



A303928

16 May 2012

Ms Rebecca Newman  
Senior Planning Officer  
Infrastructure Projects  
NSW Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Newman,

**EXHIBITION OF ENVIRONMENTAL ASSESSMENT FOR PORT WARATAH COAL SERVICES TERMINAL 4**

I refer to your letter dated 27<sup>th</sup> March 2012 advising of the exhibition of the Environmental Assessment for Port Waratah Coal Services Terminal 4.

The proposed Terminal 4 (T4) is to be located on land to be owned by Newcastle Port Corporation through an Agreement for Lease arrangement.

Newcastle Port Corporation has been working with Port Waratah Coal Services since 2009 to develop its Environmental Assessment, and supports the proposal. The proposal will provide a major economic benefit to the State of New South Wales.

NPC is also responsible for the provision of safe, effective and sustainable port operations. In this capacity it is recommended that the following requirements be included as conditions of approval.

NPC recommends that the following matters be addressed in the conditions of approval for this project:

*Channel Extension*

In order for safe navigation of vessels to the T4 Terminal from the existing Hunter River South Arm shipping channel an extension of the shipping channel is required. There is a development consent for the extension of the shipping channel in the Port of Newcastle (*Development Consent No. 134-3-2003*) dated 9 August 2005 that provides for the extension of the Hunter River South Arm shipping channel required to service the T4 development.

The extent of channel works required and the detailed design of those works, to service each berth at T4 terminal will need to be determined by the Harbour Master and Newcastle Port Corporation. These works will need to occur and the channel promulgated by the Harbour Master prior to navigation of any vessel to the particular berth.

Newcastle Port Corporation ABN 50 825 884 846

6 Newcomen Street (PO Box 663) Newcastle NSW 2300 Australia

Telephone: 02 4985 8222 Toll Free NSW: 1800 048 205 Facsimile: 02 4925 0600

Email: [mail@newportcorp.com.au](mailto:mail@newportcorp.com.au) Website: [www.newportcorp.com.au](http://www.newportcorp.com.au)

Prior to the navigation of any vessel to a berth at the T4 terminal the necessary works for that part of the shipping channel required to service that berth shall be undertaken in accordance with the conditions of *Development Consent No. 134-3-2003* along with the requirements of Newcastle Port Corporation and the Harbour Master and the Harbour Master shall have promulgated the channel depth for that part of the shipping channel.

#### Swing Basin

In order for safe navigation of vessels to the T4 Terminal from the existing Hunter River South Arm shipping channel a swing basin is required in the South Arm of the Hunter River to allow vessels to travel forward up the South Arm of the Hunter River before being swung 180% and then backed into the T4 berths.

Newcastle Port Corporation and the Harbour Master of the Port of Newcastle has identified that in order to maintain safe navigation in the Port of Newcastle all vessels seeking to berth at the T4 terminal shall be turned in the South Arm Swing Basin and be backed into the T4 berths.

Development Consent No. 134-3 includes provision for the construction of the South Arm Swing Basin. A modification to this development consent to relocate the location of the Swing Basin is currently undergoing assessment by the Department of Planning (*Development Application No. 134-3-2003-i MOD 8 – Relocation of Swing Basin*).

Prior to the navigation of any vessel to the T4 terminal the Swing Basin shall be constructed in accordance with the conditions of *Development Application No. 134-3-2003-i MOD 8 – Relocation of Swing Basin* as approved, along with any additional requirements of Newcastle Port Corporation and the Harbour Master and the Harbour Master shall have promulgated the depth for the Swing Basin.

#### Navigation Aids

The proponent shall consult with and obtain prior agreement from Newcastle Port Corporation and the Harbour Master for the Port of Newcastle regarding the design, location, and installation of any temporary and / or permanent navigation aids required in connection with the development, including any relocation of current navigational aids. NPC seeks that the commencement of operation of the terminal be conditional on the proponent satisfying the above requirement.

#### Prevention of Pollution of Waters

The proponent shall take all precautionary measures to prevent the pollution of waters of the Port of Newcastle by oil, oily substances, and other noxious substances.

