ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION UNDER SECTION 91 OF THE UNAMENDED ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister for Urban Affairs and Planning, under section 91 of the unamended *Environmental Planning and Assessment Act 1979* (EP&A Act) determine the development application referred to in Schedule 1 by granting consent to that application subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions generally is to minimise any adverse effects from the development, consistent with the objectives of the Act. These conditions are listed in Schedule 2.

The "unamended" EP&A Act means the EP&A Act, as in force immediately before 1 July 1998.

Andrew Refshauge MP
Deputy Premier
Minister for Urban Affairs and Planning,
Minister for Aboriginal Affairs and Minister for Housing

SIGNED BY MINISTER REFSHAUGE 1 SEPTEMBER 1999

Sydney 1999 File No: S97/00305

Note: Section 91 of the unamended EP&A Act continues to apply to development applications that were made but not determined by the consent authority under that section before the appointed day as if the EP&A Amendment Act 1998 had not been enacted.

SCHEDULE 1

Applicant:	Tritton Resources Pty Ltd
To:	The Minister for Urban Affairs and Planning
In respect of:	Lot 61/875925; Lot 13/751346; Lot 14/751346; Lot 6/751346; LI 204945; LI 204957; Tritton Trig Reserve; TSR No 60 000; TSR No 9696; Yarrandale Road. Parish of Tritton and County of Canbelego Lot 4/751308; Parish of Carnbilly and County of Canbelego.
For the following:	Tritton Copper Mine Project

Development Application:	Development Application No. 41/98 lodged with Department of Urban Affairs and Planning on 29 June 1998, accompanied by an Environmental Impact Statement prepared by RW Corkery & Co Pty Limited dated June 1998. A Species Impact Statement had also been prepared by Countrywide Ecological Service in conjunction with Greg Richards and Associates and Geoff Cunningham Natural Resource Consultants dated December 1998.
Determination:	(1) To determine the date upon which this consent becomes effective, refer to section 93 of the unamended Act; (2) To determine the date on which this consent lapses, refer to section 99 of the unamended Act; (3) Section 97 of the unamended Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after the receipt of the notice under section 92 of the unamended Act.

Red type represents modification of 26 August 2004
Blue type represents modification of 22 September 2005
Green type represents modification of 12 June 2007
Violet type represents modification of 19 December 2007
Orange type represents modification of 7 April 2015
Light blue type represents modification of January 2019

<u>**SCHEDULE 2**</u>

CONDITIONS OF DEVELOPMENT CONSENT

LIST OF ABBREVIATIONS

Annual Review	The review referred to in condition 6A of Schedule 2 of this consent
Applicant	Tritton Resources Pty Ltd, or any person who seeks to carry out the approved development under this consent
Council	Bogan Shire Council
Department	Department of Planning and Environment
Development	The development described in the EIS
DoI L&W	Department of Industry – Lands & Water Division
DRG	Division of Resources and Geoscience within the Department
EA	Environmental Assessment
EIS	The Environmental Impact Statement titled *Tritton Copper Project - Environmental Impact Statement*, dated June 1998, prepared by R W Corkery & Co Pty Limited, as amended by the: • Species Impact Statement, dated December 1998, prepared by Countrywide Ecological Service in conjunction with Greg Richards and Associates and Geoff Cunningham Natural Resource Consultants; • modification application No.41/98 MOD - 1, dated 15 June 2004, and accompanying information prepared by Tritton Resources Limited; • modification application No. 41/98 MOD - 2, dated 30 June 2005, and accompanying information prepared by Tritton Resources Limited; • modification application No. 21_3_2007, dated 20 February 2007, and accompanying SEE for the *Proposed Surface Waste Rock Dump at the Tritton Copper Mine, Hermidale*, prepared by Tritton Resources Limited; • modification application DA 41/98 MOD 4, dated 3 October 2007, and accompanying SEE for the *Tritton Expansion Project – Stage 2, prepared by Straits Resources Limited*, and the accompanying Response to Submissions prepared by Straits Resources Limited and received by the Department on 26 November 2007; • modification application DA 41/98 MOD 5 and EA titled *Environmental Assessment for the Tritton Copper Mine Modification 5*, dated November 2014, and the associated Response to Submissions dated 19 January 2015, and additional information dated 26 February 2015; and • modification application DA 41/98 MOD 6 and EA titled *Environmental Assessment for the Tritton Copper Mine Modification 6*, dated August 2018, and associated letters titled *Response to EPA Comments*, 8 November 2018, *Response to Dam Safety Committee Comments,* 23 November 2018, *Response to EPA Feedback on RTS,* 4 December 2018 and

