

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.

Craig Knowles MP
Minister for Urban Affairs and Planning

Sydney

1998

File No: S98/00802

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 1997 had not been enacted.

SCHEDULE 1

Application made by: New England Antimony Mines NL

To: The Minister for Urban Affairs and Planning

In respect of: [ML 1440](#), [ML 1441](#), [ML 1442](#) and Portions 2, 101, 130, 171, 380, 406, Parish Metz, County Sandon, Hillgrove via Armidale

For the following: Hillgrove extension underground mining project

Development Application: Development Application No. 98/35 lodged with Dumaresq Council on 30 June 1998, accompanied by an Environmental Impact

Statement prepared by Martin and Associates Pty
Ltd dated June 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 2000 Modification

Blue type represents 2005 Modification

Green type represents 2015 Modification

Orange type represents 2018 Modification

Pink type represents 2025 Modification (MOD 6)

SCHEDULE 2

CONDITIONS OF DEVELOPMENT CONSENT

LIST OF ABBREVIATIONS

Applicant	Hillgrove Mines Pty Ltd, or any person who seeks to carry out the approved development under this consent
Council	Armidale Regional Council
CPHR	Conservation Programs, Heritage and Regulation Group within the NSW Department of Climate Change, Energy, the Environment and Water
DCCEEW Water	Water Group within the NSW Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning, Housing and Infrastructure
EPA	Environment Protection Authority
Heritage NSW	Heritage NSW within the NSW Department of Climate Change, Energy, the Environment and Water
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and which may or may not be or cause a non-compliance.
Material harm	<p>Is harm that:</p> <ul style="list-style-type: none"> involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or results in actual 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). <p><i>Note: This definition excludes “harm” that is authorised under either this consent or any other statutory approval.</i></p> <p><i>Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.</i></p>
Mining Operations	Includes all ore extraction, processing, handling, storage and transportation activities carried out on the subject land under this consent, of a maximum of 250,000 tonnes of ore per annum
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NSW Resources	NSW Resources within the Department of Primary Industries and Regional Development
Secretary	Planning Secretary under the EP&A Act, or nominee

CONSOLIDATED CONSENT

Subject development the development to which this consent applies
Subject land the land to which this consent applies
TfNSW Transport for NSW

GENERAL

1. (a) The Applicant shall carry out the development generally in accordance with the:
 - development application DA 98/35, dated 30 June 1998, lodged with Dumaresq Shire Council and the accompanying Environmental Impact Statement (EIS), dated June 1998, and prepared by Martin and Associates Pty Ltd;
 - modification application DIA No. 08/99, dated 17 August 1999, and accompanying Statement of Environmental Effects (SEE), dated August 1999, and prepared by Martin and Associates Pty Ltd;
 - modification application DA 98-35 M2, dated 10 November 2000 and accompanying SEE, dated November 2000, and prepared by E.A. Systems Pty Limited;
 - Environmental Assessment titled *Hillgrove Environmental Assessment*, dated 28 November 2014;
 - Environmental Assessment titled *Hillgrove Mines Environmental Assessment*, dated 11 January 2018, and Hillgrove Mines Pty Ltd's letter to the Department, dated 4 April 2018;
 - Environmental Assessment titled *Hillgrove Mines Modification Report*, dated May 2025; and
 - conditions of this consent.
- (b) If there is any inconsistency between the above, the conditions of this consent, or then the most recent document, shall prevail to the extent of any inconsistency.

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- 1A. In addition to meeting the specific performance measures and limits established under this consent, the applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

STATUTORY AND OTHER REQUIREMENTS

2. 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 extension and associated works encompassed by DA No. 98/35 and the re-alignment of the haul road to Brackins spur and associated works encompassed in DIA No. 08/99.
3. Consistent with the requirements in this consent, the Secretary may make written directions to the applicant in relation to:

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and
- (b) the implementation of any actions or measures contained in any such document referred to in condition 3(a).

DURATION AND SCOPE OF CONSENT

4. The Applicant may carry out mining operations and process up to 250,000 tonnes of ore per annum to produce Antimony and Gold concentrates on site until 31 December 2026.

Note: This consent will continue to apply 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.

