



24 September 2025

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 AMENDMENT SSD-5170 MODIFICATION 8**

### **1. INTRODUCTION**

Bengalla Mining Company Pty Limited (BMC) are proposing to modify Significant Development Consent (SSD)-5170 under Section 4.55(2) of the New South Wales (NSW) *Environmental Planning and Assessment Act 1979* (EP&A Act) (the Modification; Modification 8). On 2 June 2025, BMC submitted the '*Bengalla Mine Scoping Request SSD-5170 Modification 8*' (Scoping Request) to Department of Planning, Housing and Infrastructure (DPHI) via the Major Projects Portal. The Scoping Request described the proposed Modification, confirmed the assessment scope, approvals path and consideration of environmental impacts.

BMC are proposing to separate the proposed Modification components into two separate Modification Applications to facilitate timely approval of the adjustments to the alignment of Bengalla Link Road (BLR). Following discussions between BMC and the DPHI on 24 September 2025, this letter:

- Provides an updated Modification Description for Modification 8;
- Details the proposed approvals path and scope of the Modification Report; and
- Requests confirmation from DPHI whether there are any other aspects relevant to the proposed Modification that require consideration.

### **1.1 BACKGROUND**

BMC operates Bengalla Mine (Bengalla) in the Upper Hunter Valley of NSW on behalf of the Bengalla Joint Venture, which consists of New Hope Bengalla Pty Ltd (80%) and Taipower Bengalla Pty Limited (20%). Bengalla is an open cut coal mine situated approximately 130 km north-west of Newcastle and 4 km west of Muswellbrook, wholly within the Muswellbrook Local Government Area (LGA).

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As agent for, and on behalf of, the Bengalla Joint Venture, an unincorporated joint venture between:  
New Hope Bengalla Pty Limited and Taipower Bengalla Pty Limited

Current operations are approved by SSD-5170 granted under the then Division 4.1 of Part 4 of the NSW EP&A Act on 3 March 2015 for the continuation of mining. SSD-5170 authorises open cut coal mining and associated activities until 28 February 2039.

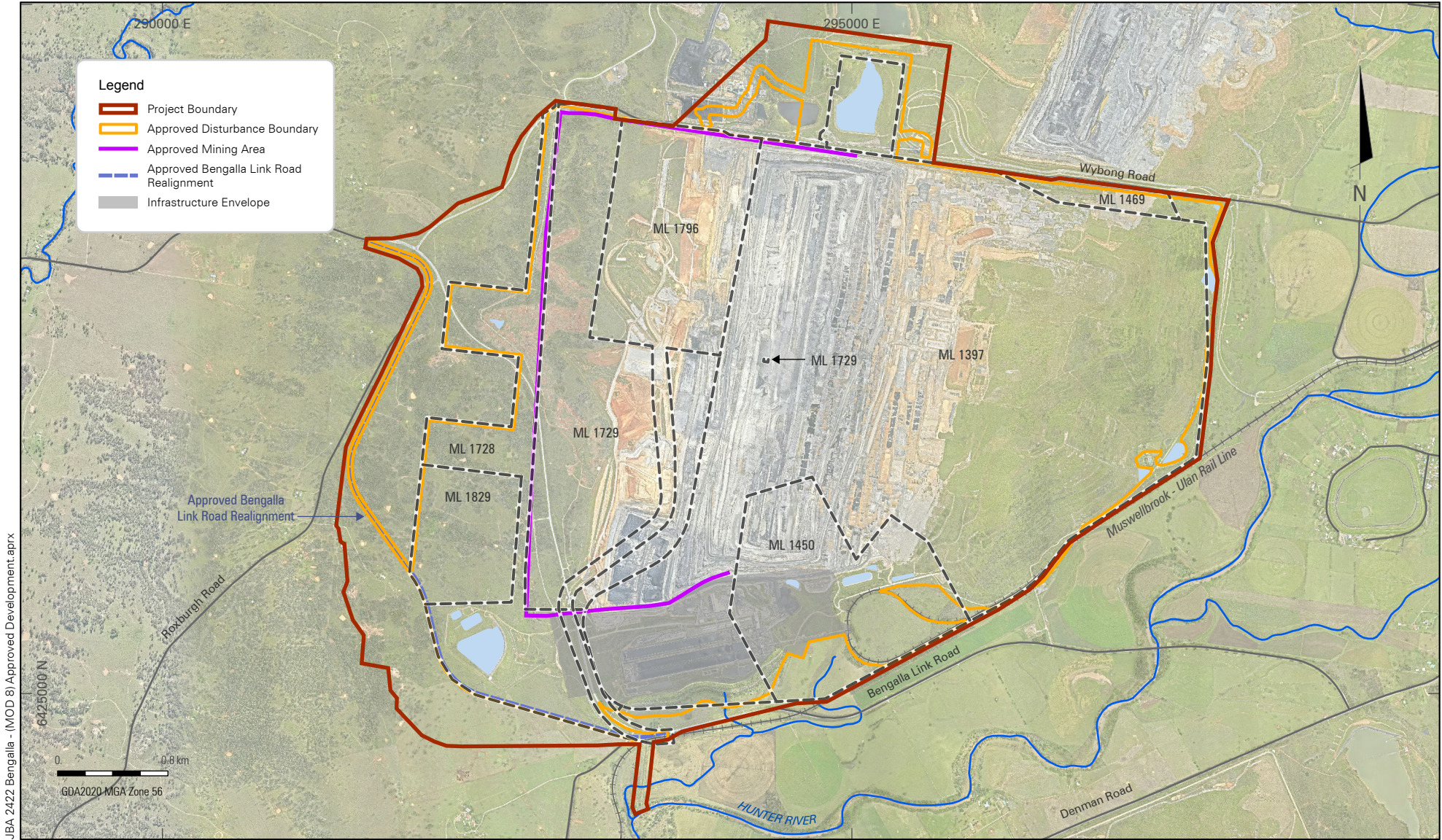
The layout of approved mining operations at Bengalla is shown in **Figure 1**, which illustrates the approved SSD-5170 Project Boundary and Disturbance Boundary.