	Tritton Mine (DA 41/98 Modification 6) – Review of Traffic Activities, 16 January 2019.
EMP	Environmental Management Plan
EPA	Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	Is harm that: • involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	Includes the removal and emplacement of ore and waste rock; the processing, handling and storage of ore and tailings on site; and the transport of ore concentrate and tailings offsite
Mitigation	Activities associated with reducing the impacts of the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
MOP/S	Mining Operations Plan/s
OEH	Office of Environment and Heritage
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
RR	Resources Regulator within the Department
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
SEE	Statement of Environmental Effects
Site	As listed in Schedule 1 and shown in Appendix 1

GENERAL

1. The Applicant must carry out the development:
   (i) generally in accordance with the EIS; and
   (ii) in accordance with the conditions of this consent.

   Note: The general layout of the development is shown in Appendix 1.

1A. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

STATUTORY AND OTHER REQUIREMENTS

2(a) The Applicant shall meet the statutory requirements of all public authorities having responsibilities for environmental protection, pollution control, and land and water conservation approvals and licences in respect of the mine operation and associated works encompassed by DA No. 41/98.

2(b) The Applicant shall comply with all reasonable requirements of the Secretary in respect of the implementation of any measures arising from reports submitted in accordance with the conditions of this consent, within such time as the Secretary may agree.

DURATION AND SCOPE OF CONSENT

3. The Applicant may carry out mining operations on site until 21 December 2024.

   Note: This consent will continue to comply to all other aspects – other than the right to conduct mining operations – until the rehabilitation of the site and any additional undertakings have been carried out satisfactorily.

MINING OPERATIONS PLAN/S (MOP/s)

4. The Applicant shall submit and have accepted by DRG, a Mining Operations Plan (MOP) in accordance with current guidelines issued by DRG. The Plan should cover mining operations for a period to be determined by DRG.

   The MOP shall:

   (i) be prepared in accordance with *ESG3: Mining Operations Plan (MOP) Guidelines, September 2013* (or its most recent equivalent);
   (ii) demonstrate consistency with the conditions of this consent and any other statutory approvals;
   (iii) demonstrate consistency with the Environmental Management Plan required by Condition 6;
   (iv) provide the basis for implementing mining operations, environmental management, and ongoing monitoring and reporting (ie Annual Review); and
   (v) identify a schedule of proposed mine development for the period covered by the plan and include:
   - the area proposed to be impacted by mining activity and resource recovery mining methods and remediation measures including rehabilitation

- areas of environmental, heritage or archaeological sensitivity and mechanisms for appropriately minimising impact
- water management, and
- proposals to appropriately minimise surface impacts.

A copy of the MOP, excluding commercial in confidence information, shall be forwarded to the Council and Secretary within 14 days of acceptance by DRG.

ENVIRONMENTAL MANAGEMENT SERVICES

5. The Applicant shall ensure that suitably qualified personnel are appointed to:

(i) be responsible for the preparation of relevant environmental documentation;
(ii) be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;
(iii) be responsible for receiving and responding to any complaints;
(iv) facilitate an induction and training program for all persons involved with construction activities, mining and remedial activities (including surface drainage mitigation works); and
(v) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or a adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.

ENVIRONMENTAL MANAGEMENT PLANS

6. The Applicant shall prepare an Environmental Management Plan (EMP) for the mining operation, which shall include, the preparation of the following:

(i) an Erosion and Sediment Control Strategy prepared in consultation with the RR and the EPA and including details of all control measures to be implemented during both the construction and operational phases of the mine (including the construction of the water pipeline from the Girilambone Mine to the Tritton site);
(ii) a Contingency Strategy prepared in consultation with OEH for any threatened species that maybe affected by the construction and operation of the mine;
(iii) a Traffic Management Strategy prepared in consultation with the RMS;
(iv) a Noise and Vibration Management Strategy in consultation with the including noise management procedures, monitoring protocols and measures for mitigating impacts that can be implemented where necessary throughout the life of the development under normal meteorological conditions; and
(v) a Dust Management Strategy for the development, prepared in consultation with the EPA. The strategy must describe the air quality management system in detail and describe the measures that would be implemented to ensure compliance with condition 48 of schedule 2 of this consent.