5. This consent does not apply to the construction and operation of the Antimony Trioxide Plant or the construction and operation of a water supply pipeline to the mine from the Gara River. These works require a separate development consent.

PAYMENT OF REASONABLE COSTS

- 5A. The Applicant must pay all reasonable costs incurred by the department to engage a suitably qualified, experienced and independent expert(s) to review the adequacy of any strategy, plan, program or report required under the consent.

PROTECTION OF PUBLIC INFRASTRUCTURE

- 5B. Unless the Applicant and the applicable authority agree otherwise, the applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

OPERATION OF PLANT AND EQUIPMENT

- 5C. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- 5D. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) of such condition.

- 5E. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ENVIRONMENTAL OFFICER

6. The Applicant shall employ an Environmental Officer whose qualifications are acceptable to the Secretary in consultation with Council and the Department of Mineral Resources. The Environmental Officer shall be responsible for ensuring that all environmental safeguards proposed for the development and as required by this consent and other statutory approvals are monitored and enforced from the commencement of construction.

ENVIRONMENTAL MANAGEMENT PLAN

7. The Applicant shall prepare an Environmental Management Plan/s (EMP/s) covering both the construction and operation phases of the development. The Plan/s shall include, but not be limited to:
- (a) details of the mine infrastructure and facilities to be developed;
 - (b) erosion and sediment control measures (Condition 16);
 - (c) noise and vibration management procedures (Condition 32);
 - (d) results of investigations into potentially acid producing waste rock (Condition 20);
 - (e) where relevant, monitoring procedures relating to water quality, air quality, noise and vibration, and the tailings storage facility;
 - (f) management measures for any fauna and flora species listed under the Threatened Species Conservation Act 1995 that occur on the site.

The EMP/s shall be prepared in consultation with NSW Resources, DCCEEW Water, CPHR and Council and to the satisfaction of the Secretary. The construction EMP (or that part of the EMP covering the construction phase) shall be submitted prior to the commencement of construction works. The operation EMP (or that part of the EMP covering the operation phase) shall be submitted before the commencement of operations on the site.

- 7A. The Applicant must implement the Environmental Management Plan as approved by the Secretary.

ANNUAL REVIEW

8. An annual report reviewing the environmental performance of the development must:
- (a) be submitted:
 - (i) to the department by the end of March each year after the commencement of development under this consent, or other timeframe agreed by the Secretary;
 - (ii) to Council;
 - (b) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
 - (c) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:
 - (i) relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) monitoring results of previous years; and
 - (iv) relevant predictions in the EIS;
 - (d) 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;
 - (e) evaluate and report on:
 - (i) the effectiveness of the noise and air quality management systems; and
 - (ii) compliance with the performance measures, limits and operating conditions of this consent;
 - (f) identify any trends in the monitoring data over the life of the development;
 - (g) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (h) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

COMPLIANCE

- 8A. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

INCIDENT NOTIFICATION

9. The Applicant must notify the department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
 - (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an incident;
 - (c) a description of what immediate steps were taken in relation to the incident; and
 - (d) identifying a contact person for further communication regarding the incident.
- 9A. The Applicant must provide the department with a subsequent incident report in accordance with Appendix 1.

NON-COMPLIANCE NOTIFICATION

- 9B. Within seven days of becoming aware of a non-compliance, the applicant must notify the department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects).

The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, 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.

INDEPENDENT ENVIRONMENTAL AUDITING

10. An independent environmental audit of the development, carried out in accordance with the *Independent Audit Post Approval Requirements*, must be conducted by 30 June 2026 and every three years thereafter.

CONSTRUCTION HOURS

11. Any construction activity resulting in noise emission levels greater than 5 dB(A) above background, or resulting in tonal noise or impact noise likely to cause annoyance at any residence, shall be limited to the following hours:

7:00 am to 6:00 pm – Monday to Friday

7:00 am to 1:00 pm – Saturday

No construction activity on Sundays or public holidays.

