwater Monitoring well, located to the east of the rail loop adjacent to Pacific National haul road, marked and shown as "EPA Monitoring Point 20 (K9/3N)" on the Monitoring Points Plan.			
		21	Groundwater quality monitoring	Groundwater Monitoring well, located to the south of the rail loop adjacent to Pacific National haul road, marked and shown as "EPA Monitoring Point 21 (K9/3S)" on the Monitoring Points Plan.			
		22	Groundwater quality monitoring	Groundwater Monitoring well, located to the south of the rail loop between Cormorant Road and the South Arm of the Hunter River, marked and shown as "EPA Monitoring Point 22 (K11/1)" on the Monitoring Points Plan.			
		23	Groundwater quality monitoring	Grown water monitoring well, located to the south of the rail loop between Cormorant Road and the South Arm of the Hunter River, marked and shown as "EPA Monitoring Point 23 (K11/1S)" on the Monitoring Points Plan.			
		24	Groundwater quality monitoring	Groundwater monitoring well, located down gradient of southern boundary of the premises (on the southern side of Cormorant Road, and east of Point 23), marked and shown as "EPA Monitoring Point 24 (K11/3E)" on the Monitoring Points Plan			
		25	Groundwater quality monitoring	Groundwater monitoring well, located down gradient of southern boundary of the premises (on the southern side of Cormorant Road, and east of Point 23), marked and shown as "EPA Monitoring Point 25 (K11/3W)" on the Monitoring Points Plan			
		26	Groundwater quality monitoring	Groundwater monitoring well, located down gradient of the southern boundary of the premises (on the northern side of Cormorant Road, and west of Point 23), marked and shown as "EPA Monitoring Point 26 (K11/2W)" on the Monitoring Points Plan.			
		27	Groundwater quality monitoring	Groundwater monitoring well, located down gradient of southern boundary of the premises (on the northern side of Cormorant Road, and west of Point 23), marked and shown as "EPA Monitoring Point 27 (K11/2E)" on the Monitoring Points Plan.			
		28	Groundwater quality monitoring	Groundwater monitoring well, located up gradient of northern boundary of the premises (west of Point 1), marked and shown as "EPA Monitoring Point 28 (K9/4W)" on the Monitoring Point Plan.			

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	29	Groundwater quality monitoring	Groundwater monitoring well, located up gradient of northern boundary of the premises (west of Point 1), marked and shown as "EPA Monitoring Point 29 (K9/4E)" on the Monitoring Point Plan.		Yes - ongoing																																														
	30	Groundwater quality monitoring	Groundwater monitoring well, located up gradient of northern boundary of the premises (east of Point 1), marked and shown as "EPA Monitoring Point 30 (K9/2W)" on the Monitoring Points Plan.																																																
	31	Groundwater quality monitoring	Groundwater monitoring well, located up gradient of northern boundary of the premises (east of Point 1), marked and shown as "EPA Monitoring Point 31 (K9/2E)" on the Monitoring Points Plan.																																																
	32	Groundwater quality monitoring	Groundwater monitoring well, located east of the rail loop, marked and shown as "EPA Monitoring Point 32 (K10/4W)" on the Monitoring Points Plan.																																																
	33	Groundwater quality monitoring	Groundwater monitoring well, located east of the rail loop, marked and shown as "EPA Monitoring Point 33 (DM10)" on the Monitoring Points Plan.																																																
	34	Discharge quality monitoring	Discharge from stormwater settling pond to stormwater drain, marked and shown as "Discharge Water Sampling Point" on the Monitoring Points Plan.																																																
	35	Ambient water monitoring	South Arm of Hunter River upstream of the Kooragang No. 10 Berth, marked and shown as "Background (Water Discharge) Sampling Point" on the Monitoring Points Plan.																																																
	36	Groundwater quality monitoring	Groundwater monitoring well, beneath the rail flyover west of Deep Pond, marked and shown as "Point 36 (BH20S) on the Plan of Water Monitoring Locations.																																																
	37	Groundwater quality monitoring	Groundwater monitoring well, beneath the rail flyover west of Deep Pond, marked and shown as "Point 37 (BH20D) on the Plan of Water Monitoring Locations.																																																
	38	Groundwater quality monitoring	Groundwater monitoring well, beneath the rail flyover east of Deep Pond, marked and shown as "Point 38 (BH21S) on the Plan of Water Monitoring Locations.																																																
	39	Groundwater quality monitoring	Groundwater monitoring well, beneath the rail flyover east of Deep Pond, marked and shown as "Point 39 (BH21D) on the Plan of Water Monitoring Locations.																																																
	40	Groundwater quality monitoring	Groundwater monitoring well, beneath the rail flyover south of Deep Pond, marked and shown as "Point 40 (BH23S) on the Plan of Water Monitoring Locations.																																																
	41	Groundwater quality monitoring	Groundwater monitoring well, beneath the rail flyover south of Deep Pond, marked and shown as "Point 41 (BH23D) on the Plan of Water Monitoring Locations.																																																
	Note: for the purpose of the tables above, the "Monitoring Points Plan" refers to the plan titled "Plan for the EPA Submission, NCIG Coal Loading Facility, Kooragang Island", prepared by Monteith & Powys Pty Ltd, Sheet 2/2, dated 8/12/2015, Rev.3 (EPA ref. DOC 15/524237).																																																		
