

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

DETERMINATION OF A DEVELOPMENT APPLICATION UNDER SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister for Planning, under Section 80(1) of the *Environmental Planning and Assessment Act, 1979* ("the Act") determine the Development Application ("the Application") referred to in Schedule 1 by granting Consent to the Application subject to the Conditions set out in Schedule 2.

The reason for the imposition of Conditions are to:

- (i) minimise the adverse impact the development may cause through water and air pollution, noise, vegetation and visual disturbance; and
- (ii) provide for environmental monitoring, reporting and independent review.

Andrew Refshauge MP
Minister for Planning

Sydney

2002

File No. S01/02182

SCHEDULE 1

Application made by:	BeMax Resources NL (ACN 009 247 858) on behalf of the BIP Joint Venture (a joint venture between BeMaX Resources NL 75% and Probo Mining Pty Limited 25% [ACN 079 938 819]).
To:	The Minister for Planning ("the Minister"). (DA 345-11-01)
In respect of:	Lands described in Appendix "1".
For the following:	The development of the Broken Hill Mineral Separation Plant, and construction and operation of associated surface facilities ("the development").
Development Application:	DA No. 345-11-01 lodged with the Department of Planning on 26 November 2001, accompanied by an Environmental Impact Statement prepared by Resource Strategies Pty. Limited and dated November 2001.
BCA Classification:	• Class 5 (Administration, construction, contractor, engineering, processing and control room offices) • Class 7 (Store(s)) • Class 8 (Workshop(s)) • Class 9 (Laboratory)

- Class 10 (Change house(s), fuel storage(s), pump house(s) and compound(s), communication tower(s), wet high intensity magnetic separator, filter house(s), silo(s), conveyor(s), storage bin(s), mill building(s), kiln building(s), tank(s))

NOTE:

- 1) To ascertain the date upon which the consent becomes effective, refer to section 83 of the Act.
- 2) To ascertain the date upon which the consent is liable to lapse, refer to section 95 of the Act.

APPENDIX 1

Land Subject to Development Application for the Broken Hill Mineral Separation Plant

Site	Land Description
Mineral Separation Plant	Lot 6666 DP 822054
Water Supply Pipeline	Lot 161 DP 725335, Lot 55 DP 258288 & Resumed Land, Lot 70 DP 258288, Lot 1 DP 533250

And all Crown reserves and road reserves within the development application area.

SCHEDULE 2

DEVELOPMENT CONSENT CONDITIONS FOR THE BROKEN HILL MINERAL SEPERATION PLANT

The following acronyms and abbreviations are used in this section:

AEMR	Annual Environmental Management Report
Applicant, The	BeMax Resources NL (ACN 009 247 858) on behalf of the BIP Joint Venture (a joint venture between BeMaX Resources NL 75% and Probo Mining Pty Limited 25% [ACN 079 938 819]).
BHCC	Broken Hill City Council
CEMP	Construction Environmental Management Plan
Construction	Any activity requiring a Construction Certificate, the laying of a slab or significant excavation work relating to the MSP or associated infrastructure
dB(A)	Decibel (A-weighted scale)
DECC	Department of Environment and Climate Change
Department, The	Department of Planning
Director-General, The	Director-General of the Department of Planning (or delegate)
DoP	Department of Planning
DPI(Minerals)	Department of Primary Industries (Mineral Resources)
DWE	Department of Water and Energy
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LEMP	Landfill Environmental Management Plan
ML	Megalitre
MSP	Mineral Separation Plant
OEMP	Operational Environmental Management Plan
Operation	Any activity that results in the production, or intended production, of commercial quantities of mineral sands, including ilmenite, rutile or zircon
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Premises, the	Broken Hill Mineral Separation Plant site
Project, the	Broken Hill Mineral Separation Plant
RTA	NSW Roads and Traffic Authority
SEE	Statement of Environmental Effects

Orange Type Represents February 2006 Modification
Blue Type Represents July 2007 Modification

1. GENERAL

1.1 Adherence to terms of DA, EIS, SEE etc.

- (a) The Broken Hill Mineral Separation Plant (the Project) shall be carried out generally in accordance with:
- (i) Development Application No. 345-11-01, lodged with the Department of Planning on 26 November 2001;
 - (ii) the proposal contained in the Environmental Impact Statement (EIS) prepared for the 'Broken Hill Mineral Separation Plant' and associated documents prepared for the Applicant by Resource Strategies Pty. Limited and dated November 2001;
 - (iii) all identified plans, safeguards and mitigation measures presented in the EIS;
 - (iv) all supplementary material including the reports titled:
 - "Responses to EPA Information Requests – Broken Hill MSP" in a letter dated 7 February 2002;
 - "Responses to NPWS Information Requests – Broken Hill MSP" in a letter dated 28 February 2002;
 - and "Responses to Planning NSW Hazard Information Requests – Broken Hill MSP" in a letter dated 3 April 2002; and
 - (v) the modification application MOD-130-8-2005i in relation to staging of proposed development as well as the inclusion of a new leucoxene separation circuit, the modification of fuel type from LPG to coal in Stages 2 and 3 and the refinement of the proposed internal site layout of stockpiling, train loading infrastructure, the water supply pipeline from the Wills Street Wastewater Treatment Plant (WWTP), and waste disposal methods (specifically deleting on-site landfill disposal and including back loading of hazardous materials for disposal at the Ginkgo Mine site), lodged with the Department of Infrastructure and Planning on 25 August 2005 and accompanied by Statement of Environmental Effects August 2005 Modification for Broken Hill Mineral Separation Plant, prepared by Resource Strategies and dated August 2005; and
 - (vi) the modification application MOD 13-2-2007 lodged with the Department on 14 February 2007 and accompanied by a Statement of Environmental Effects entitled *Broken Hill Mineral Separation Plant – February 2007 Modification*, prepared by Resource Strategies Pty Ltd and dated February 2007;
 - (vii) the *Broken Hill Mineral Separation Plant Responses to Submissions* lodged with the Department on 1 June 2007 and prepared by Resource Strategies Pty Ltd; and
 - (viii) the conditions of this consent granted by the Minister.
- (b) If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all such documents to the extent of any consistency.
- (c) It shall be the ultimate responsibility of the Applicant to ensure compliance with the Conditions of this Consent.
- (d) These Conditions do not relieve the Applicant of the obligation to obtain all other approvals and licences from all relevant authorities required under any other Act. The Applicant shall comply with the

terms and conditions of such approvals and licences.

1.2 Compliance

- (a) The Applicant shall comply or ensure compliance with all the requirements of the Director-General in respect of the implementation of any measures arising from the Conditions of this Consent.
- (b) The Applicant must bring to the attention of the Director-General any matter that may require further investigation for compliance with these Conditions and the issuing of instructions from the Director-General for compliance with these Conditions. The Applicant must ensure that these instructions are implemented to the satisfaction of the Director-General within any time specified in the instructions.

1.3 Obligation to Prevent and Minimise Harm to the Environment

- (a) The Applicant shall:
 - implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, commissioning, operation and where relevant, the decommissioning of the Mineral Separation Plant (MSP).
 - comply with section 120 of the POEO Act except as expressly provided by a license under the POEO Act;
 - carry out all activities in a competent manner. In particular, those subject to a license under the POEO Act;
 - ensure that all plant and equipment used in connection with the activities on the site are maintained and operated in a proper and efficient manner;
 - establish a community consultation program which includes regular (at least annually) public dissemination of information relevant to environmental management practices. Public dissemination of information will be in the form of public meetings and public newsletters. The program will also include a publicised procedure for contacting the site environmental officer as well as providing input relevant to environmental management practices. The public consultation processes undertaken annually will be documented in the Annual Environmental Management Report.
 - notify the DECC and BHCC of any incidents causing or threatening material harm to the environment as soon as practicable after becoming aware of the incident in accordance with the requirements of Part 5.7 of the POEO Act; and
 - ensure that all employees and contractors engaged to carry out works are aware of the procedures outlined in the LEMP and are aware of, and able to, comply with these Conditions.
- (b) If at any time the Director-General is made aware of the occurrence of any environmental impacts from the Project that pose serious environmental or amenity concerns, and are due to the failure of measures required by the Conditions of Development Consent to ameliorate the impacts, the Director-General may request the Applicant to cease the activities causing those impacts.
- (c) The Applicant may recommence the activities that were ceased, upon written advice by the Director-General that those concerns have been addressed to her satisfaction.
- (d) The Applicant shall comply with the requirements of the Director-General in respect of the implementation of the Conditions of this Development Consent, within such time as the Director-General may determine. The Director-General may request the Applicant to cease work until non-compliance has been addressed to the Director-General's satisfaction.
- (e) The Applicant will ensure that all contractors and sub-contractors are aware of, and comply with, the Conditions of this Consent.

- (f) ¹The Applicant must, in the opinion of the DECC, be a fit and proper person to hold a licence under the POEO Act 1997, having regard to the matters in s.83 of that Act.
- (g) The Applicant shall comply with all relevant Conditions prescribed in Part 7 of the *Environmental Planning and Assessment Regulation 2000*, as required by Section 80A (11) of the Act.

1.4 Date of Commencement

The date of commencement shall be the date that the Applicant determines to proceed with the Project. The Applicant must provide the date in writing to the Director-General and BHCC at least one month prior to the commencement of the construction of the development and at least one month prior to the commencement of operation of the development.

