

Department of Planning and Environment

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# Mount Pleasant Operation Modification 6

Re-Transmission Facility

State Significant Development Modification Assessment Report (DA 92/97- Mod-6)

November 2023





# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 6 of Mount Pleasant Operation (DA 92/97- Mod-6) Assessment Report

Published: November 2023

Cover photo: Photo of indicative arrangement of the re-transmission facility.

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# Contents

<b>1</b>	<b>Introduction.....</b>	<b>1</b>
1.1	Background .....	1
1.2	Proposed Modification .....	1
<b>2</b>	<b>Statutory context.....</b>	<b>4</b>
2.1	Scope of Modification and Assessment Pathway.....	4
2.2	Consent Authority .....	4
2.3	Mandatory Matters for Consideration .....	4
<b>3</b>	<b>Engagement.....</b>	<b>5</b>
3.1	Department’s Engagement.....	5
<b>4</b>	<b>Assessment.....</b>	<b>6</b>
<b>5</b>	<b>Evaluation.....</b>	<b>8</b>
<b>6</b>	<b>Recommendation.....</b>	<b>9</b>
<b>7</b>	<b>Determination.....</b>	<b>9</b>
	<b>Appendices.....</b>	<b>10</b>
	Appendix A – List of Documents.....	10
	Appendix B – Instrument of Modification.....	10

# 1 Introduction

## 1.1 Background

The Mount Pleasant Operation is an open cut coal mine located on Wonnarua land in the Upper Hunter Valley of New South Wales (NSW), approximately 3 kilometres (km) north-west of Muswellbrook. The mine is managed by MACH Mount Pleasant Operations Pty Limited (MACH).

On 22 December 1999, the then Minister for Urban Affairs and Planning approved the Mount Pleasant Operation (DA 92/97) under the *Environmental Planning and Assessment Act 1979* (EP&A Act). DA 92/97 has been modified on 5 occasions, with the most recent modification (MOD 5) being approved on 29 June 2022.

On 6 September 2022, the Independent Planning Commission (Commission) approved the Mount Pleasant Optimisation Project (SSD 10418). Although development under SSD 10418 has not yet commenced, the project would extend the mine life of the existing Mount Pleasant Operation until 2048 by mining deeper coal reserves and extending part of the open cut areas.

As mining and rehabilitation activities progress at the Mount Pleasant Operation, the eastern out of pit emplacement will gradually increase in elevation. This landform is located in the direct pathway of the local digital television signal between the Broadcast Australia's Rossgole Transmission Tower and residents of Muswellbrook. During assessment of SSD 10418, Muswellbrook Shire Council (Council) and community members raised concerns about the potential impacts on telecommunications reception (from Rossgole Tower) given the location and increased height of the eastern emplacement. To address these concerns, SSD 10418 requires MACH to implement make-good provisions for any adverse impacts on the reception of broadcasting services at the tower.

To investigate the extent of potential impacts on telecommunications reception, MACH assessed the digital television signal pathway and broadcasting coverage between the Rossgole Tower and the township of Muswellbrook. MACH concluded that as the eastern emplacement, approved under DA 92/97, rises in elevation, it will obscure the direct signal pathway between the tower and residents in Muswellbrook. This would interfere with the quality of broadcasting services as it is located in the direct signal pathway.

