



# **Appendix 1**

# **SEARs and Gateway Certificate**

(Total No. of pages including blank pages = 64)



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## ENVIRONMENTAL IMPACT STATEMENT

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**Tomingley Gold Operations Pty Ltd**  
*Tomingley Gold Extension Project*

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Mr Michael Sutherland  
General Manager NSW  
Tomingley Gold Operations Pty Ltd  
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Email: [MSutherland@alkane.com.au](mailto:MSutherland@alkane.com.au)

22/07/2021

Dear Mr Sutherland

**Tomingley Gold Extension Project (SSD-9176045)**  
**Planning Secretary's Environmental Assessment Requirements**

Please find attached a copy of the Planning Secretary's environmental assessment requirements (SEARs) to guide the preparation of an environmental impact statement (EIS) for the Tomingley Gold Extension Project (the project).

The Department has prepared these requirements in consultation with relevant public authorities based on the information you provided. I have also attached a copy of public authorities' advice for your information and consideration in preparing the EIS.

Where relevant, the Planning Secretary may modify the SEARs to ensure the environmental assessment of the project covers all relevant matters and is consistent with contemporary assessment practice. This includes, but not limited to, any recommendations received by the Department from the Gateway Panel in relation to Biophysical Strategic Agricultural Land.

From 1 July 2021, **all SEARs will expire two years from the date of issue** (or the date they were last modified) unless the Planning Secretary has granted an extension. If you would like to seek an extension, you should contact the Department at least three months prior to the expiry date.

If your application and EIS is not submitted within two years (or by the agreed extension date), you will need to make a new application for SEARs to progress your project.

**Preparing your EIS**

If your EIS is submitted after 1 April 2022, it must be prepared having regard to the Department's new *State Significant Development Guidelines – Preparing an Environmental Impact Statement*. These guidelines and other relevant guides, including the *Undertaking Engagement Guidelines for State Significant Projects* are available at [www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework](http://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework).

### **Submitting your EIS**

Once you submit your EIS, we will check it for completeness to confirm it addresses the requirements in Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*. We will also notify you of the application fee for your project.

To minimise delays, please contact the Department at least two weeks before you submit your EIS to confirm fee determination information and payment arrangements. This will give us sufficient time to ensure your application fee can be determined quickly.

### **Information needed to determine the application fee**

Your EIS will need to be accompanied by a Quantity Surveyor's Report supporting the estimated cost of works for your project. You must ensure that the information in the report is consistent with the information provided in your application form.

If your project involves extractive industries or any subdivision of land, you must also ensure that your report includes a breakdown of estimated costs for any other component of your project.

### **Public exhibition requirements**

When you contact us, regarding the applicable application fee, we will also advise whether hard and/or electronic copies of the application form and EIS will be required for public exhibition.

### **Matters of National Environmental Significance**

Any development likely to have a significant impact on matters of National Environmental Significance will require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to approvals required under NSW legislation.

It is your responsibility to contact the Commonwealth Department of Agriculture, Water and the Environment to determine if you need approval under the EPBC Act (<http://www.environment.gov.au> or 6274 1111).

If you have any questions, please contact Mandana Mazaheri on 02 9995 5093 or [mandana.mazaheri@planning.nsw.gov.au](mailto:mandana.mazaheri@planning.nsw.gov.au).

Yours sincerely



Stephen O'Donoghue  
Director  
Resource Assessments

### **as delegate for the Planning Secretary**

Enclosed/Attached: Public Authority Advice

# Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*  
Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

<b>Application Number</b>	SSD-9176045
<b>Proposal</b>	<p>Tomingley Gold Extension Project involving:</p> <ul style="list-style-type: none"> <li>• developing a new open cut and underground gold mine at the San Antonio and Roswell (SAR) prospects including: <ul style="list-style-type: none"> <li>○ a new waste rock emplacement (WRE) area;</li> <li>○ amenity bund, haul road and services road between the new open cut and the surface infrastructure area at the existing Tomingley Gold Mine;</li> </ul> </li> <li>• upgrading mine facilities at the existing Tomingley Gold Mine including: <ul style="list-style-type: none"> <li>○ increasing the capacity of Residue Storage Facility 2;</li> <li>○ backfilling two open cut voids and developing two new WRE areas;</li> <li>○ upgrading infrastructure and increasing the processing rate at the mine infrastructure area;</li> </ul> </li> <li>• extracting and processing up to 1.75 million tonnes of ore a year (Mtpa) for up to 10 years;</li> <li>• realigning the Newell Highway and Kyalite Road and associated intersection/ overpass upgrades;</li> <li>• surrendering Tomingley Gold Operations Project (MP 09_0155) development consent, continuing approved operations under this consent and extending operation of the consolidated project to 2032; and</li> <li>• progressively rehabilitating the site.</li> </ul>
<b>Location</b>	Newell Highway, south of the village of Tomingley, within the Narromine Shire local government area
<b>Applicant</b>	Tomingley Gold Operations Pty Ltd
<b>Date of Issue</b>	22/11/2021
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) for the development must comply with the requirements in Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (the Regulation) and must have regard to the <i>State Significant Development Guidelines</i>.</p> <p>In particular, the EIS must include, but not necessarily be limited to, the following:</p> <ul style="list-style-type: none"> <li>• a stand-alone executive summary;</li> <li>• a full description of the development, including: <ul style="list-style-type: none"> <li>○ regional geology including a supporting map, the resource to be extracted, demonstrating efficient resource recovery within environmental constraints;</li> <li>○ details of the ore and waste rock, including mineralogy and deleterious elements and evidence of geological and grade (or quality) continuity of mineralisation in the deposit;</li> </ul> </li> </ul>

- the mine layout and scheduling;
- minerals processing and average and maximum annual production rates;
- details of construction, operation and decommissioning, including any proposed staging of the project or refurbishing of infrastructure over time;
- all components, infrastructure, materials, plant and equipment and activities (including any infrastructure that would be required for the development, but the subject of a separate approvals process); and
- the likely interactions between the development and any other existing, approved or proposed developments in the vicinity of the site;
- site plans and maps at an adequate scale showing:
  - the location of project components;
  - existing infrastructure, land use, and environmental features in the vicinity of the project (including any other existing, approved or proposed infrastructure in the region); and
  - key environmental constraints that have been considered in the design of the project;
- a waste (overburden, tailings, etc.) management strategy;
- a water management strategy;
- a mine closure and rehabilitation strategy, including details of the progressive rehabilitation of the site;
- a general description of any infrastructure that would be required for, or linked to, the project that is the subject of a separate approval process;
- a strategic justification for the project;
- details of the approvals that must be obtained before the development may commence;
- the terms of any proposed voluntary planning agreement with the relevant local council;
- an assessment of the likely impacts of the development on the environment, focusing on the specific issues identified below, including:
  - a description of the existing environment likely to be affected by the development, using sufficient baseline data;
  - an assessment of the likely impacts of all stages of the development, including consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed), taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice;
  - a description of the measures that would be implemented to avoid, mitigate and/or offset residual impacts of the development, including incident management procedures, and the likely effectiveness of these measures, and an assessment of:
    - whether these measures are consistent with industry best practice, and represent the full range of reasonable and feasible mitigation measures that could be implemented;
    - the likely effectiveness of these measures, including performance measures where relevant; and

	<ul style="list-style-type: none"> <li>▪ whether contingency plans would be necessary to manage any residual risks; and</li> <li>○ a description of the measures that would be implemented to monitor and report on the environmental performance of the development if it is approved;</li> <li>• a consolidated summary of the proposed environmental management and monitoring measures;</li> <li>• consideration of the development against all relevant environmental planning instruments (including Part 3 of the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>);</li> <li>• an evaluation of the development as a whole, having regard to: <ul style="list-style-type: none"> <li>○ the requirements in Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>, including ecologically sustainable development;</li> <li>○ the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses and significant mineral resources;</li> <li>○ the strategic need and justification for the development, having regard to the relevant NSW and national policies and guidelines;</li> <li>○ feasible alternatives to the development (and its key components), including the consequences of not carrying out the project; and</li> <li>○ the biophysical, economic and social costs and benefits of the development;</li> </ul> </li> <li>• a signed statement from the author of the EIS, certifying that the information contained within the document is neither false nor misleading.</li> </ul> <p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> <li>• a detailed calculation of the capital investment value (CIV) of the proposal (as defined in clause 3 of the Regulation), including details of all assumptions and components from which the CIV calculation is derived. The report must be prepared on company letterhead and indicate applicable GST component of the CIV;</li> <li>• an estimate of jobs that will be created during the construction and operational phases of the proposed infrastructure; and</li> <li>• certification that the information provided is accurate at the date of preparation</li> </ul>
<b>Key issues</b>	<p>The EIS must address the following specific issues with the level of assessment of likely impacts proportionate to the significance of, or degree, of impact on, the issue, within the context of the project location and the surrounding environment and having regard to applicable NSW Government policies and guidelines.</p> <ul style="list-style-type: none"> <li>• <b>Land and Soils</b> – including an assessment of: <ul style="list-style-type: none"> <li>- the likely impacts of the development on the soils and land capability of the site and surrounds, paying particular attention to any Biophysical Strategic Agricultural Land (BSAL) and having regard to the Mining and Petroleum Gateway Panel's requirements (see <b>Attachment 2</b>, Conditional Gateway Certificate), and a description of the mitigation and</li> </ul> </li> </ul>

management measures to prevent, control or minimise impacts of the development;

- the likely agricultural impacts of the development, including identification of any strategic agricultural land, documented in an Agricultural Impact Statement;
- the likely impact of the development on landforms (topography), including the long-term geotechnical stability of any new landforms on site; and
- the compatibility of the development with other land uses in the vicinity of the development in accordance with the requirements of Clause 12 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, paying particular attention to the agricultural land use in the region;

- **Subsidence** – including an assessment of the likely conventional and non-conventional subsidence effects, and the potential consequences of these effects and impacts on the natural and built environment, having regard to the Mining and Petroleum Gateway Panel's requirements (see **Attachment 2**, Conditional Gateway Certificate) paying particular attention to features that are considered to have significant economic, social, cultural or environmental value, and taking into consideration:

- details of the long-term monitoring and management of the geomorphic landform waste rock dumps;
- recorded regional and historic subsidence levels, impacts and environmental consequences;
- geotechnical assessment that supports mining methods and mine design;
- the potential extent of fracturing of the strata above the underground mine; and
- the implementation of a comprehensive subsidence monitoring program;

- **Water** – including:

- an assessment of the likely impacts of the development on the quantity and quality of surface, and groundwater resources, having regard to the *NSW Aquifer Interference Policy*, and the Mining and Petroleum Gateway Panel's requirements (see **Attachment 2**, Conditional Gateway Certificate);
- an assessment of the hydrological characteristics of the site and downstream;
- an assessment of the likely impacts of the development on aquifers, watercourses, riparian land, water-related infrastructure and systems and other water users, including impacts to water supply from dams, and riparian and licensed water users;
- a detailed site water balance, including a description of site water demands, water disposal methods (inclusive of volume and frequency of any water discharges), water supply and transfer infrastructure and water storage structures, and measures to minimise water use;
- demonstration that water for the construction and operation of the



development, for the life of the project, can be obtained from an appropriately authorised and reliable supply in accordance with the operating rules of any relevant *Water Sharing Plan* (WSP), and include an assessment of the current market depth where water entitlement is required to be purchased;

- a description of the measures proposed, including monitoring activities and methodologies, to ensure the development can operate in accordance with the requirements of any relevant WSP or water source embargo;
- a detailed description of the proposed water management system (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts;
- a description of construction erosion and sediment controls, how the impacts of the development on areas of erosion, salinity or acid-sulphate risk, steep gradient land or erodible soils types would be managed and any contingency requirements to address residual impacts; and
- an assessment of the potential flooding impacts of the project;

- **Noise, Vibration and Blasting** – including:

- an assessment of the likely construction and operational noise impacts of the development in accordance with the *Noise Policy for Industry NSW*, and the *Voluntary Land Acquisition and Mitigation Policy*;
- if a claim is made for specific construction noise criteria for certain activities, then this claim must be justified and accompanied by an assessment of the likely construction noise impacts of these activities in accordance with the *Interim Construction Noise Guideline* ;
- an assessment of the likely road noise impacts of the development in accordance with the *NSW Road Noise Policy*; and
- an assessment of the likely blasting impacts of the development on people, animals, buildings and infrastructure, and significant natural features, having regard to the relevant ANZECC guidelines;

- **Air Quality** – including:

- an assessment of the likely air quality impacts of the development, including cumulative impacts from nearby developments, in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (2016), and having regard to the NSW Government's *Voluntary Land Acquisition and Mitigation Policy*;
- demonstrated ability to comply with the relevant regulatory framework, specifically the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Clean Air) Regulation 2010*;
- an assessment of the likely greenhouse gas impacts of the development; and
- a description of the feasibility of measures that would be implemented to monitor and report on the emissions (including fugitive dust and

greenhouse gases) of the development;

