

BARNETT & MAY

Newcastle Coal Infrastructure Group

2021 Independent Environmental Audit

Prepared for
Newcastle Coal Infrastructure Group

Client representative
Hayley Ardagh

Date
1 May 2022

Rev 0



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Prepared by — K. Holmes		Date 1 May 2022
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Revision History

Rev No.	Description	Prepared by	Reviewed by	Authorised by	Date
A	Draft for client Review	K. Holmes	T Wilkins	K. Holmes	30/3/2022
0	Final Report	K. Holmes	K. Holmes	K. Holmes	1/5/2022

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1. Introduction

Barnett & May was engaged by the Newcastle Coal Infrastructure Group (NCIG) to conduct the 2021 Independent Environmental Audit (IEA) of the NCIG coal loading terminal located on Kooragang Island in Newcastle, New South Wales (NSW). The IEA was required under the Project Approval PA06_0009 Schedule 5. In line with this, an initial independent external environmental audit was completed on 20 January 2008 and every subsequent year, until 2015, after which the Department of Planning and Environment approved a three-yearly audit program.

This audit was undertaken in accordance with the Barnett and May's proposal (dated 2 January 2022) and the requirements of the New South Wales Department of Planning, Industry and Environment (DPIE) Independent Audit Post Approval Guidelines May 2020. The Audit was commissioned in February 2022 following approval of the Auditor by DPIE. The audit was undertaken by Ken Holmes (Accredited Lead Auditor) of Barnett & May in March 2022. The audit covered the period from **1 October 2018 to 31 December 2021** (the Audit Period).

1.1 Audit Objectives

The objectives of this Independent Environmental Audit were to:

1. Assess compliance against the conditions of the Project Approvals (06_0009)
2. Review all relevant post approval documentation required by the Project Approval including an assessment of the implementation of Environmental Management Plans and Sub-plans.
3. Review the environmental performance of the development including:
 - a. A high-level comparison of actual impacts against predicted impacts as documented in the environmental impact assessment.
 - b. The physical extent of the development in comparison with the approved project boundaries.
 - c. Review of environmental incidents, non-compliances, and complaints relevant to the audit period.
 - d. Performance against any applicable environmental policy or environmental issue identified through consultation with the relevant Regulatory Authorities.
 - e. Feedback received from DPIE, other Agencies or Stakeholders including the Community Consultative Committee (or equivalent body) relating to environmental performance of the development.
4. Review of the status of non-compliances and recommendations made in the preceding Independent Environmental Audit.
5. A high-level assessment of the adequacy of the Environmental Management Plans and Sub-plans required by the Approval.
6. Review performance of the development against any other matters considered relevant by the auditor or the Department, considering relevant regulatory requirements and legislation, knowledge of the development's past performance and comparison to industry best practices.

1.2 Limitations of this Report

In preparing this Independent Environmental Audit Report, Barnett and May has assessed the activities appropriate and necessary to evaluate the compliance status against the conditions contained in the Auditee's Project Approval. Barnett and May has addressed the general technical matters which might reasonably be considered to be relevant to such an assessment.

The findings of this Independent Environmental Audit are based on observations of the site, interviews with personnel nominated by the Auditee and review of the documentation provided by the Auditee. Barnett and May has relied on the accuracy and completeness of the documentation and other information provided by the Auditee.

Barnett and May can only advise based on the information provided to them and therefore cannot dismiss the possibility that compliance or environmental performance issues, other than those presented in the report existed at the time of this Audit.

The audit findings presented in this report are professional opinions based solely upon Barnett and May's visual observations of the site, and upon Barnett and May's interpretation of the documentation reviewed, interviews and conversations with personnel nominated by the Auditee, as referenced in this report. These conclusions are intended exclusively for the purposes stated herein, at the site listed, and for the project indicated. Opinions presented in this report apply to the site's conditions and features as they existed at the time of the audit, and those reasonably foreseeable. They necessarily cannot apply to conditions and features which Barnett and May is unaware of and has not had the opportunity to evaluate. This report does not, and does not purport to, give legal advice on the actual or potential environmental liabilities of any individual or organisation.

1.3 Newcastle Coal Infrastructure Group


NCIG operates a coal export terminal located on Kooragang Island with a licenced capacity of 79 million tonnes per annum. All the coal received at Kooragang Coal Terminal is delivered by rail into two rail receival facilities located on the northern edge of the terminal.

The Project Approval (06_0009), as amended contains detailed environmental conditions. In addition to conditions in the Approval, the project is also subject to the terms of its Environment Protection Licence (EPL 12693). Note that, as approved by DPIE, the EPL was not audited as part of this IEA.

2. Definitions

Acronyms	Description
CTP	Compliance Tracking Program
CWP	Coordinated Works Program
DDG	Dust Depositional Gauge
DECC	Department of Environment and Climate Change
DoI	Department of Industries
DP&E	Department of Planning and Environment (formerly DP&I)
DPIE	Department of Planning, Industry and Environment
DRE	Department of Resources and Energy
EA	Environmental Assessment
EIS	Environmental Impact Statement
EP&A	Environmental Planning and Assessment Act 1979
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence
ER	Environmental Representative
HVAS	Hi-volume air samplers
IEA	Independent Environmental Audit
NCIG	Newcastle Coal Infrastructure Group
ONMP	Operation Noise Management Plan
NOW	NSW Office of Water
ODAQMP	Operation Dust and Air Quality Management Plan
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
OSCMP	Operation Spontaneous Combustion Management Plan
OWMP	Operation Water Management Plan
RTDM	Real Time Dust Monitor
SCMP	Spontaneous Combustion Management Protocol
TSS	Total Suspended Solids

3. Auditor Certification

Independent Audit Report Declaration Form	
Development Name	Newcastle Coal Infrastructure Group Coal Export Terminal
Application Number	06_0009
Description of Development	Coal Export Terminal
Development Address	30 Raven Street, Kooragang Island, NSW
Proponent	Newcastle Coal Infrastructure Group Pty Ltd
Operator Address	Raven Street, Kooragang Island, NSW
Title of Audit	Newcastle Coal Infrastructure Group 2018- 2021 Independent Environmental Audit
<p>I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:</p> <ul style="list-style-type: none"> i. the audit has been undertaken in accordance with relevant condition(s) of consent and the <i>Independent Audit Compliance Requirements (Department 2019)</i>; ii. the findings of the audit are reported truthfully, accurately and completely; iii. I have exercised due diligence and professional judgement in conducting the audit; iv. I have acted professionally, objectively and in an unbiased manner; v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child; vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child; vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so. <p>Notes:</p> <ul style="list-style-type: none"> a) Under section 10.6 of the <i>Environmental Planning and Assessment Act 1979</i> a person must not include false or misleading information (or provide information for inclusion in) 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 b) The <i>Crimes Act 1900</i> 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). 	
Signature	
Name of Lead/Principal Auditor	Ken Holmes
Address	4 Baeckea Place, Frenchs Forest, NSW
Email Address	ken@baeckea.com.au
Auditor Certification (if relevant)	Exemplar Global 14065
Date	18 April 2022

3.1 Audit Details

Table 1 - Audit Details

Audit Title:	Newcastle Coal Infrastructure Group 2021 Independent Environmental Audit
Site:	Newcastle Coal Infrastructure Group Coal Export Terminal
Client Contact:	Hayley Ardagh
Position:	Environmental Officer
Client:	Newcastle Coal Infrastructure Group
Client Address:	Raven Street, Kooragang Island, NSW
Client Phone Number	0249 203 900
Client Email:	hardagh@ncig.com.au
Audit Team:	Ken Holmes (Certified Lead Auditor)
Auditor's Telephone:	0438 046 261
Auditor's Email:	ken@baeckea.com.au
Date of Audit Commencement	3 March 2022
Audit Scope:	<p>The audit was undertaken as per the brief outlined in the Barnett and May proposal (dated 2 January 2022). As such, the audit provides an assessment of the compliance of the project with the conditions of the Project Approval 06_0009 (consolidated approval).</p> <p>The scope of this audit was developed to meet the requirements of the New South Wales Department of Planning, Industry and Environment (DPIE) Independent Audit Post Approval Guidelines May 2020 and consideration of:</p> <ul style="list-style-type: none"> • Relevant correspondence from DPIE (provided by the Auditee); • Inputs provided by the Stakeholders consulted as part of this IEA; • Review of the findings of the previous IEA; and • The Auditor's experience in relation to relevant industry practices.

4. Audit process

4.1 Audit Guidelines

This audit report has also been prepared in accordance with the Independent Audit Post Approval Requirements, May 2020 (Audit Guidelines) (DPIE, 2020). *Table 2* lists key requirements from the Audit Guidelines, the relevant Section of the Guidelines which references the requirement and indicates where each is addressed in this report.

Table 2 - Post Approval Audit Guidelines

Section	Independent Audit Report Requirements	Addressed
4.1	<p>Version Control</p> <ol style="list-style-type: none"> 1) the application number of the project; 2) each version or revision number of the report; 3) the date on which the report was prepared and issued to the Department; and 4) the title and name of the person who certified the Independent Audit Report. 	<p>Section 3</p> <p>Page iii</p> <p>Page iii</p> <p>Section 3.1</p>
4.2	<p>Contents</p>	
4.2.1	<p>Introduction – a brief overview of the audit including:</p> <ol style="list-style-type: none"> 1) background of the project; 2) the audit team (including qualifications and experience); 3) the objectives of the audit; 4) the audit scope; and 5) the temporal period covered by the audit. 	<p>Section 1.3</p> <p>Section 3.1</p> <p>Section 1.1</p> <p>Section 3.1</p> <p>Section 1</p>
4.2.2	<p>Audit Methodology</p> <ol style="list-style-type: none"> 1) documentation from the Planning Secretary agreeing to the auditor and any technical specialist(s); 2) how the audit scope was developed; 3) a summary of the audit process adopted to determine the compliance status and assess if documents are adequate; 4) site personnel interviewed including their name and position title (and including if access was not granted or possible with any required personnel and why); 5) details of site inspections undertaken (including any areas where access was not granted or possible and why); 6) a summary of the consultation undertaken; and 7) meanings of compliance status descriptors used, as set out in this document. 	<p>Appendix C</p> <p>Table 1</p> <p>Section 4</p> <p>Section 4.5.3</p> <p>Section 4.5.2</p> <p>Section 5</p> <p>Section 4.6</p>
4.2.3	<p>Audit Findings</p> <ol style="list-style-type: none"> 1) a list of the approvals and documents audited; 2) a summary of the assessment of compliance i.e. comparison between the total number of compliance requirements and any non-compliances identified during the reporting period. Graphics can be used to summarise project performance in relation to compliance requirements; 3) a summary of any notices, orders, penalty notices or prosecutions issued in relation to the consent during the audit period; 	<p>Appendix A</p> <p>Section 6.1</p> <p>Section 7.3</p>

Section	Independent Audit Report Requirements	Addressed
	4) exception reporting of all non-compliances identified during the audit period. Details must include the relevant consent condition, the condition reference number, a unique non-compliance identification number, details of the non-compliance and the auditor's recommended actions that are proposed to be taken or have been taken to address the non-compliance;	Section 6.2
	5) a brief discussion or table of the status of actions arising from previous audits and the progress or outcomes of each action. Details must include the source of the action, reference (condition number), action proposed, proposed completion date, the status (date completed, if relevant) and the action complete.	Section 7.6
	6) a brief discussion of whether the Environmental Management Plans, Sub-plans and compliance documents are adequate, implemented and whether there are any opportunities for improvement;	Section 7.5
	7) a discussion of other matters considered relevant by the auditor or the Department taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance;	Section 7.9
	8) documentation of any feedback received as a result of consultation undertaken with the Department, and other agencies or stakeholders including the community and Community Consultative Committee for the audit and the outcomes of this consultation;	Section 5
	9) a summary of complaints, and the adequacy of the response to, and management of complaints;	Section 7.2
	10) details of any incidents (including any enforcement action by any agency) and the adequacy of the response to, and management of such incidents;	Section 7.1
	11) an assessment of the compliance between actual and predicted impacts documented in environmental impact assessment, including an assessment of the physical extent of the development in comparison with the approved boundary and any potential off-site impacts of the development required under the Environmental Planning and Assessment Act 1979;	Section 7.8
	12) evidence collected through site inspections undertaken during the audit;	Appendix A
	13) evidence to support compliance assessment provided by the personnel interviewed during the audit;	Appendix A
	14) a brief discussion of any continual environmental management improvement opportunities identified as part of the audit; and	Section 6.2
	15) key strengths of the development's environmental management and performance identified by the auditor.	Section 7.4
4.2.4	Recommendations and opportunities for Improvement	Section 6.3
4.2.5	Appendices 1) a completed Independent Audit Table with all relevant conditions of consent, identifying each requirement, compliance status	Appendix A

Section	Independent Audit Report Requirements	Addressed
	assessed, documenting verified evidence and providing recommendations for any non-compliance that is identified;	
	2) a copy of documentation from the Planning Secretary agreeing to the auditor and any technical specialist(s);	Appendix C
	3) documentation detailing consultation with the Department, and other agencies or stakeholders including the community and Community Consultative Committee;	Appendix D
	4) completed and signed Independent Audit Declaration Form(s);	Section 3
	5) any reports prepared by the agreed technical specialist(s), as required; and	Not required
	6) site inspection photographs.	Appendix B

4.2 Overview

The audit process and methodology are summarised in this section, and comprised the following key undertakings:

- Preliminary planning activities
- Review of information and preparation of a compliance register (audit protocol / checklist)
- Site inspection and interviews:
 - Opening meeting
 - Site inspection
 - Review of relevant records
 - Review of additional information provided after the site inspection
- Preparation of this audit report.

4.3 Preliminary activities

Off-site planning for the site audit comprised:

- Initial discussions with client representative, to organise the site inspection and access to audit documentation
- Prepare the audit compliance checklist.
- Completion of a project specific Risk Assessment
- Review of online information
- Submission of a preliminary document / record request
- Consultation with relevant agencies.

4.3.1 Approval of audit teams

Newcastle Coal Infrastructure Group sought the Secretary's endorsement for the audit team to undertake this Independent Environmental Audit. The Secretary approved the appointment of the Auditor (Ken Holmes) on 13 December 2021 (Appendix C). The Lead Auditor's qualifications and experience are summarised in Appendix E.

4.3.2 Consultation with Agencies

The Auditor consulted with the following agencies during the audit planning stage:

- Department of Planning, Industry and Environment (DPIE);
- Transport for New South Wales;
- Department of Planning, Industry and Environment – Biodiversity Conservation Division;
- NSW Environment Protection Authority (EPA);
- National Parkes and Wildlife Service;
- City of Newcastle
- Hunter and Central Coal Development Corporation; and
- NCIG Community Engagement Group.

Correspondence was initially sent (via Email) to each of the above agencies advising them of the audit and the scope of the audit and inviting them to provide comments/requirements or specific environmental issues they required the audit to target. Where required (where no response was provided by the nominated stakeholder organisation, a follow up email

was sent to repeat the invitation to provide input into the audit. Details of the responses from each group / organisation is provided in Section 5.

4.4 Information Review and Compliance Register

Prior to the site inspection the Auditor prepared a detailed audit checklist (spreadsheet) that was used to assess and track compliance. This spreadsheet formed the basis of the compliance register presented in Appendix A of this report.

4.5 Site audit

The site inspection component of the audit was undertaken on 3 March 2022.

4.5.1 Opening Meeting

The opening meeting was held at NCIG's office. It was attended by the following personnel:

- Nathan Juchau – Manager HSEC
- Wade Covey – Environment and Sustainability Lead
- Hayley Ardagh – Environmental Officer
- Craig O'Neil – Manager Operational Capability
- Lee Haggerty – Operations Superintendent
- Luke Dalton – Maintenance Superintendent
- Ken Holmes (Lead Auditor) – Barnett and May.

Introductions were made, and the purpose and scope of the audit was outlined. An explanation of the audit process was communicated. That is, a site inspection, site interviews and detailed review of records in order to identify compliance with the approval conditions relevant to the current operations at the site.

4.5.2 Site Inspections

The site inspection included observations of:

- Site access and security;
- Coal Stockpiles and conveyer system;
- Coal loading and unloading facilities;
- Waste storage areas;
- Dangerous goods storage areas;
- Equipment Laydown areas;
- Landscaped areas;
- Weather Station;
- Water Storage Facilities;
- Dust control infrastructure; and
- Surface water management infrastructure.

4.5.3 Site Interviews

The following NCIG personnel were available to answer questions during the IEA. In order to minimise face to face meetings in response to Covid 19, all questions were channelled through the Environmental Officer who responded in writing to the Auditor.

- Nathan Juchau – Manager HSEC
- Wade Covey – Environment and Sustainability Lead
- Hayley Ardagh – Environmental Officer
- Craig O’Neil – Manager Operational Capability
- Lee Haggerty – Operations Superintendent
- Luke Dalton – Maintenance Superintendent

4.5.4 Document review

Compliance related documents that were not available prior, were requested to be provided following the on-site component of the audit. The Auditee’s personnel assisted with the provision of documentation following the audit, through secure file transfer mechanisms. The key documents reviewed during this audit are listed in the Compliance Registers against specific conditions.

4.6 Reporting

The compliance register was completed using notes and observations recorded during the site inspection / interviews and review of appropriate documentation. The completed compliance register is presented in **Appendix A**. A summary of the non-compliances identified during this audit are provided in Table 6. The audit criteria used to determine compliance for this audit is defined in Table 3.

Table 3 - Compliance Assessment Matrix

Assessment	Criteria
<p style="text-align: center;">Complies</p>	<p>Compliance</p> <p>The site complies with the requirements of applicable operational Consent Conditions.</p> <p>A judgment made by an auditor that the activities undertaken, and the results achieved fulfil the specified requirements of the audit criteria. While further improvements may still be possible, the minimum requirements are being met.</p>
<p style="text-align: center;">Non-Compliance</p>	<p>Non-Compliance</p> <p>Clear evidence has been collected to demonstrate the requirement has not been complied with and is within the scope of the audit.</p> <p>Site displays little or no evidence of compliance with the requirements of the regulatory documentation.</p> <p>Note: Where the auditor has not been able to collect enough verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit. In the absence of enough verification, the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. As the condition cannot be verified it is treated as a non-compliance.</p>
<p style="text-align: center;">Not Triggered</p>	<p>Not Applicable / Not Triggered</p> <p>The respective condition / requirement was not activated within the scope of the audit.</p>
<p style="text-align: center;">Noted</p>	<p>A statement or fact, where no assessment of compliance is required.</p>

Risk levels for each non-compliance identified have been assessed in accordance with Table 4.

Table 4 - Risk Assessment Matrix

Risk Level	Description
High	Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence.
Medium	Non-compliance with: <ul style="list-style-type: none"> • potential for serious environmental consequences, but is unlikely to occur; or • potential for moderate environmental consequences but is likely to occur.
Low	Non-compliance with: <ul style="list-style-type: none"> • potential for moderate environmental consequences, but is unlikely to occur; or • potential for low environmental consequences but is likely to occur.
Administrative non-compliance	Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions).

5. Stakeholder Consultation

Table 5 provides a summary of the Stakeholder Consultation undertaken by the Auditor.

Table 5 - Stakeholder Inputs

Department	Contact	Stakeholder Comments	Auditor Response
NSW Department of Planning, Industry and Environment	J. Curran	Thank you for your email. No concerns for NCIG. There were a number of recommendations from the previous 2018 audit that we would like a review of the status of, including the establishment of a CCC.	NCIG established a Community Engagement Group in response to the audit recommendation. Details are provided in Section 7.6 below.
NSW EPA	M. Moore	The EPA did not respond to the Auditor's consultation request.	Noted
Transport for NSW	M. Ozinga	TfNSW did not respond to the Auditor's consultation request	Noted
DPIE – Biodiversity	S. Crick	Thank you for your e-mail dated 5 February 2022 inviting Biodiversity and Conservation Division (BCD) to raise any specific concerns of the operation of NCIG over the last three years or aspects to focus on for the forthcoming Independent Environmental Audit. BCD does not have any specific issues or concerns for the audit to focus on.	Noted
NPWS	D. Beckers	We have had dealings with NCIG since 2011 and over the past 3 years we have had no concerns regarding the environmental performance of the operation. NCIG supply regular updates to NPWS regarding the progress, maintenance and monitoring of their licenced areas. If we have any issues to discuss, we have found NCIG to responsive and collaborative.	Noted
Newcastle City Council	N Jones	There are no environmental complaints or notified incidents from the public, listed against this site.	Noted
HCCDC	M Bardsley	No response was received	Noted

Department	Contact	Stakeholder Comments	Auditor Response
CEG	J Hayes	No response was received	Noted
CEG	R Banyard	No response was received	Noted
CEG	A Blanch	No response was received	Noted
CEG	C Blanch	<p>Thank you for allowing me the opportunity to set on record my positive experiences during my association with NCIG as a Community Engagement representative. I have no background in the community consultation processes nor do I represent or have membership with any special interest groups. I was interested in the long-term strategic planning for my suburb and as I own property in Carrington and was impressed to see NCIG advertise in our local publication for expressions of interest to join the group. Just in the simple act of advertising via print media they had supported a small local business who depends on local content and advertising to ensure their operation survives. I saw this as a large company empathising with the needs of a small local community and reaching out to them in a relevant medium.</p> <p>During my participation, I have seen the staff and management set an example of being proud, active and valued members of the Newcastle region. They have demonstrated their desire to build genuine, reliable relationships with their stakeholders and to create positive outcomes – for their staff, customers community and the environment. This was particularly demonstrated to me when the company asked staff to put forward recommendations from their own department for divisional improvements. Those recommendations acted upon not only led to a 10% increase in productivity but more importantly a sense of pride and ownership by those employed within the organisation.</p>	Noted

Department	Contact	Stakeholder Comments	Auditor Response
		<p>As a result of our meetings, I am now aware that NCIG actively seeks to understand the expectations of those in their surrounding communities so that they can meet their various interests and concerns. They understand the community's expectations may extend beyond regulatory compliance and they work hard to continuously improve their operational, environmental and social performance. I am particularly proud of their support of "Got your Back Sister" through their Community Support Program. As a vehicle for assisting parents faced with domestic violence and having lost my sister to the same, it shows me how willing they are to support the cutting edge of community needs.</p> <p>As I have informed members at previous group meetings, my husband works in waste management and regularly services the NCIG site. He also updates me on the progress of the green and golden bell frog which is part of the NCIG Compensatory Habitat and Ecological Monitoring Program His site induction several years ago, included risk management strategies for avoiding disruption of habitat on the rare occasion that a frog be seen when bins were being lifted and emptied. He now advises that the population has grown and flourished exponentially under the mindful management of the site's natural ecosystem.</p> <p>In my opinion NGIG sets the benchmark in all areas of their operation and I am proud to be considered a small part of their team.</p>	
CEG	K Barry	<p>Good Morning Ken, thanks for the opportunity to comment on the operation of the NCIG Community Engagement Group.</p> <p>I can advise that from the CEO down to environmental and operational staff, NCIG displays an exemplary attitude in its commitment to open and transparent</p>	Noted

Department	Contact	Stakeholder Comments	Auditor Response
		<p>communications with the CEG and the wider community.</p> <p>In my experience, Members of the CEG and NCIG staff share a level of trust that is often sought but rarely achieved within this type of forum.</p>	
CEG	L Kilby	No response was received	Noted

6. Statutory Compliance and Recommendations

Compliance with the Conditions of NCIG's Project Approval has been reviewed by assessing compliance against the various documentation related to the development, as listed in section 2.2 of this report. The Compliance Register presented in Appendix A provides a detailed review of the compliance status of the site, including recommendations to address non-conformances.