1.5 Project Compliance

- (a) The Applicant shall submit to the Director-General a Compliance Report as follows:
- at least one month prior to the commencement of substantial construction works for the purposes of the MSP or within such period as otherwise agreed to by the Director-General;
 - at least one month prior to the commencement of MSP operations (or within such period as otherwise agreed by the Director-General);
 - every year following the date of commencement of operations for the purposes of the MSP, or within such period as otherwise agreed to by the Director-General.

The Compliance Reports shall address:

- the details of any studies and/or requirements of the relevant Conditions;
 - details of the compliance of the Project with all relevant conditions that apply at each compliance reporting period (eg prior to the commencement of Construction, prior to the commencement of Operation and ongoing annual compliance); and
 - action taken or proposed to implement the recommendations made in the report or in the relevant Conditions.
- (b) The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent.
- (c) The Director-General may require an update on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may agree.
- (d) The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the EIS. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.

1.6 Dispute Resolution

¹ DECC General Terms of Approval

- (a) The Applicant shall endeavour to resolve any dispute arising out of the implementation of these Conditions.
- (b) Should this not be possible in the case of a dispute between the Applicant and a public authority, company or person (but excluding any dispute between the Applicant and its contractors and/or subcontractors engaged in the construction or operation of the Project), in the first instance either party can refer the matter to the Director-General for resolution and, if not resolved, to the Minister. The Minister's determination of the disagreement shall be final and binding on all parties.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.

2. CONSTRUCTION CERTIFICATION

- 2.1 In relation to the construction and occupation of the MSP, the Applicant shall provide to the Director-General and BHCC the following:
- (a) written notification of the appointment of a Principal Certifying Authority;
 - (b) copies of all Construction Certificates issued for the MSP;
 - (c) written notification of the intention to commence construction work, to be received at least two working days prior to the commencement of construction. In the event that more than one Construction Certificate is issued, notification shall be provided prior to the commencement of construction the subject of each Certificate;
 - (d) copies of all Occupation Certificates issued for MSP; and
 - (e) written notification of the intention to occupy the MSP, to be received at least two working days prior to occupation. In the event that more than one Occupation Certificate is issued, notification shall be provided prior to the occupation the subject of each Certificate.
- 2.2 The Applicant shall provide all information necessary for the Principal Certifying Authority to determine that the mineral separation plant will comply with the Building Code of Australia, and all relevant provisions of the Act, including the payment of a long service levy under section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.

3. ENVIRONMENTAL PERFORMANCE

3.1 Air Quality

- (a) ²the following points referred to in the table are identified in this consent for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to air from the point.

DECC No.	Type of monitoring point	Type of discharge point	Description of location
1	Dust Monitoring		Dust Deposit gauge marked DG-1 in figure 6-1 of EIS for Broken Hill Mineral Separation Plant dated November 2001
2	Dust Monitoring		Dust Deposit gauge marked DG-2 in figure 6-1 of EIS for Broken Hill Mineral Separation Plant dated November 2001
3	Dust Monitoring		Dust Deposit gauge marked DG-3 in figure 6-1 of EIS for Broken Hill Mineral Separation Plant dated November 2001
4	Dust Monitoring		Dust Deposit gauge to be identified on map provided

			by proponent with variation license application
5	Dust Monitoring		HV sampler location acceptable to DECC and to be identified on map provided by proponent with variation license application
6	Air emissions monitoring	Discharge to air	Bag house stack serving leucoxene circuit identified as 'Leucoxene Hygiene Bag House Stack' in Figure 7 of SEE August 2005 modification
7	Air emissions monitoring	Discharge to air	Bag house stack serving ilmenite circuit identified as 'Ilmenite Hygiene Bag House Stack' in Figure 7 of SEE August 2005 modification
8	Air emissions monitoring	Discharge to air	Bag house stack serving rutile/zircon circuits identified as 'Rutile/Zircon Hygiene Bag House Stack' in Figure 9 of SEE August 2005 modification
9	Air emission monitoring	Discharge to air	Bag house stack serving LPG fired 10 tph zircon dryer identified as 'Zircon Dryer Stack' in Figure 9 of SEE August 2005 modification
10	Air emission monitoring	Discharge to air	Bag house stack serving LPG fired 20 tph leucoxene dryer identified as 'Leucoxene Stack' in Figure 7 of SEE August 2005 modification.
11	Air emission monitoring	Discharge to air	Bag house stack serving LPG fired 30 tph rutile dryer identified as 'Rutile Dryer Stack' in Figure 9 of SEE August 2005 modification.
12	Air emission monitoring	Discharge to air	Bag house stack serving LPG fired 30 tph ilmenite dryer identified as 'Ilmenite Dryer Stack' in Figure 9 of SEE August 2005 modification.
13	Air emission monitoring	Discharge to air	Scrubber stack serving LPG fired roasting kiln identified as 'Ilmenite Kiln Stack' in Figure 7 of SEE August 2005 modification

- (b) ³For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table. To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants other than those specified in the tables.

POINT 6

Pollutant	Units of Measure	100 percentile concentration Limit
Solid particulates	mg/m ³	100

POINT 7

Pollutant	Units of Measure	100 percentile concentration Limit
Solid particulates	mg/m ³	100

POINT 8

Pollutant	Units of Measure	100 percentile concentration Limit
Solid particulates	mg/m ³	100

POINT 9

Pollutant	Units of Measure	100 percentile concentration Limit
Solid particulates	mg/m ³	100
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both (as NO ₂)	g/m ³	0.35

POINT 10

³ DECC General Terms of Approval

Pollutant	Units of Measure	100 percentile concentration Limit
Solid particulates	mg/m ³	100
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both (as NO ₂)	g/m ³	0.35

POINT 11

Pollutant	Units of Measure	100 percentile concentration Limit
Solid particulates	mg/m ³	100
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both (as NO ₂)	g/m ³	0.35

POINT 12

Pollutant	Units of Measure	100 percentile concentration Limit
Solid particulates	mg/m ³	100
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both (as NO ₂)	g/m ³	0.35

POINT 13

Pollutant	Units of Measure	100 percentile concentration Limit
Solid particulates	mg/m ³	100
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both (as NO ₂)	g/m ³	0.35

Note: The reference conditions for limit concentrations in the above tables are:
“dry, 273K, 101.3 Kpa, 3% O₂”

3.2 Plant and Equipment – Design Parameters

- (a) ⁴The design parameters for the discharge points specified in the table below must meet the requirements specified in the table.

DECC Identification Number	Minimum Stack Height	Minimum Discharge Velocity (m/s)	Minimum Stack Diameter (m)
6	40.0	15	0.49
7	40.2	15	1.20
8	40.2	15	1.00
9	40.2	15	0.35
10	40.2	15	0.50
11	40.2	15	0.55
12	40.2	15	0.60
13	41.2	15	0.55

- (b) ⁵All stacks shall be designed in accordance with good engineering practice in order to minimise the effects of stack tip downwash and building wake effects on ground –level air pollutant concentrations.

Note: Where necessary, the holder of the DECC license will apply to the DECC to vary the stack design parameters included in U1.1. The DECC will consider any variation of the design parameters on

⁴ DECC General Terms of Approval

⁵ DECC General Terms of Approval

application by the holder of the DECC license. Any application made by the license holder must demonstrate that air quality impact assessment which includes revised design parameters is undertaken and shows compliance with the Clean Air (Plant and Equipment) Regulation 1997. The DECC refers to the following documents for determining good engineering practice stack height:

USEPA, 1985, Guideline for Determination of Good Engineering Practice Stack Height (Technical support Document for the Stack Height Regulations), Revised EPA-450/4-80-023R. United States Environment Protection Agency, Washington DC, USA.

USEPA, 1995, User's Guide to the Building Profile Input Program, Revised February 1995, EPA-454/R-93-038. United States Environment Protection Agency, Washington DC, USA.

USEPA, 1997, Addendum to ISC3 User's Guide, The PRIME Plume Rise and Building Downwash Model. United States Environment Protection Agency, Washington DC, USA.

Manufacturer's Performance Guarantees

- (c) ⁶When making application for an DECC licence for the proposal the Applicant must provide the DECC, together with a completed licence application form, manufacturer's performance guarantees, demonstrating to the satisfaction of the DECC that emissions of solid particulates and nitrogen oxides will comply with the Protection of the Environment (Clean Air) Regulation, 2002 for points, 6, 7, 8, 9, 10, 11, 12 and 13 as specified in Sub-clause (a) above.

3.3 Deleted

3.4 Alarms & Measures

- (a) ⁷The Applicant must prepare and submit to the DECC for review, prior to the operation of the relevant baghouse or scrubber:
- details of devices, measures or alarms to be used to warn operators that a malfunction has occurred in bag house point numbers, 6, 7, 8, 9, 10, 11 & 12 (refer to Condition 3.1(b)); and
 - details of devices, measures or alarms to be used to warn operators that the point number 13 (refer to Condition 3.1(b)) scrubber has malfunctioned.
- (b) ⁸Prior to the commencement of the development the Applicant must have confirmation in writing from the DECC that the details submitted in compliance with Subclause (a) is acceptable to the DECC.
- (c) ⁹The Applicant must install devices, measures or alarms that are acceptable to the DECC that will warn operators that a malfunction has occurred in pollution controls connected to discharge points 6, 7, 8, 9, 10, 11, 12 and 13 (refer to Condition 3.1(b)).

