NEWCASTLE COAL INFRASTRUCTURE GROUP
COAL EXPORT TERMINAL

PROJECT APPROVAL (06_0009)
MODIFICATION APPROVAL (MOD2 06_0009)

COMPLIANCE TRACKING PROGRAM

REVISION M

Newcastle Coal
INFRASTRUCTURE GROUP

April 2017

Document No. CTP-REVISION M.DOC
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1 INTRODUCTION

The Newcastle Coal Infrastructure Group (NCIG) Coal Export Terminal (CET) (the Project) is located on Kooragang Island in Newcastle, New South Wales (Figure 1). The Project includes the construction and operation of a CET up to 66 million tonnes per annum (Mtpa), including associated rail and coal handling infrastructure and wharf/shiploading facilities on the south arm of the Hunter River.

NCIG is the proponent of the Project and is a consortium of the following six companies:

- Banpu Public Company Limited;
- BHP Billiton Group;
- Peabody Energy Corporation;
- Whitehaven Coal Limited; and
- Yankuang Group Co. Ltd.

NCIG was granted Project Approval (06_0009) on 13 April 2007. Project Modifications were approved on 27 November 2007 and 13 May 2013. This Compliance Tracking Program (CTP) has been prepared in accordance with Condition 5.1, Schedule 2 of the Project Approval (06_0009). Table 1 indicates where each component of Condition 5.1, Schedule 2 of Project Approval is addressed within this CTP.

### Table 1

<table>
<thead>
<tr>
<th>Project Approval (06_0009) Condition</th>
<th>Section Addressed in this Document</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5. COMPLIANCE MONITORING AND TRACKING</strong>&lt;br&gt;Compliance Tracking Program&lt;br&gt;5.1 The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to:&lt;br&gt;a) provisions for periodic review of the compliance status of the project against the requirements of this approval;&lt;br&gt;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&lt;br&gt;d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.</td>
<td>This CTP&lt;br&gt;Section 2&lt;br&gt;Section 3&lt;br&gt;Section 4&lt;br&gt;Section 5</td>
</tr>
</tbody>
</table>

The Project development phases included in the last 12 months include:

- **Construction of the high capacity optional inlet rail spur and rail sidings** – this includes construction and commissioning of the Rail Flyover. This Project has been completed in June 2015, providing the coal export terminal with a nominal capacity of 66 Mtpa. Approval was granted for this Project Modification on 13 May 2013.
Condition 1.10, Schedule 2 of Project Approval (06_0009) provides for the progressive development of the required management plans and monitoring programs. Condition 1.10 relevantly states:

*With the approval of the Director-General, the Proponent may prepare any management plan or monitoring program required by this approval on a progressive basis. Where a management plan and monitoring program is required before carrying out any development, or stage of development, the plans/programs may be prepared and submitted in relation to either discrete components of the project or for a specified time period.*

In accordance with Condition 1.10, Revision A of this CTP addressed those requirements considered necessary to be in place prior to the commencement of construction.

The remainder of this CTP is structured as follows:

Section 2: Details the Compliance Status Review.
Section 3: Explains the reporting of compliance status to the Director-General.
Section 4: Outlines the program for Independent Environmental Auditing.
Section 5: Describes the Non-compliance Response Mechanism.

Supporting appendices to the CTP are as follows:

Appendix A Compliance Status Review.

## 2 COMPLIANCE STATUS REVIEW

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

Project Approval (06_0009) contains general conditions relevant to the entire Project and specific conditions relevant to each of the development phases described in Section 1. This CTP will be reviewed and revised prior to the commencement of each of the development phases. Table 2 shows the current timing and responsibility for the compliance status reviews.

<table>
<thead>
<tr>
<th>Project Development Phase</th>
<th>Compliance Status Review Revision Timing</th>
<th>Responsibility</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction.</td>
<td>Prior to the commencement of construction of the Project and then six monthly thereafter. Note – compliance reviews include the Independent Environmental Audit.</td>
<td>NCIG Environmental Representative.</td>
<td>Complete</td>
</tr>
<tr>
<td>Operation.</td>
<td>Prior to the commencement of operation of the Project and then six monthly thereafter. Note – compliance reviews include the Independent Environmental Audit (3-yearly).</td>
<td>NCIG Environmental Representative.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>CET progressive development.</td>
<td>Prior to each phase of progressive development of the Project.</td>
<td>NCIG Environmental Representative.</td>
<td>Complete</td>
</tr>
<tr>
<td>Construction of the high capacity optional inlet rail spur and rail sidings.</td>
<td>Prior to the commencement of construction of the high capacity optional inlet rail spur and rail.</td>
<td>NCIG Environmental Representative.</td>
<td>Complete</td>
</tr>
</tbody>
</table>
Beyond the above schedule, this Compliance Tracking document will have a minimum frequency of once per year.

3 REPORTING OF COMPLIANCE STATUS TO THE DIRECTOR-GENERAL

In accordance with Condition 5.1(b), Schedule 2 of Project Approval (06_0009), each revision of this CTP will be provided to the Director-General. The revised CTP will be provided to the Director-General within 1 (one) month of each compliance status review.

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

4 INDEPENDENT ENVIRONMENTAL AUDIT

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

The first Independent Environmental Audit was conducted within 12 months of the commencement of construction. This has been conducted annually until 2015, with the most recent Independent Environmental Audit conducted in November/December 2015. The next Independent Environmental Audit will be conducted in November 2018.

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

5 NON-COMPLIANCE RESPONSE MECHANISM

In accordance with Condition 5.1(d), Schedule 2 of Project Approval (06_0009), presented below is the Non-compliance Response Mechanism to be implemented in the event that a non-compliance with Project Approval (06_0009) is identified by a Compliance Status Review (Section 2) or Independent Environmental Audit (Section 4) or by the NCIG Environmental Representative. The objective of the Non-compliance Response Mechanism is to rectify any identified non-compliance. The NCIG Environmental Representative will be responsible for the implementation of the Non-compliance Response Mechanism.

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

1. Identification of the Non-compliance

   Non-compliances will likely be identified by a Compliance Status Review (Section 2), Independent Environmental Audit (Section 3) or by the NCIG Environmental Representative. The relevant details of the non-compliance will be recorded and relevant NCIG representatives will be notified by the NCIG Environmental Representative. The details of any non-compliance will be provided to the Director-General within 1 (one) month of the compliance status review.

2. Development of Management Strategy

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

The implementation of the actions and/or management measures chosen in the management strategy process will be undertaken in a timely manner. The NCIG Environmental Representative will be responsible for the implementation of the selected actions and/or management measures. The implementation of actions and/or management measures determined to be most effective for the rectification of will typically occur within 1 (one) month of the compliance status review. Depending on the nature of the individual non-compliance the implementation of actions and/or management measures may take greater than 1 (one) month, however, in this situation, the Director-General will be consulted.

4. **Review**

A review of the Management Strategy and Implementation stages will be undertaken to determine if the identified non-compliance has been addressed and that compliance with Project Approval (06_0009) is now achieved. Where necessary, the Management Strategy phase of the protocol will be reviewed. A review of the effectiveness of implemented actions and/or management measures will be undertaken within two (2) months of their implementation and the outcomes of this review will be provided to the Director-General within 1 (one) month of this implementation review.

