

2023 Kooragang Coal Terminal Annual Compliance Report

1 January to 31 December 2023



Uncontrolled if printed

2023 Kooragang Coal Terminal Annual Compliance Report

Version no: 1	Latest review: 29 March 2024	Next review due: 31 March 2025	Document ID: 2023 KCT Annual Compliance Report
Page: 1 of 21		Authorised by: Trudie Larnach Manager Sustainability & Corporate Affairs	

Table of Contents

Introduction.....	3
Compliance Report declaration.....	4
Compliance status summary	5
Incidents	7
Complaints.....	7
Previous Actions	9
Appendices	11
KCT Project Approval Compliance Table - 120Mtpa Modified (06_0189 MOD 3)	11
KCT Development Consent Compliance Table - Stage 3 (DA 35/96)	17
DPE correspondence, endorsement of amended review method & frequency.....	21

Figures

Figure 1: Aerial overview of Kooragang Coal Terminal.....	3
--	---

Tables

Table 1: Compliance status descriptors as per PAR, May 2020	5
Table 2: Non-compliances identified during the 2023 Compliance review period.....	6
Table 3: Community complaints/enquiries received for KCT in 2023.....	8
Table 4: Actions arising from the most recent Independent Environmental Audit (2018-2021)....	9



Uncontrolled if printed

2023 Kooragang Coal Terminal Annual Compliance Report

Version no: 1	Latest review: 29 March 2024	Next review due: 31 March 2025	Document ID: 2023 KCT Annual Compliance Report
Page: 2 of 21		Authorised by: Trudie Larnach Manager Sustainability & Corporate Affairs	

Introduction

This KCT annual compliance report provides a summary of the compliance status of the Kooragang Coal Terminal (KCT) between the 1 January 2023 to 31 December 2023.

The review has been prepared in general accordance with the then NSW Department of Planning, Industry and Environment Compliance Reporting Post Approval Requirements, May 2020 (PAR, May 2020) to provide assessment of the requirements and relevant conditions of the following regulatory approvals:

- Development Application - Stage 3 Expansion No. 35/96 (DA 35/96)
- Project Approval 06_0189 (PA 06_0189) including the following modifications:
 - Mod 1 on 31 May 2010,
 - Mod 2 on 5 Apr 2012 and
 - Mod 3 on 26 Nov 2012.

This report is provided to supplement the information presented in the 2023 Sustainability Report to provide a comprehensive overview of Port Waratah Coal Services activities and performance in 2023, forming part of Port Waratah Coal Services annual reporting suite.

During the reporting period, the following project activities occurred, as described in the Project Approvals and relevant supplementary documentation: Operation of the coal export terminal up to a capacity of 120 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.

Kooragang Coal Terminal (KCT) is located off Curlew Street on Kooragang Island which is bound by the south and north arms of the Hunter River, Newcastle NSW. Refer to **Figure 1** for an aerial overview of Kooragang Coal Terminal.



Figure 1: Aerial overview of Kooragang Coal Terminal

Uncontrolled if printed

2023 Kooragang Coal Terminal Annual Compliance Report

Version no: 1	Latest review: 29 March 2024	Next review due: 31 March 2025	Document ID: 2023 KCT Annual Compliance Report
------------------	---------------------------------	-----------------------------------	---

Compliance Report declaration

Project Name:	Kooragang Coal Export Terminal
Project Application Number:	DA 35/96 and PA 06_0189 MOD 3
Description of Project:	The construction and operation of a coal export terminal with capacity of up to 120 million tonnes per annum
Project Address:	7 Curlew Street, Kooragang, NSW 2304
Proponent Title of Compliance Report:	2023 Kooragang Coal Terminal Annual Compliance Report
Date:	29 / 03 / 2024

I declare that I have reviewed the contents of the attached Compliance 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 in accordance with the Compliance Reporting 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 review of monitoring data or an audit review 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 review of monitoring data or an audit review 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	Trudie Larnach
Title	Manager Sustainability and Corporate Affairs
Signature	
Qualification	Authorised company representative
Company	Port Waratah Coal Services Ltd
Company Address	7 Curlew Street, Kooragang, NSW 2304

Uncontrolled if printed

2023 Kooragang Coal Terminal Annual Compliance Report

Version no: 1	Latest review: 29 March 2024	Next review due: 31 March 2025	Document ID: 2023 KCT Annual Compliance Report
------------------	---------------------------------	-----------------------------------	---

Page: 4 of 21

Authorised by: Trudie Larnach Manager Sustainability & Corporate Affairs



Compliance status summary

A total of 98 conditions were assessed for compliance in accordance with all applicable compliance requirements contained in DA 35/96 and PA 06_0189 MOD3. The status of all applicable compliance requirements above is presented as **Appendices** to this report.

The compliance status of each condition has been recorded using the descriptors as prescribed in the PAR, May 2020 and outlined in **Table 1** below.

A total of one (1) non-compliance was recorded over two (2) occurrences during the 2023 compliance review period as presented in **Table 2**.

Table 1: Compliance status descriptors as per PAR, May 2020

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.

Uncontrolled if printed

2023 Kooragang Coal Terminal Annual Compliance Report

Version no: 1	Latest review: 29 March 2024	Next review due: 31 March 2025	Document ID: 2023 KCT Annual Compliance Report
------------------	---------------------------------	-----------------------------------	---

Page: 5 of 21

Authorised by: Trudie Larnach Manager Sustainability & Corporate Affairs



Table 2: Non-compliances identified during the 2023 Compliance review period

Compliance Requirement: PA 06_0189 (2.12) Soil and Water Quality Impacts <i>Except as may be expressly provided under the provisions of an Environmental 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</i>				
No.	Details of non-compliance	Agencies notified of non-compliance	Proponents response to non-compliance	Regulators response to non-compliance
1	On the 9 March 2023, a connection dislodged from a site water supply line at the KCT wharf, resulting in process water spraying across an open section of the wharf ballast rocks and onto the maintenance bay. Port Waratah estimates that approximately 12.6kL of recycled site water may have landed on the wharf ballast rocks and potentially in the harbour. There were no visible impacts observed in the receiving waters. The incident is considered in breach of Condition 2.12 of Project Approval 06_0189	Immediate notification was made to the following authorities in accordance with Port Waratahs Pollution Incident Response Management Plan. 1. Environment Protection Authority 2. NSW Health – Public Health Unit 3. SafeWork NSW 4. Fire and Rescue NSW 5. Port Authority of NSW 6. City of Newcastle 7. Department of Planning & Environment	Valve closed and placed out of service - Action complete. Review of design completed with the washdown pipeline connection point removed from location - Action complete. A failure modes audit of all water supply pipelines and fittings along the KCT Wharf - Action complete. Work orders submitted to address the audit findings and mitigate potential discharge risks at the KCT Wharf - Action in progress.	On 5 April 2023 Port Waratah received a response from the EPA via email advising that no further action is being requested from the EPA.
2	On the 19 December 2023, following a light rain recorded at the KCT wharf, some coal material and pooled rainwater material began spilling over the side of the wharf conveyor belt at the commencement of vessel loading. The strong winds experienced at the time carried some of the spilt coal material and rainwater across the wharf road and onto the harbour ballast rock. The estimated quantity of coal material that potentially entered the harbour has been calculated to be less than 1kg, with no significant impact to the receiving waters. The incident is considered in breach of Condition 2.12 of Project Approval 06_0189	Immediate notification was made to the following authorities in accordance with Port Waratahs Pollution Incident Response Management Plan. 1. Environment Protection Authority 2. NSW Health – Public Health Unit 3. SafeWork NSW 4. Fire and Rescue NSW 5. Port Authority of NSW 6. City of Newcastle 7. Department of Planning & Environment	Residual coal material was cleaned from the affected areas - Action complete. A review of internal processes and engineering controls to effectively remove water from conveyor belts prior to the commencement of coal loading - Action in progress.	On 24 January 2024 Port Waratah received a response from the EPA via letter, advising issue of a Formal Warning notice.

Uncontrolled if printed

2023 Kooragang Coal Terminal Annual Compliance Report

Version no:	Latest review:	Next review due:	Document ID:
1	29 March 2024	31 March 2025	2023 KCT Annual Compliance Report



Incidents

Two (2) incidents were reported to the Secretary (Director General) in accordance with PA 06_0189, condition 8.1, over the 2023 review period. Details of the incidents reported and proposed actions to reduce reoccurrences are outlined in **Table 2**. Reporting was submitted via the DPE Major Projects Portal.

Both incidents involved discharge to the Hunter River from the wharf area which resulted in the potential pollution of waters, however Port Waratah note that neither incident caused material harm to the environment. No trends have been identified in relation to these incidents during the reporting period.

Complaints

In accordance with PA 06_0189, condition 6.2, Port Waratah made available a telephone line, postal address and email address for community enquiries/complaints. All enquiries/complaints were recorded in accordance with Condition PA 06_0189, condition 6.3. External enquiries and complaints are recorded in Port Waratah's Incident Management System.

Port Waratah received three (3) enquiries/complaints in relation to KCT, over the 2023 review period. A summary of the enquiries/complaints received including the actions taken in response to these are summarised in **Table 3**.

