

# Project Approval

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

As delegate for the Minister for Planning and Infrastructure, I approve the project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

These conditions are required to:

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

Richard Pearson  
Deputy Director-General  
Development Assessment and Systems Performance

Sydney

2012

### SCHEDULE 1

**Application Number:** 09\_0155  
**Proponent:** Alkane Resources Ltd  
**Approval Authority:** Minister for Planning and Infrastructure  
**Land:** See Appendix 1  
**Project:** Tomingley Gold Project

Red type represents November 2013 modification  
Light Blue type represents April 2015 modification  
Green type represents July 2016 modification  
Blue type represents May 2020 modification  
Pink type represents April 2021 modification  
Orange type represents June 2022 modification  
Purple type represents December 2022 modification

*The Department has prepared a consolidated version of the approval 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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# CONSOLIDATED APPROVAL

## DEFINITIONS

Annual Review	The review required by condition 4 of Schedule 5
Approval	This project approval
BCA	Building Code of Australia
BCS	Biodiversity, Conservation and Science Directorate within the Department
CCC	Community Consultative Committee
Conditions of this approval	Conditions contained in Schedules 2 to 5 inclusive
Construction	Includes all on site activities associated with the project prior to commencing mining operations other than survey, acquisitions, fencing, establishment of construction site offices and associated infrastructure, exploration and any other activity covered by an existing approval, or any other activity which has a negligible impact
Council	Narromine Shire Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	Department of Planning and Environment (DPE)
DPE Water	Water Group within the Department
EA	The environmental assessment titled 'Tomingley Gold Project: Environmental Assessment' dated November 2011 and associated response to submissions titled 'Tomingley Gold Project: Response to Submissions', dated March 2012, as modified by the: <ul style="list-style-type: none"> <li>letter from Alkane Resources to the Department dated 11 May 2012;</li> <li>modification application dated 14 September 2013 and the associated correspondence from Tomingley Gold Operations Pty Ltd to the Department dated 21 October 2013;</li> <li>Tomingley Gold Project: Environmental Assessment - Modification 2, dated December 2014;</li> <li>Tomingley Gold Project: Environmental Assessment - Modification 3, dated November 2015 and associated response to submissions, dated February 2016;</li> <li>Tomingley Gold Project: Modification Report - Modification 4, dated February 2020 and associated Submissions Report, dated March 2020;</li> <li>Tomingley Gold Project: Modification Report – Modification 5, dated December 2020, associated Submissions Report, dated March 2021, and additional information provided by the Proponent to support the modification application and included in Appendix D of the Department's assessment report on Modification 5;</li> <li>Tomingley Gold Project: Modification Report – Modification 6, dated March 2022 and associated Submissions Report, dated May 2022;</li> <li>Tomingley Gold Project: Modification Report – Modification 7, dated November 2022 and associated Submission Report, dated December 2022.</li> </ul>
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build or to implement
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedule 3 and throughout Schedule 4 of this approval where it is defined to mean the whole of a lot, or contiguous lots, owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Material harm	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
MEG	Mining, Exploration & Geoscience within the Department of Regional NSW
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development

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Mining operations	Includes the removal of waste rock and extracting, transporting, processing, handling and storing ore material on site
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the project prior to or during those impacts occurring
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
Northern Ramp	The Wyoming 1 Northern Ramp as approved under Modification 7 and conceptually depicted in Figure 7 of Appendix 2
POEO Act	Protection of the Environment Operations Act 1997
Privately-owned land	Land that is not owned by a public agency or a mining company (or its subsidiary)
Project	The project described in the EA
Project Site	As listed in Appendix 1 and shown in Appendix 2
Proponent	Alkane Resources Ltd, or any other person or persons who rely on this approval to carry out the development that is subject to this approval
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
Rehabilitation	The treatment or management of land disturbed by the project for the purpose of establishing a safe, stable and non-polluting environment.
RR	Resources Regulator within the Department of Regional NSW
RSF1	Residue Storage Facility 1, as depicted in Appendix 2.
RSF2	Residue Storage Facility 2, as depicted in Appendix 2.
Secretary	Planning Secretary under the EP&A Act, or nominee
Site	The land listed in Appendix 1
TfNSW	Transport for NSW

## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance criteria established under this approval, the Proponent 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 rehabilitation of the project.

### TERMS OF APPROVAL

2. The Proponent shall carry out the project:
  - (a) generally in accordance with the EA;
  - (b) in accordance with the conditions of this approval; and
  - (c) in accordance with any written directions of the Secretary.

*Notes:*

- The general layout of the project is shown in Appendix 2.

3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
  - (a) any strategies, plans, programs, reviews, audit correspondence that are submitted in accordance with this approval;
  - (b) any report, reviews or audits commissioned by the Department regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in these documents.

### LIMITS ON APPROVAL

5. The Proponent may carry out mining operations on the site until 31 December 2025.

*Note: Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of both the Secretary and RR. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.*

6. The Proponent shall not:
  - (a) process more than 1.5 million tonnes of ore at the site in a calendar year;
  - (b) transport unprocessed ore from the site; or
  - (c) process any ore other than that extracted from the site.
- 6A. The Proponent must only construct the RSF2 using the centreline lift construction methodology, unless otherwise agreed by the Secretary.
7. DELETED

### STRUCTURAL ADEQUACY

8. The Proponent shall ensure that all 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.

*Notes:*

- Under Part 6 of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works; and
- Parts 1-9 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the project.

### DEMOLITION

9. The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.

### PROTECTION OF PUBLIC INFRASTRUCTURE

10. Unless the Proponent and the applicable authority agree otherwise, the Proponent shall:
  - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and

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- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
11. Unless otherwise agreed by TfNSW, all works associated with the underpass of the Newell Highway, all pipeline and transmission line crossings of classified roads, and all works connecting to classified roads shall be undertaken in accordance with the Works Authorisation Deed agreed between the Proponent and TfNSW and effective from 12 May 2011.

### OPERATION OF PLANT AND EQUIPMENT

12. The Proponent shall ensure that all the plant and equipment used at the site, or to transport materials from the site, is:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

### STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM

13. With the approval of the Secretary, the Proponent may:
- (a) submit any strategy, plan or program required by this approval on a progressive basis; and
  - (b) combine any strategy, plan or program required by this approval with any similar strategy, plan or program required for the project.

#### Notes:

- While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the activities on site are covered by suitable strategies, plans or programs at all times; and
- If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.

### PLANNING AGREEMENT

14. By 31 October 2021, unless otherwise agreed by the Secretary, the Proponent shall amend the current planning agreement with Council under Division 6 of Part 4 of the EP&A Act to reflect the terms outlined in Appendix 3.
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## SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

### NOISE

#### Acquisition Upon Request

- Upon receiving a written request for acquisition from an owner of the land in Table 1, the Proponent shall acquire the land in accordance with the procedures in conditions 6-7 of schedule 4.

Table 1: Land subject to acquisition upon request

Lot	DP
156	755093
157	755093
1622	1178801

#### Additional Noise Mitigation Measures

- Upon receiving a written request from the owner of the properties identified as R3, R23, R27, R28, R29, R32, R33 or R41, the Proponent shall implement additional noise mitigation measures (such as double-glazing, insulation and/or air conditioning) at the residence in consultation with the landowner. These measures must be reasonable and feasible, and directed towards reducing the noise impacts of the project on the residence.

If the Proponent and the owner cannot agree on the 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.

Note: to interpret the locations referred to in condition 2 of schedule 3, see the figure in Appendix 4.

#### Noise Criteria

- Until 30 June 2019, unless agreed otherwise by the Secretary, the Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 2 at any residence on privately-owned land (except for residences on the land identified in Table 1).

Table 2: Noise Criteria dB(A)

Noise Assessment Group	Receivers	Day ( $L_{Aeq}(15\text{-minute})$ )	Evening ( $L_{Aeq}(15\text{-minute})$ )	Night ( $L_{Aeq}(15\text{-minute})$ )	( $L_{A1}(1\text{-minute})$ )
NAG A	R1, R4, R6	36	36	36	45
	R5	37	37	37	45
	All other receivers	35	35	35	45
NAG B	All receivers	36	36	36	45
NAG C	R3	49	40	40	45
	R27	46	38	38	45
	R28	46	39	39	45
	R29	48	40	40	45
	R33	46	39	39	45
	R41	46	38	38	45
	All other receivers	46	37	37	45
	All receivers	43	39	39	46
NAG D	R23, R32	43	39	39	46
	All receivers	43	38	38	46
All other residential receivers		35	35	35	45

- From 30 June 2019, unless agreed otherwise by the Secretary, the Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 2A at any residence on privately-owned land (except for the land identified in Table 1).

Table 2A: Noise Criteria dB(A)

Noise Assessment Group	Receivers	Day ( $L_{Aeq}(15\text{-minute})$ )	Evening ( $L_{Aeq}(15\text{-minute})$ )	Night ( $L_{Aeq}(15\text{-minute})$ )	( $L_{A1}(1\text{-minute})$ )
NAG A	All receivers	35	35	35	45
NAG B	All receivers	36	35	35	45
NAG C	All receivers	45	35	35	45
NAG D	All receivers	43	38	36	45

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All other residential receivers	35	35	35	45
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Noise generated by the development is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time) or an equivalent NSW Government noise policy, as amended by Appendix 7 which sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Proponent has an agreement with the relevant owner(s) of these residences/ land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

### Notes

- To interpret the locations referred to in Tables 2 and 2A, see the figure in Appendix 4;

Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Industrial Noise Policy*.

### Operating Hours

- The Proponent shall comply with the operating hours in Table 3.

Table 3: Operating hours

Activity	Operating Hours
Vegetation clearing and topsoil stripping	6 am-6 pm, 7 days per week
Construction	24 hours, 7 days per week
Mining, maintenance and processing operations	24 hours, 7 days per week
Rehabilitation	7 am-10 pm, 7 days per week
RSF1 and RSF2 additional lifts and construction of the Northern Ramp	7 am – 6 pm (Monday to Saturday) 8 am – 6 pm (Sundays and Public Holidays)

Note: Condition 8 includes restrictions on blasting times.

- The Proponent shall only undertake construction works on the modified amenity bund between 7 am and 6 pm Monday to Friday and 8 am and 1 pm Saturday.

### Notes:

- For the location of the modified amenity bund, see the figure in Appendix 2.
- The maximum height of the modified amenity bund must not exceed 8 m, unless otherwise agreed by the Secretary.

### Operating Conditions

- The Proponent shall:
  - implement best management practice, including all reasonable and feasible noise mitigation measures, to minimise the construction, operational and traffic noise of the project; including measures to:
    - minimise maximum noise levels from the tipping of waste rock; and
    - relocate mobile plant from elevated and exposed sections of the site under adverse meteorological conditions at night;
  - operate a noise management system on site that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this approval;
  - investigate ways to minimise the noise generated by the project;
  - maintain the effectiveness of noise suppression equipment on plant at all times and ensure that defective plant is not used operationally until fully repaired;
  - minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply; and
  - report on these investigations and the implementation and effectiveness of these measures in the Annual Review, to the satisfaction of the Secretary.

