Hera Resources Pty Limited
ABN: 72 138 992 999

Response to Submissions

for the

Hera Mine Modification 3
PA 10_0191

Prepared by:

R.W. CORKERY & CO. PTY. LIMITED

September 2015

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1. INTRODUCTION

This document provides a response to submissions provided to the Department of Planning and Environment (DPE) following the public exhibition of the *Environmental Assessment* prepared to support an application under Section 75W of the *Environmental Planning and Assessment Act 1979* by Hera Resources Pty Limited (the Proponent) to modify Project Approval (PA) 10_0191 for the Hera Mine (the Mine).

All submissions provided by the DPE have been reviewed by the Applicant. In summary, submissions were received from the following agencies. No public or special interest group submissions were received.

- Bogan Shire Council.
- Cobar Shire Council.
- Department of Primary Industries – Lands.
- Department of Primary Industries – Water.
- Division of Resources and Energy.
- Environment Protection Authority.
- Office of Environment and Heritage.
- Roads and Maritime Service.

Each submission addressed individually in the following Sections, with text drawn from individual submissions presented in *italics* and the Proponent's response presented in normal text.

2. BOGAN SHIRE COUNCIL

Based on previous agreements, Hera Resources have contributed to 50% of the annual costs of the re-sheeting program to the Nymagee–Hermidale Road, contributed towards the annual cost of the crushed rock re-sheeting and we note the traffic control devices have been implemented as previously requested.

As a result of the proposal to increase production and processing rates, Council wishes to ensure the abovementioned arrangements continue under the proposed modification, if approved. Council wishes to ensure that the Nymagee-Hermidale Road is maintained and kept in a safe condition for all users.

The Proponent anticipates that the existing arrangements for maintenance of Hermidale Road, in accordance with Condition 2(15) of PA10_0191, would continue for the extended life of the Mine.

3. COBAR SHIRE COUNCIL

Cobar Shire Council and Hera Resources Pty Ltd (Developer)/YTC Resource Pty Ltd (Guarantor) entered into a [Voluntary Planning Agreement] in 2013 citing the originally expected life of mine when determining the length of time that developer contributions would be paid to Cobar Shire Council.

Given that the life of mine is due to change from 2020 to 2022, Cobar Shire Council is seeking to re-negotiate the VPA to ensure that the region of Nymagee is provided with suitable development contributions in line with the expected additional operational life of the mine.

As such, Cobar Shire Council seeks condition 14 of the Schedule 2 of the Project Approval to be modified to require the persons having benefit of the development consent to enter into a revised planning agreement with Cobar Shire Council to provide development contributions in accordance with Division 6 of Part 4 of the Environmental Planning and Assessment Act 1979.

The Proponent consents to the requested modification to Condition 3(14) of PA10_0191 to reference a date within 6 months of the date of approval of the current application

4. DEPARTMENT OF PRIMARY INDUSTRIES – LANDS

It is suggested that the mine be fenced to prevent goats accessing tailings water. Goats are mustered for human consumption in the vicinity of the mine, and there exists a possibility that toxins could be passed to humans consuming these goat products. Please note that this is not a condition of concurrence.

The Proponent notes that fencing of the Tailings Storage Facility would require approximately 2.8km of fencing. At an assumed rate of $20/m to $25/m for stock fencing, the requested fence would cost between $56,000 and $70,000. In addition, the Proponent notes the following in relation to fencing for goats in Western NSW.

- Stock fences are rarely effective at keeping goats out of selected areas.
- Damage resulting from interaction of wildlife, including goats, as well as normal wear and tear would result in an ongoing maintenance burden on the Proponent.
- The Tailings Storage Facility, with its lack of shelter and vegetation in the vicinity of the supernatant pond is likely to be a poor water source for wildlife in general and goats in particular. Rather, wildlife are more likely to be attracted to other water storages within the Project Site, namely the Back Tank and Back Tank East dams.
- The Proponent would not authorise harvesting of goats within the Project Site because of concerns in relation to the use of firearms on a Mining Lease.

