

GLENCORE

11 November 2016

The Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY
NSW 2001

Attention: Mr Howard Reed
Director Resource Assessments

Dear Mr Reed

Subject: Integra Coal Project, Section 75W Modification Application

HV Coking Coal Pty Limited (**HVCC**) is a subsidiary of Glencore and is the owner and operator of the Integra Underground Project.

HVCC recently sought a modification of the Project Approval for the Integra Underground Project (PA 08_0101) under section 75W of the *Environmental Planning and Assessment Act 1979* (**EPA Act**). The purpose of the modification was to separate the former combined Project Approval for the Integra Underground Project and the Integra Open Cut Project into two Project Approvals that are capable of operating independently, without making material changes to the activities that were previously approved for the underground and open cut mining operations. The Project Approval modification was determined on 23 August 2016 (**Modification 5**).

Following determination of Modification 5, PA 08_0101 now contains a single Project Layout Plan in Appendix 3, a copy of which is provided for reference as **Attachment A**. It has come to Glencore's attention that this plan, provided by HVCC to DP&E is incorrect. The incorrect plan was provided as a result of an administrative error on Glencore's behalf.

The purpose of Modification 5 was to split the single Project Approval that applied to both the underground and open cut developments without making any changes to the Integra Underground Project. In no way was Modification 5 intended to vary the mine plans that had previously been approved for the Integra Underground Project.

Glencore advises that, due to this administrative error, the current single Project Layout Plan in Appendix 3 of PA 08_0101 is not an accurate representation of the current approved mine plans for the Integra Underground Project which were previously shown on the Project Layout Plans that were set out in Appendix 4 of the Project Approval, prior to it being separated as a result of Modification 5.

The previous underground mine Project Layout Plans contained in PA 08_0101 – prior to Modification 5 – included two plans depicting the underground workings that had been approved for the purpose of the *Environmental Planning and Assessment Act 1979* (NSW). Those were plans of both the approved Middle Liddell seam workings and the approved Barret seam workings at the Integra Underground Project. Both plans included areas of first workings and longwall extraction areas, and reflected the mine workings for which the environmental impacts were assessed and described in the document entitled "Integra Underground Coal Project Environmental Assessment" (ERM 2009), which supported the original application for what ultimately became PA 08_0101 when it was granted on 26 November 2010. A copy of the previous Project Layout Plans for the Integra Underground Project (as they appeared in Appendix 4 of PA 08_0101 immediately prior to the approval of Modification 5) are provided in **Attachment B**.

Glencore apologises for this administrative error and requests the Minister or delegate to modify the Project Approval by replacing the current inaccurate Project Layout Plan included in Appendix 3 of PA 08_0101 with the two Project Layout Plans contained in **Attachment C** to this letter.

Requested Modification

The modification sought by this application is administrative in nature only and the replacement Project Layout Plans are entirely consistent with the Project Layout Plans that were previously included in PA 08_0101 (prior to Modification 5), with the exception of the Project Boundary which has been adjusted to account for the fact that some of the mining lease area has been transferred to Bloomfield and now forms part of the Integra Open Cut Project and is no longer part of the Integra Underground Project.

The modification that is sought will not change the approved components of the Integra Underground Project or in any way alter the environmental impacts of the project. The mine will continue to be operated in accordance with the conditions of PA 08_0101 and the approved management plans.

As discussed above, HVCC requests the Minister or delegate modify the Project Approval to replace the current Project Layout Plan (PA 08_0101 Appendix 3) with the Project Layout Plans provided in **Attachment C**.

Please find the Political Donations Declaration Form in **Attachment D**.

Should you require further information please do not hesitate to call the undersigned.