### Noise Management Plan



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6. The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the [Secretary](#). The plan must:
- (a) be prepared in consultation with the EPA and Council, and submitted to the [Secretary](#) for approval by the end of January 2013, unless the [Secretary](#) agrees otherwise;
  - (b) describe the measures that would be implemented to ensure compliance with conditions 3-5 of this schedule, including a trigger action response plan based on noise complaints, real time and attended noise monitoring;
  - (c) include a monitoring program that:
    - (i) uses a combination of real-time and supplementary attended monitoring measures to evaluate the performance of the project;
    - (ii) adequately supports the proactive and reactive noise management system on site;
    - (iii) defines what constitutes a noise incident, and includes a protocol for identifying noise incidents and notifying the Department and relevant stakeholders of any such incident;
    - (iv) evaluates and reports on the effectiveness of the noise management system on site;
    - (v) includes a program to calibrate and validate the real time noise monitoring results with the attended monitoring results over time (so the real time monitoring program can be used as a better indicator of compliance with the noise criteria in this approval and a trigger for further attended monitoring); and
  - (d) include a noise reduction strategy for progressively reducing mine noise during open cut mining operations, consistent with the noise scenarios described in the document 'Tomingley Gold Mine Environmental Assessment – Project Approval No. 09\_0155 Modification 3' dated November 2015.

### BLASTING

#### Blasting Criteria

7. The Proponent shall ensure that blasting on the site does not cause exceedances of the criteria in Table 4.

Table 4: Blasting Criteria

Location	Airblast Overpressure (dB(Lin Peak))	Ground Vibration (mm/s)	Allowable Exceedance
Residence on privately-owned land	120 115	10 5	0% 5% of total blasts over any 12 month period
All public infrastructure	-	50, or alternatively, a specific limit determined to the satisfaction of the <a href="#">Secretary</a> by the structural design methodology in AS 2187.2-2006, or its latest version	0%
RSF1 and RSF 2 embankments		49	0%

However, apart from the limit on the RSF1 and RSF 2 embankments, these criteria do not apply if the Proponent has a written agreement with the relevant landowner, and has advised the Department in writing of the terms of this agreement.

#### Blasting Hours

8. The Proponent shall only carry out blasting on site between 9:00 am and 5:00 pm Monday to Saturday, inclusive. No blasting is allowed on Sundays, public holidays or at any other time without the written approval of the [Secretary](#).

#### Blasting Frequency

9. The Proponent may carry out a maximum of three blasts per day for mining operations on the site, unless an additional blast is required following a blast misfire.

This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or blasts required to ensure the safety of the site or its workers.

*Note: for the purpose of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the site.*

#### Property Inspections

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10. The Proponent shall advise the owners of privately-owned land within 2 kilometres of blasting operations at least 2 months prior to blasting that they are entitled to a structural property inspection to establish the baseline condition of buildings and other structures on the property.
11. If the Proponent receives a written request from any such landowner, then within one month of receiving the request, and where possible prior to blasting, the Proponent shall:
  - (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:
    - (i) establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
    - (ii) identify measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/ or structures; and
  - (b) give the landowner a copy of the new or updated property inspection report.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the [Secretary](#) for resolution.

### Property Investigations

12. If the owner of any privately-owned land claims that buildings and/ or structures on his/ her land have been damaged as a result of blasting on the site, then within one month of receiving this claim the Proponent shall:
  - (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and
  - (b) give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damage to the satisfaction of the [Secretary](#).

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the independent property investigation, either party may refer the matter to the [Secretary](#) for resolution.

### Operating Conditions

13. During operation of the project, the Proponent shall:
  - (a) implement best management practice to:
    - (i) protect the safety of people and livestock in the surrounding area;
    - (ii) protect public or private infrastructure/ property in the surrounding area from any damage, including the Newell Highway; and
    - (iii) minimise the dust and fume emissions from any blasting;
  - (b) minimise the frequency and duration of any road closures, and avoid road closures during peak traffic periods; and
  - (c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site, to the satisfaction of the [Secretary](#).

### Blast Management Plan

14. The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the [Secretary](#). This plan must:
  - (a) be prepared in consultation with [EPA](#), [TfNSW](#) and Council, and submitted to the [Secretary](#) for approval prior to undertaking any blasting in conjunction with mining operations on-site;
  - (b) describe the blast mitigation measures that would be implemented to ensure compliance with conditions 7-13 of this schedule; and
  - (c) include a blast monitoring program to evaluate the performance of the project.

## AIR QUALITY AND GREENHOUSE GAS

### Odour

15. The Proponent shall ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

### Greenhouse Gas Emissions

16. The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the [Secretary](#).

## Air Quality Criteria

17. The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria listed in Tables 5, 6 or 7 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

Table 5: Long term impact assessment criteria for particulate matter

Pollutant	Averaging Period	<sup>d</sup> Criterion
Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 25 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a</sup> 8 µg/m <sup>3</sup>

Table 6: Short term impact assessment criterion for particulate matter

Pollutant	Averaging Period	<sup>d</sup> Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	24 hour	<sup>a</sup> 25 µg/m <sup>3</sup>

Table 7: Long term impact assessment criteria for deposited dust

Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level
<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a, d</sup> 4 g/m <sup>2</sup> /month

Notes to Tables 5-7:

- <sup>a</sup> Total impact (ie incremental increase in concentrations due to the project plus background concentrations due to all other sources);
- <sup>b</sup> Incremental impact (ie incremental increase in concentrations due to the project on its own);
- <sup>c</sup> Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, [AS/NZS 3580.10.1:2016: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method](#), or its latest version; and
- <sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the [Secretary](#).

## Operating Conditions

18. The Proponent shall:
- implement best management practice, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions from the project;
  - regularly assess the predictive meteorological forecasting data and real-time air quality monitoring data to guide the day-to-day planning of mining operations and implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this approval;
  - minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see Note d to Tables 5-7);
  - monitor and report on compliance with the relevant air quality conditions in this approval; and
  - take all practical measures to minimise dust emissions from the residue storage facility, to the satisfaction of the Secretary.

## Air Quality and Greenhouse Gas Management Plan

19. The Proponent shall prepare and implement an Air Quality and Greenhouse Gas Management Plan for the project to the satisfaction of the [Secretary](#). This plan must:
- be prepared in consultation with the EPA and Council, and be submitted to the [Secretary](#) for approval by the end of January 2013, unless the [Secretary](#) agrees otherwise;
  - describe the measures that would be implemented to ensure compliance with conditions 15-18 of this schedule, including a trigger action response plan based on air complaints, air quality and visual monitoring and meteorological forecasting and monitoring;
  - include a program for the implementation of the measures referred to in (b) above;
  - include an air quality monitoring program that

- (i) uses a combination of real-time and supplementary attended monitoring measures to evaluate the performance of the project;
- (ii) adequately supports the proactive and reactive air quality management system on site; and
- (iii) includes a protocol for determining exceedances of the relevant conditions of this approval; and
- (e) describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the site.

### METEOROLOGICAL MONITORING

20. For the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- (a) complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
  - (b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy*, unless a suitable alternative is approved by the [Secretary](#) following consultation with the EPA.

### SOIL AND WATER

*Note: Under the Water Act 1912 and/ or the Water Management Act 2000, the Proponent is required to obtain the necessary water licences for the project.*

#### Water Supply

21. The Proponent shall ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the [Secretary](#).
22. With the exception of potable water sourced to supply domestic consumption needs on the site, the Proponent shall preferentially employ water harvested from the site or generated through mine dewatering in place of potable water sourced from off-site.

#### Water Discharges

23. The Proponent shall ensure that all surface water discharges from the site comply with:
- (a) section 120 of the POEO Act; or
  - (b) the discharge limits (both volume and quality) set for the project in any applicable EPL.
24. The concentration of Weak Acid Dissociable (WAD) cyanide in tailings discharged from the discharge point to the residue storage facility shall not exceed 20 mg/L (90<sup>th</sup> percentile) or 30 mg/ L (maximum).

#### Drainage and Flooding

25. The Proponent shall ensure that surface water diversion structures constructed as part of the project do not increase the frequency of flooding on the Newell Highway.

#### Compensatory Water Supply

26. The Proponent shall provide a compensatory water supply to any owner on privately-owned land whose water entitlements are adversely impacted (other than an impact that is negligible) as a result of the project, in consultation with [DPE Water](#), and to the satisfaction of the [Secretary](#).

The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributable to the project. Equivalent water supply should be provided (at least on an interim basis) within 24 hours of the loss being identified, unless otherwise agreed with the landowner.

If the Proponent and the affected landowner cannot agree on the 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.

If the Proponent is unable to provide an alternative long-term supply of water, then the Proponent shall provide alternative compensation to the satisfaction of the [Secretary](#).

*Note: the Water Management Plan prepared in accordance with condition 32 shall describe the procedures for:*

- assessing the impacts of the project on water entitlements on privately-owned land; and
- the provision of compensatory water supply.

#### Water Performance Measures

27. The Proponent shall comply with the performance measures in Table 8 to the satisfaction of the [Secretary](#).

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Table 8: Water management performance measures

Feature	Performance Measure
Water management – General	<p>Minimise the use of clean water on site</p> <p>Minimise the need for make-up water from external potable water supplies</p>
Construction and operation of infrastructure	<p>Design, install and maintain erosion and sediment controls generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1</i>, <i>Volume 2A – Installation of Services</i> and <i>Volume 2C – Unsealed Roads</i></p> <p>Design, install and maintain the infrastructure within 40 m of watercourses generally in accordance with the:</p> <ul style="list-style-type: none"> <li><i>Guidelines for Controlled Activities on Waterfront Land (DPI 2007)</i>, or its latest version</li> <li><i>Guidelines for fish habitat conservation and management – Chapter 4 (DPI 2013)</i>, or its latest version.</li> </ul>
Clean water diversion & storage infrastructure	<p>Design, install and maintain the clean water system to capture and convey the 100 year average recurrence interval (ARI) flood</p> <p>Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site</p>
Sediment dams	<p>Design, install and maintain the dams generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries</i></p> <p>Ensure the capacity of all sediment dams is sufficient to contain rainfall up to a 10 day 90 percentile rain event</p>
Mine water management system, including residue storage facility and associated collection pond	<ul style="list-style-type: none"> <li>No unlicensed or uncontrolled discharge of mine water off-site (except in accordance with condition 23)</li> <li>Ensure that the capacity of the residue storage facilities (RSF1 and RSF2) and associated collection pond are designed to meet the requirements of the Australian National Committee on Large Dams' <i>Guidelines on Tailings Dams – Planning, Design and Construction, Operation and Closure</i> (July 2019) or its latest version, and that the floor and walls are lined to achieve a permeability standard of at least <math>1 \times 10^{-9}</math> m/s and 1 metre depth (or equivalent permeability performance), unless otherwise agreed by the EPA and the Secretary;</li> <li>Maintain adequate freeboard (i.e. minimum 500 mm) in the residue storage facilities (RSF1 and RSF2) at all times</li> <li>All water storages on site that receive chemical or salt laden water, including the dewatering ponds, raw water dams and process water dams are lined to achieve a permeability standard of at least <math>1 \times 10^{-9}</math> m/s, unless otherwise agreed by the EPA and the Secretary</li> <li>Maintain adequate freeboard (i.e. minimum 200 mm) in the process water and raw water dams at all times</li> </ul>
Chemical and hydrocarbon storage	Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards
Gundong Creek	<p>Maintain or improve baseline channel stability</p> <p>Develop site-specific water quality trigger levels in accordance with ANZECC 2000 and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> procedures (DECC 2006), or its latest version</p>

28. deleted  
29. deleted  
30. deleted

### Baseline Groundwater Monitoring

31. The Proponent shall obtain at least 6 months of additional baseline groundwater monitoring within 12 months of the project approval. This monitoring shall:
- be sourced from bores WYMB02, WYMB03, WYMB04, WYMB06 (as shown in Figure 4.19 of the EA), and a new bore in the Gundong Creek alluvium to be established in consultation with DPE Water; and

- (b) include a minimum of monthly measurements of standing water level and water quality parameters consistent with those monitored in the EA.

