

1991—No. 555

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 7—
PORT KEMBLA COAL LOADER (AMENDMENT No. 2)**

NEW SOUTH WALES



[Published in Gazette No. 148 of 18 October 1991]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State Environmental Planning Policy set forth hereunder in accordance with a recommendation made by the Minister for Planning. (86–2439)

ROBERT WEBSTER
Minister for Planning.

Sydney, 11 October, 1991.

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 7—Port Kembla Coal Loader (Amendment No. 2).

Principal Policy

2. In this Policy, State Environmental Planning Policy No. 7—Port Kembla Coal Loader is referred to as the Principal Policy.

Aims, objectives etc.

3. This Policy aims to amend the Principal Policy so as:

- (a) to redefine the land to which the Principal Policy applies, following registration of a plan of subdivision in respect of Lot 4, D.P 578275; and
- (b) to regulate the receipt at the coal loader of coal and coke hauled by road.

Land to which Policy applies

4. This Policy applies to Lot 100, D.P. 643687, as shown edged heavy black on the map marked “State Environmental Planning Policy No. 7—Port Kembla Coal Loader”, deposited in the office of the Department of Planning.

Relationship to other environmental planning instruments

5. This Policy amends the Principal Policy in the manner set out in clause 6.

Amendment of Principal Policy

6. The Principal Policy is amended:

- (a) by omitting clauses 2 and 3 and by inserting instead the following clauses:

Aims, objectives etc.

2. The aim of this Policy is to regulate the receipt at the Port Kembla coal loader of coal and coke hauled by road.

Land to which Policy applies

3. This Policy applies to Lot 100, D.P. 643687, as shown edged heavy black on the map.

Definitions

3A. In this Policy:

“**coal loader complex**” means the land to which this Policy applies;

“**operator**” in relation to the coal loader, means the person who controls or manages the loader;

“**steelworks**” means the steelworks complex located adjacent to the coal loader complex;

“**the map**” means the map marked “State Environmental Planning Policy No. 7—Port Kembla Coal Loader”, deposited in the office of the Department.

- (b) by omitting from clause 5 (2) (a) the word “Department;” and by inserting instead the words “Department; and”;
- (c) by omitting from clause 5 (2) (b) the word “development;” and by inserting instead the word “development”;
- (d) by omitting clause 5 (2) (c) and (d);

(e) by inserting after clause 5 the following clauses and schedule:

Receival of coal and coke by road haulage

6. Coal or coke hauled by road must not be received at the coal loader complex unless its receival at the complex complies with this Policy and with any conditions imposed under this Policy.

Minister may impose conditions on receival of coal or coke by road haulage

7. The Minister may, when granting any approval under this Policy, impose conditions (not inconsistent with this Policy) relating to the receipt at the coal loader complex of coal or coke hauled by road.

Times at which coal may be received by road haulage from a colliery

8. (1) This clause applies to coal hauled by road from a colliery.

(2) Any such coal may be received at the coal loader complex between the hours of 7.00 a.m. and 6.00 p.m. on any day other than a Sunday or public holiday. On Sundays and public holidays, the coal may not be received at all.

(3) However, if the Minister considers that an emergency exists, the Minister may approve the receival of the coal at the coal loader complex at any time and on any day, including a Sunday or public holiday.

(4) The Minister is to give notice in writing of the approval to the operator of the coal loader.

Collieries from which coal may be road-hauled

9. (1) Coal hauled from a colliery by road must not be received at the coal loader complex unless:

- (a) the colliery is specified in Schedule 1; or
- (b) the colliery has been specified by the Minister, by notice published in the Gazette, as a colliery from which road-hauled coal may be received at the complex; or
- (c) the coal was dispatched from the colliery during a rail transport disruption:
 - (i) about which the operator of the coal loader has been notified in accordance with clause 10; and
 - (ii) which, if the coal could not have been hauled by road, would have prevented the colliery from meeting its shipping requirements.

(2) The Minister may by notice published in the Gazette, revoke or amend a notice published under subclause (1) (b).

(3) The Director is to notify the operator of the coal loader of any notice published in the Gazette under this clause.

Rail transport disruption

10. (1) The Chief Executive of the State Rail Authority may, in consultation with the operator of the coal loader, determine that a rail transport disruption is adversely affecting, or will adversely affect, the haulage of coal by rail from a colliery.

(2) The Chief Executive is to notify the operator of the coal loader that such a determination has been made.

(3) The Chief Executive is to notify the operator of the coal loader when the rail transport disruption ceases or when it ceases to adversely affect rail haulage from the colliery.

Receival of coal by road haulage from the steelworks

11. (1) This clause applies to coal hauled by road from the steelworks.

(2) Any such coal may be received at the coal loader complex if it is hauled:

(a) via Tom Thumb Woad; or

(b) via a road approved by the Minister.

(3) The Minister may not approve a road under this clause unless the Minister considers that such an emergency exists that the coal must be hauled by that road in order to maintain the efficient operation of the coal loader.

(4) The coal may be received at the coal loader complex whenever the operator of the coal loader is satisfied that the receival will not interfere with the receival of coal from collieries under clause 8 in such a way as to prevent the collieries from meeting their shipping requirements.

(5) Receival may in fact take place at any time of day and on any day, including a Sunday or public holiday, as long as the operator is satisfied under subclause (4) in relation to the time and the day.

(6) The Minister is to notify the operator in writing of any approval given under this clause.

Receival of coke and screened coal by road haulage

12. (1) Coke hauled by road from the steelworks may be received at the coal loader complex at any time if it is hauled via Tom Thumb Road.

(2) Coke or screened coal, in either case hauled by road from anywhere other than the steelworks, may be received at the coal loader complex:

- (a) if it is for direct loading into a waiting vessel—at any time and on any day (including a Sunday or a public holiday); or
- (b) in any other case—only between the hours of 7 a.m. and 6 p.m., and then only on any day other than a Sunday or public holiday.

(3) For the purposes of subclause (2), “**screened coal**” means coal:

- (a) which has been screened to a particular size; and
- (b) haulage of which for receipt at the coal loader complex must be by road if it is to maintain that size; and
- (c) loading of which into a vessel must be carried out in the same manner as the loading of coke if the coal is to maintain that size.

**SCHEDULE 1—COLLIERIES FROM WHICH COAL
MAY BE ROAD-HAULED**

(C1. 9)

Avon
Brimstone
Nattai
Oakdale
South Bulli
Westcliff
