Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces I approve the Development Application referred to in Schedule 1, subject to the conditions specified 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

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

Sydney 24 December 2025

SCHEDULE 1

Application Number:	SSD-41579871
Applicant:	Aeris Resources Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	The land defined in Table 1 of Appendix 1 and shown in Figures 1 and 2 of Appendix 1
Development:	Constellation Project

Light blue type represents June 2026 (MOD 1)

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-41579871-MOD-1	17 June 2026	Team Leader	Minor Infrastructure Relocation

CONTENTS

DEFINITIONS

Item	Definition
Aboriginal object	Has the same meaning as the definition in the *National Parks and Wildlife Act 1974*
Annual review	The review required by condition D4
Applicant	Aeris Resources Ltd, or any person carrying out any development to which this consent applies
Approved disturbance areas	The disturbance shown in Figures 1 to 8 in Appendix 2 and areas identified under condition A9
Australian standards	Codes and guidelines published by Standards Australia
BCA	Building Code of Australia
BC Act	*Biodiversity Conservation Act 2016*
Calendar year	A period of 12 months from 1 January to 31 December
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical works to enable operation including demolition, and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent, but not including preliminary works
Council	Bogan Shire Council
CPHR	Conservation Programs, Heritage and Regulation group of the New South Wales Department of Climate Change, Energy, the Environment and Water
CPI	Consumer price index
Date of commencement	The date notified to the department by the applicant under condition A10
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 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, Housing and Infrastructure
Development	The development described in the EIS, as modified by the conditions of this consent
EIS	The *Constellation Project Environmental Impact Statement,* dated June 2024 and prepared by AARC Environmental Solutions Pty Limited; *Constellation Project Response to Submissions Report* dated January 2025 prepared by AARC Environmental Solutions Pty Limited; *Amendment Report – Supporting Information* dated August 2025, Amendment Report Letter dated 25 November 2025 and the additional information provided by the applicant on 13 May 2025 and 15 December 2025, as modified by: • the modification report titled *Modification Report for the Constellation Project* dated May 2026 and additional information dated 16 June 2026
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm

Item	Definition
Factor of safety	A measure used to assess slope stability as commonly applied in geotechnical engineering practise
Feasible	Means what is possible and practical in the circumstances
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heavy vehicle haulage	A heavy vehicle that is transporting ore, tailings and/or waste rock
Heritage NSW	Heritage NSW within the New South Wales Department of Climate Change, Energy, the Environment and Water
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 *Note: "material harm" is defined in this consent*
Infrastructure corridor	The land located within the area marked 'Infrastructure corridor (haul road and pipeline)' in Figure 1 of Appendix 2
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) 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)
Mine site area	The land located within the area marked 'indicative mine site area' in Figure 2 of Appendix 2
Mine closure	Decommissioning and final rehabilitation of the site following the cessation of mining operations
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The carrying out of mining, including the extraction, processing, stockpiling and transportation of ore on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, waste rock and tailings
Minister	NSW Minister for Planning and Public Spaces, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with minimising 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
Operation	The carrying out of the approved purpose of the development upon completion of construction
Planning Agreement	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	*Protection of the Environment Operations Act 1997*
Preliminary works	Development activities required for site establishment and temporary services that do not directly impact native vegetation within Category 2 Land, including environmental mitigation measures, cultural heritage surveys and mitigation measures, geotechnical testwork, laydown areas, emergency muster points, mobilisation of plant and personnel, removal of hazardous materials and dilapidation surveys of adjacent plant and structures to be retained

Item	Definition
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	As defined in the *Mining Act 1992*
Remediation	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact
Residence	Existing or approved dwelling at the date of grant of this consent
Resources Regulator	NSW Resources Regulator within NSW Resources
RFS	NSW Rural Fire Service
Site	The land defined in Appendix 1 and shown in Figures 1 and 2 of Appendix 2
TfNSW	Transport for NSW
Water Group	Water group within the New South Wales Department of Climate Change, Energy, the Environment and Water

SUMMARY OF REQUIREMENTS

Reports and notifications that are required to be provided to the Planning Secretary under the conditions of this consent are listed in Table 1 below. The table is for information purposes only and does not form part of the conditions of this consent.

Table 1: Summary of requirements

Condition	Report	Notification/Timing	Purpose
Part A – Administrative Conditions			
A9	Evidence of survey plans of the approved disturbance areas provided to the Department	Within three months of commencement of development of the consent	Information
A10	Notification of commencement of development; construction; mining operations; demolition; any period of suspension of mining operation and cessation of mining operations	At least two weeks prior to commencement of each stage	Information
A11	Notification for additional staging	At least two weeks prior to commencement of each stage	Information
Part B – Environmental Management Conditions			
B1	Environmental Management Strategy	Prior to the commencement of construction	Approval
B5	Evidence of consultation completed for any environmental management document	Prior to submitting any environmental management document	Information
B12	Review and, if necessary, revision of environmental management documents	Within three months of the submission of an incident report; submission of an Independent Environmental Audit; approval of any modification; notification of a change in the development phase	Approval
Part C – Specific Environmental Conditions			
C2	Air Quality and Greenhouse Gas Management Plan	Prior to commencing development	Approval
C6	Out-of-Hours Work Protocol	Prior to the commencement of any out-of-hours construction work	Approval
C22	Water Management Plan	Prior to commencing development	Approval
C26	Evidence of retirement of biodiversity offset credits	Prior to impacting biodiversity values	Information
C27	Biodiversity Management Plan	Prior to commencing development	Approval
C35	Traffic Management Plan	Prior to commencing development	Approval
C48	Rehabilitation Strategy	Prior to commencing mining operations	Approval
Part D – Reporting and Compliance Conditions			
D1	Notification of non-compliance	Within 7 days of becoming aware	Information
D2	Notification of an incident	Within 24 hours of becoming aware	Information
D3	Subsequent incident report	Within 7 days of notification of incident	Information
D4	Annual review	By September of each year after the commencement of development under this consent, or other timeframe agreed by the Planning Secretary	Approval
D5	Independent Environmental Audit	In accordance with the requirements of *Independent Audit Post Approval*	Information

Condition	Report	Notification/Timing	Purpose
		Requirements	

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, 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 preliminary works, construction, operation, or any other part of the development, including rehabilitation required under this consent.

TERMS OF CONSENT

A2. The development must 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 plans in Appendix 2.

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions 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 EIS. In the event of an inconsistency, ambiguity or conflict between any of the EIS, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Mining Operations

A5. Mining operations may be carried out for 10 years following commencement of mining operations.

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.*

Extraction and transport

A6. A maximum of 1 million tonnes of ore may be extracted and transported from the site in any calendar year.

A7. Heavy vehicle haulage movements to and from the site must not exceed 82 movements per day, unless otherwise agreed by the Planning Secretary.

Development hours

A8. The development may only be undertaken during the hours set out in Table 1.

Table 1: Development hours

Activity	Permissible hours
Mine site	
Construction and preliminary works	24 hours per day, seven days a week
Operation	
Rehabilitation	
Infrastructure corridor	
Construction	• 7 am to 6 pm Monday to Friday • 8 am to 6 pm Saturday • At no time on Sundays or public holidays Unless otherwise agreed by the Planning Secretary in accordance with condition C6

Activity	Permissible hours
Operation, including light vehicle movements	24 hours per day, seven days a week
Operation, including heavy vehicle ore haulage on public roads	Day and evening, unless otherwise agreed by the Planning Secretary
All development	
Delivery or dispatch of materials as requested by Police or other public authorities	At any time, subject to notification to the Department within 24 hours after commencement of activity
Emergency work to avoid the loss of lives, property or to prevent environmental harm	
Delivery of oversized plant or structures	At any time

IDENTIFICATION OF APPROVED DISTURBANCE AREA

A9. Within three months of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, a survey plan (or spatial files in a format agreed by the Planning Secretary) of the boundaries of the approved disturbance areas must be provided to the Department.

NOTIFICATION OF COMMENCEMENT

A10. The Department must be notified, in writing, of the date of commencement of each of the following phases of the development:

(a) commencement of development under the consent;

(b) commencement of construction under the consent;

(c) commencement of mining operations under the consent;

(d) commencement of demolition under the consent;

(e) any period of suspension of mining operations (i.e., care and maintenance); and

(f) cessation of mining operations (i.e., mine closure).

The notification must be provided at least two weeks before the commencement of each phase and no more than three months before the commencement of each phase.

A11. If the phases of the development are to be further staged, the Department must be notified in writing at least two weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

PLANNING AGREEMENT

A12. Monetary contributions must be made to Council in accordance with:

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

(b) the general terms of the Planning Agreement summarised in Appendix 6.

PAYMENT OF REASONABLE COSTS

A13. The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced, and independent expert(s) to review the adequacy of any environmental management document required under this consent.

PROTECTION OF PUBLIC INFRASTRUCTURE

A14. 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 infrastructure that needs to be relocated as a result of the development.

DEMOLITION

A15. 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

A16. 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.*
- *Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

OPERATION OF PLANT AND EQUIPMENT

A17. 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

A18. 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.

PART B ENVIRONMENTAL MANAGEMENT CONDITIONS

ENVIRONMENTAL MANAGEMENT STRATEGY

B1. An **environmental management strategy** must be prepared for the development. The strategy must:

(a) be submitted for approval to the Planning Secretary prior to the commencement of construction;

(b) describe the environmental management context and outline the scope of the plan, including:

(i) the relationship of the plan to other environmental management documents;

(ii) relevant statutory criteria, and the limits, performance measures, criteria and operational requirements of conditions of this consent, and any other legislative or regulatory licences, guidelines, policies or standards;

(iii) sensitive receivers;

(iv) consideration of the consultation outcomes from the EIS or other environmental management documents required by this consent; and

(v) detailed plans of the site location and development, sensitive receivers and environmental monitoring locations;

(c) list the role and responsibility of all key personnel and contractors involved in the environmental management of the development;

(d) include an environmental risk assessment of the development and specific risk management controls and mitigations to:

(i) comply with statutory requirements, and the limits, performance measures, criteria and operational requirements of conditions of this consent;

(ii) manage the predicted impacts and risks identified in the EIS; and

(iii) manage any other environmental impact or risk that has been identified after the EIS was submitted;

Note: Environmental risk assessment cannot be used to identify and assess physical changes to the development or an increase in impacts that are not described and assessed in the EIS. These may require a new planning approval and may need to be referred to the Department.

(e) include processes to review the environmental risk assessment annually and determine whether the measures implemented to manage the risks are effective;

(f) include an adaptive management process that would be implemented if the risk assessment review identifies measures that are not effective in managing the identified risk(s);

(g) include a clear plan depicting all the monitoring to be carried out under the conditions of this consent;

(h) describe the training and/or awareness programs that would be carried out for all personnel involved in the development to ensure they understand and can effectively implement the plan; and

(i) include procedures to:

(i) address the findings of any audit undertaken for the development; and

(ii) respond to any non-compliance and/or incident.