6.1 Summary of Compliance Status

A summary of compliance with statutory requirements is provided in Table 6 - Summary of Statutory Compliance.

Table 6 - Summary of Statutory Compliance

Approval	No. of Conditions	Compliant	Non-Compliant	Noted	Not Triggered
06_0009	104	78	4	5	17

6.2 Non-Compliances and other recommendations

Non-compliances identified during the site inspection, interviews and document reviews are recorded in detail in the Compliance Registers in **Appendix A** and are summarised in Table 7. Recommendations have been made to address all identified Non-Compliances and Observations. Recommendations for continuous improvement are presented in Section 6.3.

Table 7 - Statutory Non-Compliances

No.	Condition	Observation	Recommendation	Risk Level	Unique Non-compliance Identification No.
Project Approval 06_0009					
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 Protection of the Environment Operations Act 1997 which prohibits the pollution of waters	Seven “pollution of water” incidents (refer to Section 7.1 below) relating to discharges from the site to either the Hunter River or off-site stormwater drains. All incidents were investigated, and corrective and preventative actions implemented. It is noted that none of the incidents reported resulted in material harm to the environment, however those discharges represented non-compliances with the NCIG Environment Protection Licence.	All incidents were investigated, and appropriate corrective and preventative measures implemented. All incidents were appropriately reported to the EPA. There are no further recommendations.	Low	Non-compliance 1
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	Five water discharge incidents (refer to Section 7.1 above) relating to discharges from the site to either the Hunter River or off-site stormwater drains. Two of the incidents related to significant storm events and three to the inadvertent discharge of wash down water to the Hunter River. The washdown water incidents, while not resulting in material environmental harm, represent non-compliances against the NCIG EPL. The two incidents that resulted from stormwater discharges occurred during significant rainfall events (likely to have been greater than the defined 1 in 100 ARI events). It is noted that with the rapidly increasing impacts of climate change that significant storm events are occurring	It is recommended that NCIG initiate a review of the 2014 Drain Assessment Report, to ensure that the drainage system design continues to meet the current (and projected) 1 in 100 ARI rainfall criteria.	Low	Non-compliance 2

No.	Condition	Observation	Recommendation	Risk Level	Unique Non-compliance Identification No.
	Hunter River unless expressly provided under the provision of an Environment Protection Licence.	more regularly and that this trend will continue. The Auditor considers that it is possible the 1 in 100 ARI rainfall event as referenced in the 2014 Drainage Assessment Report may no longer be applicable.			
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 must include: g) provision for independent review and auditing of the Program; and	The ODAQMP does not include the provision for independent review and auditing of the Program.	Update the Dust Monitoring Program to include the provision of independent review and auditing.	Administrative non-compliance	Non-compliance 3
6.3	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: e) record of operational and meteorological condition contributing to the complaint.	A record of relevant operational and weather conditions is not recorded in the Complaints Register provided to the Auditor.	Update the Complaints Register to include the record of operational and meteorological conditions that were present at the time of the complaint.	Administrative non-compliance	Non-compliance 4

6.3 Continuous Improvement Opportunities

During this IEA the Auditor observed that NCIG has achieved a high level of compliance against the Conditions of Approval. No opportunities for improvement related to the Environmental Management System were identified.

Surface water and dust impact management remain the two key environment challenges. In regard to the surface water management, it was observed that the site drainage system is in general operating as designed and is considered to be consistent with industry standards. However, the intensity and duration of extreme rainfall events has and will continue to increase due to climate change. It is recommended that NCIG initiate a review of the 2014 Drain Assessment Report, including a remodelling of the 1 in 100 year 2 hour ARI event criteria (refer also to Condition 2.42 in Appendix A).

The processes and procedures being implemented in relation to dust management are likewise generally consistent with good industry practice. No opportunities for improvement with dust management practices were identified during this IEA.

7. Independent Audit Post Approval Requirements

This audit focused on the compliance requirements established by the Conditions of Approval. While the scope of the audit, as specified in the Conditions of Approval do not refer specifically to the DPIE Independent Audit Post Approval Requirements (DPIE, May 2020), for completeness the Audit has, where possible, assessed the environmental performance of the project. This section of the report covers the specific requirements contained in the DPIE Guidelines.

7.1 Summary of Environmental Incidents

NCIG records all incidents in its Sustain Management System that has been developed by NCIG. All incidents are recorded and actioned through that system. The System requires details of the incident, actions taken, incident investigation results and corrective and preventative (learnings/recommendations taken). All NCIG personnel have access to that system.

Incident management procedures are described in Section 5 of the NCIG Operation Environmental Management Plan and incident response actions are detailed in the NCIG Spill and Pollution Incident Response Management Plan (SPIRMP). Incident reporting procedures are details in Sections 10 and 11 of the PIRMP. Reportable Incidents are reported in accordance with Conditions 8.1, 8.2 and 8.3 of the Project Approval.

A printout of recorded incidents during the audit period was provided to the Auditor. Table 8 provides an overview of the incidents recorded and

Table 9 provides a summary of the reportable incidents and non-compliances for the audit period.

Table 8 - Summary of Incidents

Incident Classification	No. of Incidents
Reportable	10
Other (no significant impact)	57
Total	67

Incident Category	No. of Incidents
Hydrocarbon Spills	36
Water	13
Dust	6
Waste	2
Coal / Solids spillage	3
Spontaneous Combustion	3
Other	4
Total	67

Table 9 - Summary of Reportable Incidents

Date	Description	Notifications	Category
23/05/2019	<p>On Thursday 23 May 2019 at approximately 9:15am, A hydraulic oil line on a Front-End Loader failed causing a hydraulic oil spill of approximately 10 litres. The loader was then driven off site leaving a trail of oil 300 metres south along PN Road.</p> <p>Most of the spill (approximately 7 litres) occurred on site at the rail stores yard. As the loader travelled to PN Road, it was evident that the failed hydraulic line was not adequately addressed and had left a trail of oil from the rail stores yard, through the dump station eastern security gates and approximately 300 metres along PN Road. It is estimated that approximately 2 litres of hydraulic oil was spilt off site onto the Road.</p>	EPA Notified	Hydrocarbon Spill
10/07/2019	<p>On 10 July 2019 during routine wash down duties of ship loader SL01, coal contaminated water has unintentionally discharged into the Hunter River adjacent to the K9 maintenance bay.</p> <p>The event resulted from a strong westerly wind which had blown wash down water beyond the containment of the maintenance bay. The ship loader was parked over the maintenance bay at the time of cleaning to eliminate risk of water run-off, however, strong westerly winds during wash down has led to drifting eastward beyond the edge of the maintenance bay into the Hunter River. Wash down activities were stopped immediately when wash down water was observed in the river.</p>	DPIE and the EPA Notified	Water (Non-compliance)
26/09/2019	<p>On Thursday 26 September 2019 a crane leaving site has driven through an area of ponded sediment causing material to be tracked out of the western stockyard security gates and approximately 250 metres south along PN Road.</p> <p>A sweeper truck was deployed immediately after becoming aware of the event to clean up the tracked material. An inspection was undertaken within 30 minutes by the Environment Advisor and Services Supervisor confirming that all material had been cleaned up and appropriately disposed of.</p>	EPA Notified	Other
22/11/2019	<p>The long travel gearboxes on Shiploader 1 struck a displaced checker plate ramp on the western side of the K9 Maintenance Bay, It was estimated by NCIG that approximately 30 litres of gearbox oil spilled resulting with potentially 15 litres discharging in to the Hunter River. This resulted in the sump plugs being sheared off on 3 gearboxes. There was significant damage done to the checker plate ramp, sea side stair well structure, storm anchor proximity and surrounding devices.</p> <p>The shiploader was relocated to the K9 Maintenance Bay with spotters in place to ensure no further spills resulted. The VTIC response unit attended the site and were unable to identify any signs of the oil spill. As a result it was determined that no additional actions were required.</p>	DPIE and the EPA Notified	Water (Non-compliance)
2/07/2020	<p>While undertaking a wash down of SL01, with the ship loader was in the middle of the maintenance pad a thin line of slurry was seen in the river adjacent to the pilot access ladder east of the maintenance pad, hosing was stopped and dirty water stopped. Slurry water was seen to be coming from the drain on the southern side of the maintenance pad. The drain was re-sealed and additional administrative actions were undertaken to prevent a recurrence. Incident was reported to the EPA.</p>	EPA Notified	Water (Non-compliance)
27/07/2020	<p>Seepage of stormwater from NCIG's stormwater pond network during a significant rainfall event. Stormwater was identified to be seeping through a stormwater pond embankment (Pond WT10b) into an off-site stormwater drainage line.</p> <p>The rainfall event exceeded pond design criteria leading to increased water levels. NCIG undertook temporary repairs to the embankment at</p>	DPIE and the EPA Notified	Water (Non-compliance)

Date	Description	Notifications	Category
	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.		
16/11/2020	During a severe storm event generated heavy rainfall, lightning and storm force winds (gusting over 170 km/h). At the time of the storm, both of NCIG's shiploaders (SL01 and SL02) were in operation, loading two separate vessels at the NCIG wharf facility. The winds caused the unexpected movement of both vessels and the shiploaders resulting in both SL01 and SL02 colliding with the ships. Significant structural damage was sustained to SL02 and a small volume of hydraulic oil leaked from a damaged coupling on a hydraulic cylinder connected to the SL01 spout into the Hunter River. NCIG estimated that approximately 25 litres of oil was lost due to this damage, however, it is considered that the majority of the oil was lost into the hold of the vessel. A small volume of residual oil was found to be captured within the structural ribs of the spout at the time of the inspection. The winds also lifted a temporary portable building that was located on the sites' K10 maintenance bay over a guardrail into the harbour. This building was utilised for administrative purposes only and was not being used for the storage of any hazardous materials.	DPIE and the EPA Notified	Water (Non-compliance)
21/03/2021	At approximately 11am a monitoring consultant identified an oily residue at CV21 and BN01 sumps during routine water quality monitoring. NCIG Process Leader was notified and mobilised site resources to attend and investigate the source and extent of the oil leak. Booms placed at sump outlets and across the water management system. Process Leader notified site Environment and Sustainability Lead of the incident and attended site. Source of the spill was confirmed to be a spill tray had been inundated from localised flash flooding in the area. The affected area was pressure cleaned once water levels subsided and the spill tray removed as it was no longer required. Incident reported to the EPA based on potential consequence. No actual harm was reported as it was successfully contained on site.	EPA Notified	Hydrocarbon Spill
21/03/2021	<p>Discharge of stormwater occurred from the NCIG site across the boundary at two locations.</p> <p>Between 18 to 23 March 2021 NCIG was impacted by a significant regional rain event. The site recorded a total of 324mm of rainfall during that period. The intense nature of the rainfall experienced on 21 March 2021 resulted in localised flash flooding across NCIG's Coal Export Terminal (CET) and more locally across Kooragang Island. On this date a small volume of stormwater was observed to be overtopping one of NCIG's stormwater pond embankments into an adjacent stormwater easement. Stormwater was also observed to be discharging from a retention basin at NCIG's Dump Station area into a stormwater drainage line on the western side of Pacific National Road.</p> <p>Water quality samples were taken at both stormwater discharge locations on 21 March 2021 as well as NCIG's licenced discharge point (which was also discharging at the time). A representative sample from the Hunter River was also taken on 21 March 2021 (outgoing tide upstream of NCIG). Based on the results, as provided in the detailed incident report, NCIG is of the opinion that there were no material environmental impacts that occurred from these events.</p>	EPA Notified	Water (Non-compliance)
23/09/2021	<p>On 23 September 2021, an NCIG employee observed an overflow of dirty water from Shiploader 01 into the Hunter River during functional safety testing on the machine. The overflow water was visible in the Harbour at the time it was identified however it dissipated quickly and was no longer visible after approximately 10 minutes.</p> <p>The inspection confirmed that the launder sprays were operating at the time the boom conveyor was lowered as part of the functional safety testing. This resulted in water flowing down the boom conveyor launder and exiting the shiploader via the spoon chute into the Hunter River.</p>	EPA Notified	Water (Non-compliance)

Date	Description	Notifications	Category
	Based on the discolouration of the overflow observed at the time of the incident, it is likely that the water from the launder sprays has mixed with some residual coal fine material within the spoon chute as it exited the shiploader above the River. The volume of water that was released was unknown (as there are no flow meters on the boom conveyor launder sprays), however, it was not considered to be significant by NCIG, given the limited extent of the affected area in the River, the fact that it dissipated relatively quickly (within 10 minutes) and the overflow was identified and responded to immediately.		

7.1.1 Incident Response Assessment

During this IEA the Auditor accessed the incident management system and reviewed the Incident Register. The system implemented by NCIG is documented in the Operation Environmental Management Plan and includes:

- Incident reporting;
- Implementation of immediate response actions;
- Incident investigation;
- Development of corrective and preventative actions;
- Reporting (internal and external);
- Incident record management.

The Auditor sighted evidence that the incident management system is well understood and fully implemented.

7.2 Summary of Complaints

A Community enquiries & complaints register is maintained for internal use that contains details of community contacts (including complaints) received. This register is not available on the company website. Table 10 provides a summary of the nature of the enquiries (including complaints received over the Audit Period). Table 11 provides a summary of the enquiry details (including complaints) that were received during the audit period.

Table 10 - Summary of community enquiries

Nature of Community Enquiry	No. of Enquiries/Complaints	NCIG Accountable Yes(Y) No(N)
Dust	12	Y(5) N(7)
Air Quality (Smoke)	1	N
Noise	2	Y(1) N(1)
Trains (Oil Spill)	1	N
Trains (Noise)	1	N
Visual	1	Y
Traffic	2	N
Other	3	N/A

Table 11 – Enquiries/Complaints Summary

Enquiry No.	Date Received	Method of Reveal	Nature Enquiry	NCIG Accountable?	Actions Taken, Outcomes and Follow Up Contact
99	22/11/18	Phone	Dust	N	<p>Detail - EPA received a community complaint during the day (10:40am). The complainant had advised that NCIG stockpiles were not receiving water from sprays, and that they were concerned about coal dust blowing from stockpiles in windy conditions. Concern regarding addition of coal dust to the already poor air quality (during the dust storm at the time), including health impacts to the community. The EA Officer requested that the incident be investigated, and action taken where appropriate.</p> <p>Action / Outcome - Environmental Advisor returned EPA Officer's call on the afternoon of the 22nd and emailed on the morning of the 23rd, confirming the use of stockpile sprays in the yard during that time.</p>
100	2/1/19	Phone	Rail Noise	N	<p>Detail – A local resident complained about the noise coming from coal trains shunting overnight. He thought they were trains going into Carrington Coal terminal. He said it was like a 'bomb going off' and was typically happening in the early hours of the morning and has been occurring frequently over the last 2-3 weeks.</p> <p>Action / Outcome - HSEC Manager provided the ARTC Enviro Line number 1300 550 402 and suggested the resident give them a call as they were responsible to managing rail noise.</p>
101	2/1/19	Phone	Visual	Y	<p>Detail – Local resident (resident of The Cove retirement village), called the NCIG reception at approx. 3.30pm. Spoke with Process Leader on shift. Explained they were concerned about the trees on the visual berm, seen from Cormorant Road, and that some appeared to be dying.</p> <p>Action / Outcome - Environmental Advisor returned a call to the local resident. The resident explained they had seen the trees along the visual berm grow since the terminal was built. They were pleased with the growth and believed it provided a good visual screen. They did not want to see any of the trees die off, given the good progress made. Discussion was also had about the suitability of the species and the growth of recently planted tube stock. Environmental Advisor thanked the resident for their concern and committed to reviewing the watering regime of the irrigation along the visual berm.</p>
102	31/1/19	Phone	Dust	N	<p>Detail – Member of the public called NCIG enquiries line regarding visible dust coming off conveyor on Kooragang Island.</p> <p>Action / Outcome - HSEC Manger returned call and ascertained that the location described was Port Waratah's transfer house (corner of Cormorant Rd and Heron Rd). The NCIG Process Leader contacted PWCS Shift Supervisor who then investigated.</p> <p>PWCS Shift Supervisor notified Process Leader that after inspection, no dust was evident. However, he advised that they had just completed loading vessel in area that could have been the problem. The Shift Supervisor advised that he would raise the matter to the Superintendent.</p>

Enquiry No.	Date Received	Method of Receipt	Nature Enquiry	NCIG Accountable?	Actions Taken, Outcomes and Follow Up Contact
103	9/7/2019	Email	Dust	Y	<p>Detail – The Depot Manager of Boral Cement contacted the NCIG HSEC Department regarding an employee's vehicle which was impacted by dust on the previous evening.</p> <p>Action / Outcome - Site visit was made to Boral. It was explained that the employee washed their private vehicle (southern side of Boral Admin building at approximately 5pm on Monday evening (8/7) and then left site at around 8pm. The following morning, the employee noticed a dark dust build-up, presumably coal, on the vehicle surface which looked like it had mixed with water droplets (spray or condensation). On visiting the Boral site, the vehicle had been partially cleaned and a dust sample was unable to be retrieved.</p> <p>Whilst there, Boral staff showed NCIG representatives the deposited dust, believed to be coal build-up behind an office door which was deposited during strong north-westerly winds in late May. Samples were taken of this.</p> <p>Onsite investigation conducted of site conditions and operations at time of complaint. HSEC Manager and Environmental Advisor provided Boral with information regarding dust management controls.</p>
104	16/7/19	Phone	Spill	N	<p>Detail – Officer from the EPA called HSEC Manager and reported that Pacific National (PN) had reported through the EPA Pollution line that a locomotive had spilt oil over a distance of 3km near NCIG's rail line. LR was unable to contact PN (Michael Stanley from PN initially reported the incident) and asked that NCIG confirm the details of the incident.</p> <p>Action / Outcome - HSEC Manager discussed incident with NCIG operations supervisor who provided the following details. A mechanical failure of a PN locomotive had occurred on the rail line. The locomotive was held by ARTC Network Control and prevented from entering into the rail network until it is inspected and found to be in suitable condition to continue journey. An inspection of the locomotive and NCIG rail was undertaken by the PN Supervisor (Murray) and it was reported that a failure of the coolant system had occurred as a result of a small fire that had melted a pipe collar, however, the coolant had been completely captured within an internal catch tray and no spillage had occurred on the NCIG rail loop.</p> <p>The damaged locomotive was then given permission by ARTC Network Control to be spilt from the train and proceed to PN Maintenance Facility at Carrington.</p> <p>HSEC Manager provided the PN Supervisor contact details to EPA Officer to enable close-out of incident with PN.</p>
105	31/7/19	Phone	Dust	Y	<p>Detail – The Boral Cement Depot Manager contacted the HSEC Department regarding a complaint of dust deposition from a truck driver. Sometime last week the truck driver had complained to the Depot Manager regarding dust build up on his personal car and on the western side of the cement truck whilst parked at the Depot.</p> <p>Action / Outcome - The complaint was followed up with a site visit to obtain more details, however specific timing of the dust deposition on the truck driver's vehicle wasn't provided, rather a general concern expressed over dust deposition. The Depot Manager expressed interest in meeting with NCIG and a number of Boral Cement employees so they can obtain a better understanding around the dust management measures at NCIG.</p>

Enquiry No.	Date Received	Method of Receipt	Nature Enquiry	NCIG Accountable?	Actions Taken, Outcomes and Follow Up Contact
106	8/8/19	Phone	Dust	Y	<p>Detail – Origin Energy Site Manager contacted the HSEC Manager for an unrelated matter. During the conversation the HSEC Manager asked about the dust situation on their site as they are against NCIG's eastern boundary. The Origin Energy Site Manger mentioned the site is sometimes impacted by dust during strong westerly winds.</p> <p>Action / Outcome - HSEC Manager and Environmental Graduate attempted to contact Site Manager via phone and site visit to follow up, however were unable to get in contact.</p>
107	9/8/2019	Phone	Dust	Y	<p>Detail – Boral Cement contacted HSEC Manager in relation to coal dust deposited on their site during the high winds earlier in the morning.</p> <p>Action / Outcome - The NCIG Operations Manager and HSEC Manager attended Boral Cement to discuss dust management and obtain more details. It was explained that the coal dust was likely deposited early in the morning. Boral Cement was advised that NCIG had ceased all operations at approximately 8:45am that morning due to the high winds leading to an increased risk of dust emissions. It was also advised that stockyard sprays had been running throughout the night and morning and would continue to do so for the remainder of the day.</p> <p>NCIG advised that we would like to undertake depositional dust monitoring on their site to investigate the extent of depositional dust and improvements overtime as a result of a number of dust management projects.</p>
108	9/8/2019	Phone	Dust	N	<p>Detail – An EPA Officer contacted the HSEC Manager to discuss dust management during the current strong winds. The HSEC Manager advised that NCIG had ceased operations earlier in the day and the stockyard sprays had been running throughout the previous night and all day.</p> <p>Action / Outcome - NCIG provided a letter and report to the EPA summarising dust management controls implemented during the period of 6 August - 11 August 2019, as requested.</p>

Enquiry No.	Date Received	Method of Receipt	Nature Enquiry	NCIG Accountable?	Actions Taken, Outcomes and Follow Up Contact
109	21/8/19	Phone	Dust	Y	<p>Detail – Boral Cement contacted HSEC Manager to advise they had been impacted by dust during current windy conditions. Dust, believed to be from NCIG, had accumulated in their workshop.</p> <p>Action / Outcome - Acting Environmental Advisor and Process Leader met with Boral employees to inspect site. Coal dust appeared to be deposited around the workshop. Boral mentioned that the area was used between 8:30am and 9:10am and the dust is believed to have accumulated during this time. Additional areas were inspected around site; however no evidence of coal dust was found.</p> <p>An internal investigation was undertaken to determine the cause of the dust deposition. It is likely that deposition occurred while stacking coal on the eastern end of Pad 2 during moderate NW winds. Inbound moisture review was undertaken and an alternative stockyard location for the coal of concern in an area not impacted as severely during NW winds identified.</p> <p>NCIG provided further updates relating to dust management measures being trialled and agreed to keep Boral informed in the coming months. NCIG also committed to cover the cost for Boral to have occupational air quality monitoring undertaken to alleviate any concerns the employees had over health impacts. Additionally, Boral agreed that doors in their facility require sealing and this would be undertaken. Boral Cement also agreed to keep the workshop door closed while not in use.</p> <p>The NCIG HSEC Team continued to liaise with Boral prior to forecast adverse weather conditions to allow Boral time to organise occupational air quality monitoring. The offer was not taken up. NCIG has also regularly sought feedback on dust impacts. Boral have advised on each occasion that they have not been subsequently impacted.</p>
110	29/11/19	Phone	Air Quality	N	<p>Detail – A resident called the enquiries line concerned about "orange smoke coming from Orica chimney stacks"</p> <p>Action / Outcome - HSEC Manager contacted resident and provided them with Orica's community contact number.</p>

