

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: 19 / 8 / 09

Modification No. DA 309-11-2001 MOD 4

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

Ashton Coal Operations Limited

ABN

22 078 556 500

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Peter

Family name

Barton

Position

General Manager

STREET ADDRESS

Unit/street no.

Street name

Glennies Creek Road

Suburb or town

Camberwell

State

NSW

Postcode

2330

POSTAL ADDRESS (or mark 'as above')

PO Box 699

Suburb or town

Singleton

State

NSW

Postcode

2330

Daytime telephone

02 6576 1111

Fax

02 6576 1122

Mobile

Email

pbarton@ashtoncoal.com.au

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

Suburb, town or locality

Postcode

Local government area(s)

Singleton Council

State Electorate(s)

Upper Hunter

REAL PROPERTY DESCRIPTION

See attached schedule of lands.

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

Development of an open cut coal mine, an underground coal mine and construction and operation of associated surface facilities, known as the Ashton Coal Project (ACP).

What was the original project application no.?

DA No. 309-11-2001 MOD 4

What was the date of the approval?

11 October 2002

What was the original application fee?

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

- Mining of an additional longwall panel located on the western margin of the mine's existing development consent area:
- Increase maximum run-of-mine underground coal production from 2.95 to 3.2 million tonnes per annum; and
- Replacing Schedule 2 with revised and updated conditions to remove uncertainties present in the current consent and be formed in the manner of modern approvals.

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).

\$8,500,000

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)

Nil

Operational jobs (FTE)

160

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

Land

Signature

Signature

Name

Name

Date

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

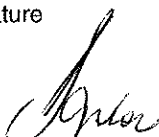
Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

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

General Manager

Name

Peter Barton

Name, if you are not the proponent

Date

17/08/09

Table.1:Lands Described in DA 309-11-2001 (2009).

Consent Land Description	Current Land Description	Location and ACP Component	Owner
Lot 101 DP 635131.	Unchanged.	North of New England Highway currently used for the ACP coal handling and preparation plant facilities, open cut mine and underground access.	Ashton Coal Operations Pty Limited.
Part Lot 11 DP 261916.	Unchanged.	North of New England Highway, west of Bowmans Creek, current agricultural land use. Above main gate road.	Glendell Tenements Pty Limited.
Lot 3 DP 195598.	Unchanged.	Eastern end of open cut mine, now under rehabilitation.	Glendell Tenements Pty Limited.
Pt Lot 70 DP 752499.	Pt 70 DP 1107703.	Southern end of underground area, underground mining and agricultural land use.	Alistair Stuart Bowman.
Lot 701 DP 828294.	Lot 3 DP 1114623.	South of New England Highway, underground mining and agricultural land use.	Ashton Coal Operations Pty Limited.
Lot 1 DP 745486.	Unchanged.	North of New England Highway, open cut mining and facilities.	Glendell Tenements Pty Limited.
Pt Lot 1243 DP 1007536.	Lot 2 DP 1089848.	South of New England Highway north western area of underground mine.	Macquarie Generation.
Lot 1 DP 195598.	Unchanged.	Eastern end of open cut mine,	Glendell Tenements Pty Limited.
Lot 59 DP 752499.	Unchanged.	Western end of open cut mine	Glendell Tenements Pty Limited.
Crown land including Crown Roads adjoining Lot 1 DP 745486.	Lot 1 DP1048686.	North of New England Highway, open cut mining.	Glendell Tenements Pty Limited.
Lot 128 DP 752499 (Reserve No.89555).	Unchanged.	North of New England Highway within open cut mine.	Ashton Coal Operations Pty Limited
Travelling Stock Reserve No. 66768.	Lot 1 DP 1056200.	North of New England Highway within open cut mine. (Former TSR)	Ashton Coal Operations Pty Limited
Part Camberwell Temporary Common.	Lot 2 DP 1056200.	North of New England Highway within open cut mine. (Former Temporary Common)	Ashton Coal Operations Pty Limited
Main Northern Railway corridor.	Unchanged.	Railway.	Australian Rail Track Corporation and NSW Railway.
Glennies Creek Road reserve	Unchanged	Road.	Singleton Council.
New England Highway road reserve.	Unchanged	Road.	Roads and Traffic Authority.

Political Donations and Gifts Disclosure Statement to Minister or the Director-General

If you are required under section 14(7)(4) or (5) of the Environmental Planning and Assessment Act 1979 to disclose any political donations or gifts (see page 1 for details), please fill in this form and sign below.

Disclosure Statement Details

Name of person making this disclosure statement	Planning application reference (e.g. DA number, planning application title or reference, property address or other description)
Ashton Coal Operations Pty Limited	Ashton Coal Operations Limited - Modification to DA No. 309-11-2001 MOD 4

Person's interest in the application (circle relevant option below)

You are the APPLICANT ☒ YES / ☐ NO OR You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION ☐ YES / ☒ NO

Reportable political donations or gifts made by person making this declaration or by other relevant persons

* State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN).

* If you are the applicant of a planning application state below any reportable political donations or gifts 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 or gifts that you know, or ought reasonably to know, were made by an associate.

Donation or gift?	Name of donor (or ABN if an entity); or name of person who made the gift	Donor's residential address or entity's registered address or other official office of the donor; address of person who the made the gift or entity's address	Name of party or person for whose benefit the donation was made; or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift
Donation	Felix Resources Limited 75 000 754 174	Level 6 316 Adelaide Street Brisbane QLD 4000	Australian Labor Party (NSW Branch)	19 October 2007	\$15,000
Donation	Felix Resources Limited 75 000 754 174	Level 6 316 Adelaide Street Brisbane QLD 4000	Australian Labor Party (NSW Branch)	29 May 2008	\$5,500
Donation	White Mining Limited 38 009 713 893	Level 6 316 Adelaide Street Brisbane QLD 4000	Australian Labor Party (NSW Branch)	5 June 2008	\$1,800
Donation	Felix Resources Limited 75 000 754 174	Level 6 316 Adelaide Street Brisbane QLD 4000	Australian Labor Party (NSW Branch)	29 October 2008	\$10,000

Please list all reportable political donations and gifts—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

 27.7.08

Name(s)

Craig Smith, Chief Financial Officer

Cont...

Political Donations and Gifts Disclosure Statement to Minister or the Director-General

Donation or gift?	Name of donor (or ABN if an entity); or name of person who made the gift	Donor's residential address or entity's registered address or other official office of the donor; address of person who the made the gift or entity's address	Name of party or person for whose benefit the donation was made; or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift
Donation	Felix Resources Limited 75 000 754 174	Level 6 316 Adelaide Street Brisbane QLD 4000	Australian Labor Party (NSW Branch)	11 February 2009	\$10,000
Donation	Travers Duncan on behalf of Felix Resources Limited 75 000 754 174	Level 6 316 Adelaide Street Brisbane QLD 4000	Australian Labor Party (NSW Branch)	28 February 2009	\$ 400
Donation	Felix Resources Limited 75 000 754 174	Level 6 316 Adelaide Street Brisbane QLD 4000	Australian Labor Party (NSW Branch)	30 March 2009	\$ 2,500
Donation	Felix Resources Limited 75 000 754 174	Level 6 316 Adelaide Street Brisbane QLD 4000	Australian Labor Party (NSW Branch)	8 May 2009	\$10,000
Donation	Travers Duncan on behalf of Felix Resources Limited 75 000 754 174	Level 6 316 Adelaide Street Brisbane QLD 4000	Australian Labor Party (NSW Branch)	18 June 2009	\$ 300