

11 May 2022

Mr Stephen O'Donoghue  
Director Resource Assessments  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney, NSW 2001

By email c/o [Joe.Fittell@planning.nsw.gov.au](mailto:Joe.Fittell@planning.nsw.gov.au)

**RE: MOUNT PLEASANT OPERATION DA 92/97 – PROPOSED MODIFICATION TO RECTIFY AN ERROR**

Dear Steve,

***Background***

The Mount Pleasant Operation is an open cut coal mine and associated infrastructure, located approximately 3 kilometres (km) north-west of Muswellbrook in the Upper Hunter Valley of New South Wales (NSW) (Figure 1).

MACH Mount Pleasant Operations Pty Ltd (ACN 625 627 723) is the manager of the Mount Pleasant Operation as agent for and on behalf of the unincorporated Mount Pleasant Joint Venture between MACH Energy Australia Pty Ltd (95 per cent [%] owner) and J.C.D. Australia Pty Ltd (5% owner)<sup>1</sup>.

The Mount Pleasant Operation produces thermal coal using open cut mining methods and has an approved operational capacity of up to 10.5 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal until 22 December 2026 under Development Consent DA 92/97 (as modified).

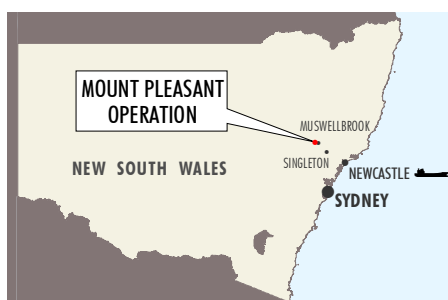
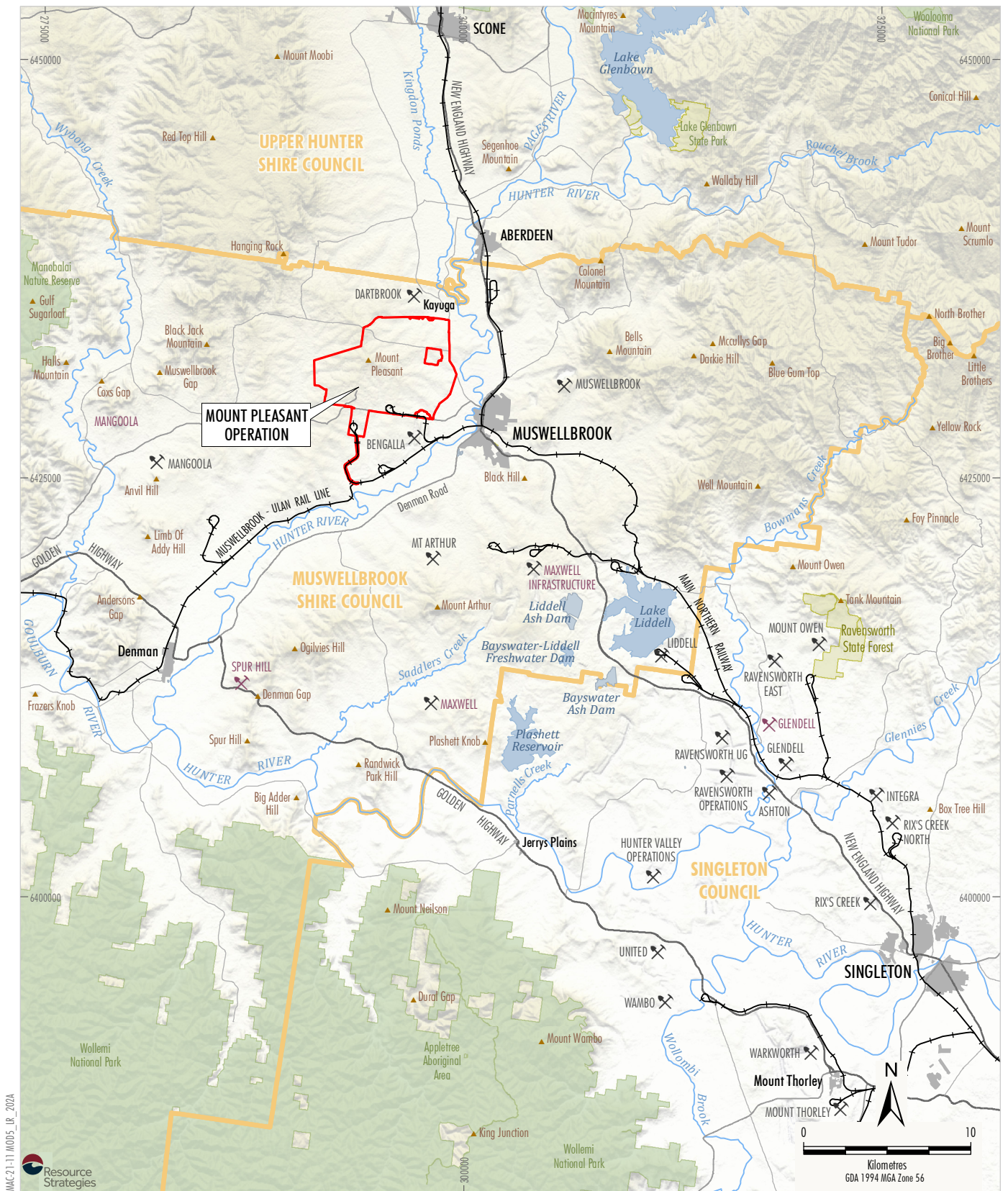
The approved mine includes a Coal Handling and Preparation Plant (CHPP) and a rail loop and spur, conveyor and load-out facility connecting the mine to the Muswellbrook–Ulan Rail Line.

