

Application to Modify a Development Consent

DA Modification Number: _____

1. Before you lodge

You can use this form to apply to modify a development consent given by the Minister for Planning. If the changes you propose mean the development will not be substantially the same as that originally approved, please do not use this form. You will need to submit a new development application.

Disclosure statement

Persons lodging 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

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

To complete this form, please place a cross in the appropriate boxes ☐ and complete all sections.

2. Details of the applicant

NAME

Mr ☒ Ms ☐ Mrs ☐ Dr ☐ Other ☐

First name

Cam

Halfpenny

Company/organisation

Bengalla Mining Company Pty Limited

320 539 09470

STREET ADDRESS

Unit/street no.

Street name

Bengalla Road

Suburb or town

Muswellbrook

State

NSW

Postcode

2333

POSTAL ADDRESS (or mark 'as above')

Locked Mail Bag 5

Suburb or town

Muswellbrook

State

NSW

Postcode

2333

CONTACT DETAILS

Daytime telephone

02 6542 9500

Fax

02 6542 9599

Mobile

0428 429 525

Email

craig.white@bengalla.com.au

How would you prefer to be contacted?

Email

3. Identify the land

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

Street or property name

Suburb, town or locality

Postcode

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.

See Attachment A

- (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 Land & Property Information (LPI), a division of the Department of Finance, Service and Innovation, for updated details.
- (2) Note: If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers may not always apply.

4. Details of the original development consent

Describe what the original consent allows

On 3 March 2015, BMC was granted Development Consent (State Significant Development (SSD) 5170) by the Secretary of Department of Planning and Environment. This consent authorises, at least, the continued operations at up to 15 Million tonnes per annum (Mtpa) Run of Mine coal until 2039. The application for development consent was supported by the 'Continuation of Bengalla Mine Environmental Impact Statement' (Hansen Bailey, 2013). SSD-5170 has been modified twice by the delegate of the Minister for Planning as follows:

- MOD 1 approved on 16 December 2015
- MOD 2 approved on 1 July 2016

What is the development application no.?

SSD-5170

What is the date of consent?

3 March 2015

What was the original estimated cost of development (including GST)?

\$963,248.92

5. Describe the modification you propose to make

Please indicate the type of modification you propose to make by placing a cross in the appropriate box ☐ below.

You need to submit with your application form a full description of the expected impacts of the modifications proposed, including relevant plans, drawings and compliance with relevant controls.

☐

A modification to correct a minor error, misdescription or miscalculation

Describe the error, misdescription or miscalculation

(Refer to section 96(1) of the *Environmental Planning and Assessment 1979* (EP&A) Act)

☐ A modification that will have minimal environmental impact

Describe the modification and its expected impact
(Refer to section 96(1A) of the EP&A Act)

☒ Any other modification

Describe the modification and its expected impact
(Refer to section 96(2) of the EP&A Act)

BMC is seeking approval from the NSW Minister for Planning for a modification to SSD-5170. MOD 3 is sought under Section 96(2) of the EP&A Act to facilitate minor adjustments to the positioning of the following approved activities: explosives facility and reload facility; alignment of the Hunter River Pipeline; and topsoil stockpiles.
See Attachment 2 titled Bengalla Mine Development Consent Modification 3 Statement of Environmental Effects (Hansen Bailey, 2016)

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).

See Attachment 2 titled Bengalla Mine Development Consent Modification 3 Statement of Environmental Effects (Hansen Bailey, 2016)

6. Number of jobs to be created

Please indicate the number of jobs this 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)

0

Operation jobs (full-time equivalent)

0

7. Application fee

For development that involves a building or other work, the fee for your application is based on the estimated cost of the development.

Clause 258 of the Environmental Planning and Assessment Regulation 2000 and the table attached to that clause set out how to calculate the fee for an application for modification of a consent.

If your development needs to be advertised to the public you may also need to include an advertising fee. Clause 258 of the regulations includes details on these fees.

Note: Contact us if you need help to calculate the fee for your application.

