

**PROPOSED MODIFICATION TO CAMBERWELL OPEN CUT COAL MINE
PLANNING REPORT ON THE ASSESSMENT OF AN APPLICATION MADE
UNDER SECTION 96(2) OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979**

1. INTRODUCTION AND BACKGROUND

1.1 The Applicant and existing development and location

Camberwell Coal Pty Limited operates the Camberwell open cut coal mine which is located within the area of Singleton Shire Council approximately 10km north-west of the Singleton township in the Hunter Valley of NSW. The mine has been in operation since the early 1990's.

1.2 Background to current consent

On 3 November 1989, a development application (DA 89/143) was lodged with Singleton Council by Camberwell Coal Joint Venture for the construction and operation of the Camberwell Coal Project, comprising an open cut coal mine, coal handling and preparation plant, rail loading facility and site facilities. The proposal, being designated development, was accompanied by an Environmental Impact Statement (EIS). The proposal was also subject to section 101 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) which required the development application to be determined by the then Minister for Planning. Consent was granted on 19 March 1990.

The 1990 consent permitted the production of 25.83Mt of clean coal from 38.47Mt ROM coal from two open cut pits over a 21 year period. Development included a coal washery, rail loop and associated administration building, and amenities block.

Two subsequent modifications were submitted and approved under section 102 of the EP&A Act:

- 22 April 1992 for the construction and operation of tailings disposal ponds; and
- 22 December 1994 modifying Condition No.17 of the consent to permit the Camberwell Colliery Annual Report to be submitted on 31 October of each year.

1.3 Overview of proposed modification

On 30 October 1998, an application under section 96(2) of the EP&A Act was received by the Department from Camberwell Coal Pty Limited requesting a modification to the consent granted by the then Minister for Planning on 19 March 1990. The mine company proposed that Condition 20 of the original development consent, which requires the company to participate in a cumulative impact study, be repealed. The Company believe that the Department's *Upper Hunter Cumulative Impact Study and Action Strategy (1997)* has essentially overtaken the intent of Condition 20, and the condition is now redundant. Condition 20 states:

“ 20. Cumulative Impact Study

The Applicant shall after negotiation with the responsible authorities and companies involved carry out dust, noise and vibration monitoring of mining and transport operations to determine impacts outside coal lease application areas, on a joint basis with

the Rix's Creek Coal Mine and the proposed Glennies Creek Project and report to the Commission, the Council and the Department of Minerals and Energy."

1.4 Section 96 Modification of Consent – Substantially the same development

The proposed modification will not change the fundamental aspects of the original development, as Condition 20 relates to monitoring and reporting activities only. The Department is satisfied that the application to modify development consent is substantially the same development as the original consent for Camberwell Coal Project.

1.5 Lodgement of modification application and exhibition

On 30 October 1998 the proposed modification was lodged with the Department of Urban Affairs and Planning and publicly exhibited from 8 December 1998 to 22 December 1998. A total of 5 submissions were received and a summary is given at Appendix 1.

1.6 Local Council position

Singleton Shire Council raised no objections to the proposed modification. This position is subject to the review of monitoring systems recommended by Action 10 of the *Upper Hunter Cumulative Impact Study and Action Strategy (DUAP 1997)*.

1.7 Government agencies position

There were three submissions received by government agencies including the Department of Land and Water Conservation (DLWC), Department of Mineral Resources (DMR) and the Environment Protection Authority (EPA). Their submissions raised no objections to the proposed modification.

1.8 Local community position

One public submission was received which objected to the proposal. The objection was made on the basis that by deleting Condition 20 it would appear the mine is evading its environmental monitoring responsibilities and due to the mines previous breaches of environmental guidelines.

1.9 Applicant's justification for modification

The Applicant considers the issues that would have been considered as part of the requirement of Condition 20 have already been addressed in the wider more strategic *Upper Hunter Cumulative Impact Study and Action Strategy (1997)*. The Applicant also considers that Condition 20 is vague and that the lack of a similar requirement in the consent of the adjoining mines (Rix's Creek and Glennies Creek) which are identified in Condition 20 does not provide a mechanism by which the applicant can readily comply with this requirement.

3. STATUTORY PLANNING MATTERS

3.1 Local and Regional Planning Considerations

The existing Camberwell Coal Mine operates in accordance with Singleton Local Environmental Plan (1996).

The Hunter Regional Environmental Plan 1989 (Hunter REP) is relevant to this project and provides a framework to guide and control growth and development in the region. The proposal is consistent with the Hunter REP.

The proposal is in accordance with the provisions of all relevant environmental planning instruments.

