



NEW HOPE
GROUP

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14 December 2020

Mr Matthew Sprott
Planning Services
Resource Assessments and Compliance
GPO Box 39
Sydney NSW 2001

Dear Matthew

Re: Extension of Time SSD-5170 Schedule 3 Conditions 40 and 41 – Tree Plantings Along Public Roads

Bengalla Mining Company Pty Limited (**BMC**) operates Bengalla Mine (**Bengalla**) according to SSD-5170.

SSD-5170 Schedule 3 Condition 40 and 41 (together the **Conditions**) requires:

40. 'Within 2 years of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant must plant tree screening along those sections of Denman Road, Roxburgh Road and Wybong Road that will have direct views of mining operations on site. The screening must be planted in consultation with Council (and where relevant the RMS), and maintained to the satisfaction of the Secretary.

41. At least five years prior to the construction of the Bengalla link Road realignment, or as otherwise agreed by the Secretary, the Applicant must plant tree screening along the proposed Bengalla Link Road realignment. This screening must be planted in consultation with Council and maintained to the Satisfaction of the Secretary.

Note: The planting of tree screening in areas of constructed fill embankments associated with the road realignment shall be undertaken as soon as practicable after the completion of the constructed landform'

BMC commenced under SSD- 5170 1 October 2015.

The Department of Planning Industry & Environment (**DPIE**) has previously provided BMC with extensions of time for the Conditions currently to 30 December 2020 (DPIE letter 3 March 2020 **Appendix A**.

Progress

Roxburgh Road:

Relevant areas adjacent to Roxburgh Road with view to Bengalla have been planted with tube stock March 2019 shown as green polygons adjacent Roxburgh Road **Appendix B**. Monitoring and

assessment occurred 19 May 2020 to determine the condition of the tube stocks planted. The assessment identified approximately 280 trees alive – 71% and approximately 116 trees dead – 29%. The replacement tube stock tree planting works were completed 23 July 2020. A post planting inspection was undertaken 5 August 2020. Sample photos of the new plantings at **Appendix B**.

Wybong Road:

A bund east of ML 1645 and to the east and west of the original Dry Creek approximate location shown **Appendix C** as an orange rectangle has been constructed and vegetated previously. BMC and MACH Energy Australia Pty Limited (**MACH Energy**) have agreed for BMC to enter an area east of the Mount Pleasant Mine rail (the **Eastern Land**) within ML 1645 (Eastern Land image **Appendix C**). Prior to BMC entry to the Eastern Land the Bengalla Mining Operations Plan 2017 - 2021 Amendment A required amendment. The Bengalla Mining Operations Plan 2017 - 2021 Amendment (**MOP B**) Application was prepared and required approval by the Resources Regulator (**RR**). Approval of MOP B by the RR occurred 28 October 2020. The Eastern Land is now to be secured by fencing. An assessment of the Eastern Land regarding visual screening is to commence. Any visual screening works will require consultation with MACH Energy.

Denman Road:

BMC provided a Denman Road Visual Impact Review Report November 2019 (the **Report**) to DPIE for review 8 November 2019. The Report identified three small areas of planting (**Appendix D**) with view to Bengalla and sought feedback with respect to the proposed planting locations then and by email 1 December 2019. To BMC knowledge no written feedback has been received other than the extension of time provided by the DPIE to 31 December 2020. BMC indicated in the cover email 1 December 2019 that BMC would commence preparation of the S138 Application if feedback from the DPIE was not forthcoming. BMC has investigated the ownership and management of Denman Road to inform the S138 Application.

In short, the roads authority for Denman Road is Muswellbrook Shire Council (**MSC**), however Denman Road is also declared as a classified road (according to the Roads and Maritime Service (**RMS**) schedule dated April 2017 – Road 209 **Appendix D**). The effect of this is that consent would be required from MSC to carry out the actions prescribed under section 138 of the Roads Act on the road, however MSC may not give that consent except with the concurrence of RMS.

BMC intends to finalise preparation of the S138 Application.

