ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (UNAMENDED)

DETERMINATION OF DEVELOPMENT APPLICATION
PURSUANT TO SECTION 91

I, the Minister for Urban Affairs and Planning, pursuant to Section 101 of the unamended Environmental Planning and Assessment Act, 1979 (“the Act”), determine the development application (“the application”) referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

The reasons for the imposition of the conditions are to:

(i) minimise the adverse impact the development may cause through water and air pollution, noise and visual disturbance;

(ii) provide for environmental monitoring and reporting; and

(iii) set requirements for infrastructure provision.

Signed

Andrew Refshauge
Minister for Urban Affairs and Planning

Sydney, 22 December 1999 File No. N95/00147

Red text represents MOD 1 dated September 2011
Blue text represents MOD 2 dated March 2017
Green text represents MOD 3 dated August 2018
Purple text represents MOD 4 dated November 2018
Orange text represents MOD 5 dated June 2022
Dark blue text represents MOD 6 dated November 2023
Olive type text represents MOD 8 dated August 2026

SCHEDULE 1

Development Application:	DA 92/97
Applicant:	MACH Energy Australia Pty Ltd
Consent Authority:	Minister for Urban Affairs and Planning
Land:	See Appendix 1
Development:	Construction and operation of the Mt Pleasant open cut coal mine and associated infrastructure

The Department has prepared a consolidated version of the approval which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

TABLE OF CONTENTS

DEFINITIONS

Annual review	The review required by condition 3 of Schedule 5
Applicant	MACH Energy Australia Pty Ltd, or any person/s who rely on this consent to carry out development that is subject to this consent
ARTC	Australian Rail Track Corporation
BCA	Building Code of Australia
BCD	Biodiversity & Conservation Division within the Department
Blast misfire	The failure of one or more holes in a blast pattern to initiate
CCC	Community Consultative Committee
CHPP	Coal Handling and Preparation Plant
Conditions of this consent	Conditions contained in Schedules 2 to 5 inclusive
Council	Muswellbrook Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Decommissioning	The deconstruction or demolition and removal of works installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning, Housing and Infrastructure
Development	The development described in the documents listed in condition 2 of Schedule 2, as modified by the conditions of this consent
EA (MOD 1)	The Environmental Assessment for the Mt Pleasant Project Modification prepared by EMGA Mitchell McLennan, dated October 2010; the associated response to submissions, dated December 2010; and the addendum to the environmental assessment, dated 31 August 2011
EA (MOD 2)	The Environmental Assessment titled *Mount Pleasant Operation (DA 92/97) – South Pit Haul Road Modification* prepared by MACH Energy Australia Pty Ltd dated 30 January 2017
EA (MOD 3)	The Environmental Assessment titled *Mount Pleasant Operation Mine Optimisation Modification* prepared by MACH Energy Australia Pty Ltd, dated 31 May 2017, including the *Response to Submissions* and covering letter, dated 23 November 2017, and response to additional information, dated 15 February 2018, provided by the Applicant in support of the application
EA (MOD 4)	The Environmental Assessment titled *Mount Pleasant Operation Rail Modification* prepared by MACH Energy Australia Pty Ltd, dated 18 December 2017, including the *Response to Submissions*, dated 25 June 2018 and additional information, dated 14 August 2018, 7 September 2018, and 24 September 2018, provided by the Applicant in support of the application
EA (MOD 6)	Modification application DA 92/97 MOD 6 and accompanying document titled *Mach Energy Mount Pleasant Operation Re-Transmission Facility - Modification Report*, including the Response to Submissions, dated 18 October 2023 and additional information provided by the Applicant in support of the application
EA (MOD 8)	Modification application DA 92/97 MOD 8 and accompanying document titled Mach Energy Mount Pleasant Operation Extension of Mine Life - *Modification Report*, including the Response to Submissions, dated 7 May 2026 and additional information provided by the Applicant in support of the application
EIS	The Environmental Impact Statement for the Mt Pleasant Mine, prepared by ERM Mitchell McCotter and dated September 1997, as modified by the Applicant's submissions to the Commission of Inquiry into the establishment and operation of the Mt Pleasant Mine
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Feasible	Means what is possible and practical in the circumstances.
Heritage NSW	Heritage NSW within the Department
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to the noise and air quality conditions in Schedules 2-5 it means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this modification
m	Metres
Material harm	As defined in Section 147 of the *Protection of the Environment Operations Act 1997* *Notes:* • *This definition excludes harm that is either authorised under this consent or any other statutory approval.*

	• *For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.*
Mine water	Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with coal or carbonaceous material
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The carrying out of mining, including the extraction, processing, stockpiling and transportation of coal on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden and reject material
Minister	NSW Minister for Planning and Public Spaces, or delegate
Minor	Small in quantity, size and degree
Mitigation	Activities associated with reducing the impacts of the development
Modification 4	The modification to the development as described in EA (MOD 4)
Modification 8	The modification to the development as described in EA (MOD 8)
NAG	Noise assessment group
MOD 4 rail infrastructure	The rail infrastructure as described in EA (MOD 4) and shown in Figure 2 of Appendix 2
MOD 4 water infrastructure	The water supply pipeline, pump station and ancillary infrastructure described in EA (MOD 4) and identified as "MPO Hunter River Supply Pipeline" in Figure 2 of Appendix 2
MOD 4 construction works	All physical works associated with the establishment of the rail and water infrastructure as described in EA (MOD 4)
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and public holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operational noise	Means noise, including construction and rail noise, generated by the development within the Mining Lease Boundary as shown in Figure 2 of Appendix 2
POEO Act	*Protection of the Environment Operations Act 1997*
Privately-owned land	Land that is not owned by a public agency, or a mining company (or its subsidiary)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, gas supply, drainage, sewerage, telephony, telecommunications etc
Rail loop and infrastructure corridor	The area shaded blue in Figure 3 of Appendix 2
Registered Aboriginal Parties	As described in the *National Parks and Wildlife Regulation 2009*
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The treatment or management of land disturbed by the development for the purpose of establishing a safe, stable and non-polluting environment, and includes remediation
Relinquishment area	The area delineated as "Area Relinquished for Overburden Emplacement and Major Infrastructure" in Figure 3 of Appendix 2
Remediation	Activities associated with partially or fully repairing the impacts and/or environmental consequences of the development
Resources Regulator	NSW Resources Regulator
ROM	Run-of-mine
SANSW	Subsidence Advisory NSW
Secretary	Planning Secretary under the EP&A Act, or nominee
Site	The land listed in Appendix 1
Southern catchment	The catchment located in the south west corner of the site and identified in Figure 12 of the EIS as the active fines emplacement
TfNSW	Transport for NSW

SCHEDULE 2
ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

2. The Applicant must carry out the development:
   (a) in compliance with the conditions of this consent;
   (b) in accordance with written directions of the Secretary;
   (c) generally in accordance with the EIS, EA (MOD 1), EA (MOD 2), EA (MOD 3), EA (MOD 4), EA (MOD 6), EA (MOD 8); and
   (d) generally in accordance with the project layout plans in Appendix 2.

   Notes:
   - *The project layout plans are Figures 1, 2, 3 and 4 shown in Appendix 2.*
   - *The Applicant may carry out development in the surface disturbance area depicted and described in Figure 3 in Appendix 2 to the extent authorised by the terms of this consent.*
   - *The Applicant may lodge an application under section 4.55 of the Environmental Planning and Assessment Act 1979 to modify this consent, including to modify condition 5 in Schedule 2 to extend the period of mining operations beyond 31 December 2032 in respect of all or any part of the surface disturbance area depicted and described in Figure 3 in Appendix 2.*

3. Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:
   (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and
      (i) the implementation of any actions or measures contained in any such document referred to in condition 3(a).

4. The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition 2 above. In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2 the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

Mining Operations

5. The Applicant may carry out mining operations on the site until 31 December 2032.

   Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of both the Secretary and the Resources Regulator. Consequently, this consent will continue to apply in all other respects - other than the right to conduct mining operations - until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.

Coal Extraction

6. The Applicant must not extract more than 12.5 million tonnes of ROM coal from the site in a calendar year.

Coal Transport

7. Product coal may only be transported from the site by rail.

8. The Applicant must ensure that train movements at the site (ie arrival or dispatch) do not exceed:
   (a) a maximum of 18 per day; or
   (b) 8 per day, averaged over each calendar year.

   Note: In this condition, "day" means any 24-hour period.

STRUCTURAL ADEQUACY

9. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with:
   (a) the relevant requirements of the BCA; and

(i) any additional requirements of SA NSW where the building or structure is located on land within a declared Mine Subsidence District.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*
- *The development is located in the Muswellbrook Mine Subsidence District. Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SA NSW's approval before carrying out certain development in a Mine Subsidence District.*

DEMOLITION

10. The Applicant must ensure that all demolition work on site is carried out in accordance with *AS 2601-2001: The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

11. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
    (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
    (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development,

    Note: This condition does not include matters that are expressly provided for in the conditions of this consent, such as the maintenance of public roads.

OPERATION OF PLANT AND EQUIPMENT

12. The Applicant must ensure that all plant and equipment used on site, or to transport coal from the site, is:
    (a) maintained in a proper and efficient condition; and
    (b) operated in a proper and efficient manner.

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 4, until the approval of a similar plan, strategy or program following the approval of Modification 4.

13. Deleted

PLANNING AGREEMENT

14. By the end of March 2012, unless otherwise agreed by the Secretary, the Applicant must enter into a planning agreement with Council in accordance with:
    (a) Division 6 of Part 4 of the EP&A Act; and
    (b) the terms of the Applicant's offer dated 14 February 2011, which is summarised in Appendix 4.

    This agreement must provide for annual payments to be made to Council with the first period for payment commencing upon the commencement of development on the site.

EVIDENCE OF CONSULTATION

15. Where conditions of this consent require consultation with an identified party, the Applicant must:
    (a) consult with the relevant party prior to submitting the subject document to the Secretary for approval; and
    (b) provide details of the consultation undertaken including:
        (i) the outcome of that consultation, matters resolved and unresolved; and
        (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

COMPLIANCE

16. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

17. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

18. With the approval of the Secretary, the Applicant may:

    a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);

    (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and

    (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

18A. If the Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

18B. If the Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

SCHEDULE 3
ENVIRONMENTAL PERFORMANCE CONDITIONS

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

Basis	Receiver
Noise	23, 45, 47, 67, 96, 102, 108, 112, 118, 120, 120c, 121, 136, 143a, 143b, 143c, 143d, 143e,147, 153a, 153b, 156a, 157a, 158, 159, 447, 448, 449
Noise & Air	43, 43b
Air	20[2], 21[2]

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),

   as relevant, 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

Basis	Receiver
Noise	19, 20, 21, 68, 74, 77, 79, 80a, 84a, 86a, 139, 140a, 140c, 154, 203, 207, 257, 258, 259, 526

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

NOISE

Noise Criteria

3. Except for the noise-affected land referred to in Table 1, the Applicant must ensure that the operational noise generated by the development does not exceed the criteria in Table 3 at any residence on privately-owned land under the meteorological conditions listed in Table 3a.

Table 3: Noise criteria dB(A)

Receiver or other location	Day	Evening	Night	
	$L_{Aeq(15min)}$	$L_{Aeq(15min)}$	$L_{Aeq(15min)}$	$L_{A1(1min)}$
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
84a, 139, 154, 203, 257, 258a	40	40	40	45
83	40	39	39	45

Receiver or other location	*Day*	*Evening*	*Night*	
	$L_{Aeq(15min)}$	*$L_{Aeq(15min)}$*	*$L_{Aeq(15min)}$*	*$L_{A1(1min)}$*
86b, 202, 259	39	39	39	45
140a	39	40	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	38	37	45
NAG 7 - All privately-owned land	40	38	37	45
NAG 8 - All privately-owned land	41	40	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	36	35	45

Notes:

- *To identify the locations referred to in Table 3, see the figures in Appendix 5.*

However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner to exceed the criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

3A. The noise limits set out in Table 3 apply under the meteorological conditions listed in Table 3a. For all other meteorological conditions not listed in Table 3a, the noise limits in Table 3 apply plus 5dB.

Table 3a: Meteorological conditions

Assessment period	*Meteorological conditions*
Day	Stability Categories A, B, C and D with wind speeds up to 0.5m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability categories E and F with wind speeds up to and including 2m/s at 10m above ground level.

4. Deleted

Cumulative Noise Criteria

5. Except for the noise-affected land referred to in Table 1, the Applicant must implement all reasonable and feasible measures to ensure that the operational noise generated by the development combined with the noise generated by other mines in the area does not exceed the criteria in Table 5 at any residence on privately-owned land.

Table 5: Cumulative noise criteria dB(A) $L_{Aeq\ (period)}$

Location	*Day*	*Evening*	*Night*
NAG 8, 9	55	45	40
All other privately-owned land	50	45	40

Notes:

- *To identify the locations referred to in Table 5, see the figures in Appendix 5; and*

6. Deleted

Rail Noise

7. The Applicant must only use locomotives and rolling stock that are approved to operate on the NSW rail network in accordance with the noise limits in Sydney Trains' EPL (No. 12208) and ARTC's EPL (No. 3142).

Noise Operating Conditions

8. The Applicant must:
   (a) implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the construction, operational, low frequency, and rail noise generated by the development;
   (b) minimise the noise impacts of the development during temperature inversions;
   (c) regularly assess the real-time noise monitoring and meteorological forecasting data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this consent; and
   (d) co-ordinate the noise management on site with the noise management at nearby mines (including the Bengalla mine) to minimise the cumulative noise impacts of the mines,

   to the satisfaction of the Secretary.

