

# Request to modify a major project



NSW GOVERNMENT  
Department of Planning

Date duly made: \_\_\_\_/\_\_\_\_/\_\_\_\_

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

Pasminco Cockle Creek Smelter Pty Ltd  
(Subject to Deed of Company Arrangement)

ABN

30 000 083 670

☐ Mr ☐ Ms ☐ Mrs ☐ Dr ☒ Other

c/- Minter Ellison Lawyers

First name

Duncan

Family name

McGregor

Position

Partner

STREET ADDRESS

Unit/street no.

88

Street name

Phillip Street

Suburb or town

Sydney

State

NSW

Postcode

2000

POSTAL ADDRESS (or mark 'as above')

As above

Suburb or town

State

Postcode

Daytime telephone

(02) 9921 4502

Fax

(02) 9921 8279

Mobile

0412 104 846

Email

duncan.mcgregor@minterellison.com

### 3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

13a

Street or property name

Main Road

Suburb, town or locality

Boolaroo

Postcode

2284

Local government area(s)

Lake Macquarie City  
Council

State Electorate(s)

Lake Macquarie

REAL PROPERTY DESCRIPTION

See description in attached report titled 'Environmental Assessment of the Combined PCCS/IFL Remediation Project', September 2012

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

The original approval allows the remediation of the former Pasminco lead and zinc smelter site at Boolaroo. This remediation involves the excavation of contaminated materials in a capped containment cell to be located around the existing on-site eastern slag stockpile. Other project components include temporary storage, treatment and possibly mixing of excavated material as required, the provision of environmental controls to manage impacts during construction, an effluent treatment plant to treat potential future leachate and groundwater that may be emitted from the cell, the continued approval of the operation of the existing jig on the site to extract lead from lead slag stockpiles, the crushing of recovered concrete, some off-site disposal of contaminated material and the acceptance of some materials from nominated properties which had been contaminated by lead dust.

What was the original project application no.?

06\_0184

What was the date of the approval?

27/02/2007

What was the original application fee?

\$57,525.00

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 development

Describe the proposed modification

The combined remediation project will involve the excavation of the IFL contaminated soil and materials on the IFL Site and its placement in the PCCS cell eliminating the need for the IFL cell. It is not intended that the IFL cell will be constructed. However, remediation of the IFL Site in the manner originally approved by the IFL Stage 2 Approval will be retained as an option which could be implemented in the event that the combined remediation project involving placement of the contaminated IFL material into the PCCS cell does not proceed for any reason.

This modification will allow the receipt of the excavated material from the IFL Site onto the PCCS Site and its placement into the PCCS cell. The PCCS cell will retain the same footprint and design, but will be up to a maximum of 4m higher (an increase from 34.0m to 38.0m RL) with a decreased top surface area.

Concurrently with this modification application, the IFL Stage 2 Part 3A approval which was approved on 11 November 2010 and which authorises the demolition/removal of machinery, equipment and buildings, the construction of water management facilities, and the excavation of contaminated soil for placement in an on-site containment cell, will be the subject of another s.75W modification application which will seek approval (as an alternative to the existing IFL remediation project) to transport contaminated material which has been excavated from the IFL Site, to the PCCS Site and the placement of that material into the PCCS containment cell.

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).

\$ —

### 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)

N.A

Operational jobs (FTE)

N.A

## 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 1/DP 1127713; Lot  
2/DP1127713; Lot 21/DP  
251322; Lot 23/DP 251322;  
and Lot 1/DP 523781

Signature



Name

Peter McCluskey  
(Joint Deed Administrator)

Date

1/10/2012

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

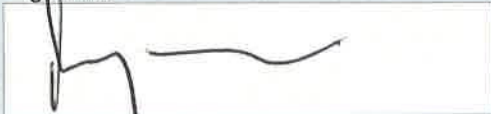
Note: For more details about political donations disclosure requirements, including a disclosure form, go to [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).

## 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

Peter McCluskey  
(Joint Deed Administrator)

Date

1/10/2012

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

Name, if you are not the proponent



# Political donations disclosure statement



NSW GOVERNMENT  
Department of Planning

Office use only:

Date received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Planning application no. \_\_\_\_\_

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning Assessment Act 1979* for applications or public submissions to the Minister or the Director-General.

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below). Once completed, please attach the completed declaration to your planning application or submission.

## Explanatory information

### Making a planning application or a public submission to the Minister or the Director-General

Under section 147(3) of the Environmental Planning and Assessment Act 1979 ('the Act') a person:

- (a) who makes a *relevant planning application* to the Minister or the Director-General is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by any *person with a financial interest* in the application, or
- (b) who makes a *relevant public submission* to the Minister or the Director-General in relation to the application is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by the person making the submission or any *associate of that person*.

### How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a *reportable political donation* under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation is made before the application or submission is made, or
- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation is made.

### What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General of the Department of Planning.

Note: A separate Disclosure Statement Template is available for disclosures to councils.

**Warning:** A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147.

The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part.

Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.

## Glossary of terms (under section 147 of the *Environmental Planning and Assessment Act 1979*)

**gift** means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981*. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows:

**gift** means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

**local councillor** means a councillor (including the mayor) of the council of a local government area.

**relevant planning application** means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
  - b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
  - c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
  - d) an application for development consent under Part 4 (or for the modification of a development consent), or
  - e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application,
- but does not include:
- f) an application for (or for the modification of) a complying development certificate, or
  - g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
  - h) any other application or request that is excluded from this definition by the regulations.

**relevant period** is the period commencing 2 years before the application or submission is made and ending when the application is determined.

**relevant public submission** means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

**reportable political donation** means a reportable political donation within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981* that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

### 86 Meaning of "reportable political donation"

- (1) For the purposes of this Act, a reportable political donation is:
  - (a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
  - (b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
    - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
    - (ii) made to the major political donor.
- (2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).
- (3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
- (4) For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

**a person has a financial interest** in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- d) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations.

**persons are associated with each other** if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- d) they have any other relationship prescribed by the regulations.

# Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

Disclosure statement details		Planning application reference (e.g. DA number, planning application title or reference, property address or other description)		
Your interest in the planning 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	
<b>Reportable political donations made by person making this declaration or by other relevant persons</b> * State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN). * If you are the applicant of a relevant planning application state below any reportable political donations 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 that you know, or ought reasonably to know, were made by an associate.				
Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
Please list all reportable political donations—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				
Name(s)				
PETER DAMIEN MCCLUSKEY - JOINT DEED ADMINISTRATOR		1 OCTOBER 2012		

Cont....

**Political Donations Disclosure Statement to Minister or the Director-General**

Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation





Westpac Banking Corporation  
ABN 33 007 457 141

Ref 033003:F040929:1017:03

WEST END MELBOURNE VIC

014844

Date 01/10/2012

Pay to  
or bearer NSW DEPARTMENT OF PLANNING AND  
INFRASTRUCTURE

Cheque No. 014844 4

the  
sum of FIVE THOUSAND DOLLARS ONLY

\$5,000.00

For and on behalf of  
Westpac Banking Corporation

NOT  
NEGOTIABLE

BANK CHEQUE

This cheque contains a number of security features, see reverse for a detailed list

⑈014844⑈ ⑈033⑈003⑈ 05⑈3100⑈