3.5 Dust Suppression

- (a) ¹⁰Activities occurring in or on the Premises must be carried out in a manner that will minimise the generation, or emissions from the premises, of wind-blown or traffic generated dust.
- (b) ¹¹The Premises must be maintained in a condition, which minimises or prevents the emission of dust from the Premises.

3.6 Noise Limits

⁶ DECC General Terms of Approval

⁷ DECC General Terms of Approval

⁸ DECC General Terms of Approval

⁹ DECC General Terms of Approval

¹⁰ DECC General Terms of Approval

¹¹ DECC General Terms of Approval

- (a) ¹²Noise from the premises must not exceed:
- an L_{Aeq} (15 minute) noise emission criterion of 35 dB(A) (7am to 6 pm) Monday to Friday and 7am to 1pm Saturday; and
 - an L_{Aeq} (15 minute) noise emission criterion of 35 dB(A) during the evening (6pm to 10pm) Monday to Friday; and
 - at all other times, an L_{Aeq} (15 minute) noise emission criterion of 35 dB(A), except as expressly provided by these general terms of approval.
- (b) ¹³Noise from the premises is to be measured at the dwelling identified as Landholder Key 13 in Figure ES-2 of the EIS, to determine compliance with this Condition.

Definition

$L_{Aeq}(15\text{ minute})$ is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Note: Noise measurement

- For the purpose of noise measures required for this condition, the L_{Aeq} noise level must be measured or computed at the dwelling identified as Landholder Key 13 in Figure ES-2 of the EIS over a period of 15 minutes using “FAST” response on the sound level meter.
- For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:
 - * 1 metre from the facade of the residence for night time assessment;
 - * at the residential boundary;
 - * 30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

- (c) ¹⁴The noise emission limits detailed above for the dwelling identified as Landholder Key 13 in Figure ES-2 of the EIS apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:
- documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;
 - where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

Note:

Where it can be demonstrated that direct measurement of noise from the Premises is impractical, the DECC may accept alternative means of determining compliance. See Chapter 11 of the NSW EPA Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW EPA Industrial Noise Policy shall also be applied to the measured noise level where applicable.

¹² DECC General Terms of Approval

¹³ DECC General Terms of Approval

¹⁴ DECC General Terms of Approval

3.7 Water Management

- (a) ¹⁵Except as may be expressly provided by a licence under the POEO Act 1997 in relation of the development, section 120 of the POEO Act must be complied with in and in connection with the carrying out of the development.
- (b) ¹⁶The Applicant must lodge an application under Part 5 of the *Water Act 1912*, or if after the transitional period under the *Water Management Act 2000* for the construction of monitoring or other bores proposed in the EIS which will or may penetrate an aquifer.
- (c) ¹⁷Works for construction of bores must be completed within such period as specified by the DWE.
- (d) ¹⁸The Department of Land and Water Conservation must be notified if a supply of useable water is obtained and the bores shall then be suitably lined and capped to the standard required by DWE.
- (e) ¹⁹Within 2 months after the works are completed, DWE must be provided with an accurate plan of the location of the works and be notified of the results of any water analysis and other details as specified in the approval.
- (f) ²⁰Officers of DWE or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
- (g) ²¹Construction and operation of the proposed water supply pipeline must be undertaken in accordance with the Commons Management Act 1989 such that construction of the pipeline must not commence in the Willyama Common until a Management Plan for that Common provides for the pipeline and has been adopted by the Minister for Land and Water Conservation. Alternatively a different route acceptable to the Regional Director, Far West Region of DWE may be agreed upon.

3.8 Discharges to Air and Water and Applications to Land

- (a) The following points referred to in the table are identified in this Consent for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.
- (b) ²²The following utilisation areas referred to in the table below are identified in this Consent for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

Water and Land

DECC identification No.	Type of monitoring point	Type of discharge point	Description of location
15	Ground water quality monitoring		Groundwater monitoring to be identified by map provided by proponent with variation licence

¹⁵ DECC General Terms of Approval

¹⁶ DLWC General Terms of Approval

¹⁷ DLWC General Terms of Approval

¹⁸ DLWC General Terms of Approval

¹⁹ DLWC General Terms of Approval

²⁰ DLWC General Terms of Approval

²¹ DLWC General Terms of Approval

²² DECC General Terms of Approval

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Volume and mass limits

- (c) Deleted
- (d) ²³To avoid any doubt, this Condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.

3.9 Aboriginal Heritage Management

(a). The Applicant shall prior to the commencement of construction, prepare an Aboriginal Cultural Management Plan to address Aboriginal cultural issues associated with the construction and operation of the MSP. The Plan shall be prepared to the satisfaction of the Director-General and in consultation with DECC and the relevant stakeholders, including where practicable the Broken Hill Local Aboriginal Land Council and Bakandji Native Title Claimants.

The Plan shall include but not be limited to:

- (i). identification of all sites of Aboriginal significance within the DA area, including sites to be disturbed by the proposed activity and sites outside the area of proposed disturbance;
 - (ii). management of parts of the project area where known Aboriginal sites are not expected to be directly impacted by the operation or activities associated with this development, including any impacts from earthworks, transport and associated infrastructure. This shall outline specific measures to avoid impacting on these identified sites, including all buffer areas and protective fences for protection of relics located adjacent to disturbance areas;
 - (iii). development of a salvage strategy for the sites at which salvage is proposed to be undertaken;
 - (iv). induction procedures and guidance to personnel about the management of archaeological sites and values within the DA area, both for known sites and sites that may be encountered during the course of Construction and/or Operations;
 - (v). general land management issues to protect cultural heritage values;
 - (vi). details of monitoring proposals to assess the effectiveness of the mitigation measures to ensure that relics are not being inadvertently impacted;
 - (vii). details of ongoing consultation undertaken, where practical, with DECC, Broken Hill Local Aboriginal Land Council, Bakandji Native Title Claimants in the preparation of this Plan;
 - (viii). detail all statutory requirements to be met regarding the disturbance, destruction or removal of Aboriginal heritage under the *National Parks and Wildlife Act 1974*.
- (b). The Applicant shall obtain a DECC Consent to Destroy from the DECC Director-General prior to any works associated with the destruction and/or interference of the Aboriginal artefact find locations, identified in the EIS as AS 5, AS 7, AS 8, AS 9, AS 10, AS 11, AS 12, AS 13, AS 14 and AS 15.
- (c). The Aboriginal community is to be provided with the opportunity to collect artefacts from sites for which a Section 90 consent is to be obtained,
- (d). If during the course of Construction or Operation, the Applicant becomes aware of any Aboriginal heritage and/or archaeological relics not previously identified, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include DECC and the relevant local Aboriginal group(s). Any necessary permits or consents shall be obtained and complied with prior to recommencement of work in the relevant area.

²³ DECC General Terms of Approval

(e). Monitoring

The Applicant shall monitor the effectiveness of the measures outlined in the Aboriginal Cultural Management Plan [Condition 3.9(a)]. A summary of monitoring results shall be included in the AEMR.

Note: The Applicant is required to obtain consent under Section 90 of the National Parks and Wildlife Act 1974 prior to disturbing any Aboriginal archaeology site or relic.

3.10 Hazards and Risk Reduction

- (a) The Applicant shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
- i) all relevant Australian Standards;
 - ii) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - iii) the DECC's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from i) to iii) above, the most stringent requirement shall prevail to the extent of the inconsistency.

3.11 Transport and Utilities

Road Works

- (a) ²⁴The Applicant shall prepare a road construction program detailing the timing and scheduling of road construction required by these conditions to reflect the level of Project construction and operation activity and associated road usage. The program shall be prepared in consultation with Broken Hill City Council prior to commencement of construction.
- (b) ²⁵All works to be undertaken on public roads as agreed between the Applicant and the Broken Hill City Council shall be at the expense of the Applicant. This includes:
- Road upgrades as described in the Environmental Impact Statement and agreed between the Applicant and the Broken Hill City Council;
 - Upgrade of intersections subject to increased traffic as identified in the Environmental Impact Statement and agreed between the Applicant and the Broken Hill City Council;
 - All necessary lighting and signage associated with subclauses (i)-(ii) above.
- (c) ²⁶The Applicant shall enter into an appropriate agreement with Broken Hill City Council regarding the construction of road upgrades and maintenance of the Pinnacles Road and Kanandah Road from the Mineral Sands Plant site to the Silver City Highway. Such an agreement will have regard to the type of haulage vehicles and relevant necessary upgrades and maintenance.
- (d) In addition to the above Conditions, the Applicant shall consult with the Western Region Development Committee regarding road upgrades and maintenance requirements.

²⁴ BHCC General Terms of Approval

²⁵ BHCC General Terms of Approval

²⁶ BHCC General Terms of Approval

Submission of Engineering Plans for Roadworks

- (e) ²⁷Road and intersection designs are to be in accordance with the Roads and Traffic Authority's "Road Design Guide" 1999 (or its latest version) and/or AUSTROADS - Guide to Traffic Engineering Practice series and will have regard to the type of haulage vehicle employed for the Project.
- (f) ²⁸Detailed engineering drawings and specifications shall be in accordance with Broken Hill City Council requirements as applicable and relevant AUSTROAD Specifications.