B2. The development must not commence until the environmental management strategy is approved by the Planning Secretary.

B3. The environmental management strategy, as approved by the Planning Secretary, must be implemented for the development.

MANAGEMENT PLAN REQUIREMENTS

B4. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:

(a) quality control information including document version control details and the management plan author(s);

(b) a summary of the environmental management context, including;

(i) a brief project description, including visual representation of any project staging; and

(ii) the purpose and scope of the management plan;

(c) the relationship of the management plan with other environmental management documents or systems;

(d) a site location plan identifying the project boundary, disturbance area and related environmental aspects;

(e) a brief summary of background or baseline data, where relevant;

Note: If detailed baseline data must be included in a management plan, it must be appended and summarised in the main text of the management plan.

(f) a summary of consultation undertaken during the preparation of the management plan that includes when and how consultation was undertaken and the outcomes of the consultation;

(g) details of the statutory requirements, limits or performance measures and any 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;

(h) a description of the measures to be implemented to comply with statutory requirements, and the limits, performance measures, criteria and operational requirements of conditions of this consent;

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

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

  (ii) effectiveness of the management measures implemented for the development;

(j) 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; and

(k) 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.

EVIDENCE OF CONSULTATION

B5. Prior to submitting any environmental management document required by this consent to the Planning Secretary, any consultation with an identified party must be completed. Documentary evidence and a tabulated summary of the consultation must be submitted with the subject document via the Major Projects Website, including:

(a) dates of the consultation with the identified party, copies of the identified party's response, and a summary of the issues raised;

(b) the outcome of that consultation, including how the issues have been addressed in the subject document; and

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

APPLICABILITY OF GUIDELINES

B6. 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 this consent.

B7. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

STAGING, COMBINING AND UPDATING ENVIRONMENTAL MANAGEMENT DOCUMENTS

B8. With the approval of the Planning Secretary, any environmental management document required by this consent may be staged, combined or updated.

B9. Staging requests made to the Planning Secretary must include a clear description of the trigger for staging, the specific stage and scope of the development to be staged and any future stages planned.

B10. If the Planning Secretary agrees, an environmental management document may be staged or updated without:

(a) consultation being undertaken with all parties required to be consulted in the relevant condition in this consent; and/or

(b) addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

B11. Any request to combine environmental management documents must demonstrate a clear relationship between the nominated documents.

REVISION OF ENVIRONMENTAL MANAGEMENT DOCUMENTS

B12. Within three months of:

(a) the submission of an incident report under conditions D3;

(b) the submission of an Independent Environmental Audit under condition D5;

(c) the approval of any modification of the conditions of this consent; and

(d) notification of a change in the development phase required under condition A11;

the Applicant must review and, if necessary, revise the strategies, plans and programs required under this approval to the satisfaction of the Planning Secretary. Where this review leads to revisions in any such document, the revised document must be submitted to the Planning Secretary for approval within four weeks of the review.

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

PART C SPECIFIC ENVIRONMENTAL CONDITIONS

AIR QUALITY AND GREENHOUSE GAS

Air Quality Operating Conditions

C1. All reasonable and feasible mitigation and management measures must be implemented to minimise:

(a) odour, fume and particulate matter emissions from the development;

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

(c) the extent of potential dust generating surfaces exposed on the site through implementation of progressive rehabilitation, including use of interim stabilisation and temporary vegetation strategies;

(d) the air quality impacts of the development during adverse meteorological conditions; and

(e) the greenhouse gas emissions from the development.

Air Quality and Greenhouse Gas Management Plan

C2. An **air quality and greenhouse gas management plan** must be prepared for the development. This plan must:

(a) describe the measures to be implemented to ensure compliance with the operating conditions of this consent;

(b) describe measures to demonstrate that best practice management is being employed to minimise the development's air quality impacts including the development's Scope 1 and 2 greenhouse gas emissions; and

(c) include an air quality monitoring program, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007), that uses monitors at representative locations upwind and downwind of operations to measure and to evaluate the performance of the development against the impact assessment criteria in the "*Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*" and to guide day to day planning of mining operations.

Note: In accordance with its Climate Change Action Plan 2023-26, the NSW EPA is preparing guidance for the preparation and implementation of various climate change related guidelines (including but not limited to Climate Change Mitigation and Adaptation Plans or similar). If such a plan is required to be prepared and implemented under an EPL for the development then this could be used to satisfy the requirements of condition C2 in relation to greenhouse gas emissions.

C3. Development under this consent must not commence until the air quality and greenhouse gas management plan is approved by the Planning Secretary.

C4. The air quality management plan must be implemented for the development.

NOISE

Construction Noise

C5. All reasonable and feasible noise mitigation measures must be implemented to achieve the noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). Any activities that could exceed the noise management levels must be identified and managed in accordance with the environmental management strategy required under condition B1.

C6. An out-of-hours-work protocol must be submitted to the Planning Secretary for approval prior to the commencement of any out-of-hours construction work. The protocol must:

(a) describe the construction activities proposed to be undertaken outside the hours defined in condition A8;

(b) be consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009);

(c) justify why the construction needs to be undertaken as out-of-hours construction;

(d) identify low, medium and high-risk out-of-hours work, proposed mitigation and management measures; and

(e) include written notification arrangements for affected residences for approved out-of-hours work.

Operational Noise limits

C7. Other than the exceptions identified in conditions C6 and C11, noise generated by mining operations must not exceed the noise limits in Table 2.

Table 2: Noise limits dB(A)

Location	Day	Evening	Night	
	$L_{Aeq\ (15\ min)}$ dBA(A)	$L_{Aeq\ (15\ min)}$ dBA(A)	$L_{Aeq\ (15\ min)}$ dBA(A)	$L_{AF\ Max}$ dBA(A)
Any privately owned residence	40	35	35	52

C8. The noise limits in condition C7 do not apply if the applicant has an agreement with the owner/s of the relevant residence to exceed the noise limits and the applicant has provided evidence of this agreement to the satisfaction of the Planning Secretary.

C9. Should any noise complaints be received, noise generated by the development must be investigated and noise monitoring undertaken and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).

C10. 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). Standard meteorological conditions and noise enhancing meteorological conditions as defined in Part D of the *NSW Noise Policy for Industry* (EPA, 2017) and determined by monitoring at the meteorological station required under condition C12 apply to the noise limits in Table 2.

C11. For very noise-enhancing meteorological conditions as defined in the *NSW Noise Policy for Industry*, the applicable noise limits are as defined in Table 2 plus 5 dB(A).

METEOROLOGICAL MONITORING

C12. A meteorological station must be operating in the vicinity of the site for the life of the development. The meteorological station must:

(a) comply with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (EPA, 2022); and

(b) be 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.

BLASTING

Blasting Limits

C13. Blasting on the site must not cause exceedances of the limits in Table 3 at any residence on privately-owned land.

Table 3: Blasting limits

Location	***Airblast overpressure (dB(Lin Peak))***	***Ground vibration (mm/s)***	***Allowable exceedance***
Residence on privately-owned land*	120	10	0%
	115	5	5% of the total number of blasts over a calendar year
All other public infrastructure	-	50 (or a limit determined by the structural design methodology in AS2187, or other alternative limit, to the satisfaction of the Planning Secretary	0%

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

C14. The blasting limits in Table 3 do not apply if the applicant has an agreement with the owner/s of the relevant residence to exceed the blasting limits, and the applicant has advised the Department in writing of the terms of this agreement.

Blasting Hours

C15. Blasting for open cut mining may only be carried out between 9 am and 5 pm (Monday to Saturday inclusive). No blasting is allowed on Sundays, public holidays or any other time without the prior written approval of the Planning Secretary.

C16. Blasting for underground mining may be undertaken at any time, subject to compliance with the conditions of this consent.

Blast Operating Conditions

C17. All reasonable and feasible steps must be taken to:

(a) ensure the safety of people and livestock from blasting impacts of the development;

(b) protect public and private infrastructure and property in the vicinity of the site from blasting damage associated with the development;

(c) minimise blast-related dust and fume emissions;

(d) minimise the frequency and duration of any public road closures for blasting and use all reasonable efforts to avoid road closures during peak traffic periods;

(e) enable the public to get up-to-date information on the proposed blasting schedule on site; and

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

WATER

Water Supply

C18. 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.

C19. Water extracted from the site each year (direct and indirect), including water taken under each water licence, must be reported in the annual review.

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.

Water Discharges

C20. All surface discharges from the site must comply with:

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

(b) all relevant provisions of the POEO Act.

Water Management Performance Measures

C21. The development must comply with the performance measures in Table 4.

Table 4: Water management performance measures

Feature	Performance measure
Water management – General	• Maintain separation between clean, dirty (i.e. sediment-laden) and mine water management systems • Minimise the use of clean and potable water on the site • Maximise water recycling, reuse and sharing opportunities • Minimise the use of make-up water from external sources • Design, install, operate and maintain water management systems in a proper and efficient manner • Minimise risks to the receiving environment and downstream water users
Aquifers	• Negligible impacts to alluvial and 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
Waste Rock Emplacement Areas	• 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
Erosion and sediment control works	• Designed, installed and maintained in accordance with the guidance series *Managing Urban Stormwater: Soils and Construction* including *Volume 1: Blue Book (Landcom, 2004) and Volume 2E: Mines and Quarries (DECC, 2008)*
Any works within waterfront land	• Undertaken generally in accordance with the *Guidelines for Controlled Activities on Waterfront Land* (DCCEEW 2025)
Chemical and hydrocarbon storage	• Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard

Water Management Plan

C22. A **water management plan** must be prepared for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared:
  - (i) by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
  - (ii) in consultation with Water Group and the EPA; and
  - (iii) in accordance with the requirements of condition B4;
- (b) consider the Guidelines for Groundwater Documentation for SSD/SSI Projects. Technical guideline (DPE, 2022);
- (c) describe the measures to be implemented to ensure that the development complies with the water management performance measures (see Table 4);
- (d) include a:
  - (i) **site water balance** that includes details of:
    - predicted annual inflows and outflows from the site;
    - sources and security of water supply for the life of the development (including authorised entitlements and licences);
    - water storage capacity;
    - water use and management on the site;
    - licensed discharge points and limits; and
    - reporting procedures, including the annual preparation of an updated site water balance;
  - (ii) surface water management plan that includes:
    - detailed baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development;
    - details of the water licensing requirements for all water storages (i.e. exempt, harvestable rights and licenced);
    - detailed plans, design objectives and performance criteria for water management infrastructure;
    - surface water performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development, for:
      - water supply for other water users;
      - downstream surface water flows, water quality and flooding impacts; and
      - lake, stream and riparian vegetation heath;
    - a program to monitor and evaluate compliance with the relevant performance measures listed in Table 4 and the performance criteria in this plan;
    - reporting procedures for the results of the monitoring program, including notifying other water users of any exceedance of relevant performance measures or performance criteria; and
    - a trigger action response plan to respond to any exceedances of the relevant performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development; and
  - (iii) groundwater management plan that includes:
    - detailed baseline data of groundwater levels, yield and quality for groundwater resources and groundwater dependent ecosystems potentially impacted by the development, including groundwater supply for other water users;
    - a detailed description of the groundwater management system, including measures to minimise acid mine drainage from potentially acid forming material;
    - groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts (or trends) associated with the development, on:
      - regional and local aquifers (alluvial and hardrock);
      - groundwater supply for other water users such as licensed privately-owned groundwater bores;
      - groundwater inflows to the mining operations;
      - seepage/leachate from water storages, waste rock emplacements, infrastructure and processing areas, and the final voids; and
      - groundwater dependent ecosystems;
    - a program to monitor and evaluate:

- compliance with the relevant performance measures listed in Table 4 and the performance criteria in this plan;
- groundwater inflows to the mining operations;
- seepage/leachate from water storages, waste rock emplacements, infrastructure and processing areas, and the final voids, including migration over the short and long term;
- groundwater inflows, outflows and storage volumes, to inform the site water balance;
- any localised enhanced groundwater inflows associated with faults or other structures;
- impacts on groundwater dependent ecosystems;
- impacts on groundwater supply for other water users; and
- the effectiveness of the groundwater management system;

- reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results; and
- a trigger action response plan to respond to any exceedances of the relevant performance measures and groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development; and

(iv) a program to periodically validate the groundwater model for the development, including an independent review of the model every 3 years (unless otherwise agreed by the Planning Secretary), and comparison of monitoring results with modelled predictions; and a protocol to report on the measures, monitoring results and performance criteria identified above, in the annual review referred to in condition D4. The modelling program must also include a review and updated model predictions of post mining drawdown to determine whether any impacts on water supply works would require compensatory water to be provided for predicted future impacts following mine closure.

C23. Development under this consent must not commence until the water management plan is approved by the Planning Secretary.

C24. The water management plan as approved by the Planning Secretary must be implemented for the development.

BIODIVERSITY

Biodiversity credits

C25. The biodiversity credits specified in Tables 5 and 6 must be retired in accordance with the biodiversity offsets scheme of the BC Act before any impacts on the relevant biodiversity values.

Table 5: Biodiversity credit requirements – ecosystem credits

Biodiversity value	Ecosystem credits required
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Peneplain Bioregion	273
PCT 105 Poplar Box grassy woodland on flats mainly in the Cobar Peneplain Bioregion and Murray Darling Depression Bioregion	2
Total	275

Table 6: Biodiversity credit requirements – species credits

Biodiversity value	Species credits required
Ninox connivens (Barking Owl)	244
Tyto novaehollandiae (Masked Owl)	3
Total	247

C26. Prior to any impacts on the relevant biodiversity values, evidence that the biodiversity offset credits have been retired must be provided to the department.

Biodiversity Management Plan

C27. A **biodiversity management plan** must be prepared for the development to the satisfaction of the Planning Secretary. This plan must:

(a) be prepared:

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

(ii) in consultation with CPHR; and

(iii) in accordance with the requirements of condition B4;

(b) describe the short, medium, and long-term measures to be undertaken to manage the remnant vegetation and fauna habitat on the site;

(c) include detailed performance and completion criteria for evaluating the performance of the measures undertaken under condition C27(b), including triggers for remedial action if these performance or completion criteria are not met;

(d) describe how biodiversity management would be integrated with similar measures within other management plans, including the rehabilitation strategy referred to in condition C48;

(e) describe the measures to be implemented within the approved disturbance areas to:

(i) minimise the amount of clearing;

(ii) minimise impacts on fauna, including undertaking pre-clearance surveys and translocation of threatened species as guided by the *NSW Government's Translocation Operational Policy 2019* (as amended from time to time); and

(iii) maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;

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

(i) minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees;

(ii) protect vegetation and fauna habitat outside of the approved disturbance areas;

(iii) manage the collection and propagation of sufficient seeds for rehabilitation;

(iv) control weeds, including measures to avoid and mitigate the spread of noxious weeds;

(v) control feral pests; and

(vi) control access to vegetated or revegetated areas.

C28. Development under this consent must not commence until the biodiversity management plan is approved by the Planning Secretary.

C29. The biodiversity management plan, as approved by the Planning Secretary, must be implemented for the development.

TRAFFIC AND TRANSPORT

Road upgrades

C30. The road and safety measures in Table 7 must be carried out in accordance with the timing specified in the table, unless otherwise agreed by the Planning Secretary.

Table 7: Road and safety upgrades

Location	Measures	Timing	Roads Authority
Okeh Road At least 1 kilometre in each direction of Karingal Homestead (R1)	Sealed and upgraded in accordance with the road use agreement required under condition C33	Prior to commencement of haulage of ore	Council
Entire length of the new haul road between the Mitchell Highway and Okeh Road (*this covers the intersection and council dam near the haul road)	Upgraded in accordance with the road use agreement required under condition C33	Prior to commencement of haulage of ore	Council

Location	Measures	Timing	Roads Authority
Intersection of the Mitchell Highway with the new haul road between the Mitchell Highway and Okeh Road	Intersection upgrade to Channelised Right Turn with a short turn slot (CHR(s)) treatments This treatment must be designed and constructed in accordance with the relevant Austroads guidelines, Australian standards and TfNSW specifications	Prior to use of the new haul road between the Mitchell Highway and Okeh Road	TfNSW
Intersection of the Mitchell Highway and Railway Road	This treatment must be designed and constructed in accordance with the relevant Austroads guidelines, Australian standards and TfNSW specifications	Prior to the commencement of haulage of ore	TfNSW
Entire length of Okeh Road between the mine site area and the new haul road	Upgraded in accordance with the road use agreement required under condition C33	Prior to commencement of haulage of ore	Council

Notes:

- *The locations of the intersections with Mitchell Highway are depicted in Figures 1 and 2 of Appendix 4.*
- *Under the Roads Act 1993, all necessary approvals and licences for the development must be obtained, including approval under Section 138. As road works are required on the Mitchell Highway, TfNSW will require the developer to enter into a Works Authorisation Deed (WAD).*

C31. Heavy vehicles entering and leaving the site must have loads covered or contained.

C32. Reasonable and feasible measures must be implemented to:

(a) minimise dust and/or sediment being tracked onto the public road network; and

(b) keep the public informed of any road or infrastructure upgrades, disruptions to traffic, the closure of roads or other infrastructure, oversize overmass vehicle use, peak construction periods, and any emergencies.

C33. A road use agreement with Council must be executed prior to commencement of construction for the ongoing maintenance of public roads affected by the development. If there is any dispute in relation to this agreement, then either party may refer the matter to the Planning Secretary for resolution.

C34. Prior to undertaking any works within the rail corridor adjacent to the Mitchell Highway, the Applicant must consult with the country regional network operator on the proposed road upgrade design within the corridor.

Traffic Management Plan

C35. A **traffic management plan** must be prepared for the development. The plan must:

(a) be prepared:

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

(ii) in consultation with Council and TfNSW; and

(iii) in accordance with the requirements of condition B4;

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

(b) summarise the vehicle movements predicted by the EIS;

(c) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users during the construction, operation and decommissioning phases of the development, including:

(i) temporary traffic controls, including detours and signage (where relevant);

(ii) notifying the local community about development-related traffic impacts;

(iii) minimising potential for conflict with school buses and other motorists as far as practicable;

(iv) scheduling haulage vehicle movements to minimise convoy length or platoons;

(v) responding to local climate conditions that may affect road safety such as fog, dust, and wet weather;

(vi) responding to any emergency repair or maintenance requirements; and

(vii) a traffic management system for managing over-dimensional vehicles;

(viii) include details of the measures to be implemented to minimise impacts on the residents of Girilambone during the construction period;

(ix) include a drivers' code of conduct that includes procedures to ensure that drivers:

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

(xi) adhere to the approved transport routes shown in Figure 1 of Appendix 2; and

(xii) implement safe driving practices;

(d) include a complaints handling procedure; and

(e) include a program to monitor and report on the effectiveness of the implementation of the measures in this plan.

C36. Development under this consent must not commence until the traffic management plan is approved by the Planning Secretary.

C37. The traffic management plan, as approved by the Planning Secretary, must be implemented for the development.

ABORIGINAL HERITAGE

Protection of heritage objects

C38. Aboriginal objects located within the sites identified in Table 1 of Appendix 5 and Aboriginal objects outside the approved disturbance areas must not be harmed.

Note: For the avoidance of doubt, Aboriginal sites within the disturbance area and not listed in Table 1 of Appendix 5 may be harmed

C39. The Applicant must conserve and manage the Aboriginal objects at the Aboriginal sites identified in Table 2 of Appendix 5 and any unexpected finds under the supervision of a suitably qualified and experienced person and in consultation with the Registered Aboriginal Parties.

C40. Aboriginal objects removed from the approved disturbance areas must be stored in a secure facility, and:

(a) the Applicant must maintain an inventory of the objects in storage to a professional standard;

(b) the applicant must notify the Planning Secretary of the location of this facility via the NSW planning portal (Major Projects); and

(c) Aboriginal people must be allowed reasonable access to this facility.

Note: Conditions C38 to C40 do not preclude examination and/or analysis of the objects by an experienced archaeologist, including excavation of Aboriginal hearths for chronological dating and detailed recording, analysis of stone artefacts, and detailed examination and recording of culturally modified trees.

Unexpected Finds Protocol

C41. An unexpected finds protocol must be developed in consultation with the Registered Aboriginal Parties to manage any previously unidentified Aboriginal objects on site.

C42. If any suspected human remains are discovered:

(a) all work at the location must immediately cease;

(b) the area must be secured to avoid further harm to the remains;

(c) local police and Heritage NSW must be notified as soon as practicable and details of the suspected remains and their locations provided; and

(d) work must not recommence at the location unless authorised in writing by the Planning Secretary;

C43. Any human remains determined to be a traditional Aboriginal ancestral burial must be managed in consultation with the registered Aboriginal parties and Heritage NSW.

