

ASSESSMENT REPORT

BLOOMFIELD COAL PROJECT Powerline Corridor Modification (07_0087 MOD 3)

1 BACKGROUND

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

The mine operates under a project approval (MP 07_0087) granted by the Department's Director-General (under delegation from the Minister for Planning) on 3 September 2009. This 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 Bloomfield Coal Handling and Preparation Plant (CHPP); and
- progressively rehabilitate the site.

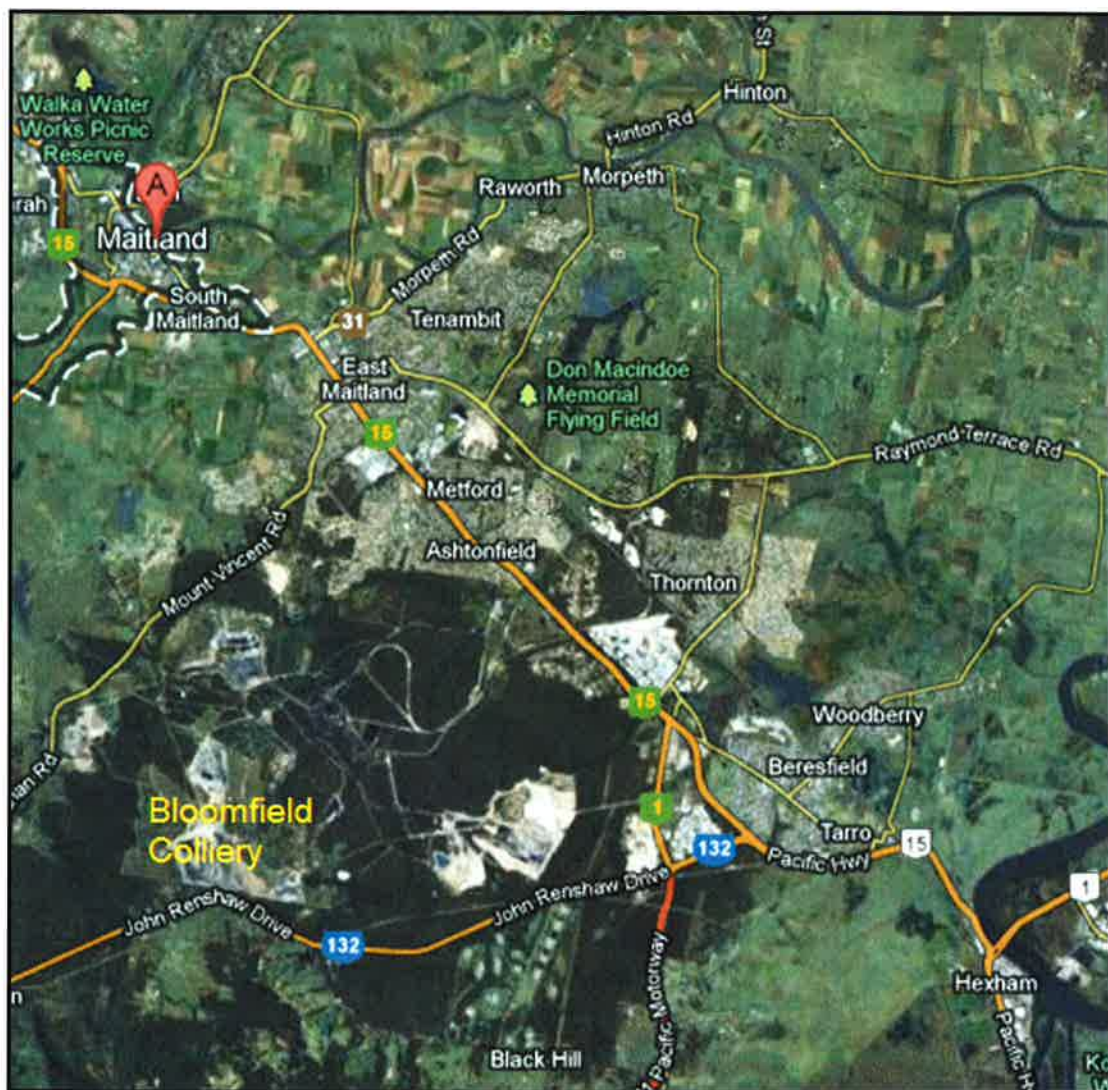


Figure 1 – Location of Bloomfield Colliery (source: Google Maps)

The project approval has been modified twice. In May 2011, the approval was modified to relocate the mine's power supply infrastructure; establish a new haul road; manage the mine's out-of-pit overburden

emplacement requirements and improve on-site rehabilitation outcomes (Mod 1). In March 2012, it was modified to amend the submission date for the Final Void Management Plan and Mine Closure Plan (Mod 2).

2 PROPOSED MODIFICATION

On 17 December 2012, Bloomfield again requested to modify its approval (07_0087 Mod 3), to allow a change to an area proposed for vegetation clearing (see Bloomfield's modification request at **Appendix A**). Bloomfield currently has approval to clear 1.3 hectares (ha) of vegetation to create a corridor for a powerline. However, Bloomfield has instead used an existing contour drain for the powerline, and consequently this approved vegetation clearing is no longer required.

