

# Notice of Modification

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Independent Planning Commission of NSW modifies the development consent referred to in Schedule 1, as set out in Schedule 2



Alan Coutts  
**Member of the Commission  
(Chair)**



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Sydney

24 August 2018

### SCHEDULE 1

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

### SCHEDULE 2

1. In the list of definitions, delete the terms "Conveyor/service corridor", "DPI Water", "NAG", "RMD" and "EEC", and their definitions, and insert the following terms and definitions in alphabetical order:

Conveyor/service corridor	The conveyor and supporting infrastructure approved to be located within the area shown in blue hatch in Figure 6.9 in EA (MOD 1)
Dol Water	Department of Industry - Water
DRG	Division of Resources and Geoscience within the Department
EA (MOD 3)	The Environmental Assessment titled <i>Mount Pleasant Operation Mine Optimisation Modification</i> prepared by MACH Energy Australia Pty Ltd, dated 31 May 2017, including the <i>Response to Submissions</i> and covering letter, dated 23 November 2017, provided by the Applicant in support of the application
Modification 3	The modification to the development as described in EA (Mod 3
NAG	Noise assessment group
2. After the list of definitions, delete all references to "DPI Water" and replace with "Dol Water".
3. After the list of definitions, delete all references to "RMD" and replace with "DRG".
4. In condition 2 of Schedule 2:
  - (a) in sub-paragraph (a), after "EA (MOD 2)" insert ", EA (MOD 3)"; and
  - (b) delete "plan" wherever occurring, and replace with "plans".
5. In condition 5 of Schedule 2, replace "2020" with "2026".
6. After condition 12 of Schedule 2, insert the following:

**APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS**

  13. The Applicant must continue to apply existing management strategies, plans or monitoring programs approved prior to the approval of Modification 3, until the approval of a similar plan, strategy or program following the approval of Modification 3.
7. Delete conditions 1 and 2 of Schedule 3, including headings, and replace with the following:

## ACQUISITION UPON REQUEST

1. If the Applicant receives a written request for acquisition from the owner of any land listed in Table 1, then the Applicant must acquire the land in accordance with the procedures in conditions 6-7 of Schedule 4.

*Table 1: Land subject to acquisition upon request*

<b>Basis</b>	<b>Receiver</b>
Noise	45, 47, 67, 96, 102, 108, 112, 118, 120, 120c, 121, 136, 143a, 143b, 147, 153a, 156a, 157a, 158, 159
Noise & Air	43, 43b
Air	20 <sup>2</sup> , 21 <sup>2</sup>

Notes:

1 To identify the locations referred to in Table 1, see the figures in Appendix 5.

2 The Applicant is only required to acquire and/or install mitigation measures at this property if acquisition and/or mitigation is not reasonably achievable under a separate approval for the Bengalla mine.

## ADDITIONAL MITIGATION UPON REQUEST

2. Upon receiving a written request from the owner of any residence on any land listed in Table 1 (unless the owner of that land has requested acquisition) or Table 2, the Applicant must implement additional:
  - (a) noise mitigation measures (such as double-glazing, insulation and/or air conditioning); and/or
  - (b) air quality mitigation measures (such as air filters, a first flush roof water drainage system and/or air conditioning),
 at the residence(s) in consultation with the owner.

These measures must be reasonable and feasible, and directed towards reducing the noise and/or air quality impacts of the development on the residence(s). The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.

If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

*Table 2: Land where additional mitigation measures are available on request*

<b>Basis</b>	<b>Receiver</b>
Noise	68, 74, 77, 79, 80a, 84a, 86a, 139, 140a, 140c, 154, 203, 257, 258, 259, 526

Notes:

1 To identify the locations referred to in Table 2, see the figures in Appendix 5.

8. In condition 3 of Schedule 3:
  - (a) delete the words "or on more than 25 percent of any privately-owned land"; and
  - (b) delete Table 3 and its Notes, and insert the following:

*Table 3: Noise criteria dB(A)*

<b>Receiver or other location</b>	<b>Day</b>	<b>Evening</b>	<b>Night</b>	
	<b>L<sub>Aeq</sub>(15min)</b>	<b>L<sub>Aeq</sub>(15min)</b>	<b>L<sub>Aeq</sub>(15min)</b>	<b>L<sub>A1</sub>(1min)</b>
68, 74	43	42	42	45
86a	42	42	42	45
35, 35b, 77	42	41	41	45
79, 80a, 140c, 526	41	41	41	45
289	41	40	40	45
23, 84a, 139, 154, 203, 257, 258a	40	40	40	45
83	40	39	39	45
86b, 140a, 202, 259	39	39	39	45
198, 202b	38	38	38	45
260, 261	37	37	37	45
169, 272	36	36	36	45
NAG 5 - All privately-owned land	41	40	39	45

NAG 6 - All privately-owned land	37	37	37	45
NAG 7 - All privately-owned land	40	37	37	45
NAG 8 - All privately-owned land	41	39	39	45
NAG 9 - All privately-owned land	39	38	37	45
NAG 11 - All privately-owned land	37	36	35	45
All other privately-owned land	35	35	35	45

Notes:

- To identify the locations referred to in Table 3, see the figures in Appendix 5.
- Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy, with the exception of the application of modifying factors under Fact Sheet C of the Noise Policy for Industry.

9. Delete condition 4 of Schedule 3, including its heading.
10. In condition 5 of Schedule 3:
  - (a) delete the words "or on more than 25 percent of any privately-owned land"; and
  - (b) in the first bullet point of the Notes to Table 5, delete the words "Appendices 5 and 6" and replace with "Appendix 5".
11. Delete condition 6 of Schedule 3, including its heading.
12. In condition 9 of Schedule 3, in sub-paragraph (c):
  - (a) delete the second bullet point and associated text; and
  - (b) insert the following:
    - accounts for the occurrence of any noise enhancement between the site, and any sensitive receivers located beyond the site boundary; and
    - includes a protocol for determining exceedances of the relevant conditions of this consent.
13. In condition 20 of Schedule 3:
  - (a) delete the words "or on more than 25 percent of any privately-owned land."; and
  - (b) delete table 8 and insert the following:

*Table 8: Long term criteria for particulate matter*

<b>Pollutant</b>	<b>Averaging Period</b>	<b><sup>d</sup>Criterion</b>
Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 25 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a</sup> 8 µg/m <sup>3</sup>

and;

- (c) delete table 9 and insert the following:

*Table 9: Short term criteria for particulate matter*

<b>Pollutant</b>	<b>Averaging Period</b>	<b><sup>d</sup>Criterion</b>
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>

14. In condition 35 of Schedule 3, delete the second instance of the words "the relevant".
15. Delete condition 37 of Schedule 3, including its heading, and replace with the following:

#### **Removal of Rail Loop and Infrastructure Corridor**

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 with the Applicant, 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.

16. After condition 41 of Schedule 3, insert the following:

**Thomas Mitchell Drive**

- 41A. The Applicant must contribute to the upgrade and maintenance of Thomas Mitchell Drive, proportionate to its impact (based on usage) on that infrastructure, in accordance with the Contributions Study prepared by GHD titled, “*Thomas Mitchell Drive Contributions Study, May 2015*”, as amended by the supplementary report dated, August 2018 (as amended from time to time), unless otherwise agreed with the Secretary.

For Thomas Mitchell Drive, the contributions must be paid to Council in accordance with:

- (a) the payment schedule in the Contributions Study for the upgrade works; and
  - (b) the maintenance schedule established in accordance with the Contributions Study during the life of the development
- unless otherwise agreed with Council.

*Notes:*

- *In making a determination about the applicable contribution/s under this condition, the Secretary will take into account the contributions already paid or required to be paid towards the upgrade and maintenance of the local road network in the Muswellbrook Local Government Area under this consent and any associated Planning Agreement with Council.*
- *If there is a dispute between the relevant parties about the implementation of this condition, then any party may refer the matter to the Secretary for resolution.*

17. Under the heading REHABILITATION, delete conditions 53-56 of Schedule 3, including their headings, and replace with the following:

**Rehabilitation Objectives**

53. The Applicant must rehabilitate the site to the satisfaction of DRG. This rehabilitation must be generally consistent with the conceptual final landform depicted in Figure 4 in Appendix 2, and comply with the objectives in Table 11.

