

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.

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Orange Type Represents February 2006 Modification
Blue Type Represents July 2007 Modification
Red Type Represents December 2008 Modification
Green Type Represents October 2014 Modification
Light Blue Type Represents October 2017 Modification
Purple Type Represents May 2021 Modification
Pink Type Represents February 2022 Modification
Dark Green Type Represents July 2022 Modification
Gold Type Represents December 2022 Modification

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.

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

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SCHEDULE 2

DEVELOPMENT CONSENT CONDITIONS FOR THE BROKEN HILL MINERAL SEPERATION PLANT

The following acronyms and abbreviations are used in this section:

Annual Review	The review required by condition 7.1 of Schedule 2
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]) (or its successors).
BCA	Building Code of Australia
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)
Department	Department of Planning and Environment
DPE Water	Water Group within the Department
EA	Environmental Assessment
EIS	<p>The Environmental Impact Statement titled <i>Broken Hill Mineral Separation Plant Environmental Impact Statement</i> dated November 2001 and all supplementary material including responses to information requests dated 7 February 2002, 28 February 2002 and 3 April 2002, as modified by:</p> <ul style="list-style-type: none">• the Statement of Environmental Effects titled <i>Broken Hill Mineral Separation Plant Statement of Environmental Effects</i> dated August 2005;• the Statement of Environmental Effects titled <i>Broken Hill Mineral Separation Plant – February 2007 Modification</i>, dated February 2007, including the response to submissions titled <i>Broken Hill Mineral Separation Plant February 2007 Modification Statement of Environmental Effects Response to Submissions</i>, dated June 2007;• letter titled <i>Re: Broken Hill Mineral Separation Plant – Modification of DA 345-11-01</i>, dated 12 September 2008;• the Environmental Assessment titled <i>Murray Darling Basin Operations Modification</i> dated November 2013, including the response to submissions titled <i>Re: Murray-Darling Basin Operations Modification</i>, dated 20 February 2014;• letter titled <i>Re: Request to Modify Development Consent DA 345-11-01 for the Broken Hill Mineral Separation Plant</i>, dated 15 September 2017;• the Modification Report titled <i>Broken Hill Mineral Separation Plant Modification</i>, dated April 2020, including the submissions letter dated April 2021;

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- the Modification Report titled *Broken Hill Mineral Separation Plant Modification 7*, dated November 2021;
- the Modification titled *Murray-Darling Basin Operations Short-Term Ore Transport and Processing Modifications*, dated April 2022;
- the Modification Report titled *Atlas-Campaspe Mineral Sands Project and Broken Hill Mineral Separation Plant – Modification Report for the Short-Term Haulage Route Modifications* dated 25 November 2022 and additional response dated 7 December 2022 and 23 December 2022

EMP	Environmental Management Plan
EMS	Environmental Management System
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
LEMP	Landfill Environmental Management Plan
MEG	Mining, Exploration and Geoscience within the Department of Regional NSW
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
Secretary	Planning Secretary under the EP&A Act, or nominee
SEE	Statement of Environmental Effects
TfNSW	Transport for NSW

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1. GENERAL

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

- (a) The Broken Hill Mineral Separation Plant (the Project) must be carried out:
 - i. generally in accordance with the EIS; and
 - ii. in accordance with the conditions of this consent.
- (a) 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) Deleted
- (d) Deleted

1.2 *Compliance*

The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:

- (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this consent;
- (b) any reports, review or audits commissioned by the Department regarding compliance with this consent; and
- (c) the implementation of any actions or measures contained in these documents.

1.3 *Obligation to Prevent and Minimise Harm to the Environment*

In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or decommissioning of the development.

1.4 *Deleted*

1.5 *Processing Operations*

- (a) Processing operations may take place on the premises until 31 December 2032.
- (b) The Applicant shall not process more than 1,200,000 tonnes of mineral concentrate/heavy mineral concentrate per year at the premises.

1.6 *Dispute Resolution*

- (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 Secretary 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 10.2 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the Secretary, councils and public authorities.

