



7 March 2012

Mr Michael File
Director Strategic Assessment
Department of Planning and Infrastructure
NSW Government
23 - 33 Bridge St
Sydney NSW 2000

Dear Mr File

**Assessment of Coal & Allied Lower Hunter Land - Minmi/Link Rd Application
(MP10_0090)**

Thank you for meeting with us on 2 March 2012 in relation to the assessment of the subject application. At that meeting you sought further information from us on a number of matters. I am pleased to provide the required information below by way of an addendum to the preferred project report for the proposed Minmi/Link Rd Estate.

The further information sought by you related to the availability of access to the Minmi East eastern development area and to a plan of proposed subdivision in relation to the Stockrington conservation offset.

The following is now provided:

Minmi East – eastern precinct

The Concept Plan shows the location of two separate road accesses that have been provided to the eastern precinct as required for bushfire safety purposes. The first is an existing right of carriageway through the adjoining land to the west known as the Kingston Fletcher land (see attached plan). Easement details are provided in the attachment.

The second is via a connection to an existing subdivision road developed by Mirvac and is shown on the attached plan. The road connection was achieved by Minmi Land (Coal & Allied) purchasing a portion of the Mirvac Hidden Waters estate including 5 residential lots and a proposed road extension known as Lot 149 DP 270578 as shown on the attached plan. Ownership documents are also attached.

Stockrington proposed subdivision

You advised that the proposed subdivision of Part Lot 13 DP 1078246 will be required to be included in both the Minmi and the Black Hill project approvals to excise the conservation land at Stockrington.



We confirm that it is appropriate to use the plan of proposed subdivision of that lot already provided with the Black Hill documentation for the purposes of the Minmi project approval.

Proposed additional E2 land – Link Road North

During the meeting with RFS and DoPI last year at Homebush, there was a focus on fire and the need for an alternate emergency egress from the proposed adjacent residential area. The emergency egress to Link Road is in response to the RFS requirement which was also discussed with RTA (now RMS). The proposed emergency road will also service the proposed residential area (6 proposed lots) between the riparian corridor and Link Road which Coal & Allied wishes to retain in the Concept Plan.

Proposed additional E2 land – Link Road South

Coal & Allied wishes to retain the residential land (2 proposed lots) between the two nominated riparian corridors. It is confirmed that the proposed lots are capable of being accessed from the proposed road network and residential building platforms are able to be provided (see attached plan). The land to the west of the two proposed residential lots hatched blue on the Concept Plan could be considered for E2 zoning as proposed by DoPI.

The Duckenfield Colliery Railway Interpretation

The railway alignment has been further investigated and it is confirmed that it is able to be easily incorporated into the realignment of Railway Road in the future subdivision of the area. (Stage 3).