TAILINGS STORAGE FACILITY

12. The Applicant shall obtain approval from the NSW Dam Safety Committee for the construction of the tailings storage facility. All construction and operation works and monitoring and maintenance procedures shall be in accordance with the requirements of the NSW Dam Safety Committee. Copies of all relevant approvals from the NSW Dam Safety Committee shall be forwarded to the **Secretary** prior to the commencement of construction of the tailings storage facility.
13. The tailings storage facility shall be designed, constructed, operated, monitored and maintained such that all water received in the facility is evaporated, retained or reused and that there is no discharge of tailings water to the environment. The Applicant shall comply with all requirements of the EPA, **NSW Resources**, and the NSW Dam Safety Committee to ensure that there is no seepage, leakage or overflow from the tailings storage facility.

Notes:

- *This condition applies to the management of water associated with rainfall events of up to 72 hours duration with a 1 in 100 year Average Return Interval; and*
 - *The permeability target for the lining of tailings storage facility is a clay liner of 450 mm minimum thickness of 1×10^{-9} metres/sec permeability, or equivalent.*
- 13A. The proponent must prepare a Quality Control and Quality Assurance (QC/QA) Report in consultation with the EPA for the approval of the Secretary, that provides detailed design plans for the proposed Stage 2 lift to Tailings Storage Facility 2 (TSF2), and details on how the design specifications provided in the notes below Condition 13 will be delivered. Construction of the Stage 2 lift of TSF2 must not commence until the QC/QA Report has been approved by the Secretary in writing.
 - 13B. Before the Stage 2 lift to TSF2 can be utilised for tailings disposal, the proponent must prepare and submit a Quality Control and Quality Assurance (QC/QA) Verification Report providing design as constructed drawings, and test results demonstrating that the Stage 2 lift has met or exceeded the design specifications defined in the notes below Condition 13. The QC/QA Verification report must be submitted to and approved in writing by both the EPA and Secretary before the Stage 2 lift can be used for tailings disposal.
14. Construction of the tailings storage facility shall be supervised at all times and certified by the Applicant's dam design engineer.

WATER QUALITY

15. Any new effluent disposal system shall be subject to relevant approvals from the EPA and Council.

16. The Applicant shall prepare an Erosion and Sediment Control Plan that includes details on all control measures to be implemented during construction works, including haul road construction and upgrading, and include contingency measures for dealing with high rainfall events during construction. The Plan shall also cover erosion and sediment control during the operational phase of the development. The Plan shall form part of the EMPs referred to in Condition 7.
17. In order to prevent dust and sediment trapped in vehicle wheels from entering Bakers Creek, all vehicle crossings over Bakers Creek shall be constructed such that under normal flow conditions vehicles do not enter the water.
18. The Applicant shall, in accordance with the requirements of the EPA, NSW Resources and DCCEEW Water and the Secretary:
 - (a) monitor and report on groundwater discharges from the existing and new mine adits; and
 - (b) implement appropriate measures to control contaminated water discharges from existing and new adits
19. Waste rock materials shall be stockpiled in controlled discharge areas such that there is no discharge of leachate to the environment.
20. Prior to the construction of any new adits and the commencement of mining operations at Brackins Spur, the Applicant shall conduct investigations to determine whether potentially acid producing waste rock will be extracted during construction and mining. Should these investigations reveal the existence of potentially acid producing waste rock, management measures for this material shall be included in the EMP referred to in Condition 7.

FLORA AND FAUNA

21. Prior to the commencement of construction, the Applicant shall consult with the CPHR in relation to the possible occurrence of new eucalyptus species in the *Eucalyptus cypellocarpa* group on the subject land.
22. During construction of haul roads, all practical measures shall be implemented to reduce impacts on individuals and stands of *Eucalyptus michaeliana* and *Acacia ingramii* and *Allocasuarina torulosa*. These measures shall include, but not be limited to, the fencing and flagging of individuals and stands and, where practicable, the avoidance of blasting in the vicinity of these species.
23. The Applicant shall implement all appropriate measures to avoid disturbance of all mature hollow-bearing trees on the subject land. Should disturbance of mature hollow-bearing trees be unavoidable, a suitably qualified person shall, prior to disturbance, inspect the relevant tree/s for the presence of the Black Cockatoo *Calyptorhynchus lathami*, the Red-tailed Black Cockatoo *Calyptorhynchus magnificus* and the Greater Broad-nosed Bat *Scoteanax rueppellii*. Should any these species be detected, the Applicant shall immediately contact CPHR with regard to the implementation of appropriate measures to minimise impacts on these species.

