

Mt Arthur Coal



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bhpbilliton.com

7 February 2012

Director-General
C/- Director, Major Development Assessment
Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2001

Attention: Mr David Kitto, Director, Major Development Assessment

Dear David

MT ARTHUR COAL MINE - OPEN CUT MODIFICATION

Further to our meeting on 30 November 2011, BHP Billiton intends to apply for a modification to its approved Mt Arthur Coal Consolidation Project (PA 09_0062) to facilitate an extension to the approved Mt Arthur Coal open cut. This modification will be sought under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

A summary project description and justification for the modification is provided in Attachment 1, and the modification application form and political donations declaration in Attachment 2.

BHP Billiton requests that the Department of Planning and Infrastructure confirms that the proposed modification may be assessed under Section 75W of the EP&A Act and provides Director-General's Requirements for the modification environmental assessment.

Please do not hesitate to contact Sarah Bailey, Approvals Manager, on (02) 6544 5984 should you require any further information.

Yours sincerely

Sarah Withell
Head of HSEC

Attachment 1: Summary Project Description and Modification Justification
Attachment 2: Modification Application form and Political Donations Declaration

CC. Howard Reed

Registered Office:
Hunter Valley Energy Coal Pty Ltd
Rialto Towers
Level 29, 525 Collins Street
Melbourne VIC 3000 Australia
ABN 39 062 894 464
Registered in Australia
A member of the BHP Billiton Group

MT ARTHUR COAL OPEN CUT MODIFICATION
SUMMARY MODIFICATION DESCRIPTION AND JUSTIFICATION



January 2012
Project No. HVE-11-01
Document No. 00426792.doc

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1 INTRODUCTION

1.1 PURPOSE AND STRUCTURE OF THIS DOCUMENT

Hunter Valley Energy Coal (HVEC) is a wholly-owned subsidiary of BHP Billiton and owns and operates the Mt Arthur Coal complex. HVEC seeks to modify the existing Project Approval (PA 09_0062) for the extension of open cut coal mining at the Mt Arthur Coal complex

This document has been prepared to provide the Department of Planning and Infrastructure with a summary description of the Mt Arthur Coal Open Cut Modification (herein referred to as the modification), an overview of the environmental studies that are proposed to support an environmental assessment (EA) and to initiate the preparation of the Director-General's Requirements (DGRs) under Section 75W of the New South Wales (NSW) *Environmental Planning and Assessment Act 1979* (EP&A Act).

The remainder of this document is structured as follows:

Section 1	Introduction – provides a background to the Mt Arthur Coal complex and an overview of the proposed modification activities.
Section 2	Modification Description and Justification – provides a clear and concise description of the modification, indicates the types of activities that would be undertaken and includes a justification for the modification.
Section 3	Planning Considerations – describes the applicable statutory planning instruments and strategic planning documents.
Section 4	Preliminary Environmental Assessment – identifies the level and scope of environment impact assessment to be undertaken..
Section 5	Stakeholder Consultation – outlines consultation (with the community, local councils and Government agencies) already undertaken, and proposed to be carried out, for the modification.
Section 6	References – lists documents cited.

1.2 BACKGROUND

The Mt Arthur Coal complex is located south west of Muswellbrook in the Upper Hunter Valley of NSW (Figure 1).

In 2009, HVEC lodged an application under Part 3A of the EP&A Act to extend open cut operations and consolidate existing approvals for open cut mining operations and surface infrastructure. This application was subsequently approved by the Minister for Planning on 24 September 2010 (PA 09_0062). The open cut is approved with a mining rate of up to 32 million tonnes per annum (mtpa).

In addition, underground mining with a rate of up to 8mtpa was approved via PA 06_0091 on 2 December 2008.

It should be noted that although the open cut and underground are approved to rates of 32 and 8mtpa, respectively, the total site extraction rate is capped at 36mtpa by PA 09_0062.