Major components include:

- open cuts (North Pit and South Pit);
- Eastern, South-west and North-west Out-of-Pit Emplacements;
- water management infrastructure;
- CHPP and coal stockpiles; and
- Fines Emplacement Areas.

---

<sup>1</sup> MACH Mount Pleasant Operations Pty Ltd and the unincorporated Mount Pleasant Joint Venture are herein referred to as MACH.



**MACHEnergy**

**MOUNT PLEASANT OPERATION**

**Project Location**

**Figure 1**

Transport of product coal to the Port of Newcastle for export, or to domestic customers for use in electricity generation, is undertaken by rail. Open cut mining, the handling and processing of ROM coal at the Mount Pleasant Operation CHPP, and the rail transport of coal products is undertaken 24 hours per day, seven days per week.

The Mount Pleasant Operation Development Consent (DA 92/97) has been subject to a number of modifications as follows:

- Mod 1 (approved 19 September 2011) included construction of a conveyor and service corridor, relocation of approved mine infrastructure (within a design envelope) and contemporising operational noise conditions.
- Mod 2 (approved 29 March 2017) relocated the South Pit Haul Road.
- Mod 3 (approved 24 August 2018) extended both the time limit for open cut mining to 22 December 2026, and involved a toe extension to the Eastern Out-of-Pit Emplacement.
- Mod 4 (approved 16 November 2018) permits duplication of the approved rail spur, rail loop, conveyor, rail load-out facility (i.e. the Stage 2 rail infrastructure) and duplication of the Hunter River water supply pump station, water pipeline and associated services, and demolition and removal of the redundant approved infrastructure (including the Stage 1 rail infrastructure).

As you are aware, MACH also has an active State Significant Development Application, the Mount Pleasant Optimisation Project (SSD-10418), that is currently is being assessed by the Department and associated NSW regulatory agencies.

### ***Bengalla Mine Background***

Bengalla Mining Company owns the existing Bengalla Mine, which is an open cut coal mine located immediately south of the Mount Pleasant Operation. Bengalla Mine is approved to produce up to 15 Mtpa of ROM coal until 28 February 2039, under Development Consent (SSD-5170), as modified.

The Mount Pleasant Operation and Bengalla Mine have a Master Co-operation Agreement which has been developed to manage interactions between the two mining operations, including the provision of the Mount Pleasant Operation Discharge Dam (DW1), which compensates MACH for Bengalla's Clean Water Dam (CW1) being located within the Mount Pleasant Operation project area and therefore limiting Mount Pleasant Operation's opportunities to release excess on-site water to Dry Creek in accordance with the Hunter River Salinity Trading Scheme (HRSTS), as originally approved.

