

23 April 2018

**Dr Oliver Holm**

Executive Director, Resources Assessments and Compliance  
NSW Department of Planning and Environment  
320 Pitt Street  
SYDNEY NSW 2000

Dear Oliver,

## **Application to Modify Mount Pleasant Development Consent (DA 92/97) – Modification 3**

We refer to the pending modification application made by MACH Energy Australia Pty Ltd (**MACH**) in relation to development consent no. DA92/97 for the Mount Pleasant Mine (**Mount Pleasant Development Consent**), being Modification 3 (**MOD 3 Application**).

As the Department is aware, MACH has been negotiating with the owners and operator of the neighbouring Bengalla Mine to reach agreement regarding revised arrangements for the relocation of MACH's existing rail spur, loop, loader and other infrastructure which is located in an area to the south of Wybong Road, Muswellbrook, to facilitate the expansion of Bengalla Mine operations into this area.

MACH is pleased to report that this agreement has been reached. To facilitate this agreement, MACH requests:

- (a) replacement of condition 37 of Schedule 3 of the Mount Pleasant Development Consent with a condition on terms set out in the **attached** document; and
- (b) amendment of the MOD 3 Application to include a statement of commitments on the terms set out in the **attached** document.

We would be grateful if the Department could confirm that these matters will be assessed and determined as part of MOD 3.

Yours sincerely,



**Terry (KT) Bourke**  
Chief Commercial Officer  
& Executive Director

Attachment

## Attachment

### Proposed condition 37 of Schedule 3 of the Mount Pleasant Development Consent

#### **Removal of Mount Pleasant Infrastructure South of Wybong Road**

37. The Applicant must, by no later than 31 October 2022:

- a) remove all infrastructure associated with the Development within Mining Lease No. 1645 (**ML 1645**) south of Wybong Road (other than infrastructure which the operator of the Bengalla Mine agrees in writing can remain in situ);
- b) do all things available to transfer or cause the grant of a mining lease over that part of ML 1645 south of Wybong Road to the operator of Bengalla Mine or its nominee;
- c) transfer the freehold land owned by the Applicant within ML 1645 south of Wybong Road to the operator of Bengalla Mine (or its nominee) at rural market value; and
- d) release any easements for pipeline and rail spur within or in the vicinity of ML 1645 south of Wybong Road which benefit land owned by the Applicant.

Note: The obligations under this condition 37 are not subject to the grant of development consent or any other approvals or access arrangements for alternative coal transport infrastructure for the Development and must be satisfied irrespective of the existence of any such approvals or infrastructure.

### Proposed Statement of Commitments for MOD 3

#### **Removal of Mount Pleasant Infrastructure South of Wybong Road**

MACH Energy Australia Pty Ltd (**MACH Energy**) or any person/s who rely on any development consent to carry out the Mount Pleasant development (as modified or replaced by a new development consent from time to time) will, by no later than 31 October 2022:

- a) remove all infrastructure associated with the Development within Mining Lease No. 1645 (**ML 1645**) south of Wybong Road (other than infrastructure which the operator of the Bengalla Mine agrees in writing can remain in situ);
- b) do all things available to transfer or cause the grant of a mining lease over that part of ML 1645 south of Wybong Road to the operator of Bengalla Mine or its nominee;
- c) transfer the freehold land owned by MACH Energy within ML 1645 south of Wybong Road to the operator of Bengalla Mine (or its nominee) at rural market value; and
- d) release the easements for pipeline and rail spur within or in the vicinity of ML 1645 south of Wybong Road which benefit land owned by MACH Energy.

Note: The obligations under this commitment are not subject to the grant of development consent or any other approvals or access arrangements for alternative coal transport infrastructure for the Development and must be satisfied irrespective of the existence of any such approvals or infrastructure.