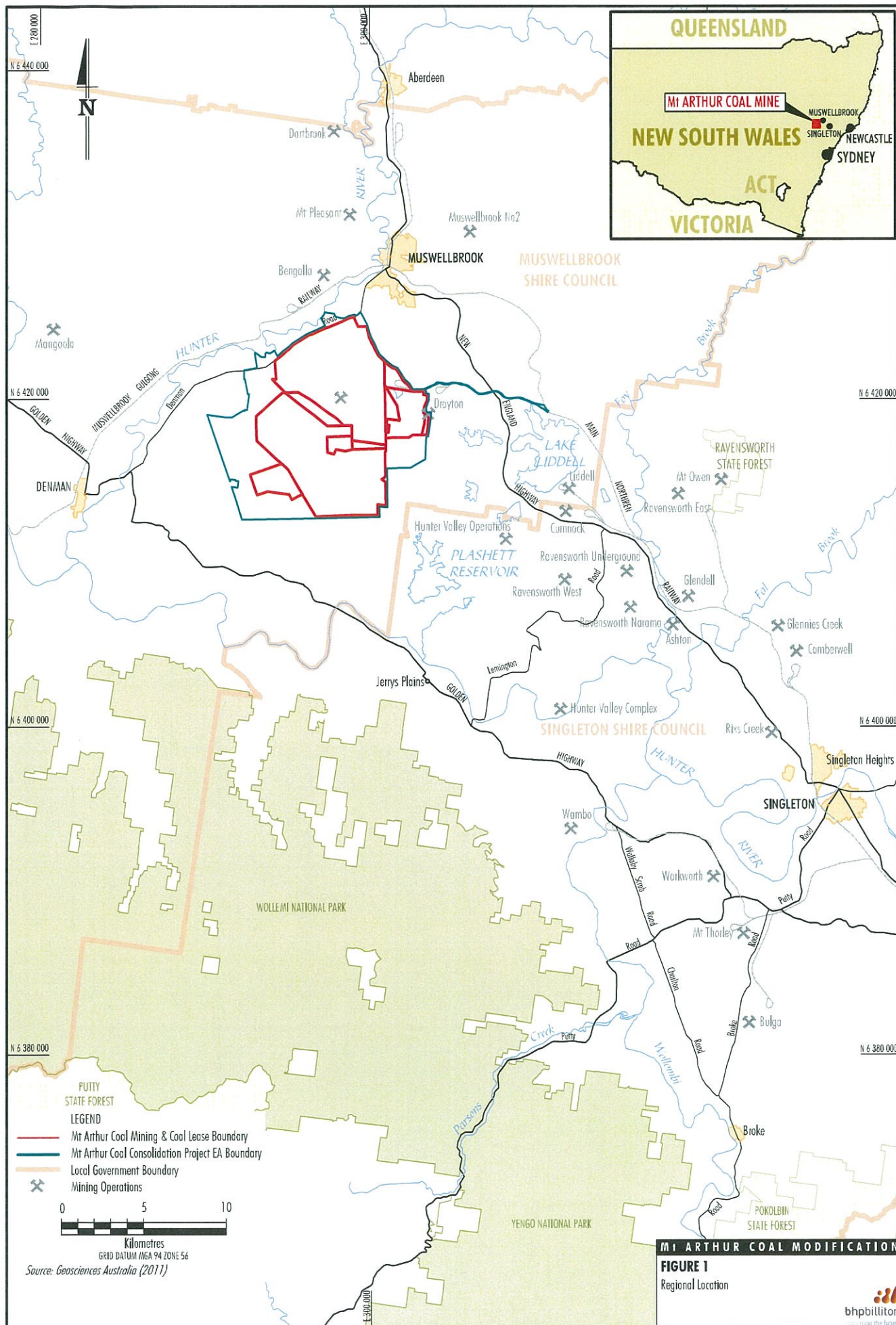
1.3 MODIFICATION OVERVIEW

The modification is a proposed continuation of open cut mining operations at the Mt Arthur Coal complex for an additional operational life of approximately four years.

HVEC is seeking approval from the NSW Minister for Planning and Infrastructure for a modification under Section 75W of the EP&A Act.

In summary, the modification includes:

- a four-year continuation of the open cut mine life from 2022 to 2026 at the currently approved maximum rate of 32mtpa;
- increase in open cut disturbance areas of approximately 400 hectares (ha);
- use of the existing conveyor corridor for overburden emplacement;
- duplication of the existing rail loop;
- increase in the maximum number of train movements per day from 12 to 19;



- relocation of the load point for the overland conveyor which delivers coal to Macquarie Generation's Bayswater Power Station;
- relocation and upgrade of the explosives storage, magazine and associated facilities; and
- construction of additional offices and a control room and a small extension to the run-of-mine (ROM) coal stockpile footprint.

Additional details of each of the main modification components are provided in Section 2.

1.4 LOCATION AND MINING TENEMENTS

The current mining leases (ML) held by HVEC include ML 1358, ML 1593, ML 1655, ML 1487 and ML 1548 (Figure 2). In addition, HVEC also holds Coal Lease (CL) 396, Consolidated CL 774 and Mining Purpose Lease 263.

The existing mining tenements exist wholly within land owned by HVEC and its entities. HVEC also owns large land holdings in the vicinity of the Mt Arthur Coal complex. The modification disturbance areas would be within these existing mining tenements and within land wholly-owned by HVEC.

The Mt Arthur Coal complex is within the Muswellbrook Shire Local Government Area (LGA).

2 SUMMARY MODIFICATION DESCRIPTION AND JUSTIFICATION

2.1 PROPONENT

The proponent for the modification project is Hunter Valley Energy Coal Pty Ltd (ABN: 39062894464), a wholly-owned subsidiary of BHP Billiton. The registered office of BHP Billiton is:

BHP Billiton
Rialto Towers
Level 29, 525 Collins Street
MELBOURNE VIC 3000

Further information on the proponent and its coal mining operations can be found at:

http://www.bhpbilliton.com/home/aboutus/regulatory/Pages/default.aspx#010_EnergyCoal

2.2 SUMMARY MODIFICATION DESCRIPTION

The modification is a proposed continuation of open cut mining operations at the Mt Arthur Coal complex for an additional operational life of approximately four years.

