

# Development Consent

## Section 4.38 of the Environmental Planning and Assessment Act 1979

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

These conditions are required to:

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



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

Sydney 21 February 2023

### SCHEDULE 1

Application Number:	SSD 9176045
Applicant:	Tomingley Gold Operations Pty Ltd
Consent Authority:	Minister for Planning
Site:	The land defined in Appendix 1
Development:	Tomingley Gold Extension Project

Red type represents the August 2023 Modification (MOD 1)

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

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

<b>DEFINITIONS</b>	<b>3</b>
<b>PART A ADMINISTRATIVE CONDITIONS</b>	<b>6</b>
Obligation to Minimise Harm to the Environment .....	6
Terms of Consent.....	6
Notification of Commencement .....	6
Surrender of Existing Approval .....	6
Limits of Consent .....	6
Planning Agreement.....	7
Community Consultative Committee .....	7
Evidence of Consultation .....	7
Staging, Combining and Updating Strategies, Plans or Programs .....	8
Application of Existing Strategies, Plans or Programs .....	8
payment of reasonable costs .....	8
Public Infrastructure .....	8
Demolition .....	8
Structural Adequacy.....	8
Operation of Plant and Equipment .....	9
Compliance .....	9
Applicability of Guidelines .....	9
Crown Land.....	9
<b>PART B SPECIFIC ENVIRONMENTAL CONDITIONS</b>	<b>10</b>
Noise.....	10
Blasting .....	11
Air Quality and Greenhouse Gas .....	13
Meteorological Monitoring .....	15
Soil and Water .....	15
Biodiversity.....	19
Transport.....	21
Heritage .....	22
Visual .....	23
Waste.....	23
Dangerous Goods.....	24
Bushfire Management .....	24
Rehabilitation .....	24
<b>PART C CONSTRUCTION SPECIFIC ENVIRONMENTAL CONDITIONS</b>	<b>29</b>
<b>PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>	<b>31</b>
Environmental Management .....	31
Revision of Strategies, Plans and Programs .....	32
Reporting and Auditing.....	32
Access to Information.....	33
<b>PART E ADDITIONAL PROCEDURES</b>	<b>34</b>
Notification of Tenants .....	34
Notification of Exceedances.....	34
Independent Review .....	34
<b>APPENDIX 1 SCHEDULE OF LAND</b>	<b>35</b>
<b>APPENDIX 2 DEVELOPMENT LAYOUT</b>	<b>37</b>
<b>APPENDIX 3 NOISE RECEIVER LOCATIONS</b>	<b>46</b>
<b>APPENDIX 4 BIODIVERSITY OFFSETS</b>	<b>47</b>
<b>APPENDIX 5 REHABILITATION</b>	<b>50</b>
<b>APPENDIX 6 AGRICULTURAL LAND USE</b>	<b>52</b>
<b>APPENDIX 7 GENERAL TERMS OF APPLICANT'S PLANNING AGREEMENT</b>	<b>53</b>
<b>APPENDIX 8 INCIDENT NOTIFICATION AND REPORTING REQUIRMENTS</b>	<b>54</b>

## DEFINITIONS

<b>Aboriginal Object</b>	Has the same meaning as the definition of the term in section 5 of the NP&W Act
<b>Annual Review</b>	The review required by condition D10
<b>Applicant</b>	Tomingley Gold Operations Pty Ltd, or any person carrying out any development under this consent
<b>Approved disturbance area</b>	The indicative surface development areas identified on the Development Layout in Figure 5 of Appendix 2 of this consent
<b>ARI</b>	Average Recurrence Interval
<b>BCA</b>	Building Code of Australia
<b>BCS</b>	Biodiversity, Conservation and Science Directorate within the Department
<b>Calendar year</b>	A period of 12 months from 1 January to 31 December
<b>CCC</b>	Community Consultative Committee required by condition A17
<b>Conditions of this consent</b>	Conditions contained in Schedule 2
<b>Council</b>	Narromine Shire Council
<b>Construction</b>	All physical works required to enable mining operations under this consent to be carried out, including demolition and removal of buildings or works and erection of buildings and other infrastructure permitted by this consent, but not including pre-construction works
<b>Dappo Bore Pipeline</b>	The approximately 2.4 km water supply pipeline component of the development from the 'Dappo' bore to the existing water supply pipeline near Narromine, as depicted in Figure 8 of Appendix 2
<b>Date of commencement</b>	The date notified to the Department by the Applicant under condition A5(a)
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Decommissioning</b>	The deconstruction or demolition and removal of works and buildings installed as part of the development
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment (DPE)
<b>Development</b>	The development described in the document/s listed in condition A2(c), as modified by the conditions of this consent
<b>Development Layout</b>	The indicative development layout depicted in Appendix 2
<b>DPE Crown Lands</b>	Crown Lands Group within the Department
<b>DPE Water</b>	Water Group within the Department
<b>EIS</b>	The Environmental Impact Statement titled <i>Tomingley Gold Extension Project, Environmental Impact Statement</i> , prepared by R.W. Corkery & Co. Pty. Ltd on behalf of Tomingley Gold Operations Pty Ltd, dated January 2022; the Applicant's <i>Submissions Report</i> dated May 2022; the Applicant's <i>Amendment Report</i> dated May 2022 and the additional information provided by the Applicant in support of the application and identified in Appendix A of the Department's assessment report on the Tomingley Gold Extension Project; and a) Modification 1 Report, titled 'Tomingley Gold Extension Project Modification Report: Modification 1' dated July 2023 and additional information provided by the Applicant titled 'Response to RFI2' dated 11 August 2023
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPL</b>	Environment Protection Licence issued under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Financial year</b>	A period of 12 months from 1 July to 30 June
<b>Heavy vehicle</b>	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes

<b>Heritage NSW</b>	Heritage NSW in the Department of Planning and Environment
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
<b>Material harm</b>	<p>Is harm to the environment that:</p> <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval</p>
<b>MEG</b>	Regional NSW – Mining, Exploration and Geoscience
<b>Mine closure</b>	Decommissioning and final rehabilitation of the site following the cessation of mining operations
<b>Mine-owned land</b>	Land owned by the Applicant (or its subsidiary or related party)
<b>Mine development</b>	The TGO Mine, SAR Mine and water supply pipeline
<b>Mine water</b>	Water that accumulates within, or drains from, active mining and infrastructure areas and any other disturbed and unrehabilitated areas
<b>Minimise</b>	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
<b>Mining operations</b>	The carrying out of mining and mining related activities, including stope development, the extraction, processing, stockpiling and transportation of ore and waste rock on the site and the associated removal and emplacement of waste rock and storage and/or emplacement of tailings material, backfilling of stopes, and underground development necessary for mining operations to be carried out (including installation and use of electricity, water, communications and other services and infrastructure)
<b>Minister</b>	NSW Minister for Planning, or delegate
<b>Minor</b>	Not very large, important or serious
<b>Mitigation</b>	Activities associated with reducing the impacts of the development
<b>Negligible</b>	Small and unimportant, such as to be not worth considering
<b>Newell Highway Realignment</b>	Construction associated with the realignment of the Newell Highway, including works on affected local roads, as described in the EIS and conceptually depicted in Figures 9 and 10 of Appendix 2
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>‘Non-road’ mobile diesel equipment</b>	Mobile equipment used in mining operations that is fitted with a diesel engine with a capacity >30 litres and that is self-propelled or transportable and primarily designed for off-road use
<b>Northern Ramp</b>	The Wyoming 1 Northern Ramp conceptually depicted in Figure 3 of Appendix 2
<b>Ore</b>	Natural rock or sediment material containing metallic minerals
<b>Planning agreement</b>	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Pre-construction works</b>	Pre-construction works that may be required for the development, including surveys, acquisitions, fencing, investigative or geotechnical drilling or excavation, minor clearing, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided (including service relocations)
<b>Privately-owned land</b>	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
<b>Public infrastructure</b>	Infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc, including Council-owned assets and infrastructure

## CONSOLIDATED APPROVAL

<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a condition which is safe, stable and non-polluting having regard to approved post mining land uses and the rehabilitation objectives and outcomes referenced within this consent
<b>Resources Regulator</b>	Resources Regulator within the Department of Regional NSW
<b>RSF1</b>	Residue Storage Facility 1, as depicted in Figures 1 and 2 in Appendix 2
<b>RSF2</b>	Residue Storage Facility 2, as depicted in Figures 1 and 2 in Appendix 2
<b>SAR Mine</b>	The San Antonio Roswell Mining area, as described in the EIS and depicted in Figure 1 and 4 in Appendix 2
<b>Site</b>	The land defined in Appendix 1 and shown within the 'SAR Mine Site' and 'TGO Mine Site' boundaries in Figure 1 in Appendix 2
<b>TfNSW</b>	Transport for NSW (incorporating the former NSW Roads and Maritime Services)
<b>TGO Mine</b>	The Tomingley Gold Operations Mine Site area, as described in the EIS and depicted in Figures 1 and 2 in Appendix 2
<b>Watercourse</b>	A river, creek or other stream, including a stream in the form of an anabranch or tributary, in which water flows permanently or intermittently, regardless of the frequency of flow events: In a natural channel, whether artificially modified or not, or in an artificial channel that has changed the course of the stream. It also includes weirs, lakes and dams
<b>Water supply pipeline</b>	Water supply pipeline shown in Figure 8 of Appendix 2, including the Dappo Bore Pipeline

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

- A2. The development must only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS; and
  - (d) generally in accordance with the Development Layout.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant including in relation to:
- (a) the environmental performance of the development and ongoing monitoring and management obligations;
  - (b) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (c) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### NOTIFICATION OF COMMENCEMENT

- A5. The Applicant must notify the Department in writing of the date of commencement of each of the following phases of development, at least two weeks before that date:
- (a) physical commencement of development under this consent;
  - (b) construction of the SAR Mine;
  - (c) construction of the Newell Highway Realignment;
  - (d) mining operations in the SAR Mine;
  - (e) construction of the portal in the SAR Mine;
  - (f) cessation of mining operations (i.e. mine closure); and
  - (g) any period of suspension of mining operations (i.e. care and maintenance).
- A6. If the development is to be further staged, the Department must be notified in writing at least two weeks prior to the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

#### SURRENDER OF EXISTING APPROVAL

- A7. Within 12 months of the date of physical commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender the existing project approval for the Tomingley Gold Project (MP09\_0155), in accordance with the EP&A Regulation.
- A8. Upon the physical commencement of development under this consent, and before the surrender of the existing project approval required under condition A7, the conditions of this consent prevail to the extent of any inconsistency with the conditions of the existing project approval.

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

#### LIMITS OF CONSENT

##### Mining Operations

- A9. Mining operations may be carried out on the site, within the approved disturbance area, until 31 December 2032.

**Notes:**

- Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying

out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.

- Mining operations and rehabilitation are also regulated under the Mining Act 1992.

A10. The Applicant must only construct the RSF2 using the centreline lift construction methodology, unless otherwise agreed by the Planning Secretary.

#### Identification of Approved Disturbance Area

A11. Within three months of commencement of the development under this consent, the Applicant must provide to the Department spatial files in a format agreed by the Planning Secretary of the boundaries of the approved disturbance areas.

#### Ore Processing

A12. A maximum of 1.75 million tonnes of ore may be processed on the site in any calendar year.

A13. The Applicant must not:

- transport unprocessed ore from the site; or
- process any ore other than that extracted from the site.

#### Hours of Operation

A14. The Applicant may undertake the development 24 hours a day, 7 days a week, except for the activities identified in Table 1.

**Table1: Hours of operation**

Activity	Operating Hours
Additional lifts to the RSF1 and RFS2	7 am to 6 pm Monday to Saturday 8 am to 6 pm Sundays and Public Holidays
Construction of the SAR Mine	7 am to 10 pm Monday to Saturday At no time on Sundays or public holidays
Construction of the Newell Highway Realignment	as described in conditions B1 to B5
Blasting operations	as described in conditions B15 and B16
All other construction works, including the water supply pipeline	7 am to 6 pm, Monday to Friday, 8 am to 1 pm Saturdays and at no time on Sundays or Public Holidays in accordance with the <i>Interim Construction Noise Guideline</i> (DECC, 2009) (or its latest version)

#### PLANNING AGREEMENT

A15. Within six months of the date of physical commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a planning agreement with Council in accordance with:

- Division 7.1 of Part 7 of the EP&A Act; and
- the terms of the Applicant's offer to Council in Appendix 67.

A16. If there is any dispute between the Applicant and Council in regards to condition A15 then either party may refer the matter to the Planning Secretary for resolution.

#### COMMUNITY CONSULTATIVE COMMITTEE

A17. The Applicant must operate the Community Consultative Committee (CCC) established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019), or its latest version, during the life of the development, or other timeframe agreed by the Planning Secretary.

##### Notes:

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

A18. With the approval of the Planning Secretary, the Applicant may combine the CCC required by this consent with any similar CCC required by a consent or approval for any adjoining mine subject to common, shared or related ownership or management.

#### EVIDENCE OF CONSULTATION

A19. Where conditions of this consent require consultation with an identified party, the Applicant must:

- consult with the relevant party prior to submitting the subject document for approval; and

- (b) provide details of the consultation undertaken to the Planning Secretary, including:
  - (i) the outcome of that consultation, matters resolved and unresolved; and
  - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## **STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS**

A20. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and
- (d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by a consent or approval for any adjoining mine subject to common, shared or related ownership or management.

A21. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

A22. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

## **APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS**

A23. Prior to the approval of management plans under this consent, the Applicant must continue to implement any equivalent or similar management plan/s required under the existing project approval listed under condition A7, to the satisfaction of the Planning Secretary.

## **PAYMENT OF REASONABLE COSTS**

A24. The Applicant must pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent expert(s) to review the adequacy of any strategy, plan, program or report required under the consent.

## **PUBLIC INFRASTRUCTURE**

### **Protection of Public Infrastructure**

A25. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

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

A26. If the Applicant and the public infrastructure owner cannot agree on whether damage to public infrastructure is attributed to the development or the measures to be implemented to repair or relocate public infrastructure, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

## **DEMOLITION**

A27. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001), or its latest version.