SSD-5170 has been modified on six occasions to date. These modifications are described as follows:

- Modification 1 – authorised the alteration of various water management infrastructure and relocation of an explosives storage facility. Modification 1 was approved December 2015;
- Modification 2 – authorised the alteration of the approved OEA to improve visual amenity and establish a new access road. Modification 3 was approved December 2016;
- Modification 3 – authorised minor changes to the positioning and operations of an explosives facility and a reload facility, realignment of the Hunter River pipeline, and emplacement and use of temporary topsoil stockpiles during the mining process. Modification 3 was approved in December 2016;
- Modification 4 – authorised amendments to the water management system, temporary storage of earthen materials for dam construction and other suitable clay material for the future construction of the Dry Creek realignment, increased capacity of (and location for) Run of Mine (ROM) Coal Stockpiling Area, and additional storage locations for temporary emplacement of reject material. Modification 4 was approved in December 2018;
- Modification 5 – authorised the use of a mobile crusher to process hard rock for use onsite, allowed for expansion of ROM coal stockpiling area from 40kt to 150kt, changes to the southern visual bund, realignment of diversion drains, in-pit disposal of tyres, and minor administrative changes to conditions of SSD-5170. Modification 5 was approved in February 2023; and
- Modification 7 – authorised a Temporary overburden emplacement area (OEA) within the footprint of the Main OEA.

Modification 6 proposed the installation and operation of two water pipelines from the MSC Wastewater Treatment Plant locality to Bengalla to transfer water for use on site and is currently on hold.

The eDevelopment authorised by SSD-5170 was previously referred to the Commonwealth Department of the Environment under the *Environment Protection Biodiversity Conservation Act 1999* (Cth) (EPBC Act) as part of the Continuation of Bengalla Mine approval process. Following an assessment of the impact of the project on Matters of National Environmental Significance (MNES), the Minister issued EPBC approval EPBC 2012/6378.



BENGALLA MINE MOD 8  
Approved Development Layout

**FIGURE 1**



## 1.2 DESCRIPTION OF MODIFICATION AMENDMENT

The Scoping Request described the elements of the original Modification application to include:

- Adjustments to the alignment of BLR described in the '*Continuation of Bengalla Mine Environmental Impact Statement*' (Bengalla EIS) (Hansen Bailey, 2013);
- Changes to the yet to be rehabilitated conceptual final landform;
- Changes to the layout of Bengalla infrastructure (to authorise a Run-of-mine (ROM) pad extension and associated water management infrastructure (dams)); and
- Approval for installation of gas drainage wells and methane flaring infrastructure.

