

# Project Approval

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

I approve the project application referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

- prevent and/or minimise adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

The Honourable Kristina Keneally MP  
**Minister for Planning**

Sydney **SIGNED ON 24 SEPTEMBER**

2008

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### **SCHEDULE 1**

**Application No:**

06\_0236

**Applicant:**

Hunter Enviro-Mining Pty Limited

**Consent Authority:**

Minister for Planning

**Land:**

See Appendix 1

**Project:**

Hebburn No.3 Chitter and Tailings Reclamation Project

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**MOD 1 (March 2010) in red type**

**MOD 2 (February 2014) in blue type**

**MOD 4 (December 2021) in orange type**

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## DEFINITIONS

Annual Review	Annual Review of operations, as required under condition 5 of Schedule 5
BCD	Biodiversity and Conservation Division within the Department
CCC	Community Consultative Committee
CHPP	Coal handling and preparation plant
Conditions of this consent	Conditions contained in schedules 2 to 5 inclusive
Council	Cessnock City Council
Crown Lands	Crown Lands Division
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	NSW Department of Planning and Environment
Development	The development as described in the documents listed in condition 2(d) of Schedule 2, as modified by this consent
DPIE Water	Water Group within the Department
EA	Environmental Assessment prepared for Hunter Enviro-Mining Pty Limited entitled <i>Environmental Assessment Report Chitter and Tailings Reclamation Project</i> Volumes 1 & 2 (December 2006), as modified by the <i>Preferred Project Report</i> (October 2007) and <i>Response to Submissions</i> (October 2007)
EA MOD 1	Modification application 06_0236 MOD 1 and accompanying Environmental Assessment titled <i>Modification to the Hunter Enviro-Mining Pty Limited Chitter and Tailings Reclamation Project 06_0236 (MOD 1)</i> , prepared by Wells Environmental Services Pty Limited and dated February 2010
EA MOD 2	Modification application 06_0236 MOD 2 and accompanying Environmental Assessment titled <i>Chitter and Tailings Reclamation Project Modification 2 – Environmental Assessment</i> , prepared by EMGA Mitchell McClennan and dated March 2013, and the letter from EMGA Mitchell McClennan dated 26 February 2014;
EA MOD 4	Modification Application 06_0236 MOD 4 and accompanying Environment Assessment titled <i>Modification to approval MP06_0236 – Chitter and Tailings Reclamation Project</i> , prepared by Premier Energy Resources dated 4 October 2021 and supporting documents
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Extraction sites	the extraction sites at Aberdare East, Neath and Richmond Main East as described in the EA
km	Kilometre
Land	The whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm	Is harm to the environment that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
Mining operations	The extraction and transportation of reclaimed chitter and tailings at 3 sites as described in the EA
Minister	NSW Minister for Planning
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Privately-owned land	Land that is not owned by a public agency, or a mining company (or its subsidiary)
Applicant	Hunter Enviro-Mining Pty Limited or any other person or persons who rely on this consent to carry out the project that is subject to this consent
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering corrections and what is practical to build
Resources Regulator	NSW Resources Regulator within the Department of Regional NSW
Site	Land to which the project application applies (see Appendix 2)
Statement of Commitments	The Applicant's commitments (see Appendix 4)
TfNSW	Transport for New South Wales

## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### Obligation to Minimise Harm to the Environment

1. In addition to meeting the specific performance measures and criteria under this consent, the Applicant must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

### Terms of Consent

2. The Applicant must carry out the development:
  - (a) in compliance with the conditions of this consent;
  - (b) in accordance with the statement of commitments in Appendix 4;
  - (c) in accordance with all written directions of the Planning Secretary; and
  - (d) generally in accordance with the EA, EA MOD 1, EA MOD 2 and EA MOD 4
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 consent shall prevail to the extent of any inconsistency.
4. The Applicant must comply with any reasonable and feasible requirements of the Planning Secretary arising from the Department's assessment of:
  - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this consent; and
  - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.

### Limits on Consent

5. The Applicant may conduct mining operations until 31 December 2018, or for a period of 4 years after the grant of a mining lease for the Neath extraction site, whichever is sooner.

*Note: Under this consent, the Applicant is required to rehabilitate the site to the satisfaction of the Planning Secretary and the Resources Regulator. Consequently this consent will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated to a satisfactory standard. Mining operations does not include the activities described in EA MOD 4.*

6. The Applicant must not extract more than:
  - (a) 1.7 million tonnes of carbonaceous material from the Aberdare East site;
  - (b) 1 million tonnes of carbonaceous material from the Neath site;
  - (c) 0.16 million tonnes of carbonaceous material from the Richmond Main East site; and
  - (d) 900,000 tonnes of extracted carbonaceous material a year from the 3 sites.
7. The Applicant must ensure that all development associated with the project is carried out between the hours of 7am to 6pm, Monday to Friday only (excepting Public Holidays).

### Management Plans / Monitoring Programs

8. With the approval of the Planning Secretary, the Applicant may submit any management plan or monitoring program required by this consent on a progressive basis.
- 9A. The Applicant must prepare revisions of any strategies, plans or programs required under this consent if directed to do so by the Planning Secretary. Such revisions must be prepared to the satisfaction of, and within a timeframe approved by, the Planning Secretary.