Yours sincerely,



Bret Jenkins

Manager Approvals and Cultural Heritage NSW

Glencore

P: +61 2 6570 2923

F: +61 2 6570 2520

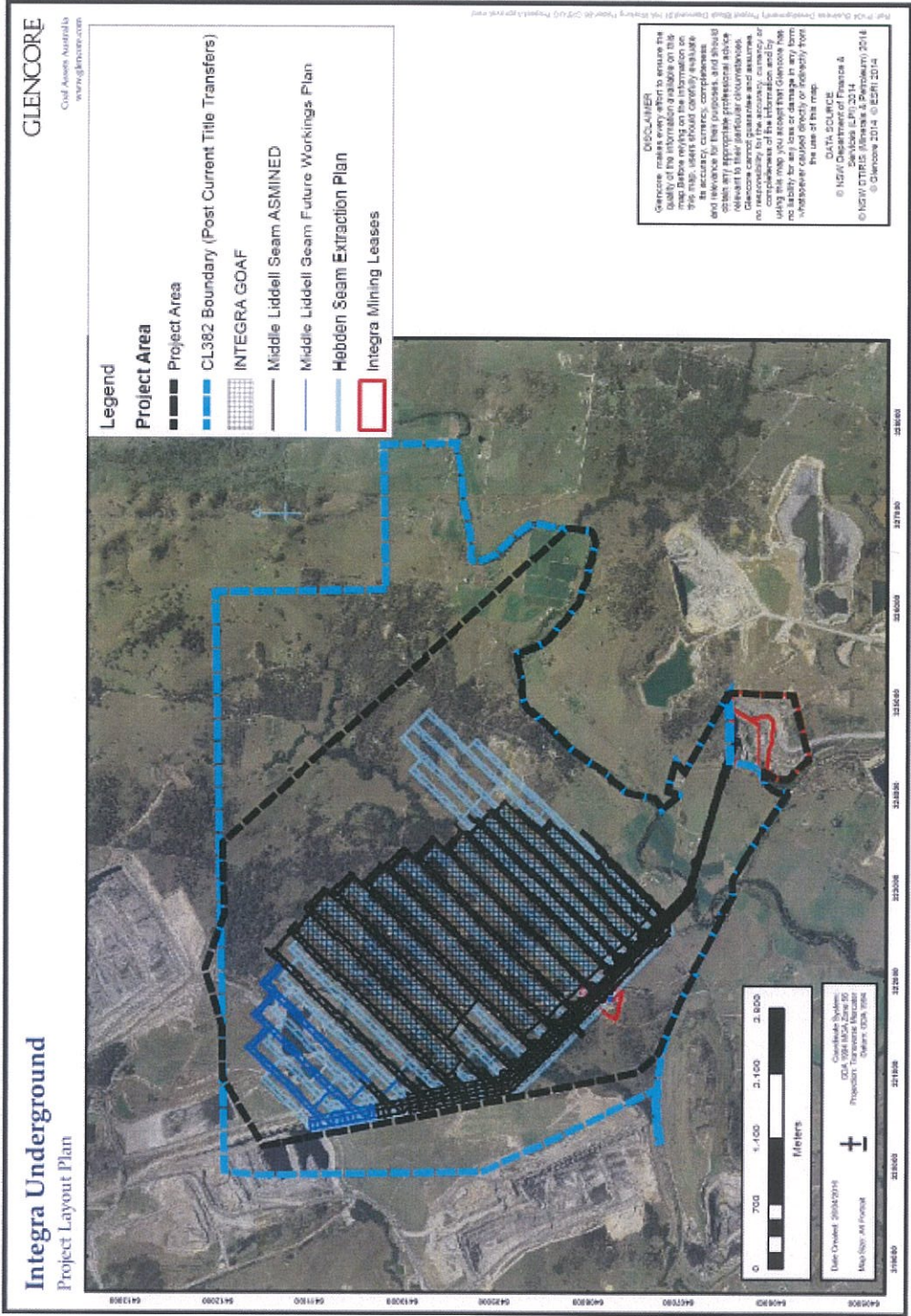
M: +61 428 832 997