**Table 11: Rehabilitation objectives**

<b>Feature</b>	<b>Objective</b>
All areas of the site affected by the development	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Fit for the intended post-mining land use/s</li> </ul>
Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> <li>• Restore self-sustaining native woodland ecosystems characteristic of vegetation communities found in the local area, as shown conceptually in Figure 4 in Appendix 2.</li> <li>• Establish areas of self-sustaining: <ul style="list-style-type: none"> <li>– riparian habitat, within any diverted and/or re-established creek lines and retained water features;</li> <li>– potential habitat for threatened flora and fauna species; and</li> <li>– wildlife corridors, as far as is reasonable and feasible, and as shown conceptually in Figure 4 in Appendix 2.</li> </ul> </li> </ul>
Areas proposed for agricultural land	<ul style="list-style-type: none"> <li>• Establish/restore grassland areas to support sustainable agricultural activities</li> <li>• Achieve the nominated land capability classification</li> </ul>
Other land affected by the development	<ul style="list-style-type: none"> <li>• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of local native plant species (unless DRG agrees otherwise)</li> </ul>
Final Landform	<ul style="list-style-type: none"> <li>• Stable and sustainable for the intended post-mining land use/s</li> <li>• Integrated with surrounding natural landforms</li> <li>• Incorporate micro-relief and drainage lines that are consistent with surrounding topography, to the greatest extent practicable</li> <li>• Maximise surface water drainage to the natural environment</li> </ul>

<b>Feature</b>	<b>Objective</b>
	(excluding final void catchment)
Final voids	<ul style="list-style-type: none"> <li>Designed as long term groundwater sinks to maximise ground water flows across back filled pits to the final void</li> <li>Minimise to the greatest extent practicable: <ul style="list-style-type: none"> <li>the size and depth of final voids;</li> <li>the drainage catchment of final voids;</li> <li>any high wall instability risk; and</li> <li>the risk of flood interaction</li> </ul> </li> </ul>
Surface infrastructure of the development	<ul style="list-style-type: none"> <li>To be decommissioned and removed, unless DRG agrees otherwise</li> </ul>
Rehabilitation materials	<ul style="list-style-type: none"> <li>Materials from areas disturbed under this consent (including topsoils, substrates and seeds) are to be recovered, managed and used as rehabilitation resources, to the greatest extent practicable</li> </ul>
Water quality	<ul style="list-style-type: none"> <li>Water retained on the site is fit for the intended post-mining land use/s</li> <li>Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation</li> </ul>
Community	<ul style="list-style-type: none"> <li>Ensure public safety</li> <li>Minimise adverse socio-economic effects associated with mine closure</li> </ul>

54. By the end of January 2019, unless otherwise agreed by the Secretary, the Applicant must prepare a Rehabilitation Strategy for the development to the satisfaction of the Secretary. This strategy must:
- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
  - be prepared in consultation with DRG and Council;
  - build upon the Rehabilitation Objectives in Table 11 and the conceptual final landform depicted in Figure 4 in Appendix 2, including identification of opportunities for increasing the areas of woodland and habitat connectivity within the rehabilitated landscape;
  - include details of the canopy, sub-canopy, understorey and ground strata species to be established in the rehabilitation areas, with a particular focus on ensuring the achievement of an appropriate level of diversity and mix of functional groups within each target community; and
  - include an indicative schedule for the staged rehabilitation of the development.

The Applicant must implement the approved strategy as approved from time to time by the Secretary.

### **Progressive Rehabilitation**

55. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

**Note:** *It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.*

### **Rehabilitation Management Plan**

56. By the end of January 2019, unless otherwise agreed by the Secretary, the Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of DRG. This plan must:
- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
  - be prepared in consultation with the Department, DoI Water, OEH, DPI, and Council;

- (c) be prepared in accordance with any relevant DRG Guideline;
- (d) describe how the rehabilitation of the site would achieve the objectives identified in Table 11 and the outcomes described in the Rehabilitation Strategy referred to in condition 54;
- (e) include a detailed plan for the reinstatement and review of the proposed:
- (f) agricultural land capability of grassland areas in the final landform, including a protocol for periodic trials to demonstrate that the land capability is being achieved; and
- (g) rehabilitated woodland areas and fauna habitat, including a protocol for periodic trials to demonstrate that the target vegetation community is being achieved;
- (h) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and for triggering remedial action (if necessary);
- (i) describe the measures to be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform (including final voids), final land use/s and water management in the final landform;
- (j) include procedures for the use of interim stabilisation and temporary vegetation strategies, where reasonable to minimise the area exposed for dust generation;
- (k) include a program to monitor, independently audit and report on the effectiveness of the measures in condition 56(g), and progress against the detailed performance and completion criteria in condition 56(f);
- (l) to the maximum extent practicable build on and integrate with the other management plans required under this consent; and
- (m) include detailed scheduling for progressive rehabilitation to be initiated, undertaken and/or completed over the next three years.

The Applicant must implement the approved management plan as approved from time to time by DRG.

18. In condition 3 of Schedule 4, in sub-paragraph (a), before the words "more than one mine", delete the word "the".
19. Delete Appendices 1 and 2, including the headings, and replace with the following:

# 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		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
Freehold	1		1137590

Tenure Type	Lot	Section	Deposited Plan Number
State Rail Authority (Crown)	1		1129338
Freehold	1		1199733
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		998239
Freehold	2		1081385
Freehold	2		1234475
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
Freehold	3		998477
Freehold	3		1183514
Freehold	3		1199733
Freehold	3		1234475

Tenure Type	Lot	Section	Deposited Plan Number
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
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
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
Freehold	6		1234475
Freehold	7		112742
Freehold	7	2	192121
Freehold	7		236668
Freehold	7		749716
Freehold	7		821183
Freehold	7		1199733
Freehold	7		1234475
Freehold	8		255048
Freehold	8		821183

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	8		821183
Road	8		1072668
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	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
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



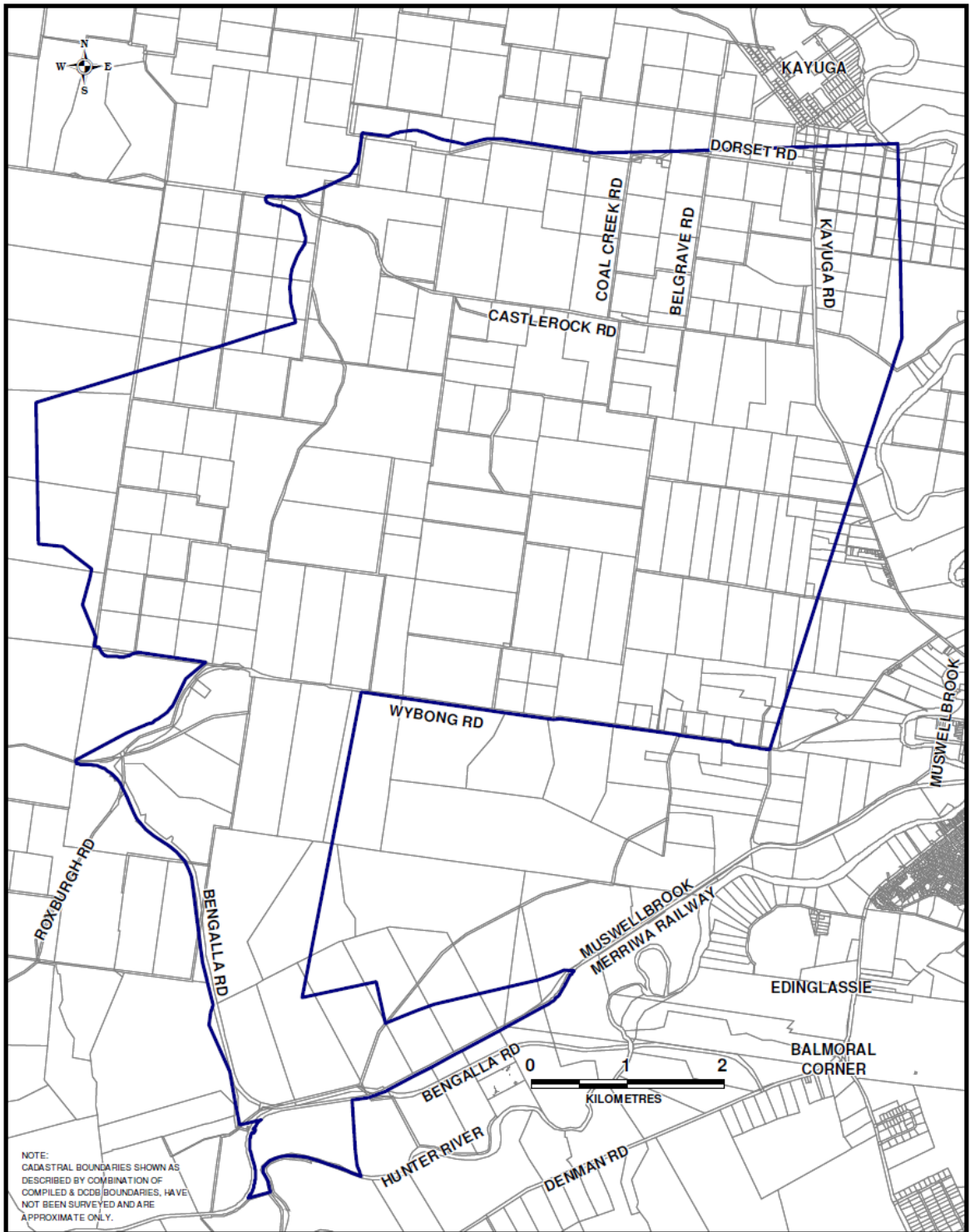
Tenure Type	Lot	Section	Deposited Plan Number
Freehold	18		1072668
Freehold	19		112742
Freehold	19		750926
Road	19		1072668
Freehold	20		112742
Freehold	20		747226
Freehold	20		1072668
Freehold	21		554140
Freehold	21		750926
Freehold	22		554140
Freehold	22		776758
Freehold	22		870608
Freehold	22		1041946
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
Freehold	41		750926
Freehold	42		750926
Freehold	43		750926
Freehold	43		792447
Freehold	44		750926
Freehold	45		750926
Freehold	50		809718
Freehold	51		809718
Freehold	71		750926
Freehold	72		750926
Freehold	73		750926
Freehold	74		750926
Freehold	86		750926

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	90		750926
Crown	90		1215947
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		750926
Freehold	124		750926
Freehold	125		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
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

Tenure Type	Lot	Section	Deposited Plan Number
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
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Freehold	238		750926
Freehold	239		750926
Freehold	240		750926
Freehold	241		750926
Freehold	242		750926
Freehold	251		750926
Freehold	253		750926
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

Tenure Type	Lot	Section	Deposited Plan Number
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
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	
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	
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.