Consultation Requirements

C44. The Applicant must consult with Registered Aboriginal Parties in relation to:

(a) the long-term management of Aboriginal objects;

(b) the conservation and management of Aboriginal cultural heritage, including determining the plant species of cultural value to be included in the revegetating of the mine site during the rehabilitation phase; and

(c) the protection and removal of Aboriginal objects, including opportunities for participation;

(d) the preparation of the unexpected finds protocol required under condition C41.

C45. The results of any analysis of Aboriginal objects, consultation with Registered Aboriginal Parties and management and mitigation actions undertaken in relation to Aboriginal sites and Aboriginal objects must be reported in the annual review required by condition D4.

Note: Unexpected finds and any changes to the status of identified Aboriginal sites must be recorded in AHIMs

VISUAL AND LIGHTING

C46. All reasonable and feasible mitigation and management measures must be implemented for the development to:

(a) minimise the visual and off-site lighting impacts of the development;

(b) shield views of mining operations and associated equipment from users of public roads and privately-owned residences;

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

(d) 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);

(e) design lighting associated with the project generally in accordance with the principles *Dark Sky Planning Guideline* (DPE 2023);

(f) ensure that all external lighting associated with the development complies with relevant Australian standards including the latest version of *Australian Standard AS/NSW 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting*; and

(g) ensure that the visual appearance of any new buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.

REHABILITATION

Rehabilitation Objectives

C47. The site must be rehabilitated in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. Rehabilitation must be generally consistent with the proposed rehabilitation activities described the EIS and shown conceptually in Figures 8 and 9 of Appendix 2 and must comply with the objectives in Table 8 of this consent.

Table 8: Rehabilitation objectives

Feature	***Objective***
All areas affected by the development	• Safe, stable and non-polluting • Final landforms designed to incorporate micro-relief and integrate with surrounding natural landforms to the extent practicable • Minimise long term groundwater seepage zones • Minimise visual impact of final landforms as far as is reasonable and feasible
Final void	• Minimise to the greatest extent practicable: - the size and depth of the final void - the drainage catchment of the final void - risk of flood interaction for all flood events up to and including the probable maximum flood • Slopes within the final void to achieve a factor of safety of 1.5, unless otherwise agreed by the Resources Regulator • Minimise to the greatest extent practicable any pit wall geotechnical and erosional instability risks
Waste rock emplacement	• Minimise the potential for acid mine drainage and erosion • Slopes on the waste rock emplacement to achieve a factor of safety of 1.5, unless otherwise agreed by the Resources Regulator
Stopes	• Backfilled with paste fill material • Safe and stable • Negligible surface subsidence in the long term
Box cut, portals and vent shafts	• Backfilled and/or sealed
Surface infrastructure	• To be decommissioned and removed, unless the Resources Regulator agrees otherwise
Areas proposed for agriculture	• Establish/restore disturbed areas to support sustainable agriculture
Areas proposed for native vegetated land	• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems • Establish self-sustaining native ecosystems characteristic of vegetation communities found in the local area
Community	• Ensure public safety • Minimise adverse socio-economic effects associated with mine closure

Rehabilitation Strategy

C48. A **rehabilitation strategy** must be prepared for the development. The strategy must:

(a) be submitted to the Planning Secretary for approval prior to the commencement of mining operations under this consent;

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

(c) include a stakeholder engagement plan to guide rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including the final void), post-mining land use/s and water management;

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

(e) describe how the rehabilitation measures would be integrated with the measures in the biodiversity management plan referred to in condition C27;

(f) include details of target vegetation communities and species to be established within the proposed revegetation areas;

(g) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including the final voids), 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;

  (iv) includes a description of long-term land management objectives, including bushfire management, weed and feral animal control, water quality and public safety; and

  (v) includes consideration of the integration of post-mining land uses with surrounding mining operations; and

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

C49. Mining operations under this consent must not commence until the rehabilitation strategy is approved by the Planning Secretary.

C50. The rehabilitation strategy, as approved by the Planning Secretary, must be implemented.

SUBSIDENCE MANAGEMENT

Subsidence performance measures

C51. 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.

WASTE

C52. All reasonable mitigation and management measures must be implemented to minimise the waste generated by the development.

C53. All waste generated by the development must be classified in accordance with the *Waste Classification Guidelines* (EPA, 2014)(or its latest version), and must be stored and handled in accordance with its classification.

C54. All waste must be removed from the site as soon as practicable and reused, recycled or sent to an appropriately licensed waste facility for disposal.

C55. The effectiveness of the waste minimisation and management measures must be monitored and reported in the annual review required by condition D4.

C56. No waste must be received, stored, treated, processed, re-processed or disposed of on the site except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*.

C57. On-site sewage must be treated and disposed of in accordance with the requirements of Council.

Hazardous Materials Management

C58. Dangerous goods, as defined by the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, must be stored and handled strictly in accordance with:

(a) all relevant Australian standards; and

(b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Manual (for liquids).

In the event of an inconsistency between the documents referenced above, the most stringent requirement must prevail to the extent of the inconsistency.

C59. The design and operation of the development must comply with:

(a) all requirements under the Explosives Act 2003 and Explosives Regulation 2024;

(b) all relevant Australian Standards, including and not limited to *Australian Standard 2187: Explosives - Storage, transport and use*; and

(c) the AIESG *Code of Practice for the Storage and Handling of UN3375* in regards to ammonium nitrate emulsions, suspensions or gels.

BUSHFIRE MANAGEMENT

C60. The development must:

(a) provide for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2019) guideline (or latest version thereof);

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

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

WORKFORCE ACCOMMODATION STRATEGY

C61. A **workforce accommodation strategy** must be prepared and implemented for the development prior to the commencement of the development. This plan must:

(a) be prepared in consultation with Council;

(b) provide details of the workforce numbers and likely demand for accommodation throughout all stages of the development; and

(c) demonstrate that the construction workforce can be suitably housed in approved accommodation facilities.

PART D REPORTING AND COMPLIANCE CONDITIONS

COMPLIANCE

Non-compliance notification

D1. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must:

(a) be in writing;

(b) be submitted via the NSW planning portal (Major Projects);

(c) identify the development (including the development application number and name);

(d) set out the condition of this consent that the development is non-compliant with;

(e) describe why it does not comply;

(f) describe the reasons for the non-compliance (if known); and

(g) describe what actions have been undertaken, or will be undertaken and when, to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Incident notification

D2. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and include details about the incident including:

(a) the date, time and location;

(b) a brief description of what occurred and why it has been classified as an incident;

(c) a description of what immediate steps were taken in relation to the incident; and

(d) identifying a contact person for further communication regarding the incident.

D3. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 7 (Incident Notification and Reporting Requirements).

ANNUAL REVIEW

D4. An **annual review** reporting the environmental performance of the development must:

(a) be submitted:

(i) to the department by the end of March each year after the commencement of development under this consent, or other timeframe agreed by the Planning Secretary; and

(ii) to Council.

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

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

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

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

(iii) monitoring results of previous years; and

(iv) relevant predictions in the EIS;

(d) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;

(e) evaluate and report on:

(i) the effectiveness of the noise and air quality management systems; and

(ii) compliance with the performance measures, limits and operating conditions of this consent;

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

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

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

INDEPENDENT ENVIRONMENTAL AUDIT

D5. Independent environmental audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* published on the Department's website.

MONITORING AND ENVIRONMENTAL AUDITS

D6. 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 and independent audit.

D7. For the purposes of the conditions of this consent, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is 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.

D8. Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.

ACCESS TO INFORMATION

D9. Within 12 months of the commencement of development under this consent until the completion of all rehabilitation required under this consent, the following information and documents must be publicly available on the development website as they are obtained, approved or as otherwise stipulated within the conditions of this consent:

(a) the EIS;

(b) all current statutory approvals for the development;

(c) all approved environmental management documents required under the conditions of this consent;

(d) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;

(e) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any environmental management documents approved under the conditions of this consent;

(f) 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 environmental management documents;

(g) a summary of the current phase and progress of the development;

(h) contact details to enquire about the development or to make a complaint;

(i) complaints register, updated monthly;

(j) 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;

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

(l) kept such information up to date.

APPENDIX 1 SCHEDULE OF LAND

Table 1: Schedule of land

LOT NUMBER	DEPOSITED PLAN NUMBER	PROPOSED PROJECT AREA
2	751321	Partially within Proposed Mining Lease Area (MLA) area
10	751321	Partially within Proposed Mining Lease Area (MLA) area
9	751321	Partially within Proposed Mining Lease Area (MLA) area
4	751341	Partially within Proposed Mining Lease Area (MLA) area
2	1154714	Partially within Proposed Mining Lease Area (MLA) area
1	1258865	Partially within Proposed Mining Lease Area (MLA) area
1	1256374	Partially within Proposed Mining Lease Area (MLA) area
4	751304	Partially within Infrastructure Corridor
1	879749	Partially within Infrastructure Corridor
13	751311	Partially within Infrastructure Corridor (new private road)
19	751311	Partially within Infrastructure Corridor (new private road)
2	1296861	Partially within Infrastructure Corridor (new private road)

