

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: 13/3/09

Modification No. 06-0189 MOD 1

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister. If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency

Port Waratah Coal Services Limited

ABN

99 001 393 828

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other **N/A**

First name

Graham

Family name

Davidson

Position

General Manager

STREET ADDRESS

Unit/street no.

Street name

Curlew Street

Suburb or town

Kooragang Island

State

NSW

Postcode

2304

POSTAL ADDRESS (or mark 'as above')

PO Box 57

Suburb or town

Carrington

State

NSW

Postcode

2304

Daytime telephone

02 49072000

Fax

02 49073000

Mobile

Email

C/O - tsimmons@pwcs.com.au

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

210

Street or property name

Cormorant Road

Suburb, town or locality

Kooragang Island

Postcode

2304

Local government area(s)

Newcastle

State Electorate(s)

Newcastle

REAL PROPERTY DESCRIPTION

Refer to attached Schedule of Land

Note: 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 proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☒

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows

Kooragang Coal Terminal - Increase to Capacity Throughput to a nominal 120 million tonnes per annum (Mtpa)

What was the original project application no.?

06-0189

What was the date of the approval?

13/04/2007

What was the original application fee?

\$98626.50

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

5. Describe the modification you propose to make to the approval

Describe the proposed modification

Kooragang Coal Terminal - Stage 4 Project

The construction and operation of a fourth dump station, fourth shiploader and associated coal handling infrastructure

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$500,000,000

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE)

250

Operational jobs (FTE)

8

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land

Landowner's consent is currently being finalised and will be forwarded when received.

Signature

Name

Date

Land

Signature

Name

Date

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

☒ Yes

☐ No

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature



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

Name

Graham Davidson

Name, if you are not the proponent

Date

9 March 2009

Attachment 1 – Consolidated Schedule of Lands

Lot 20 DP 262325; Lot 5 DP 528326; Lots 2 and 3 DP 573972; Lots 1, 2 and 3 DP 608317; Lots 1, 2, 3, 6 & 7 DP 775772; Lots 11, 12, 13, 14, 17, 18, 22 DP 775773; Lots 1, 2, 3, 4, 5, 7 & 8 DP 775774; Lots 1, 2, 4, 5, 7, 9, 10, & 15 DP 775775; Lots 31, 32, 33, 34, 35, 37, 39, 41 DP 775776; Lots 44, 46, 47, 48, 49, 50, 51, 53, & 55 DP 775777; Lot 1 DP 775778; Lot 11 DP 841542; Lot 1 DP 869622; Lot 1 DP 1015754; Lots 201, 202, 203, 204, 205, 206, 207, 208 & 209 DP 1017038; Lot 210 DP 1018949; Lot 520 DP 1018950; Lots 101, 102, 103, 104, 105, 106, 108, 110, 111, 112 DP 1018951; Lot 132 DP 1018952; Lot 2 DP 1097327; Lots 13 & 14 DP 1097330; Lot 362 DP 1104196 and Lot 6 DP 1104199.



28 October 2009

TO WHOM IT MAY CONCERN:

Dear Sir / Madam,

**RE: PORT WARATAH COAL SERVICES LIMITED STAGE 4 EXPANSION
LAND OWNER'S CONSENT TO DEVELOPMENT APPLICATION**

Port Waratah Coal Services ("PWCS") is proposing to construct new structures as part of the work associated with the Stage 4 Expansion at the Kooragang Coal Terminal.

These structures will be constructed on the following parcels of land owned by PWCS:

Lot	DP
5	775774
7	775774
1	775775
11	841542
1	869622

PWCS is the owner of this property and consents, as land owner, to the submission of a Development Application for the Stage 4 Expansion.

Yours sincerely,

**GEOFF CROWE
COMPANY SECRETARY**





AUSTRALIAN RAIL TRACK CORPORATION LTD

Reference 65/285/2184

12 November 2009

Attention: Trevor Simmons
Port Waratah Coal Services
PO Box 57
CARRINGTON NSW 2294

Dear Trevor

**Re: Port Waratah Stage 4 Project – Land Owner's Consent to Submission
of Development Application**

I refer to your correspondence dated 26 October 2009 in relation to the above. It is acknowledged that Port Waratah Coal Services (PWCS) intend on making application to the Department of Planning (DOP) to construct new structures, as part of the work associated with the Stage 4 Project, in relation to a fourth coal loading facility. The works are to incorporate:-

- (i) Construction of a fourth Rail Receival provision to include arrival and departure routes;
- (ii) Fourth Shiploading Stream; and
- (iii) Interconnecting conveyors;

It is understood that construction of some of the said facilities will occur on land owned by Rail Infrastructure Corporation (RIC), currently under a sixty (60) year lease to Australian Rail Track Corporation (ARTC) and that prior to PWCS being able to submit a Development Application (DA) to the DOP that ARTC's consent is required.

Accordingly, ARTC being the lessee of the land tiles following, concur with PWCS submitting a DA to the DOP for the Stage 4 Expansion.

