

# Request to modify a major project



NSW GOVERNMENT  
Department of Planning

Date duly made: 02/10/12

Modification No. \_\_\_\_\_

## 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](http://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		ABN	
INCITEC PIVOT LIMITED		42 004 080 264	
<input type="checkbox"/> Mr <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> Dr <input type="checkbox"/> Other			
First name		Family name	
Kerry		Gleeson	
Position			
General Counsel & Company Secretary			
STREET ADDRESS			
Unit/street no.		Street name	
Lvl 8, 28		Freshwater Place	
Suburb or town		State	Postcode
SOUTHBANK		VIC	3006
POSTAL ADDRESS (or mark 'as above')			
GPO Box 1322			
Suburb or town		State	Postcode
Melbourne		VIC	3001
Daytime telephone		Fax	Mobile
+61 3 8695 4400		+ 61 3 8695 4419	
Email			
kerry.gleeson@incitecpivot.com.au			

### 3. Identify the land

#### STREET ADDRESS (where relevant)

Unit/street no.

13

Street or property name

Main Road

Suburb, town or locality

Boolaroo

Postcode

2284

Local government area(s)

Lake Macquarie

State Electorate(s)

Northumberland

#### REAL PROPERTY DESCRIPTION

Lot 1 / DP 225720 - see attached plan at Annexure A

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

Demolition works and remediation of the Incitec Pivot Cockle Creek site, including the construction and use of a containment cells(s) for long-term entombment of contaminated materials.

What was the original project application no.?

08\_0221

What was the date of the approval?

11 November 2010

What was the original application fee?

\$46,295.00

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

See Annexure B

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).

\$ 20M

**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.

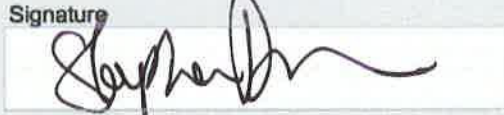
Construction jobs (FTE)

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

Signature  


Name

Date

Land

Signature

Name

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?

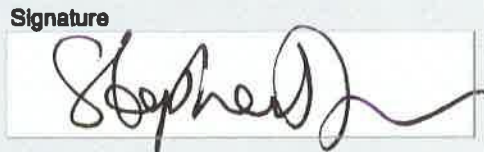
- Yes
- No

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


Name

Date

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

Name, if you are not the proponent

# ANNEXURE A

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Site Boundary

Site Location Plan  
17/07/2012

## A N N E X U R E B

Recently Pasmaico Cockle Creek Smelter Pty Ltd (Subject to Deed of Company Arrangement) (PCCS), Incitec Fertilizers Limited (IFL) and Incitec Pivot Limited (IPL) have agreed that:

1. the completion of the remediation of Lot 2 in DP1127713 (PCCS Site); and
2. the remediation of Lot 1 in DP225720 (IFL Site),

would be undertaken as a single remediation project by PCCS.

In relation to the IFL Site, it is proposed that contaminated materials from the IFL Site will be excavated and then placed into the containment cell that is already being constructed on the PCCS Site.

This will avoid the need for the construction of a second containment cell on the IFL Site.

The proposed single remediation project as described above has been the subject of meetings with the Environment Protection Authority (John Coffey) and the Department of Planning and Infrastructure. Lake Macquarie City Council has also been consulted in relation to the single remediation project.

To facilitate these arrangements, it is proposed that:

- (a) IFL will make this application under s.75W of the EP&A Act to modify the original IFL Stage 2 Approval, 08-0221 approved on 11 November 2010; and
- (b) PCCS will also make an application under s.75W of the EP&A Act to modify the PCCS Part 3A Approval signed by Peter McCluskey, Joint Deed Administrator and dated 1 October 2012.

An Environmental Assessment prepared by WSP is being prepared and lodged in support of the two s.75W applications referred to above.

02 October 2012

Macquarie Bank Limited  
ABN 46 008 583 542  
Macquarie Relationship Banking  
1 Shelley Street  
PO Box 4294  
Sydney NSW 2000



**Remittance Advice**

**Payee:** NSW Department of Planning and Infrastructure

**Bank Cheque Number:** 639877

**Cheque Amount:** \$5,000.00

**Purchaser:** Davis Advisory Pty Ltd atft Davis Advisory Trust

Please detach before banking

**MACQUARIE BANK LIMITED**  
1 SHELLEY STREET SYDNEY NSW



**Bank Cheque**  
02 October 2012

**Pay** \*\*\*NSW DEPARTMENT OF PLANNING AND INFRASTRUCTURE\*\*\* or bearer

**the**  
**sum of** \*\*\*FIVE THOUSAND DOLLARS ONLY\*\*\*

**\$5,000.00**

For Macquarie Bank Limited  
ABN 46 008 583 542

NOT NEGOTIABLE

Cheques less than \$25,000  
only require one signature

⑈ 6 3 9 8 7 7 ⑈ 1 8 2 ⑈ 2 2 2 ⑈ 0 5 2 8 ⑈ 0 1 0 0 8 ⑈