**MACH**Energy

MACH Energy Australia  
Mt Pleasant Project

Drawn By: SC  
Date: 15/03/18  
Layout: A4  
Projection: MGA 56  
Location: Muswellbrook  
Contour: N/A  
Version: 01

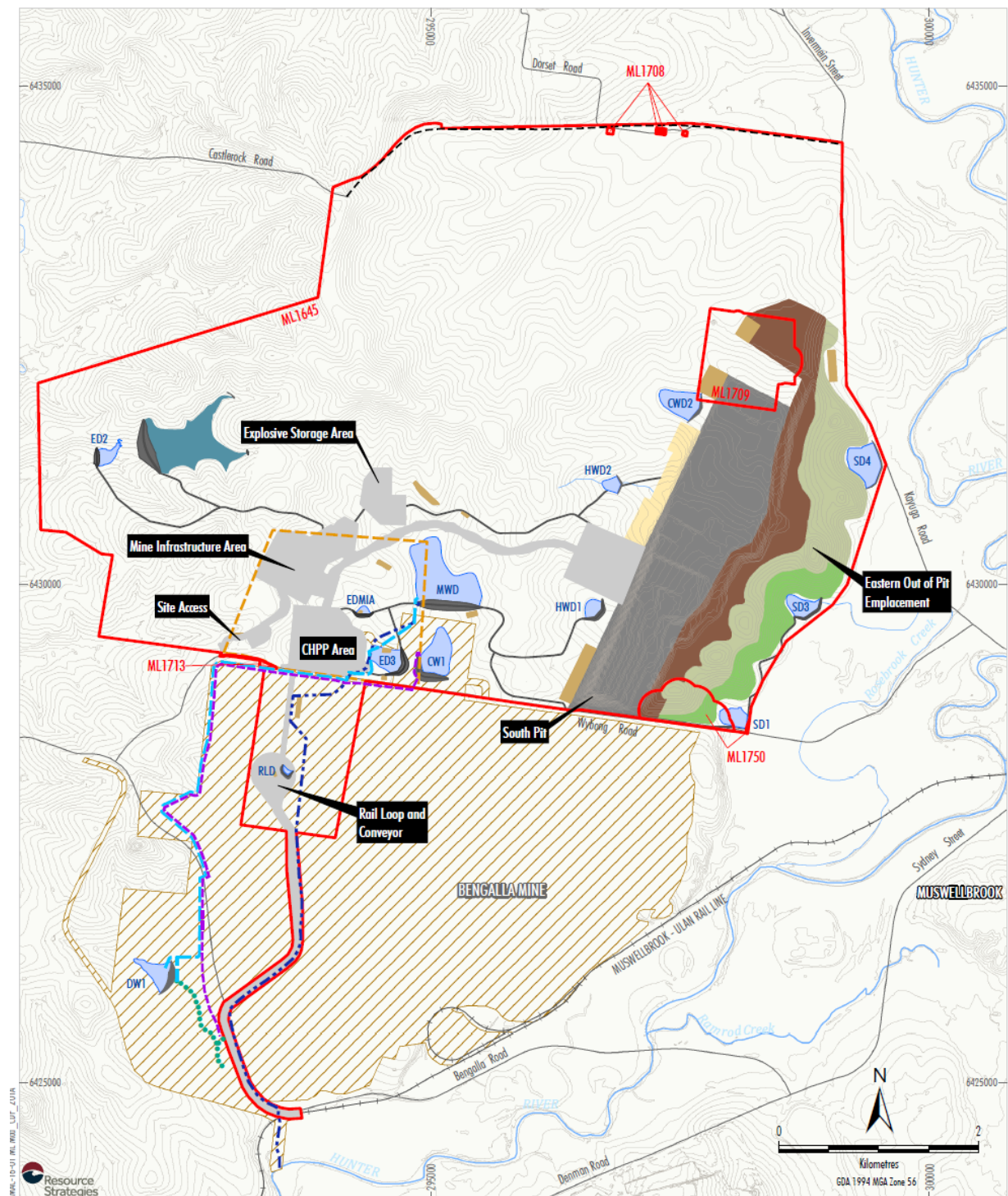
### Development Consent Boundary

THE SITE INCLUDES ALL LAND AND/OR LOTS LISTED IN  
THE SCHEDULE OF LANDS TABLE TO THE EXTENT THAT  
SUCH LAND AND/OR LOTS FALL WITHIN AND/OR ARE  
INTERSECTED BY THE DEVELOPMENT CONSENT BOUNDARY

Workspace Ref: MACH Mod 3 Consent Lot Correlation 180315.wor  
PDF Ref: MACH Mod 3 Consent Lot Correlation 180315.PDF

## APPENDIX 2

### FIGURE 1 - CONCEPTUAL PROJECT LAYOUT PLAN AT 2021



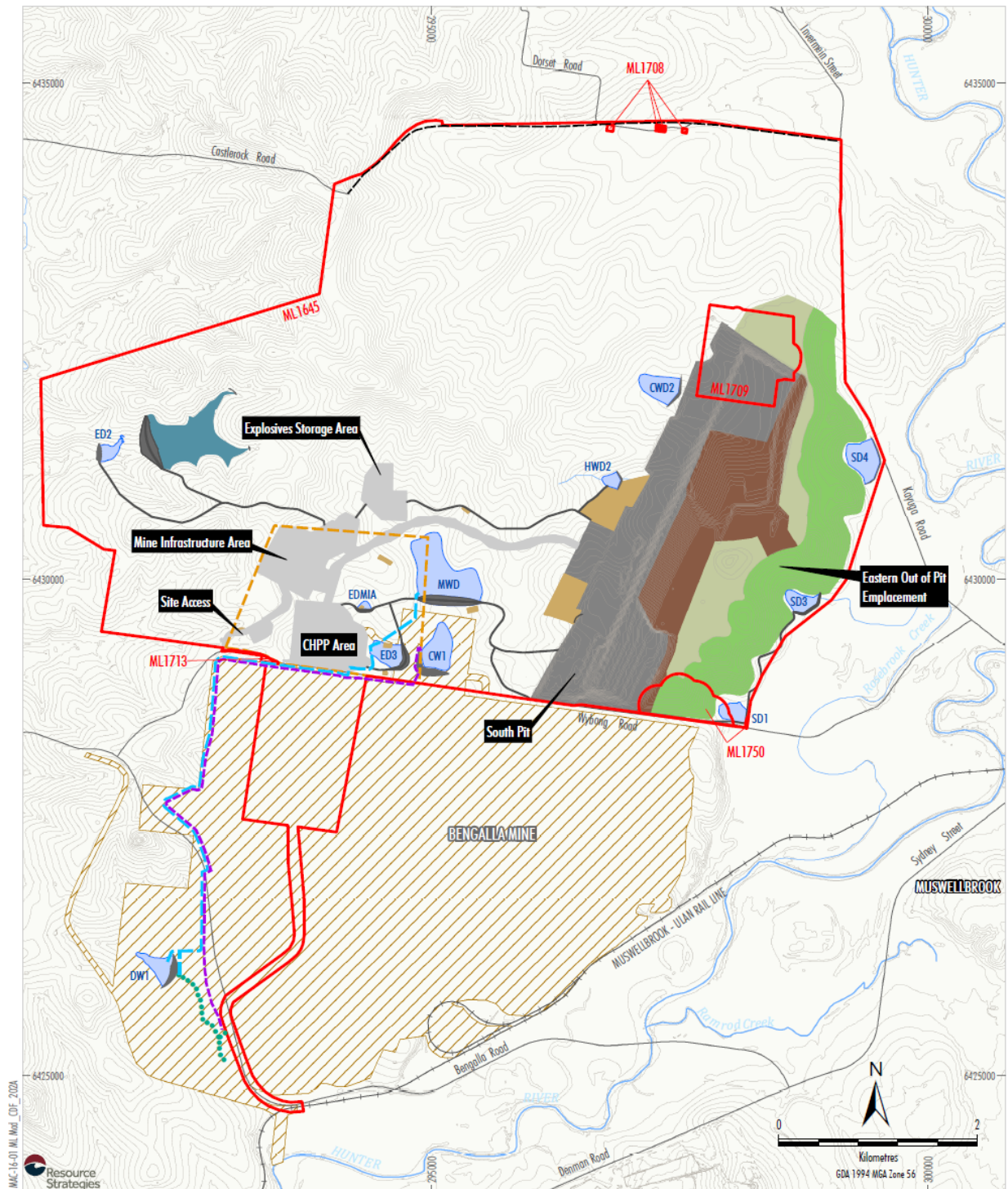
- |  |   |
|--|---|
| <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Mining Lease Boundary</li> <li><span style="border: 2px dashed orange; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Bengalla Mine Approved Disturbance Boundary (SSD-5170)</li> <li><span style="border: 2px dashed yellow; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Infrastructure Area Envelope</li> <li><span style="background-color: yellow; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Active Shipping Area</li> <li><span style="background-color: grey; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Active Mining Area</li> <li><span style="background-color: brown; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Active Overburden Emplacement Area</li> <li><span style="background-color: tan; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Topsoil Stockpile</li> <li><span style="background-color: lightgreen; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Initial Rehabilitation</li> <li><span style="background-color: green; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Established Rehabilitation</li> <li><span style="background-color: lightgrey; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Infrastructure and Borrow/Stockpile Area</li> <li><span style="border-bottom: 2px solid black; display: inline-block; width: 20px; margin-right: 5px;"></span> Access Road</li> <li><span style="border-bottom: 2px dashed black; display: inline-block; width: 20px; margin-right: 5px;"></span> Northern Link Road</li> </ul> | <p><b>Indicative Water Pipeline Alignment</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 2px dashed blue; display: inline-block; width: 20px; margin-right: 5px;"></span> MPO Hunter River Supply Pipeline</li> <li><span style="border-bottom: 2px dashed cyan; display: inline-block; width: 20px; margin-right: 5px;"></span> MPO DW1 Pipeline (Bi-directional)</li> <li><span style="border-bottom: 2px dashed magenta; display: inline-block; width: 20px; margin-right: 5px;"></span> Bengalla Mine CW1 Pipeline</li> <li><span style="border-bottom: 2px dotted green; display: inline-block; width: 20px; margin-right: 5px;"></span> Approximate Extent of Scour Protection</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; margin-right: 5px;"></span> Water Dam</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkblue; margin-right: 5px;"></span> Fines Emplacement Area</li> </ul> |
|--|---|