**Note** – The NCIG Compliance Tracking Protocol now encompasses compliance obligations additional to Project Approval 06_0009 (both actual compliance and compliance as defined under ISO14001:2015, i.e. needs and expectations of interested parties). Examples include Environment Protection Licence conditions, EPBC Approval conditions, or needs and expectations of relevant stakeholders as defined by NCIG’s Environmental Management System. Therefore, non-compliances with these conditions will be resolved consistently with the process outlined above, but will not be highlighted as a non-compliance with regard to Project Approval 06_0009 and therefore not include a formal Management Strategy with the Director-General.
APPENDIX A

COMPLIANCE STATUS REVIEW
<table>
<thead>
<tr>
<th>Condition</th>
<th>Project Approval 06_0009/30/110/290</th>
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<th>Project Approval 06_0009/30/110/290</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Major Projects Application 06_0009/30/110/290</td>
<td>As is complying in accordance with the documents listed in Condition 1.1.</td>
<td>As is complying in accordance with the documents listed in Condition 1.1.</td>
<td>As is complying in accordance with the documents listed in Condition 1.1.</td>
<td>As is complying in accordance with the documents listed in Condition 1.1.</td>
</tr>
<tr>
<td>c) Response to Submission: prepared by Newcastle Coal Infrastructure Group and dated December 2006.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Modification application MP 06_0009/30/110/290 and a supporting document titled Newnace Coal Infrastructure Group Coal (NCIG) Export Terminal Rail Access Governance and Environment Assessment prepared by NCIG and dated June 2002, as notification of the Response to Submissions document prepared by NCIG and dated December 2002</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. If the Project Approval is modified, the Proponent may prepare and implement any management plan or monitoring program required by this approval on a progressive basis. Where a management plan and monitoring program is required before carrying out any development or stage of development, the plans/programs may be prepared and submitted in relation to either discrete components of the project or for a specified time period.

2. The Proponent shall ensure that all plant and equipment installed at the premises or used in conjunction with the project is maintained in a proper and efficient condition; and

3. The Proponent may proceed to construct the infrastructure marked as High Capacity Optional Inlet Rail Spur and Rail Sidings upon receipt of the Director-General’s satisfaction that:
   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 is required.

4. 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.

5. The Proponent may not proceed to construct the infrastructure marked as High Capacity Optional Inlet Rail Spur and Rail Sidings upon receipt of the Director-General’s satisfaction that:
   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 is required.

6. The Proponent shall ensure that all plant and equipment installed at the premises or used in conjunction with the project is maintained in a proper and efficient condition.

7. The Proponent may not proceed to construct the infrastructure marked as High Capacity Optional Inlet Rail Spur and Rail Sidings upon receipt of the Director-General’s satisfaction that:
   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 is required.

8. The Proponent shall ensure that all plant and equipment installed at the premises or used in conjunction with the project is maintained in a proper and efficient condition.

9. The Proponent may proceed to construct the infrastructure marked as High Capacity Optional Inlet Rail Spur and Rail Sidings upon receipt of the Director-General’s satisfaction that:
   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 is required.

10. The Proponent shall ensure that the Compensatory Habitat and Ecological Monitoring Program required under condition 2.20 has been implemented is being implemented according to the timeframes required, or to the extent agreed by the Director-General, and:
   a) the Complementary Habitat and Ecological Monitoring Program (COMMAP) is being implemented in the manner agreed by the Director-General, as per letter from ARTC dated 12 August 2013 and letter from PWCS.
   b) the Complementary Habitat and Ecological Monitoring Program (COMMAP) is being implemented in the manner agreed by the Director-General, as per letter from ARTC dated 12 August 2013 and letter from PWCS.
   c) the Compensatory Habitat and Ecological Monitoring Program (COMMAP) is being implemented in the manner agreed by the Director-General, as per letter from ARTC dated 12 August 2013 and letter from PWCS.
   d) the Compensatory Habitat and Ecological Monitoring Program (COMMAP) is being implemented in the manner agreed by the Director-General, as per letter from ARTC dated 12 August 2013 and letter from PWCS.

11. The Proponent shall ensure that any reports, plans or correspondence that are submitted in accordance with this approval are physically and substantially transmitted on or before that time.

12. The Project Approval (06_0009) was granted on 13 April 2013 and therefore has not lapsed.

13. The Project Approval (06_0009) remains current as at April 2013.

14. The NCIG development will not exceed the approved export limit of 66 million tonnes per annum.

15. The export capacity for the Stage 2F of the NCIG development is 66 million tonnes per annum.

16. The project shall be limited to a maximum export capacity of 66 million tonnes of coal per annum.

17. The Proponent shall ensure that all licenses, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or maintain all required environmental permits, licenses and approvals.

18. The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
   a) the conditions of this approval and any document listed from condition 1.1 to 1.1e), the conditions of this approval shall prevail to the extent of the inconsistency; and
   b) any document listed from condition 1.1 to 1.1e), the most recent document shall prevail to the extent of the inconsistency.

19. The Proponent shall comply with all requested requirements of the Director-General in accordance with Condition 1.3.

20. The Proponent has complied with rail infrastructure design requirements required to in condition 2.39, as per letter from ARTC dated 12 August 2013 and letter from PWCS dated 14 August 2013.

21. All licences, permits and approvals are being updated as required and maintained as a part of the Stage 1 development stage. These documents have been received allowing for terminal operations. Compliance with these licences, permits and approvals is ongoing. These documents are available online.

22. All licences, permits and approvals are being updated as required and maintained as a part of the Stage 1 development stage. These documents have been received allowing for terminal operations. Compliance with these licences, permits and approvals is ongoing. These documents are available online.
## Project Compliance Details

<table>
<thead>
<tr>
<th>Approval/Licence Condition</th>
<th>Compliance Achieved?</th>
<th>Compliance Details April 2017</th>
<th>Compliance Status April 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>No - Ongoing</td>
<td>Condition 2.1. - No offensive odour has been emitted beyond the boundary of the site as a result of NCIG development activities.</td>
<td>No - Ongoing</td>
</tr>
<tr>
<td>The Proponent shall design, construct, operate and maintain the project in a manner that minimises or prevents the emission of dust from the site when wind and traffic generated dust.</td>
<td>Yes - Ongoing</td>
<td>Condition 2.2. - Wind and traffic generated dust emissions from the project are being minimised or prevented as appropriate.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>The Proponent shall use 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 vehicle, shall be controlled or enclosed in a manner that will prevent emissions of dust from the vehicle at all times, to the extent practicable.</td>
<td>Yes - Ongoing</td>
<td>Condition 2.3. - All vehicles entering or leaving the site are being controlled or enclosed in a manner that will prevent emissions of dust from the vehicles at all times.</td>
<td>Yes - Ongoing</td>
</tr>
</tbody>
</table>
| The Proponent shall install, operate and maintain a meteorological monitoring station to monitor weather conditions representative of those on the site, in accordance with:
| Yes - Ongoing | Condition 2.4. - NCIG installed a meteorological monitoring station on the Project site on 3 September 2007. This was relocated to an alternate location adjacent the Clearwater Pond in September 2010. NCIG will operate and maintain the meteorological monitoring station in practical. | Yes - Ongoing |
| The Proponent shall design, construct, commission, operate and maintain the Project in accordance with Condition 2.5. | Yes - Ongoing | Condition 2.5. - NCIG will design, construct, commission, operate and maintain the Project in accordance with Condition 2.5. | Yes - Ongoing |
| 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. | Yes - Ongoing | Condition 2.6. - NCIG will 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. | Yes - Ongoing |
| The Proponent shall design, construct, operate and maintain the project in a manner that minimises the potential generation of fugitive dust emissions from plant and equipment, including where relevant and practicable, design of the project to minimise the number of construction points, increase the drop height from stackers to stockpiles, full or partial enclosure of conveyors, installation of wind shields and belt cleaning systems to conveyors, and installation of dust control equipment to mobile plant. | Yes - Ongoing | Condition 2.7. - NCIG operations and development activities are being undertaken in a manner to minimise or prevent dust emissions from the site. This has included active operational dust management practices, together with construction controls such as cessation of activities, wetting of the site in unfavourable meteorological conditions and also preventative stabilization of susceptible areas. | Yes - Ongoing |
| The Proponent shall design, construct, commission, operate and maintain the Project in accordance with Condition 2.8. | Yes - Ongoing | Condition 2.8. - NCIG will design, construct, commission, operate and maintain the Project in accordance with Condition 2.8. | Yes - Ongoing |
| 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. | Yes - Ongoing | Condition 2.9. - NCIG will design, construct, commission, operate and maintain the Project in accordance with Condition 2.9. | Yes - Ongoing |
| 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. | No - Ongoing | Condition 2.10. - No offensive odour has been emitted beyond the boundary of the site as a result of NCIG development activities. | No - Ongoing |

