

MOD.Nº is -  
MP 06\_0009 MOD 1

# Newcastle Coal

INFRASTRUCTURE GROUP

23 OCT 2007

22 October 2007

Director-General  
C/- Manager, Critical Infrastructure and Special Projects  
Major Project Assessments  
Department of Planning  
23-33 Bridge Street  
SYDNEY NSW 2000

Attention: Chris Wilson

**RE: NEWCASTLE COAL INFRASTRUCTURE GROUP COAL EXPORT TERMINAL –  
SECTION 75W MODIFICATION APPLICATION – APPROVAL (06\_009)**

We refer to Project Approval (06\_0009) granted by Minister for Planning on 13 April 2007 for the Newcastle Coal Infrastructure Group (NCIG) Coal Export Terminal.

This letter is an application to modify Project Approval (06\_0009) under Section 75W of the It has been recently brought to NCIG's attention that a subdivision of the land is required on which the *Environmental Planning and Assessment Act, 1979* (EP&A Act). Please find attached to this letter:

- Application Form
- Project Description Report; and
- Proposed Plan of Subdivision (concept plan).

The modification of Project Approval (06\_0009) is sought so as to authorise the subdivision of the land subject of Project Approval (06\_0009) . The modification is required to facilitate the registration of the 30 year lease to be granted by the State Property Authority.

A cheque for the sum of \$750 is enclosed in accordance with Clause 245K of the *Environmental Planning and Assessment Regulation 2000*.

It would be greatly appreciated if the Department of Planning would consider the proposed subdivision modification and confirm what, if any, assessment requirements are necessary to formalise the proposed changes.

Consistent with the advice received from the Department of Planning, NCIG have initiated the process of seeking certification of the subdivision by an accredited certifier by operation of s.109D(1)(d) of the Act. NCIG will provide a copy of the subdivision certificate prior to execution of this modification if required.

Please do not hesitate to contact me if you have any queries.

Yours faithfully  
**NEWCASTLE COAL INFRASTRUCTURE GROUP**



**Rob Yeates**  
**NCIG Project Director**

**ADDENDUM 1**  
**APPLICATION FORM**

# Major Projects application



NSW GOVERNMENT  
Department of Planning

Date received: <sup>22</sup> ~~22~~ 10/07

Project Application No. MP 06\_0009 MOD 1

## 1. Before you lodge

This form is required to apply for the approval of the Minister to carry out a Project to which Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act) applies.

Before lodging this application, it is recommended that you first consult with the Department of Planning (the Department) concerning your Project.

Please be aware that you may need to conduct a Planning Focus Meeting before lodging this application involving the Department, relevant agencies, Council or other groups identified by the Department. If you are required to conduct a Planning Focus Meeting, you will need to provide details and outcomes arising from the meeting.

To ensure that your application is accepted as being duly made, you must

- complete ALL parts of this form, and
- submit all relevant information required by this form.

**All applications must be lodged with the Director-General, by courier or mail.**

Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000  
GPO Box 39 SYDNEY NSW 2001  
DX 10181 Sydney Stock Exchange  
t: 02 9228 6111  
f: 02 9228 6455

## 2. Details of the proponent

Company/organisation/agency		ABN	
Newcastle Coal Infrastructure Group Pty Ltd		111 228 221	
<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> Dr <input type="checkbox"/> Other			
First name		Family name	
Robert		Yeates	
STREET ADDRESS			
Unit/street no.	Street name		
Level 7, 165	Macquarie Street		
Suburb or town	State	Postcode	
Sydney	NSW	2000	
POSTAL ADDRESS (or mark 'as above')			
GPO Box 4872			
Suburb or town	State	Postcode	
SYDNEY	NSW	2001	
Daytime telephone	Fax	Mobile	
(02) 9241 7277	(02) 9241 7299	0418 495 723	
Email			
ryeates@ncig.com.au			

### 3. Identify the land you propose to develop

#### STREET ADDRESS

Unit/street no.

Street or property name

Suburb, town or locality

Postcode

Local government area

#### REAL PROPERTY DESCRIPTION

OR: detailed description of land attached:

The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the Major Project applies to more than one piece of land, please use a comma to distinguish between each real property description.