- The Proponent currently implements a daily inspection program for evidence of animal activity within the Tailings Storage Facility. Should a pattern of regular activity be observed, the Proponent would implement measures to prevent access and ensure compliance with its statutory obligations to protect native and threatened fauna.

As a result, the Proponent contends that the requested fence would not achieve the required outcome and that measures are already in place to manage the identified issue.

5. DEPARTMENT OF PRIMARY INDUSTRIES – WATER

Comment by DPI Water

The proposed increase in the maximum annual production rate is predicted to result in an increase in water demand to between 270 and 300ML/yr. The site is currently authorised for groundwater take of 240ML/yr, hence additional licensed entitlement will need to be obtained. The proponent has considered the market depth to purchase additional entitlement and has identified sufficient entitlement is available.

Noted

The proposed increase in the maximum annual production rate is predicted to result in an increase in water demand to between 270 and 300ML/yr. The site is currently authorised for groundwater take of 240ML/yr, hence additional licensed entitlement will need to be obtained. The proponent has considered the market depth to purchase additional entitlement and has identified sufficient entitlement is available.

Noted

The ability to meet the additional water demands has been assessed in Appendix 3 of the EA. This assessment has not adequately assessed the potential impacts on neighbouring bores or considered the development of monitoring and management to mitigate impacts in accordance with the NSW Aquifer Interference Policy.

Additional production bores and monitoring bores are proposed with appropriate amendments to the existing Water Management Plan. Specific locations for these bores have not been provided.

See discussion below

The current water management plan would require updating to reflect the proposed changes to the water management infrastructure, in addition to altered monitoring and mitigation requirements as outcomes of this project.

Noted. The Proponent anticipates that all Management Plans would be reviewed and updated if required in accordance with Condition 5(5) of PA10_0191.

Revise or develop a new groundwater assessment report that focusses on potential impacts to basic landholder rights water users, licensed water users and the environment due to the proposed water demands.

Include the additional proposed bore extraction locations in any revised groundwater assessment to more accurately represent impacts and provide opportunities to minimise potential off-site impacts where possible.

Where off-site impacts are identified to exceed the Level 2 criteria of the Aquifer Interference Policy, the proponent is required to make a commitment to develop a 'Bore Impact Management Plan'. This plan will include further information relating to the optimisation of the bore field to minimise detrimental impacts to offsite receptors and must include 'make good' provisions where applicable. This plan also needs to include revised trigger levels and commitment to adhering to the trigger levels.

The Proponent disagrees that a revised groundwater assessment report is required. In summary, the Proponent notes the following in relation to the groundwater environment surrounding the Project Site.

- Surrounding groundwater users.

  Three, non-Project related registered bore exist within 10km of the Project Site. **Figure 1** presents the location of each bore and **Table 1** summarises the publicly available information for each. In summary, the closest non-project related bore to the Project Site is GW173386. That bore is located immediately to the south of the Project Site and was identified during the original application for Project Approval as potentially impacted. The Proponent notes that the bore is equipped with a windmill but that the windmill is not connected to the bore. The Proponent is not aware of the bore being used since 2005 when Mr Stuart Jefferies, a senior employee of the Proponent, became involved in the Project.

Table 1
Overview of Non-Project Related Bores

Bore	Purpose	Drilled Depth	Standing Water Level	Yield	Salinity
GW017386	Stock	100.9m	58.2m	0.25L/s	1 001 to 3 000ppm
GW017385	Stock	61.0m	46.6m	0.51L/s	501 to 1 000ppm
GW018014	Stock	82.9m	15.2m	0.51L/s	3 001 to 7 000ppm
Source: http://allwaterdata.water.nsw.gov.au/water.stm - accessed 17/19/2015					