   Note: Monitoring under this consent is not required at all residences and the use of representative monitoring locations can be used to demonstrate compliance with criteria, if agreed to by the Secretary.

Noise Management Plan

9. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
   (a) be submitted to the Secretary for approval within six months of the date of the approval of Modification 8 under this consent, unless otherwise agreed by the Secretary;
   (b) describe the measures (including both proactive and reactive mitigation measures) to be implemented to:
      - ensure compliance with the noise criteria and operating conditions in this consent;
      - minimise rail noise (including wheel and brake squeal) to the greatest extent practicable; and
      - minimise the noise impacts of the development during noise-enhancing meteorological conditions when the operational noise criteria in this consent do not apply (see Notes to condition 3 of Schedule 3);
   (c) include a noise monitoring program that:
      - uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
      - 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.
   (d) include a protocol that has been prepared in consultation with the owners of the nearby mines (including the Bengalla mine) to minimise the cumulative noise impacts of the mines.

   The Applicant must implement the management plan as approved by the Secretary.

BLASTING

Blasting Criteria

10. The Applicant must ensure that the blasting on the site does not cause exceedances of the criteria in Table 7.

Table 7: Blasting criteria

Location	***Airblast overpressure (dB(Lin Peak))***	***Ground vibration (mm/s)***	***Allowable exceedance***
Residence on privately owned land	120	10	0%
	115	5	5% of the total number of blasts over a period of 12 months
Historic heritage sites	-	10	0%
All public infrastructure	-	50	0%

However, these criteria do not apply if the Applicant has a written agreement with the relevant owner or infrastructure provider/owner, and the Applicant has advised the Department in writing of the terms of this agreement.

Blasting Hours

11. The Applicant must only carry out blasting on site between 9am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Secretary.

Blasting Frequency

12. Unless otherwise agreed by the Secretary, the Applicant may carry out a maximum of:
    (a) 1 blast a day; and
    (b) 5 blasts a week, averaged over any calendar year;
    for the development.

    This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blasts required to ensure the safety of the mine or its workers.

    Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.

Property Inspections

13. If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit/s on site, for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection report updated, then within 2 months of receiving this request the Applicant must:
    (c) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to:
        - establish the baseline condition of the buildings and/or structures on the land, or update the previous property inspection report;
        - identify any measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and/or structures; and
    (d) give the landowner a copy of the new or updated property inspection report.

    If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Secretary for resolution.

Property Investigations

14. If the owner of any privately-owned land claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this claim the Applicant must:
    (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to investigate the claim; and
    (b) give the landowner a copy of the property investigation report.

    If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property investigation report, either party may refer the matter to the Secretary for resolution.

    If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damages to the satisfaction of the Secretary.

    If the Applicant or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.

Blast Operating Conditions

15. The Applicant must:
    (a) implement best blasting management practice on site to:
        - protect the safety of people and livestock in the surrounding area;
        - protect public or private infrastructure/property in the surrounding area;
        - minimise the dust and fume emissions of the blasting on site; and
        - minimise blasting impacts on heritage items in the vicinity of the site;
    (b) co-ordinate the blasting on site with the blasting at nearby mines (including the Bengalla mine) to minimise the cumulative blasting impacts of the mines; and
    (c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site,
    to the satisfaction of the Secretary.

16. The Applicant must not undertake blasting within 500 metres of:
    (a) a public road without the approval of Council; and
    (b) any land outside the site not owned by the Applicant, unless:

- the Applicant has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Applicant has advised the Department in writing of the terms of this agreement, or
- the Applicant has:
  - o demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the land without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and
    updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land.

Blast Management Plan

17. The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Secretary. This plan must:
    (a) be submitted to the Secretary for approval prior to carrying out any blasting on site;
    (b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent;
    (c) include a road closure management plan, prepared in consultation with Council;
    (d) include a blast monitoring program for evaluating compliance with the relevant conditions of approval; and
    (e) include a protocol that has been prepared in consultation with the owners of nearby mines (including the Bengalla mine) for minimising and managing cumulative blasting impacts of the mines.

    The Applicant must implement the management plan as approved by the Secretary.

AIR QUALITY & GREENHOUSE GAS

Odour

18. The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act, unless otherwise authorised by an EPL.

Greenhouse Gas Emissions

19. The Applicant must implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site.

Air Quality Criteria

20. Except for the air quality-affected land referred to in Table 1, the Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not exceed the criteria listed in Tables 8, 9 or 10 at any residence on privately-owned land.

Table 8: Long term criteria for particulate matter

Pollutant	***Averaging Period***	***[d]Criterion***
Total suspended particulate (TSP) matter	Annual	[a]90 $\mu g/m^3$
Particulate matter < 10 µm (PM_{10})	Annual	[a]25 $\mu g/m^3$
Particulate matter < 2.5 µm ($PM_{2.5}$)	Annual	[a]8 $\mu g/m^3$

Table 9: Short term criteria for particulate matter

Pollutant	***Averaging Period***	***[d]Criterion***
Particulate matter < 10 µm (PM_{10})	24 hour	[b]50 $\mu g/m^3$
Particulate matter < 2.5 µm ($PM_{2.5}$)	24 hour	[b]25 $\mu g/m^3$

Table 10: Long term criteria for deposited dust

Pollutant	***Averaging Period***	***Maximum increase in deposited dust level***	***Maximum total deposited dust level***
[c] Deposited dust	Annual	[b]2 g/m^2/month	[a]4 g/m^2/month

Notes to Tables 8-10:

[a] Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources);

[b] Incremental impact (i.e. incremental increase in concentrations due to the development on its own);

[c] Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and

[d] Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Secretary.

21. Deleted

Air Quality Operating Conditions

22. The Applicant must:
    (a) implement best practice air quality management, including all reasonable and feasible measures to minimise the odour, fume and dust emissions of the development;
    (b) minimise visible air pollution generated by the development;
    (c) minimise, where reasonable and feasible, the extent of potential dust generating surfaces exposed on the site at any given point in time;
    (d) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note d above under Tables 8-10);
    (e) regularly assess the real-time air quality monitoring and meteorological forecasting data and relocate, modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent; and
    (f) co-ordinate the air quality management on site with the air quality management at nearby mines (including the Bengalla mine) to minimise cumulative air quality impacts from the mines,

    to the satisfaction of the Secretary.

Air Quality Management Plan

23. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:
    (a) be submitted to the Secretary for approval prior to carrying out any development on site;
    (b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, including a real-time air quality management system that employs reactive and proactive mitigation measures;
    (c) include an air quality monitoring program that:
        - uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the development;
        - includes $PM_{2.5}$ monitoring (although this obligation could be satisfied by the regional air quality monitoring network if sufficient justification is provided);
        - includes a protocol for determining exceedances of the relevant conditions of this consent; and
    (d) include a protocol that has been prepared in consultation with the owners of nearby mines to minimise the cumulative air quality impacts of the mines.

    The Applicant must implement the management plan as approved by the Secretary.

Greenhouse Gas Mitigation Plan

23A Within six months of the date of the approval of Modification 8, unless otherwise agreed by the Secretary, the Applicant must prepare a Greenhouse Gas Mitigation Plan. The plan must:
    (a) be prepared in consultation with the EPA;
    (b) be consistent with the EPA's guidelines "*Emissions Reporting and Climate Change Mitigation and Adaptation Plans – Guidance for Environment Protection Licensees*" (March 2026, or latest version) and "*Greenhouse Gas Mitigation Guide for Coal Mines*" (March 2026, or latest version);
    (c) include a three year action plan generally in accordance with the commitments in the documents in condition 2(c) of schedule 2, that is updated every three years and assesses the feasibility of greenhouse gas mitigation technologies and identifies measures to be applied to the project.

    Note: As required under the EPA's guideline "Emissions Reporting and Climate Change Mitigation and Adaptation Plans – Guidance for Environment Protection Licensees, March 2026", impacted licensees will be required to prepare and implement a Climate Change Mitigation and Adaptation Plan by 31 March 2027. With the approval of the Planning Secretary, the preparation and implementation of this plan could be used to meet the requirements of condition 23A.

METEOROLOGICAL MONITORING

24. For the life of the development, the Applicant must ensure that there is a meteorological station operating in the vicinity of the site that:

(a) complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in NSW* guideline; and
(b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy*, or as otherwise approved by the Secretary.

SOIL & WATER

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain water licences for the development.

Water Supply

25. The Applicant must ensure that it has sufficient water for all stages of development, and if necessary, adjust the scale of mining operations on site, to match its available water supply to the satisfaction of the Secretary.

Water Discharges

26. The Applicant must ensure that any surface water discharges from the site comply with the:
(a) discharge limits (both volume and quality) set for the development in any EPL; or
(b) relevant provisions of the POEO Act or *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

Compensatory Water Supply

27. The Applicant must provide compensatory water supply to any landowner of privately-owned land whose water entitlements are adversely and directly impacted (other than an impact that is negligible) as a result of the development and to the satisfaction of the Secretary.

The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent, in quality and volume, to the loss attributed to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.

If the Applicant and the landowner 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.

If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide alternative compensation to the satisfaction of the Secretary.

Water Management Plan

28. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must be prepared in consultation with the EPA, and be submitted to the Secretary for approval by 30 June 2019, unless otherwise agreed by the Secretary. The plan must include:
(a) a Site Water Balance, which must:
- include details of:
  - o sources and security of water supply;
  - o water use on site;
  - o water management on site;
  - o any off-site water transfers; and
- investigate and implement all reasonable and feasible measures to minimise water use by the development;

(b) an Erosion and Sediment Control Plan, which must:
- identify activities that could cause soil erosion, generate sediment or affect flooding;
- describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage any flood risk;
- describe the location, function, and capacity of erosion and sediment control structures;
- describe what measures would be implemented to maintain the structures over time;

(c) a Surface Water Management Plan, which must include:
- detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the development;
- surface water and stream health impact assessment criteria including trigger levels for investigating any potentially adverse surface water impacts;
- a program to monitor and maintain the bridge openings and culverts associated with the MOD 4 rail infrastructure and ensure that they remain clear of blockages;
- a program to monitor surface water flows and quality in the watercourses that could be affected by the project; and
- reporting procedures for the results of the monitoring program;

(d) a Groundwater Management Plan, which must include:

- detailed plans, including design objectives and performance criteria, for the design and management of the proposed final voids;
- detailed baseline data of groundwater levels, yield and quality in the region, and privately-owned groundwater bores, that could be affected by the development;
- groundwater impact assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts;
- a program to monitor and assess:
  - o groundwater inflows to the mining operations;
  - o impacts on regional and local (including alluvial) aquifers;
  - o impacts on the groundwater supply of potentially affected landowners;
  - o impacts on groundwater dependent ecosystems and riparian vegetation;

(e) a Surface and Ground Water Response Plan, which must include:
- a response protocol for any exceedances of the surface water and groundwater assessment criteria;
- measures to offset the loss of any baseflow to watercourses caused by the development;
- measures to prevent, minimise or offset groundwater leakage from alluvial aquifers caused by the development;
- measures to compensate landowners of privately-owned land whose water supply is adversely affected by the development; and
- measures to mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

The Applicant must implement the management plan as approved by the Secretary.

28A. The Applicant must decommission the existing water supply infrastructure within the rail loop and infrastructure corridor, including the associated pump station, within 6 months of the commissioning of the MOD 4 water infrastructure.

Notes:
- *The existing rail loop and infrastructure corridor is shown in Figure 3 of Appendix 2.*
- *The decommissioning of infrastructure within the rail loop and infrastructure corridor is also controlled under condition 37 of Schedule 3.*

28B. The Applicant must notify the Secretary, in writing, within 14 days of completing the following:
(a) the commissioning of the MOD 4 water infrastructure; and
(b) the decommissioning of existing water supply infrastructure within the rail loop and infrastructure corridor.

BIODIVERSITY

29. Deleted

30. Deleted

31. Deleted

31A. Prior to carrying out disturbance activities within areas of native vegetation associated with Mod 6, the Applicant must retire the biodiversity credits specified in Table 10AA below. The retirement of biodiversity credits must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act, including application of relevant Ancillary Rules established under the BC Act.

Table 10AA: Species Credit Requirements

Species Credit Species	***Credits Required***
Austral Toadflax (*Thesium australe*)	1
Pink-tailed Legless Lizard (*Aprasia parapulchella*)	1

Biodiversity Management Plan

32. The Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must:
(a) be prepared in consultation with Council, and be submitted to the Secretary for approval by 30 June 2019, unless otherwise agreed by the Secretary;
(b) include:
- a description of the short, medium, and long term measures that would be implemented to:
  - o manage the remnant vegetation and habitat on the site; and
  - o avoid and manage remnant vegetation and habitat within the relinquishment area;
- a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:

    - implementing revegetation and regeneration within the disturbance areas, including establishment of canopy, sub-canopy (if relevant), understorey and ground strata;
    - maximising salvage and beneficial use of resources in areas that are to be impacted, including vegetative, soil and cultural heritage resources;
    - protecting vegetation and soil outside the disturbance areas;
    - rehabilitating creeks and drainage lines on the site, to minimise net loss of stream length and aquatic habitat;
    - managing salinity;
    - conserving and reusing topsoil;
    - undertaking pre-clearance surveys;
    - managing impacts on fauna;
    - landscaping the site and along public roads to minimise visual and lighting impacts;
    - collecting and propagating seed;
    - salvaging and reusing material from the site for habitat enhancement;
    - salvaging, transplanting and/or propagating threatened flora and native grassland;
    - controlling weeds and feral pests;
    - managing grazing and agriculture on site;
    - controlling access; and
    - bushfire management;
- a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;
- a description of the potential risks to successful revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
- details of who would be responsible for monitoring, reviewing, and implementing the plan.

