

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: 8.1.2010

Modification No. PA 381-12-2001 MOD 2

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

Koppers Carbon Materials & Chemicals Pty Ltd

ABN

71 003 947 699

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Mike

Family name

Barry

Position

General Manager

STREET ADDRESS

Unit/street no.

Street name

Woostock Street

Suburb or town

Mayfield

State

NSW

Postcode

2304

POSTAL ADDRESS (or mark 'as above')

PO Box 23

Suburb or town

Mayfield

State

NSW

Postcode

2304

Daytime telephone

02 4968 7320

Fax

02 4967 4998

Mobile

0418 683 340

Email

Mike_Barry@kcmc.com.au

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

Woodstock Street

Suburb, town or locality

Mayfield, Newcastle

Postcode

2304

Local government area(s)

Newcastle City

State Electorate(s)

REAL PROPERTY DESCRIPTION

Lot 3 DP 1095751 Lot 2 DP 528411 Lot 11 DP625019

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

Site capping of lots 3 and 4 DP 1095751 formerly known as lot 223 DP 1013964 with coal washery reject or a similar engineered seal approved by the EPA.

What was the original project application no.?

DA no.381-12-2001-i

What was the date of the approval?

Year - 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

The modification applies to that portion of lot 3 / DP 1095751 to the north of Lot 2 / DP 528411 marked as "TO BE ACQUIRED BY KOPPERS (5.341ha)" in the appended Newcastle City Council approved "PLAN OF PROPOSED SUBDIVISION INDUSTRIAL DRIVE, MAYFIELD" dated 19/12/06 (APPENDIX 1) and Lot 2 / DP 528411 and Lot 11 / DP 625019.

The total land to which the Request To Modify a Major Project applies is depicted in the appended "SITE REMEDIATION AREAS OVERVIEW AND PRELIMINARY ASSESSMENT FOR APPROVAL MODIFICATION KCMC, MAYFIELD WEST" dated 11/11/08 (PAGE 17 of APPENDIX 2)

Refer Appendix 2; "Proposed Modification to 2002 Planning approval - Lot 223 Mayfield West Newcastle NSW", reference no. 6500j-101/2 December 2008.

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).

\$8,000,000

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)

Operational jobs (FTE)

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

Lot 3 DP1095751

Signature

See attached letter

Name

BHP Billiton Ltd

Date

Land

Lot 2 DP 528411 & Lot 11 DP 625019

Signature

Name

Mike Barry

Date

4th June 2009

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

MM Barry

Name

MICHAEL N. BARRY

Date

03/07/2009

In what capacity are you signing if you are not the proponent

Name, if you are not the proponent

Ref No: 704 P 97

BHP Billiton Limited
Newcastle Properties Group
Cnr Selwyn Street & David Baker Rd
MAYFIELD NSW 2304
PO Box 196B
NEWCASTLE NSW 2300
Tel +61 2 4940 6201
Fax +61 2 4961 3604

17 November 2009

The NSW Department of Planning
Ground Floor
23-33 Bridge Street
SYDNEY NSW 2000

Dear Sir

Modification of DA No. 381-12-2001-i

BHP Billiton, in its capacity as the owner of the land in Lot 3 DP1095751, hereby consents to the modification request in relation to the above approval made by Koppers Carbon Materials & Chemicals Pty Ltd.

Yours faithfully



Allan Dann
General Manager
Newcastle Properties Group
BHP Billiton