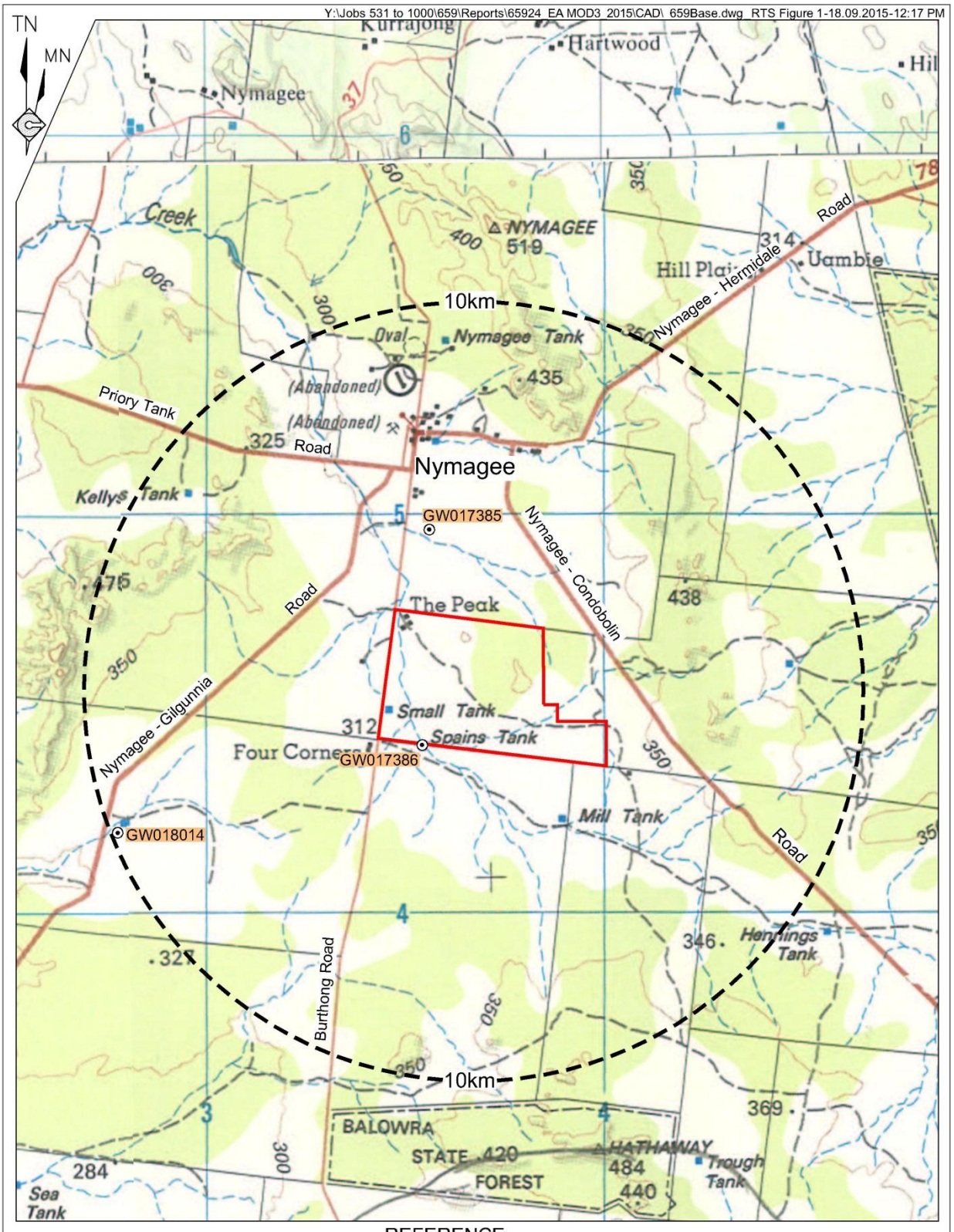

Figure 1
REGISTERED GROUNDWATER BORES - NON-PROJECT RELATED

- Surrounding groundwater dependent ecosystems.

  There are no surrounding groundwater dependent ecosystems in the vicinity of the Project Site.

- Groundwater quality.

  Aquade (2015) identifies that the conductivity of groundwater within the Project Site varies between 2 200µS/cm and 4 200µS/cm, indicating that the water is suitable for stock watering, but that it is not suitable for irrigation, discharge to surface water or drinking, without treatment.

