

RIX'S CREEK SOUTH SSD6₃₀₀ MODIFICATION **1**

MODIFICATION REPORT

for Bloomfield Collieries

24 May 2021



DOCUMENT CONTROL

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1. INTRODUCTION

1.1 BACKGROUND

Bloomfield Collieries Pty Limited (Bloomfield) owns and operates Rix's Creek Mine (RCM) located in the Hunter Valley of New South Wales (NSW). RCM is a coal mining operation located 5-10km north-west of Singleton, both east and west of the New England Highway (NEH). RCM is the collective name for Rix's Creek North (RCN) (originally Integra Open Cut) and Rix's Creek South (RCS) (the original Rix's Creek Mine). **Figure 1** shows the regional locality of RCM.

RCS operates under Development Consent DA49/94 granted on 19 October 1995; and State Significant Development Consent (SSD) 6300 granted on 12 October 2019 in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). SSD6300 commenced on 24 February 2020 and has not been modified to date. SSD6300 is supported by the "EIS" documentation as per the "Definitions" section of SSD6300 (EIS). **Figure 2** reproduces the 'Development Layout Plan' from Appendix 2 of SSD6300.

Under SSD6300, Bloomfield can continue to conduct open cut coal mining and associated activities until 12 October 2040 including (but not limited to):

- West Pit (previously known as Pit 3) and future North Pit Area (in the existing permitted mining area);
- Revised mining schedule as described in Section 2.0 of the 'Revised Response to Submissions' (RRTS);
- Establishment of a new overburden emplacement area to facilitate the extension of West Pit;
- Reject and tailings disposal to existing emplacement areas in existing tailings storage facilities;
- Continued rail transport of coal to the Port of Newcastle via the RCN rail loop;
- Continued use of existing mine access and surface facilities including: CHPP, coal stockpiles, administration buildings and amenities and rail loading facilities;
- Construction of an additional mine road crossing of the New England Highway;
- Those activities and operations approved under DA49/94 as modified;
- Mine closure, final landform and rehabilitation; and
- Water management.

1.2 APPLICANT

Bloomfield Collieries Pty Limited
Four Mile Creek Road
ASHTONFIELD NSW 2323
Phone: 02 4930 2600
<https://www.bloomcoll.com.au/about>

1.3 DOCUMENT PURPOSE

This Modification Report supports Bloomfield's application for modification under Section 4.55(1A) of the EP&A Act to SSD6300 to facilitate the following activities: correction of minor condition errors and misdescriptions, enable receipt of limited remnant coalaceous material from other Bloomfield owned sites, and undertake ancillary activities (including exploration activities and piezometer installation) (MOD1).

The RCM Community Consultative Committee (CCC) has been briefed on MOD1 and issues raised have been incorporated into this Modification Report.

This Modification Report describes, in detail, each element of the modification sought, assesses the potential economic, environmental, and social impacts of the modification, and proposes any relevant mitigation measures. This document has been prepared generally in accordance with the '*Preparing a Modification Report State Significant Development Guide Exhibition Draft*' (DPIE, 2020).