The Applicant must implement the management plan as approved by the Secretary.

HERITAGE

Note: Under the National Parks and Wildlife Act 1974 or the Heritage Act 1977, the Applicant is required to obtain approvals for any impacts to Aboriginal objects and/or significant relics.

Aboriginal Heritage Conservation Strategy

33. The Applicant must prepare an Aboriginal Heritage Conservation Strategy for the development to the satisfaction of the Secretary. This strategy must:
    (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
    (b) be prepared in consultation with the Registered Aboriginal Parties;
    (c) be submitted to the Secretary for approval prior to carrying out any development on site;
    (d) provide for the establishment and conservation of an off-site Aboriginal cultural heritage conservation area/s that has comparable Aboriginal cultural heritage values (both cultural and archaeological) to the areas that would be developed on site;
    (e) describe the measures that would be implemented to provide appropriate long term security for the proposed Aboriginal cultural heritage conservation areas; and
    (f) include an action plan for the implementation of the strategy.

    The detailed measures for the implementation of the strategy are to be outlined in the Heritage Management Plan (see condition 36).

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

    Note: The Aboriginal cultural heritage conservation area/s may be combined with any similar offset/conservation area required for the development under Commonwealth legislation, subject to suitably offsetting the cultural heritage impacts of the development.

34. Within 2 years of the approval of the Aboriginal Heritage Conservation Strategy, the Applicant must demonstrate to the satisfaction of the Secretary, that it has made suitable arrangements to provide appropriate long term security for the Aboriginal cultural heritage conservation area/s in the Aboriginal Heritage Conservation Strategy.

Oral History

35. By the end of December 2013, the Applicant must prepare a detailed history of the Mount Pleasant locality to the satisfaction of the Secretary. This history must:
    (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
    (b) be prepared in consultation with the Heritage NSW, the local history society, local community (including former residents as far as is practicable), and Registered Aboriginal Parties;
    (c) be prepared in accordance with the relevant Heritage Council of NSW guidelines; and

(d) include detailed historical research as well as an oral history.

Aboriginal Heritage Management Plan

36. The Applicant must prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
   (a) be prepared in consultation with the Registered Aboriginal Parties by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
   (b) be submitted to the Secretary for approval by 30 June 2019, unless otherwise agreed by the Secretary;
   (c) include:
   - a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy (required under condition 34);
   - a description of the measures that would be implemented to:
     - comply with the requirements of any Aboriginal Heritage Impact Permit issued for the development, including any approved archaeological testing and salvage program;
     - store the Aboriginal objects salvaged, both during construction and in the long term;
     - protect, monitor and/or manage all Aboriginal objects on site until the impacts of the development on these objects is unavoidable;
     - minimise the blasting impacts of the development on Aboriginal objects in the vicinity of the site;
     - manage the discovery of any human remains or previously unidentified Aboriginal objects on site;
     - enable Registered Aboriginal Parties to get reasonable access to the site during the development;
     - ensure Registered Aboriginal Parties are consulted about the conservation and management of Aboriginal cultural heritage on site; and
     - ensure construction personnel receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions.

The Applicant must implement the management plan as approved by the Secretary.

Notes:
- *The Aboriginal Heritage Management Plan must be consistent with the requirements of any Aboriginal Heritage Impact Permit(s) issued by Heritage NSW relevant to the development.*
- *The Applicant must ensure that Aboriginal site recording forms for newly recorded sites and Aboriginal site impact recording forms for salvaged sites are submitted to Heritage NSW for inclusion on the Aboriginal Heritage Information Management System database.*

TRANSPORT

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;
   (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; and
   (e) demolish the Bengalla Link Road bridge required under condition 38 (a) below and, unless otherwise agreed by the Secretary, reinstate the road reserve to the satisfaction of Council.

Note: The rail loop and infrastructure corridor is shown in Figure 3 of Appendix 2.

Road Works

Note: Under the Roads Act 1993, the Applicant is required to obtain the consent of the appropriate roads authority prior to carrying out work on or over a public road.

38. The Applicant must, at its own expense:
   (a) construct a bridge to carry the Bengalla Link Road over the proposed Mount Pleasant rail loop, in consultation with the operators of the Bengalla Mine;
   (b) construct the Mount Pleasant Northern Link Road to Dorset Road, prior to the closure of Castlerock Road;
   (c) construct the Mount Pleasant Western Link Road (generally in accordance with Council's Western Roads Strategy) from the intersection of the Bengalla Link Road to the intersection of the Mount Pleasant Northern Link Road, prior to the closure of Wybong Road;
   (d) construct the Mount Pleasant Mine Access Road;

(e) upgrade the Wybong Road from the Bengalla Link Road to the Mount Pleasant Mine Access Road; and
(f) construct an overpass or underpass across Wybong Road, or other means of crossing Wybong Road, should a construction road be proposed,

to the satisfaction of Council.

39. Should the following intersections be required, the Applicant must undertake construction works at:
(a) the intersection of the Western Link Road and access to the mine site;
(b) the intersection of the Bengalla Link Road and the Western Link Road;
(c) the intersection of the Castlerock/Mount Pleasant Northern Link Road and the Western Link Road; and
(d) the intersection of the Mount Pleasant Northern Link Road and Kayuga Road,

to the satisfaction of Council and/or TfNSW.

If there is any dispute between the Applicant and Council or TfNSW in relation to the funding or upgrade works, then any of the parties may refer the matter to the Secretary for resolution.

39A. The Applicant must, by no later than 31 October 2022:
(a) construct a rail overpass to carry the MOD 4 rail infrastructure over Wybong Road;
(b) construct a road bridge to carry Overton Road over the MOD 4 rail infrastructure; and
(c) partially realign Overton Road, as shown conceptually in Figure 5 of EA (MOD 4),

in accordance with the relevant requirements of *Austroads Guide to Road Design* and to the satisfaction of Council.

The Secretary may waive or alter the above requirements if they are no longer required following the completion of the final design of the MOD 4 rail infrastructure.

40. The Applicant must:
(a) prepare a detailed schedule outlining the timing of the road works required by conditions 38, 39 and 39A by the end of June 2018; and
(b) update this schedule annually,

to the satisfaction of Council.

Road Maintenance

41. During the development, the Applicant must maintain the roads and intersections between the Bengalla Mine main entrance and the Mt Pleasant Mine main entrance, including:
(a) part of the Bengalla Link Road;
(b) part of the Wybong Road; and
(c) part of the Mount Pleasant Western Link Road.

The Applicant must develop a Maintenance Management Plan in respect of these roads, to the satisfaction of Council.

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.*

Road Access and Signage

42. The Applicant must ensure that as far as possible the preferred mine access road route, as described in the EIS, is the only route used by employees and contractors travelling to the mine site from Muswellbrook.

43. The Applicant must maintain signs and give at least 24 hours notice of temporary road closures. The location and wording of the signs are to be approved by Council. A protocol is to be established, in consultation with the emergency service providers and Council, to permit the passage of emergency vehicles during road closures.

43A. The Applicant must prepare a Traffic Management Plan to the satisfaction of the Secretary. This strategy must be prepared in consultation with TfNSW and Council and be submitted to the Secretary for approval within six months of the date of the approval of Modification 8 under this consent unless otherwise agreed by the Secretary. The plan must:

(a) include details of all transport routes and traffic types to be used for development-related traffic;

(b) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users during operation and decommissioning phases of the development, including:

- temporary traffic controls, including detours and signage (where relevant);
- notifying the local community about development-related traffic impacts;
- responding to any emergency repair requirements or maintenance during construction and/or decommissioning;
- when shuttle buses would be used to transport construction workers to the site;
- a traffic management system for managing over-dimensional vehicles; and

(c) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:

- adhere to posted speed limits or other required travelling speeds;
- adhere to the designated transport routes; and
- implement safe driving practices.

The Traffic Management Plan must be implemented as approved by the Planning Secretary.

Monitoring of Coal Transport

44. The Applicant must:

(a) keep records of the:

- amount of coal transported from the site (on a monthly basis); and
- date and time of each train movement generated by the development; and

(b) make these records available on its website at the end of each calendar year.

CONSTRUCTION OF RAIL AND WATER SUPPLY INFRASTRUCTURE

44A. The Applicant must carry out a detailed geotechnical investigation of former underground mine workings in the vicinity of the MOD 4 rail infrastructure. This investigation must:

(a) be undertaken by suitably qualified and experienced persons;
(b) be undertaken in consultation with SA NSW;
(c) determine the extent of underground mine workings;
(d) provide recommendations to ensure the geotechnical stability of MOD 4 rail infrastructure; and
(e) be conducted and reported to the satisfaction of the Secretary.

A final report detailing the outcomes of the geotechnical investigation must be submitted to the Secretary. The Applicant must not commence MOD 4 construction works in the vicinity of the former underground mine until the Geotechnical Investigation Report is approved by the Secretary.

44B. The Applicant must implement the recommendations of the Geotechnical Investigation Report to the satisfaction of the Secretary.

44C. The Applicant must design and construct the MOD 4 rail infrastructure to meet the following performance criteria during a 1% Annual Exceedance Probability flood event:

(a) no more than 0.1 m increase in flood levels on any privately-owned land;
(b) no more than 0.01 m increase in flood levels at any privately-owned residence or commercial spaces;
(c) no more than 0.01 m increase in flood levels at any public roads servicing privately-owned properties; and
(d) no more than 0.1 m per second increase in flood velocities at privately-owned residences or commercial spaces.

44D. The Applicant must commission an independent review of the final design of the MOD 4 rail infrastructure, including any associated hydraulic structures. This review must:

(a) be undertaken by suitably qualified and experienced persons;
(b) be undertaken in consultation with BCD;
(c) demonstrate that the final design meets the performance criteria in condition 44C above;
(d) be conducted and reported to the satisfaction of the Secretary.

A final report detailing the outcomes of the independent review must be submitted to the Secretary. The Applicant must not commence MOD 4 construction works until the final report is approved by the Secretary.

44E. The Applicant must ensure that any asbestos encountered during MOD 4 construction works is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
- (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
- (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016;
- (d) *Protection of the Environment Operations (Waste) Regulation 2014*; and
- (e) the EPA's *Waste Classification Guidelines*.

44F. All MOD 4 construction works outside of the Mining Lease Boundary must be carried out during Standard Construction Hours (7 am to 6 pm, Monday to Friday; and 8 am to 1 pm on Saturdays), unless the works are:
- (a) required by:
  - NSW Police; or
  - a public authority for the delivery of vehicles, plant or materials; or
- (b) required in an emergency to avoid the loss of life, damage to property or to prevent material harm to the environment; or
- (c) approved under an Out of Hours Work Protocol.

Note: The Mining Lease Boundary is shown in Figure 2 of Appendix 2.

44G. If the Applicant proposes to undertake MOD 4 construction works (outside of the Mining Lease Boundary) outside the hours specified in condition 44F above, then the Applicant must prepare an Out of Hours Work Protocol for these works, to the satisfaction of the Secretary. This protocol must:
- (a) be prepared in consultation with the EPA and any residents who may be affected by the noise generated by these works;
  - (i) address the relevant requirements of the *Interim Construction Noise Guideline* (DECC, 2009); and
  - (ii) be approved by the Secretary before any out of hours construction works are carried out.

The Applicant must implement the Out of Hours Work Protocol as approved by the Secretary.

Note: For areas where construction noise is predicted to be at or below operational noise criteria at sensitive receptors, this is likely to provide sufficient justification for the need to operate outside of recommended standard hours as specified in the Interim Construction Noise Guideline (DECC, 2009).

44H. The Applicant must ensure that the combined operational noise of the development and noise generated by the MOD 4 construction works outside of the Mining Lease Boundary does not exceed the criteria in Table 10A at any residence on privately-owned land.

Table 10A: Construction noise criteria

Receiver or other location	***Standard Construction Hours dB(A) $L_{Aeq(15min)}$***
67, 215, 216, 218, 219	47
206, 217, 220, 221, 225, 532, 533	48
222, 223, 531	49
224, 530	50
19, 20, 21, 207, 289	51
527, 528	56
529	54
68	57
23	69
All other privately-owned land	5 dB(A) above the daytime operational $LA_{eq(15min)}$ noise criteria in Table 3

Notes:
- *To identify the locations referred to in Table 10A, see the figures in Appendix 5.*
- *The Mining Lease Boundary is shown in Figure 2 of Appendix 2.*
- *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.*

However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner to exceed the criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

44I. The Applicant must prepare a Construction Environmental Management Plan for MOD 4 construction works, to the satisfaction of the Secretary. This plan must:
(a) be prepared in consultation with the EPA, Council and any relevant road or utilities authorities;
(b) describe measures to be implemented to minimise construction-related noise, vibration, dust, biodiversity and visual impacts, including specific measures to minimise:
- surface disturbance; and
- the cumulative impacts of construction and operational noise;

(c) describe detailed procedures to be implemented to:
- notify affected landowners of upcoming construction activities;
- receive, record, handle and respond to construction-related complaints; and
- resolve any disputes that may arise during MOD 4 construction works;

(d) include a Construction Traffic Management Plan which:
- describes the measures to be implemented to minimise traffic safety issues and disruption to local road users, including managing light, heavy and over-dimensional vehicles during construction works; and
- includes procedures for notifying other road users (including local bus operators) of any construction works that may disrupt their usual use of the road; and

(e) include a Historic Heritage Management Plan which describes measures to implement the relevant historic heritage management commitments outlined in condition 2(c) of schedule 2; and
(f) include an Unexpected Contamination Protocol which describes the procedures to be implemented in the event that potentially contaminated material is identified during construction, including:
- procedures for testing, removal and disposal of potentially contaminated material; and
- measures to ensure compliance with the requirements of SafeWork NSW and relevant guidelines.

