



Our Ref: 3097/TC/311012

31 October 2012

Glenn Snow  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2000

via email: [glenn.snow@planning.nsw.gov.au](mailto:glenn.snow@planning.nsw.gov.au)

Dear Glenn

**Re: Kooragang Coal Terminal - PA 06\_0189 MOD 3**

Further to our previous correspondence of 31 August 2012 and phone meeting with the Department on 25 October 2012 please find the following additional information to support Port Waratah Coal Services' (PWCS) application to modify PA 06\_0189 submitted on 2 July 2012. As outlined in this application, the purpose of this modification (MOD 3) is to update the schedule of lands for PA 06\_0189 to include three (3) additional allotments owned by Pacific National (PN) located on the rail loop servicing Kooragang Coal Terminal (KCT) (refer to Figure 1).

#### Background

A modification to PA 06\_0189 (MOD 2) was granted by the Department on 5 April 2012 to enable a number of modifications at KCT including:

- modifications to the fourth rail loop alignment and associated inbound and outbound tracks to the third and fourth dump stations at KCT, including the relocation of the PWCS North Road, and a level crossing at Windmill Road to provide ongoing access to current external users of the rail loop servicing KCT;
- updating the schedule of lands affected by the modification proposal; and
- amendment of existing conditions of approval to incorporate the modification.

The original application for PA 06\_0189 MOD 2, including potential impacts on the three (3) allotments owned by PN, were assessed as part of the Environmental Assessment (EA) (dated June 2011) submitted in support of MOD 2. Throughout the assessment and determination of MOD 2, PWCS maintained ongoing consultation with PN with regards to MOD 2 specifically in relation to the design of the realigned Windmill Road and PWCS North Road. This included the development of a Memorandum of Understanding (MoU) between PWCS and PN, which included specific agreements in relation to the design of the realigned PWCS North Road to maintain ongoing access to PN facilities which utilise the rail loop servicing KCT.

Inspired People.  
Dedicated Team.  
Quality Outcomes.

