

Modification of Development Consent

Section 4.55(1) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Steve O'Donoghue
Director - Resource Assessments

Sydney

29 June 2022

SCHEDULE 1

The development consent (DA 92/97) for the Mount Pleasant Operation, granted by the Minister for Urban Affairs and Planning on 22 December 1999.

SCHEDULE 2

1. In the list of DEFINITIONS, delete the following terms and their definitions: "DPI", "DOI Water", "DRG", "OEH", and "RMS" and insert the following in alphabetical order:

BCD	Biodiversity & Conservation Division within the Department
DPE Water	Water Group within the Department
Heritage NSW	Heritage NSW within the Department
Resources Regulator	NSW Resources Regulator
TfNSW	Transport for NSW
2. Delete all references to "DOI Water" throughout the consent and replace with "DPE Water".
3. Delete all references to "DRG" throughout the consent and replace with "the Resources Regulator", except in condition 56(c) of Schedule 3 where it is to be replaced with "Resources Regulator".
4. Delete all references to "OEH" throughout the consent and replace with "Heritage NSW", except in conditions 32(a), 44D(b) and 56(b) of Schedule 3 where it is to be replaced with "BCD".
5. Delete all references to "RMS" throughout the consent and replace with "TfNSW".
6. In the definition for "EA (MOD 3)", directly after the words "dated 23 November 2017," insert the words "and response to additional information, dated 15 February 2018,".
7. In condition 53 of Schedule 3:
 - a. delete the words "The Applicant must rehabilitate the site to the satisfaction of DRG" and replace with "The Applicant must rehabilitate the site in accordance with the provisions under the *Mining Act 1992*"
8. In condition 54 of Schedule 3:
 - a. at the end of paragraph (d), delete the word "and";
 - b. at the end of paragraph (e), delete the full stop and insert "; and"; and
 - c. following paragraph (e), insert the following new paragraphs:
 - (f) include a protocol for periodic trials to demonstrate that the proposed agricultural land capability of grassland areas in the final landform is being achieved; and
 - (g) include a protocol for periodic trials to demonstrate that the target vegetation communities proposed in rehabilitated woodland areas and fauna habitat is being achieved.

9. Delete condition 56 of Schedule 3 and insert the following:

56. By the end of April 2019, unless otherwise agreed by the Secretary, the Applicant must prepare a Rehabilitation Management Plan for the development in accordance with the provisions under the *Mining Act 1992*.

10. Delete conditions 7 and 7A of Schedule 5, including their respective headings, and insert the following:

Incident Notification

7. The Applicant must immediately notify the Department and any other relevant agencies after it becomes aware of an incident. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

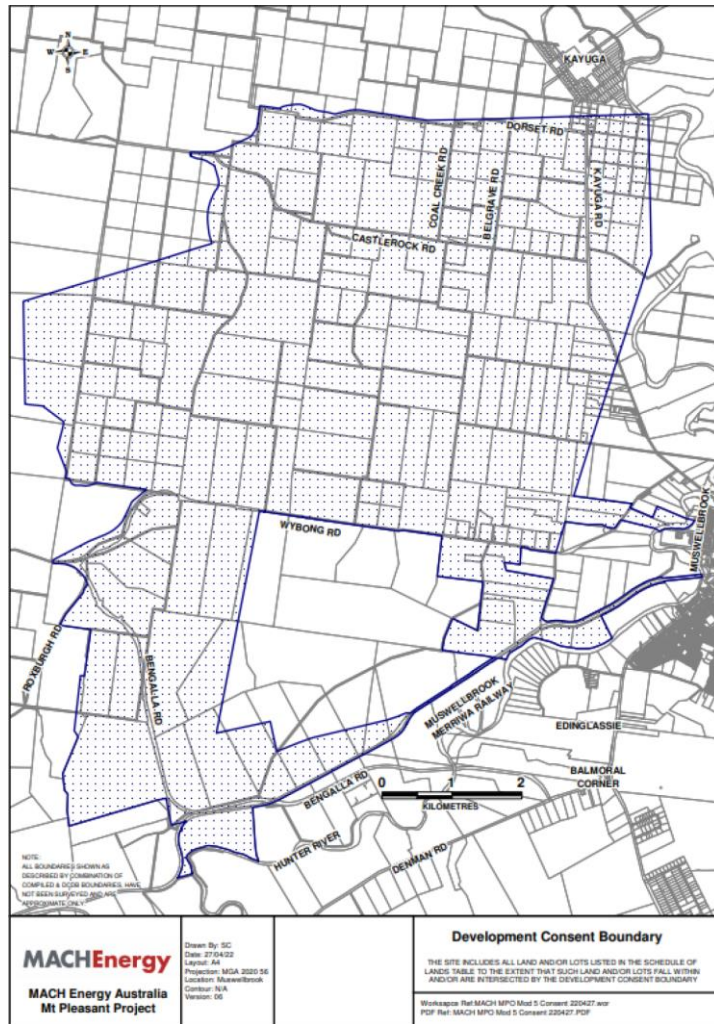
7A. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

