Port Waratah Coal Services Limited

Kooragang Coal Terminal Stage 4 Project
Fourth Dump Station & Fourth Shiploader
Response to Submissions

February 2010

Umwelt
Environmental Consultants

Kooragang Coal Terminal Stage 4 Project Fourth Dump Station & Fourth Shiploader Response to Submissions

Prepared by

Umwelt (Australia) Pty Limited

on behalf of

Port Waratah Coal Services Limited

Project Director:	Barbara Crossley	
Project Manager:	Tim Crosdale	
Report No.	2551/R06/Final	Date: February 2010

Umwelt
Environmental Consultants

2/20 The Boulevarde
PO Box 838
Toronto NSW 2283

Ph: 02 4950 5322
Fax: 02 4950 5737
Email: mail@umwelt.com.au
Website: www.umwelt.com.au

TABLE OF CONTENTS

1.0 Introduction 1

1.1 The Stage 4 Project 1

1.2 Summary of Issues Raised in Submissions 2

1.3 Report Structure 2

2.0 Department of Environment, Climate Change and Water (DECCW) 3

3.0 Newcastle City Council 4

4.0 Newcastle Port Corporation (NPC) 8

5.0 Roads and Traffic Authority (RTA) 12

6.0 NSW Office of Water (NOW) 14

7.0 Kooragang Bulk Facilities (KBF) 15

1.0 Introduction

This document has been prepared in response to a request from the Director-General in accordance with section 75H(6) of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) that Port Waratah Coal Services Limited (PWCS) prepare a response to the issues raised during the public exhibition period for the Kooragang Coal Terminal Stage 4 Project Fourth Dump Station and Fourth Shiploader (the Stage 4 Project). This report outlines PWCS' Response to Submissions and focuses on the issues raised during public exhibition of the EA in December 2009.

1.1 The Stage 4 Project

PWCS has identified a potential benefit to the current and approved KCT facility to have increased 'sprint capacity' to meet the overall approved 120 Mtpa throughput following short term disruptions to operations. Short term disruptions in throughput result in large variations in daily coal throughput rates, which subsequently limit overall throughput capacity of KCT. Short term disruptions in operations result from a variety of occurrences, such as restrictions or closures of the coal transportation chain, planned and unplanned maintenance outages and port and rail interruptions due to weather impacts.

In order to achieve these operational benefits, PWCS is seeking a modification of the 2007 Project Approval to construct and operate a fourth dump station, a fourth shiploader on existing and approved ship berths, and the associated interconnecting coal handling infrastructure. The proposal, referred to as the Stage 4 Project, will not increase the approved throughput capacity of KCT to above the nominal 120 Mtpa.

The Stage 4 Project design has specifically targeted integration with existing operations, in terms of integrated operational processes, and minimisation of impacts on existing operations and surrounding areas. Once approved, the Stage 4 Project will be incorporated into PWCS's ongoing capital works expansion program for KCT to improve coal handling efficiency whilst achieving the approved coal throughput capacity.

The Stage 4 Project is described in detail in Section 3.0 of the EA. In overview, the Stage 4 Project will include the construction and operation of additional infrastructure adjacent to the existing plant and equipment including:

- fourth dump station, associated rail facilities, sample plant and inbound conveyors;
- augmentation to the rail loop to include an additional inbound track to, and additional outbound tracks from, the fourth dump station;
- shipping conveyor including the construction and operation of a conveyor bridge over Teal Street, above the southern approach to Stockton Bridge;
- transfer houses;
- buffer bin;
- outbound sample plant;
- shiploader wharf conveyor; and
- fourth shiploader to service the existing and approved berths.

The majority of infrastructure associated with the Stage 4 Project will be constructed within the approved footprint of KCT. The Stage 4 Project will involve only minor changes to the approved footprint of KCT with additional infrastructure to be constructed on previously disturbed land. The Stage 4 Project has been designed to be an integrated coal handling stream at KCT that will augment the existing and approved KCT operations.

The construction of the Stage 4 Project is expected to take approximately 24 months to complete. Construction employment will peak at approximately 300 for a period of approximately six months. The Stage 4 Project will not require any additional operational staff. The Stage 4 Project, with an estimated capital value of $500 million, represents a significant commitment from PWCS to improve coal handling efficiency at KCT and the broader Hunter Valley Coal Chain.