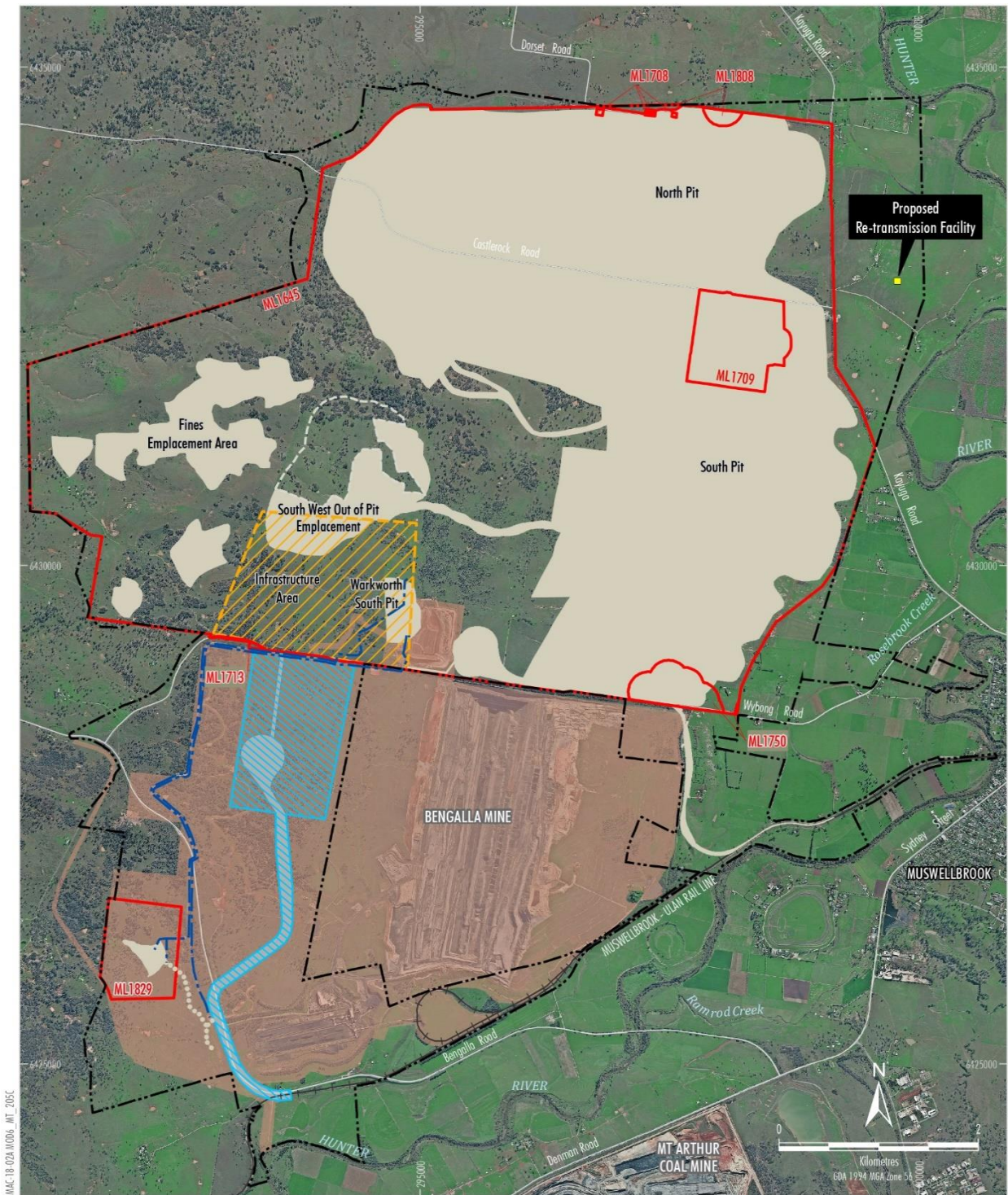
## 1.2 Proposed Modification

To address the potential telecommunication impacts from the approved mine landform under DA 92/97 and facilitate the make-good provisions of SSD 10418, MACH is proactively seeking to modify the Mount Pleasant Operation development consent (DA 92/97) to allow for construction and operation of a re-transmission facility.

The facility would be located east of the existing waste rock emplacement (see **Figure 1**) and would consist of a freestanding 25 m high re-transmission tower and a small shed for the ancillary infrastructure. All land disturbance associated with the modification would occur within the boundary of DA 92/97.

Most key aspects of the approved development would remain unchanged as the proposed modification would not alter the approved mining operations, including the mine life, extraction rates,

mining methods, disturbance footprint or any other surface activities. A detailed description of the modification is provided in **Appendix A1**. MACH also requested minor changes to the notes under Condition 2 of Schedule 2 to clarify areas that were originally approved to be developed under DA 92/97.



MACH 18-02A.WD06\_Mt\_205C

- LEGEND**
- Development Consent Boundary (DA 92/97)
  - Mining Lease Boundary
  - Approximate Extent of Approved Surface Development<sup>1</sup>
  - Indicative Water Pipeline Alignment
  - Area Relinquished for Overburden Emplacement and Major Infrastructure
  - Infrastructure Area Envelope
  - Infrastructure to be removed under the Terms of Condition 37, Schedule 3
  - Indicative Existing Coal Transport Infrastructure
  - Bengalla Mine Approved Disturbance Boundary (SSD-5170)

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

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

**MACHEnergy**  
 MOUNT PLEASANT OPERATION  
 Revised Approved Surface Disturbance Plan

**Figure 1 | Proposed Location of the Re-Transmission Facility**

## 2 Statutory context

### 2.1 Scope of Modification and Assessment Pathway

Under section 4.55(1A) of the EP&A Act, DA 92/97 cannot be modified unless the consent authority is satisfied that the modified proposal is of minimal environmental impact and is substantially the same as the development for which consent was originally granted.

