

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

Newcastle Coal Infrastructure Group Pty Ltd ACN 111 228 221
Level 9, 1 York Street, Sydney NSW 2000 Tel: 02 9247 2900 Fax: 02 9247 2099

ADDENDUM 1
APPLICATION FORM

Major Projects application

NSW GOVERNMENT
Department of Planning



Date received: 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
Newcastle Coal Infrastructure Group Pty Ltd
ABN 111 228 221

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name Robert
Family name Yeates

Unit/street no. Level 7, 165
Street name Macquarie Street

Suburb or town Sydney
State NSW
Postcode 2000

POSTAL ADDRESS (or mark 'as above')
GPO Box 4872

Suburb or town SYDNEY
State NSW
Postcode 2001

Daytime telephone (02) 9241 7277
Fax (02) 9241 7299
Mobile 0418 495 723

Email ryates@ncig.com.au

3. Identify the land you propose to develop

STREET ADDRESS

Unit/street no.

Street or property name

Cormorant Road

Suburb, town or locality

Koorang

Postcode

2304

Local government area

Newcastle

REAL PROPERTY DESCRIPTION

Refer to Plan 1 (attached)

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.

Newcastle Coal Infrastructure Group Coal Export Terminal – Proposed Subdivision Modification to Project Approval 06_0009.

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)? ☒ 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? ☒ 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? ☒ 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 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 Proprietor:

Signature

Name

Date

Date

Name

Signature

8. Proprietor's Signatures

As the proprietor(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.

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

NCIG Project Director

Signature

Name

Newcastle Coal Infrastructure Group Pty Ltd

Date

23-10-2007

Name, if you are not the proprietor

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:

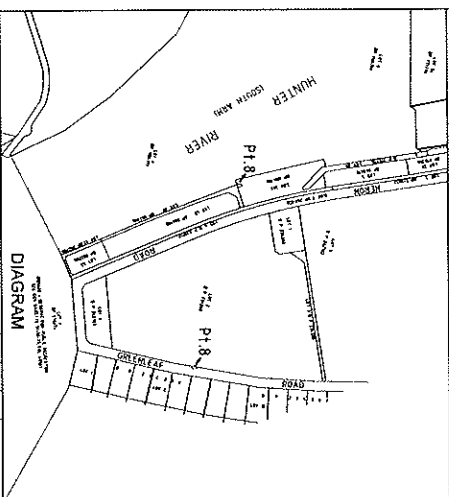
- a) Major Projects Application 06_0009;
- b) Environmental Assessment: Newcastle Coal Infrastructure Group Coal Export Terminal, prepared by Resource Strategies Pty Ltd and dated July 2006;
- c) Responses to Submissions, prepared by Newcastle Coal Infrastructure Group and dated December 2006; **and**
- 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.

[illegible]