BMC is proposing to lodge a Modification Application (Modification 8) to SSD-5170 under Section 4.55(2) of the EP&A Act for the adjustments to the alignment of BLR only. The conceptual layout of the proposed Modification is shown in Error! Reference source not found..

As described in Scoping Request, the adjustments to the realignment of BLR are required to:

- Reflect contemporary road safety design guidelines and requirements for intersections with the local road network, including Wybong Road and Roxburgh Road;
- Facilitate construction works, including required erosion and sediment control measures, water management infrastructure and design cut/fill requirements;
- Allow for the relocation of existing third party infrastructure including communications and power infrastructure; and
- Avoid mining authorities held by other parties.

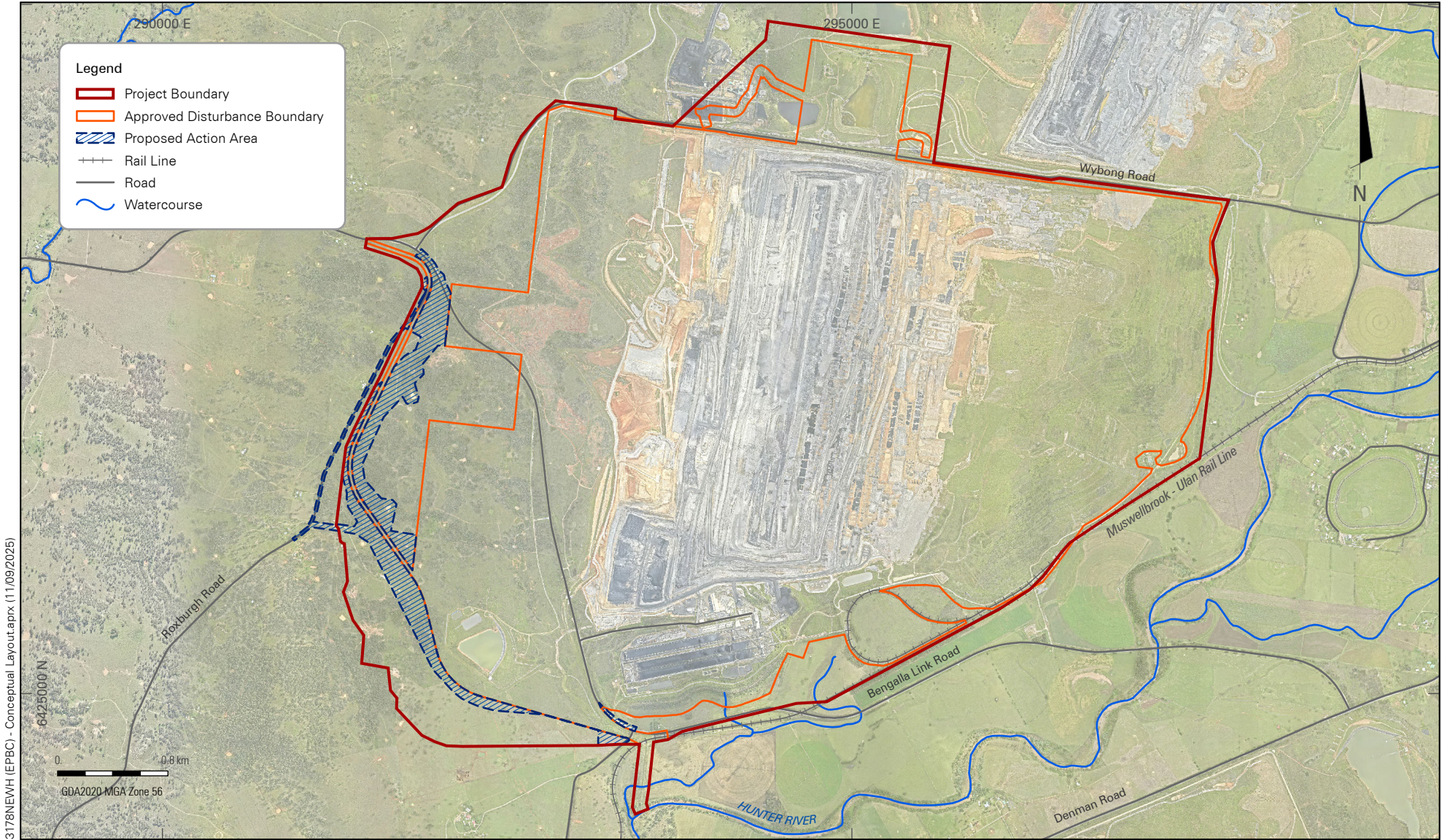
The remaining modification elements described in the Scoping Request will be the subject of a future Modification Application.