Where the Major Project is subject to Clause 8F of the *Environmental Planning and Assessment Regulation 2000* and in lieu of completing the above, a description or detailed plan of the land affected must be included with the documents required with Part 4 below.

### 4. Proposed Major Project – Description and other Requirements

Provide a brief title for your Project that includes all significant components. If the application relates to only part of a Project, include a clear title that describes the relevant part.

Is the application related only to a part of a Project?  Yes  No

You are also required to provide a Project Description Report and address any matters required by the Director-General in accordance with 75E of the Act. Failure to do so may lead to your application being rejected.

Is a Project Description attached:

Hard copy:  Yes  No

Electronic version:  Yes  No

(NB: An electronic copy is required as all applications must be provided on the Department's website. You should contact the Department on the correct electronic format).

Is the Project Description Report consistent with the requirements of any Guideline produced by the Department (including any draft)? N/A  Yes  No

Does the Project Description Report include additional matters required by the Director-General, such as evidence of a Planning Focus Meeting and consultation? N/A  Yes  No

#### CONCEPT APPROVAL

If you are applying for a concept approval, the Department's *Concept Approval Guideline* should be consulted and the matters identified therein must be addressed as part of your application.

Does the Project Description Report submitted address the relevant guidelines for Concept Approvals? N/A  Yes  No

#### FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed Major Project. This should be expressed as a proportion of full time jobs over a full year.

Construction jobs (full-time equivalent)

Operational jobs (full-time equivalent)

## 5. Approvals from state agencies

Does the proposed Major Project require any of the following: (tick all appropriate)

- an aquaculture permit under section 144 of the *Fisheries Management Act 1994*
- an approval under section 15 of the *Mine Subsidence Compensation Act 1961*
- a mining lease under the *Mining Act 1992*
- a production lease under the *Petroleum (Onshore) Act 1991*
- an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act)
- a consent under section 138 of the *Roads Act 1993*

## 6. Application fee

You are required to pay a fee for the assessment of a Major Project. This fee is based on the estimated cost of the Major Project.

The Department requires that you pay a proportion of the total fee with this application and you should consult with the Department before lodging this application to determine the proportion to be paid.

Estimated Project Cost

N/A

## 7. Owner's Consent

REFER TO ATTACHED LETTER (DATED 21 DECEMBER 2005)

As the owner(s) of the above property, I/we consent to this application being made on our behalf by the Proponent:

Signature

Name

Date

Signature

Name

Date

Note: The Department will not accept an application for a Major Project without having the signature of the owner of the land, unless the Major Project is subject to Clause 8F of the *Environmental Planning and Assessment Regulation 2000*.

## 8. Proponent's Signatures

As the proponent(s) of the proposed Major Project and in signing below, I/we hereby:

- provide a description of the proposed Project and address all matters required by the Director-General pursuant to Section 75E of the Act, and
- apply, subject to satisfying Clause 8D of the *Environmental Planning and Assessment Regulation 2000*, for the Director-General Environmental Assessment Requirements pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979*, and
- declare that all information contained within this application is accurate at the time of signing.

Signature

Name

Newcastle Coal Infrastructure Group Pty Ltd

Date

23-10-2007

In what capacity are you signing if you are not the proponent

NCIG Project Director

Name, if you are not the proponent

Robert Yeates

**ADDENDUM 2**  
**PROJECT DESCRIPTION REPORT**

## **Proposed Subdivision Modification to Project Approval (06\_0009)**

### ***Background to the Agreement for Lease***

In September 2004, the NSW Government placed out to tender a 35 year lease for nominated portions of land on Kooragang Island for general use (including possible use as a coal export terminal). The NSW Government named NCIG as the successful tenderer for the lease for the project site on 25 August 2005. NCIG signed the Kooragang Island Coal Loader Terminal Deed of Agreement for Lease (AFL) on 26 August 2005 (see Section 1 of the Environmental Assessment for the NCIG Coal Export Terminal).

### ***Project Approval (06\_0009)***

The Minister for Planning granted NCIG Project Approval (06\_0009) on 13 April 2007 for the construction and operation of a Coal Export Terminal. Schedule 1 of Project Approval (06\_0009) identifies the land the subject of the approval and on which the Coal Export Terminal will be constructed as:

- Part Lot 122 DP 874949;
- Part Lot 6 and Part Lot 7 DP 1015754;
- Part Lot 20 DP 262325; and
- Part Lot 2 DP 581473.