	Note: For the purpose of the tables above, the "Plan of Water Monitoring Locations" refers to the plan titled "Plan of Water Monitoring Locations, NCIG Coal Loading Facility, Kooragang Island", prepared by Monteith & Powys PTY Ltd, Sheet 1, Rev. 3, dated 25/2/2016 (EPA ref. DOC17/112867).																																																		
L1	<b>Pollution of waters</b>				Yes - ongoing	NCIG has not polluted waterways during the compliance period	Compliance achieved																																												
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.																																																		
L2	<b>Waste</b>				Yes - ongoing	No waste generated outside the premises were received at the NCIG premises during the compliance period	Compliance achieved																																												
L2.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence																																																		
L2.2	This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environmental protection licence.				N/A	N/A	N/A																																												
L3	<b>Noise limits</b>				Yes - ongoing	All construction works were carried out between the hours of 7.00am and 6.00pm during the compliance period	Compliance achieved																																												
L3.1	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.  This condition does not apply in the event of a direction from police or other emergency authority for safety or emergency reasons.																																																		
L3.2	Notwithstanding any other condition of this licence, piling works shall not be conducted on Sundays or public holidays.				Yes - ongoing	No piling works were carried out on the premises during the period	Compliance achieved																																												
L3.3	<p>The licensee shall design, construct, operate and maintain the premises to ensure that the noise contributions from the premises do not exceed the maximum allowable noise contributions specified in the Table below, at those locations and during those periods indicated. The maximum allowable noise contributions apply under:</p> <p>a) wind speeds up to 3m/s (measured at 10 metres above ground level), or</p> <p>b) temperature inversion conditions up to 3°C per 100 metres and wind speeds up to 2m/s (measured at 10 metres above ground level).</p> <p>NOTE: For the purposes of the Table - "Night" is defined as being 10:00pm to 7:00am Monday to Saturday and 10:00pm-7:00am on Sundays and Public Holidays.</p> <p>For the purpose of assessment of noise contributions specified in this licence, noise from the project shall be:</p> <p>a) measured at the most affected point on or within the site boundary at the most sensitive locations to determine compliance with Le<sub>a</sub>(15 minute) noise limits.</p> <p>b) measured at one metre from the dwelling façade to determine compliance with LA<sub>1</sub>(1minute) noise limits.</p> <p>c) subject to the modification factors provided in Section 4 of the New South Wales Industrial Noise Policy (EPA 2000) where applicable.</p> <p>Notwithstanding, should direct measurement of noise from the development be impractical, the licensee may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the New South Wales Industrial Noise Policy (EPA 2000). Details of such an alternative noise assessment method must be accepted by the EPA prior to the implementation of the assessment method.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Location</th> <th colspan="2">Day, Evening, Night at all times</th> <th colspan="2">Night</th> </tr> <tr> <th>Le<sub>a</sub>(15 min)</th> <th>Le<sub>a</sub>(night)</th> <th>LA<sub>1</sub>(1min)</th> <th></th> </tr> </thead> <tbody> <tr> <td>Fern Bay West (1 Fullerton Street/Stockton Centre)</td> <td>41</td> <td>37</td> <td>57</td> <td></td> </tr> <tr> <td>Fern Bay East (21 Braid Road/Fern Bay Primary School)</td> <td>39</td> <td>36</td> <td>55</td> <td></td> </tr> <tr> <td>Stockton West (284 Fullerton Street/Corner of Penbroke Street and Fullerton Street)</td> <td>41</td> <td>37</td> <td>57</td> <td></td> </tr> <tr> <td>Stockton East (40 Eames Avenue/10 Pitt Street/Stockton Primary School)</td> <td>38</td> <td>35</td> <td>56</td> <td></td> </tr> <tr> <td>Mayfield West (47 Stevenson Avenue/4 Groongal Street/Mayfield West Primary School)</td> <td>45</td> <td>40</td> <td>55</td> <td></td> </tr> <tr> <td>Mayfield (68 Bull Street/45 Simpson Crescent/1 Arthur Street/52 Arthur Street/21 Crebert Street/Hunter Christian School/Mayfield East Primary School)</td> <td>44</td> <td>39</td> <td>62</td> <td></td> </tr> <tr> <td>Carrington (Corner of Hargrave street and Young Street)</td> <td>36</td> <td>33</td> <td>52</td> <td></td> </tr> </tbody> </table>			Location	Day, Evening, Night at all times		Night		Le <sub>a</sub> (15 min)	Le <sub>a</sub> (night)	LA <sub>1</sub> (1min)		Fern Bay West (1 Fullerton Street/Stockton Centre)	41	37	57		Fern Bay East (21 Braid Road/Fern Bay Primary School)	39	36	55		Stockton West (284 Fullerton Street/Corner of Penbroke Street and Fullerton Street)	41	37	57		Stockton East (40 Eames Avenue/10 Pitt Street/Stockton Primary School)	38	35	56		Mayfield West (47 Stevenson Avenue/4 Groongal Street/Mayfield West Primary School)	45	40	55		Mayfield (68 Bull Street/45 Simpson Crescent/1 Arthur Street/52 Arthur Street/21 Crebert Street/Hunter Christian School/Mayfield East Primary School)	44	39	62		Carrington (Corner of Hargrave street and Young Street)	36	33	52			Yes - ongoing	Sound power monitoring conducted throughout the period (SLR Consulting) demonstrated that NCIG did not exceed the maximum allowable noise contributions during the compliance period.	Compliance achieved
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L4	<b>Potentially offensive odour</b>				N/A	N/A	N/A																																												
