



**Newcastle Coal**  
INFRASTRUCTURE GROUP



2021 Compliance  
Tracking Program –  
Project Approval 06\_0009



## DOCUMENT CONTROL

## INFORMATION

|                     |  |
|---------------------|--|
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| <b>Prepared for</b> | Department of Planning, Industry and Environment               |
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## 1.0 INTRODUCTION

### 1.1 PURPOSE OF THIS REPORT

This Compliance Tracking Program (CTP) report has been prepared by the Newcastle Coal Infrastructure Group (NCIG) Coal Export Terminal (CET) (the Project). This report specifically aims to address the requirements of Condition 5.1, Schedule 2 of the Project Approval (06\_0009). Each component of this condition is addressed in this report (Table 1).

This report has been prepared in accordance with all relevant conditions of Project Approval 06\_0009 and in general accordance with the Department of Planning, Industry and Environment Compliance Reporting Post Approval Requirements (May 2020).

**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><br><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 2.1                        |
| <i>b) provisions for periodic reporting of compliance status to the Planning Secretary;</i>   | Section 2.2                        |
| <i>c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Planning Secretary, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing; and</i> | Section 2.3                        |
| <i>d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.</i>  | Section 2.4                        |

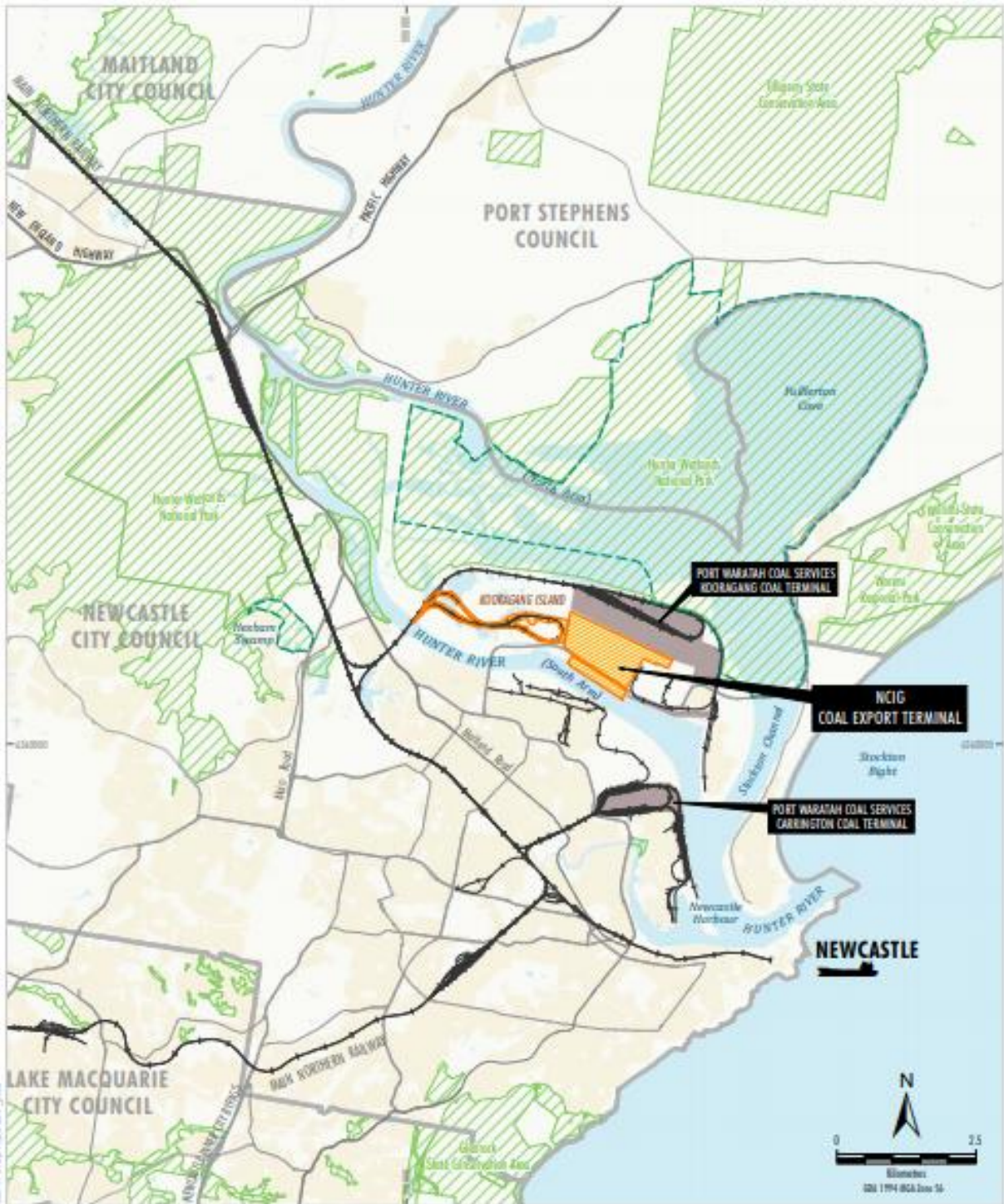
## 1.2 BACKGROUND

NCIG is located on Kooragang Island in Newcastle, New South Wales (Figure 1-1 and 1-2). The Project includes the construction and operation of a CET up to 79 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 was granted Project Approval (06\_0009) on 13 April 2007. Project Modifications were approved on 27 November 2007, 13 May 2013 and 21 August 2020. An overview of the Project and details of this report are contained in Table 2

**Table 2: Project Overview and details of this report**

|  |   |
|--|---|
| <b>Project Name</b>  | Newcastle Coal Infrastructure Group   |
| <b>Project Application Number</b>  | 06_0009   |
| <b>Site Address</b>  | NCIG Coal Terminal, Cormorant Road, Kooragang NSW 2304  |
| <b>Name of Compliance Report</b>   | Project Approval 06_0009 Compliance Tracking Program report – 2021 (Operation Compliance Report)  |
| <b>Dates covered by the Compliance Report</b>                                  | This report covers the period of 1 April 2020 - 31 March 2021   |
| <b>Summary of project activities that occurred during the reporting period</b> | During the reporting period, the following project activities occurred, as described in the Project Approval: <ul style="list-style-type: none"><li>• Operation of the coal export terminal up to a capacity of 79 million tonnes per annum of coal, including the unloading of coal trains, the stockpiling of coal, and the loading of coal ships via the wharf facilities and shiploaders.</li></ul> |
| <b>Name and contact details of key personnel</b>                               | NCIG Approved Environmental Representative – Nathan Juchau: <ul style="list-style-type: none"><li>- Email: <a href="mailto:njuchau@ncig.com.au">njuchau@ncig.com.au</a></li><li>- Phone: 02 4920 3965</li></ul>   |



Source: NSW Spatial Service (2019)



- LEGEND**
- Railway
  - National Park/Conservation Area
  - Hunter Estuary Wetlands Reserve Site
  - Local Government Area Boundary
  - Approximate Extent of Approved NCIG CET

**Newcastle Coal**  
 INFRASTRUCTURE GROUP  
**MODIFICATION REPORT**  
 Regional Location

Figure 1-1



**Newcastle Coal**  
INFRASTRUCTURE GROUP  
**MODIFICATION REPORT**  
 Approved General Arrangement  
 of the NCIG CET

Figure 1-2

## 2.0 COMPLIANCE TRACKING PROGRAM

### 2.1 PERIODIC REVIEW OF COMPLIANCE STATUS

Periodic reviews of the Project's compliance status against the requirements of the 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. The compliance tracking of the Project has been completed at each of the development phases as outlined in Table 3.

**Table 3: Schedule for Compliance Status Review**

| <b>Project Development Phase</b>  | <b>Compliance Status Review Timing</b>   | <b>Responsibility</b>             | <b>Status</b> |
|---|--|-----------------------------------|---------------|
| Construction  | Prior to the commencement of construction of the Project and then six-monthly thereafter                 | NCIG Environmental Representative | Complete      |
| CET progressive development   | Prior to each phase of the 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 sidings | NCIG Environmental Representative | Complete      |
| Operation   | Prior to the commencement of operation of the Project and then annually thereafter                       | NCIG Environmental Representative | Ongoing       |

### 2.2 REPORTING OF THE COMPLIANCE STATUS TO THE DEPARTMENT

In accordance with Condition 5.1(b), Schedule 2 of Project Approval (06\_0009), this CTP report will be provided to the Planning Secretary. The CTP report will be provided to the Secretary within 1 month of each compliance status review. This compliance status review was undertaken in April 2021 and as mentioned in Table 1, this report covers the period of 1 April 2020 - 31 March 2021.

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



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## 2.3 INDEPENDENT ENVIRONMENTAL AUDITING

An Independent Environmental Audit will be conducted on a 3-yearly basis (as agreed by the then Director-General's delegate in 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 was conducted annually until 2015 and then 3-yearly thereafter, with the most recent Independent Environmental Audit conducted in December 2018. The next Independent Environmental Audit will be conducted in late 2021.

