

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Frank Sartor MP
Minister for Planning

Sydney 13 April 2007

File No: S06/00306

MP 06_0189 MOD 1 – APPROVED 31 MAY 2010
MP 06_0189 MOD 2 – APPROVED 5 APRIL 2012
MP 06_0189 MOD 3 – APPROVED 26 NOVEMBER 2012

SCHEDULE 1

Application No: 06_0189

Proponent: Port Waratah Coal Services Limited

Approval Authority: Minister for Planning

Land: Lot 20 DP262325; Lot 5 DP 528326; Lots 2 and 3 DP 573972; Lots 1, 2 and 3 DP 608317; Lots 1, 2, 3, 6 & 7 DP 775772; Lots 11, 12, 13, 14, 17, 18, 22 DP 775773; Lots 1, 2, 3, 4, 5, 7 & 8 DP 775774; Lots 1, 2, 4, 5, 7, 9, 10 & 15 DP 775775; Lots 31, 32, 33, 34, 35, 37, 39, 41 DP 775776; Lots 44, 46, 47, 48, 49, 50, 51, 53 & 55 DP 775777; Lot 1 DP 775778; Lot 11 DP841542; Lot 1 DP 869622; Lot 1 DP 1015754; Lots 201, 202, 203, 204, 205, 206, 207, 208 & 209 DP 1017038; Lot 210 DP 1018949; Lot 520 DP 1018950; Lots 101, 102, 103, 104, 105, 106, 108, 110, 111, 112, DP 1018951; Lot 132 DP 1018952; Lot 2 DP 1097327; Lots 13 & 14 DP 1097330; Lot 362 DP 1104196 and Lot 6 DP 1104199, Lot 18 DP 1119752 and Lot 16 DP 262783, Lots 1 & 5 in DP 1097327 and Lot 16 in DP 1097330.

Project: Development to increase the throughput of the existing Kooragang Coal Terminal to 120 million tonnes per annum. This includes upgrades and/ or improvements to: the three receival and four stacking streams; the coal reclaim system and the shiploading system. It also includes: installing new low

noise drives of higher power and increased speed; increasing the coal profile on the belt; changing to higher capacity chutes and introducing soft flow design for more efficient movement of coal; and upgrade works to the power supply and control systems.

Major Project:

The proposal is declared a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is a development of a kind that is described in clause 22 of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005*.

KEY TO CONDITIONS

1. ADMINISTRATIVE CONDITIONS	5
Limits of Approval	5
Statutory Requirements	5
2. SPECIFIC ENVIRONMENTAL CONDITIONS	6
Air Quality Impacts	6
Noise Impacts	6
Soil and Water Quality Impacts	7
Waste Generation and Management	8
Visual Impacts	8
Conveyor Bridge	8
Construction Parking	9
Property	9
3. ENVIRONMENTAL MONITORING AND AUDITING	9
Ambient Dust Monitoring	9
Noise Auditing	10
4. COORDINATION OF PORT WORKS AND COAL EXPORT ACTIVITIES	10
Coordinated Environmental Monitoring and Management Protocol	10
Coordination of Cumulative Dust Studies	11
5. COMPLIANCE MONITORING AND TRACKING	11
Compliance Tracking Program	11
6. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT	11
Complaints and Enquiries Procedure	11
Provision of Electronic Information	12
7. ENVIRONMENTAL MANAGEMENT	12
Environmental Representative	12
Construction Environmental Management Plan	13
Operation Environmental Management Plan	14
8. ENVIRONMENTAL REPORTING	15
Incident Reporting	15

SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Commencement of Construction	Commencement of physical upgrades and/or improvements beyond those approved as part of the Stage 3 expansion.
Commencement of Operations	Operations that achieve a throughput capacity exceeding 77 million tonnes per annum.
Conditions of Approval	The Minister's conditions of approval for the project.
Council	Newcastle City Council
Day	the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
Director-General's Approval	A written approval from the Director-General (or delegate). Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.
DECCW (deleted in Mod 2)	Department of Environment, Climate Change and Water
EPA	Environment Protection Authority as part of the Office of Environment and Heritage
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Evening	the period from 6pm to 10pm on any day
Feasible and reasonable	as defined in the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000)
Minister, the	Minister for Planning
Mtpa	Million tonnes per annum
NCIG	Newcastle Coal Infrastructure Group
Night	the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water
Proponent	Port Waratah Coal Services Limited, or any party acting under authorisation from and on behalf of Port Waratah Coal Services.
Publicly Available	Available for inspection by a member of the general public (for example available on an internet Site or at a display centre).
RMS	NSW Roads and Maritime Services
RTA (deleted in Mod 2)	NSW Roads and Traffic Authority
Sensitive Receiver	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) or religious facility (e.g. church).
Site	Land to which this approval applies
Stage 4 Project	Development to provide for increased sprint capacity to the operations of the Kooragang Coal Terminal. This involves

	the construction and operation of a fourth dump station, a fourth ship loader, and associated coal handling and transport infrastructure.
--	---

