

17 June 2025

Mr Jarrod Blane
Team Leader
Department of Planning, Housing and Infrastructure

Delivered via: Major Projects Planning Portal

Dear Mr Blane

Subject: State Significant Development - Bloomfield Continuation Coal Mine Modification 5
Property: Four Mile Creek Road, Ashtonfield
Application No: MP07_0087-Mod 5
Local Government Areas: Cessnock City Council and Maitland City Council

Dear Jarrod

In regard to the above-mentioned State Significant Modification Application and your request for comments from Maitland City Council (MCC), please be advised of the following key issues for consideration in the assessment of the application:

1. Biodiversity

(a) Proposed impacts to biodiversity have poor alignment with Hunter Regional Plan 2041

Objective 6 of the Hunter Regional Plan (HRP) 2041 focuses on the conservation of environmentally sensitive areas. The associated performance outcomes emphasise the protection of High Environmental Value (HEV) areas (refer to Figure 1 below) and require that development maintains or enhances the environmental value and ecological viability of the regional biodiversity network.

The proposal involves the clearing of approximately 51.69 hectares of native vegetation, a significant portion of which is mapped as HEV under the Plan, and is likely to result in additional indirect impacts on adjacent land. Consequently, the proposal is inconsistent with the intent and objectives of the HRP 2041.



Figure 1 - High Environmental Value Areas (shaded pink) across the Subject Site

(b) Biodiversity Development Assessment Report (BDAR) not prepared in accordance with the Biodiversity Assessment Method (BAM) 2020

The BDAR was reviewed by Council's Ecologist (Will Brown) and the following matters have not been adequately addressed in accordance with the BAM:

- i. The BDAR does not adequately demonstrate how impacts on biodiversity values have been avoided and minimised. Under the BAM, assessors are required to clearly demonstrate and document avoid and minimise measures, including an evaluation of feasible alternatives, spatial identification of areas avoided, and supporting analyses, data, and justifications for the decisions made. Aside from a single sentence noting the siting of the project within "previously disturbed areas" and the use of the existing road network, the BDAR lacks any substantive analysis or documentation addressing how impacts have been avoided or minimised in accordance with the mitigation hierarchy. This deficiency is of particular concern given the extent of impacts on native vegetation and threatened species habitat.
- ii. The assessment of indirect impacts concludes that there is an "almost certain" loss of habitat viability in the surrounding landscape due to edge effects. Additional indirect impacts, such as light and noise spill, are also likely to exacerbate the degradation of habitat viability adjacent to the Subject Site. However, the proposal does not identify or commit to any mitigation measures capable of effectively addressing these impacts. In accordance with Section 8.6 of the BAM, these indirect impacts should be offset through the retirement of biodiversity credits, if adequate mitigation measures can not be implemented.

- iii. The BDAR proposes an adaptive management strategy to mitigate project impacts on native fauna and includes details regarding fauna monitoring. However, it does not provide any information on specific management responses or corrective actions that would be implemented in the event that monitoring identifies adverse impacts. In accordance with Section 8.5 of the BAM, an adaptive management plan must include, among other components, clearly defined thresholds or triggers that indicate when an impact has occurred or is likely to occur, along with a range of potential adaptive management actions to be implemented in response. Without the provision of such detail, the proposed adaptive management strategy does not meet the requirements set out in the BAM and is therefore considered inadequate.
- iv. The SAI assessment does not include an evaluation for the large-eared pied bat. As a result, the assessment is considered incomplete and does not address the full range of species that may be subject to serious and irreversible impacts.
- v. The SAI assessment concludes three SAI-listed bat species (little bent-winged bat, large bent-winged bat and eastern cave bat) are not subject to significant and irreversible impacts, citing the absence of caves—and therefore breeding habitat—within the site. However, Appendix F notes that “the proposed activity involves mining into historic mine shafts.” Historic mine shafts are recognised as potential breeding habitat for all three assessed species, as well as for the large-eared pied bat, which was not included in the assessment. Further investigation is required to determine whether the historic mine shafts potentially affected by the proposal constitute breeding habitat for these species, in accordance with the requirements of the BAM and relevant species habitat guidelines.

(c) Inaccuracies in EPBC Act Referral

Appendix F - Assessment of the Significance of Impacts on Matters of National Environmental Significance includes an assessment of impacts on large-eared pied bat. This assessment presents several inaccuracies that should be addressed.

In the discussion of critical habitat for the species, Appendix F states that “the area likely to be affected by the proposed action contains 21 individuals (Wingbeat Ecology 2024).” However, the data provided by Wingbeat Ecology indicates that 21 calls were detected during acoustic survey efforts—not 21 individual bats. The number of calls recorded is a measure of bat activity and does not provide a reliable estimate of the number of individuals present. As such, this statement misrepresents the data and may lead to an inaccurate interpretation of species presence and abundance in the referral assessment.