**AUSTRALIAN RAIL TRACK CORPORATION LTD ABN: 75 081 455 754
5/33 Newton Street, Broadmeadow NSW 2292, Locked Bag 1, Broadmeadow
NSW 2292**

Ph: (02) 4941 9629 Fax: (02) 4941 9738

Lots / DP's being as follows:-

Lot	DP
2	573972
3	573972
1	775772
3	775772
1	775774
3	775774
4	775774
8	775774
2	1097327
13	1097330
14	1097330
207	1017038
209	1017038

Consent to the submission is conditional to:-

- (i) PWCS making formal application to ARTC, for any new infrastructure on rail land and / or connection/s to the existing rail infrastructure, for acceptance in due course; and
- (ii) consideration being given to rail land in the review of environmental factors;

Should you have any queries in relation to the above do not hesitate to contact the undersigned on **02 4941 9629 or 0439 464 913.**

Yours faithfully



Vicki Webster
Assistant Property Manager, Northern NSW

097405



04/6057/A86166

13 November 2009

Port Waratah Coal Services
 Att: Trevor Simmons
 Project Implementation Manager
 PO Box 57
 CARRINGTON NSW 2294

and

Department of Planning
 23-33 Bridge Street
 SYDNEY NSW 2000

Dear Sir

**NEWCASTLE PORT CORPORATION LAND OWNER'S CONSENT TO PWCS
 SUBMISSION OF STAGE 4 PROJECT DEVELOPMENT APPLICATION**

Port Waratah Coal Services (PWCS) is proposing to construct new structures as part of the work associated with the Stage 4 Expansion at the Kooragang Coal Terminal. Development will occur on the following land owned by Newcastle Port Corporation:

Lot/DP	Lot/DP	Lot/DP	Lot/DP
1/608317	210/1018949	50/775777	2/775775
10/775775	7/775772	104/1018951	201/1017038
204/1017038	46/775777	17/775773	111/1018951
2/608317	520/1018950	51/775777	5/775775
35/775776	11/775773	105/1018951	202/1017038
205/1017038	47/775777	18/775773	112/1018951
3/608317	101/1018951	53/775777	7/775775
39/775776	12/775773	106/1018951	203/1017038
206/1017038	48/775777	22/775773	132/1018952
2/775772	102/1018951	55/775777	1/775778
41/775776	13/775773	108/1018951	9/775775
208/1017038	49/775777	2/775774	4/775775
6/775772	103/1018951	1/1015754	5/528326
44/775777	14/775773	110/1018951	

Newcastle Port Corporation consents, as land owner, to PWCS submitting a Development Application for Stage 4 expansion. NPC reserves the right to review and comment on any Development Application lodged by Port Waratah Coal Services Limited.

Yours sincerely,

Gary Webb
CHIEF EXECUTIVE OFFICER

A86166

Newcastle Port Corporation ABN 50 825 884 846

Cnr Scott and Newcomen Streets (PO Box 663) Newcastle NSW 2300 Australia
 Telephone: 02 4985 8222 Toll Free NSW: 1800 048 205 Facsimile: 02 4926 4596
 Email: mail@newportcorp.com.au Website: www.newportcorp.com.au

Mr Trevor Simmons
Project Implementation Manager
Port Waratah Coal Services Limited
PO Box 57
CARRINGTON NSW 2294

Dear Mr Simmons

Premises: Curlew Street, CARRINGTON.

Proposal: Stage 4 Project incorporating a fourth shiploading stream and shiploader.

Applicant: Port Waratah Coal Services Limited.

I refer to your Application, dated 10 November 2009, for Land Owner's Consent to Modify a Development Consent. NSW Maritime has assessed your Application by reference to its "Obtaining Permission to Lodge a Development / Project Application" Policy and consents to the making of your Application in accordance with the attached Document numbered "FIGURE 1" and stamped as approved by NSW Maritime. This consent is valid for 12 months from the date of this letter.

A copy of this approval must be included with your Application to the relevant Consent Authority.

Should the nature, extent or specific location of your proposal change prior to the making of the Application, you must re-apply to NSW Maritime.

You should also be aware that if the Consent Authority grants Development Consent for the proposal, work on NSW Maritime's land must not commence unless:

- (a) there is a land tenure arrangement in place which is suitable to NSW Maritime; and
- (b) if required, a Construction Certificate has been issued pursuant to Part 4A of the *Environmental Planning and Assessment Act 1979*; and
- (c) NSW Maritime has issued Construction Approval or an applicable exemption pursuant to clause 65A of the *Management of Waters and Waterside Lands Regulation - NSW* and/or section 13T of the *Maritime Services Act, 1939*; and
- (d) you have complied with all other requirements of the law.

If you have any questions about this letter, please contact NSW Maritime's Acting Development Approvals Co-ordinator, Ms Lisa Vun on 9563 8662.