The Applicant must not commence MOD 4 construction works until the Construction Environmental Management Plan is approved by the Secretary. The Applicant must implement the Construction Environmental Management Plan as approved by the Secretary.

VISUAL

Visual Amenity and Lighting

45. The Applicant must:
(a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development;
(b) ensure no outdoor lights shine above the horizontal; and
(c) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting* or its latest version,

to the satisfaction of the Secretary.

Additional Visual Mitigation Measures

46. Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct view of the mining operations on site, the Applicant must implement visual mitigation measures (such as landscaping treatments or vegetation screens) on the land in consultation with the landowner. These measures must be reasonable and feasible, and directed toward minimising the visibility of the mining operations from the residence.

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.

Note: Except in exceptional circumstances, the Secretary will not require additional visual impact mitigation to be undertaken for residences that are more than 3 kilometres from the mining operations.

Visual Impact Management Plan

47. The Applicant must prepare a Visual Impact Management Plan to mitigate the visual impacts of the development to the satisfaction of the Secretary. This plan must:
(a) be prepared in consultation with Council, and submitted to the Secretary for approval by 30 June 2019, unless otherwise agreed by the Secretary;
(b) provide for the establishment of trees and shrubs and/or the construction of mounding or bunding:
- along the access road to the mine site;

- around the water storage dams and coal preparation plant;
- at other areas identified as necessary for the maintenance of satisfactory visual amenity;

(c) include details of the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications), aimed at blending as far as possible with the surrounding landscape; and

(d) include detailed measures to minimise the visual impacts of the MOD 4 rail infrastructure, including:
- details regarding any proposed light screens, earth bunds and screen planting; and
- procedures to monitor and maintain the effectiveness of visual impact mitigation measures for the life of the development.

The Applicant must implement the management plan as approved by the Secretary.

BUSHFIRE MANAGEMENT

48. The Applicant must:
(a) ensure that the development is suitably equipped to respond to any fires on site; and
(b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site.

WASTE

Waste Minimisation & Disposal

49. The Applicant must:
(a) minimise the waste (including coal reject) generated by the development;
(b) ensure that the waste generated by the development is appropriately stored, handled and disposed of in a lawful manner.

On-site Sewage

50. The Applicant must ensure that all sewage generated on site is treated and disposed of to the satisfaction of Council.

Disposal of Fine Rejects

51. The Applicant must not emplace fine rejects in the southern catchment without the written approval of the Secretary

Waste Management Plan

52. The Applicant must prepare a Waste Management Plan for the development to the satisfaction of the Secretary. This plan must:
(a) be prepared in consultation with the Resources Regulator, and submitted to the Secretary for approval prior to carrying any development on site;
(b) describe the measures that would be implemented to avoid, minimise, reuse and recycle all waste streams generated by the development;
(c) include a fines emplacement plan; and
(d) a program to evaluate the fines emplacement plan and methods, with a view to emplacing fines within active mining areas.

The Applicant must implement the management plan as approved by the Secretary.

REHABILITATION

Rehabilitation Objectives

53. The Applicant must rehabilitate the site in accordance with the provisions under the *Mining Act 1992*. 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

Feature	***Objective***
All areas of the site affected by the development	• Safe, stable & non-polluting • Fit for the intended post-mining land use/s
Areas proposed for native ecosystem re-establishment	• Restore self-sustaining native woodland ecosystems characteristic of vegetation communities found in the local area, as shown conceptually in Figure 4 in Appendix 2. • Establish areas of self-sustaining:

Feature	*Objective*
	– riparian habitat, within any diverted and/or re-established creek lines and retained water features; – potential habitat for threatened flora and fauna species; and – wildlife corridors, as far as is reasonable and feasible, and as shown conceptually in Figure 4 in Appendix 2.
Areas proposed for agricultural land	• Establish/restore grassland areas to support sustainable agricultural activities • Achieve the nominated land capability classification
Other land affected by the development	• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of local native plant species (unless the Resources Regulator agrees otherwise)
Final Landform	• Stable and sustainable for the intended post-mining land use/s • Integrated with surrounding natural landforms • Incorporate micro-relief and drainage lines that are consistent with surrounding topography, to the greatest extent practicable • Maximise surface water drainage to the natural environment (excluding final void catchment)
Final voids	• Designed as long term groundwater sinks to maximise ground water flows across back filled pits to the final void • Minimise to the greatest extent practicable: – the size and depth of final voids; – the drainage catchment of final voids; – any high wall instability risk; and – the risk of flood interaction
Surface infrastructure of the development	• To be decommissioned and removed, unless the Resources Regulator agrees otherwise
Rehabilitation materials	• 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
Water quality	• Water retained on the site is fit for the intended post-mining land use/s • Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation
Community	• Ensure public safety • Minimise adverse socio-economic effects associated with mine closure

54. The Applicant must prepare a Rehabilitation Strategy all land disturbed by the development to the satisfaction of the Secretary. This strategy must be prepared in consultation with the Resources Regulator and Council and be submitted to the Secretary for approval within nine months of the date of the approval of Modification 8 under this consent unless otherwise agreed by the Secretary. The strategy must:
(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
(b) include a stakeholder engagement plan to guide rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including final void), post-mining land use/s and water management;
(c) build upon the Rehabilitation Objectives in Table 11, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including final voids), post-mining land use/s and water management;
(d) align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA, 2000);
(e) describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition 32;
(f) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;

(g) investigate opportunities to refine and improve the final landform and final void outcomes over time;

(h) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including the final void), that:

i. align with regional and local strategic land use planning objectives and outcomes (including the *Hunter Regional Plan 2041*);
ii. support a sustainable future for the local community;
iii. utilise existing mining infrastructure, where practicable;
iv. includes a description of long-term land management objectives, including bushfire management, weed and feral animal control, water quality and public safety; and
v. includes consideration of the integration of post-mining land uses with surrounding mining operations;

(i) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and

(j) include a program to periodically review and update this strategy at least every three years.

54A. The rehabilitation strategy must be implemented as approved by the Secretary.

Progressive Rehabilitation

55. Deleted.

55A. Deleted.

Note: *Progressive rehabilitation is a requirement under the conditions imposed under the Mining Act 1992.*

Rehabilitation Management Plan

56. Deleted.

Note: *The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the provisions of the Mining Act 1992.*

SCHEDULE 4
ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. By the end of December 2011, the Applicant must:
   (a) notify in writing the owners of:
   - the land listed in Table 1 of Schedule 3 that they have the right to require the Applicant to acquire their land at any stage of the development;
   - any residence on the noise-affected land in Table 1 or Table 2 of Schedule 3 that they are entitled to ask for additional noise mitigation measures to be installed at their residence at any stage of the development;
   - any residences on the air quality-affected land listed in Table 1 that they are entitled to ask for additional air quality mitigation measures to be installed at their residence at any stage of the development;
   - any privately-owned land within 2 kilometres of the approved open cut mining pit on the site that they are entitled to ask for an inspection to establish the baseline condition of any buildings and/or structures on their land, or to have a previous property inspection updated; and

   (b) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the documents listed in condition 2(c) of Schedule 2 identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in Schedule 3 at any time during the life of the development.

   Within one month of any modification that leads to new land being added to Tables 1 or 2 of Schedule 3, the Applicant must notify affected land owners in accordance with the requirements of paragraph (a).

1A. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, the Applicant must:
   (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and
   (b) advise the prospective tenants of the rights they would have under this consent,

   to the satisfaction of the Secretary.

2. As soon as practicable after obtaining monitoring results showing:
   (a) exceedance of the relevant criteria in Schedule 3, the Applicant must notify the affected landowner and tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the development is complying with the relevant criteria again; and/or
   (b) an exceedance of the relevant criteria of Schedule 3, the Applicant must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).

INDEPENDENT REVIEW

3. If an owner of privately-owned land considers the development to be exceeding the criteria in Schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.

   If the Secretary is not satisfied that an independent review is warranted, the Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.

   If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Applicant must:
   (a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the Secretary, to:
   - consult with the landowner to determine his/her concerns;
   - conduct monitoring to determine whether the development is complying with the relevant criteria; and
   - if the development is not complying with these criteria then:
     - o determine if more than one mine is responsible for the exceedance, and if so the relative share of each mine towards the impact on the land;
     - o identify the measures that could be implemented to ensure compliance with the relevant criteria; and

   (b) give the Secretary and landowner a copy of the independent review.

4. Deleted

5. Deleted

LAND ACQUISITION

6. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on:
   (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the:
      - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
      - presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional mitigation measures required under condition 2 of Schedule 3;
   (b) the reasonable costs associated with:
      - relocating within the Muswellbrook, Singleton or Scone local government area, or to any other local government area determined by the Secretary; and
      - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
   (c) reasonable compensation for any disturbance caused by the land acquisition process.

   However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.

   Upon receiving such a request, the Secretary shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:
   - consider submissions from both parties;
   - determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
   - prepare a detailed report setting out the reasons for any determination; and
   - provide a copy of the report to both parties.

   Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

   However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.

   Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.

   If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Secretary determines otherwise.

7. The Applicant must pay all reasonable costs associated with the land acquisition process described in condition 6 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. If the Secretary requires, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
   (a) be submitted to the Secretary for approval prior to carrying out any development on site;
   (b) provide the strategic framework for environmental management of the development;
   (c) identify the statutory approvals that apply to the development;
   (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
   (e) describe the procedures that would be implemented to:
   - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
   - receive, handle, respond to, and record complaints;
   - resolve any disputes that may arise during the course of the development;
   - respond to any non-compliance;
   - respond to emergencies; and

   (f) include:
   - copies of any strategies, plans and programs approved under the conditions of this consent; and
   - a clear plan depicting all the monitoring to be carried out in relation to the development.

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

Adaptive Management

1A. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

   Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:
   (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
   (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
   (c) implement remediation measures as directed by the Secretary,
   to the satisfaction of the Secretary.

Management Plan Requirements

2. The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
   (a) detailed baseline data;
   (b) a description of:
   - the relevant statutory requirements (including any relevant consent, licence or lease conditions);
   - any relevant limits or performance measures/criteria;
   - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;

   (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
   (d) a program to monitor and report on the:
   - impacts and environmental performance of the development;
   - effectiveness of any management measures (see c above);

   (e) a contingency plan to manage any unpredicted impacts and their consequences;
   (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
   (g) a protocol for managing and reporting any:
   - incidents;
   - complaints;
   - non-compliances with statutory requirements; and
   - exceedances of the impact assessment criteria and/or performance criteria; and

(h) a protocol for periodic review of the plan.

Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Annual Review

3. By the end of March each year (or other such timing as agreed by the Secretary), the Applicant must submit a report to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:
   (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the next calendar year;
   (b) include a comprehensive review of the monitoring results and complaints records of the development over the past calendar year, which includes a comparison of these results against the:
      - relevant statutory requirements, limits or performance measures/criteria;
      - monitoring results of previous years; and
      - relevant predictions in the documents listed in condition 2(c) of Schedule 2;
   (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
   (d) identify any trends in the monitoring data over the life of the development;
   (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
   (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

Revision of Strategies, Plans and Programs

4. Unless otherwise specified in a condition in Schedule 2 of this consent, within 3 months of:
   (a) the submission of an annual review under condition 3 above;
   (b) the submission of an incident report under condition 7 below;
   (c) the submission of an audit under condition 9 below; and
   (d) any modification to the conditions of this consent,

   the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.

   Within 4 weeks of conducting any such review, the Applicant must advise the Secretary of the outcomes of the review and submit any revised documents for the approval of the Secretary.

Notes:
- *The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the project.*
- *In the event of an inconsistency between condition 4(d) above and any condition in Schedule 3 of this consent, the latter prevails.*

Updating & Staging Strategies, Plans or Programs

4A. The Applicant may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

   With the agreement of the Secretary, the Applicant may prepare a revision or stage of any strategy, plan or program required under this consent without undertaking consultation with all parties nominated under the applicable condition in this consent.

Notes:
- *While any strategy, plan or program may be submitted on a staged basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

Management of Cumulative Impacts

5. In conjunction with the owners of the nearby mines (including the Bengalla mine), the Applicant must use its best endeavours to minimise the cumulative impacts of the development on the surrounding area to the satisfaction of the Secretary.

Note: Nothing in this consent is to be construed as requiring the Applicant to act in a manner which is contrary to the Trade Practices Act 1974.

Community Consultative Committee

6. The Applicant must operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in general accordance with the Department's *Community Consultative Committee Guidelines State Significant Projects November 2016*, or its latest version.

   Note: The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.

Incident Notification

7. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
   - date, time and location;
   - a brief description of what occurred and why it has been classified as an incident;
   - a description of what immediate steps were taken in relation to the incident; and
   - identifying a contact person for further communication regarding the incident.

   The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 6 (Incident Notification and Reporting Requirements).

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 and must be submitted via the NSW planning portal (Major Projects). The notification must 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, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, 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.

Monitoring and Environmental Audits

7B. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

   Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Regular Reporting

8. The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent, and to the satisfaction of the Secretary.

INDEPENDENT ENVIRONMENTAL AUDIT

9. Independent Environmental Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* published on the Department's website.

10. Deleted.

ACCESS TO INFORMATION

11. The Applicant must:
   (a) make the following information publicly available on its website:
   - the documents listed in condition 2(c) of Schedule 2;
   - all current statutory approvals for the development;
   - approved strategies, plans and programs required under the conditions of this consent;
   - a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;

- a complaints register, which is to be updated on a monthly basis;
- minutes of CCC meetings;
- the annual reviews (over the last 5 years);
- any independent environmental audit, and the Applicant's response to the recommendations in any audit;
- any other matter required by the Secretary; and

(b) keep this information up to date,

to the satisfaction of the Secretary.