11. In Appendix 1 Schedule of Lands, insert the following rows

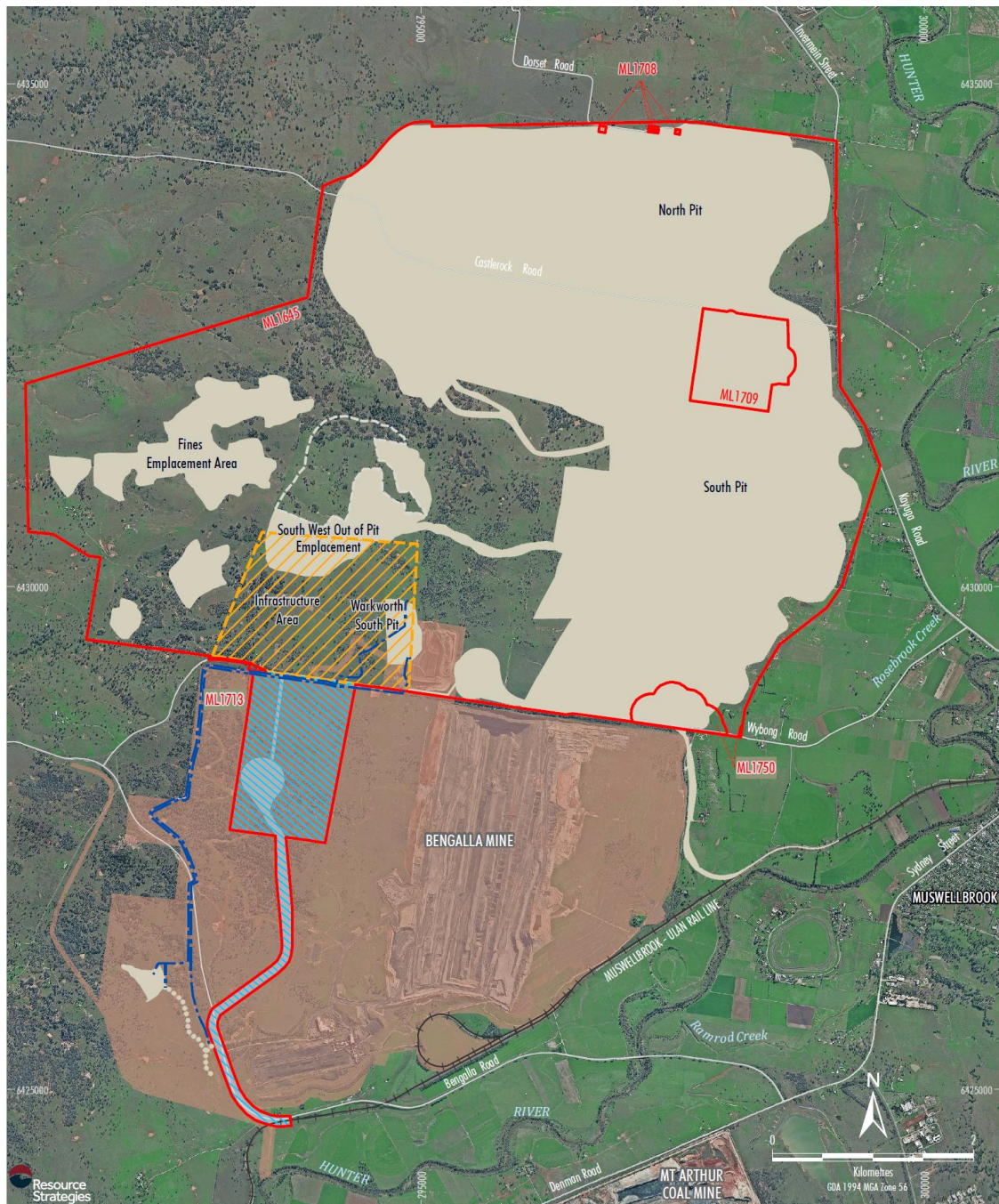
Tenure Type	Lot	Section	Deposited Plan Number
Freehold	1		718834
Freehold	2		561117
Freehold	10		236668
Freehold	91		620639

12. In Appendix 1 Schedule of Lands, delete the figure after the table and insert the following:



13. In Appendix 2, delete Figure 3, including its heading, and insert the following:

FIGURE 3 - APPROVED SURFACE DISTURBANCE PLAN



- LEGEND**
- Mining Lease Boundary
 - Approximate Extent of Approved Surface Development ¹
 - 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

End of modification