There is inconsistency in the information regarding the potential impact of the proposal on breeding and roosting habitat for large-eared pied bat. Appendix F initially states that “roosting features for the species are not known to occur within the proposed area”; however, it later acknowledges that “the proposed activity involves mining into historic mine shafts,” and that disused mine shafts are known to be used by the large-eared pied bat for both breeding and roosting. This contradiction requires clarification to accurately assess the potential impacts on critical habitat for the species.

2. Contamination

In regard to the submitted Contamination Assessment (CA, Appendix D1) and Remediation Action Plan (RAP, Appendix D2), the following issues are raised:

- (a) In Section 7.1.1.2 “Contamination” of the EIS, it is stated that: *“A search of the EPA Contaminated Land Record indicates that land within the Colliery is not identified as contaminated land”*. It should be noted that there are two avenues of regulation for contaminated land in NSW. The two different regulatory authorities and avenues are:
- The EPA, which uses its powers under the *Contaminated Land Management Act 1997* (CLM Act) to deal with contamination that is significant enough to warrant regulation given the site’s current or approved use.
 - Planning authorities, who deal with other contamination under the planning and development process, on sites which do not pose an unacceptable risk under their current use, and is or can be made suitable for the proposed use. This process determines what remediation is needed to make the land suitable for a different use.

As such, it is important to note that the EPA Contaminated Land Record of Notices only refers to the EPA avenue of regulation.

- (b) It is unclear how the documents relate to the modification application as they are not developed for the purpose of the application, and it is noted that they are limited in areas and media investigated. For the CA consultant stated that: *“The objective of this investigation is to assess potential soil contamination within the main operational areas of the Colliery to determine the remediation requirements to be implemented during closure at the Colliery.”*, and for the RAP the consultant stated that: *“This report involves preparation of a remediation plan to treat the identified contamination at the Site so that it can be made suitable for proposed future land uses (bushland/grazing) after closure of the Colliery... This RAP covers the main operational and previously disturbed areas of the Colliery and does not include the undeveloped areas.”*. It is further stated that: *“This RAP applies only to contaminated soils within the operational areas and previously disturbed areas of the*

Colliery and does not include undeveloped areas. This RAP was based on the results of the Contamination Assessment Report (GHD, 2022) which included sampling and analysis for soils only. This RAP does not include remediation of tailings dams, sediments within storage dams and creeks, carbonaceous soils or geochemically unsuitable soils which will be addressed in separate documentation. This RAP does not cover demolition of infrastructure including the removal of underground or above ground storage tanks."

- (c) The submitted contamination documents do not follow the steps of a contaminated land investigation process, as outlined in NSW EPA made and approved guidelines. Refer to (2020), *"Consultants reporting on contaminated land Contaminated Land Guidelines"* for objectives relating to each stage of the contaminated land process. The CA is limited in scope (as acknowledged by the consultant) and is not to be confused with a Preliminary Site Investigation or a Detailed Site Investigation in accordance with NSW EPA (2020). Further, sampling is limited to soil and to certain areas and analytes only, and the sampling program did not meet the requirements of the NSW EPA (2022), *"Sampling design part 1 - application Contaminated Land Guidelines"* and *"Sampling design part 2 - interpretation Contaminated Land Guidelines"*
- (d) The RAP identified the limitation of only assessing soil in certain areas, and defined further data gaps in Sec 5.2, and further investigation needed in Sec 7.3 of the RAP, to be assessed at a later stage before remediation, which is not in line with the RAP objectives (NSW EPA, 2020): *"The remedial action plan must:... define the extent of remediation required across the site"*.
- (e) According to Cessnock Council's Contaminated Land Policy for Land Use Planning, all contaminated land reports are to be prepared, or reviewed and approved by, a certified consultant. The policy lists approved certification schemes. The attached reports did not have any certification details. It is also noted that the soil investigations were completed by Bloomfield under the guidance of GHD.

3. Social Impact

- (a) It is noted that direct consultation with the Aboriginal community was not undertaken to inform the Social Impact Assessment (SIA) but that Bloomfield maintains an Aboriginal Cultural Heritage Management Plan (ACHMP) that was prepared in consultation with Mindaribba Local Aboriginal Land Council (LALC).

Clarification is sought as to whether the ACHMP identifies the expansion of the site and has Mindaribba been involved in discussions pertaining to the proposed expansion.

- (b) It is evident that genuine community consultation has been attempted based on stakeholder groups engaged and letters distributed however it is of note that there was

minimal uptake of the survey in comparison to letters distributed. It is noted that almost 40% proportion of respondents were employees at the Colliery and it may have been more valuable to have separate pools of data for employees/local residents as this may impact the results in terms of supportive/unsupportive responses.