1.2 Summary of Issues Raised in Submissions

A total of seven (7) submissions were received during the public exhibition of the Environmental Assessment (EA). The majority of submissions were made by government agencies including Department of Environment, Climate Change and Water (DECCW), Newcastle Port Corporation (NPC), Newcastle City Council (NCC), Australian Rail Track Corporation (ARTC), the Roads and Traffic Authority (RTA), NSW Maritime and the NSW Government Office of Water (NOW). A submission was also received from Kooragang Bulk Facilities (KBF) which is a neighbour of Kooragang Coal Terminal (KCT).

With the exception of KBF, no other submissions were received from members of the community during the public exhibition period for the Project.

None of the submissions received during the exhibition period expressly objected to the Stage 4 Project. Specifically, the submissions from ARTC and NSW Maritime did not provide any comments in relation to the Environmental Assessment (EA) to be addressed in this report.

The remaining submissions raised few issues in relation to the Stage 4 Project and a number of agencies outlined proposed conditions of approval for considerations of the Department of Planning (DoP) in the determination of the Stage 4 Project. The issues raised in each submission are addressed in the following sections of this report.

1.3 Report Structure

This response to submissions report has been prepared by Umwelt (Australia) Pty Limited on behalf of PWCS to address the key issues raised through the submissions received on the EA through the public exhibition period. Issues raised by submissions and the theme of the matters raised is noted in bold, followed by the response in normal type.

2.0 Department of Environment, Climate Change and Water (DECCW)

Submission

PWCS currently holds Environmental Protection Licence (EPL) 1552 issued under the *Protection of the Environment Operations Act 1997* for the operation of KCT. DECCW have determined that, if development consent for the Project is granted, it would be able to issue a variation to EPL 1552 for the Project. The applicant would need to make a separate application to DECCW to vary this licence prior to any works commencing.

Response

As outlined throughout the EA (refer to Sections 3.2 and 3.3 (pp 3.3 and 3.4)), the Stage 4 Project has been designed to augment the existing and approved KCT operations to provide for increased 'sprint capacity' as part of the ongoing KCT operations. Once operational, the Stage 4 Project will be managed by PWCS as an integrated component of ongoing KCT operations. The Stage 4 Project involves only minor changes to the approved footprint of KCT with additional infrastructure associated with the Project to be constructed on previously disturbed land (refer to Figure 3.1 and Figures 3.4 to 3.6 of the EA). These minor changes to the approved footprint of KCT primarily relate to the augmentation of the rail receival loop, with the remaining components of the Stage 4 project essentially within existing infrastructure areas.

As outlined in Section 2.3 of the EA (p 2.3), PWCS has designed and implemented a range of environmental management strategies and plans to effectively manage the impacts of KCT on the environment and local community. All management strategies and plans meet current regulatory and community standards, including the provisions of the current Environment Protection Licence (EPL) 1552 for KCT. The Stage 4 Project will be encompassed by the existing environmental management systems including the water management system, air quality and noise mitigation strategies, and has been designed to comply with the existing provisions of EPL 1552.

Given that the Stage 4 Project will be integrated within the existing approved KCT operation and the comprehensive environmental management system implemented at KCT it is considered unlikely that a variation to the EPL will be required for the operation of the Stage 4 Project. However, given the minor footprint changes noted above, PWCS will consult with DECCW in relation to confirm the need to vary EPL 1552 prior to construction of the Stage 4 Project.

3.0 Newcastle City Council

The submission received from Newcastle City Council (NCC) raised a number of comments on the Environmental Assessment and provide a number of suggested conditions of approval for DoP to consider through the determination of the Stage 4 Project. A response to the comments and suggested approval conditions is provided in this section.

Submission

Council state that the Greenhouse Gas Emissions Study prepared by SEE Sustainability Consulting dated October 2009 highlights the Scope 2 emissions associated with the overall operation of PWCS is dominated by electricity usage. Council suggests clarification is required regarding the electricity usage figures as higher usage would be expected with the addition of further infrastructure as part of proposed Stage 4.

