

19 April 2006

Manager - Critical Infrastructure and Special Projects  
Office of Sustainable Development Assessments and Approvals  
Department of Planning  
23-33 Bridge Street,  
Sydney NSW 2000

Attention: Scott Jeffries

**RE: Newcastle Coal Infrastructure Group Coal Export Terminal – Project Application**

Dear Mr Jeffries,

In your email to Resource Strategies (18<sup>th</sup> April 2006) regarding the Newcastle Coal Infrastructure Group (NCIG) Coal Export Terminal (CET) you requested that the current scope of the project application for the CET be clarified and if necessary submit an amended application form and preliminary assessment document.

As you are aware, the development consent granted by the Minister for Planning to NSW Maritime on 9 August 2005 (DA -134-3-2003-i), authorises, amongst other things, the dredging of 3 berths in the south arm of the Hunter River and the disposal of unsuitable dredged sediments at sea. These 2 works are necessary to enable the construction of the CET.

The preliminary assessment document (NCIG, December 2006) acknowledges in section 1, that these 2 works are activities associated with the development of the CET. In section 6.2.2 of the preliminary assessment document, it is explained that these 2 works are already authorised by the development consent granted by the Minister in August 2005.

In section 4 of the Part 3A application form, both of the abovementioned 2 works are listed as comprising part of the "main activities associated with the development of the CET". This statement in section 4 is correct. However, for the sake of clarification it would be appropriate to also acknowledge in section 4 that these works are already approved by the development consent of August 2005 and that these 2 works do not need approval under Part 3A of the Act.

Enclosed is an amended Part 3A application form which incorporates the abovementioned amendments to section 4. It is not necessary to amend the preliminary assessment document because section 6.2.2 of that document already adequately explains the position in relation to the abovementioned 2 works.

Other minor amendments to section 4 of the enclosed application form include reference to rail "spurs" rather than rail "spur". This change is considered minor as the supplementary rail spur location is within land which is the subject of the application and is a result of the normal process of ongoing design, environmental assessment and consultation with the Regional Land Management Corporation and the Australian Rail Track Corporation. Please note that the project application currently refers to multiple rail loops and that the supplementary rail spur location was presented at the planning focus meeting and associated material.

Yours sincerely,



R.A. YEATES  
NCIG Project Director

Copy: Mr Chris Wilson (Department of Planning, Deputy Director General)

# Major Projects Application



NSW GOVERNMENT  
Department of Planning

Date received: \_\_\_/\_\_\_/\_\_\_

Project Application No. \_\_\_\_\_

## 1. Before you lodge

Under section 75E of the *Environmental Planning and Assessment Act, 1979* (the Act) this form is required to apply for the approval of the Minister to carry out a Project to which Part 3A of 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

Newcastle Coal Infrastructure Group Pty Ltd

ACN

111 228 221

Mr  Ms  Mrs  Dr  Other

First name

Robert

Family name

Yeates

STREET ADDRESS

Unit/street no.

Level 9

Street name

1 York Street

Suburb or town

SYDNEY

State

NSW

Postcode

2000

POSTAL ADDRESS (or mark 'as above')

'as above'

Suburb or town

State

Postcode

Daytime telephone

Fax

Mobile

Email



### 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

Refer Section 2 of the Project Application and Preliminary Assessment document (December, 2005).

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.

The main activities associated with the development of the Newcastle Infrastructure Group Coal Export Terminal (CET) would include:

- dredging of three berths in the south arm of the Hunter River to construct a serviceable port for the export of coal (This component is already approved by the development consent granted by the Minister for Planning to NSW Maritime on 9 August 2005. Accordingly, approval for this component is not sought under the Part 3A application);
- reuse of dredged sands as preload and engineering fill for construction;
- disposal of unsuitable dredged sediments at sea in accordance with relevant sea dumping permits (This component is already approved by the development consent granted by the Minister for Planning to NSW Maritime on 9 August 2005. Accordingly, approval for this component is not sought under the Part 3A application);
- construction of wharf facilities and ship loaders;
- construction of a Coal Storage Area including coal stockpiles, transfer stations, conveyors, stackers and reclaimers;
- remediation works including capping of selected areas of the existing Kooragang Island Waste Facility for the development of the rail spurs and rail loops;
- construction of rail spurs and two rail loops, road/rail overpasses, unloading stations and connecting conveyors;
- installation of power supply, reticulation and control systems;
- development of access roads and internal roads;
- development of water management infrastructure including site drainage works, collection ponds and stockpile spray system;
- construction of administration and workshop buildings; and
- other associated minor infrastructure, plant, equipment and activities.

The CET would have a capacity of up to 66 million tonnes per annum (Mtpa) of export coal.

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 Preliminary Assessment 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 Preliminary Assessment consistent with the requirements of any Guideline produced by the Department (including any draft)?

Yes  No

Does the Preliminary Assessment include additional matters required by the Director-General, such as evidence of a Planning Focus Meeting and consultation?

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 Preliminary Assessment address these guidelines?

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)

Up to 500

Operational jobs (full-time equivalent)

Up to 100

## 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 a proportion of the total fee to be paid with this application. You should consult with the Department before lodging this application to determine the proportion to be paid.



Estimated Project Cost

Approximately \$800 million for up to 66 Mtpa export capacity

## 7. Owner's Consent

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

### Refer to Attached Letter (dated 21 December, 2005)

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 Act, 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

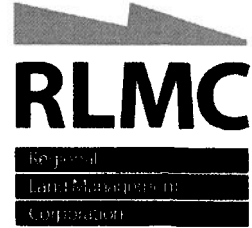
19 April 2006

If not Proponent, in what capacity are you signing

NCIG Project Director

Name, if you are not the proponent


Robert Yeates



Administration Building  
1st Floor, 99 Selwyn Street  
PO Box 586  
Mayfield NSW 2304 Australia  
Phone: +61 (0)2 4924 4900  
Fax: +61 (0)2 4969 5985  
www.rlmc.com.au  
ABN 38 103 702 530

## MAJOR PROJECTS APPLICATION

I, Brad Foot, as General Manager of Regional Land Management Corporation (RLMC) am an authorised signatory for the land owners for the purposes of the consent.

 ..... 21/12/05

**Brad Foot**

General Manager, Regional **Land Management Corporation**,  
As authorised signatory for the land owners **Her Most Gracious Majesty Queen Elizabeth II (NSW Treasury – Crown Property Portfolio), Minister for Commerce (formerly Minister for Public Works) and Waterways Authority** (trading as NSW Maritime).

 ..... 21/12/05

**Thari Williamson** – Witness

Commercial Manager, Regional Land **Management Corporation**