The original application for Project Approval identified that standing water levels in bore GW017386 would be likely to be impacted by the Project as it was then understood. Aquade (2015) also determined that the bore would be likely to be impacted should further extraction of groundwater be undertaken. However, neither the original application nor Aquade (2015) indicated that the extent of groundwater drawdown would affect standing water levels in bores GW017385 or GW018014. As a result, the Proposed Modification would not result in impacts on additional surrounding groundwater users.

In relation to the framework for assessing impacts identified in Section 3.2 of the Aquafer Interference Policy, the Proponent notes the following.

1. RWC (2015) demonstrates that there is sufficient depth in the water trading market for purchase of the additional water allocations required.
2. That the impacts associated with the Proposed Modification would be largely unchanged from the approved Project, namely that standing water levels in bore GW017386 are expected to be drawn down by more than the 2m identified in Table 1 of the Policy. As a result, the Proponent acknowledges that these impacts exceed the Level 2 impact criteria.
3. In light of the above, the Proponent has recommitted in Section 4.3.4 of RWC (2015) to deepening and reequipping the bore or providing an alternative source of water for the owner of GW017386, noting that the bore is only rarely used. That commitment would continue after the completion of mining operations until standing water levels within GW017386 have recovered to their pre-mining levels.

In light of the above and the fact that the Proposed Modification would not result in additional bores being impacted and that measures are already in place to address anticipated impacts, the Proponent contends that a revised groundwater assessment is not required. In addition, the Proponent notes that it is not able to provide detailed locations of proposed bores at this stage because the exploratory drilling has yet to be undertaken.

6. DIVISION OF RESOURCES AND ENERGY

Tailings Management

The EA does not address mineral processing and handling, rejects handling and disposal management; and a life of mine tailings management strategy, which details measures to be implemented to avoid the exposure of tailings material that may cause environmental risk, as well as promote geotechnical stability of the rehabilitated landform.

Further detail is required to assess the capacity of the existing Tailings Storage Facility (TSF) to accommodate the increased volumes of tailings resulting from the Modification. Any augmentation of the currently approved TSF, or requirement to construct a new TSF, and any related potential environmental impacts, should be addressed.

Section 2.2 of RWC (2015) identifies that the approved Tailings Storage Facility would have sufficient capacity for the additional tailings to be produced as a result of an increase in the amount of ore to be processed from 2.4Mt to 3.2Mt. The following presents further details in relation to the design capacity of the Tailings Storage Facility and the tailings to be produced.

- Approved Tailings Storage Facility capacity .....2.05 million m^3.
- Proposed ore to be processed.....3.2Mt.
- Anticipated concentrate to be produced ..... approximately 320 000t.
- Anticipated tailings to be produced .....approximately 1.88Mt.
- Anticipated tailings density .....1.5t/m^3.
- Anticipated volume to tailings to be produced.....1.92 million m^3.

It is noted that RWC (2011) identified that the preliminary design of the Tailings Storage Facility would conservatively include storage for approximately 1.63 million m^3. During the detailed design phase for the facility, a greater storage capacity was identified through completion of a detailed analysis of the pre-existing topography, as well as through excavation of the floor of the basin for material to construct the Tailings Storage Facility embankment. The footprint and design embankment heights are consistent with those identified in RWC (2011).

The Tailings Storage Facility is to be constructed in three stages, with Stage 1 complete and Stage 2 to be completed by late 2016. The facility would operate with a minimum 0.6m freeboard and has been the subject of review and approval by the NSW Dam Safety Committee.

Finally, tailings management for the Proposed Modification would remain unchanged from the approved project.

Waste Rock Management

The EA does not adequately address the requirement to provide a comprehensive description of the mine layout and scheduling, including maximising opportunities for progressive final rehabilitation;

Information is required on the staged development and decommissioning of the proposed Northern Waste Rock Emplacement and further development and decommissioning of the existing Temporary [Southern] Waste Rock Emplacement, which should include an indicative schedule for the progressive re-emplacement of stockpiled material underground.

In addition, the proponent is to also report on the current volume of material stockpiled in the Temporary Waste Rock Emplacement, and confirm that there is capacity to emplace all additional Potential Acid Forming material within the currently approved footprint and maximum height.