The Plan shall also include but not be limited to:

(vi) details of the mine infrastructure and facilities to be developed;
(vii) where relevant, monitoring procedures relating to water quality, groundwater flows, air quality, noise and vibration, and the tailings storage facility;

(viii) management and protection measures for all recorded Aboriginal archaeological sites within the development site;
(ix) the recommendations of the Preliminary Hazard Analysis prepared by McCracken Consulting, dated December 1998;
(x) management measures for any fauna and flora species listed under the Threatened Species Conservation Act 1995 that occur on the site.

The EMP shall be prepared to the satisfaction of the Secretary in consultation with relevant agencies and shall be submitted at least 1 (one) month prior to the commencement of construction, or within such period as otherwise agreed to by the Secretary.

(Note: The Applicant may prepare the EMP required by this condition in conjunction with the MOP/s required by Condition 5 provided the MOP/s specifically addresses the matters listed in this condition).

ANNUAL REVIEW

6A. By the end of March each year, unless the Secretary agrees otherwise, the Applicant must review the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. This review must:

i) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development 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 development over the past year, which includes a comparison of these results against the:
- relevant statutory requirements, limits or performance measures/criteria;
- monitoring results of previous years; and
- relevant predictions in the EIS;

iii) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
iv) identify any trends in the monitoring data over the life of the development;
v) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
vi) describe what measures will be implemented over the next year to improve the environmental performance of the development.

Note: The Post Approval Requirements for State Significant Developments - Annual Review Guideline 2015, NSW Government, October 2015 (or its latest version) provides a reporting framework to integrate the reporting requirements of the Annual Review required by the Department under the development consent and the Annual Environment Management Report required under the Mining Lease.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

6B. The Applicant must review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary within 3 months of the:

i) submission of an incident report under condition 7 of Schedule 2;

ii) submission of an audit report under condition 8 of Schedule 2; or
iii) any modification to the conditions of this consent.

Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted to the Secretary for approval.

COMPLIANCE

7. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

7A. The Department must be notified in writing to compliance@planning.nsw.gov.au within 7 days after the Applicant becomes aware of any non-compliance with the conditions of this consent. The notification must identify the development and the application number for it, set out the condition of consent 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 done, or will be, undertaken to address the non-compliance.

7B. The Applicant must provide regular compliance reporting to the Department on the development in accordance with the relevant *Compliance Reporting requirements* (DPE 2018).

INDEPENDENT ENVIRONMENTAL AUDIT

8. By 30 September 2021, and every 3 years thereafter, or as directed by the Secretary, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
   i) be prepared in accordance with the relevant *Independent Audit Post Approval requirements* (DPE 2018);
   ii) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
   iii) be carried out in consultation with the relevant agencies;
   iv) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
   v) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

   Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations.

   The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.

TAILINGS STORAGE FACILITY

9. The Tailings Storage Facility shall be designed, constructed, operated, monitored, maintained and finally stabilised so as to:
   (a) be in accordance with the documents referred to the EIS;
   (b) be otherwise in accordance with the EIS, the supplementary document prepared in response to Government submissions, and the document titled "Nord Australex Nominees/Straits Mining Joint Venture – Tailings Storage Facility Preliminary Design Report";
   (c) ensure that water received in the facility is evaporated, retained, or reused and that there is no overflow of tailings water to the environment unless approved by EPA; and
   (d) ensure that there is no excessive seepage or leakage from the facility, and that any leakage or seepage is managed in accordance with the requirements of EPA and the RR.

10. Prior to the construction of the Tailings Storage Facility, and prior to raising the Facility above 10 metres in height, the Applicant must submit detailed design plans to the RR and the NSW Dams Safety Committee for approval.

