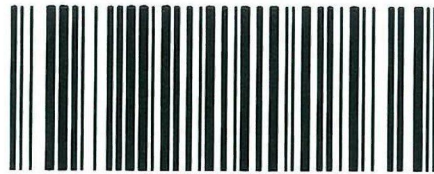


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PCU033214

2nd May 2012

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Rebecca Newman
Senior Planning Officer
Infrastructure Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



Dear Rebecca

Submission re Environmental Assessment for PWCS Terminal 4 (MP 10_0215)

I refer to your letter dated 27 March 2012 inviting BHP Billiton to make a written submission on the Port Waratah Coal Services (PWCS) Terminal 4 (T4) proposal, which is on public exhibition until 5 May 2012.

As you are aware, BHP Billiton has important interests within the vicinity of the proposed T4 development. These interests include the ongoing requirements relating to the Environmental Deed between BHP Billiton and the Crown (dated 31st July 2002 and which is currently being revised) and the purpose-built sediment Emplacement Facility built as part of the Hunter River Remediation Project (HRRP) which is located on land immediately south of the Newcastle Coal Infrastructure Group (NCIG) rail spur, east of the main rail line accessing Kooragang Island and to the west of Cormorant Road, see attached plan.

The 2002 Environmental Deed places a responsibility on the Crown to *"take all reasonable precautions not to Exacerbate any Excluded Contamination"*. Any development on Kooragang Island must ensure that this requirement is satisfied.

BHP Billiton has current responsibility for the management of the Emplacement Facility. Any development must ensure and guarantee the ongoing engineering integrity and performance of the emplacement facility for the period of our responsibility. Our ability to access and undertake activities as needed to meet licence and other requirements must not be compromised by the development. This includes no direct or indirect impacts or exacerbation being caused to ground conditions and/or groundwater regime/qualities from T4 that may or will impact on the condition and/or integrity of the emplacement facility and related infrastructure (e.g. leachate decant system, sedimentation ponds, etc) and/or BHP Billiton's ability to meet relevant statutory requirements pertaining to compliance with any groundwater quality and/or other criteria.

BHP Billiton requests that PWCS, upon request by BHP Billiton, be required to make available any groundwater data from locations that it monitors and which are in the vicinity of the emplacement facility. In some situations, this data may become important to enable off-site changes or influences to be identified, characterised and considered within the context of any

site investigations of changes in groundwater regime/qualities at the emplacement facility site. In these situations, PWCS data may be reported to landowners and/or regulatory authorities as part of investigation reporting.

A final comment on the T4 proposal is in relation to the compensatory habitat activities that will need to be undertaken by PWCS to offset for its impacts on the endangered green and golden bell frog, *Litoria aurea*. As you are aware, BHP Billiton has commitments in relation to compensatory activities for this species associated with its HRRP development on Kooragang Island. BHP Billiton is of the opinion that a collaborative and integrated approach to compensatory activities amongst proponents, including PWCS, on Kooragang Island be strongly encouraged and even facilitated by regulatory authorities. This would have the potential to maximise the ecological and practical benefits that would result from data sharing and efficiency gains with less duplication and waste from such an approach.

Subject to the matters raised above being satisfactorily addressed we confirm our support for this proposed development.

Should you have any questions or require additional information regarding above, please don't hesitate to contact me on 4940 6201.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Allan Dann', written in a cursive style.

Allan Dann
General Manager
Newcastle Properties Group
BHP Billiton

Attach.

