

ASSESSMENT REPORT

BLOOMFIELD COLLIERY

Extension of Time for Lodgement of Management Plans Modification (07_0087 MOD 2)

1 BACKGROUND

Bloomfield Colliery Pty Limited (Bloomfield), owns and operates the Bloomfield Colliery, an open cut coal mine located at Buttai, 8 kilometres (km) south of Maitland in the Cessnock local government area (see Figure 1).

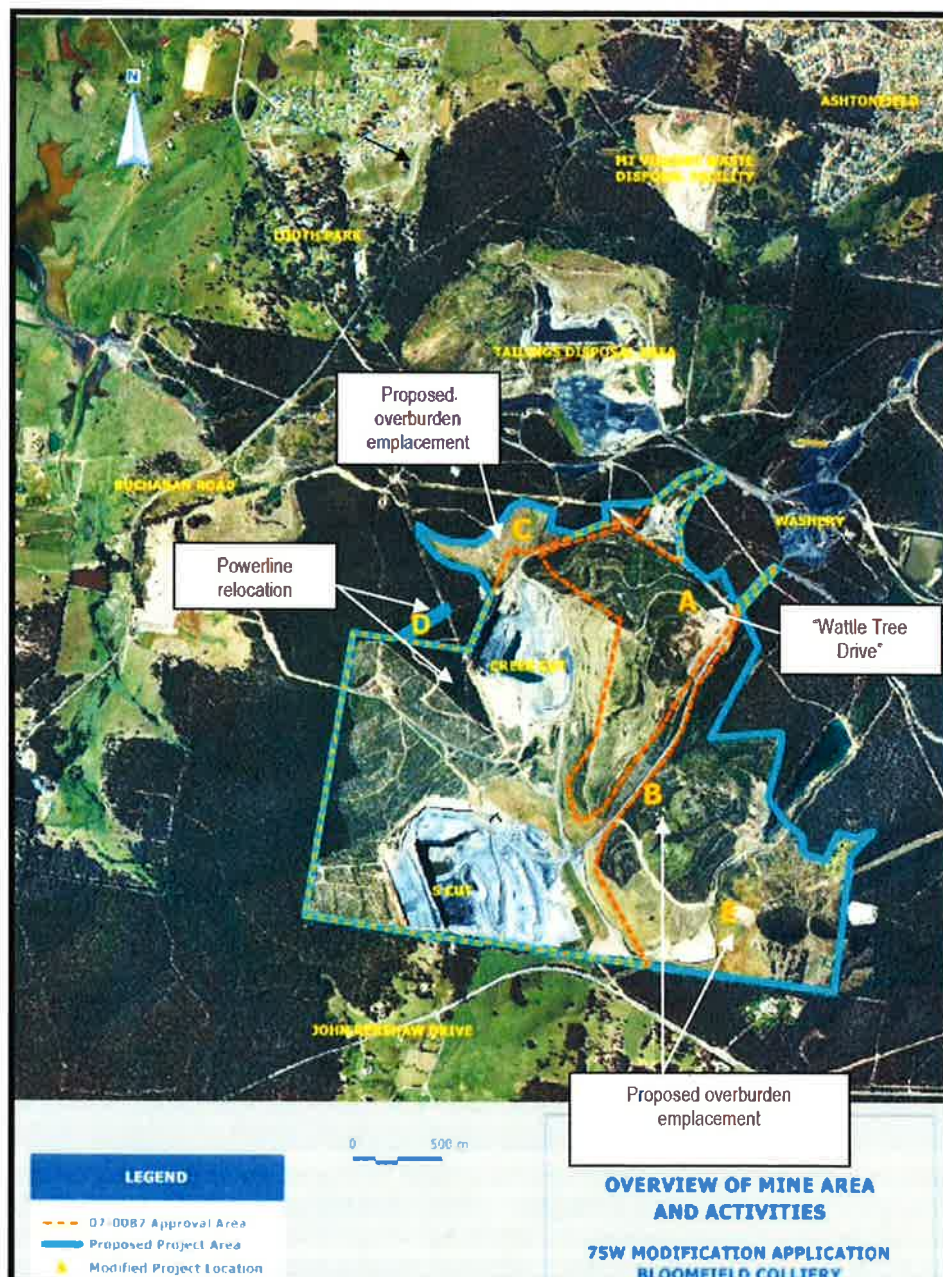


Figure 1: Location of the Bloomfield Colliery

The mine operates under a project approval (MP 07_0087) granted under delegation from the Minister for Planning on 3 September 2009. The approval allows Bloomfield to:

- extract up to 1.3 million tonnes (Mt) of run-of-mine coal per year for 12 years;
- transport this coal to the existing Bloomfield Coal Handling and Preparation Plant (CHPP); and
- progressively rehabilitate the site.