### Water Management Plan

32. The Proponent shall prepare Water Management Plan for the project to the satisfaction of the [Secretary](#). This plan must be prepared in consultation with the EPA, [DPE Water and Dams Safety NSW](#) by a suitably qualified and experienced person(s) whose appointment has been approved by the [Secretary](#), and submitted to the [Secretary](#) for approval by the end of January 2013, unless the [Secretary](#) agrees otherwise.

In addition to the standard requirements for management plans (see Condition 3 of Schedule 5), this plan must include:

- (a) a Site Water Balance that:
- (i) includes details of:
    - sources and security of water supply;
    - water use on site;
    - water management on site;
    - off-site water discharges, including volume, timing and release point infrastructure requirements;
    - reporting procedures, including comparisons of the site water balance for each calendar year; and
  - (ii) describe what measures would be implemented to minimise potable water use on site;
- (b) a Surface Water Management Plan that includes:
- (i) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project (including Gundong Creek);
  - (ii) a detailed description of the water management system on site, including:
    - [clean water diversion systems, including the clean water and dirty water separation levee;](#)
    - [an erosion and sediment control plan, consistent with the requirements of the Managing Urban Stormwater: Soils and Construction Manual \(Landcom 2004, or its latest version\); and](#)
    - [water storages;](#)
  - (iii) detailed plans, including design objectives and performance criteria, for:
    - design and management of the final voids;
    - design and management of water storages including the [residue storage facilities \(RSF1 and RSF2\)](#) and process water dams, [including demonstrating how the decant water pond within RSF1 and RSF2 would be maintained to ensure adequate freeboard for containment of the design rainfall events, and a quality assurance/ quality control plan to ensure the RSF2 liner meets the permeability requirements in Table 8;](#)
    - control of any potential water pollution from the rehabilitated areas of the site;
  - (iv) a program to monitor:
    - the effectiveness of the water management system;
    - potential leakage or spillage from on-site pipelines;
    - surface water flows and quality, stream health and channel stability in Gundong Creek (in so far as it could potentially be affected by the project);
  - (v) a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the project; and
  - (vi) reporting procedures for the results of the monitoring program; and
- (c) a Groundwater Management Plan, that includes:
- (i) detailed baseline data on groundwater levels, yield and quality in the region, and privately-owned groundwater bores, that could be affected by the project;
  - (ii) groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
  - (iii) a program to monitor:
    - groundwater inflows to the open cut and underground mining operations;
    - the impacts of the project on:
      - alluvial aquifers; and
      - any groundwater bores on privately-owned land that could be affected by the project;
    - the seepage/leachate from the [residue storage facilities \(RSF1 and RSF2\)](#), water storages, backfilled voids and the final void; and
    - the quality of groundwater to be re-used on the site;
  - (iv) a program for the on-going verification and refinement of the groundwater model, including the review and incorporation of additional baseline data obtained in accordance with condition 31, within 12 months of the project approval; and
  - (v) a plan to respond to any exceedances of the groundwater assessment criteria; [and](#)



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- (vi) should geochemical testing reveal a higher risk of acid rock or saline drainage, the Proponent shall prepare an acid mine drainage strategy in consultation with DPE Water and to the satisfaction of the Secretary.

32A. The Proponent must prepare a revised Water Management Plan to the satisfaction of the Secretary prior to commencement of construction of RSF2.

32B. The Proponent must implement the approved Water Management Plan.

32C. The Proponent must notify Dams Safety NSW of its intention to construct RSF1 and RSF2 prior to commencing construction.

### BIODIVERSITY

#### Biodiversity Offset

33. The Proponent shall implement the offset strategy outlined in Table 9, and shown in Appendix 5, to the satisfaction of the Secretary.

Table 9: Biodiversity Offset

Community Type	Offset Area to be Conserved (ha)	Remnant Extension (Protection and Ameliorative Planting) (ha)
Inland Grey Box – Poplar Box – White Cypress Pine tall woodland on red loams (Benson 76)	21.1	21.5
River Red Gum riverine woodland forest (Benson 78)	13.1	13.5
Fuzzy Box – Inland Grey Box on alluvial brown loam soils (Benson 201)	5.0	26.0
Poplar Box – Belah woodland on clay alluvial plains (Benson 56)	1.9	0
Belah/ Black Oak Western Rosewood, Wilga Community (Benson 57)	25.5	0
<b>TOTAL</b>	<b>66.6</b>	<b>61.0</b>

34. By 31 January 2015, the Proponent shall make suitable arrangements to provide appropriate long-term security for the Offset Area in the strategy to the satisfaction of the Secretary.

#### Biodiversity Offsets for RSF2

- 34A. By 31 May 2023, unless otherwise agreed by the Secretary, the Proponent must retire the biodiversity credits specified in Table 9a below. The retirement of credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme of the BC Act.

Table 9a: Ecosystem Credit Requirements

Vegetation Type	Credits Required
PCT 82 Western Grey Box - Poplar Box – White Cypress Pine tall woodland on red loams mainly of the eastern Cobar Penplain Bioregion	103
PCT 201 Fuzzy Box Woodland on alluvial brown loam soils mainly in the NSW South Western Slopes Bioregion	49

#### Pre-Clearing Surveys

35. Prior to and during vegetation clearing, the Proponent shall engage a suitably qualified and/or experienced ecologist to confirm the presence of nesting/roosting species in areas to be affected by clearing activities.
36. Should any Grey-crowned Babblers be identified on the site, the Proponent shall develop measures to either relocate the birds or protect them and their roosting habitat from disturbance during vegetation clearing and construction works.

#### Biodiversity Management Plan

37. The Proponent shall prepare a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with BCS, and submitted to the Secretary for approval by the end of January 2013, unless the Secretary agrees otherwise;

- (b) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site;
- (c) describe the short, medium, and long term measures that would be implemented to:
  - (i) manage the remnant vegetation and habitat on the site and in the offset area/s (if and when applicable); and
  - (ii) implement the biodiversity offset strategy (if and when applicable), including detailed performance and completion criteria;
- (d) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary);
- (e) include a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:
  - (i) enhancing the quality of existing vegetation and fauna habitat;
  - (ii) restoring native vegetation and fauna habitat on the biodiversity areas and rehabilitation area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary);
  - (iii) maximising the salvage of resources within the approved disturbance area - including vegetative, soil and cultural heritage resources – for beneficial reuse in the enhancement of the biodiversity areas or rehabilitation area, **including maximising salvage of suitable coarse woody vegetation within the RSF2 footprint as fauna habitat within biodiversity offset areas;**
  - (iv) collecting and propagating seed;
  - (v) minimising the impacts on fauna on site, including pre-clearance surveys and minimising the potential exposure to tailings;
  - (vi) controlling weeds and feral pests;
  - (vii) controlling erosion;
  - (viii) managing grazing and agriculture on site;
  - (ix) controlling access; and
  - (x) bushfire management;
- (f) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;
- (g) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate against these risks; and
- (h) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

### Conservation Bond

38. Within three months of the approval of the Biodiversity Management Plan, the Proponent shall lodge a conservation bond with the Department to ensure that the biodiversity offset is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.

The sum of the bond shall cover the full cost of implementing the Biodiversity Offset Strategy and be verified by a suitably qualified rehabilitation specialist or quantity surveyor.

If the biodiversity offset is implemented to the satisfaction of the **Secretary**, the **Secretary** will release the conservation bond. If the offset strategy is not implemented to the satisfaction of the **Secretary**, the **Secretary** will call in all or part of the conservation bond, and arrange for the satisfactory implementation of the biodiversity offset.

If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the **Secretary** will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works.

With the agreement of the **Secretary**, this bond may be combined with the rehabilitation security deposit administered by **RR**.

### HERITAGE

#### Heritage Management Plan

39. The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the **Secretary**. This plan must:
- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the **Secretary**;
  - (b) be prepared in consultation with **BPS** and the Aboriginal stakeholders (in relation to the management of Aboriginal heritage values);
  - (c) be submitted to the **Secretary** for approval by the end of January 2013, unless the **Secretary** agrees otherwise;
  - (d) include the following for the management of Aboriginal heritage:
    - (i) a description of the measures that would be implemented for:



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- protecting, monitoring and/ or managing heritage items on site;
  - implementing proposed archaeological investigations and/ or salvage measures for heritage items on site;
  - managing the discovery of any human remains or previously unidentified Aboriginal objects on site;
  - maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on site;
  - on-going consultation with the Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage on site; and
  - ensuring workers on-site receive suitable heritage inductions prior to carrying out works on the site, and that suitable records are kept of these inductions;
- (ii) a strategy for the storage of any heritage items salvaged on site, both during the project and in the long term;
- (e) include the following for the management of non-Aboriginal heritage:
- (i) a description of the measures that would be implemented for:
- protecting, monitoring and/ or managing heritage items on site;
  - managing the discovery of any previously unidentified non-Aboriginal objects on site; and
  - ensuring workers on-site receive suitable heritage inductions prior to carrying out works on the site, and that suitable records are kept of these inductions; and
- (ii) a strategy for the storage of any heritage items salvaged on site, both during the project and in the long term.

### TRANSPORT

#### Dangerous Goods

40. Transportation of all dangerous goods to or from the site shall be undertaken in strict accordance with *Australian Code for the Transport of Dangerous Goods by Road and Rail*.

#### Road Upgrades

41. **By 31 March 2014**, the Proponent shall upgrade Tomingley West Road between the intersection with Narromine-Tomingley Road and the intersection with the mine access road, to the satisfaction of Council.

#### Access Road Construction

42. **By 31 March 2014**, the Proponent shall construct the site access road intersection with Tomingley West Road in accordance with the requirements of Council.

#### Operating Conditions

43. The Proponent shall ensure that heavy vehicle movements associated with mining operations do not exceed 8 per day (4 in and 4 out), when measured as a daily average over any calendar month.