- **Biodiversity** – including:

- an assessment of the biodiversity values and the likely biodiversity impacts of the development throughout its life, and impacts on biodiversity values in the region, in accordance with Section 7.9 of the *Biodiversity Conservation Act 2016* (NSW), the *Biodiversity Assessment Method* (BAM 2020) and documented in a Biodiversity Development Assessment Report (BDAR); and
- the BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM;

- **Heritage** – including:

- an assessment of the likely Aboriginal and historic heritage (cultural and archaeological) impacts of the development, including adequate consultation with Aboriginal stakeholders having regard to the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010), and documented in an Aboriginal Cultural Heritage Assessment Report (ACHAR) including the significance of cultural heritage values for Aboriginal people who have a cultural association with the land;
- include results of a surface survey (and test excavations, if required) undertaken by a qualified archaeologist to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record; and
- demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes, including mitigation measures and procedures for accidental finds at any stage of the project; and
- an assessment of the impact on historic heritage in accordance with the *NSW Heritage Manual*, including heritage conservation areas and State and local heritage items within and near the site, and detailed mitigation measures to offset potential impacts on Heritage values;

- **Traffic and Transport** – including an assessment of:

- the likely traffic and transport impacts of the development on the capacity, condition, safety and efficiency of the road and rail network and any cumulative impacts of other developments in the locality, documented in an Integrated Transport Assessment, including:
  - the site access routes (including Newell Highway and Kyalite Road, and associated intersections with Back Tomingley West Road, McNivens Lane and Kyalite Road overpass) and site access points in accordance with the *Roads Act 1993*; and
  - a description of the measures that would be implemented to mitigate and / or manage potential traffic impacts including a schedule of all required road upgrades, road maintenance contributions, management of oversized and over mass traffic and other traffic control measures, developed in consultation with the relevant road authority;

- details of design requirements for the realignment of the Newell Highway and Kyalite Road including associated plans and proposed flood protection of the realigned roads;
- **Hazards and Risks** – including:
  - a Preliminary Hazard Analysis (PHA), covering an assessment of the likely risks to public safety, paying particular attention to potential geochemical and bushfire risks, and storage, handling, transport and use of any dangerous goods associated with the development;
  - consideration of all findings from the PHA and Final Hazard Analysis prepared for the MP 09\_0155 development consent; and
  - on-going maintenance and safety management of the project, including potential impacts on and from bushfires and floods;
- **Visual** – including an assessment of:
  - the likely visual and landscape impacts of the development on private land in the vicinity of the development and key vantage points in the public domain, paying particular attention to any temporary and permanent modification of the landscape (e.g. overburden dumps, bunds, tailings facilities), and
  - the lighting impacts of the development, including impacts on Siding Spring Observatory in accordance with the *Dark Sky Planning Guideline*;
- **Waste Management** – including:
  - identification of all waste types that will be generated during construction and operation, their classification and the ways in which they can be legally handled, stored, transported, reused, recycled or disposed of, including sampling/monitoring, record keeping, waste tracking, contingency measures and any other verification practice, in accordance with relevant guidelines/standards;
  - identify strategies for waste minimisations during construction and operation;
  - a tailings risk assessment based on the tailings composition and identification, quantification and classification of the potential waste streams likely to be generated during construction and operation, including and not limited to non-production wastes, reagent materials and cyanide compounds; and
  - description of the measures to be implemented to store, manage, reuse, recycle and safely dispose of these materials including and not limited to operational water by-products, adequate spill detection and clean up systems, suitable locations for disposal or reuse of spoil generated during construction;
- **Closure, Rehabilitation and Final Landform** – including a Rehabilitation Strategy providing:
  - details of the long-term monitoring and management of the geomorphic landform waste rock dumps, having regard to the Mining and Petroleum Gateway Panel's requirements (see **Attachment 2**, Conditional

	<p>Gateway Certificate);</p> <ul style="list-style-type: none"> <li>- a detailed overview of the final land-use and final landform, rehabilitation objectives and closure criteria for the development, including the conceptual final landform design; and</li> <li>- identification and discussion of opportunities to improve rehabilitation and environmental outcomes for existing disturbed areas within the project site, and barriers or limitations to effective rehabilitation; and</li> </ul> <ul style="list-style-type: none"> <li>• <b>Socio-Economic</b> – including an assessment of: <ul style="list-style-type: none"> <li>- the social impacts of the project, prepared in accordance with the <i>Social Impact Assessment Guideline for State Significant Mining, Petroleum Production and Extractive Industry Development (2017)</i> (note that the Department's <i>Social Impact Assessment Guideline For State Significant Developments</i> July 2021 may apply, subject to transitional arrangements), including the likely impacts of the development on the local community, cumulative impacts (considering other mining developments in the locality), and consideration of construction and operational workforce accommodation;</li> <li>- the likely economic impacts of the development, paying particular attention to: <ul style="list-style-type: none"> <li>○ the significance of the resource;</li> <li>○ economic benefits of the project for the State and region;</li> <li>○ the demand for the provision of local infrastructure and services; and</li> <li>○ a Voluntary Planning Agreement in relation to the demand for the provision of local infrastructure and services.</li> </ul> </li> </ul> </li> </ul>
<b>Plans and Documents</b>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include high quality files of maps and figures of the subject site and proposal.</p>
<b>Engagement</b>	<p>During the preparation of the EIS, you must consult with relevant local, State and Commonwealth Government authorities including the Director of Siding Spring Observatory, infrastructure and service providers, the Tomingley Community Consultative Committee, community groups, Registered Aboriginal Parties (RAPs), affected landowners, and holders of existing mining and exploration authorities.</p> <p>The EIS must describe the consultation process and the issues raised and identify where the design of the infrastructure has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p> <p>The EIS must detail the engagement undertaken and demonstrate how it was consistent with the <i>Undertaking Engagement Guide: Guidance for State Significant Projects</i>. The EIS must detail how issues raised and feedback provided have been considered and responded to in the project.</p>

<b>Expiry Date</b>	If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, your SEARs will expire. If an extension to these SEARs will be required, please consult with the Planning Secretary 3 months prior to the expiry date.
<b>References</b>	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, <b>Attachment 1</b> contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal. In the event of any guidelines being updated, the latest version must be applied, subject to any transitional arrangements and subject to timing of lodgement of the EIS.

## Attachment 1

### Environmental Planning Instruments, Policies, Guidelines & Plans

Please also refer to the Department's Policies and Guidelines including strategic plans and guidelines at:

<https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines>

Land and Contamination	
	Australian Soil and Land Survey Handbook (CSIRO)
	Guidelines for Surveying Soil and Land Resources (CSIRO)
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)
	Contaminated Sites Sampling Design Guidelines 1995 (EPA)
	Soil and Landscape Issues in Environmental Impact Assessment (DPI)
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
	National Environment Protection (Assessment of Site Contamination) Measure 1999 (with amendment April 2013)
	The land and soil capability assessment scheme: second approximation (OEH)
	<i>Strategic Regional Land Use Policy – Interim Protocol for Site Verification and Mapping of Biophysical Strategic Agricultural Land</i> (NSW Government, 2013)
Water	
Water Sharing Plans	Relevant Water Sharing Plans
Groundwater	NSW State Groundwater Policy Framework Document and component policies (DPI)
	NSW State Groundwater Quality Protection Policy (DPI)
	NSW State Groundwater Quantity Management Policy (DPI)
	NSW Aquifer Interference Policy 2012 (DPI)
	Australian Groundwater Modelling Guidelines 2012 (Commonwealth)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	Guidelines for the Assessment & Management of Groundwater Contamination (EPA)
Surface Water	NSW State Rivers and Estuary Policy (DPI Water)
	NSW Government Water Quality and River Flow Objectives at <a href="http://www.environment.nsw.gov.au/ieo/">http://www.environment.nsw.gov.au/ieo/</a>
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC, 2006)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW

	(EPA)
	Managing Urban Stormwater: Soils & Construction (Landcom) and associated Volume 2E: Mines and Quarries (DECC)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control (EPA)
	Technical Guidelines: Bunding & Spill Management (EPA)
	A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
	NSW Guidelines for Controlled Activities (NOW)
Flooding	Floodplain Development Manual (OEH)
	Floodplain Risk Management Guideline (OEH)
<b>Biodiversity</b>	
	Biodiversity Assessment Method (OEH)
	Threatened Species Assessment Survey and Guidelines (various - OEH)
	Biosecurity Act 2015
	Policy and Guidelines for Fish Habitat Conservation and Management (DPI)
	NSW State Groundwater Dependent Ecosystem Policy (DPI Water)
	Risk Assessment Guidelines for Groundwater Dependent Ecosystems (DPI Water)
	NSW Biodiversity Offsets Policy for Major Projects, Fact Sheet: Aquatic Biodiversity
<b>Heritage</b>	
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
	Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW)
	Code of Practice for Archaeological Investigations of Objects in NSW (DECCW)
	Guide to investigating, assessing and reporting on aboriginal cultural heritage in NSW (OEH)
	Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW)
	Assessing Heritage Significance (NSW Heritage Office, 2001)
	Statements of Heritage Impact (Heritage Office and Department of Urban Affairs and Planning, 2002)
	NSW Heritage Manual (OEH)
<b>Noise, Vibration and Blasting</b>	
	Voluntary Land Acquisition and Mitigation Policy: For State Significant Mining, Petroleum and Extractive Industry Developments (DPE)
	NSW Noise Policy for Industry (EPA)
	Interim Construction Noise Guideline (EPA) or Construction Noise Guideline (EPA) – currently draft only – application subject to any transitional arrangements
	NSW Road Noise Policy (EPA)
	Environmental Noise Management – Assessing Vibration: a Technical Guideline (DEC)
	Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (ANZECC)
<b>Air Quality</b>	
	Voluntary Land Acquisition and Mitigation Policy: For State Significant Mining, Petroleum and Extractive Industry Developments (DPE)
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW

	(EPA, 2016)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)
	National Greenhouse Accounts Factors (Commonwealth)
<b>Lighting and Visual</b>	
	AS4282-1997 Control of the obtrusive effects of outdoor lighting
	Dark Sky Planning Guideline: Protecting the observing conditions at Siding Spring (DPE)
<b>Transport</b>	
	Guide to Traffic Generating Developments (RTA)
	Road Design Guide (RMS) & relevant Austroads Standards
	Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development and RMS Supplements to Austroads
<b>Hazards and Risks</b>	
	Australian Dangerous Goods Code
	Australian Standard 4452 Storage and Handling of Toxic Substances
	Hazardous and Offensive Development Application Guidelines – Applying SEPP 33
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
	Multi-level Risk Assessment (DPI, 2011)
<b>Socio-Economic</b>	
	Social Impact Assessment Guideline: For State Significant Mining, Petroleum Production and Extractive Industry Development (DPE) or SIA new guidelines issued by the Department of Planning, Industry and Environment and applied subject to transitional arrangements.
<b>Resource</b>	
	Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves 2012 (JORC)
<b>Waste</b>	
	Waste Classification Guidelines (EPA)
	Protection of the Environment Operations (Waste) Regulation 2014
	Environmental Guidelines: Solid Waste Landfills (EPA)
	Tailings Management – Leading Practice Sustainable Development Program for the Mining Industry (Australian Government)
<b>Rehabilitation</b>	
	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)
	Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)
	Strategic Framework for Mine Closure (ANZMEC-MCA)
	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth)
	Integrated Mine Closure: Good Practice Guide (ICMM, 2019)
	Guidelines on Tailings Dams – Planning, Design, Construction, Operation and Closure – Revision 1 (ANCOLD, July 2019)
<b>Environmental Planning Instruments</b>	
	State Environmental Planning Policy (Mining, Petroleum Production and Extractive



Industries) 2007

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State Environmental Planning Policy (State and Regional Development) 2011

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State Environmental Planning Policy (Infrastructure) 2007

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State Environmental Planning Policy (Rural Lands) 2008

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State Environmental Planning Policy No. 55 – Remediation of Land

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State Environmental Planning Policy No 33 – Hazardous and Offensive  
Development

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Narromine Local Environmental Plan 2011

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## HERITAGE NSW – Aboriginal Cultural Heritage - SEARs

**Project Name:** Tomingley Gold extension Project

**SSD#:** 9176045

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1. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the [Code of Practice for Archaeological Investigation in NSW](#) (DECCW 2010), and be guided by the [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales](#) (OEH 2011).
2. Consultation with Aboriginal people must be undertaken and documented in accordance with the [Aboriginal Cultural Heritage Consultation Requirements for Proponents](#) (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
3. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to Heritage NSW.
4. The assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR.
5. The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts.
6. The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.