Enquiry No.	Date Received	Method of Receipt	Nature Enquiry	NCIG Accountable?	Actions Taken, Outcomes and Follow Up Contact
111	3/1/20	Phone	Other	N.A.	<p>Detail – A member of the public contacted NCIG reception with an enquiry regarding the current catastrophic fire warning in place. Mr Campbell was requesting information on NCIG's preparedness to manage the risk / threat of fire on site in addition to what other businesses on Kooragang Island were doing to manage threats.</p> <p>Action / Outcome – The resident was contacted by an NCIG HSEC representative to follow up on his request for information. Resident was provided with information over the phone in regards to the management of spontaneous combustion risk at NCIG. The resident was also advised that sites that are subject to an EPL are required to hold a current PIRMP which details the required actions under various circumstances. The HSEC representative advised that these documents are made publicly available on each site's respective website.</p>
112	17/2/20	Phone	Other	N.A.	<p>Detail – A member of the public phoned to enquire about the number of people employed in the coal industry.</p> <p>Action / Outcome - Environmental Advisor directed the enquirer to NCIG's external published reports including the recently published sustainability report.</p>
113	12/3/20	Phone	Traffic	N	<p>Detail – A member of the public called reception to report that on the previous day (11/03/20) at approximately 2:05pm she was driving along Cormorant Road and reported that something fell onto her windscreen, leaving a large crack.</p> <p>Action / Outcome - The complainant was travelling eastbound when the impact of a falling object on her windscreen made a loud noise chipping her windscreen as she was driving under the NCIG conveyor gantry. The resident inspected the area but was unable to identify the object.</p> <p>Follow up investigation was undertaken to determine whether object has fallen from NCIG conveyor gantry. Preliminary investigation found very limited potential for falling objects from within structure.</p> <p>The complainant was informed that there were no obvious signs where an object could have fallen from within the structure. Further investigation work was undertaken. Likelihood of object falling from conveyor gantry very low and not believed to be related to NCIG. Outcome was resolved with the complainant</p>
114	24/8/20	Phone	Dust	N	<p>Detail – The EPA contacted the HSEC Manager on 24 August 2020 requesting information on NCIG's dust management controls for the period of 19 to 21 August 2020. The information request was in response to a report to the EPA Environment Line regarding potential coal dust impacting a residential property in Stockton.</p> <p>Action / Outcome - Report provided to the EPA at 3:50pm Friday 28 August 2020. EPA responded with a request on 30/10/20 to provide further information in regard to TSP levels. NCIG provided the requested information on 13/11/20. No further response from the EPA.</p>

Enquiry No.	Date Received	Method of Receipt	Nature Enquiry	NCIG Accountable?	Actions Taken, Outcomes and Follow Up Contact
115	2/9/20	Phone	Dust	N	<p>Detail – An enquiry was received from the EPA in response to a report on the EPA Environment Line. A resident of Stockton has reported that their car and outdoor furniture was "covered with black coal dust" and suspects the dust may have come from "the coal loader at Newcastle Harbour" on the night of 31 August 2020/ morning of 1 September 2020. The EPA have requested NCIG to review relevant monitoring data and dust mitigation measures over the period of concern.</p> <p>Action / Outcome - Report submitted to the EPA providing the requested information. High unlikely to be a result of NCIG based on wind direction. EPA provided confirmation that the report was received and not further information required.</p>
116	25/9/20	Phone	Dust	N	<p>Detail – On Friday afternoon (25 Sep 2020) an EPA Officer contacted the HSEC Manager via phone and a follow up information request via email. The information request has been received in response to a complaint received via the EPA from a Stockton resident, stating that he was impacted by coal dust in his pool and covering outdoor furniture at 12:45pm. The EPA Officer also stated that the LHAQMN PM10 concentration was about 2-3 times greater than the upwind monitors.</p> <p>Action / Outcome - Information in relation to wind event provided to EPA on 1st October. No further response from the EPA.</p>
117	20/11/20	Phone	Enquiry	N.A.	<p>Detail – Enquiry Line message received asking questions regarding coal and tonnage taken out last year and the largest amount of coal taken over all on one ship</p> <p>Action / Outcome - The Environmental Officer returned community member's call and discussed the typical sizes of vessel at NCIG and directed him to the NCIG Sustainability Reports on the NCIG website.</p>

Enquiry No.	Date Received	Method of Receipt	Nature Enquiry	NCIG Accountable?	Actions Taken, Outcomes and Follow Up Contact
I-91	1/4/21	Phone	Traffic	N	<p>Detail – Community enquiry received to the NCIG hotline at approximately 15:10 advising that piece of coal their passenger window and smashed it to pieces while travelling under coal gantries on Cormorant Road.</p> <p>Action / Outcome – Complainant advised that the window smashed as they were passing under the gantries and that it had shattered the window. Environment and Sustainability Lead confirmed that they were ok and advised that NCIG would follow this up as a matter of priority. Complainant advised they were sure it was coal. They also explained that they pulled into our Wharf area immediately after to push out the shattered glass.</p> <p>An Immediate inspection of the public road under the gantries was undertaken. Also arranged for the gantries above Cormorant Road to be checked. Manager confirmed there was no evidence of coal spillage or impact on the public road area and there were no signs of spillage or coal in the Gantries. Confirmed that all areas of the gantries above road fully sealed. No coal spillage observed on Cormorant Road.</p> <p>Email sent to complainant seeking photos taken of the impact area. Email received on 01/05 showing photos of the smashed passenger window. No evidence of coal impact observed. Further email sent to complainant on 01/05 seeking photos of the coal. Complainant advised that it has been thrown out.</p> <p>Following the detailed investigation, it was determined that the coal impact was not linked to NCIG's operation. This determination was made based on location of the damage, the trajectory of the rock and the fact that there were no signs of coal spillage on the Public Road at the time of the enquiry.</p> <p>Complainant was advised of the outcomes of the incident investigation. Explained that NCIG did not find any signs of coal spillage across its operational areas or on the public road and that the gantries are completely sealed. Complainant advised that it was possibly a dark stone and not coal that caused the impact. It was explained that it may have been possible for an exposed section of verge adjacent the public road and that a passing car could have flicked it up. They agreed that this was the most plausible cause of the impact. They were also advised that NCIG had pulled security video footage from the area. They were thanked for assisting NCIG with the investigation.</p>

Enquiry No.	Date Received	Method of Receipt	Nature Enquiry	NCIG Accountable?	Actions Taken, Outcomes and Follow Up Contact
I-93	2/4/20	Phone	Noise	N	<p>Detail – At about 9:40pm on the 2nd of May 2021 NCIG received a noise complaint via the NCIG community hotline number. Caller advised they could hear noise at Mayfield coming from coal loading operations.</p> <p>Action / Outcome - The shift crew completed a sweep of all NCIG inbound and outbound operations. No excessive noise or other unfamiliar sounds were heard emitting from our site at this time.</p> <p>An alarm although not excessive was heard coming from a PWCS stacker which was adjacent to the NCIG Admin building at this time. Call was made to PWCS live run to investigate.</p> <p>A follow up inspection was undertaken by NCIG's Environment and Sustainability Lead on the night of 4 May to investigate noise impact. Direction of noise heard was confirmed not to be originating from NCIG's site but may be towards PWCS Carrington Coal Terminal.</p> <p>Notified PWCS environment team of investigation outcomes on 5 May. PWCS committed to following up with the complainant and agreed to undertake further investigations. Feedback provided to the complainant regarding the outcomes of NCIG's investigations.</p>
I-162	19/9/20	Phone	Noise	Y	<p>Detail – At approximately 6.35am a Port Waratah Coal Services employee contacted the NCIG enquiries line to report a noisy idler in the conveyor structure above Cormorant Road. The employee had just completed Night Shift at PWCS and was refuelling his car at the Shell Service Station on Cormorant Road when he noticed the abnormal noise. A follow up discussion with the PWCS employee confirmed that he was a fitter at PWCS and that he just wanted to let NCIG know about the issue in case it got worse.</p> <p>Action / Outcome - NCIG technicians investigated and couldn't find any signs of noisy idlers. They did however notice elevated noise coming from Buffer Bin 1. A review of Citect indicated that NCIG was loading out of Buffer Bin 1 stream at 6.30am and that the bin was empty at the time. Manager advised that the noise was likely from coal hitting the sides/bottom of the bin when empty or could be related to an issue with deflector plate.</p> <p>Routine noise monitoring undertaken on 20/12/2021. Discussed potential issue with noise consultant and they advised they would undertake noise monitoring around the buffer bins. No issues identified.</p>
I-166	21/9/20	Phone	Dust	N	<p>Detail – At approximately 3.36pm NCIG's Environment and Sustainability Lead was contacted by the NSW EPA regarding a dust complaint that was reported to them by a Stockton resident on 20th September. The EPA advised that the complainant was concerned about coal dust impacts at their property during strong westerly winds on the above date. The resident believed that the coal dust was coming from the coal terminals on Kooragang Island and that dust management controls in place were not working effectively.</p> <p>Action / Outcome - A formal response was provided to the EPA on 23 September 2021. No further information was requested by the EPA.</p>

7.2.1 Complaint Management System Assessment

During this IEA the Auditor accessed the complaints management system and reviewed the Complaints Register. The system implemented by NCIG is documented in the Operation Environmental Management Plan and includes:

- Complaint reporting;
- Communication protocol (initial and on-going contact with complainants);
- Compliant investigation;
- Development of corrective and preventative actions (where appropriate);
- Reporting (internal and external);
- Complaint record management.

The Auditor sighted evidence that the complaint management system is well understood and fully implemented.

7.3 Summary of Notices

One formal notice (formal warning) was received from the EPA in relation to the oil spill incident on 22 November 2019 from the Coal Loader. Details of that incident are provided in Section 7.1 above.

No other notices, orders or prosecutions were issued to NCIG during the audit period.

7.4 Environmental Management System

NCIG operates in accordance with its Environmental Management System (EMS). Additionally, the Operations Environmental Management Plan that was prepared as a requirement of the Planning Approval describes the environmental management approach implemented at the facility. The EMS, as documented, is accredited against ISO 14001:2015. The level of compliance identified in this audit indicates the system is being implemented.

7.5 Implementation of the Operational Environmental Management Plan and Sub-plans

The Conditions of Approval required the preparation and implementation of the management plans and program listed in Table 12. During the document review phase of the project the contents of each of the plans were reviewed. Table 12 summarises the findings of that review. In general, the Plans and Programs adequately identified the relevant project risks and proposed appropriate risk management controls.

Table 12 - Management Plan Compliance Summary

	Operation Environmental Management Plan	Operation Noise Management Plan	Operation Dust and Air Quality Management Plan	Operation Water Management Plan	Operation Spontaneous Combustion Management Plan	Compensatory Habitat Ecological Monitoring Program
Plan Prepared	√	√	√	√	√	√
Approved by DPIE	√	√	√	√	√	√
Evidence that plan has been implemented	√	√	√	√	√	√

7.6 Status of Previous IEA Findings

The previous audit was undertaken in December 2018. Table 13 lists the status of implementation of the audit recommendations associated with the Approval, relevant licenses and permits identified during the 2018 Audit.

Table 13 - Status of 2018 Audit Findings

Condition	Detail	2018 Audit Recommendation	NCIG Response	Status
Project Approval 06_0009				
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.	It is recommended that NCIG apply for a variation of the EPL to establish a licenced discharge point or alternatively seek a variation to the Approval to permit water discharges from site during rain events that exceed a 1 in 100 ARI event.	<p>NCIG has consulted with DPIE and the EPA.</p> <p>EPA has agreed that NCIG stormwater system is designed and operated in accordance with original Environmental Assessment. No EPA concerns regarding water pollution resulting from discharge from NCIG site. It is EPA policy not to provide a licence limit for stormwater wet weather events.</p> <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. NCIG notes that the Department are still required to be notified of any discharge events for information purposes. This information is communicated as part of the annual Compliance Tracking Program.</p>	Closed (closed out with DPIE in update provided April 2020)
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.	It is recommended that should NCIG determine that the use of the available recycled water is not practical, seek a modification to this Approval Condition to remove the absolute requirement for preferential use of recycled water.	<p>NCIG has previously held discussions with Hunter Water Corporation in relation to utilising treated wastewater on site. These discussions have revealed that while treated wastewater is available for utilisation, it could not be supplied in a manner that is in line with the water demand cycle, making it an unviable option.</p> <p>NCIG has continued investigations regarding the feasibility of utilising treated wastewater through Water Utilities Australia (WUA) and has subsequently signed a commercial agreement with WUA to supply recycled water to the operation which is expected to commence in Q4 2022.</p>	Closed (closed out with DPIE in update provided April 2020)

Condition	Detail	2018 Audit Recommendation	NCIG Response	Status
Draft Statement of Commitments				
4.4.3	<p>Construction and operational air quality and odour Greenhouse Gas - Mitigation Measures would include:</p> <ul style="list-style-type: none"> • regular on-site energy audits to optimise energy efficiency; • consideration of energy efficiency in plant and equipment selection/purchase; • regular maintenance of plant and equipment to minimise fuel consumption and associated emissions; • planting of native vegetation, as part of visual screens in select locations around the site; and • installation of solar powered monitoring equipment and other instrumentation where practicable. 	<p>It is recommended that an energy efficiency audit be undertaken, and an energy / greenhouse minimisation plan be developed for the operation.</p>	<p>A greenhouse gas and energy efficiency assessment commenced in June 2019 and was finalised in October 2019. NCIG has since undertaken another external energy and greenhouse gas review and developed an Energy Management Strategy to continue to improve energy efficiency, which will continue ongoing as business as usual.</p>	<p>Closed (closed out with DPIE in update provided July 2019)</p>
4.13.3	<p>Socio-economics</p> <p>The Project would continue to consult with the local community and would establish a Community Consultative Committee for the Project as an on-going channel for communication between the local community and NCIG. The CCC would comprise a similar membership to the current SFG and would meet to discuss development progress, to review the general environmental performance of the Project and to discuss any issues raised by the community.</p>	<p>It is recommended that NCIG establish a Community Consultative Committee/Group.</p>	<p>A Community Engagement Group was established by NCIG in 2019. NCIG have since hosted regular CEG Meetings and plan to continue to run these regularly moving forward.</p>	<p>Closed (closed out with DPIE in update provided July 2019)</p>

7.7 Specialist Auditor Reports

No specialist audit reports were required as part of this audit.

7.8 Operational Environmental Impacts

The assessment of actual impacts against those predicted in the original EA (as provided on the NCIG website) are summarised in Table 14.

Table 14 - Predicted vs Actual Impacts

Category	Predicted Impact	Actual Impacts to Date
Landuse	Given that the majority of the Project site is zoned for industry, impacts on landuse would be minimal.	The dominate landuse in the vicinity of the NCIG operation is industrial. The operations at the NCIG site are in line with neighbouring operations and not considered to have resulted in any material impact on the landuse on Kooragang Island.
Topography	The topographical impacts would be of a scale and nature consistent with the surrounding landuse, topography and landscape features.	The EA described the visual impacts of the proposed operation. The visual impacts of the existing operation are consistent with those predicted.
Acid Sulphate Soils	PASS material is present below portions of the Project site. Excavations have the potential to intercept PASS material.	No on-going impacts in relation to PASS under the site have been encountered.
Operational Noise	Noise impacts at specific sensitive receivers was modelled in the EA. Those predictions are reflected in the Conditions of Approval (Schedule 2 Condition 13, Table 1).	During the audit period noise monitoring undertaken indicated that the noise impacts of the NCIG operation were generally consistent with the predictions in the EA.
Air Quality (Dust Deposition)	Emissions associated with operation of the Project would be primarily derived from coal dust emissions. Incremental increases in annual average dust deposition due to the Project only are not predicted to be above the applicable 2 g/m ² /month DEC amenity criterion at any receiver (including industrial receivers on Kooragang Island). Annual average dust deposition due to the Project plus background was not predicted to be above the applicable 4 g/m ² /month DEC amenity criterion at any receiver in the vicinity of the Project (including industrial receivers on Kooragang Island).	During the audit period dust monitoring undertaken indicated that the impacts of the NCIG operation were generally consistent with the predictions in the EA.
Air Quality (PM10)	Predicted annual average PM10 (Project plus background) concentrations were not predicted to be above the DEC assessment criterion at any receiver (including industrial receivers on Kooragang Island).	During the audit period PM10 monitoring undertaken indicated that the impacts of the NCIG operation were generally consistent with the predictions in the EA.
Greenhouse Gas	The estimated maximum operational annual greenhouse gas emission of 69,760 t CO ₂ -e/year during peak operations	For the audit period the following greenhouse gas emissions (operations) were calculated: <ul style="list-style-type: none"> • FY 2019 – 66,258 tonnes CO₂-equivalent • FY 2020 - 67,923 tonnes CO₂-

Category	Predicted Impact	Actual Impacts to Date
		<p>equivalent</p> <ul style="list-style-type: none"> • FY 2021 - 51,614 tonnes CO₂-equivalent (Includes reduction in GHG emissions associated with 10% contracted Green Energy)
Odour (Spontaneous Combustion)	Based on the low frequency of spontaneous combustion events at ports, the distance to the nearest sensitive receivers and available management/response measures, it is considered that the Project is unlikely to cause any adverse odour impacts due to such events	In line with the predictions in the EA, a small number of spontaneous combustion events occurred. No odour complaints were received during the audit period.
Surface Water (Quality)	Surface water runoff from disturbance areas during construction and operation of the Project could potentially contain sediments, soluble salts, fuels, oils, grease and other contaminants. The potential water quality impacts that relate to these contaminants from each area of the Project site are summarised in Table 4-24 of the EA.	<p>The NCIG operations is, other than in extreme rain fall events, a no-discharge site. During the audit period significant rainfall events were experienced that resulted in discharges from the site. Monitoring undertaken did not detect any significant impact of receiving water quality.</p> <p>During the audit period a number of incidents resulting in discharges of washdown waters or oil leaks (from the ship loaders) resulted in discharges into the Hunter River. While the discharges would have had short term impacts on water quality, no material impacts were detected.</p>
Land Contamination	No land contamination impacts were predicted for the operational stage.	No operations phase soil contamination issues have been identified.
Groundwater (Construction Phase)	Impacts to groundwater during the construction phase from excavations and preloading were predicted to be minimal.	No long-term impacts on groundwater from the construction phase have been detected.
Groundwater (Operational Phase)	No impacts to groundwater during the operational phase were predicted.	No impacts on groundwater associated with NCIG's operations have been detected.
Flora	Based on the evaluations, it is considered that the Project is unlikely to have a significant effect on threatened species or EECs.	No impacts on threatened species or EECs outside of those predicted in the EA have been identified.
Fauna	Potential Impacts on threatened fauna species were identified in the EA. Mitigation measures, including habitat enhancement works were proposed.	The fauna impact mitigation measures, including compensatory habitat, contained in the EA (and subsequent planning approval) have been successfully implemented. No adverse impacts on fauna species have been identified from the fauna monitoring programs implemented.
Heritage	<p>Two Aboriginal sites (shell middens) on Kooragang Island are registered on the AHIMS database. Neither of these registered site locations is located within the Project disturbance area.</p> <p>No known non-Aboriginal heritage items of significance have been identified within the Project site.</p>	No impacts on heritage sites had occurred.
Transport	The main access point for the Project would be via the entrance to the administration and workshop buildings located north of the Egret Street and Raven	The site access arrangements proposed in the EA and Conditions of Approval have been implemented. No traffic complaints related to traffic associated with the NCIG

Category	Predicted Impact	Actual Impacts to Date
	Street intersection (Figure 2-1). Operational access to the wharf facilities, shiploader area and rail infrastructure corridor would utilise the same access points as during construction (see above).	operations were recorded in during the audit period.

7.8.1 Approved Site Boundaries and Extent of Operations

The original Environmental Assessment and subsequent flyover modification described the proposed project boundaries. During the 2018 IEA, the Auditor reviewed recent aerial photographs and compared the location of the site boundaries to those described in the EA. The Auditor concluded that the 2018 footprint was consistent with that described in the environmental assessments. During this audit period a modification to the approval was approved. That modification did not permit any changes in project boundaries. A review of current aerial imagery (Google Maps) confirmed that no changes to the facility footprint has occurred. This assessment was supported by the Auditor’s observations during the site inspection.

7.9 Other Matters

As part of the preparation of the scope for this audit, DPIE approved the audit team in their letter to NCIG titled “NCIG (MP06_0009) IEA Endorsement Request”, dated 13/12/2021. In that letter DPIE did not identify any specific environmental or compliance issues to be addressed.

During the pre-audit stakeholder consultation, the Auditor wrote to DPIE to seek input into the audit scope. DPIE requested that the Audit report on the status of the 2018 IEA recommendation in relation to formation of a Community Consultative Committee. NCIG formed a Community Engagement Group and have continued to run meetings with the Group regularly. Members of the CEG were invited to provide submissions in relation to the performance of NCIG over the audit period. Two responses were received that were supportive of the forum and NCIG’s responses to issues raised.

The Auditor reviewed the previous audit findings and recommendations. The following issues were identified that were considered during the audit:

- All non-compliances and recommendations from the 2018 IEA had been addressed and adequately closed out.
- One non-compliance against the Planning Approval. The non-compliance related to the discharge of water during significant storm events. No impact on water quality was detected, however the Approval and EPL do not permit any water discharges. This issue has subsequently been addressed through consultation with the EPA and DPIE and closed out (refer to Section 7.6 above).
- The majority of complaints received during the previous audit period were related to dust emissions. Complaints received during this audit period have trended down, this is considered to reflect the addition of a further dust control measure (Veneering) and additional enhancements to the sites Integrated Dust Management System during the audit period.

Overall, the environmental performance of the operation is considered to be of a high standard. The issues identified in the 2018 audit (dot points above) have been addressed in the relevant section of this report.

The Auditor did not identify any further issues in relation to environmental compliance (statutory compliance) or the management and mitigation of environmental hazards.