L4.1	No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.																																																		
4	<b>Operating Conditions</b>			A17																																															

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Approval/Licence Condition	Condition				Project Compliance Achieved?	Compliance Details April 2018	Compliance Status April 2018
O1	<b>Activities must be carried out in a competent manner</b>						
O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.				Yes - ongoing	The licensed activities were deemed to be carried out in a competent manner during the period.	Compliance achieved
O2	<b>Maintenance of plant and equipment</b>						
2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.				Yes - ongoing	All plant and equipment at NCIG has been maintained in a proper and efficient condition and is operated in a proper and efficient manner	Compliance achieved
O3	<b>Dust</b>						
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.				Yes - ongoing	The NCIG site is maintained in a manner that minimises the emission of dust from the premises	Compliance achieved
O3.2	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.				Yes - ongoing	All operations and activities at the NCIG site are carried out in a manner that minimises the emission of dust from the premises  Correspondence between EPA and NCIG occurred between 02/02/17-06/11/17 regarding elevated PM10 levels recorded in Stockton on 18/01/17. The EPA has since included a new operating condition (O3.4) that aims to formalise the Dust Management System already in place at NCIG.	Compliance achieved
O3.3	Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.				Yes - ongoing	Trucks entering and leaving the premises that are carrying loads of dust generating material are covered in accordance with the NCIG Materials Transport Procedure.	Compliance achieved
O3.4	The licensee must operate, on an as needs basis, sprays to prevent and minimise the generation and emission of dust from coal, stored in the coal stockyard, from the premises. The operation of the sprays must give consideration to the following matters: a) The types of coal received and handled at the premises and the respective potential to generate dust. b) Forecast meteorological conditions. c) Current weather conditions from a real-time meteorological station located at the premises. d) Ambient air quality from a real-time monitoring network located at the premises.				Yes - ongoing	NCIG operates on an as needs basis, using sprays to minimise dust emissions of coal on the premises. The sprays operate in accordance with Condition O3.4.	Compliance achieved
O4	<b>Emergency response</b>						
O4.1	The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.				Yes - ongoing	NCIG has a current Emergency Response Procedure. The procedure is kept on the premises at all times. The procedure deals with all types of incidents including spills and explosions, which may cause harm to the environment.	Compliance achieved
O5	<b>Processes and management</b>						
O5.1	All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place				Yes - ongoing	The diesel aboveground storage tank and waste oil tank are bunded or double-lined with runoff going to an enclosed pit.	Compliance achieved
O5.2	Bunds must: a) have walls and floors constructed of impervious material; b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed); c) have floors graded to a collection sump; and d) not have a drain valve incorporated in the bund structure, or be constructed and operated in a manner that achieves the same environmental outcome.				Yes - ongoing	Bunds are constructed of impervious material such as concrete or steel and have 110% capacity of the storage tank volume. As mentioned, floors flow to an enclosed collection sump.	Compliance achieved
O6	<b>Waste Management</b>						
O6.1	The licensee must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.				Yes - ongoing	Waste generated at the premises is classified with the EPA's Waste Classification Guidelines	Compliance achieved
O6.2	The licensee must ensure that waste identified for recycling is stored separately from other waste.				Yes - ongoing	Recyclables are stored separately to other waste types	Compliance achieved
O7	<b>Other operating conditions</b>						
O7.1	The licensee must ensure that activities are conducted in an environmentally satisfactory manner. So as to minimise and prevent the pollution of air and water the licensee must: a) Ensure that vehicles or containers prior to leaving the premises are clean and sealed in a manner that will not cause materials or waste used in conducting the activities at the premises to be tracked, thrown from, blown, fall, or cast from any vehicle or container onto a public road. b) The licensee must have in place and implement procedures to ensure that vehicles and containers exiting the premises are in a condition to ensure that materials are not tracked, thrown, blown, fall or cast into a public road.				Yes - ongoing	Vehicles and containers that leave the premises are cleaned or sealed in accordance with the NCIG Materials Transport Procedure. The procedure is updated from time to time to ensure it is relevant to current operations. The procedure was current during the compliance period	Compliance achieved
5	<b>Monitoring and Recording Conditions</b>						
M1	<b>Monitoring records</b>						
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.				Yes - ongoing	All monitoring required by this EPL is recorded and retained onsite.	Compliance achieved
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.				Yes - ongoing	All monitoring and records required by this licence is kept in a legible form, is kept for at least 4 years and can be produced in a legible form to an authorised EPA Officer.	Compliance achieved