Project Approval (06\_0009) was granted subject to certain conditions. Condition 1.1 requires NCIG to carry out the project in accordance with, amongst other things, *Major Projects Application (06\_0009)* (condition 1.1(a)) and *Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal*, prepared by Resource Strategies Pty Ltd and dated July 2006 (condition 1.1(b)).

The land the subject of Project Approval (06\_0009) was shown on Figure 2 of the *Major Projects Application (06\_0009)* which was lodged with the Department of Planning on 22 December 2005.

The parcels of land were also identified in Table 1-1 on page 1-6 of the *Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal*, prepared by Resource Strategies Pty Ltd and dated July 2006.

### ***Modification Sought***

Subdivision of the land the subject of Project Approval (06\_0009) is required in order to facilitate the registration of the 30 year lease from the State Property Authority.

As Project Approval (06\_0009) does not expressly refer to the subdivision of land, a modification to Project Approval (06\_0009) is sought for the subdivision.

Plan 1 attached to this modification application identifies:

- the current titles of the land the subject of Project Approval (06\_0009); and
- the proposed new boundaries of the lots to be created once the land the subject of Project Approval (06\_0009) has been subdivided.

Accordingly it is requested that Administrative Condition 1.1 of Project Approval (06\_0009) be modified as outlined below:

**1. ADMINISTRATIVE CONDITIONS**

**Terms of Approval**

1.1 The Proponent shall carry out the project generally in accordance with the:

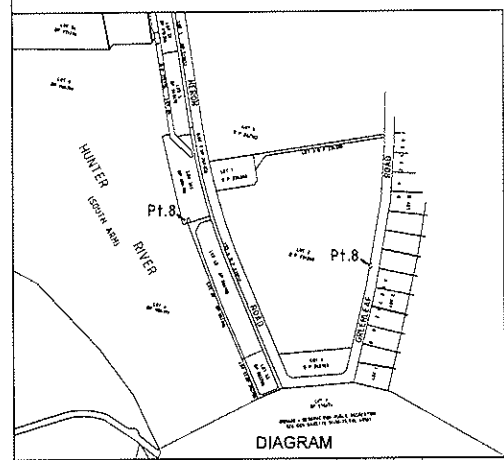
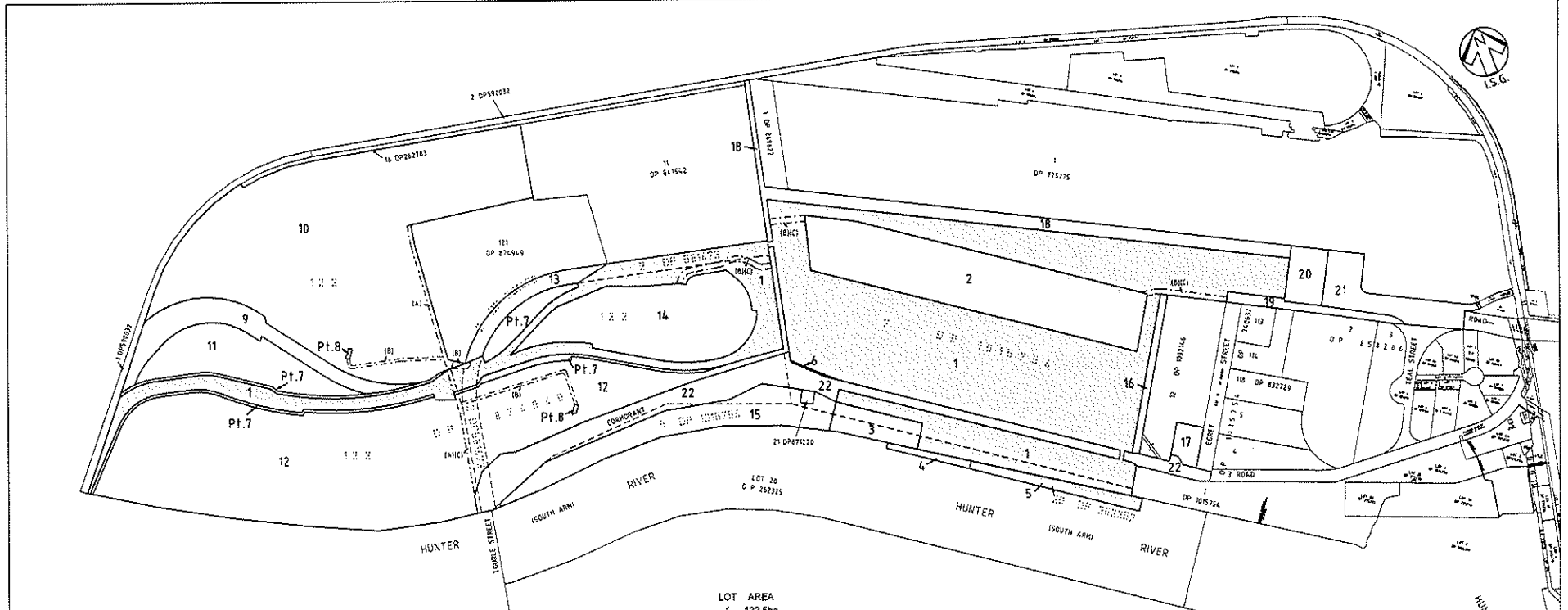
- a) Major Projects Application 06\_0009;
- b) *Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal*, prepared by Resource Strategies Pty Ltd and dated July 2006;
- c) *Responses to Submissions*, prepared by Newcastle Coal Infrastructure Group and dated December 2006; ~~and~~
- d) *the conditions of this approval;* ~~and~~
- e) *Proposed plan of subdivision that forms part of the application to modify Project Approval (06\_0009)*, prepared by Newcastle Coal Infrastructure Group and dated 22 October 2007.