## **STRUCTURAL ADEQUACY**

A28. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development must be constructed in accordance with the relevant requirements of the BCA.

**Notes:**

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



## OPERATION OF PLANT AND EQUIPMENT

A29. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

## COMPLIANCE

A30. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## APPLICABILITY OF GUIDELINES

A31. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) of the condition.

A32. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## CROWN LAND

A33. The Applicant must consult with DPE Crown Lands prior to undertaking development on Crown Land or Crown Roads.

### Notes:

- *Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPE Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease.*
- *Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPE Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.*
- *Under section 81 of the Mining Act 1992, the Applicant is subject to a Consent where surface activities are proposed, to be agreed and executed prior to any surface activity taking place.*
- *Under section 138 and/or section 71 of the Roads Act 1993, the Applicant is subject to a works consent approval where exploration, mining or mining related activity impact on Crown Roads.*

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### NOISE

#### Newell Highway Realignment Construction

- B1. Construction of the Newell Highway Realignment must be undertaken between the hours of 7 am to 6 pm, Monday to Friday, 8 am to 1 pm Saturdays and at no time on Sundays or public holidays.
- B2. The following activities may be carried out outside the hours specified in condition B1:
- construction work that causes  $L_{Aeq(15min)}$  noise levels that are:
    - no more than 5 dB above Rating Background Level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version);
    - no more than the Noise Management Levels in Table 3 of the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) (or its latest version) at other sensitive land uses; or
  - construction that causes  $L_{AFmax}$  noise levels no more than 52 dB(A) during the night period; or
  - delivery of plant, equipment and materials which is required to be delivered outside standard construction hours by Police and/or other authorities for safety reasons; or
  - emergency work to avoid loss of life, damage to property and/or environmental harm; or
  - works approved under an Out of Hours Work Protocol in accordance with condition B3.
- B3. If the Applicant proposes to undertake any construction works outside the hours specified in conditions B1 or 2(a)-(d), then the Applicant must prepare and implement an Out of Hours Work Protocol for these works to the satisfaction of the Planning Secretary. This protocol must be prepared in consultation with the EPA and the residents who would be affected by the noise generated by these works, and be consistent with the requirements of the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) (or latest version).
- B4. The Applicant must not carry out any out of hours construction works before this protocol has been approved by the Planning Secretary.
- B5. All reasonable and feasible mitigation is to be implemented to achieve the noise management levels for the Newell Highway Realignment, as defined in the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version).

#### Operational Noise Criteria

- B6. The Applicant must ensure that the noise generated by the development, including construction of the SAR mine, does not exceed the criteria in **Table 1** at any residence on privately-owned land.

**Table 1: Operational Noise criteria**

<b>Residence<sup>(a)</sup></b>	<b>Day <math>L_{Aeq(15min)}</math> dB(A)</b>	<b>Evening <math>L_{Aeq(15min)}</math> dB(A)</b>	<b>Night <math>L_{Aeq(15min)}</math> dB(A)</b>	<b>Night <math>L_{Max}</math> dB(A)</b>
R06, R45, R79, R80	40	36	35	52
R26, R43	40	37	36	52
R40	40	36	36	52
R03, R16, R17, R22, R23, R24, R25, R28, R29, R32, R35, R37	40	37	37	52
R03, R29	40	39	38	52
R28	40	38	38	52
R32, R41	40	38	37	52
All other privately-owned residences	40	35	35	52

**Note:** The locations referred to in Table 2 are shown in Figure 1 of Appendix 3

- B7. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017) or its latest version.

- B8. The noise criteria in **Table 1** do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

### Noise Operating Conditions

- B9. The Applicant must:
- (a) take all reasonable steps to minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development;
  - (b) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions; and
  - (c) regularly assess the noise monitoring data, and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

### Noise Management Plan

- B10. The Applicant must prepare a Noise Management Plan for the mine development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
  - (b) be prepared in consultation with the EPA;
  - (c) describe the measures to be implemented to ensure:
    - (i) compliance with the noise criteria and operating conditions in this consent;
    - (ii) best practice management is being employed;
    - (iii) noise impacts are minimised during noise-enhancing meteorological conditions;
  - (d) include a monitoring program that:
    - (i) is capable of evaluating the performance of the development against the noise criteria;
    - (ii) includes a program to undertake attended noise compliance monitoring and to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;
    - (iii) monitors noise at the nearest and/or most affected residences; and
    - (iv) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.
- B11. The Applicant must not commence construction of the SAR Mine until the Noise Management Plan is approved by the Planning Secretary.
- B12. The Applicant must implement the approved Noise Management Plan.

## BLASTING

### Blast Criteria

- B13. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in **Table 2**.

**Table 2: Blasting Criteria**

<b>Location</b>	<b>Airblast Overpressure (dB(Lin Peak))</b>	<b>Ground vibration (mm/s)</b>	<b>Allowable exceedance</b>
Residence on privately-owned land	120	10	0%
(or other sensitive receiver location (e.g. a school or hospital))	115	5	5% of the total number of blasts over a financial year
All public infrastructure	-	50 (or a limit determined to the satisfaction of the Planning Secretary by the structural design methodology in AS 2187.2-2006, or its latest version)	0%
RSF1 and RSF2 embankments	-	49	0%

- B14. Apart from the limit on the RSF1 and RSF 2 embankments, the blasting criteria in **Table 2** do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

### **Blasting Hours**

- B15. The Applicant may carry out surface blasting on site between 9:00 am and 5:00 pm Monday to Saturday, inclusive. No surface blasting is allowed on Sundays, public holidays or at any other time without the written approval of the Planning Secretary.
- B16. The Applicant may carry out underground blasting 24 hours per day, 7 days a week.

### **Blasting Frequency**

- B17. The Applicant may carry out a maximum of 3 blasts in any 24-hour period.
- B18. Condition **B17** does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.

#### **Notes:**

- For the purposes of conditions **B17** and **B18**, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.
- Should an additional blast be required after a blast misfire, the additional blast and the blast misfire are counted as a single blast.

### **Property Inspections**

- B19. If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of any approved open cut mining pit on the site, or any other landowner where the Planning Secretary is satisfied an inspection is warranted, for a property inspection to establish the baseline condition of any buildings and structures on their land, or to have a previous property inspection updated, then within two months of receiving this request (or, in the case of a request for an inspection outside the 2 kilometres, within two months of receiving notice that the Planning Secretary is satisfied that an inspection is warranted) the Applicant must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:
    - (i) establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
    - (ii) identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and structures; and
  - (b) give the landowner a copy of the new or updated property inspection report.
- B20. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Planning Secretary for resolution.

### **Property Investigation**

- B21. If the owner of any privately-owned land within 2 kilometres of any approved open cut mining pit on the site or any other landowner where the Planning Secretary is satisfied an investigation is warranted, claims in writing that buildings or structures on their land have been damaged as a result of blasting on the site, then within two months of receiving this written claim (or, in the case of a request for an inspection outside the 2 kilometres, within two months of receiving notice that the Planning Secretary is satisfied that an inspection is warranted) the Applicant must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and
  - (b) give the landowner a copy of the property investigation report.
- B22. If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary.
- B23. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.

### **Blast Operating Conditions**

- B24. The Applicant must:
- (a) take all reasonable steps to:
    - (i) ensure the safety of people and livestock from blasting impacts of the development;
    - (ii) protect public or private infrastructure and property in the surrounding area from blasting damage associated with the development, including the Newell Highway;

- (iii) minimise blast-related dust and fume emissions;
- (b) operate a comprehensive blast management system that uses a combination of meteorological forecasts and predictive blast modelling to guide the planning of blasts to minimise blasting impacts;
- (c) minimise the frequency and duration of any public road closures for blasting, and use all reasonable efforts to avoid road closures during peak traffic periods;
- (d) operate a suitable system to enable interested members of the public to get up-to-date information on the proposed blasting schedule on the site and any associated public road closures, including notification via SMS message of the surface blasting schedule and associated road closures for that day and any variations to that schedule and closures; and
- (e) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent.

### Blast Management Plan

- B25. The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with the EPA, TfNSW and Council;
  - (c) describe the blast management system and the measures that will be implemented to ensure compliance with the blasting criteria and conditions of this consent;
  - (d) include a monitoring program for evaluating and reporting on compliance with the relevant conditions of this consent;
  - (e) include a protocol for identifying any blast-related exceedance, incident or non-compliance and for notifying the Department, the EPA and relevant stakeholders of these events;
  - (f) includes a review mechanism and contingency measures if blasting causes amenity impacts at levels below the relevant criteria;
  - (g) include public notification procedures to enable members of the public, particularly surrounding residents, to get up-to-date information on the proposed blasting schedule; and
  - (h) include a protocol for investigating and responding to blast-related complaints.
- B26. The Applicant must not commence blasting in the SAR Mine until the Blast Management Plan is approved by the Planning Secretary.
- B27. The Applicant must implement the approved Blast Management Plan.

### AIR QUALITY AND GREENHOUSE GAS

#### Odour

- B28. Unless otherwise authorised by an EPL, the Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

#### Air Quality Criteria

- B29. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in **Table 3** at any residence on privately-owned land.

**Table 3: Air quality criteria**

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>
Total suspended particulate (TSP) matter	Annual	<sup>a, c</sup> 90 µg/m <sup>3</sup>

**Notes:**

<sup>a</sup> Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

<sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

<sup>c</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.

- B30. The air quality criteria in **Table 3** do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

#### Mine-owned Land

- B31. Particulate matter emissions generated by the development must not exceed the criteria listed in **Table 3** at any occupied residence on mine-owned land unless:
- (a) the tenant and landowner have been notified of any health risks associated with such exceedances in accordance with the notification requirements under PART E of this consent;
  - (b) the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;
  - (c) air quality monitoring is regularly undertaken to inform the tenant of the likely particulate matter emissions at the residence; and
  - (d) data from this monitoring is presented to the tenant in an appropriate format for a medical practitioner to assist the tenant in making informed decisions on the health risks associated with occupying the property.

#### Air Quality Operating Conditions

- B32. The Applicant must:
- (a) take all reasonable steps to
    - (i) minimise odour, fume and particulate matter (including PM<sub>10</sub> and PM<sub>2.5</sub>) emissions of the development;
    - (ii) improve energy efficiency and minimise Scope 1 and Scope 2 greenhouse gas emissions of the development;
    - (iii) minimise any visible off-site air pollution generated by the development;
    - (iv) minimise to the greatest extent practicable, the area of dust generating surfaces exposed on the site at any given point in time;
  - (b) ensure that all 'non-road' mobile diesel equipment used in undertaking the development includes reasonable and feasible diesel emissions reduction technology;
  - (c) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
  - (d) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to **Table 3** above); and
  - (e) regularly assess the air quality monitoring data, and modify operations on the site to ensure compliance with the relevant conditions of this consent.

#### Air Quality and Greenhouse Gas Management Plan

- B33. The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s and in consultation with the EPA;
  - (b) describe the measures to be implemented to ensure:
    - (i) compliance with the air quality criteria and operating conditions in this consent;
    - (ii) best practice management is being employed to:
      - minimise the development's air quality impacts;
      - minimise the development's Scope 1 and 2 greenhouse gas emissions; and
      - improve the development's energy efficiency; and
    - (iii) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
  - (c) describe the air quality management system in detail;
  - (d) include an air quality monitoring program, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in NSW* (EPA, 2022) and *Ambient Air Monitoring Guidance Note* (EPA, 2022), or its latest version, that:

- (i) uses monitors with consideration of *AS/NZS3580.1.1 Methods for sampling and analysis of ambient air – guide to siting air monitoring equipment* to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of operations;
  - (ii) adequately supports the air quality management system, including record keeping and a trigger action response plan;
  - (iii) includes a protocol for distinguishing the dust emissions of the development from any neighbouring developments; and
  - (iv) includes a sampling protocol in accordance with AS 3580.9.8 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM<sub>10</sub> continuous direct mass method using a tapered element oscillating microbalance analyser or equivalent;
  - (e) includes a process to annually review the reactive mitigation and management measures implemented and assess whether additional measures are required to ensure no exceedances of the criteria in Table 4; and
  - (f) includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.
- B34. The Applicant must not commence construction of the SAR Mine until the Air Quality and Greenhouse Gas Management Plan is approved by the Planning Secretary.
- B35. Every three years during the life of mining operations, unless otherwise agreed by the Planning Secretary, the Air Quality and Greenhouse Gas Management Plan must be updated to include the following information in relation to Scope 1 and Scope 2 greenhouse gas emissions:
- (a) a review of abatement technologies relevant to the development's greenhouse gas emissions;
  - (b) a detailed review of the feasibility of implementing various greenhouse gas abatement options, and economic considerations for the development; and
  - (c) a 3-year action plan to investigate and implement reasonable and feasible measure to minimise greenhouse gas emissions.
- B36. The Applicant must implement the approved Air Quality and Greenhouse Gas Management Plan.

#### **METEOROLOGICAL MONITORING**

- B37. For the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- (a) complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in NSW (EPA, 2022) and Ambient Air Monitoring Guidance Note (EPA, 2022) or their latest versions; and
  - (b) is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017) or its latest version,
- unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

#### **SOIL AND WATER**

##### **Water Discharges**

- B38. The Applicant must ensure that all surface discharges from the site comply with all relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL.
- B39. The concentration of Weak Acid Dissociable (WAD) cyanide in tailings discharged from the discharge point to the residue storage facility must not exceed 20 mg/L (90<sup>th</sup> percentile) or 30 mg/ L (maximum).

##### **Water Supply**

- B40. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.
- B41. The Applicant must report on water extracted from the development each year (direct and indirect) in the Annual Review, including water taken under each water licence.

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

##### **Compensatory Water Supply**

- B42. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted by mining operations (other than an impact that is minor or negligible) as a result of the development, in consultation with DPE Water, and to the satisfaction of the Planning Secretary.
- B43. The compensatory water supply measures must provide an alternative long term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.

- B44. If the Applicant and the landowner cannot agree on whether the loss of water is attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.
- B45. If the Applicant is unable to provide an alternative long term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.
- B46. However, conditions B42 to B44 do not apply if the Applicant has a compensatory water agreement with the owner/s of the land and the Applicant has advised the Department in writing of the terms of this agreement.

