

Application to modify a development consent



NSW GOVERNMENT
Department of Planning

Date received: ___/___/___ DA modification no: _____

You can use this form to apply to modify a development consent given by the Minister of 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.

To complete this form, please place a cross in the boxes and fill out the white sections as appropriate. **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.

1. Details of the applicant

NAME

Mr Ms Mrs Dr Other

First name

Ian

Family name

Callow

Company/organisation

Moolarben Coal Mines Pty Limited

ABN

8210860167
2

STREET ADDRESS

Unit/street no.

Level 14,
213

Street name

Miller Street

Suburb or town

North Sydney

State

NSW

Postcode

2060

POSTAL ADDRESS (or mark 'as above')

PO Box 1320

Suburb or town

North Sydney

State

NSW

Postcode

2059

CONTACT DETAILS

Daytime telephone

02 9922 3777

Fax

02 9923 2427

Mobile

Email

icallow@frl.com.au

2. Identify the land

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

Refer to 05_0117

Street or property name

Suburb, town or locality

Postcode

Local government area

Lot/DP or Lot/Section/DP or Lot/Strata no. ^{(1) (2)}

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.

(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 Department of Lands for updated details.

(2) Note: If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

3. Details of the original development consent

Describe what the original consent allows

The development and operation of the Moolarben Coal Project, comprising three open cut coal mines, an underground coal mine and associated infrastructure and facilities including:

- Extraction of up to 8 million tonnes per annum run-of-mine coal from open cut resources;
- Extraction of up to 4 million tonnes per annum run-of-mine coal from underground resources;
- A coal handling and preparation plant capable of producing up to 10 million tonnes of product coal per year;
- A rail spur and rail loop off the Gulgong-Sandy Hollow railway line;
- Train loading infrastructure;
- Administration, bathhouses and workshop buildings;
- Water will be sourced for the project according to an approved water management strategy;
- Transportation of product coal to market via rail; and
- Rehabilitation and revegetation of the site.

What is the development application no.?

05_0117

What is the date of consent?

06 /09/ 2007

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

Fees paid on
\$405,000,000

4. 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)

**This modification is to a Part 3A Major Project under
Section 75W of the EP&A Act 1979.**

**Modification to Condition 12 of Schedule 2, Conditions
42, and 56 of Schedule 3 including the minor
internal rearrangement of facilities. Refer to the
letter and supporting document dated 26 August
2008.**

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).

**Refer to letter and supporting document dated 26
August 2008.**

If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the National Parks and Wildlife Service to your application.

5. 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)

Operation jobs (full-time equivalent)

6. 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: Advertising fees attract GST, all other fees do not. Contact us if you need help to calculate the fee for your application.

Estimated cost of the development

No Change (administrative)

Total fees lodged

\$2,500

7. Signatures

The owner(s)* of the land being developed must sign the application.

If you are not the owner of the land, you must ask the owner(s) of the land to sign the application.
If the land is Crown land, an officer of the Department of Lands must sign the application.

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

Signature

Name

Date

Signature

Name

Date

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

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

Signature



Name, if you are not the applicant

Ian Callow

Date

26 August
2008

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

Project Manager

8. 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