

Appendix 1

State Significant Development Application

(Total No. of pages including blank pages = 12)

Note: The development application form included here does not include the consent to lodge documentation from relevant landowners. The official development application, including this detail, is provided separately to the Department of Planning and Infrastructure.

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Planning &
Infrastructure

State Significant Development Application

Office use only - Date received: ___/___/___ Reference no: SSD 5251

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.

1. Applicant details

COMPANY/ORGANISATION/ AGENCY

ABN

AUSTRALIAN ZIRCONIA LTD

51 091 489 511

Mr ☒ Ms ☐ Mrs ☐ Dr ☐ Other ☐

First name

Surname

IAN

CHALMERS

STREET ADDRESS

Unit/street no.

Street name

65

BURSWOOD ROAD

Suburb or town

State

Suburb or town Post Code

BURSWOOD

WA

6100

POSTAL ADDRESS (or write 'as above')

PO BOX 4384

Suburb or town

State

Suburb or town Post Code

VICTORIA PARK

WA

6979

CONTACT DETAILS

Daytime telephone

Fax

CONTACT DETAILS

Daytime telephone

08 9227 5677

08 9227 6178

Email

ichalmers@alkane.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.)

DUBBO ZIRCONIA PROJECT

Street or Property Description

TOONGI ROAD

Suburb, town or locality

TOONGI

Postcode

2830

Local government area

DUBBO CITY COUNCIL

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 ATTACHED

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

MINING & PROCESSING OF ORE TO PRODUCE ZIRCONIA PRODUCTS, NIOBIUM PRODUCTS AND LIGHT AND HEAVY RARE EARTH CONCENTRATES.

What is the capital investment value of the development?

\$674,500,000

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?

A BIODIVERSITY OFFSET STRATEGY HAS BEEN DEVISED IN CONJUNCTION WITH DEH.

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	SEE ATTACHED	Signature	
Name		Name	
Date		Date	

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

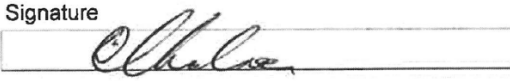
Have you attached a disclosure statement to this request?

- ☒ Yes
- ☐ No

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

9. Applicant's signature

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

Signature	In what capacity are you signing if you are not the applicant
	MANAGING DIRECTOR
Name, if you are not the applicant	Date
DAVID IAN CHALMERS	10 SEPTEMBER 2013

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 N402 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: ____/____/____

Planning application no. SSD 5251

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.

Disclosure statement details				
Name of person making this disclosure DAVID IAN CHALMERS	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				
Reportable political donations made by person making this declaration or by other relevant persons				
<p>* 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).</p> <p>* 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</p> <p>* 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.</p>				
Name of donor (or ABN if an entity)	Donor's residential 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
NONE				
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 Chalmers 10 SEPTEMBER 2013				
Name(s) DAVID IAN CHALMERS				

ENVIRONMENTAL IMPACT STATEMENT
Section 1 - Introduction

AUSTRALIAN ZIRCONIA LTD
Dubbo Zirconia Project
Report No. 545/04

1.3 THE APPLICANT AND THE APPLICATION AREA

1.3.1 The Applicant

The Applicant, Australian Zirconia Ltd was formed in July 2000 to hold all the assets of the DZP and to facilitate the ultimate development of the Proposal. Australian Zirconia Ltd is a wholly-owned subsidiary of Alkane Resources Ltd ("Alkane"), a publicly listed Australian mining and exploration company which has been in existence since 1969 and has approximately 6 100 shareholders.

Alkane has a long term involvement and ongoing commitment to the Central West of New South Wales and has substantial investment in the people and resources of the region. Alkane is currently operating the Tomingley Gold Mine approximately 50km southwest of Dubbo and previously operated the Peak Hill Gold Mine on the outskirts of Peak Hill from 1996 to 2005.

Australian Zirconia Ltd is operated by a board and management team with numerous years of experience in open cut and underground mining projects. The key Australian Zirconia Ltd personnel are as follows.

- Mr David Ian Chalmers (*MSc*) – Managing Director.
- Mr Terry Ransted (*BAppSc*) – Chief Geologist.
- Mr Mike Sutherland (*BSc, GComRel*) – General Manager (Alkane) NSW.
- Mr Tony Wright – Commercial Manager.
- Ms Natalie Chapman (*BSc (Hons), MComm, MBA*) – Corporate Communications Manager.