Response

As outlined in Section 6.4.1 (p 6.42) and Appendix 9 of the EA, the electricity consumption utilised as the basis of the greenhouse assessment is based on data from PWCS's existing operations. The electricity usage figure was calculated based on the existing electricity consumption per tonne of coal throughput at KCT. This figure was then extrapolated to the current approved capacity of 120 Mtpa. The electricity consumption figure includes electricity used in the conveyors, stackers, reclaimers, and shiploaders, lighting and general power, stockpile sprays and pumping.

The approach of calculating power consumption on a per tonne of coal throughput basis is reflective of the integrated design and operation of KCT infrastructure, whereby all existing and approved plant does not need to be operating simultaneously to meet the overall approved throughput capacity. As outlined in Section 3.3 of the EA (p 3.4), the Stage 4 Project has been designed as an integrated component of KCT operations. In the context of overall energy use, the additional infrastructure associated with the proposed Stage 4 Project would not result in an overall increase in electricity usage as the current approved throughput capacity would not be increased for KCT operations as part of the Project.

Submission

The Noise Impact Assessment prepared by Heggies Pty Ltd dated 23 October 2009 states compliance with noise levels outlined in Condition 2.8 of development application 06_0189 may be achieved, with Stage 4 operational, by retrofitting acoustic design measures to Stage 1 and 2 equipment. Council suggests a timeframe be provided regarding the proposed retrofitting to ensure the acoustic measures are implemented prior to operation of proposed Stage 4.

Response

As outlined in the Statement of Commitments (Commitment 7.3.4) PWCS has committed to undertake a review of the noise mitigation options to reduce the noise emissions by selected retrofitting of Stage 1 plant and equipment (or equivalent Stage 2) designed to reduce the overall noise emission by at least 1 dBA. As outlined in Section 6.3.2.11 of the EA (p 6.25), the retrofitting of these selected components is required to ensure that the Stage 4 Project does not increase potential noise emissions at surrounding receiver areas and to maintain ongoing compliance with the current approved noise impact assessment criteria for KCT.

Inherent in this commitment is the need to undertake the retrofitting of the selected Stage 1 and 2 infrastructure prior to the operation of the proposed Stage 4 Project in order to ensure ongoing compliance with relevant noise impact assessment criteria. The Stage 4 Project has been designed to be constructed and operated as an integral component of KCT operations to provide improved sprint capacity to achieve the current approved throughput capacity at KCT. As such, the timing of the Stage 4 Project, and therefore the timeframe of the Stage 1 and 2 retrofits, will be developed when required to respond to the increase in demand for coal throughput at KCT.

Submission

Proposed Stage 4 includes the construction of a new shiploader. However, minimal information has been provided within the environmental assessment regarding potential impacts associated with the proposed shiploader. Council recommends information be provided regarding potential impacts on the estuarine environment, design details of the shiploader area to prevent water pollution and potential impacts of sea level rise on the proposed shiploader.

Response

As outlined in Section 2.1 of the EA (p 2.1), the Stage 3 development consent issued in late 1996 provides the operating and development framework for the existing and approved KCT operations. As shown on Figure 2.1 of the EA, the Stage 3 development consent includes the construction and operations of 4 shipping berths (K4 to K7). All relevant impacts associated with the Stage 3 expansion project were comprehensively assessed in an EIS prepared to accompany the Stage 3 development application. PWCS manage the potential environmental impacts in accordance with the relevant conditions of the existing Stage 3 development consent.

As shown on Figure 3.6 of the EA, the proposed fourth shiploader, and associated conveyor, will be located within the current approved KCT footprint and become part of the existing approved (K4, K5 and K6), and the approved but yet to be constructed K7, shipping berths. The EA for the Stage 4 Project has comprehensively assessed all of the potential environmental impacts associated with the Stage 4 Project, including the construction and operation of the proposed fourth shiploader.

In its submission, NCC indicate that further information is required in relation to a number of perceived impacts associated with the proposed fourth shiploader proposed as part of the Stage 4 Project. These comments are addressed further below:

Shiploader Impacts on Estuarine Environment

The fourth shiploader would be constructed on the previously approved fourth shipping berth (K7). The fourth shipping berth was approved for construction and operation as part of the 1996 Stage 3 expansion approval. Potential estuarine impacts that may result from construction and operation of the fourth shipping berth were considered as part of the approved Stage 3 (EIS). The construction and operation of the fourth shiploader has no additional estuarine impacts than that associated with the approved fourth shipping berth.

