Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, the Director Resource Assessments approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, 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 development.

Stephen O'Donoghue
Director Resource Assessments
Energy, Resources and Industry Assessments

Sydney	2022

SCHEDULE 1

Application Number:	SSD 10419
Applicant:	Peak Gold Mines Pty Ltd
Consent Authority:	Minister for Planning
Site:	The land defined in Appendix 1
Development:	New Cobar Complex Project

DEFINITIONS

Annual Review	The review required by condition C9
Applicant	Peak Gold Mines Pty Ltd, or any person carrying out any development under this consent
Approved disturbance area	The surface development areas identified as being approved under existing consents, approved under Section 23A of the Mining Act or proposed disturbance under SSD-10419 on Figure 1 in Appendix 2
Approved mining area	The area identified as existing or proposed mine workings and approved decline area on Figure 3 in Appendix 2
BCA	Building Code of Australia
BCS	Biodiversity, Conservation and Science Directorate within the Department
CCC	Community Consultative Committee required by condition A16
Conditions of this consent	Conditions contained in Schedule 2
Council	Cobar Shire Council
Construction	All physical works required to enable mining operations under this consent to be carried out, including demolition and removal of buildings or works and erection of buildings and other infrastructure permitted by this consent, but excluding pre-construction works and intersection upgrade works required by condition B40.
Date of commencement	The date notified to the Department by the Applicant under condition A5(a)
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The deconstruction or demolition and removal of works and buildings installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the document/s listed in condition A2(c), as modified by the conditions of this consent
Development Layout	The indicative development layout depicted in Appendix 2
DPE Crown Lands	Crown Lands Group within the Department
DPE Water	Water Group within the Department
EIS	The Environmental Impact Statement titled *New Cobar Complex Project, State Significant Development (SSD10419) Environmental Impact Statement*, prepared by EMM Pty Ltd on behalf of Peak Gold Mines, dated February 2021; the Applicant's *Response to Submissions Report* dated August 2021; the Applicant's *Amendment Report* dated February 2022 and the additional information provided by the Applicant on 29 September 2021, 18 November 2021 and 29 November 2021 in support of the application.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental consequences	The environmental consequences of subsidence impacts, including, but not limited to: damage to built features; loss of surface water flows to the subsurface; loss of standing pools; slope changes to streams; adverse water quality impacts; development of iron bacterial mats; cliff falls; rock falls; landslides; damage to heritage items; impacts on biodiversity values or aquatic ecology; and ponding
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
Evening	The period from 6 pm to 10 pm
Feasible	Means what is possible and practical in the circumstances
Financial year	A period of 12 months from 1 July to 30 June
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heritage NSW	Heritage Branch within the Department
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: • the *National Parks and Wildlife Act 1974*;

	• the State Heritage Register under the *Heritage Act 1977*; • a state agency heritage and conservation register under section 170 of the *Heritage Act 1977*; • a Local Environmental Plan under the EP&A Act; • the World Heritage List; • the National Heritage List or Commonwealth Heritage List under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth); or anything identified as a heritage item under the conditions of this consent
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	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent 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 consent
Material harm	Is harm to the environment that: • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) This definition excludes “harm” that is authorised under either this consent or any other statutory approval
MEG	Regional NSW – Mining, Exploration and Geoscience
Mine closure	Decommissioning and final rehabilitation of the site following the cessation of mining operations
Mine Owned Land	Land owned by a mining, petroleum or extractive industry company (or its subsidiary or related party)
Mine water	Water that accumulates within, or drains from, active mining and infrastructure areas and any other disturbed and unrehabilitated areas
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The carrying out of mining and mining related activities, including stope development, extraction of ore, transportation of ore and waste rock to the surface, backfilling of stopes, and underground development necessary for mining operations to be carried out (including installation and use of electricity, water, communications and other services and infrastructure)
Minister	NSW Minister for Planning, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NRAR	NSW Natural Resources Access Regulator
Ore	Natural rock or sediment material containing metallic minerals
Planning agreement	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Peak Complex	The land defined by the ‘Peak Complex’ boundary shown in Figure 1 in Appendix 2
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Pre-Construction works	Pre-construction works that may be required for the development, including surveys, acquisitions, fencing, investigative or geotechnical drilling or excavation, minor clearing, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided (including service relocations)
Privately-owned land	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
Public infrastructure	Infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc, including Council-owned assets and infrastructure.
Rail Corridor	Means above, on or under the land comprised in Lot 1 DP 929604, Lot 2 DP 929604, Lot 7 DP 929604, Lot 1 DP 927063, Lot 3 DP 929604, Lot 1 DP 927064, Lot 1 DP 926797, Lot 2 DP

	926797, Lot 7 DP 234069, Lot 4 DP 234069, Lot 12 DP 135101, Lot 3 DP 927063 and Gazette Number 821 including any rail and associated infrastructure above, on or under the land
Reasonable	Means applying 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 restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Resources Regulator	NSW Resources Regulator within the Department of Regional NSW
Site	The land defined in Appendix 1 and shown within the ‘Project area’ boundary in Figure 1 in Appendix 2
Subsidence	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts
Subsidence effects	Deformation of the ground mass due to mining, including all mining-induced ground movements, such as vertical and horizontal displacement, tilt, strain and curvature
Subsidence impacts	Physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and upsidence and surface depressions or troughs
TfNSW	Transport for NSW (incorporating the former NSW Roads and Maritime Services)

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS; and
- (d) generally in accordance with the Development Layout.

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
- (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

NOTIFICATION OF COMMENCEMENT

A5. The Applicant must notify the Department in writing of the date of commencement of each of the following phases of development, at least two weeks before that date:

- (a) physical commencement of development under this consent;
- (b) commencement of construction under this consent;
- (c) commencement of mining operations under this consent;
- (d) cessation of mining operations (i.e. mine closure); and
- (e) any period of suspension of mining operations (i.e. care and maintenance).

A6. If the development is to be further staged, the Department must be notified in writing at least two weeks prior to the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

SURRENDER OF EXISTING CONSENTS OR APPROVALS

A7. Within 12 months of the date of physical commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consents in **Table 1** in accordance with the EP&A Regulation.

Table 1: Existing development consents

Application number	*Development*	*Date of issue*	*Determining authority*
98/99:8	Open pit, waste stockpiles, sedimentation trap and roading (Open cut mining)	24 September 1998	Cobar Shire Council
99/00:022	Open cut gold mine	29 June 2000	Cobar Shire Council
2004/LDA-00003	Underground gold mine	24 June 2004	Cobar Shire Council
2014/LD-00031	Jubilee raise bore and ventilation fan establishment	27 November 2014	Cobar Shire Council
2019/LD-00024	Great Cobar Pipeline Project	8 October 2019	Cobar Shire Council

A8. Upon the physical commencement of development under this consent, and before the surrender of existing development consents or project approvals required under condition A7, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

Note: *This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.*

LIMITS OF CONSENT

Mining Operations

A9. Mining operations may be carried out on the site, within the approved mining area, until 31 December 2035.

Notes:

- *Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.*
- *Mining operations and rehabilitation are also regulated under the Mining Act 1992.*

Identification of Approved Disturbance Area

A10. Within three months of commencement of the development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must provide to the Department a survey plan and spatial files in a format agreed by the Planning Secretary of the boundaries of the approved disturbance areas.

Ore Extraction

A11. A maximum of 800,000 tonnes of ore may be extracted from the site in any financial year.

Hours of Operation

A12. The Applicant may:

(a) undertake mining operations 24 hours a day, 7 days a week; and

(b) transport ore and waste rock to and from the Peak Complex between 7 am and 6 pm, 7 days a week.

Construction Hours

A13. Construction must only be undertaken during standard construction hours (7 am to 6 pm, Monday to Friday and 8 am to 1 pm on Saturdays and no time on Sundays or public holidays), unless alternative hours are included within an approved Noise Management Plan or the Planning Secretary agrees otherwise.

PLANNING AGREEMENT

A14. Within six months of the date of physical commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a planning agreement with Council in accordance with:

(a) Division 7.1 of Part 7 of the EP&A Act; and

(b) the terms of the Applicant's offer to Council in Appendix 4.

A15. If there is any dispute between the Applicant and Council in regards to condition A14 then either party may refer the matter to the Planning Secretary for resolution.

COMMUNITY CONSULTATIVE COMMITTEE

A16. The Applicant must operate the Community Consultative Committee (CCC) established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019) during the life of the development, or other timeframe agreed by the Planning Secretary.

