



Bengalla Mining Company Pty Ltd

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4 November 2025

NSW Environmental Protection
Authority 6&8 Parramatta Square 10
Darcy Street, Parramatta NSW 2150

By email:
climatechange.review@epa.nsw.gov.au

Dear Sir/Madam,

Bengalla Mining Company Pty Limited (BMC) – Response to EPA proposed climate change documents

BMC operates (on behalf of the Bengalla Joint Venture), and is the responsible emitter for, the Bengalla Coal Mine (**Facility**). BMC has reviewed the three proposed climate change related documents released for public consultation by the New South Wales Environment Protection Authority (**EPA**), including:

- Climate Change Licensee Requirements
- Greenhouse Gas Mitigation Guide for NSW Coal Mines
- Climate Change Mitigation and Adaptation Plans: Proposed Mitigation Requirements

BMC acknowledges the EPA's objective of delivering greater transparency regarding greenhouse gas mitigation strategies through the proposed documents and supports the implementation of reasonable, feasible and realistic mitigation measures at the Facility.

The EPA has committed to avoiding conflict or duplication with the Safeguard Mechanism as set out in the EPA's Climate Change Action Plan, extracted below:

We'll also continue to engage with other relevant Commonwealth and state agencies ... In particular, we will work closely with our NSW and Commonwealth Government colleagues to ensure our climate change approaches complement (and do not conflict with or duplicate) actions already taking place under the NSW Net Zero Plan, and any actions being taken by the Commonwealth Government, especially the Safeguard Mechanism. Licensees will not be required to report the same information twice.

BMC is concerned that the proposed framework will result in unnecessary additional obligations being imposed, particularly having regard to the requirements under the Commonwealth National Greenhouse and Energy Reporting Scheme (**NGERS**) including the Safeguard Mechanism.

Proposed Climate Change Licensee Requirements

BMC considers that the proposal to require licensees to report annually on greenhouse gas emissions data duplicates the reporting obligations under NGERS. Further, the proposal to require facilities to estimate projected emissions and reduction targets for a 10-year period, potentially using techniques different to those approved under NGERS, may produce inconsistent results, including goals that are different to the baselines provided for under the Safeguard Mechanism. While not anticipated in the

near future, any licence condition that imposes greenhouse gas emissions limits may also conflict with obligations to meet baseline emissions under the Safeguard Mechanism.

BMC notes that the Safeguard Mechanism already incentivises the implementation of mitigation measures and imposes obligations on certain facilities to provide information about carbon abatement measures, which is published (section 72C Safeguard Mechanism Rule). Consequently, BMC has already commenced investigation into 'drain and flare' activities at the Facility and is exploring diesel emissions reduction opportunities through technologies that reduce the rate of diesel fuel burn.

Greenhouse Gas Mitigation Guide for NSW Coal Mines

As noted above, greenhouse gas emission mitigation measures are already being explored and investigated in the coal industry, in accordance with the requirements under the Safeguard Mechanism. The Greenhouse Gas Mitigation Guide (**Guide**) is intended to be a "guide" that is considered when proponents prepare environmental impact assessments or licensees prepare a Climate Change Mitigation and Adaptation Plan. Notwithstanding that, the proposed approach in the Guide of setting "EPA expectations" and providing for an exemption process, indicates that meeting the criteria will be a mandatory requirement for obtaining relevant approvals. If that is the case, the Guide is not the appropriate mechanism for implementing those obligations. Further, the proposed exemption process is likely to consume significant resources at Government and industry level and is not necessary when consideration is given to the actions BMC and others are already required to take to reduce emissions.

BMC submits that any expectations for mitigation across coal mines in NSW and any guide for implementation of those expectations must remain flexible and reflect the differences between facilities and operations, taking a site-specific approach wherever possible.

BMC has developed, in consultation with the NSW Minerals Council (**NSWMC**) and industry representatives a response to the proposed policy for large emitters and this should be read in conjunction with this letter.

Climate Change Mitigation and Adaptation Plan (CCMAP)

The proposed CCMAP mitigation requirements will include the provision of 10-year emissions projections and proposed mitigation measures over that timeframe. BMC does not support the provision and publication of 10-year emissions forecast data. This information is commercially sensitive and the coal mining industry has an existing process to refine assumptions with the Net Zero Modelling Team, which does not need to be duplicated by the EPA. BMC also considers that a requirement to set out mitigation measures over a period of 10 years may not be productive given the current uncertainty around the availability, cost and capability of abatement technologies that can be readily integrated with existing infrastructure.

Consideration must also be given to existing requirements under planning approvals, including whether activities proposed under a CCMAP have been or can be approved under planning legislation. Additional requirements imposed under an EPL could require further planning approval or modification of existing planning approvals. This involves significant time and expense in carrying out environmental assessment and obtaining approval for measures that may not ultimately be implemented if they are not available or feasible at the relevant time.

In closing, BMC considers that the management of greenhouse gas emissions from coal mining at a State level must take into account the technical, commercial and strategic rigor that large-scale open cut coal mining companies already apply in order to operate within the existing regulatory environment. BMC submits that further work with the Commonwealth and industry would be beneficial to understand the effect of the Safeguard Mechanism on existing and future operations, and the work that is occurring under the current regulatory regime to determine and implement reasonable and feasible abatement measures.

Sincerely,

A handwritten signature in black ink, appearing to be 'Hayley Frazer', with a stylized flourish at the end.

Hayley Frazer
Environment and Approvals Superintendent
Bengalla Mining Company