

Application to modify a development consent



NSW GOVERNMENT
Department of Planning

Date lodged: ____/____/____

DA modification no. _____
(Office use only)

1. Before you lodge

This form is to be used for applications to modify Part 4 development consents under section 96 or 96AA of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This form is also to be used for Part 4 development consents that are to be modified under section 75W of the Act.

Disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

Anyone wishing to lodge an application is recommended to call the Department of Planning to discuss their proposal and modification application requirements prior to lodging their application. You can lodge your completed form, together with attachments and fees at the relevant Department of Planning office listed below. Please lodge Part 4 modification applications with the Department of Planning head office or, for modification applications that are within the Kosciuszko ski resorts area, the Department's Alpine Resorts team.

NSW Department of Planning
Head Office
Ground Floor, 23–33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
Phone: 1300 305 695 Fax: (02) 9228 6555
Email: information@planning.nsw.gov.au

NSW Department of Planning
Alpine Resorts Team
Shop 5A, Snowy River Avenue
PO Box 36, Jindabyne NSW 2627
Phone: (02) 6456 1733 Fax: (02) 6456 1736
Email: alpineresorts@planning.nsw.gov.au

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to the Department. When your application has been assessed, you will receive a notice of determination.

2. Applicant and contact details

Company/organisation/agency

ABN

Ravensworth Operations Pty Limited

12 098 937 761

☐ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Family name

STREET ADDRESS

Unit/street no.

Street name

Lemington Road

Suburb or town

State

Postcode

Ravensworth

NSW

2330

POSTAL ADDRESS (or mark 'as above')

PO Box 294

Suburb or town

State

Postcode

Muswellbrook

NSW

2333

Daytime telephone

Fax

Mobile

02 6570 0700

02 6570 0747

Email

3. Property description

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

Street or property name

Suburb, town or locality

Postcode

Local government area

Lot/DP or Lot/Section/DP or Lot/Strata no.

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 e.g. 123/579, 162/2.

See list Attachment 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 the NSW Department of Lands for updated details. If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

4. Details of the original development consent

Briefly describe your approved development in the space below. If the development has been modified previously you must list all previous modifications and the relevant determination date(s).

On 11 February 2011, Ravensworth Operations was granted PA 09_0176 which permits open cut mining and transportation of up to 16 Mtpa of high quality thermal and semi-soft coking coal to export and domestic markets until 31 December 2039.

On 16 August 2013 PA 09_0176 (Modification 1) was granted, providing approval for the following modifications at the Ravensworth Operations Project:

- The recovery of approximately 2.7 Mt of ROM coal by open cut mining methods within the Narama West mining area;
- Various administrative amendments to PA 09_0176 including:
 - o Alteration to the approved operations boundary to include the Newdell substation;
 - o Inclusion of additional commitments to the blast management plan requirements;
 - o Changes to the Aboriginal grinding groove blast vibration criterion applying to a set of Aboriginal grinding grooves; and
 - o Removal of the specified approved Aboriginal archaeologist in the relevant PA conditions.

What was the original development application no.?

09_0176

What was the date consent was granted?

11 February 2011

What was the original application fee?

5. Type of modification

An application under section 96 of the EP&A Act is an application to modify a development consent. Modifications to a development consent can also be made under section 75W of the EP&A Act, or section 96AA for court granted consents.

There are five types of modification applications. Please tick the type of modification application that is being

sought:

- ☐ Section 96(1) involving minor error, misdescription or miscalculation.
- ☐ Section 96(1A) involving minimal environmental impact, where the development as originally approved remains substantially the same.
- ☐ Section 96(2) other modification, where the development as originally approved remains substantially the same.
- ☐ Section 96AA modification of consent granted by the Land and Environment Court, where the development as originally approved remains substantially the same.
- ☒ Section 75W modification, involving use of Part 3A processes to modify the Part 4 consent.

Note: If the proposed modification will lead to the consented development being not 'substantially the same' (except in the case of a proposed modification under section 75W) then you will need to submit a new development application.

6. Extent of modification

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).

Ravensworth Operations Final Landform Modification Environmental Assessment dated October 2014

Note: Question 6 does not apply to proposed modifications under section 75W.