Compliance Table

Appendix A

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
1.1	Terms of Approval	The Proponent shall carry out the project in accordance with the conditions of this approval and generally in accordance with the: a) Major Projects Application 06_0009; b) Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal, prepared by Resource Strategies Pty Ltd and dated July 2006; c) Responses to Submissions, prepared by Newcastle Coal Infrastructure Group and dated December 2006; d) modification application MP 06_0009 MOD 2 and supporting document titled Newcastle Coal Infrastructure Group Coal (NCIG) Export Terminal Rail Flyover Modification Environmental Assessment prepared by NCIG and dated June 2012, as modified by the Response to Submissions document prepared by NCIG and dated 6 December 2012; and e) modification application MP 06_0009 MOD 3 and supporting documents titled Newcastle Coal Infrastructure Group Coal Export Terminal Optimisation Statement of Environmental Effects prepared by Newcastle Coal Infrastructure Group, dated April 2020 and NCIG MOD 3 Submissions Report dated June 2020.					Noted	
1.2	Terms of Approval	In the event of an inconsistency between: 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 b) any document listed from condition 1.1a) to 1.1e), the most recent document shall prevail to the extent of the inconsistency.					Noted	
1.3	Terms of Approval	The Proponent shall comply with any reasonable requirement(s) of the Planning Secretary arising from the Department's assessment of: a) any reports, plans or correspondence that are submitted in accordance with this approval; and b) the implementation of any actions or measures contained in these reports, plans or correspondence.	Letter from DPIE (H Watters) to NCIG (N Juchau) titled "Newcastle Coal Infrastructure Group (PA06_0009) Compliance Tracking Program Report 2019/2020" dated 26/05/2020, requesting document to be uploaded to website. Letter from NCIG (N Juchau) to DPIE (H Watters) titled "Newcastle Coal Infrastructure Group (PA 06_0009) 2019/20 Compliance Tracking Program" dated 26/06/2020, confirming document uploaded to website.			Correspondence between the Department and NCIG was sighted during the audit that evidenced compliance with this Condition. Letter from DPIE titled "Newcastle Coal Infrastructure Group (PA06_0009) Compliance Tracking Program Report 2019/2020" dated 26/05/2020, requesting document to be uploaded to website. Responded letter from NCIG titled "Newcastle Coal Infrastructure Group (PA 06_0009) 2019/20 Compliance Tracking Program" dated 26/06/2020, confirming document uploaded to website.	Complies	
1.4	Limits of Approval	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.				The facility was operational at the time of this IEA.	Not Triggered	
1.5	Limits of Approval	The project shall be limited to a maximum export capacity of 79 million tonnes of coal per annum.	Spreadsheet titled "FY19 Throughput – Survey Tonnes" Spreadsheet titled "FY20 Throughput – Survey Tonnes" Spreadsheet titled "FY21 Throughput – Survey Tonnes" Newcastle Coal 2019 Sustainability Report Newcastle Coal 2020 Sustainability Report Newcastle Coal 2021 Sustainability Report			The annual sustainability reports indicate the following coal throughputs: 2019 – 53 MT 2020 – 54.5 MT 2021 - 44.7 MT These figures were consistent with the data provided in the throughput survey spreadsheets provided.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
1.6	Limits of Approval	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: 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 b) the Proponent has complied with rail infrastructure design requirements referred to in condition 2.39 of this approval.	2018 Independent Environmental Audit			The condition was satisfied during a previous audit period and compliance verified during the 2018 IEA.	Complies	
1.7	Statutory Requirements	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.	PA 06_0009 EPL 12693 EPBC Approval 2006/2987			All necessary environmental approvals were in place at the time of this IEA. Copies of all approvals were uploaded to the NCIG website.	Complies	
1.7 (a)	Statutory Requirements	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.	2018 Independent Environmental Audit			The condition was satisfied during a previous audit period and compliance verified during the 2018 IEA.	Complies	
1.8	Statutory Requirements	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.				NCIG Construction Environmental Management Plan and Operation Environmental Management Plan and Sub-plans have been prepared and approved by DPIE / DP&E, to prevent and minimise harm to the environment in accordance with Condition 1.8. During this audit, the Auditor reviewed the relevant operational environmental management plans. The Auditor's observations confirmed that the approved Plans were being implemented and that the operation of the Development met the requirement of preventing and minimising harm to the Environment.	Complies	
1.9	Statutory Requirements	The Proponent shall ensure that all plant and equipment installed at the premises or used in conjunction with the project must be: a) Maintained in a proper and efficient condition; and b) Operated in a proper and efficient manner.	Pulse Maintenance Management System Records.	Maintenance Superintendent – no changes to the maintenance management system have been undertaken during the audit period.		During the site audit visit in March 2022 all plant and equipment installed and operated at the NCIG Coal Export Terminal was observed as both well maintained and operated in a proper and efficient manner. All environmental control equipment, including for example, water sprays for dust control, were fully operational. A review of the NCIG Maintenance Management System demonstrated that there is an effective preventative plant and equipment maintenance system (Pulse, a computer-based system developed and maintained by NCIG) is in operation. Detailed maintenance plans and records are maintained in the Pulse system.	Complies	
1.10	Statutory Requirements	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.		Environmental Officer – this condition has not been triggered.			Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.1	Odour	The Proponent shall not permit any offensive odour, as defined under section 129 of the Protection of the Environment Operations Act 1997, to be emitted beyond the boundary of the Site.	Complaints Register Incident Register		No odours were detected by the Auditor during the site inspection.	No odour related complaints were received during the audit period. No odour related incidents were recorded during the audit period.	Complies	
2.2	Dust	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 windblown and traffic generated dust.	NCIG Operation Dust & Air Quality Management Plan, document number HSEC.MP.12.02 Completed Work Order titled '2W General Roads Sweeping and Housekeeping' dated 30/06/2021 Complaints / Enquiries Register – twelve dust related enquiries were recorded over the audit period. Five were not attributed to the NCIG operations. Six were requests from the EPA for information relating to dust mitigation / monitoring because of general dust complaints from local residents.		The dust management infrastructure specified in the Dust & Air Quality Management Plan is operational at the facility. Note that that the site inspection was undertaken during a period of heavy rainfall and therefore dust suppression activities were not required.	Operation management measures are detailed in the Operation Dust and Air Quality Management Plan Section 4, Document No. HSEC.MP.12.02 which includes management measures in section for dust emissions from NCIG operations. During the site inspection the Auditor observed: - Water sprays at stacker reclaimer and stockpiles; - dust control curtains and covers for conveyor belt operations; - there were no coal drop heights greater than 4m; and - the meteorological monitoring station was observed. A review of the Dust & Air Quality Management Plan was undertaken and is considered to meet the intent of this Condition.	Complies	
2.3	Dust	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.	NCIG Operation Dust & Air Quality Management Plan, document number HSEC.MP.12.02 HSEC.PRO.12.08 Materials Transport Procedure Complaints Register		During the site inspection vehicle wash (Photograph 1) facilities were inspected.	The Operation Dust and Air Quality Management Plan details measures as described in condition 2.3 to mitigate dust emissions from vehicles in section 4.4 of the plan. NCIG's Materials Transport Procedure also outlines the controls that must be used to prevent the emission of dust from vehicles. During the site visit there were no dust emissions observed from vehicles operating on the site. All vehicles observed were covered and enclosed in an appropriate manner. Dedicated wash-down bays are located around the site to remove any loose material and dust from vehicles.	Complies	
2.4	Dust	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.	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan NCIG Incidents/Complaints Register NCIG Citect SCADA system logic NCIG's Integrated Dust Management System (IDMS) Veneering records Evidence of cessation of operations on 29/10/21 due to adverse weather conditions.	Environmental Officer - We commenced stockpile veneering (using a surface binder product) in August 2019. Following a successful six-month trial period, we made the decision to integrate stockpile veneering into our dust management system. Veneering is now undertaken at NCIG ahead of forecast adverse windy conditions, to minimise the potential for wind-blown dust. The veneering process involves the mixing of the product with water in a water truck on site. The water truck is then used to spray the veneering solution over coal stockpiles (and unsealed areas such as the end of NCIG's stock pads) to help bind the loose surface particles.	No dust emissions were observed during the site visit.	During operational activities NCIG have dust emission response measures including utilising water sprays on stockpiles and stacker reclaimer bucket wheel and water carts (OEMP and OWMP). Note that these were not operating at the time of the inspection as heavy rain was falling. Dust emissions are pro-actively managed by the Integrated Dust Management System (IDMS) that takes into account: - moisture content of coal received and stockpiled; and - existing and forecast meteorological conditions. The Auditor sighted documentation that demonstrated that operations had been suspended in 2021 due to adverse weather conditions. In 2019, NCIG investigated the use of surface binding agents to reduce dust emissions from coal stockpiles and have now incorporated this operational process to their dust mitigation strategies.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.5	Dust	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.	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan Veneering records NCIG's Integrate Dust Management System (IDMS) Pulse maintenance management system		Signage is located in relevant areas directing traffic to sealed roads (Photograph 2).	NCIG has controlled dust emissions in accordance with Condition 2.5 during the audit period. Control measures are detailing in the Operational Dust and Air quality Management Plan and include: - routine road and coal spillage clean-up. - use of water sprays on stockpiles and at coal transfer points; - water carts; - site speed limit (NCIG internal roads have variable speed limits up to 40km/h); - restricted vehicle access to coal stockpile areas: and - all internal roads are sealed. The implementation of these measures was observed by the Auditor during the Site Inspection	Complies	
2.6	Dust	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.	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan NCIG Citect SCADA system logic Review undertaken by Todoroski Air Sciences, dated 12 June 2020 Stockpile Veneering Tracking 2021 Document Work Order titled '1W Cleaning Tar Area Beneath CV21 and CV22' dated 29/07/2021		The auditor sighted the dust mitigation measures including water sprays, conveyer dust curtains during the site inspection.	NCIG has designed, construct, operate and maintain the Project in accordance with Condition 2.6 within the audit period. Operation management measures are detailed in the Operation Dust and Air Quality Management Plan section 4, Document No. HSEC.MP.12.02 which includes management measures in section for dust emissions from NCIG operations. The auditor observed: - Water sprays at stacker reclaimers and stockpiles; - slit rubber dust control curtains and covers for conveyor belt operations; - there were no coal drop heights greater than 4m; and - the meteorological monitoring station was observed and operational. Documentation sighted demonstrated that coal spillage clean-up activities are undertaken regularly.	Complies	
2.7	Dust	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.		Environmental Officer – no construction works have been undertaken during the audit period.		No construction works have been undertaken during the audit period. Compliance against this condition during the construction phase was verified during previous IEAs.	Not Triggered	
2.8	Meteorological Monitoring	The Proponent shall install, operate and maintain a meteorological monitoring station to monitor weather conditions representative of those on the Site, in accordance with:	Lufft WS502-UMB Smart Weather Sensor Meteorological data excel report NCIG Citect SCADA system Meteorological Station 12w Weather Station Inspection Maintenance Work Order			NCIG has installed a meteorological monitoring station on the Project site on 3 September 2007. This was relocated to an alternate location adjacent the Clearwater Pond in September 2010. NCIG has operated and maintained the meteorological monitoring station in accordance with Condition 2.8. Documentation evidencing maintenance of the system and weather data generated during the audit period were sighted by the Auditor.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.9	Noise Impacts	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 Industrial Noise Policy.	HSEC.MP.12.03 Operation Noise Management Plan SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports (July 2018 - December 2021) NCIG Complaints Register			One noise enquiry was received during the audit period that was attributable to the NCIG operations. Note this was a caller from a neighbouring operation and was confirmed to not be a complaint. A noise management plan has been prepared and is being implemented. Noise emissions from the operation are monitored routinely. NCIG has minimised noise emissions from plant and equipment operated on the Project site in accordance with Condition 2.9 and the Operation Noise Management Plan. The plant and equipment specification and conformance LAeq Sound Power Levels (SWLs) are consistent with the use of best available low noise technology. The Auditor observed the noise bunds and barriers installed near the rail loop path to manage noise emissions.	Complies	
2.10	Construction Noise	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.		Environmental Officer – no construction works have been undertaken during the audit period.		No construction works have been undertaken during the audit period. Compliance against this condition during the construction phase was verified during previous IEAs.	Not Triggered	
2.11	Construction Noise	Notwithstanding condition 2.10 of this approval, piling works shall not be conducted on Sundays or public holidays.		Environmental Officer – no construction works have been undertaken during the audit period.		No construction works have been undertaken during the audit period. Compliance against this condition during the construction phase was verified during previous IEAs.	Not Triggered	
2.12	Construction Noise	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.		Environmental Officer – no construction works have been undertaken during the audit period.		No construction works have been undertaken during the audit period. Compliance against this condition during the construction phase was verified during previous IEAs.	Not Triggered	
2.13	Operation Noise	The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project do not exceed the maximum allowable noise contributions specified in Table 1 below, at those locations and during those periods indicated. The maximum allowable noise contributions apply under: a) meteorological condition of: wind speeds up to 3 ms ⁻¹ (measured at 10 metres above ground level); or b) temperature inversion conditions up to 3oC per 100 metres and wind speeds up to 2ms ⁻¹ (measured at 10 metres above ground level).	HSEC.MP.12.03 Operation Noise Management Plan SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports (July 2018 - December 2021) NCIG Complaints Register Maintenance project noise monitoring examples: Oct 20 SL01 Sandblasting Monitoring and April 2021 SL02 Noise Monitoring			One noise enquiry was received during the audit period that was attributable to the NCIG operations. Note this was a caller from a neighbouring operation and was confirmed to not be a complaint. A review of the noise monitoring reports prepared by the independent noise consultant (SLR) indicated that no non-compliance against the noise criteria is this condition were recorded.	Complies	

Cond.	Short Title	Condition		Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
	Table 1	Location	Day, Evening, Night	Night (10pm to 7am Mon to Sat, 10pm to 8am Sunday and public holidays)					
			L _{Aeq} (15min)	L _{Aeq} (night)	L _{A1} (1min)				
		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	Operation Noise	For the purpose of assessment of noise contributions specified under condition 2.13 of this consent, noise from the project shall be: a) measured at the most affected point on or within the Site boundary at the most sensitive receiver to determine compliance with L _{Aeq} (15 minute) night noise limits.		SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports (July 2018 - December 2021)			Section 2, Table 1 of the Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports state that the noise monitoring undertaken comply with Schedule 2 Condition 14 (a).	Complies	
		b) measured at one metre from the dwelling façade to determine compliance with LA1(1 minute) noise limits.		SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports (July 2018 - December 2021)			Section 2, Table 1 of the Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports state that the noise monitoring undertaken comply with Schedule 2 Condition 14 (b).	Complies	
		c) subject to the modification factors provided in Section 4 of the New South Wales Industrial Noise Policy (EPA, 2000), where applicable.		SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports (July 2018 - December 2021)			Section 3 of the Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports state: <i>"The noise measurement procedures employed throughout the monitoring program were guided by the requirements of AS 1055-1997 "Acoustics - Description and Measurement of Environmental Noise" and the NSW Industrial Noise Policy (INP)".</i>	Complies	
2.15	Train Noise Performance	The Proponent shall take necessary actions to ensure that trains operated on the Site meet the noise performance criteria established under condition 2.13.		HSEC.MP.12.03 Operation Noise Management Plan SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports (July 2018 - December 2021) Complaints Register		The rail noise bund was inspected during the site inspection and appeared to be appropriately maintained. (Photograph 4)	No noise complaints related to train noise associated with the operation of the NCIG rail loop were reported during the audit period. Sections 4.2 and 4.3 of the Operation Noise Management Plan describe the noise mitigation measures implemented. The key rail noise mitigation measures is the noise bund built on the rail loop. This structure was inspected during the audit.	Complies	
2.16	Ecological Impacts	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.		2018 Independent Environmental Audit	Environmental Officer – no construction works have been undertaken during the audit period.		No construction works were undertaken during the audit period. All construction works were completed during previous audit period. Compliance with this condition was verified during the 2018 IEA	Complies	

PLANNING APPROVAL 06_0009								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.17	Ecological Impacts	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 Litoria aurea 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 Litoria aurea, and to provide protection from predators, and shall be designed in consultation with BCD and PWCS.	2018 Independent Environmental Audit	Environmental Officer – no construction works have been undertaken during the audit period.		No construction works were undertaken during the audit period. All construction works were completed during previous audit periods. Compliance with this condition was verified during the 2018 IEA	Complies	
2.18	Ecological Impacts	All employees and contractors involved in construction or operation of components of the project in areas known or suspected of providing habitat for Litoria aurea and other amphibian species shall be trained in Site hygiene management in accordance with Hygiene Protocol for the Control of Disease in Frogs (NPWS, 2001) prior to the commencement of the relevant work.	HSEC.MP.12.06 Ecological and Land Management Plan Excerpt from Level 1 General Induction Excerpt from Environmental Awareness Training			A review of the NCIG training and induction materials has been undertaken as part of this IEA. The protection of habitat is covered in Section 2 of the induction training package that describes the requirements for protection of habitat, approvals required for vegetation clearing. Identification Green and Gold Bell Frogs and actions required if they are encountered on-site are described in the induction presentation materials. It is noted that, in general, operational personnel do not require access to habitat areas to undertake their duties.	Complies	
2.19	Ecological Impacts	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.	2018 Independent Environmental Audit	Environmental Officer – no construction works have been undertaken during the audit period.		No construction works were undertaken during the audit period. All construction works were completed during previous audit periods. Compliance with this condition was verified during the 2018 IEA	Complies	
2.19A	Ecological Impacts	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 Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South East Corner Bioregions Endangered Ecological Community, and 0.13 hectares of Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions Endangered Ecological Community.	2018 Independent Environmental Audit	Environmental Officer – no construction works have been undertaken during the audit period.		No construction works were undertaken during the audit period. All construction works were completed during previous audit periods. Compliance with this condition was verified during the 2018 IEA	Complies	
2.20	Compensatory Habitat and Ecological Monitoring Program	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 offset, and how ecological monitoring will be undertaken to inform on-going ecological management.	Letter from DoP (D Keary) to NCIG (B Cole) titled "NCIG Coal Export Terminal Kooragang Island (Reference: 06_0009) – Compensatory Habitat and Ecological Monitoring Program (Condition 2.20)", dated 16/11/2010. NCIG Compensatory Habitat and Ecological Monitoring Program, Revision CHEMP-R03, dated 11 November 2015.			NSW Department of Planning letter dated 16/11/2010 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". The most recent version of the Program (11 November 2015) has been reviewed and approved by DPE.	Complies	
		The Program shall be developed in consultation with the BCD, and shall include, but not necessarily be limited to: 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;	NCIG Compensatory Habitat and Ecological Monitoring Program, Revision CHEMP-R03, dated 11 November 2015.			Version 1 of the Program was developed in consultation with the DECC and approved by Dept of Planning in November 2010. Section 2 of the Compensatory Habitat and Ecological Monitoring Program describes the surveys completed prior to disturbance and identifies the habitat impacts of the development.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.20	Compensatory Habitat and Ecological Monitoring Program	<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 Litoria aurea 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 Litoria aurea 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 Litoria aurea 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 Litoria aurea 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>	NCIG Compensatory Habitat and Ecological Monitoring Program, Revision CHEMP-R03, dated 11 November 2015.			Sections 2, 5 and 6 of the Compensatory Habitat and Ecological Monitoring Program describes the provision of compensatory in accordance with this Condition.	Complies	
2.20	Compensatory Habitat and Ecological Monitoring Program	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;	NCIG Compensatory Habitat and Ecological Monitoring Program, Revision CHEMP-R03, dated 11 November 2015. Ecological Monitoring Reports – NCIG provided copies of twenty-three monitoring reports covering the audit period.			Section 7 of the Compensatory Habitat and Ecological Monitoring Program describes ecological studies and migratory bird monitoring programs. NCIG provided copies of twenty three monitoring reports covering the audit period.	Complies	
		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;	NCIG Compensatory Habitat and Ecological Monitoring Program, Revision CHEMP-R03, dated 11 November 2015.			Section 3 of the Compensatory Habitat and Ecological Monitoring Program describes the Consultative Board that provides the mechanism for allocating resources for ongoing adaptive management and review of the performance of compensatory habitat works for the life of the project.	Complies	
		e) provision for research into Litoria aurea in and around Kooragang Island and the Hunter Estuary, as may be identified by the Proponent in consultation with relevant ecological and research groups;	NCIG Compensatory Habitat and Ecological Monitoring Program, Revision CHEMP-R03, dated 11 November 2015.			Section 4 of the Compensatory Habitat and Ecological Monitoring Program describes the research program. GGBF Research is being undertaken by Newcastle University.	Complies	
2.20	Compensatory Habitat and Ecological Monitoring Program	f) provision for ameliorative works on land surrounding the project Site, as may be negotiated by the Proponent with the relevant adjacent landowners, to improve or restore natural hydrology and ecosystems, remove mangrove communities where relevant and restore locally-endemic Endangered Ecological Communities;	NCIG Compensatory Habitat and Ecological Monitoring Program, Revision CHEMP-R03, dated 11 November 2015.			Section 8 of the Compensatory Habitat and Ecological Monitoring Program describes ameliorative works on land surrounding the project Site. A total of 17ha of mangroves were removed from Area E, to satisfy both Shorebird habitat and ameliorative works requirements.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		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);	NCIG Compensatory Habitat and Ecological Monitoring Program, Revision CHEMP-R03, dated 11 November 2015.			Section 9 of the Compensatory Habitat and Ecological Monitoring Program describes coordination with other developments.	Complies	
		h) monitoring requirements for compensatory habitat works and other ecological amelioration proposed under the Program; and	NCIG Compensatory Habitat and Ecological Monitoring Program, Revision CHEMP-R03, dated 11 November 2015.			Section 6.7 of the Compensatory Habitat and Ecological Monitoring Program describes monitoring program. NCIG provided the Auditor with copies of 23 monitoring reports covering the audit period.	Complies	
		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: <ul style="list-style-type: none"> i. before 31 December 2013, the Proponent shall secure compensatory habitat locations required under condition 2.20b); ii. before 31 December 2014, the Proponent shall have completed the migratory shorebird compensatory habitat works required under condition 2.20b)ii); iii. before 31 December 2016, the Proponent shall have completed the Litoria aurea compensatory habitat works required under condition 2.20b)i). If a viable breeding population of Litoria aurea 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. 	NCIG Compensatory Habitat and Ecological Monitoring Program, Revision CHEMP-R03, dated 11 November 2015. Letter from DP&E (S Warren) to NCIG (N Juchau) titled "Newcastle Coal Infrastructure Group Export Terminal (MP06_0009) Conservation Bond (Condition 2.20A)", dated 25/7/2017.			Section 6.7 of the Compensatory Habitat and Ecological Monitoring Program describes the timing required by Condition 2.20 i, i)-iii). Three breeding events were observed in three consecutive seasons in the NCIG Green and Golden Bell Frog habitat by April 2017. NSW Department of Planning and Environment letter dated 25/7/17 confirmed 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).	Complies	
2.20A	Compensatory Habitat and Ecological Monitoring Program	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: <ul style="list-style-type: none"> 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. 	Letter from DP&E (S Warren) to NCIG (N Juchau) titled "Newcastle Coal Infrastructure Group Export Terminal (MP06_0009) Conservation Bond (Condition 2.20A)", dated 25/7/2017. Commonwealth Bank Guarantees: <ul style="list-style-type: none"> • No. G00564210 (\$ 601,349) • No. G00564119 (\$ 46,848) • No. G00564113 (\$ 568,683) • No. G00564112 (\$ 34,410) • No. G00564110 (\$ 1,921,480) 			NSW Department of Planning and Environment letter dated 25/7/17 a reduction in conservation bond to \$ 3,170,770. Commonwealth Bank Guarantees have been issued for the required \$3,170,770 Conservation Bond.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		<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>	<p>Letter from DP&E (S Warren) to NCIG (N Juchau) titled "Newcastle Coal Infrastructure Group Export Terminal (MP06_0009) Conservation Bond (Condition 2.20A)", dated 25/7/2017.</p> <p>Commonwealth Bank Guarantees:</p> <ul style="list-style-type: none"> No. G00564210 (\$ 601,349) No. G00564119 (\$ 46,848) No. G00564113 (\$ 568,683) No. G00564112 (\$ 34,410) No. G00564110 (\$ 1,921,480) <p>2018 Independent Environmental Audit.</p>			<p>DoP wrote to NCIG confirming that it was satisfied with the calculated surety payment in 2010.</p> <p>The required conservation bonds are in place.</p> <p>Compliance with the timing of the original bonds was verified during the 2018 IEA.</p>	Complies	
2.20B	Compensatory Habitat and Ecological Monitoring Program	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.		Environment Officer – No modifications have resulted in any additional impacts on the compensatory habitat.		No modifications have resulted in any additional impacts to biodiversity.	Not Triggered	
2.21	Traffic and Transport	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.		Environmental Officer – no construction works have been undertaken during the audit period.		No construction works have been undertaken during the audit period. Compliance against this condition during the construction phase was verified during previous IEAs.	Not Triggered	
2.22	Traffic and Transport	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 TfNSW 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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.23	Traffic and Transport	The Proponent shall ensure that all access to the relevant Site areas shall be via the following routes: a) Main Site Area: i) Pacific National access road; ii) temporary haulage road (construction phase only); iii) Egret Street; and iv) Raven Street, Curlew Street. b) Wharf Area: i) temporary haulage road (construction phase only); and ii) wharf access road. c) Rail Area: i) Delta access road (construction phase only); and ii) Pacific National access road.	Aerial image titled NCIG Site Access Roads		During the site inspection the Auditor sighted the site access points.	Site access points have been provided in accordance with Condition 2.23.	Complies	
2.24	Cormorant Road / Temporary Haul Road Intersection	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 Road Design Guide and the relevant Austroads guidelines, to the satisfaction of the TfNSW including but not limited to, the following works: a) the traffic control signals shall be designed to restrict all movements at the intersection to through movements only; b) the signals shall be co-ordinated with the adjacent Blue Circle railway level crossing signals; and c) provision shall be made for on-road Nelson Bay Road cyclists at the intersection.	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period.		NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA. No changes to site access or road configuration has occurred during the audit period.	Complies	
2.25	Cormorant Road / Temporary Haul Road Intersection	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.	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period.		NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA. No changes to site access or road configuration has occurred during the audit period.	Complies	
2.26	Cormorant Road / Temporary Haul Road Intersection	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.	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period.		NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA. No changes to site access or road configuration has occurred during the audit period.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.27	Cormorant Road / Tourle Street / Delta Access Road	<p>The Proponent shall ensure that the intersection of Cormorant Road/Tourle Street and the Delta access road to the west of the Site is designed and constructed in accordance with the RTA's 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:</p> <ul style="list-style-type: none"> a) traffic movements shall be physically restricted to left in/left out only; b) the left turn in would require a sealed left turn deceleration lane; c) the left turn out should be constructed at right angles to Cormorant Road as a give way arrangement and sealed for an appropriate length to ensure that materials are not tracked onto Cormorant Road, The Proponent shall ensure that shaker grids are provided on-Site at the start of the seal; d) a central median may be required on Cormorant Road at the exit of the Site to physically prevent right turn movements; e) adjustments to the footpath and cycleways shall be undertaken to the satisfaction of the TfNSW and Council. 	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period.		<p>NCIG completed construction during the IEA 2015 audit period.</p> <p>Compliance with this Condition was verified during the 2018 IEA.</p> <p>No changes to site access or road configuration has occurred during the audit period.</p>	Complies	
2.28	Cormorant Road / Pacific National Access	<p>The Proponent shall ensure that the intersection of Cormorant Road/Pacific National access shall be designed and constructed in accordance with the RTA's 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:</p> <ul style="list-style-type: none"> a) traffic movements shall be physically restricted to left in/left out/right in only; b) the existing intersection shall be upgraded to include construction of concrete medians in Cormorant Road; c) this intersection shall be integrated with the wind turbine access to the satisfaction of the TfNSW and Council. 	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period.		<p>NCIG completed construction during the IEA 2015 audit period.</p> <p>Compliance with this Condition was verified during the 2018 IEA.</p> <p>No changes to site access or road configuration has occurred during the audit period.</p>	Complies	
2.29	Cormorant Road / Pacific National Access	<p>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:</p> <ul style="list-style-type: none"> a) is located a minimum distance of 100 metres from Cormorant Road to avoid any potential conflict with traffic at the intersection; and b) is designed to cater for B-double movements. 	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period.		<p>NCIG completed construction during the IEA 2015 audit period.</p> <p>Compliance with this Condition was verified during the 2018 IEA.</p> <p>No changes to site access or road configuration has occurred during the audit period.</p>	Complies	
2.30	Cormorant Road / Wharf Access	<p>The Proponent shall ensure that the intersection of Cormorant Road and the Wharf access road to the south of the Site is designed and constructed in accordance with the RTA's 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:</p> <ul style="list-style-type: none"> a) traffic movements shall be physically restricted to left in/left out/right in only; b) the left turn in would require a deceleration lane; and c) the left turn out should be constructed at right angles to Cormorant Road as a give way arrangement. 	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period.		<p>NCIG completed construction during the IEA 2015 audit period.</p> <p>Compliance with this Condition was verified during the 2018 IEA.</p> <p>No changes to site access or road configuration has occurred during the audit period.</p>	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.31	Cormorant Road / Egret Road	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: a) traffic movements shall be physically restricted to left in/left out and right in only; and b) the existing intersection shall be modified to include the construction of concrete medians in Cormorant Road.	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period.		NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA. No changes to site access or road configuration has occurred during the audit period.	Complies	
2.32	Conveyer Bridge Over Cormorant Road	The Proponent shall ensure that the bridge structure over Cormorant Road is designed and constructed to TfNSW requirements, including (but not limited to): a) allowance for future road widening/duplication of Cormorant Road; b) a minimum 6.5 metre vertical height clearance be provided from the top of the Cormorant Road pavement to the underside of the bridge structure; c) the bridge structure and its approaches to be designed to minimise impacts on maintenance activities required within the road reserve; and d) any maintenance activities required for the bridge structure shall be carried out from within/on the bridge structure.	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period.		NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA. No changes to site access or road configuration has occurred during the audit period.	Complies	
2.33	Conveyer Bridge Over Cormorant Road	The Proponent shall enter into an agreement with the RTA for the ongoing maintenance and demolition of the bridge structure.	2015 Independent Environmental Audit			Compliance with this Condition was verified during the 2015 IEA. NCIG entered into an agreement with the RTA in accordance with Condition 2.33. (NCIG IEA 2015).	Complies	
2.34	Conveyer Bridge Over Cormorant Road	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 inclusive 2.24, prior to the commencement of construction of those works, and prior to the commencement of construction of the relevant components of the project. All road works shall be undertaken and completed to the satisfaction of the TfNSW and Council.	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period.		NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA. No changes to site access or road configuration has occurred during the audit period.	Complies	
2.35	Conveyer Bridge Over Cormorant Road	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.	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period. The expansion of Cormorant Road to accommodate four lanes of traffic was completed in 2018.		NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA. No changes to site access or road configuration has occurred during the audit period.	Complies	
2.36	Conveyer Bridge Over Cormorant Road	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.	2018 Independent Environmental Audit	Environmental Officer - No changes to site access or road configuration has occurred during the audit period.		NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA. No changes to site access or road configuration has occurred during the audit period.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.37	Traffic and Transport	The Proponent shall design, construct and maintain all internal road works, including the car park, to meet the following requirements: a) compliance with the provisions of relevant Australian Standards, TfNSW standards and guidelines, and Council codes; b) installation of clear signage to demarcate all vehicle movements within the Site; c) installation and maintenance of any landscaping on the Site so as not to affect driver sight distance for vehicles entering and exiting the Site; and d) clear demarcation of all visitor, disabled, ambulance and service vehicle parking areas.	2018 Independent Environmental Audit Work Order titled ' 2W Admin Surrounds Lawn and Ground Maintenance' dated 08/04/2020	Environmental Officer - No changes to internal road configuration has occurred during the audit period.		NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA. No changes to internal road configuration has occurred during the audit period. Documentation verifying on-going care and maintenance of landscaped areas was provided to the Auditor.	Complies	
2.38	Rail Infrastructure and Management	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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
2.39	Rail Infrastructure and Management	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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
2.40	Utilities and Services	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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
2.41	Soil and Water Quality Impacts	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.	NCIG Incidents Register EPA Annual Returns (2019, 2020, 2021)			Seven "pollution of water" incidents (refer to Section 7.1 above) relating to discharges from the site to either the Hunter River or off-site stormwater drains. All incidents were investigated, and corrective and preventative actions implemented. It is noted that none of the incidents reported resulted in material harm to the environment, however those discharges represented non-compliances with the NCIG Environment Protection Licence.	Non-Compliance	All incidents were investigated, and appropriate corrective and preventative measures implemented. There are no further recommendations.