#### Traffic Management Plan

44. The Proponent shall prepare and implement a Traffic Management Plan to the satisfaction of the [Secretary](#). The plan shall:
- (a) focus on traffic management along Tomingley West Road and through the village of Tomingley to minimise the potential for conflicts between project-related traffic and other road users;
- (b) describe the measures to be implemented to ensure the effective operation of the intersections between the project site and the Newell Highway, including the site access road and Tomingley West Road intersection and the Tomingley-Narromine Road and Newell Highway intersection; and
- (c) be developed in consultation with Council and [TfNSW](#), and must be submitted for the approval of the [Secretary](#) prior to the commencement of construction.

### VISUAL

#### Operating Conditions

45. The Proponent shall:
- (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the project;
- (b) establish and maintain an effective vegetation screen and vegetated amenity bund consistent with the documents in condition 2 of schedule 2;
- (c) ensure no outdoor lights shine above the horizontal; and

- (d) ensure that all external lighting associated with project complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the [Secretary](#).

### Additional Visual Mitigation Measures

46. Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the project operations, the Proponent shall implement visual mitigation measures (such as landscaping treatments or vegetation screens) on the land in consultation with the landowner. These measures must be reasonable and feasible, and directed toward minimising the visibility of the project operations from the affected residence.

If within three months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the 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.

### HAZARDOUS MATERIALS

#### Final Hazard Analysis

47. The Proponent shall prepare a Final Hazards Analysis (FHA) for the project to the satisfaction of the [Secretary](#), in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis*.

*Note: if the project design is no different from that assessed in the Preliminary Hazard Analysis (PHA), then the [Secretary](#) will accept the PHA as the FHA.*

#### Hazardous Materials Management Plan

48. The Proponent shall prepare and implement a Hazardous Materials Management Plan for the project to the satisfaction of the [Secretary](#). The plan must:
- (a) be prepared in consultation with relevant government agencies including Council, [TfNSW](#), EPA, [DPE](#) [Water](#), WorkCover NSW and [MEG](#);
  - (b) be consistent with the *International Cyanide Management Code for the Manufacture, Transport and Use of Cyanide in the Production of Gold*;
  - (c) be submitted to the [Secretary](#) for approval prior to commencing mining operations;
  - (d) describe the measures that would be implemented to:
    - (i) ensure sodium cyanide and other toxic chemicals are stored and handled on the site in accordance with *AS/NZ 4452 – The Storage and Handling of Toxic Substances*; and
    - (ii) ensure the transportation of hazardous materials to or from the site is undertaken in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 11 – Route Selection* and the *Australian Code for the Transport of Dangerous Goods by Road and Rail – current version, or its latest version*; and
  - (e) detail the emergency procedures for the Project consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning*.

### WASTE

49. The Proponent shall:
- (a) minimise the waste generated by the project;
  - (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of; and
  - (c) manage on-site sewage treatment disposal in accordance with the requirements of Council, to the satisfaction of the [Secretary](#)

### REHABILITATION

50. Within three years of the date of this approval, the Proponent shall investigate the feasibility of filling the Wyoming Three open cut pit void as part of the rehabilitation of the site, in consultation with [RR](#).

#### Rehabilitation Objectives

51. The Proponent shall rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the Project under the *Mining Act 1992*. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EA (as reproduced in Appendix 6), and must comply with the objectives in Table 10.

Table 10: Rehabilitation Objectives

Feature	Objective
Mine site (as a whole) including final voids	<ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> <li>Final land use compatible with surrounding land uses.</li> <li>Final landforms designed to consider micro-relief, natural drainage lines and minimise visual prominence by integration with the surrounding landscape.</li> <li>Restore self-sustaining ecosystems, including establishing local native plant species.</li> <li>Minimise visual impact of final landforms as far as is reasonable and feasible.</li> </ul>
Final voids	<ul style="list-style-type: none"> <li>Negligible instability risk</li> <li>Minimise the size and depth of the final voids as far as is reasonable and feasible</li> <li>Minimise the drainage catchment of the final voids as far as reasonable and feasible</li> </ul>
Tailings Storage Facilities	<ul style="list-style-type: none"> <li>Tailings are contained within a structure that adequately mitigates risk of tailings and associated contaminants being released to the environment</li> <li>Structural integrity and final landform stability meeting industry accepted engineering guidelines for tailings facilities closure</li> </ul>
Surface infrastructure	To be decommissioned and removed, unless the RR agrees otherwise
Community	Minimise the adverse socio-economic effects associated with mine closure

**Notes:**

- These rehabilitation objectives apply to all environmental consequences caused by mining taking place after the date of this approval; and to all surface infrastructure sites and other disturbance which forms part of the project, whether constructed prior to or following the date of this approval.
- Rehabilitation of environmental impacts and consequences caused by mining which took place prior to the date of this approval may be subject to the requirements of other consents (e.g. under a mining lease).

## Progressive Rehabilitation

52. The Proponent shall carry out rehabilitation of the site progressively, that is, as soon as reasonably practicable after disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim **dust management** strategies shall be employed when areas prone to dust generation cannot yet be permanently rehabilitated.

*Note: It is accepted that some parts of the site that are temporarily stabilised may be subject to further disturbance at some later stage of the project.*

## Rehabilitation Strategy

- 52A. Within 6 months from approval of Modification 6, the Proponent must prepare a Rehabilitation Strategy for the site to the satisfaction of the Secretary. This strategy must:
- be prepared in consultation with the RR, Department, BCS, EPA, DPE Water and Council;
  - describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy;
  - include consideration of options for backfilling the Caloma Two void and minimising the size and depth of the Wyoming One and Caloma pits as far as is reasonable and feasible. This is to include an assessment of the potential for disposal of tailings. Where voids are to remain, include measures that will be implemented to ensure that there is a negligible stability risk in the long term; and
  - provide for mine closure planning, including measures to minimise socio-economic effects due to mine closure, to be conducted prior to the site being placed on care and maintenance.

## Rehabilitation Management Plan

53. The Proponent shall prepare and implement a Rehabilitation Management Plan for the project, in accordance with the conditions imposed on the mining lease(s) associated with the project under the *Mining Act 1992*.

**Notes:**

- The approved Mining Operations Plan may satisfy the requirements of this condition for a Rehabilitation Management Plan until 1 July 2022, in accordance with the Mining Amendment (Standard Conditions of Mining Leases – Rehabilitation) Regulation 2021.
- The Rehabilitation Management Plan should address all land impacted by the project.

## Northern Ramp

54. The Applicant must undertake erosion and geotechnical stability trials within the walls of the Northern Ramp. These trials must consider a variety of wall slope and erosion control options, which are undertaken in accordance with the Erosion and Geotechnical Stability Trial Plan approved under condition 55, and at a minimum include the design requirements presented in Table 11.

Table 11: Trial Design Requirement of the Northern Ramp

Aspect	Requirement
Wall Slope of Northern Ramp	<ul style="list-style-type: none"> <li>Maximum overall bench slope of 20 degrees</li> </ul>
Erosion management	<ul style="list-style-type: none"> <li>Wall slopes to be treated, for example by using a soil/ rock mulch or covering with fresh waste rock, to minimise erosion</li> <li>Implement surface water management structures to divert, control and minimise surface water runoff across the slopes of the Northern Ramp</li> </ul>

55. The Applicant must prepare a Geotechnical Stability and Erosion Trial Plan, to the satisfaction of the Secretary. This Plan must:
- include a peer review of the trial plan by independent geotechnical and erosion experts;
  - be prepared in consultation with the Resources Regulator;
  - propose a variety of options to be implemented within the trial area to evaluate the geotechnical and erosional stability of the ramp walls, including a range of wall slopes and erosion controls, including the design requirements presented in Table 11;
  - identify the area/s where the trial will be established, including a figure that illustrates the location of each trial option;
  - for each trial option:
    - provide baseline data on the behaviour of exposed in situ material, including measured erosion rates;
    - identify the proposed wall slope, including justification;
    - identify the proposed erosion controls/treatments, including material composition, application methods and details of surface water drainage and control measures;
    - provide estimated erosion rates following the application of erosion controls;
    - provide an estimated Factor of Safety for geotechnical stability;
  - include a schedule for the implementation of all trial options;
  - include a monitoring program that evaluates the geotechnical stability and erosion rates of each trial option, including:
    - details of the proposed monitoring techniques and associated monitoring frequency to assess the geotechnical and erosional stability. This must include monitoring of areas adjacent to the Northern Ramp to assess the potential instability issues outside of the ramp area;
    - a comparison of erosion rates to baseline and predicted levels; and
    - a trigger action response plan;
56. Unless the Secretary agrees otherwise, the Applicant must not commence construction of the Northern Ramp until the Geotechnical Stability and Erosion Trial Plan is approved by the Secretary.
57. Within 12 months of commencing underground mine truck haulage on the Northern Ramp, the Applicant must submit a Trial Evaluation Report to the satisfaction of the Secretary. This report must:
- include a peer review of the evaluation report by independent geotechnical and erosion experts ;
  - include an evaluation of the geotechnical stability and erosion rates of each trial option;
  - provide consideration of additional measures to minimise the potential for long term post closure geotechnical and erosional instability in the Wyoming 1 pit.
58. The Applicant must report the outcomes of the ongoing implementation of the Geotechnical Stability and Erosion Trial Plan in the Annual Review.

**SCHEDULE 4  
ADDITIONAL PROCEDURES****NOTIFICATION OF LANDOWNERS**

1. Within 1 month of the date of approval, the Proponent shall notify in writing
  - (a) the owner of land listed in Table 1 of schedule 3 that they have the right to require the Proponent to acquire their land at any stage during the project; and
  - (b) the owners of receivers R3 and R29 that they have the right to request the Proponent to ask for additional noise mitigation measures to be installed at their residence at any stage during the project.
2. Within two weeks of obtaining monitoring results showing:
  - (c) an exceedance of any relevant noise criteria in Schedule 3, the Proponent shall notify affected landowners and/ or tenants in writing of the exceedance, and provide regular monitoring results to each of these affected parties until the project is again complying with the relevant criteria; and
  - (d) an exceedance of any relevant air quality criteria in Schedule 3, the Proponent shall send the affected landowners and/or tenants a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time).

**INDEPENDENT REVIEW**

3. If an owner of privately-owned land considers the project to be exceeding the relevant criteria in Schedule 3, then he/she may ask the [Secretary](#) in writing for an independent review of the impacts of the project on his/her land.

If the [Secretary](#) is satisfied that an independent review is warranted, then within two months of the [Secretary's](#) decision the Proponent shall:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the [Secretary](#), to:
    - (i) consult with the landowner to determine his/ her concerns;
    - (ii) conduct monitoring to determine whether the project is complying with the relevant criteria in Schedule 3; and
    - (iii) if the project is not complying with these criteria then identify measures that could be implemented to ensure compliance with the relevant criteria.
  - (b) give the [Secretary](#) and landowner a copy of the independent review.
4. If the independent review determines that the project is complying with the relevant criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the [Secretary](#).
  5. If the independent review determines that the project is not complying with the relevant criteria in Schedule 3, then the Proponent shall:
    - (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until the project complies with the relevant criteria; or
    - (b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the [Secretary](#).