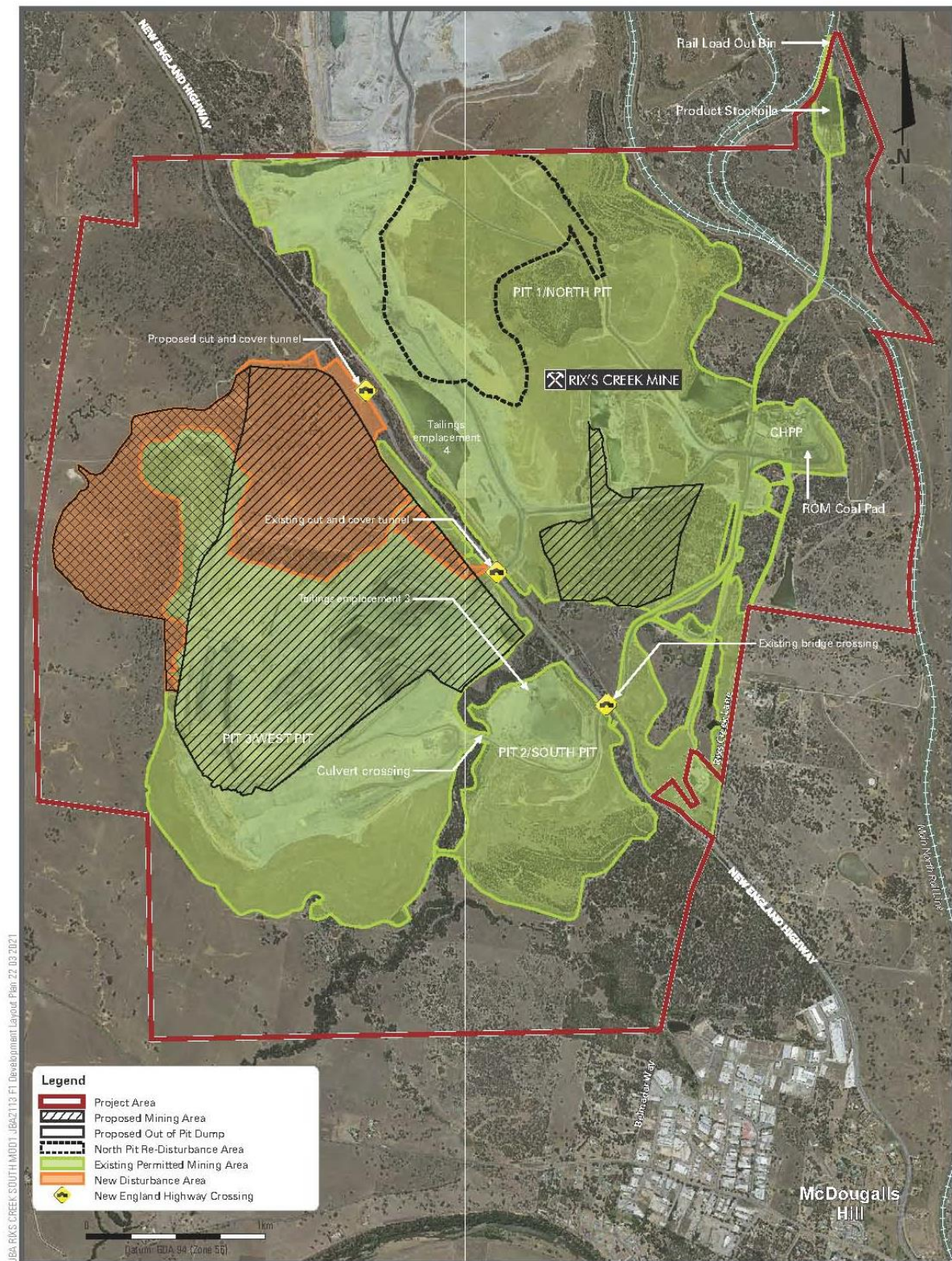


RIX'S CREEK SOUTH COAL MINE



NSW Locality

Figure 1 NSW Locality Plan



RIXS CREEK SOUTH COAL MINE

Development Layout Plan MOD1



Figure 2 Development Layout Plan

2. MODIFICATION DESCRIPTION

Table 1 provides a summary of the MOD1 elements for which approval is sought. Each is discussed further below.

Table 1 **Modification 1 Summary**

MOD1 Summary
<ul style="list-style-type: none"> Amendment to SSD 6300 condition errors
<ul style="list-style-type: none"> Transport of limited remnant coalaceous material from other Bloomfield sites for processing at RCS under limited circumstances only
<ul style="list-style-type: none"> Ancillary activities

2.1 **CONDITION ERRORS AND MISDESCRIPTORS**

Following the determination of SSD6300, minor errors or misdescriptions were identified and will require an amendment to conditions of SSD6300 as described below.

- Definitions: includes ~~"OEHS—NSW Office of Environment and Heritage."~~
OEHS has been struck out and should be deleted from SSD6300.
- Condition B2 includes an "Error! Reference source not found" reference.
It should read "Appendix 4".
- Condition B4 (f) includes an "Error! Reference source not found".
It should read " Appendix 4".
- Condition B5 (d) (iii) includes an "Error! Reference source not found".
It should read " Appendix 4".
- Condition B17 (g) reads ~~"* The system referred to in paragraph (e), should include the option for interested members of the public to be provided with an SMS text message alert, notifying them of the day's blasting schedule. If for any reason, the scheduled blast is to be fired 30 minutes prior to or 30 minutes after the original notification, or has been cancelled, a further text message should be sent to these individuals."~~
The note accompanying Condition B17 (g) has been struck out and should be deleted from SSD6300.
- Condition B24 reads "(a) the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under PART C of this consent."
"PART C" should be replaced with "PART D".
- Condition B43 Table 5 notes. ~~"Stages 1, 2, 3 and 4 and broadly correspond to Years 0, 7, 8, 25 and 15-23 of the period specified in condition A9."~~
The note has been struck out and should be deleted from SSD6300.

