



Our reference: DOC12/28468; LIC07/1168-09
Contact: Rebecca Scrivener, 4908 6830

31 JUL 2012

Ms Kylie Seretis
Manager, Ports and Rail
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Ms Seretis

**NEWCASTLE COAL INFRASTRUCTURE GROUP – COAL EXPORT TERMINAL (MP06_0009) –
MODIFICATION TO PROJECT APPROVAL**

Reference is made to your letter of 10 July 2012 seeking comments and recommended conditions of approval from the Environment Protection Authority (EPA) for the proposed rail flyover modification MP 06_0009.

The modification includes the grade separation of Newcastle Coal Infrastructure Group's (NCIG) inbound track, minor realignments to the inbound and outbound track of the Kooragang Island Main Line and associated ancillary infrastructure. The modification includes amending the schedule of land to which the Project Approval applies to enable the construction works to occur.

The EPA has reviewed the document titled '*Environmental Assessment - Newcastle Coal Infrastructure Group Coal Export Terminal – Rail Flyover Modification*' dated June 2012 and notes the following commitments and conclusions.

- **Air quality** will be maintained in accordance with existing Project Approval and Environment Protection Licence (EPL) conditions including dust mitigation measures, air quality monitoring requirements and associated management;
- **Noise** generated during the construction and operation of the modified rail lines will not exceed existing Project Approval conditions or EPL limits and will be managed in accordance with existing management plans;
- **Surface water** will be managed to ensure the site remains a 'zero' discharge site with associated erosion and sediment control measures installed and maintained;
- **Groundwater** – The EA document states there will be minimal impact on the existing groundwater table and commits to installing bores along the perimeter of the rail infrastructure corridors and monitoring any groundwater changes/effects and mitigate any impact identified (section 4.8). The EPA agrees with this approach and would expect NCIG to undertake a groundwater monitoring program to monitor existing contaminated groundwater in and around the rail line to ensure any exacerbation of existing contamination is identified and managed effectively to minimise impact on the surrounding environment.

- All **fill and construction material** brought on-site would meet the requirements of existing Project Approval and Environment Protection Licence (EPL) conditions including the use of Virgin Excavated Natural Material in the construction of the rail line (condition 2.46 of MP06_0009).
- The construction of the rail infrastructure will meet the EPA's Solid Waste Landfill Guidelines - Benchmark 28 requirements. The EPA expects condition 2.53 of MP06_0009 requiring a suitably qualified person to audit the construction of rail infrastructure to apply to the proposed modification works.

The EPA recommends the existing Project Approval conditions remain as currently granted. The following additional conditions are recommended to be included in the Project Approval, should the modification be granted.

1. "Prior to construction commencing, the proponent must sample and characterise the quality of the existing groundwater in and around the rail infrastructure corridor from which groundwater quality trigger values must be determined."
2. "Prior to the commencement of construction, the proponent must develop a long term groundwater monitoring program in and around the rail infrastructure corridor to identify any changes in groundwater quality from pre-construction groundwater conditions. The groundwater monitoring program will include an action plan should groundwater quality trigger values be exceeded during the course of the monitoring program. Groundwater monitoring must commence prior to the commencement of construction"

Should the modification be granted, the proponent will need to apply to the EPA to vary the EPL to update the premises description and also include the above conditions within the EPL.

Please note that this submission only provides comments in relation to matters associated with the *Protection of the Environment Operations Act 1997*. I understand that comments regarding threatened species and Aboriginal cultural heritage will be provided in a separate letter from the Office of Environment and Heritage.

If you wish to discuss any of the above further, please call Rebecca Scrivener in our Newcastle office on 4908 6830.

Yours sincerely



MITCHELL BENNETT
Head Regional Operations Unit – Hunter
Environment Protection Authority