### Operation of Plant and Equipment

9. The Applicant must ensure that all plant and equipment used on site is:
  - (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

### NOISE

#### Noise Impact Assessment Criteria

- The **Applicant must** ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land, or more than 25% of any privately-owned land:

Noise Assessment Location	Day L <sub>Aeq</sub> (15 minute)
Aberdare East	38
A1147	39
A1150	42
Neath	44
N101	45
NR26	47
Richmond Main East	35
R11	38

Table 1: Noise impact assessment criteria dB(A)

However, if the **Applicant** has a written negotiated noise agreement with any landowner of the land and a copy of this agreement has been forwarded to the **Department** and **EPA**, then the **Applicant** may exceed the noise limits in Table 1 **on that land** in accordance with the negotiated noise agreement.

#### Notes:

- The noise assessment locations are as shown in Figures 2,3 and 4 in Appendix 2.
- To determine compliance with the L<sub>Aeq</sub>(15 minute) noise limits, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the **EPA** may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy **must** also be applied to the measured noise levels where applicable.
- The noise emission limits identified in the above table apply under meteorological conditions of:
  - wind speeds of up to 3 m/s at 10 metres above ground level; or
  - temperature inversion conditions of up to 3°C/100m, and source to receiver gradient wind speeds of up to 2 m/s at 10 metres above ground level for those receivers where applicable.

#### Operating Conditions

- The **Applicant must**:
  - not carry out any operations at the Aberdare East site when there are winds in the vectors 135 degrees to 270 degrees (clockwise), and on the Neath site when there are winds in the vectors 250 degrees to 60 degrees (clockwise);
  - implement all reasonable and feasible noise mitigation measures;
  - investigate ways to reduce the noise generated by the project with a view to continually improving the noise mitigation measures; and
  - monitor the noise generated by the project at privately-owned residences and land surrounding the site, using a combination of real-time and attended monitoring measures.

## Noise Management Plan

3. The **Applicant must** prepare and implement a Noise Management Plan for the project to the satisfaction of the **Planning Secretary**. This plan must:
- be prepared in consultation with **EPA** by a suitably qualified expert whose appointment has been approved by the **Planning Secretary**;
  - be submitted to the **Planning Secretary** for approval prior to any development being carried out **at each extraction site**;
  - include a detailed description of the:
    - “No Operations Protocol” that would be implemented at the Aberdare East and Neath sites when winds are in the vectors described in condition 2 above;
    - reasonable and feasible noise mitigation measures that would be implemented; and
    - investigations that would be conducted to identify ways to improve the performance of these measures; and
  - include a detailed program to monitor the noise generated by the project, which includes a protocol for evaluating whether the project is complying with the noise impact assessment criteria in this **consent**.

## AIR QUALITY

### Impact Assessment Criteria

4. The **Applicant must** ensure that dust emissions generated by the project does not cause additional exceedances of the criteria listed in Tables 2 to 4 at any residence on privately owned land, or on more than 25 percent of any privately-owned land.

Table 2: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>

Table 3: Short term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>

Table 4: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

### Operating Conditions

5. The **Applicant must** ensure any visible air pollution generated by the project is assessed regularly, and that operations are relocated, modified and/or stopped as required to minimise air quality impacts on privately-owned land.

### Monitoring

6. The **Applicant must** prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the **Planning Secretary**. This program must:

- (a) be prepared in consultation with the EPA;
- (b) be submitted to the Planning Secretary prior to any development being carried out at each extraction site; and
- (c) use a combination of high volume samplers and dust deposition gauges to monitor the performance of the project.

## METEOROLOGICAL MONITORING

- 7. During the project, the Applicant must ensure that there is a suitable meteorological station in the vicinity of each site that complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline (EPA, 2007), or its latest version.

## WATER

### Discharge Limits

- 8. Except as may be expressly provided for by an EPL, the Applicant must not discharge any surface waters from the site.

### Water Management Plan

- 9. The Applicant must prepare and implement a Water Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:
  - (a) be prepared in consultation with EPA and DPIE Water, by suitably qualified expert/s whose appointment/s have been approved by the Planning Secretary, and submitted to the Planning Secretary for approval;
  - (b) be submitted to the Planning Secretary for approval prior to carrying out any development at each extraction site; and
  - (c) include:
    - a water balance at each site;
    - a detailed erosion and sediment control plan for the project that has been prepared in accordance with the requirements in *Managing Urban Stormwater: Soils and Construction* manual (Landcom, 2004), or its latest version;
    - a surface and groundwater monitoring program that includes both surface and groundwater impact assessment criteria for monitoring the performance of the project and triggering further investigations into the potential surface or groundwater impacts of the project; and
    - a surface and groundwater response plan that includes detailed procedures for investigating exceedances of the surface or groundwater assessment criteria and taking any remedial action.

## TRAFFIC & TRANSPORT

- 10. The Applicant must:
  - (a) 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 TfNSW 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 Crown Lands; 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;
  - (b) 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 Crown Lands;
  - (c) 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

- (d) 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 BCD; and
  - upgrading the Kearsley Powerline Fire Trail, between the Aberdare Fire Trail and Neath Road, Neath, to the satisfaction of the Crown Lands; and
  - upgrading the rail level crossing on the Kearsley Powerline Fire Trail to the satisfaction of South Maitland Railways.

11. (Deleted).

## LANDSCAPE MANAGEMENT

### Rehabilitation

12. The Applicant must rehabilitate the site to the satisfaction of the Planning Secretary and the Resources Regulator. This rehabilitation must ensure that:
- (a) all three sites are long-term stable, properly integrated into the surrounding area and acid and saline pollution is reduced substantially;
  - (b) the Aberdare East site is generally covered with grassland;
  - (c) the Neath site is generally covered with native woodland that is consistent with the vegetation in the surrounding areas; and
  - (d) the Richmond Main East site is generally covered with grassland, with increased planting in the riparian zone adjoining the extraction area."