No trends have been identified in relation to the enquiries/complaints during the reporting period. Although the external enquiry numbers are low air quality & dust enquiries/complaints continue to be an area of higher community interest. Port Waratah routinely engages with the community providing information on how Port Waratah manages dust risk and references external information sources on local air quality such as the EPA managed Newcastle Local Air Quality Monitoring Network (NLAQMN). Port Waratah will continue to monitor dust management performance by reviewing internal air quality monitoring data and information, investigating all air quality and dust related enquiries/complaints received as well as undertaking regular community surveys facilitated by Voconiq that specifically assess community perception of Port Waratah's dust management.

Uncontrolled if printed

2023 Kooragang Coal Terminal Annual Compliance Report

Version no: 1	Latest review: 29 March 2024	Next review due: 31 March 2025	Document ID: 2023 KCT Annual Compliance Report
------------------	---------------------------------	-----------------------------------	---

Page: 7 of 21

Authorised by: Trudie Larnach Manager Sustainability & Corporate Affairs



Table 3: Community complaints/enquiries received for KCT in 2023

Nature of enquiry/ complaint	Number of enquiries/ complaints received	Enquiry/ complaint details
Air Quality /Dust	2	On 21 July 2023 the EPA contacted Port Waratah requesting available air quality data for Kooragang and Carrington operations along with any further information regarding the usage of mitigation sprays for 7 July – 8 July 2023. Port Waratah collated the requested data and emailed a written response to the EPA on 28 July 2023 - No further action required. On 11 Oct 2023 a resident located in New Lambton contacted Port Waratah requesting sampling of dust on their outdoor furniture. The resident was contacted and advised that dust sampling is not typically offered to residents without a specific dust concern relating to Port Waratah operations. The resident responded on 17 Oct 2023 and advised they believe the dust could be from Port Waratah. A meeting took place on 20 Oct 2023 at the resident's premises to discuss their concerns with agreement for Port Waratah to email supplementary material following the meeting - No further action required.
Water	0	NA
Noise	0	NA
Other	1	On 25 Feb 2023 a community member contacted Port Waratah via email highlighting alleged mis-information contained in the Q1 2023 Community Newsletter. The community member was alleging Port Waratah was misleading regarding the stated greenhouse gas emission totals in the Climate Action Plan overview. The community member is of the belief that Port Waratah is responsible for the emissions associated with the combustion of the coal exported through our terminals, as well as the emissions from vessels. On 28 Feb 2023 a response was provided to the community member advising: • The development of our Climate Action Plan was of significant interest identified via ongoing community engagement • Our intent is to never mislead or be dishonest in our communications • Our climate action target does not include the coal being combusted by end users. Our Target clearly defines our focus on 'Scope 1' and Scope 2' emissions, with the combustion of coal to be considered within the Scope 3 emissions boundary of the wider coal chain. • Invitation for the community member to meet and discuss the Climate Action Plan further and undertake a site tour. • Invitation for the community member to express their views in the Local Voices Community Survey opening in March 2023. The Community Member responded on 1 March thanking Port Waratah for the respectful response, however they did not express interest in further discussing Climate Action or participating in a Site Tour.- No further action required.

Uncontrolled if printed

2023 Kooragang Coal Terminal Annual Compliance Report

Version no:	Latest review:	Next review due:	Document ID:
1	29 March 2024	31 March 2025	2023 KCT Annual Compliance Report



Previous Actions

Actions arising from the most recent KCT Independent Environmental Audit (1 Aug 2018 to 31 July 2021) are presented in **Table 4**. There are no actions arising from the previous KCT Annual Compliance Report (2022).

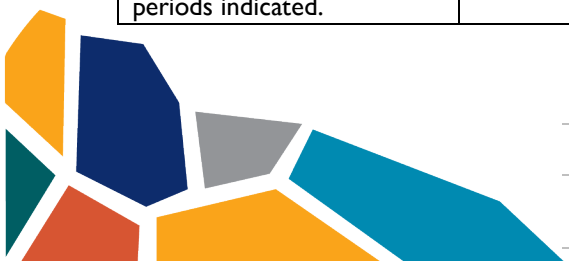
Table 4: Actions arising from the most recent Independent Environmental Audit (2018-2021)

Condition of compliance requirement	Source of Action	Action Proposed	Proposed Completion Date	Status	Action Completed
PA 06_0189 (1.7) 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	Independent Environmental Audit (2018-2021)	Following the review of the environmental incidents, appropriate measures to prevent or minimise environmental incidents were Implemented. No additional measures have been identified in this audit.	n/a	Complete	Port Waratah continues to review operational performance to ensure all practicable measures are taken to prevent and minimise harm to the environment. This includes regular auditing of systems, procedures and maintenance activities, investigating reported incidents and developing improvement programs where necessary. This action is considered complete for the purpose of compliance reporting.
PA 06_0189 (2.8) The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the expanded coal terminal do not exceed the maximum allowable noise Contributions specified in Table 1 below, at those locations and during those periods indicated.	Independent Environmental Audit (2018-2021)	Following the review of the environmental incidents, appropriate measures to prevent or minimise environmental incidents were Implemented. No additional measures have been identified in this audit.	n/a	Complete	Port Waratah continues to review operational performance to ensure all practicable measures are taken to prevent and minimise harm to the environment and potential impact to the community. Noise monitoring for KCT in accordance with the requirements in PA 06_0189, following this action, have returned results within condition thresholds. No trends indicating an increase to noise output have been identified. This action is considered complete for the purpose of compliance reporting

Uncontrolled if printed

2023 Kooragang Coal Terminal Annual Compliance Report

Version no: 1	Latest review: 29 March 2024	Next review due: 31 March 2025	Document ID: 2023 KCT Annual Compliance Report
------------------	---------------------------------	-----------------------------------	---



PA 06_0189 (2.12) Except as may be expressly provided under the provisions 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.	Independent Environmental Audit (2018-2021)	Following the review of the environmental incidents, appropriate measures to prevent or minimise environmental incidents were Implemented. No additional measures have been identified in this audit.	n/a	Complete	Port Waratah continues to review operational performance to ensure all practicable measures are taken to prevent and minimise harm to the environment. This includes regular auditing of systems, procedures and maintenance activities, investigating reported incidents and developing improvement programs where necessary. This action is considered complete for the purpose of compliance reporting.
06_0189 (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 windblown and traffic generated dust.	Independent Environmental Audit (2018-2021)	Port Waratah to investigate the use of surface binding agents for application to coal stockpiles and other coal dust generating surfaces.	31 Dec 2022	Complete	Investigation complete with the outcome being dust suppression products are utilised as required on hard stand and unsealed surfaces. The use of dust suppression products is considered not feasible for use on coal stockpiles. Port Waratah continue to utilise water sprays for dust management of coal stockpiles. This action is considered complete for the purpose of compliance reporting.



Uncontrolled if printed

2023 Kooragang Coal Terminal Annual Compliance Report

Version no:	Latest review:	Next review due:	Document ID:
1	29 March 2024	31 March 2025	2023 KCT Annual Compliance Report

Kooragang Coal Terminal Project Approval Compliance Table - 120Mtpa Modified (06_0189 MOD 3)