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

## 2.4 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. 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, Independent Environmental Audit, 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 Secretary within 1 month of the compliance status review.

### 2. Development of Management Strategy

A management strategy will be developed to determine appropriate actions 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 action will depend on the nature of the individual non-compliance. The proposed actions that have been devised to rectify an identified non-compliance will be provided to the Secretary within 1 month of the compliance status review.

### 3. Implementation

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The implementation of the actions chosen in the management strategy process will be undertaken in a timely manner. The proposed timing of the implementation of actions and/or management measures will be provided to the Secretary alongside the actions, as detailed above.

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## 4.0 COMPLIANCE STATUS SUMMARY

The status of all applicable compliance requirements contained in PA 06\_0009 has been assessed for the reporting period and is contained in Appendix A of this report. The compliance status of each condition has been recorded using the descriptors as outlined in the Compliance Reporting – Post Approval Requirements (May 2020) and included in Table 4 below. A total of one (1) non-compliant Condition in Project Approval (06\_0009) was identified during this compliance review. The details of the non-compliance are included in **Table 5**.

**Table 4: Compliance Status Descriptors**

| Status        | Description  |
|---------------|--|
| Compliant     | The proponent has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with.  |
| Non-compliant | The proponent has identified a non-compliance with one or more elements of the requirement.  |
| Not triggered | A requirement has an activation or timing trigger that has not been met at the phase of the development when the compliance assessment is undertaken, therefore an assessment of compliance is not relevant. |

Table 5: Non-compliances identified in the 2021 Compliance Tracking Program

| Unique ID | Compliance Requirement   | Details of non-compliance  |
|-----------|--|--|
| 2.41      | <p>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 Protection of the Environment Operations Act 1997 which prohibits the pollution of waters.</p> | <p>Three incidents occurred during the reporting period which resulted in a potential non-compliance against this Condition. It is noted that each of these incidents were <u>not</u> regarded as incidents with actual or potential significant off-site impacts on people or the biophysical environment, which would otherwise require notification to the Department as per Condition 8.1. Additionally, each of these incidents were <u>not</u> considered to have resulted in 'material harm to the environmental' as defined under the <i>Protection of the Environment Operations Act 1997</i>. A summary of the incidents has been provided below:</p> <p><u>2 July 2020</u></p> <p>During a routine washdown of Shiploader 1 (SL01), an NCIG Technician identified a small amount of dark coloured water, believed to be washdown water, in the Hunter River adjacent to the K8 Maintenance Bay. Consistent with normal maintenance protocol, Shiploader 1 was positioned in the middle of the maintenance pad. It is estimated that the amount of water that had entered the harbour was less than 10 litres.</p> <p>The Technician ceased hosing the Shiploader immediately when the washdown water was observed in the Hunter River and notified the shift Process Leader and HSEC Manager. Inspections of the area confirmed there were no signs of any hydrocarbon impact in the Hunter River at the time of the incident and the wash down water appeared to readily disperse without any visible differences in the water. No material harm is believed to have occurred as a result of the incident.</p> <p>The operational washdown work order was reviewed and updated in response to the incident. As an additional control, hosing is no longer permitted to be undertaken on the southern end of the Shiploader maintenance bay. The washdown drainage system associated with the maintenance bay was inspected and joins were resealed as a precautionary measure in response to the incident.</p> <p>This incident was reported to the EPA.</p> <p>No further actions are required for this incident.</p> <p><u>27 July 2020</u></p> <p>As a result of a significant rainfall event between 26-27 July 2020, stormwater was identified to be seeping through a stormwater pond embankment (Pond WT10b) into an adjacent stormwater drainage line. The seepage</p> |

|  |   |
|--|---|
|  | <p>was identified to be related to a localised pond wall embankment impact. It was determined that the embankment impact and associated seepage was a result of increased water levels in the pond network at the time as a result of the intensity of the rainfall received (172mm midnight to midnight). NCIG was discharging stormwater at the time of the event from EPA Point 34. No material harm is believed to have occurred as a result of the incident.</p> <p>NCIG undertook temporary repairs to the embankment at the time of the event to prevent further seepage from the location. Monitoring was undertaken at EPA Point 34 and EPA Point 35 in accordance with EPL 12693 which confirmed <b>the incident did not result in any actual significant off-site impacts on people or the biophysical environment.</b></p> <p>NCIG has engaged external specialists to assist with identifying suitable options to permanently repair the affected section of the WT10b stormwater pond embankment. The repair works are expected to be completed by June 2021. NCIG is also investigating options to mitigate the potential for similar storm surge related water levels across its stormwater pond network.</p> <p>This incident was reported to the EPA.</p> <p><u>21 March 2021</u></p> <p>Between 18 to 23 of March 2021 NCIG was impacted by a significant regional rain event. NCIG recorded a total of 324mm of rainfall during this period. The heaviest of the rainfall was encountered on 18 March with a total of 121mm of rainfall recorded on site. The most intense rainfall fell on the 21 March with 91mm being recorded. The intense nature of the rainfall experienced on 21 March resulted in localised flash flooding across NCIG's Coal Export Terminal (CET) and more locally across Kooragang Island.</p> <p>As a result of the rainfall event the following environmental events occurred at NCIG:</p> <ul style="list-style-type: none"> <li>- A small volume of stormwater was observed to be overtopping one of NCIG's stormwater pond embankments as a result of a stormwater surge through its stormwater pond network into an adjacent stormwater easement.</li> <li>- Stormwater was observed to be discharging from a retention basin at NCIG's Dump Station area into a stormwater drainage line on the western side of PN Road.</li> </ul> <p>NCIG undertook immediate action at the time of the incident to assess the scene, make the area safe and notify the relevant authorities of the incident, including the EPA. Based on water quality monitoring undertaken in response to the incident, NCIG can confirm that there were no material environmental impact.</p> |
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|  |  |  |
|--|--|--|
|  |  | <p>The following actions were taken by NCIG in response to the incident:</p> <ul style="list-style-type: none"><li>- Operations personnel notified the site Environment and Sustainability Lead of the incidents.</li><li>- Visual inspections and water quality samples were taken at stormwater discharge locations and at the Hunter River.</li></ul> <p>NCIG is currently planning on undertaking the below actions as a result of the incident:</p> <ul style="list-style-type: none"><li>- Undertake a review of the sites water management system to identify any improvements that could be implemented to assist with dealing with significant rainfall events.</li><li>- Undertake a review of the pre-rainfall preparation activities in light of the observations/impacts that were identified during this event to identify any further improvements that could be implemented.</li></ul> |
|--|--|--|

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## 5.0 PREVIOUS REPORT ACTIONS

As reported in the 2020 CTP report, all actions associated with the previous Independent Environmental Audit (December 2018) have been closed and endorsed by the Department, therefore no further action update has been provided in this CTP report. Additionally, there were no actions arising from the previous (2020) CTP Report, therefore no table of actions associated with this report has been provided.

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## 6.0 INCIDENTS

One incident with potential significant off-site impact on people or the biophysical environment (as outlined in Condition 8.1) occurred during the reporting period. A detailed incident report associated with this incident was provided to the Department on 23 November 2020. A summary of the incident details are provided below:

16/11/2020

At approximately 8pm on Monday 16 November 2020 a significant, severe and sudden storm event passed over NCIG's Coal Export Terminal (CET). The storm cell generated heavy rainfall, lightning and gale force winds (gusting over 170km/hour).

At the time of the event, both of NCIG's shiploaders (SL01 and SL02) were in operation, loading two separate vessels at the NCIG wharf facility. The sudden gale force winds generated during the storm event caused the unexpected movement of both vessels and the shiploaders resulting in a collision between both SL01 and SL02 and their respective vessels. SL02 suffered significant structural damage during the event and was derailed as a result of the impact. SL01 suffered only minor damage during the collision. Both vessels suffered minor damage only.

The gale force winds also lifted a temporary portable building over a guardrail on the K10 maintenance bay into the harbour between the wharf and the shore embankment. This building was utilised for administrative purposes only and was not being used for the storage of any hazardous materials.

Following a review of all available information, and after consultation with site engineers, the decision was made to trigger the sites Spill and Pollution Incident Response Management Plan (SPIRMP) based on the potential for material harm to the environment. This determination was made as a result of the stored hydrocarbons located within the affected SL02 structure having the potential to be released into the harbour if the stability of the structure was to fail any further.

As outlined in the detailed incident report, NCIG undertook action at the time of the incident to assess the scene, make the area safe, deploy environmental controls and notify the relevant authorities of the incident. In addition to the immediate actions taken, NCIG has also undertaken the following actions to address the incident.

- Completion of structural stabilisation works to SL02 were completed to ensure no further failure of the structure could occur
- The temporary portable building was successfully salvaged from the Harbour.
- Hydrocarbon storage areas on SL02 were drained and or removed to eliminate the hazard.
- SL02 was successfully supported and moved to the maintenance bay in February 2020
- Development and implementation of a site based severe weather forecasting and real time tracking system to proactively monitor severe weather events.