### Rehabilitation and Landscape Management Plan

13. The Applicant must prepare and implement a detailed Rehabilitation and Landscape Management Plan for the site to the satisfaction of the Planning Secretary and Resources Regulator. This plan must:
- (a) be prepared in consultation with BCD, Crown Lands, DPIE Water and Council by suitably qualified expert/s whose appointment/s have been approved by the Planning Secretary; and
  - (b) be submitted to the Planning Secretary and Resources Regulator for approval prior to any development being carried out on site;
  - (c) include:
    - the rehabilitation objectives for each site;
    - a description of how the rehabilitation of each site would be integrated with the landscape of the surrounding area;
    - detailed performance and completion criteria for the rehabilitation of each site;
    - a detailed description of the measures that would be implemented to achieve the performance and completion criteria for each site, including the procedures to be implemented for:
      - progressively rehabilitating the areas disturbed by mining operations;
      - revegetating the sites, including the establishment of woodland;
      - protecting and/or enhancing areas in the vicinity of the disturbance areas;
      - conserving and re-using any topsoil;
      - collecting and propagating seed for rehabilitation works;
      - salvaging and re-using material from the site for habitat enhancement;
      - controlling weeds and feral pests;
      - controlling access;
      - bushfire management;
    - a program to monitor the performance of the rehabilitation against the stated objectives, performance and completion criteria;
    - a description of the potential risks to successful rehabilitation, and a description of the contingency measures that would be implemented to minimise these risks; and
    - details of who is responsible for monitoring, reviewing and implementing the plan.



## SCHEDULE 4

### INDEPENDENT REVIEW

1. If a landowner considers the development to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the **Planning Secretary** in writing for an independent review of the impacts of the development on his/her land. If the **Planning Secretary** is satisfied that an independent review is warranted, the **Applicant must** within 2 months of the **Planning Secretary's** decision:
  - (a) consult with the landowner to determine his/her concerns;
  - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the **Planning Secretary**, to conduct monitoring on the land, to:
    - determine whether the development is complying with the relevant impact assessment criteria in schedule 3; and
    - identify the source(s) and scale of any impact on the land, and the development's contribution to this impact; and
  - (c) give the **Planning Secretary** and landowner a copy of the independent review.
2. If the independent review determines that the development is complying with the relevant impact assessment criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the **Planning Secretary**.
3. If the independent review determines that the development is not complying with the relevant impact assessment criteria in schedule 3, and that the development is primarily responsible for this non-compliance, then the Applicant **must**:
  - (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the development complies with the relevant criteria; and
  - (b) conduct further monitoring to determine whether these measures ensure compliance.

If the additional monitoring referred to above subsequently determines that the development is complying with the relevant criteria in schedule 3, or the Applicant and landowner enter into a negotiated agreement to allow these exceedances, then the Applicant may discontinue the independent review with the approval of the **Planning Secretary**.

4. If the independent review determines that the relevant criteria in schedule 3 are being exceeded, but that more than one mine is responsible for this non-compliance, then the Applicant **must**, together with the relevant mine/s:
  - (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and
  - (b) conduct further monitoring to determine whether these measures ensure compliance; or
  - (c) secure a written agreement with the landowner and other relevant mines to allow exceedances of the criteria in schedule 3,to the satisfaction of the **Planning Secretary**.

If the additional monitoring referred to above subsequently determines that the developments are complying with the relevant criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the **Planning Secretary**.

5. If the landowner disputes the results of the independent review, either the Applicant or the landowner may refer the matter to the **Planning Secretary** for resolution.

If the matter cannot be resolved within 21 days, the **Planning Secretary** shall refer the matter to an Independent Dispute Resolution Process.

## SCHEDULE 5

### ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

#### ENVIRONMENTAL MANAGEMENT STRATEGY

1. The **Applicant must** prepare and implement an Environmental Management Strategy for the project to the satisfaction of the **Planning Secretary**. This strategy must be submitted to the **Planning Secretary** prior to the any development being carried out on site:
  - (a) provide the strategic context for environmental management of the project;
  - (b) identify the statutory requirements that apply to the project;
  - (c) describe in general how the environmental performance of the project would be monitored and managed;
  - (d) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the project;
    - respond to any non-compliance;
    - manage cumulative impacts; and
    - respond to emergencies; and
  - (e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project.

#### ENVIRONMENTAL MONITORING PROGRAM

2. The **Applicant must** prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the **Planning Secretary**. This program must consolidate the various monitoring requirements in schedule 3 of this **consent** into a single document and be submitted to the **Planning Secretary** concurrently with the submission of the relevant monitoring programs/plans.

#### REPORTING

##### Incident Reporting

3. The **Applicant must** immediately notify the **Planning Secretary** and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the project, the **Applicant must** notify the **Planning Secretary** and any other relevant agencies as soon as practicable after the **Applicant** becomes aware of the incident. Within 7 days of the date of the incident, the **Applicant must** provide the **Planning Secretary** any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

##### Regular Reporting

4. The **Applicant must** regularly report on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this **consent**.

#### ANNUAL REVIEW

5. By the end of September each year, or other timing agreed to by the **Planning Secretary**, the **Applicant must** review the environmental performance of the project to the satisfaction of the **Planning Secretary**. This review must:
  - (a) describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the:
    - (i) relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this **consent**;
    - (iii) monitoring results of previous years; and
    - (iv) relevant predictions in the **documents listed in condition 2(d) of Schedule 2**;
  - (c) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to ensure compliance;
  - (d) identify any trends in the monitoring data over the life of the project;

- (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
- (f) describe what measures will be implemented over the current year to improve the environmental performance of the project.

#### INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 12 months of this **consent**, immediately prior to the commencement of extraction at the Neath Extraction Site, and within 3 months of the completion of extraction at the Neath Extraction Site, unless the **Planning Secretary** directs otherwise, the **Applicant must** commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
  - (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the **Planning Secretary**;
  - (b) include consultation with the relevant agencies;
  - (c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements of this **consent** and any relevant mining lease or EPL (including any strategy, plan or program required under these **consents**);
  - (d) review the adequacy of strategies, plans or programs required under these **consents**; and, if appropriate,
  - (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these **consents**.

*Note: This audit team must be led by a suitably qualified auditor and include experts in the fields of noise and mine rehabilitation.*

7. Within 6 weeks of the completing of this audit, or as otherwise agreed by the **Planning Secretary**, the **Applicant must** submit a copy of the audit report to the **Planning Secretary**, together with its response to any recommendations contained in the audit report.
8. Within 3 months of submitting the audit report to the **Planning Secretary**, the **Applicant must** review, and if necessary revise the strategies/plans/programs required under this **consent** to the satisfaction of the **Planning Secretary**.

#### COMMUNITY CONSULTATIVE COMMITTEE

9. Within 3 months of this **consent**, the **Applicant must** establish a Community Consultative Committee (CCC) for the project to the satisfaction of the **Planning Secretary**, in general accordance with the **Department's Community Consultative Guidelines: State Significant Projects (2019)**, or its latest version.

#### ACCESS TO INFORMATION

10. Within 3 months of the approval of any strategy/plan/ program required under this **consent** (or any subsequent revision of these strategies/plans/ programs), or the completion of the audits or **Annual Reviews** required under this **consent**, the **Applicant must**:
  - (a) provide a copy of the relevant document/s to the relevant agencies and CCC; and
  - (b) put a copy of the relevant document/s on its website.
11. During the project, the **Applicant must**:
  - (a) make a summary of monitoring results required under this **consent** publicly available at the mine and on its website; and
  - (b) update these results on a regular basis (at least every 3 months).

#### REVISION OF STRATEGIES, PLANS AND PROGRAMS

12. Within 3 months of:
  - (a) the submission of an Annual Review under condition 5 above;
  - (b) the submission of an incident report under condition 3 above;
  - (c) the submission of an audit report under condition 6 below; or
  - (d) any modification to the conditions of this **consent**, (unless the conditions require otherwise),
 the **Applicant must** review the strategies, plans, and programs required under this **consent**, to the satisfaction of the **Planning Secretary**. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the **Planning Secretary**.

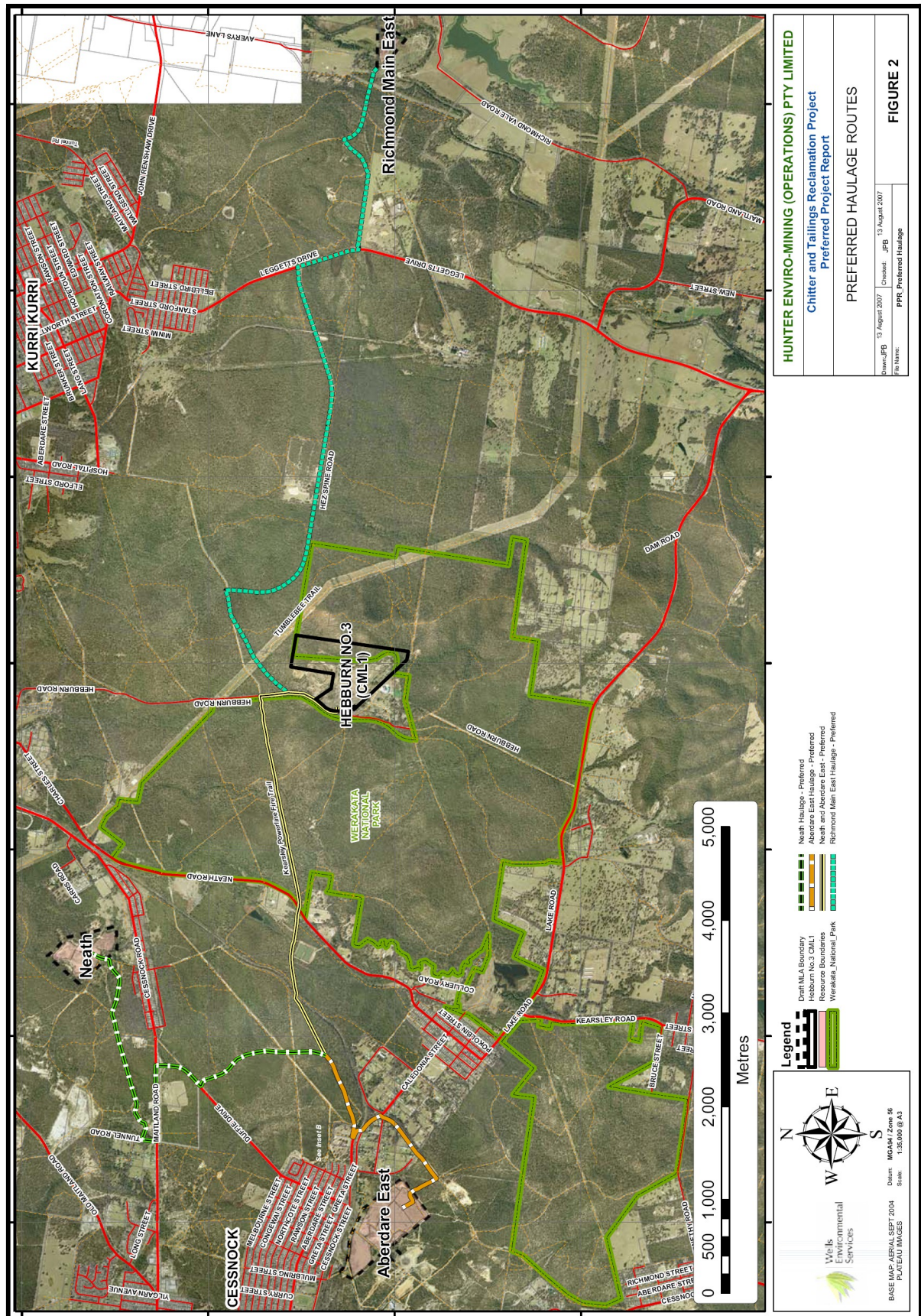
*Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the project.*