Condition	Compliance requirement	Development phase	Condition Status	Demonstration of compliance	Compliance status
1.1.	The Proponent shall carry out the project generally in accordance with the: a) Major Project Application 06_0189; b) Environmental Assessment – Kooragang Coal Terminal – Proposed Increase to Throughput Capacity, dated November 2006, and prepared by Umwelt Environmental Consultants; c) Kooragang Coal Terminal – Proposed Increase to Throughput Capacity - Response to Submissions Part A, dated January 2007, and Kooragang Coal Terminal – Proposed Increase to Throughput Capacity - Response to Submissions Part B, dated January 2007, both prepared by Umwelt Environmental Consultants; d) Kooragang Coal Terminal Stage 4 Project Fourth Dump Station & Fourth Shiploader, dated November 2009, and prepared by Umwelt Environmental Consultants; and e) Kooragang Coal Terminal Stage 4 Project Fourth Dump Station & Fourth Shiploader – Response to Submissions, dated February 2010, and prepared by Umwelt Environmental Consultants; f) Kooragang Coal Terminal Proposed Fourth Rail Loop Realignment, dated June 2011, and prepared by Umwelt Environmental Consultants; and g) Letter authored by PWCS and titled <i>Section 75W Modification to Kooragang Coal Terminal 120 Mtpa Project (DA 06_0189) - Update to Schedule of Lands</i> , dated 2 July 2012; and letter authored by Umwelt Environmental Consultants and titled <i>Kooragang Coal Terminal - DA 06_0189 MOD 3</i> , dated 31 October 2012; and h) the conditions of this approval.	Construction & Operation	Ongoing	Compliance tracking program Internal and external auditing KCT Environmental Operations Management plans	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 1.1g) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and b) any document listed from condition 1.1a) to 1.1g) inclusive, and any other document listed from condition 1.1a) to 1.1g) inclusive, the most recent document shall prevail to the extent of the inconsistency.	Construction & Operation	Ongoing	N/A	Not Triggered
1.3.	The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of: a) any reports, plans or correspondence that are submitted in accordance with this approval; and b) the implementation of any actions or measures contained in these reports, plans or correspondence.	Construction & Operation	Ongoing	All correspondence submitted / received between Port Waratah and DPE Major projects portal	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.	Construction & Operation	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
1.5.	The maximum export capacity from the upgraded coal terminal shall be limited to 120 million tonnes of coal per annum.	Construction & Operation	Ongoing	Annual production information is presented in annual Sustainability Reports. Total coal exported from KCT 82,100 tonnes in 2023	Compliant
1.6.	The Proponent shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. 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.	Construction & Operation	Ongoing	Approvals & legal requirements registers, Compliance tracking program, Internal & auditing and reporting including Independent Audits, EPL Annual returns, Sustainability reporting Copy of this approval and all other relevant environmental approvals, Licences & Permits are available public website	Compliant
1.7.	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.	Construction & Operation	Ongoing	Environmental Management System (EMS) ISO 14001:2015 certified, Aspects, Impacts & Risks Register maintained KCT Environmental Operations Management Plans approved by DPE. Site inspections/monitoring/observations preventative maintenance program	Compliant
1.8.	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.	Construction & Operation	Ongoing	Environmental Management System (EMS) ISO 14001:2015 certified, Preventative maintenance program Maintenance management system records	Compliant
2.1.	The Proponent shall not permit any offensive odour, as defined under section 129 of the Protection of the Environment Operations Act 1997, to be emitted beyond the boundary of the Site.	Construction & Operation	Ongoing	No records, complaints or other evidence received relating to odours being emitted from KCT.	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.	Construction & Operation	Ongoing	KCT Air Quality Management Plan Intelligent Dust Management System (IMDS) road sealing, water cart & dust suppression use as required Site inspections/monitoring/observations induction & env awareness training	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.	Construction & Operation	Ongoing	Vehicle wheel wash facilities and signage across site. LTO Hazard guide prompts adoption of behaviours and controls.	Compliant
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.	Construction & Operation	Ongoing	KCT Air Quality Management Plan Intelligent Dust Management System (IMDS) Weather TARP, Induction & ENV awareness training Site inspections/monitoring/observations	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 Director-General.	Construction & Operation	Ongoing	CAPEX investment to improve drainage and sealing completed in 2023 Continued trial use of dust suppression products to suppress dust on unsealed surfaces	Compliant
2.6.	The Proponent shall minimise noise emissions from plant and equipment operated on the Site in relation to the project according to the principles outlined in the NSW Government's <i>Industrial Noise Policy</i> .	Construction & Operation	Ongoing	Noise engineering specification in place. KCT Operations Noise Management Plan Site wide noise reduction strategy in place including capital investment in low noise conveyor drives changeout, trial of low noise equipment & products in areas of high exposure such as conveyor belt, pulley lagging and idlers. Inductions, training and site Hazard guide prompts adoption of behaviours and controls. Quarterly noise monitoring by external consultancy	Compliant
2.7.	The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises between 7:00 am and 6:00 pm, seven days a week. 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	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
2.8.	The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the expanded coal loader 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 conditions of: wind speeds up to 3 ms ⁻¹ at 10 metres above ground level; or b) temperature inversion conditions up to 3°C per 100 metres and wind speeds up to 2ms ⁻¹ at 10 metres above the ground. Table 1 - Maximum Allowable Noise Contributions (dB(A))	Construction & Operation	Ongoing	KCT Operations Noise Management Plan developed to manage noise. KCT Offsite Noise and Onsite Sound Power Level Monitoring reports SLR Project No.: 630.10021-R99.20231026.docx SLR Project No.: 630.10021-R101. 20231103.docx SLR Project No.: 630.10021-R103.20231106.docx SLR Project No.: 630.10021.9.20240209.docx	Compliant

Location	Day, Evening, Night 1st Oct 2023	Night 10:00pm to 7:00am Monday to Saturday 10:00pm to 5:00am on Sundays and Public Holidays	
	Learest nearest	Learest	Learest nearest
Fern Bay North	45	43	55
Fern Bay West	50	47	55
Fern Bay East	49	46	55
Stockton West	50	47	57
Stockton East	49	46	55
Mayfield West	41	37	56
Mayfield	44	38	58
Carrington	42	38	52

Condition	Compliance requirement	Development phase	Condition Status	Demonstration of compliance	Compliance status
2.9.	For the purpose of assessment of noise contributions specified under condition 2.8 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 $L_{Aeq}(15 \text{ minutes})$ night noise limits;	Construction & Operation	Ongoing	KCT Operations Noise Management Plan developed to manage noise. Hazard guide prompts adoption of behaviours and controls. KCT Offsite Noise and Onsite Sound Power Level Monitoring reports confirm compliance with condition 2.8.	Compliant
	For the purpose of assessment of noise contributions specified under condition 2.8 of this consent, noise from the project shall be: b) measured at one metre from the dwelling façade to determine compliance with $L_{A1}(1 \text{ minute})$ noise limits; and				
	For the purpose of assessment of noise contributions specified under condition 2.8 of this consent, noise from the project shall be: c) subject to the modification factors provided in Section 4 of the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000), where applicable.				
	Notwithstanding, should direct measurement of noise from the development be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.		Ongoing	An alternative noise assessment method is not used.	Not Triggered
2.10.	The Proponent shall investigate all reasonable mitigation measures, defined in the <i>NSW Industrial Noise Policy</i> (EPA, 2000), to reduce noise impacts from the upgraded coal terminal at Fern Bay and Stockton to achieve noise contributions of no greater than 43 dB(A) ($L_{Aeq,night}$), and 45 dB(A) ($L_{Aeq,15 \text{ minutes}}$) under adverse meteorological conditions specified under condition 2.8 of this approval. A report on investigations shall be submitted to EPA and the Director-General within 12 months of commencement of works the subject of this approval and annually thereafter, unless otherwise agreed by EPA and the Director-General, until levels specified above are achieved. A program for ongoing investigation and implementation of feasible and reasonable mitigation measures to reduce noise contributions at Fern Bay and Stockton shall be implemented. The program shall commence no later than six months following the EPA's agreement to a noise reduction program, unless otherwise agreed by the EPA and the Director-General.	Operation	Ongoing	2023 2.10 Report submitted to EPA & DPE on 28/4/2023.	Compliant
2.11.	The Proponent shall take all necessary actions to ensure that trains operated on the Site meet the noise performance criteria established under condition 2.8.	Operation	Ongoing	Coal trains operating on the KCT rail loop including locomotives and wagons (while not directly within the control of Port Waratah) are assessed simultaneously with the KCT's operations". KCT Offsite Noise and Onsite Sound Power Level Monitoring reports confirm compliance with condition 2.8. Noise monitoring program detailed in the KCT Operation Noise Management Plan	Compliant
2.12.	Except as may be expressly provided under the provisions 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.	Construction & Operation	Ongoing	Two (2) incidents were reported to DPE as non-compliant with Section 2.12 of PA 06_0189, as reported in the 2023 compliance review report and submitted to DPE via the Major Projects Portal - 9 March 2023, Discharge OF APPROX 12.6KL of water to harbour - 19 Dec 2023, Discharge of approx 0.89kg of coal fines to harbour	Non-Compliant
2.13.	The Proponent shall not permit the discharge of any water from the Site to the Hunter River unless expressly provided under the provisions of an Environment Protection Licence, or when a storm event exceeds a 1 in 100 year ARI event or after prolonged wet weather 'equivalent' to this consent.	Construction & Operation	Ongoing	KCT Operations Water management , Rev 4.1 identified constructed WMS in accordance with design requirements DPE approval provided in letter dated 08/05/2023 EPL 1552 Licence refers to licenced discharge points under these conditions. 2021 Independent Environmental Audit Report, 1 April 2022 No overflows recorded in 2023 as verified through records of KCT water storage levels within the review period.	Compliant
2.13A	The construction of the rail loop augmentation, forming part of the Stage 4 Project, as modified in accordance with condition 1.1f), shall be integrated with existing surface water management measures to ensure compliance with condition 2.12, or the requirement of any applicable Environment Protection Licence.	Construction	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
2.14	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	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
2.14A	The Proponent shall ensure that groundwater interactions that may occur from construction of the fourth dump station and associated conveyor infrastructure are minimised. Water quality monitoring shall be conducted during these works and where the monitoring indicates potential impact on the groundwater system, treatment options for dewatering shall be investigated and implemented in consultation with the NOW and in accordance with any relevant approval from NOW.	Construction	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
2.15.	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	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
2.16.	The Proponent shall maximise the capture and re-use of stormwater on-site for beneficial purposes such as dust control on coal stockpiles.	Construction & Operation	Ongoing	Water Management system designed, installed and operated to harvest, capture, store onsite water for reuse Improved storage capacity projects completed at Settling pond1, Floodplain A/B refer to water management plan & permanent services manual refer to pond clean out PMs for maintenance, maintain capacity. Flocculation capabilities developed in 2023 to improve water harvesting potential	Compliant