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.				Yes - ongoing	All monitoring records include the date on which samples were taken, the time at which samples were taken, the point at which samples were taken and the name of the person who collected them.	Compliance achieved
M2	<b>Requirement to monitor concentration of pollutants discharged</b>						
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:				Yes - ongoing	All monitoring points are monitored for their relevant pollutant concentration according to the relevant sampling method. The sampling method, units of measure and sampling frequency is undertaken in accordance with M2.2	Compliance achieved
M2.2	<b>Water and/ or Land Monitoring Requirements</b>				Yes - ongoing	All monitoring points are sampled as described in Condition M2.2.	Compliance achieved
	<b>Point 1,38,39</b>						
	<b>Pollutant</b>	<b>Units of measure</b>	<b>Frequency</b>	<b>Sampling Method</b>			
	As described	µg/l	Every 6 mths	Grab sample			
	<b>Points 20 to 23,36,37,40,41</b>						
	<b>Pollutant</b>	<b>Unit of measure</b>	<b>Frequency</b>	<b>Sampling Method</b>			
	As described	µg/l	Every 6 mths	Grab sample			
	<b>Points 24 to 33</b>						
	<b>Pollutant</b>	<b>Unit of measure</b>	<b>Frequency</b>	<b>Sampling Method</b>			
	As described	µg/l	Special Frequency 1	Grab sample			
	<b>Point 34</b>						
	<b>Pollutant</b>	<b>Unit of measure</b>	<b>Frequency</b>	<b>Sample Method</b>			
	As described	mg/L	Monthly during discharge	Grab sample			
	<b>Point 35</b>						
	<b>Pollutant</b>	<b>Units of measure</b>	<b>Frequency</b>	<b>Sampling Method</b>			
	As described	mg/L	Special Frequency 2	Grab sample			
	Note: For the purposes of the table(s) above Special Frequency 1 means the collection of samples on a six monthly basis if trigger conditions specified in condition E1.1 are exceeded. Note For the purpose of the table(s) above Special Frequency 2 means that collection of samples on an outgoing/ebb tide when monitoring is required at Point 34.						
M3	<b>Testing methods - concentration limits</b>						
M3.1	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.				Yes - ongoing	Water quality monitoring is conducted in accordance with relevant water quality monitoring methodologies	Compliance achieved
M4	<b>Weather monitoring</b>						
	Compliance_Tracking_Apr 18						

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Approval/Licence Condition	Condition				Project Compliance Achieved?	Compliance Details April 2018	Compliance Status April 2018																							
M4.1	The licensee must measure and electronically log the meteorological parameters and sampling methods listed below and applying a 15-minute average period to all results, record data in units specified below.				Yes - ongoing	Meteorological parameters are measured and recorded electronically at NCIG using the SCADA/CITECT network in accordance with Condition M4.1	Compliance achieved																							
	<table border="1"> <thead> <tr> <th>Parameter</th> <th>Units of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Siting of Monitoring Station</td> <td>Not applicable</td> <td>AS2922-1987</td> </tr> <tr> <td>Temperature (2m)</td> <td>°C</td> <td>AM-4</td> </tr> <tr> <td>Temperature (10m)</td> <td>°C</td> <td>AM-4</td> </tr> <tr> <td>Wind speed (10m)</td> <td>m/s</td> <td>AM-2 and AM-4</td> </tr> <tr> <td>Wind direction (10m)</td> <td>o</td> <td>AM-2 and AM-4</td> </tr> <tr> <td>Sigma Theta (10m)</td> <td>o</td> <td>AM-2 and AM-4</td> </tr> <tr> <td>Solar radiation</td> <td>Wm-2</td> <td>AM-4</td> </tr> </tbody> </table>	Parameter	Units of Measure	Sampling Method	Siting of Monitoring Station	Not applicable	AS2922-1987	Temperature (2m)	°C	AM-4	Temperature (10m)	°C	AM-4	Wind speed (10m)	m/s	AM-2 and AM-4	Wind direction (10m)	o	AM-2 and AM-4	Sigma Theta (10m)	o	AM-2 and AM-4	Solar radiation	Wm-2	AM-4					
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M5	<b>Recording of pollution complaints</b>																													
M5.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.				Yes - ongoing	All enquiries and complaints are recorded in the NCIG Complaints Register	Compliance achieved																							
M5.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.				Yes - ongoing	All relevant details are recorded against individual complaints in the complaints register	Compliance achieved																							
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.				Yes - ongoing	All complaints and enquiries since the commencement of construction are retained at NCIG	Compliance achieved																							
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.				Yes - ongoing	These records can be produced to an authorised EPA Officer at any time	Compliance achieved																							
M6	<b>Telephone complaints line</b>																													
M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.				Yes - ongoing	NCIG operates a 24 hour enquiries line	Compliance achieved																							
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.				Yes - ongoing	The enquiries line is available and is made available by the NCIG website																								
M6.3	The preceding two conditions do not apply until 21 days after: the date of the issue of this licence.				NA																									
M6.4	The licensee must nominate to the EPA a single telephone number for the EPA contacting the licensee to provide immediate assistance or response during emergencies or any other incidents at the premises. The telephone number must be current at all times. The nomination must be provided to the EPA's Director - Hunter at PO Box 488G, Newcastle NSW 2300. Note: This condition does not apply until two (2) weeks after the date of issue of the Notice adding the condition to the licence.				Yes - ongoing	The EPA has contact details for the Manager HSEC, Environmental Advisor and the NCIG Process Leader	Compliance achieved																							