Source: NSW Land & Property Information (2017); NSW Division of Resources & Energy (2017); MACH Energy (2017)

**MACHEnergy**  
MOUNT PLEASANT OPERATION



**FIGURE 2 - CONCEPTUAL PROJECT LAYOUT PLAN AT 2025**



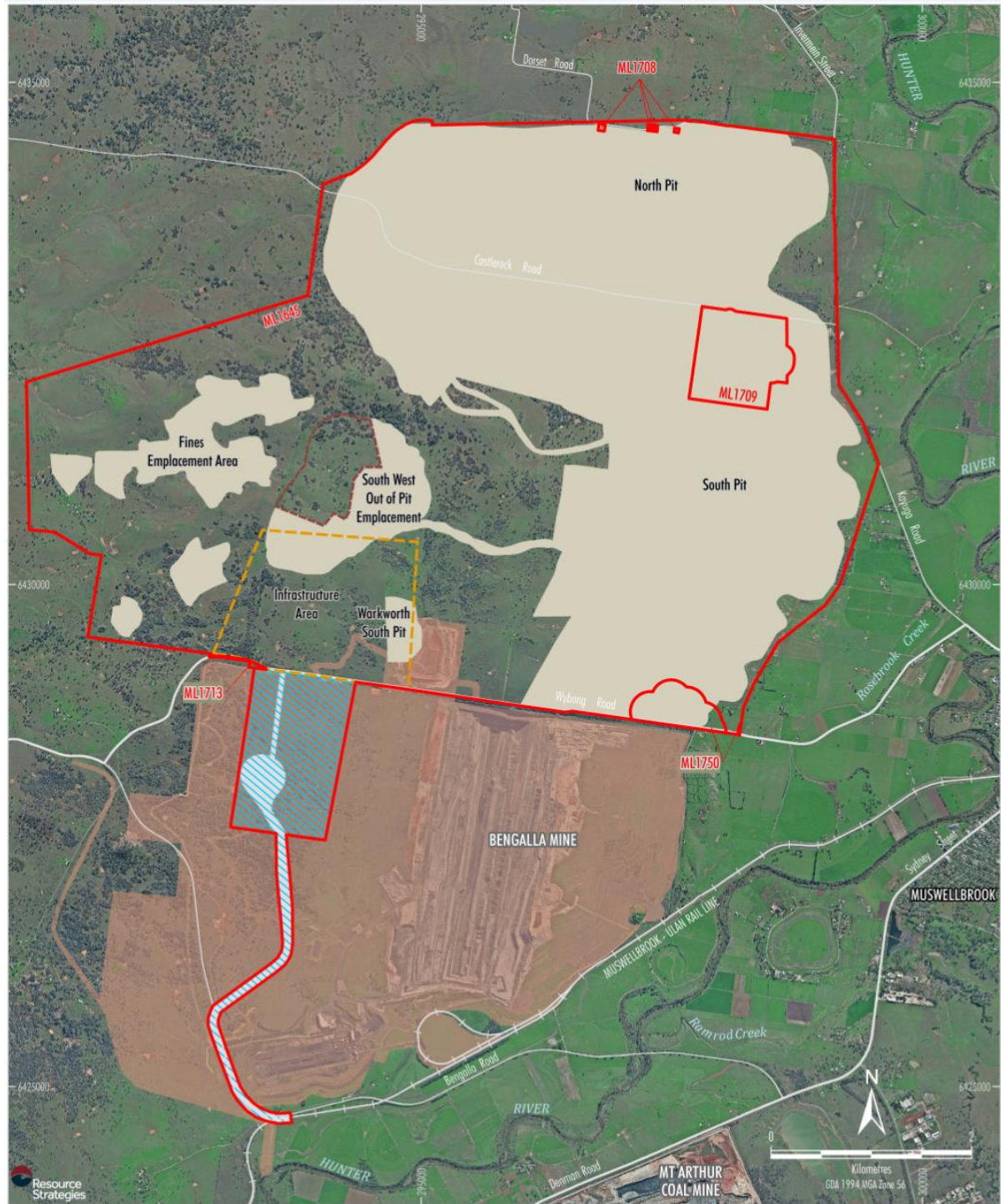
- LEGEND**
- Mining Lease Boundary
  - Bengalla Mine Approved Disturbance Boundary (SSD-5170)
  - Infrastructure Area Envelope
  - Active Mining Area
  - Active Overburden Emplacement Area
  - Topsoil Stockpile
  - Initial Rehabilitation
  - Established Rehabilitation
  - Infrastructure and Borrow/Stockpile Area
  - Access Road
  - Northern Link Road
  - Indicative Water Pipeline Alignment
  - MPO DW1 Pipeline (Bi-directional)
  - Bengalla Mine CW1 Pipeline
  - Approximate Extent of Scour Protection
  - Water Dam
  - Fines Emplacement Area

Source: NSW Land & Property Information (2017); NSW Division of Resources & Energy (2017); MACH Energy (2017)

**MACHEnergy**  
MOUNT PLEASANT OPERATION



**FIGURE 3 - APPROVED SURFACE DISTURBANCE PLAN**



MAC-16-01 ML Mod\_CDF\_2030

- LEGEND**
- Mining Lease Boundary
  - Infrastructure Area Envelope
  - Indicative Offsite Coal Transport Infrastructure
  - Approximate Extent of Approved Surface Development (1997 EIS Year 20, as modified)\*
  - Area Relinquished for Overburden Emplacement and Major Infrastructure\*
  - Infrastructure to be removed under the Terms of Condition 37, Schedule 3
  - Bengalla Mine Approved Disturbance Boundary (SSD-5170)

Notes: \* 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, other ancillary works and construction disturbance.