Condition	Compliance requirement	Development phase	Condition Status	Demonstration of compliance	Compliance status
2.17.	In the event that stormwater runoff collection cannot meet the water demand of the Site, treated wastewater, if available from the relevant water authority, shall be used preferentially over potable water for the purposes of dust control, unless otherwise agreed by the Director-General.	Construction & Operation	Ongoing	All site water captured and stored onsite for reuse. Discussions with Conexa (previously HWC) are ongoing regarding potential access to alternate water sources Port Waratah continuing to work with Conexa on potential options, refer to audit folder for related correspondence. email and associated presentation re potential options for connection received from Conexa representative Friday, February 23, 2024.	Compliant
2.18.	All waste materials removed from the Site shall only be directed to a waste management facility lawfully permitted to accept the materials.	Construction & Operation	Ongoing	All waste materials removed and disposed of offsite by a licenced contractor. Waste register maintained by PWCS ENV team. Refer to the Waste management plan for summary of waste mgt process & controls implemented.	Compliant
2.19.	Except as expressly permitted in an Environment Protection Licence applicable to the project, waste shall not be received at the Site for storage, treatment, processing, reprocessing or disposal on the Site.	Construction & Operation	Ongoing	Induction & ENV awareness training to meet this requirement. LTO Hazard guide prompts adoption of behaviours and controls. No records or observations of waste received on site during the environmental	Compliant
2.20.	The Proponent shall ensure that all new external lighting associated with the project is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land and water uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with the latest version of <i>AS 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting</i> .	Construction & Operation	Ongoing	Management of temporary lighting is provided in engineering specs and project specific management plans	Compliant
2.21.	The Stage 4 Project conveyor bridge and its approaches over Teal Street shall be designed and constructed to achieve a minimum of 6.5m vertical height clearance from the top of the Teal Street pavement to the underside of the bridge structure. Maintenance activities required for the bridge structure shall be carried out from within/on the structure and impacts of such activities minimised within the road reserve. The Proponent shall provide details of the maintenance policy for the proposed conveyor to the RMS and obtain its agreement regarding the on-going maintenance of the bridge structure.	Construction	Not Commenced	The Conveyor Bridge is not included in the previously construction phase - Project 145.	Not Triggered
2.22.	Parking for all construction related vehicles associated with Stage 4, as modified in accordance with condition 1.1f), must be provided within the Kooragang Coal Terminal site or on land subject to an agreement between PWCS and the landholder for the purpose.	Construction	Closed	Construction has been completed and the need for additional parking for construction vehicles on site is no longer required, as such this Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015	Not Triggered
2.23.	The Proponent shall design and construct the project in a manner that mitigates to the extent that is reasonably practicable, direct physical impacts to adjoining property, property infrastructure and its operation, including conveyors, adjoining buildings and the like. The Proponent shall consult with directly affected property owner(s) on this matter and ensure that any damage or operational impacts caused by the project is rectified at the Proponent's expense to a standard comparable to that in existence prior to the damage.	Construction	Closed	Construction has been completed as such this Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015	Not Triggered
2.24.	A fully controlled level crossing across Windmill Road shall be provided for the outbound departure track. The crossing shall be designed, constructed and operated in accordance with relevant standards, in consultation with ARTC and Pacific National, and shall take into account the operational requirements of these users.	Construction & Operation	Closed	Works have been completed for the fully controlled level crossing and is in usage	Not Triggered
2.25.	Vehicular access to and from North Road shall be maintained during construction and operation of Stage 4, as modified in accordance with condition 1.1f). The relocated road shall be designed, constructed and operated in accordance with relevant standards, in consultation with affected users, and shall take into account the users' operational requirements.	Construction & Operation	Closed	Construction has been completed as such this Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
3.1.	Prior to the commencement of operation of the project, the Proponent shall develop and submit for the approval of the Director-General and the EPA, an 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 NCIG Coal Export Terminal; 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 air samplers (HVAS), four dust depositional gauges and a meteorological station capable of monitoring wind direction and speed in accordance with AM-1 Guide to Siting of Sampling Units (AS 2922-1987); AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987); and AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications. d) investigation of the use of Tapered Element Oscillating Microbalance Samplers (TEOMS) as part of the integrated air quality monitoring network. Should the Proponent consider TEOMS not to be required, the Proponent may seek approval from both the Director-General and the EPA to exclude this requirement. In seeking such an exclusion, the Proponent's reasons for the exclusion shall be provided and be fully justified; e) provided that the use of TEOMS is proven to be justified (as outlined in d) above), the Proponent shall utilise real-time monitoring data to inform environmental management decisions associated with the project; f) a framework for identifying actual and potential dust impacts, and for applying proactive and reactive mitigation and management measures to address those impacts; g) provision for independent review and auditing of the Program; and h) mechanisms for updating the Program as may be required from time to time.	Construction & Operation	Ongoing	Ambient dust & air quality monitoring program as described in Air quality management plan including the integrated air quality monitoring network with NCIG Coal Export Terminal, Rev 3.4 dated August 2021. DPE approval letter dated 01/11/2021 DP&I letter dated 23/12/2011 indicated PWCS does not need to install TEOMS	Compliant
3.2.	Following one full year of data collection in accordance with an approved Ambient Dust Monitoring Program (refer to condition 3.1), the Proponent shall undertake a model validation study to review TSP, PM10 and dust deposition levels to assess compliance with the dust impact predictions made in the documents referred to under condition 1.1 and with applicable ambient air quality goals. The model validation study shall be undertaken in accordance with Approved Methods and <i>Guidance for the Modelling and Assessment of Air Pollutants in New South Wales</i> (EPA, 2001), and any specific requirements of the EPA.	Operation	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
3.3.	Within 28 days of conducting the dust validation study referred to under condition 3.2 of this approval, the Proponent shall provide the Director-General and the EPA with a copy of the report. If the dust validation study identifies significant deviance from the predictions made in the documents referred to under condition 1.1 or any exceedance with ambient air quality goals, the Proponent shall detail what additional measures would be implemented to further mitigate dust impacts. The Proponent shall clearly indicate who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be assessed and reported to the Director-General.	Operation	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
3.4.	Within 90 days of the Commencement of Operation of the project, and following the commissioning of the Stage 4 Project, as modified in accordance with condition 1.1f), or as otherwise agreed by the Director-General, and during a period in which the project is operating under normal operating conditions, the Proponent shall undertake a program to confirm the noise performance of the project. The noise program shall include, but not necessarily be limited to: a) noise monitoring, consistent with the guidelines provided in the New South Wales Industrial Noise Policy (EPA, 2000), to assess compliance with condition 2.8 of this consent. 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 in condition 2.8; g) any additional noise mitigation measures and timetables for implementation.	Operation	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
3.5.	Within 28 days of conducting the noise monitoring referred to under condition 3.4 of this approval, or as otherwise agreed by the Director-General, the Proponent shall provide the Director-General and the EPA with a copy of the report. If the noise monitoring report identifies any non-compliance with the noise limits imposed under this approval (refer condition 2.8), the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.	Operation	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered

Condition	Compliance requirement	Development phase	Condition Status	Demonstration of compliance	Compliance status
4.1.	Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall develop, in consultation with owner/ operator of the NCIG Coal Export Terminal, 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 the parties may agree. The Applicant shall provide a copy of the Protocol to the Director-General and the EPA as soon as practicable after agreement on the terms of the Protocol.	Construction	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
4.2.	The Proponent shall participate in any cumulative dust study that may be commissioned by the Department, in consultation with EPA. Any such study shall be focused on cumulative dust impacts from major port and industrial sources in the Lower Hunter Estuary on potentially affected residential and sensitive receptors, with specific reference to receptors in Fern Bay, Stockton, Mayfield and Carrington. The extent of the Proponent's involvement in such a study shall be agreed with and to the satisfaction of the Director-General, and shall include, but not necessarily be limited to: 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 the reasonable expenses associated with the study; and e) such other matters as the Proponent and the Director-General may agree.	Construction & Operation	ongoing	No cumulative dust study has yet been commissioned by the DoP, However, the EPA managed Lower Hunter Air Quality Network commenced in 2015 which Port Waratah co-funds along with other local industry. Participation in the LHAQMN via financial contribution. invoice/receipts	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 be 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 Director-General; c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing ; and d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.	Construction & Operation	Ongoing	Annual reports submitted to DPE as an attachment to the Sustainability report. These are also uploaded to the public website. Annual Compliance report 2022 dated 28 March 2023 DPE endorsement of revised audit frequency to 3yearly and submission of annual compliance reports to compliment the annual sustainability report inbetween these intervals received on 8 Feb 2019. Independent Audit Report 2016-2018, submitted 30 August 2018 Independent Audit Report 2018-21, submitted 29 Oct 2021 (extension granted due to COVID19 complications. A revised copy resubmitted 29 April 2022 at DPE request).	Compliant
6.1.	Subject to commercial confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.	Construction & Operation	Ongoing	Copies of Project Approvals, annual compliance reports, compliance audit reports and relevant licences published on external website. All documents are available for public inspection as required	Compliant
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 enquiries 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.	Construction	Ongoing	The 24-hour community enquiry line is provided on the Port Waratah website. The postal and email address is also provided on the website. This information was also signposted at the main gate entrance to the site.	Compliant
6.3.	The Proponent shall record details of all complaints and enquiries received through the means listed under condition 6.2 of this approval in an up-to-date Complaints and Enquiries Register. The Register shall record, but not necessarily be limited to: a) the date and time, where relevant, of the complaint and enquiry. b) the means by which the complaint and enquiry was made (telephone, mail or email). c) any personal details of the complainant and/or enquirer that were provided, or if no details were provided, a note to that effect. d) the nature of the complaint and enquiry. e) record of operational and meteorological condition contributing to complaint. f) any action(s) taken by the Proponent in relation to the complaint and enquiry, including any follow-up contact with the complainant and/or enquirer. g) if no action was taken by the Proponent in relation to the complaint and enquiry, the reason(s) why no action was taken. The Complaints and Enquiries Register shall be made available for inspection by the Director-General upon request.	Construction & Operation	Ongoing	Complaints and Enquiries Register is maintained through out the year serving as a Community enquires database. A Community Enquiries procedure has been prepared to provide guidance on how to respond to enquiries/complaints including record keeping as outlined in this condition. Sustainability & KCT annual compliance report submissions	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.	Construction & Operation	Ongoing	PWCS has an established website featuring information related to the Project as per this condition . See www.pwcs.com.au Information featured includes copies of Project Approvals, annual compliance reports, compliance audit reports and relevant licences	Compliant
7.1.	Prior to the commencement of construction of the project, or otherwise agreed by the Director-General, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s) for the approval of the Director-General. The Proponent shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Director-General, during the construction and 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 and enquiries in accordance with condition 6.2 and 6.3 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.	Construction & Operation	Ongoing	Letter from DPIE (B Harrison) to PWCS (T Larnach) titled "Kooragang Island Coal Terminal (PZ 06_0189) Nomination of Glenn Cook (Specialist Advisor Environment) as Environmental Representative", dated 29 July 2019.	Compliant