1.7 *Structural Adequacy*

The Applicant shall ensure that any new buildings and structures, and any alterations, or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

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Notes:

Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

2. DELETED

2.A Production Data

The Applicant must:

- (a) provide annual production data to MEG; and
- (b) include a copy of this data in the Annual Review

3. ENVIRONMENTAL PERFORMANCE

3.1 Deleted

3.2 Plant and Equipment – Design Parameters

- (a) ¹The design parameters for the discharge points specified in the table below must meet the requirements specified in the table.

EPA Identification Number	Minimum Stack Height	Minimum Discharge Velocity (m/s)	Minimum Stack Diameter (m)
6	40.0	15	0.49
7	40.2	15	0.75
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) ²All 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 Applicant can apply to modify the stack design parameters included in Condition 3.2(a). The application must demonstrate that the modified design parameters comply with the Protection of the Environment Operations (Clean Air) Regulation 2010.

The following documents should be referred to 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.

- (c) Prior to constructing stacks 8, 9, 10 and 12, the Applicant must have applied for and been granted a licence variation by the EPA to permit the use of these stacks.

¹ EPA General Terms of Approval

² EPA General Terms of Approval

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- (d) Any new or modified stacks must be designed to meet the design parameters specified in an environment protection licence under the POEO Act 1997.

3.3 Deleted

3.4 Alarms & Measures

- (a) ³The Applicant must prepare and submit to the EPA 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; and
 - details of devices, measures or alarms to be used to warn operators that the point number 13 scrubber has malfunctioned.
- (b) ⁴Prior to the commencement of the development the Applicant must have confirmation in writing from the EPA that the details submitted in compliance with Subclause (a) is acceptable to the EPA.
- (c) ⁵The Applicant must install devices, measures or alarms that are acceptable to the EPA 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.

3.5 Dust Suppression

- (a) ⁶Activities 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) ⁷The Premises must be maintained in a condition, which minimises or prevents the emission of dust from the Premises.

3.6 Noise Limits

- (a) The Applicant must ensure that noise associated with the project does not exceed the noise limits at surrounding residential premises detailed in the Table below.

Location	Day/Evening/Night (excluding temperature inversions) dB(A) LAeq (15 minute)	Day/Evening/Night with temperature inversion dB(A) LAeq (15 minute)
R3 – Finlayson	35	39
All other residential premises	35	35

Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *Noise Policy for Industry* (NSW EPA, 2017), or latest version. Attachment 2 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

³ EPA General Terms of Approval

⁴ EPA General Terms of Approval

⁵ EPA General Terms of Approval

⁶ EPA General Terms of Approval

⁷ EPA General Terms of Approval

However, these criteria do not apply if the Applicant has an agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

3.6A Noise Monitoring

- (a) The Applicant shall prepare a Noise Monitoring Program for the project to the satisfaction of the Secretary. This program must be submitted to the Secretary by the end of March 2015, and must include a regular attended noise monitoring in accordance with Attachment 2.

3.6B Noise Mitigation

- (a) Upon receiving a written request for noise mitigation measures from the owner of the property shown as 'R3 – Finlayson' in Attachment 3, the Applicant must arrange the commencement of the physical implementation of noise mitigation measures at the property. The Applicant must provide an offer for the implementation of noise mitigation measures within 3 months of receiving the written request.

If the Applicant and the landowner cannot agree on measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

- (b) By the end of November 2014, the Applicant shall notify in writing the owner of property R3 that they have the right to request the Applicant for noise mitigation measures to be installed at their residence at any stage during the project.

Note: Noise mitigation measures include but are not limited to double glazing of windows, the installation of insulation in walls and ceilings and/or air conditioning.

3.6C Operating Noise Conditions

- (a) All external auxiliary equipment to the processing circuits (i.e. external fans, pumps and screening external to the tables) identified as noise generating must be acoustically treated with cladding or be enclosed.
- (b) The approved zircon, rutile and ilmenite kiln/roasted circuits must be constructed so as to be housed within a building.
- (c) Once mineral concentrate trains from the Atlas-Campaspe Mineral Sands Project are received at the MSP, any front end loader operating in the night time period must be fitted with a noise suppression kit.