Notes:

- *The CCC is an advisory committee only.*
- *In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*

A17. With the approval of the Planning Secretary, the Applicant may combine the CCC required by this consent with any similar CCC required by a consent or approval for any adjoining mine subject to common, shared or related ownership or management.

EVIDENCE OF CONSULTATION

A18. Where conditions of this consent require consultation with an identified party, the Applicant must:

(a) consult with the relevant party prior to submitting the subject document for approval; and

(b) provide details of the consultation undertaken to the Planning Secretary, including:

(i) the outcome of that consultation, matters resolved and unresolved; and

(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A19. With the approval of the Planning Secretary, the Applicant may:

(a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);

(b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);

(c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and

(d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by other consents for the Peak Complex subject to common, shared or related ownership or management.

A20. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

A21. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS

A22. Prior to the approval of management plans under this consent, the Applicant must continue to implement any equivalent or similar management plan/s required under existing consents listed under condition A7, to the satisfaction of the Planning Secretary.

PUBLIC INFRASTRUCTURE

Protection of Public Infrastructure

A23. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and

(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions made by the Applicant to the relevant Council or to damage subject to compensation under the Mining Act 1992.*

A24. If the Applicant and the public infrastructure owner cannot agree on whether damage to public infrastructure is attributed to the development or the measures to be implemented to repair or relocate public infrastructure, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

DEMOLITION

A25. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001), or its latest version.

STRUCTURAL ADEQUACY

A26. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development must be constructed in accordance with the relevant requirements of the BCA.

Notes:

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

OPERATION OF PLANT AND EQUIPMENT

A27. All plant and equipment used on site, or to monitor the performance of the development must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

COMPLIANCE

A28. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

A29. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) of the condition.

A30. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

CROWN LAND

A31. The Applicant must consult with DPE Crown Lands prior to undertaking development on Crown Land or Crown Roads.

***Notes**:*

- *Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPE Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease.*
- *Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPE Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.*

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Noise Criteria

B1. The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land.

Table 2: Noise criteria

Noise Assessment Location	***Day*** $L_{Aeq\ (15\ min)}$ ***dB(A)***	***Evening*** $L_{Aeq\ (15\ min)}$ ***dB(A)***	***Night*** $L_{Aeq\ (15\ min)}$ ***dB(A)***	***Night*** L_{Max} ***dB(A)***
All privately-owned residences	40	35	35	52

B2. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).

B3. The noise criteria in **Table 2** do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Noise Operating Conditions

B4. The Applicant must:

(a) take all reasonable steps to minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development;

(b) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions;

(c) regularly assess the noise monitoring data, and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

Noise Management Plan

B5. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

(a) be prepared by a suitably qualified and experienced person/s;

(b) be prepared in consultation with the EPA;

(c) include an out-of-hours works protocol;

(d) describe the measures to be implemented to ensure:

- (i) compliance with the noise criteria and operating conditions in this consent;
- (ii) best practice management is being employed;

(e) include a monitoring program that:

- (i) is capable of evaluating the performance of the development against the noise criteria;
- (ii) monitors noise at the nearest and/or most affected residences;
- (iii) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.

B6. The Applicant must not commence construction until the Noise Management Plan is approved by the Planning Secretary.

B7. The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.

BLAST

Blast Criteria

B8. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in **Table 3**.

Table 3: Vibration Criteria

Location	***Ground vibration (mm/s)***	***Allowable exceedance***
Residence on privately-owned land *	10	0%
	5	5% of the total number of blasts over a financial year
Rail Corridor	10	0%

*Or other sensitive receiver location (e.g. a school or hospital)

B9. The blasting criteria in **Table 3** do not apply to a residence if the Applicant has an agreement with the owner/s of that residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

B10. The Applicant may carry out a maximum of:

(a) 3 blasts per 24-hour period; and

(b) 20 blasts per week.

B11. Condition B10 does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.

Notes:

- *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 mine.*
- *Should an additional blast be required after a blast misfire, the additional blast and the blast misfire are counted as a single blast.*

Blast Operating Conditions

B12. The Applicant must:

(a) take all reasonable steps to:

(i) protect the safety of people and livestock in the areas surrounding blasting operations; and

(ii) protect public or private infrastructure and property in the surrounding area from damage from blasting operations;

(b) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site; and

(c) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent.

Blast Management Plan

B13. The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;

(b) be prepared in consultation with the EPA and Council;

(c) describe the blast management system and the measures that will be implemented to ensure compliance with the blasting criteria and conditions of this consent;

(d) include a monitoring program for evaluating and reporting on compliance with the relevant conditions of this consent;

(e) include a protocol for identifying any blast-related exceedance, incident or non-compliance and for notifying the Department, the EPA and relevant stakeholders of these events;

(f) includes a review mechanism and contingency measures if blasting causes amenity impacts at levels below the relevant criteria;

(g) include public notification procedures to enable members of the public, particularly surrounding residents, to get up-to-date information on the proposed blasting schedule; and

(h) include a protocol for investigating and responding to blast-related complaints.

B14. The Applicant must not commence construction until the Blast Management Plan is approved by the Planning Secretary.

B15. The Applicant must implement the Blast Management Plan as approved by the Planning Secretary.

AIR QUALITY AND GREENHOUSE GAS

Odour

B16. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

Air Quality Criteria

B17. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in **Table 4** at any residence on privately-owned land.

Table 4: Air quality criteria

Pollutant	***Averaging period***	***Criterion***	
Particulate matter < 10 µm (PM_{10})	Annual	[a, c] 25 µg/m^3	
	24 hour	[b] 50 µg/m^3	
Particulate matter < 2.5 µm ($PM_{2.5}$)	Annual	[a, c] 8 µg/m^3	
	24 hour	[b] 25 µg/m^3	
Total suspended particulate (TSP) matter	Annual	[a, c] 90 µg/m^3	
[d] Deposited dust	Annual	[b] 2 g/m^2/month	[a] 4 g/m^2/month

***Notes**:*

[a] Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).
[b] Incremental impact (i.e. incremental increase in concentrations due to the development on its own).
[c] Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.
[d] Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

B18. The air quality criteria in **Table 4** do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Mine-owned Land

B19. Particulate matter emissions generated by the development must not exceed the criteria listed in **Table 4** at any occupied residence on mine-owned land (including land owned by another mining company) unless:

(a) the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under PART D of this consent;

(b) the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;

(c) air quality monitoring is regularly undertaken to inform the tenant and landowner (if the residence is owned by another mining company) of the likely particulate matter emissions at the residence; and

(d) data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.

Air Quality Operating Conditions

B20. The Applicant must:

(a) take all reasonable steps to

(i) minimise odour, fume, and particulate matter (including PM_{10} and $PM_{2.5}$) emissions of the development, paying particular attention to minimising odour from ventilation shafts, wheel-generated haul road emissions, and emissions from the waste rock emplacements;

(ii) improve energy efficiency and reduce greenhouse gas emissions of the development;

(iii) minimise any visible off-site air pollution generated by the development;

(iv) minimise to the greatest extent practicable, the area of dust generating surfaces exposed on the site at any given point in time;

(b) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;

(c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to **Table 4** above);

(d) use all reasonable efforts to co-ordinate air quality management on the site with the air quality management at nearby mines to minimise cumulative air quality impacts;

(e) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and

(f) regularly assess the air quality monitoring data, and modify operations on the site to ensure compliance with the relevant conditions of this consent.

Air Quality and Greenhouse Gas Management Plan

B21. The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;

(b) be prepared in consultation with the EPA, NSW Health and the CCC;

(c) describe the measures to be implemented to ensure:

(i) compliance with the air quality criteria and operating conditions in this consent;

(ii) best practice management is being employed to:

- minimise the development's air quality impacts;
- minimise the development's Scope 1 and 2 greenhouse gas emissions; and
- improve the development's energy efficiency; and

(iii) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;

(d) describe the air quality management system in detail; and

(e) include an air quality monitoring program, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in NSW* (EPA, 2022) and *Ambient Air Monitoring Guidance Note* (EPA, 2022), or its latest version, that:

(i) uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of operations;

(ii) adequately supports the air quality management system;

(iii) includes a protocol for distinguishing the dust emissions of the development from any neighbouring developments; and

(iv) includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.

B22. The Applicant must not commence construction until the Air Quality and Greenhouse Gas Management Plan is approved by the Planning Secretary.

B23. Every three years during the life of mining operations, unless otherwise agreed by the Planning Secretary, the Air Quality and Greenhouse Gas Management Plan must be updated to include the following information in relation to Scope 1 and Scope 2 greenhouse gas emissions:

(a) a review of abatement technologies relevant to the development's greenhouse gas emissions;

(b) a detailed review of the feasibility of implementing various greenhouse gas abatement options, and economic considerations for the development; and

(c) a 3-year action plan to investigate and implement reasonable and feasible measure to minimise greenhouse gas emissions.