1. ADMINISTRATIVE CONDITIONS

Terms of Project Approval

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;
- 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 Alignment*, dated June 2011, and prepared by Umwelt Environmental Consultants; and
- g) Letter authored by PWCS and titled *Section 75W Modification to Kooragang Coal Terminal 120 Mtpa Project (DA 06-189) - Update to Schedule of Lands*, dated 2 July 2012; and letter authored by Umwelt Environmental Consultants and titled *Kooragang Coal Terminal – DA 06_189 MOD.3*, dated 31 October 2012; and
- h) the conditions of this approval.

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.g) inclusive, the conditions of this approval shall prevail of the extent 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.

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.

Limits of Approval

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.

1.5 The maximum export capacity from the upgraded coal terminal shall be limited to 120 million tonnes of coal per annum.

Statutory Requirements

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.

- 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.
- 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.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Air Quality Impacts

Odour

- 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.

Dust Emissions

- 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.
- 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.
- 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.
- 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.

Noise Impacts

- 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 *Industrial Noise Policy*.

Construction Noise

- 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.

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.

Operation Noise

- 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. 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))

Location	Day, Evening, Night At all times	Night 10:00pm to 7:00am Monday to Saturday 10.00pm to 8.00am on Sundays and Public Holidays	
	L _{Aeq} (15 minute)	L _{Aeq} (night)	L _{A1} (1 minute)
Fern Bay North	46	43	55
Fern Bay West	50	47	55
Fern Bay East	49	46	55
Stockton West	50	47	57
Stockton East	49	46	56
Mayfield West	41	37	56
Mayfield	44	38	58
Carrington	42	38	52

- 2.9 For the purpose of assessment of noise contributions specified under condition 2.8 of this consent, noise from the project shall be:
- measured at the most affected point on or within the Site boundary at the most sensitive receiver to determine compliance with L_{Aeq}(15 minute) night noise limits;
 - measured at one metre from the dwelling façade to determine compliance with L_{A1}(1 minute) noise limits; and
 - subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000), where applicable.

Notwithstanding, should direct measurement of noise from the development be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.

- 2.10 The Proponent shall investigate all feasible and reasonable mitigation measures, as defined in the *New South Wales Industrial Noise Policy* (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 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.

Train Noise Performance

- 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.

Soil and Water Quality Impacts

- 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.

- 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 event.
- 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 Soil and Water Management

- 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.
- 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.
- 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.

Operation Soil and Water Management

- 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.
- 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.

Waste Generation and Management

- 2.18 All waste materials removed from the Site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 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.

Visual Impacts

- 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 AS 4282 – 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

Conveyor Bridge

- 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 Parking

- 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.

Property

- 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.

Windmill Road Crossing

- 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.

PWCS North Road

- 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.

3. ENVIRONMENTAL MONITORING AND AUDITING

Ambient Dust Monitoring

- 3.1 Prior to the Commencement of Operations, 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.
- 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 Guidance for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA, 2001), and any specific requirements of the EPA.
- 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.

Noise Auditing

- 3.4 Within 90 days of the Commencement of Operations, 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; and
 - g) any additional noise mitigation measures and timetables for implementation.
- 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.

4. COORDINATION OF PORT WORKS AND COAL EXPORT ACTIVITIES

Coordinated Environmental Monitoring and Management Protocol

- 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.

Coordination of Cumulative Dust Studies

- 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.

5. COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

- 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.

6. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 6.1 Subject to commercial confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

Complaints and Enquiries Procedure

- 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; and
 - 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.

- 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; and
 - 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.

Provision of Electronic Information

- 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.

7. ENVIRONMENTAL MANAGEMENT

Environmental Representative

- 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 Environmental Management Plan

- 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; and
 - 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 approval has been received from the Director-General.

- 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;
 - 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.
- 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.

Operation Environmental Management Plan

- 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; and
 - 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.

- 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.
- 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.
- 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.
- 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.

8. ENVIRONMENTAL REPORTING

Incident Reporting

- 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.
- 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.
- 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.