- Condition B46 states "*With the agreement of the Planning Secretary, the Applicant may adjust the staging of surface disturbance and the associated credit requirements in Table 5 and the associated surface disturbance areas. Except in accordance with condition B47, Any adjustment must be agreed, and the relevant credits must be retired, prior to the commencement of the associated surface disturbance.*"

Part of condition B46 has been struck out and should be deleted from SSD6300.

- Condition B47 states "*With the agreement of the Planning Secretary, the Applicant may seek the agreement of the Planning Secretary to carry over surplus retired credits to satisfy the credit requirements of a later stage.....*"

Part of condition B47 has been struck out and should be deleted from SSD6300.

- Condition B48 states "*With the agreement of the Planning Secretary, The biodiversity credits associated with any undisturbed*"

Part of condition B48 has been struck out and should be deleted from SSD6300.

- Condition B 50 (h) (v) states "... *manage any potential conflicts with Aboriginal heritage values; and ...*"

Part of condition B50 has been struck out and should be deleted from SSD6300.

- Condition B71 states "*Note: The condition does not prevent further disturbance at some later stage of the development of areas that have been rehabilitated. It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.*"

Part of the note of condition B71 has been struck out and should be deleted from SSD6300.

- Condition D1 Table 7

- Lot 8 DP 758164^c should read N218 (Lot 8 Section 9 DP 758214^c)
- Lot 44 DP 1166047^c should read N190 (Lot 4 DP 1166047^c)
- Additional section information is required to provide clarify for receivers with an 'air quality' basis for acquisition as follows:

Lot	Section	DP	Receiver No
1	8	758214	N172
2	8	758214	N172
4	9	758214	N103
5	9	758214	N214
6	9	758214	N215
7	9	758214	N216
3	9	758214	N217
8	9	758214	N218
2	9	758214	N219
9	9	758214	N220

- Condition E10 (b) states "~~be led~~ and conducted"

Part of Condition E10 has been struck out and should be deleted from SSD6300.

- Appendix 2 to correct the 'project area' to include an existing disturbance area known as the "MDS Area". This area was subject to historic disturbance and is the site of the former Singleton Council recycling centre. The area is currently used as a laydown area.

This block of land (Lot 10, DP 1187455) is listed in Appendix 2 'Schedule of Land' and is shown on **Figure 2** as 'existing permitted mining area' but it is not shown within the "project area". **Figure 3** shows the updated 'project area' to facilitate this change.

2.2 REMNANT COALACEOUS MATERIAL TRANSPORT

DA49/94 MOD3 granted on 15 June 2004 permits RCS to receive, process and transport a 25,000 tonne (t) bulk coal sample of raw coal from the Bickham Coal Exploration Project, near Murrurundi. Bickham coal is permitted to be delivered at up to 500 tonnes a day during daylight hours with any coal rejects disposed of at RCS in accordance with approved operations.

Similarly, MOD1 seeks to facilitate transport of remnant coalaceous material from other Bloomfield owned sites (i.e. either the historic Preston Colliery at Curlewis or the Bloomfield Colliery at Ashtonfield) for processing at RCS under a limited situation via road.

Transport of up to 10,000 tonnes per campaign would be required and occur during daylight hours only.

It is anticipated that a campaign would involve approximately 10 deliveries of coal to Rix's Creek Mine per day with the campaign running over a 10 to 15 week period. Up to three individual campaigns would be required: one for the historic Preston Colliery which would occur around 2021-22; and up to two for Bloomfield Colliery as part of mine closure activities.

The coalaceous material would be delivered by road registered covered trucks via the Kamilaroi Highway and New England Highway from the Preston Colliery. For the Bloomfield Colliery, transport would occur via the Hunter Expressway and the New England Highway.