Road Construction and Maintenance

- (g) ²⁹The Applicant shall enter into a Road Construction and Maintenance Agreement with Broken Hill City Council for the haulage route (along Pinnacles Road and Kanandah Road) from the Silver City Highway to the Mineral Separation Plant Site. The Agreement shall include a requirement for regular joint inspections at an interval agreed with Broken Hill City Council as relevant, following completion of road upgrade works. These inspections are to determine and assess whether maintenance is required. Where such maintenance is required and not carried out within an agreed period from the time of inspection, the Broken Hill City Council will be entitled to carry out such maintenance work at the Applicant's cost. The Agreement will be reviewed annually by both the Applicant and Broken Hill City Council and varied as required as a result of the annual review. Provision should be made within the agreement to deal with matters subject to dispute between the relevant parties.
- (g1) Ultimate pavement layout works for the Kanandah Road/Pinnacles Road junction and Pinnacles Road/MSP entrance must be completed to the satisfaction of BHCC by 29 February 2008.
- (g2) Ultimate pavement layout works for the Silver City Highway/Kanandah Road junction must be completed to the satisfaction of the RTA by 29 February 2008.
- (h) A Road Safety Audit of the entire mineral concentrate route (during day and night time conditions) shall be prepared and submitted for the approval of the Director General within three months of the commencement of the operation.
- (j) ³⁰Intersections with the Silver City Highway should be designed and constructed in accordance with the following requirements except where otherwise agreed with the RTA:
 - i. to provide for 36.5metre long double road train turning radii and swept path clearances (this requirement also applies to the internal layout of the Mineral Separation Plant);
 - ii. new pavement with the Highway should suit existing pavement levels and is to be designed in accordance with the current RTA specifications and submitted to the RTA for approval prior to construction;
 - iii. Where 'private financing and construction' of the intersection design and construction is proposed, the Applicant shall enter into a 'Works Authorisation Deed' with the RTA.

3.12 Waste Management

- (a) ³¹If the waste is transported from the Premises, the Applicant must ensure that the waste is transported:
 - to a place which has been licensed by the DECC to issue consignment authorisation numbers;
 - to a place that can otherwise lawfully accept that class of waste.
- (b) ³²If the waste is transported from the premises, the Applicant must;

²⁷ BHCC General Terms of Approval

²⁸ BHCC General Terms of Approval

²⁹ BHCC General Terms of Approval

³⁰ RTA General Terms of Approval

³¹ DECC General Terms of Approval

- obtain a consignment authorisation number from the consignee;
 - complete an approved waste data form in relation to the consigned waste in accordance with the instructions on the form and to the extent required, and give a copy of the form to the person transporting the waste;
 - ensure that the waste data form:
 - is completed accurately,
 - is retained for a period of not less than 4 years from the time the form was completed, and
 - is made available for inspection by an authorised officer on request;
- (c) ³³Ensure, if the waste is of such an amount as to require the person transporting it to be licensed, that the person transporting the waste is licensed.

Application for a consignment authorisation number

- (d) ³⁴To obtain a consignment authorisation number as required by Subclause (b), the Applicant must apply in writing to the consignee. An application must include the following information:
- a statement identifying the classification of the waste in accordance with the requirements of the Waste Management Plan required by Condition 6.4(c)(vii);
 - copies of all information used to classify the waste;
 - an estimate of the amount of waste to which the application applies;
 - whether the consignment will consist a single load or multiple loads;
 - an estimate of the total period required for transportation of the consignment; and
 - the date of dispatch of at least the first load in the consignment.

Note:

- The Applicant may nominate the dates of dispatch of as many loads as is feasible. This should be discussed with the consignee and will depend on the predictability of the rate of generation of the waste and the likelihood of the need for amendments to the dates nominated. If the waste is predictable, a schedule may be able to be submitted for the entire consignment, however if it is unpredictable, the date of only one future load may be able to be determined at a time (see also subclause (i) and (j) about amending notified dates).
- The requirement for a written application for a consignment authorisation number does not preclude preliminary contact to obtain quotes and/or advice. Such preliminary contact does not require the formal provision of the above information that need only be supplied in the formal application.

- (e) ³⁵Once an application for a consignment authorisation number, as set out in Subclause (d) has been submitted, the Applicant must not submit an application for the same consignment to another consignee until notification is received concerning the outcome of the application.
- (f) ³⁶The Applicant must provide the consignee with written notification of the date of dispatch of each load of waste.
- (g) ³⁷The notification must be received by consignee no later than the date of arrival of the preceding load at the destination.

³² DECC General Terms of Approval

³³ DECC General Terms of Approval

³⁴ DECC General Terms of Approval

³⁵ DECC General Terms of Approval

³⁶ DECC General Terms of Approval

³⁷ DECC General Terms of Approval

Notification of a final load in a consignment.

- (h) ³⁸Unless the movement of an entire consignment of waste occurs in a single load, by the time the final load in a consignment is accepted at the destination, the licensee must have informed the consignee in writing, that no further loads are to be dispatched under that consignment authorisation number.

Note: The notifications referred to in Subclause (g) and (h) may be attached to the waste data form of the preceding load.

Amendments to the nominated date(s) of dispatch

- (i) ³⁹If the date of dispatch for a load of waste is changed, the Applicant must give written notification of this to the consignee and nominate a revised date of dispatch.
- (j) ⁴⁰A notification referred to in Subclause (i) must occur on or before the date of delivery as previously nominated.

Note: More than one amendment to dates of dispatch may occur.

Cancellation of consignment authorisations

- (k) ⁴¹If the Applicant determines that the delivery of a consignment of waste is to be discontinued for any reason, the consignee must be notified in writing before the nominated date of dispatch of the next expected load.

Notification of delayed delivery by transporter

- (l) ⁴²If the Applicant receives written notification from a transporter who removed waste from the Premises specifying a revised date of delivery to the destination which is more than 7 days after the date of dispatch, the Applicant must note and record that date.

Classification of controlled waste

- (m) The Applicant must accurately identify the waste, in accordance with Condition 6.4(c)(vii), and determine if the waste is a controlled waste within the meaning of the NEPM.

Note: The waste producer must check with the agency in the State or Territory of destination to determine whether waste is classified as a controlled waste under the NEPM. Unless advised otherwise by the agency of the State or Territory of destination, any waste included in Appendix 1 of this licence is a controlled waste for the purposes of the NEPM.

Application for a consignment authorisation

- (n) If the waste is transported from the Premises to another participating State or Territory, the Applicant must comply with all Conditions attached to the consignment authorisation issued by an agency or a facility delegated by an agency in the destination State or Territory.

Note: The waste producer is required by the Protection of the Environment Operations (Waste) Regulation 1996 to obtain, prior to the waste being dispatched, a consignment authorisation from

³⁸ DECC General Terms of Approval

³⁹ DECC General Terms of Approval

⁴⁰ DECC General Terms of Approval

⁴¹ DECC General Terms of Approval

⁴² DECC General Terms of Approval

an agency, or a facility delegated by an agency, in the destination State or territory to allow the movement of controlled waste.

Waste movements

- (o) ⁴³If the waste is transported from the Premises to another participating State or Territory, the Applicant must ensure that the waste is transported to a place that can lawfully be used as a waste facility for that waste.
- (p) ⁴⁴The Applicant must ensure that the waste transporter is licensed as required by the agency of each participating State or Territory through which the waste is transported.
- (q) ⁴⁵The Applicant must:
- retain a copy of the waste transport certificate for the waste for a period of not less than 4 years from the time the form was completed, and
 - make the copy of the waste transport certificate available for inspection by an authorised officer on request.

Note: The waste producer is required by the Protection of the Environment Operations (Waste) Regulation 1996 to complete a waste transport certificate for the waste. This should be done in accordance with the instructions printed on the certificate and the required copy of the waste transport certificate should be forwarded to the agency in the State of destination.

Notification of delayed delivery by transporter

- (r) ⁴⁶If the Applicant receives written notification from the transporter who removed waste from the Applicant's premises specifying a revised date of delivery to the destination which is more than 7 days after the date of dispatch, the Applicant must note and record that date.

Waste Management

- (s) ⁴⁷The Applicant must not cause, permit or allow any waste generated outside the Premises to be received at the Premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the Premises to be disposed of at the Premises, except as expressly permitted by a licence under the *POEO Act 1997*.
- (t) ⁴⁸This Condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the Premises if it requires an environment protection licence under the *POEO Act 1997*.
- (u) ⁴⁹Except as provided by any other Condition of this Consent, only the hazardous, industrial or group A waste listed below may be generated or stored at the Premises.

Note: Radioactive waste assessed as hazardous or industrial waste under Section 3.5 of the Wastes Guidelines.

⁴³ DECC General Terms of Approval
⁴⁴ DECC General Terms of Approval
⁴⁵ DECC General Terms of Approval
⁴⁶ DECC General Terms of Approval
⁴⁷ DECC General Terms of Approval
⁴⁸ DECC General Terms of Approval
⁴⁹ DECC General Terms of Approval

- (v) ⁵⁰The total tonnage of waste defined in Condition 3.12(u) of this Consent generated or stored at the premises must not exceed 300,000 tonnes per annum.