3.6D Deleted

3.7 Water Management

- (a) ⁸Except 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) ⁹The 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.

⁸ EPA General Terms of Approval

⁹ DPE Water General Terms of Approval

- (c) ¹⁰Works for construction of bores must be completed within such period as specified by DPE Water.
- (d) ¹¹ DPE Water 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 DPE Water.
- (e) ¹²Within 2 months after the works are completed, DPE Water 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) ¹³Officers of DPE Water or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
- (g) ¹⁴Construction 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 DPE Water may be agreed upon.

3.8 Deleted

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 Secretary and in consultation with Heritage NSW 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 Heritage NSW, 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) Deleted
 - (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

¹⁰ DPE Water General Terms of Approval

¹¹ DPE Water General Terms of Approval

¹² DPE Water General Terms of Approval

¹³ DPE Water General Terms of Approval

¹⁴ DPE Water General Terms of Approval

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immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include [Heritage NSW](#) 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.

(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 [annual review](#).

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 [EPA's](#) Environment Protection Manual Technical Bulletin *Bundling 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) Deleted

(b) ¹⁵All works to be undertaken on public roads as agreed between the Applicant and the [BHCC](#) 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 [BHCC](#);
- Upgrade of intersections subject to increased traffic as identified in the Environmental Impact Statement and agreed between the Applicant and the [BHCC](#);
- All necessary lighting and signage associated with subclauses (i)-(ii) above.

(c) ¹⁶The Applicant shall enter into an appropriate agreement with [BHCC](#) 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.

Submission of Engineering Plans for Roadworks

(e) Road and intersection designs are to be in accordance with the Roads and Maritime Service'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) Deleted

Road Construction and Maintenance

¹⁵ BHCC General Terms of Approval

¹⁶ BHCC General Terms of Approval

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- (g) ¹⁷The Applicant shall enter into a Road Construction and Maintenance Agreement with BHCC 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 BHCC 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 BHCC 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 BHCC 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) – (i) Deleted

3.12 Waste Management

(a) – (l) Deleted

Classification of controlled waste

- (m) The Applicant must accurately identify the waste, in accordance with Condition 6.4(c)(viii), and determine if the waste is a controlled waste within the meaning 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 2005 to obtain, prior to the waste being dispatched, a consignment authorisation from 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) ¹⁸If 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) ¹⁹The 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) ²⁰The 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 2005 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.

(r) Deleted

Waste Management

¹⁷ BHCC General Terms of Approval

¹⁸ EPA General Terms of Approval

¹⁹ EPA General Terms of Approval

²⁰ EPA General Terms of Approval

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- (s) ²¹The 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) ²²This 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) ²³Except 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.

- (v) ²⁴The 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

²⁵Within three months of a licence variation being issued by the EPA the Applicant must submit a written report to the satisfaction of the EPA by a radiation consultant acceptable to the EPA. 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) ²⁶Prior to the installation of any coal fired equipment the Applicant must have applied for and been granted a licence variation by the EPA to permit the use of the fuel.
- (b) ²⁷An 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.

²¹ EPA General Terms of Approval

²² EPA General Terms of Approval

²³ EPA General Terms of Approval

²⁴ EPA General Terms of Approval

²⁵ EPA General Terms of Approval

²⁶ EPA General Terms of Approval

²⁷ EPA General Terms of Approval

3.15 Deleted

3.16 Transport of Hazardous Materials

- (a) 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*; and
- (b) Process waste is to be transported by heavy vehicles otherwise transporting mineral and heavy mineral concentrates, as backloads on return trips, wherever practicable.

