



Our Ref: 3097/TC/JE/EH/020712

2 July 2012

Glenn Snow
Director Infrastructure
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2000

Dear Glenn

Re: Section 75W Modification to Kooragang Coal Terminal 120 Mtpa Project (DA 06_0189) - Update to Schedule of Lands

Port Waratah Coal Services Ltd (PWCS) is seeking to modify the development consent for the Kooragang Coal Terminal (KCT) 120 Million tonnes per annum (Mtpa) Project Approval (PA) (06_0189) under Section 75W of the *Environmental Planning and Assessment Act 1979* in order to update the schedule of lands as captured in PA 06_0189 MOD 2.

As you are aware, PWCS is undertaking ongoing expansion of KCT to develop the coal terminal to a maximum throughput capacity of 120 Mtpa in accordance with existing approvals including PA 06_0189, granted by the Minister for Planning in April 2007. In 2010, PWCS obtained a modification to this approval (PA 06_0189 MOD 1) to provide for additional coal handling infrastructure at KCT, known as the Stage 4 Project. A second modification to this approval (PA 06_0189 MOD 2) was granted on 5 April 2012 allowing for a number of modifications including:

- modifications to the fourth rail loop alignment and associated inbound and outbound tracks to the third and fourth dump stations at KCT, including construction of a level crossing at Windmill Road;
- updating of the schedule of lands affected by the modification proposal; and
- amendment of existing conditions of approval to incorporate the modification proposal.

The modifications as outlined in the June 2011 Environmental Assessment (EA) and the subsequent approval (PA 06_0189 MOD 2) will continue to be undertaken as approved. However, since approval of PA 06_0189 MOD 2, PWCS has obtained agreement from Pacific National allowing access to their land at KCT for the undertaking of works associated with MOD 2 (refer to **Figure 1**). The inclusion of the PN land has allowed for the improved access road design associated with the development of the rail infrastructure. As per the additional conditions included in PA 06_0189 MOD 2, PWCS is designing the relocated road and level crossing in consideration of the requirements of the relevant road users.