MOP B:

The BMC Rehabilitation Management Plan has been subsumed into the MOP. As mentioned above the MOP B was approved by the RR 28 October 2020. The MOP B Application was made in response to an RR Notice and an agreement between BMC and MACH Energy to enable BMC to enter the Eastern Land. One of the RR Notices required the preparation of a Rehabilitation Report that was primarily focussed on installation of High Density Woody Vegetation (**HDWV**) over existing Bengalla rehabilitation areas. The Rehabilitation Report identified periods for seeding of HDWV and tube stock planting of HDWV. Relevantly the Rehabilitation Report identified tube stock planting to occur around May - July each year. The final version of the Rehabilitation Report was provided to the RR dated 5 August 2020. Some of the findings of the Rehabilitation Report have been embedded within the MOP Amendment C Application. The MOP C Application was provided to the RR 2 December 2020 for approval. To maximise success of future tube stock planting that tube stock planting should occur around May - July each year. The S138 Application for Denman Road will include timing for tube stock planting informed by the Rehabilitation Report.

COVID-19:

The year 2020 was not typical. The impact of COVID-19 on the operation of many business's including BMC required a different approach, for example, working from home and temperature screening on entry to Bengalla. The altered business operating environment required a period of adjustment and BMC requests that the business operating environment be considered regarding this extension of time request.

BMC intends to meet its obligations under SSD-5170 where reasonable and feasible.

BMC respectfully requests an extension of time for 6 months to 30 June 2021 to finalise the S138 Application for the Denman Road planting and undertake further work and consultation regarding installation of the Wybong Road visual bund and/or planting areas.

BMC looks forward to the DPIE response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C White', written in a cursive style.

Craig White

APPENDIX A



**Planning,
Industry &
Environment**

Planning and Assessments
Energy, Resources & Compliance
Contact: Melanie Hollis
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Email: melanie.hollis@planning.nsw.gov.au

Mr Craig White
Environmental and Approvals Specialist
Bengalla Mining Company Pty Ltd
Locked Mailbag 5
MUSWELLBROOK NSW 2333

Dear Mr White

**Bengalla Continuation Project (SSD 5170)
Tree Planting Extension Request**

I refer to your correspondence of 8 November 2019, outlining the significant limitations in planting tree screens along various road sections adjacent to Bengalla operations as required by conditions 40 and 41 of Schedule 3.

I understand that further time is required to resolve land ownership issues before planting can occur on Denman Road.

The Secretary agrees to a further extension to the timeframe for conditions 40 and 41 Schedule 3, until 31 December 2020.

If you wish to discuss this matter, please contact Melanie Hollis on 8217 2043.

Yours sincerely,

03/03/2020

Matthew Spratt

Director

Resource Assessments

as nominee of the Secretary

APPENDIX B



Roxburgh Road planting areas shown by green polygons.



Example of tube stock planting.



Example of tube stock planting.