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Note: Actual significant off-site impact on people or the biophysical environment (as outlined in Condition 8.1) or 'material harm to the environment' as defined under the Protection of the Environment Operations Act 1997 did not eventuate as a result of the above.

As outlined in Section 4 of this report, there were three incidents that occurred which resulted in the pollution of waters. Each of these incidents have been reported to the EPA, however it is noted that the incidents did not result in actual or potential significant off-site impacts on people or the biophysical environment as outlined in Condition 8.1 or 'material harm to the environmental' as defined under the Protection of the Environment Operations Act 1997.

In accordance with Condition 8.2 of Project Approval (06\_0009), NCIG maintained an Incident Register throughout the reporting period.

## 7.0 COMPLAINTS

In accordance with Condition 6.2, Schedule 2 of Project Approval (06\_0009), NCIG made available a telephone line, postal address and email address for complaints/community enquiries. All complaints and enquiries were recorded in accordance with Condition 6.3, Schedule 2 of the Project Approval (06\_0009). Where relevant, complaints and external enquiries are recorded in NCIG's Incident Management System.

A summary of the complaints/enquiries is provided in **Table 6**. Note – the below summary includes complaints and also general enquiries received by community members which are not intended to be complaintive in nature but relevant to the operation.

NCIG received four enquiries/complaints during the reporting period. The actions taken in response to complaints and enquiries are summarised below.

**Table 6: Summary of all enquiries and complaints received during the reporting period**

| Complaint/Enquiry Category | Number of Enquiries/ Complaints Received During Reporting Period | Further actions required/ Comments  |
|----------------------------|--|---|
| Dust/Air Quality           | 3  | Three complaints were received via the EPA Environment Line during the reporting period regarding air quality. NCIG provided information to the EPA as requested to address these complaints. No further action is required.        |
| Water                      | 0  | NA  |
| Noise                      | 0  | NA  |
| Waste                      | 0  | NA  |
| Other                      | 1  | One enquiry was received from a community member interested in the throughput of coal at NCIG and the Port of Newcastle. NCIG directed the community member to relevant reports on the NCIG website. No further action is required. |

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## 8.0 APPENDICES

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## APPENDIX A: COMPLIANCE TABLE

# Newcastle Coal Infrastructure Group 2021 Compliance Tracking



| Unique ID                                      | Compliance Requirement  | Compliance Status | Development Phase     | Evidence and Comments  | Monitoring Methodology  |
|--|---|-------------------|-----------------------|--|---|
| <b>Project Approval 06_0009/MOD1/MOD2/MOD3</b> |   |                   |                       |  |   |
| 1.1  | <p>The Proponent shall carry out the project in accordance with the conditions of this approval and generally in accordance with the:</p> <p>a) Major Projects Application 06_0009;</p> <p>b) <i>Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal</i>, prepared by Resource Strategies Pty Ltd and dated July 2006;</p> <p>c) <i>Responses to Submissions</i>, prepared by Newcastle Coal Infrastructure Group and dated December 2006;</p> <p>d) modification application MP 06_0009 MOD 1, related to the 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;</p> <p>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</p> <p>f) modification application MP 06_0009 MOD 3 and supporting documents titled <i>Newcastle Coal Infrastructure Group Coal Export Terminal Optimisation Statement of Environmental Effects</i> prepared by Newcastle Coal Infrastructure Group, dated April 2020 and NCIG MOD 3 Submissions Report dated June 2020.</p> | Compliant         | At all times          | <p>Annual Compliance Tracking Program</p> <p>Internal and external audit reports</p>                                       | Compare documents against performance   |
| 1.2  | <p>In the event of an inconsistency between:</p> <p>a) the conditions of this approval and any document listed from condition 1.1a) to 1.1f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and</p> <p>b) any document listed from condition 1.1a) to 1.1e), the most recent document shall prevail to the extent of the inconsistency.</p>   | Noted             | At all times          | NA   | NA  |
| 1.3  | <p>The Proponent shall comply with any reasonable requirement(s) of the Planning Secretary arising from the Department's assessment of:</p> <p>a) any reports, plans or correspondence that are submitted in accordance with this approval; and</p> <p>b) the implementation of any actions or measures contained in these reports, plans or correspondence.</p>  | Compliant         | At all times          | Correspondence between the Department and NCIG   | Review and track all correspondence with the Department throughout reporting period |
| 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.  | Not triggered     | Prior to construction | Not triggered during audit period - condition identified as complete.  | NA  |
| 1.5  | The project shall be limited to a maximum export capacity of 79 million tonnes of coal per annum.   | Compliant         | Operations            | <p>54.5 million tonnes were exported in the 2020 financial year</p> <p>Vessel Survey Tonnes</p> <p>Operational reports</p> | Review outbound throughput  |
| 1.6  | <p>The Proponent may only proceed to construct the High Capacity Optional Inlet Rail Spur and Rail Sidings upon receipt of the Planning Secretary's satisfaction that:</p> <p>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 Planning Secretary; and</p> <p>b) the Proponent has complied with rail infrastructure design requirements referred to in condition 2.39 of this approval.</p>   | Not triggered     | Prior to construction | Not triggered during audit period - condition identified as complete.  | NA  |
| 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.   | Compliant         | At all times          | <p>EPL 12693</p> <p>PA 06_0009/Mod 1/Mod 2/Mod 3</p> <p>NCIG Legal Register</p> <p>NCIG Compliance Register</p>            | Track and review NCIG Legal and Compliance Registers                                |

| Unique ID | Compliance Requirement  | Compliance Status | Development Phase                    | Evidence and Comments   | Monitoring Methodology   |
|-----------|---|-------------------|--------------------------------------|---|--|
| 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.  | Not triggered     | Prior to construction                | Not triggered during audit period - condition identified as complete.   | NA   |
| 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.   | Compliant         | At all times                         | Operation Environmental Management Plans and Procedures<br>Internal audit reports<br>NCIG Incident Register   | Routine site Inspections<br>Internal Auditing<br>Monitor Incident Register   |
| 1.9       | The Proponent shall ensure that all plant and equipment installed at the premises or used in conjunction with the project must be:<br>a) Maintained in a proper and efficient condition; and<br>b) Operated in a proper and efficient manner.   | Compliant         | At all times                         | Maintenance Management System and related maintenance schedules and records.  | Review scheduled and completed maintenance work orders   |
| 1.10      | With the approval of the Planning Secretary, 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. | Not triggered     | Prior to construction / construction | Not triggered during audit period.  | NA   |
| 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.   | Compliant         | At all times                         | NCIG Complaints Register<br>NCIG Incidents Register<br>NCIG Operation Environmental Management Plan<br>NCIG Operation Spontaneous Combustion Management Plan  | Review complaint and incident register<br>Site inspections   |
| 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.  | Compliant         | At all times                         | Operation Dust and Air Quality Management Plan<br>Internal audit reports<br>Operation Environmental Management Plan<br>NCIG Complaints Register<br>NCIG Incident Register<br>NCIG Citect Management System logic<br>Maintenance and Housekeeping Work Orders<br>NCIG infrastructure design<br>NCIG's Integrated Dust Management System (IDMS) | Site inspections<br>Internal audits<br>Monitor Incident Register<br>Review work orders<br>Review Complaints Register |
| 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.   | Compliant         | At all times                         | NCIG Operation Dust and Air Quality Management Plan<br>NCIG Materials Transport Procedure   | Site inspections<br>Monitor implementation of procedures and management plans  |

| Unique ID | Compliance Requirement   | Compliance Status | Development Phase | Evidence and Comments  | Monitoring Methodology  |
|-----------|--|-------------------|-------------------|--|---|
| 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.   | Compliant         | At all times      | <p>Operation Dust and Air Quality Management Plan</p> <p>Internal audit reports</p> <p>Operation Environmental Management Plan</p> <p>NCIG Complaints Register</p> <p>NCIG Incident Register</p> <p>NCIG Citect Management System logic</p> <p>Maintenance and Housekeeping Work Orders</p> <p>NCIG infrastructure design</p> <p>NCIG's Integrated Dust Management System (IDMS)</p> | <p>Site inspections</p> <p>Internal audits</p> <p>Monitor Incident Register</p> |
| 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 Planning Secretary.   | Compliant         | At all times      | <p>NCIG Operation Dust and Air Quality Management Plan</p> <p>Signage in relevant areas directing traffic to sealed roads</p> <p>Contractor invoices for treating unsealed surfaces</p> <p>Internal audit and inspection reports</p> <p>Maintenance and Housekeeping Work Orders</p>   | <p>Site inspections</p> <p>Internal audits</p>                                  |
| 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.  | Compliant         | At all times      | <p>NCIG Operation Dust and Air Quality Management Plan</p> <p>Internal audit reports</p> <p>NCIG Operation Environmental Management Plan</p> <p>NCIG Citect Management System logic</p> <p>NCIG construction design plans</p>  | <p>Site inspections and audits</p>  |
| 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 Planning Secretary 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.   | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete   | NA  |
| 2.8       | <p>The Proponent shall install, operate and maintain a meteorological monitoring station to monitor weather conditions representative of those on the Site, in accordance with:</p> <p>a) AM-1 Guide to Siting of Sampling Units (AS 2922-1987).</p> <p>b) AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987).</p> <p>c) AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications.</p> <p>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.</p> | Compliant         | At all times      | <p>Meteorological Monitoring Station equipment specifications</p> <p>Lufft Mess WS502-UMB Smart Weather Sensor Manual</p> <p>Correspondence to contractor RE: Upgrade and review of meteorological monitoring station</p> <p>NCIG Citect Management System</p>   | <p>Monitor meteorological monitoring station performance</p>                    |