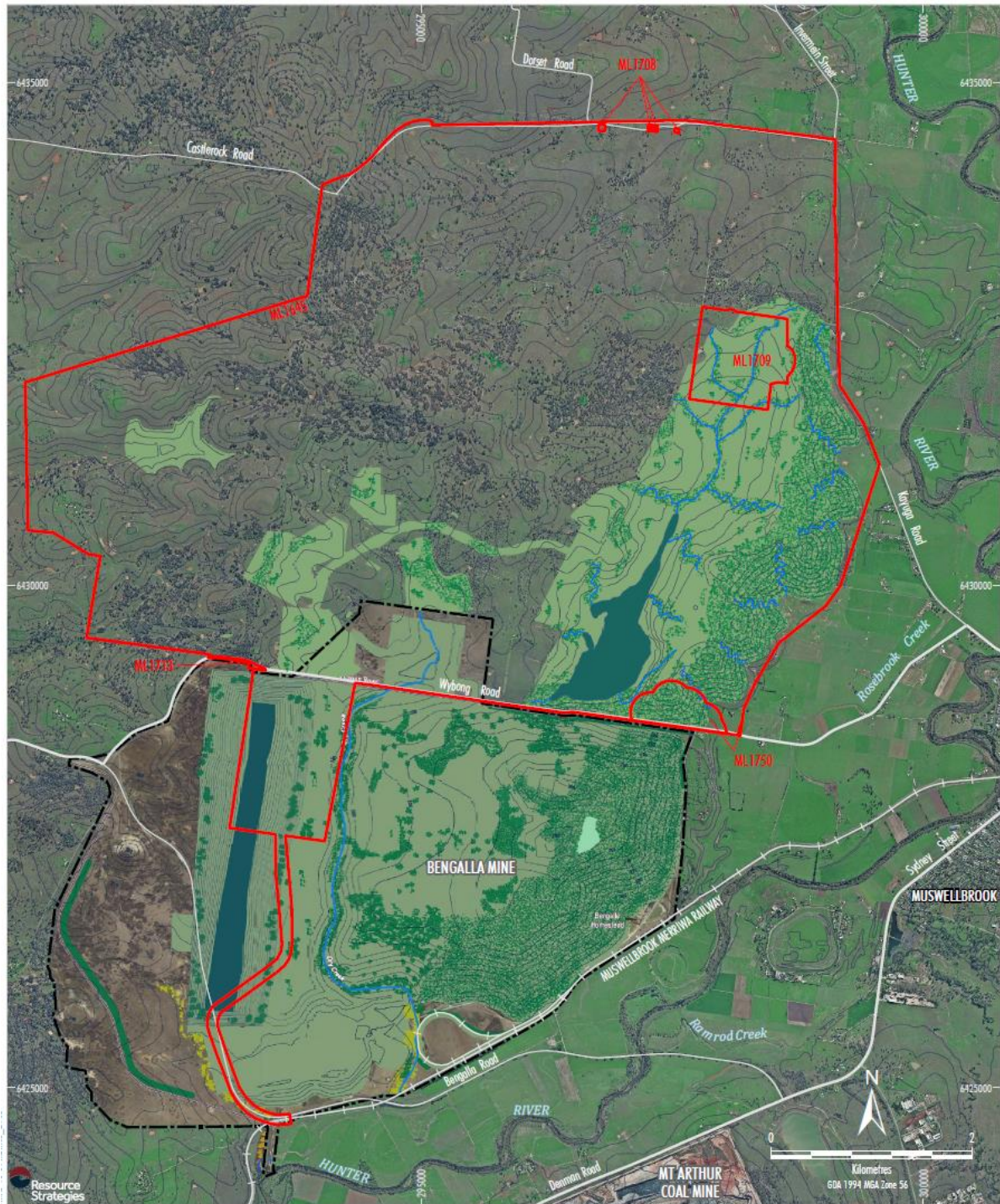
\* Relinquishment excludes more flexible and relatively minor infrastructure such as light vehicle roads, disturbance associated with monitoring, water management structures and other ancillary infrastructure.

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

**MACH Energy**  
MOUNT PLEASANT OPERATION



FIGURE 4 - CONCEPTUAL FINAL LANDFORM



- LEGEND**
- Mt Pleasant Mining Lease Boundary
  - Final Void
  - Final Rehabilitation
  - Bengalla Mine Conceptual Final Landform\*
  - Project Boundary (Appendix 2 of Development Consent SSD-5170) (Dated 23 December 2016)
  - Dry Creek
  - Final Void Lake
  - Rehabilitation
  - Rehabilitation Class III
  - Indicative Tree Screens (or equivalent)
  - Treed Rehabilitation
  - Indicative Restorative Area

\* Digitised from Appendix 9 of Development Consent (SSD-5170) and amended in the Mount Pleasant Operation CHPP area.

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

**MACHEnergy**  
MOUNT PLEASANT OPERATION  
Conceptual Final Landform  
(2026)

Figure 32

20. In Appendix 3, after the existing commitments but prior to the Note, insert the following:

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 with MACH Energy 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.*

21. Delete Appendices 5, 6 and 7, including the headings, and replace with the following:



## APPENDIX 5

### LAND OWNERSHIP, RECEIVER LOCATIONS AND NOISE ASSESSMENT GROUPS

Ref No	Landholder	Ref No	Landholder	Ref No	Landholder
1	MACH ENERGY AUSTRALIA PTY LTD	182	JG & AJ SADLER	302	MJ & MJ DUNCAN
2	BENGALLA MINING COMPANY PTY LTD	189	OB O'BRIEN	305	RH ENGLEBRECHT
3	ANGLO COAL (DARTBROOK MANAGEMENT) PTY LTD	191	JA & JE FIBBINS	400	ROSSGOLE PASTORAL COMPANY PTY LTD
4	JR SCRIVEN	192	IG & CW INGLE	401	JL & DG DAY
5	COAL OPERATIONS AUSTRALIA LTD	193	GM & KL SMITH	402	PC BRITTAN
6	MUSWELLBROOK RACE CLUB LTD	194	TC & JBA HARRIS	403	WILCROW PTY LTD
7	MUSWELLBROOK COAL COMPANY LTD	195	T & RK YOUNG	404	JL & DG & RW DAY
8	MANGOOLA COAL OPERATIONS PTY LTD	198	TJ & NP GOLDRICK	405	GL & JL DANIELS
19	DP ENGLEBRECHT	199	NA BURLING	406	LE & SR HOLDSWORTH
20	KB & JA BARNETT	200	R EASTON	407	AD LONERGAN
21	MJ MCGOLDRICK	201	PA & MP O'BRIEN	408	SN BATEMAN
23	JABETIN PTY LTD	202	DN RAPHAEL	409	AP CORLISS
35	C HORNE	203	RF & MA MILLARD	410	V BATEMAN
43	JB MOORE	206	WJ HARDES	411	DL CADDEY
45	BA & TE STRACHAN	207	SW & KL BARKLEY	412	JA BAILEY
47	BL & ML BATES	208	FK & WDG ALMOND & PW HUME	413	MJH LUMBY
67	JM SIMPSON	212	DR & CJ TUBB	414	PG LUCK
68	RK & NV GOOGE	213	ENGLEBRECHT RACING STABLES PTY LTD	415	SJ FRANKLAND
74	N & M SORMAZ	214	AL THOMSON-WEIR & RC WEIR	416	RV MITCHELL
77	DM PURSER	215	WJ & CB MCINTOSH	417	M & JA CASTELLANA
79	DW ADNUM	216	NU KEEVERS	418	PB WATTS
80	WJ ADNUM	217	RRA FARNSWORTH	419	KM BATES & TG WOODS
82	CK BIRCH	218	SY JOHNSON	420	D COLLINS
83	LG & CM KELMAN	219	GL & KL ANDREWS	421	GW RICHARDS
84	GE PITMAN	220	RA BYRNES & MA MOLLER	422	ME DANIELS
86	COWTIME INVESTMENTS PTY LTD	221	TD BARRON	423	DB WRIGHT
96	RP GRAY	222	ML & EA SWEENEY	424	TJ & AD & J LONERGAN & DM MCGUIGAN
102	AJPS MATHER	223	MC & LJ DOBIE	425	JE LONERGAN
108	JS GIBSON	224	DL ROBINSON	426	J BIRCH
112	BD BARRY	225	MR CRANFIELD & JR GLEESON	427	IJ BYFIELD
118	JM & CA HAYES	249	TW ROOTS	428	JM GOWING
120	DL & PA MOORE	252	RM & KF MERRICK	429	KP & MD & JJ COLLINS & ML WILLIAMSON
121	C & JM MOORE	257	PG & CM LANE	430	DJ HULBERT
136	DG YORE	258	NU & RY ELLIS	431	GJ DAY
139	RW & LP UPTON	259	MR PEEL	432	REN & TR ADAM & KL CONE
140	DAPKOS PTY LTD	260	PSJ MURRAY	433	CJ ASHFORD & JP BRENNAN
143	JS & NM LONERGAN	261	PR ELLIS	434	GJ & RL JONES
147	MJ & RG ADNUM	271	DE KILGANNON & DS MACDOUGALL	435	MN FRASER
153	GM CASEY	272	GC SPARRE	436	MEDEGATE PTY LTD
154	PD & F STANDING	273	IJ & CM RICHARDS	437	BG & S CANVIN
156	JE & JL LONERGAN	280	MONADELPHOUS PROPERTIES PTY LTD	438	WALFERTAN PROCESSORS PTY LTD
157	RB PARKINSON	281	JR & JA BUCKLEY	439	PITNACREE (BLAIRMORE) PTY LTD
158	JM HOATH	282	JE ANDERSON & KL & J CAMPBELL & MV & DJ & SE & TP HALLETT	440	DARLEY AUSTRALIA PTY LTD
159	JE & MS DUCEY			441	MACQUEEN PROJECTS PTY LTD
169	L GREENSILL & J WATTUS	283	SRP & RF RAY	442	WJ BOURKE
172	RL & CE THOMPSON	285	THE NEW SOUTH WALES GREYHOUND BREEDERS OWNERS & TRAINERS ASSOCIATION LTD	443	RG & K BRADLEY
173	TL KING & JA WARD			444	JW & VL BRACE
174	TJ & ML POWER	286	MUSWELLBROOK SHIRE COUNCIL	445	AUSGRID
176	JAF & LA ALLAN	287	TELSTRA CORPORATION LTD	446	W CLARKE & G HURST & W KELYMACK & G LANE & G WOOLNOUGH
177	FW & HM & SA WHEATLEY	288	LA & JM WEBSTER	447	NM & JS LONERGAN
178	PA NEELY	289	RA & EA LAWMAN	448	JS LONERGAN
179	FW WHEATLEY	292	GR & MK WALSH	449	KM LEE
180	FA WHEATLEY & SON PTY LTD	293	MG & LJ LATHAM	450	KL & GM SMITH
181	KL & HR DAY PTY LTD	296	JM WILD		

