

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: ___/___/___

Modification No. _____

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister. If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

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

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency		ABN
Narrabri Coal Operations Pty Ltd.		15129850139
<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> Dr <input type="checkbox"/> Other		
First name	Family name	
Greig	Duncan	
Position		
General Manager, Narrabri Coal		
STREET ADDRESS		
Unit/street no.	Street name	
10	Kurrajong Creek Road	
Suburb or town	State	Postcode
Baan Baa	NSW	2390
POSTAL ADDRESS (or mark 'as above')		
Locked Bag 1002		
Suburb or town	State	Postcode
Narrabri	NSW	2390
Daytime telephone	Fax	Mobile
(02)67944755	(02)67944753	0400116299
Email		
gduncan@whitehavencoal.com.au		

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

10

Street or property name

Kurrajong Creek Road

Suburb, town or locality

Baan Baa NSW

Postcode

2390

Local government area(s)

Narrabri

State Electorate(s)

Barwon

REAL PROPERTY DESCRIPTION

As per Attachment 1

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached:

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows

Construction and operation of an underground longwall coal mining operation including a Coal Handling and Preparation Plant, rail loading facility and associated infrastructure.

What was the original project application no.?

PA08_0144

What was the date of the approval?

26/07/2010

What was the original application fee?

\$553,145

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

5. Describe the modification you propose to make to the approval

Describe the proposed modification

Transport by road of up to 600 tonnes of coal for the purposes of undertaking bulk testing of the coal. Cartage to be to the Tarrawonga Mine Domestic Coal Facility for initial screening and grading via the Kamilaroi Highway and the Bluevale Road.

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$0

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE) 0 Operational jobs (FTE) 0

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land
Signature
Name
Date

Land
Signature
Name
Date

Note: Under Clause 8F of the Environmental Planning and Assessment Regulation 2000 (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

[X] Yes
[] No

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

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
declare that all information contained within this form is accurate at the time of signing.

Signature
Name

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

In the capacity as the General Manager Technical Services for Whitehaven Coal the manager of

Brian Cullen

the Narrabri Mine

Date

12/12/11

Name, if you are not the proponent

Brian Cullen

Attachment 1

Real Property Description

Part Lot 60 DP757124
Part Lots 151 & 152 DP816020
Part Lot 152 DP816020
Part Lots 57, 58, 63 to 65 DP757114
Part Lots 81, 83 & 115 DP757124
Lot 61 DP 757124
Part Lot 1 DP 811171
Lot 2 DP811171
Part Lots 3, 8, 10, 25, 67 & 68 DP757104
Lot 7 DP 757104
Lot 1 DP 659899
Part Lot 3 DP 1005608
Lots 381 & 382 DP 1028753
Part Lot 1 DP 798487
Lots 841 & 842 DP 1134385
Lots 1 & 2 DP1124652
Lot 1 DP 254523
Lots 89 & 7004 DP757124
Part Pilliga East State Foprest
Part Jacks Creek State Forest
Reserve for North Western Branch Line
Kamilaroi Highway
Old Narrabri Road
Road Reserve R28757
And various Crown Roads

Political donations disclosure statement



NSW GOVERNMENT
Department of Planning

Office use only:

Date received: ____ / ____ / ____

Planning application no _____

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

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.

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 BRIAN CULLEN		Planning application reference (e.g. DA number, planning application title or reference, property address or other description) Modification to Planning Application No PA08-0144		
Your interest in the planning application (circle relevant option below)				
You are the APPLICANT <input checked="" type="radio"/> YES <input type="radio"/> 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 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
No POLITICAL DONATIONS MADE				
<i>Please list all reportable political donations—additional space is provided overleaf if required.</i>				
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: [Signature] : 12/12/11.				
Name(s): Brian Cullen				



12 December 2011

Mr David Kitto
Director
Mining and Industry Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear David,

Re: Narrabri Mine – One off Road Transport of Coal

Following on from a meeting earlier this year where a proposal was discussed for the one off transportation of coal by road from the Narrabri Mine to the Tarrawonga Mine please find attached a completed S75W modification document to formally request that this proposal be approved. Following from the discussion I have consulted with Narrabri and Gunnedah Shire Councils as to the proposal. Please find attached their positive response to the proposal.