The Southern Waste Rock Emplacement is currently constructed in two benches, with the first approximately 13m above the natural ground surface and the second approximately 17m above the natural ground surface. This compares with the indicative maximum height identified in RWC (2011) of approximately 10m above the natural ground surface. The Proponent acknowledges that the actual maximum height exceeds the approved indicative height, but notes that RWC (2011) was finalised prior to finalising the detailed mine scheduling and material movements and that that scheduling and material movements may vary as mining progresses. The Proponent also notes that it is actively seeking to reduce the height of the Southern Waste Rock Emplacement (see below) and that the additional height has not resulted in additional environmental impacts associated with the Mine.

The following presents the three most recent surveyed volumes of the Southern Waste Rock Emplacement. In summary, the emplacement is being reduced in size by approximately 8 500m^3 per month.

- September 2015 – 168 500m^3.
- July 2015 – 177 400m^3.
- May 2015 – 185 900m^3.

The Proponent notes that its current material movement schedule estimates that on average, slightly more waste rock will be required for backfill underground each month than will be generated by the Mine during the period June 2015 to June 2017. During that period, potentially acid forming material would be preferentially transported underground, continuing the current trend of reducing the volume of potentially acid forming material within the Southern Waste Rock Emplacement. The Proponent has previously committed to ensuring that all potentially acid forming material would be returned underground for placement below the final water table.

Finally, non-acid forming material within the Northern Waste Rock Emplacement would preferentially be retained on surface for use during rehabilitation of the Mine, including particularly for capping of the Tailings Storage Facility and backfilling of the box cut. As a result, the Proponent anticipates that the Northern Waste Rock Emplacement would remain until the completion of mining operations. By contrast, the Proponent anticipates that the Southern Waste Rock Emplacement would preferentially be used for backfilling operations and that all material would be removed from the emplacement prior to the completion of mining operations.

Final Land Use and Landform

The EA does not provide detail of the revised final landform figure and that there is no a definitive commitment to the remove of material stockpiled at the proposed Northern WRE.

The Division requires a figure that depicts the proposed final landform and land use(s) for the project area, and surrounding undisturbed environment. Include contours, vegetation types, drainage infrastructure and any other retained built infrastructure; and confirmation that there is no change to the current commitment to completely remove all stockpiled waste rock prior to closure as described in the 2011 EA.

Figure 2 presents the proposed final landform for the Project Site, taking into account the Proposed Modification. In summary, the Proponent would ensure that the following is implemented during rehabilitation of the Mine Site.

- All potentially acid forming waste rock within the Southern Waste Rock Emplacement would be transported back underground and placed with areas to be inundated with groundwater.
- All non-acid forming waste rock remaining within the proposed Northern Waste Rock Emplacement and the ROM pad would be used for rehabilitation purposes, including (in priority order):
  - capping of the Tailings Storage Facility;
  - establishment of surface water controls on the final landform; and
  - backfilling or partially backfilling of the box cut.
- The proposed disturbed areas would be rehabilitated as described in Section 2.9.5 of RWC (2015) and the MOP.

Recommended Conditions of Approval

The Division recommends that the following conditions be incorporated into the Project Approval, if granted:

Rehabilitation Objectives and Commitments

The Proponent shall rehabilitate the site to the satisfaction of the Secretary, Department of Industry.

Rehabilitation must be substantially consistent with the Rehabilitation Objectives described in the EA, and the following objectives.