The approval was subsequently modified in May 2011 to:

- relocate the mine's power supply infrastructure;
- establish a new haul road; and
- manage the mine's out-of-pit overburden emplacement requirements and improve on-site rehabilitation outcomes.

The modified project approval requires several management plans to be submitted to and approved by the Director-General, so that environmental impacts associated with the modified project are effectively managed. The Final Void and Mine Closure Management Plans were required to be prepared in consultation with the Division of Resources and Energy (DRE) within the Department of Trade and Investment, Regional Infrastructure and Services and submitted by 31 December 2011.

2 PROPOSED MODIFICATION

On 8 March 2012, Bloomfield lodged a modification application seeking to modify the project approval to change the dates required to submit the Final Void and Mine Closure Management Plans, from 31 December 2011 to 30 June 2012.

Bloomfield states that the modification is required as DRE has requested that Bloomfield submit both plans after DRE's approval of the Mining Operations Plan (MOP) for the Colliery.

3 STATUTORY CONTEXT

Approval Authority

Part 3A of the *Environmental Planning and Assessment Act* 1979 (EP&A Act), as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to the Bloomfield project approval, since it is a "transitional Part 3A project" for the purposes of Schedule 6A. Consequently, the approval is to be modified under the previous section 75W of the Act. Under section 75W, the Minister for Planning and Infrastructure is the approval authority for this modification application. However, as reportable political donations were made by the proponent, under the Minister's delegation of 14 September 2011, the Planning Assessment Commission must determine the modification application.

Modification

The proposed modification involves a minor administrative change to the project approval, to allow a six month extension of time to submit the Final Void and Mine Closure Management Plans, which are required for rehabilitation and final land use management. The modification does not involve changes to any of the mine's approved mining methods or extraction volume. The Department is satisfied that it can be properly characterised as a modification to the original project approval, rather than a new project in its own right, and can therefore be assessed and determined under section 75W of the EP&A Act.

4 CONSULTATION

Under section 75W of the EP&A Act, the Department is not required to exhibit the modification application or associated environmental assessment (EA) or to undertake consultation. However, the modification application was referred to the Office of Environment and Heritage (OEH) and DRE. Neither agency objected to the proposed modification. The agencies did not raise any issues for consideration in the assessment, see **Appendix C**.

5 ASSESSMENT

The proposed modification would grant Bloomfield a six month extension to complete the Final Void and Mine Closure Management Plans required for the mine under the current project approval.

Bloomfield requires an extension of time to submit the plans due to requests made by DRE to the company relating to the approval of the company's MOP. DRE considers that the MOP should be assessed and approved by DRE prior to consideration of the Final Void and Mine Closure Management Plans, since the MOP should guide and facilitate both management plans which should, in turn, be consistent with the MOP.

Both management plans are required to facilitate and manage the rehabilitation of the Colliery to ensure the final land use is acceptable to the public and the Government. Given that the project approval is valid until 31 December 2021, the mine will not be entering its closure phase for some time. Consequently, the six-month time extension for the two management plans is essentially an administrative change which would have no additional environmental impact.

Further, the request by DRE is likely to result in improved Final Void and Mine Closure Management Plans. The approved MOP will contain exact details on how the mine will be developed over time. This is critical information when considering the practical management of rehabilitation scheduling, final landform and final land use of the mine, which are key foci within the Final Void and Mine Closure Management Plans.

6 RECOMMENDED CONDITIONS

The Department has drafted the attached notice of modification to the project approval (see **Appendix A**). Other than the proposed extension of time to submit the required plans, some minor administrative amendments and updates have also been proposed. Bloomfield has reviewed and accepted the recommended conditions. The notice of modification would vary the existing approval to the form shown in **Appendix B** (the "consolidated project approval").

7 CONCLUSION

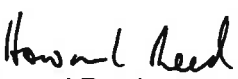
The Department has assessed the modification request in accordance with the relevant requirements of the EP&A Act. The Department is satisfied that the proposed modification is a minor administrative change and would allow Bloomfield to produce improved Final Void and Mine Closure Management Plans with no change to the project's approved impacts.

The Department is satisfied that the proposed modification is in the public interest and should be approved, subject to conditions.

8 RECOMMENDATION

It is **RECOMMENDED** that the Planning Assessment Commission, as delegate of the Minister:

- **consider** the findings and recommendations of this report;
- **determine** that the proposed modification is within the scope of section 75W of the EP&A Act;
- **approve** the modification application, subject to conditions, under section 75W of the EP&A Act; and
- **sign** the attached notice of modification (**Appendix A**).


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20.3.12


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