PLANNING APPROVAL 06_0009								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.42	Soil and Water Quality Impacts	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.	NCIG Submission to DPIE titled 'NCIG Project Approval 06_0009 - Submission to Department of Planning, Industry and Environment (Condition 2.42)' Letter from DPIE Subject 'Newcastle Coal Infrastructure Group (MP 06_0009) 2018 Independent Environmental Audit Response to Auditor Recommendations - January 2020 Update dated 25/3/2020' Drainage Assessment Report for the Stockyard and Wharf Area dated 3/7/2014 HSEC.MP.12.04 Operation Water Management Plan			Five water discharge incidents (refer to Section 7.1 above) relating to discharges from the site to either the Hunter River or off-site stormwater drains. Two of the incidents related to significant storm events and three to the inadvertent discharge of wash down water to the Hunter River. The washdown water incidents, while not resulting in material environmental harm, represent non-compliances against the NCIG EPL. The two incidents that resulted from stormwater discharges occurred during significant rainfall events (likely to have been greater than the defined 1 in 100 ARI events. It is noted that with the rapidly increasing impacts of climate change that significant storm events are occurring more regularly and that this trend will continue. The Auditor considers that it is possible the 1 in 100 ARI rainfall event as referenced in the 2014 Drainage Assessment Report may no longer be applicable.	Non-Compliance	It is recommended that NCIG initiate a review of the 2014 Drain Assessment Report, to ensure that the drainage system design continues to meet the current (and projected) 1 in 100 ARI rainfall criteria.
2.43	Construction Soil and Water Management	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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Not Triggered	
2.44	Construction Soil and Water Management	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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
2.45	Construction Soil and Water Management	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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
2.45A	Groundwater Monitoring and Management	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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
2.45B	Groundwater Monitoring and Management	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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
2.46	Fill / Preload Specifications	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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	

PLANNING APPROVAL 06_0009								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.47	Fill / Preload Specifications	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.	2018 Independent Environmental Audit				NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies
2.48	Fill / Preload Specifications	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).	2018 Independent Environmental Audit				NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies
2.49	Operation Soil and Water Management	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.	HSEC.MP.12.01 Operation Water Management Plan NCIG Process Water Tanks (process diagrams) NCIG Citect SCADA system	Environment Officer – Stormwater is collected across the site and directed to detention basins for dust suppression in preference to potable water.	During the site inspection the Auditor observed that sumps are concrete lined sumps across the network and stormwater holding ponds are lined.	NCIG has implemented mitigation measures including the construction of concrete to minimise potential leakage from stormwater and surface water management infrastructure intended to manage actual or potentially contaminated water in accordance with Condition 2.49. Stormwater is collected and used for dust suppression in preference to potable water.	Complies	
2.50	Operation Soil and Water Management	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.	Hunter Water/NCIG Water Efficiency Management Plan (2018) Recycled Water Project - NCIG Site Presentation NCIG letter of intent with Water Utilities Australia dated 31/01/2020			The OWMP 2018 states that Hunter Water Corporation has been consulted regarding supply of treated water for industrial use onsite. As a result of discussions in the past, it was determined that treated wastewater could not be supplied in a manner that was in line with the water demand cycle of the site. NCIG has held discussions with Hunter Water Corporation in relation to utilising treated wastewater on site. These discussions have revealed that while treated wastewater is available for utilisation, it could not be supplied in a manner that is in line with the water demand cycle, making it an unviable option. NCIG has continued investigations regarding the feasibility of utilising treated wastewater through WUA and has subsequently signed a commercial agreement with WUA to supply recycled water to the operation which is expected to commence in Q4 2022.	Complies	
2.51	Operation Soil and Water Management	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.	NCIG Coal Export Terminal Administration Area Ancillary Mechanical Services Oil Water Separator General Arrangement 2008 (Drawing Number HW00-05-M-74503)		Vehicle Wash Down areas.	The drainage plan was reviewed by the Auditor and observations made during the site inspection indicated that the flow of water from direct machinery wash down waters and amenities wastewater are sent through oily water separator then to sewer. Wash-down water and amenities Wastewater are managed in accordance with this condition and Operation Water Management Plan 2018 Section 4.3.8.	Complies	
2.52	Operation Soil and Water Management	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.	NCIG Coal Export Terminal Admin Building Hydraulic Services Sewer and Stormwater Drainage Layout 2009 (Drawing Number HW00-05-C-33200)		The rainwater storage tanks were sighted during the IEA site inspection.	NCIG has designed and installed rainwater tanks in accordance with Condition 2.52.	Complies	

PLANNING APPROVAL 06_0009								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.53	Contaminated Land Management	<p>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.</p> <p>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.</p> <p>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.</p>	2018 Independent Environmental Audit			<p>NCIG completed construction during the IEA 2015 audit period.</p> <p>Compliance with this Condition was verified during the 2018 IEA.</p>	Complies	
2.54	Contaminated Land Management	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.	HSEC.MP.12.07 Waste Management Plan Remondis invoice example dated 31/05/20			<p>NCIG contracts Remondis for waste collection and disposing contaminated material. Small amounts of contaminated material were removed from the site during the audit period including small quantities of oil and grease.. This material is collected by Remondis for disposal at a licenced waste facility.</p>	Complies	
2.55	Contaminated Land Management	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	
2.56	Waste Generation and Management	All waste materials removed from the Site shall only be directed to a waste management facility lawfully permitted to accept the materials.	HSEC.MP.12.07 Waste Management Plan Remondis invoice example dated 31/05/20	Environmental Officer – Remondis have been contracted to collect and dispose of all wastes produced.	Waste storage areas were inspected during the IEA. (Photograph 5).	<p>All waste material during the audit period was removed and managed in accordance with Condition 2.56 and the Waste Management Plan (2020).</p> <p>NCIG contracted all waste collection and disposal to Remondis during this audit period. A review of waste docketts and invoices confirmed compliance of the lawful disposal of waste through an EPA approved waste service provider.</p>	Complies	
2.57	Waste Generation and Management	Except as expressly permitted in an appropriate licence, waste shall not be received at the Site for storage, treatment, processing or reprocessing or disposal.	HSEC.MP.12.07 Waste Management Plan	Environment Officer – no wastes generated off-site are permitted at NCIG.	No evidence of wastes generated off site were observed during this IEA.	<p>NCIG has not received any waste for storage, treatment, processing or reprocessing or disposal on the site during the audit period. Waste has been managed in accordance with this condition.</p>	Complies	
2.58	Visual Amenity Impacts	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.	2018 Independent Environmental Audit		The earthen bund was inspected during the IEA. The bund is vegetated, and the plants are now well established and mature (Photograph 6).	<p>NCIG completed construction during the IEA 2015 audit period.</p> <p>Compliance with this Condition was verified during the 2018 IEA.</p>	Complies	
2.59	Visual Amenity Impacts	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 Control of the Obtrusive Effects of Outdoor Lighting.	<p>Complaints Register</p> <p>HSEC.MP.12.06 Ecological and Land Management Plan</p> <p>HSEC.PRO.10.15 Housekeeping and Inspection Procedure</p> <p>NCIG Stacker Reclaimer Lighting Assessment, dated 27/10/2016</p>		Light screening is in place to prevent glare from Deep Pond as described in the Ecological and Land Management Plan.	<p>NCIG has installed external lighting in accordance with Condition 2.59.</p> <p>A lighting review was completed in 2016.</p> <p>No complaints were received by NCIG in relation to lighting during the Audit Period.</p>	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation																				
2.60	Visual Amenity Impacts	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.	HSEC.MP.12.06 Ecological and Land Management Plan Work Order titled '4W Stockyard Ground Maintenance' dated 0/5/2020		The earthen bund was inspected during the IEA. The bund is vegetated, and the plants are now well established and mature (Photograph 6).	The earthen bund has been vegetated and that vegetation has been maintained.	Complies																					
2.61	Visual Amenity Impacts	Advertising and project identification signs shall not be installed along the Cormorant Road frontage of the Site.			No signage identifying the NCIG site was observed on Cormorant Road.	No signage identifying the NCIG site was observed on Cormorant Road.	Complies																					
3.1	Meteorological Monitoring	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.	Lufft UMB Manual NCIG Citect SCADA system NCIG meteorological data excel report		The meteorological monitoring station was inspected during this IEA. (Photograph 7).	A meteorological monitoring station has been installed in accordance with Condition 2.8. A sample of meteorological measurement data was inspected on the NCIG control system and confirmed the data collection complied with the requirements of this condition MET station was inspected by the auditor during the site visit in March 2022. A sample of raw monitoring data was provided.	Complies																					
		Table 2	<table border="1"> <thead> <tr> <th>Parameter</th> <th>Units</th> <th>Method</th> </tr> </thead> <tbody> <tr> <td>Temperature at two metres</td> <td>°C</td> <td>AM-4</td> </tr> <tr> <td>Temperature at ten metres</td> <td>°C</td> <td>AM-4</td> </tr> <tr> <td>Wind Speed at ten metres</td> <td>m/s</td> <td>AM-2 and AM-4</td> </tr> <tr> <td>Wind Direction at ten metres</td> <td>Degrees</td> <td>AM-2 and AM-4</td> </tr> <tr> <td>Sigma theta at ten metres</td> <td>Degrees</td> <td>AM-2 and AM-4</td> </tr> <tr> <td>Solar Radiation</td> <td>Wm⁻²</td> <td>AM-4</td> </tr> </tbody> </table>	Parameter	Units	Method	Temperature at two metres	°C	AM-4	Temperature at ten metres	°C	AM-4	Wind Speed at ten metres	m/s	AM-2 and AM-4	Wind Direction at ten metres	Degrees	AM-2 and AM-4	Sigma theta at ten metres	Degrees	AM-2 and AM-4	Solar Radiation	Wm ⁻²	AM-4				
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3.2	Ambient Dust Monitoring	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.	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan 2018 Independent Environmental Audit			The NCIG dust monitoring program is detailed in Section 5 of the Operational Dust and Air Quality Management Plan. During the 2018 IEA, the Auditor verified that the Ambient Dust Monitoring Program was submitted for approval to the Director General and DECCW prior to commencement of operations.	Complies																					
		The Program shall include, but not necessarily be limited to: a) identification of an integrated air quality monitoring network, developed in consultation with the owner/ operator of the existing Kooragang Coal Loader;	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan			Section 5 of the ODAQMP describes the monitoring program that includes an integrated air quality monitoring network, developed in consultation with the owner/ operator of the existing Kooragang Coal Loader.	Complies																					
		b) locations, frequencies and methods for monitoring total suspended particles, PM10 and deposited particulate matter;	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan			Figure 10 (ODAQMP) shows the locations of monitoring points. Monitoring frequency and methods for monitoring total suspended particles and PM10 (HVAS1, HVAS2, HVAS-C1, HVAS-K2, HVAS-K3, HVAS-K4) and deposited particulate matter (DG2 to DG6, DDG K8, DDG-C1, DDG-K1) are described in Table 5.	Complies																					
		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;	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan			Air quality monitoring stations were sighted during the IEA.	Monitoring includes six HVAS, eight dust deposition gauges and an on-site meteorological station.	Complies																				
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;	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan. Letter DOP to NCIG titled "NCIG Coal Export Terminal, Kooragang Island (MP 06_0009) - Air Quality Model Validation Study (Condition 3.3) response to the Air Quality Model Validation and Compliance Assessment Report", dated 21/12/2011.				Beta Attenuation Monitors (BAMS) have substituted TEOMS. NCIG received confirmation from the EPA and DPIE that NCIG was not required to install further air quality monitoring equipment.	Complies																						