**Assessed Environmental Impact of Modification**

It is assessed that the proposed modification will have negligible environmental impact. .

The environmental impact of the NCIG Coal Export Terminal was comprehensively assessed as part of the *Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal*, prepared by Resource Strategies Pty Ltd and dated July 2006.

The *Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal*, prepared by Resource Strategies Pty Ltd and dated July 2006 also specifically contemplated the grant of the 30 year lease to NCIG in respect of the Coal Export Terminal.



LOT	AREA
1	122.6ha
2	29.8ha
3	3.6ha
4	0.8ha
5	2.7ha
6	0.09ha
7	7.2ha
8	0.12ha (LAND REQUIRED FOR NAVIGATION AIDS)
9	8.9ha
10	77.3ha
11	11.6ha
12	62.3ha
13	3.4ha
14	20.9ha
15	13ha
16	1.7ha
17	1.6ha
18	10.9ha
19	2.2ha
20	3.1ha
21	6.9ha
22	19.6ha

- (A) EXISTING RIGHT OF CARRIAGEWAY 15 WIDE & VARIABLE WIDTH (DP874949)
- (B) PROPOSED RIGHT OF CARRIAGEWAY 15 WIDE, 20 WIDE & VARIABLE WIDTH
- (C) PROPOSED EASEMENT FOR SERVICES 15 WIDE, 20 WIDE & VARIABLE WIDTH

SEE DIAGRAM

Rev	Date	Revision Details	Drn	Ver	App
0	28.9.03	INITIAL ISSUE	LMB	KAA	WO

**Connell HATCH**  
 Connell Hatch 42N 21 648 421 651 Telephone +61 2 9462 5599  
 110 McHenry Road (PO Box 208) Neutral Bay NSW 1585 Sydney Australia Fax +61 2 9462 5598  
 Email: connell@connellhatch.com.au

**Newcastle Coal**  
 INFRASTRUCTURE GROUP

Drawn	Signed	Date
LMB		
Designed		
PS		
Checked		
KAA		
Approved		
WO		

NCIG COAL EXPORT TERMINAL  
 PROPOSED PLAN OF SUBDIVISION  
 OF LOT 122 DP 874959, LOT 2  
 DP 581473, LOTS 6&7 DP 1015754  
 KOORAGANG ISLAND

Project No	HW43-01
Scale	1:7500
Sheet Size	A1
Drawing No	VS006
Rev	0

5 November 2007

The Director General  
c/- Manager, Critical Infrastructure and Special Projects  
Major Project Assessments  
Department of Planning  
23 – 33 Bridge Street  
SYDNEY NSW 2000

**Attention: Chris Wilson**

Dear Sir

**Newcastle Coal Infrastructure Group Coal Export Terminal – Section 75W Modification Application – Approval 06\_0009**

We refer to Newcastle Coal Infrastructure Group's (**NCIG**) application to modify project approval (06\_0009) lodged by NCIG on 22 October 2007 (**Modification Application**).

