



NEW HOPE  
GROUP

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Stephen O'Donoghue  
Director Resource and Energy Assessments  
Department of Planning, Housing and Infrastructure  
Locked Bag 5022  
PARRAMATTA NSW 2124

Submitted via: Major Projects Portal

Dear Stephen,

**BENGALLA MINE SCOPING REQUEST TEMPORARY OVERBURDEN EMPLACEMENT AREA  
SSD – 5170 MODIFICATION 7**

## 1. INTRODUCTION

Bengalla Mining Company Pty Limited (BMC) operates Bengalla Mine (Bengalla) in the Upper Hunter Valley of NSW. Bengalla is operated in accordance with State Significant Development (SSD) 5170 (as modified) granted under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

BMC is proposing to modify SSD-5170 under Section 4.55(2) of the EP&A Act to facilitate a Temporary Overburden Emplacement Area (TOEA) within the existing Overburden Emplacement Area (OEA) footprint (Modification).

Further to the discussions held between BMC and the Department of Planning, Housing and Infrastructure (DPHI) on 23 September 2024, this letter seeks to confirm that a modification application under Section 4.55(2) of the EP&A Act is the appropriate approvals path for the Modification. BMC also seeks confirmation from DPHI that the proposed scope of the Modification Report outlined within **Section 5** of this letter is appropriate and whether there are any other issues that warrant assessment.

## 2. APPROVALS PLATFORM

BMC was originally granted development consent on 7 August 1995, which authorised the construction and operation of an open cut coal mine, coal preparation plant, rail loop, loading facilities and associated facilities. BMC was granted its first Mining Lease (ML) 1397 in 1996 and mining operations commenced in 1998.

On 3 March 2015, SSD-5170 was granted. The application for development consent was supported by the '*Continuation of Bengalla Mine Environmental Impact Statement*' (Bengalla EIS) (Hansen Bailey, 2013) as modified by the '*Continuation of Bengalla Mine Response to Submissions*' (Bengalla EIS RTS) (Hansen Bailey, 2014a). SSD-5170 (as modified) authorises the continuation of open cut coal mining and associated activities at Bengalla until 28 February 2039. SSD-5170 has been modified on five occasions.

In conjunction with the Project Approval process for the BMC Continuation Project, BMC was granted an approval (EPBC 2012/6378) under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to undertake an action that would have a significant impact on matters of national environmental significance (MNES). As there is no additional disturbance or potential impacts on MNES, a Referral is not required under the (Commonwealth) *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the Modification.

### 3. MODIFICATION DESCRIPTION AND JUSTIFICATION

BMC is seeking a Modification to facilitate the construction of a TOEA. The TOEA will temporarily stockpile approximately 11 Million loose cubic metres (Mlcm) of overburden material within the existing OEA footprint. The conceptual TOEA design proposed for the Modification is illustrated in **Figure 1**.

As Bengalla progresses to the west, the approved conceptual final landform follows the natural topography and slopes gradually downwards to facilitate the future reinstatement of Dry Creek. Due to the requirement for the construction of this slope, Bengalla is experiencing a shortfall in overburden emplacement space. It is proposed to solve this problem by placing overburden in a TOEA. Once dump room exists, material from the TOEA will be relocated unless a permanent change to the final landform can be justified and approved. The TOEA has been situated central to future landform establishment areas in a location shielded by the two Visual Relief Areas, which were designed to enhance the resemblance of a natural landform. While the interim landform will be approximately 25m higher than the approved final landform within this area, it remains 20m lower than the maximum approved final landform height of RL300m.

Modification 7 (MOD7) will reduce the risk of the mine becoming spoil bound for the relatively short period of time when available overburden placement areas are limited. The staged placement of overburden material within the TOEA will facilitate the efficient progression of mining operations while maintaining sufficient flexibility for the design of future enhancements to the approved final landform.