#### Newcastle

PO Box 3024  
75 York Street  
Teralba NSW 2284

Ph. 02 4950 5322

#### Perth

PO Box 8177  
144 Churchill Avenue  
Subiaco East WA 6008

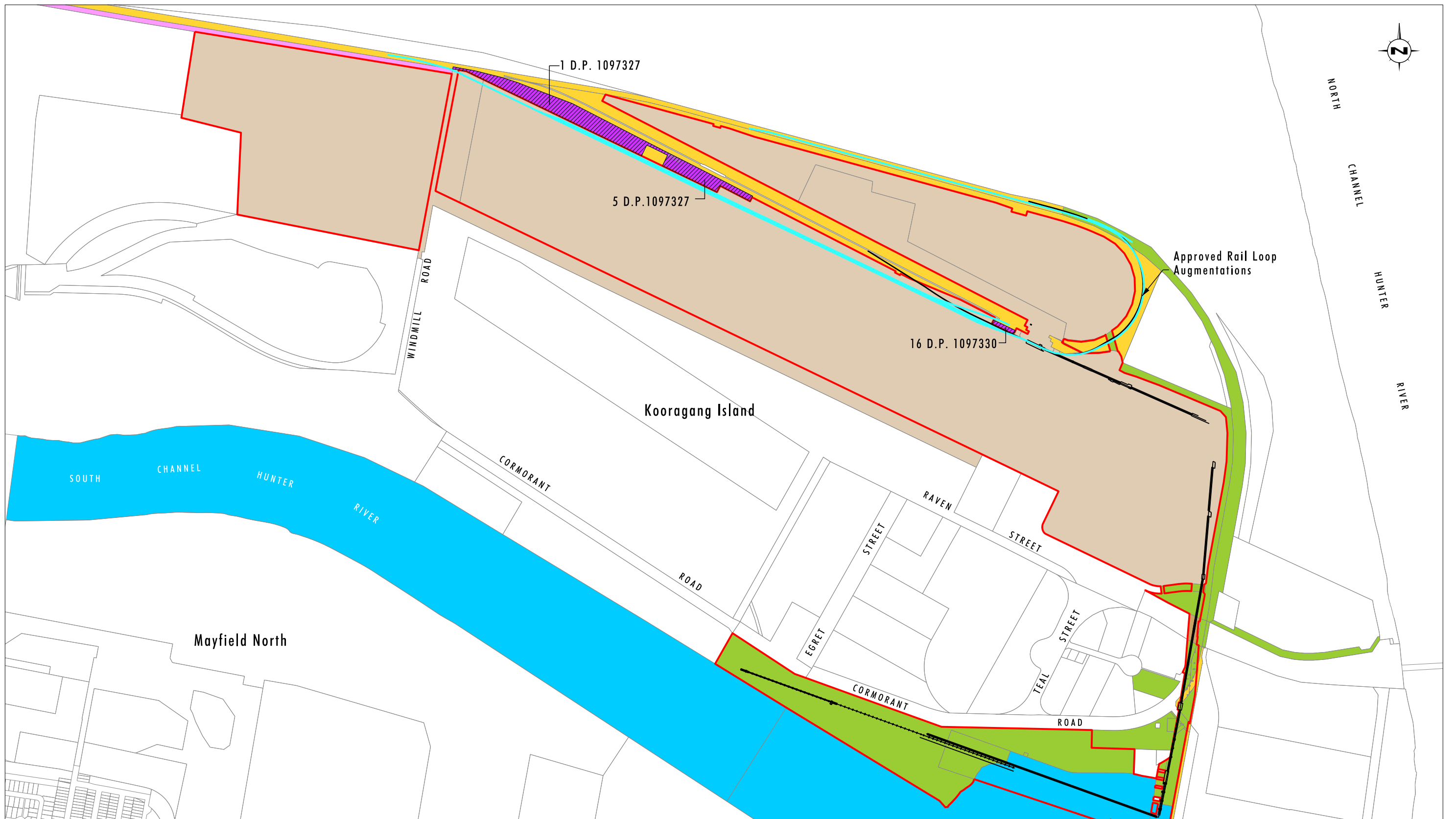
Ph. 08 6260 0700

#### Canberra

PO Box 6135  
56 Bluebell Street  
O'Connor ACT 2602

Ph. 02 6262 9484

[www.umwelt.com.au](http://www.umwelt.com.au)



Source: Monteah & Powys (2010), Land & Property Management Authority (2010)

0 200 400 600m  
1:12 500

### Legend

- |  |  |   |
|--|--|---|
| <span style="border: 1px solid red; display: inline-block; width: 20px; height: 10px;"></span> Kooragang Coal Terminal               | <span style="background-color: #8B4513; display: inline-block; width: 20px; height: 10px;"></span> Newcastle City Council  | <span style="background-color: #800080; display: inline-block; width: 20px; height: 10px;"></span> Pacific National |
| <span style="background-color: #00BFFF; display: inline-block; width: 20px; height: 10px;"></span> NSW Maritime                      | <span style="background-color: #FF00FF; display: inline-block; width: 20px; height: 10px;"></span> Minister for Commerce   |   |
| <span style="background-color: #3CB371; display: inline-block; width: 20px; height: 10px;"></span> Newcastle Port Corporation        | <span style="border-bottom: 2px solid black; display: inline-block; width: 20px;"></span> Stage 4 Project Infrastructure   |   |
| <span style="background-color: #FFD700; display: inline-block; width: 20px; height: 10px;"></span> Australian Rail Track Corporation | <span style="border-bottom: 2px dashed cyan; display: inline-block; width: 20px;"></span> Proposed Rail Loop Realignment   |   |
| <span style="background-color: #D2B48C; display: inline-block; width: 20px; height: 10px;"></span> Port Waratah Coal Services        | <span style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); display: inline-block; width: 20px; height: 10px;"></span> Additional Parcels |   |