APPENDIX 1
SCHEDULE OF LAND

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	1	1	DP2770
Freehold	1	1	DP192121
Freehold	1	2	DP2770
Freehold	1	2	DP192121
Freehold	1	3	DP2770
Freehold	1	4	DP2770
Freehold	1	5	DP2770
Freehold	1	6	DP2770
Freehold	1	8	DP2770
Freehold	1		DP104563
Freehold	1		DP112742
Freehold	1		DP114090
Freehold	1		DP189134
Freehold	1		DP194043
Freehold	1		DP213293
Freehold	1		DP254339
Freehold	1		DP312392
Freehold	1		DP318999
Freehold	1		DP401237
Freehold	1		DP544039
Freehold	1		DP629491
Freehold	1		DP634490
Freehold	1		DP655691
Freehold	1		DP706645
Freehold	1		DP718834
Freehold	1		DP742324
Freehold	1		DP744333
Freehold	1		DP745369
Freehold	1		DP780673
Freehold	1		DP791576
Crown	1		DP904885
Freehold	1		DP905281
Freehold	1		DP906668
Freehold	1		DP911212
Freehold	1		DP915913
Freehold	1		DP944232
Freehold	1		DP997931
Freehold	1		DP998239
Freehold	1		DP1072667
Freehold	1		DP1080962
Freehold	1		DP1081385
Freehold	1		DP1100374
Freehold	1		DP1137590

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	1		DP1129338
Freehold	1		DP1199733
Local Government Authority	1		DP1280451
Freehold	2	1	DP2770
Freehold	2	2	DP192121
Freehold	2	3	DP2770
Freehold	2	4	DP2770
Freehold	2	5	DP2770
Freehold	2	6	DP2770
Freehold	2	8	DP2770
Freehold	2		DP104563
Freehold	2		DP112742
Freehold	2		DP114090
Freehold	2		DP194043
Freehold	2		DP629491
Freehold	2		DP634490
Freehold	2		DP780673
Freehold	2		DP791576
Freehold	2		DP801249
Freehold	2		DP915913
Freehold	2		DP997931
Freehold	2		DP998239
Freehold	2		DP1081385
Freehold	2		DP1234475
Freehold	2		DP561117
Freehold	3	1	DP2770
Freehold	3	2	DP192121
Freehold	3	3	DP2770
Freehold	3	5	DP2770
Freehold	3	8	DP2770
Freehold	3	28	DP758554
Freehold	3	29	DP758554
Freehold	3		DP112742
Freehold	3		DP194043
Freehold	3		DP236668
Freehold	3		DP629491
Freehold	3		DP791576
Freehold	3		DP998239
Freehold	3		DP998477
NSW Government	3		DP1170997
Freehold	3		DP1183514
Freehold	3		DP1199733

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	3		DP1234475
Crown	3		DP1234475
Freehold	4	1	DP2770
Freehold	4	2	DP2770
Freehold	4	2	DP192121
Freehold	4	3	DP2770
Freehold	4	4	DP2770
Freehold	4	5	DP2770
Freehold	4	6	DP2770
Freehold	4	8	DP2770
Freehold	4	28	DP758554
Freehold	4	29	DP758554
Freehold	4		DP801249
NSW Government	4		DP1170997
Freehold	4		DP1199733
Freehold	4		DP1234475
Freehold	5	1	DP2770
Freehold	5	2	DP192121
Freehold	5	3	DP2770
Freehold	5	4	DP2770
Freehold	5	6	DP2770
Freehold	5	8	DP2770
Freehold	5	28	DP758554
Freehold	5		DP112742
NSW Government	5		DP1170997
Freehold	5		DP1199733
Crown	5		DP1234475
Freehold	6	1	DP2770
Freehold	6	2	DP192121
Freehold	6	3	DP2770
Freehold	6	8	DP2770
Freehold	6	28	DP758554
Freehold	6		DP749716
Freehold	6		DP750926
Freehold	6		DP821183
Freehold	6		DP1199733
Freehold	6		DP1234475
Freehold	7	2	DP192121
Freehold	7		DP112742
Freehold	7		DP236668
Freehold	7		DP749716
Freehold	7		DP784436
Freehold	7		DP821183
Freehold	7		DP1170997
Freehold	7		DP1199733
Freehold	7		DP1234475

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	8		DP255048
Freehold	8		DP770911
Freehold	8		DP1170997
Freehold	8		DP1199733
Freehold	9		DP255048
Freehold	9		DP750926
Freehold	9		DP1199733
Freehold	9		DP1310516
Freehold	10		DP255048
Freehold	10		DP236668
Freehold	10		DP750926
Road	10		DP1072668
Freehold	10		DP1184928
Freehold	10		DP1199733
Freehold	10		DP1294491
Freehold	11		DP112742
Freehold	11		DP255048
Freehold	11		DP1051153
Freehold	11		DP1184928
Freehold	12		DP112742
Freehold	12		DP255048
Freehold	12		DP659924
Freehold	12		DP1112792
Freehold	13		DP112742
Freehold	13		DP255048
Freehold	13		DP750926
Freehold	13		DP1112792
Freehold	14	8	DP2770
Freehold	14		DP112742
Freehold	14		DP255048
Freehold	14		DP1112792
Freehold	15		DP112742
Freehold	15		DP255048
Freehold	15		DP750926
Freehold	15		DP1112792
Freehold	16		DP112742
Freehold	16		DP255048
Freehold	16		DP750926
Freehold	16		DP1072668
Freehold	16		DP1112792
Freehold	17		DP2770
Freehold	17		DP112742
Freehold	18		DP112742
Freehold	18		DP1072668
Freehold	19		DP112742

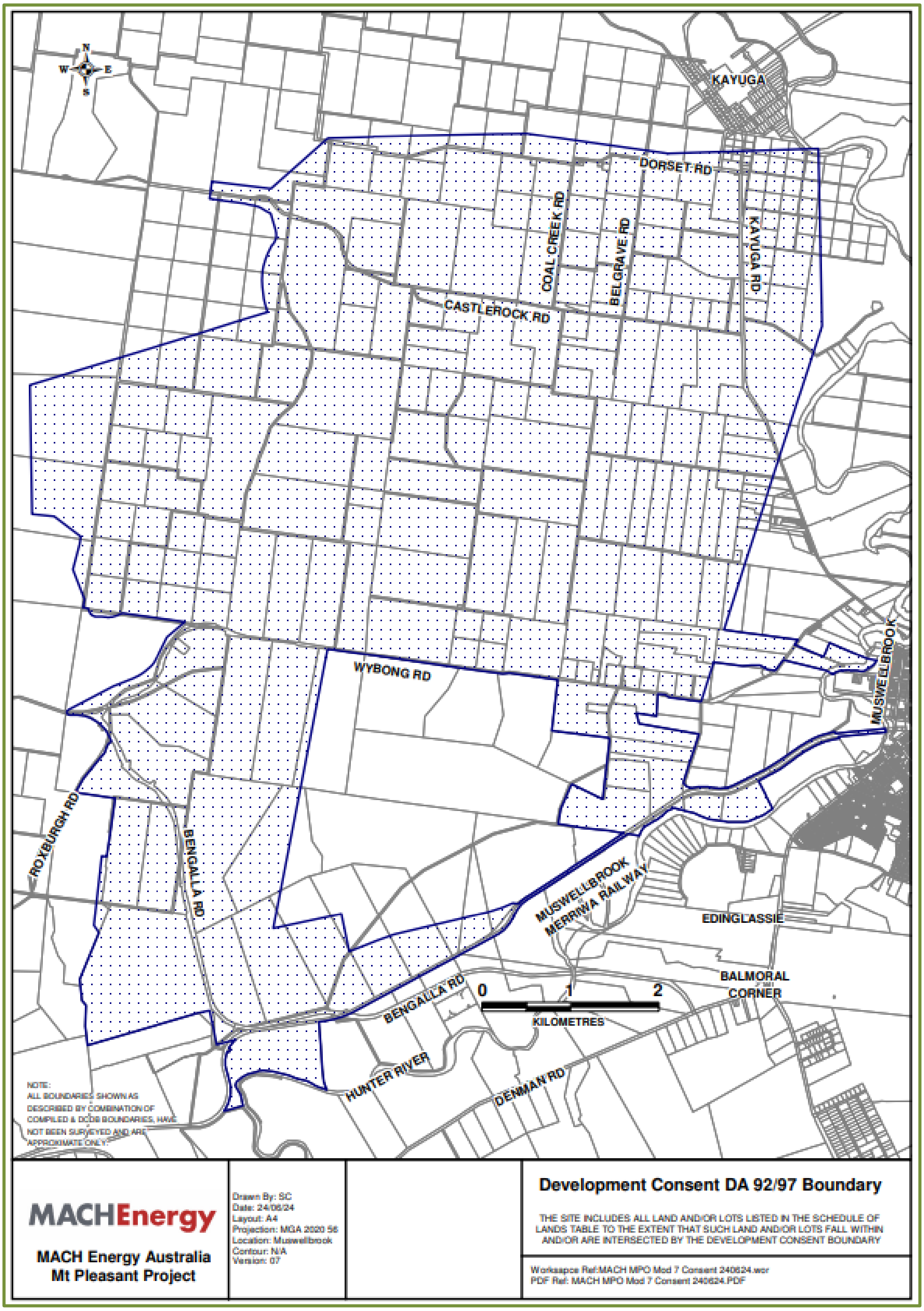
Tenure Type	Lot	Section	Deposited Plan Number
Freehold	19		DP750926
Freehold	20		DP112742
Freehold	20		DP747226
Freehold	20		DP1072668
Freehold	21		DP554140
Freehold	21		DP750926
Freehold	22		DP554140
Freehold	22		DP776758
Freehold	22		DP870608
Freehold	22		DP1041946
Freehold	22		DP1072668
Freehold	23		DP1041946
Freehold	24		DP742543
Freehold	24		DP1072668
Freehold	25		DP1053537
Freehold	25		DP1072668
Freehold	26		DP750926
Freehold	26		DP1072668
Freehold	27		DP745897
Freehold	28		DP750926
Freehold	50		DP809718
Freehold	129		DP750926
Freehold	130		DP750926
Freehold	131		DP750926
Freehold	132		DP558246
Freehold	132		DP750926
Freehold	133		DP750926
Freehold	135		DP750926
Freehold	143		DP750926
Freehold	144		DP1120266
Freehold	145		DP1120266
Freehold	146		DP750926
Freehold	147		DP1083411
Freehold	149		DP750926
Freehold	150		DP750926
Freehold	151		DP750926
Freehold	152		DP750926
Freehold	153		DP750926
Freehold	154		DP750926
Freehold	164		DP635272
Freehold	177		DP750926
Freehold	181		DP750926
Freehold	184		DP750926
Freehold	188		DP750926
Freehold	189		DP750926
Freehold	190		DP750926
Freehold	193		DP750926
Freehold	195		DP750926
Freehold	196		DP750926
Freehold	199		DP750926
Freehold	200		DP750926
Freehold	211		DP750926
Freehold	212		DP750926
Freehold	213		DP750926
Freehold	214		DP750926
Freehold	215		DP750926
Freehold	216		DP750926
Freehold	217		DP750926
Freehold	218		DP750926
Freehold	219		DP750926
Freehold	220		DP750926
Freehold	221		DP750926
Freehold	224		DP750926
Freehold	236		DP750926
Freehold	237		DP750926
Freehold	238		DP750926
Freehold	239		DP750926
Freehold	240		DP750926
Freehold	241		DP750926
Freehold	242		DP750926
Freehold	251		DP750926
Freehold	253		DP750926
Freehold	254		DP750926
Freehold	256		DP750926
Freehold	258		DP750926
Freehold	259		DP750926
Freehold	260		DP750926
Freehold	261		DP561919
Freehold	261		DP750926
Freehold	262		DP750926
Freehold	263		DP750926
Freehold	264		DP750926
Freehold	265		DP750926
Freehold	268		DP567444
Freehold	268		DP750926
Freehold	269		DP567444
Freehold	269		DP750926
Crown	269		DP750926
Freehold	270		DP750926
Freehold	271		DP750926

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	272		DP750926
Freehold	273		DP750926
Freehold	274		DP750926
Freehold	275		DP750926
Freehold	276		DP750926
Freehold	278		DP750926
Freehold	279		DP750926
Freehold	280		DP750926
Freehold	282		DP750926
Freehold	505		DP711996
Freehold	641		DP554159
Freehold	1006		DP1235827

Tenure Type	Lot	Section	Deposited Plan Number
Freehold	1007		DP1235827
Freehold	1008		DP1235827
Freehold	1009		DP1235827
Freehold	1031		DP1164040
Freehold	1453		DP628493
Crown	7001		DP93329
Crown	7304		DP1146786
Freehold	A		DP174071
Freehold	A		DP432713
Freehold	B		DP174071
Freehold	B		DP432713

Other	
Crown Water Course	Hunter River
State Rail Authority (Crown)	Muswellbrook Merriwa Railway. Railway lands located within, between or adjacent to the above Parcels of Land
Muswellbrook Shire 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
Crown	Creeks or streams located within, between or adjacent to the above Parcels of Land. Any Unidentified Crown Land or Crown Land Historical Title Residues located within, between or adjacent to the above Parcels of Land
Freehold	Any Unidentified 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.