7. Description of modification

- In the case of a section 96(1) application, indicate the nature of the minor error, misdescription or miscalculation in the space below.
- In the case of a section 96(1A), section 96(2) or section 96AA application describe the impact of the modification in the space below. A statement of environmental effects will need to accompany the application, which includes an assessment of the development as proposed to be modified in accordance with section 79C(1) of the EP&A Act. Provisions of the *Heritage Act 1977* may also apply for works to a heritage item or works adjoining a heritage item.
- In the case of a section 75W application under clause 8J(8) of the Environmental Planning and Assessment Regulation 2000, a development consent in force immediately before the commencement of Part 3A of the Act may be modified under section 75W as if the consent were an approval under that Part. However, approval from the Minister is required to lodge a section 75W application. **Applicants should contact the Department first if they are considering applying for a modification under section 75W.**

Regardless of the type of modification, please state below the specific conditions of consent to be modified, deleted or additional conditions request, and details of any other changes being sought.

Ravensworth Operations Pty Limited is seeking a modification to Project Approval 09_0176 to alter the approved final landform design so that it will more closely blend with the surrounding natural topography. As a consequence of this redesign, parts of some overburden emplacement areas are proposed to be constructed to a height greater than the levels approximated in the Ravensworth Operations Environmental Assessment whilst other areas will be constructed to a lesser height. The end result will be the incorporation of additional micro relief into the final landform creating a more undulating and diverse topography more capable of blending into the surrounding natural topography.

Note: If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the Department of Environment and Climate Change to your application.

8. General terms of approval from State agencies

If the original development application was classified as integrated development and required approval from one or more State agencies, list them in the space below and their respective general terms of approval. Depending on the type of modification, it may be necessary to refer the modification application to the approval body.

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9. Number of jobs to be created

Please indicate the number of jobs the proposed development 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)	<input type="text" value="Nil"/>
Operational jobs (full time equivalent)	<input type="text" value="Nil"/>

10. Application fee

Part 15 of the Environmental Planning and Assessment Regulation 2000 sets out how to calculate the fees for an application for modification of a development consent. If your development needs to be advertised to the public you may also need to include an advertising fee.

Note: Advertising fees attract GST, all other fees do not.

Please contact the Department in order to calculate the fee for your modification application.

Estimated cost of the development	Original application fee	Total fees lodged
<input type="text"/>	<input type="text"/>	<input type="text"/>

11. Political donation disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you attached a disclosure statement to this application?

Yes ☒

No ☐

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

12. Owner's consent

The owner(s) of the land to be developed must sign the application. If you are not the owner of the land, you must have all the owners sign the application. If the land is Crown land, an authorised officer of the NSW Department of Lands must sign the application. **An original signature must be provided.**

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

Signature



Name

Stephen Hubert

Date

07/10/2014

Signature



Name



Date



Note: For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than the owner is required.

13. Applicant's signature

The applicant, or the applicant's agent, must sign the application. Only an original signature will be accepted (photocopies or faxed copies will not be accepted).

Signature



Date

07/10/2014

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

Director

Name, if you are not the applicant

Stephen Hubert

14. Privacy policy

The information you provide in this application will enable the Department, 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 made 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 any information provided in your application. Please ensure that the information is accurate and advise the Department of any changes.

RAVENSWORTH OPEN CUT

GLENCORE

Attachment 1: Property Description

Ravensworth Operations Pty Limited property description required by *Application to modify a Development Consent, Section 3 Property Description.*

Cadastre generated 7 October 2014.

Lot	DP	County	Parish
1	124977	DURHAM	VANE
1	125406	DURHAM	LIDDELL
1	137381	DURHAM	VANE
1	137382	DURHAM	VANE
1	151176	DURHAM	VANE
1	159786	DURHAM	VANE
1	213065	DURHAM	LIDDELL
1	403032	DURHAM	LIDDELL
1	534889	DURHAM	LIDDELL
1	561235	DURHAM	VANE
1	645240	DURHAM	LIDDELL
1	658099	DURHAM	LIDDELL
1	738417	DURHAM	LIDDELL
1	747099	DURHAM	RAVENSWORTH
1	747902	DURHAM	RAVENSWORTH
1	774682	DURHAM	VANE
1	784446	DURHAM	RAVENSWORTH
1	793886	DURHAM	VANE
1	804150	DURHAM	VANE
1	808431	DURHAM	LIDDELL
1	823148	DURHAM	VANE
1	859924	DURHAM	RAVENSWORTH
1	902822	DURHAM	LIDDELL
1	940619	DURHAM	VANE
1	986496	DURHAM	LIDDELL
1	1142103	DURHAM	LIDDELL
1	1152619	DURHAM	SAVOY
1	1155775	DURHAM	LIDDELL
1	1171724	DURHAM	RAVENSWORTH
1	1175191	DURHAM	RAVENSWORTH
2	6842	DURHAM	VANE
2	38725	DURHAM	VANE
2	137382	DURHAM	VANE
2	232149	DURHAM	LIDDELL

