

State Environmental Planning Policy No 7—Port Kembla Coal Loader (1982 EPI 12)

[1982-12]



New South Wales

Status Information

Currency of version

Repealed version for 23 May 1997 to 31 December 2007 (accessed 6 October 2024 at 19:17)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Policy was repealed by Sch 4 to the [State Environmental Planning Policy \(Infrastructure\) 2007 \(641\)](#) (GG No 185 of 21.12.2007, p 10003) with effect from 1.1.2008.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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State Environmental Planning Policy No 7—Port Kembla Coal Loader (1982 EPI 12)



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1 Name of Policy

This State environmental planning policy may be cited as *State Environmental Planning Policy No 7—Port Kembla Coal Loader*.

2 Aims, objectives etc

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

3 Land to which Policy applies

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

3A Definitions

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.

4 Relationship to other environmental planning instruments

Subject to section 74 (1) of the *Environmental Planning and Assessment Act 1979*, in the event of an inconsistency between this policy and another environmental planning instrument, whether made before, on or after the commencement of this policy, this policy shall prevail to the extent of the inconsistency.

5 Port Kembla Coal Loader

- (1) In this clause, **council** means the Council of the City of Wollongong.
- (2) A person may, without the necessity for the consent of the council, or any other consent under the *Environmental Planning and Assessment Act 1979* being obtained therefor, carry out development on the land to which this policy applies for the purpose of the construction and operation of a coal loader involving reclamation and general siteworks, rail receival facility, road receival facility, conveyor system and structures, coal stockyard for cargo assembly, stacking and reclamation machinery, shiploaders, berth and channel dredging, and administrative, amenities and workshop buildings, as set out in the Environmental Impact Statement (Report No PWD 78011) for Stage 1 (except in so far as that Statement is inconsistent with the provisions of this clause) and as amended by the location of the stockpiles 25 metres further south, subject to the following conditions:
 - (a) that the development is carried out in accordance with the conditions numbered (1) and (4)–(16) of the development consent given by the council on the 25 June 1979 to a development application numbered D79/44 in the council’s records, copies of which are available for inspection in the office of the council and the office of the Department, and
 - (b) that coal hauled by road shall not be received at the coal loader in excess of such amount, if any, as may be determined from time to time by the Minister and notified to the person carrying out the development.
 - (c), (d) (Repealed)

6 Receival of coal and coke by road haulage

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.

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

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.

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

- (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 am and 6.00 pm 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 receipt 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.

9 Collieries from which coal may be road-hauled

- (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.

10 Rail transport disruption

- (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.

11 Receipt of coal by road haulage from the steelworks

- (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 Road, 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 receipt will not interfere with the receipt of coal from collieries under clause 8 in such a way as to prevent the collieries from meeting their shipping requirements.
- (5) Receipt 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.

12 Receipt of coke and screened coal by road haulage

- (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 am and 6 pm, 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

(Clause 9)

Appin
Avon
Brimstone
Cordeaux

Nattai
Oakdale
South Bulli
Tower
Westcliff