4. ENVIRONMENTAL MONITORING AND AUDITING

4.1 Independent Environmental Audits

- (a) Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (2020)*.
- (b) Proposed independent auditors must be agreed to in writing by the Secretary prior to the commencement of an Independent Audit.
- (c) The Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the *Compliance Reporting Post Approval Requirements (2020)*, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- (d) In accordance with the specific requirements in the *Independent Audit Post Approval Requirements (2020)*, the Applicant must:
 - (i) review and respond to each Independent Audit Report prepared under condition 4.1(a) of this approval, or condition 4.1(c) where notice is given by the Secretary;
 - (ii) submit the response to the Secretary; and
 - (iii) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Secretary, unless otherwise agreed by the Secretary.
- (e) Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Secretary within 2 months of undertaking the independent audit site inspection, as outlined in the *Independent Audit Post Approvals Requirements (2020)* unless otherwise agreed by the Secretary.
- (f) Notwithstanding the requirements of the *Independent Audit Post Approvals Requirements (2020)*, the Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

Note: A reference to *Independent Audit Post Approval Requirements (2020)* in this development consent also includes future amendments to this document.

4.2 Deleted

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 EPA and DPE Water. The results of this monitoring shall be reported in the annual review. 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 EPA and DPE Water and implemented.

4.4 Air Quality Monitoring

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- (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) Suspended particulate – PM₁₀ monitoring and analysis shall be conducted according to *Australian Standard AS/NZS 3580.9.6:2003 Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM₁₀ high volume sampler with size selective inlet – Gravimetric method*. The results of this monitoring shall be reported in the annual review.

4.5 Waste Monitoring

- (a) ²⁸Conditions 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) ²⁹Conditions 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 Deleted

4.7 Requirement to monitor radiation

The Applicant must monitor radiation levels in accordance with the requirements set out in the Environmental Protection Licence issued by the EPA. The Applicant must ensure that blended waste to be disposed of outside the premises is analysed to ensure characterisation in accordance with EPA waste disposal guidelines and is disposed of at a place licensed by the EPA to lawfully accept that class of waste.

5. DELETED

5.1 Deleted

5.2 Deleted

5.3 Deleted

6. ENVIRONMENTAL MANAGEMENT

6.1 Deleted

6.2 Environmental Management Strategy

The Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:

- (a) be submitted to the Secretary for approval by the end of March 2015;
- (b) provide the strategic framework for environmental management of the development;
- (c) identify the statutory approvals that may apply to the development;
- (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
- (e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;

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- resolve any disputes that may arise;
 - respond to any non-compliance;
 - respond to emergencies; and
- (f) include:
- copies of any strategies, plans or programs approved under the conditions of this consent; and
 - a clear plan depicting all the monitoring to be carried out in relation to the development.
- 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 EPA, DPE Water 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 Secretary no later than one month prior to the commencement of construction of the MSP, or within such period otherwise agreed by the Secretary. Construction shall not commence until written approval has been received from the Secretary. Upon receipt of the Secretary's approval, the Applicant shall supply a copy of the CEMP to BHCC, the EPA and DPE Water 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 Secretary. The Study shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 8 – HAZOP Guidelines*;
- 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 Secretary for approval prior to commencement of construction of works or commencement of operations described in

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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 Secretary.

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 EPA, DPE Water 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 the *Managing Urban Stormwater: Soils and Construction guidance series*;
 - 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
 - the environmental monitoring requirements outlined under the Conditions of this Consent.
- (b) The OEMP shall be submitted for the approval of the Secretary no later than one month prior to the commencement of operation of the MSP, or within such period otherwise agreed by the Secretary. Operation shall not commence until written approval has been received from the Secretary. Upon receipt

of the [Secretary's](#) approval, the Applicant shall supply a copy of the OEMP to BHCC, the [EPA](#), 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 [EPA](#) 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 [EPA](#), [including monitoring of stack emissions \(should they be constructed\) as required by the EPL](#);
- 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
- [triggers for review of monitoring data and if required, re-instating monitoring of PM₁₀ at Point 5.](#)

(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 [EPA](#) and [BHCC](#), 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 [the Managing Urban Stormwater: Soils and Construction guidance series](#); 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;

