

# Notice of Modification

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the development consent referred to in Schedule 1, as set out in Schedule 2.



Member of the Commission



Member of the Commission

Sydney

23 July

2015

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### SCHEDULE 1

The development consent (DA 98/35) for the Hillgrove extension underground mining project, granted by the Minister for Urban Affairs and Planning on 18 November 1998.

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### SCHEDULE 2

1. Delete the reference to "MLA 141, MLA 195, MLA 216" in schedule 1 and replace with "ML 1440, ML 1441, ML 1442".
2. Delete the definitions for "The Applicant", "Council", "The Department", "The Director-General", "DLWC", "DMR" and "NPWS" in the list of abbreviations of Schedule 2, and insert the following in alphabetical order:

|                   |                                                                                                                                                                                              |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant         | Hillgrove Mines Pty Ltd, or any person who seeks to carry out the approved development under this consent                                                                                    |
| Council           | Armidale Dumaresq Council                                                                                                                                                                    |
| Department        | Department of Planning and Environment                                                                                                                                                       |
| DRE               | Division of Resources and Energy within the NSW Department of Trade & Investment                                                                                                             |
| Mining Operations | Includes all ore extraction, processing, handling, storage and transportation activities carried out on the subject land under this consent, of a maximum of 250,000 tonnes of ore per annum |
| NOW               | NSW Office of Water                                                                                                                                                                          |
| OEH               | Office of Environment and Heritage                                                                                                                                                           |
| RMS               | Roads and Maritime Services                                                                                                                                                                  |
| Secretary         | Secretary of the Department, or nominee                                                                                                                                                      |
3. Delete all references to "Director-General" except in condition 38 of schedule 2, and replace with "Secretary".
4. Delete all references to "DLWC" and replace with "NOW".
5. Delete all references to "DMR" and replace with "DRE".
6. Delete all references to "NPWS" except in condition 21 of schedule 2, and replace with "OEH".

7. Delete all the words after "E.A Systems Pty Limited;" in condition 1(a) of schedule 2 and insert the following:
  - Environmental Assessment titled *Hillgrove Mines Environmental Assessment*, dated 28 November 2014; and
  - conditions of this consent.
8. Delete condition 4 of schedule 2 and replace with the following:
  4. The Applicant may carry out mining operations and process up to 250,000 tonnes of ore per annum to produce Antimony and Gold concentrates on site until the end of December 2019.

*Note: This consent will continue to comply to all other aspects – other than the right to conduct mining operations – until the rehabilitation of the site and any additional undertakings have been carried out satisfactorily.*
9. Insert the following after condition 10 of schedule 2:
  - 10A. By the end of 2015 or within 3 months of receiving the EPA's environmental audit (whichever comes first), the Applicant shall commission an independent environmental audit of all aspects of the mine covered by this consent. Further independent environmental audits will be conducted every 3 years thereafter.
  - 10B. Within 1 month of receiving the environmental audit report, or as otherwise agreed with the Secretary, the Applicant shall submit a copy of the report to the Secretary, with a detailed response to any of the recommendations contained in the report, including a timetable for the implementation of any measures proposed to address the recommendations in the report. Any works recommended in the audit must be undertaken in accordance with this timetable to the satisfaction of the relevant agencies, unless otherwise agreed with the Secretary.
10. Delete "Comprehensive Resource Assessment (CRA) Manager at NPWS Northern Zone" in condition 21 of schedule 2, and replace with "OEH".
11. Insert the following after condition 31 of schedule 2:
  - 31A. By the end of December 2015, unless otherwise agreed with the Secretary, the Applicant shall commission an independent road safety audit of the intersection of Waterfall Way and Stockton Road. This audit must:
    - (a) be prepared by a suitably qualified person whose appointment has been approved by the Secretary; and
    - (b) recommend measures to reduce or mitigate any adverse (or potentially adverse) impacts to ensure that the intersection and its approaches comply with any relevant safety requirements and are providing a satisfactory level of service.
  - 31B. Within 1 month of receiving the road safety audit report, or as otherwise agreed with the Secretary, the Applicant shall submit a copy of the report to the Secretary, with a detailed response to any of the recommendations contained in the report, including a timetable for the implementation of any measures proposed to address the recommendations in the report. Any road works recommended in the audit must be undertaken in accordance with this timetable to the satisfaction of the relevant road authority, unless otherwise agreed with the Secretary.

*Note: In the event that there is a dispute between the Applicant and the relevant roads authority about the implementation of these conditions, then either party may refer the matter to the Secretary for resolution.*
  - 31C. The Applicant shall prepare and implement a code of conduct for drivers transporting materials to and from the site on public roads. This code of conduct must be prepared in consultation with RMS and Council and be submitted to the Secretary for approval by the end of September 2015, unless otherwise agreed with the Secretary.
12. Delete "the Director-General of National Parks and Wildlife" in condition 38 of schedule 2 and replace with OEH.
13. Insert the following after condition 48 of schedule 2:

## REHABILITATION

49. The Applicant shall rehabilitate the site to the satisfaction of DRE. This rehabilitation must be generally consistent with the objectives in Table 1.

*Table 1: Rehabilitation Objectives*

| <b>Feature</b>         | <b>Objective</b>                                                                                                                                                                                               |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mine site (as a whole) | <ul style="list-style-type: none"><li>• Safe, stable &amp; non-polluting</li><li>• Final land use compatible with surrounding land uses</li><li>• Site to be revegetated with suitable plant species</li></ul> |
| Surface infrastructure | <ul style="list-style-type: none"><li>• To be decommissioned and removed, unless DRE agrees otherwise</li></ul>                                                                                                |
| Community              | <ul style="list-style-type: none"><li>• Ensure public safety and minimise the adverse socio-economic effects associated with mine closure</li></ul>                                                            |

*Notes*

- *These rehabilitation objectives apply to all environmental consequences caused by mining taking place after the date of this consent, and to all surface infrastructure and other disturbance which forms part of the development under this consent.*
  - *Rehabilitation of environmental impacts and consequences caused by mining which took place prior to the date of this consent may be subject to the requirements of other consents and/or applicable mining leases.*
50. The Applicant shall carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance.
51. The Applicant shall prepare and implement a Rehabilitation Management Plan for the development, in consultation with the Department, OEH and Council, and to the satisfaction of DRE. This plan must
- be submitted to DRE for approval by the end of December 2015, unless otherwise agreed with the Secretary;
  - be prepared in accordance with any relevant DRE guideline and be consistent with the rehabilitation objectives in Table 1;
  - describe how the performance of the rehabilitation would be monitored and assessed against the objectives in Table 1; and
  - be integrated with the other management plans required under this consent.

## REVISION OF STRATEGIES AND PLANS

52. The Applicant shall review and revise all plans required under this consent and submit these revised documents to the Secretary for approval by December 2015, unless otherwise agreed with the Secretary.
53. Within 3 months of:
- an annual environmental management plan report under condition 8;
  - an audit under condition 10; or
  - any modification to the conditions of this consent (except Modification 3),
- the Applicant shall review, and if necessary revise the plans required under this consent to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review, the revised document must be submitted to the Secretary for approval.

*Note: This is to ensure the plans are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.*