APPENDIX 2 DEVELOPMENT LAYOUT PLANS

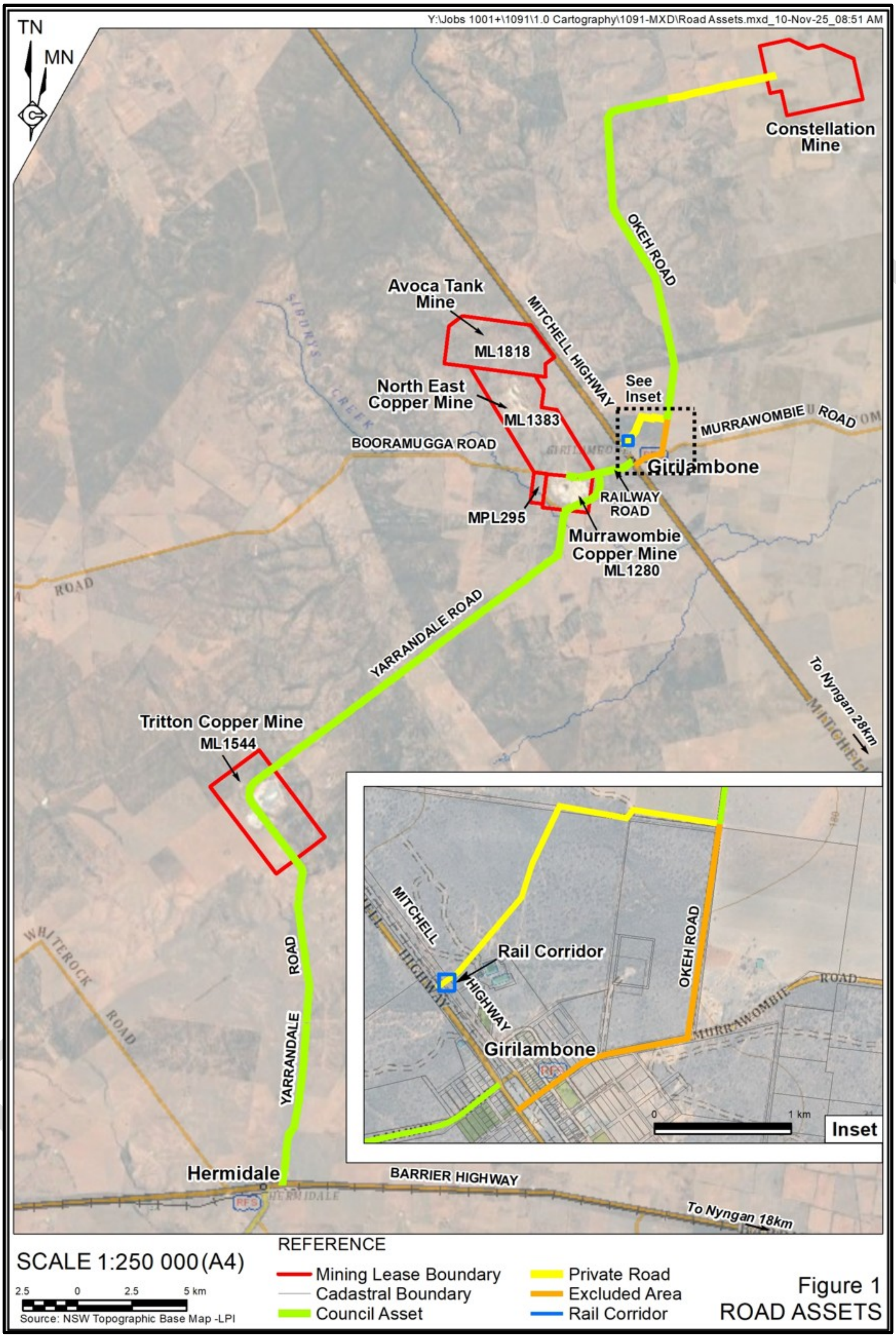

Figure 1: Project site

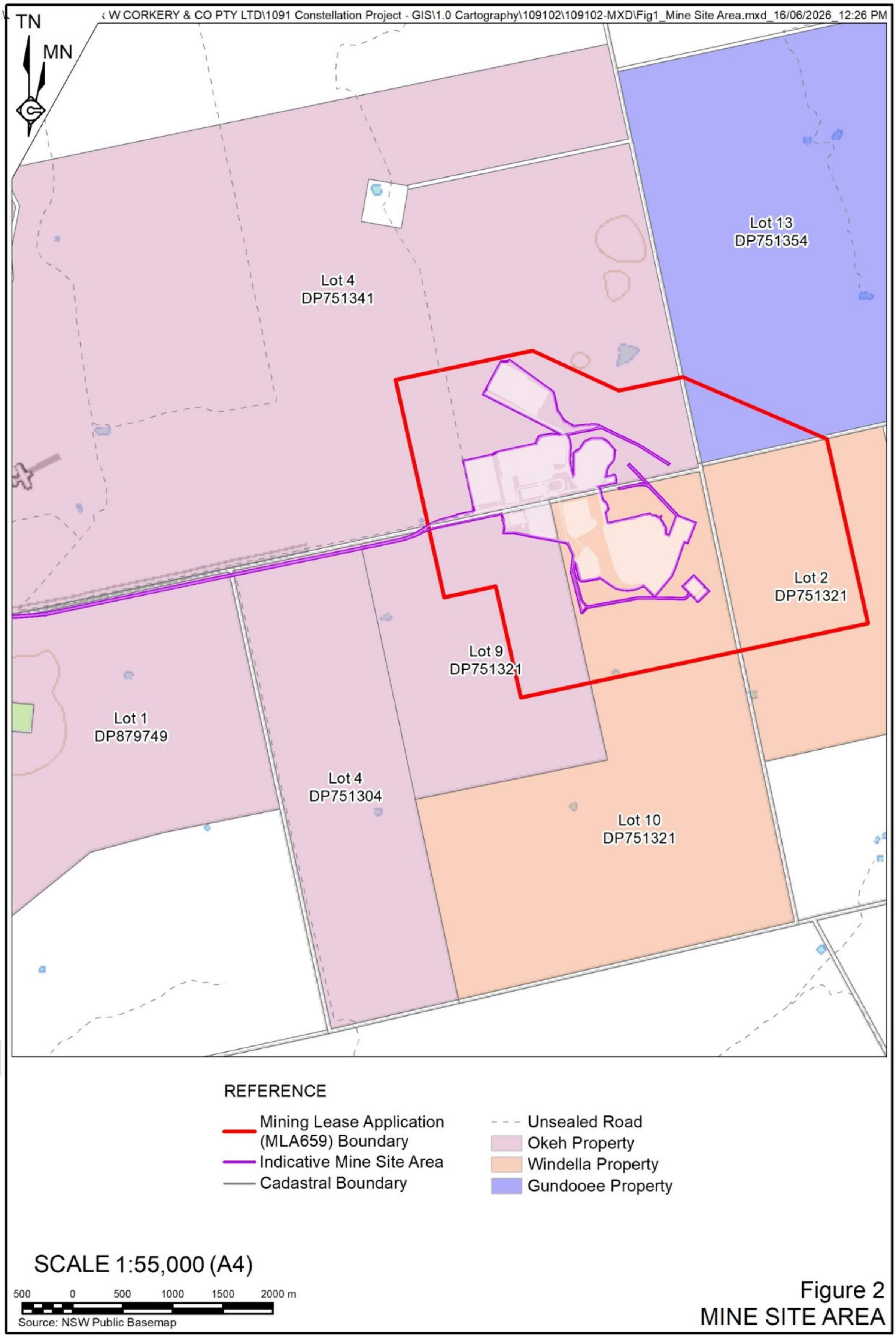

Figure 2: Mine site area

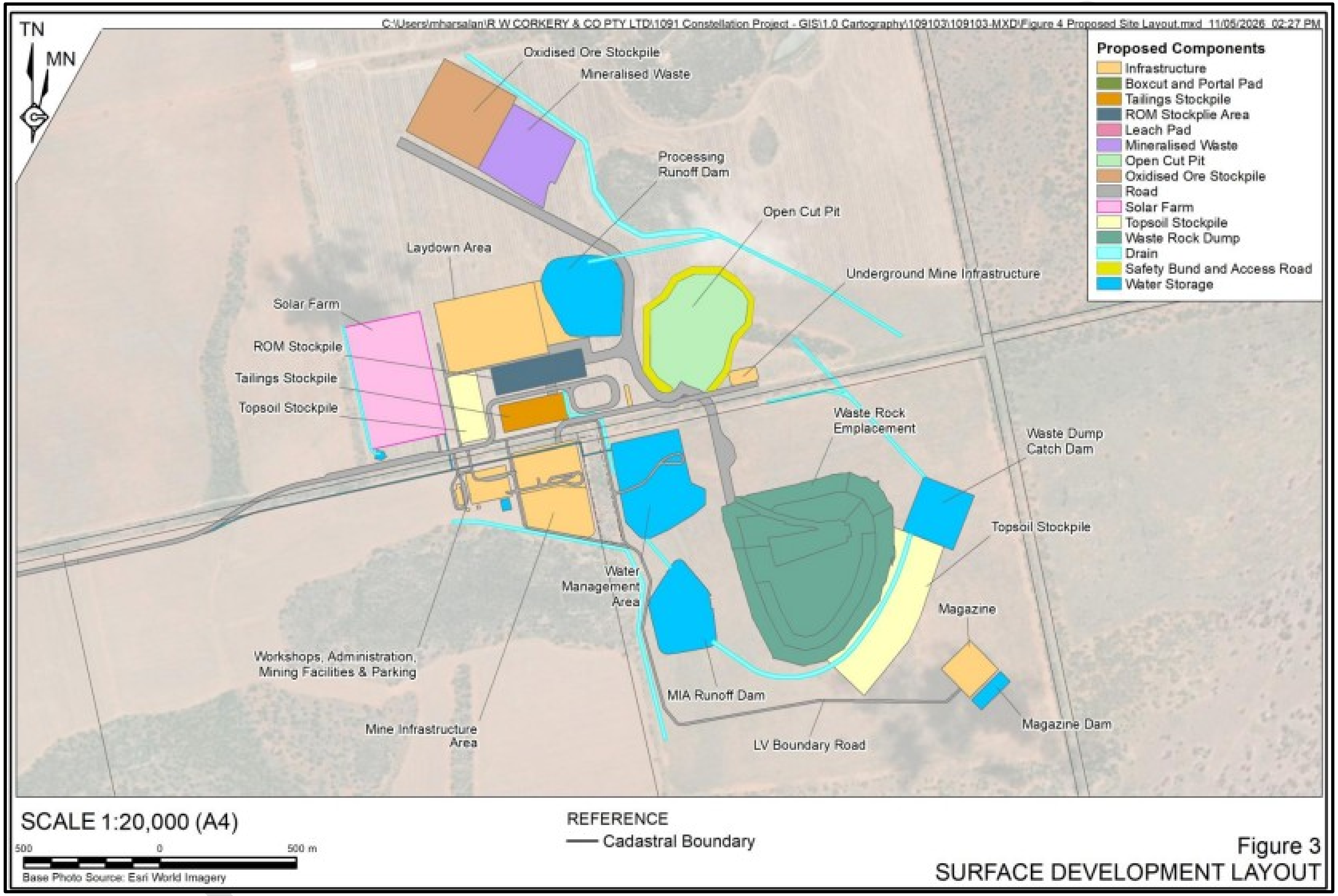

Figure 3: Surface development layout