| Unique ID     | Compliance Requirement  | Compliance Status  | Development Phase          | Evidence and Comments   | Monitoring Methodology          |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
|---------------|---|--|----------------------------|---|---------------------------------|--------------|--|--|--|------------------------------|--------------------------|----------------------------|---------------|----|----|----|---------------|----|----|----|---------------|----|----|----|---------------|----|----|----|---------------|----|----|----|----------|----|----|----|------------|----|----|----|--|--|--|--|
| 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> .   | Compliant  | At all times               | NCIG Operation Noise Management Plan<br>SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports<br>NCIG Complaints Register | Review noise monitoring reports |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| 2.10          | All Site preparation, filling/ preloading and construction works that may generate an audible noise at any residential receptor shall only be undertaken between 7:00 am and 6:00 pm. Audible noise is defined as "noise that can be heard at the receiver". This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons.<br><br><i>Note: 'safety or emergency reasons' refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.</i>  | Not triggered  | Construction               | Not triggered during audit period   | NA                              |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| 2.11          | Notwithstanding condition 2.10 of this approval, piling works shall not be conducted on Sundays or public holidays.   | Not triggered  | Construction               | Not triggered during audit period   | NA                              |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| 2.12          | The Proponent may seek the Planning Secretary'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 Planning Secretary'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.   | Not triggered  | Construction               | Not triggered during audit period   | NA                              |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| 2.13          | The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project do not exceed the maximum allowable noise contributions specified in Table 1 below, at those locations and during those periods indicated. The maximum allowable noise contributions apply under:<br><br>a) meteorological condition of: wind speeds up to 3 ms <sup>-1</sup> (measured at 10 metres above ground level); or<br><br>b) temperature inversion conditions up to 3°C per 100 metres and wind speeds up to 2ms-1 (measured at 10 metres above ground level).<br><br><b>Table 1 – Maximum Allowable Noise Contribution (dB(A))</b>   | Compliant  | At all times               | NCIG Operation Noise Management Plan<br>SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports                             | Review noise monitoring reports |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
|               | <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day, Evening, Night</th> <th colspan="2">Night</th> </tr> <tr> <th>At all times</th> <th>10:00pm to 7:00am Monday to Saturday<br/>10:00pm to 8:00am on Sundays and Public Holidays</th> <th></th> </tr> <tr> <th></th> <th>L<sub>Aeq</sub>(15 minute)</th> <th>L<sub>Aeq</sub>(night)</th> <th>L<sub>A1</sub>(1 minute)</th> </tr> </thead> <tbody> <tr> <td>Fern Bay West</td> <td>41</td> <td>37</td> <td>57</td> </tr> <tr> <td>Fern Bay East</td> <td>39</td> <td>36</td> <td>55</td> </tr> <tr> <td>Stockton West</td> <td>41</td> <td>37</td> <td>57</td> </tr> <tr> <td>Stockton East</td> <td>38</td> <td>35</td> <td>56</td> </tr> <tr> <td>Mayfield West</td> <td>45</td> <td>40</td> <td>55</td> </tr> <tr> <td>Mayfield</td> <td>44</td> <td>39</td> <td>62</td> </tr> <tr> <td>Carrington</td> <td>36</td> <td>33</td> <td>52</td> </tr> </tbody> </table>   | Location   | Day, Evening, Night        | Night   |                                 | At all times | 10:00pm to 7:00am Monday to Saturday<br>10:00pm to 8:00am on Sundays and Public Holidays |  |  | L <sub>Aeq</sub> (15 minute) | L <sub>Aeq</sub> (night) | L <sub>A1</sub> (1 minute) | Fern Bay West | 41 | 37 | 57 | Fern Bay East | 39 | 36 | 55 | Stockton West | 41 | 37 | 57 | Stockton East | 38 | 35 | 56 | Mayfield West | 45 | 40 | 55 | Mayfield | 44 | 39 | 62 | Carrington | 36 | 33 | 52 |  |  |  |  |
| Location      | Day, Evening, Night   |  | Night                      |   |                                 |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
|               | At all times  | 10:00pm to 7:00am Monday to Saturday<br>10:00pm to 8:00am on Sundays and Public Holidays |                            |   |                                 |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
|               | L <sub>Aeq</sub> (15 minute)  | L <sub>Aeq</sub> (night)   | L <sub>A1</sub> (1 minute) |   |                                 |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| Fern Bay West | 41  | 37   | 57                         |   |                                 |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| Fern Bay East | 39  | 36   | 55                         |   |                                 |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| Stockton West | 41  | 37   | 57                         |   |                                 |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| Stockton East | 38  | 35   | 56                         |   |                                 |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| Mayfield West | 45  | 40   | 55                         |   |                                 |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| Mayfield      | 44  | 39   | 62                         |   |                                 |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| Carrington    | 36  | 33   | 52                         |   |                                 |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| 2.14          | For the purpose of assessment of noise contributions specified under condition 2.13 of this consent, noise from the project shall be:<br><br>a) measured at the most affected point on or within the Site boundary at the most sensitive receiver to determine compliance with L <sub>Aeq</sub> (15 minute) night noise limits.<br><br>b) measured at one metre from the dwelling façade to determine compliance with L <sub>A1</sub> (1 minute) noise limits.<br><br>c) subject to the modification factors provided in Section 4 of the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000), where applicable.<br><br>Notwithstanding, should direct measurement of noise from the development be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the 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 Planning Secretary prior to the implementation of the assessment method. | Compliant  | At all times               | NCIG Operation Noise Management Plan<br>SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports                             | Review noise monitoring reports |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| 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.   | Compliant  | Operations                 | NCIG Operation Noise Management Plan<br>SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports                             | Review noise monitoring reports |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |
| 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 Planning Secretary 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 Planning Secretary and prepare a management plan for the relocation of <i>Litoria aurea</i> individuals in consultation with the BCD 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.   | Not triggered  | Prior to construction      | Not triggered during audit period - condition identified as complete.   | NA                              |              |  |  |  |                              |                          |                            |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |               |    |    |    |          |    |    |    |            |    |    |    |  |  |  |  |



| Unique ID | Compliance Requirement  | Compliance Status | Development Phase     | Evidence and Comments   | Monitoring Methodology   |
|-----------|---|-------------------|-----------------------|---|--|
| 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 BCD and PWCS.  | Not triggered     | Prior to construction | Not triggered during audit period - condition identified as complete.                                     | NA   |
| 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.  | Compliant         | At all times          | NCIG Ecological and Land Management Plan<br>Level 1 General Induction<br>Environmental Awareness Training | Monitor implementation of the Ecological and Land Management Plan<br><br>Review induction and training content |
| 2.19      | The Proponent shall employ a qualified ecologist, approved by the Planning Secretary, 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.  | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.                                     | NA   |
| 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> . | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.                                     | NA   |