Condition	Compliance requirement	Development phase	Condition Status	Demonstration of compliance	Compliance status
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 Guideline for the Preparation of Environmental Management Plans (DIPNR 2004) and shall include, but not necessarily be limited to: a) a description of all activities to be undertaken on the Site during construction including an indication of stages of construction, where relevant; 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; 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; and f) complaints and enquiries handling procedures during construction. Prior to the commencement of construction of the Stage 4 Project, the Proponent shall revise the Construction Environment Management Plan and associated plans and protocol referred to in conditions 7.2 and 7.3 to incorporate this stage of the project. The Plan (and revisions to the Plan) shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project (including the Stage 4 Project), or within such period otherwise agreed by the Director-General. Construction works shall not commence until written	Construction	Closed	Not triggered during compliance review period - Condition considered as closed.	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: a) a Construction Surface Water Management Plan to detail how surface water and stormwater will be managed on the Site during construction. The Plan shall include use of appropriately-sized stormwater controls, in accordance with Managing Urban Stormwater: Soils and Construction (Landcom, 2004). The Plan shall include specific measures to avoid sediment-laden stormwater from entering wetland areas or the Hunter River, and a monitoring program for stormwater leaving the Site;	Construction	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
7.3.	b) a Construction Noise and Vibration 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 and adjacent industrial development (specifically the Kooragang Bulk Facilities); impacts on surrounding land uses, particularly residential areas iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria/ guidelines; iv) procedures for notifying residents of construction activities that are likely to effect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints and enquiries; 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.	Construction	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
7.3.	c) 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. The Construction Traffic Management Protocol (and revisions to the Protocol) shall be submitted for the approval of the RMS and Council, prior to its submission to the Director-General for approval. For Stage 4 Project works, a revised protocol shall take into account the completion of the Tourle Street Bridge and the improved regional connectivity provided by the new bridge to Industrial Drive and Pacific Highway.	Construction	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
7.4.	Prior to the Commencement of Operations, the Proponent shall prepare and submit for the approval of the Director-General 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; d) a description of the roles and responsibilities for all relevant employees involved in the operation of the project; e) the additional plans/protocol listed under condition 7.5 of this approval; and f) complaints and enquiries handling procedures during operation. The Operation Environmental Management Plan shall be made available for inspection by the public upon request following its approval by the Director-General	Operation	Ongoing	KCT OEMP has been developed and submitted to the D-G on 8/12/11 which includes a Dust MP, Noise MP, Water MP & Spon Com MP. KCT Throughput exceeded 77Mtpa for the first time on 21/4/2012. DP&I Approval of OEMP, Rev 2, 4 May 2012 provided in letter dated 30/5/12 DPE Approval of OEMP, Rev 4.1 dated April 2023 provided in letter dated 08/05/ 2023	Compliant
7.5.	As part of the Operation Environmental Management Plan for the project required under condition 7.4 of this approval, the Proponent shall prepare and implement the following: 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.	Operation	Ongoing	KCT OEMP has been developed and submitted to the D-G on 8/12/11 which includes a Dust MP, Noise MP, Water MP & Spon Com MP. KCT Throughput exceeded 77Mtpa for the first time on 21/4/2012. DP&I Approval of OEMP, Rev 2, 4 May 2012 provided in letter dated 30/5/12 DPE Approval of Air quality sub mgt plan, Rev 3.4 dated August 2021 provided in letter dated 01/11/2021	Compliant
7.5.	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 and enquiries; vii) noise monitoring and reporting procedures; and viii) regular internal audits of compliance of all plant and equipment with acceptable design noise	Operation	Ongoing	KCT OEMP has been developed and submitted to the D-G on 8/12/11 which includes a Dust MP, Noise MP, Water MP & Spon Com MP. KCT Throughput exceeded 77Mtpa for the first time on 21/4/2012. DP&I Approval of OEMP, Rev 2, 4 May 2012 provided in letter dated 30/5/12 DPE Approval of Noise mgt plan, Rev 4.1 dated April 2023 provided in letter dated 08/05/2023	Compliant

Condition	Compliance requirement	Development phase	Condition Status	Demonstration of compliance	Compliance status
7.5.	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 and water tanks; iii) locations and design specifications for all water diversions from undisturbed runoff areas including channel design and stabilisation, sediment retention storages and other structures; iv) details on the internal drainage system including bunding, drainage channels, dewatering sumps and any pipelines; v) procedures for the management of groundwater encountered on Site and any temporary dewatering facilities; and vi) procedures to be implemented to minimise potential surface water impacts.	Operation	Ongoing	KCT OEMP has been developed and submitted to the D-G on 8/12/11 which includes a Dust MP, Noise MP, Water MP & Spon Com MP. KCT Throughput exceeded 77Mtpa for the first time on 21/4/2012. DP&I Approval of OEMP, Rev 2, 4 May 2012 provided in letter dated 30/5/12 DPE Approval of Water mgt plan, Rev 4.1 dated April 2023 provided in letter dated 08/05/2023	Compliant
7.5.	d) a Spontaneous Combustion Management Protocol to outline measures to minimise and manage the spontaneous combustion of the coal stockpiles. The Protocol shall include, but not necessarily be limited to: i) coal stockpile management measures; ii) monitoring of potential causes of spontaneous combustion events; and iii) corrective action in the event of spontaneous combustion.	Operation	Ongoing	KCT OEMP has been developed and submitted to the D-G on 8/12/11 which includes a Dust MP, Noise MP, Water MP & Spon Com MP. KCT Throughput exceeded 77Mtpa for the first time on 21/4/2012. DP&I Approval of OEMP, Rev 2, 4 May 2012 provided in letter dated 30/5/12 DPE Approval of Spon com sub mgt plan, Rev 3.1 dated April 2023 provided in letter dated 08/05/2023	Compliant
8.1.	The Proponent shall notify the Director General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the incident to the Director General within seven days of the date on which the incident occurred.	Construction & Operation	Ongoing	Incidents with actual or potential significant off-site impacts reported to DPE via the major projects portal in accordance with Port Waratahs PIRMP Two (2) incidents were reported to the secretary in accordance with PA 06_0189, condition 8.1 and reported in the 2023 compliance review period.	Compliant
8.2.	The proponent shall maintain a register of accidents, incidents and potential incidents, with actual or potential significant off-site impacts on people or the biophysical environment. The register shall be made available for inspection at any time by the independent qualified person or team conducting the environmental audit and/or the Director General.	Construction & Operation	Ongoing	PWCS has in place an up-to-date record of all accidents, incidents and potential incidents. Refer to Maximo records as required	Compliant
8.3.	The proponent shall meet the requirements of the Director General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 8.1 of this consent, within such period as the Director General may agree.	Construction & Operation	Ongoing	RFIs address via the Major projects portal as required	Not Triggered

Kooragang Coal Terminal Development Consent Compliance Table - Stage 3 (DA 35/96)