2.3 ANCILLIARY ACTIVITIES

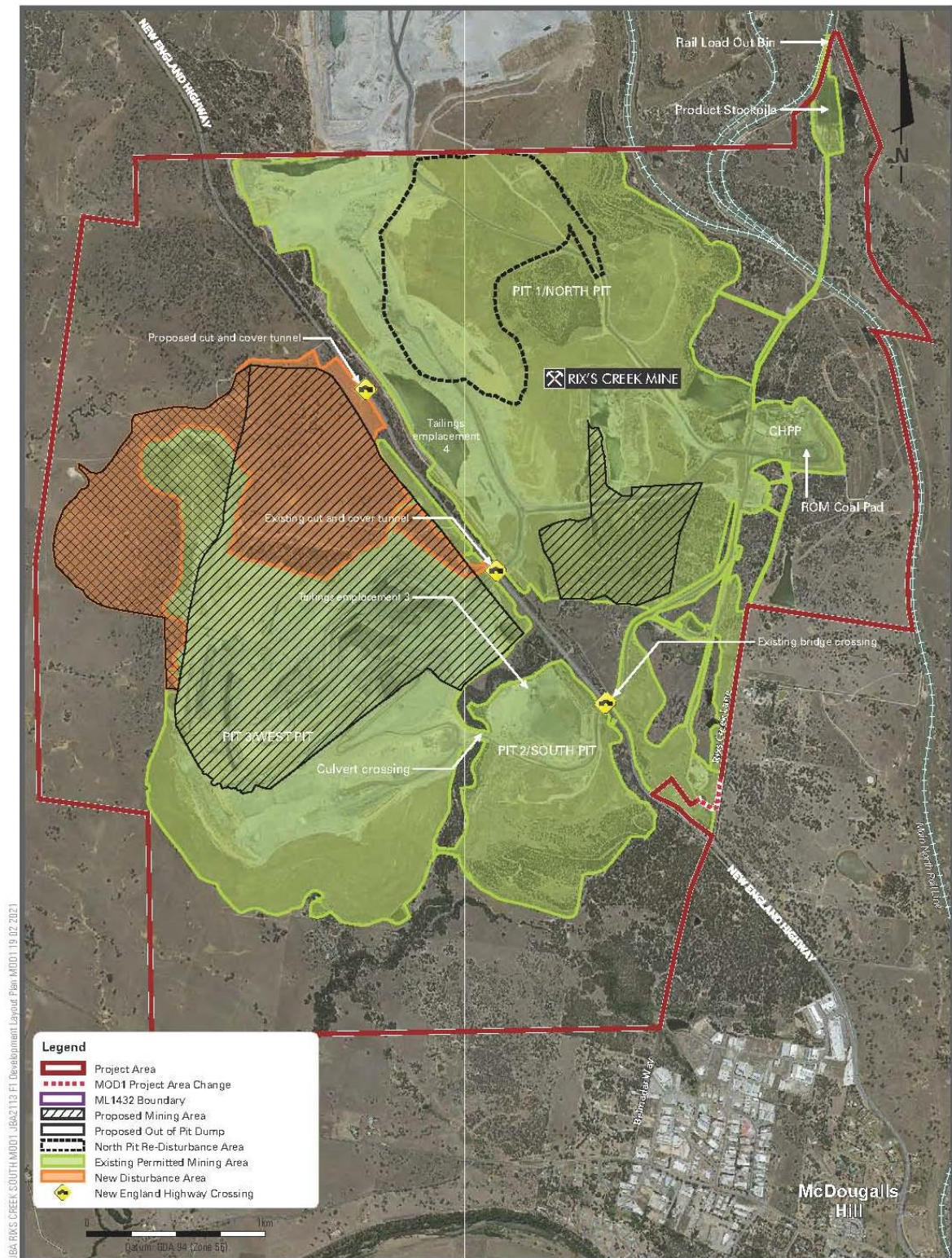
2.3.1 Exploration Activities

MOD1 seeks approval to undertake exploration and associated rehabilitation activities in accordance with the *Mining Act 1992* (Mining Act) within Bloomfield's mining tenements. This activity will be undertaken only following approval of, and in accordance with an approved 'Rix's Creek Mine Exploration Activities Management Plan' (EAMP).

It is proposed to update the existing RCN EAMP to incorporate RCS activities, so that a single plan applies to the RCM. Any EAMP would need to be assessed and approved by the Secretary.

2.3.2 Piezometers

MOD1 also seeks approval to undertake construction, use and decommissioning of piezometers for the purpose of monitoring groundwater. This activity will be undertaken only following approval of, and in accordance with an approved 'Water Management Plan' (WMP).



RIXS CREEK SOUTH COAL MINE

Development Layout Plan MOD1

Figure 3 Development Layout Plan MOD 1

3. STATUTORY CONTEXT

3.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.55 (formerly Section 96) of the EP&A Act applies to modification of development consents. Section 4.55(1A) of the EP&A Act states:

"(1A) Modifications involving minimal environmental impact

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) ...".*

MOD1 only seeks to correct minor condition errors and misdescriptions, enable receipt of limited remnant coalaceous material from other Bloomfield owned sites, and conduct ancillary activities (including exploration activities and piezometer installation). The following aspects of RCS will remain consistent with SSD6300:

- Mining footprint and methods;
- Maximum coal production rate;
- Duration;
- Mine infrastructure;
- Methods and rates of coal processing and transport from site; and
- Operating hours and size of the workforce.