**NOTE:** The process described in the *Due Diligence Code of Practice for the protection of Aboriginal objects in NSW* (DECCW 2010) is not sufficient to assess the impacts on Aboriginal cultural heritage of Major Projects.

Our ref: DOC21/553822

Sender's ref: SSD 9176045

Ms Emily Murray  
Environmental Assessment Officer  
Resources Assessments  
[Emily.Murray@planning.nsw.gov.au](mailto:Emily.Murray@planning.nsw.gov.au)

Dear Emily,

**Tomingley Gold Extension Project, Advice of SEARs**

I refer to your email dated 22 June 2021 seeking input for the Department of Planning, Industry and Environment Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Assessment (EIS) for the proposed Tomingley Gold Extension Project (SSD 9176045).

The Biodiversity, Conservation and Science Directorate (BCS) has considered your request and provides SEARs for the proposed development in **Attachments A** and **B**.

BCS recommends the EIS needs to appropriately address the following:

1. Biodiversity and offsetting
2. Water and soils
3. Flooding.

If you have any questions about this advice, please do not hesitate to contact Rowan Murphy, Senior Conservation Planning Officer, via [rowan.murphy@environment.nsw.gov.au](mailto:rowan.murphy@environment.nsw.gov.au) or (02) 6883 5347.

Yours sincerely,



**Samantha Wynn**  
**Senior Team Leader Planning North West**  
**Biodiversity, Conservation and Science Directorate**

6 July 2021

Attachment A - Environmental Assessment Requirements

Attachment B - Guidance Material

## Standard Environmental Assessment Requirements

BCS	Biodiversity, Conservation and Science Directorate of the NSW Department of Planning, Industry and Environment, formerly OEH
The Department	NSW Department of Planning, Industry and Environment
NPWS	National Parks and Wildlife Service

<b>Biodiversity</b>	
<ol style="list-style-type: none"> <li>1. Biodiversity impacts related to the proposed development are to be assessed in accordance with <a href="#">Section 7.9 of the Biodiversity Conservation Act 2016</a>, the <a href="#">Biodiversity Assessment Method</a>, and documented in a <a href="#">Biodiversity Development Assessment Report (BDAR)</a>. The BDAR must include information in the form detailed in the <i>Biodiversity Conservation Act 2016</i> (s6.12), <i>Biodiversity Conservation Regulation 2017</i> (s6.8) and <a href="#">Biodiversity Assessment Method</a>, unless the Department determines that the proposed development is not likely to have any significant impacts on biodiversity values.</li> <li>2. The BDAR must document the application of the avoid, minimise, and offset framework; including assessing all direct, indirect, and prescribed impacts in accordance with the <a href="#">Biodiversity Assessment Method</a>.</li> <li>3. The BDAR must include details of the measures proposed to address the offset obligation as follows: <ol style="list-style-type: none"> <li>a. The total number and classes of biodiversity credits required to be retired for the development/project;</li> <li>b. The number and classes of like-for-like biodiversity credits proposed to be retired;</li> <li>c. The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;</li> <li>d. Any proposal to fund a <a href="#">biodiversity conservation action</a>;</li> <li>e. Any proposal to conduct ecological rehabilitation (if a mining project);</li> <li>f. Any proposal to make a payment to the Biodiversity Conservation Fund.</li> </ol> <p>If seeking approval to use the variation rules, the BDAR must contain details of the <a href="#">reasonable steps</a> that have been taken to obtain requisite like-for-like biodiversity credits.</p> </li> <li>4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM.</li> <li>5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the <i>Biodiversity Conservation Act 2016</i>.</li> </ol>	
<b>Water and soils</b>	
<ol style="list-style-type: none"> <li>6. The EIS must map the following features relevant to water and soils including: <ol style="list-style-type: none"> <li>a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map);</li> <li>b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method);</li> <li>c. Wetlands as described in s4.2 of the Biodiversity Assessment Method;</li> <li>d. Groundwater;</li> </ol> </li> </ol>	

<ul style="list-style-type: none"> <li>e. Groundwater dependent ecosystems;</li> <li>f. Proposed intake and discharge locations.</li> </ul>
<p>7. The EIS must describe background conditions for any water resource likely to be affected by the development, including:</p> <ul style="list-style-type: none"> <li>a. Existing surface and groundwater;</li> <li>b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations;</li> <li>c. Water Quality Objectives (<a href="#">as endorsed by the NSW Government</a>) including groundwater as appropriate that represent the community's uses and values for the receiving waters;</li> <li>d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the <a href="#">ANZECC (2000) Guidelines for Fresh and Marine Water Quality</a> and/or local objectives, criteria or targets endorsed by the NSW Government;</li> <li>e. <a href="#">Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</a>.</li> </ul>
<p>8. The EIS must assess the impacts of the development on water quality, including:</p> <ul style="list-style-type: none"> <li>a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction;</li> <li>b. Identification of proposed monitoring of water quality.</li> </ul>
<p>9. The EIS must assess the impact of the development on hydrology, including:</p> <ul style="list-style-type: none"> <li>a. Water balance including quantity, quality and source;</li> <li>b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas;</li> <li>c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems;</li> <li>d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches);</li> <li>e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water;</li> <li>f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options;</li> <li>g. Identification of proposed monitoring of hydrological attributes.</li> </ul>
<p><b>Flooding</b></p>
<p>10. The EIS must map the following features relevant to flooding as described in the <a href="#">Floodplain Development Manual 2005</a> including:</p> <ul style="list-style-type: none"> <li>a. Flood prone land;</li> <li>b. Flood planning area, the area below the flood planning level;</li> <li>c. Hydraulic categorisation (floodways and flood storage areas);</li> <li>d. Flood hazard.</li> </ul>
<p>11. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance</p>

Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event.
<p>12. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:</p> <ul style="list-style-type: none"> <li>a. Current flood behaviour for a range of design events as identified in 14 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.</li> </ul>
<p>13. Modelling in the EIS must consider and document:</p> <ul style="list-style-type: none"> <li>a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies;</li> <li>b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood;</li> <li>c. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories;</li> <li>d. Relevant provisions of the NSW <a href="#">Floodplain Development Manual 2005</a>.</li> </ul>
<p>14. The EIS must assess the impacts on the proposed development on flood behaviour, including:</p> <ul style="list-style-type: none"> <li>a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure;</li> <li>b. Consistency with Council floodplain risk management plans;</li> <li>c. Consistency with any Rural Floodplain Management Plans;</li> <li>d. Compatibility with the flood hazard of the land;</li> <li>e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land;</li> <li>f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site;</li> <li>g. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses;</li> <li>h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council;</li> <li>i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council;</li> <li>j. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES;</li> <li>k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.</li> </ul>

## Guidance Material

Title	Web address
<b><u>Relevant Legislation</u></b>	
<i>Biodiversity Conservation Act 2016</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-2016-063">https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-2016-063</a>
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	<a href="https://www.legislation.gov.au/Details/C2014C00140/Download">https://www.legislation.gov.au/Details/C2014C00140/Download</a>
<i>Environmental Planning and Assessment Act 1979</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-1979-203">https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-1979-203</a>
<i>Fisheries Management Act 1994</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-1994-038">https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-1994-038</a>
<i>National Parks and Wildlife Act 1974</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-1974-080">https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-1974-080</a>
<i>Protection of the Environment Operations Act 1997</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-1997-156">https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-1997-156</a>
<i>Water Management Act 2000</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-2000-092">https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-2000-092</a>
<i>Wilderness Act 1987</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-1987-196">https://www.legislation.nsw.gov.au/view/html/inforce/curr/act-1987-196</a>
<b><u>Biodiversity</u></b>	
Biodiversity Assessment Method (OEH, 2020)	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020">https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020</a>
BAM 2020 Operational Manual Stage 1	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-manual-2020-operational-manual-stage-1">https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-manual-2020-operational-manual-stage-1</a>
BAM Operational Manual Stage 2	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-operational-manual-stage-2">https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-operational-manual-stage-2</a>
BAM 2020 Operational Manual Stage 3	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-operational-manual-stage-3">https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-operational-manual-stage-3</a>
BAM Calculator User Guide	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-user-guide">https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-user-guide</a>
Serious and irreversible impacts of development on biodiversity	<a href="https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/serious-and-irreversible-impacts">https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/serious-and-irreversible-impacts</a>
Practice Note - Guidance for assessors and decision makers in applying modified benchmarks to assessments of vegetation integrity: Biodiversity Assessment Method	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-assessors-decision-makers-applying-modified-benchmarks-to-assessments-vegetation-integrity">https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-assessors-decision-makers-applying-modified-benchmarks-to-assessments-vegetation-integrity</a>
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-</a>



Title	Web address
	<a href="#">plants/Biodiversity/guidance-decision-makers-determine-serious-irreversible-impact-190511.pdf</a>
Accreditation Scheme for Application of the Biodiversity Assessment Method Order 2017	<a href="https://www.legislation.nsw.gov.au/view/pdf/asmade/sl-2017-471">https://www.legislation.nsw.gov.au/view/pdf/asmade/sl-2017-471</a>
Ancillary rules: Biodiversity conservation actions	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-biodiversity-conservation-actions-170496.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-biodiversity-conservation-actions-170496.pdf</a>
Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-reasonable-steps-like-for-like-biodiversity-credits-170498.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-reasonable-steps-like-for-like-biodiversity-credits-170498.pdf</a>
Ancillary rules: Impacts on threatened species and ecological communities excluded from application of variation rules	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-impacts-on-threatened-entities-excluded-from-variation-170497.pdf?la=en&amp;hash=C38840BFF49F012433532DF72E3D90C741E4DAC1">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-impacts-on-threatened-entities-excluded-from-variation-170497.pdf?la=en&amp;hash=C38840BFF49F012433532DF72E3D90C741E4DAC1</a>
The Department's Threatened Species Website	<a href="https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species">https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species</a>
NSW BioNet (Atlas of NSW Wildlife)	<a href="http://www.bionet.nsw.gov.au/">www.bionet.nsw.gov.au/</a>
Surveying Threatened Plants and their Habitats - NSW Survey Guide For The Biodiversity Assessment Method (DPIE 2020).	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method">https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method</a>
Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - November 2004	<a href="https://www.environment.nsw.gov.au/surveys/BiodiversitySurveyGuidelinesDraft.htm">https://www.environment.nsw.gov.au/surveys/BiodiversitySurveyGuidelinesDraft.htm</a>
Threatened species survey and assessment guidelines: field survey methods for fauna – amphibians	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-species-field-survey-methods-for-fauna-amphibians">https://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-species-field-survey-methods-for-fauna-amphibians</a>
NSW Survey Guide for Threatened Frogs	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-survey-guide-for-threatened-frogs">https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-survey-guide-for-threatened-frogs</a>
Surveying 'species credit' threatened bats and their habitats – NSW survey guide for the Biodiversity Assessment Method	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/species-credit-threatened-bats-nsw-survey-guide-for-biodiversity-assessment-method">https://www.environment.nsw.gov.au/research-and-publications/publications-search/species-credit-threatened-bats-nsw-survey-guide-for-biodiversity-assessment-method</a>
Bat calls of NSW - region-based guide to the echolocation calls of Microchiropteran bats	<a href="https://www.environment.nsw.gov.au/surveys/Batcalls.htm">https://www.environment.nsw.gov.au/surveys/Batcalls.htm</a>
Community Biodiversity Survey Manual	<a href="https://www.environment.nsw.gov.au/surveys/CommunityBiodiversitySurveyManual.htm">https://www.environment.nsw.gov.au/surveys/CommunityBiodiversitySurveyManual.htm</a>
BioNet Vegetation Classification - NSW Plant Community Type (PCT) database	<a href="http://www.environment.nsw.gov.au/research/VegetationInformationsystem.htm">www.environment.nsw.gov.au/research/VegetationInformationsystem.htm</a>
The Departments Data Portal (access to online spatial data)	<a href="http://data.environment.nsw.gov.au/">http://data.environment.nsw.gov.au/</a>



Title	Web address
Fisheries NSW policies and guidelines	<a href="https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation">https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation</a>
List of national parks	<a href="https://www.nationalparks.nsw.gov.au/conservation-and-heritage/national-parks">https://www.nationalparks.nsw.gov.au/conservation-and-heritage/national-parks</a>
Revocation, recategorisation and road adjustment policy (OEH, 2012)	<a href="https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment">https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment</a>
Guidelines for consent and planning authorities for Developments adjacent to National Parks and Wildlife Service Land (NPWS, 2020)	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/developments-adjacent-npws-lands-200362.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/developments-adjacent-npws-lands-200362.pdf</a>
<b><u>Water and Soils</u></b>	
<b>Acid sulphate soils</b>	
Acid Sulfate Soils Planning Maps via Data.NSW	<a href="https://data.nsw.gov.au/data/dataset/acid-sulphate-soils-ass-planning-maps">https://data.nsw.gov.au/data/dataset/acid-sulphate-soils-ass-planning-maps</a>
Acid Sulfate Soils Manual (Stone et al. 1998)	<a href="https://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf">https://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf</a>
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	<a href="http://www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf">http://www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf</a> This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
<b>Flooding</b>	
Floodplain development manual	<a href="https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-manual">https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-manual</a>
Floodplain Risk Management Guidelines	<a href="http://www.environment.nsw.gov.au/topics/water/coasts-and-floodplains/floodplains/floodplain-guidelines">http://www.environment.nsw.gov.au/topics/water/coasts-and-floodplains/floodplains/floodplain-guidelines</a>
NSW Climate Impact Profile	<a href="http://climatechange.environment.nsw.gov.au/">http://climatechange.environment.nsw.gov.au/</a>
Climate Change Impacts and Risk Management	<a href="https://www.environment.gov.au/climate-change/adaptation/publications/climate-change-impact-risk-management">https://www.environment.gov.au/climate-change/adaptation/publications/climate-change-impact-risk-management</a>
<b>Water</b>	
Water Quality Objectives	<a href="http://www.environment.nsw.gov.au/ieo/index.htm">http://www.environment.nsw.gov.au/ieo/index.htm</a>
ANZECC & ARMCANZ (2000) Water Quality Guidelines	<a href="https://www.waterquality.gov.au/anz-guidelines/resources/previous-guidelines/anzecc-armcanz-2000">https://www.waterquality.gov.au/anz-guidelines/resources/previous-guidelines/anzecc-armcanz-2000</a>
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	<a href="http://deccnet/water/resources/AWQGuidance7.pdf">http://deccnet/water/resources/AWQGuidance7.pdf</a>
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	<a href="http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf">http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf</a>

### Tomingley Gold Extension Project

The Department of Planning, Industry and Environment – Crown Lands have reviewed the proposal.