## 1.3 EPBC REFERRAL

On 16 July 2025, the proposed action was referred (EPBC Ref: 2025/10236) for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) relating to:

- 67.5 hectares (ha) of additional disturbance associated with the proposed realignment of BLR; and
- 1 ha of additional disturbance associated with the construction of a temporary erosion and sediment control structure during the construction phase of the proposed ROM pad expansion.

The EPBC Ref: 2025/10236 proposed action will be varied to consider only the realignment of BLR.



3178NEWH (EPBC) - Conceptual Layout.aprx (11/09/2025)



BENGALLA MINE

Conceptual Modification Layout

**FIGURE 2**

## 2. AMENDMENT JUSTIFICATION

The relocation of the BLR is of critical importance to the operation of Bengalla and is time sensitive.. Based on the nature of approvals required and matters raised during consultation, separation of the relocation of the BLR from the other elements of the activity is required to ensure critical timeline of Bengalla operations. A separation of the BLR from the other elements in the referral is appropriate because:

- The BLR realignment is an entirely separate component to the other elements proposed to be assessed under a separate application;
- The adjustments to the alignment of BLR require an amendment to the SSD-5170 Project Boundary;
- The BLR realignment is a spatial adjustment of an already approved element of SSD-5170 and does not introduce new activities requiring authorization;
- The modifications impact on the fundamental nature or scale of the approved operations remains unaltered when considered in either context;
- The Modification elements described in the Original Action are entirely separate (i.e. each element is not dependent on the approval of any other);
- The consideration of potential environmental impacts indicates that separate assessments for the adjustment of the BLR can be completed in a separate Modification Application without impacting the assessment integrity; and
- The BLR realignment is critical path for BMC.

The proposed approvals approach remains unchanged. That is, 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 original development (before any modifications) for which consent was granted. When compared against the originally approved development, 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;
- Hours of operation; and
- Workforce.

## 3. ASSESSMENT OF IMPACTS

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 proposed to include technical specialist reports to assess potential impacts. The technical specialist reports will also identify any recommended additional mitigation and management measures required for the Modification. An



assessment of impacts including a preliminary outline of environmental considerations along with the proposed scopes of the key technical studies to be undertaken is provided in **Appendix A**.

## 4. CONSULTATION

Community and regulatory engagement will continue as part of the Modification Application process with both State and Commonwealth agencies and other interested parties, as required. It is proposed that prior to the submission of the Modification Application, BMC will meet with Muswellbrook Shire Council, to discuss the change in approach.

Consultation via email will be undertaken with relevant Regulators and the Bengalla Community Consultation Committee (CCC). This consultation will include key messaging that can be directed to other interested parties as required.

## 5. CONCLUSION

We trust the above information adequately describes the proposed amendments to the Modification, and further the Scoping Request. Bengalla appreciates the time and consideration from regarding this matter. As such, please do not hesitate to contact me should you require any further information.

We look forward to your response.

Sincerely yours,

A handwritten signature in black ink, appearing to be "HF" followed by a horizontal line.

**Hayley Frazer**

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**APPENDIX A**  
**CONSIDERATION OF POTENTIAL ENVIRONMENTAL**  
**IMPACTS**

# CONSIDERATION OF POTENTIAL ENVIRONMENTAL IMPACTS

## 1. OVERVIEW

BMC has considered the key environmental aspects which will require assessment as a result of the Modification. A preliminary review of the key environmental, social and economic impacts resulting from the proposed activities under the Modification and the proposed assessment approach for each is described within the following sections.

## 2. ABORIGINAL ARCHAEOLOGY

The area surrounding Bengalla has been the subject of extensive Aboriginal cultural heritage assessments to support previous approval applications. AECOM completed the '*Aboriginal Archaeological and Cultural Heritage Impact Assessment*' (AECOM Australia Pty Ltd, 2013) as part of the Bengalla EIS. A total of 289 registered Aboriginal archaeological sites comprising 285 open artefact sites (artefact scatters and isolated artefacts), three potential scarred trees and one stone quarry (fragmented into two sites) were identified within the Project Boundary. A total of 263 open artefact sites were located within the Disturbance Boundary. Salvage of the registered Aboriginal archaeological sites within the Disturbance Boundary was undertaken in 2015 and 2016. The approved Bengalla *Aboriginal Cultural Heritage Management Plan* (ACHMP) (Hansen Bailey, 2017) sets out the procedures for the care and salvage of Aboriginal objects within the Project Boundary.