Bret.Jenkins@glencore.com.au

ATTACHMENT A

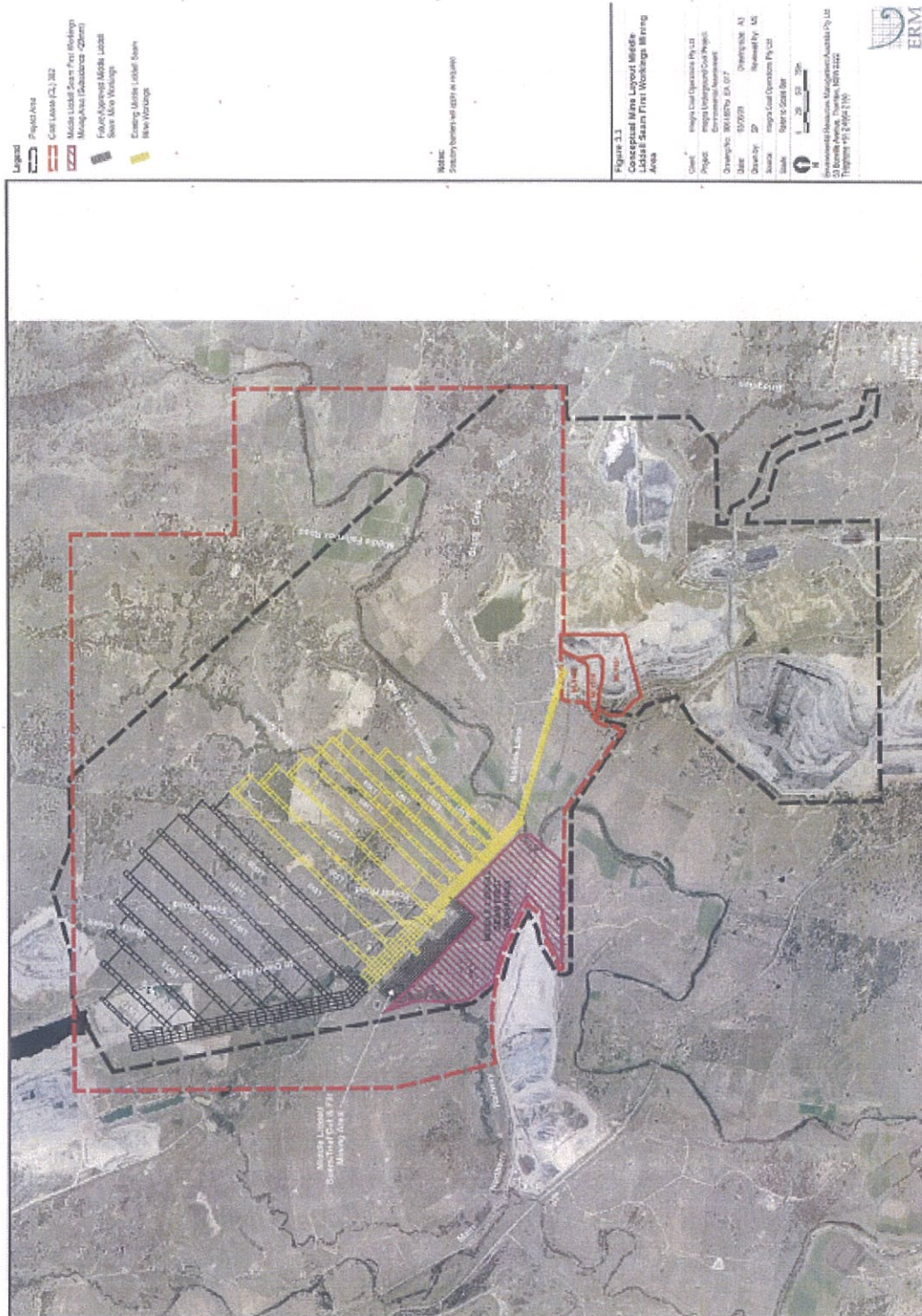
Current Project Layout Plan

APPENDIX 3: PROJECT LAYOUT PLAN



Original Project Layout Plans

[illegible]

