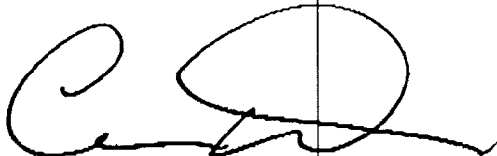


# Modification of Minister's Approval

## Section 75W of the Environmental Planning and Assessment Act 1979

I, the Executive Director, Major Project Assessments Division of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 7 June 2007, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine to approve of the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Executive Director, Major Project Assessments  
As delegate for the Minister for Planning

Sydney,

27 November 2007

### SCHEDULE 1

**Project Approval:**

granted by the Minister for Planning on 13 April 2007 (MP 06\_0009).

**For the following:**

Construction and operation of a coal export terminal with capacity of up to 66 million tonnes per annum, including:

- foundation preparation/capping of a rail corridor traversing the existing Kooragang Island Waste Emplacement Facility for the development of the rail spurs, rail sidings and rail loops;
- construction of rail spurs, rail sidings and rail loops, rail overpass, train unloading stations and connecting conveyors;
- reuse of dredged materials from the south arm of the Hunter River as preload and engineering fill for construction of the coal storage area, rail corridor and wharf facilities;
- construction of a coal storage area including coal stockpiles, conveyors, transfer points and combined stacker/reclaimers;
- construction of wharf facilities, shiploaders, conveyors and buffer bins;
- development of water management infrastructure including Site drainage works, stormwater settlement ponds, primary and secondary settling ponds, Site water pond, water tanks and stockpile spray system;

- installation of electricity reticulation and control systems;
- development of access roads and internal roads;
- construction of administration and workshop buildings;
- other associated minor infrastructure, plant, equipment and activities; and
- operation of the coal export terminal up to a capacity of 66 million tonnes per annum of coal, including the unloading of coal trains, the stockpiling of coal, and the loading of coal to ships via the wharf facilities and shiploaders.

**Modification:**

The subdivision of land to facilitate the registration of leasehold over the land area by the State Property Authority to allow NCIG to lease the land for the construction and operation of the Coal Export Terminal, Kooragang Island, in the Newcastle local government area. Subdivision of Lot 122 DP 874949, Lot 2 DP 581473, Lot 6 DP 1015754, Lots 71 and 74 DP 1119950 and Lot 20 DP 262325.

**SCHEDULE 2****The Approval is modified by:**

1. Delete condition 1.1 and replace with the following:
  - 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;
    - d) Plan of subdivision titled *Stage 1 Proposed Subdivision of Lot 122 DP 874949, Lot 2 DP 581473, Lot 6 DP 1015754 and Lots 71 and 74 DP 1119950, Stages 2 and 3 Proposed Subdivision of Lot 20 DP 262325* (surveyors reference HW43.01.03.00) prepared by Paul John Stivano and undated; and plan of subdivision titled *Plan of Subdivision of Lot 122 DP 874949, Lot 2 DP 581473, Lot 6 DP 1015754 and Lots 71 and 74 DP 1119950* (surveyors reference HW43.01.03.00) prepared by Paul John Stivano and dated 2 November 2007; and
    - e) the conditions of this approval.
2. Delete condition 1.2 and replace with the following:
  - 1.2 In the event of an inconsistency between:
    - a) the conditions of this approval and any document listed from condition 1.1a) to 1.1d) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
    - b) any of the documents listed from condition 1.1a) to 1.1d) inclusive, the most recent document shall prevail to the extent of the inconsistency.
3. Insert the following condition after 1.7:
  - 1.7(a) Prior to the issue of the Subdivision Certificate, the Proponent shall provide to the relevant certifying authority evidence that all easements and covenants required by this approval have been or will be registered for the subdivision.