24. Prior to the disturbance of any tunnels, adits or mine shafts on the subject land, the Applicant shall conduct an inspection for the presence of the Large Bent-wing Bat *Miniopterus schreibersii*. Should this species be detected, the Applicant shall contact **CPHR** with regard to the implementation of appropriate measures to minimise impacts on the species.
25. Prior to the commencement of construction, the Applicant shall, in accordance with the requirements of the **CPHR**, undertake further investigations to determine the validity of the record of the Red-tailed Black Cockatoo *Calyptorhynchus magnificus* occurring on the subject land.

VEGETATION MANAGEMENT AND LANDSCAPE PLAN

26. The Applicant shall submit a detailed Vegetation Management and Landscape Plan with the Building Application lodged with Council, or at another date as agreed to by Council. The Plan shall be prepared by a suitably qualified person and shall address, but not be limited to, the following matters:
 - (a) details of likely vegetation loss, means to minimise such loss and additional tree planting to offset this loss;
 - (b) details on screen planting around the new tailings storage facility, with particular attention to minimising the visibility of the facility from residences to the north; and
 - (c) details on the proposed landscaping treatment of the mine processing area and the new office area on the Bakers Creek Flat.
27. All landscaping and tree planting works shall be completed to the satisfaction of Council within 12 (twelve) months of the commissioning of the development.

EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES

28. All buildings and structures shall be constructed using suitably coloured, non-reflective materials to the satisfaction of Council. Details shall be submitted with the Building Application lodged with Council.

TRAFFIC AND PARKING

29. All heavy vehicle movements associated with the subject development shall use the Stockton Road and Waterfall Way route for site ingress and egress.
30. Prior to the commencement of operations, the Applicant shall consult the **TfNSW** and Council on the funding and timing for the provision of a right hand turning lane (slip lane) for eastbound traffic on Waterfall Way at its intersection with Stockton Road. The turning lane shall be provided at the Applicant's expense.
31. On-site parking arrangements shall be to the satisfaction of Council.

- 31A. By the end of December 2020, unless otherwise agreed with the Secretary, the Applicant shall commission an independent road safety audit of the intersection of Waterfall Way and Stockton Road. This audit must:
- (a) be prepared by a suitably qualified person whose appointment has been approved by the secretary; and
 - (b) recommend measures to reduce or mitigate any adverse (or potentially adverse) impacts to ensure that the intersection and its approaches comply with any relevant road safety requirements and are providing a satisfactory level of service.
- 31B. Within 1 month of receiving the road safety audit report, or as otherwise agreed with the Secretary, the Applicant shall submit a copy of the report to the Secretary with a detailed response to any of the recommendations contained in the report, including a timetable for the implementation of any measures proposed to address the recommendations in the report. Any road works recommended in the audit must be undertaken in accordance with this timetable to the satisfaction of the relevant road authority, unless otherwise agreed with the Secretary.
- Note: In the event that there is a dispute between the Applicant and the relevant roads authority about the implementation of these conditions, then either party may refer the matter to the Secretary for resolution.*
- 31C. The Applicant shall prepare and implement a code of conduct for all drivers transporting materials to and from the site on public roads. This code of conduct must be prepared in consultation with TfNSW and Council and be submitted to the Secretary for approval by the end of September 2015, unless otherwise agreed with the Secretary.

NOISE

32. The applicant shall prepare a Noise and Vibration Management Plan in consultation with the EPA and to the approval of the Secretary. The plan shall define the noise management procedures, monitoring protocols and measures for mitigating impacts including potential cumulative impacts, that can be implemented where necessary throughout the life of the project under normal meteorological conditions.
- 32A. The Applicant must implement the Noise and Vibration Management Plan as approved by the Secretary.
33. The two 175kW air compressors within the Pressure Oxidation Plant shall be enclosed in insulated cabinets and shall meet the noise level requirements referred to in Condition 34. The insulated cabinets are to be installed prior to the operation of the compressors.
34. The Applicant shall ensure that the $L_{A10(15 \text{ minute})}$ noise levels due to the normal operation of the mine, when measured or computed at any residence (other than one owned by the Applicant), shall not exceed a noise level of 35 dB(A) or 30 dB(A) where the noise source is tonal in nature and shall comply

with the requirements of the Environmental Noise Control Manual and the Noise Control Act 1975.