Crown Lands notes that Directions 13 and 16 will use environmental offsets for any residual disturbance to native vegetation on Crown land within the proposal.

One Crown land lot, Lot 7003 DP 1020605, part of Reserve 71486 for Resting Place, is affected by an undetermined Aboriginal Land Claim. Until the claim is determined, Crown Lands will generally not authorise any dealing in land affected by an Aboriginal Land Claim. Further information regarding Aboriginal Land Claims can be found on Crown Lands' website - <https://www.industry.nsw.gov.au/lands/what-we-do/our-work/aboriginal-land-claims> or by reading the Aboriginal Land Claims Fact Sheet - [https://www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0009/149868/information-for-crown-land-tenants.pdf](https://www.industry.nsw.gov.au/_data/assets/pdf_file/0009/149868/information-for-crown-land-tenants.pdf).

It is also noted that the Proponent is in the process of having all associated Crown land licences and permits transferred to them, regarding Crown land and Crown roads within the proposal area. Crown Lands notes that the Proponent has applied to purchase the affected Crown roads within the proposal footprint. As such Crown Lands has no further comments regarding Crown roads within the proposal footprint.

Crown Lands would also like to advise that any Crown land, roads or waterways affected by the proposal will need to have a Consent Agreement, Access Agreement and/or Compensation Agreement in place, under the *Mining Act 1992*, where appropriate, prior to the Crown Estate being impacted by mining activity.

Please contact myself, Kirstyn Goulding, Administration Customer Liaison Officer in Crown Lands, in the first instance, if further information is required. I can be contacted on 4920 5058 or at [lands.ministerials@dpie.nsw.gov.au](mailto:lands.ministerials@dpie.nsw.gov.au).

Yours sincerely



**Kirstyn Goulding**  
**Administration Customer Liaison Officer**  
T 02 4920 5058 | E [lands.ministerials@dpie.nsw.gov.au](mailto:lands.ministerials@dpie.nsw.gov.au)

6/07/2021

Emily Murray  
Environmental Assessment Officer  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW, 2001

8/07/2021

Our ref: MP 09 0155 MOD 5

Dear Emily,

**Tomingley Gold Mine (MP09\_0155) MOD 5  
Secretary's Environmental Assessment Requirements (SEARS)**

Dams Safety NSW has reviewed the SEARS for SSD 9176045. Dams Safety NSW is specifically interested in dams and so has no comments regarding the Key Issues of Land, Subsidence, Water, Air Quality, Heritage etc covered by the SEARS document. It does have an interest in the blasting and vibrations that declared dams are subject to (requesting that they be limited to less than 50mm/s, and also requests that dams are monitored for subsidence impacts during mining. These I suspect fall outside of the scope of the SEARS and so the correct response here is that DSNSW has no comments on the SEARS for SSD 9176045. It may be the case that the limited scope of the role of DSNSW specifically to commenting on dams means that it will not have a role in commenting on Draft SEARS in the future if dams lie outside of the scope of the SEARS.

With respect to this current project the modification proposes construction of a second Residue Storage Facility (RSF2) on site to the south of the existing RSF1. RSF1 is a declared dam and as such is currently regulated under the *Dams Safety Regulation 2019*. At this stage DSNSW has not received information pertaining to the proposed dam however it is likely that once DSNSW receives a proposal to construct this dam that it will declare the dam.

The failure of a tailings dam of the nature proposed would potentially have significant impacts on the receiving environment. In the scoping document in Table 10, page 65 the applicant identifies the risk proposed by the existing and proposed dams and advocates mitigation of the risk by 'appropriate design and construction in accordance with the relevant guidelines'. This is correct but insufficient. In addition to being appropriately designed and constructed for exposure to blasts in a mining environment, tailings dams

must also be operated and maintained in accordance with the design of the dam and the relevant guidelines.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'H Middleton', with a stylized flourish at the end.

Heather Middleton  
Manager Mining Impacts – Dams Safety NSW



**Department of  
Primary Industries**

OUT21/9077

Emily Murray  
Major Projects Assessment  
Department of Planning Industry and Environment  
  
C/o Major Projects Portal

Dear Ms Murray

**New Request for Advice – Tomingley Gold Extension Project (SSD-9176045)  
(Narromine Shire)  
Public Authority Consultation (PAE-22900042)**

Thank you for your correspondence dated 22 June 2021 about Secretary's Environmental Assessment Requirements (SEARs) for the Tomingley Gold Extension Project.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend.

DPI wishes to confirm that an Agricultural Impact Statement is required. Specific guidance on satisfying the requirements for the AIS should be taken from the Department of Primary Industries, Agricultural Impact Statement Technical Notes available at: [Agricultural Impact Statement \(nsw.gov.au\)](https://www.nsw.gov.au/agricultural-impact-statement)

Additionally the Draft SEARs include the following as a guideline under land and contamination (Page 7, Attachment 1) : Primefact 1063: Infrastructure proposals on rural land (DPI). This is not relevant to this development proposal.

Should you require clarification on any of the information contained in this response, please contact Mary Kovac, Agricultural Land Use Planning Officer on 0427 949 987 or by email at [landuse.ag@dpi.nsw.gov.au](mailto:landuse.ag@dpi.nsw.gov.au)

Yours sincerely

8/7/21

**Tamara Prentice  
Manager Agricultural Land Use Planning**

OUT21/8422

Emily Murray  
Planning and Assessment Group  
NSW Department of Planning, Industry and Environment

[emily.murray@planning.nsw.gov.au](mailto:emily.murray@planning.nsw.gov.au)

Dear Ms Murray

**Tomingley Gold Extension Project (SSD-9176045)  
Comment on the Secretary's Environmental Assessment Requirements (SEARs)**

I refer to your email of 22 June 2021 to the Department of Planning, Industry and Environment (DPIE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

The following recommendations are provided by DPIE Water and NRAR.

The SEARS should include:

- The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.
- Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the Guidelines for Controlled Activities on Waterfront Land (2018) and the relevant Water Sharing Plans (available at <https://www.industry.nsw.gov.au/water>).

Any further referrals to DPIE Water and NRAR can be sent by email to [landuse.enquiries@dpie.nsw.gov.au](mailto:landuse.enquiries@dpie.nsw.gov.au), or to the following coordinating officer within DPIE Water:

Alistair Drew, Project Officer  
E: [Alistair.drew@dpie.nsw.gov.au](mailto:Alistair.drew@dpie.nsw.gov.au)  
M: 0417 626 567

Yours sincerely



Alistair Drew  
Project Officer, Assessments  
**Water – Knowledge Office**  
29 June 2021





DOC21516362-5

Department of Planning, Industry and Environment  
Returned via Major Projects Portal

Attention: Ms Emily Murray

7 July 2021

Dear Ms Murray

**Secretary's Environmental Assessment Requirements  
Tomingley Gold Extension Project (SSD-9176045)**

I refer to the request from the Department of Planning, Industry and Environment (DPIE) to the Environment Protection Authority (EPA) dated 22 June 2021 seeking the EPA's comments on the Draft Secretary's Environmental Assessment Requirements (SEARs) to assist with the preparation of an Environmental Assessment for the Tomingley Gold Extension Project (SSD-9176045) at the Tomingley Gold Mine (Proposal).

Based on the information provided, the EPA understands that the Proponent is seeking approval for:

- The development of new open cut and underground mines at the San Antonio and Roswell prospects and the upgrading of mine facilities at the existing Tomingley Gold Mine.
- The extraction and processing of up to 1.75 million tonnes of ore a year for up to 10 years.
- The realignment of the Newell Highway and Kyalite Road and associated upgrades.
- The progressive rehabilitation of mining operations across the entire mining footprint.
- The extension of operations until 2032 due to the development of the new open cut and underground mines as outlined above.
- The surrendering of the Tomingley Gold Operations Project (MP 09\_0155) development approval and consolidation of all operations into one consolidated development approval.

Environment Protection Licence 20169 (Licence) currently applies to existing mining operations. The Proponent would need to apply separately to the EPA to vary the Licence to permit expanded operations, should the Proposal be approved.

The EPA's key areas of concern for the Proposal are summarised below:

1. Emission of noise and noise mitigation.
2. Emission of air pollutants and air pollutant mitigation.
3. Protection of surface and groundwater resources.
4. Proper management of waste streams including waste rock and tailings.

The EPA has reviewed the Draft SEARs provided by DPIE and is of the opinion that they generally cover most information requirements required for the EPA to properly assess the Proposal. I have provided at **Attachment A** suggested additions to the SEARs under relevant headings and recommend their inclusion in the final SEARs.

The EPA has also provided the appropriate guidance material to be considered (but not limited too) at **Attachment B**.

It is important that all assumptions and conclusions made in the environmental assessment are supported by adequate data. The proponent should also be aware that any commitments made in the environmental assessment may be formalised as approval conditions and/or environment protection licence conditions.

If you have any questions regarding this matter, please contact Joshua Loxley on (02) 6883 5326 or by e-mail to [central.west@epa.nsw.gov.au](mailto:central.west@epa.nsw.gov.au).

Yours sincerely

**MATTHEW CORRADIN**  
**Unit Head**  
**Regulatory Operations**

Encl: **Attachment A** – EPA's Recommended Additional SEARs  
**Attachment B** – Relevant Guidance Material



## **How to use these requirements**

The EPA requirements have been structured in accordance with relevant guidelines, as follows. It is suggested that the EIS follow the same structure:

- A. Executive summary
- B. The proposal
- C. The location
- D. List of required approvals and licences
- E. Identification and prioritisation of all issues
- F. The environmental issues
- G. The mitigation measures
- H. Justification for the proposal and conclusion

The EIS should address the specific requirements outlined under each heading below and assess impacts in accordance with the relevant guidelines/standards at **Attachment B**.

**Note:** The sections below only relate to those SEARs that the EPA is recommending in addition to the Draft SEARs already provided.

## **The proposal**

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Please include the following requirements when detailing the Proposal:

- the type, the nature and size of the proposed development, including proposed average and maximum annual production rates that are expected to occur;
- the type, the nature and amount of the processes and the products to be used, including the plant and equipment proposed for use, fuel and chemicals required and proposed methods for their transportation, storage, use and their emergency management provisions, including relevant process flow diagrams; and
- the by-products produced and/or wastes produced, including the fate of such products.

## **The location**

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Please include the following requirements when detailing the location setting of the Proposal:

- meteorological data (e.g. temperature, wind (prevailing wind direction and strength), rainfall, evaporation, etc); and
- surrounding land uses, including ownership details of any residence and/or land likely to be affected by the proposed facility with appropriate maps/diagrams.

## **Identification and prioritisation of issues / scoping of impact assessment**

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Please include the requirement to undertake an environmental scoping risk assessment using appropriate risk methodology and identify and prioritise key issues.

## **The environmental issues**

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### **Air**

Please correct the reference to the approved methods to read “Approved methods for the Modelling and Assessment of Air Pollutants in NSW” (2016).