- (c) With over 50% of respondents to the survey being local residents, it suggests that the survey data in general is representative of the surrounding residents.
- (d) The recommended mitigation and management issues pertaining to social impacts need to be adhered to, to minimise negative social impacts for the community.
- (e) It is noted that while the proposal does not differ greatly from the existing operations, it does result in an expansion of the mine site which will always have some level of social impact.

4. Engineering matters

- (a) The site drains to Four Mile Creek within the Maitland LGA. The Department will need to consider and assess the submitted Surface Water Impact Assessment, Groundwater Impact Assessment and Sediment and Erosion Control Plans.
- (b) The site has vehicular access within the Cessnock LGA (direct access to a designated heavy haulage route MR588 John Renshaw Drive). To be assessed by the Department with input from Cessnock City Council and Transport for NSW.

5. Sustainability

The extension of mining operations beyond the current licence will create additional environmental and sustainability issues which the communities effected in Maitland and Cessnock Local Government Area (LGAs) would have reasonably expected would decrease as the operations wound down under the existing licence. In particular, issues relate to:

(a) Air Quality

An extension of the period that Particulate Matter from mining operations and ongoing impact on air quality and health outcomes - in particular for those with respiratory conditions.

Air quality outcomes should be considered in the context of increasing cumulative impacts from all sources, for example as population grows cumulative impacts from increased transport emissions should be factored in.

Beyond compliance with licence conditions.

Data from air quality monitoring stations could be made available to the public to allow the community to prepare and respond to conditions that may impact them.

Beyond maximising dust suppression actions, the proponent could proactively move its vehicles to zero tail pipe emissions and further supports its workforce to move to low greenhouse and tail pipe emission vehicles.

(b) Greenhouse Gas Emissions

Scope 1 and 2 emissions from an extension will impact on the achievement of State and Federal Emission reduction targets and increases in LGA based emissions profiles.

Based on data from the NSW Net Zero Dashboard the operations will contribute up to 3% (FY 2029) of Maitland and Cessnock's combined LGAs community scope 1 and 2 emissions. The proponent could consider offsetting these emissions for ~ 1% of annual ROM value at current coal prices and current Australian Carbon Credit unity prices. Alternatively, it could consider setting up a fund to support local carbon offsetting initiatives.

Per unit of production	ROM coal (t)	Scope 1 (t CO2-e)	Scope 2 (t CO2-e)	Scope 1 + 2	Maitland and Cessnock LGA – t – CO2	% of Maitland and Cessnock Community Emissions	Carbon Offset (Scope 1 and 2)	Estimated AUD Turnover @ Current Coal Price \$160
FY2025	647,400	22,504	3,579	26,083	1377100	1.89%	\$929,859	\$ 104,580,000
FY2026	600,404	29,637	2,489	32,126	1377100	2.33%	\$1,145,292	\$ 96,988,338
FY2027	850,714	29,263	2,623	31,886	1377100	2.32%	\$1,136,736	\$ 137,423,031
FY2028	724,247	23,427	2,156	25,583	1377100	1.86%	\$912,034	\$ 116,993,746
FY2029	734,104	39,223	2,107	41,330	1377100	3.00%	\$1,473,415	\$ 118,586,031
FY2030	828,382	23,624	1,673	25,297	1377100	1.84%	\$901,838	\$ 133,815,554
FY2031	376,170	24,028	440	24,468	1377100	1.78%	\$872,284	\$ 60,765,923
FY2032	564,090	33,616	360	33,976	1377100	2.47%	\$1,211,244	\$ 91,122,231
FY2033	648,593	29,167	138	29,305	1377100	2.13%	\$1,044,723	\$ 104,772,715
FY2034	634,673	21,872	202	22,074	1377100	1.60%	\$786,938	\$ 102,524,100
FY2035	180,798	5,571	58	5,629	1377100	0.41%	\$200,674	\$ 29,205,831
Total				297,757			\$10,615,037	\$ 1,096,777,500

Data Sources:

Australian Carbon Credit Unit	\$35.65	https://www.demandmanager.com.au/certificate-prices/
Current Coal Price Newcastle	\$105.00	https://www.barchart.com/futures/quotes/LQ*0/futures-prices
\$US/ \$AUD Exchange	0.65	https://www.rba.gov.au/statistics/frequency/exchange-rates.html
Current Coal Price Newcastle AUD	\$161.54	
Cessnock LGA GGE Kt 2021	641.2	https://www.seed.nsw.gov.au/net-zero-emissions-dashboard
Maitland LGA GGE Kt 2021	735.9	https://www.seed.nsw.gov.au/net-zero-emissions-dashboard
Both LGAs	1377.1	

(c) Net Zero Transitions Social and Intergenerational benefits

The extraction of resources is a one-off opportunity to provide ongoing benefits to communities and the opportunity to create a local legacy may be lost if they are not built into the operating model should an extension be approved.