**APPENDIX 1  
SCHEDULE OF PROJECT LAND**

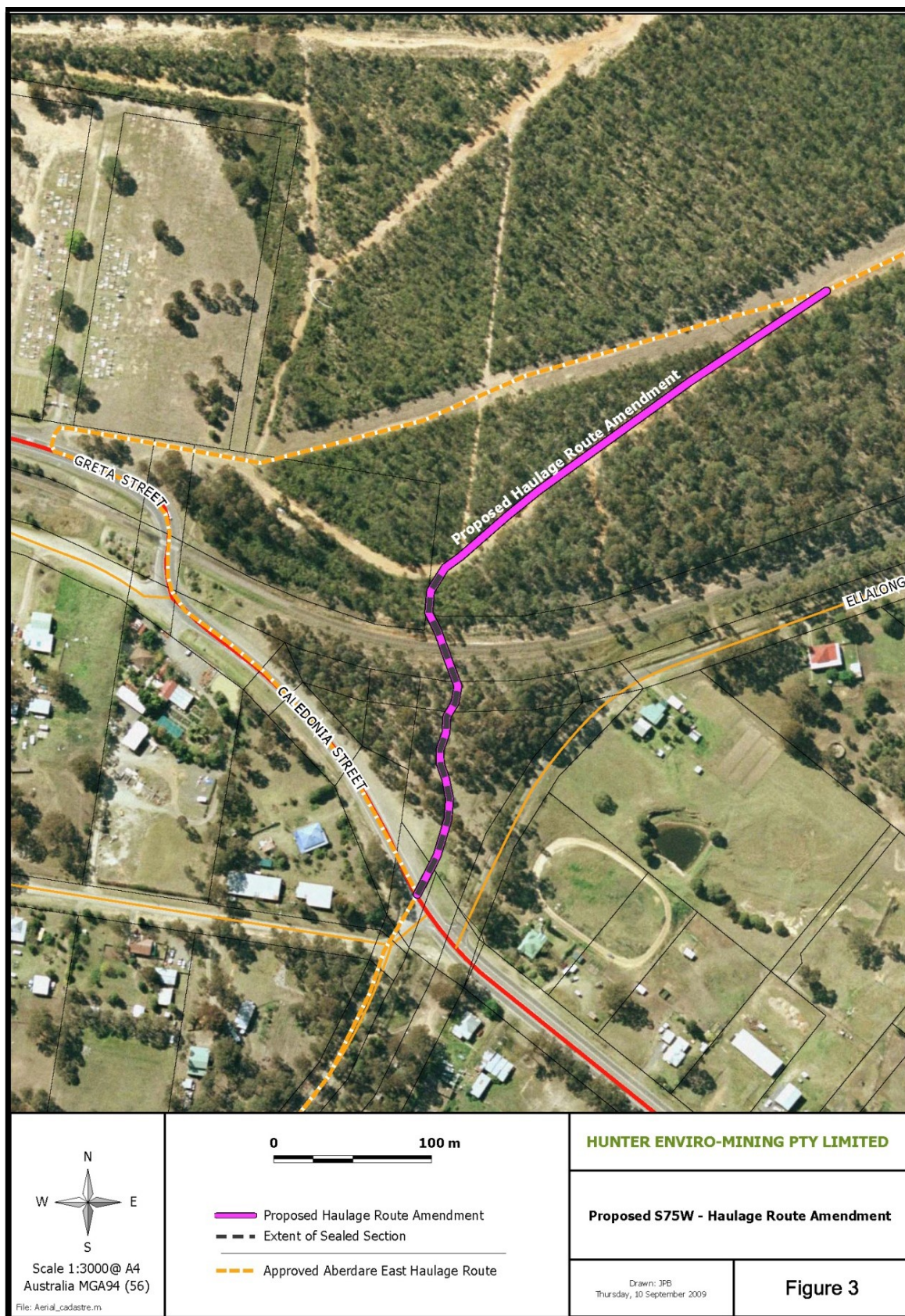
Site	Land Title Description	Parish	County
<b>Aberdare East</b>	Lot 566 DP 821172	Parish of Cessnock	County of Northumberland
	Lot 567 DP 821173	Parish of Cessnock	County of Northumberland
	Crown land (Pt 755259), under reserve R101448 for future public requirements located bounded by Duffie Drive, Maitland Road, Greta Street and Neath Road, Neath/Abermain	Parish of Cessnock/ Parish of Stanford	County of Northumberland
	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
<b>Neath</b>	Crown land (Pt 755259), under reserve R101448 for future public requirements adjoining Lot 102 DP755259, Carrs Road, Neath,	Parish of Stanford	County of Northumberland
	Crown land (Pt 755215) under reserve R101448 for future public requirements adjoining Lot 393 DP755215, David Street, Neath	Parish of Cessnock	County of Northumberland
	Crown land (Pt 755259), under reserve R101448 for future public requirements located between Duffie Drive and Neath Road, Neath	Parish of Cessnock	County of Northumberland
	Crown land (Pt 755259), under reserve R101448 for future public requirements located between Duffie Drive and Neath Road	Parish of Stanford	County of Northumberland
	South Maitland Railway, west of Neath Road, Parish of Stanford, County of Northumberland.	Parish of Stanford	County of Northumberland
	Lot 328, DP 821117	Parish of Stanford	County of Northumberland
	Lot 1 DP 791531	Parish of Stanford	County of Northumberland
	Werakata National Park (Pt DP 755259) located between Neath Road and Hebburn Road, Abermain	Parish of Stanford	County of Northumberland
	Lot 58 DP 755259, east of Neath Road, Neath	Parish of Stanford	County of Northumberland
	Lot 2, DP1015130	Parish of Cessnock	County of Northumberland
<b>Richmond Main East</b>	Lot 2 DP 986081	Parish of Stanford/ Parish of Stockrington	County of Northumberland
	Lot 20 DP 755260	Parish of Stanford/ Parish of Stockrington	County of Northumberland
	Lot 19 DP 1061633	Parish of Stanford / Parish of Stockrington	County of Northumberland
	Crown Land described as ALC 4242, Kurri Kurri-Mulbring Road, Richmond Vale	Parish of Stanford	County of Northumberland
	Lot 14 DP 716009	Parish of Stanford	County of Northumberland
	Lot 7009 DP 1030081	Parish of Stanford	County of Northumberland
	Lot 2 DP 533820	Parish of Stanford	County of Northumberland
	Lot 7 DP1037092	Parish of Stanford	County of Northumberland
	Crown Land described as ALC 4250, Hebburn Road, Abermain	Parish of Stanford	County of Northumberland