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- 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 EPA'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) ³⁰ an **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.
- 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 Secretary 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*.
- 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 shall be submitted to the Secretary 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 TfNSW, 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;

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- 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.
 - 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 **Secretary** for approval prior to commencement of construction of works or commencement of operations described in the modification application (130-8-2005i).
 - The Transport Code of Conduct must also be reviewed and revised if necessary, to reflect any change in transport activities between the Applicant's mining operations and the MSP.
- (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 **EPA** and **BHCC**, 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.
 - ³¹procedures 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.
 - ³²procedures 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.
 - ³³Procedures 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.

³¹ **EPA** General Terms of Approval

³² **EPA** General Terms of Approval

³³ **EPA** General Terms of Approval

³⁴Prior to the commencement of the development the Applicant must have confirmation in writing from the EPA that the **Waste Management Plan**, submitted in compliance with Condition 6.4 is acceptable to the EPA. ³⁵The Applicant must implement a **Waste Management Plan** that is acceptable to the EPA.

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 Secretary.

6.6 Tenure

(a) ³⁶Construction 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 Secretary 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 Secretary.

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

6.8 Revision of Strategies, Plans and Programs

Within three months, unless the Secretary agrees otherwise, of:

- (a) the submission of an annual review under condition 7.1 below;
- (b) the submission of an incident report under conditions 7.6 or 7.7 below;
- (c) the submission of an audit report under condition 4.1; and
- (d) the approval of any modification to the conditions of this approval; or
- (e) a direction of the Secretary under condition 1.2;

the Applicant must review and, if necessary, revise the studies, strategies or plans required under the conditions of approval to the satisfaction of the Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.

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

7. ENVIRONMENTAL REPORTING

7.1 Annual Review

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- (a) By the end of March in each year after the commencement of the project, or other timeframe agreed by the Secretary, a report must be submitted to the Department reviewing the environmental performance of the project, to the satisfaction of the Secretary. This review must:
- (i) describe the project (including any rehabilitation) that was carried out in the previous calendar year, and the project that is proposed to be carried out over the current calendar year;
 - (ii) include a comprehensive review of the monitoring results and complaints records of the project over the previous calendar year, including a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - requirements of any plan or program required under this approval;
 - monitoring results of previous years; and
 - relevant predictions in the EA;
 - (iii) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
 - (iv) evaluate and report on compliance with the performance measures, criteria and operating conditions of this approval;
 - (v) identify any trends in the monitoring data over the life of the project and provide any raw monitoring data as requested by the Secretary;
 - (vi) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
 - (vii) describe what measures will be implemented over the next year to improve the environmental performance of the project.
- (b) Copies of the annual review must be submitted to BHCC and relevant agencies and made available to any interested person upon request.

7.2 Deleted

7.3 Deleted

7.4 Deleted

7.5 Deleted

7.6 Incident Notification, Reporting and Response

The Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Attachment 4.

7.7 Non-Compliance Notification

The Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance. A non-compliance notification must identify the development and the application number for it, set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Attachment Number 1 – Deleted

For Information

Attachment Number 2 – Noise Compliance Assessment

Applicable Meteorological Conditions

1. The noise criteria in condition 3.6 are to apply under all meteorological conditions except the following:
 - (a) average wind speed at microphone height exceeds 5 m/s;
 - (b) wind speeds greater than 3 m/s measured at 10 m above ground level; or
 - (c) temperature inversion conditions greater than 3°C/100m.