Due to these key aspects of the project remaining unchanged, the modified project would be "substantially the same" as the approved project. **Section 4** includes a relevant discussion on predicted environmental impacts from MOD1. It confirms that the predicted impacts are minimal. Therefore, MOD1 is within the scope of Section 4.55(1A).

3.2 OTHER LEGISLATION

3.2.1 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) was enacted on 23 November 2016 and superseded the *Threatened Species Conservation Act 1995*. Part 7 of the BC Act imposes a framework for the assessment of impacts to listed threatened species and ecological communities.

Exploration activities will be conducted as described in **Section 2.3.1** as it relates to the BC Act and therefore will not adversely impact on biodiversity conservation.

3.2.2 SEPP (Mining) 2007

Clause 6 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP) provides that development for the purposes of mineral exploration (i.e. prospecting) may be carried out without development consent. However, an environmental assessment of any proposed prospecting activity is required pursuant to Part 5 of the EPA Act unless the proposed prospecting has already been assessed and approved under the EPA Act.

An 'assessable prospecting operation' means any exploration activity that is not exempt development within the meaning of Clause 10 of the Mining SEPP.

Clause 10 Exempt Development does not include exploration activities and as such, development consent is sought.

3.2.3 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) outlines the role of the Commonwealth in the protection of the environment. The EPBC Act provides protection for listed Matters of National Environmental Significance (MNES).

A proponent must make a Referral under Section 68 of the EPBC Act if the proposed action has the potential to result in significant impacts to MNES.

As discussed in **Section 4.3**, there will be no adverse impacts to listed threatened species and ecological communities, migratory species or water resources that will result from MOD₁. Therefore, MOD₁ is not likely to have a significant impact on MNES. Accordingly, a Referral under Section 68 of the EPBC Act is not required.

4. IMPACTS, MANAGEMENT AND MITIGATION

4.1 CONDITION ERRORS AND MISDESCRIPTIONS

No impacts, additional management actions or required mitigations result from the proposed amendments to SSD6300 to correct the identified errors and misdescriptions.

4.2 REMNANT COALACEOUS MATERIAL TRANSPORT

MOD1 seeks to facilitate transport of remnant coalaceous material from other Bloomfield owned sites (i.e. either the historic Preston Colliery at Curlewis or the Bloomfield Colliery at Ashtonfield) for processing at RCS under a limited situation via road.

Transport of up to 10,000 tonnes per campaign would be required and occur during daylight hours only.

It is anticipated that a campaign would involve approximately 10 deliveries of coal per day to Rix's Creek Mine with a campaign running over a 10 to 15 week period. Up to three individual campaigns would be required: one for historic Preston Colliery which would occur around 2021-22; and up to two for Bloomfield Colliery as part of mine closure activities.

The coalaceous material would be delivered by road registered covered trucks from the Preston Colliery via McCormack Road, through Curlewis to the Kamilaroi Highway and the New England Highway as shown on **Figure 1**. Traffic impacts therefore remain generally consistent with that assessed under DA49/94 for the transport of coal from the Bickham Exploration Project (as described at **Section 2.2**).

For the Bloomfield Colliery, transport would occur via Four Mile Creek Road, the New England Highway, John Renshaw Drive and Hunter Expressway. Bloomfield Colliery operates under Project Approval 07_0087 which permits coal mining operations to 31 December 2030.

All works at RCS including the storage, loading and internal transport of coal would be undertaken by existing staff and, due to its relatively low volume, would not require any changes to operations.

The processing of the coal and disposal of rejects would remain within the approved tonnages for each activity at RCS. The processing of the coal would not affect the life of the emplacement areas for coarse reject or tailings.

The intensity of coal handling and processing will not change from that currently approved, as such limited receipt of a remnant coalaceous material from another Bloomfield operations and the processing of that material will not increase air, noise or any other impacts to beyond that previously assessed and approved.

This activity will be undertaken in accordance with a 'Coalaceous Material Haulage Management Plan' to be approved by DPIE.

4.3 ANCILLIARY ACTIVITIES

Exploration activities and the installation of piezometers within Bloomfield's mining tenements will be designed to minimise any environmental impacts and undertaken following approval of, and in accordance with an approved EAMP.