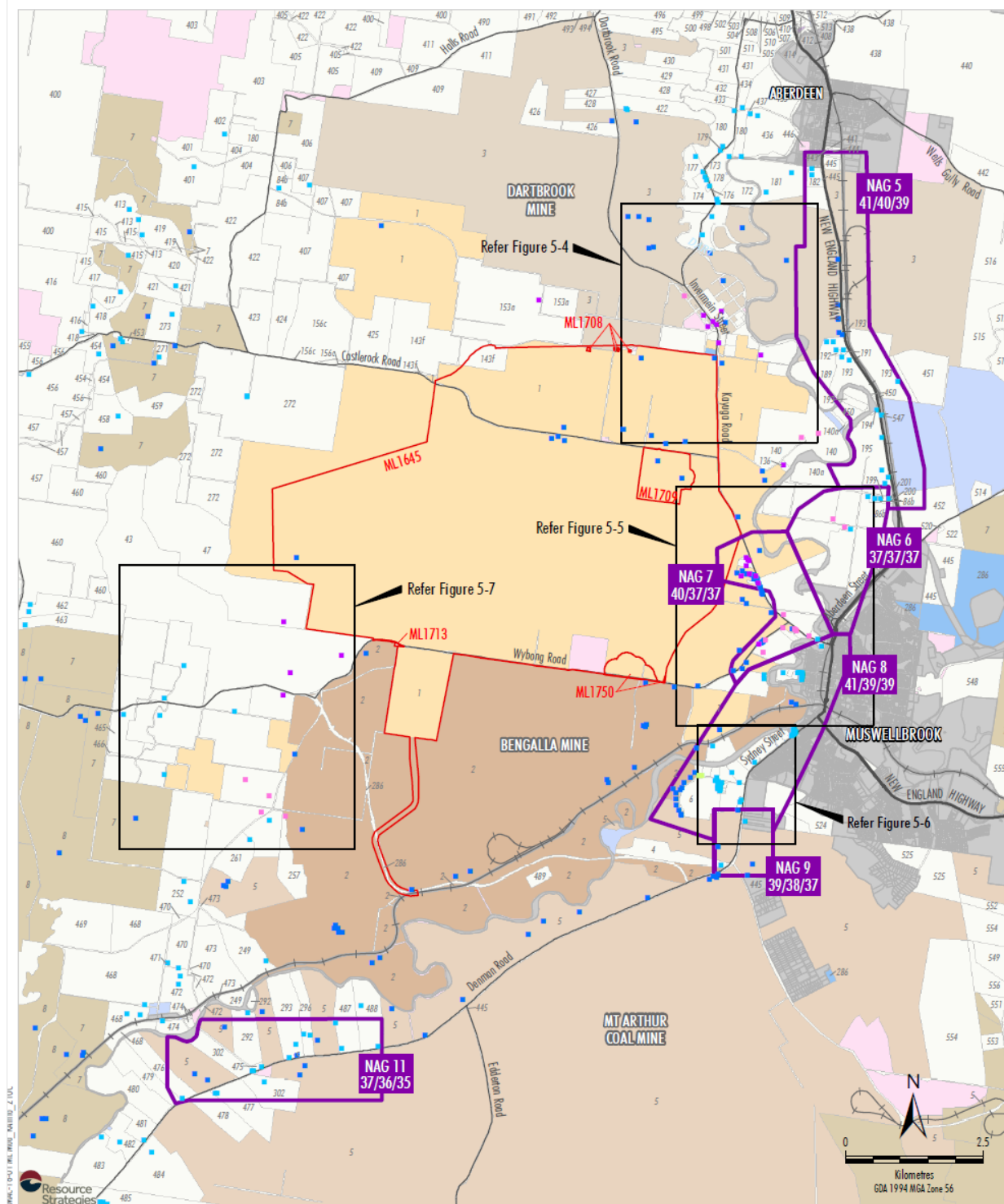
Source: NSW Land & Property Information (2018)

Figure 5-1

Ref No	Landholder	Ref No	Landholder
451	GK & HM SANSOM	506	SA & RP WITHERS
452	AJR MADDEN	507	NE GOLLAN
453	SC & ME DEVER	508	VG FOSTER
454	AP & PE MC MANUS	509	GJ DAY & J WATTUS
455	RP KEAST	510	YR & SG WILKS
456	GT KEAST	511	MJ & KM FARRELL
457	AM PRATT	512	GR & EA MEDHURST
458	HJ WRIGHT	513	DC & GJ WILTON
459	AJ & LL MARTIN	514	BROADCAST AUSTRALIA PTY LTD
460	RG GOWING	515	SB & JA REICHEL
462	SH JENNAIR	516	MP CLIFFORD
463	IV & CA INGOLD	517	FL COLEMAN & JC THOMAS
464	KL BALMER & JL SMITH	518	VM FRENCH
465	FN & WL GOOGE	520	JEHOVAH'S WITNESSES CONGREGATIONS
466	GT MCNEILL	522	BJ & VR PASSLOW
467	MWJ & LC WALTON	523	HG & MG COPE & PM & FP FARRELL
468	S.R. & J.W. LAWSON (LUNDISFARNE) PTY LTD	524	G GILLFEATHER
469	FN GOOGE	525	IR & F WEBBER
470	JI & PJ BROWN	526	DL WICKS
471	PJ BROWN	527	DJ & GH CORK
472	JDM MARKHAM	528	AS CHICK
473	MR & M PEEL	529	TH HAMILTON & AM SMITH
474	AA & BT MEYER	530	SC & NJ BULLARD & JM HARRISON
475	EJ & CA DENTON	531	GJ & EA MUNZENBERGER
476	LA & CA MACPHERSON	532	VL ROSE
477	MW TURNER	533	MJ BROWN
478	RL ANGUS	534	EE MARKS
479	HM WENG & FYP ZHU	535	GL & DN HORTON
480	HR & BC GRUGEON	536	LJ CUMMINS
481	RL WILKS	537	TJ D'HERVILLE
482	DJ PHILLIPS	538	KD POWER & T VERO
483	RW JONES	539	PH CURTAIN & CA SINGLETON
484	TR & KM PAULSEN	540	GRENTILL PTY LTD
485	PR & M BURGMANN	541	JG HINDER & VG MATHEWS
486	GW & HM BLAKE	542	PE & GJ CHAPMAN
487	E RANKIN	543	KD CLOSE
488	E & WJ RANKIN	544	DS & RM NEWTON
489	ALIFORM PTY LTD	545	JA GREEN
490	RL GORDON	546	SJ SCOTT
491	PW GILLIGAN	547	LA & FK & G BRYANT
492	HM & CR GOODSSELL	548	WANARUAH LOCAL ABORIGINAL LAND COUNCIL
493	AW & JC YOUNG	549	TTW KEAST & RA SUMNER
494	BJ & K FLAHERTY	550	SR PAGE
495	DAVHAM NOMINEES PTY LTD	551	PA & SL RYAN
496	RW DAVIS	552	MT PERRAM
498	SCONE POLO CLUB INCORPORATED	553	MF & AV DOHERTY
499	RD & TL JONES	554	K CASBEN
500	GWRD HOLDINGS PTY LTD	555	GLENDOWER PASTORAL CO PTY LTD & GYARRAN PTY LTD
501	JW TAYLOR	556	CS JACOBSEN
502	LC SCOWEN	557	CJ & LE DUCK
503	JR GORDON		
504	MT O'CONNELL		
505	GC O'HARA		

Sources: NSW Land & Property Information (2018)

Figure 5-2



- LEGEND**
- Mining Lease Boundary
  - Muswellbrook and Upper Hunter LEPs Zones B2, B5, IN1, SP2, R2, R5, RE1, RE2 and W1
  - Crown
  - Crown/State of NSW
  - The State of NSW
  - Muswellbrook Shire Council
  - Upper Hunter Shire Council
  - Mount Pleasant Controlled
  - Bengalla Controlled
  - Dartbrook Controlled
  - Mt Arthur Controlled
  - Other Mining/Resource Company Controlled
  - Privately Owned Land