The Modification proposes to disturb an additional area beyond the approved Disturbance Boundary in association with the revised realignment of BLR approved under SSD-5170. OzArk has been commissioned to complete an Aboriginal Cultural Heritage Assessment to support the Modification. The assessment will be undertaken in accordance with the relevant guidelines, including:

- *Code of Practice for the Investigation of Aboriginal Objects in New South Wales* (Code of Practice; DECCW, 2010).
- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (the Guide; OEH, 2011); and
- *Aboriginal cultural heritage consultation requirements for proponents* (ACHCRs; DECCW, 2010).

The Aboriginal Cultural Heritage Assessment will incorporate:

- Desktop review of the AHIMS database, Native Title and previously completed studies conducted in the area;
- Aboriginal stakeholder consultation;
- A field-based survey with members of the local Aboriginal community;
- Preparation of an assessment report in accordance with relevant guidelines in consultation with the local Aboriginal community; and
- Development of appropriate management and mitigation strategies.

### 3. HISTORIC HERITAGE

The area surrounding Bengalla has been the subject of extensive historic heritage assessments to support previous approval applications. AECOM completed the *Bengalla Mine Continuation Environmental Project Impact Statement: Historical Heritage Report* (AECOM Australia Pty Ltd, 2013) as part of the Bengalla EIS. Five historic sites have been identified within the approved Project Boundary and a further six sites with potential historic heritage value have been identified on land adjacent to Bengalla. Potential impacts from the continuation of mining were considered including blasting, dust, traffic, visual impacts, and the long term lack of use potentially leading to deterioration. BMC manages historic heritage in accordance with the approved *Historic Heritage Management Plan* (HHMP) (Hansen Bailey, 2017).

The Modification proposes to disturb an additional area beyond the approved Disturbance Boundary in association with the revised realignment of BLR approved under SSD-5170. OzArk have been commissioned to complete a Historic Heritage Impact Assessment for the Modification. The assessment will be undertaken in accordance with the relevant guidelines, including:

- *Assessing Heritage Significance* (DPE, 2023);
- *Assessing Significance for Historical Archaeological Sites and 'Relics'* (NSW Heritage Council, 2009);
- *Statements of Heritage Impact* (Environment and Heritage DPE, 2023); and
- *Burra Charter* (Australia International Council on Monuments and Sites, 2013).

The Historic Heritage Impact Assessment will incorporate an updated search of the relevant heritage registers for heritage inventories, a field survey, assessment of significance, impact assessment and identification of any required mitigation and management measures.

### 4. AIR QUALITY AND GREENHOUSE GAS

The activities proposed by the Modification that have the potential to generate additional dust emissions associated with the temporary construction works and land disturbance (vegetation clearing and topsoil stripping) associated with the revised BLR alignment.

A greenhouse gas (GHG) assessment will be undertaken to determine any changes to the predicted Scope 1, 2 and 3 emissions. The Modification includes the continuation of mining operations utilising existing equipment and at rates consistent with those currently approved. Accordingly, it is considered that GHG emissions will likely remain consistent with those reported for the current operations.

A qualitative assessment of potential impacts on air quality and GHG emissions will be undertaken by Todoroski Air Sciences Pty Ltd (TAS) in accordance with the '*Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*' (EPA, 2022).

The scope of assessment will include:

- Review of existing environmental meteorological and air quality conditions and any previous air quality and GHG assessments for approved Bengalla and associated modifications to establish baseline conditions;
- Identification of the sources of air emissions associated with the Modification activities during the BLR construction;
- Qualitative assessment of the potential for air quality impacts associated with the Modification; and
- Identification of any additional mitigation options and management measures to ensure predicted air quality impacts are below applicable criteria.

The scope of the GHG assessment includes:

- A comparison to state and national inventories and emission reduction targets/legislation; and
- Calculate the change in GHG emissions associated with the Modification.