Consistent with the existing approvals for the Mount Pleasant Operation and the Bengalla Mine, commercial agreements are in place between the two mines to establish the compensatory Mount Pleasant Operation Controlled Discharge Dam (DW1), located within the approved development footprint of Bengalla Mine (under SSD-5170 - Figure 3).

MACH and the Bengalla Mining Company are currently conducting engineering design for the Mount Pleasant Operation Controlled Release Dam (DW1) and associated water pipeline, and will then progress to construction of the controlled discharge facilities in accordance with existing approvals, including Bengalla Mine's SSD-5170.



**Modification 3 Background**

In MACH's letter to the Department dated 15 February 2018 on Modification 3, responding to a request for additional information regarding operational interactions with Bengalla Mine and associated water management from the Department, MACH described the amended Controlled Water Release System, and requested that the Department make reference to the letter in the Consolidated Consent (e.g. by inclusion of the letter in the list of relevant EIS/EA documents).

The Department did subsequently describe the Mount Pleasant Operation Controlled Release system in its Modification 3 assessment report (DPIE, 2018) in some detail as follows, however, did not add reference to MACH's letter in the Department's amended draft consent:

**5.3.2 Future Water Discharge System**

*In March 2015, Bengalla received approval under SSD-5170 to construct, but not operate, the Mount Pleasant Discharge Dam (DW1) south of Wybong Road, in the west of Bengalla's approved disturbance area (see Figures 2 and 6). The purpose was to provide discharge options for Mount Pleasant, because the westward expansion of Bengalla requires the temporary diversion of Dry Creek, which could impact on Mount Pleasant's future water discharge routes (see Figure 6).*

*Bengalla has not yet commenced constructing this water discharge system. This is because the Mount Pleasant water balance indicates that water discharge would not be required until mining at Mount Pleasant is well progressed and the resulting catchment area much larger. However, once constructed, this water discharge system would provide Mount Pleasant with a new discharge route towards the south. This would serve as an additional surface water management option in the event of a major storm event (see Section 5.3.1).*

*The controlled water discharge system would entail the construction (see Figure 2) of:*

- *a 300 ML dam (DW1) in the west of Bengalla's approved disturbance area (referred to in the EIS for SSD-5170 as the 'Mount Pleasant Discharge Dam (MTP DW1)');*
- *a 6.4 km bi-directional pipeline and associated pumping system connecting MWD and DW1;*
- *a discharge channel to the Hunter River; and*
- *electrical work associated with construction and operation of the water discharge system.*

*MACH has indicated that it would seek the necessary water licences closer to the commencement of construction of this discharge system. The Department notes that MACH must comply with the provisions of the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002, including obtaining any necessary Environment Protection Licence (EPL) and Hunter River Salinity Trading Scheme (HRSTS) credits. The licence and credits must be in place prior to operation of the water discharge system.*

...

### **5.3.5 Conclusion**

*The Department is of the view that the Deed of Agreement between MACH and BMC has resolved the challenges around surface water interactions between the two operations, including those associated with construction and operation of both existing and future water management infrastructure. The proposed design and operational measures associated with the water storage facilities would provide sufficient control to prevent uncontrolled discharges under all but the largest storm events. Even then, residual options remain to proactively pump stored water to the mine's operational pit and/or to discharge it via DW1 to the Hunter River (subject to licensing and available HRSTS credits).*

*The Department recommends that MACH revises its Water Management Plan to reflect the operational and design measures proposed for the revised surface water management system. If the modification application is approved, a condition of consent would be triggered which requires MACH to review, and submit for approval, a revised Water Management Plan.*

MACH notes that a water management system schematic diagram, inclusive of DW1 and showing controlled releases to the Hunter River from DW1 under HRSTS was also included in the Department's Modification 3 Assessment Report.

Modification 3 was subsequently approved by the Independent Planning Commission on 24 August 2019. The DW1 discharge dam and associated infrastructure was included on new Figures 1 and 2 of Appendix 2 of Development Consent (DA 92/97), but in an apparent oversight, was not shown on Figure 3 of Appendix 2 of the Consolidated Consent.