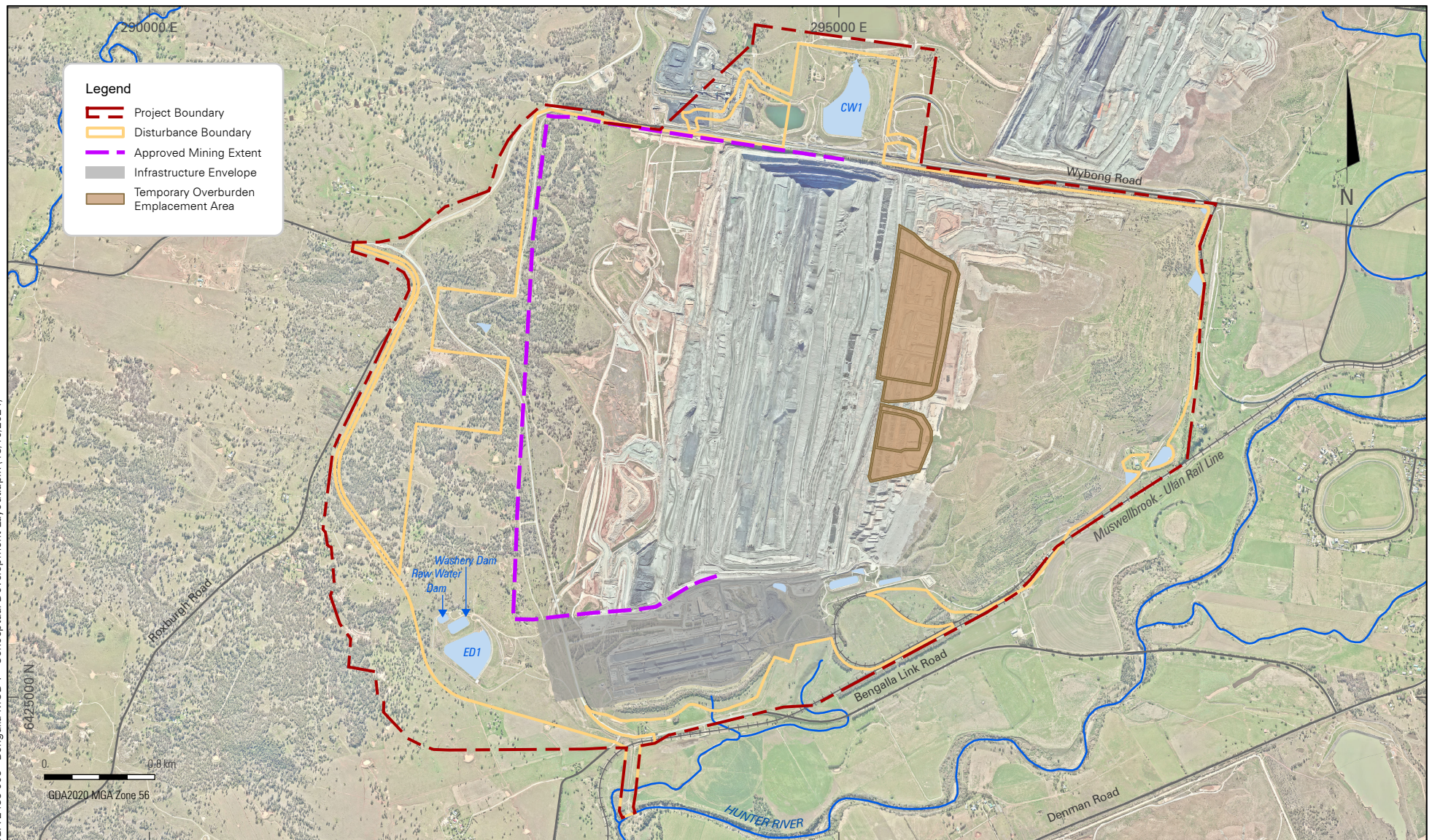
### 4. APPROVALS APPROACH

Section 4.55(2) of the EP&A Act enables a consent authority to modify a development consent. This power to modify is governed by certain requirements including the need for the consent authority to be satisfied that the modified development is 'substantially the same development' as the development for which consent was originally granted.

When compared against the originally approved development, the proposed Modification will result in the following changes:

- The interim TOEA landform will be higher than the approved final landform; and
- The construction of the proposed TOEA may result in some minor adjustments to the planned overburden handling schedule.





BENGALLA MINE

Conceptual Modification Layout

**FIGURE 1**





The following key aspects of the development originally approved by SSD-5170 will remain unchanged:

- Mining methods;
- Maximum coal production rate;
- Duration of mining operations;
- Methods and rates of coal processing and transportation;
- Water management;
- Hours of operation; and
- Workforce.

Although detailed environmental studies are yet to be undertaken, a preliminary review indicates that the potential environmental impacts will not result in any substantial changes to those impacts which have already been approved. Accordingly, the development after the Modification, will remain substantially the same development as originally approved and is within the modification power under Section -4.55(2) of the EP&A Act.