### APPENDIX A

**Compliance Review 06_0009**

**Compliance Details**

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<td>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.</td>
<td>Yes - Ongoing</td>
<td>Condition 2.1. - No offensive odour has been emitted beyond the boundary of the site as a result of NCIG development activities.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>The Proponent shall design, construct, commission, operate and maintain the Project in accordance with Condition 2.5.</td>
<td>Yes - Ongoing</td>
<td>Condition 2.5. - NCIG will design, construct, commission, operate and maintain the Project in accordance with Condition 2.5.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>The Proponent shall control dust emissions in accordance with Condition 2.6.</td>
<td>Yes - Ongoing</td>
<td>Condition 2.6. - NCIG will control dust emissions in accordance with Condition 2.6.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>The Proponent shall take all practicable measures to comply with Condition 2.4.</td>
<td>Yes - Ongoing</td>
<td>Condition 2.4. - NCIG will take all practicable measures to comply with Condition 2.4.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>All activities on the Site shall be undertaken with the addition of providing 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 related works, as appropriate.</td>
<td>Yes - Ongoing</td>
<td>Condition 2.7. - NCIG will 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.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>The Proponent shall design, construct, commission, operate and maintain the Project in accordance with Condition 2.8.</td>
<td>Yes - Ongoing</td>
<td>Condition 2.8. - NCIG will design, construct, commission, operate and maintain the Project in accordance with Condition 2.8.</td>
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<td>The Proponent shall design, construct, commission, operate and maintain the Project in accordance with Condition 2.9.</td>
<td>Yes - Ongoing</td>
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<td>Yes - Ongoing</td>
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The meteorological monitoring station shall be installed at or near the site and the Proponent shall use the meteorological monitoring station to undertake the monitoring required under condition 3.1 of this approval. This condition does not preclude the Proponent from reaching agreement with any other relevant party for the installation, operation and maintenance of a shared monitoring station, or shared use of an existing monitoring station representative of the Site, provided that the outcomes of this condition are achieved.
NCIG will minimise noise emissions from plant and equipment operated on the Project in accordance with the NSW Government's Industrial Noise Policy.

NCIG will undertake regular noise measurement and assessments to ensure compliance with the requirements of the Construction Noise Management Plan and the Noise Management Plan. The results of the noise assessments will be sent to the EPA and NCIG, and will be made available to the public.

NCIG will measure noise in accordance with Condition 2.14. NCIG will measure noise in accordance with Condition 2.14. NCIG undertook noise measurements and assessments in accordance with the requirements of the Construction Noise Management Plan and Condition 2.14. These assessments have found that NCIG activities are compliant with Condition 2.14 and the noise criteria detailed in Table 2.1 of the Project's Noise Management Plan.

The Proponent shall design and construct all rail infrastructure associated with the project to include culverts, underpasses or other similar measures to permit the movement of Litoria aurea and other amphibian species under the rail tracks. Rail culverts for Stage 1 were designed and constructed in accordance with the NSW Government's Industrial Noise Policy (EPA, 2000) and other guidance as required.

NCIG undertook regular noise measurement and assessments to ensure compliance with the requirements of the Construction Noise Management Plan and the Noise Management Plan. The results of the noise assessments were sent to the EPA and NCIG, and will be made available to the public.

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<th>Condition</th>
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</thead>
<tbody>
<tr>
<td>The Proponent shall develop and submit for the approval of the Director-General, a Compensatory Habitat and Ecological Monitoring Program to detail how habitat and ecological values lost as a result of the project will be off-set, and how ecological monitoring will be undertaken to inform ongoing ecological management. The Program shall be developed in consultation with the OEH, and shall include, but not be limited to:</td>
<td>Yes</td>
<td>Project approval was received on 6 October 2013 by the OEH, who stated that they are satisfied with the relevant and adequate sampling required for the determination of the size of the project and the mitigation measures proposed in the Program.</td>
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</tr>
<tr>
<td>a) ecological survey, following a detailed design of the project, identify and quantity the relevant and types of habitat that would be lost or degraded as a result of the project;</td>
<td>Yes</td>
<td>As an approval was received on 6 October 2013 by the OEH, who stated that they are satisfied with the relevant and adequate sampling required for the determination of the size of the project and the mitigation measures proposed in the Program.</td>
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</tr>
<tr>
<td>b) provision for establishment of compensatory habitat for each relevant component of the project, as follows, unless otherwise agreed by the Director-General:</td>
<td>Yes</td>
<td>The Proponent shall develop and submit for the approval of the Director-General, a Compensatory Habitat and Ecological Monitoring Program to detail how habitat and ecological values lost as a result of the project will be off-set, and how ecological monitoring will be undertaken to inform ongoing ecological management. The Program shall be developed in consultation with the OEH, and shall include, but not be limited to:</td>
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<td>i) for Litoria aurea habitat loss as a result of the project, establishment of 75 hectares of compensatory habitat in a location agreed by the Director-General, in consultation with the OEH. The compensatory habitat shall include viable and sustainable populations of Litoria aurea with a mix of wetland, terrestrial and breeding habitats, which includes loggng, chipping, and swimming habitat attributes and movement corridors, in order to maximise the potential reproductive success of the Litoria aurea population. This amount of compensatory habitat may be reduced if the Proponent can determine, using a scientific methodology agreed to by the Department, in consultation with the OEH, that the population of Litoria aurea impacted by the project is less than 7.5 hectares. This reduced amount must be agreed to by the Department, in consultation with the OEH, by June 2013;</td>
<td>Yes</td>
<td>As an approval was received on 6 October 2013 by the OEH, who stated that they are satisfied with the relevant and adequate sampling required for the determination of the size of the project and the mitigation measures proposed in the Program.</td>
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<td>ii) for migratory shorebird habitat (including endangered ecological communities) lost as a result of the project, including Wing in all parts of Deep Pond and Swan Pond) from construction of soil and associated infrastructure, the establishment of 10 hectares of compensatory habitat in a location agreed by the Director-General, in consultation with the OEH. The commences of compensatory habitat works will occur within six months of the commencement of construction of the High Capacity Pipeline Rail Spur and Rail Services, as otherwise agreed by the Director-General;</td>
<td>Yes</td>
<td>The Proponent shall develop and submit for the approval of the Director-General, a Compensatory Habitat and Ecological Monitoring Program to detail how habitat and ecological values lost as a result of the project will be off-set, and how ecological monitoring will be undertaken to inform ongoing ecological management. The Program shall be developed in consultation with the OEH, and shall include, but not be limited to:</td>
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<td>iii) before 31 December 2016, the Proponent shall have completed the implementation of compensatory and ameliorative works required under condition 2.20b)i). If a viable breeding population of Litoria aurea has not been established as a part of the compensatory habitat works required under condition 2.20b)i), the Proponent is required to implement additional compensatory habitat works to meet the requirements of the Program. The Proponent shall provide the following commitments in the Program, or as otherwise agreed by the Director-General:</td>
<td>Yes</td>
<td>As an approval was received on 6 October 2013 by the OEH, who stated that they are satisfied with the relevant and adequate sampling required for the determination of the size of the project and the mitigation measures proposed in the Program.</td>
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<td>b) employing a suitably qualified quantity surveyor to verify the calculated costs.</td>
<td>Yes</td>
<td>The Proponent shall develop and submit for the approval of the Director-General, a Compensatory Habitat and Ecological Monitoring Program to detail how habitat and ecological values lost as a result of the project will be off-set, and how ecological monitoring will be undertaken to inform ongoing ecological management. The Program shall be developed in consultation with the OEH, and shall include, but not be limited to:</td>
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APPENDIX A
Compliance Review 06_0009