| Unique ID | Compliance Requirement  | Compliance Status | Development Phase                  | Evidence and Comments   | Monitoring Methodology   |
|-----------|---|-------------------|------------------------------------|---|--|
| 2.20      | <p>The Proponent shall develop and submit for the approval of the Planning Secretary, 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 BCD, 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 Planning Secretary:</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 Planning Secretary, in consultation with the BCD. 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 BCD, 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 BCD, 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 Planning Secretary, in consultation with the BCD. 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 Planning Secretary;</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 Planning Secretary:</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)i). 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> | Compliant         | At all times                       | <p>The NCIG Compensatory Habitat and Ecological Monitoring Program (CHEMP) remained operational during this audit period</p> <p><u>Evidence relevant to current audit period:</u></p> <p>CHEMP monitoring and maintenance reports</p> <p>CHEMP monitoring and maintenance contracts</p> <p><u>Evidence from previous audit periods:</u></p> <p>NSW Department of Planning letter dated 16.11.2010 ref: 10/02150-5 Subject: NCIG Coal Export Terminal, Kooragang Island (Reference:06_0009) - Compensatory Habitat and Ecological Monitoring Program (Condition 2.20) "satisfactorily addresses all requirements under Condition 2.20 and therefore the CHEMP is approved for the purposes of this condition"</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>CHEMP Consultative Board Meeting Minutes</p> <p>CHEMP Update Reports</p> <p>CHEMP Monitoring Reports</p> | Monitor implementation of the Compensatory Habitat and Ecological Monitoring Program |
| 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 Planning Secretary, in consultation with BCD, 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 Planning Secretary, 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 Planning Secretary, in consultation with the BCD, the Planning Secretary 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 Planning Secretary may, in consultation with BCD, call in all or part of the Conservation Bond, and arrange for the satisfactory completion of the relevant works.</p> <p>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 Planning Secretary, in consultation with the BCD. In relation to <i>Litoria aurea</i>, successful performance works include the identification of a viable breeding population.</p>  | Compliant         | Prior to construction / Operations | <p>\$3,170,770 Conservation Bond remains current.</p> <p>Previous evidence:</p> <p>NSW Department of Planning letter dated 16.11.2010 ref: 10/02150-5 Subject: NCIG Coal Export Terminal, Kooragang Island (Reference:06_0009) - Compensatory Habitat and Ecological Monitoring Program (Condition 2.20).</p> <p>Department of Planning letter dated 22/6/17</p> <p>NSW OEH letter dated 6/7/2017 supporting reduction of bond to \$3,170,770</p> <p>NSW Department of Planning and the Environment dated 31.7.2017 RE: DP&amp;E confirmed there is no longer a requirement to purchase an equivalent area of land known to contain the GGBF species. Confirming the successful performance of the compensatory works and supporting the reduction of the current \$10,095,030 Conservation Bond to \$3,170,770</p>   | Monitor status of Conservation Bond  |
| 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 Planning Secretary, a revised Compensatory Habitat and Ecological Monitoring Program within three months of any approval.</p>  | Not triggered     | At all times                       | Not triggered during audit period   | Monitor any project modifications  |
| 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 TfNSW 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>   | Not triggered     | Prior to construction              | Not triggered during audit period - condition identified as complete.   | NA   |

| Unique ID | Compliance Requirement  | Compliance Status | Development Phase | Evidence and Comments             | Monitoring Methodology |
|-----------|---|-------------------|-------------------|-----------------------------------|------------------------|
| 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 TINSW 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. | Compliant         | At all times      | NCIG IEA 2018<br>Site photographs | Review and compare     |

| Unique ID | Compliance Requirement   | Compliance Status | Development Phase | Evidence and Comments   | Monitoring Methodology              |
|-----------|--|-------------------|-------------------|---|-------------------------------------|
| 2.23      | The Proponent shall ensure that all access to the relevant Site areas shall be via the following routes:<br>a) Main Site Area:<br>i) Pacific National access road;<br>ii) Temporary haulage road (construction phase only);<br>iii) Egret Street; and<br>iv) Raven Street, Curlew Street.<br>b) Wharf Area:<br>i) Temporary haulage road (construction phase only); and<br>ii) Wharf access road.<br>c) Rail area:<br>i) Delta access road (construction phase only); and<br>ii) Pacific National access road.   | Compliant         | At all times      | Site observations and inspections                                     | Site inspections, and observations. |
| 2.24      | 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 TfNSW including but not limited to, the following works:<br><br>a) the traffic control signals shall be designed to restrict all movements at the intersection to through movements only;<br><br>b) the signals shall be co-ordinated with the adjacent Blue Circle railway level crossing signals; and<br><br>c) provision shall be made for on-road Nelson Bay Road cyclists at the intersection.   | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete. | NA                                  |
| 2.25      | 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 TfNSW 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 TfNSW and Council.  | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete. | NA                                  |
| 2.26      | 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.   | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete. | NA                                  |
| 2.27      | 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 Road Design Guide and the relevant Austroads guidelines to the satisfaction of the TfNSW. The Proponent shall ensure that the intersection include, as a minimum, the following:<br><br>a) traffic movements shall be physically restricted to left in/left out only;<br><br>b) the left turn in would require a sealed left turn deceleration lane;<br><br>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;<br><br>d) a central median may be required on Cormorant Road at the exit of the Site to physically prevent right turn movements;<br><br>e) adjustments to the footpath and cycleways shall be undertaken to the satisfaction of the TfNSW and Council. | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete. | NA                                  |
| 2.28      | The Proponent shall ensure that the intersection of Cormorant Road/Pacific National access shall be designed and constructed in accordance with the RTA's Road Design Guide and the relevant Austroads guidelines, to the satisfaction of the TfNSW. The Proponent shall ensure that the intersection should include as a minimum:<br><br>a) traffic movements shall be physically restricted to left in/left out/right in only;<br><br>b) the existing intersection shall be upgraded to include construction of concrete medians in Cormorant Road;<br><br>c) this intersection shall be integrated with the wind turbine access to the satisfaction of the TfNSW and Council.   | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete. | NA                                  |
| 2.29      | The Proponent shall construct a u-turn facility at the Pacific National access road to the satisfaction of the TfNSW and Council. The Proponent shall ensure that the u-turn facility:<br><br>a) is located a minimum distance of 100 metres from Cormorant Road to avoid any potential conflict with traffic at the intersection; and<br><br>b) is designed to cater for B-double movements.  | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete. | NA                                  |
| 2.30      | 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 Road Design Guide and the relevant Austroads guidelines to the satisfaction of the TfNSW. The Proponent shall ensure that the intersection includes the following minimum requirements:<br><br>a) traffic movements shall be physically restricted to left in/left out/right in only;<br><br>b) the left turn in would require a deceleration lane; and<br><br>c) the left turn out should be constructed at right angles to Cormorant Road as a give way arrangement.  | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete. | NA                                  |
| 2.31      | The Proponent shall ensure that the intersection of Cormorant Road/Egret Street is designed and constructed in accordance with the RTA's Road Design Guide and the relevant Austroads guidelines to the satisfaction of the TfNSW. The Proponent shall ensure that the intersection includes, as a minimum:<br><br>a) traffic movements shall be physically restricted to left in/left out and right in only; and<br><br>b) the existing intersection shall be modified to include the construction of concrete medians in Cormorant Road.   | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete. | NA                                  |
| 2.32      | The Proponent shall ensure that the bridge structure over Cormorant Road is designed and constructed to TfNSW requirements, including (but not limited to):<br><br>a) allowance for future road widening/duplication of Cormorant Road;<br><br>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;  | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete. | NA                                  |

| Unique ID | Compliance Requirement  | Compliance Status | Development Phase | Evidence and Comments  | Monitoring Methodology |
|-----------|---|-------------------|-------------------|--|------------------------|
|           | <p>c) the bridge structure and its approaches to be designed to minimise impacts on maintenance activities required within the road reserve; and</p> <p>d) any maintenance activities required for the bridge structure shall be carried out from within/on the bridge structure.</p>   |                   |                   |  |                        |
| 2.33      | The Proponent shall enter into an agreement with the RTA for the ongoing maintenance and demolition of the bridge structure.  | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete: NCIG and the RTA entered into an agreement in December 2010. | NA                     |
| 2.34      | The Proponent shall submit for the approval of the TfNSW and Council, detailed designs for the road works referred to under condition 2.22 to condition 2.32 inclusive2.24, 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 TfNSW and Council. | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete.  | NA                     |

| Unique ID | Compliance Requirement   | Compliance Status | Development Phase                  | Evidence and Comments  | Monitoring Methodology  |
|-----------|--|-------------------|------------------------------------|--|---|
| 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 TfNSW 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 TfNSW and submit detailed design plans and any additional relevant information, as may be required under the Deed, to the TfNSW for each specific change to the state road network for the RTA's assessment and approval. | Not triggered     | Prior to construction / Operations | Not triggered during audit period - condition identified as complete and no longer relevant as expansion of Cormorant Road to accommodate four lanes of traffic was completed in 2018.   | NA  |
| 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 TfNSW and Council and at the full expense of the Proponent.   | Not triggered     | At all times                       | Not triggered during audit period  | NA  |
| 2.37      | The Proponent shall design, construct and maintain all internal road works, including the car park, to meet the following requirements:<br>a) compliance with the provisions of relevant Australian Standards, TfNSW standards and guidelines, and Council codes;<br>b) installation of clear signage to demarcate all vehicle movements within the Site;<br>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<br>d) clear demarcation of all visitor, disabled, ambulance and service vehicle parking areas.   | Compliant         | At all times                       | Garden maintenance contractors work orders<br>Maintenance Management System  | Site observations<br>Review of work orders  |
| 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.  | Not triggered     | Prior to construction              | Not triggered during audit period - condition identified as complete.  | NA  |
| 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.  | Not triggered     | Prior to construction              | Not triggered during audit period - condition identified as complete.  | NA  |
| 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.  | Not triggered     | Prior to construction              | Not triggered during audit period - condition identified as complete.  | NA  |
| 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.   | Non-compliant     | At all times                       | Three incidents occurred during the reporting period which resulted in a potential non-compliance against this Condition. It is noted that each of these incidents were not regarded as incidents with actual or potential significant off-site impacts on people or the biophysical environment, which would otherwise require notification to the Department as per Condition 8.1. Additionally, each of these incidents were not considered to have resulted in 'material harm to the environmental' as defined under the Protection of the Environment Operations Act 1997. A summary of these incidents has been provided below. Further details, including the associated actions, is included in the 2021 Compliance Tracking Program report.<br><br><u>2 July 2020</u><br>While undertaking routine washdown duties on Shiploader 1, a small amount of dark coloured water, believed to be washdown water, was noticed in the Hunter River adjacent to the K8 Maintenance Bay<br><br><u>27 July 2020</u><br>Seepage of stormwater from NCIG's stormwater pond network during a significant rainfall event<br><br><u>21 March 2021</u><br>NCIG was impacted by a significant rainfall event resulting in stormwater overflowing from two locations<br><br><u>Evidence:</u><br>NCIG Internal Incidents Register<br>NCIG Operation Water Management Plan<br>Correspondence with the EPA | Review Water quality monitoring data<br>Review Incident Register<br>Site inspections<br>Operational Water Management Plan Audit<br>Review Correspondence Register |