Prevention of Water Pollution

As detailed in Section 6.3.3.1 of the EA, PWCS have a totally closed water management system designed to meet the design requirement of a 1 in 100 year storm event or equivalent. All areas of plant, including the wharf area, capture water and channel it back to settling ponds for clarification prior to being held in storage ponds for re-use, the ponds at the

wharf do not drain into the harbour. The design of the shiploader area is such that it will prevent water pollution.

Impacts of Sea Level Rise on Shiploader

The proposed fourth shiploader is designed to load vessels in the port of Newcastle which experiences varying daily high and low tides. This is accommodated in the shiploader design with a luffing boom to provide sufficient air draft for tidal variations. Without definitive sea level rise information it is sufficient to say that the design of the shiploader can easily accommodate any sea levels rise that might occur in the next 50 years. Shiploaders have a design life of approximately 30 years therefore any potential sea level rise impacts on the proposed fourth shiploader could be mitigated through appropriate design of future shiploaders at the completion of their design life.

Submission

The EA notes approximately 20 000m^3 of soil will be excavated for construction of the proposed dump station and inbound conveyor. Council recommends further information be provided regarding potential contamination contained within the excavated soil and proposed treatment and disposal methods.

Response

The potential for contaminated soils is regarded as low as the excavated area is adjacent to the existing dump station excavation in which there was not any contamination. Geotechnical investigation for the design of the dump station will include geochemical analysis of core samples. Should any areas of contamination be identified through these investigations, PWCS will manage all contaminated material in accordance with current procedures. In addition, as detailed in Section 6.3.3.2 and Appendix 6 of the EA, an Acid Sulphate Soil Management Plan (ASSMP) has been prepared for the proposed construction of the fourth Dump Station and associated conveyor infrastructure.

Suggested project approval conditions

In addition to the general comments provided on the EA, NCC also provided a number of suggested conditions of project approval for consideration by DoP in the determination of the Stage 4 Project. These suggested conditions relate to traffic management, in particular off-site parking, as outlined below. The following response is provided to clarify relevant details of the suggested project approval conditions for DoP's consideration.

Submission

Temporary on-site parking accommodation being provided for a minimum of 240 cars during the construction stage of the proposal and such being set out generally in accordance with the minimum parking layout standards indicated within Element 4.1 of Council's Newcastle 2005 DCP and Australian Standards AS2890.1 - 2004 "Parking Facilities – Part 1 off street car parking". Full details are to be included in documentation for a Construction Certificate application.

Response

As detailed in Section 6.3.6 and Appendix 8 of the EA, during construction of the Stage 4 Project adequate temporary off-street parking will be provided for construction personnel. The Stage 4 Project construction personnel will utilise existing KCT parking locations used for earlier construction projects. Site access points are located in proximity to the existing construction parking areas and will not be required to change. Where relevant, the off-street

parking facilities are consistent with the requirements of the Australian Standard AS2890.0-2004 “Parking Facilities – Part 1 off street car parking”. As all construction traffic will utilise existing off-street parking infrastructure at KCT, it is considered that a construction certificate would not be required for the parking infrastructure for construction employees as part of the Stage 4 Project.

Submission

Prior to commencement of site works the developer submitting to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.

Response

As outlined Section 6.3.6.5 of the EA (p 6.42), PWCS manages existing traffic as part of ongoing operations, including construction activities, in accordance with approved procedures. This includes a Construction Traffic Management Protocol (CTMP) developed by PWCS and approved by NCC, RTA and DoP.

PWCS have committed to update the existing approved CTMP to include specific consideration for the management of construction employees as part of the Stage 4 Project (refer to Section 7.6 of the EA (p 7.4)). The CTMP will be updated and submitted for the approval of Newcastle City Council (NCC) and the Roads and Traffic Authority (RTA), to the satisfaction of DoP, in accordance with existing conditions of project approval PA 06_0189 for KCT.