4. DEPARTMENT OF URBAN AFFAIRS AND PLANNING'S CONSIDERATION

The proposed modification relates to removing Condition 20 of the Camberwell consent which requires the Applicant to undertake a cumulative impact study on a joint basis with Rix's Creek Coal Mine and the then proposed Glennies Creek Coal Mine. The cumulative impact study was required to consider dust, noise and vibration of mining and transport operation and their potential impact outside the Coal Lease Application areas. The condition however does not provide timing for when the study should have been carried out. The Applicant indicates that at this stage, it has not undertaken the study.

The Department considers that there are three matters to consider for this application and these are outlined under the headings below.

Upper Hunter Cumulative Impact Study

The company contends that the Department's *Upper Hunter Cumulative Impact Study and Action Strategy(1997)* has overtaken the intent of Condition 20, and the condition is now redundant. The Department's *Upper Hunter Cumulative Impact Study and Action Strategy(1997)* has identified the need for an on going collection of data relating to air and water quality and impacts of land use on land degradation. This collection does not only relate to mining activities but to other activities such as agriculture and power stations. The study recommends 39 action strategies to either avoid or minimise cumulative impacts and to monitor environmental indicators. In particular, Action 10 of the *Upper Hunter Cumulative Impact Study* specifically requires the consideration of cumulative impacts and states:

“10. Review current monitoring systems for the Upper Hunter and develop a coordinated consistent approach to routine environmental monitoring in the Upper Hunter to enable the detection of long term trends and cumulative impacts”

The proposed outcome of Action 10 will result in “design and implementation of a coordinated, consistent, routine environmental monitoring program for the Upper Hunter”. The Annual Report on the first year of implementation of the Upper Hunter Study indicates that Action 10 has commenced, and ongoing cumulative monitoring of noise, air and water impacts is occurring (for details of the implementation of Action 10 refer to Appendix 2).

The implementation of Action 10 will continue, resulting in further components of the Strategy being addressed. Key stakeholders for the implementation of Action 10 are the EPA in respect of noise and air, and DLWC in respect of water, with other stakeholders being the Hunter Catchment Management Trust, local councils, industries and the community. This cross section of stakeholders will ensure that the various aspects of cumulative assessment and monitoring will continue to be considered. The site specific environmental monitoring for the Camberwell, Rix's Creek, and Glennies Creek coal mines will however continue to be undertaken by the mines' own respective consent conditions.

Difficulty in Implementing Condition 20

It is also needs to be noted that the original consent for Rix's Creek Mine, issued prior to the Camberwell consent, did not include a similar condition regarding cumulative impact assessment, nor did the subsequent approval for an expanded Rix's Creek Mine issued by the Department in 1995. Likewise, the development consent for Glennies Creek Mine does not include a condition pertaining to cumulative impact. The omission of a requirement for these other mines to undertake their own cumulative assessment makes it potentially difficult to ensure their involvement in a joint assessment with the Camberwell mine. Importantly however, Action 10 will require not only the involvement of the Camberwell mine in cumulative assessment, but also the adjoining mines identified by Condition 20.

Response to Submissions

From the submissions one objection was received from a private individual maintaining that the removal of the condition would reduce the environmental monitoring responsibilities of the mine company. As outlined above, the Department considers that the Camberwell mine consent conditions will continue to require site specific monitoring to be undertaken, but the cumulative impacts will be addressed by the Upper Hunter Study. It is not considered that the environmental responsibilities of the mine will be reduced. Singleton Council indicated it did not oppose the modification subject to review of monitoring systems recommended by Action 10. From the first Annual Report of the Study it is evident that Action 10 is being progressed and the issue of a coordinated cumulative assessment is being prepared.

Conclusion

The Department considers that the purpose of Condition 20 of the Camberwell consent is essentially covered by Action 10 of the *Upper Hunter Cumulative Impact Study and Action Strategy*, and the deletion of the condition is justified on this basis. The Department also believes that the difficulties in ensuring the participation of the other mine companies in cumulative impact monitoring through Condition 20 alone would appear to limit the value of the condition.

5. SECTION 79C (1) Consideration

In determining a development application, the Minister as consent authority is to take into consideration the following matters :

- (a) the provisions of:
- (i) any environmental planning instrument, and
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates

Refer in particular to page 3 of this report

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Refer particularly to pages 3 - 4 of this report

- (c) the suitability of the site for the development

Refer particularly to page 2 of the report

- (d) any submissions made in accordance with this Act or the regulations

Refer particularly to page 2 of this report

- (e) the public interest

Refer particularly to pages 3 - 4 of this report.

The Department considers that all issues have been adequately considered in this report to satisfy section 79C of the EP&A Act.