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 Environmental Management Plan Report (Condition 8).

35. Noise measurement 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.
36. All above-ground blasting shall only be carried out between 9:00am and 3:00pm Monday to Friday. Blasting shall not be allowed on public holidays unless the Council in special circumstances and in consultation with the EPA, approves other times.
37. The Applicant shall give notice of proposed above-ground blasting times to residents within two (2) kilometres of the blasting site if requested by residents

HERITAGE

38. A “Consent to Destroy” application under section 90 of the National Parks and Wildlife Act 1974 must be submitted and issued by **Heritage NSW** for any Aboriginal archaeological sites that are to be damaged or destroyed as a result of any development.

The Applicant shall consult with the relevant local Aboriginal groups and to the satisfaction of the **Heritage NSW** prior to a “Consent to Destroy” application being submitted.

39. In the event that Aboriginal artefacts are identified on the site during development through earthworks, construction or operation of the quarry, the Applicant shall contact the **Heritage NSW** and cease work in the relevant location pending investigation and assessment of its heritage value by **Heritage NSW** and the relevant local Aboriginal groups.
40. The Applicant shall consult with the NSW Heritage Council, Council, Armidale Folk Museum and Hillgrove Mining Museum if any European Heritage items, including any future item listed as an environmental heritage item in the Dumaresq LEP 1985, would be potentially affected during the life of the subject development.

AIR QUALITY

41. The Applicant shall implement, in consultation with the EPA, dust control measures aimed at achieving relevant EPA dust deposition standards.

42. Dust sampling shall occur monthly within the development site at locations determined by the EPA with the results submitted annually to the EPA or such shorter intervals as required by the EPA.
43. As part of the EMP/s referred to in Condition 7, the Applicant shall prepare an **Air Quality Management Plan to the satisfaction of the Secretary**, which is to have particular regard to the tailings dams, ore stockpiles, internal haul roads and processing facilities.
- 43A. **The Applicant must implement the Air Quality Management Plan as approved by the Secretary.**
44. The Applicant shall undertake periodic dust monitoring at any nearby property as required by the EPA following the request of a resident. The Applicant shall notify the resident/s of the general results of dust monitoring. Monitoring results shall be included in the EMP Report (Condition 8).

HAZARDS AND SAFETY

45. At least one month prior to the commencement of construction of the proposed process plant (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** the studies set out in paragraphs (a) to (d) (the pre-construction studies) below. Construction, other than of preliminary works, shall not commence until the **Secretary** has given approval and, with respect to the fire safety study, the Commissioner of the NSW Fire Brigades has also given approval.

(a) FIRE SAFETY STUDY

A fire safety study for the proposed development. This study shall cover all aspects detailed in the Department of Urban Affairs and Planning's *Hazardous Industry Planning Advisory Paper No. 2, "Fire Safety Study Guidelines"*. The study shall also be submitted for approval, to the NSW Fire Brigades.

In particular the study should address the fire related issues associated with the storage and use of Ammonium nitrate, AN explosive emulsion, SIBX and PAX and Cyanide

(b) HAZARD AND OPERABILITY STUDY

A Hazard and Operability Study for the proposed development, chaired by an independent qualified person approved by the **Secretary** prior to the commencement of the study. The study shall in particular address the monitoring, control, alarm and shutdown systems associated with the cyanide and xanthate process streams and be carried out in accordance with the Department of Urban Affairs and Planning's *Hazardous Industry Planning Advisory Paper No. 8, "HAZOP Guidelines"*.

(c) FINAL HAZARD ANALYSIS

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 FHA shall in particular address in detail of issues associated with the possible release of toxic materials from processes or the ponds due to plant upsets;

46. No later than 2 (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 paragraphs (a) to (c) (the pre-commissioning studies) below. Commissioning shall not commence until the Secretary has given approval.