The purpose of this letter is to amend the Modification Application to substitute the **attached** proposed plan of subdivision.

The principal difference between the 2 plans is that the attached plan contemplates 3 stages of subdivision depicted as Stage 1, Stage 2 and Stage 3 on the plan.

In addition to substitution of the attached plan, NCIG amends the description report that forms part of the Modification Application as follows:

Delete:

**1. ADMINISTRATIVE CONDITIONS**

**Terms of Approval**

1.1 *The Proponent shall carry out the project generally in accordance with the:*

- a) Major Projects Application 06\_0009;*
- b) Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal, prepared by Resource Strategies Pty Ltd and dated July 2006;*
- c) Responses to Submissions, prepared by Newcastle Coal Infrastructure Group and dated December 2006; and*
- d) the conditions of this approval; and*
- e) Proposed plan of subdivision that forms part of the application to modify Project Approval (06\_0009), prepared by Newcastle Coal Infrastructure Group and dated 22 October 2007.**

Replace with:

**1. ADMINISTRATIVE CONDITIONS**

**Terms of Approval**

1.1 The Proponent shall carry out the project generally in accordance with the:

- a) Major Projects Application 06\_0009;
- b) Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal, prepared by Resource Strategies Pty Ltd and dated July 2006;
- c) Responses to Submissions, prepared by Newcastle Coal Infrastructure Group and dated December 2006; **and**
- d) the conditions of this approval; **and**
- e) **Proposed plan of subdivision that forms part of the application to modify Project Approval (06\_0009), and identified as Drawing No. VS007 Revision 1.**

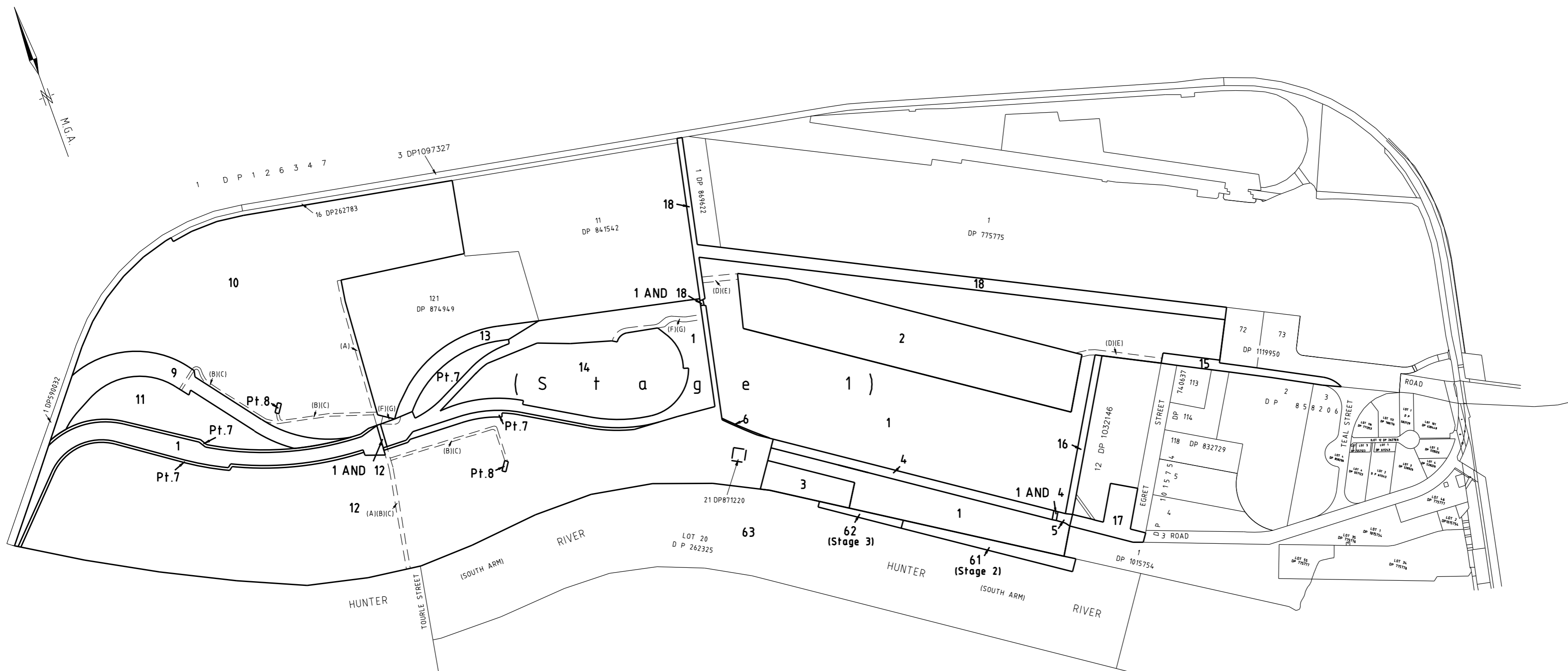
Please do not hesitate to contact me on 0488 744 774 should you have any queries in relation to this matter.

