

Tertius Greyling

From: Chris Lauritzen <chris.lauritzen@machenergyaustralia.com.au>
Sent: Thursday, 7 June 2018 4:19 PM
To: Matthew Sprott
Cc: Howard Reed; Tertius Greyling; Stirling Bartlam
Subject: RE: Request for Info - Landowner rights
Attachments: Mount Pleasant Operation - Proposed Changes to Draft Consolidated Consen....docx; MPO DC Appendix 5 Figures.zip

Hi Matthew,

We don't necessarily agree that residence 67 should be added to Table 2 (mitigation upon request), as none of the other residences listed in Table 1 are also listed in Table 2 (i.e. Condition 2 applies the mitigation obligation to both Tables 1 and 2).

However, we will accept the change if the Department so decides.

We have made a number of other changes to address the Department's request. In summary:

- We concur that 84 (now 84a) should be added to Table 2 as in the consent previously it was erroneously listed in NAG 8, whereas it is in NAG 7.
- We have amended the property numbering to assign letters to contiguous landholdings, where a party owns landholdings both in, and outside of, either the acquisition or mitigation zones.
- Adopting this approach necessitated renumbering some residences, and hence also results in some corresponding minor changes to the drafts of Tables 1 and 2 (tracked in the attached word document).
- We also updated the colour coding of residences on the plans to reflect the latest lists of those with acquisition rights or mitigation rights, including the two residences that are to be addressed by Bengalla Mine in the first instance (new green colour).

Attached are the updated 5-1 to 5-7 in PDF and JPEG format for inclusion in the draft Consent.

Regards

Chris

From: Matthew Sprott [<mailto:Matthew.Sprott@planning.nsw.gov.au>]
Sent: Tuesday, 5 June 2018 5:01 PM
To: Chris Lauritzen <chris.lauritzen@machenergyaustralia.com.au>; Stirling Bartlam <sbartlam@ResourceStrategies.com.au>
Cc: Howard Reed <Howard.Reed@planning.nsw.gov.au>; Tertius Greyling <tertius.greyling@planning.nsw.gov.au>
Subject: Request for Info - Landowner rights

Good afternoon Chris,

I am writing to seeking clarification in relation to private land ownership in the areas surrounding the Mt Pleasant project.

As you are aware the Department is currently finalising its assessment of the proposed Modification 3 to the Mt Pleasant coal mine (DA 92/97). In finalising the Department's recommendations concerning acquisition and mitigation rights, the Department has identified two key matters that it wishes to draw to your attention.

Since the Department's most recent consultation with MACH Energy on the draft conditions of consent, we have identified two receivers that should have been included in the Noise Mitigation Table in Condition 2 of Schedule 3. These receivers are Receiver 67 (already subject to acquisition for air quality) and Receiver 84.

The Department has also identified some concerns with the numbering of Receiver locations surrounding the project, which have the potential to deleteriously affect MACH Energy's interests in relation to acquisition and mitigation obligations.

As currently depicted, the Figures in Appendix 5 of the Department's draft conditions of consent identify landholdings by reference to a specific receiver number assigned to a common landowner. While the Department understands the reasons for showing common land ownership, this has resulted in a few cases where a single reference number has been shown against different properties around the mine that have different classes of acquisition and mitigation rights.

The Department is therefore seeking a revised version of the Figures in Appendix 5, relabelled to provide each contiguous landholding with a unique identifying number comprising the landowner reference number and a letter (ie 157a, 157b, 157c, etc). These unique reference numbers should be provided for land with residences as well as vacant land. Please note that the Department only considers these updated reference numbers to be necessary for those landowners identified as being eligible for acquisition and/or mitigation in Tables 1 and 2 of Schedule 3 of the draft conditions of consent.

The Department believes that this increased specificity will improve the certainty to the consent and manage MACH Energy's exposure to the potential for future disputes over acquisition and mitigation rights.

Please feel free to contact myself or Tertius Greyling should you have any queries about the above request.

Regards,
Matthew

Matthew Sprott
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Environment