6	<b>Reporting Conditions</b>																													
R1	<b>Annual return documents</b>																													
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: 1. a Statement of Compliance; and 2. a Monitoring and Complaints Summary; 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA				Yes - ongoing	The most recent Annual Return (Oct 2017) was completed and submitted to the EPA prior to the due date.	Compliance achieved																							
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.				Yes - ongoing	Annual Returns have been prepared for each reporting period since issue of the licence	Compliance achieved																							
R1.3	Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.				N/A	N/A	N/A																							
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.				N/A	N/A	N/A																							
R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').				Yes - ongoing	The 2017 Annual Return was submitted prior to 25 December 2017.	Compliance achieved																							
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.				Yes - ongoing	NCIG retains a copy of all EPL Annual Returns	Compliance achieved																							
R1.7	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period. Note: An application to transfer a licence must be made in the approved form for this purpose.				Yes - ongoing	The relevant pages have been signed by the NCIG Secretary and a Board Member	Compliance achieved																							
R2	<b>Notification of environmental harm</b>																													
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.				N/A	No environmental harm notifications were made during the compliance period	N/A																							
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred. Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.				N/A	No environmental harm notifications were made during the compliance period	N/A																							
R3	<b>Written report</b>																													
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.				N/A	This condition was not triggered during the reporting period	N/A																							
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request				N/A	This condition was not triggered during the reporting period	N/A																							
R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.				N/A	This condition was not triggered during the reporting period	N/A																							
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.				N/A	This condition was not triggered during the reporting period	N/A																							
7	<b>General Conditions</b>																													
G1	<b>Copy of licence kept at the premises or plant</b>																													
G1.1	A copy of this licence must be kept at the premises to which the licence applies.				Yes - ongoing	A copy of this licence is kept at the NCIG premises at all times	Compliance achieved																							
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.				Yes - ongoing	The licence can be provided to an authorised EPA Officer where required	Compliance achieved																							

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Approval/Licence Condition	Condition				Project Compliance Achieved?	Compliance Details April 2018	Compliance Status April 2018
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.				Yes - ongoing	The licence is available to all through the NCIG website, including NCIG employees	Compliance achieved
G2	<b>Other general conditions</b>						
G2.1	<b>Completed Programs</b>						
	<b>Program</b>	<b>Description</b>	<b>Completed Date</b>		N/A	N/A	N/A
	Groundwater Monitoring Program	Develop groundwater monitoring program to detect any mobilisation of contaminants around K26/32 on Kooragang Island. Early detection of contaminant mobilisation beyond premises boundary.	3-Jun-10				
	Review Existing Groundwater Quality	Review existing groundwater quality to determine baseline on which future groundwater monitoring results will be compared to detect mobilisation of groundwater contaminants. Early detection of groundwater contaminant mobilisation	30-Aug-10				
	Kooragang Island - Rail Loop Groundwater Monitoring	Develop groundwater Contingency Plan that identified trigger values and associated actions to occur should values be exceeded during regular monitoring program. Prevent groundwater contamination movement offsite and entering the Hunter River.	11-Mar-11				
	Wagon Monitoring and Reporting Environmental Improvement Program	Implement a program of monitoring and reporting on the condition of loaded wagons received at the premises. All trains entering the dump-station will be assessed against criteria relation to likelihood that coal may have been spilt within the rail corridor during the train's most recent journey.	1-Sep-16				
8	<b>Pollution Studies and Reduction Programs</b>						
U1	<b>Train Condition Exception Reporting</b>						
U1.1	The licensee must report to the appropriate load point and the EPA within 7 days of becoming aware of any trains arriving at the premises that are loaded in a manner that is likely to contribute to spillage of coal within the rail corridor that is not trivial. Examples of conditions that are likely to contribute to spillage of coal in the rail corridor that are not trivial are provided in the document "Coal Train EIP - Exception Conditions to be Reported" (EPA reference DOC16/574111). The licensee must record the train's identifying details and loaded condition as a 'Train Condition Exception Report'. . The licensee must implement appropriate systems, agreed with the EPA, for monitoring trains. . The licensee and EPA will further review the results of the Train Condition Exception Reporting Program in Q4 of 2017. At this time, the licensee and EPA will determine if the Program needs to continue past 30 November 2017. . This condition will cease to have effect on 30 November 2017, unless otherwise agreed with by the EPA.				Yes - ongoing	NCIG no longer conducts Train Condition Exception Reporting as the Condition ceased to have effect on 30 November 2017.	Compliance achieved