N
S
W
E
KAYUGA
DORSET RD
COAL CREEK RD
BELGRAVE RD
KAYUGA RD
CASTLEROCK RD
WYBONG RD
MUSWELLBROOK
ROXBURGH RD
BENGALLA RD
MUSWELLBROOK MERRIWA RAILWAY
EDINGLASSIE
BALMORAL CORNER
BENGALLA RD
0
1
2
KILOMETRES
HUNTER RIVER
DENMAN RD
NOTE:
ALL BOUNDARIES SHOWN AS DESCRIBED BY COMBINATION OF COMPILED & DCDB BOUNDARIES, HAVE NOT BEEN SURVEYED AND ARE APPROXIMATE ONLY.
MACHEnergy
MACH Energy Australia
Mt Pleasant Project
Drawn By: SC
Date: 24/06/24
Layout: A4
Projection: MGA 2020 56
Location: Muswellbrook
Contour: N/A
Version: 07
Development Consent DA 92/97 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 MPO Mod 7 Consent 240624.wor
PDF Ref: MACH MPO Mod 7 Consent 240624.PDF

CONSOLIDATED CONSENT

APPENDIX 2
FIGURE 1 - CONCEPTUAL PROJECT LAYOUT PLAN AT 2027

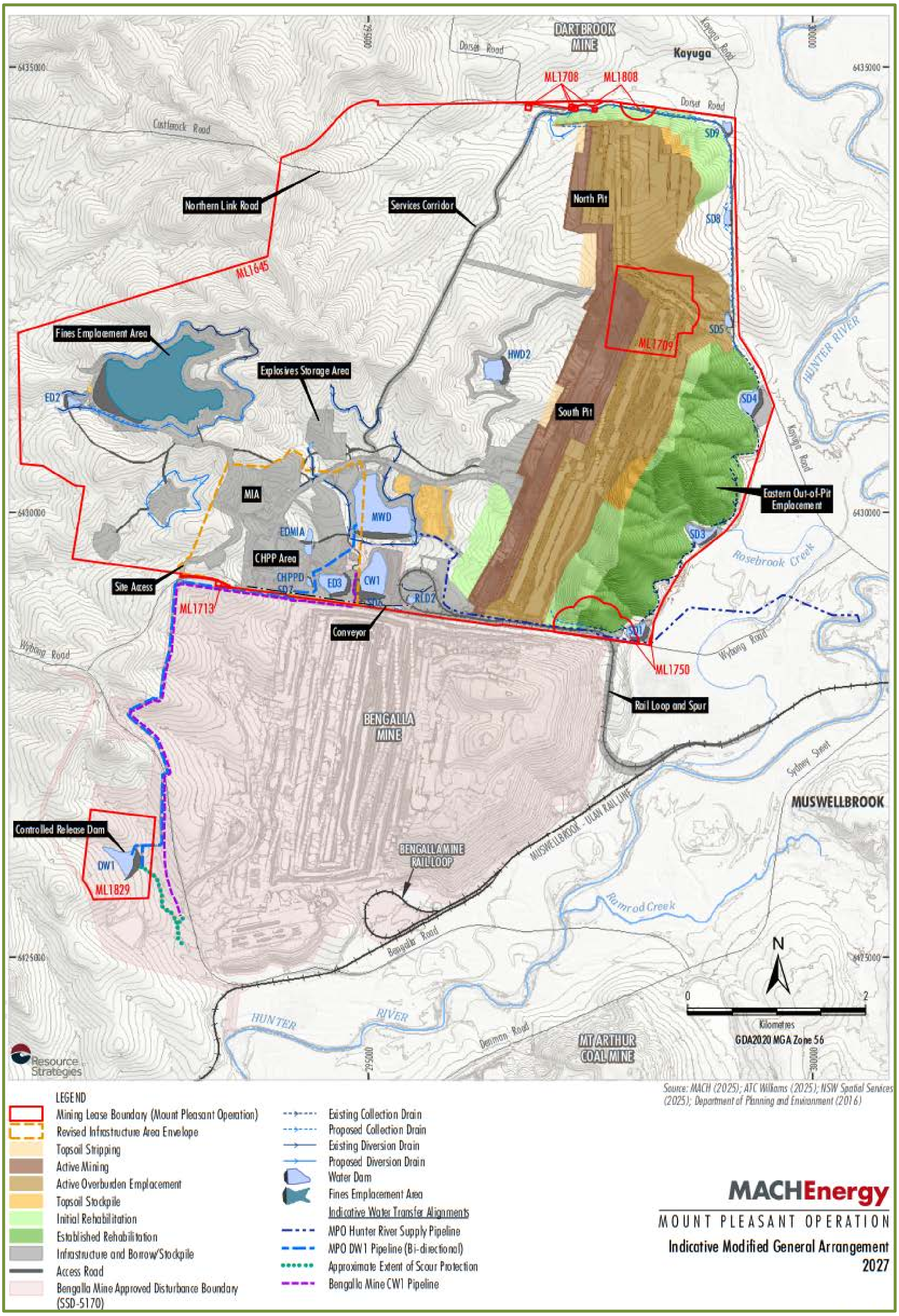


FIGURE 2 - CONCEPTUAL PROJECT LAYOUT PLAN AT 2031

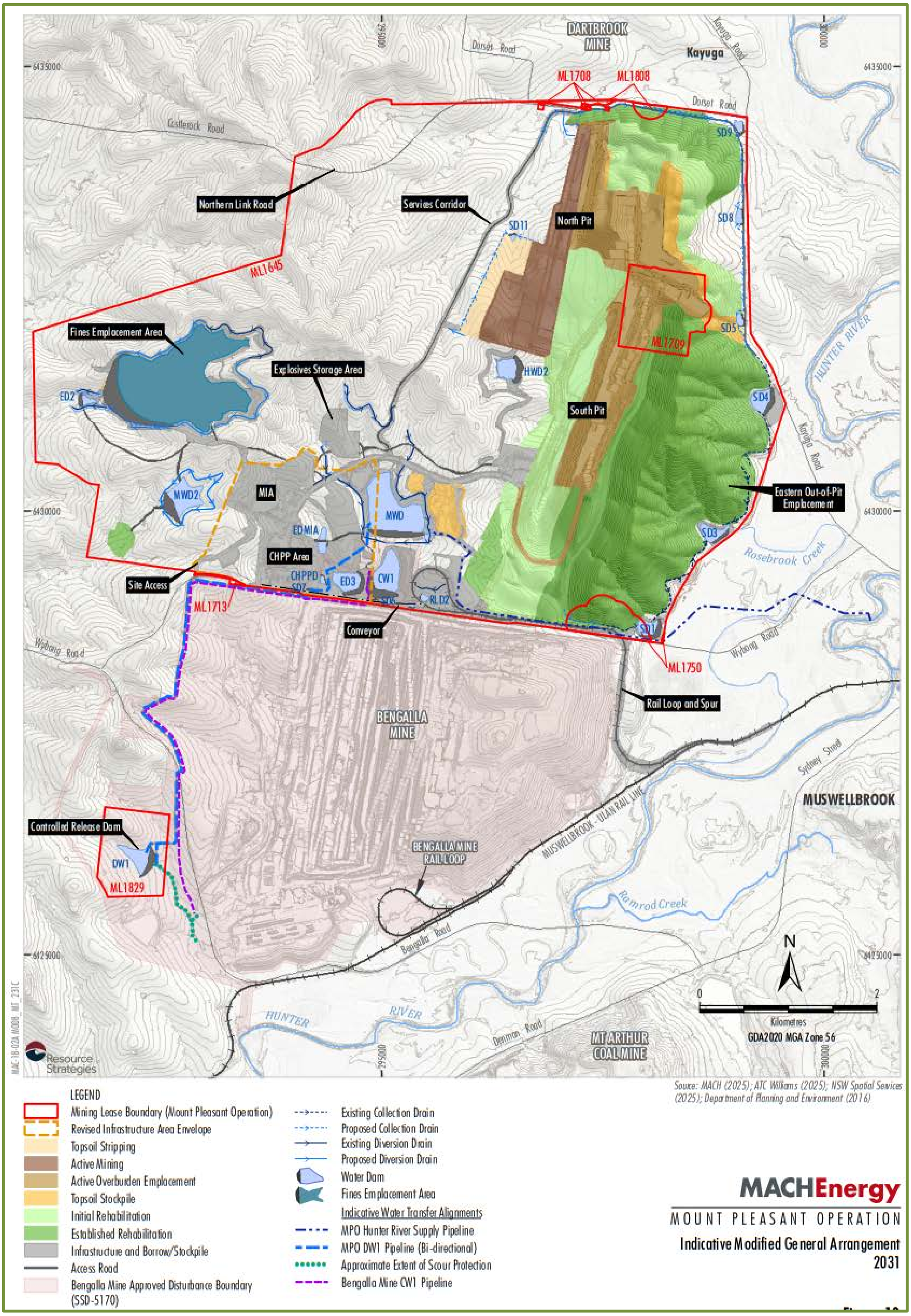
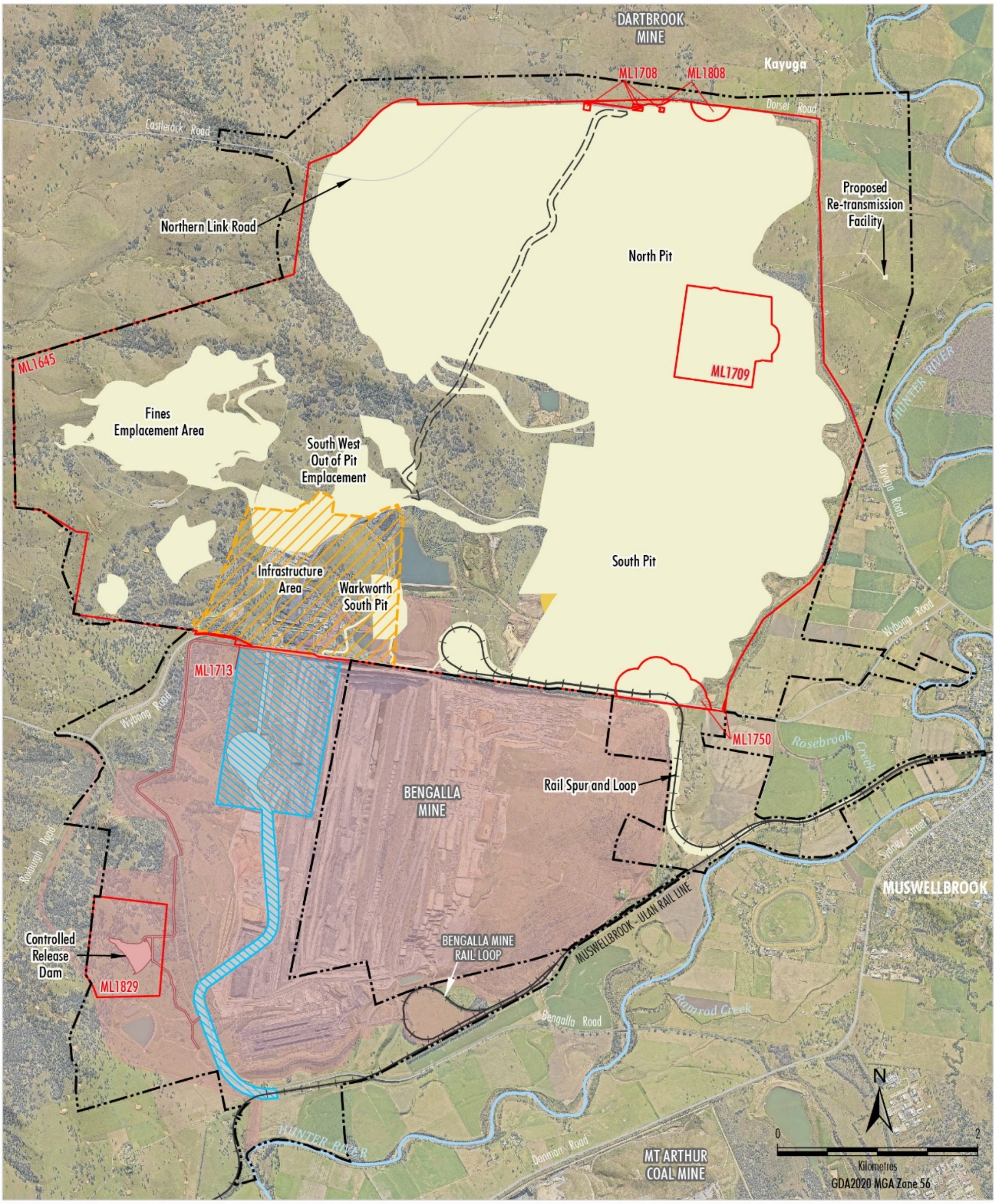


FIGURE 3 - APPROVED SURFACE DISTURBANCE PLAN



LEGEND
- Mining Lease Boundary (Mount Pleasant Operation)
- Amended Development Consent Boundary (DA 92/97)
- Approved Surface Disturbance Plan - DA 92/97 [1]
- Extension of Open Cut Mining and Emplacement Area (Land Lawfully Disturbed under SSD-10418)
- Services Corridor being developed under SSD-10418 to be used under the Modification
- Revised Infrastructure Area Envelope
- Infrastructure Removed under the Terms of Condition 37, Schedule 3
- Stage 1 Coal Transport Infrastructure (Removed)
- Existing/Approved Infrastructure within Bengalla Mine Approved Disturbance Boundary (SSD-5170)
- Bengalla Mine Approved Disturbance Boundary (SSD-5170)

[1] Excludes some incidental Project components such as water management infrastructure, access tracks, topsoil stockpiles, power supply, temporary offices, other ancillary works and construction disturbance.