Further, MACH's current Water Management Plan (approved by DPIE on 31/10/2019) includes the DW1 dam and associated water releases under the HRSTS on relevant plans and schematic diagrams, plus the Site Water Balance also includes the following description of DW1:

*... A discharge dam (DW1) and associated pipeline will also be constructed in the south-southwest of the MPO to receive excess water from the MWD (Attachment 1). DW1 and its associated pipeline were originally approved for construction under the development consent for the Bengalla Continuation Project (SSD-5170) with the intention that the MPO would seek any necessary secondary approvals required to facilitate its use. MACH Energy will seek approval for a licensed discharge point at the outflow from DW1 to the Hunter River, in accordance with the HRSTS as a variation of EPL 20850.*

### **Proposed Modification 5 of DA 92/97**

In reviewing the relevant approvals documentation for DW1 as part of its standard due diligence, MACH has identified an apparent administrative error in the drafting of Development Consent (DA 92/97) that requires rectification to permit the operation of the Mount Pleasant Operation controlled discharge dam (DW1).

The MACH letter dated 15 February 2018 responding to a Modification 3 request for information is included in relevant materials on the Department's Modification 3 webpage. However, reference to MACH's letter of 15 February 2018 was not included in the Consolidated Consent, and the Development Consent (DA 92/97) schedule of lands was not updated to include relevant land on which DW1 and the associated pipeline will be constructed (refer Table 1).

**Table 1**  
**Lots Missing from the Schedule of Lands**

Lot	DP
1	718834
2	561117
10	236668
91	620639

In order to address this inconsistency, MACH requests the Department modifies Development Consent (DA 92/97) under section 4.55(1) of the *Environmental Planning and Assessment Act 1979* to rectify this apparent oversight as follows:

- Update Figure 3 in Appendix 2 to also include DW1 and the associated scour protection and pipelines (currently included on Figures 1 and 2, but not on Figure 3);
- Update the Definitions to include reference to MACH's letter of 15 February 2018 in the list of relevant EA (Mod 3) documents; and
- Update Appendix 1 (Schedule of Land) to include relevant additional lots listed above and associated diagram update.

In order to assist the Department with its consideration of this request, MACH has attached the following supporting information to this letter:

- Attachment 1 – Revised Figure 3 (Appendix 2).
- Attachment 2 – Revised Schedule of Land (Appendix 1).

If you require any further information, please contact the undersigned.