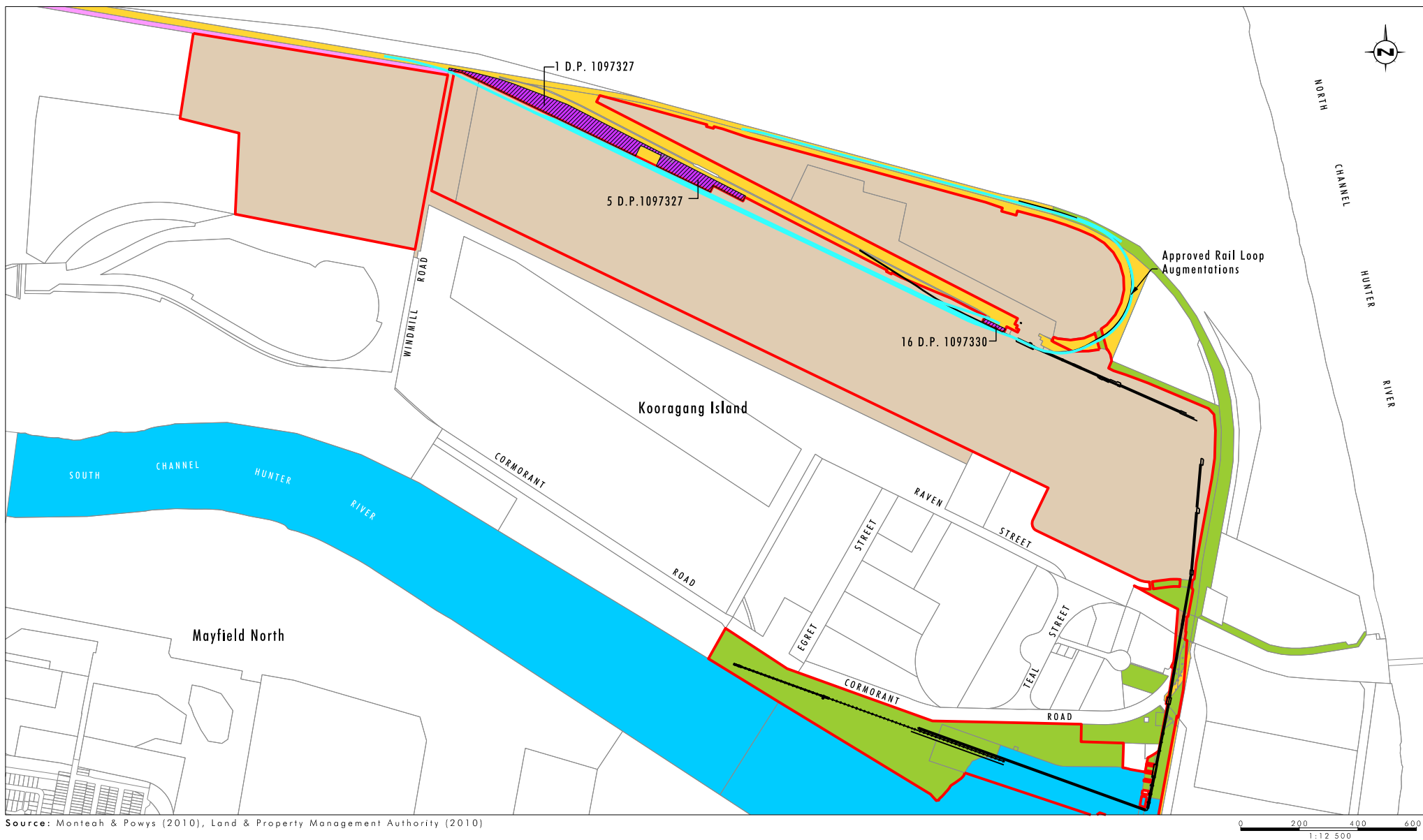
As such, PWCS require the schedule of lands for PA 06_0189 to be updated to include the additional allotments owned by Pacific National. The updated Schedule of Land is included in **Attachment 1** along with the relevant application form required to modify a major project under Section 75W. The proposed update to the schedule of lands will not alter the works approved as part of MOD 2. In addition, PWCS have obtained land owners' consent for the lodgement of this modification for the amendment to the schedule of lands (refer to **Attachment 2**).

PORT WARATAH COAL SERVICES LIMITED

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Legend

- | | | |
|---|--|--|
| Kooragang Coal Terminal | Newcastle City Council | Pacific National |
| NSW Maritime | Minister for Commerce | |
| Newcastle Port Corporation | Stage 4 Project Infrastructure | |
| Australian Rail Track Corporation | Proposed Rail Loop Realignment | |
| Port Waratah Coal Services | Additional Parcels | |

FIGURE 1
KCT Schedule of Lands



We trust that the enclosed information satisfies the Department's requirements for consideration of this minor modification to PA 06_0189. We look forward to the Department's earliest possible consideration of this matter.

If you have any questions or comments relating to the modification application, please contact Samantha Spicer on (02) 4907 3470.

Yours faithfully

Owen Scott
General Manager KCT Expansion

**Attachment 1 –
Updated KCT Schedule of Lands
(PA 06_0189 MOD 3)**

Lot	DP	Owner
20	262325	NSW Maritime
5	528326	Newcastle Port Corporation
2	573972	Australian Rail Track Corporation
3	573972	Australian Rail Track Corporation
1	608317	Newcastle Port Corporation
2	608317	Newcastle Port Corporation
3	608317	Newcastle Port Corporation
1	775772	Australian Rail Track Corporation
2	775772	Newcastle Port Corporation
3	775772	Australian Rail Track Corporation
6	775772	Newcastle Port Corporation
7	775772	Newcastle Port Corporation
11	775773	Newcastle Port Corporation
12	775773	Newcastle Port Corporation
13	775773	Newcastle Port Corporation
14	775773	Newcastle Port Corporation
17	775773	Newcastle Port Corporation
18	775773	Newcastle Port Corporation
22	775773	Newcastle Port Corporation
1	775774	Australian Rail Track Corporation
2	775774	Newcastle Port Corporation
3	775774	Australian Rail Track Corporation
4	775774	Australian Rail Track Corporation
5	775774	Port Waratah Coal Services
7	775774	Port Waratah Coal Services
8	775774	Australian Rail Track Corporation
1	775775	Port Waratah Coal Services
2	775775	Newcastle Port Corporation
4	775775	Newcastle Port Corporation
5	775775	Newcastle Port Corporation
7	775775	Newcastle Port Corporation
9	775775	Newcastle Port Corporation
10	775775	Newcastle Port Corporation
15	775775	Newcastle City Council
31	775776	NSW Maritime
32	775776	NSW Maritime
33	775776	NSW Maritime
34	775776	NSW Maritime
35	775776	Newcastle Port Corporation
37	775776	NSW Maritime
39	775776	Newcastle Port Corporation
41	775776	Newcastle Port Corporation