**Notes:**

- The Water Management Plan (see condition B49) is required to include trigger levels for investigating potentially adverse impacts on water supplies.
- The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.

- B47. In the event of any complaint related to a privately-owned licensed groundwater bore which may, in the opinion of the Planning Secretary, have been adversely and directly impacted as a result of the development (other than an impact that is minor or negligible), the Applicant must, as soon as practicable, facilitate the provision of a temporary water supply, pending the outcome of any groundwater investigation and/or provision of an alternative long-term supply of water as required under condition B43, the satisfaction of the Planning Secretary.

**Water Management Performance Measures**

- B48. The Applicant must ensure that the development complies with the performance measures in **Table 4**.

**Table 4: Water management performance measures**

Feature	Performance Measure
Water management – General	<ul style="list-style-type: none"> <li>• Maintain separation between clean dirty (i.e. sediment laden) and mine water management systems</li> <li>• Minimise the use of clean and potable water on the site</li> <li>• Maximise water recycling, reuse and sharing opportunities</li> <li>• Minimise the need for make-up water from external supplies</li> <li>• Design, install, operate and maintain water management infrastructure in a proper and efficient manner</li> <li>• Minimise risks to the receiving environment and downstream water users</li> </ul>
Clean water diversions and storage infrastructure	<ul style="list-style-type: none"> <li>• Design, install and maintain the clean water system to capture and/or convey the 100-year ARI flood event</li> <li>• Maximise, as far as reasonable, the diversion of clean water around disturbed areas on the site</li> </ul>
Residue Storage Facility	<ul style="list-style-type: none"> <li>• Ensure that the capacity of the residue storage facilities (RSF1 and RSF2) and associated collection pond are designed to meet the requirements of the <i>Australian National Committee on Large Dams' Guidelines on Tailings Dams – Planning, Design and Construction, Operation and Closure</i> (July 2019) or its latest version</li> <li>• Designed, constructed and operated in accordance with the requirements of the <i>Dams Safety Act 2015</i> and <i>Dams Safety Regulation 2019</i></li> <li>• Ensure that the floor and walls are lined to achieve a permeability standard equivalent to 1,000mm clay of permeability of at least <math>1 \times 10^{-9}</math> m/s, unless otherwise agreed by the EPA and the Planning Secretary</li> </ul>
Mine water management system, excluding the residue storage facility	<ul style="list-style-type: none"> <li>• Design, install and maintain mine water storage infrastructure to ensure no unlicensed or uncontrolled discharge of mine water off-site (except in accordance with condition B388)</li> <li>• Ensure that all water storages on site, except open cut pit voids, that receive chemical or salt laden water, including the dewatering ponds, raw water dams and process water dams are lined to achieve a permeability standard equivalent to 1,000mm clay of permeability of at least <math>1 \times 10^{-9}</math> m/s, unless otherwise agreed by the EPA and the Planning Secretary</li> <li>• Maintain adequate freeboard (i.e. minimum 200 mm) in all process water and raw water storages at all times</li> </ul>



Feature	Performance Measure
Erosion and sediment control works – including dams	<ul style="list-style-type: none"> <li>Design, install and maintain erosion and sediment controls in accordance with the best management practice guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landcom, 2004) and <i>2E Mines and Quarries</i> (DECC, 2008)</li> <li>Design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012) or latest versions and <i>Guideline for fish habitat conservation and management – Chapter 4</i> (DPI 2013), or its latest version</li> </ul>
Aquifers	<ul style="list-style-type: none"> <li>Negligible impacts to fractured rock aquifers caused by the development beyond those predicted in the EIS, including: <ul style="list-style-type: none"> <li>negligible change in groundwater levels beyond those predicted;</li> <li>negligible change in water quality beyond those predicted;</li> <li>negligible impact to other groundwater users; and</li> <li>no exceedance of the minimal impact considerations in the <i>NSW Aquifer Interference Policy</i></li> </ul> </li> </ul>
Waste Rock Emplacement	<ul style="list-style-type: none"> <li>Minimise the potential for acid mine drainage</li> <li>Design, install and maintain emplacements to encapsulate and prevent migration of acid forming and potentially acid forming materials</li> </ul>
Flood mitigation	<ul style="list-style-type: none"> <li>Negligible change to off-site flood regime (including flows, levels, storage capacity or velocities) as a result of the development, beyond those predicted in the EIS</li> <li>Realigned Newell Highway to be designed and constructed to achieve the same or greater flood immunity as the redundant section of highway</li> </ul>
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> <li>Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard</li> </ul>
Aquatic and riparian ecosystems (including Gundong Creek)	<ul style="list-style-type: none"> <li>Negligible environmental consequences beyond those predicted in the document/s listed in condition A2A2(c)</li> <li>Maintain or improve baseline channel stability</li> <li>Develop site-specific in-stream water quality objectives in accordance with the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (ANZECC &amp; ARMICANZ, 2000) and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> (DEC, 2006)</li> </ul>

## Water Management Plan

B49. The Applicant must prepare a Water Management Plan for the mine development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s and in consultation with DPE Water, EPA, and Dams Safety NSW;
- (b) describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see **Table 4**);
- (c) include a:
  - (i) **Site Water Balance** that includes details of:
    - predicted annual inflows to and outflows from the site;
    - sources and security of water supply for the life of the mine (including authorised entitlements and licences);
    - prioritisation strategy for water sources;
    - water storage capacity;
    - water use and management on the site, including opportunities to improve the efficiency of site water use and minimise the use of clean water on the site;
    - licensed discharge points and limits; and
    - reporting procedures, including annual revision of the site water balance;
  - (ii) **Erosion and Sediment Control Plan**, that:
    - is consistent with the requirements of the *Managing Urban Stormwater: Soils and Construction Manual* (Landcom 2004, or its latest version);
    - identifies activities that could cause soil erosion or generate sediment;
    - includes a program to review the adequacy of flood protection works, and ensure they comply with the relevant performance measures listed in **Table 4**;

- describes measures to minimise soil erosion;
  - describes the location, function, and capacity of erosion and sediment control structures; and
  - describes what measures would be implemented to maintain (and if necessary decommission) the structures over time;
- (iii) **Surface Water Management Plan**, that includes:
- detailed baseline data on surface water flows, quality of watercourses and/or waterbodies potentially impacted by the development, including:
    - stream and riparian health; and
    - channel stability (geomorphology);
  - a detailed description of the surface water management system;
  - detailed plans, design objectives and performance criteria for water management infrastructure, including:
    - water run-off diversions and catch drains, including the clean water and dirty water separation levee;
    - clean water storages, mine water storages and sediment dams;
    - emplacement areas, including monitoring and management protocol for emplacement of potentially acid or sulfate generating materials;
    - residue storage facilities (RSF1 and RSF2) and decant ponds;
    - the final voids;
    - control of any potential water pollution from the rehabilitated areas of the site;
  - detailed objectives and performance criteria, including trigger levels for investigating any potentially adverse impacts (or trends) associated with the mine development for:
    - downstream surface water flows and quality;
    - stream and riparian health and channel stability (geomorphology);
    - post-mining water pollution from rehabilitated areas of the site;
  - a program to monitor and evaluate:
    - compliance with the relevant performance measures in **Table 4** and the performance criteria in this plan;
    - potential leakage or spillage from pipelines;
    - potential acid and metalliferous drainage;
    - controlled and uncontrolled discharges and seepage/leachate from the site;
    - surface water inflows, outflows and storage volumes, to inform the Site Water Balance;
    - the effectiveness of the surface water management system, including contingency measures to be implemented during a potential failure of the water management system infrastructure;
    - the effectiveness of the Erosion and Sediment Control Plan;
  - reporting procedures for the results of the monitoring program; and
  - a trigger action response plan to respond to any exceedances of the performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development,
  - a program to periodically upgrade and validate the surface water model for the mine development, including an independent review of the model every 3 years, and at least annual comparison of monitoring results with modelled predictions;
- (iv) **Groundwater Management Plan**, that includes:
- detailed baseline data on groundwater levels, yield and quality for groundwater resources that could be affected by the development, including privately-owned groundwater bores and groundwater dependent ecosystems;
  - a detailed description of the groundwater management system;
  - groundwater performance criteria, including trigger levels for identifying and investigating potentially adverse impacts associated with the development, on:
    - local and regional aquifers;
    - groundwater supply for other water users, such as licensed privately-owned groundwaterbores;
    - groundwater inflows to the mining operations;
    - seepage/leachate from underground voids, water storages, residue storage facilities, waste rock emplacements, infrastructure and processing areas, backfilled voids and final voids; and
    - groundwater dependent ecosystems;
  - a program to monitor and evaluate:
    - compliance with the relevant performance measures listed in **Table 4** and the performance criteria in this plan;
    - seepage/leachate from underground voids, water storages, residue storage facilities, waste rock emplacements, infrastructure and processing areas, backfilled voids and final voids, including migration over the short and long term;
    - groundwater inflows, outflows and storage volumes, to inform the Site Water Balance;
    - the effectiveness of the groundwater management system;
  - reporting procedures for the results of the monitoring program; and

- a trigger action response plan to respond to any exceedances of the groundwater performance criteria, and repair, mitigate any/or offset any adverse groundwater impacts of the development; and
- (v) a program to periodically upgrade and validate the groundwater model for the development, including a model update plan and independent review of the model every 3 years, and at least annual comparison of monitoring results with modelled predictions.

B50. The Applicant must not commence construction of the SAR Mine until the Water Management Plan is approved by the Planning Secretary.

B51. The Applicant must implement the approved Water Management Plan.

#### Notifications

B52. The Applicant must notify Dams Safety NSW of its intention to construct the water storage dam in the SAR Mine area, prior to commencing construction.

#### BIODIVERSITY

##### Biodiversity Offsets

B53. The Applicant must retire the biodiversity credits specified in **Table 5** in accordance with the Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*.

**Table 5: Ecosystem Credit Requirements**

<b>Credit Type</b>	<b>Credits Required Stage 1a</b>	<b>Credits Required Stage 1b</b>	<b>Credits Required Stage 2</b>	<b>Credits Required Stage 3</b>	<b>Total</b>
PCT 55 – Belah woodland on alluvial plains and low rises in the central NSW wheatbelt to Pilliga and Liverpool Plains regions	123	225	0	192	540
PCT 55 – Scattered Trees	2	6	0	4	12
PCT 82 – Western Grey Box - Poplar Box - White Cypress Pine tall woodland on red loams mainly of the eastern Cobar Penepalin Bioregion	54	392	145	112	703
PCT 82 – Scattered Trees	8	22	0	0	30
PCT 201 – Fuzzy Box Woodland on alluvial brown loam soils mainly in the NSW South Western Slopes Bioregion	98	323	0	4	425
PCT 201 – Scattered Trees	1	0	0	0	1
PCT 27 – Weeping Myall open woodland of the Darling Riverine Plains Bioregion and Brigalow Belt South Bioregion	0	13	0	0	13
<b>Total</b>	<b>286</b>	<b>981</b>	<b>145</b>	<b>312</b>	<b>1,724</b>

##### Staged Retirement

B54. Prior to disturbance that would impact on biodiversity values within Vegetation Clearing Area Stage 1a (as shown on Figure 1 in **Appendix 4**), the Applicant must retire the Stage 1a biodiversity credits as specified in **Table 5**.

B54A. Prior to disturbance that would impact on biodiversity values within Vegetation Clearing Area Stage 1b (as shown on Figure 1 in **Appendix 4**), the Applicant must retire the Stage 1b biodiversity credits as specified in **Table 5**.

B55. Prior to disturbance that would impact on biodiversity values within Vegetation Clearing Area Stage 2 (as shown on Figure 2 in **Appendix 4**), the Applicant must retire the Stage 2 biodiversity credits as specified in **Table 5**.

B56. Prior to disturbance within Vegetation Clearing Area Stage 3 (as shown on Figure 2 in **Appendix 4**), the Applicant must retire the Stage 3 biodiversity credits as specified in **Table 5**.

## Previous Offset Requirements

- B57. By 31 May 2023, unless otherwise agreed by the Planning Secretary, the Applicant must retire the biodiversity credits specified in **Table 6** below. The retirement of credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*.

**Table 6: Ecosystem Credit Requirements – imposed under Mod 5 of project approval MP09\_0155**

Vegetation Type	Credits Required
PCT 82 Western Grey Box - Poplar Box – White Cypress Pine tall woodland on red loams mainly of the eastern Cobar Peneplain Bioregion	103
PCT 201 Fuzzy Box Woodland on alluvial brown loam soils mainly in the NSW South Western Slopes Bioregion	49
<b>Total</b>	<b>152</b>

- B58. The Applicant must implement the biodiversity offset strategy outlined in **Table 7**, and shown in **Figure 3** in Appendix 4, to the satisfaction of the Planning Secretary.

**Table 7: Biodiversity Offsets – imposed under project approval MP09\_0155**

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

- B59. The Applicant must maintain an appropriate long-term security for the offset areas identified in **Table 7** to the satisfaction of the Planning Secretary.

## Conservation Bond

- B60. The Applicant must maintain a conservation bond with the Department to ensure that the biodiversity offset strategy identified in **Table 7** is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.

The sum of the bond must cover the full cost of implementing the biodiversity offset strategy and be verified by a suitably qualified rehabilitation specialist or quantity surveyor.