An indicative general arrangement for the modification is shown in Figure 2.

Table 1 provides a summary comparison of activities associated with the existing Mt Arthur Coal complex and the modification.

Additional details of each of the main components of the modification are discussed below.

Mining Operations

Conventional open pit mining methods involving drill and blast, truck and shovel extraction with on-site processing would continue to be used for the modification.

The continuation of mining for another four years would include an extension to the west and south-west of some 400 metres (m) (Figure 2). The additional disturbance associated with the extension of the open cut is approximately 350 hectares.

Additional coal as a result of the modification would total approximately 128 million tonnes.

Overburden Management

The existing mine landforms include a conveyor corridor which contains the existing overland conveyor from the Mt Arthur Coal ROM pad to Macquarie Generation's Bayswater Power Station.

As part of the modification, the existing conveyor load point would be relocated to the south and the portion of the existing conveyor within the conveyor corridor would be decommissioned and removed, allowing overburden material to be placed in this corridor.

Overburden emplacement in the conveyor corridor would reduce haulage distances associated with overburden transport and emplacement, thereby potentially reducing fuel consumption and consequent air quality, noise and greenhouse gas emissions.

In addition, overburden emplacement in the conveyor corridor would result in a final landform that is better integrated with the surrounding mine landforms.

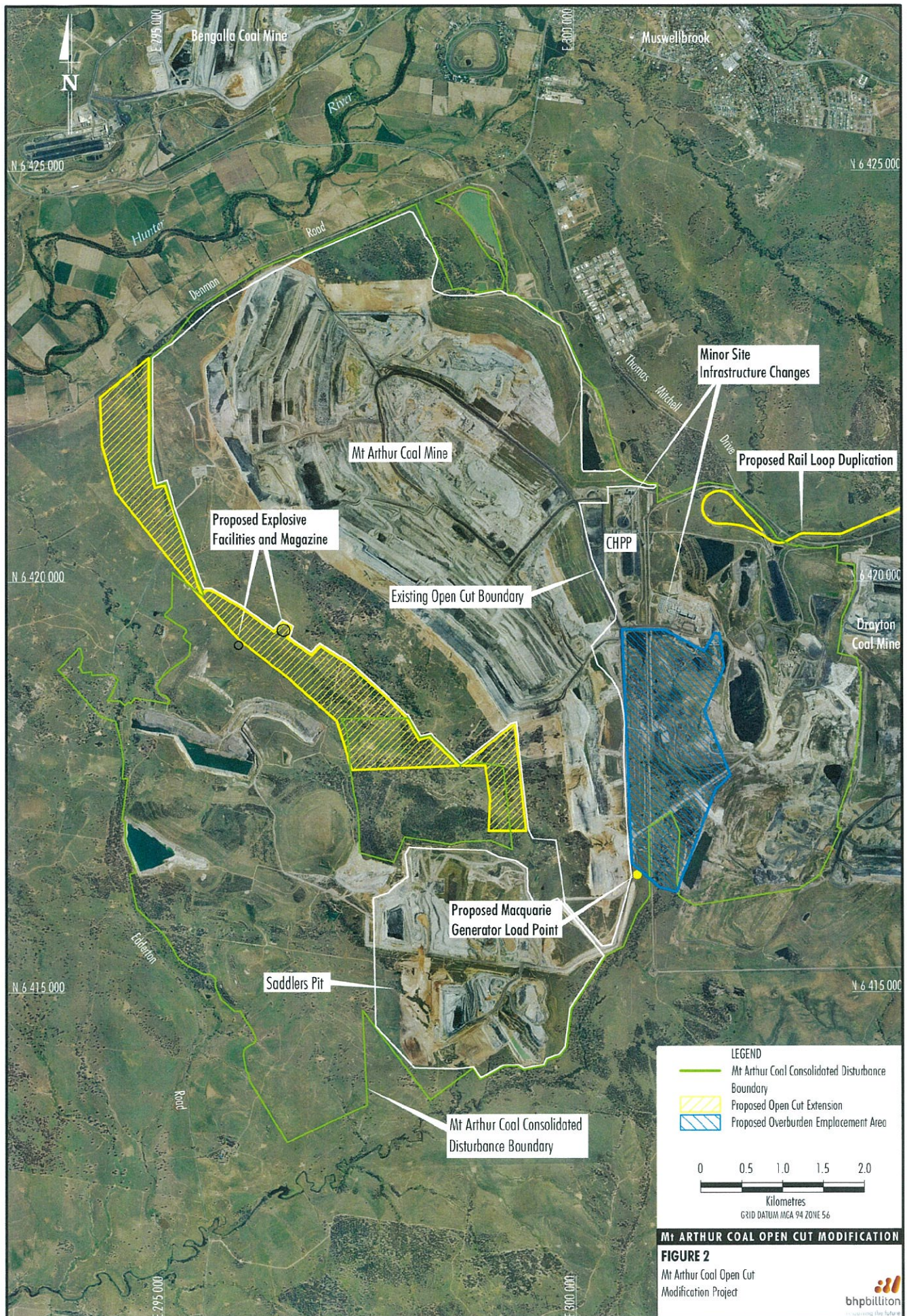


Table 1
Summary Comparison of Approved and Modified Mt Arthur Coal Open Cut

Development Component	Approved Mt Arthur Coal Open Cut ¹	Modified Mt Arthur Coal Open Cut
Life-of-Mine	<ul style="list-style-type: none"> Approval for open cut mining to 2022. 	<ul style="list-style-type: none"> Extension of life-of-mine to 2026.
Annual ROM Coal Production Rate (Open Cut)	<ul style="list-style-type: none"> Up to 32mtpa. 	<ul style="list-style-type: none"> No change.
Coal Processing Rate	<ul style="list-style-type: none"> Upgrade of CHPP to facilitate processing of up to 36mtpa (including underground coal). 	<ul style="list-style-type: none"> No change.
Mining Areas	<ul style="list-style-type: none"> Open cut mining areas including Mt Arthur North Pit, South Pit, Saddlers Pit and Belmont Pit. 	<ul style="list-style-type: none"> No change.
Disturbance Areas	<ul style="list-style-type: none"> Total Mt Arthur Coal Disturbance area of approximately 6,400 ha. 	<ul style="list-style-type: none"> Increase of total disturbance areas of approximately 400 ha (open cut and overburden emplacement areas).
Overburden Emplacement	<ul style="list-style-type: none"> Development of Mt Arthur North overburden emplacement height to an average of Relative Level (RL) 360 m (maximum height of RL 375 m Australian Height Datum [AHD]). Development of Bayswater No 3 (Saddlers Pit) overburden emplacement height up to RL 250 m AHD Development of Drayton sub-lease emplacement area up to RL 290 m AHD (part of South Pit extension). Development of an out-of-pit overburden emplacement area up to RL 360 m AHD. 	<ul style="list-style-type: none"> Increase in in-pit emplacement in-line with increase in open cut footprint. Use of existing conveyor corridor for overburden emplacement, including integration with existing Drayton sub-lease emplacement area to a height of RL 360 m AHD. No other changes to out-of-pit emplacements.