Bloomfield now requires a 1.6 ha area of vegetation to be cleared adjacent to the 'Creek Cut' highwall, for mining infrastructure purposes. Bloomfield has therefore requested that the project approval is modified to exchange the approved powerline corridor clearing for the clearing in the highwall area. The locations of the approved powerline corridor area, and the highwall area, are shown in blue and yellow respectively in **Figure 2**.

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 EP&A 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 can be modified under section 75W of the EP&A Act.

Under section 75W, the Minister for Planning and Infrastructure is the approval authority for this modification application. However, as Bloomfield has made reportable political donations, the Planning Assessment Commission must determine the modification application under the Minister's delegation of 14 September 2011.

Section 75W Modification

The proposed modification is of a minor nature, and would not result in any change to 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 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 to undertake consultation. However, the Department referred the modification application to the Office of Environment and Heritage (OEH) and the Environment Protection Authority (EPA) for comment, and made it publicly available on its website.

Office of Environment and Heritage (OEH) did not object, noting that the net clearing of endangered ecological community (EEC) vegetation under the *Threatened Species Conservation Act 1995* (TSC Act) would not change as a result of the proposed modification. It suggested an additional condition regarding the public availability of the mine's Biodiversity Offset Management Plan. OEH also raised no concern regarding the impact of the proposed modification on Aboriginal cultural heritage.

Environment Protection Authority (EPA) did not object, noting that Bloomfield's existing Environment Protection Licence (EPL) would adequately regulate any potential impacts of the proposed modification with regard to air quality and surface water.

The submissions from the OEH and the EPA are attached at **Appendix B**.

5 ASSESSMENT

Biodiversity

Bloomfield's modification application included a biodiversity assessment, which compared the ecological attributes of the powerline corridor with those in the highwall area. It also assessed the potential impact of the proposed clearing in the highwall area on threatened flora, fauna and ecological communities. The assessment noted that a significant proportion of the vegetation in the highwall area has already been either cleared or modified in some way.