B24. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Planning Secretary.

METEOROLOGICAL MONITORING

B25. Prior to the commencement of construction and for the life of the development, the Applicant must 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 and Analysis of Air Pollutants in *NSW (EPA, 2022) and Ambient Air Monitoring Guidance Note (EPA, 2022)*; and

(b) is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017),

unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

WATER

Offsite Water Discharges

B26. The Applicant must ensure that all surface discharges from the site comply with:

(a) discharge limits (both volume and quality) set for the development in any EPL; or

(b) relevant provisions of the POEO Act.

Water Supply

B27. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

B28. The Applicant must report on water extracted from the development each year (direct and indirect) in the Annual Review, including water taken under each water licence.

Note: *Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and post mine closure.*

Compensatory Water Supply

B29. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the development, in consultation with DPE Water, and to the satisfaction of the Planning Secretary.

B30. The compensatory water supply measures must provide an alternative long term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.

B31. If the Applicant and the landowner cannot agree on whether the loss of water is attributed to the development or 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 Planning Secretary for resolution.

B32. If the Applicant is unable to provide an alternative long term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.

B33. However, conditions B29 to B31 do not apply if the Applicant has a compensatory water agreement with the owner/s of the land and the Applicant has advised the Department in writing of the terms of this agreement.

***Notes**:*

- *The Water Management Plan (see condition B36) is required to include trigger levels for investigating potentially adverse impacts on water supplies.*
- *The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.*

B34. In the event of any complaint related to a privately-owned licensed groundwater bore which may, in the opinion of the Planning Secretary, have been adversely and directly impacted as a result of the development (other than an impact that is minor or negligible), the applicant must, as soon as practicable, facilitate the provision of a temporary water supply, pending the outcome of any groundwater investigation and/or provision of an alternative long-term supply of water as required under condition B30, the satisfaction of the Planning Secretary.

Water Management Performance Measures

B35. The Applicant must ensure that the development complies with the performance measures in **Table 5**.

Table 5: Water management performance measures

Feature	*Performance Measure*
Water management – General	• Maximise water recycling, reuse and sharing opportunities

Feature	Performance Measure
	• Minimise the need for make-up water from external supplies, particularly the use of higher quality water used by other land users • Design, install, operate and maintain water management infrastructure in a proper and efficient manner • Minimise risks to the receiving environment and downstream water users
Aquifers	• Negligible impacts to fractured rock aquifers caused by the development beyond those predicted in the EIS, including: – negligible change in groundwater levels beyond those predicted; – negligible change in water quality beyond those predicted; – negligible impact to other groundwater users; and – no exceedance of the minimal impact considerations in the *NSW Aquifer Interference Policy*
Surface water resources	• Negligible impacts to surface water resources caused by the development beyond those predicted in the EIS; • Maximise, as far as reasonable and feasible, the diversion of all clean water around disturbed areas • Storages are suitably designed, installed and maintained to: - minimise discharge of mine water or sediment-laden water outside the off-site environment - minimise permeability, and prevent or minimise the migration of pollutants due to seepage
Waste Rock Emplacement	• Minimise, as far as reasonable and feasible, the potential for acid mine drainage
Flood mitigation	• Negligible change to off-site flood regime, including flows, levels, storage capacity or velocities
Chemical and hydrocarbon storage	• Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard
Groundwater dependent ecosystems	• Negligible environmental consequences to groundwater dependent ecosystems

Water Management Plan

B36. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;

(b) be prepared in consultation with DPE Water, EPA, Resources Regulator and Council;

(c) include a:

(i) <u>Site Water Balance</u> that:

- includes details of:
  - predicted inflows and outflows;
  - sources and security of water supply, including contingency planning for various climate scenarios and allocations;
  - preferential water supply to prioritise internal and poorer quality water supplies over external and higher quality water supplies;
  - water use and management;
  - any off-site water transfers, including process water requirements at the Peak Complex; and
  - reporting procedures, including the annual preparation of an updated site water balance; and

- investigates and implements all reasonable and feasible measures to minimise water use;

(ii) Surface Water Management Plan, that includes:

- representative baseline data on surface water flows and quality in waterbodies that could be affected by the development;
- a detailed description of the water management system, including the;
  - clean water capture and diversion system;
  - dirty water system (including sediment detention basins); and
  - mine water capture system;
- detailed procedures for the characterisation and management of potentially acid forming materials;
- detailed plans for the design and management for the emplacement of reject materials and acid or sulphate generating materials;
- detailed objectives and performance criteria, including trigger levels for investigating any potentially adverse impacts associated with the development for:
  - the water management system;
  - downstream surface water flows and quality;
  - water supply for other water users;
  - stream and riparian health; and
  - post-mining water pollution from rehabilitated areas of the site;
- a program to monitor and evaluate:
  - compliance with the relevant performance measures in Table 5 and the performance criteria established above;
  - the effectiveness of the water management system;
  - surface water flows and quality, stream and riparian health in waterbodies that could be affected by the development; and
  - impacts on water users;
- reporting procedures for the results of the monitoring program; and
- a plan to respond to any exceedances of the performance measures or performance criteria, and mitigate any adverse surface water impacts of the development, including contingency strategies for addressing:
  - any discharge of pollutants from on-site water storages, emplacements, infrastructure and processing areas (including pipelines); and
  - any identified impacts to waterbodies;

(iii) Groundwater Management Plan, that includes:

- detailed baseline data on groundwater levels, yield and quality in the region that could be affected by the development, including privately-owned groundwater bores and groundwater dependent ecosystems;
- a detailed description of the groundwater management system, including measures to minimise acid mine drainage from potentially acid forming material;
- detailed objectives and performance criteria, including trigger levels for investigating any potentially adverse impacts associated with the development for:
  - the groundwater management system;
  - local and regional aquifers;
  - groundwater users bores;
  - groundwater inflows to the mining operations;
  - seepage/leachate from underground voids, water storages, emplacements, infrastructure and processing areas, and final void; and
  - groundwater dependent ecosystems;
- a program to monitor and evaluate:
  - compliance with the relevant performance measures listed in Table 5 and the performance criteria established above;
  - potential acid mine drainage;
  - the effectiveness of the groundwater management system;
  - groundwater inflows to the mining operations;
  - any localised enhanced groundwater inflows associated with faults or other structures;
  - seepage/leachate from underground voids, water storages, emplacements, infrastructure and processing areas, and final void, including migration over the short and long term;
  - background changes in groundwater yield/quality against mine-induced changes;
  - impacts of the development on:
    - local and regional aquifers;
    - waterbodies;
    - groundwater supply of potentially affected landowners; and
    - groundwater dependent ecosystems; and
- reporting procedures for the results of the monitoring program; and

- a plan to respond to any exceedances of the performance measures or performance criteria, and mitigate any adverse groundwater impacts of the development, including contingency strategies for addressing:
  - seepage/leachate of pollutants from underground voids, on-site water storages, emplacements, infrastructure and processing areas, and final void;
  - any localised enhanced groundwater inflows associated with faults or other structures; and

(iv) a program to validate the water balance and groundwater model for the development every 3 years, and compare against monitoring results with modelled predictions.

B37. The Applicant must not commence construction until the Water Management Plan is approved by the Planning Secretary.

B38. The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

SUBSIDENCE MANAGEMENT

Subsidence Performance Measures

B39. The Applicant must ensure that all stopes and associated backfilling maintains long term stope stability and that the development results in negligible subsidence impacts or environmental consequences.

TRANSPORT

Road Upgrades

B40. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must upgrade the intersection of:

(a) Kidman Way and construction access, to a:

(i) Rural Basic Left-Turn (BAL) treatment to accommodate 19 m long design vehicle; and

(ii) Rural Basic Right-Turn (BAR) treatment to accommodate 19 m long turning design vehicle and highway design vehicle length of 36.5 m;

unless TfNSW and the Planning Secretary agree to a suitable alternative access arrangement for construction traffic;

(b) Kidman Way and New Cobar Complex entrance, to accommodate the turning movements of a 35.4 m B-Triple vehicle; and

(c) Kidman Way and Peak Way, to accommodate the simultaneous turning movements of 35.4 m B-Triple vehicles travelling between the Peak Complex and New Cobar Complex entrance.

The intersections must be upgraded in accordance with the relevant Austroads guidelines, Australian Standards and TfNSW specifications, to the satisfaction of TfNSW.

