



Mr Alan Coutts
Chair of IPC Panel
Independent Planning Commission of NSW
GPO Box 3415
Sydney NSW 2001

Dear Mr Coutts

Mount Pleasant Coal Mine - Extension of Mine Life (DA 92/97 MOD 3)

I refer to your correspondence of 23 July 2018 seeking the Department's consideration of additional detailed comments and accompanying specialist reports provided by the Hunter Thoroughbred Breeders Association (HTBA) on the Mount Pleasant Modification 3 proposal.

I also note that a copy of the HTBA's comments was provided to MACH Energy and that the Applicant responded to the matters raised by the HTBA on 3 August 2018.

Following a careful review of the above documents, the Department considers that the targeted responses provided by MACH Energy adequately and appropriately address the pertinent issues raised in the HTBA's letter and its accompanying technical reports. Furthermore, the Department notes that many of the issues raised by the HTBA do not fully recognise the existing project approval held by MACH Energy to develop the Mount Pleasant Coal Mine. The Department's fundamental position is that the key matters for consideration and assessment in respect of Modification 3 relate to the changes between the approved mining operation and the amendments proposed in the Applicant's Environmental Assessment and accompanying Response to Submissions. That is, the key matters relate to the modification proposed and its associated environmental impacts.

In considering the HTBA's letter, the Department has paid particular attention to the additional technical reports provided by the HTBA and concerns expressed about the adequacy of assessment information available to inform the assessment and determination of social, environmental and economic impacts associated with the modification.

The Department maintains that it has completed a robust assessment of the proposed modification and has considered all relevant environmental, social and economic factors under the *Environmental Planning and Assessment Act 1979*. The Department's assessment report has afforded appropriate consideration to the technical matters raised by the HTBA and has expressly addressed the concerns previously raised in submissions on the project (by both the HTBA and others) around the validity of the environmental assessment information provided.

The Department's assessment recognises that aspects of the regional context have changed since the project was initially approved in 1999. These changes include the progress of the Mount Arthur and Bengalla mines away from Muswellbrook township, as well as the establishment of new government policies.

As early as June 2016, the Department wrote to MACH Energy acknowledging the company's intentions to lodge an application to extend the life of its approved Mount Pleasant Coal Mine and highlighting the importance of contextually relevant assessment material. This letter noted that the modification application would need to be accompanied by

contemporary air quality, greenhouse gas, noise, blasting, landscape, rehabilitation and road transport assessments that reflected the proposed extension to the life of mining operations.

The Department also identified that MACH Energy would need to consider any other impacts, such as visual amenity, water, heritage and biodiversity, to the extent that these matters would be affected by the proposed modification.

MACH Energy's Environmental Assessment subsequently confirmed that the company is not seeking to change the core components of the development, such as the rate of ROM coal production, coal processing or waste rock production. Similarly, while the modification is seeking minor changes to the location of overburden emplacements; the additional disturbance to the east would continue to be located within existing mining leases, is offset by the relinquishment of disturbance areas to the west and constitutes a minor component of the site's overall disturbance footprint. As detailed in its assessment report, the Department is satisfied the proposal can be characterised as a modification to the development consent.

Consequently, it should be recognised that MACH Energy is not required to update impact studies unless they are relevant to the scope of the modification. For instance, if the footprint of the modified development does not change, there is no need to reassess activities within the approved disturbance area. The contemporary studies in the Environmental Assessment therefore focus on clarifying the incremental and cumulative impacts of the modified proposal in the current regional setting over the extended mine life. The Department is satisfied that the updated studies are sufficient to inform the consideration of the modified aspects of the development and that the 1997 studies remain relevant for those aspects that would be unchanged, in so far as it was these studies that led to the 1999 approval, which remains current.

The Department's consideration of the additional technical studies provided by the HTBA has not changed its position as expressed in its assessment report. The Department has carefully considered and assessed the proportionate impacts associated with each of the technical matters raised by the HTBA, including the compatibility of the modification with surrounding land uses, including the Upper Hunter equine industry.

The Department paid close attention to contextual elements (such as visual amenity) that could result in different impacts for surrounding stakeholders, relative to the approved operations. The Department recognised that the amended final landform design and rehabilitation strategy would in fact lead to a reduction in impacts on visual amenity, in comparison with the existing approved landform. It also noted that the existing conditions of consent require implementation of all reasonable and feasible measures to minimise visual and off-site lighting impacts and provision of additional visual mitigation at the request of nearby landowners. The assessment report concluded that, while the modification would prolong the remaining mine life (noting this is still a shorter duration than the original mine approved in 1999), the magnitude of visual impacts for receivers and industries in Muswellbrook, Aberdeen and Scone is unlikely to increase beyond that which is already approved, and in most cases would decrease.

With respect to the legal matters raised on behalf of the HTBA, the Department is continuing to consider these matters and may provide a further response to the Commission in the week commencing 13 August 2018. However, the Department maintains the view expressed in its assessment report - that the Mount Pleasant Modification 3 proposal falls within the scope of section 75W and that sufficient information has been provided to enable the Commission to determine the application.

Should you have any enquiries, please contact Howard Reed, Director Resource Assessments on 9274 6308.

Yours sincerely

A handwritten signature in black ink, appearing to read 'O. Holm', written in a cursive style.

10/8/18

Oliver Holm
Executive Director
Resource Assessments and Compliance