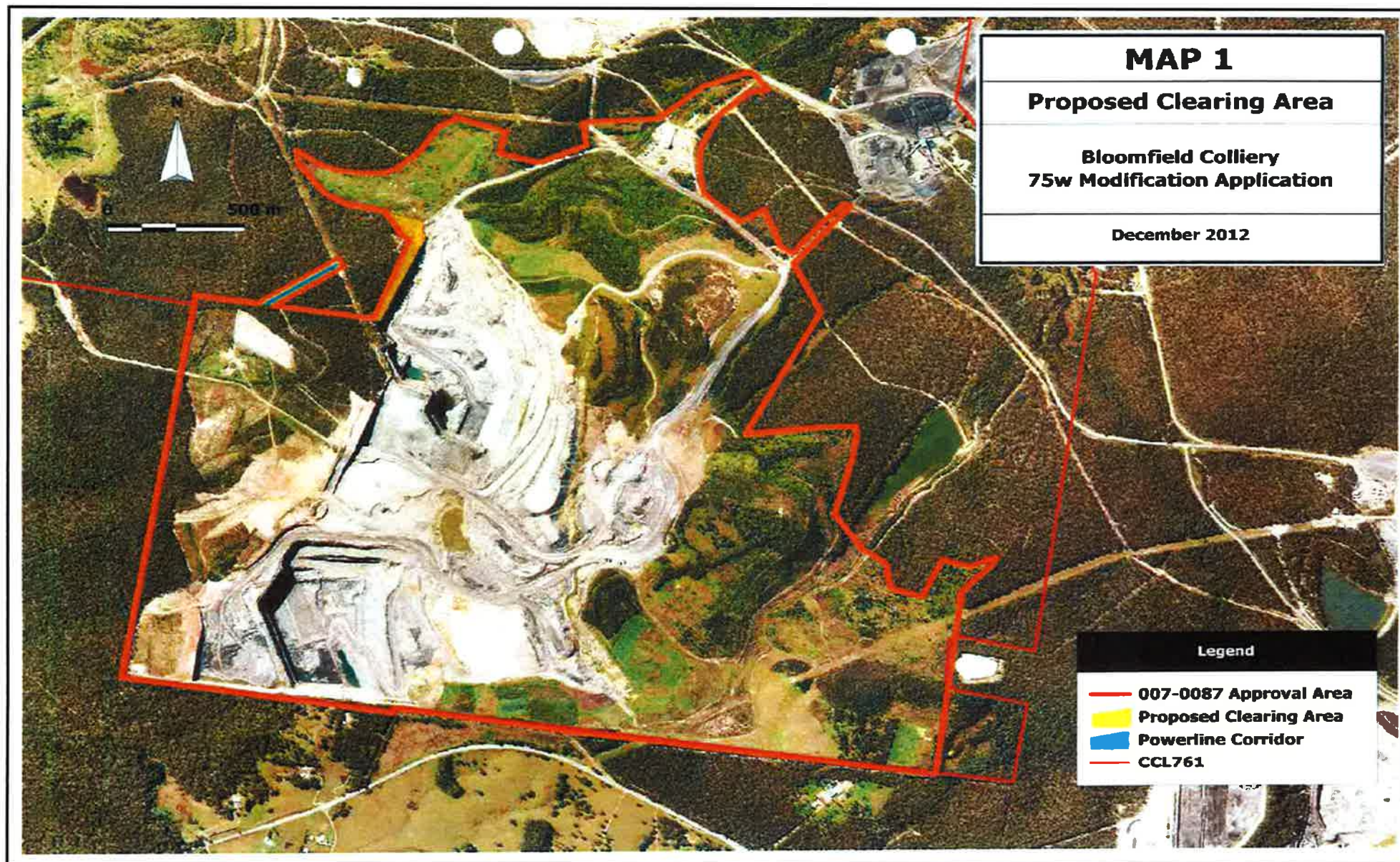


Figure 2 – Powerline corridor (blue) and highwall area (yellow)

No threatened flora or fauna species were recorded in the highwall area. The assessment found that with regard to threatened species habitat, the highwall area would be at best, of minor importance as foraging habitat.

However, the assessment noted the presence of *Lower Hunter Spotted Gum – Ironbark Forest EEC* in both the powerline corridor and the highwall area. The amount of EEC at each site, and their relative biodiversity attributes are compared in Table 1.

Table 1 – Comparison of biodiversity attributes in the powerline corridor and the highwall area

	Vegetated Area (ha)	EEC Area (ha)	Habitat hollow trees	Threatened flora species
Approved Powerline corridor	1.3	1.3	3	0
Highwall area	1.61	1.33	0	0

The assessment found that as all the vegetation in the powerline corridor is EEC, it is therefore likely to be higher quality than the vegetation in the highwall area. The assessment therefore concluded that the proposed modification would result in a lesser impact to local and regional biodiversity values than that previously approved. To offset its biodiversity impacts, Bloomfield has already established a 40 ha Biodiversity Offset Area which adjoins the Watagan State Forest, in the Cessnock local government area. Given that the powerline corridor vegetation presents higher biodiversity value than the vegetation in the highwall area, and considering the equivalence in size of the two areas, and that the total area of approved clearing would increase by only 0.3 ha, the Department considers that this 40 ha offset would remain adequate to compensate for any additional impacts which may arise as a consequence of the proposed modification.

OEH recommended that the mine's Biodiversity Offset Management Plan and any associated reports should be made publicly available on Bloomfield's website. As Bloomfield is already required to make this information available on its website, the Department considers that no additional conditions of approval are required. The Department notes that Bloomfield is required to update the plan as necessary to reflect the proposed modification, and make the revised plan publicly available. The Department considers these actions satisfy OEH's recommendation.

Aboriginal Cultural Heritage

Bloomfield's modification application included an Archaeological Assessment of the land in and around the highwall area. No evidence of Aboriginal heritage values was identified. The assessment noted the low heritage significance of the study area, due to the existing level of disturbance. The assessment concluded that no further heritage assessment was warranted, and the proposed disturbance in the highwall area was not constrained by Aboriginal cultural heritage. OEH did not raise any concerns regarding potential impacts to Aboriginal cultural heritage.

The Department is satisfied that should any unforeseen Aboriginal cultural heritage impacts occur, they would be adequately managed or appropriately mitigated under the mine's existing Aboriginal Cultural Heritage Management Plan. The plan includes strict management protocols, in the event that additional cultural heritage sites or artefacts are discovered. The plan must also be updated as necessary under the existing conditions of approval, to reflect the proposed modification. No additional conditions of approval would be required to regulate potential Aboriginal cultural heritage impacts.

Other Impacts

The Department considers that no other impacts would result from the proposed modification. Any unforeseen noise, air quality and water impacts would be effectively regulated under the existing conditions of approval and the mine's EPL.

6 CONCLUSION

The Department has assessed the modification application in accordance with the relevant requirements of the EP&A Act, including the principles of ecologically sustainable development. The Department is satisfied that the proposed modification is minor in nature, and would result in fewer environmental impacts than those already approved for the powerline corridor.

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

7 RECOMMENDED CONDITIONS

The Department has drafted the attached Notice of Modification (see **Appendix C**). The Notice of Modification would vary the existing approval to the form shown in **Appendix D** (the "consolidated project approval"). Bloomfield has reviewed and accepted the proposed conditions.

8 RECOMMENDATION

It is RECOMMENDED that the Planning Assessment Commission, as delegate of the Minister for Planning and Infrastructure:

- **considers** the findings and recommendations of this report;
- **determines** that the proposed modification is within the scope of section 75W of the EP&A Act;
- **approves** the modification application, subject to conditions, under section 75W of the EP&A Act; and
- **signs** the attached notice of modification (**Appendix C**).



Howard Reed 13.2.13
Manager Mining Projects



13.2.13

Chris Wilson
Executive Director
Major Projects Assessment



Richard Pearson 14/2/13
Deputy Director-General
Development Assessments and Systems Performance