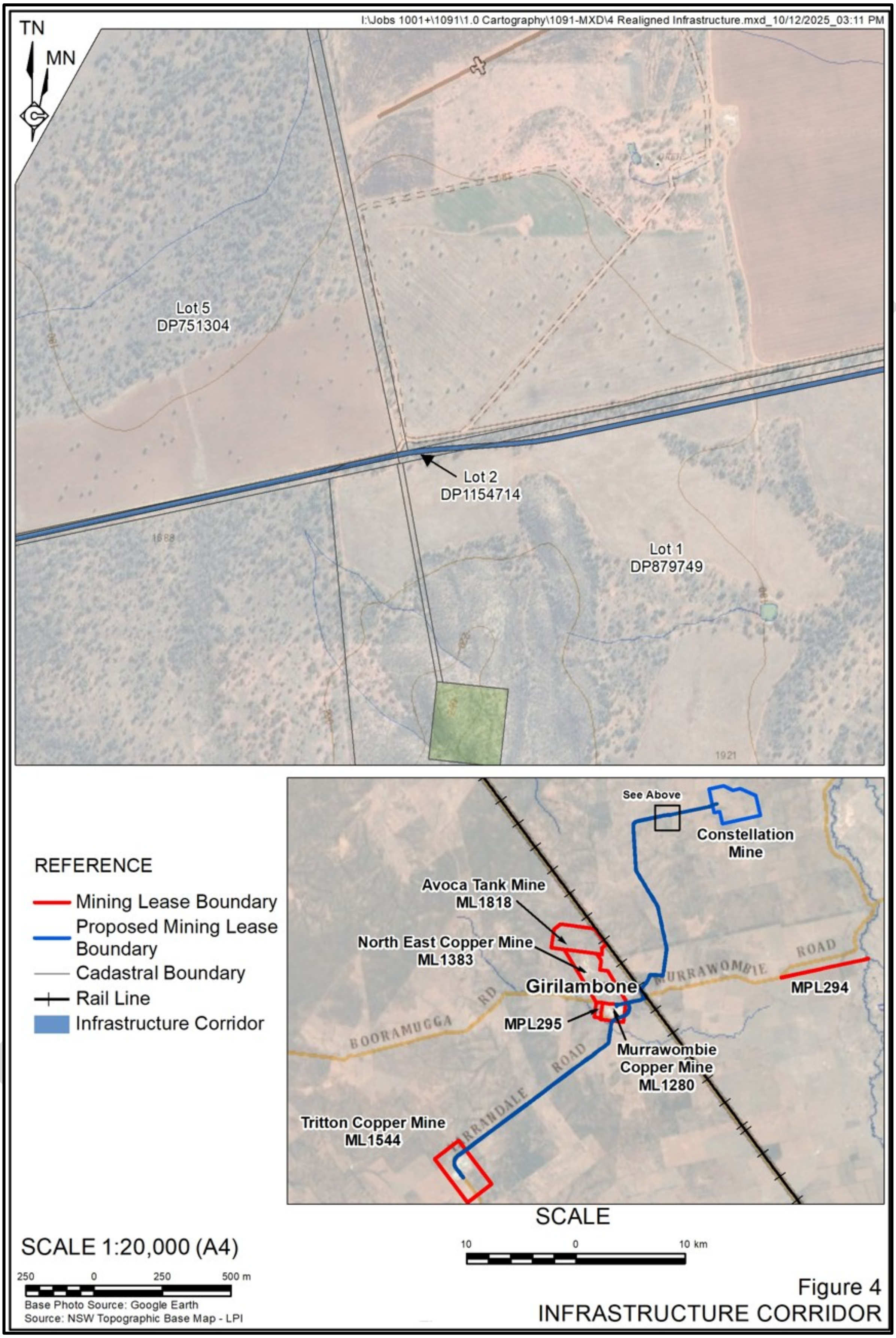

Figure 4: Infrastructure corridor

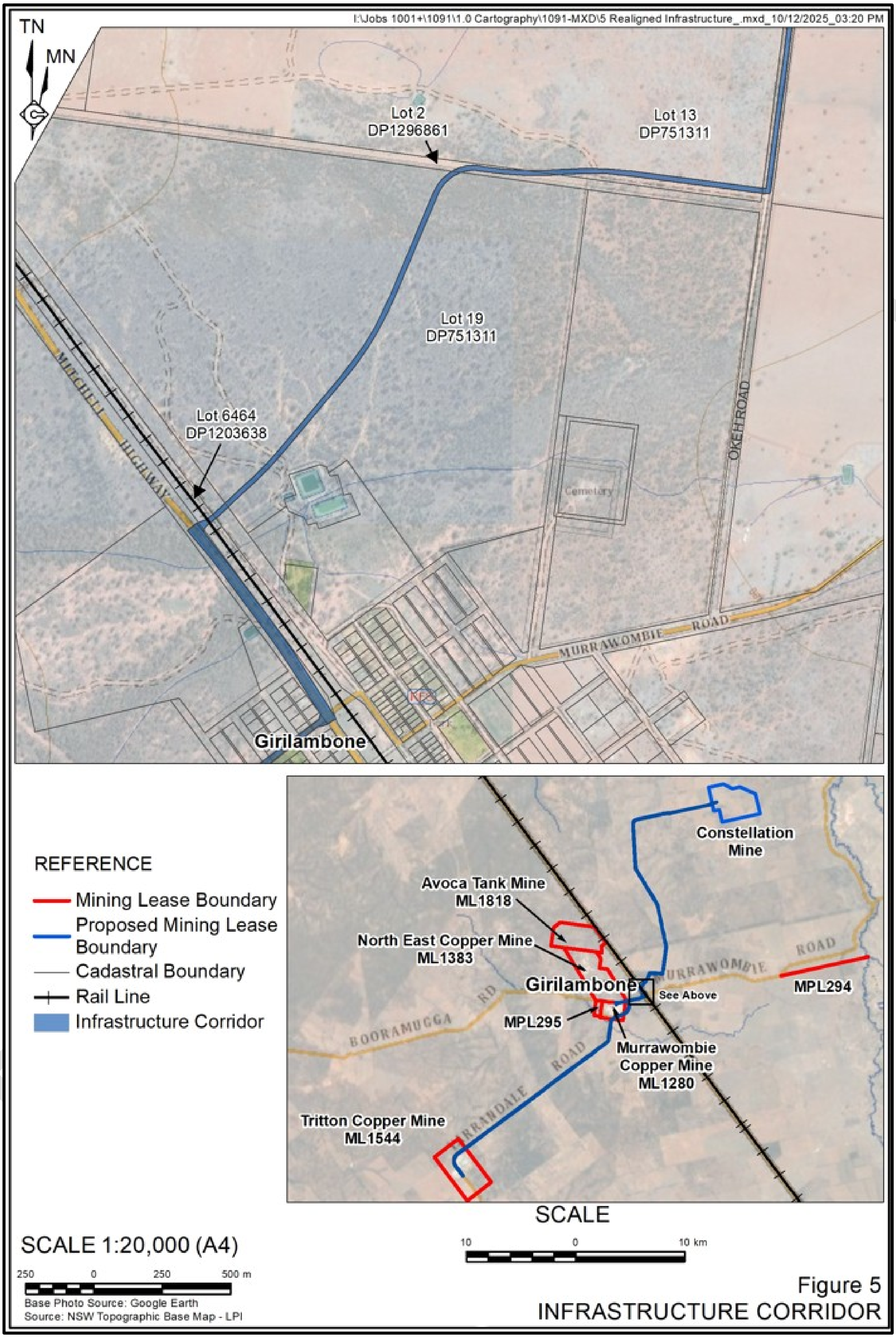

Figure 5: Infrastructure corridor

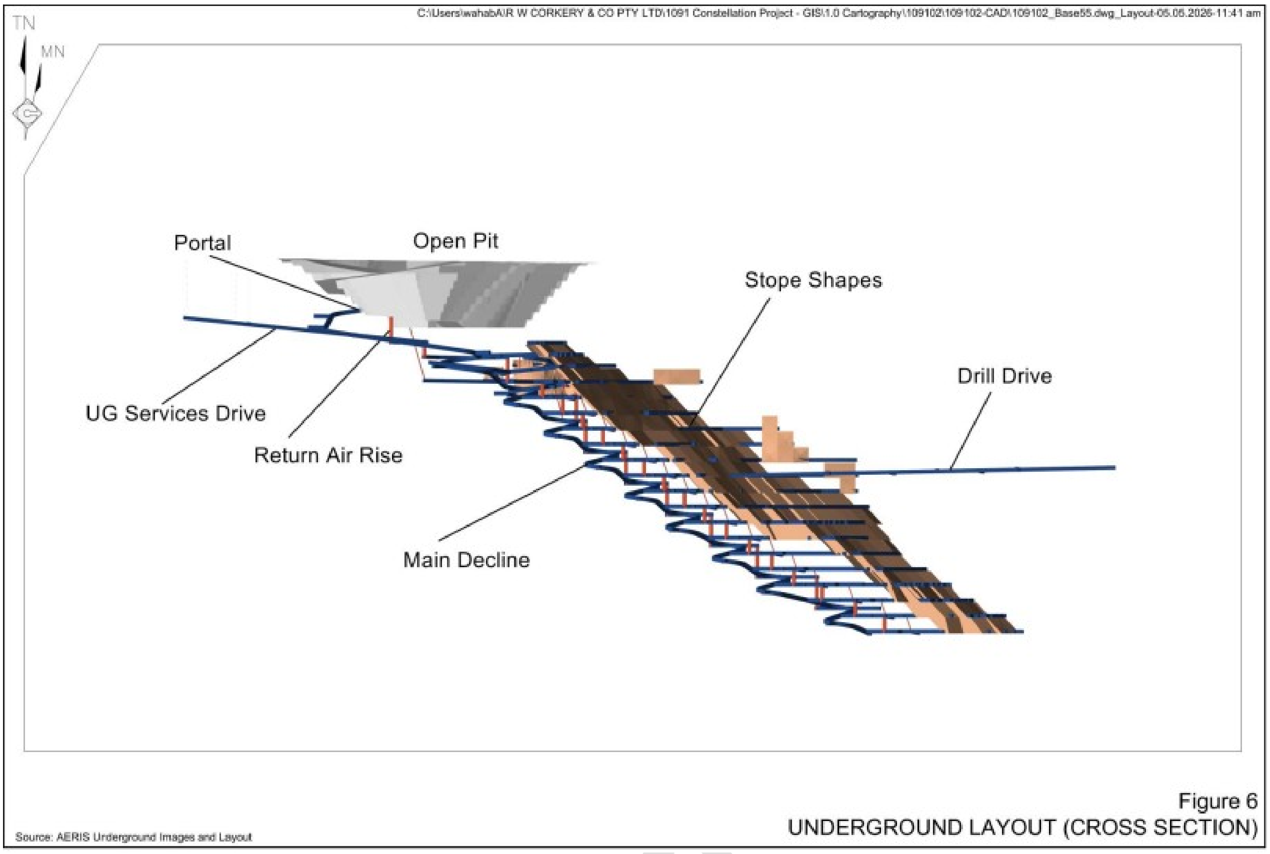

Figure 6: Underground layout (cross section)