(a) TRANSPORT OF HAZARDOUS MATERIALS

Arrangements covering the transport of hazardous materials including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the proposed development. The study shall be carried out in accordance with the Department of Urban Affairs and Planning's draft "*Route Selection*" guidelines. Suitable routes identified in the study shall be used except where departures are necessary for local deliveries or emergencies.

The study should also address

- i) issues associated with spills, cleanup procedures, training of clean-up teams, communication and liaison with organisations such as the fire Brigade and state emergency services
- ii) the inspection and monitoring procedures for chemicals such as explosives, xanthates and cyanides prior to commencement of a trip, to verify the integrity of the packaging;
- iii) measures to be taken to ensure that the temperature of the materials does not rise about safe levels

(b) 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*".

(c) 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 SMS shall include details of:

- i) the location and control of all ignition sources throughout the plant;
- ii) safety features used in storage, transporting and usage of Xanthates including temperature and moisture control and ventilation.
- iii) equipment for monitoring cyanide levels and detection of system malfunction should have adequate redundancy in order to ensure a high level of integrity;
- iv) a detailed maintenance and testing program for the detection and shutdown systems should be included in the site safety manual and other relevant manuals;
- v) isolation valves which need to be operated in an emergency should have the capability of remote operation from a safe distance in the event of a localised failure, and
- vi) design of the emergency shutdown system should give particular attention to achieving fast detection and isolation of potentially high consequence leaks and spills

HAZARD AUDIT

47. Twelve (12) months after the commencement of operations of the proposed development or within such further period as the **Secretary** may agree, the applicant shall carry out a comprehensive hazard audit of the proposed development and within one (1) month of the audit submit a report to the **Secretary**. The audit shall be carried out at the applicant's expense by a duly qualified independent person or team approved by the **Secretary** prior to commencement of the audit. Further audits shall be carried out every three (3) years or as determined by the **Secretary** and a report of each audit shall within one (1) month of the audit be submitted to the **Secretary**. Hazard audits shall be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, "Hazard Audit Guidelines"*.

The audit shall include a review of the site safety management system and a review of all entries made in the incident register since the previous audit.

48. Within one (1) month of the date of this consent that Applicant shall consult with WorkCover NSW with regard to the storage and use of dangerous goods. At this time, the Applicant shall ensure that all WorkCover licences are valid.

REHABILITATION

49. The Applicant shall rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This rehabilitation must be generally consistent with the objectives in Table 1.

Table 1: Rehabilitation Objectives

<i>Feature</i>	<i>Objective</i>
Mine site (as a whole)	<ul style="list-style-type: none"> • Safe, stable & non-polluting • Final land use compatible with surrounding land uses • Site to be revegetated with suitable plan species
Surface infrastructure	<ul style="list-style-type: none"> • To be decommissioned and removed, unless NSW Resources agrees otherwise
Community	<ul style="list-style-type: none"> • Ensure public safety and minimise the adverse socio-economic effects associated with mine closure

Notes:

- These rehabilitation objectives apply to all environmental consequences cause by mining taking place after the date of this consent, and to all surface infrastructure and other disturbance which forms part of the development under this consent.
- Rehabilitation of environmental impacts and consequences caused by mining which took place prior to the date of this consent may be subject to the requirements of other consents and/or applicable mining leases.

50. Deleted

51. Deleted

Note: The Applicant must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992.

REVISION OF STRATEGIES AND PLANS

52. The Applicant shall review and revise all plans required under this consent and submit these revised documents to the Secretary for approval by December 2015, unless otherwise agreed with the Secretary.
53. Within 3 months of:
- an annual environmental management plan report under condition 8;
 - an audit under condition 10; or
 - any modification to the conditions of this consent (except Modification 3);
- the Applicant shall review, and if necessary revise the plans required under this consent 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.

APPENDIX 1

Incident Notification Requirements

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the applicant fails to give the notification required under condition 9 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Secretary) of the Applicant making the immediate incident notification (in accordance with condition 9), the Applicant is required to submit a subsequent incident report that:
 - (a) identifies how the incident was detected;
 - (b) identifies when the Applicant became aware of the incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the incident;
 - (e) a summary of the incident;
 - (f) outcomes of an incident investigation, including identification of the cause of the incident;
 - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Secretary.