6. CONCLUSION

The Department is satisfied that the proposed modification to the consent is appropriate and will not adversely affect the control and mitigation of the environmental impacts from the Mine. It is therefore concluded that the environmental aspects of the application should not preclude approval of the proposed modification of the consent.



Richard Lloyd
Senior Environmental Planning Officer
Development and Infrastructure Assessment

22/4/94

Endorsed



Sam Haddad
Executive Director

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APPENDIX 1

SUMMARY OF SUBMISSIONS

MODIFICATION TO CAMBERWELL OPEN CUT COAL MINE

Government Authorities

1. Singleton Shire Council K R Davies Subdivision / Development Engineer	<ul style="list-style-type: none">• Council raises no objection to the deletion of Condition 20 subject to the review of monitoring systems recommended by Action 10 of the Upper Hunter Cumulative Impact Study.
2. Department of Land and Water Conservation Tony Voller for Manger Resource Assessment Planning, Hunter Region	<ul style="list-style-type: none">• DLWC has no objection to the proposed modification.
3. Department of Mineral Resources Warren Green for Director-General	<ul style="list-style-type: none">• DMR has no objection to the proposed modification.
4. Environment Protection Authority Grahame Clarke A/Regional Manager, Hunter for Director-General	<ul style="list-style-type: none">• EPA has no objection to the proposed modification.

Private Individual / Landholder Objections / Concerns

1. Landholder Kevin and Trish Patterson 19 Dawson Street Camberwell NSW 2330	<ul style="list-style-type: none">• By deleting Clause 20 gives the impression of passing the buck when it comes to this mine being responsible for handling environmental monitoring.• In the past the mine has been in breach of environmental guidelines, and therefore objects to the modification.
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Upper Hunter Cumulative Impact Study and Action Strategy

Action Number: 10

Action Title: Review current monitoring systems for Upper Hunter, and develops a coordinated consistent approach to routine monitoring in Upper Hunter, to enable the detection of long term trends and cumulative impacts.

Responsible Agency: DLWC

Time Frame: Immediate - (to be commenced within 6 months of project commencement)

Objectives: The department's responsibilities in managing natural resources in the Hunter Valley include investigation and production of natural resource databases and GIS mapping products. The department's objectives in developing information databases are:

1. Assessing the state of the catchment to identify data gathering requirements, which are not being currently gathered, or not being gathered in sufficient quantity, or with sufficient quality to allow proper interpretation;
2. Assessing the historical data that has been gathered, to quantify whether sufficient data exists to allow trends to be determined;
3. Developing strategies to rationalise current data gathering or expand data gathering, to allow sufficient datasets to be compiled;
4. Interpreting data that has been gathered - to transfer data into information; and
5. Producing reports or providing information access to the community, so that informed decisions can be made by all members of the community.

Progress:

Actions/ components completed:

The immediate requirement to undertake a management program for riverine salinity under the Hunter River Salt Trading Scheme (HSTS) has been developed and implemented over the past three years. The success of the Scheme, and the monitoring and management protocols involved in the HSTS, has been demonstrated in the quarterly Hunter Salinity Reports produced by the department, the ongoing cooperation by industry and community with the government over the management of the HSTS and river management programs. Ongoing upgrading of the HSTS to involve salinity modelling of the Hunter River above Muswellbrook will improve the lead time for river salt management and lead to long term improvements in managing diffuse salt sources above Muswellbrook.

Longer term monitoring for nutrients is being undertaken to implement the Nutrient Management Plan by means of the integrated Keysites - Whole of Catchment (WoC) monitoring program being developed by the HCMT, DLWC and Upper Hunter Councils. Data archival in TRITON database is occurring currently.

Components outstanding:

Longer term monitoring for nutrients, bacteriological and biological communities in the Hunter River will be undertaken as part of the Integrated Monitoring of Environmental Flows (IMEF) program for the Hunter Valley. Initial monitoring for bacteriological status has previously been undertaken. The longer-term bacteriological monitoring program has begun by DLWC. ICMISS to be conducted as DLWC corporate program.

Outcome: Tri -annual State of the Rivers and Estuaries (SORE) and annual Window on Water (WoW) reports are being published to allow further community access to catchment monitoring information. The HCMT publication of WoC information will occur in Upper Hunter newspapers.

Upper Hunter Cumulative Impact Study and Action Strategy

Action Number: 10

Action Title: Review current monitoring systems for the Upper Hunter and develops a coordinated consistent approach to routine environmental monitoring in the Upper Hunter to enable the detection of long term trends and cumulative impacts.

Responsible Agency: The EPA is responsible for reviewing the noise and air monitoring networks in consultation with local councils, industry and the community.

Time Frame: : Immediate.