11. Construction of the Tailings Storage Facility shall be supervised at all times and certified by the Applicant's dam design engineer.

12. Piezometers (monitoring bores) are to be installed to monitor the Tailings Storage Facility prior to any tailings being placed in the Tailings Storage Facility. The location and standard of the piezometers must be determined in consultation with the DoI L&W's Regional Hydrogeologist.

13. Standing water levels in the piezometers are to be measured prior to any tailings being placed in the Tailings Storage Facility and then at 6 monthly intervals. Sampling and a complete water analysis for each piezometer must be undertaken prior to any tailings being placed in the Tailings Storage Facility and thence annually. Results of measurements and sample analysis are to be interpreted and reported in the Annual Review.

13A. The Applicant must:
   i) ensure any water in the excavated cells drains away from the embankment walls of the Tailings Storage Facility;
   ii) minimise the amount of time that excavated and stockpiled tailings are stored on site; and
   iii) keep records of the amount of tailings that is extracted and exported from the site each year.

13B. Prior to commencing any works associated with Modification 6, unless the Secretary agrees otherwise, the Applicant must prepare a Tailings Extraction Management Plan for the development, to the satisfaction of the Secretary. This plan must:
   (a) be prepared by a suitably qualified expert approved by the Department and prepared in consultation with the EPA and the NSW Dams Safety Committee;
   (b) include:

i) details of the tailings extraction process, including extraction, deposition, drying, storage, loading and on-site haulage activities;
ii) details of the location and extent of the tailings stockpile pad, the depth and permeability of the liner and the access points to this area;
iii) an overview of the water and air quality management systems at the tailings storage facility;
iv) a description of the measures that would be implemented to achieve the requirements of condition 13A of Schedule 2 of this consent;
v) a trigger action response plan for dust management; and
vi) a program to monitor and report on the effectiveness of the implementation of the measures in this plan.

The Applicant must implement the approved Tailings Extraction Management Plan.

WATER

14. Surface water management is to be carried out in accordance with the methods described under Section 4.2 of the EIS in consultation with DOI L&W.

15. Initial groundwater inflows into the mine are to be monitored for volume of inflow and there after at 6 monthly intervals, with sampling and a complete water analysis of inflow water being undertaken annually. Results of measurements and sample analysis are to be interpreted and reported in the Annual Review.

16. In respect of the license requirements for the mine, the Applicant shall consult with the DOI L&W's Water Administration Manager (Macquarie);

i) to amend the water license arrangements for the Girilambone Mine to reflect the new location of use at the Tritton Site;
ii) to obtain the necessary license under the *Water Act 1912* for the use of groundwater from mine dewatering for any purpose; and,
iii) to obtain the necessary licence under the *Water Act 1912* for the construction and use of all monitoring bores (piezometers) associated with the development.

17. Soil stripping and stockpiling procedures for use in future site rehabilitation are to be carried out as outlined in Section 4.4.2 of the EIS in consultation with EPA.

MULLOCK MANAGEMENT

18. All potentially acid producing mullock materials shall be stockpiled in controlled discharge areas such that there is no discharge of leachate beyond the designed water management system.

19. Prior to the construction and the commencement of mining operations, and during the operational life of the mine, the Applicant shall conduct regular investigations to determine whether potentially acid-producing mullock will be mined.

20. Should investigations reveal the existence of potentially acid producing mullock, the Applicant shall:

- prepare an acid mine drainage strategy in consultation with the EPA; and
- encapsulate the material with non-acid forming material if it is to be located in the mullock stockpile area or be left underground.

20A. The non acid forming rock waste dump shall be a maximum of 20 metres in height from the land surface.

FLORA AND FAUNA

21. The Applicant shall consult with the OEH when implementing the recommendations detailed in section 4.6.1.1 and 4.6.2.1 of the EIS, including the placement of a fence around the Tailings Storage Facility prior to tailings production.

22. The Applicant shall ensure that, following the production of tailings, there is an alternative and permanent source of potable water for wildlife. Details should be included in the Contingency Strategy required by Condition 6(ii).