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

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

- B61. The Conservation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:
- any update or revision to the Biodiversity Management Plan;
  - completion of an Independent Environmental Audit; or
  - a request by the Planning Secretary,

## Biodiversity Management Plan

- B62. The Applicant must prepare a Biodiversity Management Plan for the mine development to the satisfaction of the Planning Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s and in consultation with BCS;
  - describe how biodiversity management would be integrated with similar measures within other management plans, including the Rehabilitation Strategy referred to in condition B84;
  - describe the short, medium, and long term measures that would be implemented to:
    - manage the remnant vegetation and fauna habitat on the site; and
    - implement the biodiversity offset strategy (referred to in condition B58), including detailed measurable and quantifiable performance and completion criteria, and triggers for remedial action;
  - describe the measures to be implemented within the approved disturbance areas to:
    - minimise the amount of clearing;
    - minimise impacts on fauna, including undertaking pre-clearance surveys;
    - maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement.
  - describe the measures to be implemented on the site to:
    - enhance the quality of existing vegetation and fauna habitat;
    - restore native vegetation and fauna habitat, including assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary);
    - manage any potential conflicts with Aboriginal heritage values;
    - protect vegetation and fauna habitat outside of the approved disturbance area;
    - manage the collecting and propagating seed;
    - minimising the impacts on fauna on site, including pre-clearance surveys and minimising the potential exposure to tailings;
    - control weeds and feral pests;
    - control erosion;
    - managing grazing and agriculture on site;
    - control access to vegetated and revegetated areas; and
    - manage bushfire hazards;
  - include a seasonally-based program to monitor and report on:
    - the effectiveness of the above measures;
    - progress against detailed performance indicators and completion criteria, and identify improvements that could be implemented to improve biodiversity outcomes; and
  - include details of who would be responsible for monitoring, reviewing, and implementing the plan.
- B63. The Applicant must not commence construction of the SAR Mine until the Biodiversity Management Plan is approved by the Planning Secretary.
- B64. The Applicant must implement the approved Biodiversity Management Plan.

## TRANSPORT

### Road Upgrades

- B65. The Applicant must construct the Newell Highway Realignment as described in the EIS and shown conceptually in **Figures 9 and 10** of Appendix 2, to the satisfaction of the appropriate roads authority. The realigned highway must include the design requirements specified in **Table 8**, unless otherwise agreed by the appropriate roads authority.

**Note:** Under the Roads Act 1993, the Applicant may require separate approvals from TfNSW, and/or Council as the appropriate roads authorities prior to construction of, closure of or conducting mining operations within public roads.

**Table 8: Design requirements of the Newell Highway Realignment**

Aspect	Requirement
All roads and intersections	<ul style="list-style-type: none"> <li>Constructed in accordance with <i>Austroads Guide to Road Design</i></li> </ul>
Newell Highway Realignment	<ul style="list-style-type: none"> <li>Pavement design to conform to <i>Austroads Guide to Pavement Technology Part 2 'Pavement Structural Design'</i></li> <li>Designed and constructed to achieve the same or greater flood immunity as the redundant section of highway</li> <li>One (1) metre centreline</li> <li>Audio tactile line marking</li> </ul>
Intersections with Kyalite Road, McNivens Lane and Back Tomingley West Road	<ul style="list-style-type: none"> <li>Channelised right turn and auxiliary left turn treatments</li> </ul>

- B66. The Applicant must not close the existing Newell Highway until the Newell Highway Realignment is constructed, suitable for use and dedicated as a public road, to the satisfaction of TfNSW.
- B67. The Applicant must ensure that:
- (a) upon completion of construction of the Newell Highway Realignment, the existing point to point cameras located on either side of the realignment are:
    - (i) reviewed in consultation with the appropriate roads authority to determine if they require modification;
    - (ii) modified if it is determined to be required (as per (i) above), to the satisfaction of the appropriate roads authority, at the Applicant's expense;
  - (b) temporary site access intersections to road and SAR Mine construction compounds are constructed to the satisfaction of the appropriate roads authority; and
  - (c) traffic associated with the Project does not use the South Tomingley Rest Area to perform a u-turn to enable access to the site.

### **Traffic Management Plan**

- B68. The Applicant must prepare a Traffic Management Plan for the mine development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s in consultation with TfNSW and Council;
  - (b) include details of all transport routes and traffic types to be used for development-related traffic;
  - (c) include details of the measures to be implemented to:
    - (i) minimise traffic safety issues and disruption to local road users, including:
      - minimising potential for conflict with school buses;
      - a traffic management system for managing over-dimensional vehicles;
      - implementation of temporary traffic controls, including detours and signage; and
      - manage traffic volumes at the temporary Kyalite Road intersection;
    - (ii) notify the local community about development-related traffic impacts;
    - (iii) respond to any emergency repair requirements or maintenance of public roads affected by construction and/or decommissioning; and
  - (d) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:
    - (i) adhere to posted speed limits or other required travelling speeds;
    - (ii) adhere to the designated transport routes; and
    - (iii) implement safe driving practices, including during hazardous weather conditions.

- B69. The Applicant must not commence construction of the SAR Mine until the Traffic Management Plan is approved by the Planning Secretary.

- B70. The Applicant must implement the approved Traffic Management Plan.

### **HERITAGE**

#### **Protection of Aboriginal Heritage**

- B71. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified Aboriginal object located outside the approved disturbance areas, beyond those predicted in the document/s listed in condition A2(c).
- B72. The Applicant must ensure that all known Aboriginal objects on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

#### **Aboriginal Cultural Heritage Management Plan**

- B73. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the mine development to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared by suitably qualified and experienced persons in consultation with Heritage NSW and Registered Aboriginal Parties;
  - (b) describe the measures to be implemented on the site and within any offset area to:
    - (i) comply with the heritage-related operating conditions of this consent;
    - (ii) ensure all workers receive suitable Aboriginal cultural heritage training/inductions prior to carrying out any activities which may cause impacts to Aboriginal objects, and that suitable records are kept of these inductions;



- (iii) protect, monitor and manage identified Aboriginal objects (including any proposed archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition A2(c);
- (iv) protect Aboriginal objects located outside the approved disturbance area from impacts of the development;
- (v) manage the discovery of suspected human remains and any new Aboriginal objects, including provisions for burials, over the life of the development;
- (vi) maintain and manage reasonable access for relevant Aboriginal stakeholders to visit Aboriginal objects (outside of the approved disturbance area); and
- (vii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site;
- (c) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.

B74. The Applicant must not commence construction of the SAR Mine until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary.

B75. The Applicant must implement the approved Aboriginal Cultural Heritage Management Plan.

#### **Historic Heritage Management Plan**

B76. The Applicant must prepare a Historic Heritage Management Plan for the mine development to the satisfaction of the Planning Secretary, in respect of all non-Aboriginal cultural heritage items. This plan must:

- (a) be prepared in consultation with the Council;
- (b) be submitted to the Planning Secretary prior to the commencement of construction of mine development;
- (c) describe the measures to be implemented on the site to:
  - (i) undertake photographic/archival recording of any items of heritage significance predicted to be impacted by the development, prior to disturbance;
  - (ii) manage any new heritage items discovered during the life of the development; and
- (d) include a strategy for the care, control and storage of heritage relics salvaged from the site.

B77. The Applicant must implement the approved Historic Heritage Management Plan.

### **VISUAL**

#### **Visual Amenity and Lighting**

B78. The Applicant must:

- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;
- (b) establish and maintain vegetated amenity bunds and screens as described in the documents listed in condition A2(c).
- (c) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;
- (d) ensure no in-pit mobile lighting rigs shine directly above the pit wall and other mobile lighting rigs do not shine directly above the horizontal (except where required for emergency safety purposes);
- (e) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*; and
- (f) ensure that the visual appearance of all new buildings, structures, facilities or works which are visible from outside the site (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.

### **WASTE**

B79. The Applicant must:

- (a) take all reasonable steps to minimise the waste generated by the development;
- (b) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);
- (c) dispose of all waste at appropriately licensed waste facilities;
- (d) except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal;
- (e) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and

- (f) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition D10.

## DANGEROUS GOODS

B80. The Applicant must ensure that the storage, handling, and transport of:

- (a) dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the *Dangerous Goods Code*; and
- (b) explosives are managed in accordance with the requirements of the Resources Regulator.

## BUSHFIRE MANAGEMENT

B81. The Applicant must:

- (a) ensure that the development:
  - (i) provides for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2019) (or latest version) guideline; and
  - (ii) ensure that there is suitable equipment to respond to any fires on the site; and
- (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

B82. Prior to the commencement of construction, the Applicant must prepare:

- (a) a Bushfire Report, prepared in accordance with *Planning for Bushfire Protection* (RFS, 2019), in consultation with the NSW Rural Fire Services;
- (b) an Emergency Response Plan, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1 'Emergency Planning' guideline*, in consultation with Fire and Rescue NSW; and
- (c) an Emergency Services Information Package, prepared in accordance with the Fire and Rescue NSW *Fire safety guideline – Emergency services information package and tactical fire plans* for the development.

## REHABILITATION

### Rehabilitation Objectives

B83. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining leases(s) associated with the development under the *Mining Act 1992*. The rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS (and shown conceptually in the Rehabilitation Plans in **Appendix 5**), subject to ongoing investigations required under conditions B86 and B89-B91, and must comply with the objectives in **Table 9**.

**Table 9: Rehabilitation objectives**

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> <li>Fit for the intended post-mining land use/s</li> <li>Establish the final landform and post mining land use/s as soon as practicable after cessation of mining</li> <li>Minimise post-mining environmental impacts</li> </ul>
Stopes	<ul style="list-style-type: none"> <li>Safe and stable</li> <li>Negligible surface subsidence in the long term</li> </ul>
Portals and vent shafts	<ul style="list-style-type: none"> <li>To be decommissioned and made safe and stable</li> </ul>
Residue Storage Facilities	<ul style="list-style-type: none"> <li>Tailings are contained within a structure that adequately mitigates risk of tailings and associated contaminants being released to the environment</li> <li>Structural integrity and final landform stability meeting industry accepted engineering guidelines for tailings facilities closure (ANCOLD and Global Tailings Standard)</li> </ul>
SAR South, SAR Central, Caloma 1, Caloma 2, Wyoming 3 pits	<ul style="list-style-type: none"> <li>Backfilled to ensure areas are free draining</li> </ul>
Wyoming 1	<ul style="list-style-type: none"> <li>Partially backfilled and buttressed to achieve a slope stability Factor of Safety of 1.5, unless otherwise agreed by the Resources Regulator</li> <li>No impact on proximal surface features, including the Newell Highway and RSF1 and RSF2</li> </ul>



<i>Feature</i>	<i>Objective</i>
SAR North Final Void	<ul style="list-style-type: none"> <li>• Optimise the size and depth of final void to ensure the final landform achieves a slope stability Factor of Safety of 1.5, unless otherwise agreed by the Resources Regulator</li> <li>• Minimise to the greatest extent practicable: <ul style="list-style-type: none"> <li>- the drainage catchment of final voids; and</li> <li>- any pit wall geotechnical and erosional instability risks outside of the Relinquishment Bund identified in Figure 2 of Appendix 5</li> </ul> </li> <li>• No increase in area beyond the Relinquishment Bund identified in Figure 2 of Appendix 5.</li> </ul>
Areas proposed for agricultural land	<ul style="list-style-type: none"> <li>• Establish/restore disturbed areas to support sustainable agriculture, including: <ul style="list-style-type: none"> <li>- a minimum of 209 ha of disturbed land to achieve Class 4 land and soil capability</li> <li>- a minimum of 136 ha of disturbance land to achieve Class 6 land and soil capability</li> </ul> </li> </ul>
Waste Rock Emplacement	<ul style="list-style-type: none"> <li>• Minimise the potential for acid mine drainage and erosion</li> <li>• Incorporate micro-relief and drainage features that mimic natural topography and mitigate erosion, to the greatest extent practicable</li> <li>• Minimise visual impacts, where practicable</li> </ul>
Water Quality	<ul style="list-style-type: none"> <li>• Water retained on the site is fit for intended post-mining land use/s</li> <li>• Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation</li> </ul>
Surface infrastructure	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless Resources Regulator agrees otherwise</li> </ul>
Water Pipeline	<ul style="list-style-type: none"> <li>• Dappo bore to be decommissioned and removed, unless otherwise agreed by the Secretary</li> <li>• Production bore, pumps, power supply and pipeline at the "Woodlands" site to be transferred to Council, in accordance with the general terms of the Planning Agreement as summarised in Appendix 7</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety</li> <li>• Minimise adverse socio-economic effects associated with mine closure</li> </ul>

### Rehabilitation Strategy

B84. The Applicant must prepare a Rehabilitation Strategy for the site to the satisfaction of the Planning Secretary. This strategy must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with the Resources Regulator, MEG, DPE Water, DPI Agriculture, BCS, Council and the CCC;
- (c) be submitted to the Planning Secretary for approval within six months of the date of physical commencement of development under this consent, unless otherwise agreed by the Planning Secretary;
- (d) build upon the Rehabilitation Objectives in **Table 9**, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform, final void outcomes, post-mining land use/s and water management;
- (e) align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA, 2000);
- (f) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;
- (g) include details of:
  - (i) how the waste rock emplacement area will be designed to meet the rehabilitation objectives in **Table 9**;

- (ii) target vegetation communities and species to be established within the proposed revegetation areas; and
- (iii) return of disturbed land to agricultural land uses and improved land Class capability;
- (h) investigate opportunities to refine and improve the final landform over time, including the configuration of the waste rock emplacement;
- (i) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site, that:
  - (i) align with regional and local strategic land use planning objectives and outcomes, including a return to agricultural land use;
  - (ii) support a sustainable future for the local community;
  - (iii) utilise existing mining infrastructure, where practicable; and
  - (iv) avoid disturbing self-sustaining native ecosystems, where practicable;
- (j) include a stakeholder engagement plan to guide rehabilitation, impacts to agriculture and mine closure planning processes and outcomes;
- (k) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and
- (l) include a program to report on the outcomes of the investigations required under this condition and review and update this strategy at least every five years.

B85. The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary.