**LAND ACQUISITION**

6. Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:
  - (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the project, having regard to the:
    - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
    - presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date;
  - (b) the reasonable costs associated with:
    - relocating within the Narramine local government area, or to any other local government area determined by the [Secretary](#); and
    - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
  - (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the [Secretary](#) for resolution.

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Upon receiving such a request, the [Secretary](#) will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- consider submissions from both parties;
- determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
- prepare a detailed report setting out the reasons for any determination; and
- provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the [Secretary](#) for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the [Secretary](#) will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.

Within 14 days of this determination, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the [Secretary's](#) determination.

If the landowner refuses to accept the Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land shall cease, unless the [Secretary](#) determines otherwise.

7. The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 6 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.



## SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the [Secretary](#). This strategy must:
  - (a) be submitted for approval to the [Secretary](#) prior to construction;
  - (b) provide the strategic framework for the environmental management of the project;
  - (c) identify the statutory approvals that apply to the project;
  - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
  - (e) describe the procedures that would be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the project;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise during the course of the project;
    - (iv) respond to any non-compliance;
    - (v) respond to emergencies; and
  - (f) include:
    - (i) copies of any strategies, plans and programs approved under the conditions of this approval; and
    - (ii) a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.

#### Adaptive Management

2. The Proponent shall assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria and/or performance measures has occurred, the Proponent shall, at the earliest opportunity:

- (a) take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement remediation measures as directed by the [Secretary](#), to the satisfaction of the [Secretary](#).

#### Management Plan Requirements

3. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
  - (a) detailed baseline data;
  - (b) a description of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures/criteria;
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
  - (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the project;
    - (ii) effectiveness of any management measures (see c above);
  - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (f) a protocol for managing and reporting any:
    - (i) incidents;
    - (ii) complaints;
    - (iii) non-compliances with statutory requirements; and
    - (iv) exceedances of the impact assessment criteria and/or performance criteria; and
  - (g) a protocol for periodic review of the plan.

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*Note: The Secretary may waive some of these requirements if they are unnecessary for particular management plans.*

## Annual Review

4. 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:
  - (a) 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;
  - (b) 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:
    - (i) relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this approval;
    - (iii) monitoring results of previous years; and
    - (iv) relevant predictions in the EA;
  - (c) 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;
  - (d) evaluate and report on compliance with the performance measures, criteria and operating conditions of this approval;
  - (e) identify any trends in the monitoring data over the life of the project and provide any raw monitoring data as requested by the Secretary;
  - (f) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
  - (g) describe what measures will be implemented over the next year to improve the environmental performance of the project.
- 4A. Copies of the Annual Review must be submitted to Council and relevant agencies and made available to the CCC and any interested person upon request.

## Revision of Strategies, Plans and Programs

5. Within three months, unless the Secretary agrees otherwise, of:
  - (a) the submission of an annual review under condition 4 above;
  - (b) the submission of an incident report under conditions 7 or 7A below;
  - (c) the submission of an audit report under conditions 8 to 9A below; and
  - (d) the approval of any modification to the conditions of this approval; or
  - (e) a direction of the Secretary under condition 2 of Schedule 2;

the Proponent 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.*

## Community Consultative Committee

6. The Proponent shall establish and operate a Community Consultative Committee (CCC) for the project in general accordance with the [Community Consultative Committee \(CCC\) Guidelines for State Significant Projects \(NSW Government, 2019, or its latest version\)](#), and to the satisfaction of the Secretary. This CCC must be operating within three months of the commencement of construction.

*Notes:*

- The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval; and
- In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community.

## COMPLIANCE

### Incident Notification, Reporting and Response

7. The Secretary must be notified in writing via the Major Projects website immediately after the Proponent 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 Appendix 9.



## Non-Compliance Notification

- 7A. The Secretary must be notified in writing via the Major Projects website within seven days after the Proponent 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.

## INDEPENDENT ENVIRONMENTAL AUDIT

8. Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (2020).
- 8A. Proposed independent auditors must be agreed to in writing by the Secretary prior to the commencement of an Independent Audit.
- 8B. 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 Proponent of the date upon which the audit must be commenced.
- 8C. In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (2020) (or as amended from time to time), the Proponent must:
- (a) review and respond to each Independent Audit Report prepared under condition 8 of this approval, or condition 8B where notice is given by the Secretary;
  - (b) submit the response to the Secretary; and
  - (c) 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.
9. Independent Audit Reports and the Proponent'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) (or as amended from time to time) unless otherwise agreed by the Secretary.
- 9A. 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.

## ACCESS TO INFORMATION

10. Before the commencement of construction until the completion of all rehabilitation required under this approval, the Proponent must:
- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this approval) publicly available on its website:
    - (i) the EA;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this approval;
    - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
    - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval;
    - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
    - (vii) a summary of the current phase and progress of the development;
    - (viii) contact details to enquire about the development or to make a complaint;
    - (ix) a complaints register, updated monthly;
    - (x) the Annual Reviews of the development;

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- (xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Proponent's response to the recommendations in any audit report;
- (xii) any other matter required by the Secretary; and
- (b) keep such information up to date, to the satisfaction of the Secretary.

### UPDATING AND STAGING OF STUDIES, STRATEGIES AND PLANS

11. To ensure the studies, strategies and plans for the project are updated on a regular basis and incorporate any required measures to improve the environmental performance of the project, the Proponent may submit revised studies, strategies or plans required for the development under the conditions of approval at any time. With the agreement of the Secretary, the Proponent may also submit any study, strategy or plan required under the conditions of this approval on a staged basis.
12. The Secretary may approve a revised strategy or plan required under the conditions of approval, or the stage submission of these documents, at any time. With the approval of the Secretary, the Proponent may prepare the revised or staged strategy or plan without undertaking consultation with all parties nominated under the applicable condition in this approval.

#### Notes:

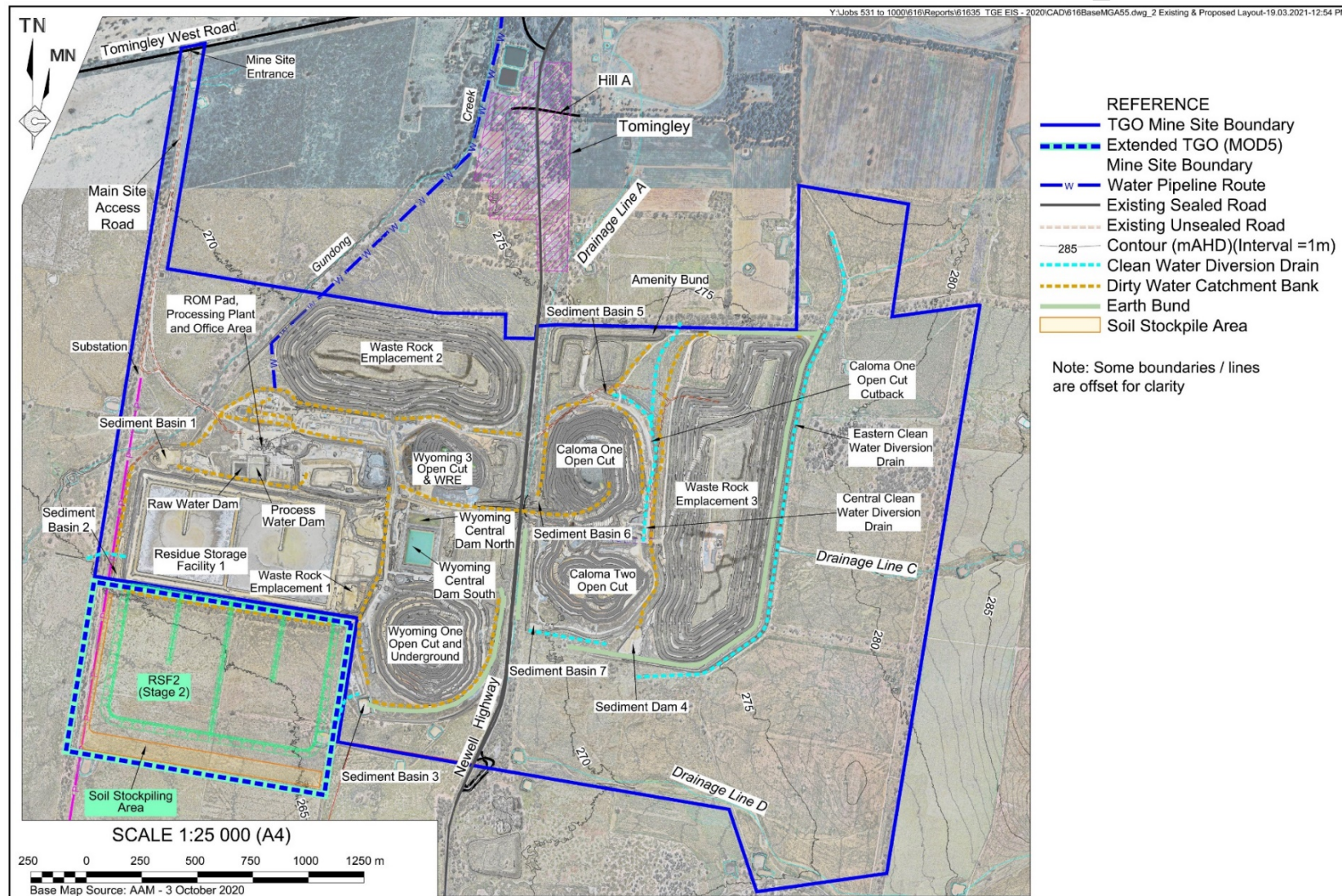
- *While any study, strategy or plan may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable studies, strategies or plans at all times.*
- *If the submission of any study, strategy or plan is to be staged, then the relevant study, strategy or plan must clearly describe the specific stage to which the study, strategy or plan applies, the relationship of this stage to any future stages, and the trigger for updating the study, strategy or plan.*

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## APPENDIX 1: SCHEDULE OF LAND