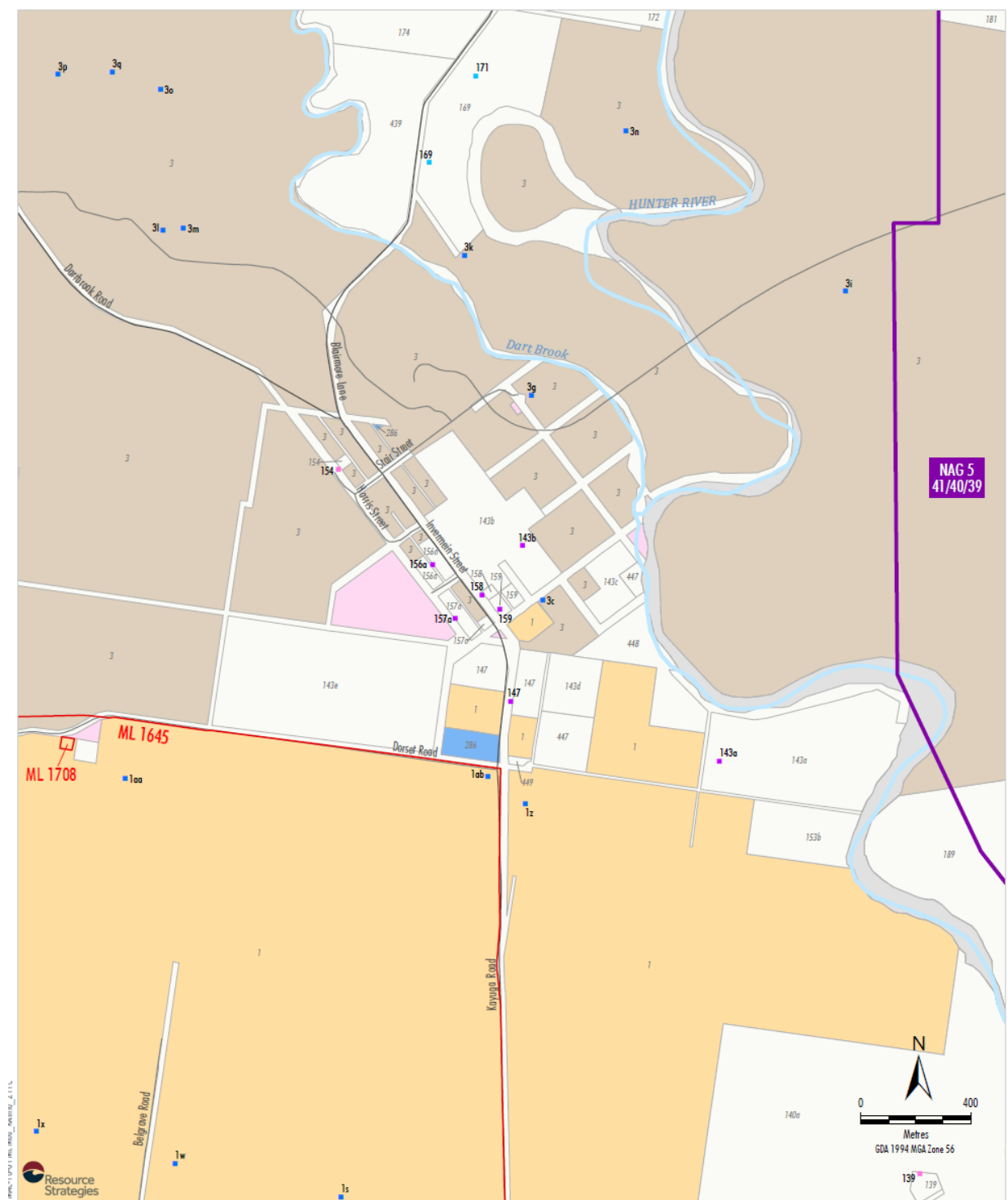
- Mine-owned Dwelling
- Privately-owned Residence - MPO Acquisition on Request
- Privately-owned Residence - MPO Acquisition on Request \*
- Privately-owned Residence - MPO Mitigation on Request
- Other Privately-owned Residence
- Noise Assessment Group (NAG)
- 37/36/35 Default NAG Noise Criteria for Day/Evening/Night

\* MPO is only required to acquire and/or install mitigation measures at this property if acquisition and/or mitigation is not reasonably achievable under a separate approval for the Bengalla Mine.

Source: NSW Land & Property Information (2017); NSW Division of Resources & Energy (2017)

**MACHEnergy**  
MOUNT PLEASANT OPERATION  
Land Ownership

Figure 5-3



- LEGEND**
- Mining Lease Boundary
  - Muswellbrook and Upper Hunter LEPs Zones B2, B5, IN1, SP2, R2, R5, RE1, RE2 and W1
  - Crown
  - Muswellbrook Shire Council
  - Mount Pleasant Controlled
  - Dartbrook Controlled
  - Privately Owned Land
  - Noise Assessment Group (NAG)
  - Default NAG Noise Criteria for Day/Evening/Night

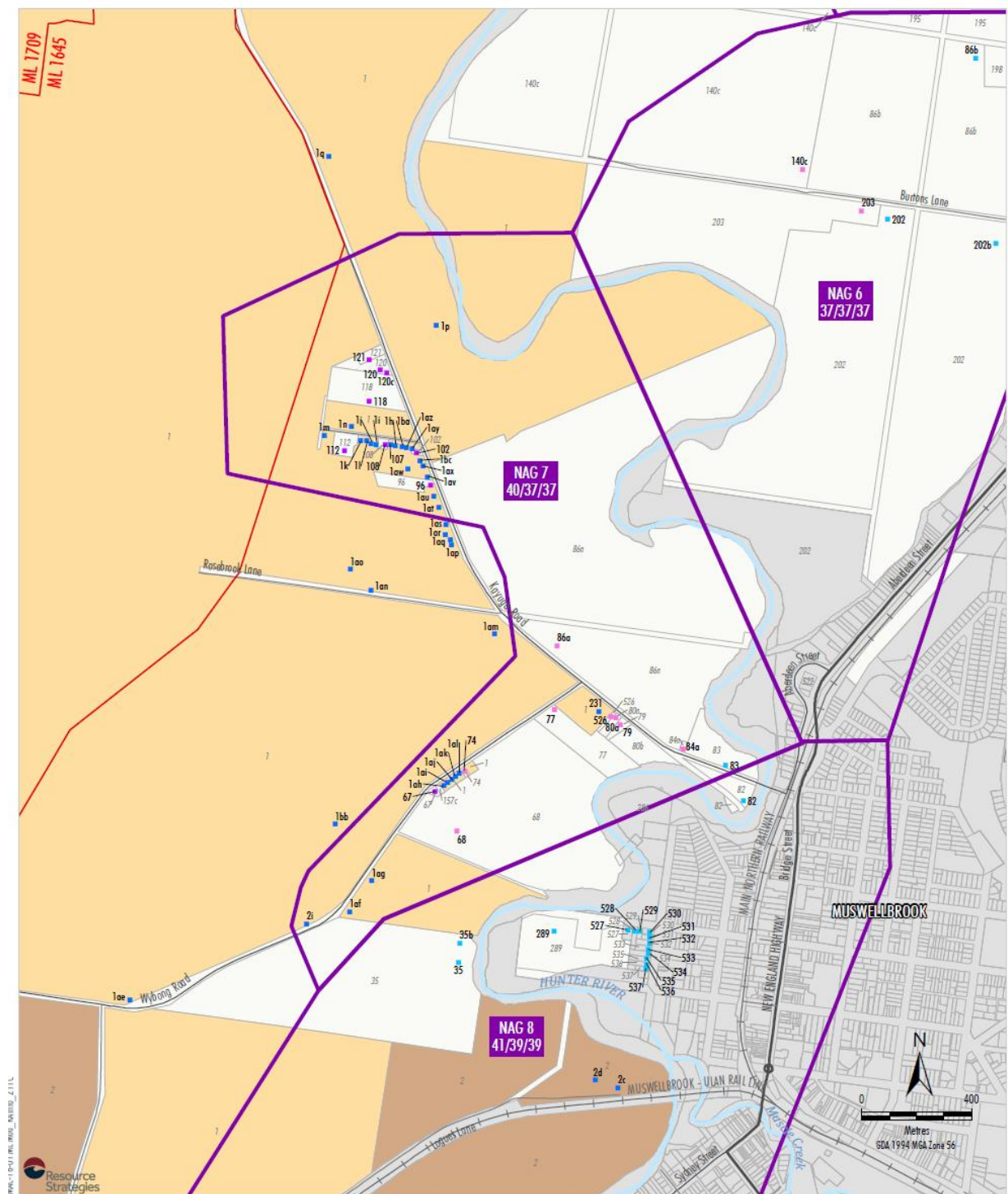
- Mine-owned Dwelling
- Privately-owned Residence - MPO Acquisition on Request
- Privately-owned Residence - MPO Mitigation on Request
- Other Privately-owned Residence

Source: NSW Land & Property Information (2016); NSW Division of Resources & Energy (2016); MACH Energy (2016)