- (w) Deleted

3.13 Requirement To Submit a Report About Storage of Hazardous Waste

⁵¹Within three months of a licence variation being issued by the DECC the proponent must submit a written report to the satisfaction of the DECC by a radiation consultant acceptable to the DECC. The report must include:

- (a) an assessment of storage of waste in open bunds fitted with sprays, where the waste contains radioactive substances and is classified under section 3.5 of the Waste Guidelines as hazardous;
- (b) a determination of whether this method of storage is consistent with “Code of Practice and Safety Guide for Radioactive Protection and Radioactive Waste Management in Mining and Mineral Processing (2005); and
- (c) where the method of storage is found to be inconsistent with the Code, provide a method of storage for the waste that is consistent with the Code.

3.14 Further Information Required for Coal Firing

- (a) ⁵²Prior to the installation of any coal fired equipment the proponent must have applied for and been granted a licence variation by the DECC to permit the use of the fuel.
- (b) ⁵³An application for licence variation to install and discharge coal fired fuel must include a review of the July 2005 air quality report for the Mineral Separation Plant prepared by Pacific Air and Environment. The review must include the following:
 - i. demonstration of compliance with relevant air quality limits for solid particulates, type 1 and type 2 substances, nitrogen dioxide, sulphur dioxide and sulphuric acid mist in the *Protection of the Environment Operations (Clean Air) Regulation 2002*;
 - ii. identification of the sulphur content of the coal;
 - iii. an assessment of the impact of nitrogen dioxide, sulphur dioxide and [articulates at the nearest sensitive receptors;
 - iv. a detailed discussion of the methodology used to calculate expected emission rates of nitrogen oxides, sulphur dioxide and sulphuric acid mist from the stacks; and
 - v. identification of changes required to air quality controls.

3.15 Greenhouse Gas Emission Management

The Applicant shall ensure that the development is operated in such a manner as to minimise energy consumption and emission of greenhouse gases, including participation in the Commonwealth Government’s Greenhouse Challenge Plus program. In particular the Applicant shall investigate mechanisms by which the emissions of greenhouse gases can be reduced on site and in associated transport activities. All activities and/or investigations to mitigate greenhouse gas emissions must be described within the annual Environmental Management Report.

3.16 Transport of Hazardous Materials

⁵⁰ DECC General Terms of Approval

⁵¹ DECC General Terms of Approval

⁵² DECC General Terms of Approval

⁵³ DECC General Terms of Approval

Material to be transported shall be classified and transported in accordance with the *NSW Radiation Control Regulation 2003* and the *Code of Practice for the Safe Transport of Radioactive Material* published by the Australian Radiation Protection and Nuclear Safety Agency, 2001.

4. ENVIRONMENTAL MONITORING AND AUDITING

4.1 Independent Environmental Audits

- (a) Every year following the date of this Consent, or at periods otherwise agreed to by the Director-General, and until such time as agreed to by the Director-General, the Applicant shall arrange for an independent audit of the environmental performance of the development. The audits shall:
- be conducted pursuant to ISO 14010 – *Guidelines and General Principles for Environmental Auditing*, ISO 14011 – *Procedures for Environmental Monitoring and any specifications of the Director-General*;
 - be conducted by a suitably qualified independent person approved by the Director-General;
 - assess compliance with the requirements of this Consent;
 - assess the implementation of the OEMP, LEMP and review the effectiveness of the environmental management of the development; and
 - be carried out at the Applicant's expense.
- (b) The audits shall be submitted to the Director-General.
- (c) The Applicant shall comply with all reasonable requirements of the Director-General in respect of any measures arising from or recommended by the audits and within such time as agreed to by the Director-General.

4.2 Annual Return

- (a) ⁵⁴The Applicant must provide an annual return to the DECC in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the Applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with DECC licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.
- (b) ⁵⁵The Applicant must supply with the Annual Return a report for each reporting period, which contains:
- an analysis and interpretation of monitoring results undertaken in compliance with Condition 4.6(a) and (c), and
 - actions to correct identified adverse trends.

4.3 Water Monitoring

- (a) Groundwater quality monitoring shall be undertaken in accordance with a monitoring program which includes parameters and frequency agreed in consultation with DECC and DLWC. The results of this monitoring shall be reported in the Annual Environmental Management Report. Should monitoring of groundwater quality indicate that the MSP has had, or is having, an adverse effect on groundwater quality a contingency plan shall be formulated in consultation with DECC and DLWC and implemented.

⁵⁴ DECC General Terms of Approval

⁵⁵ DECC General Terms of Approval

4.4 Air Quality Monitoring

- (a) Monitoring sites shall be selected to monitor dust deposition rates and total suspended particulate (TSP) matter at nearby sensitive receptors, in accordance with Australian Standard AS2922-1987 Ambient Air – Guide for Siting of Sampling Units.
- (b) Dust deposition monitoring and analysis shall be conducted according to Australian Standard AS3580.10.1-1991 Particulates – Deposited Matter – Gravimetric Method.
- (c) Total suspended particulate (TSP) monitoring and analysis shall be conducted according to Australian Standard AS/NZS 3580.9.3:2003 *Methods for Sampling and Analysis of Ambient Air - Determination of Suspended Particulate Matter - Total Suspended Particulate Matter (TSP) - High Volume Sampler Gravimetric Method*. The Applicant is to provide to the Director General an annual report detailing the dust monitoring undertaken in accordance with these Conditions.

4.5 Waste Monitoring

- (a) ⁵⁶Conditions 3.12 and 7.3 apply to the movement of the types of hazardous and/or industrial and/or Group A waste as listed in Condition 3.12(u), within NSW.
- (b) ⁵⁷Conditions 3.12 and 7.4 apply to the movement of the types of hazardous and/or industrial and/or Group A waste as listed in Condition 3.12(u), into and out of NSW.

4.6 Monitoring and Recording Conditions

- (a) ⁵⁸The results of any monitoring required to be conducted by the DECC's general terms of approval, or a licence under the POEO Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in Subclauses (b) and (c).
- (b) ⁵⁹All records required to be kept by the DECC licence must be:
 - in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the DECC who asks to see them.
- (c) ⁶⁰The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;
 - the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.
- (d) ⁶¹For each monitoring/ discharge point or utilisation area specified below (by a point number), the Applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The Applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

⁵⁶ DECC General Terms of Approval

⁵⁷ DECC General Terms of Approval

⁵⁸ DECC General Terms of Approval

⁵⁹ DECC General Terms of Approval

⁶⁰ DECC General Terms of Approval

⁶¹ DECC General Terms of Approval

Water and Land

Point 15

Pollutant	Units of measure	Frequency	Sampling Method
standing water level	metres	quarterly	inspection
pH	pH	quarterly	representative sample
conductivity	us/cm	quarterly	representative sample

Air

Points 1, 2, 3 & 4

Pollutant	Units of measure	Frequency	Sampling Method
particulates – deposited matter	g/m ² /month	monthly	Australian Standard 3580.10.1-1991

Point 5

Pollutant	Units of measure	Frequency	Sampling Method
Suspended particulate matter PM ₁₀	µg/m ³	every 6 days*	Australian Standard 3580.9.6-2003

* This requirement to be reviewed after 1 year's operation

Points 6, 7 & 8

Pollutant	Units of measure	Frequency	Sampling Method
Solid particulates	mg/m ³	Annual	TM-15
Velocity	m/s	Annual	TM-2
Volumetric flow rate	m ³ /s	Annual	TM-2
Temperature	°C	Annual	TM-2
Moisture content in stack	%	Annual	TM-22
Dry gas density	Kg/m ³	Annual	TM-23
Molecular weight of stack gases	g/gmole	Annual	TM-23
Type 1 and Type 2 substances in aggregate	mg/m ³	Special frequency 1*	TM-12 & 13

* In the above table Special frequency 1 means one sample to be collected within the first year of the discharge point being in operation.

Points 9, 10, 11, 12 & 13

Pollutant	Units of measure	Frequency	Sampling Method
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both (as NO ₂)	g/m ³	Annual	TM-11
Solid particulates	mg/m ³	Annual	TM-15
Velocity	m/s	Annual	TM-2
Volumetric flow rate	m ³ /s	Annual	TM-2
Temperature	°C	Annual	TM-2
Moisture content in stack	%	Annual	TM-22
Dry gas density	Kg/m ³	Annual	TM-23
Molecular weight of stack gases	g/gmole	Annual	TM-23
Carbon dioxide in stack gases	%	Annual	TM-24
Oxygen in stack gases	%	Annual	TM-25
Type 1 and Type 2 substances in aggregate	mg/m ³	Special frequency 1*	TM-12 & 13

* In the above table Special frequency 1 means one sample to be collected within the first year of the discharge point being in operation

Testing methods – concentration limits

- (e) ⁶²Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the DECC's general terms of approval, or a licence under *the Protection of the Environment Operations Act*

⁶² DECC General Terms of Approval

1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the DECC for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2002* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "*Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*".

(f) ⁶³Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by Condition 4.6(d) above must be done in accordance with:

- the Approved Methods Publication; or
- if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the DECC in writing before any tests are conducted, unless otherwise expressly provided in the licence.

