

Matthew Sprott  
Planning Officer  
Mining Projects  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Sprott

**Bengalla Coal Mine Modification 5 (DA 211/93 MOD 5)  
Review of Environmental Assessment**

I refer to your email of 12 June 2014 regarding Bengalla Mining Company Pty Ltd application to modify its existing Bengalla Coal Mine to undertake a range of geotechnical investigations to assist in the preparation of detailed design of the water management infrastructure.

The geotechnical investigations include:

- Test pits at three proposed dam locations associated with the relocation of the BMC Discharge Dam, Hunter River Raw Water Dam and Washery Dam;
- Test Pits and two boreholes at the site of the proposed Clean Water Diversion Dam; and
- Test pits along the pipeline alignment from Clean Water Diversion Dam to the clean water discharge point adjacent to the relocated BMC Discharge Dam.

NSW Trade & Investment, Regional Infrastructure & Services, Division of Resources & Energy (DRE) has reviewed the *Bengalla Mine Development Consent Modification Environmental Assessment* (EA) dated June 2014 and provides the following comments which are directed at specific areas of DRE responsibility for this proposal..

**Rehabilitation Phases – Objectives and Completion Criteria**

While DRE accepts the overarching rehabilitation commitment outlined in the EA, the proponent should be aware that DRE will require Bengalla to define metrics for the pre disturbance conditions, undertake regular monitoring of the rehabilitation works (including pre and post disturbance photos) and report the progress within the Annual Environmental Management Report.

## RECOMMENDED CONDITIONS OF APPROVAL

DRE recommends that the following conditions be incorporated into the Development Consent, if granted:

### Rehabilitation Objectives and Commitments

The Proponent shall rehabilitate the site to the satisfaction of the Director, Environmental Sustainability in the DRE.

Rehabilitation must be substantially consistent with the Rehabilitation Commitments described in the EA, the Statement of Commitments and the following objectives in Table 1.

**Table 1 Rehabilitation Objectives**

| Rehabilitation Feature                                    | Objective                                                                                                                                                                 |
|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project area (as a whole of the disturbed land and water) | Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s).                                                                              |
| Rehabilitation materials                                  | Materials (including topsoils, substrates and seeds of the disturbed areas) are recovered, appropriately managed and used effectively as resources in the rehabilitation. |
| Landforms                                                 | Final landforms sustain the intended land use for the post-mining domain(s).                                                                                              |
| Native flora and fauna habitat and corridors              | Species are selected that re-establishes and complements regional and local biodiversity.                                                                                 |

### Progressive Rehabilitation

The proponent shall carry out all surface disturbing activities (e.g. test pitting and bore hole operations) in a manner that, as far is reasonably practicable, minimises potential rehabilitation liability and shall carry out rehabilitation of disturbed areas progressively, as soon as reasonably practicable, to the satisfaction of the Director Environmental Sustainability in DRE.

### Rehabilitation Plan

1. The Proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Secretary of Department of Trade & Investment, Regional Infrastructure & Services, or their delegate.
2. Rehabilitation Plan must:
  - be submitted and approved by the Secretary of Department of Trade & Investment, Regional Infrastructure & Services, or their delegate, prior to carrying out any surface disturbing activities of the development, unless otherwise agreed by the Director General;

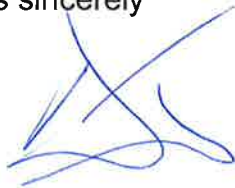
- be prepared in accordance with DRE guidelines and in consultation with the Department, Office of Environment and Heritage, Environmental Protection Authority, Office of Water, Council and the mine Community Consultative Committee;
- incorporate and be consistent with the rehabilitation commitments in the EA, the statement of commitments and Table 1;
- integrate and build on, to the maximum extent practicable, the other management plans required under this approval; and,
- address all aspects of mine closure and rehabilitation, including post mining land use domains, rehabilitation objectives, completion criteria and rehabilitation monitoring and management.

*Note: The approved Mining Operation Plan (which will become the REMP once the Mining Act Amendments have commenced), required as a condition of the Mining Lease(s) issued in relation to this project, will satisfy the requirements of this condition for a Rehabilitation Plan.*

DRE has no objection to this modification.

Should you have any enquires regarding this matter please contact Julie Moloney, Principal Adviser, Industry Coordination on (02) 4931 6549.

Yours sincerely



**Adrian Delany**  
**A/Director Industry Coordination**

7.7.14