Yours sincerely,

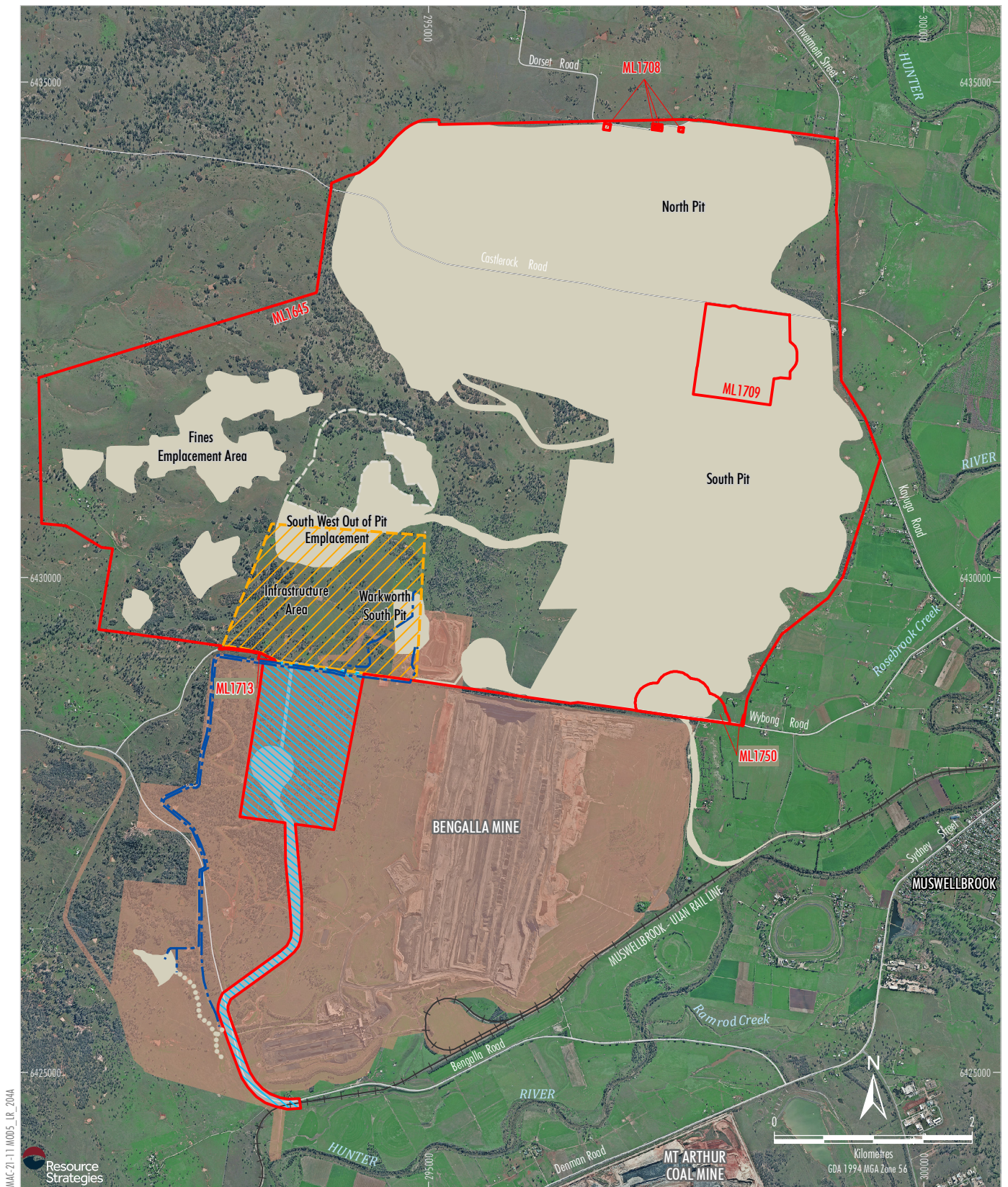


Chris Lauritzen  
General Manager Resources Development  
Mount Pleasant Operation

## **Attachment 1**

### **Revised Figure 3 (Appendix 2)**





#### LEGEND

- Mining Lease Boundary
- Approximate Extent of Approved Surface Development <sup>1</sup>
- Indicative Water Pipeline Alignment
- Area Relinquished for Overburden Emplacement and Major Infrastructure
- Infrastructure Area Envelope
- Infrastructure to be removed under the Terms of Condition 37, Schedule 3
- Indicative Existing Coal Transport Infrastructure
- Bengalla Mine Approved Disturbance Boundary (SSD-5170)

#### NOTE

1. Excludes some project components such as water management infrastructure, infrastructure within the Infrastructure Area Envelope, offsite coal transport infrastructure, road diversions, access tracks, topsoil stockpiles, power supply, temporary offices, signalling, other ancillary works and construction disturbance.

Source: NSW Land & Property Information (2017); NSW Division of Resources & Energy (2018); Department of Planning and Environment (2016); MACH Energy (2017)  
Orthophoto: MACH Energy (Aug 2016)

**MACHEnergy**

MOUNT PLEASANT OPERATION

Revised Approved Surface Disturbance Plan



## Attachment 2

### Revised Schedule of Land (Appendix 1)

**APPENDIX 1  
SCHEDULE OF LAND**

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	1	8	2770
Freehold	1	5	2770
Freehold	1	6	2770
Freehold	1	3	2770
Freehold	1	4	2770
Freehold	1	1	2770
Freehold	1	2	2770
Freehold	1		104563
Freehold	1		112742
Freehold	1		114090
State Rail Authority (Crown)	1		189134
Freehold	1	2	192121
Freehold	1	1	192121
Freehold	1		194043
Freehold	1		213293
Freehold	1		254339
Freehold	1		312392
Freehold	1		318999
Freehold	1		401237
Freehold	1		544039
Freehold	1		629491
Freehold	1		634490
Freehold	1		655691
Freehold	1		706645
Freehold	1		742324
Freehold	1		744333
Freehold	1		745369
Freehold	1		780673
Freehold	1		791576
Crown	1		904885
Freehold	1		905281
Freehold	1		906668
Freehold	1		911212
Freehold	1		915913
Freehold	1		944232
Freehold	1		998239
Freehold	1		1072667
Freehold	1		1080962
Freehold	1		1081385
Freehold	1		1100374