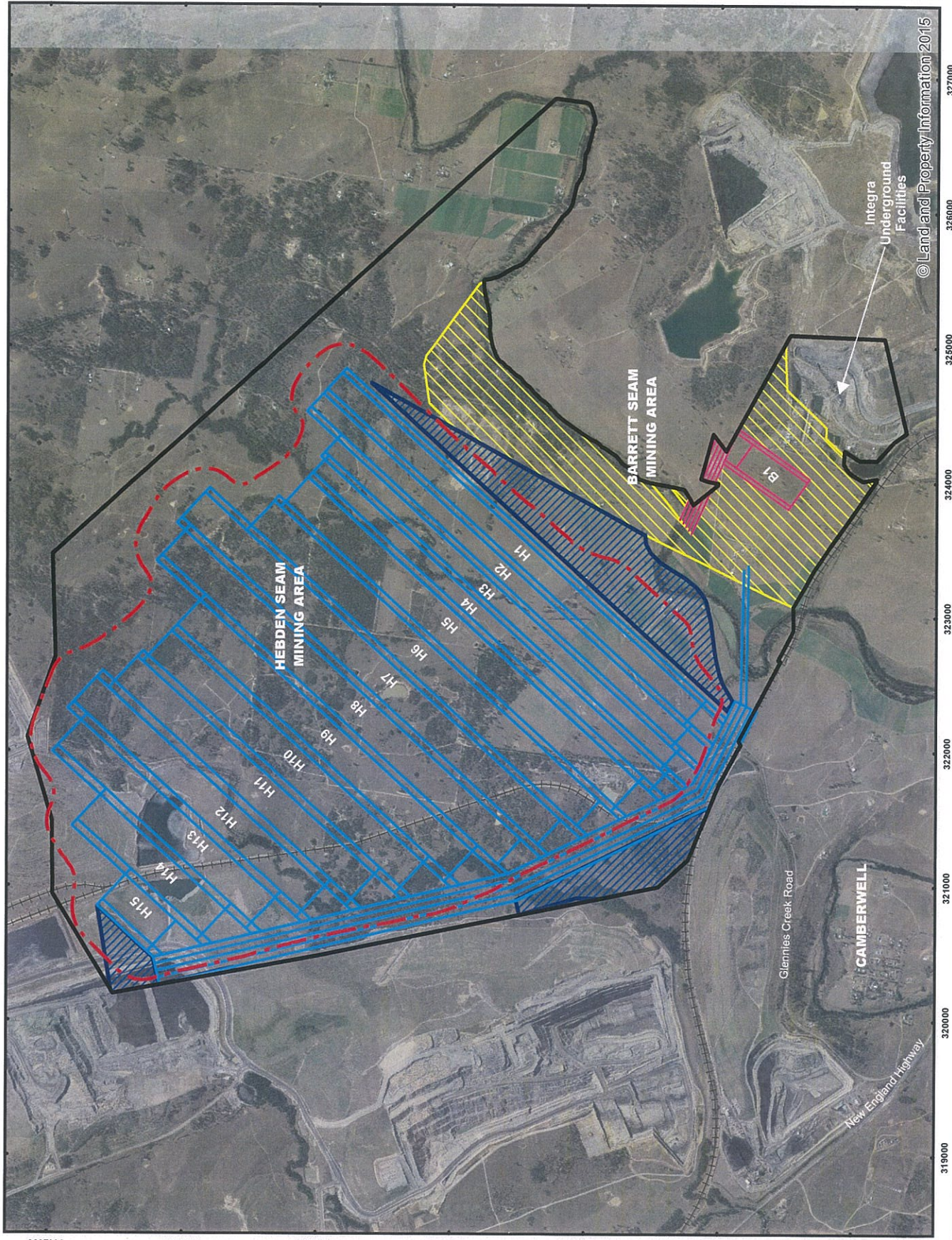


ATTACHMENT C

Revised Project Layout Plans

Integra Underground Operations

Conceptual Mine Layout Hebden and Barrett Areas



- Subsidence Impact Zone
- Project Boundary
- Barrett Seam Mine Workings
- Hebden Seam Mine Workings
- Barrett Seam First Workings (Subsidence <20mm)
- Hebden Seam First Workings (Subsidence <20mm)
- + + + + Railway



Map Size: A4 Landscape
Date Created: 1/11/2016
Coordinate System: GDA 1994 MGA Zone 56
Projection: Transverse Mercator
Datum: GDA 1994



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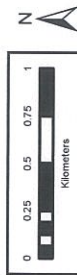
Integra Underground Operations Conceptual Mine Layout Middle Liddell Seam Areas

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Coal Assets Australia
www.glencore.com