Coarse Rejects and Tailings Management	<ul style="list-style-type: none"> Deposition of tailings in the tailings emplacement area at Bayswater No 2. Approval to dispose tailings in Drayton sub-lease void will be maintained. The tailings emplacement area will be extended (up to RL 280 m AHD). Co-disposal of coarse reject within overburden emplacement areas. 	<ul style="list-style-type: none"> Additional tailings and coarse rejects disposed of in existing/approved emplacement areas.
Product Coal Transport	<ul style="list-style-type: none"> Transport of up to 27mtpa product coal via rail. Construction and commissioning of an additional loading facility. Maximum of 12 rail movements per day Use of the existing overland conveyor to Macquarie Generation's Bayswater Power Station, as required. 	<ul style="list-style-type: none"> Increase in maximum rail movements from 12 to 19 movements per day. Duplication of the existing Mt Arthur Coal Mine rail loop. Relocation of load point for the overland conveyor which supplies coal to Macquarie Generation's Bayswater Power Station. No change to maximum total product coal transportation rate of 27mtpa.

Table 1 (Continued)
Summary Comparison of Approved and Modified Mt Arthur Coal Open Cut

Development Component	Approved Mt Arthur Coal Open Cut ¹	Modified Mt Arthur Coal Open Cut
Employment	<ul style="list-style-type: none"> Total workforce of approximately 2,600 full-time equivalents employees during peak production. A workforce of approximately 240 full-time equivalent employees during peak construction phases. 	<ul style="list-style-type: none"> No change.
Hours of Operation	<ul style="list-style-type: none"> All coal operations and associated activities will continue to be undertaken 24 hours per day, seven days a week. Construction onsite may be on a 24 hour, seven day roster consistent with operational requirements. Construction hours for the proposed Edderton Road realignment are 7:00 am to 5:00 pm Monday to Saturday (except in the case of an emergency). 	<ul style="list-style-type: none"> No change.
Coal Handling Infrastructure Changes/Upgrades	<ul style="list-style-type: none"> Development of infrastructure such as workshop and bathhouse, additional ROM coal hoppers and the extension of ROM and product coal stockpiles. 	<ul style="list-style-type: none"> Minor changes to layout, including a minor ROM coal stockpile extension and additional facilities (control room and offices). No change to CHPP throughput rate.
Explosives Storage Facilities	<ul style="list-style-type: none"> Fully banded onsite explosives magazine for the storage of detonators and other materials. 	<ul style="list-style-type: none"> Relocation and upgrade of explosives storage facility and magazine, including office facilities and associated amenities.

¹ Mt Arthur Coal Consolidation Project Approval 09_0062

Overburden material associated with the modification would also continue to be backfilled within the open cut mine.