9	<b>Special Conditions</b>						
E1	<b>Groundwater Monitoring - Trigger Values for Further Investigation</b>						
	The following Trigger and Contingency Response Program must be taken by the licensee, if groundwater monitoring required under the licence for Points 20, 21, 22, 23, 36, 37, 40 or 41 reveals concentrations whereby either of the following two Trigger Conditions are met.  Trigger Condition 1 - Where monitoring of the parameters required under the licence for Points 20, 21, 22, 23, 36, 37, 40 or 41 demonstrates a sudden increase in concentration compared to historical data, or sudden decrease in for pH is observed. A sudden increase or decrease is defined as a value that is greater than the mean plus twice the standard deviation for the historical data.  Trigger Condition 2 - Where the trend analysis of the concentration of the parameters required under the licence for Points 20, 21, 22, 23, 36, 37, 40 or 41 against time shows an increasing concentration over the most recent four monitoring events. Trend analysis tools such as Mann-Kendall may be adopted.  Contingency Response Program <b>Step 1:</b> In the event of either of the above two Trigger Conditions being met, the licensee must notify the EPA in writing within two (2) working days of initial results becoming available to the licensee. The notification must include details of the Point(s) and the concentration recorded. <b>Step 2:</b> In the event of Step 1, the licensee must resample the Point(s) at which the Trigger Condition was met to confirm the elevated level. <b>Step 3:</b> The licensee must notify the EPA in writing within two (2) working days of the results collected in Step 2 becoming available to the licensee. The notification must include details of the Point(s) and concentration recorded. The EPA must be notified regardless of whether the results are elevated or not. <b>Step 4:</b> If the results collected in Step 2 confirms the elevated levels, the licensee must commence six monthly groundwater monitoring at Points 24 to 33 inclusive for the parameters as detailed in licence condition M2.2. <b>Step 5:</b> A suitably qualified and experienced person must undertake an assessment of the cause of the elevated concentration(s) identified in Steps 1 and 2, as well as trends in the groundwater contaminant concentrations. The analysis must consider data collected at Point 1, and any other relevant groundwater data, both historical and current. A report detailing the assessment and its findings must be prepared. The assessment report must provide advice of, and justification for, the trend identified and any actions to be taken by the licensee in response to the elevated concentration. The assessment and report must be completed within eight (8) months of the results collected in Step 2 becoming available to the licensee; and, submitted to the EPA. <b>Step 6:</b> If the assessment undertaken in Step 5 identifies an increasing or upward trend in contaminant levels, the licensee must undertake an assessment and prepare a report on the risks posed by the migration of the contaminated groundwater on the Hunter River. The risk assessment report must include groundwater fate; transport modelling; and include justification for the conclusions reached as to whether the risk identified is acceptable or unacceptable and what actions are to be taken by the licensee. Where the above risk assessment is required, the risk assessment and report must be completed within two (2) months of the submission of the report required under Step 5. <b>Step 7:</b> If the risk identified in Step 6 is deemed 'unacceptable', the licensee must undertake a Remedial Options Study to identify and report on remediation options to be implemented to remediate the identified groundwater risk. The Remedial Options Study must be undertaken by a suitably qualified and experienced person. The Remedial Options Study must identify and provide justification for the remedial actions to be undertaken; criteria to validate/monitor the effectiveness of the remedial works; and, timeframes for the implementation of the proposed remedial works.  The Remedial Options Study report must be submitted to the EPA within seven (7) working days of the study being completed.  Where the above Remedial Options Study is required, the licensee must provide a report detailing the Remedial Options Study to the EPA within two (2) months of the submission of the report required under Step 6.  Note: The above notifications and reports must be provided to the EPA's Director - Hunter at PO Box 488G, Newcastle NSW 2300, or emailed to hunter.region@epa.nsw.gov.au.	Yes	In the latest six monthly groundwater monitoring results (December 2017) Nickel from Point 37 triggered Condition 1. The Contingency Response Program was followed. The EPA were notified within two working days of the result becoming available and Point 37 was resampled. The results of the resample did not confirm the elevated result and the process concluded at Step 3.	Compliance achieved			
<b>EPBC Particular Manner Decision (2006-2987) and Clarification Letter</b>							
<b>Manner in which the proposed action is to be taken:</b>							
The following measures must be taken to ensure that significant impacts are avoided on populations of the listed vulnerable Green and Golden Bell Frog ( <i>Litoria aurea</i> ), listed migratory shorebirds that utilise Deep Pond, and the ecological character of the Hunter Estuary Wetlands Ramsar site.							