Compliance Status

Condition

Project Compliance Achieved?

A letter dated 1 October 2013 was received from DoPI, stating that they are satisfied with the Proponent’s project, as the full baseline survey of Litoria aurea has been completed and the Proponent has been advised of the performance of the species in perpetuity. All land required to be purchased in 2016 is required to be purchased in 2016.

As an approval was received on 6 October 2013 by the OEH, who stated that they are satisfied with the relevant and adequate sampling required for the determination of the size of the project and the mitigation measures proposed in the Program. The Proponent is required to submit for the approval of the Director-General, a revised Compensatory Habitat and Ecological Monitoring Program within three months of any approval.

As an approval was received on 6 October 2013 by the OEH, who stated that they are satisfied with the relevant and adequate sampling required for the determination of the size of the project and the mitigation measures proposed in the Program.

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The Proponent has not been advised by DoPI that they are satisfied with the Project as required in the conditions of approval.

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<tr>
<td>2.21</td>
<td>Yes - Ongoing</td>
<td>NCIG has developed and submitted for the approval of the RTA and Newcastle City Council a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes traffic control measures to be implemented for the Project. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d). The Construction Traffic Management Protocol was approved by the Newcastle City Council on 5 July 2007. An updated CTMP including construction of the Rail Flyover was approved by RMS on 2 July 2013, and approved by NCC on 5 August 2013. Traffic management implemented as part of the construction Traffic Management Protocol has ensured that project traffic has not adversely affect traffic movements on Cormorant Road during peak traffic times.</td>
<td>Traffic management implemented as part of the construction Traffic Management Protocol has ensured that project traffic has not adversely affect traffic movements on Cormorant Road during peak traffic times.</td>
</tr>
<tr>
<td>2.22</td>
<td>Yes - Ongoing</td>
<td>NCIG has developed and submitted for the approval of the RTA and Newcastle City Council a Construction Traffic Management Protocol in accordance with Condition 7.3(d) which includes design details for physical traffic control devices and signs to be installed and maintained for the Project. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007 in accordance with Condition 7.3(d). The Construction Traffic Management Protocol was approved by the Newcastle City Council on 5 July 2007. An updated CTMP including construction of the Rail Flyover was approved by RMS on 2 July 2013, and approved by NCC on 5 August 2013. The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed.</td>
<td>The physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed.</td>
</tr>
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### APPENDIX A

**Compliance Review 06_0009**

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<tr>
<td>April 2017</td>
<td></td>
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</tbody>
</table>

### Condition

- **The Proponent shall ensure that all access to the relevant site areas shall be via the following routes:**
  - a) Main Site Areas:
  - i) Pacific National access road.
  - ii) Temporary haulage road (construction phase only).
  - iii) Egret Street.
  - iv) Raven Street, Cullum Street.
  - v) Wharf Area.
  - vi) Temporary haulage road (construction phase only).
  - vii) Wharf access road.
  - viii) Stellar access road (construction phase only).
  - ix) Pacific National access road.

### Compliance Details April 2017

- **No.**
  - As the construction phase of the project is complete, the temporary haulage road has been removed.

### Condition

- **The Proponent shall ensure that the traffic control signals outlined in Condition 2.24 at the intersection of Cormorant Road and the temporary haulage road, east of the existing Blue Circle railway line crossing,**
  - a) the signals shall be co-ordinated with the adjacent Blue Circle railway line crossing signals.
  - b) the signals shall be designed and constructed in accordance with Condition 2.24.

### Compliance Details April 2017

- **Yes**
  - As the physical traffic control devices and signs for all prohibited traffic movements have been installed in accordance with RMS and Council requirements.

### Condition

- **The Proponent shall ensure that the intersection of Cormorant Road and the Wharf access road to the south of the Site is designed and constructed in accordance with Condition 2.24, which includes access to the relevant Project site areas consistent with Condition 2.23.**

### Compliance Details April 2017

- **No.**
  - As the intersection is only being constructed via the routes specified in Condition 2.23.

### Condition

- **The Proponent shall construct a u-turn facility at the Pacific National access road intersection. This access point has been incorporated into the Cormorant Road / Pacific National access road intersection.**

### Compliance Details April 2017

- **No.**
  - As the physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed in accordance with RMS and Council requirements.

### Condition

- **The Proponent shall ensure that the intersection of Cormorant Road and the Pacific National access road, shall be designed and constructed in accordance with the RTA's Road Design Guide and the relevant Austroads guidelines, to the satisfaction of the RMS and Council.**

### Compliance Details April 2017

- **Yes**
  - As the intersection shall be integrated with the wind turbine access to the satisfaction of the RMS and Council.

### Condition

- **The Proponent shall ensure that the intersection of Cormorant Road and the Wharf access road to the north of the Site is designed and constructed in accordance with Condition 2.24, which includes access to the relevant Project site areas consistent with Condition 2.23.**

### Compliance Details April 2017

- **Yes**
  - As the intersection is only being constructed via the routes specified in Condition 2.23.

### Condition

- **The Proponent shall ensure that the intersection of Cormorant Road and the Wharf access road to the south of the Site is designed and constructed in accordance with Condition 2.24, which includes access to the relevant Project site areas consistent with Condition 2.23.**

### Compliance Details April 2017

- **Yes**
  - As the intersection shall be designed and constructed in accordance with Condition 2.24.

### Condition

- **The Proponent shall ensure that the intersection of Cormorant Road and Pacific National access road, shall be designed and constructed in accordance with the RTA's Road Design Guide and the relevant Austroads guidelines, to the satisfaction of the RMS and Council.**

### Compliance Details April 2017

- **Yes**
  - As the intersection shall be integrated with the wind turbine access to the satisfaction of the RMS and Council.