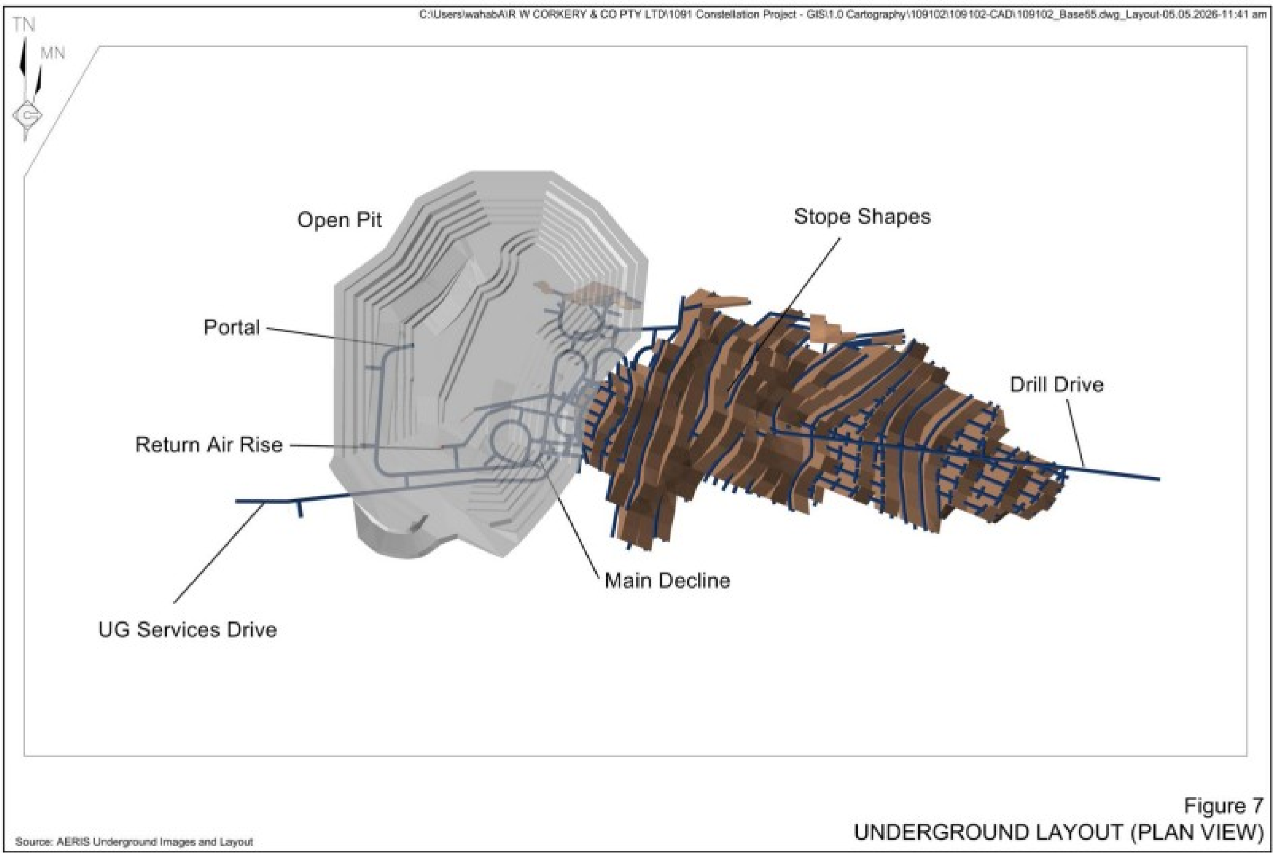

Figure 7: Underground layout (plan view)