The proponent shall ensure any generation of turbid water from construction activities are within permissible parameters.

Immediately upon becoming aware of any pollution incident or pollution activity impacting the waters of the port, the proponent shall notify Newcastle Port Corporation (in addition to any other required notifications) on 02 4985 8301 (24hrs) or VHF Channel 9.

Any contamination of the general port area resulting from construction activities will be removed by the proponent to the satisfaction of the Newcastle Port Corporation.

Works must undertaken in a manner to ensure no dumping of any rubbish or disposal of any materials into the waters of the port.

#### Prevention of Marine Pests

All vessels, dredges, barges or other floating equipment associated with the proposal shall be inspected prior to entry into Port of Newcastle to ensure they are free from biofouling.

Documented evidence shall be provided to Newcastle Port Corporation prior to any equipment or vessel entry into the Port stating inspections have been undertaken and vessel and equipment are free from biofouling. Newcastle Port Corporation may verify equipment and vessels are free from biofouling by underwater inspection.

#### Port Security

The proponent shall comply with all requirements of the *Commonwealth Maritime Transport and Offshore Facilities Security Act 2003* and Regulation 2003, and any security related directions or requests from Newcastle Port Corporation (as Port Operator) which may arise. The proponent shall ensure that any requirements relating to port security zones and/or restricted areas are met.

The facility will be required to comply with the *Maritime Transport and Offshore Facilities Security Act 2003* once the facility becomes operational.

As required by the *Maritime Transport and Offshore Facilities Security Act 2003*, all security related incidents occurring within the Port of Newcastle shall be immediately reported to Newcastle Port Corporation (as Port Operator) on 02 4985 8301 (24hrs) or VHF Channel 9.

#### Dangerous Goods

Prior to any use of dangerous goods, the proponent shall ensure that all approvals and permits for any dangerous goods required in connection with the proposal are obtained and complied with, including obtaining relevant clearances received from Newcastle Port Corporation for any Dangerous Goods being handled in the port area.

#### Limited Certificate of Local Knowledge

Prior to commencement of any works involving vessels operating in the Port, Masters who will operate vessels within the Port as part of the works, shall comply with necessary licencing requirements of Newcastle Port Corporation and the Harbour Master including obtaining limited Certificates of Local Knowledge.

#### Port Operations

Prior to any vessel or floating equipment associated with the works, entry into the Port of Newcastle, the proponent shall prepare in consultation with Newcastle Port Corporation, a Port Operations Management Plan to the satisfaction of Newcastle Port Corporation.

The Port Operations Management Plan shall be submitted to Newcastle Port Corporation at least 8 weeks prior to proposed entry of any vessels or equipment into the Port of Newcastle.

The Port Operations Management Plan shall address but not be limited to:

- Navigation (including movement of barges and interaction with commercial shipping);
- Location and lighting of all floating plant and equipment (including pipelines);
- Movements within the Port;
- Details of any tie-up facilities for floating plant and equipment;
- Communication (including communication with the Vessel Traffic Information Centre);
- Notification requirements; and
- Risk assessments for all activities.

All Management Plans submitted involving Port Operations shall be prepared on the understanding that commercial operations and shipping take priority over activities covered by this proposal.

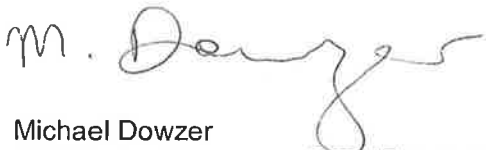
Design Approval

Prior to commencing construction the proponent shall consult with and obtain NPC's approval of all design aspects impacting on the safe navigation of vessels, including:

- Berth location and size;
- Fender arrangement;
- Fender line lighting;
- Mooring Layout;
- Gangway landing; and
- Pilot ladders and/or jetties.

Should you have any queries regarding this matter please contact the writer on (02) 4985 8215.

Yours faithfully,



Michael Dowzer  
**GENERAL MANAGER STRATEGY, EFFICIENCY & GOVERNANCE**