| Unique ID | Compliance Requirement  | Compliance Status | Development Phase     | Evidence and Comments  | Monitoring Methodology  |
|-----------|---|-------------------|-----------------------|--|---|
| 2.42      | Unless otherwise agreed by the Planning Secretary, 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.   | Compliant         | At all times          | <p>NCIG received a response from the Department on 25 March 2020 recognising that discharge occurs from the NCIG site during major stormwater events or prolonged rainfall events that exceed the holding capacity of the NCIG stormwater management system. It has also been recognised that as a licenced facility, any water pollution resulting from discharge events is regulated by the EPA.</p> <p>Two overflow events occurred during the reporting period as a result of prolonged rainfall. This occurred in July/August 2020 and March 2021.</p> <p><u>Evidence:</u><br/> NCIG have designed, constructed, maintained and operated surface water and stormwater management infrastructure to accommodate a 1 in 100 ARI rainfall event of 2 hour duration (Drainage Assessment Report for the Stockyard and Wharf Areas, 2014).</p> <p>Correspondence with the Department</p> <p>Operation Water Management Plan</p> <p>Operation Environmental Management Plan</p> | <p>Review water quality monitoring data</p> <p>Internal auditing</p> <p>Review correspondence with the Department</p> |
| 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.  | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.  | NA  |
| 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. | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.  | NA  |
| 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.   | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.  | NA  |
| 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.  | Not triggered     | Prior to construction | Not triggered during audit period - condition identified as complete.  | NA  |

| Unique ID | Compliance Requirement  | Compliance Status | Development Phase     | Evidence and Comments   | Monitoring Methodology  |
|-----------|---|-------------------|-----------------------|---|---|
| 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.   | Not triggered     | Prior to construction | Not triggered during audit period - condition identified as complete.   | NA  |
| 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.   | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.   | NA  |
| 2.47      | Unless otherwise agreed by the Planning Secretary, 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 Planning Secretary to use fill/ preload materials from a different source, the Planning Secretary may require submission of additional information to demonstrate how the impacts from heavy vehicle movements will be adequately and appropriately mitigated and managed.  | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.   | NA  |
| 2.48      | Unless otherwise agreed by the Planning Secretary, 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).  | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.   | NA  |
| 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.  | Compliant         | At all times          | NCIG Operation Water Management Plan<br>NCIG Process Water Tanks<br>NCIG Water Usage Database<br>NCIG Citect Management System                            | Internal audits<br>Review water usage database<br>Review Citect Management System water logic |
| 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 Planning Secretary.   | Compliant         | At all times          | Hunter Water/NCIG Water Efficiency Management Plan (2018)<br>Correspondence with Water Utilities Australia (WUA)<br>Correspondence with the Department    | Review relevant correspondence and documents  |
| 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.  | Compliant         | At all times          | NCIG Coal Export Terminal Administration Area Ancillary Mechanical Services Oil Water Separator General Arrangement 2008 (Drawing Number HW00-05-M-74503) | Review construction plans   |
| 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.   | Compliant         | At all times          | NCIG Coal Export Terminal Admin Building Hydraulic Services Sewer and Stormwater Drainage Layout 2009 (Drawing Number HW00-05-C-33200)                    | Review construction plans   |
| 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 Planning Secretary 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. | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.   | NA  |
| 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.   | Compliant         | At all times          | NCIG Waste Management Plan<br>Internal audit and inspection reports   | Internal audits and inspections   |
| 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.  | Noted             | At all times          | NA  | NA  |



| Unique ID | Compliance Requirement   | Compliance Status | Development Phase | Evidence and Comments   | Monitoring Methodology                                       |
|-----------|--|-------------------|-------------------|---|--|
| 2.56      | All waste materials removed from the Site shall only be directed to a waste management facility lawfully permitted to accept the materials.  | Compliant         | At all times      | Waste invoices from waste service provider<br>NCIG Waste Management Plan<br>Internal audit and inspection reports                 | Review waste invoices<br>Internal audits and inspections     |
| 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.   | Compliant         | At all times      | NCIG Waste Management Plan<br>Internal audit and inspection reports   | Internal audits and inspections                              |
| 2.58      | Within six months of the commencement of construction of the project, or as otherwise agreed by the Planning Secretary, the Proponent shall install the bund along the southern side of the stockpile yard (northern side of Cormorant Road) to the satisfaction of the Planning Secretary.  | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete.   | NA   |
| 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> .  | Compliant         | At all times      | Ecological and Land Management Plan<br>NCIG Stacker Reclaimer Lighting Assessment (2016)<br>Internal audit and inspection reports | Site inspections, audits and observations                    |
| 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.  | Compliant         | At all times      | Ecological and Land Management Plan<br>Vegetations management contractor invoices<br>Photographs                                  | Site inspection<br>Review vegetation maintenance Work Orders |
| 2.61      | Advertising and project identification signs shall not be installed along the Cormorant Road frontage of the Site.   | Compliant         | At all times      | Site photographs  | Site inspections and observations                            |
| 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.<br><br><b>Table 2 – Meteorological Monitoring</b>  | Compliant         | At all times      | NCIG Citect System<br>NCIG Database and Monitoring Reports<br>NCIG AEMR   | Review meteorological monitoring data                        |
| 3.2       | Prior to the commencement of operation of the project, the Proponent shall develop and submit for the approval of the Planning Secretary and the EPA an Ambient Dust Monitoring Program, to outline how the ambient dust impacts of the project will be monitored. The Program shall include, but not necessarily be limited to:<br><br>a) identification of an integrated air quality monitoring network, developed in consultation with the owner/ operator of the existing Kooragang Coal Loader;<br><br>b) locations, frequencies and methods for monitoring total suspended particles, PM10 and deposited particulate matter;<br><br>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;<br><br>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 Planning Secretary 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;<br><br>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;<br><br>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;<br><br>g) provision for independent review and auditing of the Program; and<br><br>h) mechanisms for updating the Program as may be required from time to time. | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete.   | NA   |

**Table 2 – Meteorological Monitoring**

| Parameter                    | Units of Measure | Sampling Method |
|------------------------------|------------------|-----------------|
| Temperature at two metres    | °C               | AM-4            |
| Temperature at ten metres    | °C               | AM-4            |
| Wind speed at ten metres     | ms <sup>-1</sup> | AM-2 and AM-4   |
| Wind direction at ten metres | °                | AM-2 and AM-4   |
| Sigma theta at ten metres    | °                | AM-2 and AM-4   |
| Solar radiation              | Wm <sup>-2</sup> | AM-4            |

| Unique ID | Compliance Requirement   | Compliance Status | Development Phase | Evidence and Comments   | Monitoring Methodology |
|-----------|--|-------------------|-------------------|---|------------------------|
| 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.  | Not triggered     | Operations        | Not triggered during audit period - condition identified as complete. | NA                     |
| 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 Planning Secretary 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 exceedance with ambient air quality goals, the Proponent shall detail what additional measures would be implemented to further mitigate dust impacts. The Proponent shall clearly indicate who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be assessed and reported to the Planning Secretary.   | Not triggered     | Operations        | Not triggered during audit period - condition identified as complete. | NA                     |
| 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.   | Not triggered     | Operations        | Not triggered during audit period - condition identified as complete. | NA                     |
| 3.6       | Within 90 days of the commencement of operation of the project, or as otherwise agreed by the Planning Secretary, 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:<br>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.<br>b) methodologies, locations and frequencies for noise monitoring;<br>c) identification of monitoring sites at which pre- and post-project noise levels can be ascertained;<br>d) details of any complaints and enquiries received in relation to noise generated by the project within the first 90 days of operation;<br>e) an assessment of night-time use of audible alarm systems;<br>f) a statement of whether the Site is in compliance with noise limits outlined in condition 2.13; and<br>g) any additional noise mitigation measures and timetables for implementation. | Not triggered     | Operations        | Not triggered during audit period - condition identified as complete. | NA                     |
| 3.7       | Within 28 days of conducting the noise monitoring referred to under condition 3.6 of this approval, the Proponent shall provide the Planning Secretary 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 Planning Secretary.   | Not triggered     | Operations        | Not triggered during audit period - condition identified as complete. | NA                     |

