

21 September 2012



**Incitec Pivot Limited**

ABN 42 004 080 264

39 Heron Road  
Kooragang Island NSW 2304  
PO Box 148  
Mayfield, NSW, 2304  
T 02 4923 5402  
F 02 4923 5432

[www.incitecpivot.com.au](http://www.incitecpivot.com.au)

Mr Nick Hall  
Senior Planner  
Mining and Industry Projects  
Major Projects Assessment  
NSW Department of Planning & Infrastructure  
GPO Box 39  
Sydney NSW 2001

Dear Mr Hall

**INCITEC PIVOT AMMONIUM NITRATE/NITRIC ACID MANUFACTURING FACILITY (SSD-4986) – DEVELOPMENT APPLICATION**

Please find enclosed the following documents:

1. Development application form for the proposed Incitec Pivot Ammonium Nitrate/Nitric Acid Manufacturing Facility on Kooragang Island (SSD-4986);
2. Political donations disclosure statement;
3. Land owner consent from Newcastle Port Corporation; and
4. In principle agreement from Australian Rail Track Corporation Ltd

Please contact me if you require any further information at this stage.

Yours sincerely,

**Graham Woods**  
Project Regulatory Approvals Manager



Encl.



# State Significant Development Application

Office use only - Date received: 24 / 09 / 12 Reference no: 550 - 4986

This application form is required to apply for the consent of the Minister to carry out State significant development under Part 4 of the *Environmental Planning & Assessment Act 1979*.

**You should not lodge this form unless you have previously submitted a Request for Director General's Requirements and been provided with Director General's Requirements.**

You must submit this form together with the development application fee and an Environmental Impact Statement:

In person at:  
Information Centre  
Department of Planning & Infrastructure  
23-33 Bridge Street, Sydney

By mail to:  
Executive Director, Major Projects Assessment  
Department of Planning & Infrastructure  
GPO Box 39, Sydney NSW 2000

To complete the form, please place a cross in the boxes ☐ and fill out the white sections.

This form must contain all relevant information required under Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*, otherwise it may be rejected. Your application will also not be processed unless the fee is paid in full. The applicable fee should be confirmed with the Department prior to lodgement.

If your application is rejected, you will be advised within 14 days of lodgement. If the application and EIS are accepted, you will be contacted regarding exhibition arrangements. You may also be asked to submit further information on the application or EIS prior to exhibition.

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

## 1. Applicant details

### COMPANY/ORGANISATION/ AGENCY

Incitec Pivot Limited

### ABN

42 004 080 264

Mr ☒ Ms ☐ Mrs ☐ Dr ☐ Other

### First name

Graham

### Surname

Woods

### STREET ADDRESS

#### Unit/street no.

39

#### Street name

Heron Road

#### Suburb or town

Kooragang Island

#### State

NSW

#### Suburb or town

2304

### POSTAL ADDRESS (or write 'as above')

PO Box 148

#### Suburb or town

Mayfield

#### State

NSW

#### Suburb or town

2304

### CONTACT DETAILS

#### Daytime telephone

02 4923 5490

#### Fax

02 4923 5432

### CONTACT DETAILS

#### Daytime telephone

0438 408 261

#### Email

graham.woods@incitecpivot.com.au

## 2. Identify the land you propose to develop

Fill out the relevant fields or attach a schedule of lands and a detailed map of the land.

Site Name (Enter the common name for the site e.g. Liverpool Hospital, Drayton South Coal Mine etc.)

Incitec Pivot Kooragang Island

Street or Property Description

39 Heron Road

Suburb, town or locality

Kooragang Island

Postcode

2304

Local government area

Newcastle

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 eg 123/579, 162/2.

3/1117013, 7/262783, 4/573972, 361/1104196, 28/775776, 6/1104199

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 Land & Property Management Authority for updated details.

OR: detailed description of land attached: ☐

## 3. Describe what you propose to do

Briefly describe your proposal

Construction and operation of a 350ktpa Ammonium Nitrate Manufacturing Facility

What is the capital investment value of the development?

\$600 million

If the development is State significant because it meets the capital investment value (CIV) criteria in a class of Schedule 1 or 2 of *State Environmental Planning Policy (State and Regional Development) 2011*, the supporting document must include a quantity surveyor's report confirming the CIV of the development.

## 4. Staged development

You can apply for development consent for only part of your proposal now, and for the remaining part(s) at a later stage.

Are you applying for development consent in stages?

Yes ☐ > Please attach

- information which describes the stages of your development
- a copy of any consents you already have for part of your development.

No ☒

## 5. Critical habitat and threatened species

Is the land, or part of the land, critical habitat?

Yes ☐ No ☒

Is the development likely to significantly affect threatened species, populations or ecological communities, or their habitats?