FIGURE 1  
KCT Schedule of Lands

Notwithstanding the progression of the development of the MoU and the strong relationship between PWCS and PN, at the time of determination of MOD 2, PN had not provided land owner's consent for works to occur on the three (3) allotments. Consequently PWCS, in consultation with the Department, removed the three (3) allotments from the MOD 2 application approved by the Department on 5 April 2012. As part of this decision, PWCS committed to a conceptual design of the PWCS North Road that provided works to be completed on land excluding the three (3) PN allotments. Whilst this conceptual design was possible, it was not optimal in terms of the construction process, vehicle access and the ongoing maintenance of a range of services to both PWCS and its neighbours located along the realigned PWCS North Road.

### Overview of MOD 3

Since the approval of MOD 2, PN have provided consent for development to occur on the three allotments as provided in the MOD 3 application dated 2 July 2012 in consideration of PWCS maintaining the standard of road access to these allotments. Accordingly, PWCS are proposing to construct a small proportion of the realigned PWCS North Road, including the reconnection of some existing shared services such as drainage, water, power, and fibre optic to occur on these allotments (refer to **Figures 2 to 4**). These shared services will generally remain within PWCS property on relocation but may impact in some areas on the identified allotments. In addition, and as a minor consideration, these allotments provide additional space to optimise the construction of the realigned PWCS North Road and services, including some minor provisions for construction lay down areas. As part of the approved realignment of the PWCS North Road, ongoing access to these allotments will be required for maintenance of the relocated service infrastructure associated with the realigned PWCS North Road.