### Condition

- **The Proponent shall ensure that the intersection of Cormorant Road and the Delta access road (construction phase only), i) Delta access road (construction phase only); and ii) Wharf access road.**

### Compliance Details April 2017

- **Yes**
  - As the intersection shall be integrated with the wind turbine access to the satisfaction of the RMS and Council.

### Condition

- **The Proponent shall ensure that the intersection of Cormorant Road and the temporary haulage road have not been installed.**

### Compliance Details April 2017

- **No**
  - As the temporary haulage road has not been required by the NCIG project.

### Condition

- **The Proponent shall ensure that the intersection of Cormorant Road and the Wharf access road has not been installed for traffic movements via the Cormorant Road - Pacific National access road intersection. This access point has been incorporated into the Cormorant Road / Pacific National access road intersection.**

### Compliance Details April 2017

- **No**
  - As the physical traffic control devices and signs for all prohibited traffic movements have been installed in accordance with RMS and Council requirements.
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<tbody>
<tr>
<td>a) traffic movements shall be physically restricted to left in/out right in/out only;</td>
<td>Yes - Ongoing</td>
<td></td>
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<tr>
<td>b) the left turn in/out would require a deceleration lane; and</td>
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<tr>
<td>c) the left turn in/out should be constructed at right angles to Cormorant Road as a give way arrangement.</td>
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<tr>
<td>2.33</td>
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<tr>
<td>The Proponent shall ensure that the intersection at Cormorant Road/Egret Street is designed and constructed in accordance with the RTA’s Road Design Guide and the relevant Austroads guidelines for the satisfaction of the RMS.</td>
<td>Yes - Ongoing</td>
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<tr>
<td>a) the Proponent shall ensure that the intersection includes, as a minimum:</td>
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<tr>
<td>b) traffic movements shall be physically restricted to left in/out right in/out only; and</td>
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<tr>
<td>c) the existing intersection shall be modified to include the construction of concrete medians in Cormorant Road.</td>
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<td>2.34</td>
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<tr>
<td>The Proponent shall ensure that the bridge structure over Cormorant Road is designed and constructed in accordance with RMS requirements but not limited to:</td>
<td>Yes - Ongoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) observe for future road widening/duplication of Cormorant Road;</td>
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<tr>
<td>b) a minimum 6.5 metre vertical clearance be provided from the top of the Cormorant Road pavement to the underside of the bridge structure;</td>
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<tr>
<td>c) the bridge structure and its approaches to be designed to minimise impacts on maintenance activities required within the road reserve; and</td>
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<tr>
<td>d) any maintenance activities required for the bridge structure shall be carried out from within/on the bridge structure.</td>
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<td>2.35</td>
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<tr>
<td>The Proponent shall enter into an agreement with the RTA for the ongoing maintenance and demolition of the bridge structure.</td>
<td>Yes - Ongoing</td>
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<tr>
<td>2.36</td>
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<tr>
<td>The Proponent shall ensure that no structural or pop-up related designs for any works reflected in actual construction is an exclusion; A prior to the commencement of construction of the relevant components of the project. All of the works shall be undertaken and completed to the satisfaction of the RMS and Council.</td>
<td>Yes - Ongoing</td>
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<tr>
<td>2.37</td>
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<tr>
<td>The Proponent shall ensure that no structural or pop-up related designs for any works reflected in actual construction is an exclusion; A prior to the commencement of construction of the bridge structure over Cormorant Road.</td>
<td>No</td>
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<tr>
<td>2.38</td>
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<td>The Proponent shall ensure that no structural or pop-up related designs for any works reflected in actual construction is an exclusion; A prior to the commencement of construction of the bridge structure over Cormorant Road.</td>
<td>No</td>
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<td>The Proponent shall ensure that no structural or pop-up related designs for any works reflected in actual construction is an exclusion; A prior to the commencement of construction of the bridge structure over Cormorant Road.</td>
<td>No</td>
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<tr>
<td>2.40</td>
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<tr>
<td>The Proponent shall ensure that no structural or pop-up related designs for any works reflected in actual construction is an exclusion; A prior to the commencement of construction of the bridge structure over Cormorant Road.</td>
<td>No</td>
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</tbody>
</table>

NCIG entered into an agreement with the RTA prior to the construction of the bridge structure in December 2010 in accordance with Condition 2.33. The design and maintenance procedures were approved by RMS.

Physical traffic control devices and signs for all prohibited traffic movements as required by the Construction Traffic Management Protocol have been installed in accordance with RMS requirements.

NCIG entered into an agreement with the RTA in accordance with Condition 7.3(d) which includes design for the bridge structure over Cormorant Road. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007. An updated version was approved by RMS on 2 July 2013.

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RMS finalised the design and construction of the bridge structure over Cormorant Road. The Construction Traffic Management Protocol was approved by RMS on 2 July 2013.

NCIG entered into an agreement with the RTA in accordance with Condition 7.3(d) which includes design for the bridge structure over Cormorant Road. The Construction Traffic Management Protocol was approved by the RTA on 12 November 2007. An updated version was approved by RMS on 2 July 2013.

