Notice of decision [MP06_0009 Mod 3]

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<table>
<thead>
<tr>
<th>Application type</th>
<th>State significant development modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application number and project name</td>
<td>MP06_0009 Mod 3</td>
</tr>
<tr>
<td></td>
<td>NCIG Coal Export Terminal MOD 3 – Capacity Increase</td>
</tr>
<tr>
<td>Applicant</td>
<td>Newcastle Coal Infrastructure Group Pty Ltd</td>
</tr>
<tr>
<td>Consent Authority</td>
<td>Minister for Planning and Public Spaces</td>
</tr>
</tbody>
</table>

**Decision**

The Executive Director, Energy, Resources and Compliance, under delegation from the Minister for Planning and Public Spaces has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act) modified the project approval subject to the recommended conditions.


**Date of decision**

21 August 2020

**Reasons for decision**

The following matters were taken into consideration in making this decision:

- the Department’s Assessment Report including the recommendations contained in the report;
- all the information submitted to the Department during the assessment of the modification application;
- the objects of the EP&A Act;
- advice from relevant government agencies; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department’s Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- The modification would optimise the use of existing port infrastructure to increase efficiencies in the coal supply chain, providing greater flexibility for customers and continuing to support local industry and jobs.
- The impacts on the community and the environment can be appropriately minimised and managed through the conditions of approval.
- The issues raised by the community during consultation and in submissions have been considered and adequately addressed in the Department’s assessment report and recommended conditions.
- Weighing all relevant considerations, the modification is in the public interest.
Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 22 April 2020 until 12 May 2020 (21 days) and received 104 submissions, including 15 objections.

The key issues raised by the community (including in submissions) and considered in the Department’s Assessment Report and by the decision maker include air quality, noise and greenhouse gas impacts. Other issues are addressed in detail in the Department’s Assessment Report.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Consideration</th>
</tr>
</thead>
</table>
| **Air Quality**                     | **Assessment**  
  - There would be no material increase in impacts at residential receivers around the site, and the project would continue to comply with all relevant EPA air quality criteria.  
**Conditions**  
  - The EPA air quality criteria in the existing conditions would continue to apply.  
  - NCIG must operate the project in accordance with an approved dust management plan to avoid, minimise, monitor and manage emissions from the site.  
  - The Department is satisfied no further conditions are required. |
| **Noise**                            | **Assessment**  
  - The project would continue to be able to comply with the existing EPA noise limits in the project approval at all times, and any increase in rail noise would be negligible.  
**Conditions**  
  - The existing noise limits would continue to apply. |
| **Greenhouse Gas and Climate Change** | **Assessment**  
  - Greenhouse gas emissions from the project would increase by less than 20% and represent a very minor proportion of emissions in NSW and Australia. |
| **Soil and Water Pollution**         | **Assessment**  
  - There would be no significant changes to the operational activities and therefore there would be no increase in soil or water pollution risks associated with the modification.  
**Conditions**  
  - No additional conditions required. |
| **Shipping Impacts**                 | **Assessment**  
  - Average ships taking delivery of coal from the project would increase from 12 to 16 a week.  
  - However, any overall increase in shipping within the harbour would be small in comparison with existing shipping movements, and the NSW Ports Authority did not raise any concerns about the proposed modification. |
| **Site Closure and Rehabilitation**  | **Assessment**  
  - The modification does not propose any changes to the closure strategy, decommissioning and rehabilitation of the site. |