



EPBC Ref: 2012/6378

Mr Carl Dumpleton
Senior Planning Officer
Resource Assessments and Compliance
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Dumpleton

Comment on proposed modification (Mod 1) to Bengalla Mine Continuation Project (NSW reference: SSD-5170 Mod 1)

Thank you for providing the Department of the Environment (the Department) with the opportunity to comment on the proposed modification to the Bengalla Mine Continuation Project (the modification).

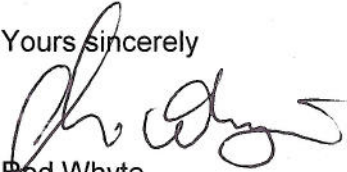
The Bengalla Mine Continuation Project (EPBC 2012/6378) (the Project) was assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and approved by a delegate of the Minister for the Environment on 27 May 2015, subject to 17 conditions. The controlling provisions for the Project under the EPBC Act are listed threatened species and communities (s18 and 18A) and water resources (s24D and 24E). Following review of the modification, the Department would like to offer the following comments for your consideration:

- Implementation of the modification may result in inconsistencies with the EPBC approval 2012/6378 (EPBC approval) as follows:
 - Removal of vegetation beyond the clearance boundary defined in Condition 1 and Schedule 1
 - Clearance of 6 hectares (ha) of critically endangered *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* (Box Gum Woodland) and habitat for EPBC-listed species, if this causes the clearing limits specified in Conditions 1 and 3 to be exceeded
- EPBC conditions 5, 6 and 7 require compliance with NSW development consent conditions 23 to 25 and/or 44 to 46 (Schedule 3), dated 3 March 2015. Modification of these NSW development consent conditions may necessitate review of the EPBC approval conditions to ensure that residual impacts to EPBC matters are not significant
- Use of the Satellite Pit as a replacement water storage for the Satellite Pit Diversion Dam may increase the volume of mine affected water generated by the project and decrease the volume of clean water discharged to the Hunter River. The Department notes the proponent's assessment that this part of the modification is

necessary to avoid the discharge of sediment and mine affected water into the Hunter River; however, the rationale for this statement is unclear in the absence of changes to coal extraction volumes and rates. The Department suggests that further clarification is sought in relation to any changes to mine affected water generation and handling, together with identification of any changes to the volume of clean water captured and discharge from the site, to assist assessment of the likelihood and significance of impacts to water resources.

If you have any questions about the process, please contact the project officer, Tim Kaminskas by email to post.approvals@environment.gov.au, or telephone 02 6275 9516 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rod Whyte', written over the 'Yours sincerely' line.

Rod Whyte

Director

Post Approvals Section

Compliance and Enforcement Branch

Environmental Standards Division

02 September 2015