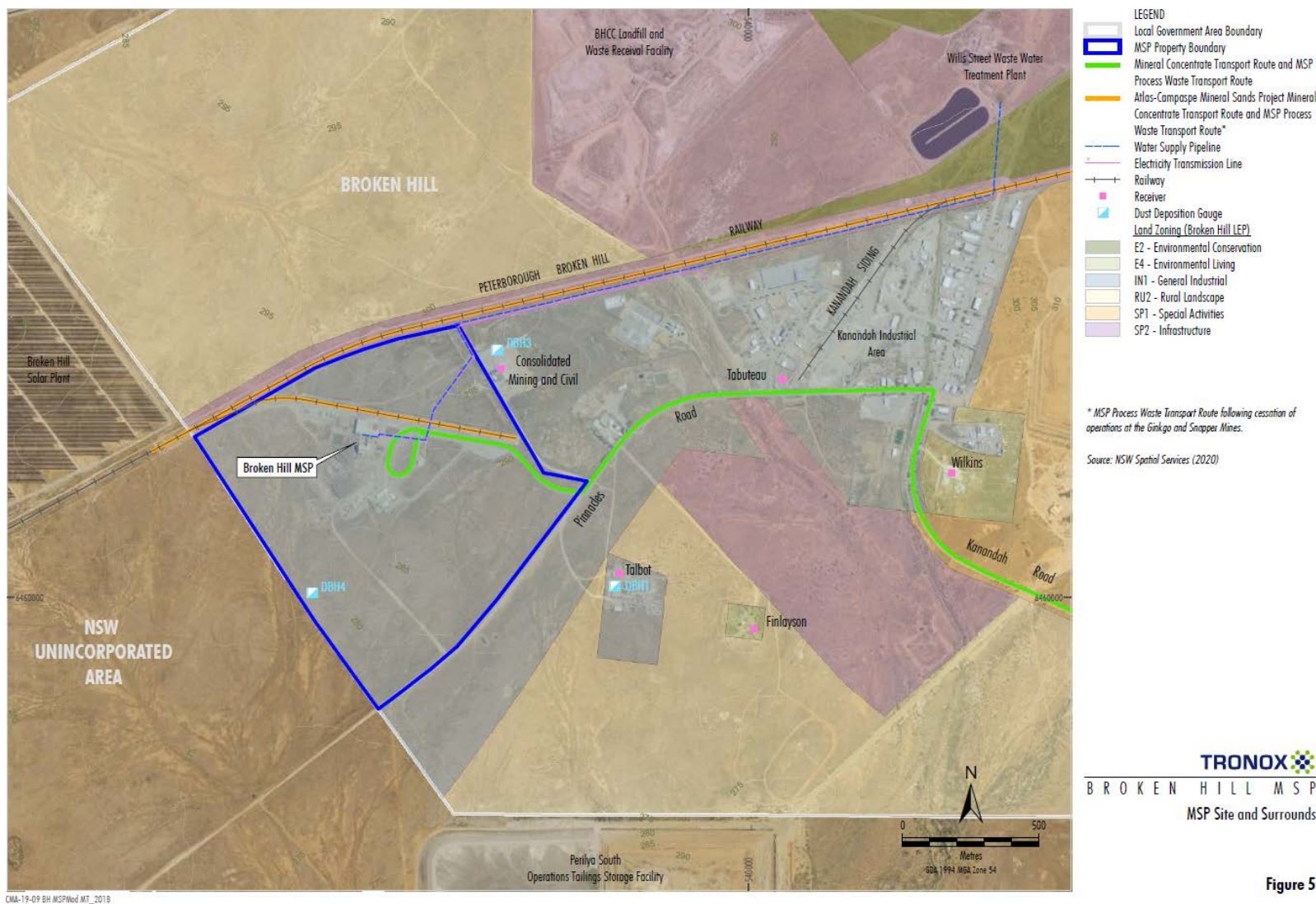
Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be recorded by the closest meteorological station.

Compliance Monitoring

3. Unless directed otherwise by the Secretary, quarterly attended monitoring is to be used to evaluate compliance with the relevant conditions of consent.
Note: The Secretary may direct that the frequency of attended monitoring increase or decrease at any time during the life of the development.
4. Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the *Noise Policy for Industry* (NSW EPA, 2017), or latest version, in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) meteorological conditions during which collection of noise data is not appropriate;
 - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
 - (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.

Attachment Number 3 – Receiver Locations



Attachment Number 4

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.