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

#### SAR Final Void Plan

B86. Within 18 months of the commencement of mining operations in the SAR open cut, the Applicant must submit a Final Void Plan to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared in consultation with the Resources Regulator;
- (b) be prepared by a suitably qualified and independent expert/s in relation to both geotechnical and erosional stability, whose appointment has been endorsed by the Secretary;
- (c) include a geotechnical stability assessment of the SAR North void, including:
  - (i) detailed modelling of slope stability that:
    - demonstrates pit wall slopes will meet the Rehabilitation Objectives in Table 9;
    - identifies modelling assumptions including site specific material strength parameters and justification for their use;
    - incorporates findings of the Northern Ramp Geotechnical Stability and Erosion Trial Plan and Trial Plan Evaluation Report required under conditions B89 and B91;
    - considers the effect of predicted groundwater recovery levels within the final void;
    - considers the likelihood of any structural defects which may result in mass failure;
  - (ii) an assessment of the long term performance of the void and whether it could achieve the rehabilitation objectives identified in **Table 9**.
- (d) include an erosional stability assessment of the SAR North void, including:
  - (i) detailed modelling of erosional stability that:
    - nominates the long-term erosion rate to meet the Rehabilitation Objectives in **Table 9**;
    - analyses the short, medium and long-term landscape evolution of the pit;
    - identifies modelling assumptions including site specific parameters, and justification for their use;
    - includes analysis of tunnel erosion and gullyng;
    - incorporates findings of the Northern Ramp Geotechnical Stability and Erosion Trial Plan and Trial Plan Evaluation Report required under conditions B89 and B91;
    - includes the application of drainage control structures and suitable erosion controls/treatments; and
    - considers the effect of groundwater within the final void;
  - (ii) an assessment of the long-term evolution of the void and whether it could achieve the rehabilitation objectives identified in **Table 9**;
- (e) include detailed description on the proposed measures to manage stability of the void to achieve overall rehabilitation objectives;
- (f) identify the extent of the pit crest and relinquishment bund and provide an assessment of:

- (i) any implications and long-term residual risk, including encroachment upon other surface features; and
- (ii) its position within the approved disturbance area, as identified in condition A11.
- (g) include a monitoring and review program and schedule to update the Final Void Plan as mining progresses and further geotechnical and erosion data becomes available.

B87. The Applicant must not commence mining in the SAR North Pit until the Final Void Plan is approved by the Planning Secretary

### Northern Ramp

B88. The Applicant must undertake erosion and geotechnical stability trials within the walls of the Northern Ramp. These trials must consider a variety of wall slope and erosion control options, which are undertaken in accordance with the Erosion and Geotechnical Stability Trial Plan approved under condition B89, and at a minimum include the design requirements presented in **Table 10**.

**Table 10: Trial Design Requirement of the Northern Ramp**

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

B89. The Applicant must prepare a Geotechnical Stability and Erosion Trial Plan, to the satisfaction of the Secretary. This Plan must:

- (a) include a peer review of the trial plan by independent geotechnical and erosion experts;
- (b) be prepared in consultation with the Resources Regulator;
- (c) propose a variety of options to be implemented within the trial area to evaluate the geotechnical and erosional stability of the ramp walls, including a range of wall slopes and erosion controls, including the design requirements presented in **Table 10**;
- (d) identify the area/s where the trial will be established, including a figure that illustrates the location of each trial option;
- (e) for each trial option:
  - (i) provide baseline data on the behaviour of exposed in situ material, including measured erosion rates;
  - (ii) identify the proposed wall slope, including justification;
  - (iii) identify the proposed erosion controls/treatments, including material composition, application methods and details of surface water drainage and control measures;
  - (iv) provide estimated erosion rates following the application of erosion controls;
  - (v) provide an estimated Factor of Safety for geotechnical stability;
- (f) include a schedule for the implementation of all trial options;
- (g) include a monitoring program that evaluates the geotechnical stability and erosion rates of each trial option, including:
  - (i) details of the proposed monitoring techniques and associated monitoring frequency to assess the geotechnical and erosional stability. This must include monitoring of areas adjacent to the Northern Ramp to assess the potential instability issues outside of the ramp area;
  - (ii) a comparison of erosion rates to baseline and predicted levels; and
  - (iii) a trigger action response plan.

B90. Unless the Secretary agrees otherwise, the Applicant must not commence construction of the Northern Ramp until the Geotechnical Stability and Erosion Trial Plan is approved by the Secretary.

B91. Within 12 months of commencing underground mine truck haulage on the Northern Ramp, the Applicant must submit a Trial Evaluation Report to the satisfaction of the Secretary. This report must:

- (a) include a peer review of the evaluation report by independent geotechnical and erosion experts ;
- (b) include an evaluation of the geotechnical stability and erosion rates of each trial option; and
- (c) provide consideration of additional measures to minimise the potential for long term post closure geotechnical and erosional instability in the Wyoming 1 pit.

B92. The Applicant must report the outcomes of the ongoing implementation of the Geotechnical Stability and Erosion Trial Plan in the Annual Review.

## AGRICULTURE

B93. The Applicant must take all reasonable and feasible measures to ensure that the agricultural productivity and production on its landholdings on the land identified in Figure 1, Appendix 6, is maintained or enhanced, generally in accordance with its commitments in the EIS.

## HAZARDS AND RISK

B94. The Applicant must store and handle all chemicals, fuels and oils in accordance with:

- (a) the requirements of all relevant Australian Standards, including and not limited to *Australian Standards 2187 Explosives – Storage, transport and use*; and
- (b) the EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook, if the chemicals are liquids.

**Notes:** *In the event of an inconsistency between the requirements in (a) and (b), the most stringent requirement shall prevail to the extent of the inconsistency.*

B95. The Applicant must submit a Hazardous Materials Management Plan for the mine development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared in consultation with relevant government agencies including Council, DPE Water, TfNSW, EPA and Resources Regulator;
- (b) be consistent with the International Cyanide Management Code for the Manufacture, Transport and Use of Cyanide in the Production of Gold;
- (c) describe the measures that would be implemented to:
  - (i) ensure sodium cyanide and other toxic chemicals and dangerous goods are stored and handled onsite in accordance with the relevant guidelines;
  - (ii) ensure the transportation of hazardous materials to or from the site is undertaken in accordance with the Department's Hazardous Industry Planning Advisory Paper No.11 – Route Selection and the Australian Code for the Transport of Dangerous Goods by Road and Rail, or its latest version;
  - (iii) ensure that the storage, handling, and transport of explosives are managed in accordance with the requirements of the Resources Regulator; and
  - (iv) detail the emergency procedures for the development consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning*.

B96. The Applicant must not commence mining in the SAR Mine until the Hazardous Materials Management Plan is approved by the Planning Secretary.

B97. The Applicant must implement the approved Hazardous Materials Management Plan.

## PART C CONSTRUCTION SPECIFIC ENVIRONMENTAL CONDITIONS

### Newell Highway Realignment Construction Environment Management Plan

- C1. The Applicant must prepare a Newell Highway Realignment Construction Environment Management Plan for construction of the Newell Highway and any other road and access related construction works for the development, to the satisfaction of the Planning Secretary. This plan must:
- (a) detail how the relevant performance outcomes, commitments and recommendations identified in the document/s listed in condition A2(c) will be implemented and achieved;
  - (b) be prepared in consultation with TfNSW, BCS, DPE Water and Council;
  - (c) include a strategy for consultation with affected landowners, including a complaints resolution process;
  - (d) include the following sub-plans:
    - (i) **Traffic and Access Management Sub-plan**, including:
      - details of the schedule of works;
      - a description of the measures to be implemented to:
        - minimise traffic and road safety issues and disruption to other road users;
        - respond to any emergency repair requirements or maintenance during construction and/or commissioning;
        - notify the local community about associated traffic impacts;
        - manage over-dimensional vehicles; and
        - control traffic around construction sites, in accordance with *Traffic Control at Work Sites* (RMS, 2018);
    - (ii) **Soil and Water Management Sub-plan**, including:
      - identification of:
        - sources and security of water supply; and
        - activities that could cause soil erosion or generate sediment;
      - a description of measures to be implemented to:
        - manage erosion and sedimentation risks including controls in accordance with *Managing Urban Stormwater: Soils and Construction – Volume 1* (Landcom, 2004) and *Volume 2A Installation of Services*;
        - design, install and maintain creek crossings in accordance with the *Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management* (DPI, 2013) and *Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings* (NSW Fisheries, 2003), or their latest versions;
        - prevent, contain and remediate oil and chemical spills; and
      - a program to review the adequacy of flood protection works;
    - (iii) **Biodiversity Management Sub-plan**, including a description of the measures to be implemented to:
      - minimise the amount of clearing and vegetation disturbance;
      - minimise impacts on fauna, including pre-clearance surveys and fauna handling protocols;
      - maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
      - protect vegetation and fauna habitat outside of the approved disturbance areas;
      - control weeds, including measures to avoid and mitigate the spread of noxious weeds;
      - manage any grazing and agriculture; and
      - maximise the use of endemic species to rehabilitate the disturbed areas;
    - (iv) **Heritage Management Sub-plan**, including a description of the measures to be implemented to:
      - comply with the heritage-related operating conditions of this consent;
      - ensure all workers receive suitable Aboriginal cultural heritage training/inductions prior to carrying out any activities which may cause impacts to Aboriginal objects, and that suitable records are kept of these inductions;
      - facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage;
      - protect, monitor and/or manage identified Aboriginal objects (including proposed archaeological investigations and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition A2(c);
      - protect Aboriginal objects located outside the approved disturbance area from impacts of the development; and

- manage the discovery of suspected human remains and any new Aboriginal objects;
- (v) **Air, Noise and Vibration Management Sub-plan**, including a description of the measures to be implemented to:
- minimise the generation of dust;
  - minimise noise and vibration impacts on sensitive receivers;
  - minimise road traffic noise on local roads from construction vehicles;
  - undertake construction consistent with the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) (or its latest version); and
  - identify potential high noise generating activities and restrictions to be applied, including working hours and respite;
- (vi) **Rehabilitation Management Sub-plan**, including a description of the measures to be implemented to:
- progressively stabilise and rehabilitate disturbed areas immediately following the completion of construction activities;
  - remove temporary structures; and
  - manage any grazing and agriculture.
- C2. The Applicant must not commence construction of the Newell Highway Realignment until the Newell Highway Realignment Construction Environmental Management Plan is approved by the Planning Secretary.
- C3. The Applicant must implement the approved Newell Highway Realignment Construction Environmental Management Plan.

#### **Dappo Bore Pipeline Construction Environment Management Plan**

- C4. Prior to commencing construction of the Dappo Bore Pipeline, the Applicant must prepare a Dappo Bore Pipeline Construction Environmental Management Plan. This plan must:
- (a) detail how the relevant performance outcomes, commitments and recommendations identified in the document/s listed in condition A2(c) will be implemented and achieved;
  - (b) include an indicative schedule of the proposed works;
  - (c) include a description of measures to be implemented to:
    - (i) manage any grazing and agriculture;
    - (ii) return disturbed areas to the same or improved land and soil class capability;
    - (iii) manage erosion and sedimentation risks including controls in accordance with Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004) and Volume 2A Installation of Services;
    - (iv) prevent, contain and remediate oil and chemical spills; and
    - (v) minimise the generation of dust, noise and vibration impacts on sensitive receivers;
- C5. The Applicant must implement the Dappo Bore Pipeline Construction Environmental Management Plan.

## PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

- D1. The Applicant must prepare an Environmental Management Strategy for the mine development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) set out the procedures to be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive, record, handle and respond to complaints;
    - (iii) resolve any disputes that may arise during the course of the development;
    - (iv) respond to any non-compliance and any incident; and
    - (v) respond to emergencies; and
  - (e) include:
    - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
    - (ii) a clear plan depicting all the sites where monitoring is to be carried out under the conditions of this consent.
- D2. The Applicant must not commence construction of the SAR Mine until the Environmental Management Strategy is approved by the Planning Secretary.
- D3. The Applicant must implement the approved Environmental Management Strategy.

#### Adaptive Management

- D4. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.
- Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:
- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur.
  - (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
  - (c) implement reasonable remediation measures as directed by the Planning Secretary.

#### Management Plan Requirements

- D5. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:
- (a) summary of relevant background or baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);
  - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (e) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to paragraph (d);
  - (f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (h) a protocol for managing and reporting any:

- (i) incident, non-compliance or exceedance of any impact assessment criterion or performance measure;
- (ii) complaint; or
- (iii) failure to comply with other statutory requirements;
- (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and
- (j) a protocol for periodic review of the plan.

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

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

- D6. Within three months of:
- (a) the submission of an incident report under condition D8;
  - (b) the submission of an Annual Review under condition D10;
  - (c) the submission of an Independent Environmental Audit under condition D12; or
  - (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise);
  - (e) notification of a change in development phase under condition A5; or
  - (f) a direction of the Secretary under condition A3,
- the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.
- D7. If necessary, to either improve the environmental performance of the development or cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

## REPORTING AND AUDITING

### Incident Notification

- D8. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 88.

### Non-Compliance Notification

- D9. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

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

### Annual Review

- D10. By the end of September each year after the date of physical commencement of development under this consent, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:
- (a) describe the development (including any rehabilitation) that was carried out in the previous financial year, and the development that is proposed to be carried out over the current financial year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous financial year, including a comparison of these results against the:
    - (i) relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this consent;
    - (iii) monitoring results of previous years; and
    - (iv) relevant predictions in the document/s listed in condition A2(c);
  - (c) identify any non-compliance or incident which occurred in the previous financial year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
  - (d) evaluate and report on compliance with the performance measures, criteria and operating conditions of this consent;



- (e) identify any trends in the monitoring data over the life of the development;
- (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (g) describe what measures will be implemented over the next financial year to improve the environmental performance of the development.

D11. Copies of the Annual Review must be submitted to Council and made available to the CCC and any interested person upon request.

#### **Independent Environmental Audit**

D12. Within one year of the date of physical commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:

- (a) be prepared in accordance with the *Independent Audit Post Approval Requirements* (NSW Government 2020); and
- (b) be submitted, to the satisfaction of the Planning Secretary, within two months of undertaking the independent audit site inspection, unless otherwise agreed by the Planning Secretary.

D13. In accordance with the specific requirements of the *Independent Audit Post Approval Requirements* (NSW Government 2020), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition D12 of this consent;
- (b) submit a response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations of the Independent Audit Report;
- (c) implement the recommendations to the satisfaction of the Planning Secretary; and
- (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary.

