

Mr Craig White
Environment Superintendent
Bengalla Mining Company Pty Limited

18/05/2022

Dear Mr White

Bengalla Continuation Project (SSD 5170)
Bengalla Tree Screening

I refer to your recent correspondence (dated 31 March 2022) regarding tree plantings along public roads required by SSD 5170. The Department understands that Bengalla Mining Company (BMC) is currently investigating the process for obtaining a Road Occupancy Licence from Transport for NSW to allow establishment of the tree screening along Denman Road.

However, in your recent correspondence, BMC has indicated that it intends to meet its obligations regarding establishment of tree screening "where reasonable and feasible". The Department advises that the consent condition does not include allowance for "reasonable and feasible" with a strict date set for providing the tree screens, subject to agreement by the Planning Secretary to grant an extension.

The Department notes that the tree screens were originally required to be planted by 1 October 2017 and a number of extensions have already been approved by the Planning Secretary allowing additional time to plant the tree screens by 31 December 2022. The required tree screening should be expedited as soon as possible.

To be clear, BMC would be in non-compliance with condition 40 of Schedule 3 of SSD 5170 if the tree screens are not planted by 31 December 2022 and the matter would need to be considered by the Department's compliance team in accordance with the Department's Compliance Policy.

If you have any further queries regarding this matter, please don't hesitate to contact Joe Fittell on 02 4908 6896 or via email at Joe.Fittell@planning.nsw.gov.au.

Yours sincerely



Stephen O'Donoghue
Director
Resource Assessments
As nominee of the Planning Secretary