Figure 8: Conceptual final landform

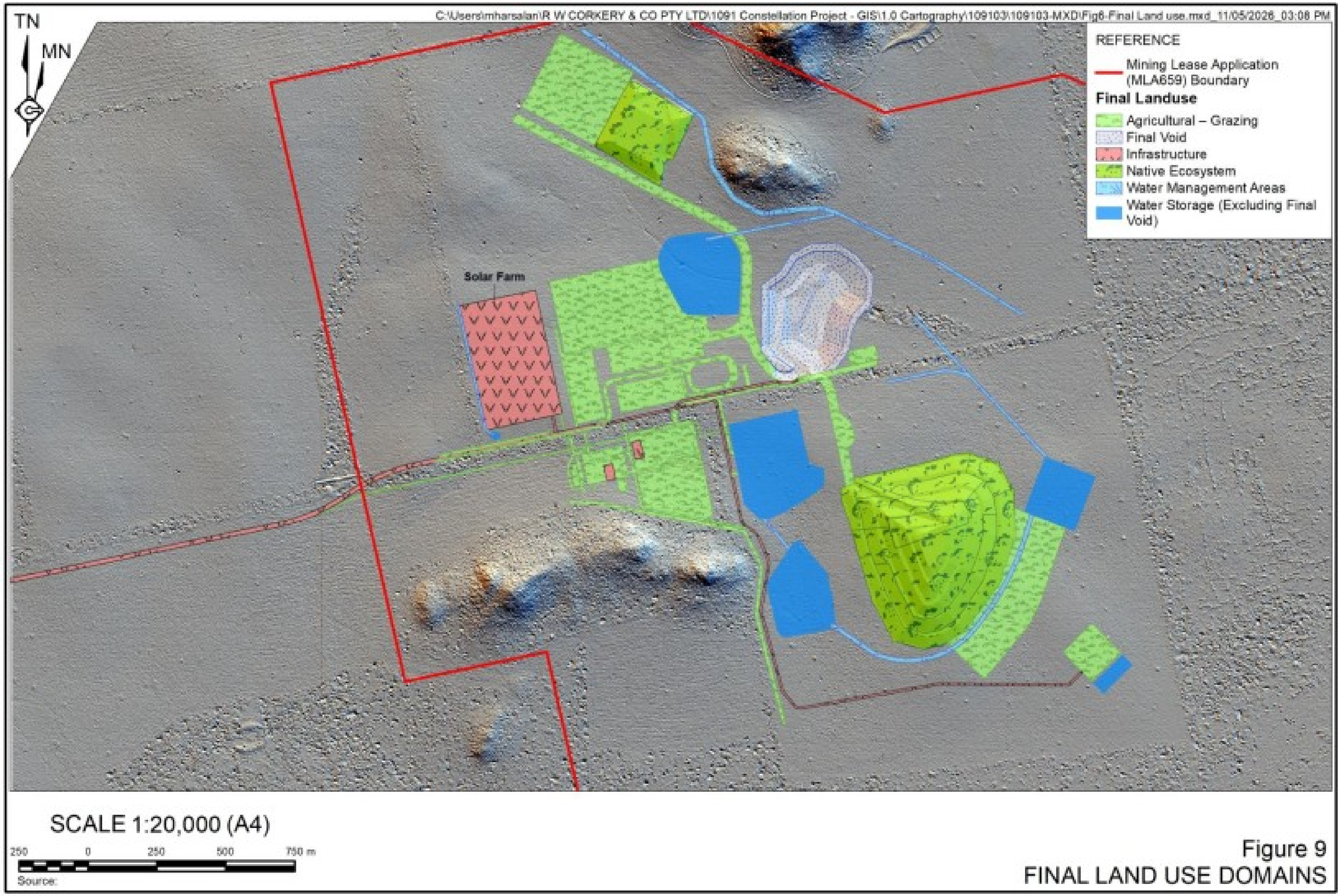

Figure 9: Final land use domain

APPENDIX 3 RECEIVER ZONES AND LOCATIONS

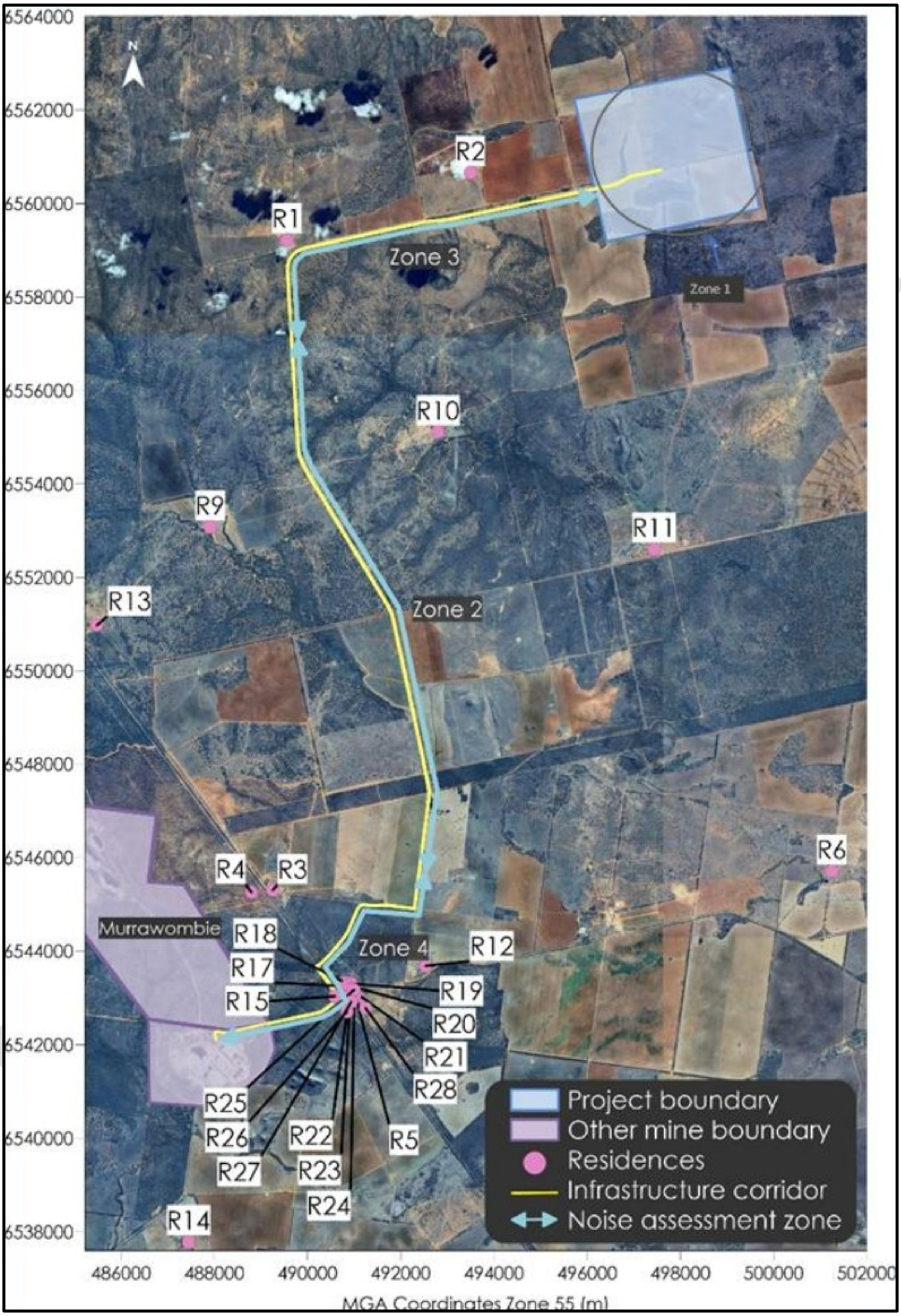

Figure 1: Receiver zones and locations

APPENDIX 4 ROAD UPGRADES

Figure 1: Intersection of haul road with eastern side of Mitchell Highway

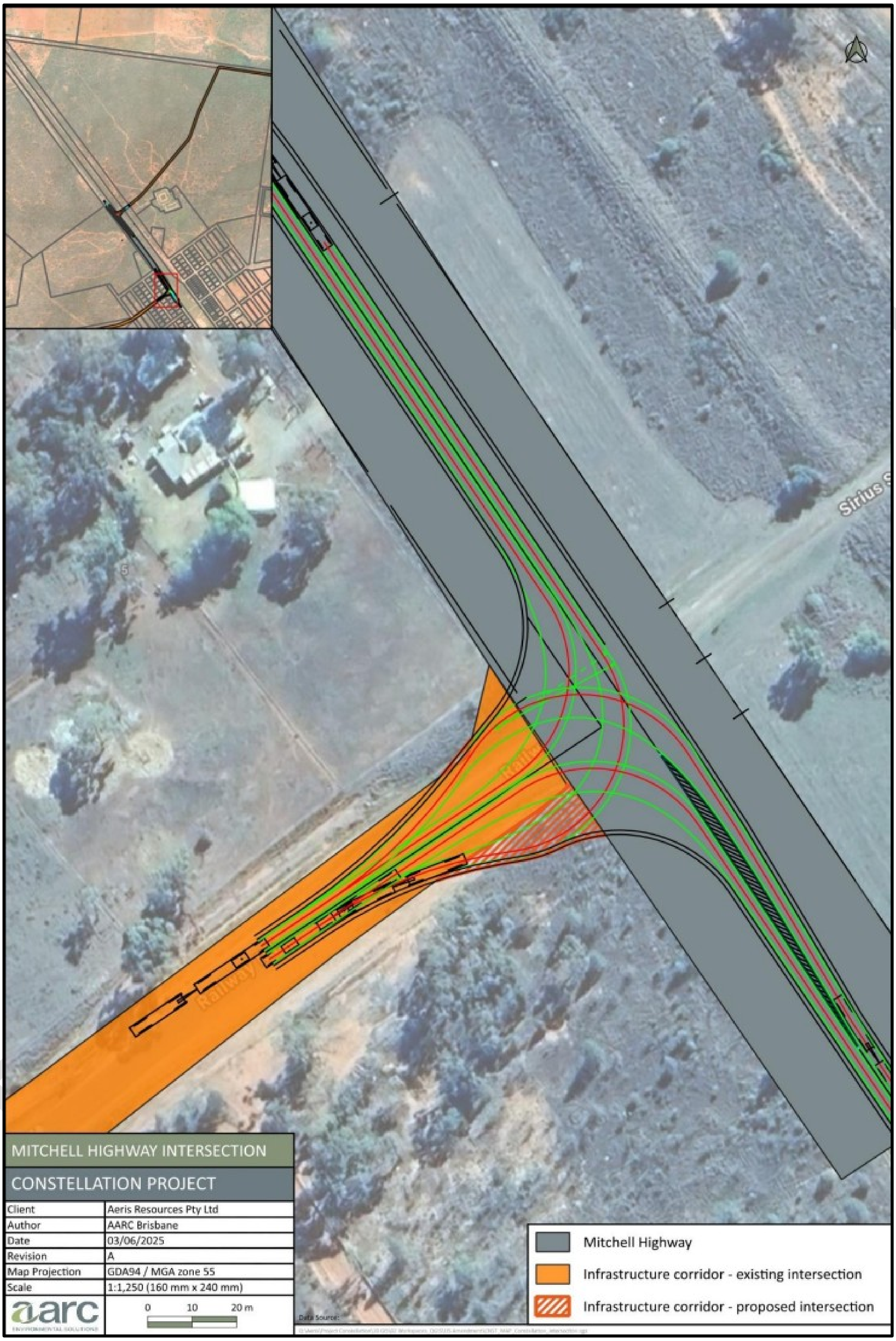

Figure 2: Intersection of the western side of Mitchell Highway and Railway Road

APPENDIX 5 ABORIGINAL HERITAGE

Table 1: Aboriginal site to be protected

AHIMS ID	Site Name	Features	Easting (GDA 94 Zone 55)	Northing (GDA 94 Zone 55)
#26-3-0207	Okeh 2	Isolated artefact	495167	6560183
#26-3-0188	Okeh 4	Isolated artefact	494107	6559799
#26-3-0196	Okeh 5	Artefact scatter and PAD (revised PAD extent)	492926	6559597
#26-3-0198	Okeh 7	Isolated artefact	497243	6561907
#26-3-0201	Oven 3	Hearth and PAD	494772	6560095
#26-3-0202	Oven 4	Hearth and PAD	495912	6560352
#26-3-0204	Oven 5	Hearth and PAD	498186	6560833
#26-3-0203	Oven 6	Hearth and PAD	498263	6560840
#26-3-0205	Oven 7	Hearth and PAD	498305	6560838
#26-3-0226	Okeh Midden 1	Midden (shell) and PAD	490389	6543693
#26-3-0228	Okeh Scar Tree 3	Scarred tree	492579	6547479
#26-3-0190	Okeh Scar Tree 8	Scarred tree	492635	6559580
#26-3-0191	Okeh Scar Tree 10	Scarred tree	491780	6551224
#26-3-0192	Okeh Scar Tree 13	Scarred tree	494809	6560064
#26-3-0232	Okeh Scar Tree 14	Scarred tree	494888	6560111
#26-3-0194	Okeh Scar Tree 16	Scarred tree	494914	6559939
#26-3-0195	Okeh Scar Tree 17	Scarred tree	494893	6560006
#26-3-0216	Okeh Scar Tree 18	Scarred tree	494973	6560111
#26-3-0217	Okeh Scar Tree 19	Scarred tree	495532	6560270
#26-3-0218	Okeh Scar Tree 20	Scarred tree	495676	6560301
#26-3-0219	Okeh Scar Tree 23	Scarred tree	496048	6560345
#26-3-0220	Okeh Scar Tree 25	Scarred tree	498357	6560863
#26-3-0221	Okeh Scar Tree 26	Scarred tree	498990	6561013
#26-3-0223	Okeh Scar Tree 32	Scarred tree	499515	6561174
#26-3-0224	Okeh Scar Tree 33	Scarred tree	499510	6561264
#26-3-0225	Okeh Scar Tree 35	Scarred tree	498758	6562328
#26-3-0215	Okeh Scar Tree 37	Scarred tree	492605	6547528
#26-3-0213	Bourke St Scar Tree 1	Scarred tree	490532	6543355
#26-3-0231	Bourke St Scar Tree 3	Scarred tree	490491	6543557
#26-3-0210	Mitchell Highway Scar Tree 1	Scarred tree	488438	6546059
#26-3-0214	Mitchell Highway Scar Tree 2	Scarred tree	483800	6552243
#26-3-0209	Mitchell Highway Scar Tree 5	Scarred tree	488516	6545962
#26-3-0230	Mitchell Highway Scar Tree 6	Scarred tree	488537	6545927
#26-3-0229	Mitchell Highway Scar Tree 7	Scarred tree	488512	6545915
#26-3-0212	Railway Road Scar Tree 1	Scarred tree	490340	6542810
#26-3-0211	Railway Road Burl Scar Tree	Scarred tree	490345	6542782

Table 2: Aboriginal site allowed to be harmed

AHIMS ID	Site Name	Features	Easting (GDA 94 Zone 55)	Northing (GDA 94 Zone 55)
#26-3-0206	Okeh 1	Artefact scatter, hearth and PAD	497401	6561262
#26-3-0208	Okeh 3	Artefact scatter and PAD (PAD extent revised following testing)	497248	6561696
#26-3-0197	Okeh 6	Artefact scatter and PAD	498263	6560839
#26-3-0199	Oven 1	Hearth (PAD extent removed following testing)	497561	6561558
#26-3-0200	Oven 2	Hearth (PAD extent removed following testing)	494821	6560050
#26-3-0227	Okeh Scar Tree 4	Scarred tree	492538	6546688
#26-3-0189	Okeh Scar Tree 9	Scarred tree	492378	6559577
#26-3-0193	Okeh Scar Tree 15	Scarred tree	494873	6560057
#26-1-0222	Okeh Scar Tree 27	Scarred tree	498554	6561289

APPENDIX 6 GENERAL TERMS OF APPLICANT’S PLANNING AGREEMENT

The Planning Agreement signed between the Applicant and Bogan Shire Council is available on the Council’s website. The Applicant’s monetary contributions are summarised in Table 1 below.

Table 1: Planning agreement terms

Applicant’s contribution	Payment Details	Intended Use
Annual Contribution	The total development contributions to be paid are calculated as 1% of the Final Estimated Development Cost. Contributions will be paid annually, calculated as the total development contribution divided by 11 years (the expected operational life of the project). The first annual development contribution will be paid within 30 days of the commencement of the road upgrade works as required by Council. The second payment will be paid by the anniversary of the first payment. Payments will be increased by CPI (the All-Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics). If the project continues mining operations beyond 11 years, the annual development contribution will continue to be paid at the same rate, or an agreed rate. The final years payment will be on a pro rata basis.	Council will allocate development contributions to the Public Purpose Project – including community enhancement projects and Council’s designated work programs such as the Allied Health, Youth Worker and Bushcare programs. Development contributions are not to be used for funding road upgrades or road maintenance works associated with the development.

APPENDIX 7 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

INCIDENT REPORT REQUIREMENTS

1. Within seven days (or as otherwise agreed by the Planning Secretary) of the Applicant making the incident notification (in accordance with condition D2 of this consent), the Applicant is required to submit a subsequent incident report that:

   (a) identifies the development and application number;

   (b) provides details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);

   (c) identifies how the incident was detected;

   (d) identifies when the Applicant became aware of the incident;

   (e) identifies any actual or potential non-compliance with the conditions of this consent;

   (f) describes what immediate steps were taken in relation to the incident;

   (g) identifies further action(s) that will be taken in relation to the incident;

   (h) includes a summary of the incident;

   (i) describes the outcomes of an incident investigation, including identification of the cause of the incident;

   (j) includes details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions;

   (k) includes details of any communication with other stakeholders regarding the incident; and

   (l) identifies a project contact for further communication regarding the incident.

2. The Applicant must submit any further reports as directed by the Planning Secretary.