Lot	DP	Owner
44	775777	Newcastle Port Corporation
46	775777	Newcastle Port Corporation
47	775777	Newcastle Port Corporation
48	775777	Newcastle Port Corporation
49	775777	Newcastle Port Corporation
50	775777	Newcastle Port Corporation
51	775777	Newcastle Port Corporation
53	775777	Newcastle Port Corporation
55	775777	Newcastle Port Corporation
1	775778	Newcastle Port Corporation
11	841542	Port Waratah Coal Services
1	869622	Port Waratah Coal Services
1	1015754	Newcastle Port Corporation
201	1017038	Newcastle Port Corporation
202	1017038	Newcastle Port Corporation
203	1017038	Newcastle Port Corporation
204	1017038	Newcastle Port Corporation
205	1017038	Newcastle Port Corporation
206	1017038	Newcastle Port Corporation
207	1017038	Australian Rail Track Corporation
208	1017038	Newcastle Port Corporation
209	1017038	Australian Rail Track Corporation
210	1018949	Newcastle Port Corporation
520	1018950	Newcastle Port Corporation
101	1018951	Newcastle Port Corporation
102	1018951	Newcastle Port Corporation
103	1018951	Newcastle Port Corporation
104	1018951	Newcastle Port Corporation
105	1018951	Newcastle Port Corporation
106	1018951	Newcastle Port Corporation
108	1018951	Newcastle Port Corporation
110	1018951	Newcastle Port Corporation
111	1018951	Newcastle Port Corporation
112	1018951	Newcastle Port Corporation
132	1018952	Newcastle Port Corporation
2	1097327	Australian Rail Track Corporation
13	1097330	Australian Rail Track Corporation
14	1097330	Australian Rail Track Corporation
362	1104196	NSW Maritime
6	1104199	NSW Maritime
18	1119752	Port Waratah Coal Services
16	262783	Minister for Commerce
1	1097327	Pacific National*
5	1097327	Pacific National*
16	1097330	Pacific National*

*- Additional allotments for 06_0189 MOD 3.

8 May 2012

Mr Hennie du Plooy
Chief Executive Officer
Port Waratah Coal Services Limited
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Coal Division

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Dear Mr du Plooy

Pacific National Land Owners Consent for the development of land associated with the PWCS Kooragang Coal Terminal Expansion

Pacific National (PN) as owner of the following land holdings provides land owners consent to Port Waratah Coal Services Limited (PWCS) to undertake development works on the identified parcels.

Property:

Lot 1 DP 1097327

Lot 5 DP 1097327

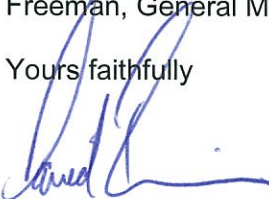
Lot 16 DP 1097330

The development of the parcels listed are permitted in relation to the expansion of rail infrastructure and associated realignment of vehicle access roads as per the Memorandum of Understanding (MoU) agreed to by PN and PWCS dated 8 May 2012. Land owners consent is provided by PN based on the conditions and requirements listed by the MoU.

Pacific National understands that PWCS may use this land owners consent as required to obtain any approvals or licences necessary to complete the development.

For further information regarding this consent or the MoU please contact Mr Dwayne Freeman, General Manager Commercial on 0417 287 092.

Yours faithfully



David Irwin
Director
Pacific National – Coal