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	1		1137590
State Rail Authority (Crown)	1		1129338
Freehold	1		1199733
Freehold	1		718834
Freehold	2	8	2770
Freehold	2	5	2770
Freehold	2	6	2770
Freehold	2	3	2770
Freehold	2	1	2770
Freehold	2	4	2770
Freehold	2		104563
Freehold	2		112742
Freehold	2		114090
Freehold	2	2	192121
Freehold	2		194043
Freehold	2		629491
Freehold	2		634490
Freehold	2		706645
Freehold	2		780673
Freehold	2		791576
Freehold	2		801249
Freehold	2		915913
Freehold	2		997931
Freehold	2		998239
Freehold	2		1081385
Freehold	2		1234475
Freehold	2		561117
Freehold	3	8	2770
Freehold	3	5	2770
Freehold	3	3	2770
Freehold	3	1	2770
Freehold	3		112742
Freehold	3	2	192121
Freehold	3		194043
Freehold	3		236668
Freehold	3		629491
Freehold	3	28	758554
Freehold	3	29	758554
Freehold	3		791576
Freehold	3		998239

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	3		998477
Freehold	3		1183514
State Rail Authority (Crown)	3		1170997
Freehold	3		1199733
Freehold	3		1234475
Freehold	4	8	2770
Freehold	4	5	2770
Freehold	4	6	2770
Freehold	4	4	2770
Freehold	4	3	2770
Freehold	4	1	2770
Freehold	4	2	2770
Freehold	4	2	192121
Freehold	4	28	758554
Freehold	4	29	758554
Freehold	4		801249
State Rail Authority (Crown)	4		1170997
Freehold	4		1199733
Freehold	4		1234475
Freehold	5	8	2770
Freehold	5	6	2770
Freehold	5	4	2770
Freehold	5	3	2770
Freehold	5	1	2770
Freehold	5		112742
Freehold	5	2	192121
Freehold	5	28	758554
Freehold	5		801249
State Rail Authority (Crown)	5		1170997
Freehold	5		1199733
Freehold	5		1234475
Freehold	6	8	2770
Freehold	6	3	2770
Freehold	6	1	2770
Freehold	6	2	192121
Freehold	6		749716
Freehold	6		750926
Freehold	6	28	758554
Freehold	6		821183
Freehold	6		1199733

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	6		1234475
Freehold	7		112742
Freehold	7	2	192121
Freehold	7		236668
Freehold	7		749716
Freehold	7		784436
Freehold	7		821183
Freehold	7		1170997
Freehold	7		1199733
Freehold	7		1234475
Freehold	8		255048
Freehold	8		770911
Road	8		1072668
Freehold	8		1170997
Freehold	8		1199733
Freehold	9		255048
Freehold	9		750926
Road	9		1072668
Freehold	9		1199733
Freehold	10		255048
Freehold	10		750926
Road	10		1072668
Freehold	10		1184928
Freehold	10		1199733
Freehold	10		236668
Freehold	11		112742
Freehold	11		255048
Freehold	11		1051153
Road	11		1072668
Freehold	11		1184928
Freehold	12		112742
Freehold	12		255048
Freehold	12		659924
Road	12		1072668
Freehold	12		1112792
Freehold	13		112742
Freehold	13		255048
Freehold	13		750926
Freehold	13		1112792
Freehold	14	8	2770
Freehold	14		112742
Freehold	14		255048
Freehold	14		1112792



Tenure Type	Lot	Section	Deposited Plan Number
Freehold	15		112742
Freehold	15		255048
Freehold	15		750926
Freehold	15		1112792
Freehold	16		112742
Freehold	16		255048
Freehold	16		750926
Freehold	16		1072668
Freehold	16		1112792
Freehold	17		2770
Freehold	17		112742
Road	17		1072668
Freehold	18		112742
Freehold	18		1072668
Freehold	19		112742
Freehold	19		750926
Road	19		1072668
Freehold	20		112742
Freehold	20		747226
Freehold	20		1072668
Freehold	21		554140
Freehold	21		750926
Freehold	22		554140
Freehold	22		776758
Freehold	22		870608
Freehold	22		1041946
Freehold	22		1072668
Freehold	23		1041946
Freehold	24		742543
Freehold	24		1072668
Freehold	25		1053537
Freehold	25		1072668
Freehold	26		750926
Freehold	26		1072668
Freehold	27		745897
Freehold	27		1072668
Freehold	28		750926
Freehold	29		731706
Freehold	30		137297
Freehold	35		1076510
Freehold	36		1108421
Freehold	38		750926
Freehold	39		750926