Rehabilitation Feature	***Objective***
Mine site (as a whole of the disturbed land and water)	*Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s).*
Rehabilitation materials	*All suitable materials for rehabilitation (including seeds, vegetation, topsoils, subsoils and substrates at the disturbed areas) are identified, recovered, appropriately managed and used effectively as resources in the rehabilitation.*
Landforms	*Final landforms sustain the intended land use for the post-mining domain(s).* *Final landforms are consistent with and complement the topography of the surrounding region to minimise the visual prominence of the final landforms in the post mining landscape.* *Final landforms incorporate design relief patterns and principles consistent with natural drainage.*
Water Quality	*Water retained on site is fit for the intended land use(s) for the post-mining domain(s).* *Water discharged from site is consistent with the baseline ecological, hydrological and geomorphic conditions of the watercourses prior to mining disturbance.* *Water management is consistent with the regional catchment management strategy.*
Native flora and fauna habitat and corridors	~~*Size, locations and species of native tree lots and corridors are established to sustain biodiversity habitats.*~~ *Species are selected that re-establishes and complements regional and local biodiversity.*
~~*Post-mining agricultural pursuits*~~	~~*The land capability classification for the relevant nominated agricultural pursuit for each domain is established and self-sustaining within 5 years of land use establishment (first planting of vegetation).*~~

The Proponent consents to the inclusion of the requested objectives, noting that they are largely consistent with best practice rehabilitation. However, two objectives are unlikely to be suitable for the Project for the following reasons.

- Tree lots and corridors are not proposed the final landform is too small to require such features.
- Establishment of an arbitrary timeframe of 5 years in an arid environment such as that surrounding the Project Site is unlikely to be achievable or feasible.

Progressive Rehabilitation

The proponent shall carry out all surface disturbing activities (eg pre-stripping in advance of mining operations) in a manner that, as far is reasonably practicable, minimises potential for dust emissions and shall carry out rehabilitation of disturbed areas progressively, as soon as reasonably practicable, to the satisfaction of the Secretary, Department of Industry.

The Proponent notes that there is very limited opportunity for progressive rehabilitation as a result of the nature of the approved activities and the small size of the disturbed area.

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TN
MN

Travelling Stock Reserve
TSR8792

Former Mine Camp Location
Sealed Ventilation Rises
Former Box Cut
Header Tank
Former Surface Facilities Area See Inset
House Tank
Skirka's Bore
OB3
House Bore
Decline Bore
Causeway
WB20
Burthong Road
WB13
Former Settling Ponds Area
Three Gates Tank
WB17
Engineered Rock-lined Drop Structure
WB16
Expanded Pete's Tank
Former Tailings Storage Facility Area
WB10
WB4
Back Bore
Back Tank East
OB1
Back Tank West
WB11
WB21
OB2
WB8
WB18
100m

Inset

INSET SCALE 1:10 000

100 0 100 200 300 400 500 m

Travelling Stock Reserve
TSR8792

SCALE 1:25 000 (A3)

250 0 250 500 750 1000 1250 m

Source: Hera Resources Pty Limited

REFERENCE

- "The Peak" Property Boundary
- Project Site Boundary (offset for clarity)
- Existing Contour (m AHD)(Interval = 1m)
- Final Landform Contour (m AHD)(Interval = 1m)
- Watercourse / Drainage Line
- Unsealed Road / Track
- WB8 Existing Production Bore & Reference
- Proposed Bore
- Energy Dissipator (indicative locations only)
- Clean Water Diversion
- Surface Water Dams (to be retained)
- Water Storage Tank
- Safety Bund (Fenced)
- Disturbed area to be revegetated to Native Vegetation
- Proposed area of Nature Conservation (to be fenced)
- Proposed area of Agricultural Operations (remainder)
- Preferred Biodiversity Offset Area
- Area of TSR 8792 to be closed (application pending) (Offset for Clarity)

Figure 2
AMENDED FINAL LANDFORM AND END LAND USE

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Rehabilitation Plan

1. The Proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Secretary, Department of Industry.

2. The Rehabilitation Plan must:

be submitted to and approved by the Secretary, Department of Industry prior to carrying out any surface disturbing activities of the development, unless otherwise agreed by the Director General;

- *a) be prepared in accordance with Division guidelines and in consultation with the Division, relevant agencies and stakeholders, including Office of Environment and Heritage, Environmental Protection Authority, Office of Water, Department of primary Industries, Crown Lands and Cobar Shire Council;*
- *b) incorporate and be consistent with the rehabilitation objectives in the EA, the 2011 EA and statement of commitments, and Table 1;*
- *c) integrate and build on, to the maximum extent practicable, the other management plans required under this approval; and,*
- *d) address all aspects of mine closure and rehabilitation, including post mining land use domains, rehabilitation objectives, completion criteria and rehabilitation monitoring and management.*
- *e) include an evaluation of end land use options for the box cut;*
- *f) describe how rehabilitation will be carried out progressively to the extent that it is practicable.*

Note: The approved Mining Operation Plan, required as a condition of ML 1659 issued in relation to this project, will satisfy the requirements of this condition for a Rehabilitation Plan.