Submission

Proposed temporary parking areas, driveways, vehicular ramps and turning areas being maintained clear of obstruction and being used exclusively for purposes of car parking and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

Response

PWCS will maintain temporary parking areas, driveways, vehicular ramps or turning areas free from the storage of goods or waste materials during the construction of the Stage 4 Project.

4.0 Newcastle Port Corporation (NPC)

In its submission, NPC supported the Stage 4 Project subject to compliance with a number of suggested project approval conditions. The majority of the suggested project approval conditions relate specifically to management of shipping movements within the Port of Newcastle. As outlined in the EA, the Stage 4 Project does not propose to increase the approved throughput capacity of KCT or require any alterations to the approved wharf area of KCT and associated ship loading procedures. Consequently, the Stage 4 Project will not directly affect existing approved shipping movements associated with the currently approved KCT operations. Accordingly, the suggested project approval conditions contained in NPC's submission are not considered relevant to the Stage 4 Project. Each of the suggested conditions of project approval is discussed further below.

Nevertheless, PWCS generally supports the requirements of NPC in relation to the management of shipping movements in the Port of Newcastle, and will continue to manage ongoing approved KCT operations in accordance all current relevant requirements.

Submission

Lighting

In accordance with The Management of Waters and Waterside Lands Regulations NSW 1972, the Harbour Master of Newcastle Port Corporation reserves the right to require amendments to proposed lighting and water based hazard markers if deemed necessary to ensure safe navigation in the harbour.

Response

PWCS does not require alterations to the existing shipping practices within the Port of Newcastle as part of the Stage 4 Project. However, as part of the ongoing approved operations, PWCS will continue to liaise with the Harbour Master of NPC regarding amendments to lighting and water based markers.

Submission

Prevention of Marine Pests

The proponent shall take all precautionary measures to prevent the spread of harmful aquatic organisms by ballast water, sediments or biofouling. A risk assessment will be conducted on all international vessels, with any high risk vessels requiring an inspection by AQIS.

Newcastle Port Corporation may request documented evidence to be provided prior to any equipment of vessel entering into the Port certifying that inspections have been undertaken and that the vessel and/or equipment are free from biofouling. Where required, Newcastle Port Corporation may verify equipment and vessels are free from biofouling by underwater inspection.

Response

AQIS are the authority responsible for the management of the prevention of marine pests. As part of ongoing practices PWCS will continue to liaise with AQIS on matters relating to the biofouling of vessels.

Submission

Navigation Aids

The proponent shall consult and obtain prior agreement from the Harbour Master of Newcastle Port Corporation regarding the design, location, and installation of any temporary and/or permanent navigation aids required in connection with the proposal, including any relocation of current navigational aids.

Response

PWCS does not require alterations to the existing shipping practices within Port of Newcastle as part of the Stage 4 Project. However, as part of the ongoing approved operations, PWCS will continue to liaise with NPC in regard to changes to the design, location, and installation of any temporary and/or permanent navigation aids

Submission

Limited Certificate of Local Knowledge

In finalising vessel Masters who will operate vessels within the Port of Newcastle, prior agreement shall be obtained from Newcastle Port Corporation regarding issuing of limited Certificates of Local Knowledge.

Response

PWCS does not require alterations to the existing shipping practices within the Port of Newcastle as part of the Stage 4 Project. PWCS is not accountable for vessel masters obtaining limited Certificates of Local Knowledge to operate within the Port of Newcastle. Therefore this condition is not relevant to PWCS operations.

Submission

Port Operations

Prior to any vessel or floating equipment 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.

Response

PWCS does not require alterations to the existing shipping practices within the Port of Newcastle as part of the Stage 4 Project. As such, the need for PWCS to prepare a Port Operations Management Plan is not applicable to the Stage 4 Project.

Submission

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. All security related incidents occurring within the Port of Newcastle shall be immediately reported to Newcastle Port Corporation. The Proponent shall ensure all persons associated with the proposal are inducted by Newcastle Port Corporation and obtain all necessary access and identification passes, including relevant background checks.

Response

As part of ongoing operations, PWCS will continue to 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. PWCS will ensure that any requirements relating to port security zones and/or restricted areas are met. PWCS will report all security related incidents to NPC. PWCS will ensure all relevant persons associated with the Stage 4 Project are inducted by NPC and obtain all necessary checks.