23. Prior to the construction of the tailings dam, and following consultation with the RR and EPA, the Applicant shall prepare a Management and Monitoring Plan for the Tailings Dams to the satisfaction of the Secretary. The Plan shall be prepared by a suitably qualified person and be submitted to the Department one month prior to the commencement of the works. The Plan shall include but not be limited to:

    (i) A full list of chemicals and reagents and their concentrations to be released into the tailings dams and the expected dilutions of those chemicals and reagents after release;
    (ii) A toxic profile of these chemicals and reagents (ie in tailings water);
    (iii) An assessment of expected effects of the chemicals and reagents on the species of concern, particularly threatened species;
    (iv) Ameliorative measures and contingency planning measures to ensure adverse impacts on wildlife are minimised;
    (v) Provisions for on-going monitoring of the chemical and reagent concentrations of the tailings dam and wildlife use of the dam; and
    (vi) The monitoring component of the plan shall also include provision for the monitoring of wildlife usage of the alternative water supply required by Condition 22.

24. The Applicant shall implement the Management and Monitoring Plan in accordance with its provisions.

25. Prior to any tree clearing for the Tailings Storage Facility, the Applicant shall inspect the area for potential bat roost trees and nest hollows. Identified trees should be retained where possible, or if lost, any bat colonies should be relocated in consultation with OEH. The locations of trees with hollows and any other significant threatened fauna attributes should be identified and presented in the contingency plan required by Condition 6(ii) of this consent.

26. All hollowed vegetation, stumps and logs removed during the construction of the Tailings Storage Facility shall be relocated to the designated areas of compensatory planting identified in Figure 2.12 of the EIS.

27. In relation to the Kultarr, the Applicant shall;

a) Put in place pre-start monitoring. Any Kultarr located should be relocated to suitable habitat as near as possible to the capture site. This habitat shall be defined by a suitably qualified person; and

b) Any captured Kultarr to be relocated shall be held for a period no longer than 10 days in suitable conditions.

28. The Applicant shall, where practicable, ensure that the identified communities containing the species *Pterostylis cobarensis* are protected from mining and mining related disturbance by means of a buffer area at least 20 metres wide.

LANDSCAPE PLAN

29. The Applicant shall submit a Landscape Plan to Council prior to the issuing of a Construction Certificate. The Plan shall be prepared by a suitably qualified person and shall address, but not be limited to, the following matters:

i) Details on screen planting around the Tailings Storage Facility, with particular attention to minimising the visibility of the facility from Yarrandale Road; and
ii) Details on the proposed landscaping treatment of the mine processing area, Tailings Storage Facility and office area.

30. All landscaping and tree planting works referred to in Condition 29 shall be completed as far as practicable within 12 (twelve) months of the commencement of operations.

31. All disturbed areas are to be revegetated as soon as practicable on completion of construction using species and fertilisers in combinations and at such rates acceptable to the OEH's Nyngan Catchment Advisory Officer.

EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES

32. The Applicant shall ensure that the external colour and texture of all structures shall, where practical, blend into the natural surroundings of the locality.

TRANSPORTATION AND TRAFFIC

33. All heavy vehicle movements associated with the development shall use the Barrier Highway and the sealed section of Yarrandale Road for site ingress and egress, ie with the exception of any movement of equipment and supplies between the Girilambone Mine and the Tritton Project Site, and the transportation of waste rock and tailings.

33A. The Applicant may:
(a) transport up to 30,000 tonnes of waste rock from the site in any calendar year; and

(b) receive up to 1 million tonnes of ore material in any calendar year.

33B. The Applicant shall ensure:

(a) all vehicles exporting waste rock enter and exit the site via the haul road entrance/Yarrandale Road intersection (see Appendix 1); and

(b) transportation of waste rock only occurs between 7.00 am and 10.00 pm.