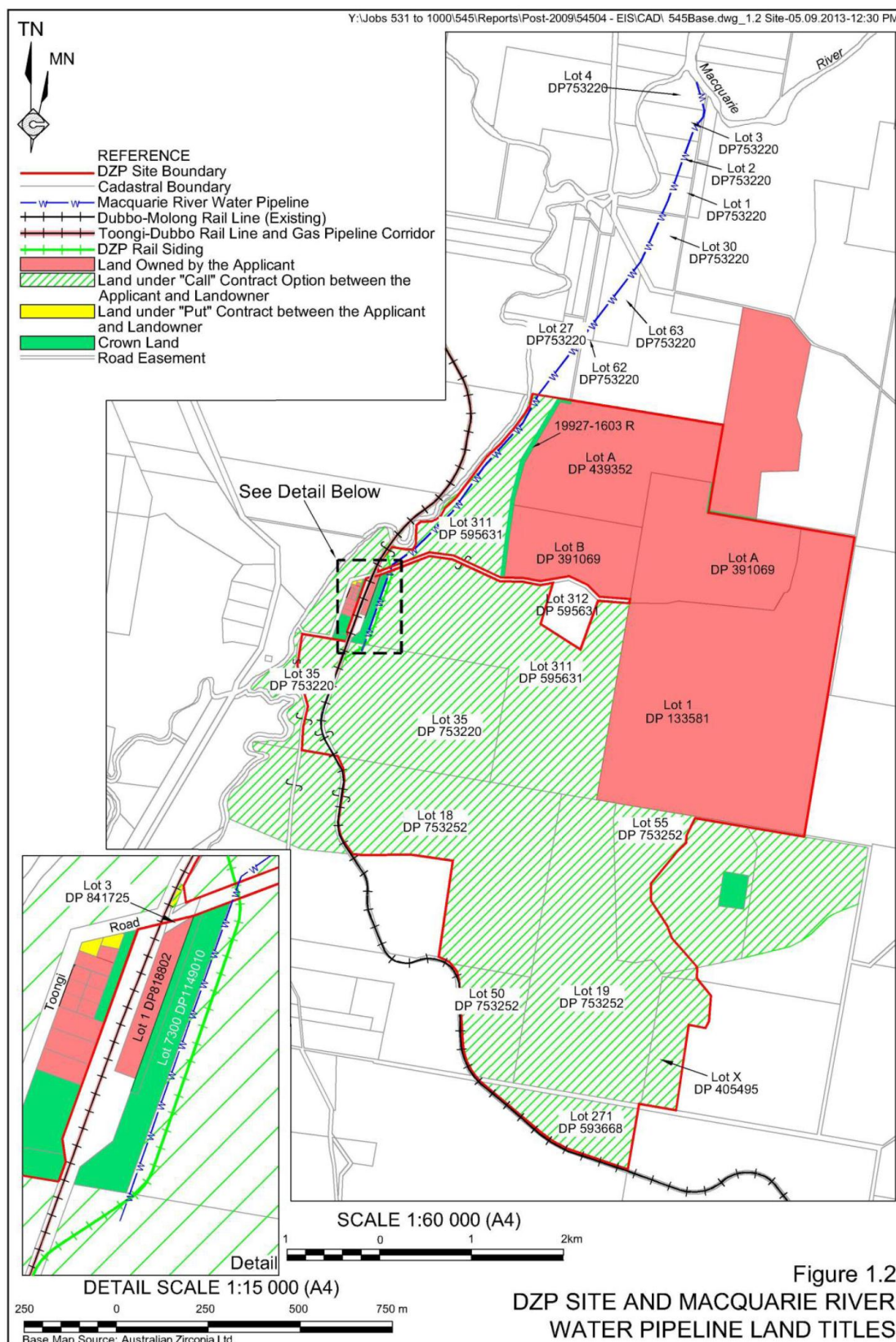
1.3.2 The Application Area

The DZP Site, Toongi-Dubbo Rail and Gas Pipeline Corridor and Macquarie River Water Pipeline are collectively referred to as "the Application Area". **Table 1.1** lists the associated land titles for each of the component areas.