PO Box 294, Muswellbrook, NSW 2330

Lemington Road, Ravensworth, NSW 2330

T + 61 2 6570 0700 F + 61 2 6570 0747 www.glencore.com

Ravensworth Operations Pty Ltd ABN 12 098 937 761

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2	233019	DURHAM	LIDDELL
2	534889	DURHAM	LIDDELL
2	574166	DURHAM	LIDDELL
2	619383	DURHAM	LIDDELL
2	628645	DURHAM	LIDDELL
2	738417	DURHAM	LIDDELL
2	774682	DURHAM	RAVENSWORTH
2	784446	DURHAM	RAVENSWORTH
2	804150	DURHAM	VANE
2	808431	DURHAM	LIDDELL
2	986496	DURHAM	LIDDELL
2	1167986	DURHAM	LIDDELL
2	1171724	DURHAM	LIDDELL
3	38725	DURHAM	VANE
3	125406	DURHAM	LIDDELL
3	137382	DURHAM	VANE
3	213065	DURHAM	LIDDELL
3	232149	DURHAM	LIDDELL
3	561235	DURHAM	VANE
3	662944	DURHAM	VANE
3	747902	DURHAM	RAVENSWORTH
3	774682	DURHAM	RAVENSWORTH
3	784446	DURHAM	RAVENSWORTH
3	859924	DURHAM	RAVENSWORTH
3	1114623	DURHAM	VANE
3	1171724	DURHAM	VANE
4	38725	DURHAM	VANE
4	48555	DURHAM	RAVENSWORTH
4	125406	DURHAM	LIDDELL
4	252530	DURHAM	HOWICK
4	747099	DURHAM	RAVENSWORTH
4	774682	DURHAM	VANE
4	1171724	DURHAM	RAVENSWORTH
5	38725	DURHAM	VANE
5	48555	DURHAM	RAVENSWORTH
5	125406	DURHAM	LIDDELL
5	252530	DURHAM	RAVENSWORTH
5	747099	DURHAM	RAVENSWORTH
5	808670	DURHAM	LIDDELL
5	1077004	DURHAM	VANE
5	1171724	DURHAM	RAVENSWORTH
6	38725	DURHAM	VANE
6	125406	DURHAM	LIDDELL
6	808670	DURHAM	LIDDELL
6	1077004	DURHAM	VANE
7	38725	DURHAM	VANE
7	48555	DURHAM	RAVENSWORTH
7	125406	DURHAM	LIDDELL

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7	808670	DURHAM	LIDDELL
7	859924	DURHAM	RAVENSWORTH
7	1077004	DURHAM	VANE
8	38725	DURHAM	VANE
8	125406	DURHAM	LIDDELL
8	845360	DURHAM	RAVENSWORTH
8	1077004	DURHAM	VANE
9	38725	DURHAM	VANE
9	125406	DURHAM	LIDDELL
9	1077004	DURHAM	VANE
10	38725	DURHAM	VANE
10	125406	DURHAM	LIDDELL
10	1077004	DURHAM	VANE
11	38725	DURHAM	VANE
11	125406	DURHAM	LIDDELL
11	247943	DURHAM	LIDDELL
11	261916	DURHAM	VANE
11	592404	DURHAM	LIDDELL
11	825904	DURHAM	VANE
11	858172	DURHAM	LIDDELL
12	38725	DURHAM	VANE
12	825904	DURHAM	VANE
13	38725	DURHAM	VANE
13	247945	DURHAM	LIDDELL
13	825904	DURHAM	VANE
14	38725	DURHAM	VANE
14	825904	DURHAM	VANE
15	38725	DURHAM	VANE
15	247945	DURHAM	LIDDELL
15	825904	DURHAM	VANE
15	848095	DURHAM	LIDDELL
16	38725	DURHAM	VANE
16	247941	DURHAM	LIDDELL
16	848095	DURHAM	LIDDELL
19	38725	DURHAM	VANE
20	38725	DURHAM	VANE
21	38725	DURHAM	VANE
21	786904	DURHAM	RAVENSWORTH
21	841165	DURHAM	LIDDELL
21	869399	DURHAM	LIDDELL
21	878457	DURHAM	RAVENSWORTH
22	841165	DURHAM	LIDDELL
22	869399	DURHAM	LIDDELL
23	841165	DURHAM	LIDDELL
24	841165	DURHAM	LIDDELL
31	585169	DURHAM	VANE
32	545601	DURHAM	LIDDELL
32	585169	DURHAM	VANE