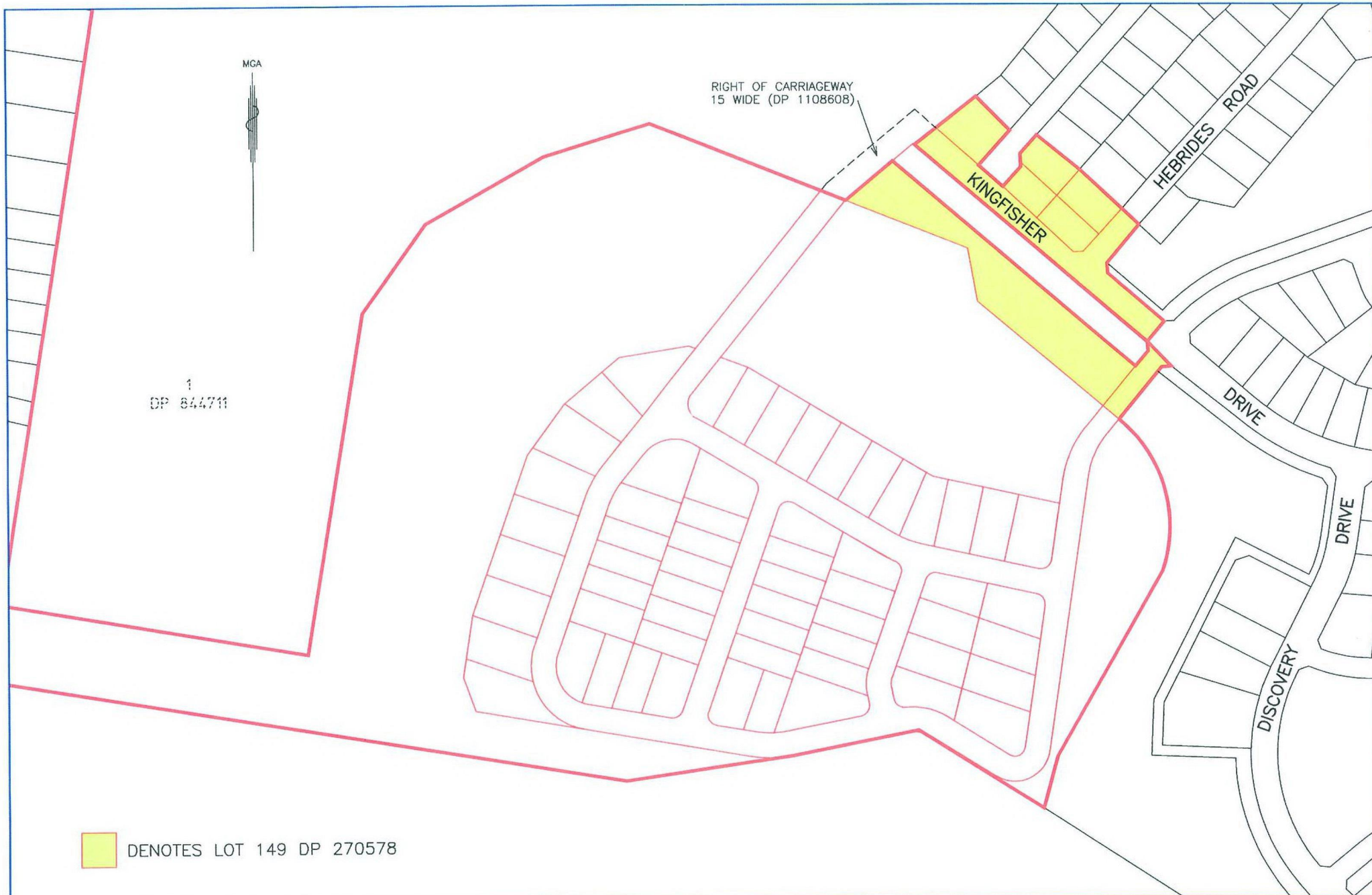
I trust that this addendum satisfies your concerns regarding outstanding matters in relation to the Minmi/Link Rd application.

Yours faithfully



Keith Dedden
General Manager Property Development

Encls.



REVISIONS	1		ISSUE TO CLIENT		MS	MARK	DATE	05/03/12	COPYRIGHT NOTICE THIS DOCUMENT REMAINS THE PROPERTY OF MONTEATH & POWYS PTY LTD.	 Monteath & Powys Pty Ltd <small>4/21/2011 11:10</small>	125 Bull Street Newcastle NSW 2300 PO Box 226 Newcastle NSW 2300 T 61 2 4926 1388 F 61 2 4926 3475 E survey@monteathpowys.com.au W www.monteathpowys.com.au	Surveyed M & P	Drafted MAK	Checked GMB	Client COAL & ALLIED OPERATIONS Pty Ltd	Sheet No 1
	No REVISION	DATE	DATE	DATE	DATE	DATE	DATE	DATE				Title PLAN SHOWING THE EXTENTS OF COAL & ALLIED LAND KINGFISHER DRIVE, MINMI	Revision 1			

CAD File: 07202BR_01 | Ref No: 07/202 | Date: 05/03/2012

**Instrument Setting out Terms of Easements or Profits à Prendre Intended to be Created
 or Released and of Restrictions on the Use of Land or Positive Covenants Intended to
 be Created Pursuant to Section 88B Conveyancing Act 1919**

(Sheet 1 of ⁴/₈ Sheets)


DP1108608 B

Subdivision of Lot 36 DP 869101, Lot 3 DP 844711, Lot 2414 DP 1008132 & Lot 35 DP 800036, and Right of Carriageway 15 wide within Lot 1 DP 844711 covered by Council Subdivision Certificate No.