| Unique ID | Compliance Requirement   | Compliance Status | Development Phase     | Evidence and Comments   | Monitoring Methodology  |
|-----------|--|-------------------|-----------------------|---|---|
| 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.   | Not triggered     | Operations            | Not triggered during audit period - condition identified as complete.   | NA  |
| 4.1       | <p>Prior to the commencement of operation of the project, or within such period as otherwise agreed by the Planning Secretary, the Proponent shall develop, in consultation with owner/ operator of the existing Kooragang Coal Loader, a Coordinated Environmental Monitoring and Management Protocol to provide a framework for the coordinated and cooperative monitoring and management of environmental impacts from the developments. The Protocol shall include, but not necessarily be limited to:</p> <p>a) procedures for access to, and provision of, monitoring data from each development, particularly in relation to dust and noise emissions;</p> <p>b) the respective remediation and redevelopment works;</p> <p>c) arrangements for coordinated and cooperative monitoring of ambient environmental impacts, including agreements relating to sharing of monitoring networks/ infrastructure, coordinated interpretation of monitoring results and coordination dissemination of monitoring results to relevant parties;</p> <p>d) measures to ensure a coordinated and cooperative approach to the management of common or cumulative environmental impacts from the developments;</p> <p>e) arrangements for communication between the parties, including designated contact persons and contact details;</p> <p>f) notification procedures in the event of an incident at either development that may impact on the other development, or generate a significant common or cumulative impact;</p> <p>g) any agreement for participation in the development of any of the management plans or monitoring programs required under this approval;</p> <p>h) mechanism for review of the Protocol from time to time; and</p> <p>i) such other matters as parties may agree.</p> <p>The Applicant shall provide a copy of the Protocol to the Planning Secretary and the EPA and BCD as soon as practicable after agreement on the terms of the Protocol.</p> | Compliant         | At all times          | <p>The NCIG/PWCS Coordinated Environmental Monitoring and Management Protocol (CEMMP) remained operational during this audit period</p> <p><u>Evidence relevant to current audit period:</u></p> <p>Coordinated Environmental Monitoring Management Protocol Meeting Minutes</p> <p><u>Previous evidence:</u></p> <p>Submission of the Coordinated Environmental Monitoring and Management Protocol to the Planning Secretary and DECCW on 21 December 2009.</p> <p>Approval of the Coordinated Environmental Monitoring and Management Protocol by Department of Planning on 07 June 2010.</p> | Monitor implementation of protocol  |
| 4.2       | Prior to the commencement of construction of any component of the project, or within such period as otherwise agreed by the Planning Secretary, the Proponent shall develop, in consultation with TfNSW, a Coordinated Works Program to ensure that the requirements of this approval, and the conditions imposed on the development the subject of development consent DA-134-3-2003-i (dredging and remediation of the South Arm of the Hunter River) are met and coordinated where the relevant works are interrelated. The Program shall specifically focus on requirements for coordination of works in and around the Hunter River foreshore, ecological monitoring and management, and scheduling of dredging and fill/ preloading activities.  | Not triggered     | Prior to construction | Not triggered during audit period - condition identified as complete.   | NA  |
| 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 Planning Secretary, 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 Planning Secretary may agree.</p>   | Not triggered     | At all times          | Not triggered during audit period   | NA  |
| 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 Planning Secretary;</p> <p>c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Planning Secretary, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing; and</p> <p>d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.</p>  | Compliant         | At all times          | <p>NCIG Compliance Tracking Program 2020</p> <p>NSW Department of Planning and Environment letter dated 14/07/2016 regarding NCIG Compliance Tracking Program. Confirmation of independent environmental audit now being undertaken on three yearly basis.</p>  | Monitor and track the completion and submission of the NCIG Compliance Tracking Program         |
| 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 Planning Secretary;</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 EPLs;</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 Planning Secretary.</p>   | Not triggered     | At all times          | Not triggered during audit period - next Independent Environmental Audit due in late 2021.  | NA  |
| 6.1       | Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.  | Not triggered     | At all times          | No public requests were made for documents during the audit period, however NCIG's website contains all relevant documents (www.ncig.com.au)  | <p>Monitor for relevant requests</p> <p>Review documents publicly available on NCIG website</p> |
| 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>   | Compliant         | At all times          | NCIG website (www.ncig.com.au)  | Site observation of signage containing the relevant details                                     |

| Unique ID | Compliance Requirement  | Compliance Status | Development Phase | Evidence and Comments  | Monitoring Methodology  |
|-----------|---|-------------------|-------------------|--|---|
|           | <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>  |                   |                   | Community Enquiries sign at main entrance and entrance to wharf. | Confirmation of the relevant details on the NCIG website        |
| 6.3       | <p>The Proponent shall record details of all complaints received through the means listed under condition 6.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:</p> <p>a) the date and time, where relevant, of the complaint.</p> <p>b) the means by which the complaint was made (telephone, mail or email).</p> <p>c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect.</p> <p>d) the nature of the complaint.</p> <p>e) record of operational and meteorological condition contributing to the complaint.</p> <p>f) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant.</p> <p>g) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.</p> <p>The Complaints Register shall be made available for inspection by the Planning Secretary upon request.</p> | Compliant         | At all times      | NCIG Complaints Register   | Review of NCIG Complaints Register                              |
| 6.4       | <p>The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:</p> <p>a) a copy of the documents referred to under condition 1.1 of this approval, and any documentation supporting modifications to this approval that may be granted from time to time;</p> <p>b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;</p> <p>c) a copy of each strategy, plan and program required under this approval; and</p> <p>d) the outcomes of compliance tracking in accordance with condition 5.1 of this approval.</p>  | Compliant         | At all times      | NCIG website (www.ncig.com.au)                                   | Confirmation of the relevant documents published on the website |

| Unique ID | Compliance Requirement  | Compliance Status | Development Phase     | Evidence and Comments   | Monitoring Methodology   |
|-----------|---|-------------------|-----------------------|---|--|
| 7.1       | <p>Prior to the commencement of construction of the project, or otherwise agreed by the Planning Secretary, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s) for the approval of the Planning Secretary. The Proponent shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Planning Secretary, 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>  | Compliant         | At all times          | <p>NSW Planning letter dated 3.10.2007 RE: Appointment of Environmental Representative</p> <p>Correspondence to the Department</p> <p>NCIG Operations Management Plans</p> <p>Complaints Register</p> | Review relevant correspondence with Department, management plans and complaints register |
| 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 Planning Secretary 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 Planning Secretary. Construction works shall not commence until written approval has been received from the Planning Secretary.</p> | Not triggered     | Prior to construction | Not triggered during audit period - condition identified as complete.   | NA   |
| 7.3       | As part of the Construction Environmental Management Plan for the project required under condition 7.2 of this approval, the Proponent shall prepare and implement the following:   |                   |                       |   |  |
| 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);  | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.   | NA   |
| 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;  | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.   | NA   |
| 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:  | Not triggered     | Construction          | Not triggered during audit period - condition identified as complete.   | NA   |
|           | <p>i) details of construction activities and a schedule for construction works;</p> <p>ii) identification of construction activities that have the potential to generate noise and/ or vibration impacts on surrounding land uses, particularly residential areas;</p> <p>iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria/ guidelines;</p> <p>iv) procedures for notifying residents of construction activities that are likely to effect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints; and</p>  |                   |                       |   |  |

| Unique ID | Compliance Requirement   | Compliance Status | Development Phase | Evidence and Comments   | Monitoring Methodology |
|-----------|--|-------------------|-------------------|---|------------------------|
|           | v) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected.   |                   |                   |   |                        |
| 7.3(d)    | d) a Construction Traffic Management Protocol to detail how heavy vehicle movements associated with the project will be managed during construction, including Site preparation and fill/ preloading activities. The Protocol shall specifically address the movement of oversize loads to and from the Site, the management of construction traffic, restrictions to the hours of heavy vehicle movements to avoid road use conflicts, and the transport of construction waste materials. In addition to approval from the Planning Secretary, the Construction Traffic Management Protocol shall be submitted for the approval of the TfNSW and Council.   | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete. | NA                     |
| 7.3(e)    | <p>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:</p> <p>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;</p> <p>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, BCD and the local Aboriginal community, and registering of the new site in the BCD's Aboriginal Heritage Information Management System (AHIMS) register;</p> <p>iii) procedures for dealing with human remains, including cessation of works in the vicinity and notification of the Department, NSW Police, BCD and local Aboriginal community and not recommencing any works in the area unless authorised by the BCD and/or the NSW Police; and</p> <p>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;</p> | Not triggered     | Construction      | Not triggered during audit period - condition identified as complete. | NA                     |

