



13 October 2017

Clay Preshaw
NSW Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

Dear Clay,

RE: SYERSTON PROJECT DEVELOPMENT CONSENT DA 374-11-00 – PROPOSED MODIFICATION 5

Clean TeQ Holdings Limited (Clean TeQ) owns the rights to develop the Syerston Project (the Project). Development Consent DA 374-11-00 for the Project was issued under Part 4 of the *Environmental Planning and Assessment Act, 1979*.

The Project includes the establishment and operation of the following:

- mine (including the processing facility);
- limestone quarry;
- rail siding;
- gas pipeline;
- borefields and water pipeline; and
- associated transport and infrastructure.

Construction of the Project commenced in 2006 with the construction of the borefield, however Project operations are yet to commence.

Clean TeQ is proposing to recommence construction of the Project in early 2018.

Proposed Modification 5

The existing hazard study conditions in Development Consent DA 374-11-00 require the preparation of hazard studies for all components of the Project regardless of the level of risk associated with each Project component. Clean TeQ is proposing to modify existing hazard study requirements in Development Consent DA 374-11-00 to change:

- the scope of the hazard studies to target the higher risk Project components; and
- the submission timing of the hazard studies to be prior to the commencement of construction and commissioning of higher risk Project components.

Development Consent DA 374-11-00 requires the preparation of the following pre-construction hazard studies in accordance with Condition 52, Schedule 3 of Development Consent DA 374-11-00:

Pre-Construction Hazard Studies

52. *Prior to carrying out any development under this consent after 6 May 2017, the Applicant must prepare and submit for approval a:*
- (a) Fire Safety Study for the development, ...*
 - (b) Final Hazard Analysis for the development, ...*
 - (c) Construction Safety Study for the mine processing facility and Gas Pipeline, ...*
 - (d) Hazard and Operability Study for the mine processing facility and Limestone processing facility, ...*

Clean TeQ proposes the following modifications to Condition 52, Schedule 3 of Development Consent DA 374-11-00:

Pre-Construction Hazard Studies

52. *Prior to ~~carrying out any development under this consent after 6 May 2017~~ commencing construction of the mine processing facility or the gas pipeline (except for construction of those preliminary works that are outside the scope of hazard studies), unless otherwise agreed by the Secretary, the Applicant must prepare and submit for approval a:*
- (a) Fire Safety Study for the ~~development~~ mine processing facility or the gas pipeline, ...*
 - (b) Final Hazard Analysis for the ~~development~~ mine processing facility or the gas pipeline, ...*
 - (c) Construction Safety Study for the mine processing facility and Gas Pipeline, ...*
 - (d) Hazard and Operability Study for the mine processing facility ~~and Limestone processing facility~~ or the gas pipeline,*

Development Consent DA 374-11-00 requires the preparation of the following pre-commissioning hazard studies in accordance with Condition 53, Schedule 3 of Development Consent DA 374-11-00:

Pre-Commissioning Hazard Studies

53. *Prior to commissioning of the mine processing facility and gas pipeline, the Applicant must prepare and submit for approval a:*
- (a) Transport of Hazardous Materials Study for the development, ...*
 - (b) Emergency Plan for the development, ...*
 - (c) Safety Management System for the development, ...*

Clean TeQ proposes the following modifications to Condition 53, Schedule 3 of Development Consent DA 374-11-00:

Pre-Commissioning Hazard Studies

53. *Prior to commissioning of the mine processing facility and gas pipeline, unless otherwise agreed by the Secretary, the Applicant must prepare and submit for approval a:*

- (a) *Transport of Hazardous Materials Study for the development, ...*
- (b) *Emergency Plan for the ~~development~~ mine processing facility or the gas pipeline, ...*
- (c) *Safety Management System for the ~~development~~ mine processing facility or the gas pipeline, ...*

Justification for Modification 5

A Preliminary Hazard Analysis (PHA) has been prepared for the Project (SHE Pacific, 2000). The PHA identified potentially hazardous incidents that could occur at each of the Project components (Table 1). The key potentially hazardous incidents are associated with the processing facility and gas pipeline Project components (i.e. the higher risk Project components).

Table 1
Potentially Hazardous Incidents at the Project

Project Component	Potentially Hazardous Incidents
Mine (including Processing Facility)	<ul style="list-style-type: none"> Gaseous releases including hydrogen sulphide and sulphur dioxide. Fires including: <ul style="list-style-type: none"> torch (ignition of pressurised flammable liquid); flash (ignition of flammable gas and air); pool (ignition of a pool of flammable liquid); and warehouse (dangerous goods stores) fires. Explosions.
Gas Pipeline	<ul style="list-style-type: none"> Fires due to loss of containment from the gas pipeline. Explosions due to loss of containment from the gas pipeline – includes the possibility of a vapour cloud explosion resulting from a large leak of gas.
Limestone Quarry	<ul style="list-style-type: none"> Incidents associated with on-site storage of diesel. Incidents involving explosives (limestone quarry).
Rail Siding	<ul style="list-style-type: none"> Incidents associated with on-site storage of diesel. Hazards associated with the transport of materials.
Borefields and Water Pipeline	<ul style="list-style-type: none"> Diesel spills and fires also present a potential onsite risk during construction.

After SHE Pacific (2000).