**Full name and address
 of the owner of the land being
 Lot 36 DP 869101, Lot 3 DP844711
 and Lot 2414 DP 1008132:**

Kingston Fletcher Pty Limited ACN 109 187 564
 of Level 1, 50 Hunter Street, Newcastle NSW
 2300

**Full name and address of
 the owner of the land being
 Lot 1 DP 844711:**

Kingston Minmi Road Pty Limited ACN 109 824
 473 of Level 1, 50 Hunter Street, Newcastle NSW
 2300

**Full name and address of
 the owner of the land being
 Lot 35 DP 800036:**

Mount Thorley Operations Pty Limited (ACN 000
 013 249) (formerly known as R. W. Miller & Co
 Pty. Limited) and Coal & Allied Operations Pty
 Limited (ACN 000 023 656) both of Level 3, West
 Tower, 410 Ann Street, Brisbane QLD 4000

**Full name and address of
 the Mortgagee of the land being
 Lot 36 DP 869101, Lot 3 DP844711
 and Lot 2414 DP 1008132:**


Australia and New Zealand Banking Group
 Limited ACN 005 357 522 of 490 King Street,
 Newcastle NSW 2300


**Full name and address of
 the Mortgagee of the land being
 Lot 1 DP 844711:**

Commonwealth Bank of Australia Limited ACN
 123 123 124 of 52 Martin Place, Sydney NSW
 2000

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1	Right of Carriageway 15 wide	352 Lot 1 DP 844711	351
2	Restriction on the Use of Land	352	351


Robert Stanley Light
 DIRECTOR
 (COAL & ALLIED OPERATIONS
 PTY LIMITED)


G. MANSFIELD
 Authorised Person.


Ian Henry Poole
 DIRECTOR
 MOUNT THORLEY OPERATIONS PTY LIMITED



**Instrument Setting out Terms of Easements or Profits à Prendre Intended to be Created
 or Released and of Restrictions on the Use of Land or Positive Covenants Intended to
 be Created Pursuant to Section 88B Conveyancing Act 1919**

(Sheet 2 of 3 Sheets)

DP1108608

Subdivision of Lot 36 DP 869101, Lot 3 DP 844711, Lot 2414 DP 1008132 & Lot 35 DP 800036, and Right of Carriageway 15 wide within Lot 1 DP 844711 covered by Council Subdivision Certificate No.

Part 1a (Release)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1	Right of Carriageway 20 wide	Lot 2414 DP 1008132	Lot 3 DP 844711
2	Easement for Services 20 wide	Lot 2414 DP 1008132	Lot 3 DP 844711

Part 2 (Terms)

Terms of Restriction on the use of land secondly referred to in the abovementioned plan

The proprietor of the burdened lot covenants with the proprietor of the benefited lot and its assigns for the benefit of the benefited lot during its ownership by the proprietor of the benefited lot and that proprietor's assigns other than purchasers on sale that no fence will be erected to divide any part of the burdened lot from any part of the benefited lot without the consent of the proprietor of the benefited lot or its assigns. Such consent shall not be withheld if the new fence is erected without expense to the proprietor of the lot benefited.

This covenant may be released, varied or modified by the proprietor of the lot benefited or its assigns.

Executed by Kingston Fletcher Pty Limited)
 ACN 109 187 564 pursuant to section 127)
 of the Corporations Act in the presence of:)






 Peter Thomas Durbin
 Sole Director and Secretary

Executed by Kingston Minmi Road Pty Limited)
 ACN 109 824 473 pursuant to section 127)
 of the Corporations Act in the presence of:)



 Peter Thomas Durbin
 Sole Director and Secretary


 G. MANSFIELD
 Authorized Person





Robert Stanley Light
 DIRECTOR
 COALM ALLIED OPERATIONS
 PTY LIMITED

Ian Henry Poole
 DIRECTOR
 MOUNT HURLEY OPERATIONS
 PTY LIMITED

**Instrument Setting out Terms of Easements or Profits à Prendre Intended to be Created
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(Sheet 3 of ⁴ 3 Sheets)

DP1108608

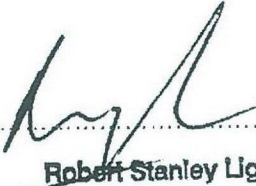
Subdivision of Lot 36 DP 869101, Lot 3 DP
844711, Lot 2414 DP 1008132 & Lot 35 DP
800036, and Right of Carriageway 15 wide within
Lot 1 DP 844711 covered by Council Subdivision
Certificate No.