## APPENDIX 2 PROJECT MAP







**Figure 1A: Alignment of modified Aberdare East haul route**



**HUNTER ENVIRO-MINING (OPERATIONS) PTY LIMITED**

**Chitter and Tailings Reclamation Project**

**ABERDARE EAST - PREDICTED NOISE LEVELS UNDER SCENARIO 5**

Drawn: JPB | 17 December 2006 | Checked: JPB | 17 December 2006  
File Name: FIGURE 5.5\_051006

**FIGURE 5.5**

**LEGEND:**

- Noise Contours dB(A)
- X4 Truck (5th Entrance)
- X1 Front End Loader & Truck

Bare Source: Carmoon / : 21 000 Topographic Map

4061\_Figure.DWG

Wells Environmental Services

Datum: NGAD84 Zone 56  
Scale: 1:10,000 @ A3



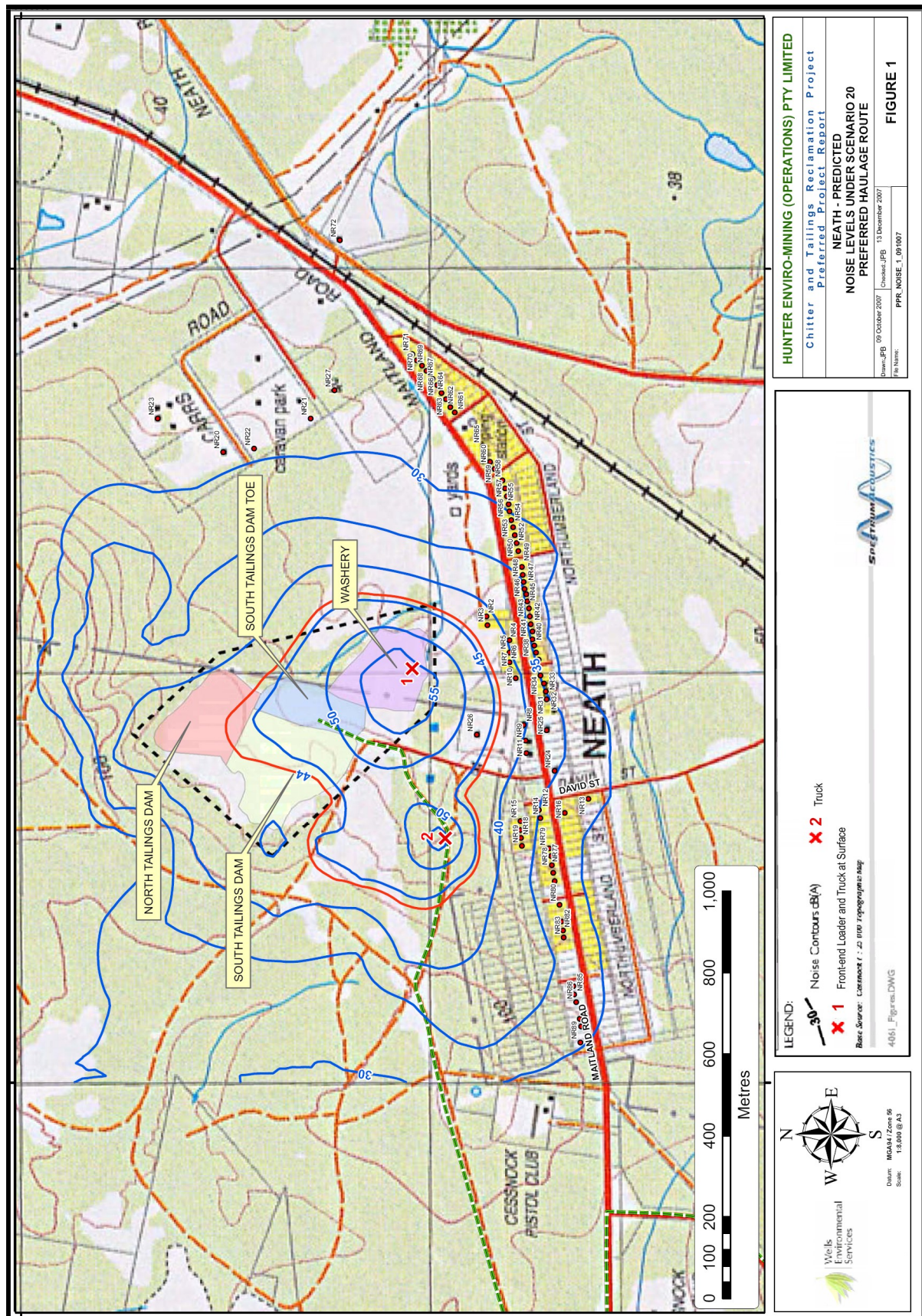
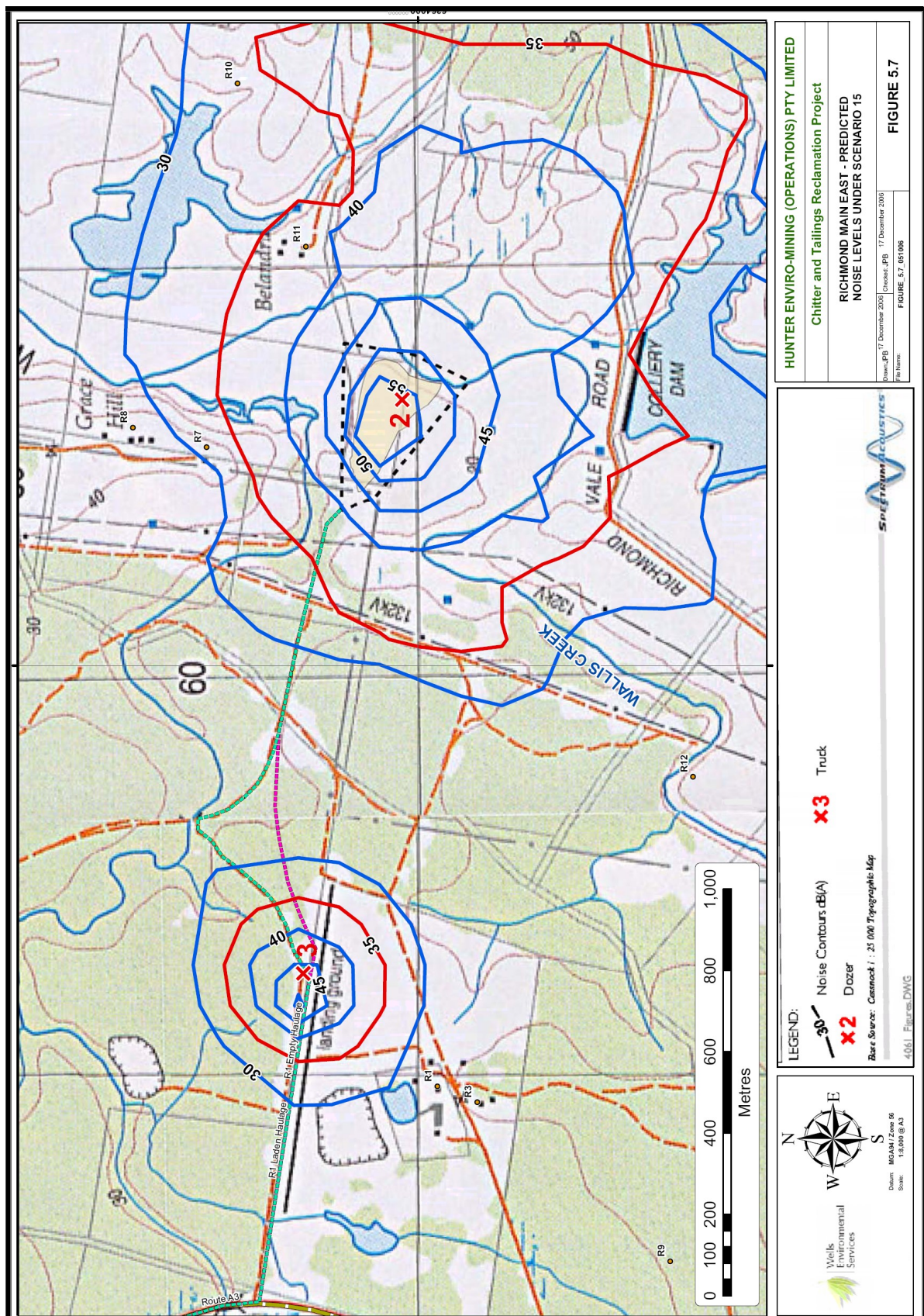


Figure 3: Noise contours for Neath





## APPENDIX 4 APPLICANT'S STATEMENT OF COMMITMENTS

### (1) **Community Consultation**

- (a) HEM will participate in a Community Reference Group developed for the project that will incorporate the following people:

- 2 Community members from Aberdare East;
- 2 Community members from Neath;
- 1 Community member from Richmond Main East (if available);
- 1 Representative of Cessnock City Council; and
- 1 or 2 Representatives for Hunter Enviro-Mining (Operations) Pty Limited.