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		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;	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan. Letter DOP to NCIG titled "NCIG Coal Export Terminal, Kooragang Island (MP 06_0009) - Air Quality Model Validation Study (Condition 3.3) response to the Air Quality Model Validation and Compliance Assessment Report", dated 21/12/2011.			NCIG received confirmation from the EPA and DPIE that NCIG was not required to install further air quality monitoring equipment.	Not Triggered	
		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;	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan			Section 4 of the ODAQMP details the dust mitigation strategies that are implemented at NCIG.	Complies	
		g) provision for independent review and auditing of the Program; and	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan			The ODAQMP does not include the provision for independent review and auditing of the Program.	Non-Compliance	Update the Dust and Air Quality Monitoring Program to include the provision of independent review and auditing.
		h) mechanisms for updating the Program as may be required from time to time.	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan			Section 5.9 of the ODAQMP details the program for regular review of the Program.	Complies	
3.3	Ambient Dust Monitoring	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, PM10 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 Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (DEC, 2005), and any specific requirements of the EPA.	2015 Independent Environmental Audit			Compliance with this Condition was verified during the 2015 IEA. The data collected by the approved Ambient Dust Monitoring Program was utilised to undertake a model validation study after one full year of operational activity. A model validation study (EN03062 NCIG CET Model Validation Assessment) was completed by SKM dated 17 Oct 2013 in accordance with Project Approval condition 3.3. The assessment was based on a review of monitoring data and stated the CET had not caused any significant change to measured ambient dust concentration levels, and that the approach and model used was appropriate for measuring impacts.	Complies	
3.4	Ambient Dust Monitoring	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.	2015 Independent Environmental Audit			Compliance with this Condition was verified during the 2015 IEA. The model validation study was issued to the DP&I on 21 Oct 2013. The "significant deviance" item was not triggered. (NCIG IEA 2015).	Complies	
3.5	Ambient Dust Monitoring	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.	2015 Independent Environmental Audit			Compliance with this Condition was verified during the 2015 IEA. The model validation study was completed by SKM (October 2013) for the capacity of 66 Mtpa.	Complies	
3.6	Noise Auditing	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.	2015 Independent Environmental Audit Noise Audit Report Stage 1 of NCIG construction 2010 (10-4515R8), SLR Nov 2010 Noise Audit Report (610-04515-20430 R1), SLR, 29 Oct 2012			Completion of the noise audit required by this Condition was verified during the 2015 IEA. Noise performance monitoring was conducted by SLR for the NCIG CET project and reported as each stage became operational.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		The noise program shall include, but not necessarily be limited to: a) noise monitoring, consistent with the guidelines provided in the New South Wales Industrial Noise Policy (EPA, 2000), to assess compliance with condition 2.13 of this approval.	2015 Independent Environmental Audit Noise Audit Report Stage 1 of NCIG construction 2010 (10-4515R8), SLR Nov 2010 Noise Audit Report (610-04515-20430 R1), SLR, 29 Oct 2012			The Noise Audit Reports addressed the requirements of this condition in Section 4 – Off-site Attended Noise Monitoring addresses noise monitoring, consistent with the guidelines provided in the NSW Industrial Noise Policy (EPA, 2000), to assess compliance with condition 2.13 of this approval.	Complies	
3.6	Noise Auditing	b) methodologies, locations and frequencies for noise monitoring;	2015 Independent Environmental Audit Noise Audit Report Stage 1 of NCIG construction 2010 (10-4515R8), SLR Nov 2010 Noise Audit Report (610-04515-20430 R1), SLR, 29 Oct 2012			The Noise Audit Reports addressed the requirements of this condition in Section 5 - methodologies, locations and frequencies for noise monitoring;	Complies	
		c) identification of monitoring sites at which pre- and post-project noise levels can be ascertained;	2015 Independent Environmental Audit Noise Audit Report Stage 1 of NCIG construction 2010 (10-4515R8), SLR Nov 2010 Noise Audit Report (610-04515-20430 R1), SLR, 29 Oct 2012			The Noise Audit Reports addressed the requirements of this condition in Section 5.1 - identification of monitoring sites at which pre- and post-project noise levels can be ascertained;	Complies	
		d) details of any complaints and enquiries received in relation to noise generated by the project within the first 90 days of operation;	2015 Independent Environmental Audit Noise Audit Report Stage 1 of NCIG construction 2010 (10-4515R8), SLR Nov 2010 Noise Audit Report (610-04515-20430 R1), SLR, 29 Oct 2012			The Noise Audit Reports addressed the requirements of this condition in Section 6.2 - details of any complaints and enquiries received in relation to noise generated by the project within the first 90 days of operation;	Complies	
		e) an assessment of night-time use of audible alarm systems;	2015 Independent Environmental Audit Noise Audit Report Stage 1 of NCIG construction 2010 (10-4515R8), SLR Nov 2010 Noise Audit Report (610-04515-20430 R1), SLR, 29 Oct 2012			The Noise Audit Reports addressed the requirements of this condition in Section 4 and Attachment 1 - an assessment of night-time use of audible alarm systems;	Complies	
		f) a statement of whether the Site is in compliance with noise limits outlined in condition 2.13; and	2015 Independent Environmental Audit Noise Audit Report Stage 1 of NCIG construction 2010 (10-4515R8), SLR Nov 2010 Noise Audit Report (610-04515-20430 R1), SLR, 29 Oct 2012			The Noise Audit Reports addressed the requirements of this condition in Section 4 - a statement of whether the Site is in compliance with noise limits outlined in condition 2.13; and	Complies	
		g) any additional noise mitigation measures and timetables for implementation.	2015 Independent Environmental Audit Noise Audit Report Stage 1 of NCIG construction 2010 (10-4515R8), SLR Nov 2010 Noise Audit Report (610-04515-20430 R1), SLR, 29 Oct 2012			The Noise Audit Reports addressed the requirements of this condition in Section 4 - any additional noise mitigation measures and timetables for implementation. (NCIG IEA 2015). The Operation Noise Management Plan Document No. HSEC.MP.12.03 (Section 4) described noise mitigation measures to be implemented.	Complies	
3.7	Noise Auditing	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.	2015 Independent Environmental Audit			Completion of the noise audit required by this Condition was verified during the 2015 IEA. The Noise Monitoring Program report required by Condition 3.7 was prepared and provided to the Director-General and DECCW. Noise Audit Report (610-04515-20430 R1) dated 29 October 2012 was submitted to DP&I. A response from DP&I was received on 21 November 2012, commented that while the noise audit results were compliant with the maximum noise contributions for the project, noise receivers in Mayfield and Stockton appeared close to the maximum noise contributions specified. DP&I requested to be notified if noise monitoring towards the construction stage where capacity of 66 Mt is achieved for NCIG identifies likely exceedances of the limits.	Complies	
3.8	Noise Auditing	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.	2015 Independent Environmental Audit			Completion of the noise audit required by this Condition was verified during the 2015 IEA. The Noise Monitoring Program was repeated within 90 days of commencement of the Stage 2AA, 2F and Rail Flyover operation.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
4.1	Coordination of Port Works and Coal Export Activities	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.	2015 Independent Environmental Audit Newcastle Coal Terminals Coordinated Environmental Monitoring and Management Protocol, Revision 8 (2020).			Compliance with this Condition was verified during the 2018 IEA. A Coordinated Environmental Monitoring and Management Protocol was developed by NCIG in consultation with PWCS in 2009 and submitted to DP&I and EPA.	Complies	
		The Protocol shall include, but not necessarily be limited to: a) procedures for access to, and provision of, monitoring data from each development, particularly in relation to dust and noise emissions;	Newcastle Coal Terminals Coordinated Environmental Monitoring and Management Protocol, Revision 8.			The objectives (as documented) of the Protocol include the procedures required by Condition 4.1 a).	Complies	
		b) the respective remediation and redevelopment works;	Newcastle Coal Terminals Coordinated Environmental Monitoring and Management Protocol, Revision 8.			The objectives (as documented) of the Protocol include the procedures required by Condition 4.1 b).	Complies	
		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;	Newcastle Coal Terminals Coordinated Environmental Monitoring and Management Protocol, Revision 8.			The objectives (as documented) of the Protocol include the procedures required by Condition 4.1 c).	Complies	
		d) measures to ensure a coordinated and cooperative approach to the management of common or cumulative environmental impacts from the developments;	Newcastle Coal Terminals Coordinated Environmental Monitoring and Management Protocol, Revision 8.			The objectives (as documented) of the Protocol include the procedures required by Condition 4.1 d).	Complies	
4.1	Coordination of Port Works and Coal Export Activities	e) arrangements for communication between the parties, including designated contact persons and contact details;	Newcastle Coal Terminals Coordinated Environmental Monitoring and Management Protocol, Revision 8.			The objectives (as documented) of the Protocol include the procedures required by Condition 4.1 e).	Complies	
		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;	Newcastle Coal Terminals Coordinated Environmental Monitoring and Management Protocol, Revision 8.			The objectives (as documented) of the Protocol include the procedures required by Condition 4.1 f).	Complies	
		g) any agreement for participation in the development of any of the management plans or monitoring programs required under this approval;	Newcastle Coal Terminals Coordinated Environmental Monitoring and Management Protocol, Revision 8.			The objectives (as documented) of the Protocol include the procedures required by Condition 4.1 g).	Complies	
		h) mechanism for review of the Protocol from time to time; and	Newcastle Coal Terminals Coordinated Environmental Monitoring and Management Protocol, Revision 8.			The objectives (as documented) of the Protocol include the procedures required by Condition 4.1 h).	Complies	
		i) such other matters as parties may agree.	Newcastle Coal Terminals Coordinated Environmental Monitoring and Management Protocol, Revision 8.			The objectives (as documented) of the Protocol include the procedures required by Condition 4.1 i).	Complies	
		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.	2015 Independent Environmental Audit Newcastle Coal Terminals Coordinated Environmental Monitoring and Management Protocol, Revision 8.			Compliance with this Condition was verified during the 2015 IEA. A Coordinated Environmental Monitoring and Management Protocol was developed by NCIG in consultation with PWCS in 2009 and submitted to DP&I and EPA.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
4.2	Coordinated Works Program	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.	2015 Independent Environmental Audit			Compliance with this Condition was verified during the 2015 IEA. NCIG published the Coordinated Works Program in August 2007. The CWP included dredging and remediation of the South Arm of the Hunter River and ceased works in November 2012. A Coordinated Environmental Monitoring and Management Protocol was prepared by PWCS and NCIG for coordination of works in and around the Hunter River foreshore, ecological monitoring and management, and scheduling of dredging and fill/ preloading activities.	Complies	
4.3	Coordination of Cumulative Dust Studies	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.		Environmental Officer – DPIE did not commission a cumulative dust study during this audit period.		No coordinated dust studies have been commissioned.	Not Triggered	
4.3	Coordination of Cumulative Dust Studies	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:		Environmental Officer – DPIE did not commission a cumulative dust study during this audit period.		No coordinated dust studies have been commissioned.	Not Triggered	
		a) provision of monitoring data associated with the environmental performance of the project;		Environmental Officer – DPIE did not commission a cumulative dust study during this audit period.		No coordinated dust studies have been commissioned.	Not Triggered	
		b) provision of management and auditing documentation associated with the project and relevant to the study;		Environmental Officer – DPIE did not commission a cumulative dust study during this audit period.		No coordinated dust studies have been commissioned.	Not Triggered	
		c) access to the project and relevant technical and environmental experts associated with the project;		Environmental Officer – DPIE did not commission a cumulative dust study during this audit period.		No coordinated dust studies have been commissioned.	Not Triggered	
		d) arrangements for any financial contributions to cover reasonable expenses associated with the study; and		Environmental Officer – DPIE did not commission a cumulative dust study during this audit period.		No coordinated dust studies have been commissioned.	Not Triggered	
e) such other matter as the Proponent and Planning Secretary may agree.		Environmental Officer – DPIE did not commission a cumulative dust study during this audit period.		No coordinated dust studies have been commissioned.	Not Triggered			
5.1	Compliance Tracking Program	The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval.				A compliance tracking program has been developed and implemented. Compliance tracking reports have been prepared and issued to DPIE for each year covered by this IEA.	Complies	
		The Program shall include, but not necessarily limited to:	NCIG 2019 Compliance Tracking Program – Project Approval -6_0009			Section 2.1 of the CTP describes the provisions for periodic review of the compliance status of the project.	Complies	
		a) provisions for periodic review of the compliance status of the project against the requirements of this approval;	NCIG 2019 Compliance Tracking Program – Project Approval -6_0009			Section 2.2 of the CTP describes the program for reporting to DPIE.	Complies	
		b) provisions for periodic reporting of compliance status to the Planning Secretary;	NCIG 2019 Compliance Tracking Program – Project Approval -6_0009			Section 2.3 of the CTP describes the requirements for Independent Environmental Audits.	Complies	
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	DPIE letter dated 14/07/2016 regarding NCIG Compliance Tracking Program. Confirmation of independent environmental audit now being undertaken on three yearly basis							

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.				Section 2.4 of the CTP describes the requirements for rectification of non-compliances.	Complies	

5.2	Compliance Tracking Program	The independent environmental audit referred to in condition 5.1c) shall: (a) be conducted by a suitable qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;	Letter from DPIE (H Watters) to NCIG (N Juchau) titled "Newcastle Coal Infrastructure Group PA 06_0009 Independent Environmental Audit 2018:"dated 19/11/18. Letter received from DPIE to NCIG titled "NCIG Coal Terminal (MP06_0009) IEA Endorsement Request", dated 13/12/2021			DPIE approved the appointment of the Independent Audit Team for the 2018 IEA on 19 November 2018 and for the 2021 IEA dated 13 December 2021.	Complies	
		(b) include consultation with the relevant agencies;	2018 Independent Environmental Audit			The 2018 IEA included consultation with relevant agencies (Section 5)	Complies	
		(c) assess the environmental performance of the project and assess whether it is complying with the requirements of this approval, and any other relevant approvals and relevant EPL/s;	2018 Independent Environmental Audit			The 2018 IEA included an assessment of the environmental performance of the project.	Complies	
		(d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and	2018 Independent Environmental Audit			The 2018 IEA included the review of adequacy of any approved strategy, plan or programs.	Complies	
		(e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.	2018 Independent Environmental Audit			The 2018 IEA included recommendations for improvement.	Complies	
6.1	Community Information, Consultation and Involvement	Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.					Noted	
6.2	Complaints and Enquiries Procedure	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): a) a telephone number on which complaints and enquiries about construction and operational activities at the Site may be registered.	HSEC.MP.12.01 Operation Environmental Management Plan			The complaints management procedures are described in Section 5.7 of the Operation Environmental Managed Plan. A copy of the complaints and enquiries register covering the audit period was provided to the Auditor. A 24-hour complaints line has been established: Complaints telephone number (1800 016 304);	Complies	
		b) a postal address to which written complaints and enquires may be sent.	HSEC.MP.12.01 Operation Environmental Management Plan			Postal address (Locked Bag 6003 HRMC NSW 2310)	Complies	
		c) an email address to which electronic complaints and enquiries may be transmitted.	HSEC.MP.12.01 Operation Environmental Management Plan			Email address (enquiries@ncig.com.au) .	Complies	
		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.	HSEC.MP.12.01 Operation Environmental Management Plan NCIG Website			The required details are displayed on the NCIG website (www.ncig.com.au). NCIG has signs at the main site entrances containing the required contact details	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
6.3	Complaints and Enquiries Procedure	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: a) the date and time, where relevant, of the complaint.	HSEC.MP.12.01 Operation Environmental Management Plan Complaints and Enquiries Register			A copy of the complaints and enquiries register covering the audit period was provided to the Auditor. The register contained details of the time and date that each complaint was received.	Complies	
		b) the means by which the complaint was made (telephone, mail or email).	Complaints and Enquiries Register			Details of the means by which the complaint was received is recorded in the Complaints Register.	Complies	
		c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect.	Complaints and Enquiries Register			Details identifying the complainant are recorded in the register.	Complies	
		d) the nature of the complaint.	Complaints and Enquiries Register			The nature of the complaint is recorded in the register.	Complies	
		e) record of operational and meteorological condition contributing to the complaint.	Complaints and Enquiries Register			A record of relevant operations and weather conditions is not recorded in the Complaints Register provided to the Auditor.	Non-Compliance	Update the Complaints Register to include the record of operational and meteorological condition contributing to the complaint.
		f) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant.	Complaints and Enquiries Register			A record of actions taken in response to each complaint is recorded in the register.	Complies	
		g) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.	Complaints and Enquiries Register			A record of actions taken in response to each complaint is recorded in the register along with justification where no action has been taken.	Complies	
		The Complaints Register shall be made available for inspection by the Planning Secretary upon request.	Complaints and Enquiries Register				Noted	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
6.4	Provision of Electronic Information	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: 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;	NCIG website (www.ncig.com.au)			<p>The following (required) documents are provided on the NCIG website.</p> <ul style="list-style-type: none"> Major Projects Application 06_0009; Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal, prepared by Resource Strategies Pty Ltd and dated July 2006; Responses to Submissions, prepared by Newcastle Coal Infrastructure Group and dated December 2006; modification application MP 06_0009 MOD 1, related to the plan of subdivision titled 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 (surveyors reference HW43.01.03.00) prepared by Paul John Stivano and undated; and plan of subdivision titled Plan of Subdivision of Lot 122 DP 874949, Lot 2 DP 581473, Lot 6 DP 1015754 and Lots 71 and 74 DP 1119950 (surveyors reference HW43.01.03.00) prepared by Paul John Stivano and dated 2 November 2007; modification application MP 06_0009 MOD 2 and supporting document titled Newcastle Coal Infrastructure Group Coal (NCIG) Export Terminal Rail Flyover Modification Environmental Assessment prepared by NCIG and dated June 2012, as modified by the Response to Submissions document prepared by NCIG and dated 6 December 2012; and modification application MP 06_0009 MOD 3 and supporting documents titled Newcastle Coal Infrastructure Group Coal Export Terminal Optimisation Statement of Environmental Effects prepared by Newcastle Coal Infrastructure Group, dated April 2020 and NCIG MOD 3 Submissions Report dated June 2020. 	Complies	
		b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;	NCIG website (www.ncig.com.au)			Copies of the current consolidated Project Approval and Environment Protection Licence are available on the web site.	Complies	
		c) a copy of each strategy, plan and program required under this approval; and	NCIG website (www.ncig.com.au)			Copies of all plans, strategies and programs required under this approval are available on the website.	Complies	
		d) the outcomes of compliance tracking in accordance with condition 5.1 of this approval.	NCIG website (www.ncig.com.au)			Compliance Tracking Reports (from 2008 to 2021) are available on the website.	Complies	
7.1	Environmental Representative	<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>Letter from DoP (C Wilson) to NCIG (P Beale) titled "Newcastle Coal Infrastructure Group Coal Export Terminal (Application 06_0009) and Dredging and Remediation of South Arm Hunter River (DA-134-3-2003-1) - Appointment of Environmental Representative", dated 3.10.2007</p> <p>HSEC.MP.12.01 Operation Environmental Management Plan</p>			<p>The current HSEC Manager (N Juchau) was approved as the Environmental Representative in 2007 by (the then) Department of Planning.</p> <p>The OEMP states in Section 2.2.2 that the HSEC Manager's role includes the responsibilities specified in Condition 7.1.</p>	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		b) responsible for all management plans and monitoring programs required under this approval;	HSEC.MP.12.01 Operation Environmental Management Plan			The OEMP states in Section 2.2.2 that the HSEC Manager's role includes the responsibilities specified in Condition 7.1.	Complies	
		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;	HSEC.MP.12.01 Operation Environmental Management Plan			The OEMP states in Section 2.2.2 that the HSEC Manager's role includes the responsibilities specified in Condition 7.1.	Complies	
		d) responsible for receiving and responding to complaints in accordance with condition 6.2 of this approval; and	HSEC.MP.12.01 Operation Environmental Management Plan			The OEMP states in Section 2.2.2 that the HSEC Manager's role includes the responsibilities specified in Condition 7.1.	Complies	
		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.	HSEC.MP.12.01 Operation Environmental Management Plan			The OEMP states in Section 2.2.2 that the HSEC Manager's role includes the responsibilities specified in Condition 7.1.	Complies	
7.2	Construction Environmental Management Plan	Prior to the commencement of construction of the project, the Proponent shall prepare and implement a Construction Environmental Management Plan to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be prepared in accordance with Guideline for the Preparation of Environmental Management Plans (DIPNR 2004) and shall include, but not necessarily be limited to: a) a description of all activities to be undertaken on the Site during construction including an indication of stages of construction, where relevant;	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
		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;	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
7.2	Construction Environmental Management Plan	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: i) measures to monitor and manage dust emissions; ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities. iii) measures to monitor and control noise emissions during construction works; iv) measures to monitor and manage groundwater impacts, particularly in the vicinity of the High Capacity Optional Inlet Rail Spur and Rail Sidings, and; v) measures to monitor and manage potential Aboriginal Heritage impacts.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
		d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
		e) the additional studies listed under condition 7.3 of this approval;	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		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	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
		g) complaints handling procedures during construction.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
		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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
7.3	Construction Environmental Management Plan	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: a) where soil testing prior to the commencement of construction identifies the presence of acid sulfate soils, an Acid Sulfate Soil Management Plan prepared in accordance with guidance provided in Acid Sulfate Soil Manual (Acid Sulfate Soil Management Advisory Committee, 1998);	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
		b) a Construction Surface Water Management Plan to detail how surface water and stormwater will be managed on the Site during construction. The Plan shall include use of appropriately-sized stormwater controls, in accordance with Managing Urban Stormwater: Soils and Construction (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;	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
7.3	Construction Environmental Management Plan	c) a Construction Noise Management Plan to detail how construction noise and vibration impacts would be minimised and managed, including, but not necessarily limited to: i) details of construction activities and a schedule for construction works; ii) identification of construction activities that have the potential to generate noise and/or vibration impacts on surrounding land uses, particularly residential areas; 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; 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 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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		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 oversized 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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
7.3	Construction Environmental Management Plan	e) a Construction Aboriginal Heritage Management Plan to detail how construction impacts on Aboriginal heritage will be minimised and managed. The plan shall be developed in consultation with the local Aboriginal Community, and include, but not necessarily be limited to: i) a commitment to provide opportunities for representatives of the local Aboriginal community to monitor any initial ground disturbance activities associated with previously undisturbed environments within the project area; ii) procedures for dealing with previously unidentified Aboriginal objects (excluding human remains) including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence by a suitably qualified archaeologist in consultation with the Department, BCD and the local Aboriginal community, and registering of the new site in the BCD's Aboriginal Heritage Information Management System (AHIMS) register; iii) procedures for dealing with human remains, including cessation of works in the vicinity and notification of the Department, NSW Police, BCD and local Aboriginal community and not recommencing any works in the area unless authorised by the BCD and/or the NSW Police; and iv) heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) and obligations under the conditions of this approval including site identification, protection and conservation of Aboriginal cultural heritage;	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
7.4	Construction Environmental Management Plan	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.	2018 Independent Environmental Audit			NCIG completed construction during the IEA 2015 audit period. Compliance with this Condition was verified during the 2018 IEA.	Complies	
7.5	Operation Environmental Management Plan	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.	HSEC.MP.12.01 Operation Environmental Management Plan Letter from DoP (D Keary) to NCIG (N Juchau) titled "Newcastle Coal Infrastructure Group Coal Export Terminal (Application 06_0009) Ambient Dust Monitoring Program (Condition 3.2) Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6)", dated 30/07/2010.			An OEMP has been prepared and implemented. The original plan was approved in July 2010, prior to the commencement of operations by (the then) Department of Planning.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
7.5	Operation Environmental Management Plan	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: a) a description of all activities to be undertaken on the Site during operation including an indication of stages of operation, where relevant;	HSEC.MP.12.01 Operation Environmental Management Plan			Section 1.3 of the OEMP provides an overview of the activities undertaken as part of the NCIG operation.	Complies	
		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;	HSEC.MP.12.01 Operation Environmental Management Plan			Section 3.1 of the OEMP summarises the 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.	Complies	
		c) details of how the environmental performance of the operations will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan: i) measures to monitor and manage dust emissions; ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during operation; iii) measures to monitor and control noise emissions during operation; iv) measures to monitor and manage retained onsite native vegetation and habitat.	HSEC.MP.12.01 Operation Environmental Management Plan			Section 5.1 describes environmental performance monitoring. Specific monitoring programs and impact mitigation actions are detailed in each of the operational environmental sub-plans (refer to the compliance assessment for each sub-plan below).	Complies	
		d) a description of the roles and responsibilities for all relevant employees involved in the operation of the project;	HSEC.MP.12.01 Operation Environmental Management Plan			Section 2 of the OEMP provides a description of the roles and responsibilities for all relevant employees involved in the operation of the project;	Complies	
		e) the additional studies listed under condition 7.6 of this approval; and	HSEC.MP.12.01 Operation Environmental Management Plan			Table 3 of the OEMP details the Sub Plans such as ONMP section 3.2.1, ODAQMP and OWMP the additional studies listed under condition 7.6 of this approval	Complies	
		f) complaints handling procedures during operation.	HSEC.MP.12.01 Operation Environmental Management Plan			Section 5.7 of the OEMP complaints handling procedures during operation.	Complies	
		The Operation Environmental Management Plan shall be made available for inspection by the public upon request following its approval by the Planning Secretary.	NCIG website (www.ncig.com.au)			The most recent version of the OEMP and the required management sub-plans were available on the NCIG website.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
7.6	Operation Environmental Management Plan	<p>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:</p> <p>a) a Dust Management Plan to outline measures to minimise and manage any impacts from the operation of the project on local air quality. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) identification of all major sources of dust emissions that may occur as result of the operation of the project; ii) description of the procedures to manage the dust emissions from the sources identified; iii) identification of the locations where monitoring of dust emissions is to be undertaken; iv) procedures for monitoring dust emissions from the project, in accordance with the requirements of this approval and the Environment Protection Licence for the project; v) protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions; and vi) description of procedures to be undertaken if any non-compliance is detected. 	<p>HSEC.MP.12.02 Operation Dust and Air Quality Plan.</p> <p>Environment Protection Licence 12693.</p> <p>Letter from DoP (D Keary) to NCIG (N Juchau) titled "Newcastle Coal Infrastructure Group Coal Export Terminal (Application 06_0009) Ambient Dust Monitoring Program (Condition 3.2) Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6)", dated 30/07/2010.</p>			<p>The Operation Dust and Air Quality Management Plan was prepared and submitted to the Director-General DP&I and DECCW for approval in March 2010. The Operation Dust Management Plan has last reviewed, updated and issued on 16/7/2021.</p> <p>Section 3.5 and Table 3 of the ODAQMP identify the major sources of dust emissions that may occur as result of the operation of the project.</p> <p>Section 4.1 of the plan describes management of Air Quality and Dust Controls from the sources identified.</p> <p>Section 4 describes the air quality management program, including the location dust monitoring stations and satisfies the requirements of the EPL.</p> <p>Section 5.3 describes protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions.</p> <p>Sections 5.6 and 5.7 describe procedures to be undertaken if non-compliances are detected.</p>	Complies	
		<p>b) a Noise Management Plan to outline monitoring, management procedures and measures to minimise total operational noise emissions from the project. The Plan shall also include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval; ii) identification of activities that will be carried out in relation to the project and the associated noise sources; iii) assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval; iv) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the Site during the project; v) details regarding the procurement process to guarantee that equipment levels meet the noise levels as provided in the documents listed in condition 1.1; vi) development of reactive and pro-active strategies for dealing promptly with any noise complaints; vii) noise monitoring and reporting procedures; and viii) regular internal audits of compliance of all plant and equipment with acceptable design noise. 	<p>HSEC.MP.12.03 Operation Noise Management Plan.</p> <p>Letter from DoP (D Keary) to NCIG (N Juchau) titled "Newcastle Coal Infrastructure Group Coal Export Terminal (Application 06_0009) Ambient Dust Monitoring Program (Condition 3.2) Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6)", dated 30/07/2010.</p>			<p>The Operation Noise Management Plan was prepared and submitted to the Director-General DP&I and DECCW for approval in March 2010. The Operation Dust Management Plan has last reviewed, updated and issued on 2 June 2020.</p> <p>Section 3.2 of the NMP identifies relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval.</p> <p>Section 3.2.1 and table 3 identifies activities carried out in relation to the project and the associated noise sources.</p> <p>Section 3.2.2 outlines assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval.</p> <p>Section 4.1 details management methods and procedures that will be implemented to control individual and overall noise emissions from the Site during the project.</p> <p>Section 4.2 Table 6 describes the procurement process to ensure that equipment levels meet the noise levels as provided in the documents listed in condition 1.1.</p> <p>Section 5.5 and 5.6 identifies strategies for dealing promptly with any noise complaints.</p> <p>Section 5.1 outlines noise monitoring and Section 5.7 describes reporting procedures.</p> <p>Sections 5.2 and 5.3 outline regular internal audits of compliance of plant and equipment.</p>	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
7.6	Operation Environmental Management Plan	<p>c) a Water Management Plan to outline the water management system for the Site. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) predicted Site water balance including the water supply system; ii) details regarding water management structures such as settling ponds, water tanks and the water management system for dredge sea water; iii) locations and design specifications for all water diversions from undisturbed runoff areas including channel design and stabilisation, sediment retention storages and other structures; iv) details on the internal drainage system including bunding, drainage channels, dewatering sumps and any pipelines; v) procedures for the management of groundwater encountered on Site and any temporary dewatering facilities; and vi) procedures to be implemented to minimise potential surface water impacts. 	<p>HSEC.MP.12.04 Operation Water Management Plan.</p> <p>Letter from DoP (D Keary) to NCIG (N Juchau) titled "Newcastle Coal Infrastructure Group Coal Export Terminal (Application 06_0009) Ambient Dust Monitoring Program (Condition 3.2) Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6)", dated 30/07/2010.</p>			<p>The Operation Water Management Plan was prepared and submitted to the Director-General DP&I and DECCW for approval in March 2010. The Operation Water Management Plan was last reviewed, updated and issued on 20 May 2020 and subsequently on 5 January 2022.</p> <p>Section 3.4 of the OWMP presents predicted Site water balance including the water supply system.</p> <p>Sections 4.1.1 and 4.1.2 of the plan outlines water management structures for the site such as settling ponds, water tanks and the water management system and outlines the water management infrastructure for the site.</p> <p>Dredging of sediments is not required during the operational phase and therefore management of dredged sea water is not required.</p> <p>Section 4.1.2, Figure 5 of the OWMP details the drainage plan including layout and surface water monitoring features. Design parameters for the construction of these features are outlined in Section 4.1.3.</p> <p>Figure 5 of the OWMP details drainage layout and surface water monitoring features. Design parameters for construction of these features was outlined in Section 4.1 for the internal drainage system including bunding, drainage channels, dewatering sumps and pipelines.</p> <p>Section 4.1.3 provides procedures for the management of groundwater encountered on site and any temporary dewatering facilities. Groundwater dewatering is not required as part of the operational phase.</p> <p>Section 4.2.2 provides a review of potential impacts to surface water. Controls to mitigate these risks are presented in Table 1 of the Operation Water Management Plan. Erosion and sediment controls are presented in section 4.2 of the Operation Water Management Plan and amenities water management is presented in Section 4.1.</p>	Complies	
		<p>d) a Spontaneous Combustion Management Protocol to outline measures to minimise and manage the spontaneous combustion of the coal stockpiles. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) coal stockpile management measures; ii) monitoring of potential causes of spontaneous combustion events; and iii) corrective action in the event of spontaneous combustion. 	<p>HSEC.MP.12.05 Operation Spontaneous Combustion Management Plan</p> <p>Letter from DoP (D Keary) to NCIG (N Juchau) titled "Newcastle Coal Infrastructure Group Coal Export Terminal (Application 06_0009) Ambient Dust Monitoring Program (Condition 3.2) Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6)", dated 30/07/2010.</p>			<p>The Spontaneous Combustion Management Plan was prepared and submitted to the Director-General DP&I and DECCW for approval in March 2010. The Operation Dust Management Plan was last reviewed, updated and issued on 24 February 2020 and subsequently on 18 February 2022.</p> <p>Section 3.2.2 of the OSCMP describes the coal handling and stockpile management measures implemented at NCIG.</p> <p>Section 5.1 of the plans presents the stockpile monitoring program.</p> <p>Section 4.1 of the plan describes the spontaneous combustion preventative measures. Section 4.2 spontaneous combustion remedial actions, and section 5.4 details the corrective action measures.</p>	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
7.7	Operation Environmental Management Plan	The Operation Environmental Management Plan required under conditions 7.5 and 7.6 shall be 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.	HSEC.MP.12.01 Operation Environmental Management Plan HSEC.MP.12.02 Operation Dust and Air Quality Plan. HSEC.MP.12.03 Operation Noise Management Plan. HSEC.MP.12.04 Operation Water Management Plan HSEC.MP.12.05 Operation Spontaneous Combustion Management Plan			Section 6 of each plan details the revision history of plan. All plans have been reviewed regularly and in accordance with the review schedule detailed in plan.	Complies	
8.1	Incident Reporting	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.	NCIG Incident Register Detailed incident report to DPIE subject NCIG Incident Report associated with significant weather event - 16 November 2020 dated 23 November 2020.			The Spill and Pollution Incident Response Management Plan (SPIRMP) (2021) Document No. HSEC.MP.13.04 and associated incident register was prepared by NCIG as a management tool to track incidents from the issue or complaint to the close out stage which includes the notification of the incident to the relevant Regulator and to DPIE where the incident has actual or significant off-Site impacts on people or the biophysical environment. The SPIRMP details the notification requirement in Section 13. During the audit period all incidents that were considered to have resulted in actual (or potential) significant off-site impacts were reported to DPIE.	Complies	
8.2	Incident Reporting	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.	Incident Register			The NCIG incident management system and register were reviewed by the Auditor. The system meets all requirements of Condition 8.2.	Complies	
8.3	Incident Reporting	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.	Incident Register	Environment Officer – no directions were received from DPIE in relation to any incident during the audit period.		No directions were received from DPIE in relation to any incident during the audit period.	Not Triggered	