Notes:

- *The location of the affected intersections is depicted in Figure 5 of Appendix 2.*
- *Under the Roads Act 1993, the Applicant is required to obtain all necessary approvals and licences for the development, including approval under Section 138. The Applicant may also be required to enter into a Works Authorisation Deed with TfNSW and obtain a Road Occupancy Licence from TfNSW for the development.*

B41. If there is any dispute between the Applicant and TfNSW in implementing the requirements of condition B40, then any of the parties may refer the matter to the Planning Secretary for resolution.

Monitoring of Road Transport

B42. The Applicant must:

(a) keep accurate records of the:

(i) amount of ore and/or waste transported from the site (on a daily basis); and

(ii) number of daily and annual truck movements generated by the development; and

(b) publish a summary of these results in the Annual Review.

Rail Corridor

B43. Following notification from TfNSW that the Rail Corridor will or has become operational during the life of the development, the Applicant must prepare a Rail Infrastructure Management Plan for the development in consultation with TfNSW. This Plan must:

(a) describe the measures to be implemented to ensure that the development does not impact the safety or serviceability of the Rail Corridor or associated infrastructure.

(b) include a program for monitoring and repair of the Rail Corridor and associated infrastructure; and

(c) include reporting and notification procedures.

B44. The Applicant must implement the Rail Infrastructure Management Plan in consultation with TfNSW.

Transport Operating Conditions

B45. The Applicant must ensure that:

(a) truck movements transporting ore and waste rock to and from the site do not exceed 100 movements per day;

(b) ensure that all laden trucks entering or exiting the site have their loads covered;

(c) take all reasonable steps to minimise traffic safety issues and disruptions to local road users, including school buses.

Note: *The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimension vehicles on the road network.*

Traffic Management Plan

B46. The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

(a) be prepared by a suitably qualified and experienced person/s;

(b) be prepared in consultation with TfNSW and Council;

(c) include details of all transport routes and traffic types to be used for development-related traffic;

(d) include details of the measures to be implemented to:

(i) comply with the operating conditions in condition B45;

(ii) minimise traffic safety issues and disruption to local road users, including:

- minimising potential for conflict with school buses;
- installation of advance truck warning signage on Kidman Way;
- a traffic management system for managing over-dimensional vehicles; and
- implementation of temporary traffic controls, including detours and signage;
- manage and coordinate haulage movements between the New Cobar and Peak Complexes;

(iii) notify the local community about development-related traffic impacts;

(iv) respond to any emergency repair requirements or maintenance during construction and/or decommissioning; and

(e) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:

(i) adhere to posted speed limits or other required travelling speeds;

(ii) adhere to the designated transport routes; and

(iii) implement safe driving practices, including during hazardous weather conditions.

B47. If the development is to be staged, the obligations in this condition apply to each stage of the development.

B48. The Applicant must not commence construction of the road upgrades required under condition B40 until the Traffic Management Plan is approved by the Planning Secretary.

B49. The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.

HERITAGE

Protection of Aboriginal Heritage

B50. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified Heritage item located outside the approved disturbance areas, beyond those predicted in the document/s listed in condition A2(c).

Note*: If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.*

B51. If any previously unknown Aboriginal object is discovered on the site, or suspected to be on the site:

(a) all work in the immediate vicinity of the object or place must cease immediately;

(b) a 10m buffer area around the object or place must be cordoned off; and

(c) Heritage NSW must be contacted immediately.

B52. Work in the immediate vicinity may only recommence if:

(a) the potential Aboriginal object is confirmed by Heritage NSW, in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal Place;

(b) the Aboriginal Cultural Heritage Management Plan is revised to include the Aboriginal object and appropriate measures in respect of it; or

(c) the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object and makes a written direction in that regard.

B53. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

Aboriginal Cultural Heritage Management Plan

B54. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:

(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;

(b) be prepared in consultation with Heritage NSW and Registered Aboriginal Parties;

(c) describe the measures to be implemented on the site or within any offset area to:

(i) comply with the heritage-related operating conditions of this consent;

(ii) ensure all workers receive suitable Aboriginal cultural heritage training/inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;

(iii) protect, monitor and manage identified Aboriginal objects and Aboriginal places (including any proposed archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition A2(c);

(iv) provide for appropriate archaeological investigation and recording of all identified Aboriginal places within the approved disturbance areas, with a particular focus on the 'New Cobar Complex Background Scatter';

(v) undertake an archival and oral history study of the post contact shared histories associated with the nineteenth century Cornish Town mining village;

(vi) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;

(vii) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;

(viii) maintain and manage reasonable access for relevant Aboriginal stakeholders to visit Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and

(ix) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site;

(d) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.

B55. The Applicant must not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary.

B56. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.

Historic Heritage Management Plan

B57. The Applicant must prepare a Historic Heritage Management Plan for the development, in respect of all non-Aboriginal cultural heritage items, to the satisfaction of the Planning Secretary. This plan must:

(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;

(b) be prepared in consultation with Heritage NSW, Council and relevant landowners and in accordance with the relevant Heritage NSW guidelines;

(c) describe how historic heritage values of the site would be recorded and preserved;

(d) describe the measures to be implemented on the site to:

(i) ensure all workers on the site receive suitable heritage training/inductions prior to carrying out any activities which may cause impacts to historic heritage, and that suitable records are kept of these inductions;

(ii) protect heritage items located outside the approved disturbance area from the impacts of the development, beyond those predicted in the document/s listed in condition A2(c);

(iii) undertake photographic/archival recording of any items of heritage significance predicted to be impacted by the development, prior to disturbance;

(iv) manage any new heritage items discovered during the life of the development;

(e) include procedures for dealing with previously unidentified items or 'relics' of heritage significance; and

(f) include a strategy for the care, control and storage of heritage relics salvaged from the site.

B58. The Applicant must not commence construction until the Historic Heritage Management Plan is approved by the Planning Secretary.

B59. The Applicant must implement the Historic Heritage Management Plan as approved by the Planning Secretary.

SOCIAL

Community and Stakeholder Engagement Strategy

B60. The Applicant must prepare and implement a Community and Stakeholder Engagement Strategy for the development. The strategy must:

(a) be prepared in consultation with Council, the CCC, local affected communities and other interested stakeholders;

(b) be submitted to the Planning Secretary and Council within six months of physically commencing development under this consent;

(c) identify the potential and perceived positive and negative social impacts of the development;

(d) identify opportunities to secure and enhance positive social impacts and measures to avoid, minimise and/or mitigate negative social impacts from the development;

(e) include a Community and Stakeholder Engagement Strategy that promotes consistent and ongoing engagement with the local community and facilitates improved social cohesion;

(f) include a Local Participation and Procurement Strategy to facilitate local sourcing of labour, goods and services and promote training and skills-enhancement opportunities; and

(g) include a program to monitor, review and report on the effectiveness of these measures, including regular review of the strategy.

VISUAL

Visual Amenity and Lighting

B61. The Applicant must:

(a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;

(b) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;

(c) ensure no in-pit mobile lighting rigs shine directly above the pit wall and other mobile lighting rigs do not shine directly above the horizontal (except where required for emergency safety purposes);

(d) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*;

(e) ensure that the visual appearance of all new buildings, structures, facilities or works which are visible from outside the site (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.

Fort Bourke Hill Viewing Platform

B62. Unless otherwise agreed by the Planning Secretary, the Applicant must:

(a) maintain the Fort Bourke Hill viewing platform in a safe and serviceable condition; and

(b) provide for safe public access to the viewing platform,

over the life of the development.

WASTE

B63. The Applicant must:

(a) take all reasonable steps to minimise the waste generated by the development;

(b) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);

(c) dispose of all waste, except for waste rock, at appropriately licensed waste facilities;

(d) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and

(e) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition C9.

DANGEROUS GOODS

B64. The Applicant must ensure that the storage, handling, and transport of:

(a) dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code; and

(b) explosives are managed in accordance with the requirements of the Resources Regulator.

Bushfire Management

B65. The Applicant must:

(a) ensure that the development:

(i) provides for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2019) guideline; and

(ii) ensure that there is suitable equipment to respond to any fires on the site; and

(b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

Fire Safety Study

B66. Prior to the commencement of construction, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary. The study must:

(a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline*; and

(b) detail the fire prevention and mitigation measures for the site.

B67. The Applicant must implement the measures described in the Fire Safety Study approved by the Planning Secretary.

REHABILITATION

Rehabilitation Objectives

B68. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining leases(s) associated with the development under the *Mining Act 1992*. The rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS (and shown conceptually in the Rehabilitation Plan in **Appendix 3**), and must comply with the objectives in **Table 6**.