Objectives: The review aims to develop a coordinated consistent approach to routine environmental monitoring in the Upper Hunter to enable the detection of long term trends and cumulative impacts.

Progress:

Actions/ Components Completed:

With the assistance of the mining industry and the Department of Urban Affairs and Planning, the EPA has documented the existing monitoring networks. The locations of noise monitoring sites are shown on the following map.

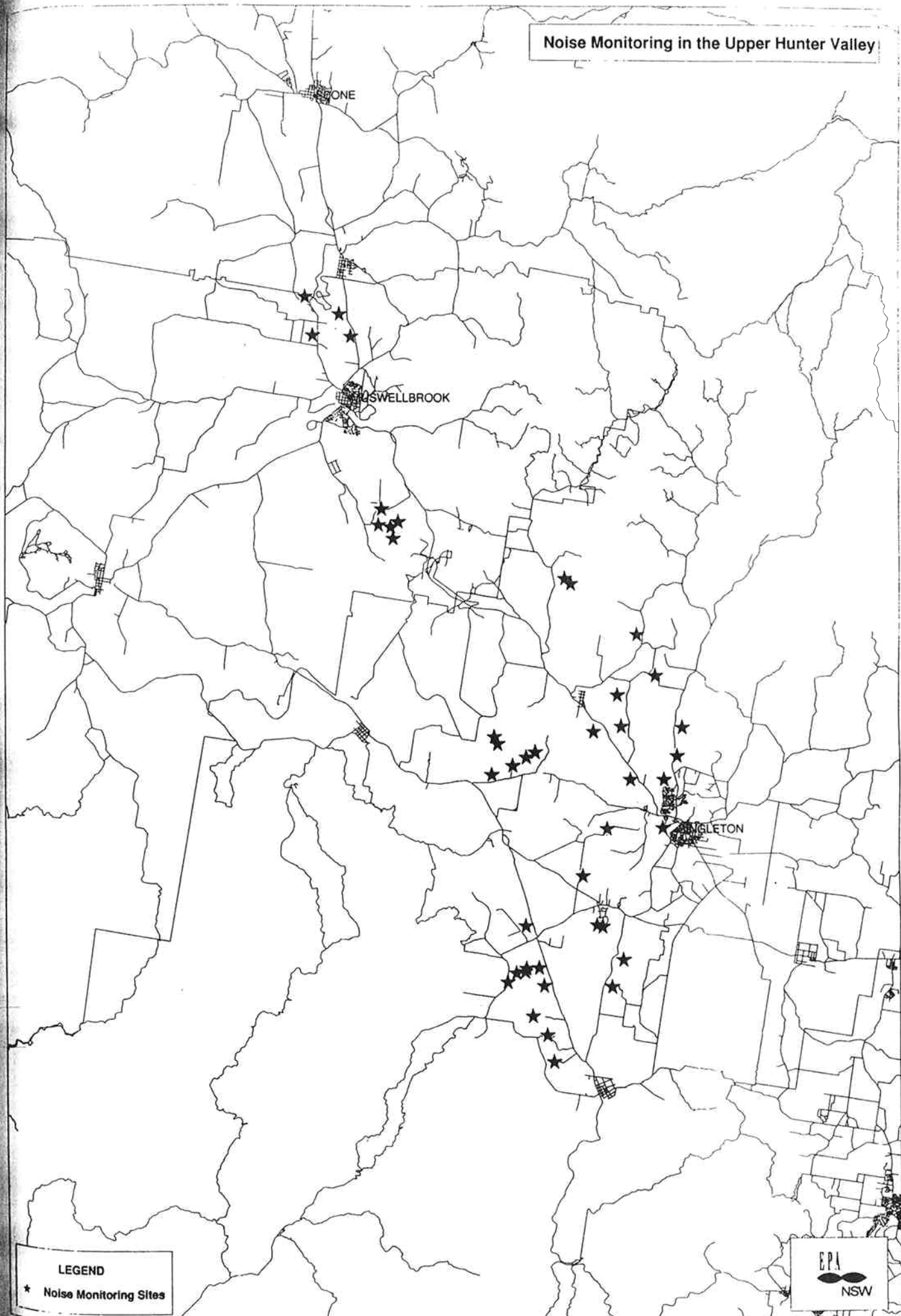
Components Outstanding:

The EPA proposes to review the existing monitoring networks by the following steps:

- Assess the need for modifications to the existing network;
- Estimate the cost of implementing any revised network;
- Discuss options for network improvement with community and industry; and
- Make recommendations on a revised monitoring network.

Outcome: See map of:- **NOISE MONITORING SITES IN THE UPPER HUNTER VALLEY**

Noise Monitoring in the Upper Hunter Valley



LEGEND

* Noise Monitoring Sites