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<tr>
<td>2.46 The Proponent shall ensure that any property requirements including acquisition and/or real estate dedication shall be in accordance with the requirements of the RMS and council at the full expense of the Proponent.</td>
<td>Yes - Ongoing</td>
<td>NCIG has conducted a groundwater investigation of the area in and around the Rail infrastructure to comply with Condition 2.45. All stockpiled construction materials shall be stabilised and covered where practicable to prevent erosion or dispersal of the materials. The Proponent shall ensure that all stormwater drains, stormwater ponds and/or water management infrastructure are designed and constructed to accommodate a 1 in 100 ARI rainfall design event.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>2.47 The Proponent shall consult with PWCS and ARTC, and meet the reasonable requirements of ARTC in relation to the design of the project, including those components of the project that may affect the design, connection and operation of existing and proposed ARTC and PWCS rail infrastructure assets.</td>
<td>Yes - Ongoing</td>
<td>NCIG has designed and constructed rail connections to ARTC’s existing rail infrastructure assets in accordance with ARTC requirements. NCIG will construct the rail connections for the rail bypass in the design agreement with ARTC and PWCS.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>2.48 The Proponent shall ensure that the following requirements are met:</td>
<td>Yes - Ongoing</td>
<td>NCIG has conducted a groundwater investigation of the area in and around the Rail infrastructure to comply with Condition 2.45.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>a) all designs and works for the project are undertaken in accordance with the requirements of the Protection of the Environment Operations Act 1997 in accordance with section 120 of this condition</td>
<td>Yes - Ongoing</td>
<td>NCIG has conducted a groundwater investigation of the area in and around the Rail infrastructure to comply with Condition 2.45. All stockpiled construction materials shall be stabilised and covered where practicable to prevent erosion or dispersal of the materials. The Proponent shall ensure that all stormwater drains, stormwater ponds and/or water management infrastructure are designed and constructed to accommodate a 1 in 100 ARI rainfall design event.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>b) the project is designed, constructed and operated in such a manner as to not prejudice or diminish Environmental Protection Licence 12693 was issued by the Department of Environment and Climate Change on 26 October 2007 for the NCIG development. NCIG will comply with section 120 of the Protection of the Environment Operations Act 1997 in accordance with Condition 2.47.</td>
<td>Yes - Ongoing</td>
<td>NCIG has designed and constructed rail connections to ARTC’s existing rail infrastructure assets in accordance with ARTC requirements. NCIG will construct the rail connections for the rail bypass in the design agreement with ARTC and PWCS.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>c) installation of clear signage to demarcate all vehicle movements within the site.</td>
<td>Yes - Ongoing</td>
<td>NCIG has conducted a groundwater investigation of the area in and around the Rail infrastructure to comply with Condition 2.45. All stockpiled construction materials shall be stabilised and covered where practicable to prevent erosion or dispersal of the materials. The Proponent shall ensure that all stormwater drains, stormwater ponds and/or water management infrastructure are designed and constructed to accommodate a 1 in 100 ARI rainfall design event.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>d) clear demarcation of all visitor, disabled, ambulance and service vehicle parking areas.</td>
<td>Yes - Ongoing</td>
<td>NCIG has conducted a groundwater investigation of the area in and around the Rail infrastructure to comply with Condition 2.45.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>2.49 The Proponent shall design, construct and maintain all internal roads works, including the car park, to meet the following requirements:</td>
<td>Yes - Ongoing</td>
<td>NCIG has conducted a groundwater investigation of the area in and around the Rail infrastructure to comply with Condition 2.45. All stockpiled construction materials shall be stabilised and covered where practicable to prevent erosion or dispersal of the materials. The Proponent shall ensure that all stormwater drains, stormwater ponds and/or water management infrastructure are designed and constructed to accommodate a 1 in 100 ARI rainfall design event.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>a) compliance with the provisions of relevant Australian Standards, RMS standards and guidelines, and Council codes;</td>
<td>Yes - Ongoing</td>
<td>NCIG has conducted a groundwater investigation of the area in and around the Rail infrastructure to comply with Condition 2.45. All stockpiled construction materials shall be stabilised and covered where practicable to prevent erosion or dispersal of the materials. The Proponent shall ensure that all stormwater drains, stormwater ponds and/or water management infrastructure are designed and constructed to accommodate a 1 in 100 ARI rainfall design event.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>b) installation of clear signage to demarcate all vehicle movements within the site.</td>
<td>Yes - Ongoing</td>
<td>NCIG has conducted a groundwater investigation of the area in and around the Rail infrastructure to comply with Condition 2.45. All stockpiled construction materials shall be stabilised and covered where practicable to prevent erosion or dispersal of the materials. The Proponent shall ensure that all stormwater drains, stormwater ponds and/or water management infrastructure are designed and constructed to accommodate a 1 in 100 ARI rainfall design event.</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>c) installation and maintenance of any landscaping on the Site so as not affect driver sight distance for vehicles entering and exiting the Site; and</td>
<td>Yes - Ongoing</td>
<td>NCIG has conducted a groundwater investigation of the area in and around the Rail infrastructure to comply with Condition 2.45. All stockpiled construction materials shall be stabilised and covered where practicable to prevent erosion or dispersal of the materials. The Proponent shall ensure that all stormwater drains, stormwater ponds and/or water management infrastructure are designed and constructed to accommodate a 1 in 100 ARI rainfall design event.</td>
<td>Yes - Ongoing</td>
</tr>
</tbody>
</table>

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Compliance_Tracking_Apr 17
Groundwater monitoring has been commenced in accordance with this Grantwater Management Plan for the Rail Flyover infrastructure. Groundwater monitoring was commenced 1 month prior to construction of the Rail Flyover. It involving monitoring is continuing for the period of construction.

Only material classified as VENM will be used for fill/preload activities on the site. The NCIG will comply with the requirements of Environment Protection Licence No. 6437 as it relates to the ongoing management of the KIWEF. The Proponent is required to report any deviation from the requirements of Environment Protection Licence No. 6437.

A9

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All waste materials removed from the Site must be stored in accordance with waste management facilities licensed by the waste management facility regulator for the waste material in which it is stored.

2.58 Compliance Status:
   "Yes - Ongoing"

The Ambient Dust Monitoring Program was submitted for approval to the Director-General and DECCW on 12 March 2010 as a component of the NCIG Dust Management Plan. The most recent validation study occurred in 2010/2011.

The model validation study referred to in Conditions 3.3 & 3.4 will be repeated within 12 months of the commencement of operations. If the model validation study identifies significant discrepancies or shortcomings in the predictions, a new validation study will be undertaken as soon as practical.

A bund along the southern side of the stockpile yard has been completed to meet the requirements of Condition 2.56. Therefore Condition 2.56 is not applicable prior to the commencement of construction.

A bund along the southern side of the stockpile yard has been completed to meet the requirements of Condition 2.58. Therefore Condition 2.58 is not applicable prior to the commencement of construction.

A bund along the southern side of the stockpile yard has been completed to meet the requirements of Condition 2.58. Therefore Condition 2.58 is not applicable prior to the commencement of construction.

To be notified of the commencement of operation of the project, the Proponent shall continuously monitor, utilizing the meteorological monitoring station referred to under condition 2.8 of this approval, each of the parameters listed in Table 2 utilising the sampling method indicated and applying a 15-minute average period to all results, and recording data in units specified in Table 2.

A bund along the southern side of the stockpile yard has been completed to meet the requirements of Condition 2.58. Therefore Condition 2.58 is not applicable prior to the commencement of construction.

A meteorological monitoring station was installed at the Project site on 03 September 2007 in accordance with Condition 2.8.

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A bund along the southern side of the stockpile yard has been completed to meet the requirements of Condition 2.58. Therefore Condition 2.58 is not applicable prior to the commencement of construction.

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<table>
<thead>
<tr>
<th>Condition</th>
<th>Approval/Licence Condition</th>
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<th>Compliance Details April 2017</th>
<th>Compliance Status April 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.7</td>
<td>The Noise Monitoring Program report required by Condition 3.7 was prepared and provided to the Director-General and DECCW.</td>
<td>Yes</td>
<td>The Noise Monitoring Program report was provided to the Director-General and DECCW on the 01 November 2010. The most recent version is May 2013, to be updated in May 2015.</td>
<td></td>
</tr>
</tbody>
</table>
### Condition

<table>
<thead>
<tr>
<th>Compliance Details</th>
<th>Compliance Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 2017</td>
<td>April 2017</td>
</tr>
</tbody>
</table>

#### 3.4

- The Noise Monitoring Program was repeated within 90 days of Stage 2AA operation and Stage 2F operation. The process will be repeated after the operation of the Rail Flyover.

#### 3.5

- The Independent Environmental Audit referred to in Condition 5.1c) shall:
  - a) provide of monitoring data associated with the environmental performance of the project;
  - b) provision of management and auditing documentation associated with the project and relevant to the study;
  - c) access to the project and relevant technical and environmental experts associated with the project;
  - d) arrangements for any financial contributions to cover reasonable expenses associated with the study; and
  - e) provision of access to the project and relevant technical and environmental experts associated with the project.

#### 4.1

The Independent Environmental Audit referred to in Condition 5.2 shall:

- a) a postal address to which written complaints and enquiries may be sent.
- b) a telephone number on which complaints and enquiries may be registered.
- c) access to the project and relevant technical and environmental experts associated with the project.
- d) arrangements for communication between the parties, including designated contact persons and contact details.
- e) notification procedures in the event of an incident that may impact on other development, or generate a significant common or cumulative impact.
- f) any agreement for participation in the development of any of the management plans or monitoring programs required under this approval;
- g) mechanisms for review of the Protocol from time to time;
- h) such other matters as may be agreed.