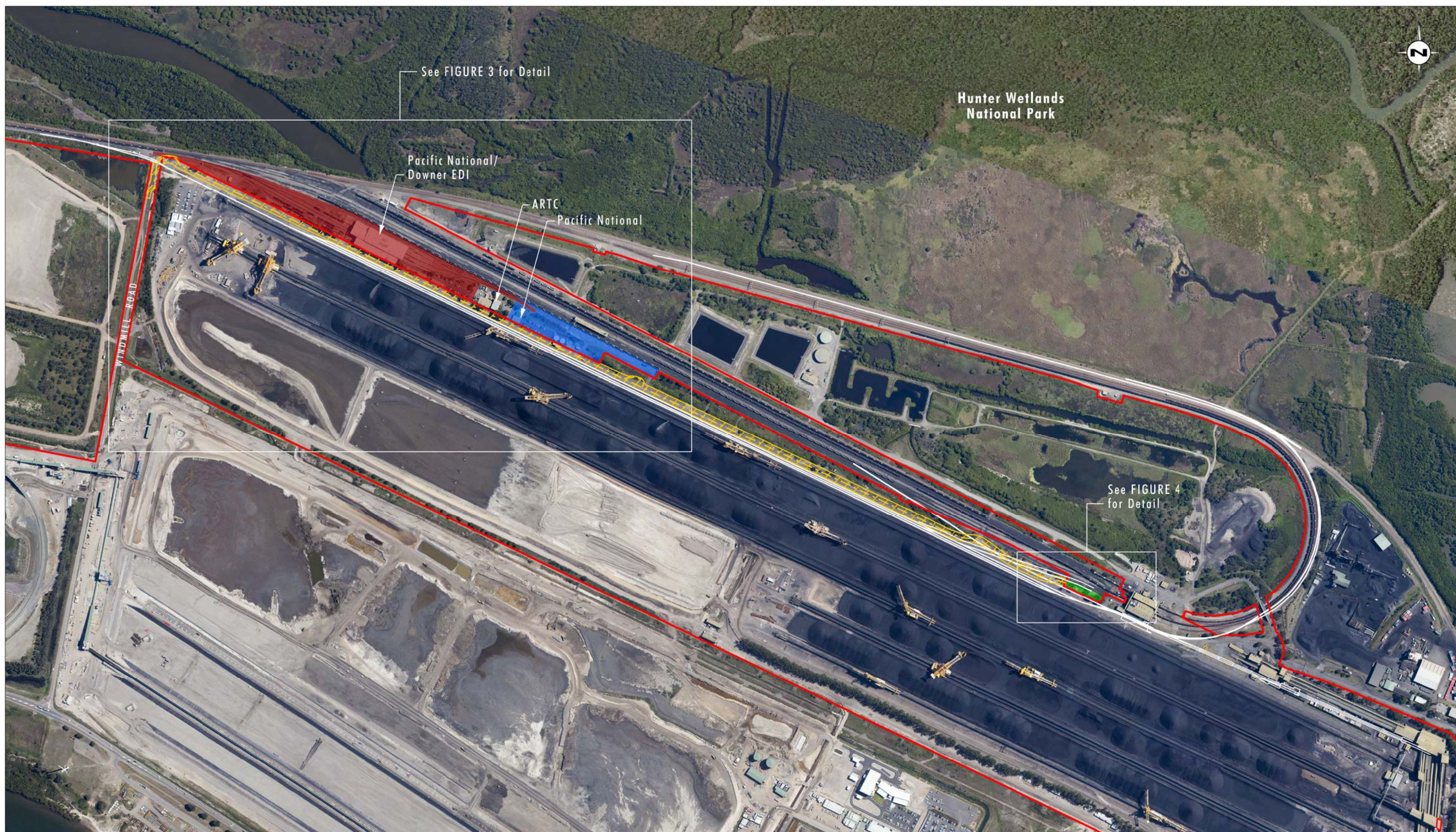
As required by Condition 2.25 of PA 06-0189 (MOD 2), PWCS have continued to consult with PN with regards to the detailed design of the approved realigned PWCS North Road, including specific considerations of access requirements for existing PN facilities. Accordingly, the inclusion of the additional PN allotments on PA06-0189 provides for the required flexibility in the final detailed design of the approved realigned PWCS North Road subject to these ongoing discussions with PN and incorporates the necessary operational access requirements of the landholders. The flexibility in the final design of the PWCS North Road was contemplated in the original MOD 2 application, and was assessed as part of the EA submitted to support the MOD 2 application (Umwelt 2011).

### Review of Environmental Impacts

As outlined above, the undertaking of works on the additional three (3) PN allotments has been previously assessed as part of the EA (specifically Section 5) submitted in support of PA 06-0189 MOD 2. The following information provides an overview of the assessment of impacts as relevant to the development of three (3) additional PN allotments, as requested by the Department. The nature of the proposed works is such that only the construction activities associated with the realigned PWCS North access road have potential for environmental impact.

The proposed works are located within a highly modified area, which comprises the existing rail loop servicing KCT, an existing sealed access road and existing operational areas within the vicinity of KCT. This area has been in this highly disturbed state since the early 1980s. All construction activities associated with this proposal are located within these previously disturbed areas. **Figures 2 to 4**, attached, highlight the previously disturbed nature of the PN allotments located on the KCT rail loop. **Table 1** provides an assessment of the potential impacts associated with the proposed modification.





Source: Google Earth, PWCS (2010 & 2011)

