LOCK THE GATE ALLIANCE
AUSTRALIANS WORKING TOGETHER TO PROTECT OUR LAND, WATER, AND FUTURE

Reply to: Georgina Woods
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Re: Modification 5 Bloomfield Colliery Continuation Project

Thank you for the opportunity to make this submission.

Lock the Gate Alliance is a network of over 120,000 farmers, Traditional Owners, conservationists and community members from across Australia, affected by and concerned about the impacts of coal and unconventional gas mining. We live and work in the communities affected by these industries and undertake research, advocacy and support to protect the environment, cultural heritage and society from damage. Many of our members are regionally-based, and are also experiencing first-hand the consequences of global warming.

The Modification Assessment Report claims that Modification 5 is substantially the same development, requiring an assessment of environmental impacts, under 4.55 (2) of the Environmental Planning and Assessment Act 1979. Mod 5 involves a significant extension and intensification of mining, such that it is no longer substantially the same development and should be subject to a new development application.

Previous modifications for the Bloomfield mine involved relatively minor amendments to rehabilitated areas and offsets and the construction of ancillary infrastructure, except for the most recent, Modification 4 which was a nine year extension of mining enabling the extraction of 13 million tonnes of coal to 2030.

We are very concerned that the owner of this mine will, by virtue of seeking two separate modification applications, effectively be granted a 14 year extension to this mine to 2035 with extensive additional volume of coal removed, and this is no longer substantially the same development given that under the original development consent, rehabilitation should by now have been underway across the entire site. The company is applying for this extension more than five years ahead of the limit of the consent and has conceded in its most recent Annual Review that the application has led to delay in progressive rehabilitation under the current consent.

The biodiversity assessment for Modification 4 indicated that, although 6.12ha of native vegetation would be cleared, no EPBC-listed species or communities would be significantly impacted and only 0.34ha of the state significant *Lower Hunter Spotted Gum- Ironbark Forest in the Sydney Basin Bioregion* Endangered Ecological Community (EEC) would be subject to residual impacts.[1]

[1]https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP07_0087-MOD-4%2120191018T004758.946%20GMT

Modification 5 seeks to significantly change almost every aspect of the mining operation except for existing surface infrastructure and mining methods. Table 3.1 in the Modification Assessment Report focuses on similarities in coal production while downplaying new and potentially significant environmental impacts. For example, the table states that the water management system would remain unchanged but does not mention creek diversion or significant vegetation clearing.

Modification 5 should therefore be withdrawn and resubmitted as a development application for a new application given its considerable biodiversity, water and greenhouse gas impacts. This is consistent with similarly-sized NSW mining applications, including the Wilpinjong Extension and the Ashton South East Open Cut projects, both of which were approved to extend mining by an additional seven years and the Chain Valley Consolidation Project which would enable operators to access 9.5 million additional tonnes of coal by extending the life of the mine by two years.

Biodiversity

Modification 5 describes a substantially altered project that would result in:

- Extension of mining activity by an additional 39 hectares beyond the currently approved boundary to extract an additional 5.8Mt ROM at a reduced production rate. As it would involve extracting coal from deeper seams, mining activity is likely to have a significant impact on water resources and may be associated with additional safety issues.
- Removal of 51.69ha of intact state significant *Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions* EEC in mostly good condition, including 604 hollow-bearing trees (414 with medium-large hollows). The cumulative impacts of adjacent developments on threatened entities has not been assessed.
- Significant impacts to seven state significant threatened species including Endangered Koala and Swift Parrot and Vulnerable Southern Myotis, Masked Owl, Squirrel Glider, Large-eared Pied Bat and Eastern Cave Bat.
- Significant impacts to three EPBC-listed species and communities. Modification 5 has been declared a controlled action under the EPBC Act 1999 (2024/09978) because it is likely to have a significant impact on Critically Endangered Swift Parrot, Endangered Koala and Vulnerable Large-eared Pied Bat.

These are significant additional impacts and clearly not substantially the same development as last modified, when the proponent was aiming to conclude mining in 2030 and remain within the extant footprint.

Greenhouse gas emissions

Tjhe application represents a substantial intensification of coal mining without any independent oversight. Table 3.1 in the Modification Assessment Report notes that the original Bloomfield mine was approved to extract a total ROM of 27Mt while Modification 4 allowed the extraction of a further 13Mt. Together with Modification 5, this amounts to a total of 18.5Mt sought via modifications.

This is the latest in a series of modification applications for coal mine extensions submitted to the Department that have failed to adhere to the requirements of the EPA's guide for large emitters. This failure underscores the necessity of treating this application as a new development application.

In the proponents' greenhouse gas assessment it has apparently used product coal rather than ROM coal in its calculation of greenhouse gas emissions, given that these are the values provided in Tables 7-1 and 7-2 of Appendix K although ROM coal is presented in Table 7-10. This could have resulted in a dramatic underestimation of emissions, though insufficient information is provided to properly understand the method adopted. Likewise for fugitive emissions, Appendix K indicates that Method 2 was applied but the data used to derive the calculations in the assessment are not provided. In any case, the project will result in emissions above the 25,000 tonne threshold factor in the EPA's Large Emitters Guide and therefore, the assessment should have addressed all of the requirements of that guideline.

According to Table 7-12 in Appendix K, the extension would generate an additional 260,000 tonnes of $CO_{2\text{-}e}$ of Scope 1 and 2 greenhouse gas (GHG) emissions and 9.85Mt $CO_{2\text{-}e}$ Scope 3 emissions. The direct emissions represent a fourfold increase on business as usual emissions.

No attempt has been made to comply with the NSW emissions reduction trajectory or to reduce or minimise emissions. The proponent's consultant appears to have misunderstood the assessment requirements, presenting in figure 7-4 and 7-5 a comparison of emissions from the project against NSW emissions wherein the project emissions are invisible, rather than describing how the mine's emissions between 2030 and 2035 track against the trajectory consistent with achieving NSW's emissions reduction targets. The proponent makes the extraordinary proposal in its assessment that further information compliant with the Large Emitters Guide will be provided with a response to submissions. It is disappointing that the Department saw fit to put material of this poor quality on public exhibition and waste the time of the public and the agencies in having to respond to it.

Water

This application would inflict significant impacts on local waterways. Elwells Creek is described as biodiverse riparian land but wrongly identified as an area of Outstanding Biodiversity Value[2] in Table 3 of the BDAR (Attachment G). Although Section 7.3.4.2 of the Amendment Report states that approximately 775m of the creek would be temporarily diverted and 8% of the catchment would be lost, the ecological impacts of this have not been described or assessed. The Surface Water Impact Assessment (Attachment E) concluded that this would lead to changes to the downstream flow through alterations to the grade of the drainage line, bed and bank vegetation and increased scouring. Modification 5 is also expected to impact Buttai Creek by excising a further 0.9% of its catchment and changes to its flow regime. The ongoing cumulative impacts of the Bloomfield mine on local waterways has not been assessed.

It also proposes changes to rehabilitation and final landform, including the final void. The Modification Assessment report concludes that there is uncertainty as to whether water elevations within the final void would remain below adjacent groundwater levels or whether there is potential for void water to occasionally flow into the adjacent groundwater source.

Given all of the above, we urge the Department to instruct the proponent to lodge a development application so that the full environmental impacts of this application can be properly considered.

[2]https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/areas-of-outstanding-biodiversity-value/area-of-outstanding-biodiversity-value-register