Table 1.1
Application Area Land Titles

DZP Site [#]		Macquarie River Water Pipeline	Toongi–Dubbo Rail and Gas Pipeline Corridor
Part Lot 311 DP595631	Lot 271 DP593668	Lot 311 DP595631	Toongi – Dubbo Rail Reserve
Part Lot 35 DP753220	Part Lot 1 DP133581	Lot 27 DP753220*	Purvis Lane Reserve
Part Lot 18 DP753252	Lot A & B DP439352	Lot 62-63 DP753220*	Public Road Network
Lot 19 DP 753252	Part Lot A DP391069	Lot 30 DP753220*	Toongi Road Reserve
Lot 55 DP 753252	Lot B DP 391069	Lot 1-4 DP753226*	Obley Road Reserve
Lot X DP 405495	Lot 211 DP595631	Various public / crown road reserves	
Lot 1 DP818802	Lot 50 DP 753252		
Lot 7300 DP1149010 (Licensed for grazing)			
Unformed ‘Paper’ Road (Crown Land) separating Lot 311 DP55631 and Lots A & B DP439352			
Unformed ‘Paper’ Road (Dubbo City Council) separating Lot 1 DP818802 and Lot 7300 DP 1149010			
* By negotiation with landowner		# See Figure 1.2	





ENVIRONMENTAL IMPACT STATEMENT
Section 1 - Introduction

AUSTRALIAN ZIRCONIA LTD
Dubbo Zirconia Project
Report No. 545/04

The proposed operations would be focused on the development and operation of an open cut mine, processing plant and various structures designed to manage the waste rock and residues generated by the mining and processing operations. The land on which these components would be located is referred to as the “DZP Site”. The development and operation of the Proposal would also rely on the development of various additional components to provide access to water, processing reagents and other critical raw materials. The features of the DZP Site and these additional components are identified in **Figure 1.1** and described as follows.

- The DZP Site: incorporates all areas of disturbance associated with mining, processing, waste management and related activities. Cadastral boundaries of land which the Applicant either owns or has negotiated purchase (subject to the approval of the Proposal), and on which DZP-related disturbance is proposed, have been used to define the DZP Site boundary² (see **Figure 1.2**). On and surrounding the DZP Site are large areas of land which would be owned by the Applicant but remain undisturbed and either be incorporated into a *Biodiversity Offset Strategy* (see Section 2.17.8) or allocated to ongoing agricultural activities.
- Macquarie River Water Pipeline: comprising a water pipeline within an easement approximately 7.6km long and 20m wide to supply water sourced from the Macquarie River (under licence) to the DZP Site (see **Figure 1.2**).
- Toongi-Dubbo Rail and Gas Pipeline Corridor: comprising an upgrade to the Toongi-Dubbo section of the currently disused Dubbo-Molong Rail Line, and the construction of a pipeline to deliver natural gas to the DZP Site which would be developed as a spur line from the Central West Pipeline (operated by APA Group) from Purvis Lane, Dubbo. The gas pipeline would be located within an approximately 30km long, 5m wide corridor within the rail easement. Access to the rail easement would be negotiated with the authority responsible for the management of this section of the NSW rail network, John Holland Rail.
- Public Road Network: comprising upgrades to Toongi Road and Obley Road to accommodate the type and volume of heavy vehicles that would travel between the Newell Highway and the DZP Site. Upgrades would include widening, improvement to pavement depth or condition, the construction of new or upgraded intersections, curve realignments and upgrades to creek crossings. These proposed upgrades are discussed in Section 2.12.4.

1.3.3 Existing Mineral Authorities

Table 1.2 and **Figure 1.3** present the Mineral Authorities held by the Applicant.

An expression of interest for an exploration licence for Group 11 minerals (uranium and thorium) covering an identical area as EL 5548 was lodged with the Department of Trade & Investment on 28 September 2012. An application for an exploration licence for Group 1 minerals, adjoining EL 5548 to the south (ELA 4827), was lodged with the Department of Trade & Investment on 31 May 2013.

² The DZP Site also includes one crown land road easement which the Applicant has approached the Department of Primary Industries – Catchments & Lands about acquiring.



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