34. Prior to the commencement of construction of the mine or as otherwise agreed to by the RMS and Council, the Applicant shall at its own cost:

i) seal the length of Yarrandale Road to a width of 7 metres, from the end of the existing seal to the Tritton project site;

ii) upgrade the intersection of Yarrandale Road and the Barrier Highway to an intersection type AUR for westbound traffic on the Barrier Highway, and the intersections for both northbound and southbound traffic on Yarrandale Road to intersections type BAL 4.8.35 for use by articulated vehicles in accordance with the RMS Road Design Guidelines;

iii) in consultation with the RMS, ensure that there is an adequate bitumen area to accommodate the sweep path generated by the vehicles that will regularly use the site during both the construction and operational phase;

iv) prior to carrying out any concentrate transport operations (other than during daylight hours), provide adequate overhead night time lighting for the intersection of the Barrier Highway and Yarrandale Road to the approval of the RMS and Council;

v) construct the turnout to the Tritton site from Yarrandale Road to an intersection type AUL in accordance with the RMS's Road Design Guide (1991). This area shall include a suitable deceleration length applicable to all proposed transport modes;

vi) in accordance with the RMS's Road Design Guide (1991) provide an appropriate intersection for right turn movements into the Girilambone Mine Site to the satisfaction of Council;

vii) to the approval of the RMS and Council, erect appropriate warning signs on both approaches to both the turnout to the Tritton site and on both approaches to the Yarrandale Road intersection. At a minimum, the signs shall comprise a TRUCK sign (Entering or Crossing) *sign type W5-22C* and with a DISTANCE sign, *sign type W8-5C* located beneath it. The distance sign is to show a distance of 200 metres; and

viii) provide GIVE WAY signs, *sign type R1-3B* on the access road facing traffic about to enter Yarrandale Road, and on Yarrandale Road facing traffic about to enter the Barrier Highway.

35. Any road works undertaken on or adjacent to the Highway formation are to be advised and controlled in accordance with the requirements set down by Australian Standard AS1742 and the RMS's "Traffic Control at Worksites, Version 2 October 1998".

36. The Applicant shall ensure that the vehicles engaged in the transport of concentrates:

- comply with the design requirements and vehicle specifications for this type of vehicle; and
- are adequately covered so as to prevent any materials falling from the truck and trailer onto the road pavement.

37. The Applicant shall, in liaison with the local bus operators, ensure that any heavy vehicle haulage is to avoid school bus times when and if school buses travel along Yarrandale Road.

37A. Prior to exporting any waste rock and tailings as permitted by condition 33A, the Applicant shall prepare and implement a code of conduct for the transportation of waste rock and tailings on public roads, including procedures to ensure that drivers implement safe driving practices. The code of conduct must be prepared in consultation with RMS and Council and to the satisfaction of the Secretary.

NOISE

38. The Applicant shall ensure that the $L_{A10\ (15\ minute)}$ noise levels due to the normal operation of the mine, when measured or computed at any residence (other than any premises under the control of the Applicant), shall not exceed:

    i) during day time (7am-10pm), an $L_{A10\ (15\ minute)}$ noise levels of 35dB(A)
    ii) during night time (10pm-7am), an $L_{A10\ (15\ minute)}$ noise levels of 33dB(A)

    Should a noise complaint be received from any nearby residence, the Applicant shall investigate the complaint and implement appropriate mitigation measures as required. Any such complaints and subsequent actions undertaken by the Applicant shall be addressed in the Annual Review required by Condition 6A.

39. The Applicant shall ensure that noise measurements shall be undertaken under prevailing weather conditions, in the absence of temperature inversions and over a period of time sufficient to be representative of the noise levels being emitted from the mine.

40. All aboveground blasting shall be carried out between 9:00am and 6:00pm Monday to Friday. Blasting shall only be allowed on public holidays in special circumstances and with the prior approval of the EPA.

41. The Applicant shall ensure that no private or company vehicles are utilising Yarrandale Road within 400 metres of the entrance to the Tritton Project Site when surface blasting is being undertaken.

42. The Applicant shall ensure that air blast overpressure and vibration monitoring and control is generally carried out in accordance with relevant Australian Standards. in consultation with the EPA.

43. The Applicant shall monitor all surface blasts and blasts within 200 metres of the mine portal and record the overpressure and peak particle velocity at locations agreed by EPA and the RR.

HERITAGE

44. The Applicant shall ensure that all Aboriginal archaeological sites that have been identified within the development site are avoided and not disturbed. This shall include the site referred to as H/G-OS-2.

