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The Secretary  
Department of Planning and Environment  
320 Pitt Street  
SYDNEY NSW 2000

Attention: Mr Howard Reed

Dear Howard,

**RIX'S CREEK SOUTH MINE – DA 49/94 MODIFICATION 10**  
**TIME EXTENSION CONTINGENCY FOR THE DETERMINATION OF THE PROJECT**  
**CONTINUATION**

**1 INTRODUCTION**

The Bloomfield Group (Bloomfield) has operated the Rix's Creek South open cut mine (RCS), located approximately 5 km north of Singleton since 1990. The mine currently operates under development consent (DA 49/94) granted on 16 October 1995 and allows mining operations to be undertaken until 24 June 2019.

On 3 March 2014, Bloomfield submitted an application to the Department of Planning and Environment (DP&E) for a new development consent (application SSD 6300) to extend mining operations at RCS until approximately 2038. This application is currently being assessed.

Due to delays in the assessment process, Bloomfield seeks to modify Schedule 2 Condition 2 of DA 49/94 pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to allow for the continuation of coal extraction generally in accordance with the currently approved mine plan for an additional period of nine months (i.e. to 24 March 2020) (MOD 10).

MOD 10 will enable the continuation of currently approved mining activities while the assessment of the Rix's Creek Extension Project (SSD 6300) is completed.

## 2 EXISTING OPERATIONS

RCS is located approximately 5 km north of Singleton in NSW (at its closest point). Access to RCS is via the New England Highway and Rix's Creek Lane.

RCS operates under DA 49/94 which generally enables the following mining activities:

- Open cut coal mining in accordance with DA 49/94 (as modified);
- Construction and operation of surface coal mine infrastructure and equipment upgrades;
- Overburden removal at up to 16.1 million bank cubic metres (bcm) per annum;
- Run of Mine (ROM) coal production of up to 2.5 Million tonnes per annum (Mtpa); and
- Operations 24 hours a day, seven days a week.

DA 49/94 has been modified on nine occasions generally as follows:

- Modification (MOD) 1 – granted in 1999 to amend monitoring requirements;
- MOD 2 – Receive ROM coal from Glennies Creek Underground Mine and to process the coal for transport by rail (2003);
- MOD 3 – RCS to receive, process and transport bulk coal samples from the Bickham Exploration Project (2004);
- MOD 4 – Allow a tunnel under the New England Highway (2009);
- MOD 5 – Enable the construction and operation of a rail loop, associated clean coal stockpile and rail loading facility (2013);
- MOD 6 – Increase the total volume of material that can be moved annually to 16.1 million bcm (2014);
- MOD 7 – ROM coal from Rix's Creek North (former Integra Mine site) to be processed at RCS Coal Handling and Preparation Plant (CHPP) (2016);
- MOD 8 – Construction of two satellite ROM coal stockpiles at the RCS CHPP (2016); and
- MOD 9 – Dried tailings refuse (up to 0.5 million bcm) and overburden (up to 5 million bcm) from RCS to be emplaced in Rix's Creek North's overburden emplacement areas and allow exploration drilling to be conducted in the area between the two operations (DA 49/94 and PA 08\_0102 (RCN) (2017)).

### **3 MODIFICATION DESCRIPTION**

Bloomfield is seeking to modify Schedule 2 Condition 2 of DA 49/94, which states:

*“Approval in respect of coal extraction is limited to a period of 21 years from the date of this consent or from the date of issue of a mining lease in satisfaction of Mining Lease Application No. 17 Singleton wherever is the later.”*

Mining Lease (ML) 1432 was granted on 24 June 1998. DA 49/94 was granted on 19 October 1995. Extraction of coal is therefore permitted to 24 June 2019.

Bloomfield is seeking modification under Section 4.55(1A) of the EP&A Act to amend Schedule 2 Condition 2 to extend coal extraction for an additional period of nine months (i.e. to 24 March 2020).

All other aspects of the mining operations will remain as currently approved under DA 49/94 (as modified). The coal that will be extracted and processed during the extension period will be coal that is currently approved to be mined under DA 49/94.