In addition to the suggested conditions relating to the management of shipping movements, NPC also suggested the following condition of approval in relation to water management.

Submission

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. Immediately upon becoming aware of any pollution incident or pollution activity, the proponent shall notify Newcastle Port Corporation. Any contamination of the general port area resulting will be removed by the proponent to the satisfaction of the Newcastle Port Corporation.

Response

PWCS has established a totally closed water management system to meet the design requirement of a 1 in 100 year design storm event or equivalent. To enable greater water harvesting and reduce dependence on potable water, the water management system for the complete Stage 3 Expansion is being implemented as part of the progressive expansion process at KCT. The existing water management system encompasses all established plant and equipment within the approved KCT footprint. The water management system is designed to prevent pollution of waters from KCT operations through the capture, management and treatment of water for beneficial reuse as part of the ongoing operations.

As outlined in Section 6.3.3.1 of the EA (p 6.27), all infrastructure associated with the Stage 4 Project will be contained within the existing KCT water management system and will be managed through the continued use of this system as part of ongoing KCT operations. In addition, during construction of the proposed plant and equipment associated with the Stage 4 Project, PWCS will install all appropriate erosion and sediment control structures to manage water quality. Water captured in areas disturbed through construction activities will be directed to the existing KCT water management system for treatment and re-use on site.

The incorporation of the construction and operation of the Stage 4 Project into the existing water management system at KCT will prevent the pollution of waters.

NPC is responsible for the management of maritime movements and incidents in the Port. It has conducted appropriate maritime oil spill response training and has a detailed environmental management plan and an environmental procedures manual in place.

Accordingly, PWCS understands that the clean up of any polluted waters within the Port of Newcastle are the responsibility of NPC in accordance with relevant requirements.

If in the unlikely case of the pollution of waters attributable to KCT operations, PWCS will contact NPC and support relevant clean up requirements in consultation with NPC.

5.0 Roads and Traffic Authority (RTA)

In its submission, the RTA did not object to the Stage 4 Project subject to the compliance with a number of suggested project approval conditions, as outlined below. The following response is provided to clarify relevant details of the suggested project approval conditions for DoP consideration.

Submission

Access:

- **Vehicular access for Stage 4 Project construction vehicles shall be via existing intersections.**

- **The KCT Construction Traffic Management Protocol (CTMP) operating at the site shall be revised to detail management of heavy vehicle movements associated with the Project during construction. The protocol shall specifically address the movement of oversize loads to and from the site, the management of construction traffic, restrictions to the hours of heavy vehicle movements to avoid road use conflicts and the transportation of construction waste materials. The revised CTMP shall be submitted to the RTA and Council for approval.**

Response

As outlined in Section 6.3.6.5 of the EA (p 6.42), PWCS manages existing traffic as part of ongoing operations, including construction activities, in accordance with approved procedures. This includes a Construction Traffic Management Protocol (CTMP) developed by PWCS and approved by NCC, RTA and DoP.

PWCS have committed to update the existing approved CTMP to include specific consideration for the management of construction employees as part of the Stage 4 Project (refer to Section 7.6 of the EA (p 7.4)). The CTMP will be updated in consultation with Newcastle City Council (NCC) and the Roads and Traffic Authority (RTA) to the satisfaction of DoP, in accordance with existing conditions of project approval PA 06_0189 for KCT.

Submission

Conveyor Bridge:

- **The bridge structure over Teal Road shall be designed and constructed to RTA requirements, including (but not limited to):**

    - **A minimum 6.5 metre vertical height clearance from the top of the Teal Street pavement to the underside of the bridge structure.**
    - **The bridge structure and its approaches shall be designed to minimise the impacts of maintenance activities required within the road reserve.**
    - **Maintenance activities required for the bridge structure shall be carried out from within/on the bridge structure.**
- **Details of the maintenance policy for the proposed conveyor should be forwarded to the RTA. The applicant should be made aware that an agreement with the RTA will be required for the ongoing maintenance of the bridge structure.**

Response

PWCS accept this condition is appropriate. As outlined in Section 3.3.3 of the EA, the proposed conveyor infrastructure has a design clearance of approximately 8 metres to Teal Road. The Conveyor will be designed to minimise the impacts of maintenance activities and will be carried in accordance with a maintenance schedule developed in consultation with the RTA.