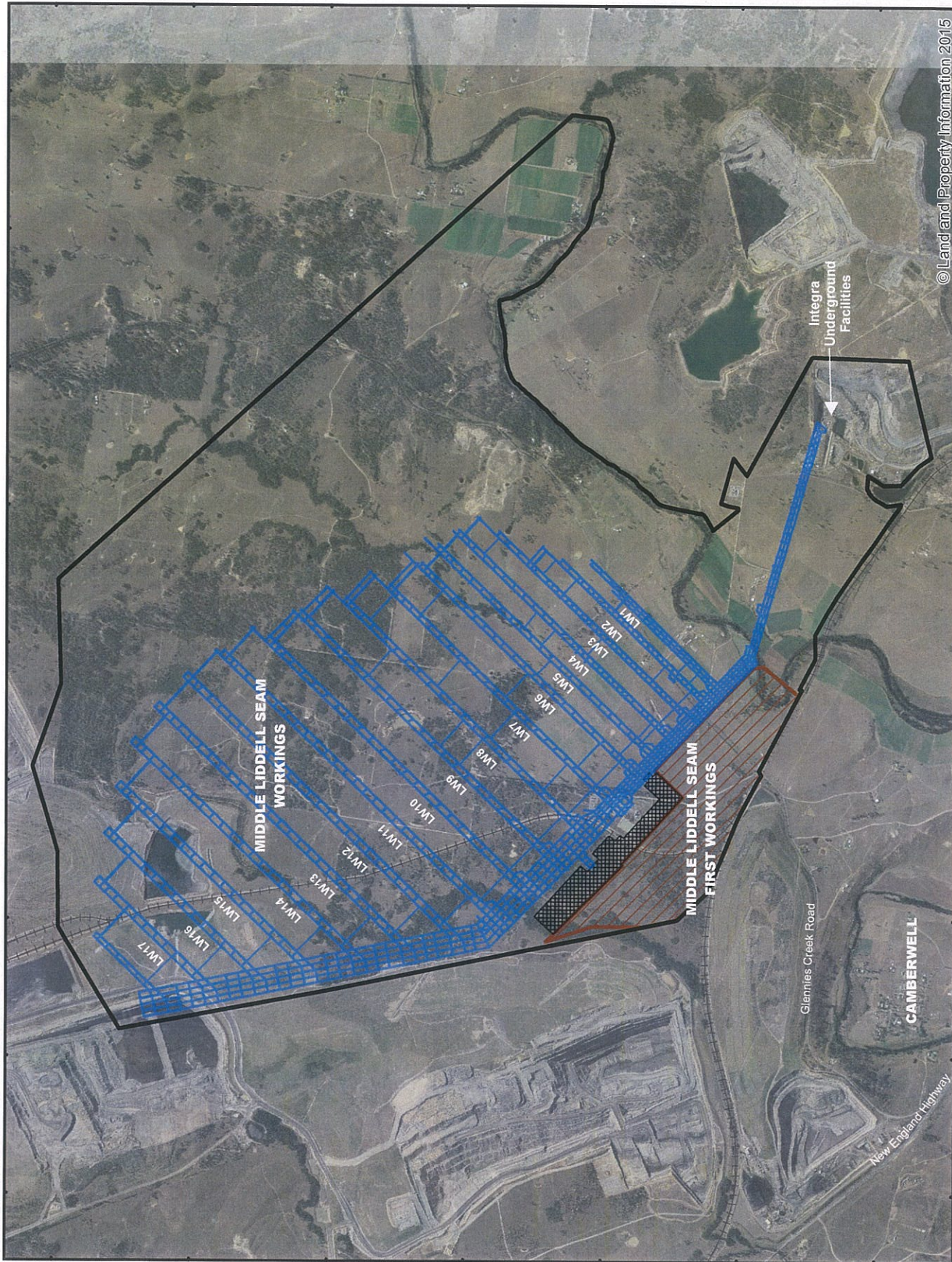
- Project Boundary
- Middle Liddell Seam Workings
- Middle Liddell Seam First Workings (Subsidence <20mm)
- Middle Liddell Seam Trial Cut and Fill Mining Area
- Railway

Map Size: A4 Landscape
Date Created: 3/11/2016
Coordinate System: GDA 1994 MGA Zone 56
Projection: Transverse Mercator
Datum: GDA 1994



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ATTACHMENT D

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		Planning application reference (e.g. DA number, planning application title or reference, property address or other description) PA 08_0101		
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 type="radio"/> YES / <input checked="" type="radio"/> 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
Glencore Australia Holdings Pty Limited	Level 44 Gateway Building 1 Macquarie Place Sydney NSW 2000	NSW Nationals	16 May 2016	\$1,000
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				
Name(s)				