Extraction of Coal resources provides one time only opportunity to extract value.

It is acknowledged that the operations have contributed to community via the Bloomfield Group Foundation, NSW Government via Royalties and local employment.

However, its communities within close proximity of the operation that share the burden of direct impacts, and should the operation be approved to extend its operation life there is an opportunity to create a longer lasting and local legacy by allocating a portion of revenue toward a perpetual fund to support community benefit beyond the closure date.

Post closure land use - the site has a range of attributes that lend itself to biodiversity outcomes and protection of key biodiversity corridors but also opportunities to contribute to a sustainable future. The proponent is encouraged to engage with its host councils and community to determine a high public benefit future state post mine closure

6. Land Zone Permissibility

The proposal is for the continued use of existing extractive industries operations occurring across the Cessnock and Maitland LGAs and multiple properties. There are three land zonings related to the project area, being RU2 Rural Landscape, SP2 Infrastructure, and E3 Productivity Support under the Maitland Local Environmental Plan (MLEP) 2011.

Note: MCC notes that there are no physical changes to operations proposed within the boundaries of the Maitland LGA.

The proposed modification area pertains to the *open cut mining* land use within the Cessnock LGA and as such is not applicable to the Maitland context. The active Rail Loading Facility that forms part of the continued uses constitutes a *freight transport facility* under the MLEP 2011, which is prohibited in the RU2 and E3 zones. However, in accordance with Section 2.9, 1(d) of the Resources and Energy SEPP, facilities for the processing or transportation of minerals or mineral bearing ores on land on which mining may be carried out or from adjoining land are development permitted with consent. The Resources and Energy SEPP prevails to the extent of any inconsistency with the MLEP 2011.

7. Strategic considerations

The proposed modification includes additional mitigation measures related to surface water management, notably that of routine waterway inspections after a high flow event. MCC understands these are currently undertaken intermittently and is encouraged to see that this process is proposed to be formalised within the modified consent, as it aligns with

the Maitland Local Strategic Planning Statement (LSPS) 2040+ Local Planning Priority 10, which addresses the importance of cross-LGA collaboration on waterway health.

In accordance with Action 4.10 of the Maitland Rural Land Strategy 2041, MCC continues to recognise the economic role that mining has in our LGA but will continue to have ongoing discussions relating to potential downstream impacts on our urban areas and the potential for post-mining land uses in the area.

8. Section 4 – Strategic Planning and Policy Context

Further consideration and discussion is required under section 4 of the EIS as follows:

(a) Section 4.2 Lower Hunter Regional Strategy 2006-2031

MCC notes that the Lower Hunter Regional Strategy 2006-2031 was repealed by the Hunter Regional Plan 2041, Appendix B: Repealed Plans and Strategies. As such, we note that its scope only serves to contextualise the direction of the Greater Newcastle Metropolitan Plan 2036 and the Hunter Regional Plan 2041, however Section 4.2 makes no indication that the strategy has been repealed. MCC asks that this be addressed.

(b) Section 4.6 Hunter Regional Plan 2041 and Section 4.7 Greater Newcastle Metropolitan Plan 2036

While agreeing with the assessment made by GHD, MCC would request that the relevant actions and planning priorities within the Hunter Regional Plan 2041 and Greater Newcastle Metropolitan Plan 2036 be appropriately identified for supporting continued mining land uses in the Hunter, as the detailed context provided under the Lower Hunter Regional Strategy 2006-2031 is no longer in force as a strategic planning instrument.

(c) Local Government Strategic Planning Context

While none of the additional areas for mining are proposed to extend into the LGA boundaries of Maitland City Council, a degree of associated mining support activities are still proposed to be undertaken within the Maitland LGA, most notably the continued use of the rail loop. Due to this, we request that appropriate consideration be given to Council's relevant strategies, being:

- [Maitland's Future: Community Strategic Plan 2025-2034](#)

- [Maitland Local Strategic Planning Statement 2040+](#)
- [Maitland Rural Land Strategy 2041](#)

Each of these strategies are variously supportive of existing extractive industries land use, however, have not been captured within the Modification Assessment.

(d) Hunter Regional Economic Development Strategy (2023)

The [Hunter Regional Economic Development Strategy](#) recognises the ongoing importance of mining within the Hunter region, however has not been captured by Section 4 of the EIS. MCC requests that this be added to bolster the policy context in lieu of the repealed Lower Hunter Regional Strategy 2006-2031.

Thank you for the opportunity to provide comment on the modification application. If you have any questions or would like to discuss this submission further, please do not hesitate to contact the under signed on telephone 02 4939 1084 or via email georgie.williams@maitland.nsw.gov.au

Yours sincerely,



Georgie Williams
Principal Planner
City Planning
Maitland City Council