This requirement is consistent with Condition 3(46) of PA10_0191 and the requirements for preparation of a MOP. As a result, the Proponent contends that the suggested condition is not required.

7. ENVIRONMENT PROTECTION AUTHORITY

Having reviewed the information provided, the EPA has determined that it is able to issue a variation to Environment Protection Licence (EPL 20179) for the proposed modification, subject to the incorporation of the following recommended condition into the Department of Planning and Environments (DPE) consent (if approved).

EPL 20179 will need to be varied to increase the scale of mining operations permitted onsite. The EPA notes the applicant will need to make a separate application to the EPA to obtain this licence variation prior to works proceeding.

Noted

Recommended Condition

All proposed surface water infrastructure must be constructed and operated in accordance with the relevant design criteria provided in the document Managing Urban Storm water: Soils and Construction – Volume 1 (current edition).

Section 4.4.1 of RWC (2015) identify that the proposed surface water management structures have been designed in accordance with the requirements of the identified guideline.

8. OFFICE OF ENVIRONMENT AND HERITAGE

OEH notes that Aurelia Metals Limited has a proposed, but as yet unsecured, offset on the property "Chelsea" for existing impacts of the Hera Gold Project. This offset will protect 537.74 ha of native vegetation within the 1884.7 ha property. It is OEH's understanding that Aurelia Metals' preferred option for secure these outstanding offset requirements is by a Property Vegetation Plan (PVP). OEH has consistently advocated for the use of a BioBanking Agreement to secure the offset on "Chelsea". This security mechanism remains OEH's preferred option.

OEH further notes that Aurelia Metals Ltd preferred method of securing the additional offsets associated with this modification is also by PVP. The NSW Government Biodiversity Offsets Policy for Major Projects (http://www.environment.nsw.gov.au/biodivoffsets/bioffsetspol.htm) and associated Framework for Biodiversity Assessment applies to the proposed Hera Mine modification currently under assessment. The Major Projects Offset Policy sets out offset security options for transitional projects, i.e. projects approved prior to the commencement of the policy on 1 October 2014 or projects that were in a late stage of their planning approval process at that time. Projects which are not transitional projects are required under the NSW Government Policy to use BioBanking Agreements to secure their offset sites. The OEH view is that the proposed Hera modification should not be considered as a transitional project and accordingly OEH believes that a BioBanking Agreement should be required to secure the offset associated with this modification.

The Proponent notes that it has previously been advised that a Biobanking Agreement was not able to be implemented over a Western Lands Lease. In addition, the Proponent also understands that Biobanking Agreements require very substantial capital to establish the trust to operate the offset. As the Proponent owns both the development site and the offset site, such an arrangement was determined to be an inefficient method to establish the agreed biodiversity offset.

Notwithstanding the above, the Proponent would be pleased to continue consultation with Office of Environment and Heritage in relation to securing the biodiversity offset in the most effective and efficient manner possible.

Finally, it is noted that Office of Environment and Heritage did not make comment on the quantum of the proposed biodiversity offset. The Proponent interprets this to indicate that Office of Environment and Heritage is satisfied that the quantum of the offset is adequate.

9. ROADS AND MARITIME SERVICES

Roads and Maritime makes no submission for the modification.

Noted

10. REFERENCES

Aquade (2015). *Supplementary Assessment of Groundwater Availability.*

R.W. Corkery & Co Pty Limited (RWC) (2011). *Hera Project, via Nymagee Environmental Assessment Major Project Application No. 10_0191.*

R.W. Corkery & Co Pty Limited (RWC) (2015). *Environmental Assessment for the Hera Mine Modification 3 PA 10_0191.*

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