Yes ☐ No ☒ >

Is the development biodiversity compliant? (refer to Schedule 1, Part 1(2) of the *Environmental Planning and Assessment Regulation 2000*)

Yes ☐ > Why is the development biodiversity compliant?

No ☒

## 6. Other approvals

Would the development, but for section 89J of the EP&A Act, require any of the following (select all that apply)?

- ☒ concurrence under Part 3 of the *Coastal Protection Act 1979* of the Minister administering that Part of that Act
- ☐ a permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*
- ☐ an approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*
- ☐ an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*
- ☐ an authorisation referred to in section 12 of the *Native Vegetation Act 2003* (or under any Act repealed by that Act) to clear native vegetation or State protected land
- ☐ a bush fire safety authority under section 100B of the *Rural Fires Act 1997*
- ☒ a water use approval under section 89, a water management work approval under section 90 or an activity approval under section 91 of the *Water Management Act 2000*

Do you require any of the following approvals in order to carry out the development (select all that apply)?

- ☐ an aquaculture permit under section 144 of the *Fisheries Management Act 1994*
- ☐ an approval under section 15 of the *Mine Subsidence Compensation Act 1961*
- ☐ a mining lease under the *Mining Act 1992*
- ☐ a petroleum production lease under the *Petroleum (Onshore) Act 1991*
- ☐ an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act)
- ☐ a consent under section 138 of the *Roads Act 1993*
- ☐ a licence under the *Pipelines Act 1967*
- ☐ an aquifer interference approval under the *Water Management Act 2000*

### Consultation and concurrence

- ☐ Would the development, but for Section 79B (2A) of the EP&A Act have required a concurrence under Section 79B of the Act, including a concurrence under the *Threatened Species Conservation Act 1995*?

## 7. Landowner's consent

As the owner(s) of the above property, I/we consent to this application being made on our behalf by the applicant:

Signature



Name

LYNETTE H. SHALVESS

Date

12 SEPTEMBER 2012

Signature



Name

FRANK MICALEF

Date

12 SEPTEMBER 2012

Note: The Department will not accept an application for State significant development without the signature of the owner of the land, unless the application does not require landowners consent under clause 49(2) of the *Environmental Planning and Assessment Regulation 2000*.

## 8. Political donation disclosure statement

Have you attached a disclosure statement to this request?

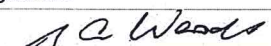
- ☐ Yes ☐ No

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)

## 9. Applicant's signature

The applicant, or the applicant's agent, must sign the application.

Signature



Name, if you are not the applicant

Graham Woods

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

Proponent

Date

12 SEPTEMBER 2012

## 10. Accompanying documents (to be included as part of EIS)

Which of the following documents (as required under Clause 2 of Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*) have been included in the EIS (select all that apply)?

- ☒ a site plan of the land.
- ☒ a sketch of the development.
- ☒ an A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site.
- ☒ an environmental impact statement.
- ☐ preliminary engineering drawings of the subdivision work to be carried out (if any).
- ☒ documentary evidence that any arrangements required by an environmental planning instrument to have been made before development consent may be granted have been made.

If the development involves a change of use of a building (other than a dwelling house or a building or structure that is ancillary to a dwelling house and other than a temporary structure):

- ☐ a list of the Category 1 fire safety provisions that currently apply to the existing building
- ☐ a list of the Category 1 fire safety provisions that are to apply to the building.

If the development involves building work to alter, expand or rebuild an existing building

- ☐ a scaled plan of the existing building.

If the land is within a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the *Wilderness Act 1987*:

- ☐ a copy of the consent of the Minister for the Environment to the carrying out of the development.

If the development is development to which clause 2A of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* applies:

- ☐ a BASIX certificate(s) issued no earlier than 3 months before the application is made.
- ☐ such other documents as any BASIX certificate for the development requires to accompany the application.

If the development is BASIX optional development and the development application is accompanied by a BASIX certificate(s):

- ☐ such other documents as any BASIX certificate for the development requires to accompany the application.

If the development involves the erection of a temporary structure:

- ☐ documentation that specifies the live and dead loads the temporary structure is designed to meet.
- ☐ a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure.
- ☐ in the case of a temporary structure proposed to be used as an entertainment venue, a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* are to be complied with (if an alternative solution, to meet the performance requirements, is to be used).
- ☐ documentation describing any accredited building product or system sought to be relied on for the purposes of section 79C(4) of the *Environmental Planning and Assessment Act 1979*.
- ☐ copies of any compliance certificates to be relied on.

If the development involves the use of a building as an entertainment venue or a function centre, pub, registered club or restaurant:

- ☐ a statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies.