0 100 200 400m  
1:7500

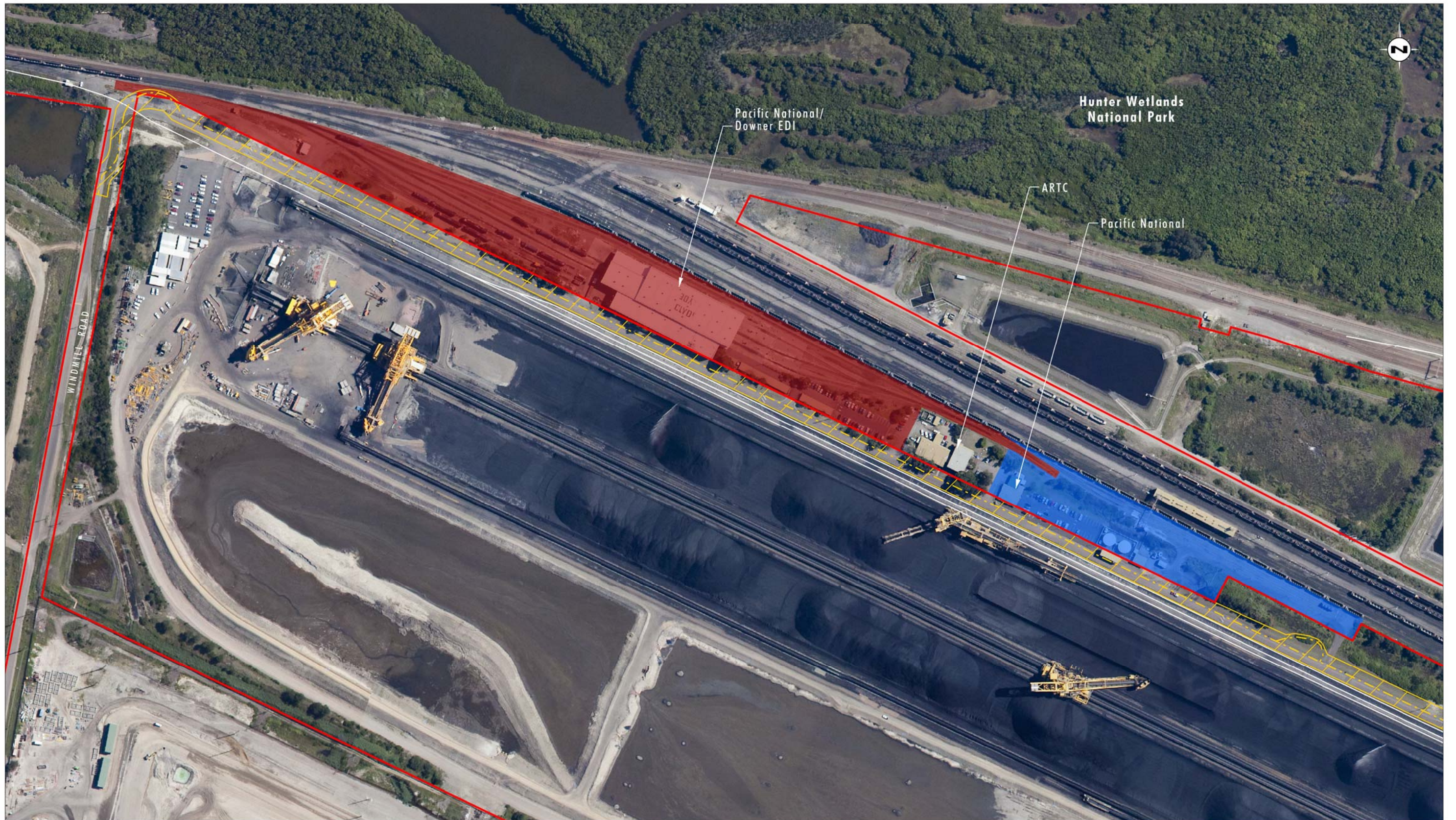
### Legend

- Kooragang Coal Terminal
- Approved Stage 4 Project Infrastructure
- Proposed Access Road Corridor (including services)
- Lot 1 DP 1097327 Pacific National
- Lot 5 DP 1097327 Pacific National
- Lot 16 DP 1097330 Pacific National

File Name (A3): 3097\_010.dgn  
20121030 13.56

FIGURE 2  
Proposed Modification





Source: PWCS (2012)