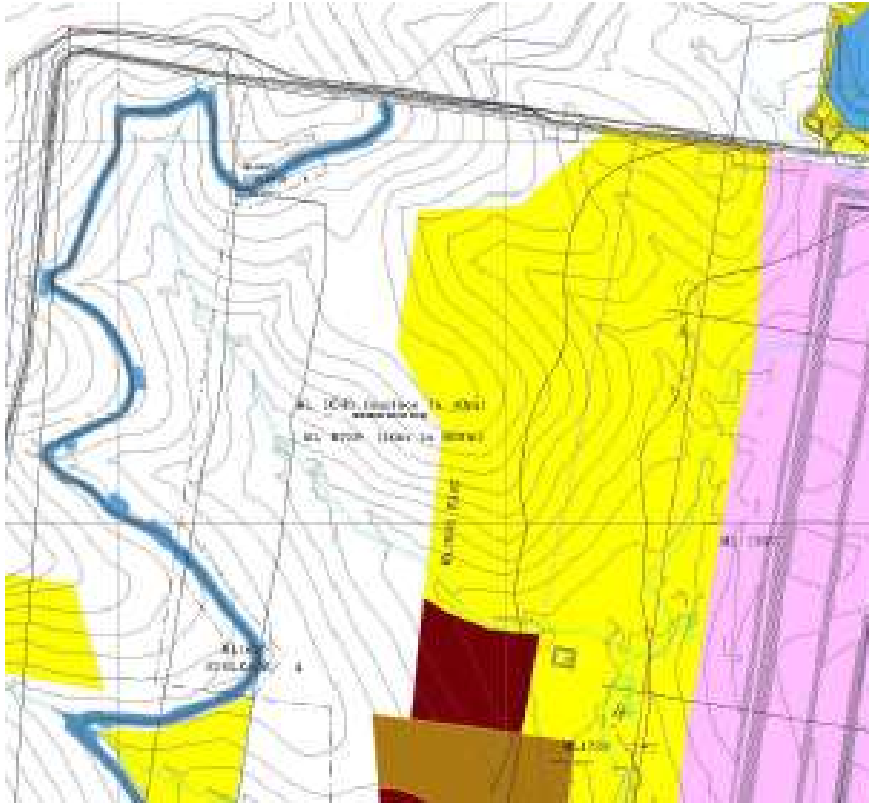
APPENDIX C



Wybong Road bund location.



Eastern Land area overlain on aerial photo 3 September 2020.



MOP B Plan 3D Conceptual Mining and Rehabilitation 2020 Eastern Land extract.

APPENDIX D



Schedule of Classified Roads and Unclassified Regional Roads

Changes to this document are captured in 'Recently Gazetted Changes':

<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/lgr/arrangements-councils/road-classification.html>

Summary

Roads and Maritime Services (RMS) is required under the *Roads Act 1993* s163 (4) to keep a record of all classified roads. To satisfy this commitment, this document contains a record of the roads classified under sections 46, 47, 50 or 51 of the *Roads Act 1993* that have a Legal Class of Highway, Main Road, Secondary Road or Tourist Road - as legally described by Declaration Order in the Government Gazette.

To manage the extensive network of roads for which council is responsible under the *Roads Act 1993*, RMS in partnership with local government established an administrative framework of *State, Regional, and Local Road* categories. State Roads are managed and financed by RMS and Regional and Local Roads are managed and financed by councils.

Regional Roads perform an intermediate function between the main arterial network of State Roads and council controlled Local Roads. Due to their network significance RMS provides financial assistance to councils for the management of their Regional Roads. The Regional Road category comprises two sub-categories: those Regional Roads that are classified pursuant to the *Roads Act 1993*, and those Regional Roads that are unclassified. For completeness, the Schedule includes unclassified Regional Roads.

Local Roads are unclassified roads and therefore are not included in the Schedule.

The recently introduced alpha-numeric route numbering (MAB) system used for wayfinding purposes in NSW does not directly relate to the legal classification of roads and has not been incorporated into this Schedule.

The Schedule notes the administrative class (either State or Regional Road) for classified roads. Where a classified road comprises sections of State Road and Regional Road, a description of each section is shown.

Note: The declaration of roads with a legal class of Freeway, Controlled Access Road, Tollway or Transitway under sections 48, 49 or 52 of the *Roads Act 1993*, is usually by reference to cadastral information. These roads are not included in this Schedule. The list below contains only a general description of Freeways, Tollways and Transitways, not the legally declared description of roads in these classes. Note that sections of Highways and Main Roads may have a dual legal classification as Freeway or Controlled Access Road.

