

Application to modify a development consent



Date received: 30/1/08 DA modification no: DA 211-93 MOD 3

You can use this form to apply to modify a development consent given by the Minister of Infrastructure, Planning and Natural Resources. 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.

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

1. Details of the applicant

NAME

Mr ☒

Ms ☐

Mrs ☐

Dr ☐

Other ☐

First name

Jeff

Family name

Torkington

Company/organisation

Bengalla Mining Company Pty Ltd

ABN

STREET ADDRESS

Unit/street no.

Street name

Bengalla Road

Suburb or town

Muswellbrook

State

NSW

Postcode

2333

POSTAL ADDRESS (or mark 'as above')

LMB 5

Suburb or town

Muswellbrook

State

NSW

Postcode

2333

CONTACT DETAILS

Daytime telephone

(02) 6542 9543

Fax

(02) 6542 9599

Mobile

0429 701 597

Email

jeff.torkington@rtca.riotinto.com.au

2. Identify the land

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

See Attachment 1

Street or property name

Suburb, town or locality

Postcode

Local government area

Lot/DP or Lot/Section/DP or Lot/Strata no. ^{(1) (2)}

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.

(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.

3. Details of the original development consent

Describe what the original consent allows

Construction and operation of a surface coal mine, coal preparation plant, rail loop, loading facilities and associated facilities.

What is the development application no.?

DA 211/93

What is the date of consent?

07/08/1995

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

N/A

4. 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)

Construction of Bengalla Link Road Stage 2 on an alternative alignment to originally approved and to defer the relocation of the ROM hopper as described in Bengalla Mine Development Consent Modification Environmental Assessment (January 2008) by Hansen Bailey.

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).

See Section 3.0 and Section 4.0 of the accompanying Bengalla Mine Development Consent Modification Environmental Assessment (January 2008) by Hansen Bailey.

If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the National Parks and Wildlife Service to your application.

5. 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)

20

Operation jobs (full-time equivalent)

6. 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. Clauses 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

\$6,500,000.00

Total fees lodged

\$4,750.00

7. 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 Infrastructure, Planning and Natural Resources (previously known as Department of Land and Water Conservation) must sign the application.

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

Signature

N/A pursuant to Clause
8F(1(c)) of EP&A Regulation
2000.

Name

Date

Signature

Name

Date

* 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

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

8. 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

Bengalla Mine Development Consent Modification EA – Schedule of Land to which this EA Applies

Ownership	Lot	DP
CNA	1	998477
CNA	2	998477
BMC	111	556761
BMC	110	556761
BMC	9	39345
BMC	72	626353
BMC	71	626353
BMC	1	570070
BMC	2	570070
BMC	2	735667
BMC	1	735667
BMC	7	236668
BMC	6	236668
BMC	21	776758
BMC	22	776758
BMC	1	236668
BMC	97	750919
BMC	98	750919
BMC	105	43390
BMC	103	43389
BMC	20	706045
BMC	21	706045
BMC	5	236668
BMC	3	236668
BMC	1	189134
BMC	111	551930
BMC	8	236668
Crown Roads*	N/A	N/A
BMC	92	630639
J&H Hofman	5	560963
Roxburgh Road*	N/A	N/A
BMC	A	925975
BMC	43	792447
Wybong Road*	N/A	N/A

Notes:

- * - Part of.
- N/A – no Lot and DP available for this land.
- Schedule of Land applies to those areas within the DA Boundary.
- The cadastral information for the lands to which the DA applies was sourced from the NSW LPI records database in November 2006.