As there are no proposed changes to the nature or scale of the approved development (see **Section 1.2**), the Department considers that the proposed modification is substantially the same as originally approved (under DA 92/97). Additionally, given there would be a negligible increase to the environmental impacts of the approved project (see **Section 4**) the Department considers that the application can be characterised as a modification involving minimal environmental impact.

Consequently, the Department is satisfied that the modification is within the scope of section 4.55(1A) of the EP&A Act and may be determined accordingly.

### 2.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2022, the Director, Resource Assessments may determine the application as Muswellbrook Shire Council did not object to the proposed modification and MACH has not disclosed any reportable political donations.

### 2.3 Mandatory Matters for Consideration

In accordance with section 4.15(1) and 4.55(3) of the EP&A Act, the Department has considered the relevant matters set out in section 4.15(1) of the EP&A Act, including the objects of the Act, applicable environmental planning instruments, the likely impacts of the modification application, site suitability and the public interest.

#### 2.3.1 Environmental Planning Instruments

A number of environmental planning instruments apply to the modification, including:

- *State Environmental Planning Policy (Planning Systems) 2021*;
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*; and
- *Muswellbrook Local Environmental Plan 2009*.

The Department has considered the proposed modification against the relevant provisions of these instruments as well as MACH's consideration of relevant instruments (see **Appendix A**).

The Department is satisfied that the proposed modification can be carried out in a manner that is generally consistent with the aims, objectives and provisions of these instruments.

### 2.3.2 Objects of the EP&A Act

The consent authority must consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3) when determining whether or not to modify the consent.

The Department is satisfied that the proposed modification is consistent with the objectives of the EP&A Act, as detailed in MACH's Modification Report (see **Appendix A1**).

### 2.3.3 The Reasons for Granting Consent for the Original Application

In accordance with section 4.55(3) of the EP&A Act, in determining this modification, the Department has taken into consideration the reasons for the Minister's decision for granting Development Consent DA 92/97.

Consistent with this reasoning, the Department considers that the benefits of the current modification would again outweigh the potential impacts, subject to the adherence to strict conditions.

## 3 Engagement

### 3.1 Department's Engagement

Advice on the modification application was sought from the Biodiversity Conservation Division within the Department (BCD) and Muswellbrook Shire Council (Council). In accordance with the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the Department also notified and sought comment from Ausgrid.

#### 3.1.1 Summary of Consultation and Agency Advice

**Ausgrid** requested MACH to consider the compatibility of the proposed transmission facility with existing Ausgrid infrastructure and listed the relevant requirements to adhere to when working near powerline easements. MACH committed to complying with these requirements.

**Council** requested further information to confirm how MACH would manage the transmission facility changeover and recommended further consultation to provide information to the Muswellbrook community. In response to Council's request, MACH detailed how the changeover would be managed and committed to consulting with Council, relevant stakeholders and the community as part of the installation and operation of the re-transmission facility. Following review of MACH's response, Council was satisfied that its concerns had been addressed.

The **BCD** requested further details be included in the Biodiversity Development Assessment Report (BDAR) to ensure compliance with the Biodiversity Assessment Method (see **Appendix A**).

Following review of MACH's response addressing these concerns, **Council** and the **BCD** confirmed they had no further comments and they were satisfied that adequate information was provided (see **Appendix A**).



# 4 Assessment

The Department has assessed the merits of the modification in accordance with the requirements of the EP&A Act and applicable NSW policies and guidelines. The Department’s consideration and assessment of issues related to the modification is summarised in **Table 1** below.