Key to Numbering System in this Schedule

Classified Roads (pursuant to Road Act 1993)		Unclassified Roads (pursuant to Administrative Agreement)	
Road Number	Class	Road Number	Class
1-31	Highway (HW) (Previously State Highway (SH))	7000 series	Unclassified Regional Roads
51-694	Main Road (MR)		
2001-2114	Secondary Road (SR)		
4000-4056	Tourist Road (TO)		
8001-8011	Transitway (TW)		

	Gulgong Road at Mudgee.		
209	From the New England Highway at Muswellbrook to the Golden Highway east of Denman.	State	GG134 22/11/96
211	From the Hume Highway (HW2) southern interchange at Holbrook, along Albury St, Holbrook then via Wagga Rd through Cookardinia and Mangoplah to the Sturt Highway (HW14) at Wagga Wagga.	Regional	GG145 12/11/76
214	From the Muswellbrook-Mudgee Road approximately 9 km north of Mudgee via Ulan to the Golden Highway approximately 8 km south-west of Cassilis.	Regional	GG134 22/11/96
215	From the Lithgow-Mudgee (MR55) at Ilford, via Rylstone and Bylong to the Muswellbrook-Mudgee Road (MR208) near Bylong.	Regional	GG145 12/11/76
216	From the Bathurst-Ilford Road (MR54) at Sofala, via Hill End and Hargraves to the Mudgee-Gulgong road near Mudgee.	Regional	GG145 12/11/76
217	From the Sydney-Newcastle Freeway at Morisset Interchange at Mandalong Road via Morisset, Toronto and Cockle Creek to Glendale, then via Lake Road to Thomas Street at Wallsend. With a branch from Lake Road at Glendale via Glendale Drive to Main Road at Glendale.	State	GG134 22/11/96
220	From Carey Street at Toronto via Awaba and Ryhope, Freemans Waterholes, Heaton Gap, Brunkerville and Mount Vincent to Lake Road near Mulbring, then via Kearsley and Aberdare to Vincent Street at Cessnock, then via Vincent Street, Wollombi Road and Allandale Road to Nulkaba, then via Rothbury to the New England Highway at Branxton. With a branch from Freemans Waterholes via Inglewood Road to the Sydney - Newcastle Freeway at Freemans Interchange.	State	GG43 24/4/97
222	From the Swan Hill-Ivanhoe Road (MR67) at Kyalite to the Murray River at Tooleybuc.	Regional	GG145 12/11/76 (note: to be revoked – is now declared as part of MR694 (State Road))
223	From Brunker Road at Broadmeadow via Lambton Road, Alma Road, Rugby Road and Russell Road to the intersection of Lookout Road and Croudace Road at New Lambton, then from the intersection of Charlestown Road and Lookout Road at New Lambton Heights via Main Road to Macquarie Road at Cardiff.	Regional	GG134 2/11/96
225	From the Calga - Somersby Road east of Central Mangrove via Central Mangrove, Mangrove Mountain, Spencer, Gunderman and Wisemans Ferry over Hawkesbury River to the McGraths Hill-Whittingham Road at the village of Wisemans Ferry. Regional: <i>From the Calga - Somersby Road east of Central Mangrove via Central Mangrove, Mangrove Mountain, Spencer and Gunderman to the northern bank of the Hawkesbury River at Wisemans Ferry.</i> State: <i>From the northern bank of the Hawkesbury River at Wisemans Ferry to the McGraths Hill-Whittingham Road (MR181) (Intersection of River Road and Old Northern Road) at the village of Wisemans Ferry.</i>	State and Regional	GG134 22/11/96
226	From the Corowa-Tocumwal Road (MR550) at Barooga to the Cobram Bridge over the Murray River.	Regional	GG145 12/11/76
227	From Elouera Road at Cronulla via Kingsway to Princes Highway at Kirrawee.	State	GG7 22/1/93 DSD 90M1533
228	From the Condobolin-Cobar Road (MR61) at Nymagee to the Barrier Highway (HW8) at Hermidale.	Regional	GG145 12/11/76
231	From the West Wyalong-Condobolin Road (MR57) at Girral via Ungarie to the Rankin Springs-Lake Cargelligo Road (MR371) at Lake Cargelligo.	Regional	GG145 12/11/76
232	From the Carnarvon Highway at Garah, via Boomi to the Queensland Border at Boonangar.	Regional	GG117 7/8/98
233	From Percy Street (Mitchell Highway HW7) at Wellington via Renshaw –	Regional	GG38 12/3/10