The air quality impact assessment will determine the nature and extent of the impacts that the Modification may have on air quality in isolation as well as the cumulative impacts the project may have on the surrounding environment and sensitive receivers.

## 5. ECOLOGY

Cumberland Ecology completed the '*Continuation of Bengalla Mine Project Ecological Impact Assessment*' (Cumberland Ecology, 2013) as part of the Bengalla EIS to consider the impacts from the continued mining operations within the Bengalla Project Boundary. Much of Bengalla's immediate locality consists of industry, farmland and remnant vegetation. As a result, there is little connecting ecological habitat between Bengalla and the wider Hunter Valley. The Bengalla Project Boundary largely includes Derived Native Grasslands and to a lesser extent, regenerating woodland and open forest that have been thinned or cleared in the past. This vegetation contributes to a larger, diffuse patch of forest and woodland which extends southwest away from Bengalla.

The 2013 Bengalla EIS described a number of mitigation, management and compensation measures to avoid, minimise and manage the impacts on biodiversity values within the region. The *Bengalla Biodiversity Offset Strategy* (Cumberland Ecology, 2014) aims to maintain or enhance the long-term environmental outcomes. This is achieved through the protection, maintenance, and enhancement of woodland and forest vegetation. Additionally, the strategy focuses on establishing high quality ecological communities in degraded and cleared areas as habitat for a wide range of species. BMC currently manages biodiversity in accordance with the sites *Biodiversity Management Plan* (BMP) (New Hope, 2017). This BMP sets out the procedures for biodiversity management, reporting and auditing of ecological issues within the Bengalla Project Boundary.

The Modification proposes to disturb additional vegetation beyond the approved Disturbance Boundary in association with the revised realignment of BLR approved under SSD-5170. A Biodiversity Development Assessment Report (BDAR) will be completed for the Modification in accordance with:

- *Biodiversity Assessment Method 2020* (NSW Government 2020);
- *Surveying threatened plants and their habitats: NSW survey guide for the Biodiversity Assessment Method* (DPIE 2020);
- Other survey guidelines in accordance with the *NSW Threatened Biodiversity Data Collection* as relevant; and
- '*Species credit*' *threatened bats and their habitats. NSW survey guide for the Biodiversity Assessment Method* (OEH 2018).

A number of targeted seasonal surveys have been undertaken to date by Cumberland Ecology during 2023 and 2024. These surveys included the review of State and Commonwealth listed threatened species, migratory species and Threatened Ecological Communities (TEC) that are present, or have the potential to occur, in the Modification Disturbance Boundary.

To date, the Modification Disturbance Boundary has been identified to comprise the following biodiversity values:

- One vegetation community, PCT 3431 Central Hunter Ironbark Grassy Woodland occurring in a woodland and a Derived Native Grassland condition;

- No threatened flora species were recorded within the Modification Disturbance Boundary and none are considered likely to occur;
- Two threatened fauna species (listed under the BC Act and EPBC Act) were recorded within the Modification Disturbance Boundary:
  - *Delma vescolineata*/Hunter Valley Delma; and
  - *Myotis Macropus*/Southern Myotis.

In light of the factors above, it is unlikely the Modification will be able to avoid all impacts to biodiversity. The residual impacts of the Modification will therefore likely trigger the requirement for an assessment under the NSW Biodiversity Offset Scheme to achieve 'no net loss' of biodiversity values within the region.

Offsetting requirements will be determined through the application of the Biodiversity Assessment Method (BAM) and Biodiversity Assessment Calculator whilst preparing the BDAR. Offsetting obligations will require delivery in accordance with the Biodiversity Offset Scheme either by direct payment to the Biodiversity Conservation Fund or retirement of biodiversity credits.

The Assessment Bilateral Agreement between NSW State and Commonwealth currently incorporates the NSW Biodiversity Assessment Method as an endorsed assessment methodology for the assessment of impacts to biodiversity aspects. In this regard, it is envisaged that the Commonwealth requirements will be appropriately addressed within the BDAR for the Modification.

## 6. NOISE

Potential noise impacts as a result of the Modification were determined to include potential emissions from:

- The temporary construction works and land disturbance associated with the revised BLR alignment including bulk earthmoving and pavement construction;
- Noise generated by operational traffic from the completed BLR; and
- Cumulative noise impacts with surrounding industry.