4.7 Requirement to monitor radiation

(a) For each substance specified below, the applicant must monitor (by sampling and obtaining results by analysis) the concentration of radiation in each sample specified in Column 1. The applicant must use the sampling method, units of measure and sample at the frequency, specified opposite in the other columns:

Composite sample of dust collected from bag houses discharging from points 9, 10, 11 and 12, the high volume sample and any other location acceptable to the DECC

Pollutant	Units of measure	Frequency	Sampling Method
radiation	becquerels per gram	Quarterly	special method 1

A sample of the blended waste to be disposed outside the premises

Pollutant	Units of measure	Frequency	Sampling Method
radiation	becquerels per gram	quarterly	special method 1*
Type 1 and Type 2 substances aggregate	mg/kg	quarterly	a representative sample

* In the above table: special method 1 means analysis by quantitative gamma spectrometry

⁶³ DECC General Terms of Approval

5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

5.1 Contact Telephone Number

- (a) The Applicant must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the Premises, unless otherwise specified in the DECC licence.
- (b) The Applicant must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- (c) Subclauses (a) and (b) do not apply until 3 months after the date of the issue of the DECC licence.
- (d) The Applicant must operate 24-hour telephone contact lines for the purpose of enabling the DECC to directly contact one or more representatives of the Applicant who can:
 - respond at all times to incidents relating to the Premises; and
 - contact the Applicant's employees or agents authorised at all times to:
 - speak on behalf of the Applicant
 - provide any information or document required under the DECC licence.
- (e) The Applicant is to inform the DECC of the representative or representatives and their telephone number within 3 months of the date of the issue of the DECC licence. The DECC must be notified of the telephone number on commencement of its operation.
- (f) The Applicant is to inform the DECC in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.

5.2 Complaints Register

- (a) The Applicant must keep a legible record of all complaints made to the Applicant or any employee or agent of the Applicant in relation to pollution arising from any activity to which this Consent applies.
- (b) The record must include details of the following:
 - The date and time of the complaint;
 - The method by which the complaint was made;
 - Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - The nature of the complaint;
 - The action taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - If no action was taken by the Applicant, the reasons why no action was taken.
- (c) The record of a complaint must be kept for at least 4 years after the complaint was made.
- (d) The record must be produced to any authorised officer of the DECC who asks to see them.

5.3 Community Notification and Liaison

- (a) The Applicant shall establish a Community Consultation Program to liaise with the community for the life of MSP on matters affecting the local community and the environmental performance of the MSP.

The Applicant shall arrange to document and circulate notes of public consultation meetings to the [DECC](#) upon request.

- (b) The Community Consultation Program required under Subclause (a) above of this Consent shall involve:

- Regular (at least annually) public meetings attended at least by the Applicant's Environmental Officer (refer to Condition 6.1(a) of this Consent) during which the environmental performance of the MSP is discussed;
- Public newsletters issued every 6 months which report on environmental management at the MSP;
- publication of a formal procedure for the MSP to receive public comment and/or complaints; and
- occasional representation by the Department, the [DECC](#), DLWC and Broken Hill City Council, to discuss issues related to the areas of regulation, operation or interest.

The first public consultation meeting shall occur prior to the submission of the Construction Environmental Management Plan (refer to Condition 6.3(a) of this Consent) for the approval of the Director-General. At the first meeting, the objectives of the Community Consultation Program will be presented. A copy of the objectives of the Community Consultation Program shall be provided to the Director-General

6. ENVIRONMENTAL MANAGEMENT

6.1 Environmental Officer

- (a) Prior to the commencement of Construction of the MSP, the Applicant shall nominate a suitably qualified and experienced Environmental Officer. The Applicant shall employ an Environmental Officer on a full-time basis during the operation of the MSP. The Environmental Officer shall be:

- the primary contact point for the Department, the [DECC](#), DLWC, and BHCC in relation to the environmental performance of the MSP;
- responsible for all Management Plans and Monitoring Programs required under this Consent;
- responsible for considering and advising on matters specified in the Conditions of this Consent, and all other licences and approvals related to the environmental performance and impacts of the MSP;
- responsible for receiving and responding to complaints in accordance with Condition 8 of this Consent;
- required to facilitate an induction and training program for relevant persons involved with the operation of the MSP; and
- given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

- (b) The Applicant shall notify the Director-General, the [DECC](#), DLWC, and BHCC of the name and contact details of the Environmental Officer upon appointment, and any changes to that appointment that may occur from time to time.

6.2 Environmental Management Strategy

- (a) The Applicant shall prepare an Environmental Management Strategy which shall provide a strategic context for the environmental management plans included in Conditions 6.3 and 6.4. These Conditions contain the two main environmental management components for the project, viz the Construction Environmental Management Plan and the Operations Environmental Management Plan. The Environmental Management Strategy shall be prepared following consultation with the DLWC, [DECC](#), DMR, BHCC, and the local residents and to the satisfaction of the Director-General. The strategy shall be provided to the Director-General no later than the time the CEMP below (Condition 6.3(a)) is submitted.

An Environmental Management System shall be prepared as a component of the Environmental Management Strategy. The constructor and the operator of the Project shall demonstrate the capacity and commitment to support the Applicant's accountability to implement an Environmental Management System by way of commitment to a recognised Environmental Management System (such as ISO 14000, BS7750 – 1994 or similar), or demonstration of a proven satisfactory environmental management performance record.

6.3 Construction Environmental Management Plan (CEMP)

- (a) The Applicant shall prepare and implement a Construction Environmental Management Plan (CEMP) to outline environmental management practices and procedures to be followed during the construction of the MSP. The Plan shall include, but not necessarily limited to:
 - a description of all activities to be undertaken on the site during construction of MSP, including an indication of stages of construction, where relevant;
 - statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - specific consideration of measures to address any requirements of the Department, the [DECC](#), DLWC and BHCC during construction;
 - details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - a description of the roles and responsibilities for all relevant employees involved in the construction of the MSP;
 - the Management Plans listed under Condition 6.3(c) of this Consent; and,
 - arrangements for community consultation and complaints handling procedures during construction.
- (b) The CEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of construction of the MSP, or within such period otherwise agreed by the Director-General. Construction shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the CEMP to BHCC, the [DECC](#) and DLWC as soon as practicable.
- (c) As part of the CEMP for the MSP, required under Condition 6.3(a) of this Consent, the Applicant shall prepare and implement the following Management Plans:
 - (i) a **Fire Safety Study** for the MSP, covering all aspects detailed in the Department's publication '*Hazardous Industry Planning Advisory Paper No. 2 – Fire Safety Guidelines*' and the New South Wales Government's '*Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*'. The Study shall include a strict maintenance schedule for essential services and other safety measures. The Study shall be submitted for the approval of the Commissioner of the NSW Fire Brigades prior to inclusion in the CEMP;
 - (ii) a **Hazard and Operability Study** of the MSP chaired by an independent, qualified person or team. The independent person or team shall be approved by the Director-General. The Study shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 8 – HAZOP Guidelines*;
 - (a) the **Hazard and Operability Study** required by condition 6.3 (c) (ii) shall be updated to include and reflect the works and activities described in the modification application MOD-130-8-2005i lodged with the Department of Infrastructure and Planning on 25 August 2005 and accompanied by Statement of Environmental Effects August 2005 Modification for Broken Hill Mineral Separation Plant, prepared by Resource Strategies. In particular the updated HAZOP study should address interfaces between the original design and the proposed changes for both hardware and software and should include an implementation program for the HAZOP

recommendations. The updated HAZOP Study shall be submitted to the Director General for approval prior to commencement of construction of works or commencement of operations described in the modification application (130-8-2005i). Operation shall not commence until the safety related recommendations have been implemented or alternate measures put in place to the satisfaction of the Director General.

Note: Condition 6.3(c) of this Consent does not necessary require the HAZOP chair to be independent of the Applicant. Rather, it requires the HAZOP chair to be independent of the design process for the MSP the subject of this Consent.

- (iii) a **Construction Safety Study** for the MSP, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 – Construction Safety Study Guidelines*;
- (iv) **construction noise management protocol** which shall include but not be limited to compliance standards, community consultation, complaints handling monitoring/system, site contact person to follow up complaints, mitigation measures, the design/orientation of the proposed mitigation methods demonstrating best practice, construction times, contingency measures where noise complaints are received and monitoring methods and program; and
- (v) an **Erosion and Sedimentation Management Plan** to detail measures to minimise erosion during construction of the MSP. The Plan shall address the requirements of the [DECC](#), DLWC and BHCC, should there be any. The Plan shall include, but not necessarily be limited to:
 - results of investigations into soils associated with the site, in particular the stability of the soil and its susceptibility to erosion;
 - details of erosion, sediment and pollution control measures and practices to be implemented during construction of the MSP;
 - demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements and guidelines provided in DLWC's publication *Urban Erosion and Sedimentation Handbook*, the [DECC](#)'s publication *Pollution Control Manual for Urban Stormwater* and the Department of Housing's publication *Soil and Water Management for Urban Development*;
 - design specifications for diversionary works, banks and sediment basins;
 - an erosion monitoring program during construction of the MSP; and
 - measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.

