



SSD Modifications

Date Submitted: 20/02/2025

Project Name: Modification 7 - Temporary Overburden Emplacement
Case ID: SSD-5170-Mod-7

Applicant Details

Project Owner Info

Title	Miss
First Name	Hayley
Last name	Frazer
Role/Position	Environment and Approvals Superintendent
Phone	0400332404
Email	hayley.frazer@newhopegroup.com.au
Address	BENGALLA ROAD MUSWELLBROOK , , 2333 , AUS

Company Info

Are you applying as a company/business?
No

Primary Contact Info

Are you the primary contact?

Yes

Title	First Name	Last Name
Miss	Hayley	Frazer
Phone	Email	Role/Position
0400332404	hayley.frazer@newhopegroup.com.au	

Address
AUS

Political Donations

Do you need to disclose a political donation?
No

Modification Details

Project Info

Project Name	Modification 7 - Temporary Overburden Emplacement
Additional Estimated Development Cost (excl GST)	AUD0.00
Additional Operation Jobs	0
Additional Construction Jobs	0
Additional Dwellings	0

Modification Description
BMC is seeking a Modification to facilitate the construction of a Temporary Overburden Emplacement Area (TOEA). The TOEA will temporarily stockpile approximately 11 Million loose cubic metres (Mlcm) of waste overburden material within the existing Overburden Emplacement Area (OEA) footprint. Please see attached Modification Report.

How is the modification substantially the same as the original development?
In consideration of the quantitative and qualitative differences between the development as approved and the Modification (as described in the attached) in their proper context, the modified development meets the requirement of being 'substantially the same development'. Therefore, the consent authority may exercise its power under Section 4.55(2) of the EP&A Act to modify SSD-5170.

Site Details

Site Information

Site Name	Bengalla Coal Mine
Site Address (Street number and name)	Bengalla Road Muswellbrook New South Wales Australia 2333

Local Government Area

Local Government	District Name	Region Name	Primary Region
Muswellbrook Shire		Hunter	<input checked="" type="radio"/>

Landowner's Consent

Is the applicant the sole owner of the land?
Yes
Does the modification application relate to land owned by a Local Aboriginal Land Council?
No

Statutory Context

Modification Type

Section 4.55(2) – other modification, where the development as originally approved remains the substantially the same

Critical Habitat and Threatened Species

Is the land, or part of the land, critical habitat?

No

Is the development likely to significantly affect threatened species, populations or ecological communities, or their habitats?

No

Is the development biodiversity compliant? (refer to [section 28 of the Environmental Planning and Assessment Regulation 2021](#))

Yes

Mining Certificates

☐ Site Verification Certificate

☐ Gateway Certificate

Sustainable Buildings SEPP

Is the development exempt from the [State Environmental Planning Policy \(Sustainable Buildings\) 2022 Chapter 3](#), relating to non-residential buildings?

- The DA was submitted on the NSW Planning Portal before 1st October 2023.
- The DA was submitted on the NSW Planning Portal on or after 1st October 2023 but was deemed exempt due to the reasons outlined in Chapter 3.1.

Yes

Have all the requirements of the [State Environmental Planning Policy \(Sustainable Buildings\) 2022](#) been met for the development that is the subject of this Modification Application?

No

Other Requirements

Is the modification application accompanied by a biodiversity development assessment report (BDAR)?

No

Does the modification application relate to residential apartment development and was the original development application required to be accompanied by a design verification statement from a qualified designer [Section29 \(1\) of the Environmental Planning and Assessment Regulation 2021](#) ?

No

Does this modification application relate to a development for which the original development application was required to be accompanied (or in the case of BASIX optional development, was accompanied) by a BASIX certificate or BASIX certificates?

No

Approvals - Part1

A permit under [Section 201, 205](#) or [219](#) of the [Fisheries Management Act 1994](#)?*

No

An approval under [Part 4](#), or an excavation permit under [Section 139](#), of the [Heritage Act 1977](#)?*

No

An Aboriginal heritage impact permit under [Section 90](#) of the [National Parks and Wildlife Act 1974](#)?*

No

A bush fire safety authority under [Section 100B](#) of the [Rural Fires Act 1997](#)?*

No

A water use approval under [Section 89](#), a water management work approval under [Section 90](#) or an activity approval under [Section 91](#) of the [Water Management Act 2000](#)?*

No

Approvals - Part2

Do you require any of the following approvals from [Section 4.42](#) of the Environmental Planning and Assessment Act 1979, in order to carry out the development:

An aquaculture permit under [Section 144](#) of the [Fisheries Management Act 1994](#)?*

No

An approval under [Section 15](#) of the [Mine Subsidence Compensation Act 1961](#)?*

No

A mining lease under the [Mining Act 1992](#)?*

No

A petroleum production lease under the [Petroleum \(Onshore\) Act 1991](#)?*

No

An environment protection licence under [Chapter 3](#) of the [Protection of the Environment Operations Act 1997](#) (for any of the purposes referred to in [Section 43](#) of that Act)?*

No

A consent under [Section 138](#) of the [Roads Act 1993](#)?*

No

A licence under the [Pipelines Act 1967](#)?*

No

Modification Report and Attachments

Attachments

File Name	241024 BMC MOD 7 TOEA Fee
File Name	250220 BMC TOEA Mod Rpt