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	41		750926
Freehold	42		750926
Freehold	43		750926
Freehold	44		750926
Freehold	45		750926
Freehold	50		809718
Freehold	51		809718
Freehold	71		626353
Freehold	71		750926
Freehold	72		626353
Freehold	72		750926
Freehold	73		750926
Freehold	74		750926
Freehold	86		750926
Freehold	90		750926
Crown	90		1215947
Freehold	91		620639
Freehold	91		750926
Freehold	92		750926
Freehold	93		750926
Freehold	94		665393
Road	100		1148907
Freehold	100		1177385
Freehold	101		1148907
Freehold	102		1148907
Freehold	103		1148907
Freehold	104		1148907
Freehold	105		1148907
Freehold	106		1148907
Freehold	122		750926
Freehold	123		700578
Freehold	123		750926
Freehold	124		700578
Freehold	124		750926
Freehold	126		750926
Freehold	127		750926
Freehold	130		750926
Freehold	131		750926
Freehold	132		558246
Freehold	132		750926
Freehold	133		750926
Freehold	135		750926
Freehold	143		750926

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	144		1120266
Freehold	145		1120266
Freehold	146		750926
Freehold	147		1083411
Freehold	149		750926
Freehold	150		750926
Freehold	151		750926
Freehold	152		750926
Freehold	153		750926
Freehold	154		750926
Freehold	164		635272
Freehold	177		750926
Freehold	181		750926
Freehold	184		750926
Freehold	188		750926
Freehold	189		750926
Freehold	190		750926
Freehold	193		750926
Freehold	195		750926
Freehold	196		750926
Freehold	199		750926
Freehold	200		750926
Freehold	211		750926
Freehold	212		750926
Freehold	213		750926
Freehold	214		750926
Freehold	215		750926
Freehold	216		750926
Freehold	217		750926
Freehold	218		750926
Freehold	219		750926
Freehold	220		750926
Freehold	221		750926
Freehold	224		750926
Freehold	236		750926
Freehold	237		750926
Freehold	238		750926
Freehold	239		750926
Freehold	240		750926
Freehold	241		750926
Freehold	242		750926
Freehold	251		750926
Freehold	253		750926

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	254		750926
Freehold	256		750926
Freehold	258		750926
Freehold	259		750926
Freehold	260		750926
Freehold	261		561919
Freehold	261		750926
Freehold	262		750926
Freehold	263		750926
Freehold	264		750926
Freehold	265		750926
Freehold	268		567444
Freehold	268		750926
Freehold	269		567444
Freehold	269		750926
Freehold	270		750926
Freehold	271		750926
Freehold	272		750926
Freehold	273		750926
Freehold	274		750926
Freehold	275		750926
Freehold	276		750926
Freehold	278		750926
Freehold	279		750926
Freehold	280		750926
Freehold	282		750926
Freehold	505		711996
Freehold	641		554159
Freehold	1006		1235827
Freehold	1007		1235827
Freehold	1008		1235827
Freehold	1009		1235827
State Rail Authority (Crown)	1031		1164040
Freehold	1453		628493
Crown	7001		93329
Crown	7304		1146786
Freehold	A		174071
Freehold	A		432713
Freehold	B		174071
Freehold	B		432713
Crown Watercourse		Hunter River	

Tenure Type	Lot	Section	Deposited Plan Number
State Rail Authority (Crown)		Muswellbrook Merriwa Railway	
State Rail Authority (Crown)		Railway lands located within, between or adjacent to the above parcels of land	
Muswellbrook Council or Department of Lands (Crown)		Various council and Crown public and unformed roads located within, between or adjacent to the above parcels of land	
Freehold		Any identified or unidentified historical title residues located within, between or adjacent to the above parcels of land	

935405-003

Tenure Type	Lot	Section	Deposited Plan Number
Crown		Creeks or streams located within, between or adjacent to the above parcels of land	
Crown		Any unidentified Crown land or Crown land historical title residues located within, between or adjacent to the above parcels of land	

Note: The Development Consent Boundary is shown conceptually on the figure below.