### **Water**

Please include reference to assessing and proposing relevant discharge quality limits in line with the “ANZECC Guidelines for Fresh and Marine Water Quality” (2018), NSW Water Quality and River Flow Objectives and any other relevant standards/guidelines for any proposed discharge.

Please include a requirement to identify all practical measures that can be taken to prevent any expected discharges or an explanation of why any specific discharges cannot be prevented.

### **Waste**

Please include the following requirements when detailing the proposed waste and waste management measures related to the Proposal:

- Identify all waste types that will be generated as a result of the proposed development during both construction and operation, their classification and the ways in which they will be legally handled, stored, transported, reused, recycled or disposed of, including sampling/monitoring, record keeping, waste tracking, contingency measures and any other verification practices, in accordance with relevant guidance/standards; and

- Identify options and strategies for waste minimisation; reuse and recycling across all activities and processes during both construction and operational stages.

Please note that reference to the Protection of the Environment Operations (Waste) Regulation 2014 in the context it is used is not entirely correct and should be removed from the paragraph it is embedded within.

### **Storage and use of fuels / chemicals etc**

Please include the following requirements when detailing the proposed fuels/chemical and other hazardous materials that may be used in relation to the Proposal:

- Identify all fuels/chemicals/products/dangerous goods to be stored/used onsite; and
- Identify adequate handling, storage, control and usage requirements for any fuels/chemicals/products/dangerous to be stored/used onsite.

### **Incident Management**

Please include a requirement to identify adequate incident management procedures to be established including notification requirements to the Appropriate Regulatory Authority and other relevant authorities for incidents that cause or have the potential to cause material harm to the environment (Part 5.7 of the *Protection of the Environment Operations Act 1997*).

## ATTACHMENT B – EPA’s Guidance Material (not exhaustive)

<b><u>Legislation</u></b>	
<i>Environmental Planning and Assessment Act 1979</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1979-203">https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1979-203</a>
Environmental Planning and Assessment Regulation 2000	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2000-0557">https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2000-0557</a>
<i>Protection of the Environment Operations Act 1997</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1997-156">https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1997-156</a>
Protection of the Environment Operations (Noise Control) Regulation 2017	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0449">https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0449</a>
Protection of the Environment Operations (Clean Air) Regulation 2010	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2010-0428">https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2010-0428</a>
Protection of the Environment Operations (Waste) Regulation 2014	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2014-0666">https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2014-0666</a>
<i>Waste Avoidance and Resource Recovery Act 2001</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2001-058">https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2001-058</a>
<i>Contaminated Land Management Act 1997</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1997-140">https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1997-140</a>
<b><u>Licensing</u></b>	
Licensing Requirements	<a href="https://www.epa.nsw.gov.au/licensing-and-regulation/licensing">https://www.epa.nsw.gov.au/licensing-and-regulation/licensing</a>
<b><u>Noise/Vibration</u></b>	
Interim Construction Noise Guideline (DECC, 2009)	<a href="https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/construction-noise">https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/construction-noise</a>
Assessing Vibration: a technical guideline (DEC, 2006)	<a href="https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/assessing-vibration">https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/assessing-vibration</a>
Noise Policy for Industry (2017) and Implementation and Transitional arrangements for the Noise Policy for Industry (2017)	<a href="https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)">https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)</a>
NSW Road Noise Policy (DECCW, 2011)	<a href="https://www.epa.nsw.gov.au/your-environment/noise/transport-noise">https://www.epa.nsw.gov.au/your-environment/noise/transport-noise</a>
<b><u>Air/Odour</u></b>	
Approved methods for the Modelling and Assessment of Air Pollutants in NSW (2016)	<a href="https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/modelling-assessing-air-emissions">https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/modelling-assessing-air-emissions</a>
Approved methods for the Sampling and Analysis of Air Pollutants in NSW (2007)	<a href="https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/modelling-assessing-air-emissions/approved-methods-modelling-assessing-air-pollutants">https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/modelling-assessing-air-emissions/approved-methods-modelling-assessing-air-pollutants</a>
National Environment Protection (Ambient Air Quality) Measure	<a href="http://www.nepc.gov.au/nepms/ambient-air-quality">http://www.nepc.gov.au/nepms/ambient-air-quality</a>
No EPA specific guidance material exists for the control of dust from construction sites. Consideration should be given to the POEO Act and the Local Government Air Quality Toolkit (DECC, 2007)	<a href="http://www.epa.nsw.gov.au/air/lgaqt.htm">http://www.epa.nsw.gov.au/air/lgaqt.htm</a>

Technical Framework - Assessment and Management of Odour from Stationary Sources in NSW (DEC, 2006) and Technical Notes - Assessment and Management of Odour from Stationary Sources in NSW (DEC, 2006)	<a href="https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/managing-odour/technical-framework-odour">https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/managing-odour/technical-framework-odour</a>
<b><u>Water/Soils</u></b>	
ANZECC Guidelines for Fresh and Marine Water Quality (2018)	<a href="https://www.waterquality.gov.au/guidelines/anz-fresh-marine">https://www.waterquality.gov.au/guidelines/anz-fresh-marine</a>
NSW Water Quality and River Flow Objectives	<a href="http://www.environment.nsw.gov.au/ieo/index.htm">http://www.environment.nsw.gov.au/ieo/index.htm</a>
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	<a href="http://decnet/water/resources/AWQGuidance7.pdf">http://decnet/water/resources/AWQGuidance7.pdf</a>
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	<a href="https://www.epa.nsw.gov.au/your-environment/water/policies-guidelines-and-programs">https://www.epa.nsw.gov.au/your-environment/water/policies-guidelines-and-programs</a>
Soil and Landscape Issues in Environmental Impact Assessment (DLWC 2000)	No longer online
Managing urban stormwater: soils and construction, vol. 1 (Landcom, 2004) and Addendum Publications (Various)	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/managing-urban-stormwater-soils-and-construction-volume-1-4th-edition">https://www.environment.nsw.gov.au/research-and-publications/publications-search/managing-urban-stormwater-soils-and-construction-volume-1-4th-edition</a>
Landslide Risk Management (2007)	<a href="http://www.australiangeomechanics.org/resources/downloads/">http://www.australiangeomechanics.org/resources/downloads/</a>
Site Investigations for Urban Salinity (DLWC, 2002)	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/site-investigations-for-urban-salinity">https://www.environment.nsw.gov.au/research-and-publications/publications-search/site-investigations-for-urban-salinity</a>
Dryland Salinity Resources (Various)	<a href="https://www.environment.nsw.gov.au/topics/land-and-soil/soil-degradation/salinity">https://www.environment.nsw.gov.au/topics/land-and-soil/soil-degradation/salinity</a>
<b><u>Contaminated Sites Assessment and Remediation</u></b>	
Contaminated Land – EPA website	<a href="https://www.epa.nsw.gov.au/your-environment/contaminated-land">https://www.epa.nsw.gov.au/your-environment/contaminated-land</a>
Managing land contamination: Planning Guidelines – SEPP 55 Remediation of Land	<a href="http://www.epa.nsw.gov.au/clm/planning.htm">http://www.epa.nsw.gov.au/clm/planning.htm</a>
Guidelines for the NSW Site Auditor Scheme – 3rd Edition (EPA, 2017)	<a href="https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition">https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition</a>
Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000)	<a href="https://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme">https://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme</a>
Sampling Design Guidelines (EPA, 1995)	<a href="https://www.epa.nsw.gov.au/your-environment/contaminated-land/statutory-guidelines">https://www.epa.nsw.gov.au/your-environment/contaminated-land/statutory-guidelines</a>
National Environment Protection (Assessment of Site Contamination) Measure	<a href="http://www.nepc.gov.au/nepms/assessment-site-contamination">http://www.nepc.gov.au/nepms/assessment-site-contamination</a>
<b><u>Waste</u></b>	
NSW Waste Avoidance and Resource Recovery Strategy 2014-2021	<a href="http://www.epa.nsw.gov.au/wastestrategy/warr.htm">http://www.epa.nsw.gov.au/wastestrategy/warr.htm</a>
Waste Classification Guidelines – 4 Parts (EPA, 2014)	<a href="http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm">http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm</a>

<b><u>Chemical and Fuel Storage</u></b>	
Storage and Handling of Dangerous Goods – Code of Practice (WorkCover, 2005)	<a href="http://www.safework.nsw.gov.au/_data/assets/pdf_file/0005/50729/storage-handling-dangerous-goods-1354.pdf">http://www.safework.nsw.gov.au/_data/assets/pdf_file/0005/50729/storage-handling-dangerous-goods-1354.pdf</a>



Emily Murray  
Planner  
Department of Planning Industry & Environment  
GPO BOX 404  
PARRAMATTA NSW 2124

By email: [Emily.Murray@planning.nsw.gov.au](mailto:Emily.Murray@planning.nsw.gov.au)

Dear Ms Murray

**Request for Secretary's Environmental Assessment Requirements (SEARS) for Tomingley Gold Extension Project (SSD 9176045)**

Thank you for your referral dated 22 June 2021 inviting SEARS input from the Heritage Council of NSW on the above State Significant Development proposal.

The subject site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. Further, the site does not contain any known historical archaeological relics. Therefore, no heritage comments are required. The Department does not need to refer subsequent stages of this proposal to the Heritage Council of NSW.

If you have any questions regarding the above advice, please contact Gary Hinder, A/Senior Customer Strategies Officer, at [Gary.Hinder@environment.nsw.gov.au](mailto:Gary.Hinder@environment.nsw.gov.au) or on 9873 8547.

Yours sincerely

**Anna London**  
A/Senior Team Leader Customer Strategies  
Heritage NSW  
Department of Premier and Cabinet  
**As Delegate of the Heritage Council of NSW**  
29 June 2021

## MINING, EXPLORATION & GEOSCIENCE ADVICE RESPONSE

Emily Murray  
Environmental Assessment Officer  
Planning & Assessment Group  
Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2150

emily.murray@planning.nsw.gov.au

Dear Emily,

**Project: Tomingley Gold Extension Project**  
**Stage: Secretary's Environmental Assessment Requirements (SEARs)**  
**Development Application: SSD-9176045**

I refer to your correspondence dated 22 June 2020 inviting Regional NSW – Mining, Exploration & Geoscience (MEG) to provide comments on the Tomingley Gold Extension Project (the Project) Scoping Report for SEARs submitted by Tomingley Gold Operations Pty Ltd (the Proponent).

The relevant units internal to MEG have been consulted in generating this advice. The Department of Planning, Industry and Environment – Energy, Resources & Compliance Division and the Proponent should be aware that matters concerning subsidence, subsidence management, mine operator, safety, rehabilitation and environmental impacts of final landform design are assessed by the Resources Regulator, their advice should be sought separately.

Please note that the Resources Regulator has recently joined the MEG agency, until further notice the Resources Regulator and MEG will continue to provide separate advice.

MEG has reviewed the information supplied in relation to the abovementioned Project and requires that the Project's Environmental Impact Statement (EIS) refers to and includes all requirements set out in the MEG Secretary's Environmental Assessment Requirements for the Project provided in Attachment 1 (DOC 21/515562).

For further advice concerning this matter, please contact the Assessment Coordination Unit on 02 4063 6534 or [assessment.coordination@planning.nsw.gov.au](mailto:assessment.coordination@planning.nsw.gov.au).

Yours sincerely



Adam Banister  
**A/Manager Assessment Coordination**  
**Assessments & Systems**  
**Department of Regional NSW – Mining, Exploration & Geoscience**  
7 July 2021

for  
Stephen Wills  
**Executive Director Assessments & Systems**  
**Department of Regional NSW – Mining, Exploration & Geoscience**



## Mining, Exploration & Geoscience Secretary's Environmental Assessment Requirements

for proposed significant state development applications requiring consultation  
under Schedule 2 Part 2(3) of the Environmental Planning & Assessment Regulation 2000

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<b>Project</b>	Tomingley Gold Extension Project
<b>Reference Number:</b>	DOC21/515562
<b>Issue date of SEARs:</b>	07/07/2021
<b>Type of Approval:</b>	Mining operation - <b>underground</b>
<b>Proponent:</b>	Tomingley Gold Operations Pty Ltd
<b>DA Number:</b>	SSD-9176045
<b>LGA:</b>	Narromine
<b>Mineral:</b>	Gold

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***In preparing the environmental assessment requirements concerning an application for Significant State Development, the Planning Secretary must consult relevant public authorities and have regard to the need for the requirements to assess any key issues raised by those public authorities.***

This development may require approval under the *Mining Act 1992* to be issued by the Department of Regional NSW – Mining, Exploration & Geoscience (MEG). The proponent must apply to MEG for the relevant approval (mining lease) during the development assessment process, or once consent has been granted, and before the commencement of any mining or ancillary activity.

A development application under the *Environmental Planning and Assessment Act 1979* must be approved before a mining lease can be granted. A mining lease will only be granted for activities specified in the development consent.