Other overburden emplacement areas approved in accordance with PA 09_0062 would remain unchanged for the project.

Tailings Management

Additional tailings associated with the modification would continue to be deposited in either the tailings emplacement area at Bayswater No 2 or the tailings storage facility to be constructed in the Drayton sub-lease area.

Rail Movements

The existing maximum total product coal transportation rate of 27mtpa would remain unchanged for the modification.

Due to congestion on the Main Northern Railway and reduced cargo assembly times at the Port of Newcastle, additional train movements are required to meet loading times and reduce delays in loading at the Port of Newcastle. As part of the modification, HVEC seeks an increase in maximum daily rail movements from 12 to 19 trains per day (i.e. an increase from 24 to 38 pass-bys).

Rail Loading and Unloading

The requirement for an increase in maximum rail movements at the Mt Arthur Coal complex means that the existing rail loading infrastructure requires augmentation in order to receive and dispatch the required trains.

This would be achieved by a duplication of the existing rail loop (Figure 2).

The duplication of the rail loop would allow railway traffic waiting to be loaded to queue adjacent to mining operations, potentially reducing noise exposure at residential areas such as Antienne.

Life of Mine

The mining life would be extended to allow for an additional four years of mining (to 2026).

The recovery of an additional 128 million tonnes of ROM coal associated with the four-year mine life extension would result in the continued payment of developer contributions to the Muswellbrook Shire Council, as well as Royalty payments to the State and other tax payments.

The extension of the mine life would also continue to provide substantial economic benefits to the local community, generate employment opportunities and support local development through Mt Arthur Coal's extensive community development program.

Other Infrastructure

The explosives storage facility and magazine would be relocated to the west of the open cut as part of the modification. The facility will be upgraded and will include offices and associated amenities.

The location for the facility has been chosen following a review of all environmental aspects, including consideration of potential off-site hazard implications. The benefits of the new location include the close proximity to drill and blast operating areas which would result in a reduction in explosives transport distances on-site. The relocated explosives facility and magazine would not increase potential hazards off-site.

The modification would also include minor infrastructure upgrades including an administration building, CHPP offices and control room, and a small extension to the ROM coal stockpile footprint.

2.3 MODIFICATION JUSTIFICATION OVERVIEW

The modification is a continuation of open cut mining within existing mining tenements and coal seams approved at the Mt Arthur Coal complex.

The modification is a logical continuation of open cut mining operations to the west and south-west, which modification would take mining activities further away from the town of Muswellbrook.

The modification would facilitate the continued employment of up to 2,600 employees for an additional four years. It would also result in the continued payment of developer contributions to the Muswellbrook Shire Council, as well as Royalty payments to the State and other tax payments. In addition, HVEC is an active community participant in the local and regional community through its community development program and this would continue to at least 2026 under the modification.

Consistent with advice from the Australian Rail Track Corporation (ARTC), HVEC requires additional train movements to facilitate the export of the currently approved 27mtpa of product coal. This is because of increased congestion of the Main Northern Railway and because of reduced cargo build times at the Port of Newcastle.

The duplication of the rail loop would allow railway traffic waiting to be loaded to queue adjacent to mining operations, potentially reducing noise exposure at residential areas such as Antienne.

Overburden emplacement in the conveyor corridor would reduce haulage distances associated with overburden transport and emplacement, thereby reducing fuel consumption and consequent air quality, noise and greenhouse gas emissions.

In addition, overburden emplacement in the conveyor corridor would result in a final landform that is better integrated with the surrounding mine landforms.

The relocated explosives storage facility and magazine would result in reduced explosives transport distances on-site and would not increase potential off-site hazards.

Full justification of the modification on social and economic grounds, including consideration of the principles of Ecologically Sustainable Development, will be included in the EA.

3 PLANNING CONSIDERATIONS

3.1 APPLICABILITY OF SECTION 75W OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

The Mt Arthur Coal Consolidation Project Approval was approved under Part 3A of the EP&A Act by the Minister for Planning on 24 September 2010 (PA 09_0062) and therefore constitutes a “transitional Part 3A project” pursuant to the transitional provisions in Schedule 6A of the EP&A Act.

Clause 3 of Schedule 6A provides that Part 3A of the EP&A Act continues to apply to and in respect of “transitional Part 3A projects” following its repeal. That is, Part 3A of the EP&A Act continues to apply to the consolidation project approval, notwithstanding its repeal.¹

¹ Part 3A of the EP&A Act (as in force immediately before its repeal) continues to apply the Mt Arthur Coal Consolidation Project Approval. The description and quotations of relevant references to clauses of Part 3A in this document are as if Part 3A of the EP&A Act is still in force.

