

Modification of Minister's Approval

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

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



A/Director
Infrastructure Projects

Sydney *26 November* 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 3) involving: • minor relocation of works and updating of the schedule of lands.

SCHEDULE 2

1. Under the heading 'Land' in Schedule 1, add the following lands:

Lots 1 & 5 in DP 1097327 and Lot 16 in DP 1097330

2. Replace condition 1.1 with the following:

The Proponent shall carry out the project generally in accordance with the

- a) Major Project Application 06_0198;
- 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.

3. 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 1.1g) 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.
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