**Table 1 | Assessment of Issues**

Issue	Findings and conclusions	Recommended conditions
<p><b>Surface Disturbance</b></p>	<p>Approximately 0.26 hectares (ha) of disturbance would be required to allow for construction of the proposed re-transmission facility. The disturbance footprint comprises grazing land historically cleared for agricultural purposes.</p> <p><b>Biodiversity</b></p> <ul style="list-style-type: none"> <li>The BDAR mapped a total of 0.24 ha of native grassland which was assigned to Plant Community Type (PCT) 3521 <i>Northwest White Box Woodland</i>.</li> <li>Given the vegetation integrity score for PCT 3521 is below 17, and it is not commensurate with any threatened ecological community there is no requirement for any ecosystem credits to be offset.</li> <li>Notwithstanding, the modification would generate a total of two species credits given the BDAR conservatively assumed presence of the Austral Toadflax (<i>Thesium australe</i>) and the Pink-tailed Legless Lizard (<i>Aprasia parapulchella</i>).</li> <li>BCD did not raise any concerns regarding the impacts of the proposed modification and confirmed that the BDAR was completed in accordance with the provisions of the <i>Biodiversity Conservation Act 2016</i> (BC Act).</li> <li>Given the above, the Department considers that the modification is unlikely to result in a significant impact on any biodiversity values and has recommended new conditions to retire the species credits.</li> <li>In addition, biodiversity impacts would continue to be monitored and managed in accordance with an approved Biodiversity Management Plan.</li> </ul> <p><b>Aboriginal Cultural Heritage</b></p> <ul style="list-style-type: none"> <li>An Aboriginal objects due diligence assessment was completed for the modification.</li> <li>No known Aboriginal objects or potential sites would be impacted by the proposed modification.</li> <li>Due to the previously disturbed nature of the land, it is unlikely that there would be any unidentified Aboriginal heritage sites in the modification area.</li> <li>Under the existing consent conditions, MACH is required to implement measures to manage the discovery of previously unidentified Aboriginal objects in accordance with the approved Aboriginal Heritage Management Plan.</li> <li>The Department considers that Aboriginal heritage values would not be significantly impacted as a result of the modification.</li> </ul> <p><b>Historic Heritage:</b></p> <ul style="list-style-type: none"> <li>There are no known heritage sites within the proposed modification area. The closest heritage listed item, the Negera homestead, is located 700 m south-east of the site and would not be impacted.</li> <li>The Department considers that historic heritage values would not be significantly impacted as a result of the modification and no further</li> </ul>	<p><b>Biodiversity</b></p> <ul style="list-style-type: none"> <li>The Department recommends that the conditions be revised to include a requirement to retire the species credits for <i>Thesium australe</i> and <i>Aprasia parapulchella</i> in accordance with the NSW Biodiversity Offset Scheme.</li> <li>The Department considers that all other biodiversity conditions remain appropriate for the development.</li> </ul> <p><b>Heritage</b></p> <ul style="list-style-type: none"> <li>The Department considers that the existing conditions remain appropriate for the development.</li> </ul>

Issue	Findings and conclusions	Recommended conditions
<b>Amenity</b>	<p>management measures would be required.</p> <p><b>Visual</b></p> <ul style="list-style-type: none"> <li>The facility consists of a single freestanding 25 m high re-transmission tower and a small shed for the ancillary infrastructure.</li> <li>Given the tower location requires an elevated position to effectively re-transmit the digital television signal, it would be visible from surrounding rural residences and from various viewpoints within the township of Muswellbrook.</li> <li>In order to mitigate these potential impacts, MACH committed to painting the tower, and associated infrastructure, with colours complementary to the surrounding landscape.</li> <li>While the transmission tower would be visible to some residents of Muswellbrook, the visual impact would not be significantly discernible from the existing views of the surrounding modified mining landscape, and the existing Ausgrid transmission line which is located approximately 400 m to the north and is approximately 10 - 20 m high.</li> <li>On balance, the Department considers the minor visual impacts associated with the tower would be outweighed by the benefits of the modification in ensuring that reception of broadcasting services within Muswellbrook remains uninterrupted, which is a concern to the community.</li> </ul> <p><b>Noise, Air Quality and Greenhouse Gas Emissions</b></p> <ul style="list-style-type: none"> <li>Over a 2 to 4 week period, minor noise, air quality and greenhouse gas emissions would be generated from the clearing of land and construction of the transmission tower. During operation of the re-transmission facility, the only source of emissions would be generated by a light vehicle occasionally accessing the site for monitoring purposes.</li> <li>Given the scale and duration of works, the impacts are considered to be negligible relative to the impacts from the existing mining operations.</li> <li>Notwithstanding, the existing consent conditions require MACH to implement best practice measures to minimise the generation of noise, dust and greenhouse gas emissions as well as operate in accordance with the approved Noise Management Plan and Air Quality and Greenhouse Gas Management Plan.</li> <li>Overall, the Department considers the noise, air quality and greenhouse gas impacts associated with the modification would be consistent with approved operations and would be able to be managed under the existing consent conditions.</li> </ul>	<p>The Department considers that the existing conditions remain appropriate for the development.</p>
<b>Hazards</b>	<ul style="list-style-type: none"> <li>The modification report considered the potential health impacts associated with operating the re-transmission tower.</li> <li>The maximum levels of radiofrequency electromagnetic energy produced by the retransmission tower would comply with the occupational and public exposure limits under the <i>Australian Radiation Protection and Nuclear Safety Agency's Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz Radiation Protection Series S-1, dated 2021</i>.</li> <li>Nevertheless, MACH committed to installing fencing and other security measures to restrict unauthorised access to the infrastructure.</li> <li>MACH consulted with the Australian Communications and Media Authority, and no concerns were raised.</li> <li>Prior to the commencement of construction, MACH would also consult with the Civil Aviation Safety Authority, the Department of Defence, AirServices Australia and other relevant industry stakeholders to</li> </ul>	<p>The Department considers that the existing conditions remain appropriate for the development.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>ensure the design of the transmission tower complies with relevant aviation safety standards, codes and/ or guidelines, including the provision of warning lights if required.</p> <ul style="list-style-type: none"> <li>Given the above, the Department considers that the potential health risks associated with the modification are acceptable and able to be managed in accordance with the requirements of the Australian Communications and Media Authority and relevant aviation authorities.</li> </ul>	