Approval for modification would be sought as a modification to the consolidation open cut project approval (PA 09_0062) under Section 75W of the EP&A Act. Section 75W of the EP&A Act relevantly provides:

75W modification of Minister's approval

(1) *In this section:*

Minister's approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

modification of approval means changing the terms of a Minister's approval, including:

- (a) *revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) *changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*

(2) *The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*

(3) *The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.*

(4) *The Minister may modify the approval (with or without conditions) or disapprove of the modification.*

3.2 PLANNING PROVISIONS

State Environmental Planning Policies

The following State Environmental Planning Policies (SEPPs) may be potentially relevant to the modification:

- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP);*
- *State Environmental Planning Policy No. 33 (Hazardous and Offensive Development) (SEPP 33);*
- *State Environmental Planning Policy No. 44 - Koala Habitat Protection; and*
- *State Environmental Planning Policy No. 55 (Remediation of Land).*

Relevant provisions and objectives of the above SEPPs and other relevant planning instruments would be considered in the preparation of the EA.

Local Environmental Plans

The Mt Arthur Coal complex is within the Muswellbrook LGA.

The Mt Arthur Coal complex is located within lands covered by the *Muswellbrook Local Environmental Plan 2009* (Muswellbrook LEP). The Muswellbrook LEP would also be considered in the preparation of the EA.

4 KEY ENVIRONMENTAL ASSESSMENT CONSIDERATIONS

The following key environmental considerations would be assessed as part of the EA for the modification:

- Surface water – review of site water balance, potential off-site surface water impacts, review of management measures and review of final void water level/quality.
- Groundwater – review of previous hydrogeological modelling results in view of the proposed increased open cut extent, review of pit groundwater inflows and review of management measures.
- Noise and air quality – quantitative modelling of potential impacts, consideration of cumulative impacts and review of management measures.
- Aboriginal cultural heritage – assessment of Aboriginal cultural heritage within areas not previously surveyed and consultation with Aboriginal stakeholders.
- Visual – review of findings of previous assessments in view of proposed modified landforms.
- Flora and fauna – compilation of results of previous extensive survey results and findings and assessment of potential impacts.
- Agricultural assessment – review of agricultural land capability of additional disturbance areas and potential post-mining land use.

Assessment of the key potential environmental issues and the other potential impacts identified above would include consideration of:

- existing environment using sufficient baseline data;
- potential impacts of all stages of the modification including any cumulative impacts;
- measures that could be implemented to avoid, mitigate, rehabilitate/remediate, monitor and/or offset the potential impacts of the project; and
- contingency plans and/or adaptive management for managing any potentially significant residual risks to the environment.

All assessments of potential impacts would consider all applicable policies, guidelines and plans included in contemporary DGRs for major mining projects. Therefore, these policies, guidelines and plans have not been repeated within this document.

5 STAKEHOLDER CONSULTATION

5.1 CONSULTATION UNDERTAKEN TO DATE

HVEC presented the key components of and justification for the modification to the Department of Planning and Infrastructure (DP&I) during an initial briefing on 30 November 2011. The key environmental issues, proposed assessment methodologies and assessment pathway were discussed at this briefing.

5.2 STAKEHOLDER ENGAGEMENT STRATEGY

A Stakeholder Engagement Action Plan has been developed for the modification. Key objectives of this plan are to:

- inform government, and private and public stakeholders about the progress and nature of the modification;
- recognise and respond to local interest or concerns regarding the modification; and
- continue the ongoing dialogue between Mt Arthur Coal and stakeholders that has occurred over the life of the mine.

The program includes the use of a variety of consultation mechanisms which in summary include:

- public exhibition of key documents (e.g. Summary modification Description and Justification and the EA);
- continued consultation with the local community via the Mt Arthur Coal CCC;
- provision of project information on the BHP Billiton website;
- meetings with the general community including Aboriginal groups, directly affected landowners and neighbouring developments (e.g. Macquarie Generation and nearby horse studs);
- meetings with relevant government agencies including local council meetings; and
- community newsletters and media activities.

The consultation would include, but not necessarily be limited to, the following government agencies and authorities:

- DP&I;
- Environment Protection Authority;
- Office of Environment and Heritage;
- NSW Office of Water;
- Division of Resources and Energy (within Department of Trade and Investment, Regional Infrastructure and Services);
- Muswellbrook Shire Council; and
- Commonwealth Department of Sustainability, Environment, Water, Population and Communities.

Consultation with the Aboriginal community would be conducted in consideration of the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Department of Environment, Climate Change and Water, 2010).

The issues raised and outcomes of the consultation program would be reported in the EA.

6 REFERENCES

Department of Environment, Climate Change and Water (2010) *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

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

Hunter Valley Energy Coal Pty Limited

ABN

39062894464

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Scott

Family name

Sullivan

Position

Asset President

STREET ADDRESS

Unit/street no.

Street name

Thomas Mitchell Drive

Suburb or town

Muswellbrook

State

NSW

Postcode

2333

POSTAL ADDRESS (or mark 'as above')

Private Mail Bag No 8

Suburb or town

Muswellbrook

State

NSW

Postcode

2333

Daytime telephone

(02) 6544 5800

Fax

(02) 6544 5801

Mobile

-

Email

scott.sullivan@BHPBilliton.com

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

via Thomas Mitchell Drive

Suburb, town or locality

Muswellbrook

Postcode

2333

Local government area(s)

Muswellbrook

State Electorate(s)

REAL PROPERTY DESCRIPTION

Refer Attachment A

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

Operation of an open cut coal mine producing up to 32 million tonnes per annum (mtpa) of run-of-mine coal, with a maximum production from both open cut and underground operations of 36mtpa, for domestic electricity generation and export markets.