The reference group will meet on a quarterly basis, unless otherwise determined by the Group.

- (b) HEM will have a local telephone complaints line, complaints will be recorded and followed up within 24 hours;
- (c) HEM will provide regular updates on a publicly accessible website regarding the status of the rehabilitation operations.

### (2) **Management Plans**

- (a) A Traffic Management Plan (TMP) (construction and operations) will be developed for the three operations to the satisfaction of Cessnock City Council and the TfNSW prior to road construction or haulage works commencing.
- (b) An Air Quality Management Plan (AQMP) will be developed for each site to the satisfaction of the EPA and the Department prior to undertaking works onsite.
- (c) A Noise Management Plan (NMP) will be developed for each site to the satisfaction of the EPA and the Department prior to undertaking works onsite.
- (d) A Landscape and Rehabilitation Management Plan (LRMP) will be developed for each site to the satisfaction of the landowner, Resources Regulator, BCD and the Department within 6 months of commencing the project.
- (e) A Water Management Plan will be developed for each site to the satisfaction of the EPA and the Department prior to undertaking works onsite.
- (f) HEM will undertake an assessment of feed and reject material to assess long term geochemical stability and appropriate management recommendations.

### (3) **Mine Operations Plan**

- (a) HEM will prepare and submit to the satisfaction of the Resources Regulator a Mine Operations Plan (MOP) with the relevant supporting management plans prior to the commencement of operations.
- (b) HEM will abide by the relevant statutory obligations including the placement of a bond with the Resources Regulator to undertake repatriation of a site if HEM cannot appropriately discharge their duties under the Consent and the MOP.

### (4) **Road Surveys**

- (a) HEM will in conjunction with the Cessnock City Council, TfNSW, Crown Lands and the BCD undertake the following surveys:
- Prior to the commencement of operations a survey of all public roads and fire trails involved in the proposed haulage routes to determine pre-operational conditions;
  - At completion of the project a further survey to identify any damage and works needed to restore the road pavement and shoulders of public roads to pre existing or appropriate condition and fire trails to a minimum standard determined within the land use agreement.

All identified and agreed works that are directly attributable to HEM haulage activities will be completed at cost to HEM.

(5) **Monitoring**

HEM will monitor wind speed and direction at both the Neath and Aberdare East sites to enable a continuous assessment of the level of operations and operational controls required at each site.

(a) **Noise**

Two (2) sensitive locations at Neath and Aberdare East will be monitored at weekly intervals for the first four weeks when operations reach maximum extraction;

Following the first four week monitoring period, monitoring will be undertaken at quarterly periods to ensure the project is operating within the nominated assessment criteria and that all reasonable, feasible and economically achievable mitigation measures are being appropriately implemented.

(b) **Air Quality**

A light scatter photometer will be installed at both the Neath and Aberdare East sites to allow a continuous assessment of air quality and the operations and to allow management measures to be implemented to improve operational controls.

(c) **Reporting**

The location and nature of operations will be recorded on a daily basis for the first four weeks of operations to provide an assessment of operating conditions vs the meteorological, noise and air quality data collected.

An assessment of the results of the monitoring (air and noise) after the first four weeks will be supplied to Council, the Community Reference Group and the [EPA](#) to provide for an assessment of the operations against the relevant criteria, where relevant criteria has been exceeded, HEM will provide recommendations of reasonable and feasible and economically achievable mitigation measures to alleviate impacts to residents.

Following the first four week assessment an assessment will be provided to Council, [EPA](#) and the Community Reference Group at quarterly intervals.

Operations will be reviewed weekly against monitoring data and operations to ensure impacts on surrounding residents are minimised.

(6) **Cessation of Works**

(a) **Noise and Dust**

HEM will implement a real time monitoring program where works will be reviewed and or cease during the following climate conditions.

Aberdare East – winds in the vectors 135 through to 270 degrees (clockwise);

Neath – winds in the vectors 250 – 60 degrees (clockwise);

(b) **Cessation of Haulage.**

HEM will cease haulage activities past the Gordon Williams Memorial Lawn Cemetery when a funeral is progress.

(7) **Heritage**

(a) HEM will prepare plans of each of the relevant historical sites prior to undertaking works on any site (Aberdare Shaft and related Aberdare East infrastructure, Neath, Aberdare North and Richmond Main East). Plans will be submitted to the NSW Heritage Council and Cessnock City Council. The plans will include:

- Location of all remaining structures and visible infrastructure locations;
- Basic interpretation and naming of structures by experienced mining historians; and
- Regular revisions if additional infrastructure is identified.

(b) HEM will rehabilitate sites in a sympathetic manner, cognisant of the key historic features and locations of each site by only seeding grass where infrastructure was located.

(8) **Occupational Health and Safety**

An Occupational Health and Safety Management Plan will be developed for the project and implemented at each site (including the haulage routes) to ensure compliance with the provisions of the Occupational Health and Safety Act 2000, the Coal Mine Health and Safety Act 2002 and the Coal Mines Regulation Act 1982.



**(9) Haul Road Modification**

**(a) Compliance**

- (i) HEM will comply with conditional requirements in all consents, 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 TfNSW review).
- (ii) HEM in conjunction with TfNSW must enter into a Works Authorisation Agreement (WAD) prior to the issuance of a construction certificate.
- (iii) HEM will construct the intersection in accordance with TfNSW approved WAD and concept design plans designed in accordance TfNSW '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 TfNSW 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.*