Although the risk of Project-related hazardous events (with off-site impacts) was assessed to be low in the PHA, SHE Pacific (2000) recommended that further pre-construction hazard studies be conducted for the processing facility component of the Project (i.e. not the gas pipeline, limestone quarry, rail siding, borefields or water pipeline).

Notwithstanding the above, the existing hazard study conditions require the preparation of hazard studies for all components of the Project regardless of the level of risk associated with each Project component (e.g. a Hazard and Operability Study is required for the low risk limestone quarry).

The Modification would allow for the scope of the hazard studies to better reflect the outcomes of the PHA and target the higher risk Project components (e.g. processing facility, gas pipeline). This would be more consistent with other contemporary NSW Development Consents (e.g. Development Consents for quarries and rail sidings typically do not have a requirement for pre-construction and pre-commissioning hazard studies).

By linking the submission of the pre-construction hazard studies to commencement of the higher risk Project components (i.e. processing facility and gas pipeline), the Modification would allow for the construction and commissioning of lower risk Project components (i.e. borefields, water pipeline, limestone quarry and rail siding) to commence prior to the completion of the hazard studies. This would allow Clean TeQ to construct the borefields and water pipeline before completing the long lead time pre-construction hazard studies.

In addition, the Modification proposes to add “except for construction of those preliminary works that are outside the scope of hazard studies” consistent with the *Hazardous Industry Planning Advisory Paper No 12 Hazards-Related Conditions of Consent* and pre-construction hazard conditions in other contemporary NSW Development Consents. This would allow for the construction of “preliminary works” at the processing facility and gas pipeline that are outside of the scope of the hazard studies to commence prior to the completion of the hazard studies.

These “preliminary works” would include site establishment; earthworks; construction of site access roads and security fencing; construction of water management structures; establishment of temporary construction facilities (e.g. construction camp, offices, lay down areas, communications infrastructure); and construction of low risk infrastructure (e.g. offices, workshops, warehouse, laboratory and amenities buildings, fuel storage areas, potable water treatment plant and car parking facilities).

Approval Pathway

Clause 12 of Schedule 6A of the EP&A Act provides that section 75W of Part 3A of the EP&A Act continues to apply to modifications of development consents referred to in clause 8J(8) of the *Environmental Planning and Assessment Regulation, 2000* (EP&A Regulation) following the repeal of Part 3A.

The Project was approved under Part 4 of the EP&A Act in 2001 by development consent under Division 4 of Part 4 of the EP&A Act (relating to State significant development). Therefore the Development Consent (DA 374-11-00) is a development consent that falls within clause 8J(8)(c) of the EP&A Regulation.

Approval for the Modification is formally sought as a modification to the Development Consent (DA 374-11-00) under section 75W of the EP&A Act.

In relation to the request to modify Development Consent (DA 374-11-00), please also find enclosed:

- Application to Modify a Development Consent Form (Attachment 1).
- Political Donations Disclosure Statement, confirming Clean TeQ has no reportable political donations to declare (Attachment 2).

Summary

Clean TeQ requests that the DP&E modify Development Consent DA 374-11-00 under section 75W of the EP&A Act to incorporate the proposed changes to Conditions 53 and 54, Schedule 3 of Development Consent DA 374-11-00.

Yours sincerely,

CLEAN TEQ HOLDINGS LIMITED

A handwritten signature in black ink, appearing to read 'J. Hanrahan', with a large, stylized initial 'J'.

**JOHN HANRAHAN
APPROVALS LEAD – SYERSTON PROJECT**

ATTACHMENT 1

APPLICATION TO MODIFY A DEVELOPMENT CONSENT FORM

Application to Modify a Development Consent

DA Modification Number: DA 305-7-2003 MOD17

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

John

Family name

Hanrahan

Company/organisation

Clean TeQ Holdings Limited

ABN

21008755155

STREET ADDRESS

Unit/street no.

12/21

Street name

Howleys Road

Suburb or town

NOTTING HILL

State

VIC

Postcode

3168

POSTAL ADDRESS (or mark 'as above')

PO Box 227

Suburb or town

MULGRAVE

State

VIC

Postcode

3170

CONTACT DETAILS

Daytime telephone

03 9797 6735

Fax

Mobile

0447 172 010

Email

jhanrahan@cleanteq.com

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

Wilmatha Road

Suburb, town or locality

Fifield

Postcode

2875

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.

Refer to Appendix 1 of DA 374-11-00.

- (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

Construction, operation and rehabilitation of a nickel cobalt mine, processing facility and related infrastructure.

What is the development application no.?

DA 374-11-00

What is the date of consent?

23/05/2001

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

-

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)

Application pursuant to section 75W and clause 12A of Schedule 6 for changes to the approved mining and processing operations and water supply.

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).

N/A

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

Total fees lodged

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

John Hanrahan

Date

15/09/2017

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 2

POLITICAL DONATIONS DISCLOSURE STATEMENT

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 JOHN HANRAHAN, CHAIRMAN		Planning application reference (e.g. DA number, planning application title or reference, property address or other description) DA 374-11-00		
Your interest in the planning application (circle relevant option below)				
You are the APPLICANT <input checked="" type="radio"/> 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 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
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 J. Hanrahan 15/9/17				
Name(s) JOHN HANRAHAN				

Cont...

Political Donations Disclosure Statement to Minister or the Director-General

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