Table 6: Rehabilitation objectives

Feature	***Objective***
All areas of the site affected by the development	• Safe, stable and non-polluting • Fit for the intended post-mining land use/s • Establish the final landform and post mining- land use/s as soon as practicable after cessation of mining • Minimise post-mining environmental impacts
Stopes	• Backfilled • Safe and stable • Negligible surface subsidence in the long term
Portals and vent shafts	• To be decommissioned and made safe and stable
Final Void	• Designed as a long-term groundwater sink to prevent the release of saline water into the surrounding environment, unless further mine planning and final landform design processes identify a more suitable outcome for the final void • Optimise the size and depth of final void to ensure the final landform is stable and non-polluting • Minimise to the greatest extent practicable: – the drainage catchment of final voids; and – any high wall instability risk; and • Maximise potential for beneficial reuse, where practicable
Waste Rock Emplacement	• Minimise the potential for acid mine drainage and erosion • Implement geomorphic landform design principles, where practicable
Mine water discharges following mine closure (from any location)	• Negligible environmental consequence
Water Quality	• Water retained on the site is fit for intended post-mining land use/s • Water management is consistent with the regional catchment management strategy

Feature	Objective
Surface infrastructure	• To be decommissioned and removed, unless Resources Regulator agrees otherwise
Community	• Ensure public safety • Minimise adverse socio-economic effects associated with mine closure

Rehabilitation Strategy

B69. The Applicant must prepare a Rehabilitation Strategy for the site to the satisfaction of the Planning Secretary. This strategy must:

(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;

(b) be prepared in consultation with the Resources Regulator, MEG, DPE Water, BCS, Council and the CCC;

(c) be submitted to the Planning Secretary for approval within six months of the date of physical commencement of development under this consent, unless otherwise agreed by the Planning Secretary;

(d) build upon the Rehabilitation Objectives in **Table 6**, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform, final void outcomes, post-mining land use/s and water management;

(e) align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA, 2000);

(f) describe how rehabilitation will be integrated with:

(i) the mine planning process, including a plan to address premature or temporary mine closure; and

(ii) the Peak Complex;

(g) include details of:

(i) how the waste rock emplacement area will be designed to meet the rehabilitation objectives in **Table 6**;

(ii) target vegetation communities and species to be established within the proposed revegetation areas; and

(iii) the design of the surface water drainage network on the final landform;

(h) investigate opportunities to refine and improve the final landform over time, including the configuration of the waste rock emplacement;

(i) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site, that:

(i) align with regional and local strategic land use planning objectives and outcomes;

(ii) support a sustainable future for the local community;

(iii) utilise existing mining infrastructure, where practicable; and

(iv) avoid disturbing self-sustaining native ecosystems, where practicable;

(j) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes;

(k) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and

(l) include a program to report on the outcomes of the investigations required under this condition and review and update this strategy at least every five years.

B70. The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary.

Rehabilitation Management Plan

B71. The Applicant must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

C1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:

(a) be submitted to the Planning Secretary for approval prior to commencing construction under this consent;

(b) provide the strategic framework for environmental management of the development;

(c) identify the statutory approvals that apply to the development;

(d) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;

(e) set out the procedures to be implemented to:

(i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;

(ii) receive, record, handle and respond to complaints;

(iii) resolve any disputes that may arise during the course of the development;

(iv) respond to any non-compliance and any incident; and

(v) respond to emergencies; and

(f) include:

(i) references to any strategies, plans and programs approved under the conditions of this consent; and

(ii) a clear plan depicting all the sites where monitoring is to be carried out under the conditions of this consent.

C2. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

Adaptive Management

C3. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:

(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur.

(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 reasonable remediation measures as directed by the Planning Secretary.

Management Plan Requirements

C4. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:

(a) summary of relevant background or baseline data;

(b) details of:

(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);

(ii) any relevant limits or performance measures and criteria; and

(iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;

(c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);

(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;

(e) a program to monitor and report on the:

(i) impacts and environmental performance of the development; and

(ii) effectiveness of the management measures set out pursuant to paragraph (d);

(f) 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;

(g) a program to investigate and implement ways to improve the environmental performance of the development over time;

(h) a protocol for managing and reporting any:

(i) incident, non-compliance or exceedance of any impact assessment criterion or performance measure;

(ii) complaint; or

(iii) failure to comply with other statutory requirements;

(i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and

(j) a protocol for periodic review of the plan.

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

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C5. Within three months of:

(a) the submission of an incident report under condition C7;

(b) the submission of an Annual Review under condition C9;

(c) the submission of an Independent Environmental Audit under condition C11; or

(d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise);

(e) notification of a change in development phase under condition A5; or

(f) a direction of the Secretary under condition A3 of Schedule 2

the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

C6. If necessary, to either improve the environmental performance of the development or cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

REPORTING AND AUDITING

Incident Notification

C7. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development 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 5.

Non-Compliance Notification

C8. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, 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.*

Annual Review

C9. By the end of September each year after the date of physical commencement of development under this consent, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:

(a) describe the development (including any rehabilitation) that was carried out in the previous financial year, and the development that is proposed to be carried out over the current financial year;

(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous financial year, including a comparison of these results against the:

(i) relevant statutory requirements, limits or performance measures/criteria;

(ii) requirements of any plan or program required under this consent;

(iii) monitoring results of previous years; and

(iv) relevant predictions in the document/s listed in condition A2(c);

(c) identify any non-compliance or incident which occurred in the previous financial 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 consent;

(e) identify any trends in the monitoring data over the life of the development;

(f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and

(g) describe what measures will be implemented over the next financial year to improve the environmental performance of the development.

C10. Copies of the Annual Review must be submitted to Council and made available to the CCC and any interested person upon request.

Independent Environmental Audit

C11. Within one year of the date of physical commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:

(a) be prepared in accordance with the *Independent Audit Post Approval Requirements* (NSW Government 2020); and

(b) be submitted, to the satisfaction of the Planning Secretary, within two months of undertaking the independent audit site inspection, unless otherwise agreed by the Planning Secretary.

C12. In accordance with the specific requirements of the *Independent Audit Post Approval Requirements* (NSW Government 2020), the Applicant must:

(a) review and respond to each Independent Audit Report prepared under Condition C11 of this consent;

(b) submit a response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations of the Independent Audit Report;

(c) implement the recommendations to the satisfaction of the Planning Secretary; and

(d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary.

Monitoring and Environmental Audits

C13. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

For the purposes of this condition, as set out in the EP&A Act, “monitoring” means monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” means a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

ACCESS TO INFORMATION

C14. Within three months of the date of physical commencement of development under this consent, until the completion of all rehabilitation required under this consent, the Applicant must:

(a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:

(i) the document/s listed in condition A2(c);

(ii) all current statutory approvals for the development;

(iii) all approved strategies, plans and programs required under the conditions of this consent;

(iv) minutes of CCC meetings;

(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 consent;

(vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, 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;

(xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant’s response to the recommendations in any audit report; and

(xii) any other matter required by the Planning Secretary; and

(b) keep such information up to date, to the satisfaction of the Planning Secretary.

PART D ADDITIONAL PROCEDURES

NOTIFICATION OF TENANTS

D1. Within one month of the date of this consent, the Applicant must:

(a) notify the tenants of any mine-owned land of their rights under this consent; and

(b) send a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017) to the existing tenants of any land (including mine-owned land) where the predictions in the document/s listed in condition A2(c) identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria identified in condition B17 at any time during the life of the development.

D2. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, the Applicant must:

(a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017); and

(b) advise the prospective tenants of the rights they would have under this consent,

to the satisfaction of the Planning Secretary

NOTIFICATION OF EXCEEDANCES

D3. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners, tenants and the CCC.

D4. For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected land owners and/or tenants a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017).

INDEPENDENT REVIEW

D5. If a landowner considers the development to be exceeding any relevant noise, blasting or air quality criterion in PART B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.

D6. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.