<b>Green and Golden Bell Frog</b>							
1	Green and Golden Bell Frogs found on the project site during construction or operation will be removed from the direct disturbance area and placed in adjacent similar habitat within the Kooragang Nature Reserve, and in accordance with the NPWS <i>Hygiene Protocol for the Control of Disease in Frogs 2001</i> .				Yes - ongoing	Green and Golden Bell Frogs found during operations where they are at risk of harm are removed from the immediate location and relocated to an agreed location detailed in the NCIG Ecological and Land Management Plan	Compliance achieved
2	The following management measures, as a minimum, will be undertaken to minimise the further spread of amphibian <i>chytrid</i> fungus: a) The training of all project personnel in site hygiene management in accordance with the NPWS <i>Hygiene Protocol for the Control of Disease in Frogs 2001</i> . b) Procedures will be implemented to inspect mobile plant entering the proposal site during construction activities to ensure the plant is free of soil and/or organic matter and to disinfect tyres and wheels of vehicles entering the proposal site that have been exposed to mud.				Yes - ongoing	All staff are inducted and/or trained in site hygiene management regarding risks to Green and Golden Bell Frogs	Compliance achieved
3	Rail culverts, to act as frog underpasses, will be designed and constructed along the proposed rail loop and as described in the referral and on Drawing 3, NCIG Coal Export Terminal (NCIG 2006) attached to the referral.				Yes - ongoing	NCIG has installed rail culverts along rail infrastructure to act as frog underpasses	Compliance achieved
4	The following measures will be undertaken to establish habitat for the Green and Golden Bell Frogs at the frog underpasses: a) Planting of vegetation preferred by the frog species, including Cumbungi ( <i>Typha sp</i> ), spikerushes ( <i>Eleocharis spp</i> ) or sedges ( <i>Schoenoplectus spp</i> ). b) Placing piles of rocks at either end of the frog underpasses. c) Compliance tracking April 2018				Yes - ongoing	Planting or management of wetland vegetation occurs at either end of rail culverts as habitat for the Green and Golden Bell Frog. Rocks have been placed at these locations for the same purpose. Depressions have been included in the same locations for frog habitat	Compliance achieved
5	Project personnel will be prohibited from entering Green and Golden Bell Frog habitat area located outside defined construction areas.				N/A	No construction activities performed during the compliance period	N/A

**APPENDIX A  
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Approval/Licence Condition	Condition				Project Compliance Achieved?	Compliance Details April 2018	Compliance Status April 2018
6	Annual monitoring during the breeding season of Green and Golden Bell Frogs will be undertaken on the Coal Export Terminal site until 2020. Thereafter, monitoring will be undertaken on a three yearly basis until 2030. If monitoring indicated declining populations attributable to the development, measures will be implemented, in consultation with the Department, to reverse any decline. Such measures may include control of <i>Gambusia</i> populations, further creation or enhancement of frog habitat and dispersal pathways, and establishment of new populations.				Yes - ongoing	Green and Golden Bell Frog monitoring in the Kooragang Island area was completed	Compliance achieved
<b>Shorebirds</b>							
7	Screens, comprising timber paling fences or similar structures, will be placed at intervals along the rail infrastructure to minimise lighting impacts on shorebird habitat along the southern shores of Deep Pond from trains and ground-level rail corridor lighting.				Yes - ongoing	Screens have been erected along the rail infrastructure to minimise lighting impacts from passing trains on shorebirds using Deep Pond	Compliance achieved
8	Annual monitoring of the Australian Bittern and shorebird populations utilising Deep Pond will be undertaken during summer (e.g. peak waterbird usage period) until 2020. Thereafter, monitoring will be undertaken on a three yearly basis until 2030.				Yes - ongoing	Monthly waterbird and shorebird monitoring of Deep Pond is conducted, including during this compliance period	Compliance achieved
9	Monitoring results will be provided on an annual basis to the Department up to 2020 (by 31 March of each year). A summary and analysis of the results will also be provided each three years (by 31 March) addressing any changes in the utilisation patterns of listed migratory shorebirds at Deep Pond since the monitoring commenced. Measures will be implemented to enhance existing habitat, or provide additional habitat, in the event monitoring indicates a decline in listed shorebird usage attributable to construction and operation of the rail loop. Design and construction of any new habitat, or habitat enhancement measures, will be undertaken in consultation with a shorebird specialist.				Yes - ongoing	Monitoring results were provided to the Department of Environment prior to 31 March for the 2016 period	Compliance achieved