45. The Applicant shall prepare management and protection measures in consultation with the OEH and the relevant local Aboriginal groups for those Aboriginal sites within the development site within 50 metres of any proposed area of disturbance, that have been identified to date and for any other sites that may be identified in the future.

    These protective measures are to include the procedures recommended in the Archaeological Report of the EIS prepared by J Kelton.

46. In the event that Aboriginal artefacts are identified within the development site during earthworks, construction or operation of the mine, the Applicant shall contact the OEH and cease work in the relevant location pending investigation and assessment of its heritage value by OEH and the relevant local Aboriginal groups.

47. The Applicant shall place temporary fencing or flagging around those Aboriginal sites identified within 50 metres of the proposed areas of disturbance to prevent the possibility of accidental damage during the mine's construction phase in accordance with the relevant recommendations of the Archaeological Report of the EIS prepared by J Kelton.

AIR QUALITY

48. The Applicant must:
    i) minimise the off-site dust emissions of the development;
    ii) minimise any visible air pollution generated by the development;
    iii) minimise surface disturbance on the site;
    iv) ensure that trucks transporting tailings cover their loads during transportation at all times; and
    v) define dust trigger levels and identify a plan to respond to any exceedances of the trigger levels.

49. Deposited dust sampling shall occur at any nearby property as required by the EPA following the request of a resident and at any other locations determined by the EPA with the results submitted to the EPA.

BLASTING PROTOCOL

50. Prior to undertaking any blasting activities, the Applicant shall prepare and submit a blasting protocol to the Secretary and EPA prior to the commencement of operations. The protocol shall include;

    - a means for notifying any property owners within 5 km of the site of the proposed blasting program; and,
    - the proposed methods for keeping any records of complaints to enable remedial action to be undertaken to prevent recurrence.

HAZARDS AND SAFETY

Note: Conditions 51 to 53 relate to offsite risk to people, property and the biophysical environment. The safety of all persons and operations on site is the responsibility of the RR under the Work Health and Safety Act 2013 and Dangerous Goods Act.

The Applicant may choose to meet these Conditions by demonstrating to the Department that the plans and systems developed to meet the requirements of the mining lease also meet the requirements set out in the Hazardous Industry Planning Advisory Papers as appropriate.

Pre-Construction Studies

51. At least one month prior to the commencement of construction of the proposed development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Secretary may agree, the Applicant shall prepare and submit for the approval of the Secretary a final hazard analysis as set out below. Construction, other than of preliminary works, shall not commence until approval has been given by the Secretary.

FINAL HAZARD ANALYSIS

Note: The purpose of the final hazard analysis is to demonstrate that there have been no changes during design that would materially affect the findings of the preliminary hazard analysis, in addition to showing that any recommendations from the latter have been appropriately implemented.

52. A final hazard analysis of the proposed development. The analysis should be prepared in accordance with the Department of Urban Affairs and Planning's Hazardous Industry Planning Advisory Paper No. 6, "Guidelines for Hazard Analysis".

    The analysis shall in particular address the issues relating to (i) the freeboard capacity and overflow frequency for the TSF as raised in recommendation No. 9 of the preliminary hazard analysis and (ii) the hazards associated with blasting as identified in recommendations 2 and 11 of the preliminary hazard analysis.

Pre-commissioning Studies

53. No later than two months prior to the commencement of commissioning of the proposed development, or within such further period as the Secretary may agree, the Applicant shall prepare and submit for the approval of the Secretary the studies set out under subsections (a) and (b) (the pre-commissioning studies). Commissioning shall not commence until the Secretary has given approval.

    (a) EMERGENCY PLAN

    A comprehensive emergency plan and detailed emergency procedures for the proposed development. This plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan shall be in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1, "Industry Emergency Planning Guidelines". The plan should address the matters raised in recommendation No. 5 of the preliminary hazard analysis.

(b) SAFETY MANAGEMENT SYSTEM

A document setting out a comprehensive safety management system, covering all operations on-site and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records shall be kept on-site and shall be available for inspection by the Secretary upon request. The Safety Management System shall be developed in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 9, "Safety Management".
The safety management system should take into account recommendations 2 and 8 of the preliminary hazard analysis.

APPENDIX 1
SITE ACCESS