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### **Environmental Impact Statement (EIS) requirements for mining**

#### **1. Project description**

The Proponent is to supply a comprehensive overview and description of all aspects of the Project, including:

- (a) Location map showing the project area, mining titles, nearest town/s, major roads etc.
- (b) Status of all titles (including mining and exploration), and development consents in place and/or timeline to obtain necessary approvals.
- (c) Any relationships between the resource and existing mines or other infrastructure.
- (d) Nature of operation (e.g. underground, open cut) and ore mineral/s to be extracted.

#### **2. Geology**

The Proponent is to supply a summary of the geological components of the mineral resource, including:

- (a) A brief description of the regional geology including a supporting map.

- (b) A summary of the stratigraphic unit or units within which the resource is located and relationships or conflicts between mineralisation controls (lithology, structure, rheology, local/regional faults).
- (c) A description of the physical characteristics and dimensions of the mineral resource, with representative plans and cross-sections including each ore body/lens (if appropriate), drill holes and the area proposed for extraction. Drill logs should be included or appended.
- (d) Details of the ore and waste rock, including mineralogy and deleterious elements.
- (e) Provide evidence of geological and grade (or quality) continuity of mineralisation in the deposit including:
  - contaminants and/or ore specifications
  - model grade domains
  - independent audit of the model
  - details of assumptions that have been used for converting resources to reserves.

### **3. Mineral Resources and Ore Reserves**

The Proponent is to supply the most recent resource and reserve statement. The Proponent should also provide a summary of the mineral resource classifications and justification for each category.

- (a) Include a full and updated resource/reserve statement that has been prepared in accordance with the Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves of the Joint Ore Reserves Committee (the JORC code). It is preferred that a significant proportion of the resources are estimated to at least indicated level of confidence.

MEG understands that it may not be feasible to convert all Inferred Resources to Indicated (or higher) level of confidence. However, the Proponent needs to demonstrate that there are sufficient resources to support the majority of the initial life of mine production schedule. Any contribution from Inferred Resources to the schedule needs to be justified.

### **4. Resource extraction**

The Proponent is to supply evidence that the resource extraction is sustainable and maximised. Such evidence will include:

- (a) A summary of resources that may be sterilised or excluded, with justification.
- (b) A description of how the proposed mine plan and extraction method maximises resource recovery. Specify why the mine design has been chosen (noting other resource, design, commercial/economic constraints) and why this is the best outcome; detailing the options considered in arriving at the final landform design.
- (c) A summary of the processing and recovery methods including equipment and mining loss and dilution.
- (d) List all economic, environmental, geological, geotechnical and other constraints to the recovery of the resource/reserve impacting the Project.

## **5. Geotechnical design assessment**

The Proponent is to supply a full geotechnical assessment that supports mining methods and mine design that includes, but is not limited to:

- (a) Consideration of local geological structure and its influence on rock stability.
- (b) An analysis of ground behaviour and ground management strategies.
- (c) Description of ground support system design for static and dynamic conditions that includes performance monitoring methods.
- (d) Evaluation of stress management and quality control and support elements during mining operations.

## **6. Life of mine schedule**

The Proponent must supply a life of mine production schedule for each year of operation of the mine and for the life of the Project. The production schedule is to include:

- (a) Details of run-of-mine ore, low-grade ore-mineralised waste and waste rock tonnage planned to be extracted for each year and for the life of the Project, and an estimate of the saleable product produced for each year and the life of the Project.
- (b) In terms of text, plans or charts, the EIS must clearly show the proposed extent and sequence of the development.
- (c) Life of mine schedule should include estimates of non-acid forming (NAF) and potentially acid forming (PAF) in waste/tailings. Projections of handling and placement should be provided, including maps and diagrams. Tonnages of limestone, lime and any other material required for acid neutralisation should be included.

## **7. Project economics and target market**

The Proponent is to supply an assessment of project economics including:

- (a) Price forecasts by product type used by the Proponent. MEG requires these forecasts to analyse the Proponent's calculations of royalty value and export value.
- (b) Product tonnages split into market segment. These estimates are necessary to arrive at total revenue value and royalty calculations. Include justification for market segment based on quality parameters.
- (c) CAPEX & OPEX necessary for the Project broken down into the various sub-categories and equipment type. Include any changes that the Project will have on existing mine infrastructure and broader ex-mine infrastructure - rail, CHPP etc.
- (d) Estimates of employment generation broken down into direct, indirect, ongoing, construction and contract workers.
- (e) Total royalty generated over the life of the Project.
- (f) Relationship and interaction with other mines. Detailing the Project impacts on the existing mine and surrounding mines.
- (g) Details on derivation/analysis of Run-of-Mine (ROM) production rate; to answer why this the optimum rate.

- (h) Provide project funding source and assurance of ongoing project and operations funding from the proponent or parent. MEG is seeking the proponent's commitment to advancing this project.

MEG understands that an estimate of product split into individual market segments is difficult to estimate at a point in time and is dependent on market conditions as the life of the Project progresses, however MEG requires the Proponent to provide its best estimate of their market mix at the initial stages of the Project.

## 8. Spatial Data

The Proponent is to supply the following shapefile(s) and/or coordinates to enable MEG's internal mapping and assessment of the project:

- (a) The project/development application area(s).
- (b) Discreet features within the project area, for example mine extraction area/pit, ventilation shafts, underground entry portal/box cut, mine infrastructure area, rail loop, ancillary water storage dam(s), tailings dam(s).

Discreet project features must be in separate files and labelled clearly to demarcate from the main project area. Data must be supplied in GDA 1994 MGA coordinate system, UTM projection and shape files in ESRI shape file format.

Spatial data is to be sent to [assessment.coordination@planning.nsw.gov.au](mailto:assessment.coordination@planning.nsw.gov.au) on submission of the EIS.

***All above information should be summarised in the EIS, with full documentation appended. If deemed commercial-in-confidence, the resource summary included in the EIS must commit to providing MEG with full resource documentation via MEG's Resource and Economic Assessment process.***

### **Additional matters for attention**

#### **Resource and Economic Assessment**

The Resource and Economic Assessment (REA) is designed to review the resource/reserve estimates stated in the submitted EIS and supporting material. The REA also examines whether the project will deliver significant social and economic benefits to NSW from the efficient development of the resource, by optimising resource recovery and mine design and minimising waste. It also aims to ensure an appropriate return to the state from developing the resource. This process commences two months prior to lodgement of the EIS, the proponent to contact the Assessment Coordination Unit.

#### **Biodiversity offsets**

MEG requests that the Proponent consider potential resource sterilisation in relation to any proposed biodiversity offsets areas. Biodiversity offsets have the potential to preclude access for future resource discovery and extraction and could also potentially permanently sterilise access to mineral resources.

The EIS must therefore clearly illustrate the location (including offsite locations) of any biodiversity offsets being considered for the project and their spatial relationship to known and potential mineral and construction material resources and existing mining & exploration titles.

MEG requests consultation with both the Geological Survey of NSW – Land Use Assessment team and holders of existing mining and exploration authorities affected by planned biodiversity offsets. Evidence of consultation should be included in the EIS.

### **Mining Titles**

MEG notes that this Project, as it currently stands, is located within the existing operations area of Mining Lease 1684 (Act 1992) (ML 1684) (Antimony, Arsenic, Bismuth, Copper, Gold, Lead, Silver and Zinc) held by Tomingley Gold Operations Pty Ltd. The Project is also located within exploration areas of Exploration Licence 8530 (Act 1992) (EL 5850) (Group 1) and Exploration Licence 5675 (Act 1992) (EL 5675) (Group 1) held by Alkane Resources Limited.

As Antimony, Arsenic, Bismuth, Copper, Gold, Lead, Silver and Zinc are prescribed mineral(s) under the Mining Act 1992, the Proponent must obtain the appropriate mining title(s), such as a mining lease, from MEG allowing for mineral extraction over the project area within EL 5850 and EL 5675.

Where a proposal includes Crown Land the proponent is required to comply with the Commonwealth Native Title Act 1993 and undertake the right to negotiate process for the Crown Lands within the current exploration licence area(s) if proof of extinguishment cannot be determined.

For ancillary mining activities as, in so far as the ancillary activities are to be carried out in connection with and in the immediate vicinity of a mining lease in respect of a mineral, the proponent is required to hold a Mining Lease for ancillary mining activities or an 'off title' designated ancillary mining activity as defined by clause 7 of the Mining Regulation 2016 (the Regulation).

There is a subset of ancillary mining activity that the legislation defines as 'designated ancillary mining activity' (defined in section 6(6) of the Mining Act 1992).

A proponent seeking to undertake a designated ancillary mining activity outside a mining area, but in the immediate vicinity of and that directly facilitates the mining lease in respect of mineral(s), must apply for one of the following:



- A separate mining lease for the designated ancillary mining activity which authorises the carrying out of the activity. (This provides the holder with the right to access the mining area to undertake the ancillary mining activity, however does not provide the holder with the right to mine).
- A condition on an existing mining lease that regulates the carrying out of the designated ancillary mining activity in an off-title area. (See section 6(2) of the Mining Act 1992). The ancillary mining activity condition will include the survey plan of the designated ancillary mining activity area on which the designated ancillary mining activity is (or is proposed to be) located.

The EIS for a project should clearly identify existing mineral titles, mineral title applications and the final proposed mining lease area(s) for the project site and areas surrounding the proposed project area and address the

environmental impacts and management measures for the mining and mining purpose activities as licensed under the Mining Act 1992.

A development application under the Environmental Planning and Assessment Act 1979 must be approved before a mining lease can be granted. A mining lease will only be granted for activities specified in the development consent.

### Approvals

Position	Approval	Date
Approving Officer: Bridget Tidey Advisor Assessment Coordination Assessments and Systems (02) 4063 6534		07/07/2021
Endorsing Officer: Adam W. Banister A/Manager Assessment Coordination Assessments and Systems (02) 4063 6534		07/07/2021



Wednesday, 7 July 2021

Emily Murray  
Environmental Assessment Officer  
Planning Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Dear Ms Murray

**RE: SECRETARY ENVIRONMENTAL ASSESSMENT REQUIREMENTS – SSD-9176045-TOMINGLEY GOLD EXTENSION PROJECT, NARROMINE SHIRE COUNCIL.**

Reference is made to your correspondence dated Wednesday 30 June 2021 requesting Council's comments in relation to the issuing of Secretary's Environmental Assessment Requirements (SEARs) for the proposed Tomingley Gold Extension Project. It is acknowledged that the applicant has prepared an initial scoping report and that additional investigations and studies will be required to be undertaken to allow a full assessment of the proposal.

Narromine Shire Council has reviewed the information provided by R.W. Corkery & Co. and request the following information be provided within the Environmental Impact Statement (EIS) for this State Significant development.

**1. Local and Regional Strategic Plans**

The EIS shall address Council's local strategic plans including the:

- a. Narromine Local Strategic Planning Statement 2020;
- b. Narromine Agricultural lands Strategy 2013;
- c. Residential and Large Lot Residential Land Use Strategy 2018; and
- d. Central West and Orana Regional Plan 2036.

Whilst these strategies are not specific to the proposed land use, the application should address the principles that are contained within each document that related generally to:

- a. The provision of infrastructure;
- b. Environmental conservation;
- c. The significance of agricultural land; and
- d. Economic growth.

**2. Access, Traffic and Transport**

Council seeks a traffic and access impact assessment that takes into consideration the following:

- a. The impact of increased traffic movements, type, and number of vehicle movements on Council's road network;
- b. The level of service required to facilitate an increased traffic volume as the result of the proposal and if any Council roads will require an update to support the increase in traffic and heavy haulage. This should specifically address some matters specifically referred to in the Scoping Report.

Item no.	Scoping Report Reference	Comment
1	1.5.3 Approved TGO Operations	Any new infrastructure that will cross a Council asset or that may have an impact or interfere on a Council asset will require approval from Council. (e.g. Realignment of roads or water pipelines).
2	1.5.6 Key Mitigation Strategies. 5 <sup>th</sup> Bullet Point	Discussion regarding overpass on Kyalite Road for road users is silent of the design vehicle.
3	1.5.6 Key Mitigation Strategies.	Discussion should include impacts on other roads such as the Newell Highway, Back Tomingley West Road and McNivens Lane.
4	2.1.2.3 Central West and Orana Regional Plan 2036 – <b>Goal 3</b> and 2.1.2.4 Narromine Shire Community Strategic Plan 2027.	What additional travel time has been calculated for road users along Kyalite Road?  What offset in terms of road serviceability and survivability is being proposed for the other impacted roads? The realigned Kyalite road should have at least the same AEP as the Newell highway.  Is there any impact on Thornycroft Road?
5	2.2.3 Land Ownership	The proponent will be required to follow the appropriate processes in terms of Road Openings and Road Closures in terms of the Roads Act, 1993.
6	2.2.6 Risks and Hazards. 2 <sup>nd</sup> bullet point.	Consideration should also be given to the realigned Kyalite Roads and other impacted roads such as Back Tomingley West and McNivens Lane
7	2.2.6 Risks and Hazards.	Consideration should be given to the restoration /rehabilitation of re-aligned roads vs doing nothing at end of mine life
8	3.4.3 Realigned Public Roads	Overpass on Kyalite Road needs further discussion, especially on the design vehicle. Council's requirement would be that the overpass be constructed for at least a 36.5m Road Train.