Condition	Compliance requirement	Development phase	Condition Status	Demonstration of compliance	Compliance status
1	The Applicant shall carry out the development generally in accordance with the environmental impact statement (EIS) dated September 1996, the Application Form and as further modified by the following conditions. Any alteration, variation or extension of the development shall require the further consent of the Minister for Urban Affairs and Planning.	Construction & Operation	Ongoing	Department of Planning and Infrastructure KCT Stage 4 Expansion sign off letter dated 26/08/14, KCT Stage 3 Expansion MPC sign off letter dated 23/12/13. Ongoing review of compliance register and auditing including Independent Audits and annual compliance reports sent to DPE aligned to PAR, May 2020 to demonstrate continued compliance. 2021 Independent Environmental Audit Report, 1 April 2022 2022 Annual KCT Compliance report, 28 March 2023 2023 Sustainability Report	Compliant
2	Upon commissioning of the development encompassed by DA No. 35/96 - and as modified by this instrument of consent, the Applicant shall certify in writing to the Director-General that it has complied with this consent and other statutory requirements.	Construction & Operation	Ongoing	Department of Planning and Infrastructure KCT Stage 4 Expansion sign off letter dated 26/08/14, KCT Stage 3 Expansion MPC sign off letter dated 23/12/13. Ongoing review of compliance register and auditing including Independent Audits and annual compliance reports sent to DPE aligned to PAR, May 2020 to demonstrate continued compliance. 2021 Independent Environmental Audit Report, 1 April 2022 2022 Annual KCT Compliance report, 28 March 2023 2023 Sustainability Report	Compliant
3	During the construction phase of the proposal the Applicant shall ensure that the following noise criteria are met at residential boundaries under neutral weather conditions: - For those components of the development where the construction period is less than 4 weeks - L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A); - For those components of the development where the construction period is greater than 4 weeks but less than 26 weeks - L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10dB(A); - For those components of the development where the construction period is greater than 26 weeks - L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 5dB(A).	Construction	Closed	MPC construction conducted in compliance with Construction EMP approved by NCC Monitoring is conducted quarterly by an independent Noise Consultant to monitor construction noise levels and to demonstrate compliance with this condition. See Quarterly Construction Noise Monitoring Reports Refer to Stage 3 Quarterly Reports required by condition 30 for results. Construction activities on site have reportedly finished in relation to Stage 3. As such this Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
4	During operation of the Stage 3 Expansion, the Applicant shall ensure that the following noise criteria are met: - The LA10, 15min noise emitted from the proposed Stage 3 expansion should not exceed 40dB(A) when computed at the boundary of any residential premises under neutral atmospheric conditions; - The LA10, 15min noise emitted from Stages 1, 2, and 3 in operation must not exceed 43dB(A) when measured at the boundary of any residential premises under neutral atmospheric conditions; - The LA10, 15min noise emitted from the proposed Stages 1, 2, and 3 in operation must not exceed 65dB(A) when measured at the boundary of any industrial premises under neutral atmospheric condition. This level may be exceeded by 5dB(A) in circumstances where other noise attenuating structures adequately protect the receptors; - The noise emission from the operation of the Kooragang Coal Terminal must be substantially free of tonal impulsive or intermittent characteristics; and - The LA10, 15min noise emitted from Stage 1, 2, and 3 operations under acoustically neutral atmospheric conditions should not exceed 70dBA, and preferably be not greater than 65dB(A) when measured or computed at the boundary of any other industrial premises. This 70dB(A) level may be exceeded in circumstances where the best technology that is economically available has been employed to minimise noise emissions.	Operation	Closed	Operational Noise Model developed. Noise specifications criteria incorporated into design specifications. Components manufactured to meet criteria and specifications. Monitoring is conducted quarterly by an independent Acoustical Consultant to monitor Operational noise levels and to demonstrate compliance with this condition. Refer to Stage 3 Quarterly Reports required by condition 30 for results. The requirements of this condition have now effectively been superseded by conditions nominated in the KCT 120 Mtpa Modified PA, triggered by the coal loader facility throughput exceeding 77 Mtpa on 21/04/2012 (see Approval PA 06_0189_MOD 3 Conditions 2.8 – 2.11). Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015. Revised Operational Noise Management Plan, Rev 4.1, approved by DPE on 8 May 2023	Not Triggered
5	The Applicant shall implement the air pollution control procedures specified in the EIS.	Construction & Operation	Closed	EIS procedures incorporated into design criteria, Construction Environmental Management Plan and current Operations Air Quality & Dust Management plan describe the controls utilised on site to suppress dust and minimise emissions. The requirements of this condition have now effectively been superseded by conditions nominated in the KCT 120 Mtpa Modified PA, triggered by the coal loader facility throughput exceeding 77 Mtpa on 21/04/2012 (see Approval PA 06_0189_MOD 3 Conditions 2.1 – 2.5). Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015. Revised Operational Air Quality Management Plan, (Rev 3.4 approved by DPE on 1 Nov 2021)	Not Triggered
6	The Applicant shall develop and implement a dust control management plan to the satisfaction of EPA which has the objective of enabling construction and operation of Stage 3 to achieve the following air quality goals: Dust Deposition: less than 4.0 grams per square metre per month. Total Suspended Solids: 90 micrograms per cubic meter (12 months averaging time) and 260 micrograms per cubic meter as a 24 hour average and PM 10: 50 micrograms per cubic meter as an annual average.	Construction & Operation	Closed	Dust Control Management Plan required by condition was completed on 5/3/1998 with approval granted by EPA on 10/8/1998. The requirements of this condition have now effectively been superseded by conditions nominated in the KCT 120 Mtpa Modified PA, triggered by the coal loader facility throughput exceeding 77 Mtpa on 21/04/2012 (see Approval PA 06_0189_MOD 3 Conditions 2.1 – 2.5). Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015. Revised Operational Air Quality Management Plan, (Rev 3.4 approved by DPE on 1 Nov 2021)	Not Triggered
7	(The Applicant shall undertake the following studies and prepare the following strategies and plans (conditions 7-12) within twelve months of the date of this consent, or such later time as the Director-General shall approve) A comprehensive Noise Study of the existing and Stage 3 Development in consultation with the EPA and to the satisfaction of the Director-General and the EPA. The study shall include, but not be limited to: - On-going monitoring at the boundary of the property; and - Incorporation of rail noise near the terminal into noise modelling.	Construction & Operation	Closed	Noise monitoring program developed and approved as per condition - reported quarterly Train unloading noise modelled and included in Noise Study. Noise Study Document completed 11/2/1998 with approval granted by EPA on 5/11/1999 Construction activities on site have reportedly finished in relation to Stage 3. As such this Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
8	In the event that the Noise Study demonstrates that noise levels exceed those specified in Condition Nos. 3 and 4, a Noise Reduction Strategy prepared in consultation with the EPA and Council and to the satisfaction of the Director General.	Construction & Operation	Closed	Noise Study indicated no exceedances of the criteria specified in Conditions 3 & 4, therefore Noise Reduction Strategy is not required. Refer to Stage 3 Quarterly Reports required by condition 30 for results of ongoing monitoring and compliance with this condition	Not Triggered
9	The Applicant shall develop a comprehensive Dust Control Study in consultation with the EPA and Council and to the satisfaction of the Director-General. The Study shall include, but not be limited to: - A monitoring programme including the establishment of high volume samplers and dust deposition gauges at Stockton and Fern Bay, dust deposition gauges at intermediate positions between these gauges and the Kooragang Coal Terminal site and at the site boundary at locations determined by the EPA; - A feasibility of a real time monitoring programme at sites determined by the EPA to identify the impacts of episodic events; - Revised air dispersion modelling to predict dust deposition and TSP levels in the community; - A study of the effects on the health of the Stockton and Fern Bay community of TSP concentrations associated with the Stage 3 development; - Definition of the respective contributions of the Kooragang Coal Terminal and other industries in the Kooragang area to TSP concentrations in the Stockton and Fern Bay area. In the event that the Dust Control Study demonstrates that dust deposition and TSP levels exceed those specified in Condition 6, a Dust Reduction Strategy, prepared in consultation with the EPA and Council and to the satisfaction of the Director General.	Construction & Operation	Closed	Dust Control Study completed as per condition. Document completed 19/1/1998 Approval granted by EPA on 10/8/1998 Approval granted by NCC on 22/7/1998 Approval granted by DUAP on 13/8/1998 Ongoing monitoring program approved and implemented Study indicates no exceedance of limits, therefore no dust reduction strategy required This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
10	The Applicant shall undertake a comprehensive Water Management Plan in consultation with the EPA, DLWC, and NPWS and to the satisfaction of the Director General.	Construction & Operation	Closed	Document sent as part of the 3A permit application in December 1997 Approval granted by DUAP on 27/2/1998 Approval granted by DLWC on 25/3/1998 NPWS advised of their status on 22/1/1998 This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered

Condition	Compliance requirement	Development phase	Condition Status	Demonstration of compliance	Compliance status
11	The Applicant shall undertake an Acid Sulphate Testing Programme in consultation with DLWC and to the satisfaction of the Director General. The programme shall include but not be limited to testing for potential acid sulphate soil material in representative samples of fines and sands from all proposed dredging sites and the existing site ponds. Testing shall include the use of the Potential Acidity Test. In the event that testing confirms the presence of acid sulphate soil material, an Acid Sulphate Control Plan be developed in conjunction with DLWC to the satisfaction of the Director General.	Construction & Operation	Closed	2x Documents completed October 1998 (1x K6, K7 Berth and Navigation Uredge Spoil, 1x FDF & Area 9A) Approvals granted by DUAP on 2/1/1998 (K6, K7) and 3/1/1998 (FDF) Acid Sulphate Soil Management Plan prepared Nov 2009 for 2009/ 2010 dredging activities. Refer to condition 29 for approvals. Excavation works associated with the construction works for Stage 3 have reportedly been completed and as such there is not considered a need for Acid Sulphate Soil assessment. This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
12	An applicant shall submit for the approval of the Director General of Urban Affairs and Planning a research and wetlands regeneration program for wetlands in close proximity to the coal loader site.	Construction & Operation	Closed	Research and wetlands regeneration program developed and approved by DG. Agreement with Kooragang Wetland Rehab Project for \$200,000 program support Program complete. NPWS provided letter of approval for research conducted. Program approval granted by DUAP on 27/11/1998 Letter of completion by NPWS on 14/7/2003 This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
13	The Applicant shall prepare Environmental Management Plans for the construction phase and the operation phase of the Stage 3 development and submit these to Council for approval prior to the commencement of each phase of the Stage 3 operations.	Construction & Operation	Closed	Operations and construction EMP's have been developed and approved at each phase of Stage 3 works 3A (Dredging & Reclamation) CEMP approved by NCC 16/12/1997 3A (K6 & Conveyor) CEMP approved by NCC 19/01/1998 3A (Bechtel) CEMP approved by NCC 6/10/1999 3D CEMP approved by NCC 11/4/2006 3Exp CEMP approved by NCC 23/7/2008 MPC CEMP approved by NCC 28/4/2010 3A (Dredging & Reclamation) OEMP approved by NCC 1/2/1999 3A (Bechtel) OEMP approved by NCC 8/2/2002 3D OEMP approved by NCC 13/8/2007 Subsequent OEMPs will fall under 120Mtpa Approval as 77Mtpa trigger reached. This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
14	The Applicant shall undertake supplementary site landscaping works in accordance with a landscape design plan and specification which is to be submitted to Council prior to the commencement of each phase of the site works. The plan and specification shall be prepared by a qualified landscape designer in accordance with Council's Development Control Plan No. 33 and shall include but not be limited to: • Cross sections through the site; • Contours and spot levels; • Botanical names, quantities and container sizes of all trees, shrubs and ground covers; • Details of soil preparation, mulching and staking; • Treatment of external surfaces and retaining walls; • Drainage and location of taps; and • Maintenance personnel and details.	Construction & Operation	Closed	No new landscaping works proposed for Stage 3 as all works are within the existing landscaped areas (confirmed with NCC) Document Completed 14/7/1997 Approved by NCC on 23/12/1997 Condition relevant for the Stage 3 expansion stage, which have been completed. This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
15	The Applicant shall prepare and submit to the Council a Landscape Practical Completion Report prior to commencing each phase of Stage 3 operations.	Operation	Closed	No new landscaping works proposed for Stage 3 as all works are within the existing landscaped areas (confirmed with NCC). Single document Completed 1/7/1999 Condition relevant for the Stage 3 expansion stage, which have been completed. This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
16	The Applicant shall ensure that the landscape areas are kept free of parked vehicles, stored goods, garbage or waste materials and are permanently maintained to the satisfaction of Council.	Operation	Ongoing	Requirement is included in operational environmental monitoring program involving regular inspections and documentation of status. Refer to AECOM quarterly monitoring results in monthly report. Environmental Monitoring Monthly Environmental Monitoring Report, section 2.8 KCT Stage 3 Development Consent Inspections & Appendix B, dated 20 Jan 2023.	Compliant
17	The Applicant shall prepare and submit to Council a Landscape Established Report following completion of a twelve week maintenance period for each phase of Stage 3.	Operation	Closed	No new landscaping works proposed for Stage 3 as all works are within the existing landscaped areas (confirmed with NCC) Single document Completed 1/7/1999. See Condition 15. This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
18	The Applicant shall ensure that any alteration to existing surface levels of the site is undertaken in such a manner as to ensure that no surface water is drained onto or impounded in adjoining properties, full details in this regard to be indicated on plans submitted with the required BA.	Construction & Operation	Closed	All Stage 3 works carried out within the boundaries of the existing water management system NCC BA approval of BA and supporting documentation 16/2/1998 This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
19	The Applicant shall ensure that all stormwater runoff from the proposed development is collected and disposed of by an appropriate means into the existing site drainage system to the satisfaction of Council before commencing site works.	Construction & Operation	Closed	All Stage 3 works carried out within the boundaries of the existing water management system Current stormwater management facilities designed to manage 1:100 year storm events NCC satisfied with stormwater management system (18/12/1997) This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
20	The Applicant shall ensure that all parking bays within the existing on-site parking areas are permanently marked out on the pavement surface to the satisfaction of Council.	Construction & Operation	Ongoing	NCC have indicated that they will not need to issue formal approval for this item. Car parking space markings regularly inspected and documented. Requirement is included in operational environmental monitoring program involving regular inspections and documentation of status. Refer to AECOM quarterly monitoring results in monthly report. Environmental Monitoring Monthly Environmental Monitoring Report, section 2.8 KCT Stage 3 Development Consent Inspections & Appendix B, dated 20 Jan 2023.	Compliant
21	The Applicant shall ensure that all existing on-site car parking areas, truck loading/ unloading areas, driveways and turning areas are maintained clear of obstruction and are used exclusively for purposes of car parking, loading and unloading and vehicle access respectively and under no circumstances are such areas to be used for the storage of goods or waste materials.	Construction & Operation	Ongoing	Requirement is included in operational environmental monitoring program involving regular inspections and documentation of status. Refer to AECOM quarterly monitoring results in monthly report. Environmental Monitoring Monthly Environmental Monitoring Report, section 2.8 KCT Stage 3 Development Consent Inspections & Appendix B, dated 20 Jan 2023.	Compliant
22	The Applicant shall in consultation with Freight Rail develop and implement a procedure to monitor and report on the performance of the Kooragang Coal Terminal's rail unloading operations on delays to trains along the delivery route.	Operation	Ongoing	• 5 Pt Plan June Update completed • HV Rail Transport System Join Efficiency Study Final Report • HV Coal Export Coal Movement System Framework Study • Coal Handling Services Agreement • Operating Protocols Supporting conditions for provisions of coal handling services • Operating Agreement between PWCS and Freight Rail All docs submitted 1997 and all approved by DUAP on 9/6/1998 The management of trains in the network and specifically for the unloading activities are now managed by the Hunter Valley Coal Chain Coordinator (HVCCC) of which Port Waratah is a party to. Loading data and "on time train statistics" are included in HVCCC daily reports. Information is reviewed by the Service Assurance team and the necessary actions are discussed with the relevant Rail Haulage Provider	Compliant

Condition	Compliance requirement	Development phase	Condition Status	Demonstration of compliance	Compliance status
23	The Applicant shall in consultation with Freight Rail establish targets and procedures for improvements resulting in reduction in delays to the satisfaction of the Director General.	Construction & Operation	Closed	A letter was sighted from the Department of Urban Affairs and Planning dated 3/06/1998 which states that the specific terms of condition 23 have been fulfilled. This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
24	The Applicant shall in consultation with the RTA review the operation of the road coal facility following its relocation and establish targets and procedures for improvements resulting in reduced waiting times and queuing to the satisfaction of the Director-General	Construction & Operation	Closed	This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed. Sign off letters stating completion of construction provided to the Department of Planning and Infrastructure. KCT Stage 4 Expansion sign off letter dated 26/08/14, KCT Stage 3 Expansion MPC sign off letter dated 23/12/13. This Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
25	The Applicant shall carry out the proposed realignment of Cormorant Road and any associated improvement to the Egret Street / Cormorant Road intersection in accordance with the requirements of the Roads and Traffic Authority and the Council and such being properly managed so as to ensure public safety and minimise disruption to traffic.	Construction & Operation	Closed	Realignment works complete. NCC approval of practical completion granted 18/12/1997 RTA approval of practical completion granted 18/12/1998 This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed. Condition is therefore considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
26	The Applicant shall ensure than any proposed floodlighting of the facility is so positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of adjacent premises, full details in this regard to be submitted for Council's consideration prior to construction.	Construction & Operation	Closed	All lighting suitably installed during construction activities. NCC letter raising no objection to location of floodlighting (26/10/1998) This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed. Condition is therefore considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
27	The Applicant shall within three months of the date of this consent, commence TSP and dust deposition monitoring as required by Condition 9 in consultation with the EPA to the satisfaction of the Director-General.	Construction & Operation	Closed	Monitoring commenced within 3 months of consent in consultation with DECC (EPA) Document completed 14/11/1997 Approved by DUAP on 13/8/1999 Requirements for an air quality monitoring program associated with the ongoing operation of the expanded facility (Stage 3) are addressed by 120Mtpa Approval Conditions 3.1 to 3.3 and as such this condition is considered to have been superseded. Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
28	The Applicant shall prior to commencement of construction implement a noise monitoring programme in consultation with the EPA to the satisfaction of the Director-General to confirm compliance with Condition Nos. 3 and 4.	Construction	Closed	Not triggered during compliance review period - Condition considered as closed.	Not Triggered
29	The Applicant shall prior to the commencement of dredging implement a water quality monitoring programme in the South Arm of the Hunter River upstream and downstream of the dredge sites in consultation with the EPA to the satisfaction of the Director-General.	Construction & Operation	Closed	Document submitted as part of the 3A permit Application in December 1997 Approved by EPA on 19/12/1997, and DUAP on 22/12/1997 Dredging for the K7 berth pocket commenced in the first week of January 2010 and finished in May 2010. All Monitoring requirements have been complied with, as per the Dredging Water Quality Monitoring Program. Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
30	All monitoring results arising from these conditions of consent shall be included in Quarterly Reports and submitted to the EPA, NPWS and DLWC.	Construction & Operation	Closed	Requirements for reporting and compliance tracking associated with the ongoing operation of the expanded facility (Stage 3) are addressed by 120 Mtpa Approval Condition 5.1 and as such this condition is considered to have been superseded. Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
31	On an annual basis or upon request the Applicant shall make available to the Director General and the Council all monitoring results arising from these conditions of consent.	Construction & Operation	Closed	Reporting and compliance tracking associated with the ongoing operation of the expanded facility (Stage 3) are addressed by 120Mtpa Approval Condition 5.1 and as such this condition is considered to have been superseded. Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
32	The Applicant shall make arrangements for an independent environmental audit to be carried out one year after the granting of this consent and then on an annual basis after the development commences operation, or any other time that the Director General may direct.	Operation	Ongoing	Annual audit conducted in accordance with consent. First audit conducted July 1998. Combined Stage 3 and 120Mtpa Audits now scheduled every three (3) years. DPE endorsement of revised audit frequency to 3 yearly and submission of annual compliance reports to complement the annual sustainability report in between these intervals received on 8 Feb 2019. Adoption of DPEs Independent Audit Post Approval requirements, May 2020 & Compliance reporting post approval requirements also endorsed by DPE 8 Feb 2019. Although the process of undertaking an annual independent environmental audit associated with the ongoing operation of the expanded facility (Stage 3) is addressed by 120 Mtpa Approval Condition 5.1, reporting under this condition continues to address compliance with remaining open Stage 3 consent conditions. Independent Audit Report 2016-2018, submitted 30 August 2018 Independent Audit Report 2018-21, submitted 29 Oct 2021 (extension granted due to COVID19 complications. A revised copy resubmitted 29 April 2022 at DPE request). Annual Compliance report 2022 dated 28 March 2023	Compliant
33	The audit is to be made available to the Director General, the Council, the EPA, NPWS, DLWC and any other interested parties.	Operation	Ongoing	Although the process dissemination of the annual independent environmental audit associated with the ongoing operation of the expanded facility (Stage 3) is addressed by 120 Mtpa Approval Condition 5.1, reporting under this condition continues to address compliance with remaining open Stage 3 consent conditions. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015. Acknowledgment that appropriate recipients of audit reports are currently DPIE, EPA and local Council due to NSW government department amalgamations, received from DPIE on 7 May 2021. Copies will be provided to any interested parties on request.	Compliant
34	The audit shall be carried out at the Applicant's expense and be conducted by a duly qualified independent person or a team approved by the Director General.	Operation	Ongoing	Correspondence from DPIE confirming approval of Ian Irwin on 28 Jan 2015 Correspondence from DPE confirming approval of Ken Homes on 21 May 2018 Correspondence from DPE confirming approval of Ken Homes on 7 May 2021	Compliant
35	The audit shall be undertaken annually. The audit shall generate an Annual Environmental Audit report for submission to the Director-General, the EPA, and the Council. The report shall be provided within 30 days of the expiration of each twelve month period. The first twelve month reporting period shall commence immediately upon the granting of this consent.	Operation	Ongoing	Annual reports submitted to DPE as an attachment to the Sustainability report. These are also uploaded to the public website. Reporting under this condition continues to address compliance with remaining open Stage 3 consent conditions. Endorsement of revised submission timeframe of 2 months following the date of audit site inspection, in line with the Independent Audit Post Approval Requirements, May 2020 was received from DPIE on the 7 May 2021. Independent Audit Report 2016-2018, submitted 30 August 2018 Independent Audit Report 2018-21, submitted 29 Oct 2021 (extension granted due to COVID19 complications. A revised copy resubmitted 29 April 2022 at DPE request). Annual Compliance report 2022 dated 28 March 2023	Compliant