#### **Monitoring and Environmental Audits**

D14. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

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

#### **ACCESS TO INFORMATION**

D15. Within three months of the date of physical commencement of development under this consent, until the completion of all rehabilitation required under this consent, the Applicant must:

- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
  - (i) the document/s listed in condition A2(c);
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;
  - (iv) minutes of CCC meetings;
  - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
  - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (vii) a summary of the current phase and progress of the development;
  - (viii) contact details to enquire about the development or to make a complaint;
  - (ix) a complaints register, updated monthly;
  - (x) the Annual Reviews of the development;
  - (xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; and
  - (xii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

## **PART E ADDITIONAL PROCEDURES**

### **NOTIFICATION OF TENANTS**

- E1. Within one month of the date of this consent, the Applicant must:
- (a) notify the tenants of any mine-owned land of their rights under this consent; and
  - (b) send a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017) to the existing tenants of any land (including mine-owned land) where the predictions in the document/s listed in condition A2(c) identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria identified in condition B29 at any time during the life of the development.
- E2. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, the Applicant must:
- (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017); and
  - (b) advise the prospective tenants of the rights they would have under this consent,
- to the satisfaction of the Planning Secretary

### **NOTIFICATION OF EXCEEDANCES**

- E3. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners, tenants and the CCC.
- E4. For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected land owners and/or tenants a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017).

### **INDEPENDENT REVIEW**

- E5. If a landowner considers the development to be exceeding any relevant noise, blasting or air quality criterion in PART B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.
- E6. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.
- E7. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
    - (i) consult with the landowner to determine their concerns;
    - (ii) conduct monitoring to determine whether the development is complying with the relevant criterion in PART B of this consent; and
    - (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and
  - (b) give the Planning Secretary and landowner a copy of the independent review; and
  - (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

### **ADDITIONAL VISUAL MITIGATION MEASURES**

- E8. Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the project operations, the Applicant must implement visual mitigation measures (such as landscaping treatments or vegetation screens) on the land in consultation with the landowner. These measures must be reasonable and feasible, and directed toward minimising the visibility of the project operations from the affected residence.

If within three months of receiving this request from the landowner, the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution

# APPENDIX 1 SCHEDULE OF LAND

LOT	DP	OWNERSHIP
<b>TGO Mine</b>		
156	755093	Tomingley Gold Operations Pty Ltd
1623	1178801	Tomingley Gold Operations Pty Ltd
1621	1178801	Tomingley Gold Operations Pty Ltd
105	755110	Tomingley Gold Operations Pty Ltd
104	755110	Tomingley Gold Operations Pty Ltd
103	755110	Tomingley Gold Operations Pty Ltd
3	1151198	Tomingley Gold Operations Pty Ltd
2	1151198	Tomingley Gold Operations Pty Ltd
161	755110	Tomingley Gold Operations Pty Ltd
160	755110	Tomingley Gold Operations Pty Ltd
162	755110	Tomingley Gold Operations Pty Ltd
163	755110	Tomingley Gold Operations Pty Ltd
1	1151198	Tomingley Gold Operations Pty Ltd
1	254193	Tomingley Gold Operations Pty Ltd
122	755110	Tomingley Gold Operations Pty Ltd
112	755110	Tomingley Gold Operations Pty Ltd
95	755110	Tomingley Gold Operations Pty Ltd
94	755110	Tomingley Gold Operations Pty Ltd
111	755110	Tomingley Gold Operations Pty Ltd
<b>SAR Mine</b>		
3	1213503	Tomingley Gold Operations Pty Ltd
4	1213503	Tomingley Gold Operations Pty Ltd
101	1271511	Tomingley Gold Operations Pty Ltd
44	755093	Tomingley Gold Operations Pty Ltd
86	755093	Crown Land
1	1273565	Tomingley Gold Operations Pty Ltd
127	755093	Crown Land
1622	1178801	Tomingley Gold Operations Pty Ltd
7003	1020605	Crown Land
7300	1151814	Crown Land
176	722842	Tomingley Gold Operations Pty Ltd
157	755093	Tomingley Gold Operations Pty Ltd
175	755093	Tomingley Gold Operations Pty Ltd
169	755093	Tomingley Gold Operations Pty Ltd
1	820746	Tomingley Gold Operations Pty Ltd
122	755110	Tomingley Gold Operations Pty Ltd
2	254193	Tomingley Gold Operations Pty Ltd
43	755093	Tomingley Gold Operations Pty Ltd
1623	1178801	Tomingley Gold Operations Pty Ltd
2	1157935	Tomingley Gold Operations Pty Ltd
2	1281392	Tomingley Gold Operations Pty Ltd

<i>LOT</i>	<i>DP</i>	<i>OWNERSHIP</i>
3	1281392	Tomingley Gold Operations Pty Ltd
<b>"Woodlands" and "Dappo" bores and pipelines</b>		
18	755119	Tomingley Gold Operations Pty Ltd
7002	1032703	Tomingley Gold Operations Pty Ltd
235	755131	Tomingley Gold Operations Pty Ltd
1	1181773	Tomingley Gold Operations Pty Ltd
<b>Road reserves</b>		
Road reserve associated with the Newell Highway, McNivens Lane, Kyalite Road, Back Tomingley West Road, Mitchell Highway, Webbs Siding Road, Dappo, Wallaby, Bootles, Pinedean and Tomingley Roads.		



## APPENDIX 2 DEVELOPMENT LAYOUT

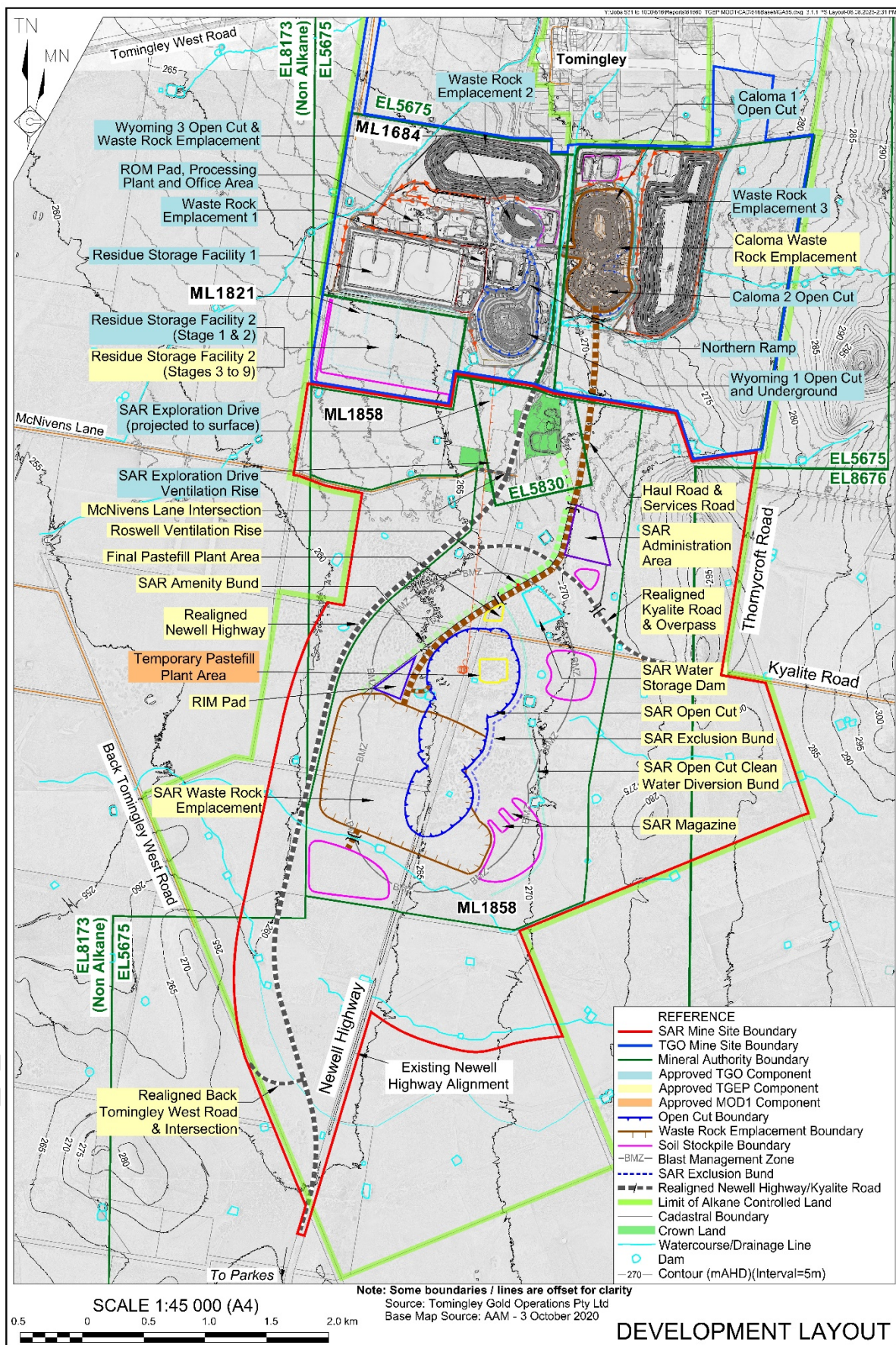
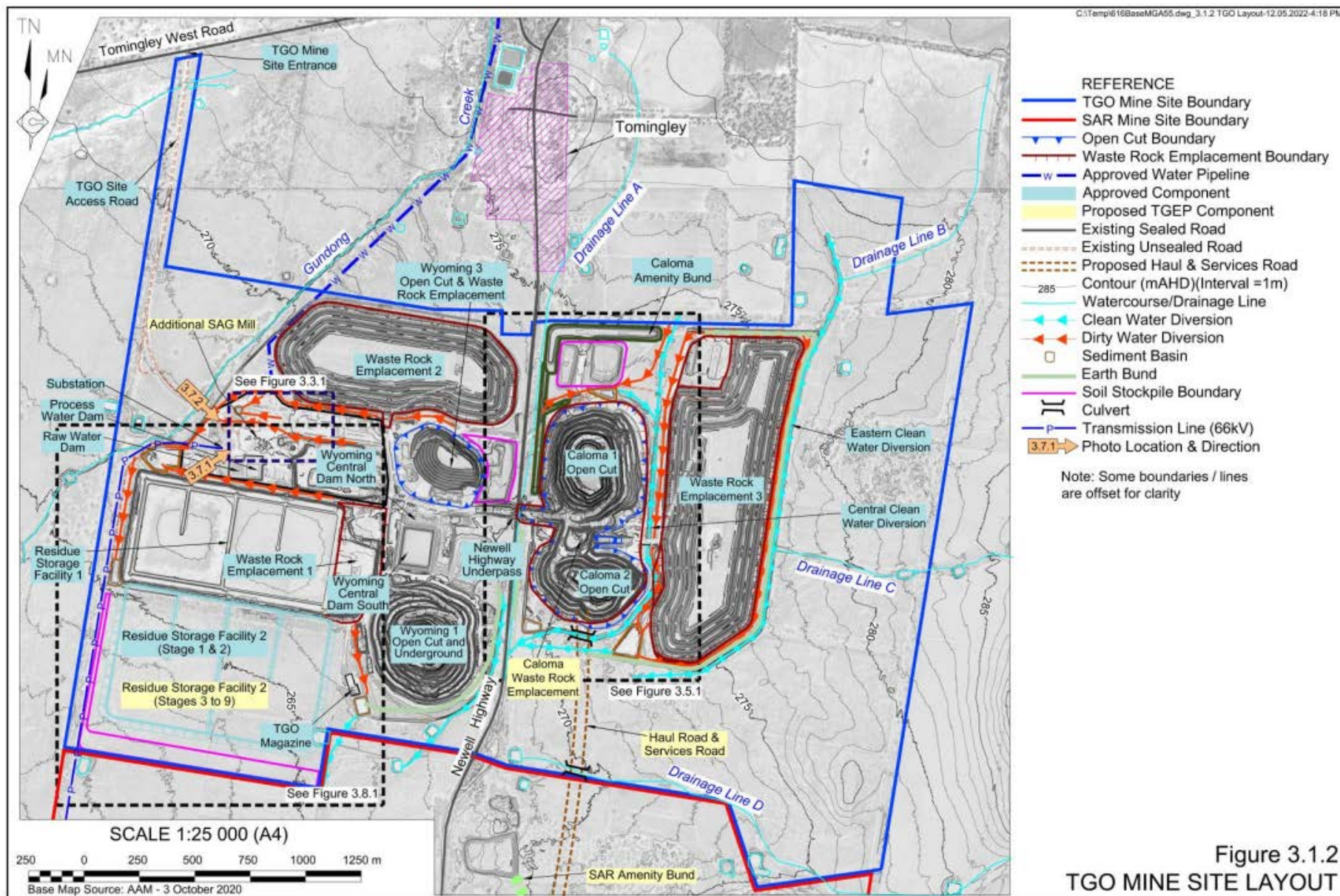