The Noise Impact Assessment will be conducted in accordance with:

- *NSW Noise Policy for Industry* (EPA, 2017);
- *NSW Road Noise Policy* and associated Application Notes (EPA, 2011);
- *Interim Construction Noise Guideline* (NSW DECCW, 2009); and
- *Assessing Vibration – A Technical Guideline* (NSW DEC, 2006).

A semi-quantitative assessment will be completed for the Modification. Modelling has been proposed for activities with the potential to impact sensitive receptors. The scope of the noise impact assessment will include:

- Review of previous noise impact assessments for Bengalla and its modifications to establish baseline conditions;
- Identify noise sources (construction and operation), sensitive receivers and relevant noise criteria;
- Assess the potential noise impacts of the Modification, including detailed noise modelling of the construction and operation of the BLR realignment;
- Potential cumulative impacts; and

- Recommend any additional mitigation measures required to ensure predicted noise levels remain below applicable criteria.

## 7. TRAFFIC

Bengalla is currently approved under SSD-5170 to realign the BLR to the west, to allow for the progression of mining operations. During the preparation of the Bengalla EIS only conceptual road design plans were available. The impacts of the realignment were assessed in detail in the *Traffic and Transport Impact Assessment* (DC Traffic Engineering Pty Ltd, 2013). WSP has been engaged to develop a detailed design for the new alignment, ensuring BLR meets contemporary design standards. The additional modification disturbance area is necessary to facilitate:

- Construction activities including required erosion and sediment control measures, water management infrastructure and design cut/fill requirements;
- Relocation of existing third party infrastructure; and
- Avoid mining authorities held by other parties.

BLR will be dedicated as a public road and BMC has been in ongoing consultation with Muswellbrook Shire Council and Crown Roads regarding the technical design and placement within relevant Crown Land and cadastral boundaries.

BLR will continue to serve as a vital freight transport route accommodating over-size over-mass vehicle movements for the mines in the Muswellbrook LGA. With increased access to Renewable Energy Zones (REZ) in the Central West Orana and New England regions. The government announced in 2024 that Bengalla Road will be reclassified from local to state owned (NSW Government, 2024). Consequently, upgrading and widening the BLR to meet contemporary design guidelines will benefit both the community and various industries through improved road safety.

The operation of the existing road network will be maintained during construction for public and emergency vehicles. A technical advice paper will be provided as part of the Modification Report to support the proposed design and confirm compliance with the relevant road safety design guidelines for intersections with the local road network, including Wybong Road and Roxburgh Road.

A Traffic Management Plan will be prepared prior to construction in accordance with the *Traffic control at work sites (TCAWS) Technical Manual* (Transport for NSW, 2022) and relevant Austroads guidelines in consultation with Muswellbrook Shire Council and Transport for NSW.

## 8. VISUAL

A Visual Impact Assessment (VIA) for Bengalla was undertaken as part of the Bengalla EIS titled '*Continuation of Bengalla Mine Project Visual Impact Assessment*' (JVP Visual Planning and Design, 2013) (2013 EIS VIA). Five modifications to SSD-5170 have been approved to date of which the majority did not propose any material changes to the visual character of Bengalla.

The '*Bengalla Development Consent Modification 2 Statement of Environmental Effects Visual Impact Assessment*' (VPA Visual Planning & Assessment, 2016) (2016 MOD2 VIA) was undertaken to support the '*Bengalla Mine Development Consent Modification Statement of Environmental Effects*' (Hansen Bailey, 2016a) (MOD2 SEE). The 2016 MOD2 VIA quantified the visual impacts associated with changes to the main Overburden Emplacement Area (OEA), which was designed to incorporate two Visual Relief Areas.

The Bengalla Visual Impact Mitigation Plan (VIMP) (Hansen Bailey, 2016) has been developed in accordance with the requirements of Schedule 3, Conditions 37 to 39 of SSD-5170 as modified. The VIMP



describes the various appropriate site-specific visual mitigation measures recommended to reduce visual impact of Bengalla's operations at affected sensitive receivers.

The Modification includes the continuation of mining within the existing extraction limit, consistent with those currently approved. Accordingly, it is considered that visual impacts will likely remain consistent with those approved for the current operations.

Xenith Consulting has been engaged to prepare a Visual Impact Review for the proposed Modification. The Visual Impact Review will assess currently proposed screening measures for adequacy with the revised design, , or provide some other/alternate visual screening measure (e.g. visual bunding), along the proposed BLR realignment where necessary.