## 5. MODIFICATION REPORT SCOPE

This application will be supported by a Modification Report prepared with reference to the '*State significant development guidelines – preparing a modification report*' (DPIE, 2022). The Modification Report is likely to be structured as follows:

- Introduction
- Strategic Context
- Modification Description
- Statutory Context
- Stakeholder Consultation; and
- Assessment of Impacts; and
- Merit Evaluation.

The Modification Report is proposed to include the following technical specialist reports:

- Qualitative air quality impact assessment;
- Qualitative noise impact assessment; and
- Visual assessment.

Given that impacts associated with the Modification are expected to be minor, air quality and noise specialists will complete a quantitative assessment to identify potential impacts against the currently approved operations. Numerical modelling of air quality and noise impacts is not proposed. Technical specialist studies will identify any additional mitigation and management measures required for the Modification.



## 6. CONCLUSION

The Scoping Request sets out the key aspects of the Modification. It would be appreciated if DPHI could confirm:

- An application under Section 4.55(2) of the EP&A Act is the appropriate approach for the proposed Modification to SSD-5170; and
- The scope of the assessment outlined in Section 5 is adequate. Please advise if there are any other matters that require consideration in the Modification Report.

Please do not hesitate to contact me, should you require any further information.

Yours faithfully

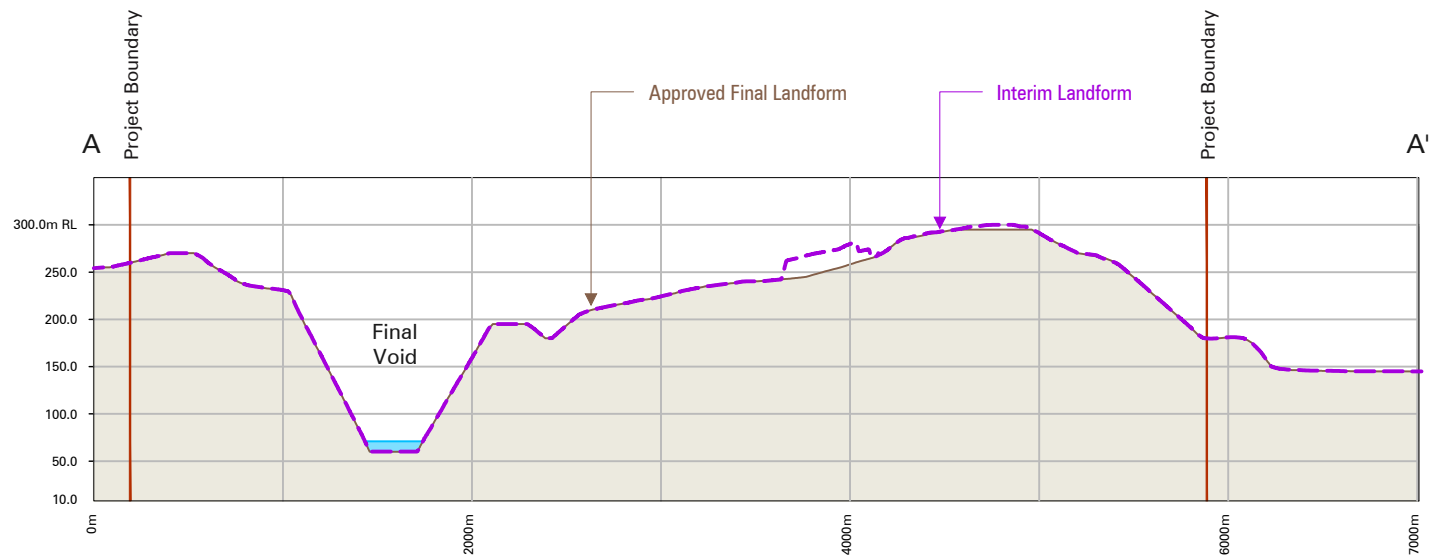


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## **ATTACHMENT 1 - Cross Section of Proposed Landform (Indicative Only)**



# INTERIM LANDFORM CROSS SECTION



0 800m  
Horizontal Scale  
0 160m  
Vertical Scale  
Horizontal / Vertical Scale = 1/5

BENGALLA MINE

Cross Section

**FIGURE 3**