## 5 Evaluation

The Department's assessment considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development as well as strategic government policies and plans (**Section 2**).

The Department consulted with Council and relevant government authorities and none of these agencies objected to the modification (**Section 3**).

Importantly, most key aspects of the approved development would remain unchanged, noting that there are no proposed alterations to the approved mine life, extraction rates, mining methods or any other surface activities. To address the potential telecommunication impacts from the approved mine landform under DA 92/97 and facilitate the make-good provisions of SSD 10418, the modification would allow for construction and operation of a re-transmission facility to optimise the telecommunication network in Muswellbrook.

The Department considers that the proposed modification would be of minimal environmental impact as the additional disturbance would be located on land historically cleared for agricultural purposes. Notwithstanding, the Department recommended conditions requiring MACH to retire biodiversity offset credits in accordance with the provisions of the NSW Biodiversity Offset Scheme.

Although residual amenity impacts would occur at some residences in the Muswellbrook area from visual impacts associated with the transmission infrastructure, the Department concluded that the minor visual impacts associated with the tower would be outweighed by the benefits of the modification in ensuring that reception of broadcasting services within Muswellbrook remains uninterrupted, which is a concern to the community.

Importantly, the Department considers that the modification is in the public interest as it provides flow-on benefits to the local community by improving the digital television broadcasting services.

The Department has also taken the opportunity to clarify the intent of the development area figures within the development consent.

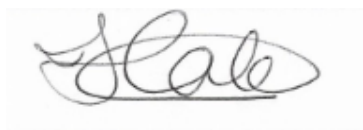
Overall, the Department considers that the modification would not result in any significant environmental, social or economic impacts beyond those already assessed and approved, and should be approved, subject to conditions.

## 6 Recommendation

It is recommended that the **Director, Resource Assessments**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the application DA 92/97-MOD 6 falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification;
- **modifies the consent** for the Mount Pleasant Operation (DA 92/97-MOD 6) as amended, subject to the conditions in the attached instrument of modification; and
- signs the attached instrument of modification (**Appendix B**).

Recommended by:



6/11/2023

**Tegan Cole**  
Senior Environmental Assessment Officer  
Resource Assessments

Recommended by:



6/11/2023

**Joe Fittell**  
Team Leader  
Resource Assessments

## 7 Determination

The recommendation is **adopted/not adopted** by:



6/11/2023

**Stephen O'Donoghue**  
Director  
Resource Assessments  
as delegate of the Minister for Planning and Public Spaces

# Appendices

## Appendix A – List of Documents

**A1 – Modification Report:** Refer to “Modification Application” folder on the Department’s website:

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-6-retransmission-facility>

**A2 – Agency Advice:** Refer to “Agency Advice” folder on the Department’s website:

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-6-retransmission-facility>

**A3 – Submissions Report:** Refer to “Response to Submissions” folder on the Department’s website:

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-6-retransmission-facility>

**A4 – Request for Information:** Refer to “Additional Information” folder on the Department’s website:

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-6-retransmission-facility>

## Appendix B – Instrument of Modification

See Department’s Major Project Website:

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-6-retransmission-facility>