6.4 Operation Environmental Management Plan (OEMP)

- (a) The Applicant shall prepare and implement an Operation Environmental Management Plan (OEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of the MSP. This OEMP shall contain, but not be limited to, the following:
 - identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the MSP, including all consents, licences, approvals and consultations;
 - a description of the roles and responsibilities for all relevant employees involved in the operation of the MSP;
 - overall environmental policies and principles to be applied to the operation of the MSP;
 - standards and performance measures to be applied to the MSP, and a means by which environmental performance can be periodically reviewed and improved;
 - management policies to ensure that environmental performance goals are met and to comply with the Conditions of this Consent;
 - the Management Plans listed under Condition 6.4(c) of this Consent;
 - the landscaping and rehabilitation proposals for the site (to be developed in consultation with BHCC and [DECC](#)); and
 - the environmental monitoring requirements outlined under the Conditions of this Consent.

- (b) The OEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the MSP, or within such period otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the OEMP to BHCC, the [DECC](#), as soon as practicable.
- (c) As part of the OEMP for MSP, required under Condition 6.4(a) of this Consent, the Applicant shall prepare and implement the following Management Plans:
- (i) an **Air Quality Management Plan** to outline measures to minimise impacts from the MSP on local and regional air quality. The Plan shall address the requirements of the [DECC](#) and BHCC, should there be any. The Plan shall include, but not necessarily be limited to:
- identification of all major sources of particulate and gaseous air pollutants that may be emitted from the MSP, being both point-source and diffuse emissions, including identification of the major components and quantities of these emissions;
 - monitoring for gaseous and particulate emissions from the MSP, in accordance with any requirements of the [DECC](#);
 - procedures for the minimisation of gaseous and particulate emissions from the MSP, and the reduction of these emissions over time, where appropriate;
 - protocols for regular maintenance of process equipment to minimise the potential for leaks and fugitive emissions;
 - a contingency plan should an incident, process upset or other initiating factor lead to elevated air quality impacts, whether above normal operating conditions or environmental performance goals/limits; and
- (ii) an **Energy Management Plan**. The Plan shall include, but not necessarily be limited to:
- design features of all equipment and buildings to reduce energy consumption (for heating, cooling and lighting etc);
 - procedures and methods for monitoring energy consumption by the development;
 - protocols for monitoring the efficiency of pumps and all other electrically-driven process equipment, including procedures for maintenance of these items;
 - consideration of the insulation requirements of all pipes and vessels containing process fluids other than at ambient temperature, and procedures for the maintenance of such insulation material; and
 - mechanisms to consider and address greenhouse gas emissions from the MSP.
- (iii) a **Water Management Plan** to outline measures to control and manage surface water (including erosion and sedimentation), stormwater and process water associated with the MSP. The Plan shall address the requirements of the [DECC](#) and Council, should there be any. The Plan shall include, but not necessarily be limited to:

Surface water, erosion and sedimentation management

- measures to be implemented to minimise the potential for erosion from the site, and adjacent slopes associated with the site, during the operation of the MSP and measures to maintain all erosion mitigating works;
- demonstration that erosion and sedimentation control measures will conform with, or exceed, the relevant requirements and guidelines provided in DLWC's publication *Urban Erosion and Sedimentation Handbook*, the [DECC](#)'s publication *Pollution Control Manual for Urban Stormwater* and the Department of Housing's publication *Soil and Water Management for Urban Development*; and
- measures to rehabilitate erosion-affected areas and areas the subject of excavation, including tree, shrub and/ or cover crop species and implementation.

Stormwater management

- demonstration that all relevant stormwater control infrastructure is capable of handling a one-in-ten year, one hour storm event and minimising stormwater peak flows and peak pollutant concentrations;
- procedures for planting and maintaining vegetation along all stormwater channels and detention systems, to minimise the potential for erosion;
- procedures for the installation and maintenance of gross pollutant traps to screen run-off from the site; and
- a demonstration of consistency with the stormwater management plan for the catchment, should one exist, or with the DECC's publication *Managing Urban Stormwater: Council Handbook* should a stormwater management plan for the catchment not exist.

Process water management

- details of how site water consumption will be minimised through water reuse and recycling;
- details of all process water treatment systems for the MSP, including procedures for maintenance of the systems and water quality monitoring regimes, where relevant; and
- a program to monitor consumption of water at the site

(iv) ⁶⁴an **Emergency Response Plan** for the MSP. The Plan shall be prepared in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines* and shall document the procedures to deal with all types of incidents (eg spill, explosions or fire) that may occur at the premises or outside the premises (eg during transfer) which are likely to cause harm to the environment.

a) the **Emergency Response Plan** required by condition 6.4 (c) (iv) shall be updated to include and reflect the works and activities described in the modification application MOD-130-8-2005i lodged with the Department of Infrastructure and Planning on 25 August 2005 and accompanied by Statement of Environmental Effects August 2005 Modification for Broken Hill Mineral Separation Plant, prepared by Resource Strategies. In addition, the Emergency Response Plan shall include the classification of the applicable materials handled in accordance with the *Code of Practice for the Safe Transport of Radioactive Materials, 2001* and demonstrate that emergency measures/procedures are in place as recommended in the *Code of Practice for the Safe Transport of Radioactive Materials, 2001*. The updated Emergency Response Plan shall be submitted to the Director General for approval prior to commencement of construction of works or commencement of operations described in the modification application (130-8-2005i).

(v) a **Safety Management System**, covering all operations at the MSP and associated transport activities involving hazardous materials. The System shall clearly specify all safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to safety procedures. The System shall be developed in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 9 – Safety Management*.

(a) the **Safety Management System** required by condition 6.3 (c) (v) shall be updated to include and reflect the works and activities described in the modification application MOD-130-8-2005i lodged with the Department of Infrastructure and Planning on 25 August 2005 and accompanied by Statement of Environmental Effects August 2005 Modification for Broken Hill Mineral Separation Plant, prepared by Resource Strategies. The updated Safety Management System

⁶⁴ DECC General Terms of Approval

shall be submitted to the Director General for approval prior to commencement of construction of works or commencement of operations described in the modification application (130-8-2005i).

(vi) a **Transport Code of Conduct** to outline management of traffic impacts associated with the MSP and minimum requirements for the movement of heavy vehicles to and from the site. The Code shall meet the requirements of BHCC and the RTA, should there be any. The Code shall include, but not necessarily be limited to:

- restrictions to routes (consistent with the Transport of Hazardous Materials Study required above, where relevant);
- restrictions to the hours of transport operations to avoid travelling through built-up areas late at night or at times of high traffic flows in those areas;
- speed limits to be observed along routes to and from the site, in particular through built-up areas;
- minimum requirements for vehicle maintenance to address noise and exhaust emissions;
- load coverage requirements; and
- behaviour requirements for vehicle drivers.

(a) the **Transport Code of Conduct** required by condition 6.3 (c) (vi) shall be updated to include and reflect the works and activities described in the modification application MOD-130-8-2005i lodged with the Department of Infrastructure and Planning on 25 August 2005 and accompanied by Statement of Environmental Effects August 2005 Modification for Broken Hill Mineral Separation Plant, prepared by Resource Strategies. The Transport Code of Conduct should also reflect the requirements of the updated Waste Management Plan, Emergency Response Plan, Safety Management System and Transport of Hazardous Material Plan. The updated Transport Code of Conduct shall be submitted to the Director General for approval prior to commencement of construction of works or commencement of operations described in the modification application (130-8-2005i).

(vii) a **Noise Management Plan**, which is to outline how noise is to be managed to meet the requirements of this Consent.

(viii) a **Waste Management Plan** to outline measures to minimise the production and impact of waste produced at the MSP during commissioning and operation, through the implementation of waste reduction, reuse and recycling principles. The Plan shall meet the requirements of the DECC and Council, should there be any. The Plan shall include, but not necessarily be limited to:

- identification of the types and quantities of waste materials produced on the site during commissioning and operation of the MSP;
- programs aimed at minimising the production of waste at the site through the implementation of operational and management measures;
- details of potential reuse and recycling avenues for waste materials produced on the site, including collection and handling procedures;
- details of appropriate disposal routes in the event that reuse and recycling avenues are not available or are not practicable;
- programs for involving and encouraging employees and contractors to minimise domestic waste production on the site and reuse/ recycle where appropriate.
- ⁶⁵procedures to ensure that any liquid and/or non liquid waste generated and/or stored at the Premises is assessed and classified in accordance with the *EPA Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes*, in force as at 1 July 1999.

⁶⁵ DECC General Terms of Approval

- ⁶⁶procedures and a monitoring program to ensure that all wastes generated, stored or land filled at the premises, or transported from the premises for disposal, are correctly classified under the Waste Guidelines for purposes permitted by this licence or, in the case where the waste is transported from the premises, that the waste entered on the associated waste data form is correctly classified under the Waste Guidelines.
- ⁶⁷Procedures and a monitoring program to ensure that the requirements of *The Code of Practice and Safety Guide for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing, 2005* are complied with; and
- Procedures and a monitoring program to ensure that the requirements of the *Code of Practice for the Safe Transport of Radioactive Materials, 1990 - revised 2001 (Commonwealth of Australia)* and the *NSW Road and Rail Transport (Dangerous Goods) Act 1997* are complied with.

⁶⁸Prior to the commencement of the development the Applicant must have confirmation in writing from the DECC that the **Waste Management Plan**, submitted in compliance with Condition 6.4 is acceptable to the DECC. ⁶⁹The Applicant must implement a **Waste Management Plan** that is acceptable to the DECC.

