

Application to modify a development consent



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

DA modification no: _____

1. Before you lodge

You can use this form to apply to modify a development consent given by the Minister of Planning. If the changes you propose mean the development will not be substantially the same as that originally approved, please do not use this form. You will need to submit a new development application.

Disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations

Lodgement

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to us. When your application has been assessed, you will receive a notice of determination.

To complete this form, please place a cross in the boxes ☐ and fill out the white sections as appropriate.

2. Details of the applicant

NAME

Mr ☐

Ms ☐

Mrs ☐

Dr ☐

Other ☐

COMPANY

First name

Family name

Company/organisation

Werris Creek Coal Pty Limited

ABN

69 107 169
103

STREET ADDRESS

Unit/street no.

Street name

Werris Creek - Quirindi Road

Suburb or town

State

Postcode

Werris Creek

NSW

2341

POSTAL ADDRESS (or mark 'as above')

PO Box 125

Suburb or town

State

Postcode

Werris Creek

NSW

2341

CONTACT DETAILS

Daytime telephone

Fax

Mobile

02 6742 4377

02 6742 3607

0427 424 337

Email

bcullen@whitehaven.net.au

2. Identify the land

Unit/street no. (or lot no. for Kosciuszko ski resorts)

ML 1563

Street or property name

"Narrawolga", "Eurunderee"
& "Cintra"

Suburb, town or locality

Werris Creek

Postcode

2341

Local government area

Liverpool
Plains

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma eg 123/579, 162/2.

MINING LEASE 1563-see Land Titles below

- (1) Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact Department of Lands for updated details.
- (2) Note: If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

4. Details of the original development consent

Describe what the original consent allows

Development and operation of an open cut coal mine (~80ha), coal crushing and screening facilities and rail load-out facility, producing up to 2 million tonnes of coal annually (average of 1.6 million tonnes).

Up to 50 000t of the coal is approved for transportation by road with the majority to be loaded to trains and transported by rail to Port Newcastle.

The final landform is to be rehabilitated to accommodate both continued agriculture and native vegetation conservation.

The mine is approved conditional to the implementation of a Biodiversity Offset Strategy.

What is the development application no.?

DA 172-7-2004

What is the date of consent?

18 February
2005

What was the original estimated cost of development (including GST)?

\$10 000 000

Land Titles

Lots 19, 73-75, 93, 94, 109, 110, 112, 120, 121, 123, 129, 130, 133, 135,
Lot 1/186633, Lots 1-4/1022826, Lots 1-4/1037145, Lot 2/431951
Part Lots 83, 126-128, 217, 225, 131, 132/751017, Part Lot 271/257307

5. Describe the modification you propose to make

Please indicate the type of modification you propose to make by placing a cross in the appropriate box ☐ below.

You need to submit with your application form a full description of the expected impacts of the modifications proposed, including relevant plans, drawings and compliance with relevant controls.

- ☐ A modification to correct a minor error, misdescription or miscalculation

Describe the error, misdescription or miscalculation
(Refer to section 96(1) of the *Environmental Planning and Assessment 1979* (EP&A) Act)

- ☐ A modification that will have minimal environmental impact

Describe the modification and its expected impact
(Refer to section 96(1A) of the EP&A Act)

- ☒ Any other modification

Describe the modification and its expected impact
(Refer to section 96(2) of the EP&A Act)

The proposed modifications comprise the following.

- (i) Widening the advancing northern highwall of the open cut area (increasing the area of the open cut by 14ha) involving open cut mining through the underground workings of the former Werris Creek Colliery.
- (ii) Dewatering the underground workings with the extracted groundwater to be stored in up to four dams to the southwest of the open cut area (over an area of 13ha).
- (iii) Extending the out-of-pit overburden emplacement (by 11ha) to the north along the eastern perimeter of the open cut area.
- (iv) Constructing an additional train loading bin at the rail load-out facility to facilitate the separation of product coal for specific markets and therefore increase the efficiency of train loading.

Will the modified development be substantially the same as the development that was originally approved?

- No ☐ Please submit a new development application.
- Yes ☒ Please provide evidence that the development will remain substantially the same.
(If you need to attach additional pages, please list below the material attached).

No increase in production is proposed.
No additional activities would be undertaken.
No extension to mine life would occur as a result of the proposed modification.
The proposed modification would not result in any substantial change to environmental impacts associated with the mine.

If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the Department of Environment and Climate Change to your application.

6. Number of jobs to be created

Please indicate the number of jobs this will create. This should be expressed as a proportion of full time jobs over a full year. (e.g. a person employed full-time for 6 months would equal 0.5 of a full-time equivalent job; six contractors working on and off over 2 weeks equate to 2 people working full-time for 2 weeks, which equals approximately 0.08 of an FTE job.)

Construction jobs (full-time equivalent)

$(4 \times 3/12) = 1$

Operation jobs (full-time equivalent)

0

7. Application fee

For development that involves a building or other work, the fee for your application is based on the estimated cost of the development.

Clause 258 of the Environmental Planning and Assessment Regulation 2000 and the table attached to that clause set out how to calculate the fee for an application for modification of a consent.

If your development needs to be advertised to the public you may also need to include an advertising fee. Clause 258 of the regulations includes details on these fees.

Note: Advertising fees attract GST, all other fees do not. Contact us if you need help to calculate the fee for your application.

Estimated cost of the development

N/A

Total fees lodged

\$2 000 (as per
assess_fees_update v1.pdf)

8. Political donation disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application or request.

Have you attached a disclosure statement to this application?

Yes ☒

No ☐

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

9. Signatures

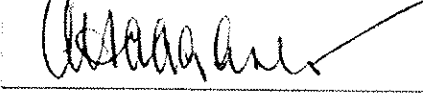
The owner(s)* of the land being developed must sign the application.

If you are not the owner of the land, you must ask the owner(s) of the land to sign the application.

If the land is Crown land, an officer of the Department of Planning must sign the application.

As the owner(s)* of the above property, I/we consent to this application:

Signature



Name

Managing Director ,
ANTHONY JAMES
HAGGARTY

Date

06.04.09

Signature



Name

Director ANDREW
HENDERSON PLUMMER

Date

06.04.09

* Note For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than owner is required.

The applicant, or the applicant's agent, must sign the application.

Signature



Name, if you are not the applicant

Date

6/4/2009.

In what capacity are you signing if you are not the applicant?

10. Privacy policy

The information you provide in this application will enable us, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted. If your application is for designated development or advertised development, it will be available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected information provided in your application. Please ensure that the information is accurate and advise us of any changes