If the development is residential flat development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development applies:

- ☐ an explanation of the design in terms of the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
- ☐ drawings of the proposed development in the context of surrounding development, including the streetscape.
- ☐ development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations.
- ☐ drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings and the surrounding development and its context.
- ☐ details of the existing and likely future contexts, if the built form of the surrounding area is changing.
- ☐ photomontages of the proposed development in the context of surrounding development.
- ☐ a sample board of the proposed materials and colours of the façade.
- ☐ detailed sections of proposed facades.
- ☐ a model that includes the context, if appropriate.

# Political donations disclosure statement



NSW GOVERNMENT  
Department of Planning

Office use only:

Date received: 24/09/12

Planning application no. 550-4986.

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning and 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.

# 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.

<b>Disclosure statement details</b> Name of person making this disclosure <i>Matthew. P. Flügge</i>		Planning application reference (e.g. DA number, planning application title or reference, property address or other description) <i>INCITEC PIVOT AMMONIUM NITRATE FACILITY (SSD-4986)</i>		
Your interest in the planning application (circle relevant option below) YES <input checked="" type="radio"/> NO <input type="radio"/> OR <input type="radio"/>				
You are the APPLICANT YES <input checked="" type="radio"/> NO <input type="radio"/> OR <input type="radio"/>				
You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES <input type="radio"/> NO <input checked="" type="radio"/>				
<b>Reportable political donations made by person making this declaration or by other relevant persons</b> <small>* 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.</small>				
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
<i>Incertec Pivot Limited. ABN 42004 080264</i>	<i>Level 6, 28 Freshwater Place Southbank VIC 3006</i>	<i>Liberal Party of Australia - NSW Division</i>	<i>31/1/2012</i>	<i>\$5,000.00</i>
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) <i>Matthew P. Flügge</i> Date <i>13/3/2012</i>		Name(s) <i>Matthew. P. Flügge</i>		

## 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.

7 August 2012

Mr Graham Woods  
Global Risk Manager  
Incitec Pivot Ltd  
39 Heron Road  
KOORAGANG ISLAND NSW 2304



and

NSW Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

and

Roads & Maritime Services  
Property Planning Branch  
Locked Bag 5100  
CAMPERDOWN NSW 1450

Dear Sir/Madam

**LAND OWNER CONSENT TO LODGE A DEVELOPMENT APPLICATION**  
**PROPERTY: Lot 361 DP 1104196, Lot 7 DP 262783 & Lot 28 DP 775776**

Newcastle Port Corporation (NPC) refers to the request from Incitec Pivot Limited (IPL) for land owner consent in respect of the subject property to:

1. submit an application to NSW Roads & Maritime Services (RMS) entitled "Permission to Lodge" seeking land owner consent to the proposed development application referred to in item 2; and
2. lodge a development application with NSW Department of Planning & Infrastructure (DPI) seeking approval for the development of a Nitric Acid (NA)/Technical Grade Ammonium Nitrate (TGAN) facility at Kooragang Island, Newcastle (Project).

NPC confirms it owns the subject property and as land owner authorises IPL to submit a Permission to Lodge application with RMS for land owner consent and a development application for its Project with DPI subject to the following:

- a. IPL securing the required property rights; and
- b. NPC's right to provide comments throughout the development application process.

Should you have any queries regarding this matter please contact NPC's Commercial Property Manager, Amanda Coleman, on telephone number 4985 8240.

Yours sincerely

  
Gary Webb

**CHIEF EXECUTIVE OFFICER**



**AUSTRALIAN RAIL TRACK CORPORATION LTD**

*Our Ref: 65/285/3253*

20 July 2012

**Mr Graham Woods  
Global Risk Manager  
Incitec Pivot Ltd  
PO Box 148  
Mayfield NSW 2304**

Dear Graham,

**RE: IN PRINCIPLE AGREEMENT – Proposed Pipeline over Rail Corridor (Lot 4, DP 573972) at Heron Road, KOORAGANG**

I refer to your application and advise that "agreement in principle" for the location and methodology can only be granted by ARTC at this stage.

Therefore, before ARTC can grant approval for the construction and issue a Licence for the infrastructure the following is required for review:

1. Final Design Plans;
2. Current Public Liability Insurance;
3. Safe Work Method Statement - relating to working in the rail corridor;
4. Evidence of Accreditation for personnel working in rail corridor - OHS Induction and Track Safety Awareness;
5. Evidence of Accreditation of Protection Officer; and
6. ARTC Services Search.

I look forward to receiving the associated documentation required for the approval of construction of the infrastructure in due course.

If you have any questions in relation to the application process please feel free to contact the undersigned.

Yours sincerely,

*John Brown*

John Brown  
Project Manager – External Works