#### 4.3

The Independent Environmental Audit referred to in Condition 5.2 shall:

- a) an assessment of the adequacy of any approved strategy, plan or program required under the abovementioned approvals;
- b) an assessment of environmental performance of the project and assess whether it is complying with the requirements of this approval, and any other relevant approvals and relevant EPL/s;
- c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General.

#### 5.1

The Coordinated Environmental Monitoring and Management Protocol was provided to the Director-General and DECC on 31 December 2008. Approval of this document was preceded by Department of Planning approval on 17 July 2009. The Coordinated Monitoring and Management Proposal was submitted in accordance with Condition 5.1.

#### 5.2

The Independent Environmental Monitoring and Management Program was provided to the Director-General and DECC on 31 December 2008. Approval of this document was preceded by Department of Planning approval on 17 July 2009. The Independent Environmental Monitoring and Management Program was provided to the Director-General and DECC on 31 December 2008. Approval of this document was preceded by Department of Planning approval on 17 July 2009.

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#### Project Compliance

<table>
<thead>
<tr>
<th>Condition</th>
<th>Achieved?</th>
<th>April 2017</th>
<th>April 2017</th>
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<tbody>
<tr>
<td>4.3</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>3.4</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>3.5</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>4.1</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>5.1</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
</tr>
<tr>
<td>5.2</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
<td>Yes - Ongoing</td>
</tr>
</tbody>
</table>

The Noise Monitoring Program was completed within 90 days of the completion of Stage 2A and Stage 2F developments. Correspondence received from DoPI indicates that all future Stage 2AA and 2F operations may require potential noise assessments at noise criteria should be measured with the assistance of experienced personnel.
### Compliance Review 06_0009

**Project Compliance Achieved?**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Project Compliance Achieved?</th>
<th>Compliance Details April 2017</th>
<th>Compliance Status April 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A13</strong> 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:</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>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;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) a copy of each strategy, plan and program required under this approval;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) the outcomes of compliance tracking in accordance with condition 5.1 of this approval.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- 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 purpose of the sign. This information is also to be provided on the Proponent’s website. 

- NCIG has established a website (www.ncig.com.au). NCIG will maintain up-to-date information on the website in accordance with Condition 6.4.

- NCIG has established a website (www.ncig.com.au) which contains up-to-date project information in accordance with Condition 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.

- The complaints Register shall be made available for inspection by the Director-General upon request.

- The Proponent shall record details of all complaints received through the means listed under condition 6 of this approval in an up-to-date complaints Register. The Register shall record, but not necessarily be limited to:
  - a) the date and time, where relevant, of the complaint;
  - b) the means by which the complaint was made (telephone, mail or email);
  - c) any personal details of the complainant that were provided, if no details were provided, a note to that effect;
  - d) the nature of the complaint;
  - e) record of operational and meteorological condition contributing to the complaint;
  - f) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant;
  - g) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

- The Complaints Register shall be made available for inspection by the Director-General upon request.

- NCIG will record all complaints in a Complaints Register in accordance with Condition 6.3.

- In accordance with Condition 7.2, arrangements for complaints handling procedures during construction will be included in the Construction Environmental Management Plan.

- NCIG complaints facilities have been maintained for the duration of dredging operations. These facilities include a 24 hour complaints telephone number (1800 016 304); postal address (PO Box 644 Newcastle 2300) and email address (enquiries@ncig.com.au). The details are advertised on site signage and in all NCIG public notices and newsletters and on the NCIG website (www.ncig.com.au).

- All complaints that have been received are managed through these facilities.

- The details of all complaints received by NCIG have been recorded in the Complaints Register in accordance with Condition 6.3.

- 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 purpose of the sign. This information is also to be provided on the Proponent’s website. 

- NCIG has established a website (www.ncig.com.au). NCIG will maintain up-to-date information on the website in accordance with Condition 6.4.
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#### Compliance Review 06_0009

<table>
<thead>
<tr>
<th>Condition</th>
<th>Project Compliance Achieved?</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Yes</td>
<td>Awaiting approval</td>
<td>Awaiting approval</td>
</tr>
<tr>
<td>2.2</td>
<td>Yes</td>
<td>Awaiting approval</td>
<td>Awaiting approval</td>
</tr>
<tr>
<td>2.3</td>
<td>Yes</td>
<td>Awaiting approval</td>
<td>Awaiting approval</td>
</tr>
<tr>
<td>2.4</td>
<td>Yes</td>
<td>Awaiting approval</td>
<td>Awaiting approval</td>
</tr>
<tr>
<td>2.5</td>
<td>Yes</td>
<td>Awaiting approval</td>
<td>Awaiting approval</td>
</tr>
<tr>
<td>2.6</td>
<td>Yes</td>
<td>Awaiting approval</td>
<td>Awaiting approval</td>
</tr>
<tr>
<td>2.7</td>
<td>Yes</td>
<td>Awaiting approval</td>
<td>Awaiting approval</td>
</tr>
<tr>
<td>2.8</td>
<td>Yes</td>
<td>Awaiting approval</td>
<td>Awaiting approval</td>
</tr>
<tr>
<td>2.9</td>
<td>Yes</td>
<td>Awaiting approval</td>
<td>Awaiting approval</td>
</tr>
<tr>
<td>2.10</td>
<td>Yes</td>
<td>Awaiting approval</td>
<td>Awaiting approval</td>
</tr>
<tr>
<td>2.11</td>
<td>Yes</td>
<td>Awaiting approval</td>
<td>Awaiting approval</td>
</tr>
</tbody>
</table>

#### Project Details

The Acid Sulfate Soil Management Plan was developed as part of the Construction Environmental Management Plan for the Stage 2AA development phase. The Plan was prepared and submitted to the Director-General prior to commencement of construction activities. The construction Noise Management Plan for the Stage 2AA development phase was prepared and submitted to the Director-General prior to commencement of construction activities. The Construction Surface Water Management Plan for the Stage 2AA development phase was prepared and submitted to the Director-General prior to commencement of construction activities. The Construction Noise Management Plan for the Stage 2F development phase was prepared and submitted to the Director-General prior to commencement of construction activities.

The approved NCIG Environmental Representative (Nathan Juchau) continues to be employed on the project.

#### Compliance Details

- **April 2017**: The Construction Noise Management Plan for the Stage 2A development phase was prepared and submitted on 26 August 2010. Approval by the Director-General was received on 21 September 2010.
- **April 2017**: The Construction Noise Management Plan for the Stage 2F development phase was prepared and submitted on 26 March 2012. Approval by the Director-General was received on 14 June 2012.
- **April 2017**: The Construction Environmental Management Plan for the Stage 2A development phase was prepared and submitted on 28 June 2010. Approval by the Director-General was received on 21 September 2010.
- **April 2017**: The Acid Sulfate Soil Management Plan was prepared and submitted on 26 August 2010. Approval by the Director-General was received on 21 September 2010.
- **April 2017**: The Construction Surface Water Management Plan for the Stage 2AA development phase was prepared and submitted on 28 March 2012. Approval by the Director-General was received on 14 June 2012.
- **April 2017**: The Construction Noise Management Plan for the Stage 2AA development phase was prepared and submitted on 26 March 2012. Approval by the Director-General was received on 14 June 2012.
- **April 2017**: The Construction Noise Management Plan for the Stage 2F development phase was prepared and submitted on 26 March 2012. Approval by the Director-General was received on 14 June 2012.
- **April 2017**: The Construction Environmental Management Plan for the Stage 2AA development phase was prepared and submitted on 28 June 2010. Approval by the Director-General was received on 21 September 2010.
- **April 2017**: The Acid Sulfate Soil Management Plan was prepared and submitted on 26 August 2010. Approval by the Director-General was received on 21 September 2010.
- **April 2017**: The Construction Surface Water Management Plan for the Stage 2AA development phase was prepared and submitted on 28 March 2012. Approval by the Director-General was received on 14 June 2012.
- **April 2017**: The Construction Noise Management Plan for the Stage 2AA development phase was prepared and submitted on 26 March 2012. Approval by the Director-General was received on 14 June 2012.
### Condition

#### 7.3(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 excessive loads and from the site,
- the management of construction traffic, restrictions to the hours of heavy vehicle movements to avoid road use conflicts, and the transport of construction waste materials.