0 50 100 150m  
1:3000

### Legend

- Kooragang Coal Terminal
- Approved Stage 4 Project Infrastructure
- Proposed Access Road Corridor (including services)
- Lot 1 DP 1097327 Pacific National
- Lot 5 DP 1097327 Pacific National

FIGURE 3  
Pacific National Allotments





Source: PWCS (2010 & 2011)

0 10 25 50m  
1:1000

### Legend

- ▬ Kooragang Coal Terminal
- ▬ Approved Stage 4 Project Infrastructure
- ▬ Proposed Access Road Corridor (including services)
- ▬ Lot 16 DP 1097330 Pacific National

FIGURE 4

Pacific National Allotment

**Table 1 - Environmental Assessment**

Environmental Aspect	Assessment of Potential Impacts	Further Environmental Impact?
Groundwater	The earthworks associated with the proposed works on the PN allotments will require minor areas of cut and the development of shallow trenches for the provision of services. Accordingly there is a minimal risk of intersection of groundwater and exposure of Acid Sulphate Soils (ASS). This will be readily managed throughout construction in accordance with the approved Construction Environmental Management Plan (CEMP) and ASS Management Plan and procedures for KCT. Additionally any relevant dewatering activities will be communicated to the NSW Office of Water and any required permits obtained.	No
Surface Water	The proposed modifications will be readily accommodated in the KCT existing water management system, and there is no material modification required to the water management described in the Construction Environmental Management Plan (CEMP).	No
Noise	Noise emissions associated with the construction activities located on the PN allotments will be in accordance with current approvals and levels predicted in previous noise assessments. Construction noise was assessed as part of the EA to support PA 06_0189 MOD 2 (refer to Section 5.2.1 and Appendix 2) as detailed further below. Noise emissions will be managed in accordance with the approved Construction EMP for KCT.	No, further detail provided below
Traffic	The proposed realignment of the existing PWCS North Road as part of these works has the potential to alter the impacts on traffic use of Windmill Road. These impacts were comprehensively assessed as part of the EA to support PA 06_0189 MOD 2 (refer to Section 5.2.2) as detailed further below and will be managed in accordance with the Construction EMP for KCT.	No, further detail provided below
Ecology	The proposed works on PN allotments may require the removal of small areas of vegetation and will also require completion of works outside of the approved disturbance area of KCT. These impacts were comprehensively assessed as part of the EA to support PA 06_0189 MOD 2 which identified no significant ecological impact (refer to Section 5.2.3 and Appendix 3), as detailed further below.	No, further detail provided below
Air Quality	Air quality emissions associated with the construction works on the PN allotments will be in accordance with current approvals and levels predicted in the Stage 4 Project EA (Umwelt 2009) and managed in accordance with the approved Construction EMP for KCT. Accordingly all air quality emissions from the operation of the rail loop will be in accordance with existing approvals.	No
Aboriginal Archaeology	There is no risk of in situ Aboriginal archaeological sites being located in this area as this area of Kooragang Island has been extensively filled to provide for developable industrial land.	No
Historical Heritage	The existing ancillary works and rail line features in this area have no historic value.	No
Visual Amenity	The proposed works on PN allotments will not be visible from surrounding residential areas and is consistent with the visual impacts associated with the approved KCT operations and the existing industrial nature of this area of Kooragang Island.	No



Environmental Aspect	Assessment of Potential Impacts	Further Environmental Impact?
Greenhouse Gas and Energy	Construction works will be undertaken in accordance with the approved program of construction activities outlined in the Stage 4 Project EA. The proposed works will not result in additional greenhouse emissions from KCT.	No
Maritime Safety	The proposed rail loop realignment works will not alter the approved throughput capacity of KCT. All other aspects of KCT operations will continue in accordance with approved processes.	No
Socio-economic Assessment	The socio-economic impacts of KCT will remain substantially unchanged by the proposed works.	No