Audit Photos



Appendix B



Photograph 1 - Light Vehicle Wash Bay (taken 3/3/22)



Photograph 2 - Sealed internal roads (taken 3/3/22)



Photograph 3 - Rail Loop Lighting Screen (taken 3/3/22)



Photograph 4 - Rail Loop Noise Bund (taken 3/3/22)



Photograph 5 - Waste Collection and operational vehicle carparking area(taken 3/3/22)



Photograph 6 - Visual Amenity Bund (taken 3/3/22)



Photograph 7- Meteorological Station (taken 3/3/22)

DPIE Auditor Approval

Appendix C



Mr Nathan Juchau
Manager – HSEC
Newcastle Coal Infrastructure Group
Awabakal Country

By Email ONLY: njuchau@ncig.com.au

13/12/2021

Dear Mr Juchau

**NCIG Coal Terminal (MP06_0009)
IEA Endorsement Request**

I refer to your request (MP06_0009-PA-7) for the Secretary's approval of suitably qualified persons to prepare the upcoming Independent Environmental Audit (IEA) as required by Condition 5.2 of Schedule 2 of Project Approval MP06_0009, as modified (the approval) for the Newcastle Coal Infrastructure Group (NCIG) Coal Export Terminal.

The Department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of Ken Holmes as the Lead Auditor to prepare the IEA.

The Department has reviewed the additional requests from NCIG and agrees to the following:

- The IEA is to be undertaken in accordance with the Department's Independent Audit Post Approval Requirements (2020) (IA PAR). Failure to meet these requirements will require revision and resubmission.
- As per the IA PAR, the audit scope is not required to include Environmental Protection Licence (EPL) 12693.
- The IEA period shall be from the 1 October 2018 (end date of the previous IEA period) to 31 December 2021. Future IEA periods shall be a three-year period commencing 1 January and ending 31 December.
- No technical specialists are required for this IEA. Should the Lead Auditor identify significant and/or complex technical compliance issues during the course of the IEA, Planning Secretary approval for a technical specialist will be sought prior to the completion of the IEA.
- The following agencies and stakeholders are to be consulted prior to the commencement of the IEA:
 - Department of Planning, Industry and Environment
 - Transport for NSW
 - Department of Planning, Industry and Environment – Biodiversity Conservation Division
 - NSW Environmental Protection Authority

- National Parks and Wildlife Service
- City of Newcastle
- Hunter and Central Coast Development Corporation
- NCIG Community Engagement Group

Please ensure this correspondence is appended to the Independent Audit Report.

If you wish to discuss the matter further, please contact Heidi Watters, Team Leader Compliance, on 02 6575 3401 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "H Watters". The signature is written in a cursive, flowing style.

Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary

Stakeholder Consultation Reponses

Appendix D

From: [Joel Curran](#)
To: [Ken Holmes](#)
Subject: RE: NCIG 2022 Independent Environmental Audit - Consultation Request DPIE
Date: Monday, 14 February 2022 2:53:58 PM
Attachments: [image001.png](#)

Good afternoon Ken

Thank you for your email. No concerns for NCIG. There were a number of recommendations from the previous 2018 audit that we would like a review of the status of, including the establishment of a CCC.

Regards

Joel Curran
Senior Compliance Officer

Planning & Assessment | Department of Planning and Environment

T 02 4904 2702 | **M** 0412 323 331 | **E** joel.curran@planning.nsw.gov.au

PO Box 1226 | Newcastle NSW 2300

Please direct all email correspondence to compliance@planning.nsw.gov.au

www.dpie.nsw.gov.au



The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

The Department has upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

From: Ken Holmes <Ken@baeckea.com.au>
Sent: Tuesday, 8 February 2022 6:47 PM
To: Joel Curran <Joel.Curran@planning.nsw.gov.au>
Subject: NCIG 2022 Independent Environmental Audit - Consultation Request DPIE

Good Afternoon Joel,

I have been commissioned to undertake the 2022 Independent Environmental Audit (**IEA**) of Newcastle Coal Infrastructure Group Coal Terminal. The audit will commence in March 2022. The IEA will be undertaken accordance with Project Approval 06_0009 (Schedule 5 Condition 9) that requires:

The independent environmental audit referred to in condition 5.1c) shall:

- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;*
- b) include consultation with the relevant agencies;*
- c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals and relevant EPL/s;*
- d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and*
- e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.*

The audit will be undertaken in accordance with DPIE's Independent Audit Post Approval Guidelines.

The Approval require that the Auditor consults with relevant agencies. I would therefore appreciate if you could provide me with any information, comments or concerns that your Department may have regarding the environmental performance of the operation (over the past three years – the audit period) and details of any specific issues you suggest that the Auditor considers during the audit.

Please do not hesitate to contact me if you require any additional information.

Thanks and Regards,

Ken Holmes
Lead Auditor

Principal Environmental Consultant
Director

Barnett & May

P +61 (0)438 046 261

E ken@baecka.com.au

A PO Box 365 Belrose NSW 2085

From: [Steven Crick](#)
To: [Ken Holmes](#)
Cc: [OEH ROD Hunter Central Coast Mailbox](#)
Subject: RE: NCIG 2022 Independent Environmental Audit - Consultation Request DPIE - Biodiversity Conservation Division
Date: Monday, 21 February 2022 1:48:05 PM

Dear Ken

Thank you for your e-mail dated 5 February 2022 inviting Biodiversity and Conservation Division (BCD) to raise any specific concerns of the operation of NCIG over the last three years or aspects to focus on for the forthcoming Independent Environmental Audit. BCD does not have any specific issues or concerns for the audit to focus on.

Please note that Steven Cox has changed roles and I have replaced him.

If you have any questions about this advice then please contact Robert Gibson, Senior Biodiversity Conservation Officer on 02 4927 3154.

Yours sincerely,

Steven Crick

Senior Team Leader – Planning
Hunter Central Coast Branch
Biodiversity & Conservation Division
Department of Planning & Environment

6 Stewart Avenue, Newcastle, 2300
Locked Bag 1002, Dangar, 2309
T 02 4927 3248
M 0402 279 129

From: Ken Holmes <Ken@baeckea.com.au>
Sent: Saturday, 5 February 2022 3:33 PM
To: Steven Cox <Steven.Cox@environment.nsw.gov.au>
Subject: NCIG 2022 Independent Environmental Audit - Consultation Request DPIE - Biodiversity Conservation Division

Good Afternoon Steven,

I have been commissioned to undertake the 2022 Independent Environmental Audit (**IEA**) of Newcastle Coal Infrastructure Group Coal Terminal. The audit will commence in March 2022. The IEA will be undertaken accordance with Project Approval 06_0009 (Schedule 5 Condition 9) that requires:

The independent environmental audit referred to in condition 5.1c) shall:

- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;*
- b) include consultation with the relevant agencies;*
- c) assess the environmental performance of the project and assess whether it is complying with*

*the requirements in this approval, and any other relevant approvals and relevant EPL/s;
d) review the adequacy of any approved strategy, plan or program required under the
abovementioned approvals; and
e) recommend measures or actions to improve the environmental performance of the project,
and/or any strategy, plan or program required under these approvals.*

The audit will be undertaken in accordance with DPIE's Independent Audit Post Approval Guidelines.

The Approval require that the Auditor consults with relevant agencies. NCIG has provided me with your contact details as a relevant regulator. I would therefore appreciate if you could provide me with any information, comments or concerns that your Department may have regarding the environmental performance of the operation (over the past three years – the audit period) and details of any specific issues you suggest that the Auditor considers during the audit.

Please do not hesitate to contact me if you require any additional information.

Thanks and Regards,

Ken Holmes
Lead Auditor

Principal Environmental Consultant
Director

Barnett & May

P +61 (0)438 046 261

E ken@baeckea.com.au

A PO Box 365 Belrose NSW 2085

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: [Doug Beckers](#)
To: [Ken Holmes](#)
Cc: [Jo Erskine](#); [Mitchell Carter](#)
Subject: RE: HPE CM: NCIG 2022 Independent Environmental Audit - Consultation Request NPWS
Date: Tuesday, 22 February 2022 6:16:50 PM

Hello Ken,

As you may be aware, within Hunter Wetlands National Park, NCIG have 2 licences that cover Green and Golden Bell Frog and Shorebird compensatory habitat areas.

We have had dealings with NCIG since 2011 and over the past 3 years we have had no concerns regarding the environmental performance of the operation. NCIG supply regular updates to NPWS regarding the progress, maintenance and monitoring of their licenced areas. If we have any issues to discuss, we have found NCIG to responsive and collaborative.

If you require any further information, please contact me.

regards

Doug Beckers

Team Leader Conservation
Hunter Central Coast Branch
Park Operations - Coastal
NSW National Parks and Wildlife Service

Suite G 3477, 117 Bull Street NEWCASTLE 2300
T 02 4927 3260 M 0419 183 310
W nationalparks.nsw.gov.au

From: Doug Beckers
Sent: Wednesday, 16 February 2022 7:23 AM
To: Ken Holmes <Ken@baeckea.com.au>
Cc: Mitchell Carter <Mitchell.Carter@environment.nsw.gov.au>; Jo Erskine <Jo.Erskine@environment.nsw.gov.au>; Boyd Carney <Boyd.Carney@environment.nsw.gov.au>; Margie Brewer <margie.brewer@environment.nsw.gov.au>
Subject: RE: HPE CM: NCIG 2022 Independent Environmental Audit - Consultation Request NPWS

Hello Ken,

I'll consult with my folk who deal with NCIG and I'll get back to you by Friday 25th of February.

Note: DPE folk EF22/1565

regards

Doug Beckers

Team Leader Conservation
Hunter Central Coast Branch
Park Operations - Coastal

NSW National Parks and Wildlife Service

Suite G 3477, 117 Bull Street NEWCASTLE 2300

T 02 4927 3260 M 0419 183 310

W nationalparks.nsw.gov.au

From: Ken Holmes <Ken@baeckea.com.au>

Sent: Wednesday, 16 February 2022 3:49 AM

To: Doug Beckers <Doug.Beckers@environment.nsw.gov.au>

Subject: HPE CM: NCIG 2022 Independent Environmental Audit - Consultation Request NPWS

Good Afternoon Doug,

I have been commissioned to undertake the 2022 Independent Environmental Audit (**IEA**) of Newcastle Coal Infrastructure Group Coal Terminal. The audit will commence in March 2022. The IEA will be undertaken accordance with Project Approval 06_0009 (Schedule 5 Condition 9) that requires:

The independent environmental audit referred to in condition 5.1c) shall:

- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;*
- b) include consultation with the relevant agencies;*
- c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals and relevant EPL/s;*
- d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and*
- e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.*

The audit will be undertaken in accordance with DPIE's Independent Audit Post Approval Guidelines.

The Approval require that the Auditor consults with relevant agencies. NCIG has provided me with your contact details as a relevant regulator. I would therefore appreciate if you could provide me with any information, comments or concerns that NPWS may have regarding the environmental performance of the operation (over the past three years – the audit period) and details of any specific issues you suggest that the Auditor considers during the audit.

Please do not hesitate to contact me if you require any additional information.

Thanks and Regards,

Ken Holmes
Lead Auditor

Principal Environmental Consultant
Director

Barnett & May

P +61 (0)438 046 261

E ken@baeckea.com.au

A PO Box 365 Belrose NSW 2085

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

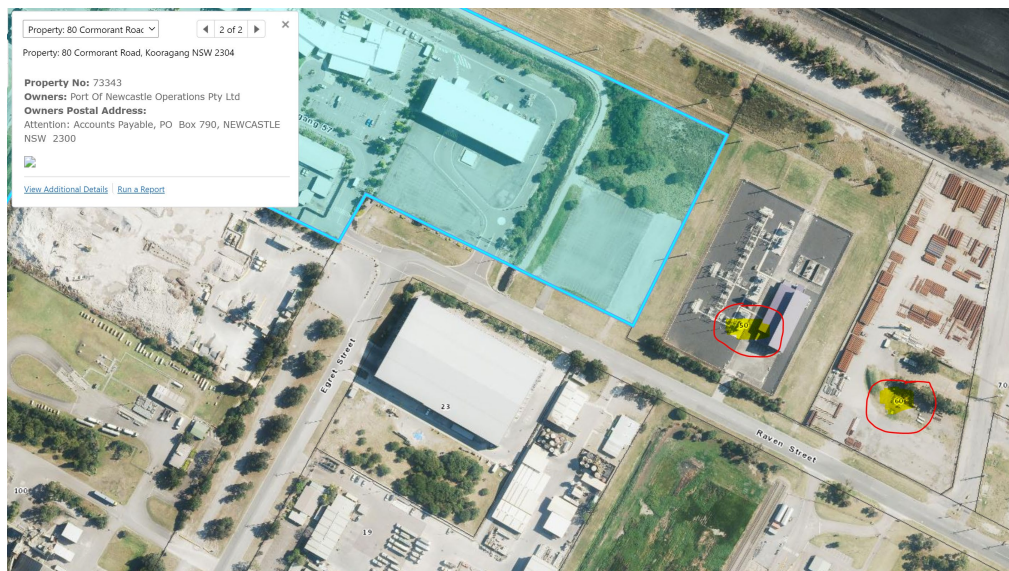
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: [Ken Holmes](#)
To: [Ken Holmes](#)
Subject: FW: NCIG 2022 Independent Environmental Audit - Consultation Request City of Newcastle
Date: Sunday, 1 May 2022 11:12:25 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)

Hi Ken,

Our registered map system does not have a 30 Raven St, ... we have "80 Cormorant Rd Kooragang"

There are no environmental complaints or notified incidents from the public, listed against this site.

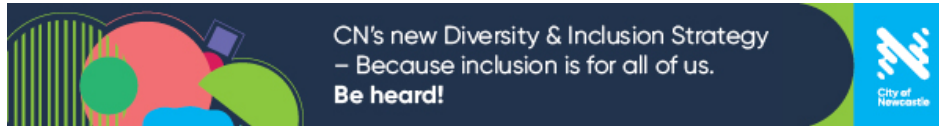


Nancy Jones | Environmental Protection Officer
City of Newcastle | Governance
Regulatory, Planning & Assessment | Regulatory Section

T: [+61249742564](tel:+61249742564) | M: [0408621731](tel:0408621731) | E: njones@ncc.nsw.gov.au



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From: Ken Holmes <Ken@baeckea.com.au>

Sent: Wednesday, 2 March 2022 9:20 AM

To: Nancy Jones <njones@ncc.nsw.gov.au>

Subject: RE: NCIG 2022 Independent Environmental Audit - Consultation Request City of Newcastle

[EXTERNAL] This email originated from outside of the organisation.

Good Morning Nancy,

The site is the Newcastle Coal Infrastructure Group located at 30 Raven St Kooragang.

Regards

Ken Holmes
Principal Environmental Consultant
Director

Barnett & May

P +61 (0)438 046 261

E ken@baeckea.com.au

A PO Box 365 Belrose NSW 2085

From: Nancy Jones <njones@ncc.nsw.gov.au>

Sent: Monday, 28 February 2022 3:56 PM

To: Ken Holmes <Ken@baeckea.com.au>

Subject: FW: NCIG 2022 Independent Environmental Audit - Consultation Request City of Newcastle

Hi Ken,

Just phoned and left a voice message.

As previously emailed, can you please confirm which sites / addresses are included in the audit.

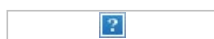
So I can advise any complaints or environmental issues we are aware of.

Thank you

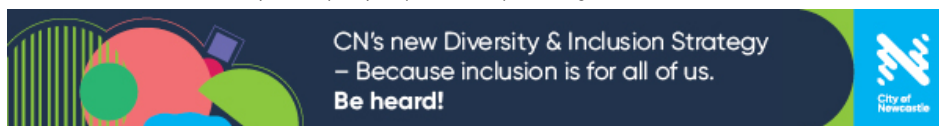
Nancy Jones | Environmental Protection Officer
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From: Nancy Jones
Sent: Wednesday, 23 February 2022 4:50 PM
To: Ken@baeckea.com.au
Subject: FW: NCIG 2022 Independent Environmental Audit - Consultation Request City of Newcastle

Hi Ken

Received this email.

Can you please confirm the specific location of the terminal?
So I can check for complaints / issues we have recorded.

I have been looking at our map and see land used for coal loading is owned by Port of Newcastle Operations and Port Waratah Coal Services, so not familiar with the exact land you refer to for "NCIG"..

Thanks



Nancy Jones | Environmental Protection Officer

City of Newcastle | Governance

Regulatory, Planning & Assessment | Regulatory Section

T: +61249742564 | M: 0408621731 | E: njones@ncc.nsw.gov.au



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Strategic Plan is our
roadmap to a brighter future



NEWCASTLE 2040
it's our *future*



From: Ken Holmes <Ken@baeckea.com.au>
Sent: Saturday, 5 February 2022 3:34 PM
To: Official Mail <officialmail@ncc.nsw.gov.au>
Subject: NCIG 2022 Independent Environmental Audit - Consultation Request City of Newcastle

City of Newcastle Compliance Section,

I have been commissioned to undertake the 2022 Independent Environmental Audit (**IEA**) of Newcastle Coal Infrastructure Group Coal Terminal. The audit will commence in March 2022. The IEA will be undertaken accordance with Project Approval 06_0009 (Schedule 5 Condition 9) that requires:

The independent environmental audit referred to in condition 5.1c) shall:

- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;*
- b) include consultation with the relevant agencies;*
- c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals and relevant EPL/s;*
- d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and*
- e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.*

The audit will be undertaken in accordance with DPIE's Independent Audit Post Approval Guidelines.