Executed by Mount Thorley Operations Pty)
Limited ACN 000 013 249 pursuant to section)
27 of the Corporations Act in the presence of:)



.....
Director **Ian Henry Poole**


.....
Director/Secretary **Michelle Clare Tilley**



Executed by Coal & Allied Operations Pty)
Limited ACN 000 023 656 pursuant to section)
27 of the Corporations Act in the presence of:)


.....
Director **Robert Stanley Light**

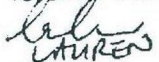

.....
Director/Secretary **Michelle Clare Tilley**

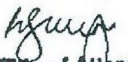

Authorised Person.
G. MANSFIELD

Mirvac Homes (NSW) Pty Limited
ABN 22 006 922 998
pursuant to S.127(1) of
the Corporations Act


GARY WILFRED WOOD
DIRECTOR

MICHAEL GWYN SMITH
SECRETARY

Signed at Sydney the 19th day of *March*
2008 For Commonwealth Bank of Australia
A.C.N. 123 123 124 by its duly appointed
Attorney under Power of Attorney No. 686
Book 4347 who declares that he has not
received notice of revocation of the power


LAUREN LTD
Witness


Title of Attorney

RAY BARROGA
MANAGER - CREDIT DOCUMENTATION

**Instrument Setting out Terms of Easements or Profits à Prendre Intended to be
Created or Released and of Restrictions on the Use of Land or Positive Covenants
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(Sheet 4 of 4)

DP1108608

Subdivision of Lot 36 DP 869101, Lot 3 DP 844711, Lot 2414 DP 1008132 & Lot 35 DP 800036, and Right of Carriageway 15 wide within Lot 1 DP 844711 covered by Council Subdivision Certificate No.

Executed on behalf of **NEWCASTLE CITY COUNCIL** by:)

[Signature]
Signature of Witness

BRIAN CAMERON
Name of Witness

NEWCASTLE CITY COUNCIL
Address of Witness

G. MANSFIELD
Authorised officer's name

AUTHORISED PERSON
Authority of officer

[Signature]
Signing on behalf of
NEWCASTLE CITY COUNCIL

[Signature]

[Signature]
Timothy J Regan

[Signature]
Mirvac Homes (NSW) Pty Limited
ABN 22 006 922 998
pursuant to S.127(1) of
the Corporations Act

ACS SEARCH PTY LTD

PO Box A1155, Sydney South NSW 1235. Phone: 02 9267 9728 Fax: 02 9267 9226

<http://acssearch.urbispro.com.au>

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/844711

SEARCH DATE	TIME	EDITION NO	DATE
6/3/2012	9:35 AM	4	26/8/2008

LAND

LOT 1 IN DEPOSITED PLAN 844711
AT MINMI
LOCAL GOVERNMENT AREA NEWCASTLE
PARISH OF HEXHAM COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP844711

FIRST SCHEDULE

KINGSTON MINMI ROAD PTY LTD (T AB395891)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 EASEMENT(S) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM CREATED BY:
B17280 -RIGHT OF CARRIAGEWAY & EASEMENT 20.115 WIDE
C136521 -RIGHT OF CARRIAGEWAY
- 3 DP1108608 RIGHT OF CARRIAGEWAY 15 METRE(S) WIDE AFFECTING THE
PART(S) SHOWN SO BURDENED IN DP1108608
- 4 AE171149 MORTGAGE TO THE UNITING CHURCH (NSW) TRUST
ASSOCIATION LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Monteath & Powys

PRINTED ON 6/3/2012

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* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.
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LEGALINK
www.legalink.net.au

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 149/270578

SEARCH DATE	TIME	EDITION NO	DATE
2/3/2012	5:24 PM	2	5/7/2011

LAND

LOT 149 IN COMMUNITY PLAN DP270578
AT FLETCHER
LOCAL GOVERNMENT AREA NEWCASTLE
PARISH OF HEXHAM COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP270578

FIRST SCHEDULE

MINMI LAND PTY LIMITED (T AG347705)

