

10 August 2023

Secretary
Department of Planning and Environment
compliance@planning.nsw.gov.au

Attention: Compliance Officer

RE: Newcastle Coal Infrastructure Group 2022/23 Compliance Tracking Program – Project Approval 06_0009

As required by Condition 5.1 of the Newcastle Coal Infrastructure Group (NCIG) Project Approval (MP 06_0009 MOD 3), NCIG is required to develop and implement a Compliance Tracking Program (CTP) to track the compliance with the requirements of NCIG's Project Approval. Please see the reference to Condition 5.1 below

The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to:

- a) provisions for periodic review of the compliance status of the project against the requirements of this approval;*
- b) provisions for periodic reporting of compliance status to the Secretary;*
- c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Secretary, in accordance with ISO 19011:2002 - Guidelines for Quality and/or Environmental Management Systems Auditing; and*
- d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.*

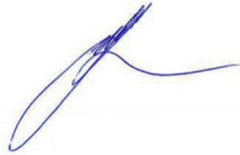
Please find attached NCIG's Compliance Tracking Program (CTP) report for the period 1 July 2022 to 30 June 2023. As endorsed by the Department in the correspondence dated 14 April 2022, the annual CTP review period changed to align with NCIG's financial reporting year.

The 2023 CTP determined that NCIG maintains a high level of compliance against the conditions of Project Approval 06_0009. One potential water pollution incident, considered a non-compliant event against **Condition 2.41, Soil and Water Quality Impacts** (pollution of waters) occurred during the reporting period as detailed in the attached report. It is noted that the incident was not regarded to have caused actual or potential significant off-site impacts on people or the biophysical environment, which would otherwise require notification to the Department as per Condition 8.1. Additionally, the incident is not considered to have resulted in 'material harm to the environmental' as defined under the *Protection of the Environment Operations Act 1997*. The EPA were notified of the incident and actions have been implemented internally to prevent the reoccurrence of such incidents.

Although not a requirement of NCIG's Project Approval, the 2023 CTP Report has been completed in general accordance with the Department's *Compliance Reporting Post Approval Requirements (May 2020)*.

Please feel free to contact myself if you require any clarification of the information provided.

Yours sincerely,



Nathan Juchau
Manager Sustainability
Newcastle Coal Infrastructure Group



2022/23 Compliance
Tracking Program –
Project Approval 06_0009



DOCUMENT CONTROL

INFORMATION

Title	2022/23 Compliance Tracking Program – Project Approval 06_0009
Prepared for	Department of Planning and Environment
Status	Draft

REVISION HISTORY

Date	Version	Details
27.07.23	0	Initial draft for internal review
10.08.23	1	Final – provided to Department of Planning and Environment

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1.0 INTRODUCTION

1.1 PURPOSE OF THIS REPORT

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

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

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

Project Approval (06_0009) Condition	Section Addressed in this Document
5. COMPLIANCE MONITORING AND TRACKING <i>Compliance Tracking Program</i>	
<i>5.1 The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to:</i>	This CTP/Section 2
<i>a) provisions for periodic review of the compliance status of the project against the requirements of this approval;</i>	Section 2.1
<i>b) provisions for periodic reporting of compliance status to the Planning Secretary;</i>	Section 2.2
<i>c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Planning Secretary, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing; and</i>	Section 2.3
<i>d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.</i>	Section 2.4

1.2 BACKGROUND

NCIG is located on Kooragang Island in Newcastle, New South Wales (Figure 1-1 and 1-2). The Project includes the construction and operation of a CET up to 79 million tonnes per annum (Mtpa), including associated rail and coal handling infrastructure and wharf/shiploading facilities on the south arm of the Hunter River.

NCIG was granted Project Approval (06_0009) on 13 April 2007. Project Modifications were approved on 27 November 2007, 13 May 2013 and 21 August 2020. An overview of the Project and details of this report are contained in **Table 2**.

Table 2: Project Overview and details of this report

Project Name	Newcastle Coal Infrastructure Group
Project Application Number	06_0009
Site Address	NCIG Coal Terminal, Cormorant Road, Kooragang NSW 2304
Name of Compliance Report	Project Approval 06_0009 Compliance Tracking Program report – 2022/23 (Operation Compliance Report)
Dates covered by the Compliance Report	This report covers the period of 1 July 2022 - 30 June 2023
Summary of project activities that occurred during the reporting period	During the reporting period, the following project activities occurred, as described in the Project Approval: • Operation of the coal export terminal up to a capacity of 79 million tonnes per annum of coal, including the unloading of coal trains, the stockpiling of coal, and the loading of coal ships via the wharf facilities and shiploaders.
Name and contact details of key personnel	Approved NCIG Environmental Representative – Nathan Juchau: - Email: njuchau@ncig.com.au - Phone: 02 4920 3965

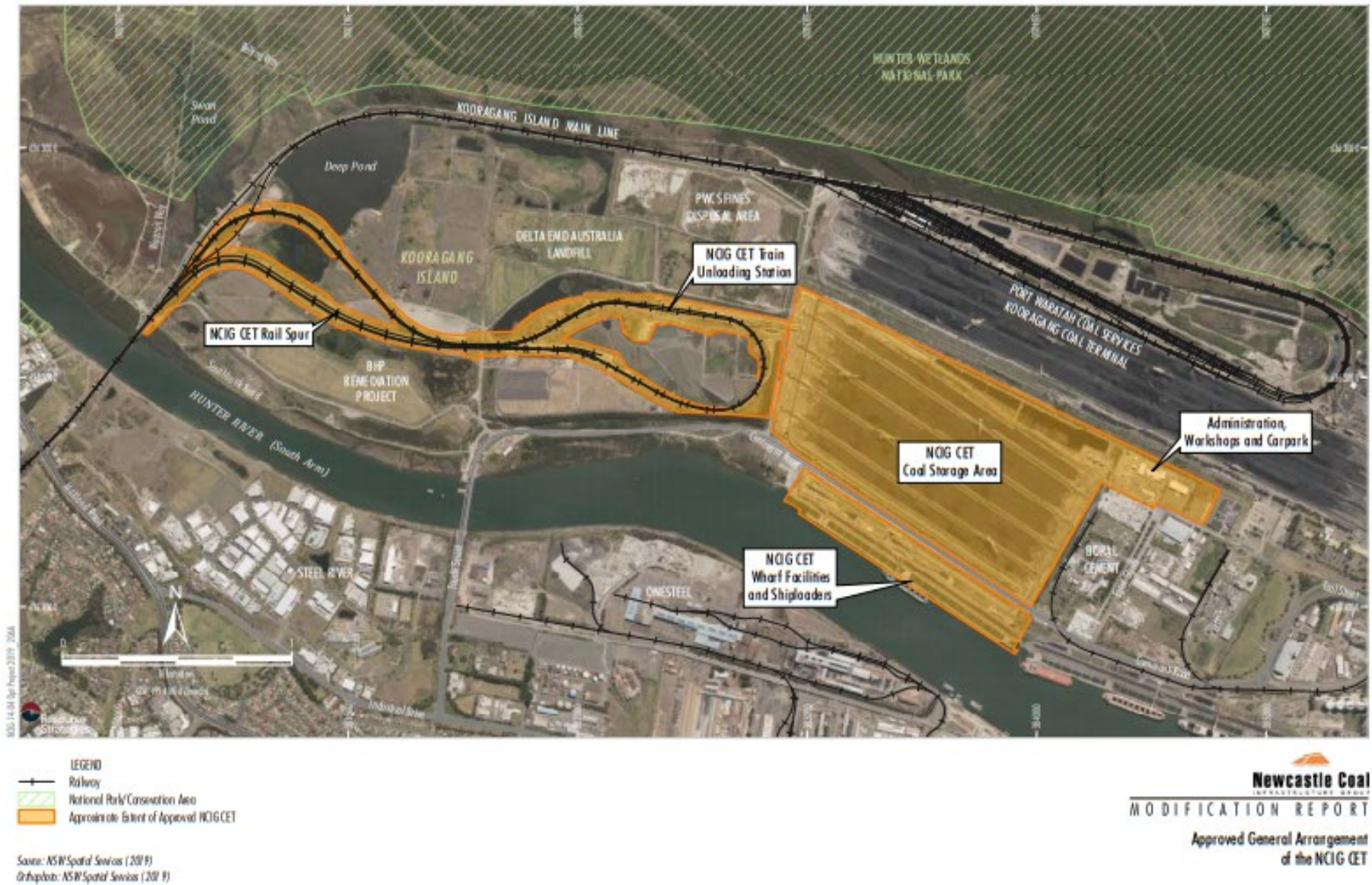


Figure 1-2

2.0 COMPLIANCE TRACKING PROGRAM

2.1 PERIODIC REVIEW OF COMPLIANCE STATUS

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

Project Approval (06_0009) contains general conditions relevant to the entire Project and specific conditions relevant to each of the development phases described in Section 1. The compliance tracking of the Project has been completed at each of the development phases as outlined in **Table 3**.