Figure 1: Surface Development Layout





**Figure 2:** TGO Mine Surface Development Layout



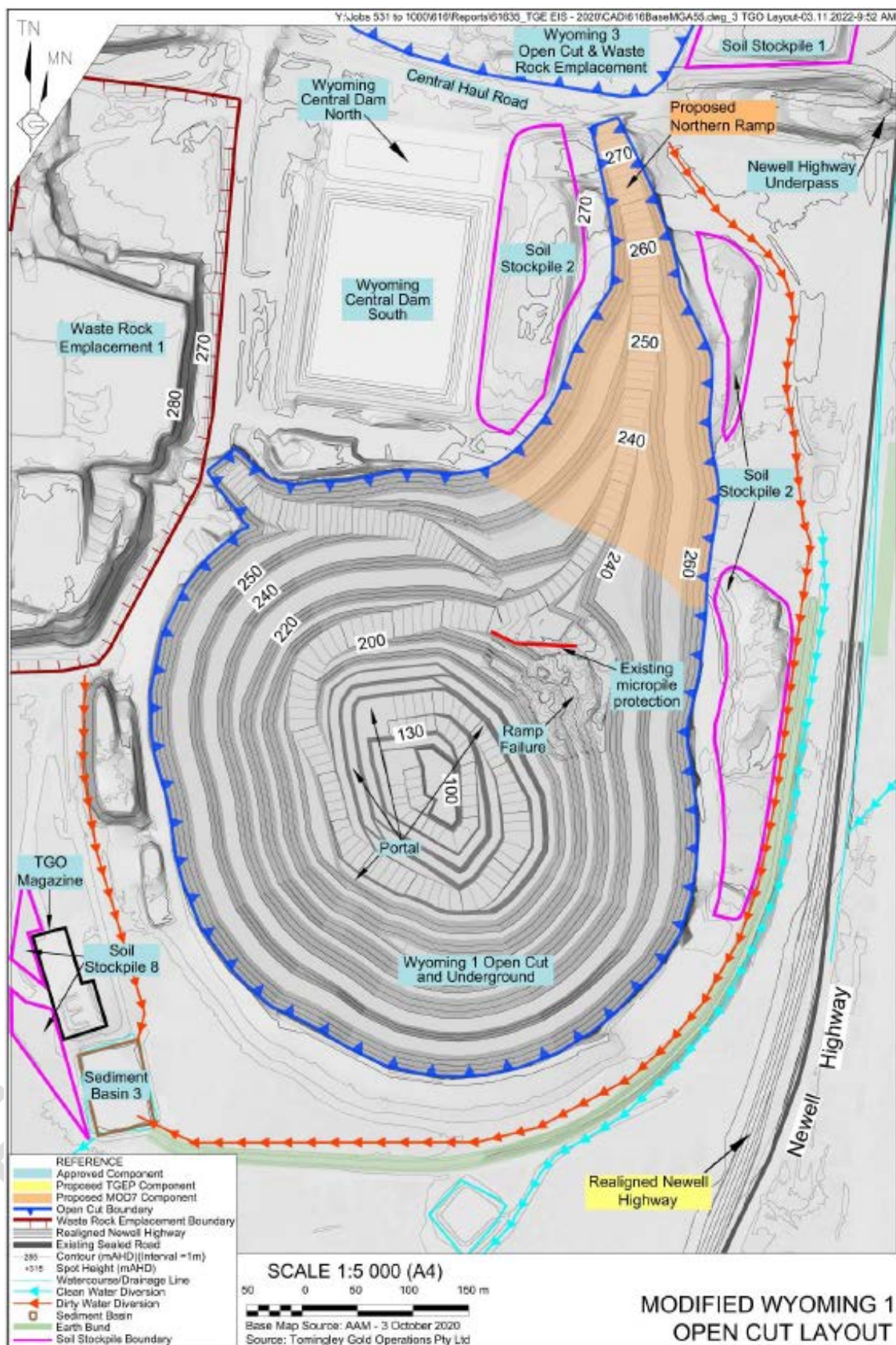


Figure 3: Wyoming 1 Northern Ramp



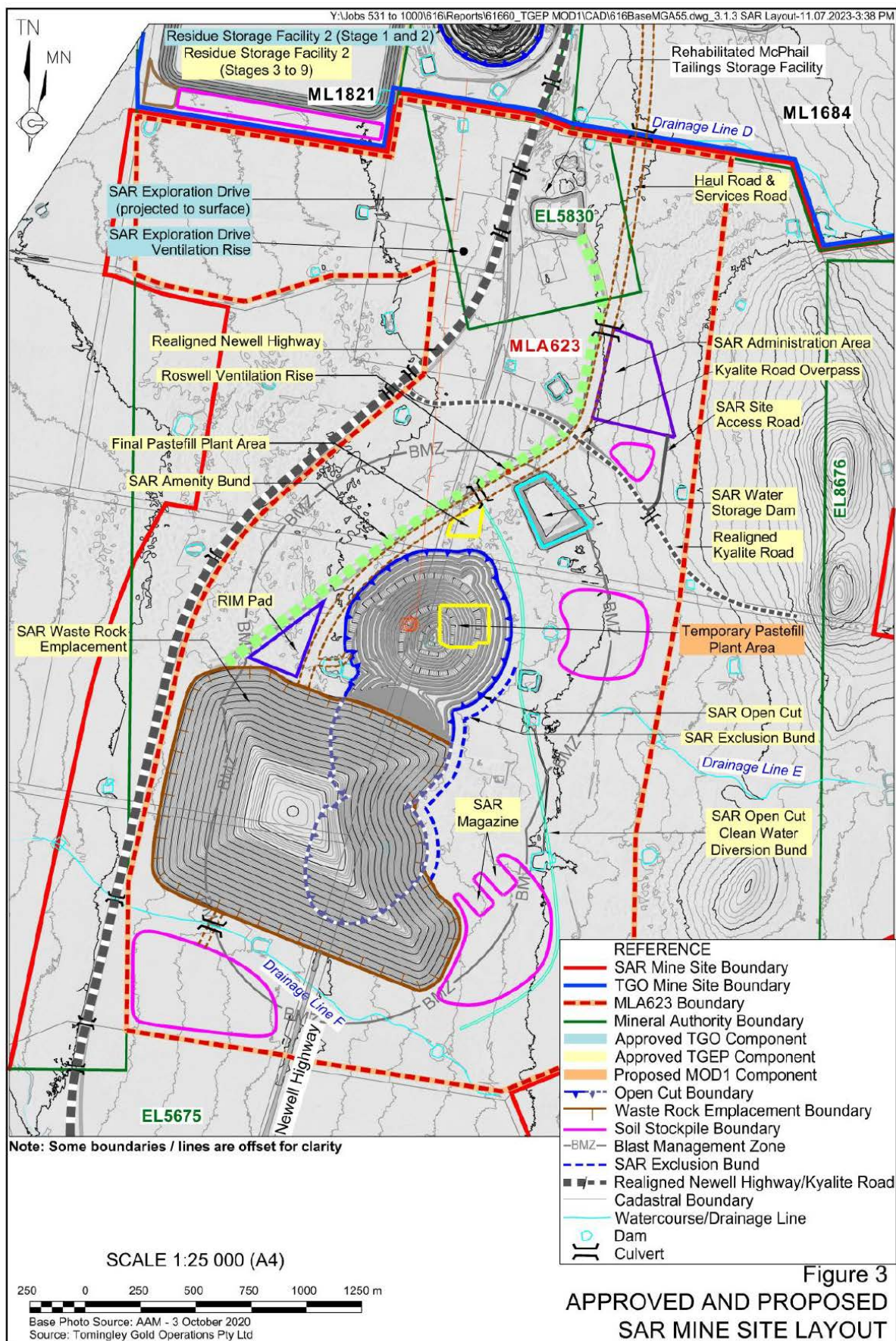


Figure 4: SAR Mine Development Detailed Layout



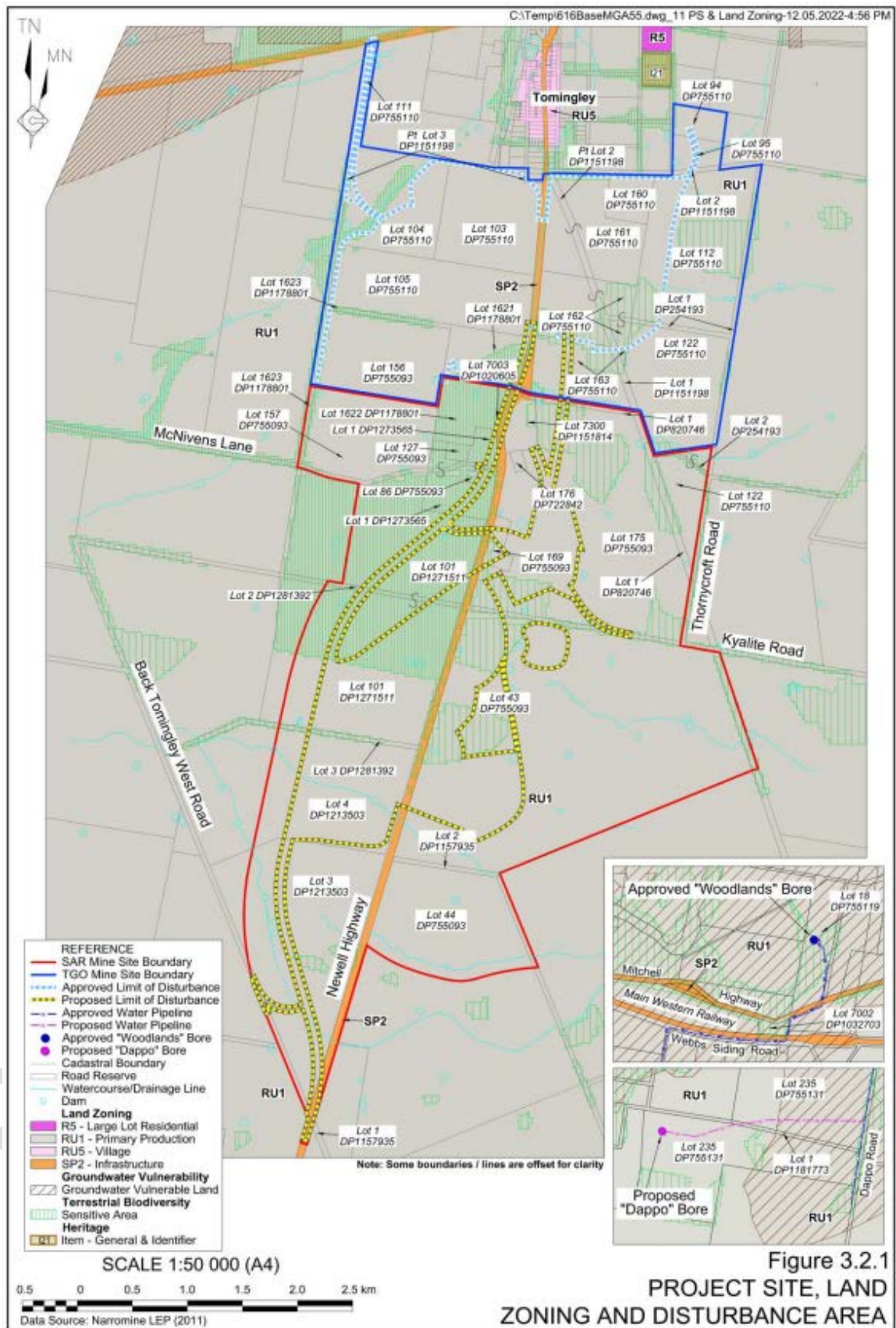
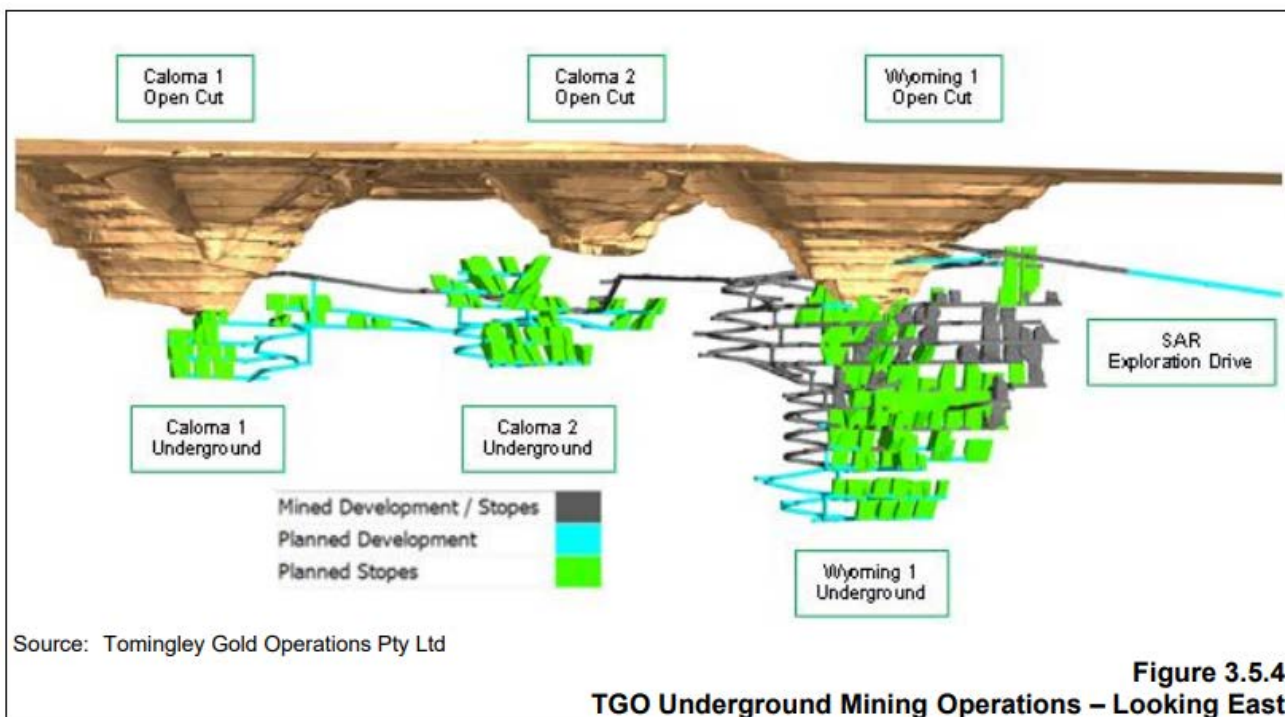
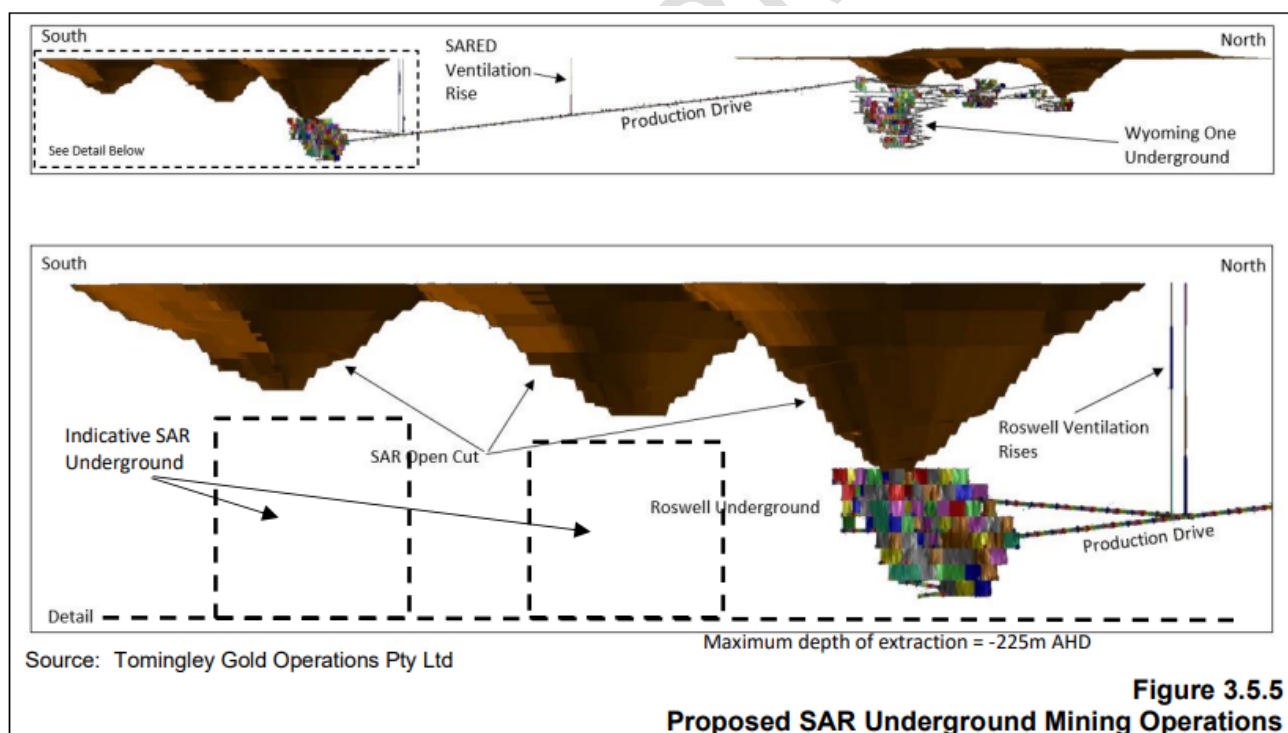