Yours faithfully

**NEWCASTLE COAL INFRASTRUCTURE GROUP**



**Nathan Juchau**  
**NCIG HSEC Manager**



**STAGE 1**  
**PROPOSED SUBDIVISION OF LOT 122 DP874949,**  
**LOT 2 DP581473, LOT 6 DP1015754 AND**  
**LOTS 71 AND 74 IN DP1119950**

**STAGE 2 & 3**  
**PROPOSED SUBDIVISION OF LOT 20 DP262325**

**NOTE:**

**THIS SUBDIVISION SUBJECT TO FINAL CERTIFIER APPROVAL AND REQUIREMENTS OF ANY OTHER AUTHORITIES AND REGISTRATION AT L.P.I.**

**DO NOT SCALE FROM THIS PLAN TO SET OUT ANY BOUNDARIES.**

- (A) EXISTING RIGHT OF CARRIAGEWAY 15 WIDE & VARIABLE WIDTH (DP874949)
- (B) RIGHT OF ACCESS 10 WIDE, 15 WIDE AND VARIABLE WIDTH (PARTLY LIMITED IN HEIGHT)
- (C) EASEMENT FOR SERVICES 10 WIDE, 15 WIDE AND VARIABLE WIDTH (PARTLY LIMITED IN HEIGHT)
- (D) RIGHT OF ACCESS 22 WIDE AND VARIABLE WIDTH
- (E) EASEMENT FOR SERVICES 22 WIDE AND VARIABLE WIDTH
- (F) RIGHT OF ACCESS 20 WIDE AND VARIABLE WIDTH
- (G) EASEMENT FOR SERVICES 20 WIDE AND VARIABLE WIDTH

1	5.11.07	EASEMENTS ADDED	LMB	KAA	GBT
0	5.11.07	ORIGINAL ISSUE	LMB	KAA	GBT
B	31.10.07	DRAFT ISSUE			
A	29.10.07	DRAFT ISSUE			
Rev.	Date	Revision Details	By	Ver	App
10	20	30	40	50	60
70	80	90	100	110	120
130	140	150			

**Connell Wagner**  
 Connell Wagner Pty Ltd ABN 54 005 139 873 Telephone: +61 2 9465 5599  
 116 Military Road (PO Box 538) Neutral Bay Facsimile: +61 2 9465 5598  
 New South Wales 2089 Australia Email: cwsyd@connellwagner.com

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Surveyor: PAUL JOHN STIVANO  
 Date of Survey:  
 Surveyor's Reference: HW43.01.03.00

**STAGE 1**  
 PROPOSED SUBDIVISION OF LOT 122 DP874949,  
 LOT 2 DP581473, LOT 6 DP1015754 AND  
 LOTS 71 AND 74 IN DP1119950  
**STAGE 2 & 3**  
 PROPOSED SUBDIVISION OF LOT 20 DP262325

LGA: NEWCASTLE  
 Locality: KOORAGANG ISLAND  
 Drawing No: VS007 Rev: 1  
 Lengths are in metres. Reduction Ratio 1 : 12500 (at A2 size)

Registered  
 DP