Table 3: Schedule for Compliance Status Review

Project Development Phase	Compliance Status Review Timing	Responsibility	Status
Construction	Prior to the commencement of construction of the Project and then six-monthly thereafter	NCIG Environmental Representative	Complete
CET progressive development	Prior to each phase of the progressive development of the Project	NCIG Environmental Representative	Complete
Construction of the high capacity optional inlet rail spur and rail sidings	Prior to the commencement of construction of the high capacity optional inlet rail spur and rail	NCIG Environmental Representative	Complete
Operation	Prior to the commencement of operation of the Project and then annually thereafter	NCIG Environmental Representative	Ongoing

2.2 REPORTING OF THE COMPLIANCE STATUS TO THE DEPARTMENT

In accordance with Condition 5.1(b), Schedule 2 of Project Approval (06_0009), this CTP report will be provided to the Planning Secretary. The CTP report will be provided to the Secretary within 1 month of each compliance review. This compliance review was undertaken throughout July 2023 and as mentioned in **Table 1**, this report covers the period of 1 July 2022 - 30 June 2023.

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

2.3 INDEPENDENT ENVIRONMENTAL AUDITING

An Independent Environmental Audit will be conducted on a 3-yearly basis (as agreed by the then Director-General's delegate in letter dated 14 July 2016) in accordance with Condition 5.1(c), Schedule 2 of Project Approval (06_0009). The Independent Environmental Audit will be conducted by a suitably qualified independent person and in accordance with *ISO 19011:2002 Guidelines for Quality and/or Environmental Management Systems Auditing*.

The first Independent Environmental Audit was conducted within 12 months of the commencement of construction. This was conducted annually until 2015 and then 3-yearly thereafter, with the most recent Independent Environmental Audit conducted in March 2022. The next Independent Environmental Audit will be conducted in early 2025.

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

2.4 NON-COMPLIANCE RESPONSE MECHANISM

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

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

1. Identification of the Non-compliance

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

2. Development of Management Strategy

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

3. Implementation

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

3.0 COMPLIANCE STATUS SUMMARY

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

Table 4: Compliance Status Descriptors

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

Table 5: Non-compliances identified in the 2022/23 Compliance Tracking Program

Condition	Compliance Requirement	Details of non-compliance
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.	One incident occurred during the reporting period which resulted in a potential non-compliance of Condition 2.41. The details of the incident are as follows: As a result of prolonged heavy rainfall, stormwater was observed leaving the NCIG site, at approximately 7am on 6 July 2022, via an overflow point on a stormwater retention basin (WT02) into a stormwater drain located on the western side of Windmill Road that flows into the Hunter River. WT02 is a stormwater holding basin that catches rainfall runoff from the sealed road network in NCIG's dump station area and surrounds (note: process water is managed via a separate system). Stormwater from this basin is transferred to the stockyard via designated dewatering pumps. Visual inspections of the quality of the stormwater at the overflow point did not identify any material water quality impacts. Water quality samples were taken from the overflow location as well as the Hunter River (receiving water body) for laboratory analysis. Follow up inspections on the day confirmed that the overflow from the stormwater basin had ceased by 11.30am. The volume of stormwater that overflowed the basin into the stormwater drain is unknown as the spillway is a gravity overflow system which is not metered. The incident and associated investigation was notified to the Environmental Protection Authority (EPA) in accordance with the requirements of NCIG's Environmental Protection Licence (EPL). The EPA were satisfied with NCIG's actions taken and did not request any further action. It is noted that this incident did not result in actual or potential significant off-site impacts on people or the biophysical environment, which would otherwise require notification to the Department as per Condition 8.1. Additionally, this incident is not considered to have resulted in 'material harm to the environment' as defined under the <i>Protection of the Environment Operations Act 1997</i>. The following actions were taken by NCIG in response to the incident: • An assessment of the site was undertaken by NCIG's Environment and Sustainability Lead at approximately 7am on 6 July 2022. It was confirmed that the water management infrastructure, including dedicated pumps, was operational at that time and that the erosion and sediment controls in place at the spillway were working effectively in accordance with NCIG's Water Management Plan. • NCIG notified the EPA via the Environment Line of the event. • Water quality samples were taken from WT02 spillway and the Hunter River for reference.

		• Visual inspections were undertaken throughout the day to confirm when the overflow had ceased (approximately 11:30am). • An investigation associated with the event was undertaken and a report was provided to the EPA in accordance with NCIG's EPL. The EPA acknowledged the actions taken and agreed that no further actions were required.
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4.0 PREVIOUS REPORT ACTIONS

Actions arising from the most recent Independent Environmental Audit (IEA), as addressed in the Proponent Response to Audit Findings, and actions arising from the 2021/22 CTP report has been provided in **Table 5** and **6**, respectively.

Table 5: Actions arising from the previous Independent Environmental Audit (March 2022)

Condition	Compliance Requirement	Action Proposed	Proposed Completion Date	Status
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	NCIG will update its Operation Dust and Air Quality Management Plan (ODAQMP) to include provisions for independent review and auditing of the Ambient Dust Monitoring Program.	30/06/2022	The ODAQMP was updated on 16/06/2022 to include reference to provision for independent review and auditing of the Ambient Dust Monitoring Program, which is integrated throughout the ODAQMP. This action is now considered complete.

Table 6: Actions arising from the previous Compliance Tracking Review (June 2022)

Condition	Compliance Requirement	Action Proposed	Proposed Completion Date	Status
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.	Following a significant rainfall event in March 2021, a discharge of stormwater occurred offsite in two locations. NCIG undertook immediate action at the time of the incident to assess the scene, make the area safe and notify the relevant authorities of the incident, including the EPA. NCIG also proposed to undertake a review of the sites water management system to identify any improvements that could be implemented to assist with dealing with significant rainfall events and to undertake a review of the pre-rainfall preparation activities in light of the observations/impacts that were identified during the event to identify any further improvements that could be implemented.	N/A – specific date was not provided.	A review of NCIG’s water management system and pre-rainfall preparedness activities was undertaken as a result of the incident during the previous period. The review confirmed that the water management system was operating as per its design at the time of the incident and that the pre-rainfall preparedness checklist was adequate. Two improvements were however identified as a result of the above review. The first improvement involved a minor civil redesign of a section of NCIG’s pond wall embankment berm and access road adjacent to NCIG’s WT20 and WT30 ponds to prevent overtopping of stormwater during significant storm events. These works were successfully completed within the previous reporting period. The second improvement identified involved a reduction in the height of NCIG’s WT30 Pond overflow weir. Following a detailed review it was determined that the reduction in the weir wall height would reduce the potential for future storm surges overtopping the pond embankment. This project was successfully scoped, engineered and completed during this reporting period. This action is now considered complete.

5.0 INCIDENTS

No incidents with actual or potential significant off-site impacts on people or the biophysical environment were recorded during the reporting period as outlined in Condition 8.1. However, as mentioned in the preceding section of this report, an incident occurred which resulted in the potential pollution of waters in the Hunter River. The EPA were notified of the incident, although it is noted that the incident was assessed by NCIG as minor in severity and did not result in 'material harm to the environment' as defined under the *Protection of the Environment Operations Act 1997*.

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

No trends have been identified in relation to incidents during the reporting period and all proposed actions have been completed. No further action is considered required regarding incidents.

6.0 COMPLAINTS

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

A summary of the complaints/enquiries received during the review period is provided in **Table 7**. NCIG received three enquiries/complaints during the reporting period, from two separate sources. The actions taken in response to these enquiries/complaints are summarised below. No trends have been identified in relation to complaints during the reporting period and no further action is considered required.

