



Mr Matthew Sprott
Planning Officer
Mining Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Sprott

**Continuation of Bengalla Mine Project (SSD 5170)
Environmental Impact Statement**

I refer to your email of 2 September 2013 regarding the Bengalla Mining Company Pty Ltd application for a major modification to the consent for the Bengalla Mine to extend the mine life by 20 years and too increase coal production to 15Mtpa.

NSW Trade & Investment, Regional Infrastructure & Services, Division of Resources & Energy (DRE) has reviewed the *Continuation of Bengalla Mine Environmental Impact Statement* (EIS) dated September 2013 and provides the following comments which are directed at specific areas of DRE responsibility for this proposal.

MINING TITLE

As coal is a prescribed mineral under the *Mining Act 1992*, the proponent is required to hold appropriate mining titles from DRE in order to mine this mineral.

DRE understands the proposed mining activities are within Mining Lease 1397, 1450, 1569 and 1592, held by the Proponent, and that a mining lease application over Assessment Lease 13 and Authorisation 438 and a mining lease application for purposes over part of Authorisation 102, held by the Crown, will be submitted to DRE. DRE also notes that a plan of the proposed mining lease application for purposes is not included in the EIS.

In addition, the proponent also proposed the part transfer of Mining Lease 1645 held by Coal & Allied, but this will require the consent of the existing title holder.

Under the *Mining Act 1992*, mining and rehabilitation are regulated by conditions included in the mining lease, including requirements for the submission of a Mining Operations Plan (MOP) prior to the commencement of operations, and subsequent Annual Environmental Management Reports (AEMR).

REHABILITATION AND MINE CLOSURE

The EIS identifies general rehabilitation strategies and objectives and describes the functional domains of this project. Specific performance objectives and standards of each domain have been described.

DRE requires final landform design to be consistent with the surrounding topography. DRE accepts the conceptual landform design outlined in the EIS. However, the Proponent should be aware that as part of the MOP, DRE will require further information on final landform design, with specific reference to topographic relief and drainage.

DRE considers the following issues require additional information or clarification

- There appears to be conflicting information provided within the EIS regarding the intent and recommendations for proposed storage of both Archerfield Sandstone interburden and Wynn Seam washery waste material, which are likely to be Potentially Acid Forming (PAF). The EIS refers to PAF material being covered by at least 5 metres of acid neutralising and inert fill (Volume 1) but also recommends that this material should be covered by inert overburden to a depth of at least 60 metres (Volume 4).

The proponent should provide clear advice on the proposed depth of burial and the adequacy of that depth of burial to manage PAF waste materials.

- There appears to be conflicting statements in the EIS as to the maximum final slope of the low wall – both 18 degrees and 21 degrees are nominated. Clarity on maximum final low wall grade should be provided. The proponent should be aware that DRE has a preference for maximum 18 degree unless prior approval/discussion with DRE.
- A minimum of 10% vegetated cover over rehabilitated areas is nominated in the EIS. DRE consider that this would be insufficient vegetative cover on sloping ground to achieve an acceptable degree of risk for the prevention of erosion and topsoil loss. DRE notes that the Bengalla Rehabilitation Management Plan (2013) nominates a minimum of 70% vegetative cover over 80% of rehabilitation areas.

RECOMMENDED CONDITIONS OF APPROVAL

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

Rehabilitation Objectives and Commitments

The Proponent must rehabilitate the site to the satisfaction of the Director General of Department of Trade & Investment, Regional Infrastructure & Services.

Rehabilitation must be substantially consistent with the Rehabilitation Objectives described in the EA, the Statement of Commitments in Section 8 and the following objectives in Table 1.

Rehabilitation Feature	Objective
Mine site (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). Final landforms are consistent with and complement the topography of the surrounding region to minimise the visual prominence of the final landforms in the post mining landscape. Final landforms incorporate design relief patterns and principles consistent with natural drainage.
Water Quality	Water retained on site is fit for the intended land use(s) for the post-mining domain(s). Water discharged from site is consistent with the baseline ecological, hydrological and geomorphic conditions of the creeks prior to mining disturbance. Water management is consistent with the regional catchment management strategy.
Native flora and fauna habitat and corridors	Size, locations and species of native tree lots and corridors are established to sustain biodiversity habitats. Species are selected that re-establishes and complements regional and local biodiversity.
Post-mining agricultural pursuits	The land capability classification for the relevant nominated agricultural pursuit for each domain is established and self-sustaining within 5 years of land use establishment (first planting of vegetation.)

Progressive Rehabilitation

The proponent shall carry out all surface disturbing activities (eg pre-stripping in advance of mining operations) in a manner that, as far is reasonably practicable, minimises potential for dust emissions and shall carry out rehabilitation of disturbed areas progressively, as soon as reasonably practicable, to the satisfaction of the Director General of Department of Trade & Investment, Regional Infrastructure & Services.

Rehabilitation Plan

1. The Proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Director General of Department of Trade & Investment, Regional Infrastructure & Services.
2. Rehabilitation Plan must:
 - a. be submitted and approved by the Director General of Department of Trade & Investment, Regional Infrastructure & Services prior to carrying out any surface disturbing activities of the development, unless otherwise agreed by the Minister;
 - b. 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;
 - c. incorporate and be consistent with the rehabilitation objectives in the EA, the statement of commitments and Table 1;
 - d. integrate and build on, to the maximum extent practicable, the other management plans required under this approval; and,
 - e. 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.

It is the intention of DRE that the Rehabilitation Plan fulfil the requirements of the Mining Operation Plan (which will become the Rehabilitation and Environmental Management Plan (REMP) once the Mining Act Amendments have commenced).

DRE does not object to the approval of the proposed modification provided the above recommendations are taken into account and implemented.

DRE is available to meet with the Proponent to assist in developing the above documents for their proposed operation. Should you have any enquires regarding this matter please contact Julie Moloney, Principal Adviser, Industry Coordination on (02) 4931 6549.

Yours sincerely


ADRIAN DELANY
ACTING DIRECTOR
INDUSTRY COORDINATION

25.10.13