Estimated cost of the development

0

TBC

8. Political donation disclosure statement

Persons lodging a development application are required to declare reportable political donations (including donations of or more than \$1000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you or any person with a financial interest in the application or any persons associated with the application made a political donation?

No ☒

Yes ☐

Have you attached a disclosure statement to this application?

No ☒

Yes ☐

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

9. Signatures

The lessee(s) of the land this application relates to must sign the application.

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

Signature

Name

Date

Capacity in which you are signing

Signature

Name

Date

Capacity in which you are signing

10. Applicant's Signature

The applicant must sign the application.

Signature



Name

GRAEME BAYNE

Date

13 SEPTEMBER 2016

11. Privacy policy

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

12. Contact details

Alpine Resorts Team

Shop 5A, 19 Snowy River Avenue
PO Box 36, JINDABYNE NSW 2627
Telephone: 02 6456 1733
Facsimile : 02 6456 1736
Email: alpineresorts@planning.nsw.gov.au

Head Office

23-33 Bridge Street, SYDNEY 2000
GPO Box 39, SYDNEY NSW 2001
Telephone: 02 9228 6333 or 1300 305 695
Facsimile: 02 9228 6555
Email: information@planning.nsw.gov.au

Note: for contact details of other Sydney Metropolitan and Regional Offices, go to www.planning.nsw.gov.au

Attachment A – Schedule of Land

Lot	DP	Owner
9	39345	Bengalla Mining Company Limited
1	189134	Bengalla Mining Company Limited
1	236668	Bengalla Mining Company Limited
3	236668	Bengalla Mining Company Limited
6	236668	Bengalla Mining Company Limited
7	236668	Bengalla Mining Company Limited
10	236668	Bengalla Mining Company Limited
112	551930	Bengalla Mining Company Limited
110	556761	Bengalla Mining Company Limited
111	556761	Bengalla Mining Company Limited
2	561117	Bengalla Mining Company Limited
19	563495	Bengalla Mining Company Limited
1	570070	Bengalla Mining Company Limited
2	570070	Bengalla Mining Company Limited
91	620639	Bengalla Mining Company Limited
71	626353	Bengalla Mining Company Limited
72	626353	Bengalla Mining Company Limited
20	706045	Bengalla Mining Company Limited
505	711996	Bengalla Mining Company Limited
1	718834	Bengalla Mining Company Limited
1	735667	Bengalla Mining Company Limited
2	735667	Bengalla Mining Company Limited
21	776758	Bengalla Mining Company Limited
22	776758	Bengalla Mining Company Limited
41	792447	Bengalla Mining Company Limited
43	792447	Bengalla Mining Company Limited
5	801249	Bengalla Mining Company Limited
8	821183	Bengalla Mining Company Limited
20	1072668	Bengalla Mining Company Limited
22	1072668	Bengalla Mining Company Limited
24	1072668	Bengalla Mining Company Limited
25	1072668	Bengalla Mining Company Limited
26	1072668	Bengalla Mining Company Limited
27	1072668	Bengalla Mining Company Limited
100	1148907	Bengalla Mining Company Limited
101	1148907	Bengalla Mining Company Limited
102	1148907	Bengalla Mining Company Limited
103	1148907	Bengalla Mining Company Limited
104	1148907	Bengalla Mining Company Limited
105	1148907	Bengalla Mining Company Limited
106	1148907	Bengalla Mining Company Limited
274	750926	Coal & Allied Operations Pty Limited
4	801249	Coal & Allied Operations Pty Limited
6	821183	Coal & Allied Operations Pty Limited
2*	801249	Coal & Allied Operations Pty Limited
10	1184928	Coal & Allied Operations Pty Limited
11	1184928	Bengalla Mining Company Limited
3	998477	Coal & Allied Operations Pty Limited
1-5	1072667	Bengalla Mining Company Limited
7	1199733	Coal & Allied Operations Pty Ltd
18	1072668	Bengalla Mining Company Limited
Sections of various Council roads		
Sections of Crown roads		
Sections of Muswellbrook-Ulan Rail Line		

*Associated with Mod 1 and SEE (Mod 1), August 2015