Table 7: Summary of all enquiries and complaints received during the reporting period

Complaint/Enquiry Category	Number of Enquiries/ Complaints Received	Further actions required/ Comments
Dust/Air Quality	2	On 24 August 2022 NCIG were contacted by the EPA and requested to provide further information following a report of alleged dust deposition at a property in Stockton received via the EPA Environment Line. NCIG provided the requested information to the EPA. No feedback has been received to date.
		On 3 May 2023 NCIG were contacted by the EPA and requested to provide further information regarding the site's dust management performance during elevated WNW winds. NCIG provided the requested information to the EPA. No feedback has been received to date.
Water	0	NA
Noise	0	NA
Waste	0	NA
Other	1	On 23 December 2022 a community member contacted NCIG to complain about a truck driving in a dangerous manner on Cormorant Rd. An investigation into the complaint confirmed that the truck was not associated with NCIG. Feedback was provided to the community member who was appreciative of the feedback and investigation and follow up. No further action was required.

7.0 APPENDICES

APPENDIX A: COMPLIANCE TABLE

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
Project Approval 06_0009/MOD1/MOD2/MOD3				
1.1	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) <i>Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal</i>, prepared by Resource Strategies Pty Ltd and dated July 2006; c) <i>Responses to Submissions</i>, prepared by Newcastle Coal Infrastructure Group and dated December 2006; d) modification application MP 06_0009 MOD 1, related to the plan of subdivision titled <i>Stage 1 Proposed Subdivision of Lot 122 DP 874949, Lot 2 DP 581473, Lot 6 DP 1015754 and Lots 71 and 74 DP 1119950, Stages 2 and 3 Proposed Subdivision of Lot 20 DP 262325</i> (surveyors reference HW43.01.03.00) prepared by Paul John Stivano and undated; and plan of subdivision titled <i>Plan of Subdivision of Lot 122 DP 874949, Lot 2 DP 581473, Lot 6 DP 1015754 and Lots 71 and 74 DP 1119950</i> (surveyors reference HW43.01.03.00) prepared by Paul John Stivano and dated 2 November 2007; e) modification application MP 06_0009 MOD 2 and supporting document titled <i>Newcastle Coal Infrastructure Group Coal (NCIG) Export Terminal Rail Flyover Modification Environmental Assessment</i> prepared by NCIG and dated June 2012, as modified by the Response to Submissions document prepared by NCIG and dated 6 December 2012; and f) 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.	At all times	Annual Compliance Tracking Program Internal and external audit reports NCIG Operational Environmental Management Plan	Compliant
1.2	In the event of an inconsistency between: a) the conditions of this approval and any document listed from condition 1.1a) to 1.1f) 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.	At all times	NA	Noted
1.3	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.	At all times	Correspondence between the Department and NCIG . Compliance Officers considered nominees of the Planning Secretary.	Compliant
1.4	This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically and substantially commenced on or before that time.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
1.5	The project shall be limited to a maximum export capacity of 79 million tonnes of coal per annum.	Operations	44.7 million tonnes were exported in the 2022/23 financial year.	Compliant
1.6	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.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
1.7	The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the Site at all times during the project.	At all times	EPL 12693 NCIG Consolidated Project Approval 06_0009 (MOD 1,2,3) EPBC Particular Manner Decision 2006/2987 NCIG Approvals Register	Compliant

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
1.7(a)	Prior to the issue of the Subdivision Certificate, the Proponent shall provide to the relevant certifying authority evidence that all easements and covenants required by this approval have been or will be registered for the subdivision.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
1.8	The Proponent shall ensure that all practicable measures shall be taken to prevent and minimise harm to the environment as a result of the construction, operation, and where relevant, decommissioning of the development.	At all times	Operation Environmental Management Plan (and sub-plans) and procedures Pulse maintenance management system Site observations Internal audit and inspection reports NCIG Incident Register	Compliant
1.9	The Proponent shall ensure that all plant and equipment installed at the premises or used in conjunction with the project must be: a) Maintained in a proper and efficient condition; and b) Operated in a proper and efficient manner.	At all times	Pulse Maintenance management system Site Observations	Compliant
1.10	With the approval of the Planning Secretary, the Proponent may prepare and submit any management plan or monitoring program required by this approval on a progressive basis. Where a management plan and monitoring program is required before carrying out any development or stage of development, the plans/programs may be prepared and submitted in relation to either discrete components of the project or for a specified time period.	Prior to construction / construction	Not triggered during audit period.	Not triggered
2.1	The Proponent shall not permit any offensive odour, as defined under section 129 of the <i>Protection of the Environment Operations Act 1997</i> , to be emitted beyond the boundary of the Site.	At all times	NCIG Complaints Register NCIG Incidents Register NCIG Operation Environmental Management Plan NCIG Operation Spontaneous Combustion Management Plan	Compliant
2.2	The Proponent shall design, construct, commission, operate and maintain the project in a manner that minimises or prevents the emission of dust from the Site including wind blown and traffic generated dust.	At all times	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan HSEC.PRO.10.15 Housekeeping and Inspection Procedure HSEC.PRO.12.08 Materials Transport Procedure NCIG Complaints/Incidents Register Pulse maintenance management system NCIG's Integrated Dust Management System (IDMS) Work Order titled '2W General Roads Sweeping and Housekeeping' Site observations and inspections	Compliant
2.3	The Proponent shall take all practicable measures to ensure that all vehicles entering or leaving the Site, carrying a load that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times, to the extent practicable.	At all times	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan HSEC.PRO.12.08 Materials Transport Procedure Site observations and inspections	Compliant

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
2.4	All activities on the Site shall be undertaken with the objective of preventing visible emissions of dust beyond the boundary of the Site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate.	At all times	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) NCIG Dust Management Trigger Action Response Plan Veneering records Site observations and inspections	Compliant
2.5	The Proponent shall control dust emissions on all internal roads, trafficable areas and manoeuvring areas to minimise the potential for dust generation by sealing, or otherwise treating surfaces in a manner acceptable to the Planning Secretary.	At all times	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan Signage in relevant areas directing traffic to sealed roads Veneering records NCIG's Integrated Dust Management System (IDMS) Pulse maintenance management system	Compliant
2.6	The Proponent shall design, construct, operate and maintain the project in a manner that minimises the potential generation of fugitive dust emissions from plant and equipment, including where relevant and practicable, design of the project to minimise the number of coal transfer points, minimise the drop height from stackers to stockpiles, full or partial enclosure of conveyors, installation of wind shields and belt cleaning systems to conveyors, and installation of dust control equipment to mobile plant.	At all times	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan NCIG Citect SCADA system logic Veneering Completion Tracking Weekly housekeeping work orders Site observations and inspections	Compliant
2.7	As soon as practicable after the placement of fill/ preloading material on the Site, the Proponent shall cover, seal, grass or otherwise treat the Site in a manner acceptable to the Planning Secretary to minimise the potential generation of wind-blown dust from the fill/ preload material. The Proponent shall maintain the cover, seal, grass or other treatment for the duration of relevant Site preparation and preloading activities, and following the addition of further fill/ preload materials that may occur from time to time during that period.	Construction	Not triggered during audit period - condition identified as complete	Not triggered
2.8	The Proponent shall install, operate and maintain a meteorological monitoring station to monitor weather conditions representative of those on the Site, in accordance with: a) AM-1 Guide to Siting of Sampling Units (AS 2922-1987). b) AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987). c) AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications. The meteorological monitoring station shall be installed at or near the Site and the Proponent shall use the meteorological monitoring station to undertake the monitoring required under condition 3.1 of this approval. This condition does not preclude the Proponent from reaching agreement with any other relevant party for the installation, operation and maintenance of a shared monitoring station, or shared use of an existing monitoring station representative of the Site, provided the outcomes of this condition are achieved.	At all times	Lufft WS502-UMB Smart Weather Sensor Meteorological data excel report NCIG Citect SCADA system Meteorological Station 12W Weather Station Inspection Maintenance Work Order	Compliant