What was the original project application no.?

09_0062

What was the date of the approval?

24/09/2010

What was the original application fee?

\$1,006,137

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

Extension of open cut mining operations at Mt Arthur Coal for an additional operational life of approximately four (4) years which includes an open cut extension and associated overburden emplacement extension, rail loop duplication and minor site infrastructure changes.

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).

\$66 million (subject to BHP Billiton investment approval)

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

Not required - Clause 8F of the Environmental Planning and Assessment Regulation, 2000 applies.

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?

- ☒ 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



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

President NSWEC

Name

Scott

Name, if you are not the proponent

Sullivan

Date

20/1/12

**MT ARTHUR COAL OPEN CUT MODIFICATION
ATTACHMENT A TO REQUEST TO MODIFY A MAJOR PROJECT FORM**

Property Ownership within EA Boundary		
Ownership	Lot	DP
Anglo Coal (Drayton Management) Pty Limited	321	625513
Anglo Coal (Drayton Management) Pty Limited	3	701496
Anglo Coal (Drayton Management) Pty Limited	4	701496
Anglo Coal (Drayton Management) Pty Limited	6	701496
Anglo Coal (Drayton Management) Pty Limited	8	843635
Anglo Coal (Drayton Management) Pty Limited	64	850818
Anglo Coal (Drayton Management) Pty Limited	65	850818
Anglo Coal (Drayton Management) Pty Limited	1	1004725
Anglo Coal (Drayton Management) Pty Limited	22	1018587
Anglo Coal (Drayton Management) Pty Limited	180	812852
Crown	2	48776
Crown	3	48776
Crown	4	48776
Crown	5	48776
Crown	6	48776
Crown	7	48776
Crown	8	48776
Crown	7003	93323
Crown	11	632691
Crown	160	722249
Crown	1	752486
Crown	85	752500
Crown	10	793428
Crown	1	532672
Crown	108	43392
Crown	1	47302
Freehold (PR & M Burgmann)	4	6090
Freehold (Rosebrook Pty Limited)	1	34397
Freehold (Rosebrook Pty Limited)	2	34397
Freehold (Energy Australia)	1	223018
Freehold (Muswellbrook Council)	112	633293
Freehold (MH & RE Wolfgang)	1	752441
Freehold (MH & RE Wolfgang)	97	752441
Freehold (MH & RE Wolfgang)	98	752441
Freehold (MH & RE Wolfgang)	102	752441
Freehold (MH & RE Wolfgang)	1	956112
Freehold (MH & RE Wolfgang)	68	752500
Freehold (MH & RE Wolfgang)	69	752500
Freehold (MH & RE Wolfgang)	70	752500
Freehold (MH & RE Wolfgang)	71	752500
Hunter Valley Energy Coal Limited	5	726248
Hunter Valley Energy Coal Limited	111	633293
Hunter Valley Energy Coal Limited	1	1090735
Hunter Valley Energy Coal Limited	2	1090735
Hunter Valley Energy Coal Limited	3	1090735
Hunter Valley Energy Coal Limited	4	1090735
Hunter Valley Energy Coal Limited	5	1090735
Hunter Valley Energy Coal Limited	6	1090735
Hunter Valley Energy Coal Limited	8	26211
Hunter Valley Energy Coal Limited	9	26211
Hunter Valley Energy Coal Limited	10	26211
Hunter Valley Energy Coal Limited	1	27346