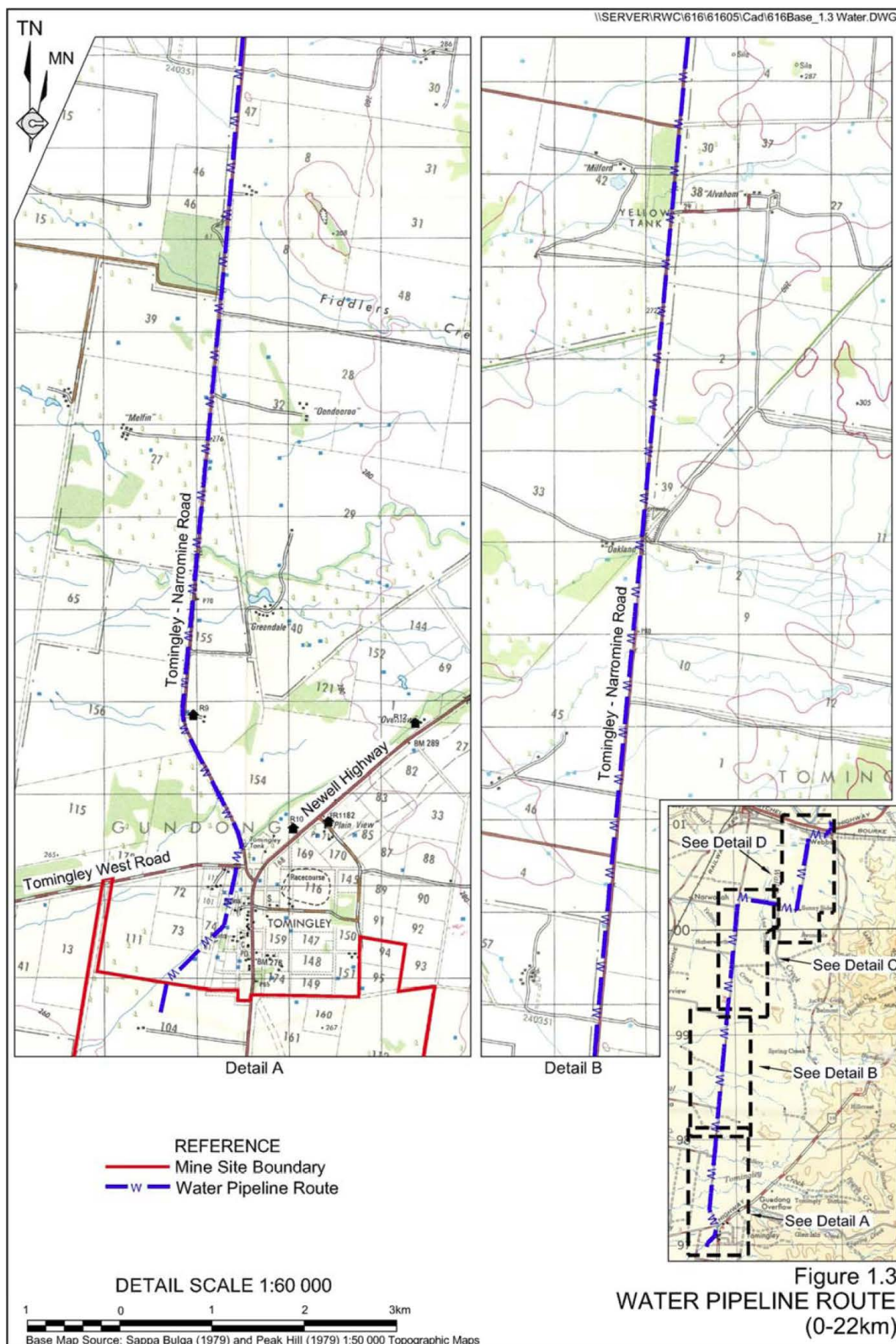
Project Site	
Lot	DP
1 (Part)	254193
94	755110
95	
103	
104	
105	
111 (Part)	
112	
122 (Part)	
160	
161	
162	
163	
1621	1178801
1623	
1	1151198
2 (Part)	
3 (Part)	
156	7755093
Road reserve associated with the Newell Highway	
Water Pipeline Route	
185	43458
A	380855
70	755110
73	
74	
81	
104	
111	
18	755119
Road reserves associated with the Mitchell Highway, Webb's Siding Road, Dappo Road, Bootles Road, Pinedene Road, Narromine-Tomingley Road and Tomingley West Road	
Easement for the Main Western Railway	
Crown roads (unnamed)	

APPENDIX 2: PROJECT LAYOUT PLANS

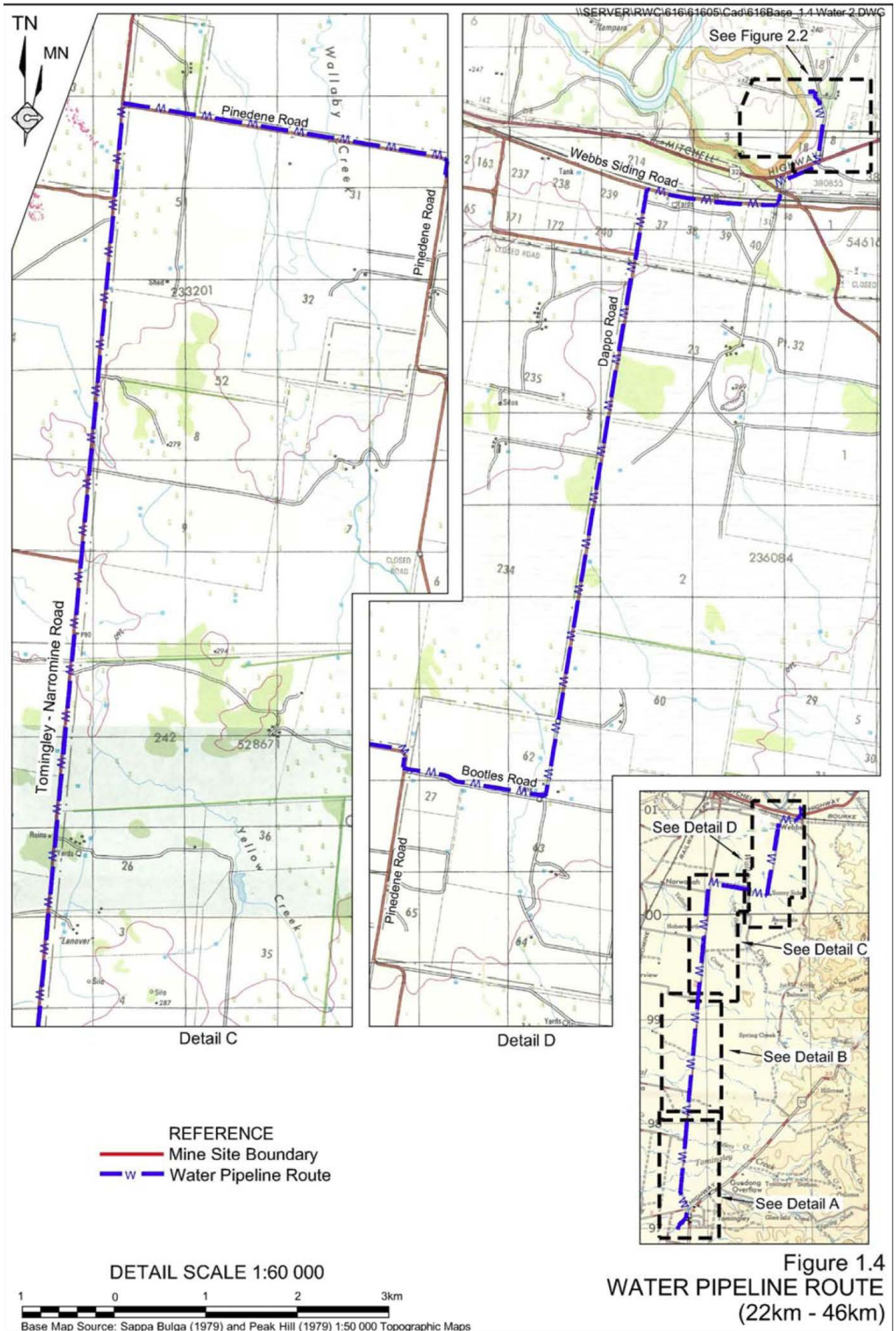




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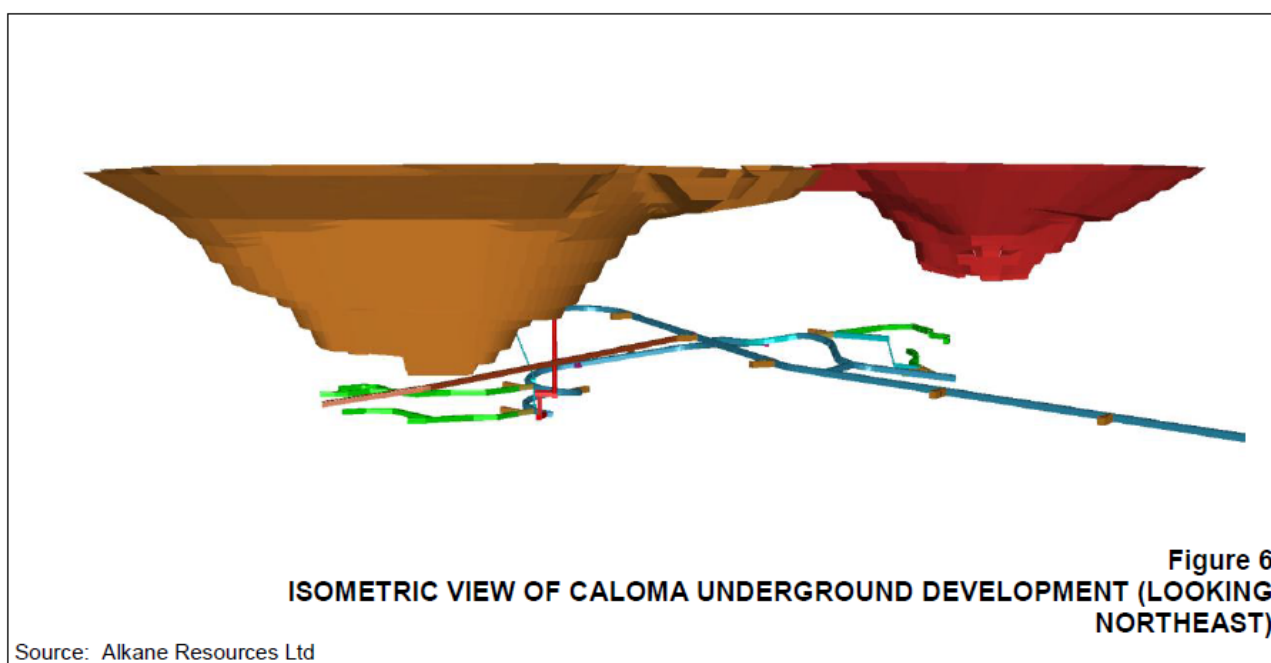
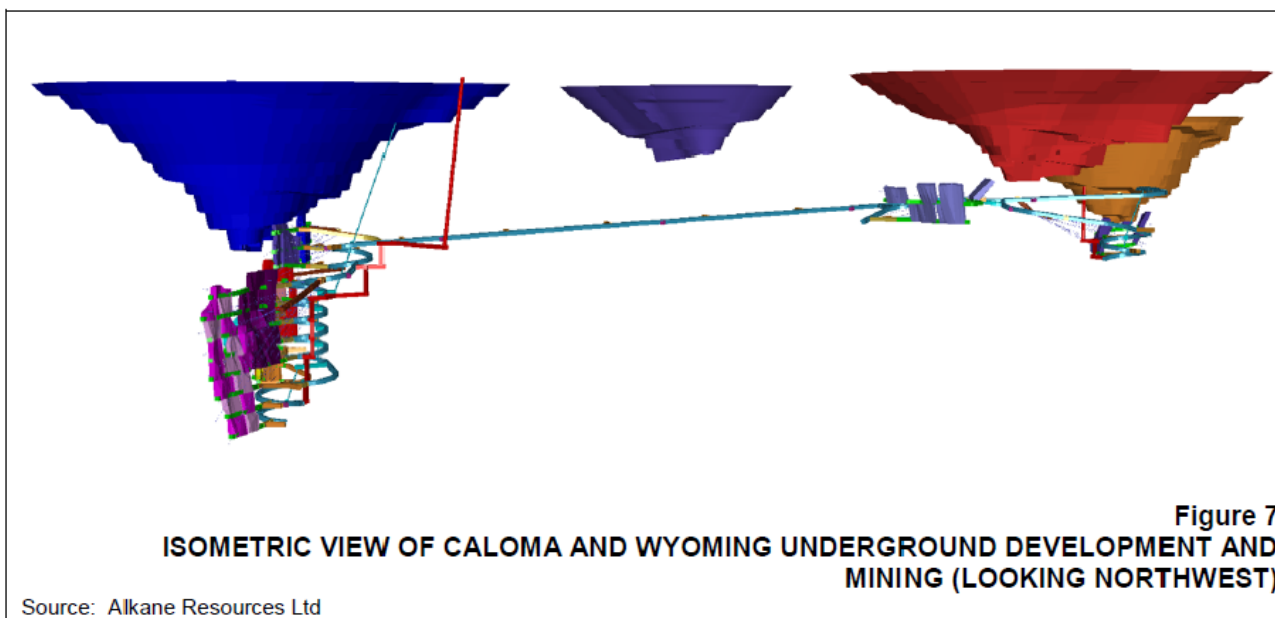