		Consideration should be given regarding oversize vehicles, especially agricultural equipment, and the use of the proposed permit system, especially during harvest season or during the movement of stock. Council is not in favour of the permit system, at this stage.
9	General	Stacking and storage of the vehicles need to be considered at intersections considering the design vehicle.
10	General	Expected traffic movements to the administration area should be outlined.
11	General	Road safety audit is sought to be provided as part of the EIS and design phase.

### **3. Development of a suitable Voluntary Planning Agreement**

Narromine Shire Council would seek to replace the current voluntary planning agreement for the Project. Consultation regarding this matter is expected.

### **4. Water Management**

The EIS shall consider the potential for groundwater contamination as well as the contamination of nearby watercourses. Contamination and mitigation measures shall be detailed in the EIS along with preventative measures to contain runoff and sediments from the proposed mine impacting on water resources.

Additionally, the proposal shall consider the impact of the proposed extraction methods on the soil profile and stability of the site along with erosion and sediment control measures, including surface water runoff management.

A comprehensive assessment of the potential impacts on the intermittent watercourses and dams on neighbouring properties from stormwater flows including an assessment of potential water discharge quantities and qualities against receiving water shall be provided within the EIS.

An assessment of the impact of water diversions on public roads and realigned roads should be made.

### **5. Noise, Air, Lighting and Vibration Impacts**

It is noted that sensitive receptors exist within close proximity to the proposed mine. As a result, an acoustic impact assessment and air quality assessment are required to be submitted which shall address the impacts of blasting, operational noise, lighting as well as the impacts of dust on sensitive receptors.

In addition to the above, a comprehensive assessment shall be undertaken and included within the EIS that address the noise impacts from transport and mobile equipment relating to on-site and off-site transport activities. Proposed mitigation

measures shall also be detailed within the EIS to minimise impacts and identify monitoring and management measures. Clarify management issues, including whether roads, including the proposed by-pass, be closed for blasting activities.

The EIS shall also address the potential cumulative impacts of the proposed development that is likely to occur as a result of dust, fumes, and blasting. Site lighting should not be a distraction nor interfere with a road user/ driver. Site dust control measures as a result of operations should also be implemented so that it is not a distraction nor interfere with a road user/ driver.

## **6. Natural Resource Management**

Part of the land has been identified as containing mapped Terrestrial Biodiversity land and as such, is a sensitive area as set out in Clause 6.4 of the Narromine Local Environmental Plan 2011. Appropriate survey and design for determining Plant Community Types and threatened species are required to ensure that the potential impacts of the development are appropriately considered in the Biodiversity Development Assessment Report. The EIS shall detail and address mitigation and preservation measures to be implemented on the site during both the operation and remediation phases of the development.

## **7. Bushfire**

The EIS shall address how the proposed development will be consistent with the NSW Rural Fires Service Planning for Bushfire Protection guideline and a preparation of a Bushfire Management Plan shall be provided in order to minimise the risk of bushfires and detail the control measures proposed to be implemented onsite.

## **8. Visual Impacts**

The visual impacts of the proposed development and associated infrastructure and overburden are likely to detract from the rural lifestyle and amenity. Mitigation of visual impacts shall be detailed in the EIS.

## **9. Cultural Heritage**

The EIS shall address and identify cultural heritage sites, items or relics that are known or may become apparent in the area.

## **10. Social and Economic Impacts**

Impacts on the social and economic profile of Narromine and Tomingley shall be considered in the EIS as a result of the proposed development. This shall include, but not limited to, the impact the proposal will have on the operation of haulage routes, employment, property values, commissioning and decommissioning of the site and the flow on effects the proposal will have on infrastructure in the locality.

### **11. Ancillary Elements including New Buildings**

Any new buildings proposed as part of the development will be required to meet the requirements of the Building Code of Australia and will be subject to any relevant separate Development Consent, Construction Certificate, and Section 68 Activity Approval or the like.

The EIS shall identify and provide management options for the storage of hazardous goods onsite and the risk these pose to the development site and surrounding lands.

### **12. Site Survey and Extractive Works**

The EIS shall include a detailed site survey of the site, and clarify any subdivision proposed that may be required prior to extractive works.

### **13. Koala Habitat Protection**

State Environmental Planning Policy (Koala Habitat Protection) 2021 applies to the Narromine Shire Local Government Area. The EIS shall address and consider the Koala Habitat Protection provisions which shall detail whether the land:

- Includes any trees belonging to the feed tree species; and
- Is core koala habitat.

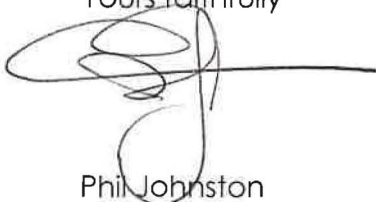
### **14. Rehabilitation**

The EIS shall detail and document the proposed rehabilitation methods to be implemented during all stage of the operation and at the end of the project to ensure that the site is rehabilitated and maintenance is ongoing until all disturbed areas have satisfactorily regenerated.

Yours faithfully

Please contact Emma Yule, Manager Planning on 6889 9999 if you have any queries or would like to discuss the future development application further.

Yours faithfully



Phil Johnston

**Director Community & Economic Development**





# PARKES SHIRE COUNCIL

*Delivering progress and value to our community*



Contact Person: Annalise Cummings

7 July 2021

NSW Department Planning, Industry and Environment

Dear Sir/Madam

**Re: Tomingley Gold Extension Project - Request for SEARS**

Thank you for the opportunity to provide input into the SEARS for the Tomingley Gold Extension Project.

Council has reviewed the information provided and can confirm that it has no objections to the proposed development. Council does not wish to raise any issues or additional assessment requirements than what has been set out in the draft SEARS.

Yours faithfully

Annalise Cummings  
**MANAGER PLANNING SERVICES**



Parkes Shire Council 2 Cecile Street, PO Box 337 Parkes NSW 2870  
P 02 6861 2373 F 02 6862 3946 E [council@parkes.nsw.gov.au](mailto:council@parkes.nsw.gov.au)  
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**PARKES**  
*It all adds up.*

Emily Murray  
Environmental Assessment Officer  
Energy Resource Assessment

Via: Major Project Portal

Dear Ms Murray

**Re. Request for EARs – Tomingley Extension Project**

I refer to your request of 22 June 2021 for advice regarding the Tomingley Extension Project's request for EARs. The Resources Regulator has reviewed the request.

**Assessment**

Based on the review of the request for EARs and supporting documents, the Resources Regulator advises that it has no specific comments on mine safety matters at this time in relation to the proposal

In relation to any environmental assessment conducted by the Proponent as part of the development consent process the Resources Regulator recommends that the following environmental assessment matters are addressed in the development application.

The environmental assessment that accompanies the development application should include a separate section entitled 'Rehabilitation Strategy' which addresses the following matters where applicable:

1	Final land use(s)	Identification and assessment of final (i.e. post-mining) land use options with identification and justification of the preferred final land use outcome(s), including a discussion of how the final land use(s) are aligned with relevant local and regional strategic land use objectives and surrounding land uses. Identification of how the rehabilitation of the project will relate to the rehabilitation strategies of any neighbouring mines within the region, with a particular emphasis on the coordination of rehabilitation activities along common boundary areas.
2	Rehabilitation objectives and domains	Inclusion of a set of project rehabilitation objectives that clearly define the outcomes required to achieve the final (post-mining) land use for each mining domain. Each mining domain must have a stated final land use and rehabilitation objectives (which describe the desired features and/or characteristics of the final land use domain). Rehabilitation objectives must include, where relevant, target vegetation communities.

3	Progressive rehabilitation	<p>The expected timeframes for progressive rehabilitation. Mine layout and scheduling, including maximising opportunities for progressive final rehabilitation. The final rehabilitation schedule should be mapped against key production milestones (i.e. ROM tonnes) of the mine layout sequence before being translated to indicative timeframes for each stage of rehabilitation throughout the mine life. The mine plan should maximise opportunities for progressive rehabilitation.</p>
4	Conceptual final landform design	<p>Inclusion of drawings at appropriate scales identifying key attributes of the final landform, including final landform contours, section views, significant water management features/structures, the location of the proposed final land use(s) and integration with existing and surrounding landforms.</p>
5	Barriers or limitations to effective rehabilitation	<p>Identification and description of those aspects of the site or operations that may present barriers or limitations to effective rehabilitation, including an assessment of high-risk rehabilitation landforms (such as high walls, steep slopes, waste rock dumps, etc). This should include (as relevant):</p> <ul style="list-style-type: none"> <li>• an assessment and life of mine management strategy of the potential for geochemical constraints to rehabilitation (e.g. acid metalliferous drainage, spontaneous combustion etc.), particularly associated with the management of overburden/interburden and reject material. This assessment should utilise any relevant data from previous exploration programs to characterise the geochemical properties of the materials and identify appropriate management strategies. This should include any capping strategies, the source of capping materials, associated volume of capping materials required, routine sampling and testing;</li> <li>• the processes that will be implemented throughout the mine life to design and ensure the long-term stability of the rehabilitated landforms, including how characteristics of the existing and surrounding landform can be incorporated into the final landform design. This should include identifying and adopting geomorphic design principles to achieve a natural and stable landform outcome. It should also include a constraints and opportunities analysis of alternative final landforms giving consideration to geotechnical stability, geomorphic stability (soil types, soil erosion, etc), water management, integration with the characteristics of the surrounding natural landform and minimising sterilisation of land post-mining. For large and complex sites, there should be a commitment to undertake landform evolution modelling throughout the mine life to address long-term erosion and stability risks;</li> <li>• a life of mine tailings management strategy, which details measures to be implemented to avoid the exposure of tailings material that may cause environmental risk, as well as to ensure the geotechnical and geomorphic stability of the</li> </ul>

		<p>rehabilitated landform of the tailings storage facility. This should include any capping strategies, the source of capping materials and associated volume of capping materials required. It should also include a constraints and opportunities analysis of different tailings management techniques (e.g. co-disposal, dewatering tailings, integrated landforms, etc) and of alternative techniques to reduce the amount of tailings and reliance on conventional tailing storage facilities. Justification of the proposed tailings management strategy should be provided to demonstrate that it is the most feasible and environmentally sustainable option;</p> <ul style="list-style-type: none"> <li>• Where a void, is proposed to remain as part of the final landform, include: <ul style="list-style-type: none"> <li>• a constraints and opportunities analysis of final void options, including backfilling, to justify that the proposed design is the most feasible and environmentally sustainable option to minimise the sterilisation of land post-mining;</li> <li>• a geotechnical assessment to identify the likely long-term stability risks associated with the proposed remaining high wall(s) and low wall(s) along with associated measures that will be required to minimise potential risks to public safety; and</li> <li>• an assessment of the long-term erosional stability of pit walls that will remain as part of the final rehabilitated landform;</li> <li>• outcomes of the surface and groundwater assessments in relation to the likely final water level in the void. This should include an assessment of the potential for fill and spill along with measures required be implemented to minimise associated impacts to the environment and downstream water users.</li> </ul> </li> <li>• Where the mine includes underground workings: <ul style="list-style-type: none"> <li>• determine (with reference to the groundwater assessment) the likelihood and associated impacts of groundwater accumulating and subsequently discharging (e.g. acid or neutral mine drainage) from the underground workings post cessation of mining; and</li> <li>• consideration of the likely controls required to either prevent or mitigate against these risks as part of the closure plan for the site.</li> </ul> </li> <li>• Where an ecological land use is proposed, demonstrate how the revegetation strategy (e.g. seed mix, habitat features, corridor width, aspect, etc.) has been developed in consideration of the target vegetation community(s).</li> <li>• Where the intended land use is agriculture, demonstrate that the landscape, vegetation and soil is capable of supporting this land use. In addition, demonstrate that the proposed location of the</li> </ul>
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		rehabilitated agricultural area is not isolated within the landscape and that there is ready access to water and relevant infrastructure (e.g. power, roads etc.) to support agricultural activities.
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The Resources Regulator recommends that the Proponent considers relevant policies and guidelines during preparation of the environmental assessment:

- *Mine Rehabilitation* (Leading Practice Sustainable Development Program for the Mining Industry, Australian Government, 2016)
- *Mine Closure* (Leading Practice Sustainable Development Program for the Mining Industry, Australian Government, 2016)
- *Strategic Framework for Mine Closure* (ANZMEC-MCA, 2000)
- *Guidelines on Tailings Dams – Planning, Design, Construction, Operation And Closure – Revision 1* (ANCOLD, July 2019)
- *Integrated Mine Closure: Good Practice Guide* (ICMM, 2019)

### **Regulatory requirements if approved**

The proponent will be required to comply with rehabilitation requirements under the mining authorisation(s) when undertaking works associated with the proposal.