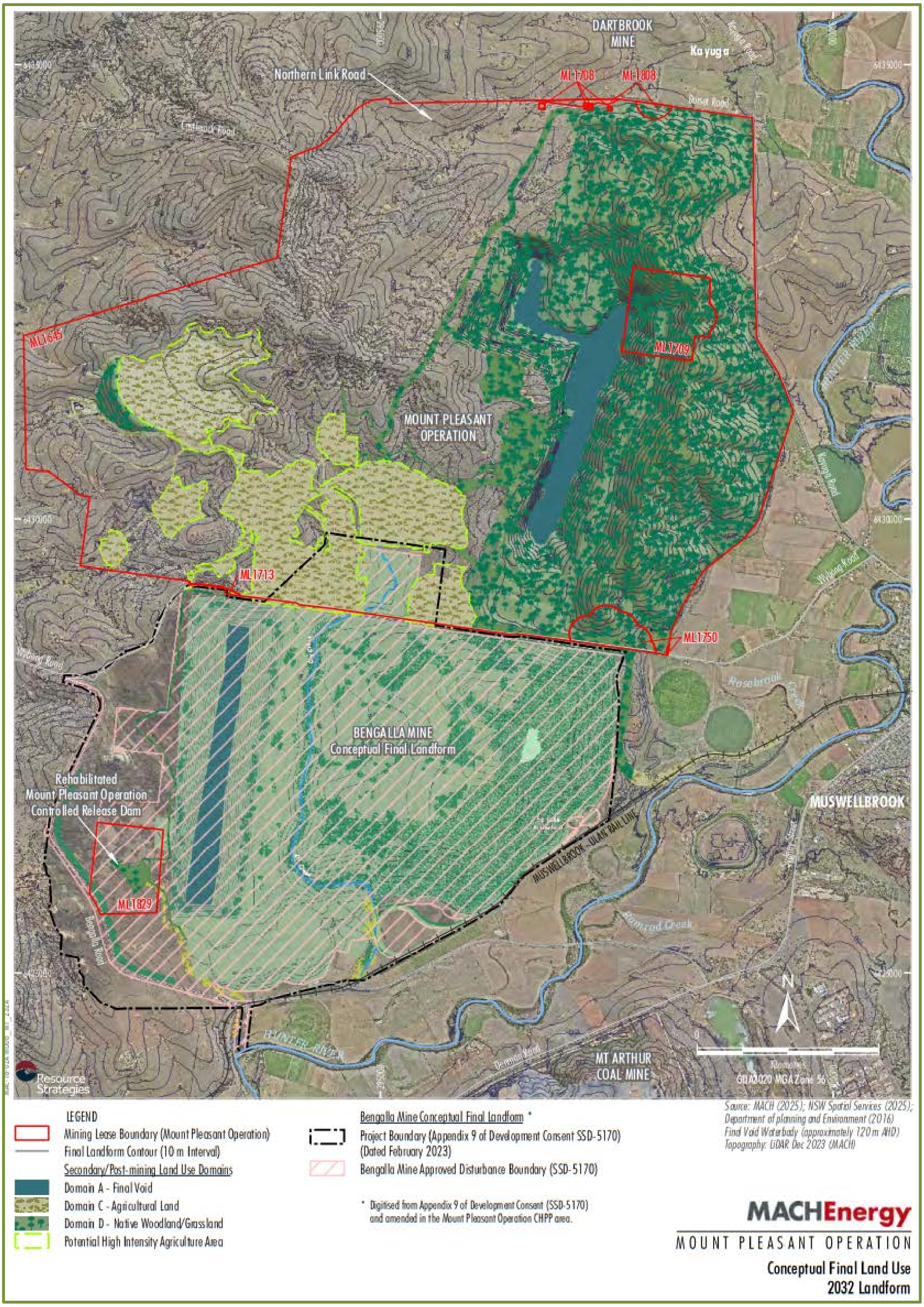
Source: MACH (2025); NSW Spatial Services (2025); Department of Planning and Environment (2016) Orthophoto: MACH (Jun 2025)

MACHEnergy
MOUNT PLEASANT OPERATION

Surface Development Plan (MOD8)

CONSOLIDATED CONSENT

FIGURE 4 - CONCEPTUAL FINAL LANDFORM



APPENDIX 3
STATEMENT OF COMMITMENTS

Deleted

APPENDIX 4
GENERAL TERMS FOR THE PLANNING AGREEMENT

The Applicant undertakes to make the following Development Contributions:

Note: where indicated in the following table CPI will be applied to the payment on each anniversary of the payment with the payment being increased in line with the CPI for the previous 12 month period.

Column 1	Column 2
Item	**Development Contribution**
Proposed Mt Pleasant Community Contribution	$500,000 per annum (indexed annually according to CPI). A community representative committee will be established, including Applicant representatives, to make recommendations to Council regarding these community contributions.
Council Road Maintenance Costs	Costs associated with the maintenance of roads, as reasonably apportioned to the use of the road by Mount Pleasant, up to a maximum annual payment of $220,000 per annum (indexed according to CPI). This contribution will be made for the recurrent road maintenance to be used at Councils discretion for that purpose.
Environmental Officer	The Applicant to make contributions to an Environmental Officer, up to a maximum of $20,000 per annum (indexed annually according to CPI).
Apprenticeships	The Applicant to use its best endeavours to engage 4 apprentices per year for the life of the mine sourced from residents within the Muswellbrook Shire and Aberdeen.

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	NJ 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	LJ 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	NJ & 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	LJ & 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		
178	PA NEELY	289	RA & EA LAWMAN	447	NM & JS LONERGAN
179	FW WHEATLEY	292	GR & MK WALSH	448	JS LONERGAN
180	FA WHEATLEY & SON PTY LTD	293	MG & LJ LATHAM	449	KM LEE
181	KL & HR DAY PTY LTD	296	JM WILD	450	KL & GM SMITH

Source: NSW Land & Property Information (2018)

MACHEnergy
MOUNT PLEASANT OPERATION
Landholder List

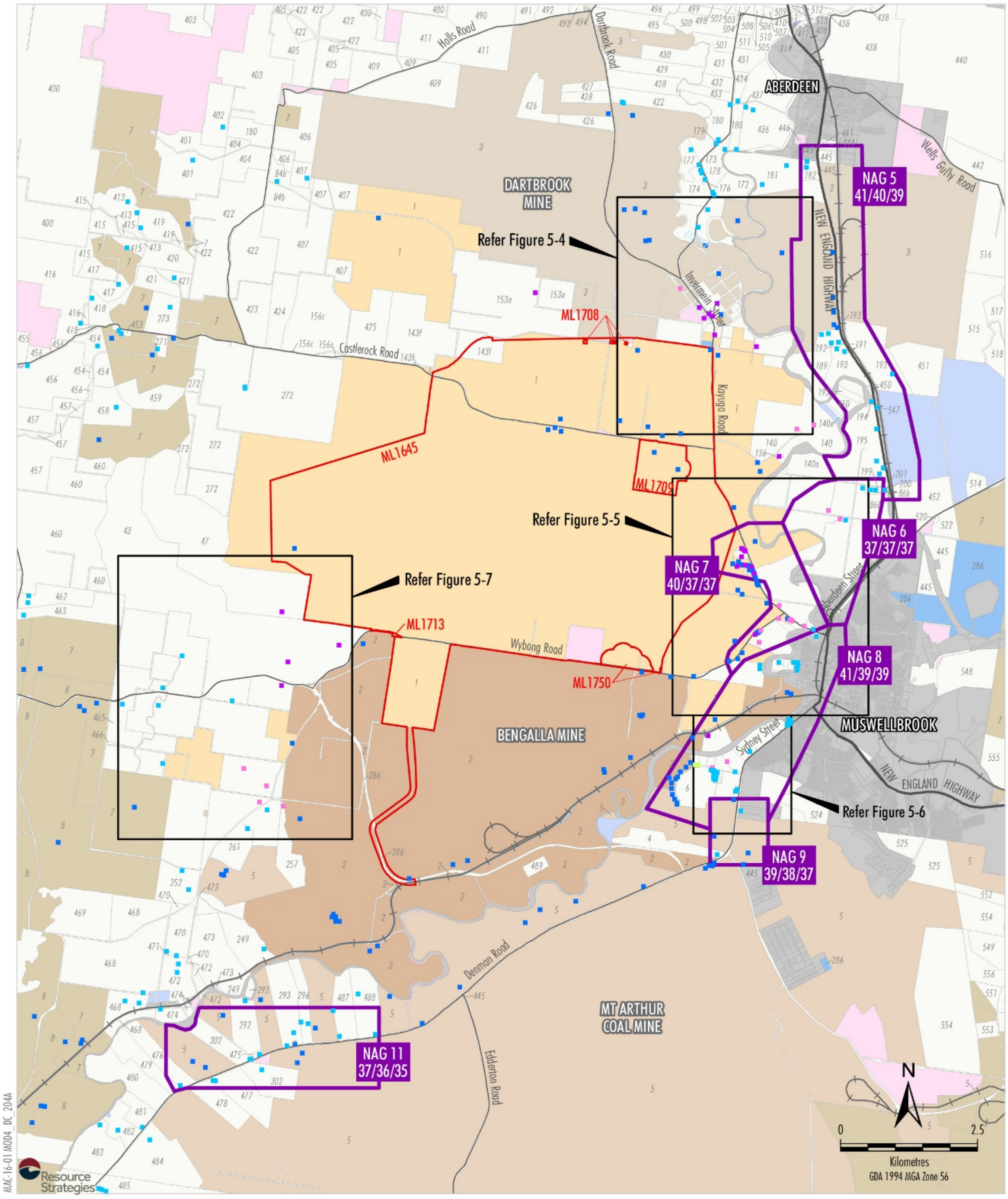
Figure 5-1

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 MCMANUS	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 JENNAR	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 (LINDISFARNE) 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	GRENTELL 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 GOODSELL	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		
502	LC SCOWEN	556	CS JACOBSEN
503	JR GORDON	557	CJ & LE DUCK
504	MT O'CONNELL		
505	GC O'HARA		

Source: NSW Land & Property Information (2018)

MACHEnergy
MOUNT PLEASANT OPERATION
Landholder List

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 Mitigation/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 Mitigation on Request - rail noise. MPO is only required to acquire and/or install air quality mitigation measures at this property if acquisition and/or mitigation is not reasonably achievable under a seperate approval for the Bengalla Mine.

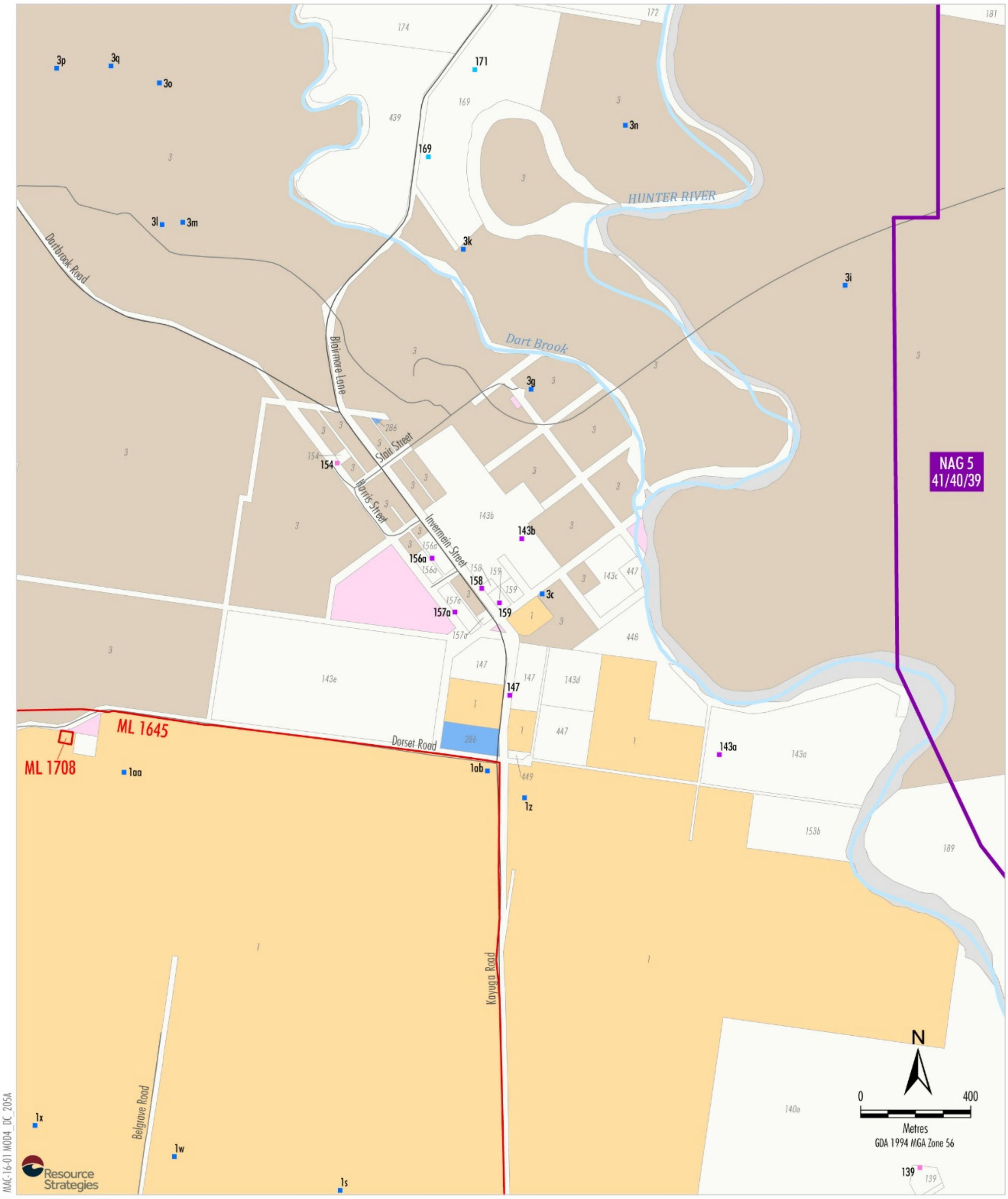
Source: NSW Land & Property Information (2017); NSW Division of Resources & Energy (2017)