4.3.1 Ecology

Both piezometer installation and exploration activities have a potential to temporarily disturb small, discrete areas of vegetation.

Potential ecological impacts from MOD1 will continue to be managed in accordance with the 'Biodiversity Management Plan' (Bloomfield, 2017) and the 'Permit to Disturb'.

For piezometer installation or exploration activities where an ESF4 Form (or latest Resources Regulator process and version) is not required, the following internal process will be undertaken:

- As part of Bloomfield's existing internal 'Permit to Disturb' process, a Due Diligence inspection will be undertaken by relevantly qualified biodiversity specialists with the borehole locations adjusted to minimise any potential impacts identified by the assessments';
- Disturbance associated with exploration activities will be relocated to avoid impacts to Threatened species as identified by the relevantly qualified specialists. No mature trees will be removed;
- The exploration activities will be positioned to minimise disturbance caused in gaining access to the proposed locations through utilising previously cleared areas and existing tracks wherever possible;
- Above ground drilling sumps will be utilised to minimise disturbance. Any topsoil removed will be stockpiled during the initial preparation of the drill site and rehabilitated consistent with the current land use. Rehabilitation will be monitored over time and remedial action taken if required;
- On completion, any boreholes will be rehabilitated in accordance with relevant regulatory Guideline; and
- If required by the Resources Regulator, a revision to the approved MOP (or equivalent document) will be undertaken prior to undertaking the exploration activities.

4.3.2 Aboriginal Heritage

Both piezometer installation and exploration activities have a potential to disturb Aboriginal heritage.

Aboriginal Heritage will continue to be managed in accordance with the approved 'Rix's Creek South Aboriginal Heritage Cultural Heritage Management Plan' or latest version and internal procedures including the 'Permit to Disturb'. This includes a detailed identification and mapping of all items of Aboriginal heritage within the Project Area.

For exploration activities, where an ESF4 Form (or latest Resources Regulator process and version) is not required, the following internal process will be undertaken:

- As part of Bloomfield's existing internal 'Permit to Disturb' process, a Due Diligence inspection will be undertaken by relevantly qualified heritage specialists with the borehole locations adjusted to minimise impacts identified by the assessments;
- Disturbance associated with exploration activities will be relocated to avoid impacts to Aboriginal heritage as identified by the relevantly qualified specialists;
- If disturbance cannot be avoided to any Aboriginal heritage items, the approved procedures documented within the 'Rix's Creek South Aboriginal Heritage Cultural Heritage Management Plan' will be undertaken;
- The exploration activities will be positioned to minimise disturbance caused in gaining access to the proposed locations through utilising previously cleared areas and existing tracks where possible;
- On completion, any boreholes will be rehabilitated in accordance with relevant regulatory Guidelines; and
- If required by the Resources Regulator, a revision to the approved MOP (or equivalent document) will be undertaken prior to undertaking the exploration activities.

5. MERIT EVALUATION

Under SSD6300, Bloomfield can continue its state significant open cut coal mining and associated activities until 12 October 2040 at RCS.

MOD1 is sought under Section 4.55(1A) of the EP&A Act to facilitate the following activities: correction of minor condition errors and misdescriptions, enable receipt of limited remnant coalaceous material from other Bloomfield owned sites, and undertake ancillary activities already contemplated (including exploration activities and piezometer installation) (MOD1).

Should MOD1 be granted, the following aspects of RCS will remain consistent with SSD6300:

- Mining footprint and methods;
- Maximum coal production rate;
- Duration of the project;
- Mine infrastructure;
- Methods and rates of coal processing; and
- Operating hours and size of the workforce.

Due to these key aspects of the project remaining unchanged, the modified project will be "substantially the same" as the approved project.

Section 4 of this report assesses the potential for any impacts to result from MOD1 and concludes that any environmental impacts are predicted to be minimal as follows:

- No impacts, management or mitigation have been identified from the proposed amendments to correct original SSD6300 errors and misdescriptions;
- The intensity of coal handling and processing will not change from that currently approved, as such an receipt of a limited remnant coalaceous material from other Bloomfield owned sites and the processing of that coal will not increase air, noise or any other impacts to beyond that previously assessed and approved; and
- The proposed ancillary activities (including exploration and the installation of piezometers) will not result in adverse impacts to ecology or archaeology when undertaken in accordance with relevant management plans.

It is concluded that MOD1 is within the scope of Section 4.55(1A) and for the reasons stated above it is available for a Delegate of the Minister to approve it.