Yours sincerely



Patrick Low

General Manager 14.1.10
Policy and Strategy Division

14 JAN 2010

This is the plan referred to in the
Authority's Letter Dated Above

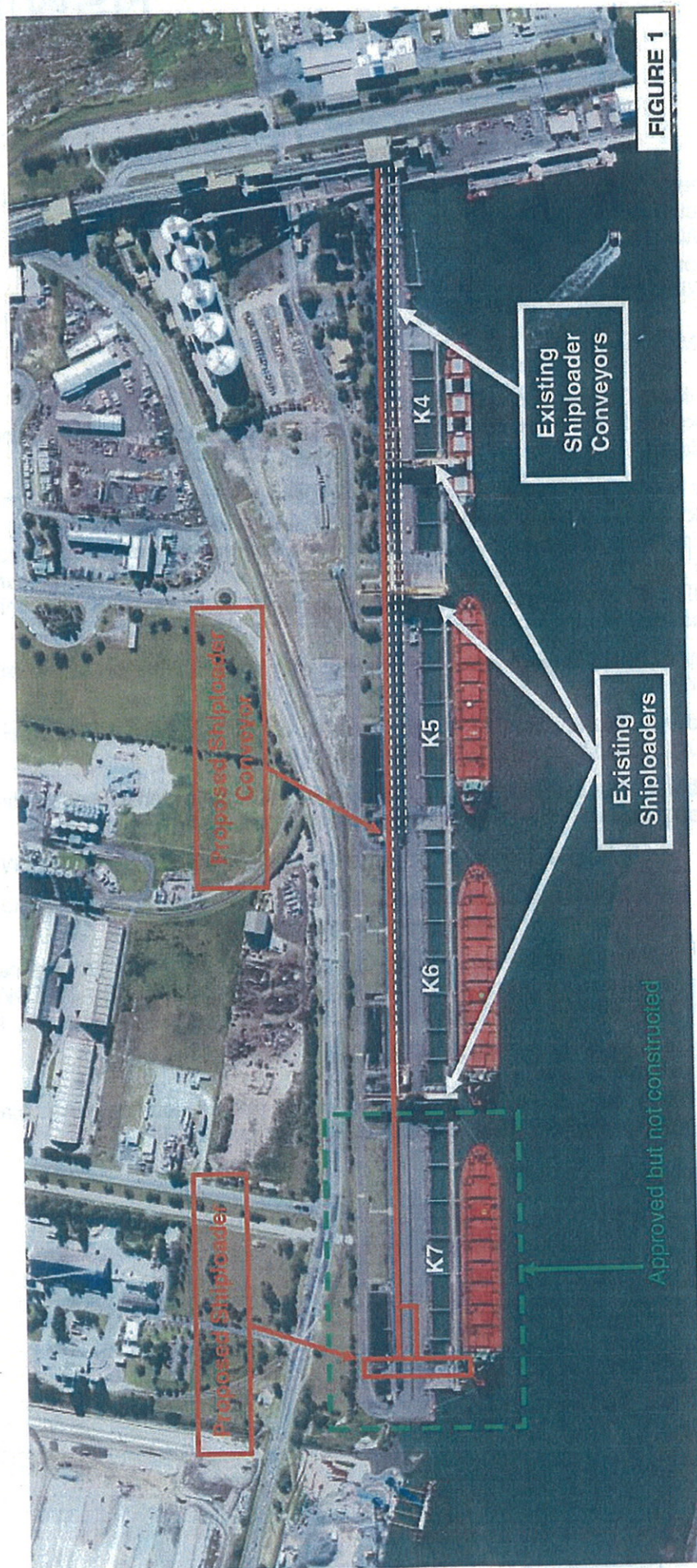


FIGURE 1

City Assets.S.edmonds.JH
Phone: 02 4974 2834



12 April 2010

Graham Davidson
The General Manager
Port Waratah Coal Services
PO Box 57
Carrington NSW 2294

PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au

Dear Mr Davidson,

Land Owners Consent for Lodgement of Development Application

It is understood that Port Waratah Coal Services is proposing to pass infrastructure across Lot 15 DP 775775 as part of a proposed Development Application known as Kooragang Coal Terminal Stage 4 Project.

Newcastle City Council is the property owner of Lot 15 DP 775775, as such land owners consent is granted, with respect to this property, for the lodgement of the Development Application proposed by Port Waratah Coal Services.

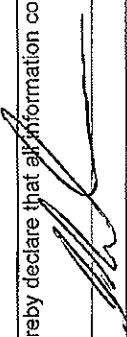
Please contact me on 02 49742834 should you require further details on this matter.

Yours faithfully

Steve Edmonds
DIRECTOR CITY ASSETS

Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

Disclosure statement details Name of person making this disclosure GRAHAM DAVIDSON		Planning application reference (e.g. DA number, planning application title or reference, property address or other description) KOORAGANG COAL TERMINAL - STAGE 4 PROJECT		
Your interest in the planning application (circle relevant option below) You are the APPLICANT <input checked="" type="radio"/> YES <input type="radio"/> NO OR You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES / NO				
Reportable political donations made by person making this declaration or by other relevant persons * State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN). * If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR * If you are a person making a submission in relation to an application, state below any reportable political donations that you know, or ought reasonably to know, were made by an associate.				
Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
No ITEMS TO DECLARE				
Please list all reportable political donations—additional space is provided overleaf if required.				
By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.				
Signature(s) and Date 				
Name(s) GRAHAM DAVIDSON				