D7. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:

(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:

(i) consult with the landowner to determine their concerns;

(ii) conduct monitoring to determine whether the development is complying with the relevant criterion in PART B of this consent; and

(iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and

(b) give the Planning Secretary and landowner a copy of the independent review; and

(c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

APPENDIX 1 SCHEDULE OF LAND

LOT	*DP*	*OWNERSHIP*
1	34263	Freehold
2	100950	Peak Gold Mines
52	755649	Peak Gold Mines
72	755649	Peak Gold Mines
73	755649	Cobar Shire Council
259	755649	The State of New South Wales
260	755649	The State of New South Wales
261	755649	The State of New South Wales
285	755649	Cobar Shire Council
255	755649	Cobar Shire Council
282	755649	Cobar Shire Council
92	755649	Peak Gold Mines
277	755649	The State of New South Wales
2	115138	Peak Gold Mines
4	234069	The State of New South Wales
1	511016	Freehold
62	755649	Peak Gold Mines
86	755649	Peak Gold Mines
12	135101	The State of New South Wales
87	755649	Peak Gold Mines
182	1036962	Peak Gold Mines
181	1036962	Cobar Shire Council
1	34288	Peak Gold Mines
32	1128958	Peak Gold Mines
34	1128958	Peak Gold Mines
31	1128958	Peak Gold Mines
33	1128958	Peak Gold Mines
6	1019612	Cobar Shire Council
7	1019612	Cobar Shire Council
3	1019612	Peak Gold Mines
7313	1170795	The State of New South Wales
7320	1170795	The State of New South Wales
1	165125	Cobar Shire Council
35	755649	The State of New South Wales
101	1216518	Freehold
102	1216518	Cobar Shire Council
100	1216518	Peak Gold Mines
992	1029946	Peak Gold Mines