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status																																							
2.9	The Proponent shall minimise noise emissions from plant and equipment operated on the Site in relation to the project according to the principles outlined in the NSW Government's <i>Industrial Noise</i> Policy.	At all times	NCIG Operation Noise Management Plan SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports NCIG Complaints Register	Compliant																																							
2.10	All Site preparation, filling/ preloading and construction works that may generate an audible noise at any residential receptor shall only be undertaken between 7:00 am and 6:00 pm. Audible noise is defined as “noise that can be heard at the receiver”. This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons. <i>Note: ‘safety or emergency reasons’ refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.</i>	Construction	Not triggered during audit period	Not triggered																																							
2.11	Notwithstanding condition 2.10 of this approval, piling works shall not be conducted on Sundays or public holidays.	Construction	Not triggered during audit period	Not triggered																																							
2.12	The Proponent may seek the Planning Secretary's approval to conduct Site preparation, filling/ preloading and construction works outside the hours specified under condition 2.10 on a case-by-case basis. In seeking the Planning Secretary's approval, the Proponent shall demonstrate a need for activities to be conducted during varied hours and how local acoustic amenity will be protected, as well as details of how the EPA's requirements with respect to the variation of hours have been addressed.	Construction	Not triggered during audit period	Not triggered																																							
2.13	The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project do not exceed the maximum allowable noise contributions specified in Table 1 below, at those locations and during those periods indicated. The maximum allowable noise contributions apply under: a) meteorological condition of: wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level); or b) temperature inversion conditions up to 3^oC per 100 metres and wind speeds up to 2ms-1 (measured at 10 metres above ground level). <table><tr><th colspan="4">Table 1 – Maximum Allowable Noise Contribution (dB(A))</th></tr><tr><th rowspan="2">Location</th><th>Day, Evening, Night At all times</th><th colspan="2">Night 10:00pm to 7:00am Monday to Saturday 10.00pm to 8.00am on Sundays and Public Holidays</th></tr><tr><th>L_{Aeq}(15 minute)</th><th>L_{Aeq}(night)</th><th>L_{A1}(1 minute)</th></tr><tr><td>Fern Bay West</td><td>41</td><td>37</td><td>57</td></tr><tr><td>Fern Bay East</td><td>39</td><td>36</td><td>55</td></tr><tr><td>Stockton West</td><td>41</td><td>37</td><td>57</td></tr><tr><td>Stockton East</td><td>38</td><td>35</td><td>56</td></tr><tr><td>Mayfield West</td><td>45</td><td>40</td><td>55</td></tr><tr><td>Mayfield</td><td>44</td><td>39</td><td>62</td></tr><tr><td>Carrington</td><td>36</td><td>33</td><td>52</td></tr></table>	Table 1 – Maximum Allowable Noise Contribution (dB(A))				Location	Day, Evening, Night At all times	Night 10:00pm to 7:00am Monday to Saturday 10.00pm to 8.00am on Sundays and Public Holidays		L _{Aeq} (15 minute)	L _{Aeq} (night)	L _{A1} (1 minute)	Fern Bay West	41	37	57	Fern Bay East	39	36	55	Stockton West	41	37	57	Stockton East	38	35	56	Mayfield West	45	40	55	Mayfield	44	39	62	Carrington	36	33	52	At all times	HSEC.MP.12.03 Operation Noise Management Plan SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports (June 2022 and December 2022). NCIG Complaints Register SLR Consulting email "22T002 Noise Monitoring" dated 27/3/23	Compliant
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2.14	For the purpose of assessment of noise contributions specified under condition 2.13 of this consent, noise from the project shall be: a) measured at the most affected point on or within the Site boundary at the most sensitive receiver to determine compliance with L_{Aeq}(15 minute) night noise limits. b) measured at one metre from the dwelling façade to determine compliance with L_{A1}(1 minute) noise limits. c) subject to the modification factors provided in Section 4 of the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000), where applicable. Notwithstanding, should direct measurement of noise from the development be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the New South Wales Industrial Noise Policy (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Planning Secretary prior to the implementation of the assessment method.	At all times	HSEC.MP.12.03 Operation Noise Management Plan SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports (June 2022 and December 2022).	Compliant																																							
2.15	The Proponent shall take necessary actions to ensure that trains operated on the Site meet the noise performance criteria established under condition 2.13.	Operations	HSEC.MP.12.03 Operation Noise Management Plan SLR Consulting Biannual Off-Site Noise and On-Site Sound Power Monitoring Reports (June 2022 and December 2022).	Compliant																																							

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
2.16	Prior to the commencement of construction, including Site preparation and fill/ preloading activities, the Proponent shall employ a qualified ecologist approved by the Planning Secretary to undertake a pre-construction survey of all areas to be affected by construction works for the presence of Litoria aurea. 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 Litoria aurea 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 Litoria aurea individuals prior to the commencement of works.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.17	The Proponent shall design and construct relevant rail infrastructure associated with the project to include culverts, underpasses or other similar measures to permit the movement of 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.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.18	All employees and contractors involved in construction or operation of components of the project in areas known or suspected of providing habitat for <i>Litoria aurea</i> and other amphibian species shall be trained in Site hygiene management in accordance with <i>Hygiene Protocol for the Control of Disease in Frogs</i> (NPWS, 2001) prior to the commencement of the relevant work.	At all times	HSEC.MP.12.06 Ecological and Land Management Plan Excerpt from Level 1 General Induction Environmental Awareness Training	Compliant
2.19	The Proponent shall employ a qualified ecologist, approved by the Planning Secretary, for the duration of construction works, including Site preparation and fill/ preloading activities, to advise on the mitigation and management of impacts to listed threatened species that may be affected by the relevant works.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.19A	The Proponent shall minimise clearing of native vegetation, edge effects and fragmentation to the greatest extent practicable and shall maintain retained native vegetation and habitat on Site. In relation to the clearing required for the High Capacity Optional Inlet Rail Spur and Rail Sidings, the amount of clearing to the west of the existing Kooragang Island Main Line shall be limited to a maximum of 2.6 hectares including 1.32 hectares of <i>Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South East Corner Bioregions Endangered Ecological Community</i> , and 0.13 hectares of <i>Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions Endangered Ecological Community</i> .	Construction	Not triggered during audit period - condition identified as complete.	Not triggered

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
2.20	The Proponent shall develop and submit for the approval of the Planning Secretary, a Compensatory Habitat and Ecological Monitoring Program to detail how habitat and ecological values lost as a result of the project will be off-set, and how ecological monitoring will be undertaken to inform on-going ecological management. The Program shall be developed in consultation with the BCD, and shall include, but not necessarily be limited to: 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; b) provision for establishment of compensatory habitat for each relevant component of the project as follows, unless otherwise agreed by the Planning Secretary: 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; 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; 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; 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; e) provision for research into <i>Litoria aurea</i> in and around Kooragang Island and the Hunter Estuary, as may be identified by the Proponent in consultation with relevant ecological and research groups; f) provision for ameliorative works on land surrounding the project Site, as may be negotiated by the Proponent with the relevant adjacent land owners, to improve or restore natural hydrology and ecosystems, remove mangrove communities where relevant and restore locally-endemic Endangered Ecological Communities; 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); h) monitoring requirements for compensatory habitat works and other ecological amelioration proposed under the Program; and 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: 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 <i>Litoria aurea</i> compensatory habitat works required under condition 2.20b)i). If a viable breeding population of <i>Litoria aurea</i> has not been established as a part of the implemented compensatory habitat works then the Proponent is required to purchase an equivalent area of land that is known to contain the species and manage this land for the enduring conservation of the species in perpetuity. Any land required to be purchased is required to be completed by 31 December 2019.	At all times	<u>Evidence relevant to current audit period:</u> Compensatory Habitat and Ecological Monitoring Program (Approved 2015) CHEMP monitoring and maintenance reports (numerous) \$3,170,770 Conservation Bonds remains current <u>Evidence from previous audit periods:</u> 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 CHEMEP is approved for the purposes of this condition" NSW Department of Planning and Environment letter dated 25/7/17 Subject: Newcastle Coal Infrastructure Group Coal Export Terminal (06_0009) Conservation Bond (Condition 2.20A) confirming that there is no longer a requirement to purchase an equivalent area of land known to contain GGBF as the compensatory habitat works had been completed for GGBF under condition 2.20 b) i) and condition 2.20 i) iii)	Compliant
2.20A	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: 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. b) employing a suitably qualified quantity surveyor to verify the calculated costs. 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. 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 Litoria aurea, successful performance works include the identification of a viable breeding population.	Prior to construction / Operations	<u>Evidence relevant to current audit period:</u> \$3,170,770 Conservation Bonds <u>Previous evidence:</u> NSW Department of Planning and Environment letter dated 25/7/17 Subject: Newcastle Coal Infrastructure Group Coal Export Terminal (06_0009) Conservation Bond (Condition 2.20A) confirming the successful performance of the compensatory works and supporting the reduction of the current \$10,095,030 Conservation Bond to \$3,170,770	Compliant
2.20B	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.	At all times	Not triggered during audit period	Not triggered