MACHEnergy

MOUNT PLEASANT OPERATION

Land Ownership

Figure 5-3



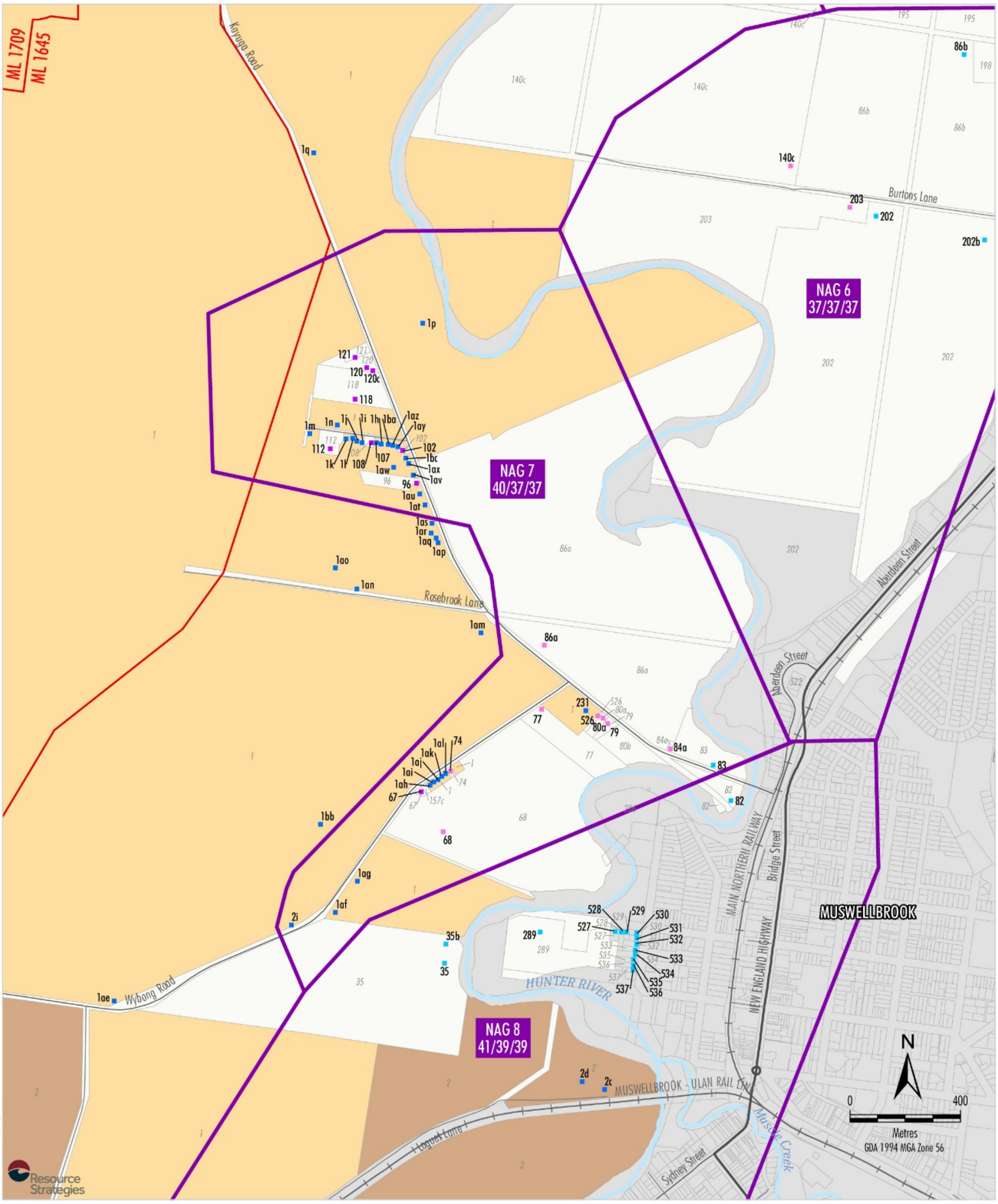
LEGEND

- 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)
- 37/36/35 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



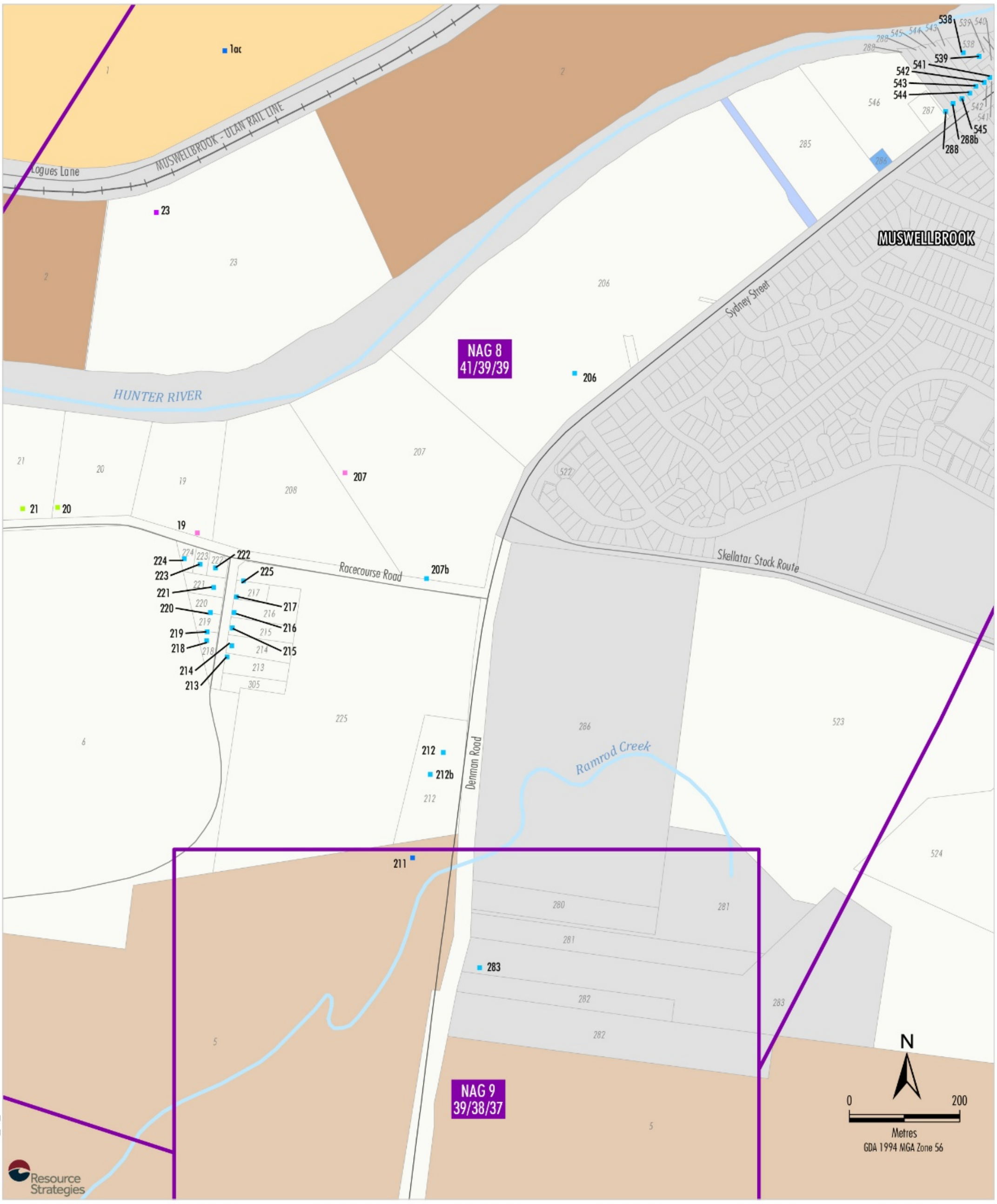
LEGEND

- 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)
- 37/36/35 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)
- 37/36/35 Default NAG Noise Criteria for Day/Evening/Night

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

* MPO Mitigation on Request - rail noise. MPO is only required to acquire and/or install air quality mitigation measures at this property if acquisition and/or mitigation is not reasonably achievable under a seperate approval for the Bengalla Mine.

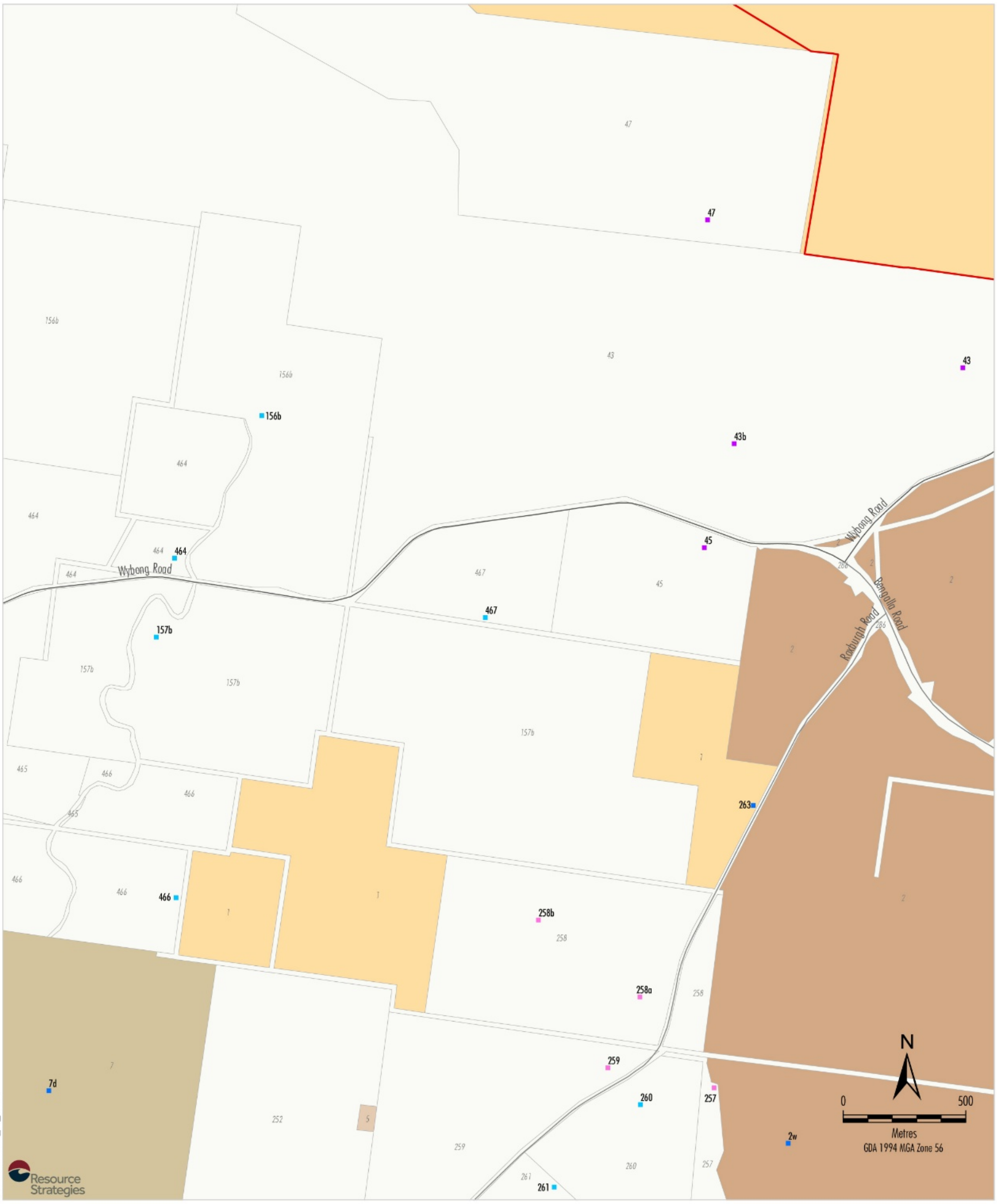
Source: NSW Land & Property Information (2016); NSW Division of Resources & Energy (2016); MACH Energy (2016)

MACHEnergy

MOUNT PLEASANT OPERATION

Land Ownership
Denman Road Inset

Figure 5-6



LEGEND

- Mining Lease Boundary
- Mount Pleasant Controlled
- Bengalla 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 Mitigation on Request
- Other Privately-owned Residence
- Noise Assessment Group (NAG)
- 37/36/35 Default NAG Noise Criteria for Day/Evening/Night

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

APPENDIX 6
INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).

2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Schedule 5, condition 7 of this consent or, having given such notification, subsequently forms the view that an incident has not occurred.

3. Within seven days (or as otherwise agreed by the Secretary) of the Applicant making the incident notification (in accordance with Schedule 5, condition 7 of this consent), the Applicant is required to submit a subsequent incident report that:

   (a) identifies how the incident was detected;

   (b) identifies when the Applicant became aware of the incident;

   (c) identifies any actual or potential non-compliance with conditions of consent;

   (d) identifies further action(s) that will be taken in relation to the incident; and

   (e) a summary of the incident;

   (f) outcomes of an incident investigation, including identification of the cause of the incident;

   (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and

   (h) details of any communication with other stakeholders regarding the incident.

4. The Applicant must submit any further reports as directed by the Secretary.