Submission

Work Authorisation Deed (WAD):

- **The developer will be required to enter into a Works Authorisation Deed with the RTA. In this regard the developer is required to submit a detailed design plans and all relevant additional information, as may be required in the RTA's Works Authorisation Deed documentation, for each specific change to state road network for the RTA's assessment and final decision concerning the work.**

Response

Under Section 138 of the *Roads Act 1993* a person must not undertake any works that impact on a road, including connecting a road (whether public or private) to a classified road, without approval of the relevant authority. As outlined in Section 4.1.2.2 of the EA, the proposed construction of a conveyor bridge over Teal Street has the potential to impact on a road managed by the RTA and an approval under Section 138 of the Roads Act will be required from the RTA for the Stage 4 Project. PWCS will undertake further consultation with the RTA in relation to the relevant approval requirements, including the need to enter into a WAD.

Submission

General:

- **Sufficient provision shall be made for parking on site to ensure no vehicles are parked on the classified road network.**

- **All work associated with the development shall be at no cost to the RTA.**

Response

As detailed in Section 6.3.6 and Appendix 8 of the EA, during construction of the Stage 4 Project adequate temporary off street parking will be provided for construction personnel. The Stage 4 Project construction personnel will utilise existing KCT parking locations. Site access points are located in proximity to the existing construction parking areas and will not be required to change. All works associated with the Stage 4 Project will be at no cost to the RTA.

6.0 NSW Office of Water (NOW)

Submission

The Office of Water considers the EA to adequately address NOW statutory requirements under NSW water legislation.

They also note that temporary dewatering works shall not be used for the discharge of polluted water into a river otherwise than in accordance with the conditions of the EPL 1552.

Response

As outlined in Section 6.3.3.2 (p 6.27) and Appendix 6 of the EA, groundwater produced as a result of dewatering during the construction of Stage 4 Project will be managed by either of the following:

- Re-injection of the water into the Estuarine Aquifer, with minimal treatment; or
- On-site treatment prior to re-injection and/or reuse on site through the existing KCT water management system.

Therefore groundwater produced as a result of dewatering will not be discharged into the Hunter River as part of the Stage 4 Project. All dewatering works will be carried out in accordance with all relevant approvals.

Submission

NOW state that water demands associated with any future expansion of the coal terminal facility may necessitate licensing requirement consideration under NSW water legislation.

Response

As outlined in Section 6.3.3.1 the EA (p 6.25), PWCS water demands are largely supplied by the existing KCT water management system. The Stage 4 Project will not increase throughput or result in additional water usage and due to increased efficiencies in the way water is used on the KCT site, it is unlikely that water demand will increase in the future. Nevertheless it is acknowledged that PWCS will need to consider appropriate licensing for all future activities, where required.

7.0 Kooragang Bulk Facilities (KBF)

Submission

KBF understand that the proposed conveyor for this Project will cross over a conveyor owned by Kooragang Bulk Facilities. KBF state that they have not had a proper opportunity to assess the implications in detail, given the short notice they had. KBF does not object to the Project but submits that the proposed conveyor across KBF's lease should only be approved with conditions requiring proper fire protection and other safety measures to ensure that there will be no way in which failure of the proposed conveyor could result in damage to KBF's conveyor or other assets, or put at risk the health and safety of KBF's employees.

KBF state that they are not aware of any arrangement which might allow the project applicant to obtain access to KBF's lease to construct and operate the proposed conveyor, although it is investigating this matter further.

Response

Three existing approved KCT conveyors pass above the KBF conveyor and are designed and maintained to meet all relevant standards and safety and environment criteria. As outlined in Section 3.3.3 of the EA, the design of the proposed conveyor will be consistent with existing and approved KCT infrastructure. PWCS will continue to consult with KBF regarding the design and construction of the conveyor to ensure that any specific requirements of KBF are considered in the design of the proposed conveyor infrastructure and there is not any increase risk to KBF.

Umwelt (Australia) Pty Limited
2/20 The Boulevarde
PO Box 838
Toronto NSW 2283

Ph. 02 4950 5322
Fax 02 4950 5737