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
2.21	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.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.22	The Proponent shall design, install and maintain physical traffic control devices and signs for all prohibited traffic movements referred to in Appendix C of the document referred to under condition 1.1b) of this approval, during construction and operation of the project, as relevant. The Proponent shall submit design details of the traffic control devices and signs to the 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.	At all times	Site observations	Compliant

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
2.23	The Proponent shall ensure that all access to the relevant Site areas shall be via the following routes:	At all times	Aerial image titled <i>NCIG Site Access Roads</i>	Compliant
	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.			
2.24	The Proponent shall ensure that traffic control signals and associated civil works are designed and constructed at the intersection of Cormorant Road and the temporary haulage road, west of the existing Blue Circle railway level crossing, in accordance with the RTA's <i>Road Design Guide</i> and the relevant Austroads guidelines, to the satisfaction of the TfNSW including but not limited to, the following works:	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
	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.			
2.25	The Proponent shall ensure that the traffic control signals outlined in condition 2.24 at the intersection of Cormorant Road and the temporary haul road shall be removed to the satisfaction of the TfNSW and Council, at completion of the construction phase or after 12 months of operation of the signals. This shall include any rehabilitation work required to Cormorant Road as determined by the TfNSW and Council.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.26	The Proponent shall ensure that the traffic control signals at the intersection of Cormorant Road and the temporary haul road shall not be utilised for traffic movements across Cormorant Road between 6.00 am to 9.00 am and 4.00 pm to 6.00 pm on weekdays.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.27	The Proponent shall ensure that the intersection of Cormorant Road/Tourle Street and the Delta access road to the west of the Site is designed and constructed in accordance with the RTA's Road Design Guide and the relevant Austroads guidelines to the satisfaction of the TfNSW. The Proponent shall ensure that the intersection include, as a minimum, the following:	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
	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.			
2.28	The Proponent shall ensure that the intersection of Cormorant Road/Pacific National access shall be designed and constructed in accordance with the RTA's Road Design Guide and the relevant Austroads guidelines, to the satisfaction of the TfNSW. The Proponent shall ensure that the intersection should include as a minimum:	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
	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.			
2.29	The Proponent shall construct a u-turn facility at the Pacific National access road to the satisfaction of the TfNSW and Council. The Proponent shall ensure that the u-turn facility:	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
	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.			
2.30	The Proponent shall ensure that the intersection of Cormorant Road and the Wharf access road to the south of the Site is designed and constructed in accordance with the RTA's Road Design Guide and the relevant Austroads guidelines to the satisfaction of the TfNSW. The Proponent shall ensure that the intersection includes the following minimum requirements:	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
	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			
2.31	c) the left turn out should be constructed at right angles to Cormorant Road as a give way arrangement.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
	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			

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
	b) the existing intersection shall be modified to include the construction of concrete medians in Cormorant Road.			
2.32	The Proponent shall ensure that the bridge structure over Cormorant Road is designed and constructed to TfNSW requirements, including (but not limited to):	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
	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.			
2.33	The Proponent shall enter into an agreement with the RTA for the ongoing maintenance and demolition of the bridge structure.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.34	The Proponent shall submit for the approval of the TfNSW and Council, detailed designs for the road works referred to under condition 2.22 to condition 2.32 inclusive2.24, prior to the commencement of construction of those works, and prior to the commencement of construction of the relevant components of the project. All road works shall be undertaken and completed to the satisfaction of the TfNSW and Council.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
2.35	The project shall be designed, constructed, maintained and operated so as not to preclude any future expansion of Cormorant Road to accommodate four lanes of traffic. The Proponent shall consult with the TfNSW during detailed design of the project to ensure that the requirements of this condition are reflected in the final design of the project. In this regard, the Proponent will be required to enter into a Works Authorisation Deed with the TfNSW and submit detailed design plans and any additional relevant information, as my be required under the Deed, to the TfNSW for each specific change to the state road network for the RTA's assessment and approval.	Prior to construction / Operations	Not triggered during audit period - condition identified as complete and no longer relevant as expansion of Cormorant Road to accommodate four lanes of traffic was completed in 2018.	Not triggered
2.36	The Proponent shall ensure that any property requirements including acquisition and/or road reserve dedication shall be in accordance with the requirements of the TfNSW and Council and at the full expense of the Proponent.	At all times	Not triggered during audit period	Not triggered
2.37	The Proponent shall design, construct and maintain all internal road works, including the car park, to meet the following requirements: a) compliance with the provisions of relevant Australian Standards, 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.	At all times	Work Order titled '2W Admin Surrounds Lawn and Ground Maintenance' Site observations	Compliant
2.38	Prior to the commencement of any works associated with the construction of rail infrastructure on land associated with the Kooragang Island Waste Emplacement Facility, the Proponent shall consult with RLMC to reach agreement on the detailed design and operational aspects of the rail infrastructure components of the project on land owned by RLMC. Design details shall include all measures outlined in the documents referred to in condition 1.1.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.39	The Proponent shall consult with PWCS and ARTC, and meet the reasonable requirements of ARTC with respect to the design of the project, including those components of the project that may affect the design, connection and operation of existing and proposed ARTC and PWCS rail infrastructure assets.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.40	Utilities, services and other infrastructure potentially affected by construction shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the project shall be undertaken to make suitable arrangements for access to, diversion, protection and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Proponent, unless otherwise agreed by the utility or service provider.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.41	Except as may be expressly provided under the provision of an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> which prohibits the pollution of waters.	At all times	One incident occurred during the reporting period which resulted in a potential non-compliance of Condition 2.41. It is noted that this incident did not result in actual or potential significant off-site impacts on people or the biophysical environment, which would otherwise require notification to the Department as per Condition 8.1. Additionally, this incident is not considered to have resulted in 'material harm to the environmental' as defined under section 120 the Protection of the Environment Operations Act 1997. A summary of the incident has been provided below. Further details, including the associated actions, is included in section three above. <u>6 July 2022</u> As a result of prolonged heavy rainfall, stormwater was observed leaving the NCIG site, at approximately 7am on 6 July 2022, via an overflow point on a stormwater retention basin (WT02) into a stormwater drain located on the western side of Windmill Road that flows into the Hunter River. <u>Evidence:</u> NCIG Internal Incidents Register HSEC.MP.12.04 Operation Water Management Plan	Non-compliant