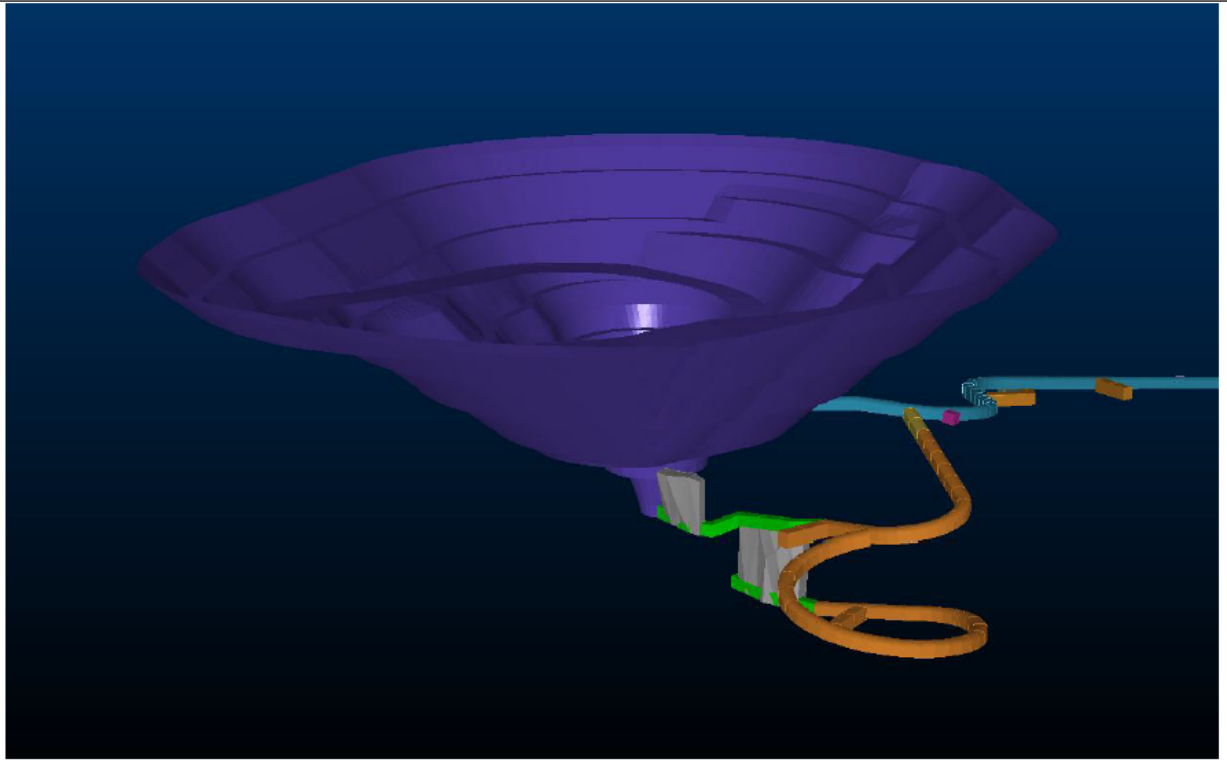
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Source: Alkane Resources Ltd

**Figure 8**  
**ISOMETRIC VIEW OF THE WYOMING 3 UNDERGROUND**  
**EXPLORATION AREA LOOKING SOUTHEAST**



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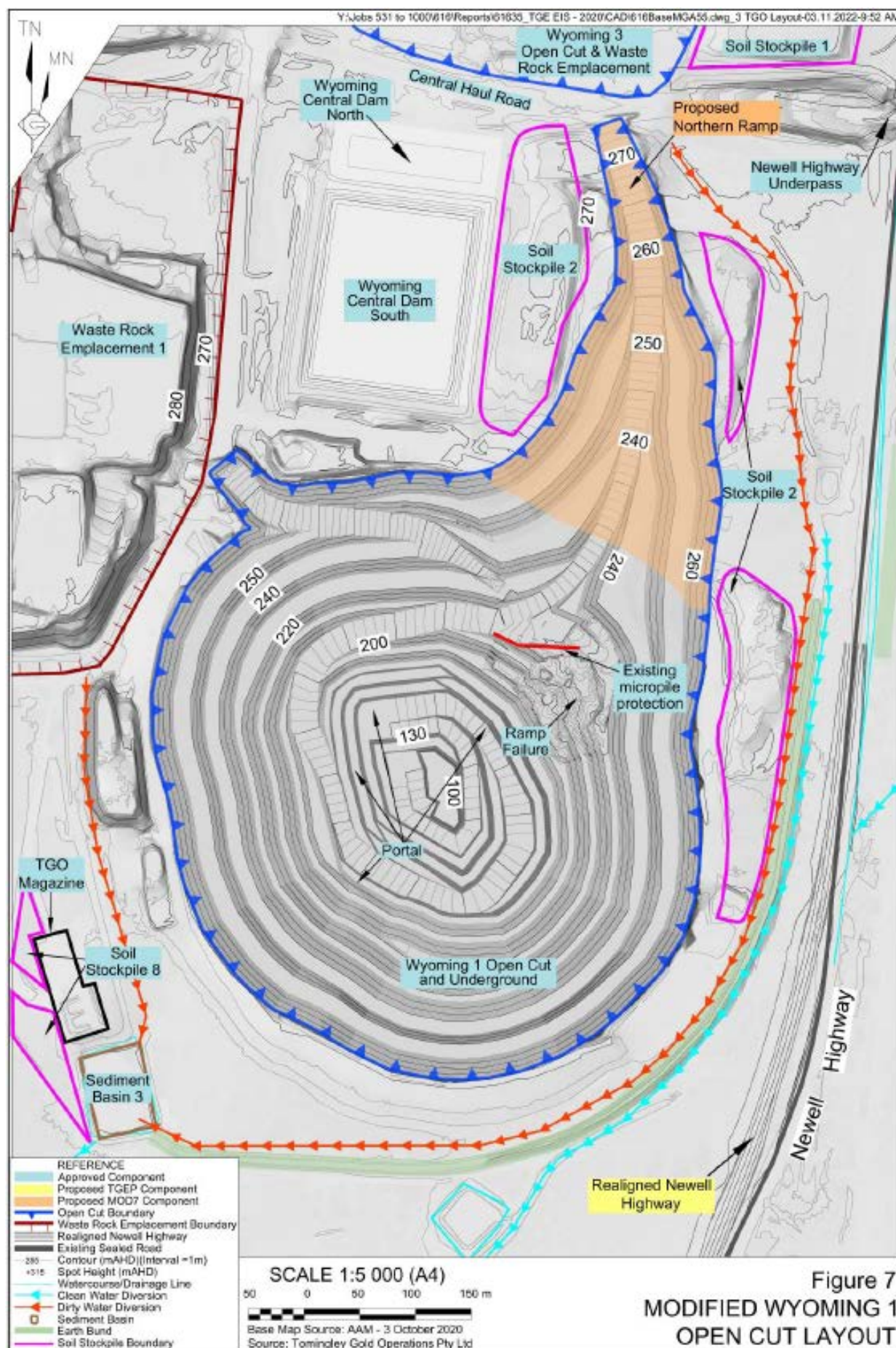


Figure 7 – Wyoming 1 Northern Ramp

## APPENDIX 3: PLANNING AGREEMENT GENERAL TERMS

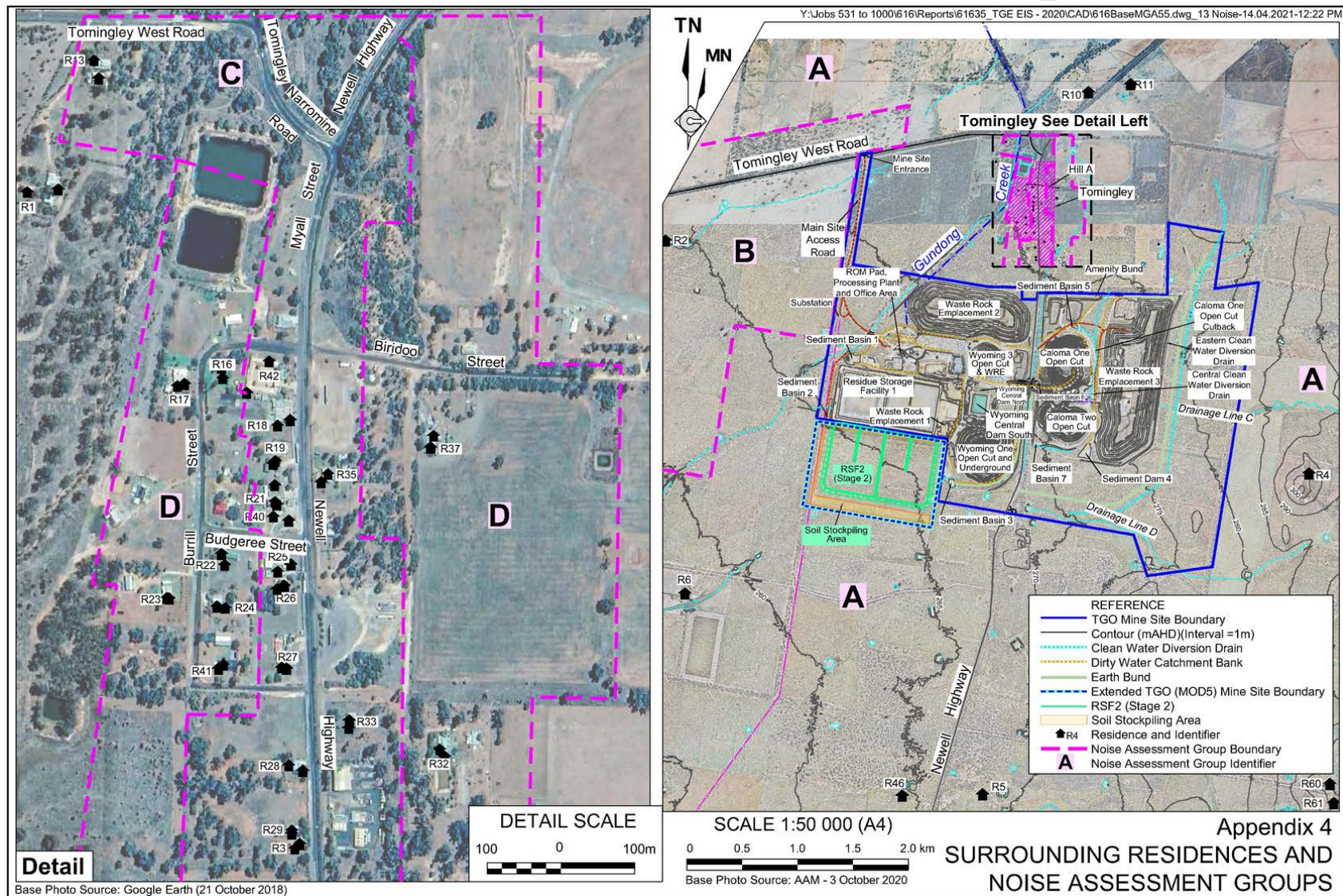
1. Contributions to Council until 31 December 2025 for:

Community Fund	\$53,750/annum
Road Maintenance (except for Tomingley West Road)	\$45,000/annum
Provision of Council Environmental Management Expertise	\$20,000/annum

2. Upgrade and maintenance of Tomingley West Road as per plans approved by Council
3. Transfer ownership of the water supply pipeline, 300 mm production bore, pumps, bore power supply and potentially a portion of the bore extraction licence to Council (subject to Council's concurrence) when no longer required by the project.
4. Contribute between \$30,000 and \$50,000 for a Water Supply Options Study.
5. Provide water to Tomingley village sufficient to meet its supply needs until the end of the mine's life.

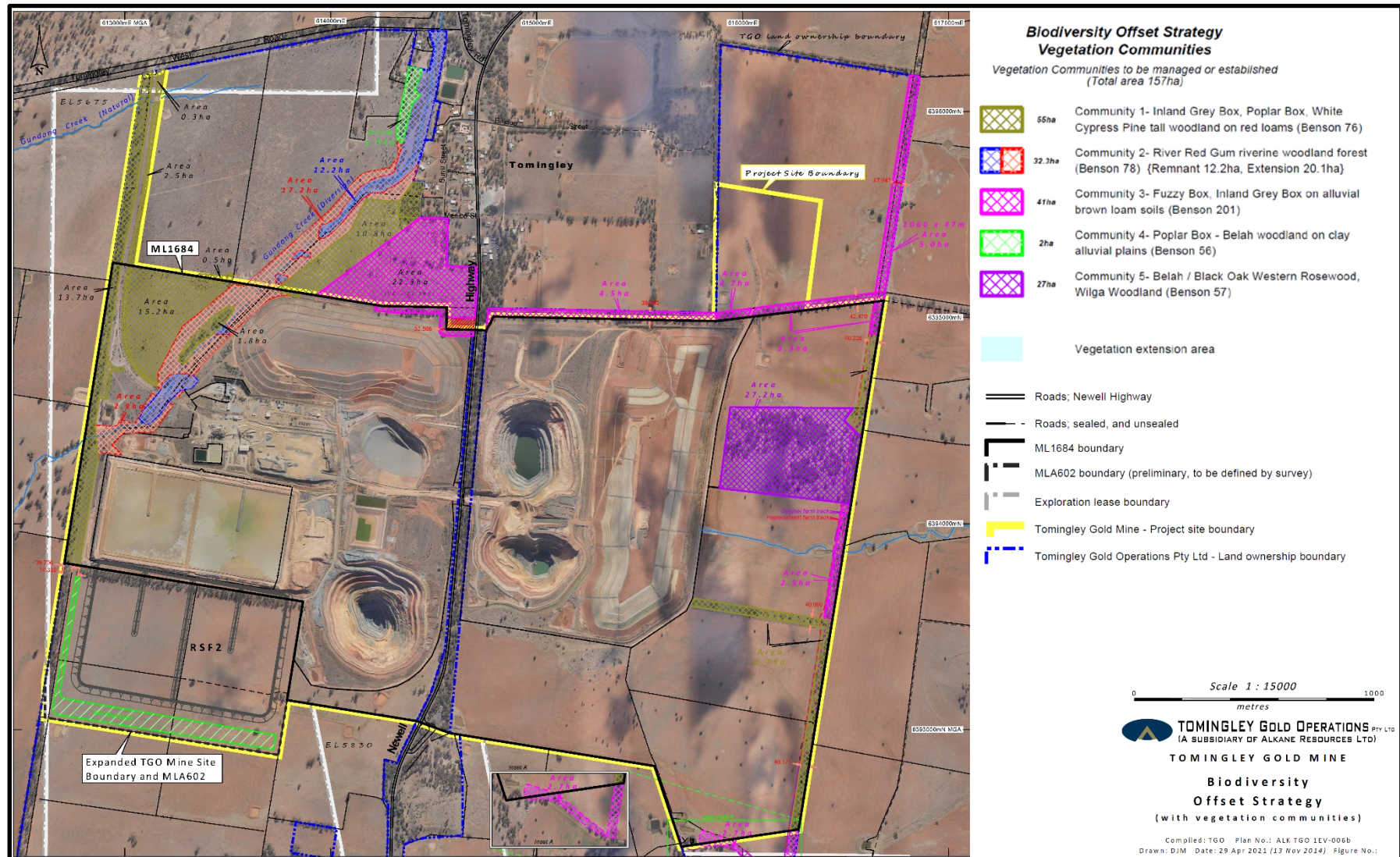


APPENDIX 4: NOISE RECEIVER LOCATIONS



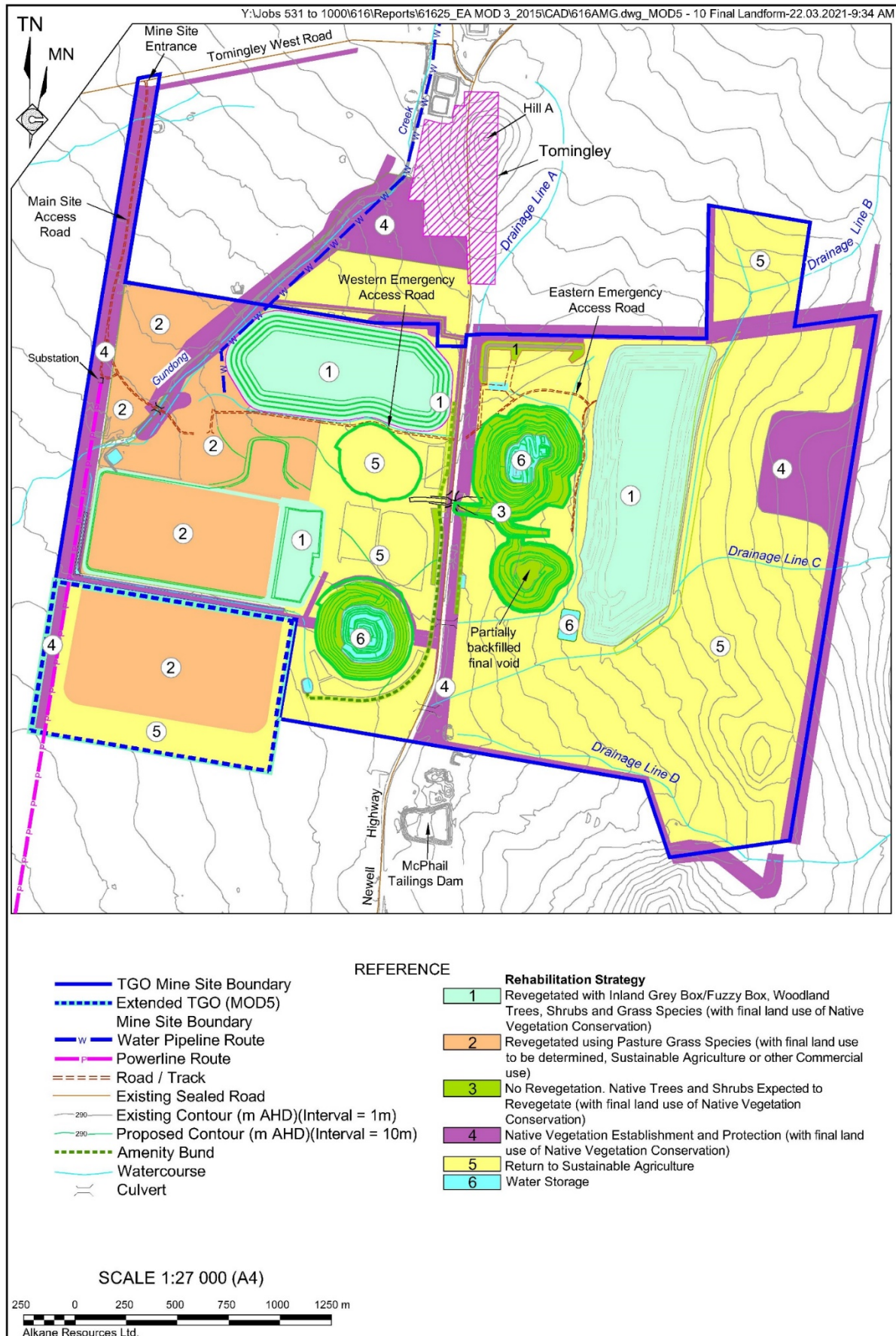


## APPENDIX 5: BIODIVERSITY OFFSETS





## APPENDIX 6: REHABILITATION PLAN



## APPENDIX 7: NOISE COMPLIANCE ASSESSMENT

### Applicable Meteorological Conditions

1. The noise criteria in Table 2 of schedule 3 are to apply under all meteorological conditions except the following:
  - a) Wind speeds greater than 3 m/s at 10 m above ground level; or
  - b) Stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or
  - c) Stability category G temperature inversion conditions.

### Determination of Meteorological Conditions

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

### Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.
4. This monitoring must be carried out at least 12 times a year, unless the Secretary agrees otherwise.
5. 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 *NSW Industrial Noise Policy* (as amended from time to time) or an equivalent NSW Government noise policy, in particular the requirements relating to:
  - a) Monitoring locations for the collections of representative noise data;
  - b) Meteorological conditions during which collections of noise data is not appropriate;
  - c) Equipment used to collect noise data, and conformance with Australian Standards relevant to such equipment; and
  - d) Modification to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors, apart from adjustments for:
    - duration; or
    - low frequency noise, where it is demonstrated that the dBC – dBA noise difference is caused by distance attenuation only.

FOR INFORMATION

## APPENDIX 9: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### 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 Proponent 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 Proponent 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 Proponent 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.