In addition to approval from the Director General, the Construction Traffic Management Protocol shall be submitted for the approval of the RTA and Council.

**Compliance Status: Yes - Ongoing**

The Construction Traffic Management Protocol was developed as part of the Construction Environmental Management Plan (Condition 7.2). The Construction Traffic Management Protocol for the Stage 2AA development phase was prepared and submitted on 26 August 2010. Approval by the Director General was received on 21 September 2010. The Construction Traffic Management Protocol for the Stage 2F development phase was prepared and submitted on 28 March 2012. Approval by the Director General was received on 14 June 2012.

**NOTE:** Development is being undertaken in accordance with the Construction Traffic Management Protocol. This includes management of heavy vehicle techniques to ensure the occurrence of any conflict is reduced both on and off the site.

#### 7.3(b)

*Construction Noise Management Plan* to detail how construction impacts on Aboriginal heritage will be monitored and managed. The Plan shall detail the following:

- A commitment to provide opportunities for representatives of the local Aboriginal community to monitor any initial ground disturbance activities associated with previously undisturbed environments within the project area;
- Procedures for dealing with previously unidentified Aboriginal objects (excluding human remains) including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures. The Plan shall include procedures for dealing with previously unidentified Aboriginal objects including cessation of works in the vicinity, assessment of the significance of the item(s), and determination of appropriate mitigation measures. The Plan shall be developed in consultation with the local Aboriginal Community, and include, but not necessarily be limited to:
  - Procedures for dealing with previously unidentified Aboriginal objects (excluding human remains), including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures where identified in consultation with the Department, OEH and the local Aboriginal community, and registering the new site in the OEH’s Aboriginal Heritage Information Management System (AHIMS) register;
  - Procedures for dealing with human remains, including cessation of works in the vicinity and notification of the Department, NSW Police, OEH and local Aboriginal community and not recommencing any works in the area unless authorised by the OEH and/or the NSW Police and
  - Heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) and obligations under the conditions of this approval, including site identification, protection and conservation of Aboriginal cultural heritage.

**Compliance Status: Yes - Ongoing**

The Construction Noise Management Plan was developed as part of the Construction Environmental Management Plan (Condition 7.2). The Construction Noise Management Plan for the Stage 2AA development phase was prepared and submitted on 26 August 2010. Approval by the Director General was received on 21 September 2010. The Construction Noise Management Plan for the Stage 2F development phase was prepared and submitted on 28 March 2012. Approval by the Director General was received on 14 June 2012. Approval by the Director General was received on 28 June 2013.

**NOTE:** Development is being undertaken in accordance with the Construction Noise Management Plan. This includes management of heavy vehicle techniques to ensure the occurrence of any conflict is reduced both on and off the site.
The development of a Construction Environmental Management Plan has been completed for each item of construction, including the Rail Flyover.
The Construction Environmental Management Plan, and associated plan as detailed in Condition 7.2(b), for the Stage 2F development phase was prepared and submitted on 28 March 2012. Approval by the Director-General was received on 14 June 2012.

The Construction Environmental Management Plan for the Stage 2F development phase including the Rail Flyover, was prepared and submitted on 26 June 2013. Approval by the Director-General was received on 28 June 2013.

The Water Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010. The most recent version is February 2016, to be updated in October 2017.

The Noise Management Plan was submitted for approval to the Director-General and DECCW on 12 March 2010. The Noise Management Plan was submitted to the Director-General and DECCW prior to commencement of operational activities.

The Dust Management Plan was submitted to the Director-General and DECCW prior to commencement of operational activities.

The Dust Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010.

The Noise Management Plan was developed as part of the Operational Environmental Management Plan (Condition 7.2). The Noise Management Plan was submitted for approval to the Director-General and DECCW prior to commencement of operational activities.

The Dust Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010 in accordance with Condition 7.6(a). The most recent version is February 2016, to be updated in October 2017.

The Noise Management Plan was developed as part of the Operational Environmental Management Plan (Condition 7.2). The Noise Management Plan was submitted for approval to the Director-General and DECCW prior to commencement of operational activities.

The Noise Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010 in accordance with Condition 7.6(a). The most recent version is February 2016, to be updated in October 2017.

The Water Management Plan was submitted to the Director-General and DECCW for approval on 12 March 2010 in accordance with Condition 7.6(c). The most recent version is February 2016, to be updated in October 2017.
<table>
<thead>
<tr>
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<th>Compliance Details April 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.6(d) Spontaneous Combustion Management Protocol</td>
<td>Yes - Ongoing</td>
<td>The Spontaneous Combustion Management Plan was developed as part of the Operational Management Plan (Condition 7.5). The Spontaneous Combustion Management Plan was approved by the Director-General on 21 March 2010, in accordance with Condition 7.6(d).</td>
<td>The Spontaneous Combustion Management Plan was submitted to the Director-General and DECCW for approval on 13 March 2010, in accordance with Condition 7.6(d). The most recent submission is in February 2016, to be updated in October 2017.</td>
</tr>
<tr>
<td>7.7 The Operation Environmental Management Plan</td>
<td>Yes - Ongoing</td>
<td>The Operation Environmental Management Plan is scheduled to be reviewed periodically in accordance with Condition 7.7.</td>
<td>See updates of relevant documents in comments above.</td>
</tr>
<tr>
<td>8.1 NCIG will notify the Director-General in accordance with Condition 8.1.</td>
<td>Yes - Ongoing</td>
<td>NCIG have notified the Director-General of all applicable incidents in accordance with Condition 8.1.</td>
<td>NCIG have notified the Director-General of all applicable incidents in accordance with Condition 8.1.</td>
</tr>
<tr>
<td>8.2 NCIG will maintain a register in accordance with Condition 8.2.</td>
<td>Yes - Ongoing</td>
<td>The details of all incidents associated with the NCIG project have been recorded in the Incident Register in accordance with Condition 8.2.</td>
<td>The details of all incidents associated with the NCIG project have been recorded in the Incident Register in accordance with Condition 8.2.</td>
</tr>
<tr>
<td>8.3 NCIG will meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with Condition 8.1, within seven days of the date on which the incident occurred.</td>
<td>Yes - Ongoing</td>
<td>The details of all incidents associated with the NCIG project have been recorded in the Incident Register in accordance with Condition 8.3.</td>
<td>The details of all incidents associated with the NCIG project have been recorded in the Incident Register in accordance with Condition 8.3.</td>
</tr>
</tbody>
</table>