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
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.	At all times	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: <i>Newcastle Coal Infrastructure Group (MP 06_0009) 2018 Independent Environmental Audit Response to Auditor Recommendations - January 2020 Update</i> dated 25/3/2020 <i>Drainage Assessment Report for the Stockyard and Wharf Area</i> dated 3/7/2014 HSEC.MP.12.04 Operation Water Management Plan One unlicensed discharge event (6 July 2022) occurred during the reporting period as a result of prolonged rainfall. The total daily rainfall for the five days up to and including the day of the event was 195.2 mm which is outside the design criteria of NCIG water management infrastructure.	Compliant
2.43	The Proponent shall take all reasonable measures to prevent soil erosion and the discharge of sediments and pollutants from the Site during construction of the project.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.44	The Proponent shall install stormwater drains, stormwater ponds, settlement ponds and/or storage ponds and other erosion, sediment and pollution controls as may be appropriate to manage stormwater on the Site. The Proponent shall maintain all erosion, sediment and pollution control infrastructure at or above design capacity for the duration of construction of the project and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.45	All stockpiled construction materials shall be stabilised and covered where practicable to prevent erosion or dispersal of the materials. The Proponent shall manage any fill/ preload material brought to the Site in manner that prevents erosion and dispersal of those materials.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.45A	Prior to the commencement of construction of the High Capacity Optional Inlet Rail Spur and Rail Sidings the Proponent shall sample and characterise the quality of the existing groundwater in and around the rail infrastructure corridor to determine groundwater quality trigger values.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
2.45B	Prior to the commencement of construction, the Proponent must develop a long-term groundwater monitoring program in and around the High Capacity Optional Inlet Rail Spur and Rail Sidings to identify changes in groundwater quality from pre-construction groundwater conditions. The groundwater monitoring program will include an action plan should groundwater quality trigger values be exceeded during the course of the monitoring program and the Proponent shall rectify and adverse impact on groundwater that may be detected. Groundwater monitoring must commence at least one month prior to the commencement of construction.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.46	Materials classified as Virgin Excavated Natural Materials (VENM) or those referred to under condition 2.47, shall be used as fill/ preload material for the project.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.47	Unless otherwise agreed by the Planning Secretary, the Proponent shall only source clean materials for use in fill/ preloading activities from the development the subject of development consent DA-134-3-2003-i (dredging and remediation of the South Arm of the Hunter River). Where the Proponent seeks the agreement of the Planning Secretary to use fill/ preload materials from a different source, the Planning Secretary may require submission of additional information to demonstrate how the impacts from heavy vehicle movements will be adequately and appropriately mitigated and managed.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.48	Unless otherwise agreed by the Planning Secretary, fill/ preload material sourced from the development the subject of development consent DA-134-3-2003-i shall be transported and managed consistently with an approved Dredged Material Transport Strategy under that development consent (condition B2.29).	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.49	All stormwater and surface water management infrastructure on the Site intended to manage actual or potentially contaminated water shall be lined with a low-permeability material to minimise potential leakage. Collected stormwater shall be reused on Site for beneficial purposes such as the wetting of coal to reduce dust emissions from the Site.	At all times	HSEC.MP.12.01 Operation Water Management Plan NCIG Process Water Tanks NCIG Citect SCADA system Concrete lined sumps across the network Stormwater holding ponds are lined	Compliant
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.	At all times	NCIG commissioned recycled water infrastructure and commenced utilisation of recycled water on site in January 2023 for washdown and dust suppression purposes. As at 30 June 2023 NCIG has used approximately 40.4 ML recycled water. NCIG Citect SCADA system	Compliant
2.51	All machinery wash down waters and amenities wastewater shall be directed to sewer (subject to Hunter Water Corporation approval), or to an appropriately licensed liquid waste disposal facility.	At all times	NCIG Coal Export Terminal Administration Area Ancillary Mechanical Services Oil Water Separator General Arrangement 2008 (Drawing Number HW00-05-M-74503)	Compliant
2.52	The Proponent shall design, install, maintain and operate rainwater tanks for the collection of water for domestic and potable uses on the Site. Collected rainwater shall be used preferentially to external potable water supplies.	At all times	NCIG Coal Export Terminal Admin Building Hydraulic Services Sewer and Stormwater Drainage Layout 2009 (Drawing Number HW00-05-C-33200)	Compliant
2.53	The Proponent shall engage an appropriately qualified person to audit construction of the rail infrastructure over land used as part of the KIWEF against the commitments contained in the documents referred to in condition 1.1, including the High Capacity Optional Inlet Rail Spur and Rail Sidings. The auditor shall provide the Planning Secretary and the EPA with quarterly reports on the disturbance and recapping of the waste emplacement area during construction. In the event of any deviation from the commitments made in the abovementioned documents, prior approval should be sought from the EPA, and any deviation from the commitments shall be described in detail and reasons for the change provided and fully justified.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
2.54	The Proponent shall ensure that any contaminated materials removed from the Site be directed to a waste management facility lawfully permitted to accept the materials.	At all times	HSEC.MP.12.07 Waste Management Plan Remondis (waste management contractors) invoices during period	Compliant
2.55	To avoid any doubt, nothing in this approval relieves the need to comply with the requirements of Environment Protection Licence No. 6437 as it relates to the on-going management of the KIWEF.	At all times	NA	Noted

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status																								
2.56	All waste materials removed from the Site shall only be directed to a waste management facility lawfully permitted to accept the materials.	At all times	HSEC.MP.12.07 Waste Management Plan Remondis (waste management contractors) invoices during period	Compliant																								
2.57	Except as expressly permitted in an appropriate licence, waste shall not be received at the Site for storage, treatment, processing or reprocessing or disposal.	At all times	HSEC.MP.12.07 Waste Management Plan	Compliant																								
2.58	Within six months of the commencement of construction of the project, or as otherwise agreed by the Planning Secretary, the Proponent shall install the bund along the southern side of the stockpile yard (northern side of Cormorant Road) to the satisfaction of the Planning Secretary.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered																								
2.59	The Proponent shall ensure that all external lighting installed as part of the project is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with <i>AS 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting</i> .	At all times	HSEC.MP.12.06 Ecological and Land Management Plan Light screening of Deep Pond HSEC.PRO.10.15 Housekeeping and Inspection Procedure <i>NCIG Stacker Reclaimer Lighting Assessment</i> , dated 27/10/2016	Compliant																								
2.60	The Proponent shall plant and maintain local native vegetation species along the earthen bund referred to under condition 2.58. Vegetation shall be planted prior to the commencement of operation of the project, and shall aim to screen the project from visual receptors towards the south, to the greatest extent practicable.	At all times	HSEC.MP.12.06 Ecological and Land Management Plan Work Order titled ' <i>4W Stockyard Ground Maintenance</i> ' Site observations	Compliant																								
2.61	Advertising and project identification signs shall not be installed along the Cormorant Road frontage of the Site.	At all times	Site observations	Compliant																								
3.1	From the commencement of construction of the project, the Proponent shall continuously monitor, utilising the meteorological monitoring station referred to under condition 2.8 of this approval, each of the parameters listed in Table 2, utilising the sampling method indicated and applying a 15-minute average period to all results, and recording data in units specified in Table 2. <table><tr><th colspan="3">Table 2 – Meteorological Monitoring</th></tr><tr><th>Parameter</th><th>Units of Measure</th><th>Sampling Method</th></tr><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>ms⁻¹</td><td>AM-2 and AM-4</td></tr><tr><td>Wind direction at ten metres</td><td>°</td><td>AM-2 and AM-4</td></tr><tr><td>Sigma theta at ten metres</td><td>°</td><td>AM-2 and AM-4</td></tr><tr><td>Solar radiation</td><td>Wm⁻²</td><td>AM-4</td></tr></table>	Table 2 – Meteorological Monitoring			Parameter	Units of Measure	Sampling Method	Temperature at two metres	°C	AM-4	Temperature at ten metres	°C	AM-4	Wind speed at ten metres	ms ⁻¹	AM-2 and AM-4	Wind direction at ten metres	°	AM-2 and AM-4	Sigma theta at ten metres	°	AM-2 and AM-4	Solar radiation	Wm ⁻²	AM-4	At all times	Lufft UMB Manual NCIG Citect SCADA system NCIG meteorological data excel report	Compliant
Table 2 – Meteorological Monitoring																												
Parameter	Units of Measure	Sampling Method																										
Temperature at two metres	°C	AM-4																										
Temperature at ten metres	°C	AM-4																										
Wind speed at ten metres	ms ⁻¹	AM-2 and AM-4																										
Wind direction at ten metres	°	AM-2 and AM-4																										
Sigma theta at ten metres	°	AM-2 and AM-4																										
Solar radiation	Wm ⁻²	AM-4																										
3.2	Prior to the commencement of operation of the project, the Proponent shall develop and submit for the approval of the Planning Secretary and the EPA an Ambient Dust Monitoring Program, to outline how the ambient dust impacts of the project will be monitored. The Program shall include, but not necessarily be limited to: a) identification of an integrated air quality monitoring network, developed in consultation with the owner/ operator of the existing Kooragang Coal Loader; b) locations, frequencies and methods for monitoring total suspended particles, PM10 and deposited particulate matter; c) provision for the use of at least four hi-volume samplers (HVAS), four dust depositional gauges and a meteorological station capable of monitoring wind direction and speed in accordance with condition 2.8 and condition 3.1 of this approval; d) investigation of the use of Tapered Element Oscillating Microbalance Samplers (TEOMS) as part of the integrated air quality monitoring network. Should the Proponent consider TEOMS not to be required, the Proponent may seek approval from both the 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; e) provided that the use of TEOMS is proven to be justified (as outlined in d) above), the Proponent shall utilise real-time monitoring data to inform environmental management decisions associated with the project; f) a framework for identifying actual and potential dust impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts;	Construction	HSEC.MP.12.02 Operation Dust and Air Quality Management Plan. Letter DOP to NCIG titled “ <i>NCIG Coal Export Terminal, Kooragang Island (MP 06_0009) - Ambient Dust Monitoring Program (Condition 3.2)</i> ”, dated 8/3/2011. As per the ' <i>Proponent Response to Audit Findings</i> ' provided to the Department on 2 May 2022 and the return response from the Department subject: <i>NCIG Coal Export Terminal (MP06_0009) 2022 Independent Environmental Audit</i> , NCIG committed to updating its Operation Dust and Air Quality Management Plan (ODAQMP) to include provisions for independent review and auditing of the Ambient Dust Monitoring Program. The ODAQMP was updated on 16/06/2022 to include reference to provision for independent review and auditing of the Ambient Dust Monitoring Program, which is integrated throughout the ODAQMP.	Compliant																								