| Unique ID | Compliance Requirement  | Compliance Status | Development Phase | Evidence and Comments   | Monitoring Methodology  |
|-----------|---|-------------------|-------------------|---|---|
| 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.   | Not triggered     | At all times      | Not triggered during audit period - condition identified as complete.   | NA  |
| 7.5       | <p>Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Planning Secretary an Operation Environmental Management Plan (OEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's Guideline for the Preparation of Environmental Management Plans (DIPNR 2004), and shall include, but not necessarily be limited to:</p> <p>a) a description of all activities to be undertaken on the Site during operation including an indication of stages of operation, where relevant;</p> <p>b) statutory and other obligations that the Proponent is required to fulfil during operation including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;</p> <p>c) details of how the environmental performance of the operations will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:</p> <p>i) measures to monitor and manage dust emissions;</p> <p>ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during operation;</p> <p>iii) measures to monitor and control noise emissions during operation;</p> <p>iv) measures to monitor and manage retained onsite native vegetation and habitat.</p> <p>d) a description of the roles and responsibilities for all relevant employees involved in the operation of the project;</p> <p>e) the additional studies listed under condition 7.6 of this approval; and</p> <p>f) complaints handling procedures during operation.</p> <p>The Operation Environmental Management Plan shall be made available for inspection by the public upon request following its approval by the Planning Secretary.</p> | Compliant         | Operations        | <p>The NCIG Operation Environmental Management Plan remained operational during this reporting period.</p> <p><u>Evidence relevant to reporting period:</u></p> <p>Operation Environmental Management Plan</p> <p>Inspection reports</p> <p><u>Previous evidence:</u></p> <p>Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan &amp; Sub Plans (Condition 7.5 &amp; 7.6). Satisfies conditions 7.5 and 7.6</p>                       | Monitor implementation of Operation Environmental Management Plan through internal audits and inspections |
| 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:  |                   |                   |   |   |
| 7.6(a)    | <p>a) a <b>Dust Management Plan</b> to outline measures to minimise and manage any impacts from the operation of the project on local air quality. The Plan shall include, but not necessarily be limited to:</p> <p>i) identification of all major sources of dust emissions that may occur as result of the operation of the project;</p> <p>ii) description of the procedures to manage the dust emissions from the sources identified;</p> <p>iii) identification of the locations where monitoring of dust emissions is to be undertaken;</p> <p>iv) procedures for monitoring dust emissions from the project, in accordance with the requirements of this approval and the Environment Protection Licence for the project;</p> <p>v) protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions; and</p> <p>vi) description of procedures to be undertaken if any non-compliance is detected.</p>   | Compliant         | Operations        | <p>The NCIG Operation Dust and Air Quality Management Plan remained operational during this reporting period</p> <p><u>Evidence during this reporting period:</u></p> <p>Operation Dust and Air Quality Management Plan</p> <p>Internal inspection reports</p> <p><u>Previous evidence:</u></p> <p>Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan &amp; Sub Plans (Condition 7.5 &amp; 7.6). Satisfies conditions 7.5 and 7.6</p> | Monitor implementation of Operation Dust and Air Quality Management Plan through audits and inspections   |
| 7.6(b)    | <p>b) a <b>Noise Management Plan</b> to outline monitoring, management procedures and measures to minimise total operational noise emissions from the project. The Plan shall also include, but not necessarily be limited to:</p> <p>i) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval;</p> <p>ii) identification of activities that will be carried out in relation to the project and the associated noise sources;</p> <p>iii) assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval;</p> <p>iv) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the Site during the project;</p> <p>v) details regarding the procurement process to guarantee that equipment levels meet the noise levels as provided in the documents listed in condition 1.1;</p> <p>vi) development of reactive and pro-active strategies for dealing promptly with any noise complaints;</p> <p>vii) noise monitoring and reporting procedures; and</p> <p>viii) regular internal audits of compliance of all plant and equipment with acceptable design noise.</p>  | Compliant         | Operations        | <p>The NCIG Operation Noise Management Plan remained operational during this reporting period</p> <p><u>Evidence during this reporting period:</u></p> <p>Operation Noise Management Plan</p> <p>Internal inspection reports</p> <p><u>Previous evidence:</u></p> <p>Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan &amp; Sub Plans (Condition 7.5 &amp; 7.6). Satisfies conditions 7.5 and 7.6</p>                               | Monitor implementation of Operation Noise Management Plan through audits and inspections                  |
| 7.6(c)    | <p>c) a <b>Water Management Plan</b> to outline the water management system for the Site. The Plan shall include, but not necessarily be limited to:</p> <p>i) predicted Site water balance including the water supply system;</p> <p>ii) details regarding water management structures such as settling ponds, water tanks and the water management system for dredge sea water;</p> <p>iii) locations and design specifications for all water diversions from undisturbed runoff areas including channel design and stabilisation, sediment retention storages and other structures;</p> <p>iv) details on the internal drainage system including bunding, drainage channels, dewatering sumps and any pipelines;</p> <p>v) procedures for the management of groundwater encountered on Site and any temporary dewatering facilities; and</p> <p>vi) procedures to be implemented to minimise potential surface water impacts.</p>  | Compliant         | Operations        | <p>The NCIG Operation Water Management Plan remained operation during this reporting period.</p> <p><u>Evidence during this reporting period:</u></p> <p>Operation Water Management Plan</p> <p>Internal inspection reports</p> <p><u>Previous evidence:</u></p> <p>Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan &amp; Sub Plans (Condition 7.5 &amp; 7.6). Satisfies conditions 7.5 and 7.6</p>                                | Monitor implementation of Operation Water Management Plan through audits and inspections                  |

| Unique ID | Compliance Requirement   | Compliance Status | Development Phase | Evidence and Comments  | Monitoring Methodology   |
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| 7.6(d)    | <p>d) a <b>Spontaneous Combustion Management Protocol</b> to outline measures to minimise and manage the spontaneous combustion of the coal stockpiles. The Plan shall include, but not necessarily be limited to:</p> <p>i) coal stockpile management measures;</p> <p>ii) monitoring of potential causes of spontaneous combustion events; and</p> <p>iii) corrective action in the event of spontaneous combustion.</p> | Compliant         | Operations        | <p>The NCIG Operation Spontaneous Combustion Management Plan remained operational during this reporting period</p> <p><u>Evidence during reporting period:</u></p> <p>Operation Spontaneous Combustion Management Plan</p> <p>Internal inspection reports</p> <p><u>Previous evidence:</u></p> <p>Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan &amp; Sub Plans (Condition 7.5 &amp; 7.6). Satisfies conditions 7.5 and 7.6</p> | Monitor implementation of Operation Spontaneous Combustion Management Plan through internal audits and inspections |
| 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.   | Compliant         | Operations        | NCIG Operation Environmental Management Plan and associated sub plans  | Audit of Operation Environmental Management Plan and sub plans   |
| 8.1       | The Proponent shall notify the Planning Secretary 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 Planning Secretary within seven days of the date on which the incident occurred.  | Compliant         | At all times      | <p>NCIG Internal Incident Register</p> <p>Detailed incident report dated 23 November 2020, regarding severe weather event impact occurring on 16 November 2020</p>   | Track and review incidents contained in the NCIG Incidents Register  |
| 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 Planning Secretary.  | Compliant         | At all times      | NCIG Internal Incidents Register   | Monitor and review NCIG Incident Register  |
| 8.3       | The Proponent shall meet the requirements of the Planning Secretary 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 Planning Secretary may agree.   | Not triggered     | At all times      | <p>No incidents during reporting period</p> <p>NCIG Internal Incident Register</p> <p>NCIG Correspondence Register</p>   | Monitor correspondence from Department   |



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# APPENDIX B: COMPLIANCE REPORT DECLARATION FORM

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## Compliance Report Declaration Form

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Project Name: Newcastle Coal Infrastructure Group Coal Export Terminal (CET)

Project Application Number: 06\_0009

Description of Project: The construction and operation of a coal export terminal with capacity of up to 79 million tonnes per annum.

Project Address: NCIG Coal Terminal, Cormorant Road, Kooragang NSW 2304

Proponent: Newcastle Coal Infrastructure Group

Title of compliance Report: 2021 Compliance Tracking Program – Project Approval 06\_0009

Date: 30 April 2021

I declare that I have reviewed the contents of the attached Compliance Tracking Program Report and to the best of my knowledge:

- i. the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- ii. the Compliance Report has been prepared generally in accordance with the Compliance Reporting Post Approval Requirements;
- iii. the findings of the Compliance Report are reported truthfully, accurately and completely;
- iv. due diligence and professional judgement have been exercised in preparing the Compliance Report;
- v. the Compliance Report is an accurate summary of the compliance status of the development.

Notes:

- Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).

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Name of Authorised Reporting Officer: Nathan Juchau

Title: Manger - HSEC

Signature: 

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Qualification: NCIG Project Representative

Company: Newcastle Coal Infrastructure Group

Company Address: 30 Raven Street, Kooragang, NSW 2304

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