Property Ownership within EA Boundary		
Ownership	Lot	DP
Hunter Valley Energy Coal Limited	2	27346
Hunter Valley Energy Coal Limited	3	27346
Hunter Valley Energy Coal Limited	4	27346
Hunter Valley Energy Coal Limited	5	27346
Hunter Valley Energy Coal Limited	6	27346
Hunter Valley Energy Coal Limited	7	27346
Hunter Valley Energy Coal Limited	8	27346
Hunter Valley Energy Coal Limited	11	27346
Hunter Valley Energy Coal Limited	12	27346
Hunter Valley Energy Coal Limited	13	27346
Hunter Valley Energy Coal Limited	14	27346
Hunter Valley Energy Coal Limited	15	27346
Hunter Valley Energy Coal Limited	16	27346
Hunter Valley Energy Coal Limited	1	29950
Hunter Valley Energy Coal Limited	2	29950
Hunter Valley Energy Coal Limited	3	29950
Hunter Valley Energy Coal Limited	4	29950
Hunter Valley Energy Coal Limited	5	29950
Hunter Valley Energy Coal Limited	6	29950
Hunter Valley Energy Coal Limited	7	29950
Hunter Valley Energy Coal Limited	8	29950
Hunter Valley Energy Coal Limited	9	29950
Hunter Valley Energy Coal Limited	10	29950
Hunter Valley Energy Coal Limited	11	29950
Hunter Valley Energy Coal Limited	12	29950
Hunter Valley Energy Coal Limited	1	101142
Hunter Valley Energy Coal Limited	1	113689
Hunter Valley Energy Coal Limited	1	133634
Hunter Valley Energy Coal Limited	2	133634
Hunter Valley Energy Coal Limited	1	204369
Hunter Valley Energy Coal Limited	4	204369
Hunter Valley Energy Coal Limited	13	228159
Hunter Valley Energy Coal Limited	115	246348
Hunter Valley Energy Coal Limited	111	246348
Hunter Valley Energy Coal Limited	112	246348
Hunter Valley Energy Coal Limited	113	246348
Hunter Valley Energy Coal Limited	114	246348
Hunter Valley Energy Coal Limited	4	247064
Hunter Valley Energy Coal Limited	1	249536
Hunter Valley Energy Coal Limited	2	249536
Hunter Valley Energy Coal Limited	3	249536
Hunter Valley Energy Coal Limited	4	249536
Hunter Valley Energy Coal Limited	5	249536
Hunter Valley Energy Coal Limited	6	249536
Hunter Valley Energy Coal Limited	1	308136
Hunter Valley Energy Coal Limited	1	372862
Hunter Valley Energy Coal Limited	1	385720
Hunter Valley Energy Coal Limited	2	385720
Hunter Valley Energy Coal Limited	2	387021
Hunter Valley Energy Coal Limited	3	387021
Hunter Valley Energy Coal Limited	4	390143
Hunter Valley Energy Coal Limited	1	403081
Hunter Valley Energy Coal Limited	A	407349
Hunter Valley Energy Coal Limited	C	407349

Property Ownership within EA Boundary		
Ownership	Lot	DP
Hunter Valley Energy Coal Limited	1	503827
Hunter Valley Energy Coal Limited	111	514759
Hunter Valley Energy Coal Limited	112	514759
Hunter Valley Energy Coal Limited	1	515936
Hunter Valley Energy Coal Limited	2	515936
Hunter Valley Energy Coal Limited	11	526344
Hunter Valley Energy Coal Limited	20	550431
Hunter Valley Energy Coal Limited	1	573259
Hunter Valley Energy Coal Limited	2	573259
Hunter Valley Energy Coal Limited	121	575515
Hunter Valley Energy Coal Limited	122	575515
Hunter Valley Energy Coal Limited	123	575515
Hunter Valley Energy Coal Limited	124	575515
Hunter Valley Energy Coal Limited	2	601359
Hunter Valley Energy Coal Limited	10	632691
Hunter Valley Energy Coal Limited	9	655749
Hunter Valley Energy Coal Limited	159	722249
Hunter Valley Energy Coal Limited	110	727767
Hunter Valley Energy Coal Limited	63	752449
Hunter Valley Energy Coal Limited	49	752500
Hunter Valley Energy Coal Limited	83	752500
Hunter Valley Energy Coal Limited	154	752500
Hunter Valley Energy Coal Limited	166	752503
Hunter Valley Energy Coal Limited	30	787702
Hunter Valley Energy Coal Limited	604	802124
Hunter Valley Energy Coal Limited	605	802124
Hunter Valley Energy Coal Limited	607	802124
Hunter Valley Energy Coal Limited	1	806149
Hunter Valley Energy Coal Limited	2	806149
Hunter Valley Energy Coal Limited	201	842045
Hunter Valley Energy Coal Limited	1	843634
Hunter Valley Energy Coal Limited	2	843634
Hunter Valley Energy Coal Limited	3	843634
Hunter Valley Energy Coal Limited	4	843634
Hunter Valley Energy Coal Limited	6	843635
Hunter Valley Energy Coal Limited	7	843635
Hunter Valley Energy Coal Limited	9	843635
Hunter Valley Energy Coal Limited	66	850818
Hunter Valley Energy Coal Limited	21	1018587
Hunter Valley Energy Coal Limited	113	1078759
Hunter Valley Energy Coal Limited	115	1078759
Macquarie Generation	1	790994
Macquarie Generation	181	812852
Macquarie Generation	46	241179
Macquarie Generation	45	241179
Macquarie Generation	44	241179
Macquarie Generation	1	556370
Macquarie Generation	1	238862
Macquarie Generation	PT5	752486
Macquarie Generation	PT2	752486
Macquarie Generation	22	241179

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 Scott Sullivan on behalf of Hunter Valley Energy Coal Pty Ltd		Planning application reference (e.g. DA number, planning application title or reference, properly address or other description) PA 09_0062		
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 <input checked="" type="radio"/> YES <input type="radio"/> NO				
Reportable political donations made by person making this declaration or by other relevant persons * 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) * 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 * 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				
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
Nil				
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  20/11/12				
Name(s) Scott Sullivan				

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