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
	g) provision for independent review and auditing of the Program; and			
	h) mechanisms for updating the Program as may be required from time to time.			
3.3	Following one full year of data collection in accordance with an approved Ambient Dust Monitoring Program (refer to condition 3.2), the Proponent shall undertake a model validation study to review TSP, PM ₁₀ and dust deposition levels to assess compliance with the dust impact predictions made in the documents referred to under condition 1.1 and with applicable ambient air quality goals. The model validation study shall be undertaken in accordance with <i>Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales</i> (DEC, 2005), and any specific requirements of the EPA.	Operations	Not triggered during audit period - condition identified as complete.	Not triggered
3.4	Within 28 days of conducting the dust validation study referred to under condition 3.3 of this approval, the Proponent shall provide the Planning Secretary and the EPA with a copy of the report. If the dust validation study identifies significant deviance from the predictions made in the documents referred to under condition 1.1 or any exceedance with ambient air quality goals, the Proponent shall detail what additional measures would be implemented to further mitigate dust impacts. The Proponent shall clearly indicate who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be assessed and reported to the Planning Secretary.	Operations	Not triggered during audit period - condition identified as complete.	Not triggered
3.5	The requirements of conditions 3.3 and 3.4 shall be repeated once one year of dust monitoring data is available after the project exceeds an export rate of 33 million tonnes of coal per annum.	Operations	Not triggered during audit period - condition identified as complete.	Not triggered
3.6	Within 90 days of the commencement of operation of the project, or as otherwise agreed by the Planning Secretary, and during a period in which the project is operating under normal operating conditions, the Proponent shall undertake a program to confirm the noise performance of the project. The noise program shall include, but not necessarily be limited to:	Operations	Not triggered during audit period - condition identified as complete.	Not triggered
	a) noise monitoring, consistent with the guidelines provided in the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000), to assess compliance with condition 2.13 of this approval.			
	b) methodologies, locations and frequencies for noise monitoring;			
	c) identification of monitoring sites at which pre- and post-project noise levels can be ascertained;			
	d) details of any complaints and enquiries received in relation to noise generated by the project within the first 90 days of operation;			
	e) an assessment of night-time use of audible alarm systems;			
	f) a statement of whether the Site is in compliance with noise limits outlined in condition 2.13; and			
	g) any additional noise mitigation measures and timetables for implementation.			
3.7	Within 28 days of conducting the noise monitoring referred to under condition 3.6 of this approval, the Proponent shall provide the Planning Secretary and the EPA with a copy of the report. If the noise monitoring report identifies any non-compliance with the noise limits imposed under this approval (refer condition 2.13), the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Planning Secretary.	Operations	Not triggered during audit period - condition identified as complete.	Not triggered

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
3.8	The requirements of conditions 3.6 and 3.7 shall be repeated within 90 days of the commencement of operation of each stage of the project, including the operation of the High Capacity Optional Inlet Rail Spur and Rail Sidings.	Operations	Not triggered during audit period - condition identified as complete.	Not triggered
4.1	Prior to the commencement of operation of the project, or within such period as otherwise agreed by the Planning Secretary, the Proponent shall develop, in consultation with owner/ operator of the existing Kooragang Coal Loader, a Coordinated Environmental Monitoring and Management Protocol to provide a framework for the coordinated and cooperative monitoring and management of environmental impacts from the developments. The Protocol shall include, but not necessarily be limited to: a) procedures for access to, and provision of, monitoring data from each development, particularly in relation to dust and noise emissions; b) the respective remediation and redevelopment works; 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; d) measures to ensure a coordinated and cooperative approach to the management of common or cumulative environmental impacts from the developments; e) arrangements for communication between the parties, including designated contact persons and contact details; 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; g) any agreement for participation in the development of any of the management plans or monitoring programs required under this approval; h) mechanism for review of the Protocol from time to time; and i) such other matters as parties may agree. 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.	At all times	The NCIG/PWCS Coordinated Environmental Monitoring and Management Protocol (CEMMP) NCIG/PWCS Meeting Minutes NCIG/PWCS Integrated AQDMN Data dated June 2023	Compliant
4.2	Prior to the commencement of construction of any component of the project, or within such period as otherwise agreed by the Planning Secretary, the Proponent shall develop, in consultation with TfNSW, a Coordinated Works Program to ensure that the requirements of this approval, and the conditions imposed on the development the subject of development consent DA-134-3-2003-i (dredging and remediation of the South Arm of the Hunter River) are met and coordinated where the relevant works are interrelated. The Program shall specifically focus on requirements for coordination of works in and around the Hunter River foreshore, ecological monitoring and management, and scheduling of dredging and fill/ preloading activities.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
4.3	The proponent shall participate in any cumulative dust study that may be commissioned by the Department, in consultation with DECC. Any such study shall be focussed on cumulative dust impacts from major port and industrial sources in the Lower Hunter Estuary on potentially affected residential and sensitive receptors, with specific reference to receptors in Fern Bay, Stockton, Mayfield and Carrington. The extent of the Proponent's involvement in such a study shall be agreed with and to the satisfaction of the Planning Secretary, and shall include, but not necessarily be limited to: a) provision of monitoring data associated with the environmental performance of the project; b) provision of management and auditing documentation associated with the project and relevant to the study; c) access to the project and relevant technical and environmental experts associated with the project; d) arrangements for any financial contributions to cover reasonable expenses associated with the study; and e) such other matter as the Proponent and Planning Secretary may agree.	At all times	Not triggered during audit period	Not triggered
5.1	The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to: a) provisions for periodic review of the compliance status of the project against the requirements of this approval; b) provisions for periodic reporting of compliance status to the Planning Secretary; 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 d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.	At all times	<u>Evidence relevant to current audit period:</u> 2021 Compliance Tracking Program - Project Approval 06_0009 <u>Previous evidence:</u> NSW Department of Planning and Environment letter dated 14/07/2016 regarding NCIG Compliance Tracking Program. Confirmation of independent environmental audit now being undertaken on three yearly basis	Compliant
5.2	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; (b) include consultation with the relevant agencies; (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; (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. Note: This audit team must be led by a suitable qualified auditor, and include experts in biodiversity, air quality, noise, surface water and groundwater management and other fields as specified by the Planning Secretary.	At all times	2021 Independent Environmental Audit Report (Rev 0), dated 1 May 2022	Compliant

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
6.1	Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.	At all times	No public requests were made for documents during the audit period, however NCIG's website contains all relevant documents (www.ncig.com.au)	Not triggered
6.2	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. b) a postal address to which written complaints and enquires may be sent. c) an email address to which electronic complaints and enquiries may be transmitted. 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.	At all times	NCIG website (www.ncig.com.au) Community Enquiries sign at main entrance and entrance to wharf	Compliant
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: a) the date and time, where relevant, of the complaint. b) the means by which the complaint was made (telephone, mail or email). c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect. d) the nature of the complaint. e) 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. g) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken. The Complaints Register shall be made available for inspection by the Planning Secretary upon request.	At all times	NCIG Complaints Register	Compliant
6.4	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; b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project; c) a copy of each strategy, plan and program required under this approval; and d) the outcomes of compliance tracking in accordance with condition 5.1 of this approval.	At all times	NCIG website (www.ncig.com.au) Refer	Compliant