### **4 NEED FOR THE MODIFICATION**

On 3 March 2014, Bloomfield submitted an application to DPE for a new development consent (Application SSD 6300) to extend mining operations and the life of RCS until approximately 2038. This application is currently with the DPE for assessment.

The extension of time requested under MOD 10 will allow continuity of coal extraction and mining operations at RCS, should the final determination extend beyond the current DA 49/94 expiry date of 24 June 2019. Bloomfield estimates that, at current production rates, it would take six to eight years to extract the remaining coal resource within the approved mining area at RCS.

Bloomfield has fully integrated mining operations at Rix’s Creek North (RCN) and RCS. RCN is dependent on the continuation of operations at RCS for shared water and tailings management, coal processing, coal blending to meet export requirements, coal loading and the management of overburden disposal. Were there a period where coal extraction at RCS was not permissible, this would deleteriously impact on mining operations at the approved RCN mine. Further, as coal mining operations at RCS could not practically be relocated to RCN, even with the strength of the Bloomfield Group and the ability to redeploy some people across our operations, there would be a significant disruption to our workforce, our contractors and our local suppliers.

MOD 10 will ensure continuity of employment for the entirety of the existing workforce at Rix’s Creek Mine during the assessment and determination period of the RCS Continuation Project, thus avoiding the risk of disruption to the material socio-economic benefits that the mining complex is currently delivering to the Upper Hunter Region.

## 5 REGULATORY FRAMEWORK

On 19 October 1995, Bloomfield was granted DA 49/94. Under Section 4.55(1A) of the EP&A Act:

*“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), ...”*

Under Section 4.55(1A)(a) of the EPA Act, the consent authority must be satisfied that the modification is of minimal environmental impact. There will be no change to the previously assessed impacts as described in **Section 6**.

Under Section 4.55(1A)(b) of the EP&A Act, the consent authority must be satisfied that the modified development would be “*substantially the same*” as the original development. The following aspects of RCS will remain consistent with DA 49/94:

- The extraction footprint will remain as approved;
- The total movement of materials in mining will not exceeding 16.1 million bank cubic metres in any year;
- Surface operations (including coal processing) will remain unchanged;
- Coal transportation arrangements will remain unchanged; and
- No change in approved workforce.

MOD 10 seeks to extend the approved duration of mining operations by an additional nine months to facilitate continuation of the approved activities under DA 49/94, and does not entail any enlargement or intensification of the currently approved mining activities.

Therefore, MOD 10 is substantially the same development as DA 49/94, enabling the Minister to modify DA 49/94 under Section 4.55 (1A) of the EP&A Act.

## 6 IMPACT ASSESSMENT

MOD 10 does not involve any changes to the approved extraction footprint, production rate or mining methods. Consequently, all environmental impacts will remain within the limits currently assessed and approved for RCS to operate within.

Operational activities will remain consistent with DA 49/94 (as modified), therefore there will be no change to the assessed impacts relating to air quality, noise, water, visual amenity or traffic.

Environmental management practices will also remain consistent with current practices. In the absence of additional environmental impacts, further management and mitigation measures will not be necessary.

## 7 CONCLUSION

Bloomfield seeks to modify DA 49/94 pursuant to Section 4.55(1A) of the EP&A Act to allow for the continuation of coal extraction generally in accordance with the approved mine plan for an additional period of nine months (i.e. to 24 March 2020) (MOD 10).

MOD 10 will enable the assessment and determination of the Rix's Creek Mine – Continuation of Mining Project (SSD 6300) to be completed whilst sustaining the workforce currently employed at Rix's Creek Mine.

All mining will be undertaken within the existing approved areas. All environmental impacts will remain within the limits currently assessed and approved for RCS to operate within.

Bloomfield will continue to manage development related risks in accordance with the criteria and/or performance measures detailed in development consent DA 49/94.

Yours sincerely

**The Bloomfield Group**



*Geoff Moore*

Chief Development Officer

*Attachments: Section 4.55(1A) Application Form*