10	The Department will be notified a minimum of 24 months prior to construction of the northern rail spur, if it proceeds. An assessment of potential impacts on listed shorebird habitat in Deep Pond will be provided at that time, together with a description of any design or other mitigation measures required to avoid significant impacts on listed birds. Such measures may include enhancement of existing habitat and creation of new habitat alongside the northern rail spur embankment. Design and construction of any new habitat, or habitat enhancement measures, will be undertaken in consultation with a shorebird specialist.				No - technical non-compliance	This condition was satisfied prior to construction of the Rail Flyover. Communication with the Department of Environment indicated that no regulatory action would be taken by commencing construction of the Rail Flyover earlier than 24 months after notification to the Department.	As stated, compliance with this condition was resolved prior to construction of the Rail Flyover
<b>Hunter Estuary Ramsar Wetlands</b>							
11	A site water management plan, including a surface water monitoring program, will be developed in accordance with the measures outlined in the <i>Site Water Management Plan (SWMP) (Construction and Operations)</i> provided in Section 5 of the <i>Draft Statement of Commitments, Environmental Assessment</i> (Newcastle Coal Infrastructure Group, July 2006) and Sections 8 & 9 of the <i>Land Contamination and Groundwater Assessment, Newcastle Coal Infrastructure Group Coal Export Terminal, Kooragang Island, Appendix D</i> (RCA Australia, June 2006).				Yes - ongoing	The provisions of the Site Water Management Plan have been incorporated into the NCIG Operations Water Management Plan	Compliance achieved
<b>Stakeholder Needs and Expectations</b>							
<b>NCIG Obligation to Stakeholders</b>							
Customer/Shareholder:	NCIG complies with Relevant Environmental Legislation				Yes - ongoing	NCIG retains a Legal Register including all relevant environmental legislation. This is updated annually as a minimum.	Compliance achieved
Employee:	NCIG complies with Relevant Environmental Legislation				Yes - ongoing	NCIG retains a Legal Register including all relevant environmental legislation. This is updated annually as a minimum.	Compliance achieved
Community Member:	NCIG complies with Relevant Environmental Legislation				Yes - ongoing	NCIG retains a Legal Register including all relevant environmental legislation. This is updated annually as a minimum.	Compliance achieved
	Develops and implements the NCIG Complaints Response Procedure				Yes - ongoing	All enquiries and complaints are recorded in the NCIG Complaints Register. Complaints are handled in accordance with the Complaints Handling Procedure	Compliance achieved
Supplier:	NCIG complies with Relevant Environmental Legislation				Yes - ongoing	NCIG retains a Legal Register including all relevant environmental legislation. This is updated annually as a minimum.	Compliance achieved
Investor:	NCIG complies with Relevant Environmental Legislation				Yes - ongoing	NCIG retains a Legal Register including all relevant environmental legislation. This is updated annually as a minimum.	Compliance achieved
	National Pollutant Inventory (NPI) Reporting				Yes - ongoing	NCIG completed NPI Reporting for the FY17 Period	Compliance achieved
	National Greenhouse and Energy Reporting (NGER) Annual Environmental Management Report (AEMR)				No	The FY17 AEMR was not finalised at the time of conducting this compliance review	Non-compliant (relevant only to Needs and Expectations of Stakeholders, i.e. not relevant to Project Approval conditions). AEMR finalised and published by April 2018.
Regulator:	NCIG complies with Relevant Environmental Legislation				Yes - ongoing	NCIG retains a Legal Register including all relevant environmental legislation. This is updated annually as a minimum.	Compliance achieved
	National Pollutant Inventory (NPI) Reporting				Yes - ongoing	NCIG completed NPI Reporting for the FY17 Period	Compliance achieved
	National Greenhouse and Energy Reporting (NGER)				Yes - ongoing	NCIG completed NGER Reporting for the FY17 Period	Compliance achieved
	Annual Environmental Management Report (AEMR)				No	The FY17 AEMR was not finalised at the time of conducting this compliance review	Non-compliant (relevant only to Needs and Expectations of Stakeholders, i.e. not relevant to Project Approval conditions). AEMR finalised and published by April 2018.