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
7.1	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: a) the principal contact point in relation to the environmental performance of the project; b) responsible for all management plans and monitoring programs required under this approval; 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; d) responsible for receiving and responding to complaints in accordance with condition 6.2 of this approval; and 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.	At all times	NSW Planning letter dated 3.10.2007 RE: Appointment of Environmental Representative HSEC.MP.12.01 Operation Environmental Management Plan	Compliant
7.2	Prior to the commencement of construction of the project, the Proponent shall prepare and implement a Construction Environmental Management Plan to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be prepared in accordance with <i>Guideline for the Preparation of Environmental Management Plans</i> (DIPNR 2004) and shall include, but not necessarily be limited to: a) a description of all activities to be undertaken on the Site during construction including an indication of stages of construction, where relevant; 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; 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. d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project; e) the additional studies listed under condition 7.3 of this approval; 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 g) complaints handling procedures during construction. 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.	Prior to construction	Not triggered during audit period - condition identified as complete.	Not triggered
7.3	As part of the Construction Environmental Management Plan for the project required under condition 7.2 of this approval, the Proponent shall prepare and implement the following:			
7.3(a)	a) where soil testing prior to the commencement of construction identifies the presence of acid sulfate soils, an Acid Sulfate Soil Management Plan prepared in accordance with guidance provided in <i>Acid Sulfate Soil Manual</i> (Acid Sulfate Soil Management Advisory Committee, 1998);	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
7.3(b)	b) a Construction Surface Water Management Plan to detail how surface water and stormwater will be managed on the Site during construction. The Plan shall include use of appropriately-sized stormwater controls, in accordance with <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004). The Plan shall include specific measures to avoid sediment-laden stormwater from entering Deep and Swan Ponds, wetland areas or the Hunter River, and a monitoring program for stormwater leaving the Site;	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
7.3(c)	c) a Construction Noise Management Plan to detail how construction noise and vibration impacts would be minimised and managed, including, but not necessarily limited to: 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;			

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
	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;	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
	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.			
7.3(d)	d) a Construction Traffic Management Protocol to detail how heavy vehicle movements associated with the project will be managed during construction, including Site preparation and fill/ preloading activities. The Protocol shall specifically address the movement of oversize loads to and from the Site, the management of construction traffic, restrictions to the hours of heavy vehicle movements to avoid road use conflicts, and the transport of construction waste materials. In addition to approval from the Planning Secretary, the Construction Traffic Management Protocol shall be submitted for the approval of the TfNSW and Council.	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
7.3(e)	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:	Construction	Not triggered during audit period - condition identified as complete.	Not triggered
	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;			

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
7.4	In the event that construction of the project is staged or phased up to the maximum capacity specified under condition 1.5, the requirements of conditions 7.2 and 7.3 shall be repeated prior to the commencement of construction.	At all times	Not triggered during audit period - condition identified as complete.	Not triggered
7.5	Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Planning Secretary an Operation Environmental Management Plan (OEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's Guideline for the Preparation of Environmental Management Plans (DIPNR 2004), and shall include, but not necessarily be limited to: a) a description of all activities to be undertaken on the Site during operation including an indication of stages of operation, where relevant; b) statutory and other obligations that the Proponent is required to fulfil during operation including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies; c) details of how the environmental performance of the operations will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan: i) measures to monitor and manage dust emissions; ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during operation; iii) measures to monitor and control noise emissions during operation; iv) measures to monitor and manage retained onsite native vegetation and habitat. d) a description of the roles and responsibilities for all relevant employees involved in the operation of the project; e) the additional studies listed under condition 7.6 of this approval; and f) complaints handling procedures during operation. The Operation Environmental Management Plan shall be made available for inspection by the public upon request following its approval by the Planning Secretary.	Operations	<u>Evidence relevant to reporting period:</u> HSEC.MP.12.01 Operation Environmental Management Plan <u>Previous evidence:</u> Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6). Satisfies conditions 7.5 and 7.6	Compliant
7.6	As part of the Operation Environmental Management Plan for the project required under condition 7.5 of this approval, the Proponent shall prepare and implement the following:			
7.6(a)	a) a Dust Management Plan to outline measures to minimise and manage any impacts from the operation of the project on local air quality. The Plan shall include, but not necessarily be limited to: i) identification of all major sources of dust emissions that may occur as result of the operation of the project; ii) description of the procedures to manage the dust emissions from the sources identified; iii) identification of the locations where monitoring of dust emissions is to be undertaken; iv) procedures for monitoring dust emissions from the project, in accordance with the requirements of this approval and the Environment Protection Licence for the project; v) protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions; and vi) description of procedures to be undertaken if any non-compliance is detected.	Operations	<u>Evidence during this reporting period:</u> HSEC.MP.12.02 Operation Dust and Air Quality Management Plan <u>Previous evidence:</u> Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6). Satisfies conditions 7.5 and 7.6	Compliant
7.6(b)	b) a Noise Management Plan to outline monitoring, management procedures and measures to minimise total operational noise emissions from the project. The Plan shall also include, but not necessarily be limited to: i) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval; ii) identification of activities that will be carried out in relation to the project and the associated noise sources; iii) assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval; iv) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the Site during the project; v) details regarding the procurement process to guarantee that equipment levels meet the noise levels as provided in the documents listed in condition 1.1; vi) development of reactive and pro-active strategies for dealing promptly with any noise complaints; vii) noise monitoring and reporting procedures; and viii) regular internal audits of compliance of all plant and equipment with acceptable design noise.	Operations	<u>Evidence during this reporting period:</u> HSEC.MP.12.03 Operation Noise Management Plan <u>Previous evidence:</u> Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6). Satisfies conditions 7.5 and 7.6	Compliant
7.6(c)	c) a Water Management Plan to outline the water management system for the Site. The Plan shall include, but not necessarily be limited to: i) predicted Site water balance including the water supply system; ii) details regarding water management structures such as settling ponds, water tanks and the water management system for dredge sea water; iii) locations and design specifications for all water diversions from undisturbed runoff areas including channel design and stabilisation, sediment retention storages and other structures; iv) details on the internal drainage system including bunding, drainage channels, dewatering sumps and any pipelines;	Operations	<u>Evidence during this reporting period:</u> HSEC.MP.12.04 Operation Water Management Plan <u>Previous evidence:</u>	Compliant

Condition	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
	v) procedures for the management of groundwater encountered on Site and any temporary dewatering facilities; and		Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6). Satisfies conditions 7.5 and 7.6	
	vi) procedures to be implemented to minimise potential surface water impacts.			
7.6(d)	d) a Spontaneous Combustion Management Protocol to outline measures to minimise and manage the spontaneous combustion of the coal stockpiles. The Plan shall include, but not necessarily be limited to:	Operations	The NCIG Operation Spontaneous Combustion Management Plan remained operational during this reporting period <u>Evidence during reporting period:</u> HSEC.MP.12.05 Operation Spontaneous Combustion Management Plan <u>Previous evidence:</u> Department of Planning letter to NCIG dated 30/07/2010 ref: 10/02150-2 Regarding Operational Environmental Management Plan & Sub Plans (Condition 7.5 & 7.6). Satisfies conditions 7.5 and 7.6	Compliant
	i) coal stockpile management measures;			
	ii) monitoring of potential causes of spontaneous combustion events; and			
	iii) corrective action in the event of spontaneous combustion.			
7.7	The Operation Environmental Management Plan required under conditions 7.5 and 7.6 shall periodically reviewed and maintained, to reflect any phasing of implementation of the project, and any operational changes that may be made from time to time.	Operations	The above management plans have been periodically reviewed and maintained (see revision history)	Compliant
8.1	The Proponent shall notify the Planning Secretary of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the incident to the Planning Secretary within seven days of the date on which the incident occurred.	At all times	NCIG Internal Incident Register, Sustain	Not triggered
8.2	The Proponent shall maintain a register of accidents, incidents and potential incidents with actual or potential significant off-Site impacts on people or the biophysical environment. The register shall be made available for inspection at any time by the independent qualified person or team conducting the Environmental Audit and/or the Planning Secretary.	At all times	NCIG Internal Incidents Register, Sustain	Compliant
8.3	The Proponent shall meet the requirements of the Planning Secretary to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 8.1 of this consent, within such period as the Planning Secretary may agree.	At all times	NCIG internal Incident Register, Sustain	Not triggered

APPENDIX B: COMPLIANCE REPORT DECLARATION FORM

Compliance Report Declaration Form

Project Name: Newcastle Coal Infrastructure Group Coal Export Terminal

Project Application Number: 06_0009

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

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

Proponent: Newcastle Coal Infrastructure Group

Title of Compliance Report: 2022/23 Compliance Tracking Program – Project Approval 06_0009

Date: 09 August 2023

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

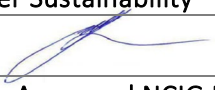
- i. the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- ii. the Compliance Report has been prepared generally in accordance with the Compliance Reporting Post Approval Requirements;
- iii. the findings of the Compliance Report are reported truthfully, accurately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

Notes:

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

Name of Authorised Reporting Officer: Nathan Juchau

Title: Manager Sustainability

Signature: 

Qualification: Approved NCIG Environmental Representative

Company: Newcastle Coal Infrastructure Group

Company Address: 30 Raven Street, Kooragang, NSW 2304
