

Notice of Modification

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

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.

David Kitto
Director, Mining & Industry Projects

Sydney

25 MARCH

2010

SCHEDULE 1

The project approval for the Chitter and Tailings Reclamation Project, granted by the Minister for Planning on 24 September 2008 (06_0236).

SCHEDULE 2

1. In the list of DEFINITIONS, delete "DECC - Department of Environment and Climate Change", "DPI - Department of Primary Industries", "DWE - Department of Water and Energy", and insert in alphabetical order "DECCW - Department of Environment, Climate Change and Water", "DII - Department of Industry and Investment", "NOW - NSW Office of Water within DECCW" and "Extraction sites - The extraction sites at Aberdare East, Neath and Richmond Main East as described in the EA".
2. Delete all references to "DECC" and replace with "DECCW".
3. Delete all references to "DPI" and replace with "DII".
4. Delete all references to "Department of Lands" and replace with "Land and Property Management Authority".
5. Delete all references to "DWE" and replace with "NOW".
6. In condition 2 of Schedule 2, delete all words after "commitments;" and replace with the following:
 - (c) modification application 06_0236 MOD 1 and accompanying Environmental Assessment titled *Modification to the Hunter Enviro-Mining Pty Limited Chitter and Tailings Reclamation Project* dated February 2010; and
 - (d) conditions of this approval.
7. Delete condition 3 of Schedule 2, and replace with the following:
 3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
8. In condition 5 of Schedule 2, delete the words "This approval expires" and replace with "The Proponent may conduct mining operations for a period of".
9. After condition 8 of Schedule 2, insert the following:
 - 8A. The Proponent shall prepare revisions of any strategies, plans or programs required under this approval if directed to do so by the Director-General. Such revisions shall be prepared to the satisfaction of, and within a timeframe approved by, the Director-General.
10. In condition 1 of Schedule 3, insert "on that land" after the words "Table 1" in the paragraph under Table 1.

11. In conditions 3(b), 6(b) and 9(b) of Schedule 3, delete the words "on site" and replace with "at each extraction site".
12. Delete conditions 10 and 11 of Schedule 3 and replace with the following:
10. The Proponent shall:
- undertake the following works prior to transporting extracted material from the Aberdare East site:
 - upgrading the intersection of Government Circuit and Caledonia Street, Kearsley to a signalised intersection with appropriate advance warning signs, line marking, kerb and guttering, to the satisfaction of RTA and Council;
 - bitumen sealing the southern arm of Government Circuit, Kearsley, to the satisfaction of Council;
 - constructing the haul road between the Government Circuit/Caledonia Street intersection and the Kearsley Powerline Fire Trail, to the satisfaction of the Land and Property Management Authority; and
 - constructing a rail crossing on the South Maitland Railway at the location shown in Figure 1A of Appendix 2, to the satisfaction of South Maitland Railways;
 - undertake the following works prior to transporting extracted material from the Neath site:
 - upgrading the intersection of Maitland Road and Tunnel Road, Neath, to a type AUR intersection, to the satisfaction of Council;
 - bitumen sealing the shoulders at the intersection of Duffie Drive and the Aberdare Fire Trail, Neath, to the satisfaction of Council; and
 - upgrading the Washery Fire Trail between the site and Tunnel Road, Neath, to the satisfaction of Land and Property Management Authority;
 - undertake the following works prior to transporting extracted material from the Richmond Main East site:
 - installing advance warning signs on Leggetts Drive, at the intersection of the site haulage route and at the intersection of HEZ Spine Road, Richmond Main East, to the satisfaction of Council; and
 - undertake the following works prior to transporting extracted material from the Aberdare East or Neath Sites, whichever transport is commenced first:
 - installing advance warning signs at the intersection of Neath Road and the Kearsley Powerline Fire Trail to the satisfaction of Council;
 - upgrading the Kearsley Powerline Fire Trail between Neath Road and Hebburn Road, Neath, to the satisfaction of DECCW; and
 - upgrading the Kearsley Powerline Fire Trail, between the Aberdare Fire Trail and Neath Road, Neath, to the satisfaction of the Land and Property Management Authority; and
 - upgrading the rail level crossing on the Kearsley Powerline Fire Trail to the satisfaction of South Maitland Railways.
11. *(Deleted)*.
13. In the Schedule of Lands in Appendix 1, insert the following for the Aberdare East site:

Land Title Description	Parish	County
South Maitland Railway corridor near Cessnock Street, Aberdare.	Parish of Cessnock	County of Northumberland
Crown land under Parish Reserve 755215 for future public requirements located between Caledonia Street and South Maitland Railway, Kearsley.	Parish of Cessnock	County of Northumberland
Crown "paper" road adjacent to the South Maitland Railway corridor between Ellalong Street and Caledonia Street, Kearsley.	Parish of Cessnock	County of Northumberland

14. After Figure 1 in Appendix 2, insert the following figure:



Figure 1A: Alignment of modified Aberdare East haul route

15. After Section 8 of the Statement of Commitments in Appendix 4, insert the following:

9 Haul Road Modification

(a) Compliance

- (i) *HEM will comply with conditional requirements in all approvals, licences and permits and operate in accordance with relevant statutory requirements for the life of the operations.*

(b) Transport

- (i) *Prior to construction prepare a Traffic Management and Traffic Control Plans including traffic modelling (traffic modelling including but not limited to, current traffic counts, 95th percentile back of queue lights, delays and level of service on all legs, use of SIDRA or similar traffic model and electronic Input/Output data files for RTA review).*
- (ii) *HEM in conjunction with RTA shall enter into a Works Authorisation Agreement (WAD) prior to the issuance of a construction certificate.*
- (iii) *HEM will construct the intersection in accordance with RTA approved WAD and concept design plans designed in accordance with RTA's 'Road Design Guide', 'Austroad Guidelines' and relevant Australian Standards including plans both during and post haulage, intersection lighting in accordance with relevant standards, cyclist provisions along with the construction of kerb and guttering on all approaches.*
- (iv) *Implement works as specified in the WAD approved by the RTA and thus undertake the appropriate consultation with Council and the community in regards to the proposed haulage arrangements.*
- (v) *HEM will undertake all works associated with the construction and use of the level crossing in accordance with the license of works or as otherwise specified by South Maitland Railways (SMR), including:*
- Compliance with all legislative requirements including the Rail Safety Act 2008, Regulator Guidelines and SMR Network rules and Australian Standards;*
 - Construction in accordance with engineering construction specifications; and*
 - All works within the danger zone being carried out in accordance with SMRs rules.*
- (vi) *HEM will erect permanent barriers including locked gates with earthen windrows to prevent access by unauthorised personnel to the crossing.*

(c) Ecology

- (i) *During construction an ecologist will be onsite to supervise the clearing of vegetation.*
- (ii) *HEM will ensure that the surrounding vegetation community is protected through weed control measures and management during both construction and operational use of the road.*
- (iii) *During operational use of the road monitoring of both sides of the haulage road will be undertaken to assess the health of vegetation, targeting weed infestation, die back and erosion.*
- (iv) *At the completion of road use impacted areas will be rehabilitated with a vegetation composition representative of that prior to clearing.*
- (v) *At the completion of road use HEM will provide a plan for revegetation to prevent erosion.*

(d) Air Quality

- (i) *During construction HEM will bitumen seal the section of realignment between the gravel fire trail and Caledonia Street.*

(e) Acoustics

- (i) Prior to construction HEM will liaise with the occupiers of dwellings located near the haulage realignment (ref Table 6.2).*
- (ii) Prior to construction HEM will provide dwelling occupiers with company contact details to enable complaints to be made arising from truck haulage operations.*
- (iii) During construction and operations all personnel working on the Aberdare East haulage route will be made aware of their obligations and that works occurring in proximity to residential receivers.*
- (iv) During both construction and operation mechanical plant should be silenced using best available control technology. Noise suppression devices should be maintained to manufacturers specifications. Internal combustion engines should be fitted with appropriate and well maintained mufflers.*
- (v) Machines which are used intermittently should be shut down in the intervening periods between work or throttled down to a minimum.*
- (vi) Any portable equipment with the potential to create high levels of noise e.g. compressors, generators etc should only be selected for use if it incorporates effective noise control. This equipment should be located where practical so that natural ground barriers or site sheds etc are between it and the nearest potentially affected receivers.*

(f) Archaeology

- (i) HEM will ensure that a representative from the groups is present during the construction of roads.*
- (ii) Identified artefacts are to be collected and/or relocated adjacent to the haulage alignment where required.*