APPENDIX 2 DEVELOPMENT LAYOUT PLANS

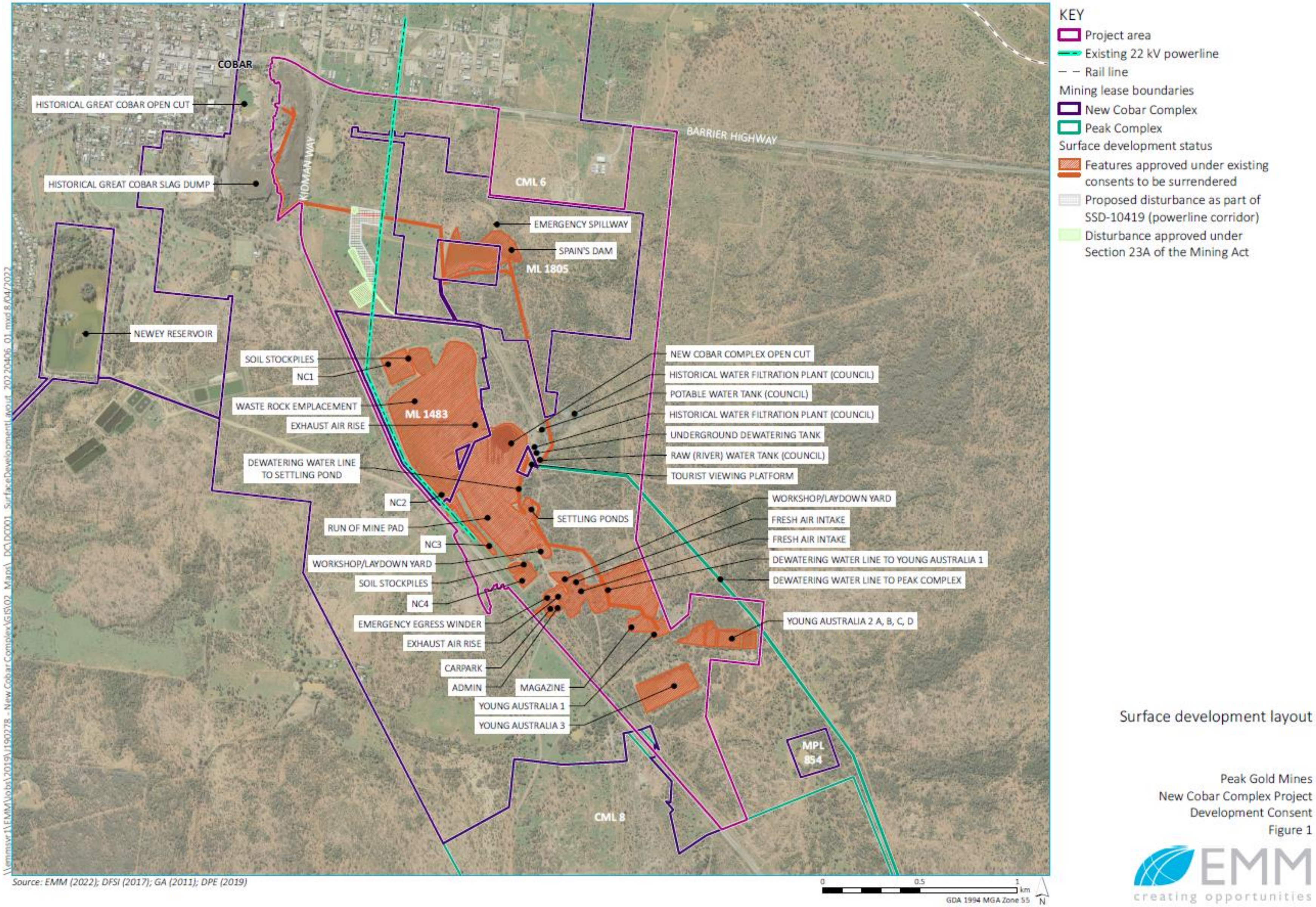

Figure 1: Surface Development Layout

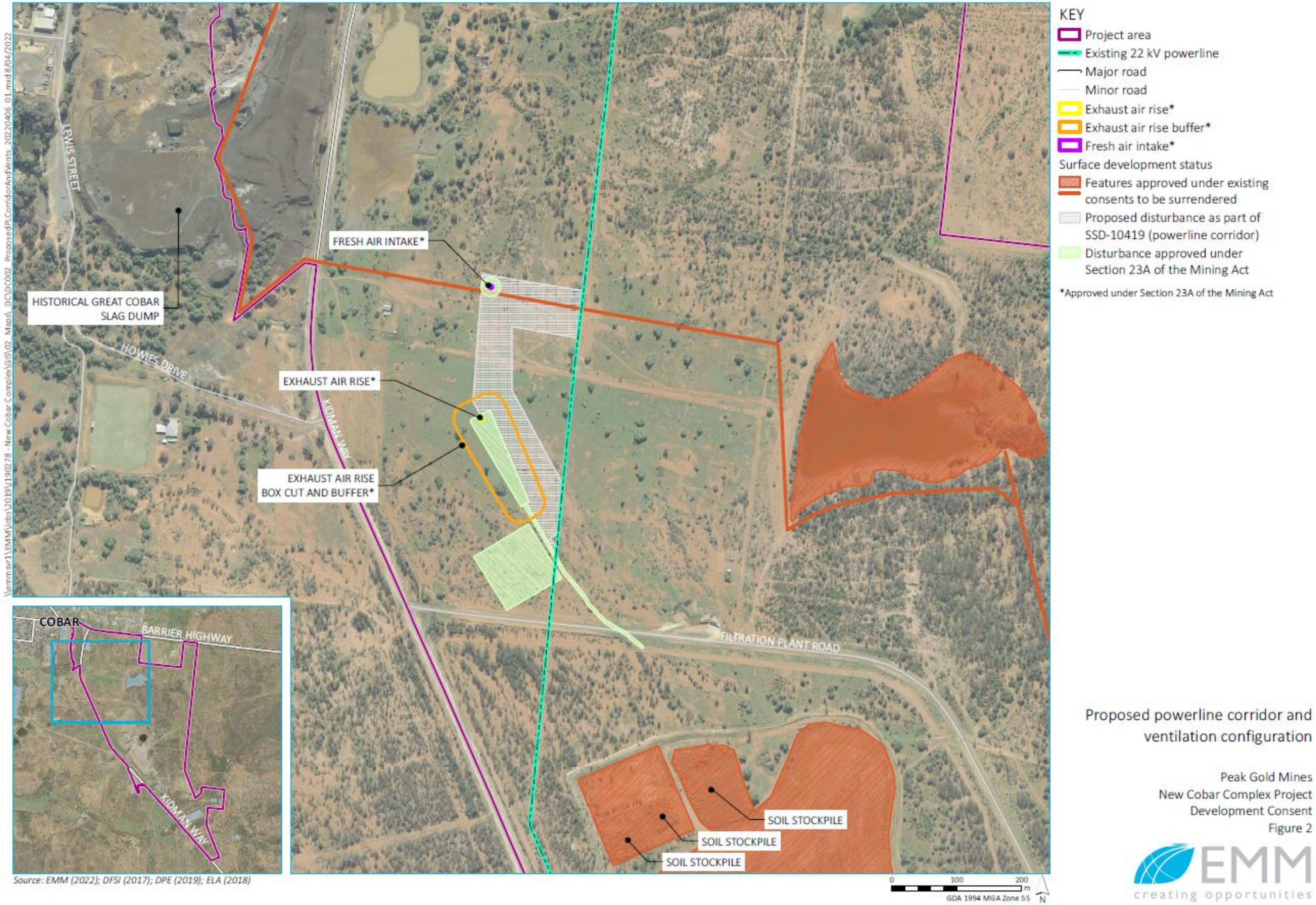

Figure 2: Proposed Powerline Corridor

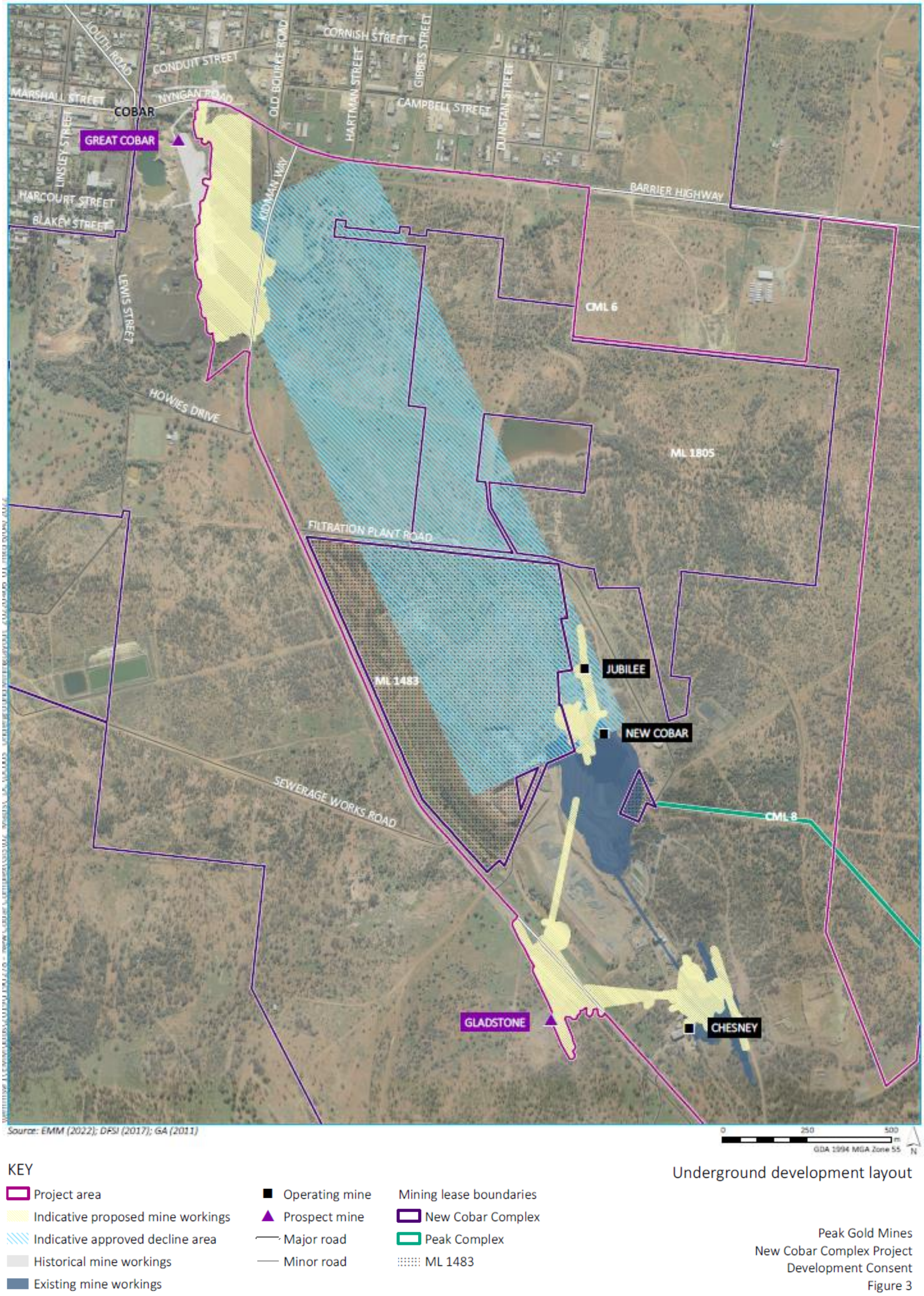

Figure 3: Underground Development Layout

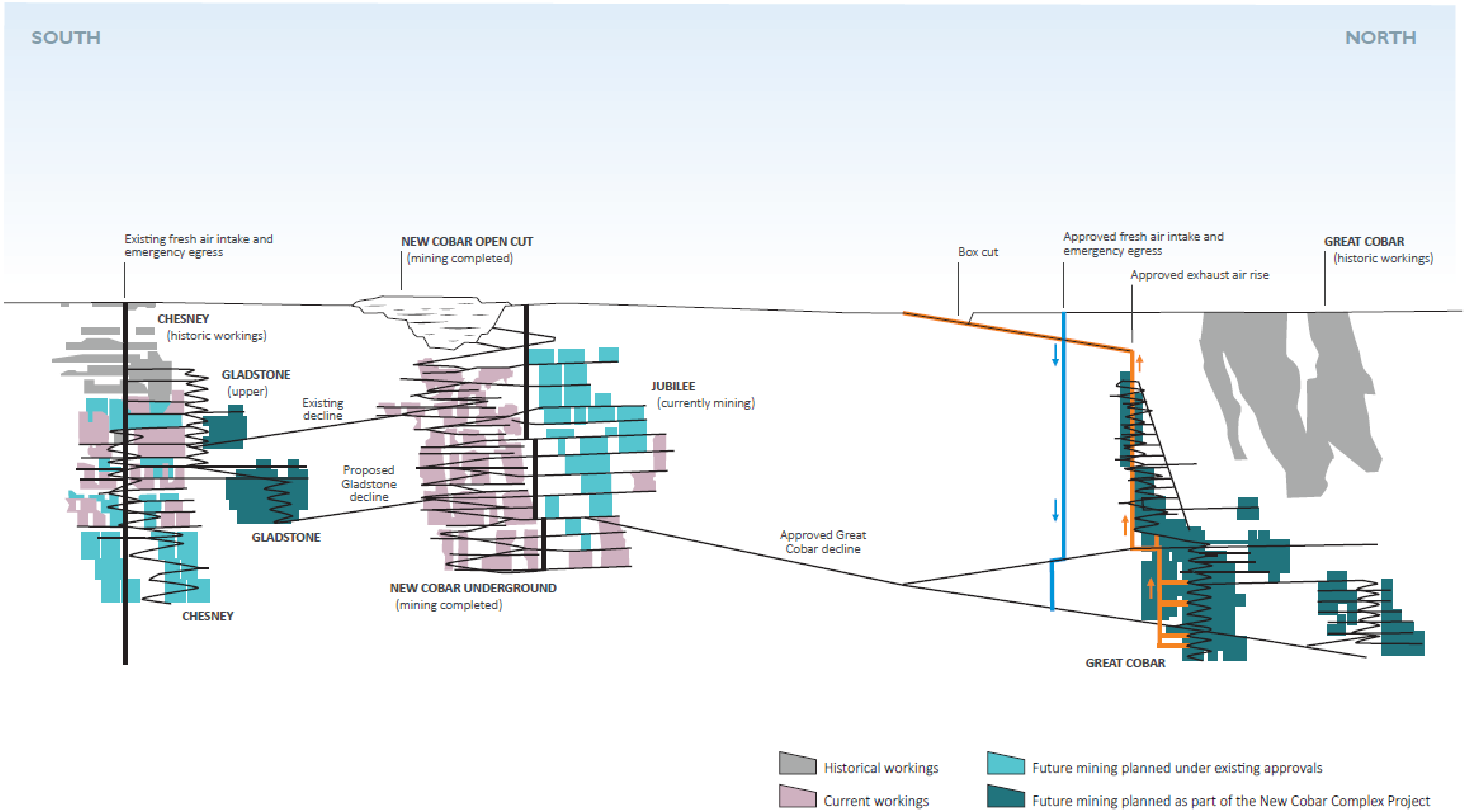

Figure 4: Conceptual Underground Development Long-section

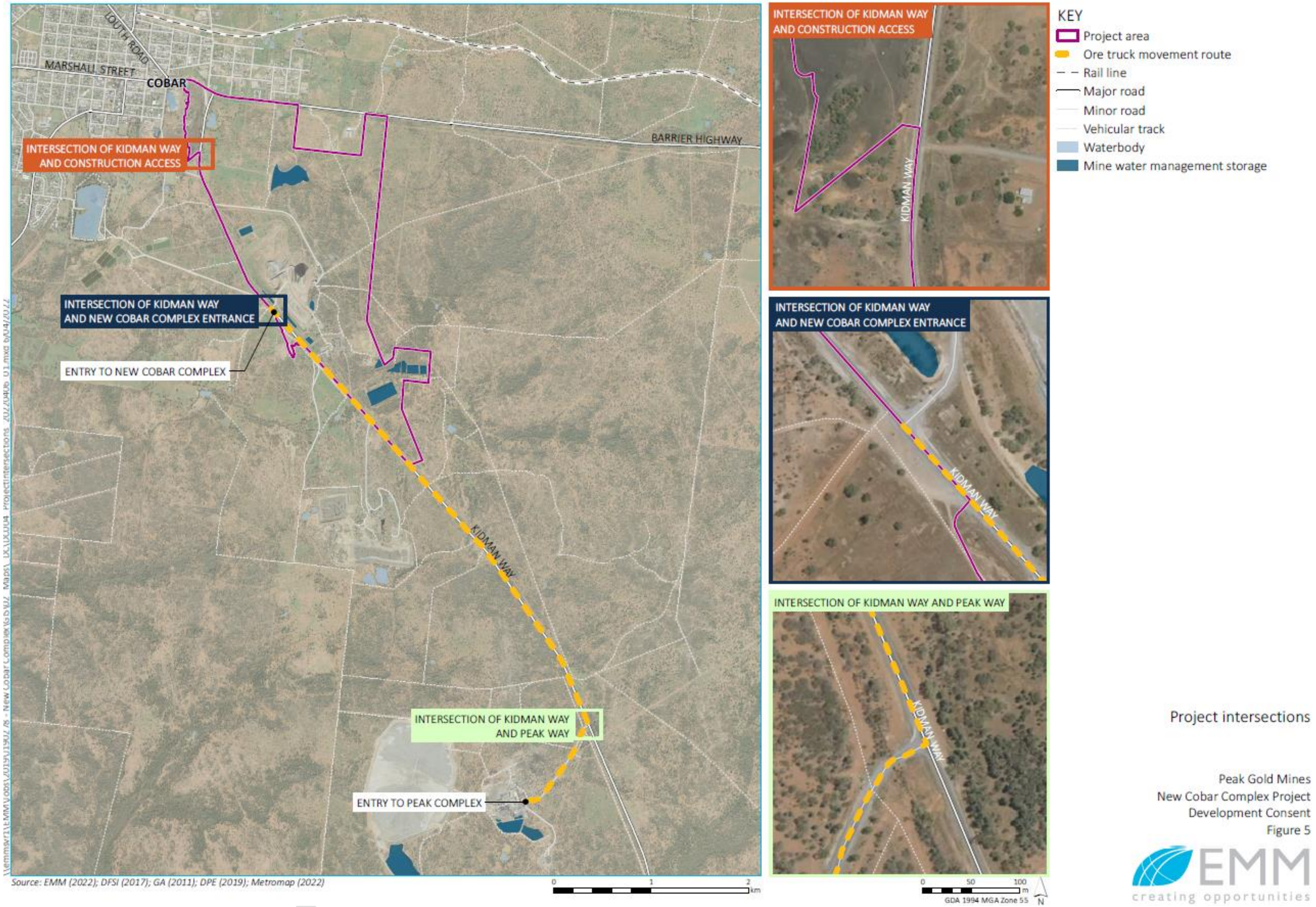

Figure 5: Project Intersections

APPENDIX 3 REHABILITATION PLAN

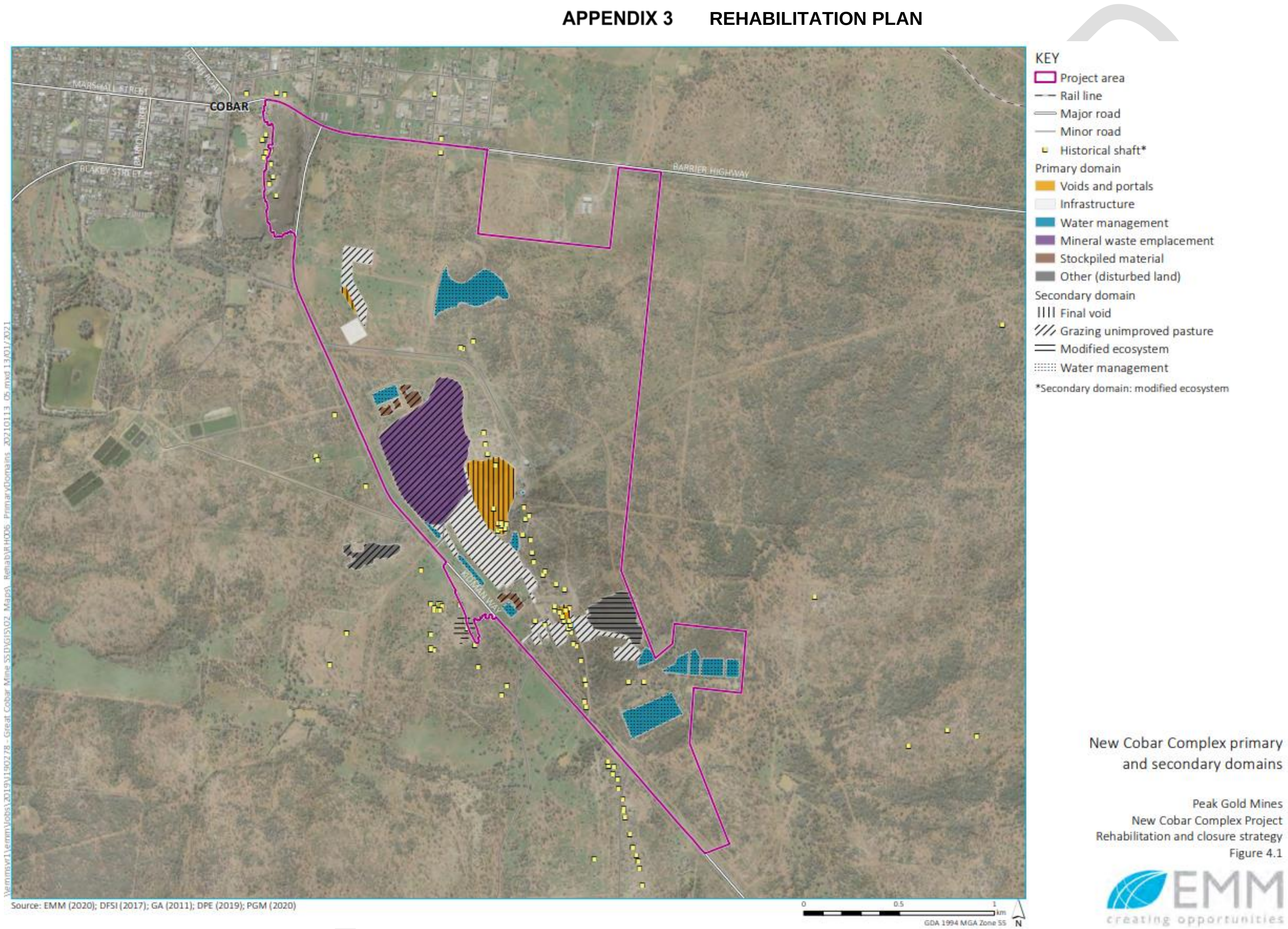

Figure 6: Conceptual Rehabilitation Plan

APPENDIX 4 GENERAL TERMS OF APPLICANT'S PLANNING AGREEMENT OFFER

COBAR SHIRE COUNCIL

Applicant's Contribution	***Timing***	***Intended Use***
$75,000	Payable within 30 days of Council issuing a tax invoice to the Applicant	Initial sign-on amount
$250,000 per annum[1] for the life of mining operations under this consent	Initial annual contribution payable within 30 days of physical commencement of the development and Council issuing a tax invoice to the Applicant, then annual thereafter	• $150,000 per annum to a Community Enhancement Fund, for application to projects aimed at attracting and retaining people within Cobar; • $65,000 per annum to promote the viability and advancement of the Cobar Early Learning Centre; and • $35,000 per annum to provide enhanced resource capacity to Council to oversee development consent management, other local consent management and this planning agreement.

[1] Subject to Consumer price Index (CPI) adjusted annual on the anniversary of the signing date.

APPENDIX 5 INCIDENT NOTIFICATION AND REPORTING REQUIRMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C7 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
    a. identify the development and application number;
    b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
    c. identify how the incident was detected;
    d. identify when the Applicant became aware of the incident;
    e. identify any actual or potential non-compliance with conditions of consent;
    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 Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning 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.