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38	752481	DURHAM	RAVENSWORTH
50	1048492	DURHAM	RAVENSWORTH
51	1048492	DURHAM	RAVENSWORTH
58	752481	DURHAM	RAVENSWORTH
89	752470	DURHAM	LIDDELL
100	700429	DURHAM	LIDDELL
100	858173	DURHAM	LIDDELL
100	868268	DURHAM	LIDDELL
100	1037665	DURHAM	RAVENSWORTH
101	825292	DURHAM	LIDDELL
103	1103268	DURHAM	LIDDELL
120	1174907	DURHAM	SAVOY
121	1174907	DURHAM	HOWICK
122	1174907	DURHAM	HOWICK
129	2328	DURHAM	RAVENSWORTH
130	2328	DURHAM	RAVENSWORTH
131	2328	DURHAM	RAVENSWORTH
132	2328	DURHAM	RAVENSWORTH
133	2328	DURHAM	RAVENSWORTH
134	2328	DURHAM	VANE
135	2328	DURHAM	VANE
136	2328	DURHAM	VANE
137	2328	DURHAM	VANE
138	2328	DURHAM	VANE
139	2328	DURHAM	VANE
140	2328	DURHAM	VANE
141	2328	DURHAM	VANE
142	2328	DURHAM	VANE
143	2328	DURHAM	VANE
144	2328	DURHAM	VANE
145	2328	DURHAM	RAVENSWORTH
146	2328	DURHAM	RAVENSWORTH
147	2328	DURHAM	RAVENSWORTH
150	1134777	DURHAM	LIDDELL
153	2328	DURHAM	RAVENSWORTH
154	2328	DURHAM	RAVENSWORTH
155	2328	DURHAM	RAVENSWORTH
156	2328	DURHAM	RAVENSWORTH
157	2328	DURHAM	RAVENSWORTH
158	2328	DURHAM	RAVENSWORTH
159	2328	DURHAM	RAVENSWORTH
160	2328	DURHAM	VANE
161	2328	DURHAM	VANE
162	2328	DURHAM	VANE
163	2328	DURHAM	VANE
164	2328	DURHAM	VANE
165	2328	DURHAM	VANE
166	2328	DURHAM	VANE

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167	2328	DURHAM	VANE
180	858299	DURHAM	LIDDELL
181	1126510	DURHAM	LIDDELL
182	975271	DURHAM	LIDDELL
183	975271	DURHAM	LIDDELL
184	975271	DURHAM	LIDDELL
201	1154684	DURHAM	LIDDELL
202	1154684	DURHAM	LIDDELL
300	856881	DURHAM	RAVENSWORTH
304	868175	DURHAM	RAVENSWORTH
310	848411	DURHAM	LIDDELL
321	860535	DURHAM	RAVENSWORTH
601	1019325	DURHAM	LIDDELL
602	1019325	DURHAM	LIDDELL
1000	1132937	DURHAM	LIDDELL
1000	1153575	DURHAM	RAVENSWORTH
1001	1153575	DURHAM	RAVENSWORTH
1002	785197	DURHAM	LEMINGTON
1210	878458	DURHAM	RAVENSWORTH
1481	1129164	DURHAM	LIDDELL
2012	1151790	DURHAM	LIDDELL
3000	1132357	DURHAM	RAVENSWORTH
7001	93617	DURHAM	LIDDELL
2A	6842	DURHAM	VANE
A	158063	DURHAM	VANE