The Approval require that the Auditor consults with relevant agencies. NCIG has provided me with these contact details as a relevant regulator. I would therefore appreciate if you could provide me with any information, comments or concerns that TfNSW may have regarding the environmental performance of the operation (over the past three years – the audit period) and details of any specific issues you suggest that the Auditor considers during the audit.

Please do not hesitate to contact me if you require any additional information.

Thanks and Regards,

Ken Holmes
Lead Auditor

Principal Environmental Consultant
Director

Barnett & May

P +61 [0]438 046 261

E ken@baecka.com.au

A PO Box 365 Belrose NSW 2085

From: kenny.barry@sustainabilitysupportgroup.com.au
To: [Ken Holmes](#)
Subject: RE: NCIG 2022 Independent Environmental Audit - Consultation - Community Engagement Group
Date: Sunday, 13 February 2022 10:14:57 AM

Good Morning Ken, thanks for the opportunity to comment on the operation of the NCIG Community Engagement Group.

I can advise that from the CEO down to environmental and operational staff, NCIG displays an exemplary attitude in its commitment to open and transparent communications with the CEG and the wider community.

In my experience, Members of the CEG and NCIG staff share a level of trust that is often sought but rarely achieved within this type of forum.

Regards
Kenny Barry

From: Ken Holmes <Ken@baeckea.com.au>
Sent: Sunday, 13 February 2022 2:17 AM
To: jlhayes@bigpond.com; rick.banyard@bigpond.com; ablanch8@bigpond.com; lki7@bigpond.com; catherine_blanch@bigpond.com; huntershores@bigpond.com; kenny.barry@sustainabilitysupportgroup.com.au
Subject: NCIG 2022 Independent Environmental Audit - Consultation - Community Engagement Group

Good Morning,

In preparation for the 2022 Independent Environmental Audit (**IEA**) of the Newcastle Coal Infrastructure Group Coal Terminal and am reaching out to the members of the Community Engagement Group to offer the opportunity for the Group to provide input into the audit.

The audit will commence in the first week of March 2022. The IEA will be undertaken accordance with Project Approval 06_0009 (Schedule 5 Condition 9) that requires:

The independent environmental audit referred to in condition 5.1c) shall:

- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;*
- b) include consultation with the relevant agencies;*
- c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals and relevant EPL/s;*
- d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and*
- e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.*

DPIE has asked me to include the Community Engagement Group in the consultation process and subsequently NCIG has provided me with your contact details as a member of the group.

I would therefore appreciate if you could provide me with any comments you may have regarding the operation of the Community Engagement Group and NCIG's interaction with the group.

Please do not hesitate to contact me if you require any additional information. I am overseas until the end of February, so if you want to contact me directly please use email.

Thanks and Regards,

Ken Holmes
Lead Auditor

Principal Environmental Consultant
Director

Barnett & May

P +61 (0)438 046 261

E ken@baeckea.com.au

A PO Box 365 Belrose NSW 2085

Dear Ken

Thank you for allowing me the opportunity to set on record my positive experiences during my association with NCIG as a Community Engagement representative. I have no background in the community consultation processes nor do I represent or have membership with any special interest groups. I was interested in the long-term strategic planning for my suburb and as I own property in Carrington, and was impressed to see NCIG advertise in our local publication for expressions of interest to join the group. Just in the simple act of advertising via print media they had supported a small local business who depends on local content and advertising to ensure their operation survives. I saw this as a large company empathising with the needs of a small local community and reaching out to them in a relevant medium.

During my participation, I have seen the staff and management set an example of being proud, active and valued members of the Newcastle region. They have demonstrated their desire to build genuine, reliable relationships with their stakeholders and to create positive outcomes – for their staff, customers community and the environment. This was particularly demonstrated to me when the company asked staff to put forward recommendations from their own department for divisional improvements. Those recommendations acted upon not only led to a 10% increase in productivity but more importantly a sense of pride and ownership by those employed within the organisation.

As a result of our meetings, I am now aware that NCIG actively seeks to understand the expectations of those in their surrounding communities so that they can meet their various interests and concerns. They understand the community's expectations may extend beyond regulatory compliance and they work hard to continuously improve their operational, environmental and social performance. I am particularly proud of their support of "Got your Back Sister" through their Community Support Program. As a vehicle for assisting parents faced with domestic violence and having lost my sister to the same, it shows me how willing they are to support the cutting edge of community needs.

As I have informed members at previous group meetings, my husband works in waste management and regularly services the NCIG site. He also updates me on the progress of the green and golden bell frog which is part of the NCIG Compensatory Habitat and Ecological Monitoring Program. His site induction several years ago, included risk management strategies for avoiding disruption of habitat on the rare occasion that a frog be seen when bins were being lifted and emptied. He now advises that the population has grown and flourished exponentially under the mindful management of the site's natural ecosystem.

In my opinion NGIG sets the benchmark in all areas of their operation and I am proud to be considered a small part of their team.

Catherine E Blanch

Lead Auditor Qualifications and Experience

Appendix E

KEN HOLMES

Senior Principal Environmental Consultant



Email ken@baeckea.com.au

Mobile +61 0438 046 261

Qualifications & professional affiliations

- Bachelor of Science (Industrial Chemistry)
- Master of Applied Science (Waste Management)
- Master of Business Administration (MBA)
- Accredited Lead Environmental Auditor (Exemplar Global #: 14065)

Ken Holmes is an acknowledged industry leader in environmental management, impact assessment and project approvals. His career spans over 30 years and includes experience across Australia, Africa, Europe and South-east Asia.

Ken's extensive Infrastructure Planning and Approvals experience includes that preparation of environmental impact statements for major projects, pre-construction approvals, environmental management planning, and construction environmental management.

He has led large scale projects on major road, rail, renewable energy, mining and water infrastructure projects across Australia. The projects presented below are a sample of the range and complexity of projects that Ken has delivered.

Project experience

Environmental Auditing (Audits completed in the past four years)

McArthur River Mine (Northern Territory) (current project) - Ken is currently leading the environmental compliance audit of Moolarben Coal Mine in the Cape of Carpentaria, NT. EPBC Approval requires an annual independent environmental audit of compliance against that Approval.

The independent environmental audit is being undertaken in accordance with AS/NZS ISO 19011:2014 and the DAWE Audit Guidelines.

Moolarben Coal Mine (2022) - Ken is led the environmental compliance audit of Moolarben Coal Mine located near Mudgee in Western NSW. The conditions of project's Planning Approval requires a three-yearly independent environmental audit of compliance against:

- EPBC Approval
- DP&E (NSW) Conditions of Approval / Development Approvals;
- Water Licences;
- Environment Protection Licence; and all
- Mining Leases.

The independent environmental audit was undertaken undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines and the EPBC element of the audit against the DAWE Audit Guidelines.

Kables Sand Quarry EPBC Audit (2019) – Ken was the auditor for the EPBC audit of Hansons Kables Sand Quarry located in the Blue Mountains in NSW. The audit was a requirement of the project EPBC approval and was

undertaken in accordance with the DAWE Audit Guidelines.

Martin Place Over Station Development (2020 – ongoing series of annual independent audits to 2023) - Ken is currently undertaking the environmental compliance audits of this landmark construction project in the Sydney CBD. The conditions of project's Planning Approval requires annual independent environmental audit of compliance against the DP&E (NSW) Conditions of Approval. The project is part of the development of Sydney's commuter rail network expansion.

Client: Port Waratah Coal Loader (2018 and 2021)- Ken was the lead auditor for the last two independent environmental compliance audits of the Port Waratah Coal Loader located on Kooragang Island near Newcastle. The conditions of approval for the facility requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Water Licences;
- Environment Protection Licence; and the
- EIS (Statement of Commitments).

These independent environmental audit were undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

North Parkes Mine (2021)- Ken was the lead auditor for the environmental compliance audit of the Tritton Gold Mine in western NSW. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Water Licences;
- Environment Protection Licence;
- Mining Leases; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Metropolitan Coal Mine (2018 and 2021)

Ken was the independent environmental auditor for the last two independent environmental compliance audits of the Metropolitan Coal Mine south of Sydney, NSW. These conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Commonwealth Approvals;
- Water Licences;
- Environment Protection Licences;
- Mining Leases; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines

Stratford and Duralie Coal Mines – (2020) Ken was the lead auditor for the environmental compliance audit of Ashton Coal Mine in the Hunter Valley. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
 - Water Licences;
 - Environment Protection Licence;
 - Mining Leases and the
 - EIS (Statement of Commitments).
- The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Ashton Coal Mine (2020) - Ken was the lead auditor for the environmental compliance audit of Ashton Coal Mine in the Hunter Valley. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- EPBC Approvals;
- Water Licences;
- Environment Protection Licence;
- Mining Leases; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines

Hera Gold Mine (2019)- Ken was the independent environmental auditor for the environmental compliance audit of the Hera Gold Mine in western NSW. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Commonwealth Approvals;
- Water Licences;
- Environment Protection Licences;
- Mining Leases; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Newcastle Coal Infrastructure Group (2019) - Ken was the lead auditor for the environmental compliance audit of the NCIG Coal Loader located on Kooragang Island near Newcastle. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- EPBC Approvals;
- Water Licences;
- Environment Protection Licence; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Bingo Industries Waste Recovery Facility and Landfill (2019)- Ken was the lead auditor for the environmental compliance audit of the Bingo (Dial-a-Dump) waste facility in western Sydney. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Environment Protection Licence; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Benedicts Recycling Mayfield (2019)- Ken was the lead auditor for the environmental compliance audit of the Benedicts waste facility in Newcastle. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Environment Protection Licence; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Triton Copper Mine (2018) - Ken was the lead auditor for the environmental compliance audit of the Triton Gold Mine in western NSW. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Water Licences;
- Environment Protection Licence;
- Mining Leases; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Oberon Quarries (2019) - Ken was the lead auditor for the environmental compliance audit of this Gravel Quarry located in near Oberon in western NSW. The conditions of approval for the quarry requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Environment Protection Licence; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Sibelco Dunes Sand Mine (2018 / 2019) – Ken was the auditor for the environmental compliance audit of the Sibelco Sand located near Nelson Bay in NSW. The conditions of approval for the mine required independent environmental audit of against:

- DP&E Conditions of Approval / Development Approvals;
- EIS predications against actual impacts.

The Approval required that the audit be conducted within 12 months of completion of mining and focussed on mine site rehabilitation.

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines

Ardglen Quarry (Daracon) (2018) - Ken was the lead auditor for the environmental compliance audit of the Ardglen Gravel Quarry located in the upper Hunter Valley. The conditions of approval for the quarry requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Environment Protection Licence; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Holcim Hume Quarry (2017/8) - Ken was auditor for the environmental compliance audit of Holcim' hard rock quarry located near Queanbeyan in NSW. Ken undertook the compliance audits of the quarry's Conditions of Approval. The conditions of approval required a detailed assessment of compliance against:

- DP&E Conditions of Approval / Development Approvals
- Water Licences
- Environment Protection Licences.

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

PGH Bricks (2017/8) - Ken was the lead auditor for the environmental compliance audits of PGH's NSW, QLD, Vic and SA quarries. Ken undertook the compliance audits of the quarries as required by the Conditions of Approval for each site. The conditions of approval required a detailed assessment of compliance against:

- DP&E Conditions of Approval / Development Approvals (for non-NSW sites)
- Mining (and Exploration) Leases
- Environment Protection Licences (or equivalent)

Enviroking (2017/8) - Ken was the lead auditor for an independent environmental audit undertaken in accordance with AS/NZS ISO 19011:2014 "Guidelines for auditing management systems" for the liquid waste facility. The audit reviewed Enviroking's compliance with conditions of approval, made recommendations to address non-compliances and identified opportunities for improvement in the project's environmental management and performance.

Ken has also undertaken compliance audits for a wide range of industries and projects including:

- Cowal Gold Mine
- Manildra Limited / Castlereagh Coal
- Bougainville Copper Limited (Bougainville, PNG)
- News Limited
- Fairfax News Papers
- Norske Skog
- Alcoa
- Ok Tedi Mining (PNG)
- Albright & Wilson
- Seafood Specialities
- Rio Tinto

- Hunter Water
- Department of Foreign Affairs and Trade
- Sydney Water
- Transport for NSW
- Mount Isa Mines
- Scott Transport
- Roads and Traffic Authority (now Roads and Maritime Services)
- AbiGroup (now LendLease)
- Leighton Contractors (now CPB Contractors)
- John Holland Group
- Queensland Transport
- PMP (Printing)
- Straits Resources
- Mount Isa Mines
- Philips (electronics)
- Bonlac Foods
- BHP

Ken has also led a wide range of Acquisition / Due Diligence audits for private sector clients in Australia, PNG, Africa, South Pacific, New Zealand, China, Singapore, Indonesia, Thailand.

Project Approvals

Central Station Re-development – Transport for NSW -

Ken led the team responsible for gaining the environmental approvals (preparation of EMPs /construction licences etc.) for the Sydney Central Station project. In this role, Ken was responsible for the interpretation of the Approval requirements (Minister's Conditions of Approval) and the provision of strategic advice on the approvals, licencing, construction environmental management and stakeholder management.

Sydney Metro – Transport for NSW - Transport for NSW (TfNSW) commissioned two demolition contractors to demolish a number of multistorey buildings within the Sydney CBD in preparation for the construction of the Sydney Metro project. Ken led the team responsible for the preparation of environmental management plans for these works (TfNSW was not comfortable that the demolition contractors had the appropriate skills to prepare the required plans and gain the required approvals for the works). Ken worked with the demolition contractors to streamline their internal management processes and to add the requisite environmental management functions within both their corporate and project management systems.

M2 Widening Project Approvals (Roads and Maritime Services) – Ken (Project Manager) led the environmental approvals team for the preparation of the Environmental Impact Assessment and construction approvals (preparation of EMPs /construction licence etc.) for the M2 widening project.

The management and minimisation of vegetation clearing on this project (along with the minimisation of impacts on residents a high priority. Ken oversaw all the specialist studies that supported the preparation of the Environmental Impact Assessment and subsequent Environmental Management Plans, including:

- Ecological survey;
- Tree reports;

- Noise and vibration impact assessments;
- Contamination assessments;
- Traffic impact assessments; and
- Ground and surface water impact assessments.

Sydney Light Rail – Acciona / Transport for NSW - Ken led the team responsible for leading the construction approvals program and setting up the environmental management system for this significant brown fields infrastructure construction project. His responsibilities included:

- Establishing the project Environmental Management System;
- Interpreting the Conditions of Approval and the Project Deed and advising the Acciona management team on all aspects of compliance with those key approval and contractual documents;
- Gaining the construction environmental approvals (preparation of EMPs /construction licences etc.) for the Sydney Light Rail project. In this role, Ken provided strategic advice on the approvals, licencing, construction environmental management and stakeholder management. He was also responsible for all internal (Acciona / KMH) document quality control.
- Selecting, commissioning and supervising the wide range of specialist environment service providers including ecological survey, tree reports, and pre-construction vegetation clearance reports.
- Advising the design and construction teams on tree clearing and management and integration of construction requirements into the flora and fauna management plans.

Ken also led the consultation with the NSW Government regulators and supported and mentored the Acciona Construction Environmental Manager. In addition, Ken personally led the community and business reference group consultation process on behalf of the design and construction joint venture, successfully gaining signoff from these consultation bodies on the environmental plans and strategies.

Environmental Management Representative (ER) - The role of Independent Environmental Representative on major infrastructure projects in NSW was established in 1998 and continues to be a requirement of the Conditions of Approval for all major infrastructure projects in NSW. The appointees are nominated by the project proponent or construction consortium but are approved by and report to the Director General of the Department of Planning and Environment (DPE).

- The scope of the ER's role is broad range and includes:
 - Interpreting and advising on requirements of the Project Approval.
 - Reviewing and assessing the performance of the project against the Conditions of Approval, Project Deed and other relevant project related approvals. In that role, the ER reviews and approves all environmental related plans (EMPs), audits the implementation of environmental management plans and strategies, verifies (through audit and surveillance) compliance with the relevant project approval and

project deed requirements, monitors and reports on regulatory compliance and provides reports to the Department and the project proponent on these matters.

- Reports on compliance related issues to the public and investigates environmental and compliance issues, complaints and incidents.
- Review and approval of vegetation clearing and other high (environmentally) impact activities.

Ken has fulfilled the role of Independent Representative on seven major infrastructure projects:

- Hunter Expressway (Motorway construction, Hunter Valley) - (2011 – 2013)
- Integral Energy 9JA Project (Transmission Line Construction Western Sydney) - (2006-2007)
- Westlink M7 (40km Motorway project, Western Sydney) - (2003-2005)
- Towra Beach Nourishment Project (Wet land protection, dredging project, Botany Bay) - (2004)
- Warragamba Dam Auxiliary Spillway Project– (1998 – 2013)
- Cronulla Sewage Treatment Plant Upgrade – (1998 – 2000)
- Liverpool Sewage Treatment Plant Upgrade – (2000)

Upper Hunter Valley Alliance (UHVA) – Leighton

Contractors /ARTC - Ken led the team responsible for the provision of the environmental approvals (preparation of EMPs /construction licences etc.) on this major ARTC rail infrastructure program in the Hunter Valley of New South Wales. Ken's team on this project provided the entire environment and community and stakeholder team as a Sub-Alliance partner. In this role, Ken provides strategic advice on the approvals, licencing, construction environmental management and stakeholder management. His responsibilities included:

- Establishing the project Environmental Management System;
- Interpreting the Conditions of Approval and the Project Deed and advising the Leighton management team on all aspects of compliance with those key approval and contractual documents;
- Gaining the construction environmental approvals (preparation of EMPs /construction licences etc.) for range of projects delivered by the Alliance. In this role, Ken provided strategic advice on the approvals, licencing, construction environmental management and stakeholder management. He was also responsible for all internal document quality control.
- Selecting, commissioning and supervising the wide range of specialist environment service providers including ecological survey, tree reports, and pre-construction vegetation clearance reports.
- Advising the design and construction teams on tree clearing and management and integration of construction requirements into the flora and fauna management plans.

Other relevant Infrastructure Projects led by Ken include:

- Joint Defence Headquarter Construction Project (ACT) – Environment Approvals Manager
- Melbourne Desalination Plant Project – EMP

preparation

- Ballina Bypass (Pacific Highway construction project) - Environment Approvals Manager
- Northern Hume Alliance (Hume Highway Duplication) - Environment Approvals and Community Manager
- Anvil Hill Coal Mine (Hunter Valley) - Environment Approvals Manager
- Shannon Creek Dam Construction Project - Environment Approvals and Community Manager
- Liverpool to Ashfield Pipeline Project (Sydney Water) - Environmental Approvals Manager
- Networks Alliance (Sydney Water –water and sewage mains renewals project) – KMH Management Representative
- Technical Reviewer and Economic Impact Analyst – DEC Construction Noise Management Guidelines (2006)
- Northwest Transit Way - Environment Approvals Manager
- Lane Cove Tunnel - Environment Advisor to Approvals and Construction Team
- North Connex – Environmental Management Plan preparation, consistency assessments and preparation of Environmental Impact Assessments to support variations to the project approvals
- Sydney Desal Plant -Internal QA Reviewer
- Keepit Dam Safety Upgrade – Project Director
- Cordeaux Water Treatment Plant – Lead Consultant and Project Manager

Investigative / Expert Roles

Minter Ellison – Expert Opinion / Report (2018/9) - Ken was commissioned by Minter Ellison on behalf of their client (a consortium of major construction contractors) to provide an expert opinion regarding the interpretation of impact of changes to the Conditions of Approval for a major Sydney linear infrastructure project on environmental investigation and reporting obligations and project cost impacts. This expert opinion was commissioned to support the resolution of a contractual dispute between the consortium and their client.

Environment Protection Authority — Investigation of Illegal Land Clearing and Waste Disposal Activities (April 2015 – July 2017) - Ken was the lead auditor for the investigations undertaken by the KMH team commissioned by the NSW Environment Protection Authority (EPA) to investigate an alleged illegal vegetation clearing and waste disposal operations located in the Hunter Valley, Hawkesbury River Basin and Arcadia (north western Sydney). Ken developed and supervised the implementation site investigation strategies that included a series of investigative processes designed to identify the location and extent of vegetation clearing, and to determine the depth and volumes of buried construction and demolition wastes.

Environment Protection Authority — Expert Reports Illegal Land Clearing and Waste Disposal Activities (2018) - Ken was commissioned by the NSW Environment Protection Authority (EPA) to provide expert opinion regarding the alleged illegal vegetation clearing and waste disposal at a site in the Hawkesbury River Basin and Arcadia (north western Sydney).

Ken was subsequently briefed to provide expert opinion in the legal actions taken by the EPA in these matters.

Qenos Mandatory Environmental Audit - Ken was commissioned as the Expert Independent Environmental Auditor (Lead Auditor) for the Qenos Mandatory Audit. As a result of a series of environmental incidents, Qenos were required by the NSW EPA to commission an independent auditor to determine if the plant is capable of being operated and maintained and if the plant is being competently operated and maintained, in order to minimise the risk of environmental incidents and better protect the environment.

In doing this, the audit Assessed the:

- adequacy of Risk Assessment procedures and practices
- adequacy of maintenance and operational Systems
- physical condition and reliability of the Plant
- adequacy and suitability of environmental risk management
- adequacy and suitability of performance monitoring equipment
- processes and procedures for identifying and rectifying plant and equipment issues.

Incidents and assessed of the adequacy the investigations and responses to those incidents.

Orica Port Botany Ground Water Remediation Project – Expert Auditor - Ken was the lead auditor for the independent compliance audit of the Orica groundwater remediation project. These annual audits were a condition of licence established by the (then) Department of Environment and Climate Change and the Department of Planning.

Other

Kelian Equatorial Mining (Kalimantan, Indonesia) - Ken led a specialist environmental and social impact audit team that was established by Rio Tinto (and approved by the Government) to investigate and report on the environmental and social impacts associated with alluvial mining operations (downstream) from the Rio Tinto (major owner) operated gold mine located in the remote, mountainous region of Kalimantan. The audit team included Government representatives and was undertaken to address the concerns of local village communities that were being impacted socially and economically.

Bougainville Copper Limited (Bougainville, PNG) - Ken led two specialist projects for Bougainville Copper Limited. Including Investigation of the Loloho Port Facility on Bougainville Island. Ken led the investigation team commissioned to identify and plan for the clean-up of hazardous chemicals left after BCL evacuated Bougainville at the commencement of the civil war in 1990. The investigation covered gases, PCBs, and minerals processing chemicals. The second project was clean up and destruction of chlorine and other compressed gases located at the Loloho Port facility on Bougainville Island.

Ken subsequently led a team dispatched to Bougainville to chemically destroy 1 tonne of chlorine and other toxic gases. The team built a treatment plant on site and successfully removed the toxic gas threat.

Waste Management

Review of Energy to Waste Technologies – Client Confidential (Australian Based Waste Management Company)

Ken participated (as technical reviewer) in the preparation of a technical review of energy to waste technologies for a major waste management group operating in Australia. The purpose of the review has to provide the client with a detailed assessment of all available and emerging energy to waste technologies available including determining the barriers to implementation within the Australian market, political and social framework.

Shredder Waste Disposal Assessment – Sims Metal

Metal shredders produce a complex waste stream consisting of a mixture of plastic, rubber, metal and other materials that is costly to dispose of. Ken led the KMH team that researched the options for management of this waste stream and prepared recommendations for the development of waste treatment and disposal options (including energy extraction) for Sims Metal.