ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

NOTICE OF AMENDMENT OF A DEVELOPMENT CONSENT GRANTED UNDER SECTION 101 OF THE (UNAMENDED) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 PURSUANT TO SECTION 96(2) OF THE AMENDED ACT

I, the Minister for Urban Affairs and Planning, pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979 (as amended), being satisfied that the development to which the development consent as modified will relate is substantially the same development, modify the consent referred to in Schedule 1 as set out in Schedule 2.

Craig Knowles
Minister for Urban Affairs and Planning
Minister for Housing

Dated this 16th day of Nov, 1998.

SCHEDULE 1

Consent granted by the Minister for Planning on 1 November 1991in respect of a development application made by Maitland Main Collieries Pty Ltd to Singleton Shire Council for the construction and operation of an underground coal mine known as the Glennies Creek Coal Mine (DA Number 105/90).

SCHEDULE 2

The consent is modified by:

(a) inserting in Condition 1, before the words, '…and, as may be modified by these conditions.', the words:

"the Statement of Environmental Effects in support of a Section 96(2) Application for the Glennies Creek Coal Mine, dated July 1998, prepared by R.W. Corkery and Co Pty Ltd"

(b) inserting a new sub-clause, Condition 3(f), in Condition 3 as follows:

3(f) The Applicant shall;

(i) carry out all blasting in accordance with EPA requirements;
(ii) monitor all surface construction blasts and record the overpressure and peak particle velocity as agreed by the EPA; and
(iii) include the results of the monitoring information in the Annual Environmental Management Report.

(c) inserting in Condition 6(ii), before the words '...and to the owners of occupiers of such dwellings...':

", the Director-General, Council"

(d) inserting in Condition 6(iii), before the words '...and the owner of dwelling No. 2...':

", the Director-General, Council"

(e) inserting a new sub-clause, Condition 6(v), in Condition 6 as follows:

6(v) The Applicant shall prepare and implement a Noise Management Plan, in consultation with the EPA, and to the satisfaction of the Director-General by 31 March 1999 or other such time as agreed by the Director-General. The Applicant shall make copies of the Noise Management Plan available to EPA, Council and the Community Consultative Committee within fourteen days of approval by the Director-General.

The Noise Management Plan shall:

(i) identify potential noise sources and specify appropriate intervals for noise monitoring to evaluate, assess and report noise emission levels due to construction and normal operations of the mine as determined by the EPA;
(ii) outline the methodologies to be used, including justification for monitoring intervals, weather conditions, seasonal variations, selecting locations, periods and times of measurements, the design of any noise modelling or other studies, including the means for determining the noise levels emitted by the development;
(iii) outline measures to be implemented to reduce the impact of noise generated by the works including intermittent, low frequency and tonal noise; and
(iv) specify measures to be undertaken to document any higher level of impacts or patterns of temperature inversions, and detail actions to quantify and ameliorate enhanced impacts if they occur.

(f) inserting a new sub-clause, Condition 6(vi) in Condition 6 as follows:

6(vi) The Applicant shall prepare and implement an Air Quality Management Plan, in consultation with the EPA and to the satisfaction of the Director-General by 31 March 1999 or other such time as agreed by the Director-General. The Applicant shall make copies of the Air Quality Management Plan available to the EPA, Council and the Community Consultative Committee within fourteen days of approval by the Director-General.

The Air Quality Management Plan shall address all air quality issues associated with the development, including but not limited to the following:

(i) details of dust suppression measures for all surface facilities, including the use of water trucks, water spraying of activity areas and roads;

(ii) details of monitoring measures for dust and gas emissions from the ventilation shaft or any other source; and
(iii) details of actions to ameliorate impacts if they exceed the relevant criteria.

(g) deleting Condition 12(b) and inserting:

12.(b) The Applicant shall, throughout the life of the mine and for a period of at least three years after the completion of the mining, prepare and submit an Annual Environmental Management Report (AEMR) to the satisfaction of the Director-General. The AEMR shall review the performance of the mine against the conditions of this consent and other licences and approvals relating to the mine. To enable ready comparison with the EIS's predictions, diagrams and tables, the report shall include, but not be limited to, the following matters:

(i) an annual compliance audit of the performance of the project against conditions of this consent and statutory approvals;
(ii) a review of the effectiveness of the environmental management of the mine in terms of EPA, DLWC, DMR and Council requirements;
(iii) results of all environmental monitoring required under this consent or other approvals, including interpretations and discussion by a suitably qualified person;
(iv) a listing of any variations obtained to approvals applicable to the subject area during the previous year;
(v) the outcome of the water budget for the year, the quantity of water used from water storages and details of discharge of any water from the site;
(vi) rehabilitation report; and
(vii) environmental management targets and strategies for the next year.

(h) inserting a new sub-clause, Condition 12(c), in Condition 12 as follows:

12.(c) In preparing the AEMR, the Applicant shall:

(i) consult with the Director-General during preparation of the each report for any additional requirements;
(ii) comply with any requirements of the Director-General or other relevant government agency;
(iv) ensure that the first report is completed and submitted within 12 months of commencement of construction works associated with the highwall entry access.

The Applicant shall ensure that copies of each AEMR are submitted at the same time to the Department, DMR, EPA, DLWC, Council and the Community Consultative Committee, and made available for public information at Council within fourteen days of submission to these authorities.