**MACHEnergy**  
MOUNT PLEASANT OPERATION  
Land Ownership  
Dartbrook Inset

**Figure 5-4**





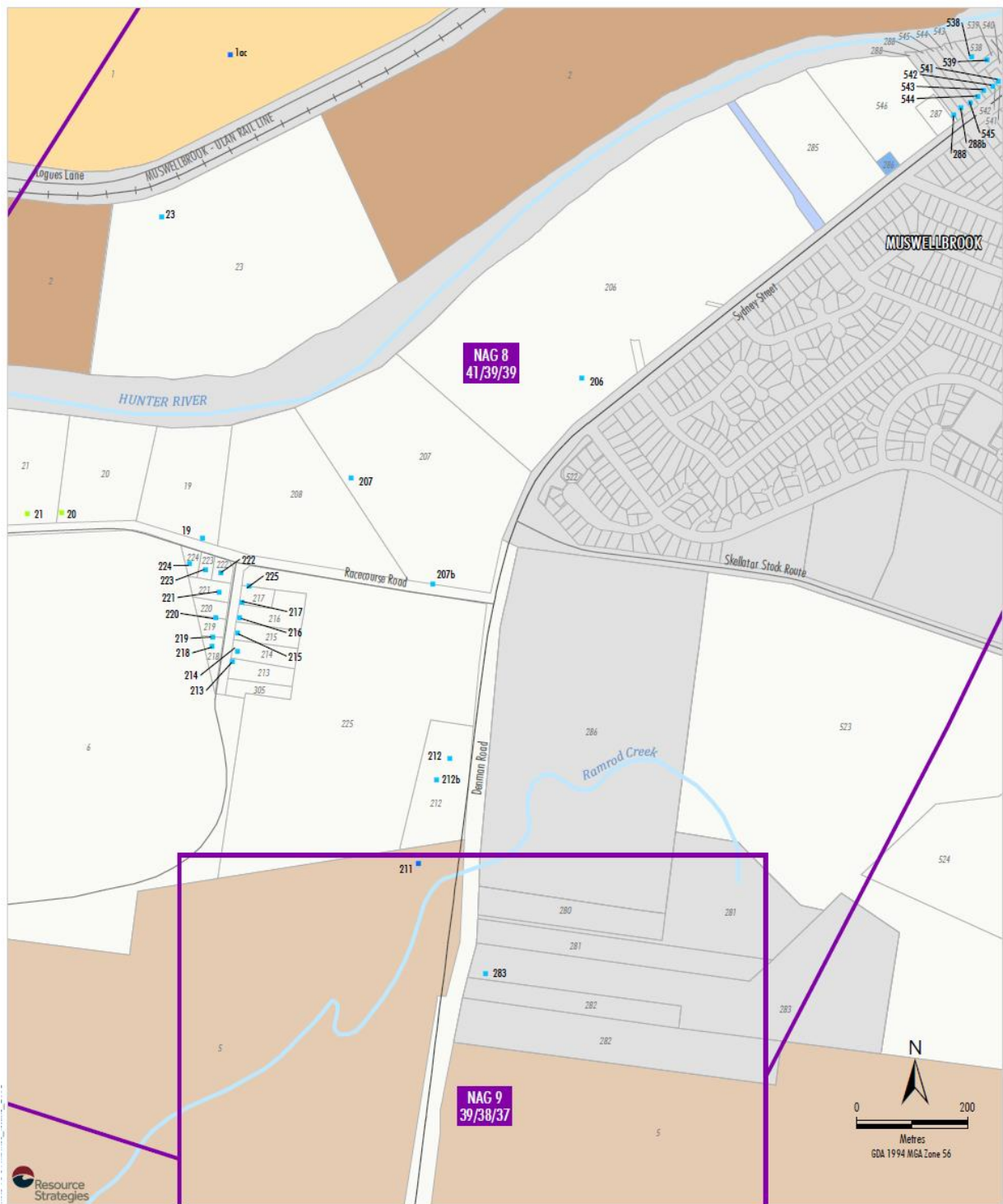
- LEGEND**
- Mining Lease Boundary
  - Muswellbrook and Upper Hunter LEPs Zones B2, B5, IN1, SP2, R2, R5, RE1, RE2 and W1
  - Muswellbrook Shire Council
  - Mount Pleasant Controlled
  - Bengalla Controlled
  - Privately Owned Land
  - Noise Assessment Group (NAG)
  - Default NAG Noise Criteria for Day/Evening/Night

- Mine-owned Dwelling
- Privately-owned Residence - MPO Acquisition on Request
- Privately-owned Residence - MPO Mitigation on Request
- Other Privately-owned Residence

Source: NSW Land & Property Information (2016); NSW Division of Resources & Energy (2016); MACH Energy (2016)

**MACHEnergy**  
MOUNT PLEASANT OPERATION  
Land Ownership  
Kayuga Road Inset

Figure 5-5



**LEGEND**

- Muswellbrook and Upper Hunter LEPs Zones B2, B5, IN1, SP2, R2, R5, RE1, RE2 and W1
- The State of NSW
- Muswellbrook Shire Council
- Mount Pleasant Controlled
- Bengalla Controlled
- Mt Arthur Controlled
- Privately Owned Land
- Noise Assessment Group (NAG)
- Default NAG Noise Criteria for Day/Evening/Night

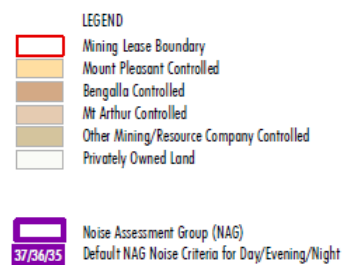
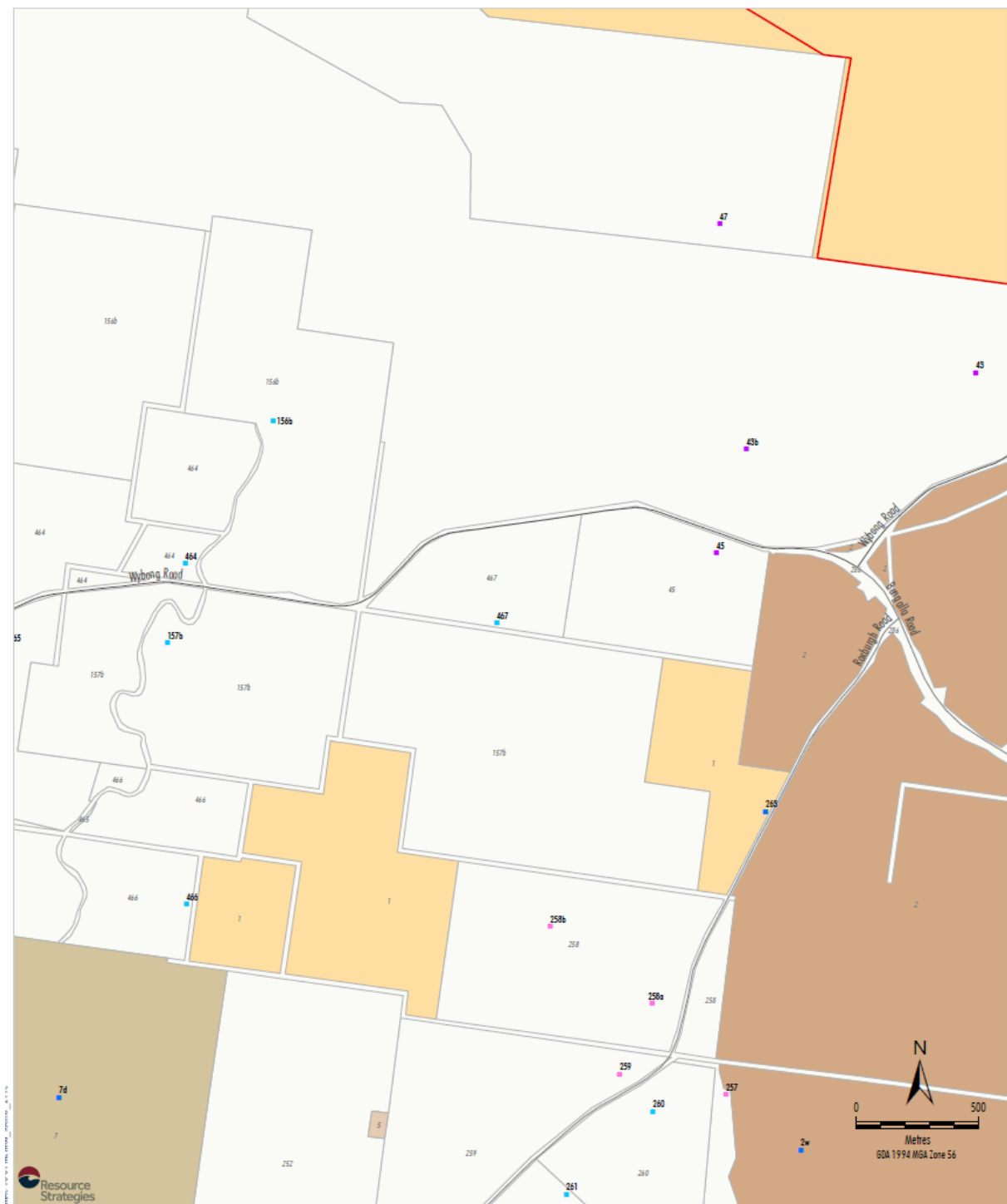
- Mine-owned Dwelling
- Privately-owned Residence - MPO Acquisition on Request \*
- Other Privately-owned Residence

\* MPO is only required to acquire and/or install mitigation measures at this property if acquisition and/or mitigation is not reasonably achievable under a separate approval for the Bengalla Mine.

Source: NSW Land & Property Information (2016); NSW Division of Resources & Energy (2016); MACH Energy (2016)

**MACHEnergy**  
MOUNT PLEASANT OPERATION  
Land Ownership  
Denman Road Inset

Figure 5-6



Source: NSW Land & Property Information (2016); NSW Division of Resources & Energy (2016); MACH Energy (2016)

**MACHEnergy**  
 MOUNT PLEASANT OPERATION  
 Land Ownership  
 Wybong Road Inset

**Figure 5-7**