



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 refocated 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

A.B.N. 99 001 363 828

PO Box 57 Carrington Newcastle NSW 2294 Australia

Telephone: (02) 4907 2000 Facsimile: (02) 4907 3000



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