6.5 The Applicant shall review and update the Environmental Management System and relevant management plans referred to in conditions 6.3, 6.4, and 6.7 to appropriately reflect the modification referred to in condition 1.1(a)(vi) by 29 February 2008, to the satisfaction of the Director-General.

6.6 Tenure

- (a) ⁷⁰Construction and operation of the MSP must be undertaken in accordance with the provisions of the *Western Lands Act 1901* such that the MSP works and operations undertaken on the site are consistent with the relevant Western Lands Lease purpose. This provision assumes tenure of the site remains a Western Lands Lease. Should the tenure be converted to freehold, use of the site should be in accordance with relevant agreement between the freehold landholder and the Applicant.

6.7 Transport of Hazardous Materials

The Applicant must prepare and submit to the Director General for approval prior to the transport of hazardous materials a **Transport of Hazardous Materials Plan**, outlining arrangements for the safe transport of hazardous materials along the entire length of the Mineral Concentrate Transport route and demonstrating that the transport of material will be in accordance with the *Code of Practice for the Safe Transport of Radioactive Material* published by the Australian Radiation Protection And Nuclear Safety Agency and the relevant NSW and Commonwealth regulations. It is recommended that the Hazardous Materials and Radiation section of the Department of Environment and Conservation be consulted prior to preparation of the plan. The transport of hazardous materials shall not commence until the Transport of Hazardous Materials Plan is approved by the Director General.

Note: Where a **Transport of Hazardous Materials Plan** is required by and prepared in accordance with the modified Gingko Mine conditions of consent (251-09-01), and the **Transport of Hazardous Materials Plan** is approved by the Director General, that Plan may be deemed to satisfy the requirements of this condition with the approval of the Director General.

⁶⁶ DECC General Terms of Approval

⁶⁷ DECC General Terms of Approval

⁶⁸ DECC General Terms of Approval

⁶⁹ DECC General Terms of Approval

⁷⁰ DECC General Terms of Approval

7. ENVIRONMENTAL REPORTING

7.1 Annual Environmental Management Report

- (a) In order to facilitate the integration of the environmental management of the subject land and site, the Applicant shall submit to the Director-General, for approval, an Annual Environmental Management Report (AEMR) for the site. The AEMR shall be subject to review by all relevant government agencies and BHCC.

The AEMR shall review the performance of the mine against the Environmental Management Strategy and the relevant Operational Management Plans, the conditions of this consent, and other licences and approvals relating to the mine. To enable ready comparison with the predictions made in the EIS, 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 MSP in terms of relevant agency requirements;
 - (iii) results of all environmental monitoring required under this consent or other approvals, including interpretations and discussion by a suitably qualified person; and
 - (iv) environmental management targets and strategies for the next year, taking into account identified trends in monitoring results.
- (b) In preparing the AEMR, the Applicant shall:
- (i) consult with the Director-General during preparation of each report for any additional requirements;
 - (ii) comply with any requirements of the Director-General or other relevant government agency; and
 - (iii) ensure that the first report is completed and submitted within twelve months of this consent, or at a date determined by the Director-General.

7.2 Record Keeping

- (a) ⁷¹The Applicant must record and retain all information related to each consignment of waste.

Note: This includes waste data forms and copies of other documents such as notifications of revised delivery dates, regular and other reports, etc.
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- (b) ⁷²The records referred to in Subclause (a) above must be kept so that:
- all records relating to individual consignment authorisation numbers are kept physically together;
 - consignments transported by each transporter can be readily identified and accessed; and
 - consignments sent to each destination can readily be identified and accessed.

Note: The Applicant must keep all information for at least 4 years.
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7.3 Exception reporting

- (a) ⁷³The Applicant must notify the [DECC](#), in writing, within 48 hours of becoming aware of any suspected breaches of the Act, the *Protection of the Environment Operations (Waste) Regulation 1996* or the [DECC](#) licence.

⁷¹ [DECC](#) General Terms of Approval

⁷² [DECC](#) General Terms of Approval

⁷³ [DECC](#) General Terms of Approval

- (b) ⁷⁴The Applicant must notify the DECC in writing within 48 hours of becoming aware of any of the following:
- the refusal by a person to whom the Applicant has applied for a consignment authorisation number in accordance with Condition 3.12(d) to issue such a number;
 - the refusal of a transporter to transport waste after arriving at the Applicant's premises for the purposes of transporting that waste;
 - a transporter who transports, or attempts to transport, waste without a waste data form completed to the extent required;
 - the refusal of a consignee to accept waste from the Applicant;
 - the failure of the Applicant to receive written confirmation of receipt of waste from a consignee within 21 days of dispatch, or where a transporter has provided written notification of a revised date of delivery as set out in Condition 3.12(i) within 21 days of that date;
 - the notification by a transporter of a revised date of delivery which is more than 90 days after the date of dispatch of the waste.

Note: The DECC should be notified of exception reports by sending a facsimile to:
 Manager, Hazardous Waste Regulation
 NSW Environment Protection Authority
 Facsimile number - (02) 9995-5914

7.4 Record keeping

- (a) ⁷⁵The Applicant must record and retain all information related to each consignment of waste.

Note: This includes the waste transport certificates and copies of other documents such as consignment authorisations issued by an agency in the destination State or Territory, notifications of revised delivery dates by transporters, regular and other reports, etc.

- (b) ⁷⁶The records referred to in Subclause (a) above must be kept so that:
- all records relating to each consignment authorisation are kept physically together;
 - consignments transported by each transporter can be readily identified and accessed, and
 - consignments sent to each destination can readily be identified and accessed.

Note: The Applicant must keep all information for at least 4 years

7.5 Exception reporting

- (a) ⁷⁷The applicant must notify the DECC, in writing, within 48 hours of becoming aware of any suspected breaches of the Act, the Protection of the Environmental Operations (Waste) Regulation 1996 or this licence.
- (b) ⁷⁸The applicant must notify in writing within 48 hours of becoming aware of any of the following:
- the refusal by an agency or facility delegated by an agency in a participating State or Territory to whom the Applicant has applied for a consignment authorisation number in accordance with condition 3.12(r) to issue such a number;
 - the refusal of a transporter to transport waste after arriving at the Applicant's premises for the purpose of transporting that waste to another State or Territory to the extent required;

⁷⁴ DECC General Terms of Approval

⁷⁵ DECC General Terms of Approval

⁷⁶ DECC General Terms of Approval

⁷⁷ DECC General Terms of Approval

⁷⁸ DECC General Terms of Approval

- iii. a transporter who transports, or attempts to transport, waste to another participating State or Territory without a waste transport certificate completed to the extent required;
- iv. the refusal of a destination in another participating State or Territory to accept from the applicant waste for which a consignment authorisation has been issued;
- v. the failure of the Applicant to receive written confirmation of receipt of waste from a destination in another participating State or Territory within 28 days of dispatch.

Note: The DECC should be notified of exception reports by sending a facsimile to:
Manager Hazardous Waste Regulation
NSW Environment Protection Authority
Facsimile Number (02) 9955 5914.

Attachment Number 1 – Mandatory Conditions for all **DECC** licences

Administrative conditions

Other activities

1. This licence applies to all other activities carried on at the premises, including:
 - Waste activities – Hazardous, industrial or Group A waste generation or storage, and
 - Waste facilities – Solid waste landfill site

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

1. This includes:
 - a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

2. All plant and equipment installed at the premises or used in connection with the licensed activity:
 - a) must be maintained in a proper and efficient condition; and
 - b) must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

1. The record must include details of the following:
 - a) the date and time of the complaint;
 - b) the method by which the complaint was made;
 - c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the licensee, the reasons why no action was taken.
2. The record of a complaint must be kept for at least 4 years after the complaint was made.
3. The record must be produced to any authorised officer of the **DECC** who asks to see them.

Telephone complaints line

4. The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
5. The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
6. This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

1. The licensee must complete and supply to the [DECC](#) an Annual Return in the approved form comprising:
 - a) a Statement of Compliance; and
 - b) a Monitoring and Complaints Summary.
2. A copy of the form in which the Annual Return must be supplied to the [DECC](#) accompanies this licence.
3. Before the end of each reporting period, the [DECC](#) will provide to the licensee a copy of the form that must be completed and returned to the [DECC](#).
- 4.

Period covered by Annual Return

1. An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

2. Where this licence is transferred from the licensee to a new licensee,
 - a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

3. Where this licence is surrendered by the licensee or revoked by the [DECC](#) or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
 - a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b) in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the [DECC](#) by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the ‘due date’).

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the [DECC](#) in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- c) the assessable pollutants for which the actual load could not be calculated; and
- d) the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the [DECC](#) for a period of at least 4 years after the annual return was due to be supplied to the [DECC](#).

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the [DECC](#) to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the [DECC](#) of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the [DECC](#)'s Pollution Line service on 131 555.

The licensee must provide written details of the notification to the [DECC](#) within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the [DECC](#) suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the [DECC](#) within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- e) the cause, time and duration of the event;
- f) the type, volume and concentration of every pollutant discharged as a result of the event;
- g) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- h) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- i) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- j) (details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- k) (any other relevant matters.

The [DECC](#) may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the [DECC](#) within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

1. A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.
2. The licence must be produced to any authorised officer of the [DECC](#) who asks to see it.
3. The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.