(i) deleting Condition 18.1(c)

(j) deleting Condition 21 and inserting:

21. In the event that the Applicant and Council or a government body other than the Department cannot agree on the specification or the requirements applicable under this consent, the matter shall be referred by either party to the Director-General or if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.

(k) deleting Condition 22

(l) inserting after Condition 27 the following Conditions:

28. (a) In the event that a landowner or occupier considers that noise, vibration and/or dust from the project at their dwelling(s) is in excess of the relevant criteria the landowner may make a written request to the Director-General for an independent investigation. If the Director-General, in consultation with the EPA and the Applicant, is satisfied that an investigation is required, the Applicant shall:

(i) appoint a qualified independent person or team to undertake direct discussions with the landowner or occupier affected to ascertain their concerns and to plan and implement an investigation to quantify the impact and determine the sources of the effect;
(ii) bear the costs of the independent investigation and make available plans, programs and other information necessary for the independent person to form an appreciation of the past, present and future works and their effects on noise and/or dust emissions.

The investigations shall be carried out in accordance with a documented Plan. The Plan shall be designed and implemented to measure and/or compute (with appropriate calibration by measurement) the relevant noise and/or dust levels at the complainants residence emitted by the development.

The independent person or team, the Plan and the timing of its implementation shall be approved by the Director-General in consultation with the EPA, the affected landowner or occupier and the Applicant. The independent person or team shall report directly to the Director-General, the Applicant and the landowner or occupier on a quarterly basis.

Further independent investigations shall cease if the Director-General, in consultation with the EPA, is satisfied that the relevant approval levels are not being exceeded and are unlikely to be exceeded in the future.

28.(b) If the results of the independent monitoring referred to in sub-clause (a) above indicate that relevant levels for noise and/or dust are being exceeded the Applicant shall implement reasonable mitigation measures as directed by the Director-General in consultation with the EPA.

29. The Applicant shall notify the Director-General and Council at least one month prior to the commencement of secondary workings and coal processing operations at the mine.

30. The applicant shall submit for the approval of the Director-General a compliance report detailing compliance with all relevant conditions by 31 March 1999 or other such time as agreed by the Director-General. The compliance report should include:

(i) the dates of submissions of the various studies and/or requirements of various relevant conditions, and of their approvals and terms of approvals; and

(ii) action taken or proposed to implement the recommendations made in the terms of approvals and/or studies.

31. At 5, 10 and 15 year periods after commencement of mining pursuant to this consent and any additional periods as the Director-General may direct, the Applicant shall conduct an environmental audit of the mining and infrastructure areas of the development and submit a report to the Director-General who shall provide a copy to the Council.

The audit shall be carried out at the Applicant's expense and be conducted by a duly qualified independent person or team approved by the Director-General in consultation with the Council.

The Director-General may, after considering any submission made by Council on the report, notify the Applicant of the Director-General's reasonable requirements with regard to any recommendations in the report. The Applicant shall comply with those reasonable requirements within such time as the Director-General may reasonably require.

32.(a) The Applicant shall establish a Community Consultative Committee in consultation with Council and determine the date of its first meeting in agreement with Council. Selection of representatives shall be coordinated by Council and the appointment of an independent Chairperson shall be to the satisfaction of Council. The Committee shall include two representatives from the Applicant (including the Environmental Officer), two community representatives and Council. Representatives from relevant government agencies (including DUAP) may be invited to attend meetings of the Committee as required. The Committee may make comments and recommendations about the implementation of the proposal which shall be considered by the Applicant. The Applicant shall at its own expense:

(i) provide appropriate facilities for all meetings of the Committee;

(ii) provide to the Committee regular information on the progress of the work and monitoring results;

(iii) promptly provide to the Committee such other information as the chairperson of the Committee may reasonably request concerning the environmental performance of the development; and

(iv) provide reasonable access for site inspections by the Committee.

The Applicant shall establish a trust fund to be managed by the Chair of the Committee to facilitate functioning of the Committee, and pay $2000 per annum to the fund for the duration of the mining operations. The payment shall be indexed according to the Consumer Price Index at the time of payment. The first payment shall be made by the date of the first Committee meeting.

32.(b) The Applicant shall, in consultation with Council, ensure that the local community is kept informed by way of local newsletters, leaflets, newspaper advertisements or community notice boards as appropriate, of the progress of the works, including prior notice of:

(i) the nature of the works proposed for the forthcoming period;
(ii) hours of construction;
(iii) a 24 hour contact telephone number;
(iv) any traffic disruptions and controls;
(v) proposed blasting program and changes to program;
(vi) work required outside normal working hours; and
(vii) individual's rights under the conditions of this consent.

32.(c) The Applicant shall record details of all complaints received in an up to date log book and ensure that a response is provided to the complainant within 24 hours. The Applicant shall make available a report on complaints received to the Community Consultative Committee, all relevant government agencies and the Council upon request, and include a summary in the Annual Environmental Management Reports.

(m) inserting as a Note at the end of the Conditions of Consent the following:

"All references within this consent to the State Pollution Control Commission should be read as references to the Environment Protection Authority and all references within this consent to the Department of Water Resources should be taken to read the Department of Land and Water Conservation."