

# Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation enforced from 1 October 2011, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Glenn Snow  
**A/Director  
Infrastructure Projects**

Sydney

5 April

2012

## SCHEDULE 1

**Project Approval:** 06\_0189 granted by the Minister for Planning on 13 April 2007

**For the following:** Kooragang Coal Terminal 120 Mtpa project

**Modification:** (06\_0189 MOD 2) involving:

- modifications to the fourth rail loop alignment and associated inbound and outbound tracks to the third and fourth dump stations at the Kooragang Coal Terminal, including construction of a level crossing at Windmill Road;
- updating of the schedule of lands affected by the modification proposal;
- updating of references to government departments; and
- amendment of existing conditions of approval to incorporate the modification proposal.

## SCHEDULE 2

1. Under the heading 'Land' in Schedule 1, replace the list of lots and DP numbers with the following updated list:

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, Lot 6 DP 1104199, Lot 18 DP 1119752 and Lot 16 DP 262783.

2. In the table in Schedule 2 –
  - delete DECCW and RTA and their respective definitions;
  - replace the definition of EPA with "Environment Protection Authority as part of the Office of Environment and Heritage"; and
  - insert RMS and its definition "NSW Roads and Maritime Services".
3. Replace references to DECCW with EPA in conditions 2.9, 2.10, 3.1 - 3.3, 3.5, and 4.1 and 4.2.
4. Replace references to RTA with RMS in conditions 2.21 and 7.3c).
5. Replace condition 1.1 with the following:
  - 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 Realignment*, dated June 2011, and prepared by Umwelt Environmental Consultants; and
    - g) the conditions of this approval.
6. Replace condition 1.2 with the following:
  - 1.2 In the event of an inconsistency between:
    - a) the conditions of this approval and any document listed from condition 1.1a) to 1.1f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
    - b) any document listed from condition 1.1a) to 1.1f) inclusive, and any other document listed from condition 1.1a) to 1.1f) inclusive, the most recent document shall prevail to the extent of the inconsistency.
7. Replace condition 2.13A with the following:

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.

8. Replace condition 2.22 with the following:

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.

9. Insert the words "as modified in accordance with condition 1.1f)," after the Stage 4 Project in the first sentence of condition 3.4.

10. Insert the following condition:

**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.

11. Insert the following condition:

**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.