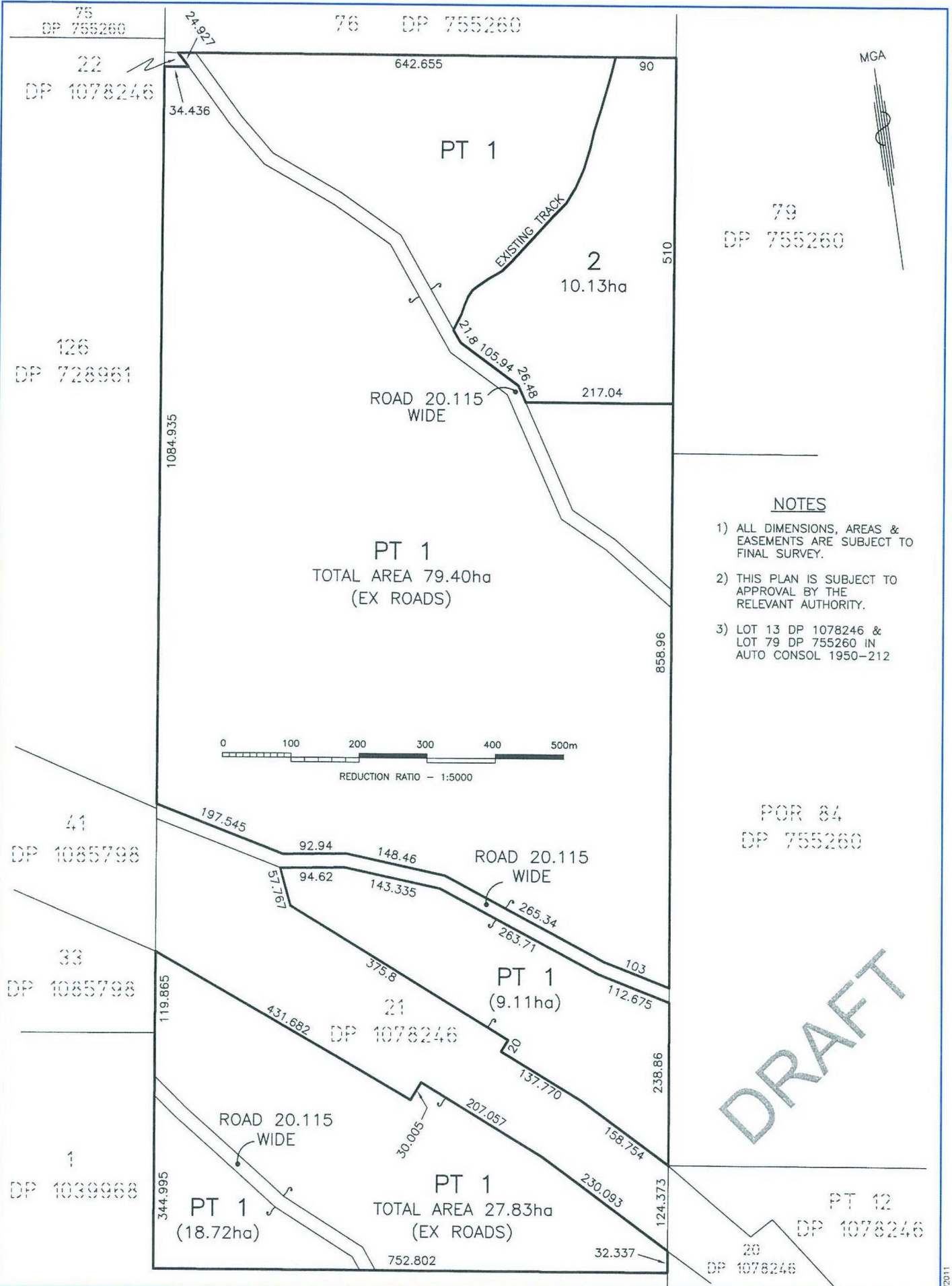
SECOND SCHEDULE (12 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 INTERESTS RECORDED ON REGISTER FOLIO 1/270578
- 3 ATTENTION IS DIRECTED TO THE MANAGEMENT STATEMENT OF THE COMMUNITY SCHEME FILED WITH THE COMMUNITY PLAN
- 4 DP874212 EASEMENT FOR DRAINAGE OF WATER 2 METRE(S) WIDE APPURTENANT TO THE PART(S) DESIGNATED (Z) SHOWN SO BENEFITED IN THE TITLE DIAGRAM
- 5 DP882142 EASEMENT FOR DRAINAGE OF WATER 2 METRE(S) WIDE APPURTENANT TO THE PART(S) DESIGNATED (Z) SHOWN SO BENEFITED IN THE TITLE DIAGRAM
- 6 DP882142 RIGHT OF ACCESS 5.6 METRE(S) WIDE APPURTENANT TO THE PART(S) DESIGNATED (Z) SHOWN SO BENEFITED IN THE TITLE DIAGRAM
- 7 DP1006756 EASEMENT FOR DRAINAGE OF WATER 2 METRE(S) WIDE APPURTENANT TO THE PART(S) DESIGNATED (Z) SHOWN SO BENEFITED IN THE TITLE DIAGRAM
- 8 DP1108608 RIGHT OF CARRIAGEWAY 15 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 9 DP1108608 RESTRICTION(S) ON THE USE OF LAND
- 10 DP270578 POSITIVE COVENANT VARIABLE WIDTH (TEMPORARY APZ) (N) (DOC.3)
- 11 DP270578 EASEMENT FOR ELECTRICITY & OTHER PURPOSES 2 METRE(S) WIDE (O) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM (DOC.3)
- 12 DP270578 RIGHT OF CARRIAGEWAY 4 METRE(S) WIDE (P) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM (DOC.3)