In summary the proposal being put forward is to transport approximately 600 tonnes of coal by road from the Narrabri Mine to the Tarrawonga Mine. In order to de-risk the supply of coal to valued customers of the Whitehaven Group work has been undertaken to look at viable alternate supplies of suitable coal within the group should one of Whitehaven's operations come across substantial difficulties which cannot be readily rectified. The Narrabri Coal operation has been identified as a potential source of some of this coal. In order to confirm whether or not Narrabri Coal is a viable alternate supply testing needs to be undertaken of bulk samples of coal to give realistic results to understand whether the coal is indeed a viable alternate supply. To achieve this coal samples by volumes and destination only reasonably and practicably transported by road must be undertaken. Narrabri Coal are hence investigating the possibility of a one off use of the road network to supply said bulk samples should they be able to be approved. Please be advised that it is not the intention of Narrabri Coal that any coal other than that described below be transported by road, should Narrabri Coal be found to be a suitable substitute all subsequent coal supplies would be sent by rail in accordance with the approval.

Narrabri Coal by its Stage 2 Approval (08_0144) dated 26 July 2010 is by its limits of approval only able to transport coal from the site by rail (Schedule 2, Condition 7). Narrabri Coal have discussed the matter with yourselves at the Department of Planning and Infrastructure (DoPI) in terms of the undertaking the supply of the bulk sample within the terms of an approved program. Yourselves at DoPI have advised a S75W modification, after due consultation with both Narrabri and Gunnedah Shire Councils, is the appropriate pathway for approval. Please find attached a Modification application with associated Political Donations Disclosure Statement.

Whitehaven Coal currently supply suitable quality and suitably sized coal to the Pacific Carbon at their facility on Kooragang Island near Newcastle. Narrabri Coal has been identified as a potential source of coal for this facility should other sources become unable to supply.



WHITEHAVEN COAL

Whitehaven Coal Limited ABN 58 124 425 396
1049 Kamilaroi Highway Gunnedah NSW 2380
PO Box 600, Gunnedah NSW 2380
Tel: 02 6742 4337 Fax: 02 6742 3607
www.whitehavencoal.com.au

The sample would be a 600t bulk sample of processed Narrabri Coal transported by truck to the existing Tarrawonga Mine where it would be sized and hence sent for bulk testing at the Pacific Carbon facility at Kooragang Island. The Tarrawonga Mine has an existing approval to treat and transport coal to Domestic Markets with this approval covering distribution from this point.

In detail the plan would be that:

- Approximately 600t be transported by road from the Narrabri Mine to the Tarrawonga Mine.
- The coal would be loaded by Front End Loader onto road registered trucks from the Narrabri Coal product stockpile.
- The coal would be transported from Narrabri Mine to Tarrawonga Mine via the Kamilaroi Highway toward Gunnedah to the intersection of the Kamilaroi Highway and the Bluevale Road. The coal would then be transported by the established coal transportation route to the Tarrawonga Mine along the Bluevale Road.
- The coal would then be crushed (if required) and sized and dispatched in accordance with Pacific Carbons needs under the existing Domestic Coal provisions of the Tarrawonga Approval.
- Coal transport between the Narrabri and Tarrawonga Mines would only be transported in the hours of daylight
- The route would be as described above and shown on the red line in the attached plan so as to eliminate any risk to the country road network and minimise any impacts on the general public.
- The number of truck movements is estimated to be approximately 50 based on a load of 25 tonnes per truck (i.e. 2 truck movements per load). Consideration will be given to the use of B-Double trucks to minimise the number of loads required.

Narrabri Mine hence seek the approval from the Department of Planning and Infrastructure for the attached Section 75W modification application in order to put the plan detailed above into action.

Naturally should you have any questions in relation to the above please do not hesitate to contact the undersigned on 67419304 or bcullen@whitehavencoal.com.au

Yours sincerely,

A handwritten signature in black ink, appearing to read "B Cullen", written over a faint, illegible printed name.

Brian Cullen
General Manager Technical Services
Whitehaven Coal Mining Limited



Narrabri

Narrabri Coal

The Pilliga

Newell Hwy

Tarravonga Coal

Boggabri

Gunnedah

Barraba

Manilla

Google
©2010

Eye alt: 122.55 km

©2011 Whereis® Sensis Pty Ltd
Image © 2011 DigitalGlobe
©2011 GeoEye
Image © 2011 GeoEye

30°41'03.52" S 150°02'34.17" E elev: 254m