Condition	Compliance requirement	Development phase	Condition Status	Demonstration of compliance	Compliance status
36	The following information shall be included in the Annual Environmental Audit Report: a) An aggregation of Quarterly Monitoring Reports to provide annual monitoring results; and b) A review of the coal terminal's performance against conditions of consent and conditions associated with licences and with information on measures taken by the Applicant to address any such departures. The Director-General may, after considering the report and any submissions on the report made by the Council, the EPA, NPWS, DLWC or other interested party, notify the Applicant of requirements with regard to any recommendations in the report. The Applicant shall comply with those requirements within such time as the Director General may require.	Operation	Ongoing	DPE endorsement of submission of annual compliance reports to compliment the annual sustainability report received on 8 Feb 2019. Approval of 2018 Independent Audit Report received from DPE via email on 25 Sept 2018 Approval of 2021 Independent Audit Report received from DPE on 29 April 2022	Compliant
37	The Applicant shall implement a 24 hour telephone service that allows members of the public to directly to report incidents of pollution or to seek information regarding environmental aspects of the Applicant's operations.	Construction & Operation	Closed	Requirements for community consultation associated with the ongoing operation of the expanded facility (Stage 3) are addressed by 120 Mtpa Approval Conditions 6.2 to 6.4. and as such this condition is considered to have been superseded. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
38	The Applicant shall maintain a complaints register which shall be used to record details of all complaints received from members of the public and actions taken by the Applicant in response to such complaints. A summary of the complaints and actions recorded in the register shall be included in the annual audit referred to in Condition No 32.	Construction & Operation	Closed	Complaints register established and implemented. Copies of summarised register included in each annual audit Requirements for community consultation associated with the ongoing operation of the expanded facility (Stage 3) are addressed by 120 Mtpa Approval Conditions 6.2 to 6.4. and as such this condition is considered to have been superseded. Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015.	Not Triggered
39	The Applicant shall provide the EPA with a copy of the complaints register in a format acceptable to the EPA.	Construction & Operation	Closed	Complaints register established and implemented. A copy of the annual summarised register included in each annual audit report submitted to EPA Requirements for community consultation associated with the ongoing operation of the expanded facility (Stage 3) are addressed by 120 Mtpa Approval Conditions 6.2 to 6.4. and as such this condition is considered to have been superseded. Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015	Not Triggered
40	The Applicant shall consult with the relevant local Aboriginal Land Council as advised by the NPWS to confirm that the area has no significance to the Aboriginal Community.	Construction	Closed	Site Survey conducted by Awabakal LALC on 24/2/1997, with no areas of significance relevant to PWCS. Awabakal LALC have no objections to commence Stage 3 works (16/12/1997) Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015	Not Triggered
41	The Applicant shall carry out or implement all building and site works, as well as the written undertakings or obligations indicated in the Environmental Impact Statement or otherwise required under the terms of this consent or to the satisfaction of the Director General and Council prior to commencement of Stage 3 operations.	Construction & Operation	Closed	3Exp certificate of Compliance Signed 16/8/2011 Condition is considered closed. Refer to 2014 Audit report & letter to DP&E Re: Kooragang Coal Terminal Independent Auditing Program, dated 27 Jan 2015	Not Triggered
42	The Applicant shall in liaison with the Hunter Water Corporation or other appropriate bodies continue investigations into the feasibility of the use of treated waste water for dust suppression or other purposes on the site.	Construction & Operation	Ongoing	Investigations of options for accessing treated wastewater are ongoing. Hunter Water investigating potential industrial consumers on KI to determine volumes required moving into the future. Investigation into use of recycled water from Cargill's conducted in April 2015 Ongoing liaison with Hunter Water. refer to email from Eden Simic to Brian Oberdorf dated 29/6/18 Ownership change to Water Utilities Australia correspondence 29/7/2019. Port Waratah continuing to work with WUA on potential options. Ownership change to Conexa. Port Waratah continuing to work with Conexa on potential options, refer to audit folder for related correspondence. Port Waratah continuing to work with Conexa on potential options, refer to audit folder for related correspondence. email and associated presentation re potential options for connection received from Conexa representative Friday, February 23, 2024. Compliance with this condition verified during the 2021 Independent Post Approval Audit	Compliant
43	Any dispute arising between any of the parties in respect of these conditions shall be referred to the Minister for Urban Affairs and Planning for determination.	Construction & Operation	Ongoing	No disputes have arisen since consent was granted nor are any expected to.	Not Triggered



Trudie Larnach
Manager Environment & Community Relations
Port Waratah Coal Services
PO Box 57
CARRINGTON NSW 2294

Contact: Heidi Watters
Phone: 02 6575 3401
Email: compliance@planning.nsw.gov.au
Our Ref: DA 35/96 and PA 06_0189, as modified

Dear Trudie,

**Kooragang Coal Terminal (DA 35/96 and PA 06_0189) –
Request to alter frequency of independent Annual Compliance Audit**

Reference is made to the letter from Port Waratah Coal Services (PWCS) to the Department of Planning and Environment (the Department) dated 4 January 2019 regarding the submission of revised environmental management plans and a request to alter the frequency of the independent Annual Compliance Audit for the Kooragang Coal terminal (KCT).

This letter is in response to the request to alter the frequency of the Annual Compliance Audit only.

Condition 5.1(c) of PA 06_0189 and Condition 32 of DA 35/96 requires independent environmental auditing at least annually, or as otherwise agreed by the Secretary (formerly Director-General). The Secretary has considered PWCS request to alter the frequency of the independent Annual Compliance Audit, and agrees to a revised three-year period. As such, the next independent environmental audit period will be 1 August 2018 to 31 July 2021, and every three years thereafter, unless otherwise directed by the Secretary. The independent compliance audit shall be undertaken in accordance with Condition 5.1(c) of PA 06_0189 and Conditions 33 – 36 of DA 35/96, and should also consider the Department's *Independent Audit Post Approval Requirements* (June 2018, or most recent update).

The Secretary has also considered PWCS request to submit an annual operation compliance report to identify the compliance status of the KCT operations relevant to PA 06_0189 or DA 35/96 as an attachment to the Port Waratah Sustainable Development Report, and agrees to this approach. In preparing the report, please consider the Department's *Compliance Reporting Post Approval Requirements* (June 2018, or most recent update). The annual compliance operation report shall be submitted to the Department (compliance@planning.nsw.gov.au) by 31 March each year, with the 2018 report due **31 March 2019**.

Should you have any further queries regarding the above, please contact Heidi Watters as per the details above.

Yours sincerely

8.2.19

Ben Harrison
Director Compliance Operations
as the Nominee of the Secretary