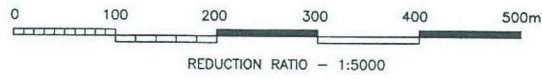
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Coal & Allied Operations Pty Limited

PRINTED ON 2/3/2012



- NOTES**
- 1) ALL DIMENSIONS, AREAS & EASEMENTS ARE SUBJECT TO FINAL SURVEY.
 - 2) THIS PLAN IS SUBJECT TO APPROVAL BY THE RELEVANT AUTHORITY.
 - 3) LOT 13 DP 1078246 & LOT 79 DP 755260 IN AUTO CONSOL 1950-212



DRAFT

<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>No.</th> <th>REVISION</th> <th>BY</th> <th>CHECKED</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>LOT 2 CHANGED TO BE 10% AREA</td> <td>MAK</td> <td>RB</td> <td>01/02/11</td> </tr> <tr> <td>2</td> <td>LOT 2 CHANGED TO BE CORNER ONLY</td> <td>MAK</td> <td>RB</td> <td>28/07/11</td> </tr> <tr> <td>3</td> <td>REVISION</td> <td>SVF</td> <td>DFT</td> <td>CHK</td> </tr> </table>	No.	REVISION	BY	CHECKED	DATE	1	LOT 2 CHANGED TO BE 10% AREA	MAK	RB	01/02/11	2	LOT 2 CHANGED TO BE CORNER ONLY	MAK	RB	28/07/11	3	REVISION	SVF	DFT	CHK	<p>© COPYRIGHT NOTICE THIS DOCUMENT REMAINS THE PROPERTY OF MONTEATH & POWYS PTY LTD</p> <p>CONDITIONS OF USE THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT FOR THE PURPOSE FOR WHICH IT WAS COMPILED USE OF THE DOCUMENT FOR ANY OTHER PURPOSE IS NOT PERMITTED UNLESS PRIOR WRITTEN APPROVAL HAS BEEN OBTAINED FROM MONTEATH & POWYS PTY LTD</p>	<p>Monteath & Powys Pty Ltd 451 500 Unit 110</p> <p>SURVEYING PLANNING ENGINEERING DESIGN PROJECT MANAGEMENT</p> <p>125 Bull Street Newcastle NSW 2300 PO Box 726 Newcastle NSW 2300 T 61 2 4926 1388 F 61 2 4926 2475 E survey@monteathpowys.com.au W www.monteathpowys.com.au</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Surveyed</td> <td>Drawn</td> <td>Checked</td> <td>Client</td> </tr> <tr> <td>-</td> <td>MAK</td> <td>RB</td> <td></td> </tr> </table>	Surveyed	Drawn	Checked	Client	-	MAK	RB		<p>COAL & ALLIED</p> <p>PROPOSED SUBDIVISION OF LOT 13 DP 1078246 STOCKRINGTON</p> <p>Scale: 1:5000 Original Size DO NOT SCALE A3</p> <p>CAD: 07202BM_02 Ref No: 07/202 Date: 17/01/2011</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Sheet No</td> <td>1</td> </tr> <tr> <td>Revision</td> <td>2</td> </tr> </table>	Sheet No	1	Revision	2
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Last Edit: 01/02/2011