The Resources Regulator may undertake assessments of the mine operators' proposed mining activities under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and Regulation as well as other WHS regulatory obligations.

### **Background**

The Mining Act Inspectorate within the Resources Regulator undertake risk-based compliance and enforcement activities in relation to obligations under the *Mining Act 1992*. This includes undertaking assessment and compliance activities in relation to mine rehabilitation activities and determination of security deposits.

The Mine Safety Inspectorate within the Resources Regulator is responsible for ensuring the mine operators' compliance with the Work Health and Safety (WHS) legislation, in particular the effective management of risks associated with the principal hazards as specified in the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

### **Contact**

Should you require any further information or clarification, please contact the Office of the Executive Director ([ED.ResourcesRegulator@planning.nsw.gov.au](mailto:ED.ResourcesRegulator@planning.nsw.gov.au))

Yours sincerely,



**Garvin Burns**  
Executive Director  
Resources Regulator

7 July 2021



8 July 2021

SF2011/002344; WST09/00087/13

The Manager  
Resource and Energy Assessments  
Department of Planning, Industry and Environment  
GPO Box 39  
SYDNEY NSW 2001

**Attn: Emily Murray, Planner**

Dear Ms Murray,

**SSD-9176045: Lot 43 DP 755093 and others; Newell Highway, Tomingley  
Request for SEARs for Alkane Tomingley Gold Extension Project (SAR)**

Thank you for referring the SSD-9176045 request for Secretary's Environmental Assessment Requirements (SEARs) dated 22 June 2021, inviting comment from Transport for NSW (TfNSW).

From review of the Scoping Report and Draft SEARs, TfNSW understands the proposal currently includes:

- A new open cut and underground gold mine at the San Antonio and Roswell (SAR) prospects, with private services and ore haulage roads, an amenity (screening) earth bund, and other facilities between the mine extension site and the existing Tomingley Gold Mine infrastructure.
- Upgrading the existing Tomingley Gold Mine facilities including an increased processing plant rate, extracting and processing up to 1.75 million tonnes of ore per year (Mtpa) across the combined sites for up to 10 years (MP09\_0155 is currently approved for 1.5 Mtpa until 31 December 2025).
- Surrender of the existing Tomingley Gold Operations Project consent (MP09\_0155), with those activities to continue under the new approval.
- Realignment of a section of the Newell Highway approximately 1km to the west, and Kyalite Road, in response to the proposed open cuttings and site perimeter enclosure. It is noted the proposed alignment would increase the length of the Newell Hwy by some 460m or 15 seconds of travel time, and the applicant proposes to improve flood protection to meet 5% (1 in 20) Annual Exceedance Probability storm events, as well as additional safety features such as wire rope safety barrier along the median and edges for part of the alignment.

TfNSW offers the following project-specific advice based on current information:

- Discussions are currently occurring in relation to the design requirements for the realignment of the referenced section of the Newell Highway (approximately 1km to the west) and Kyalite Road. The discussions should continue with TfNSW as a part of the preparation of the EIS and any outcome in terms of design should form part of the EIS and associated plans to be submitted as a part of the lodgement of the application with the consent authority.

- The SSD application will be required to be referred to TfNSW pursuant to Section 16 of the *SEPP (Mining, Petroleum Production and Extractive Industries) 2007*, as it will involve transport of materials (such as mine supplies and gold product) by a public road, at a higher intensity and beyond the approved life of the TfNSW also requests that the Environmental Impact Statement be supported by an Integrated Transport Assessment (ITA) prepared by a suitably qualified person in accordance with the *Austroads Guide to Traffic Management Part 12*, the *Roads and Maritime Supplements to Austroads* and the *RTA Guide to Traffic Generating Developments*. The ITA is to address the following general requirements.
- Project schedule:
  - Hours and days of work, number of shifts and start and end times,
  - Phases and stages of the project, including construction, operation and decommissioning,
- Traffic volumes:
  - Existing background traffic,
  - Project-related traffic for each phase or stage of the project,
  - Projected cumulative traffic at commencement of operation, and a 10-year horizon post-commencement,
- Traffic characteristics:
  - Number and ratio of heavy vehicles to light vehicles,
  - Peak times for existing traffic,
  - Peak times for project-related traffic including commuter periods,
  - Proposed hours for transportation and haulage,
  - Interactions between existing and project-related traffic,
- A description of all over size and over mass vehicles and the materials to be transported,
- The origins, destinations and routes for:
  - Commuter (employee and contractor) light vehicles and pool vehicles,
  - Heavy (haulage) vehicles,
  - Over size and over mass vehicles,
- Road safety assessment of key haulage route/s,
- The impact of traffic generation on the public road network and measures employed to ensure traffic efficiency and road safety during construction, operation and decommissioning of the project,
- The need for improvements to the road network, and the improvements proposed such as road widening and intersection treatments, to cater for and mitigate the impact of project related traffic,
- Proposed road facilities, access and intersection treatments are to be identified and be in accordance with *Austroads Guide to Road Design* including provision of Safe Intersection Sight Distance (SISD),
- Local climate conditions that may affect road safety during the life of the project (e.g. fog, wet and dry weather, icy road conditions),

- The layout of the internal road network, parking facilities and infrastructure,
- Impacts on rail corridors and level crossings including rail and road traffic, and detailing any proposed interface treatments,
- Impact on public transport (public and school bus routes) and consideration for active transport modes such as walking and cycling,
- Identification and assessment of potential impacts of the project, such as blasting, lighting, visual, noise, dust and drainage on the function and integrity of all affected public roads,
- Controls for transport and use of any dangerous goods in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*, the *Australian Dangerous Goods Code* and *Australian Standard 4452 Storage and Handling of Toxic Substances*,
- Propose a Traffic Management Plan (TMP) to be developed following approval of the EIS, in consultation with relevant Councils and TfNSW. The TMP would need to identify strategies to manage the impacts of project related traffic, including any community consultation measures for peak haulage periods.
- Propose a Driver Code of Conduct for haulage operations which could include, but not be limited to:
  - Safety initiatives for haulage through residential areas and/or school zones.
  - An induction process for vehicle operators and regular toolbox meetings.
  - A public complaint resolution and disciplinary procedure.

Please forward a copy of the final SEARs to Transport for NSW at [development.western@transport.nsw.gov.au](mailto:development.western@transport.nsw.gov.au) when it is sent to the applicant. If you wish to discuss this matter further, please contact Bevan Crofts, Case Officer on (02) 6861 1428.

Yours faithfully



Alexandra Power  
Acting Manager of Development Services– West  
Regional and Outer Metropolitan



**New South Wales Government**

Independent Planning Commission

## **Mining and Petroleum Gateway Panel**

### **Conditional Gateway Certificate**

### **Tomingley Gold Extension Project**

Part 4AA, Division 4 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

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Pursuant to clause 17H of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, we determine the application made by Tomingley Gold Operation Pty Ltd by issuing this certificate.

We certify that in the opinion of the Mining and Petroleum Gateway Panel (**Gateway Panel**), with regard to the relevant criteria in clause 17H(4) of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, the proposed development described in Schedule 1:

- does meet the following relevant BSAL criteria:
  - 17H(4)(a)(v),
  - 17H(4)(a)(vi).
- does not meet the following relevant BSAL criteria:
  - 17H(4)(a)(i),
  - 17H(4)(a)(ii),
  - 17H(4)(a)(iii),
  - 17H(4)(a)(iv).
- does not include any Critical Industry Cluster land in the Application area.

The reasons for forming the opinion on each of the relevant criteria, together with recommendations of the Gateway Panel, are contained in Schedule 2.

Prof Neal Menzies

Chairperson

Dr Clinton Foster PSM

Member of the Gateway Panel

Mr Hugh Middlemis

Member of the Gateway Panel

Date certificate issued: 15 November 2021



**This certificate will remain current for 5 years from the date of issue**

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## **SCHEDULE 1**

### **Site:**

The site is located approximately 50 kilometres south-west of Dubbo in Central West NSW within the Narromine Shire Local Government Area.

### **Development description:**

The Tomingley Gold Extension Project proposes to extend the existing open cut and underground mining operations to extend the existing Tomingley Gold Mine. The Project will allow an increase of total production from 1.5 million tonnes per annum (**Mtpa**) to 1.75 Mtpa, make minor modifications to the processing plant to increase the maximum processing rate and extend the life of the mine from 2025 to 2032.

### **Applicant:**

Tomingley Gold Operations Pty Ltd

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## **SCHEDULE 2**

<b>Relevant criteria</b>	<b>Consideration</b>	<b>Recommendations</b>
17H(4)(a)(i) to (vi)	<p>The Gateway Panel finds, under the BSAL Protocol, that the ability to exclude BSAL less than 20 ha only applies in areas covered by the Upper Hunter or New England Strategic Regional Land Use Plans. Given this Site is outside of those areas, the 20 ha minimum size does not apply and such areas should therefore be included in the BSAL assessment.</p> <p>The Gateway Panel finds the duration of post-mining impacts will extend indefinitely, notably in terms of drawdown around the final void lake and its water quality degradation.</p>	<p>The Gateway Panel recommends the EIS identify and address all areas of BSAL, including those less than 20 ha in area.</p> <p>The Gateway Panel recommends the EIS address the duration of any impact identified below and to detail any proposed avoidance, mitigation, offset or rehabilitation measures in respect of any impact.</p>
17H(4)(a)(i)	<p>The Gateway Panel considers overall the likelihood of subsidence impacts is low, but further consideration should be</p>	<p>The Gateway Panel recommends a management plan to be prepared as part of the Environmental Impact Statement (<b>EIS</b>) detailing the long-term</p>

	<p>given to the long-term monitoring and management of the geomorphic landform waste rock emplacements with respect to the potential for subsidence to influence water flows, potentially causing water to concentrate in defined flow paths, reducing the overall stability of the landform.</p>	<p>monitoring and management of the geomorphic landform waste rock dumps to ensure landform stability is achieved. The Gateway Panel also recommends the Applicant establish a baseline to allow any subsidence over the life of the project to be determined.</p>
17H(4)(a)(ii)	<p>The Gateway Panel considers that the process of soil stripping and replacement should include gypsum treatment of sodic soil to improve soil drainage and increase soil fertility.</p>	<p>The Gateway Panel recommends a management plan to be prepared as part of the EIS detailing how the soil handling process will be managed to improve soil drainage and increase soil fertility. In this regard, the Gateway Panel recommends the EIS detail the strategies to be used to improve the productivity of LSC Class 6 land to LSC Class 4, and to rehabilitate disturbed land to LSC Class 4 to offset direct mining impacts.</p>
17H(4)(a)(iii)	<p>The Gateway Panel considers that the geomorphic landform waste rock emplacement and residue storage facilities will result in slopes that are sufficiently steep that they constrain land uses and represent an erosion risk that will need to be managed. Furthermore, the residue storage facility may present a range of other environmental risks that need to be considered.</p>	<p>The Gateway Panel recommends a management plan to be prepared as part of the EIS that addresses post-mine land use and future land management, including strategies and measures to avoid, mitigate or reduce potential impacts associated with the geomorphic landform waste rock emplacement and residue storage facilities. If the residue storage facilities are likely to present environmental risks, such as if it becomes acid-generating in the long-term, the consequential impacts on groundwater and soil fertility should be addressed.</p>
17H(4)(a)(iv)	<p>The Gateway Panel recognises that the groundwater modelling work completed to date is adequate for this early stage of assessment of water impacts under the Aquifer Interference Policy, but that further work is necessary to inform the EIS and confirm and justify the preliminary findings.</p>	<p>The Gateway Panel recommends additional data gathering and analysis to be prepared as part of the EIS to confirm the conceptual groundwater model premise of a hydraulic disconnect locally between the shallow alluvial aquifer units associated with drainage lines, the transported colluvium overlying the saprolite, and the regional fractured rock groundwater system. Additional sampling, data, analysis and detailed reporting is also</p>



		<p>recommended on Groundwater Dependent Ecosystems that may be associated with those systems as part of the EIS.</p> <p>Improved details are also required on any future groundwater modelling and uncertainty analysis that is to be used in an EIS, to confirm and justify the preliminary findings, including on the final void water balance and water quality and the duration of the impacts.</p>
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Note: Further information on the Gateway Panel's reasoning in relation to the relevant criteria is contained in the Gateway Panel report available at:  
<https://www.ipcn.nsw.gov.au/projects/2021/08/tomingley-gold-extension-project-gateway-certificate-application>

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