As outlined in **Table 1**, given the highly disturbed nature of the PN allotments, the nature of the works to be undertaken and existing management processes at KCT, for all environmental aspects, there are no potential impacts associated with the proposed modification from those identified in previous EAs and which are currently approved. Detailed assessments were completed for a number of environmental aspects as part of the EA supporting the approved MOD 2 works (as detailed in Section 5.2 of the EA). A summary of the outcomes of these assessments as they relate to the proposed works on PN allotments are provided below:

### Construction Noise

PWCS carries out construction noise monitoring in accordance with an approved Construction EMP approved by the Department in 2011. A review of noise measurements during the previous Stage 3 and the current project construction phase confirms that noise emissions arising from construction activities are not discernible at the nearest residential receiver areas of Fern Bay and Stockton and any construction noise impacts are therefore minimal.

The construction activities associated with the proposed works on PN allotments are consistent with approved daytime construction work. It is reasonable to anticipate intrusive construction noise emissions will remain indiscernible at the nearest residential receiver areas and below the approved construction noise limits. Hence, any construction noise impacts arising from the proposed works are considered minimal.

Noise emissions associated with the construction of the proposed works will be managed in accordance with the Construction EMP for KCT, submitted to the Department on 13 August 2012.

### Traffic

A review of existing traffic within the vicinity of the PN allotments (Windmill Road and PWCS North Road) has indicated a low volume of traffic and that Windmill Road operates at a current Level of Service A with significant spare capacity. PWCS own the northern section of Windmill Road and the PWCS North Road for the use of external users of the rail loop servicing KCT. PWCS have specifically designed works to minimise potential impacts, including installation of a fully controlled level crossing across the proposed outbound departure track and relocation of the existing access road to maintain current access to this area. In relation to these design aspects it is noted:

- traffic movements during construction of the proposed works will be short term in nature and will be readily managed through standard construction traffic controls which will not result in significant impacts to access from Windmill Road; and
- the realignment of the access road will be undertaken in previously disturbed areas and will provide for ongoing access to existing facilities off Windmill Road including PN facilities.



The proposed rail loop realignment works will not have a significant impact on traffic within the vicinity of KCT, and will be readily managed throughout the construction and operational phases of these works. Any impacts to traffic can be readily managed through the incorporation of standard traffic controls, as outlined in the revised Construction Noise Management Protocol, as submitted to the Department on 13 August 2012.

### Ecology

The proposed works do not propose to significantly alter the approved footprint of KCT. It is important to note that all proposed works are located in existing disturbed areas, with only very minor potential for ecological impacts in areas outside of the existing approved KCT footprint (refer to **Figures 2 and 3**).

Umwelt completed an ecological survey of the area, which identified a number of existing planted areas within the highly modified area associated with the rail loop, which includes some native vegetation and minimal ground cover. This vegetation consists of areas of bitou bush, golden wreath wattle, willow bottlebrush and coast banksia, and has been assessed as not comprising a remnant of the pre-development mangrove and salt marsh vegetation of Kooragang Island. As part of the construction for the proposed works, minor clearance will be required in these planted areas.

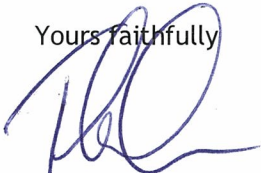
Given the nature of the ecological features of this area of Kooragang Island, the ecological impacts associated with these minor areas of disturbance are not considered to be significant. There will be negligible ecological impact associated with the construction and operation of the proposed works, consistent with current approvals for KCT.

As outlined above, the specific impacts associated with the development on the three (3) PN allotments were considered as part of the EA submitted in support of MOD 2. PWCS confirms that all works proposed on the three PN allotments will not result in significant environmental impacts.

We trust that the information provided in this response satisfies the Department's requirements for consideration of this minor modification to PA 06\_0189. We look forward to the Department's earliest consideration of this matter.

Should you have any questions or would like to discuss further please do not hesitate to contact me on 0418 160 417.

Yours faithfully



Tim Crosdale  
Associate