Figure 5: Approved Disturbance Areas

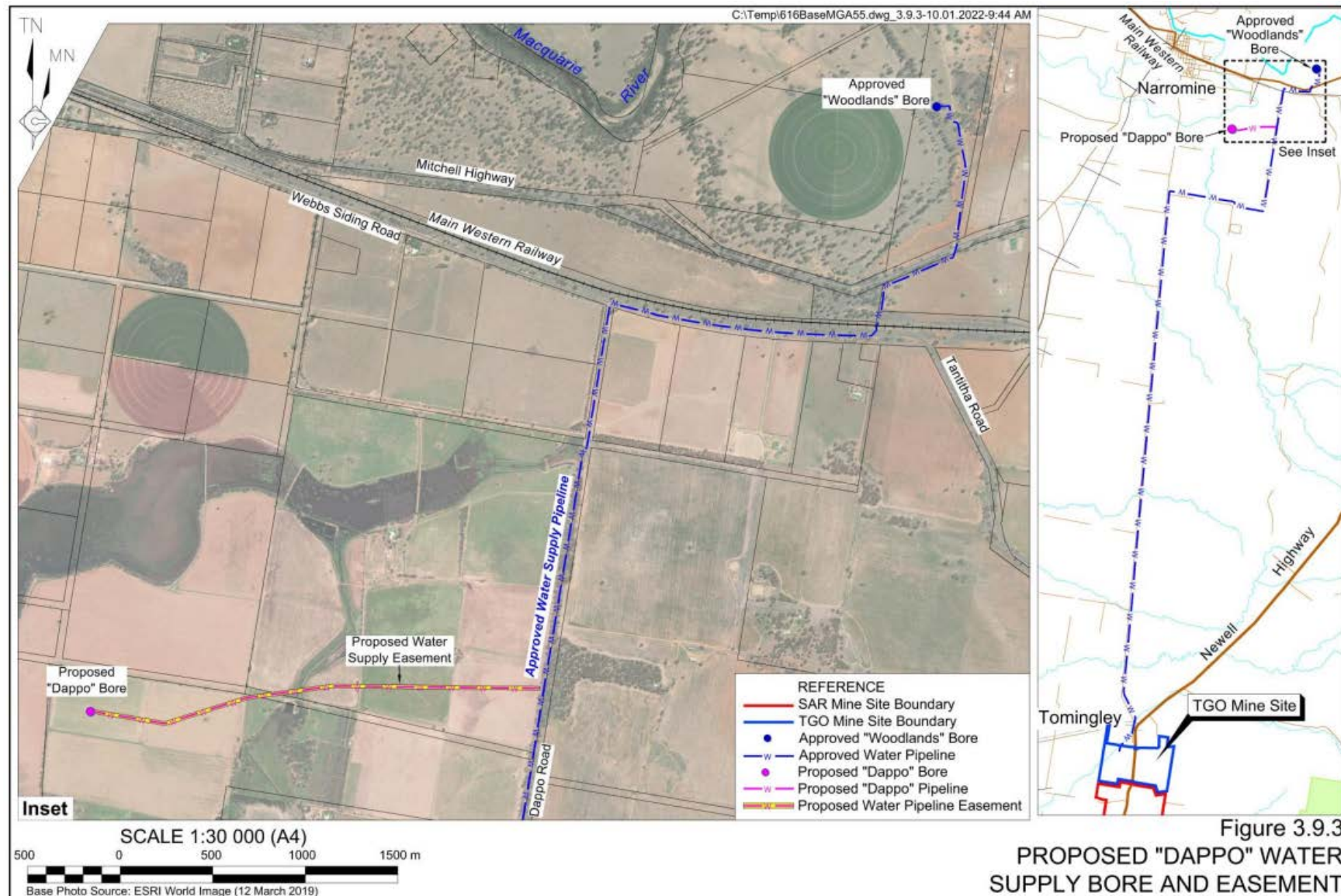


**Figure 6:** TGO Mine Underground Development Layout



**Figure 7:** SAR Mine Underground Development Layout





**Figure 8: Water Pipeline Development Layout**

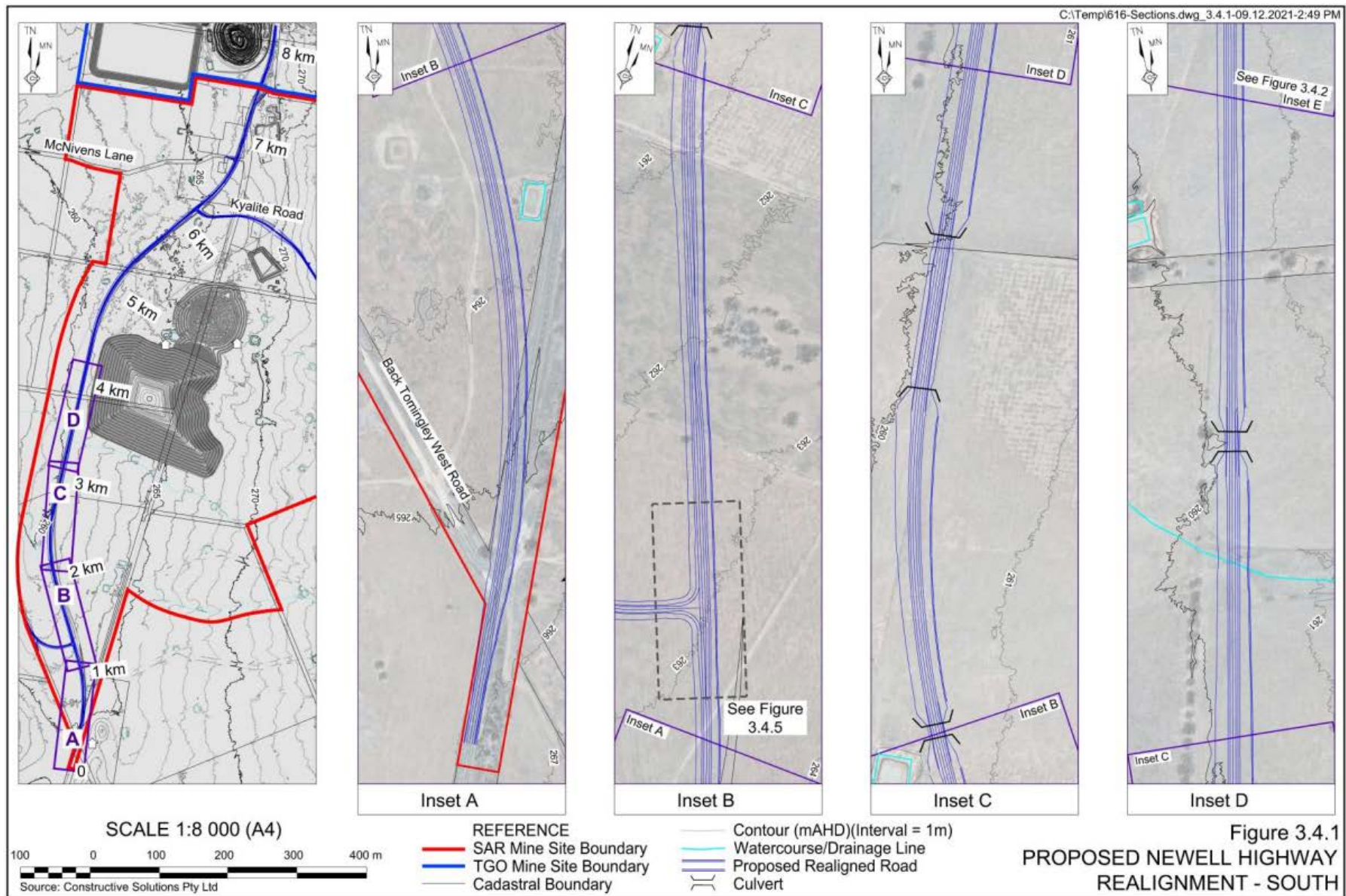


Figure 9: Newell Highway Realignment South Conceptual Development Layout



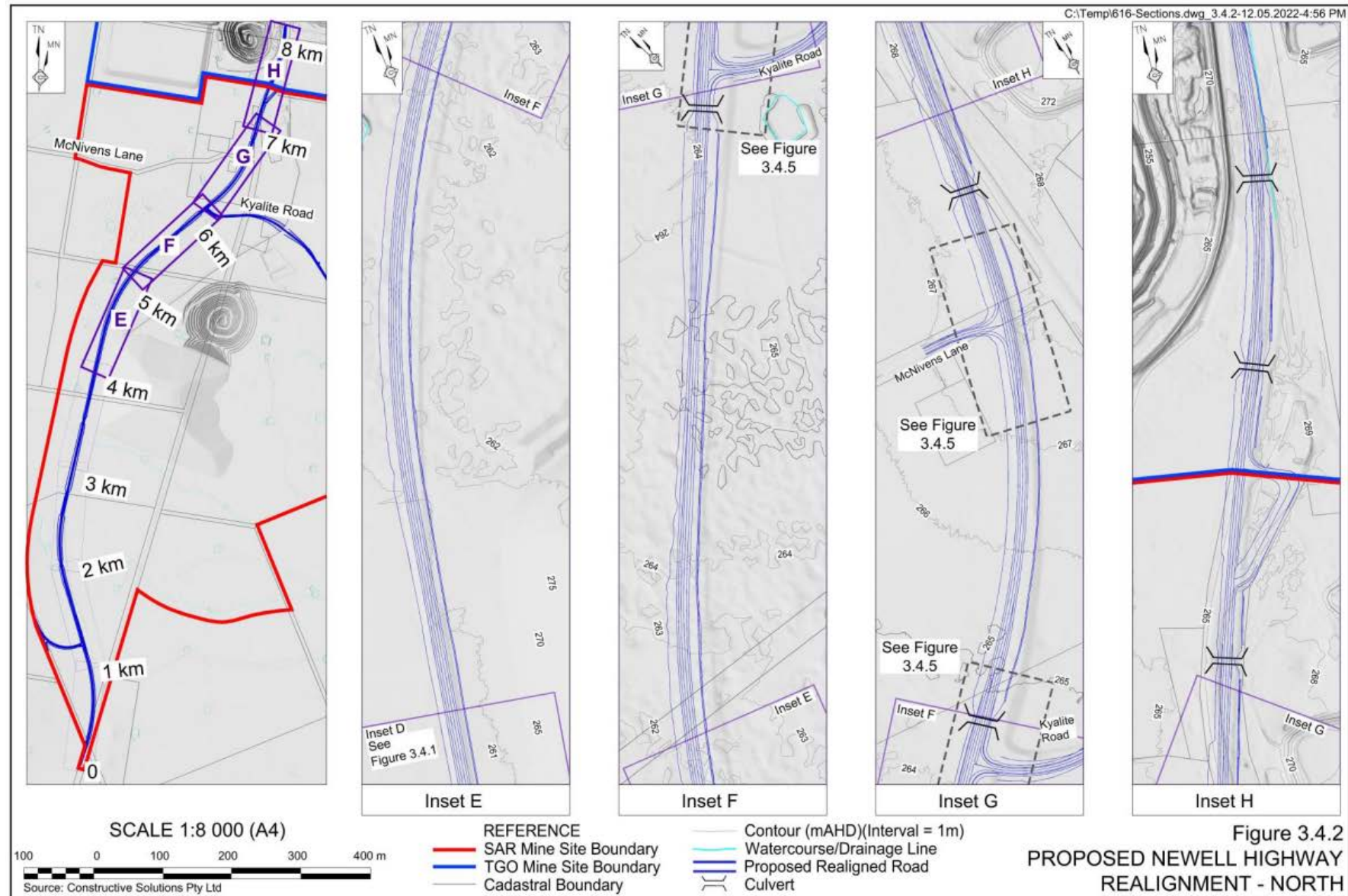


Figure 10: Newell Highway Realignment North Conceptual Development Layout

### APPENDIX 3 NOISE RECEIVER LOCATIONS



Figure 1: Noise Assessment Locations



APPENDIX 4 BIODIVERSITY OFFSETS

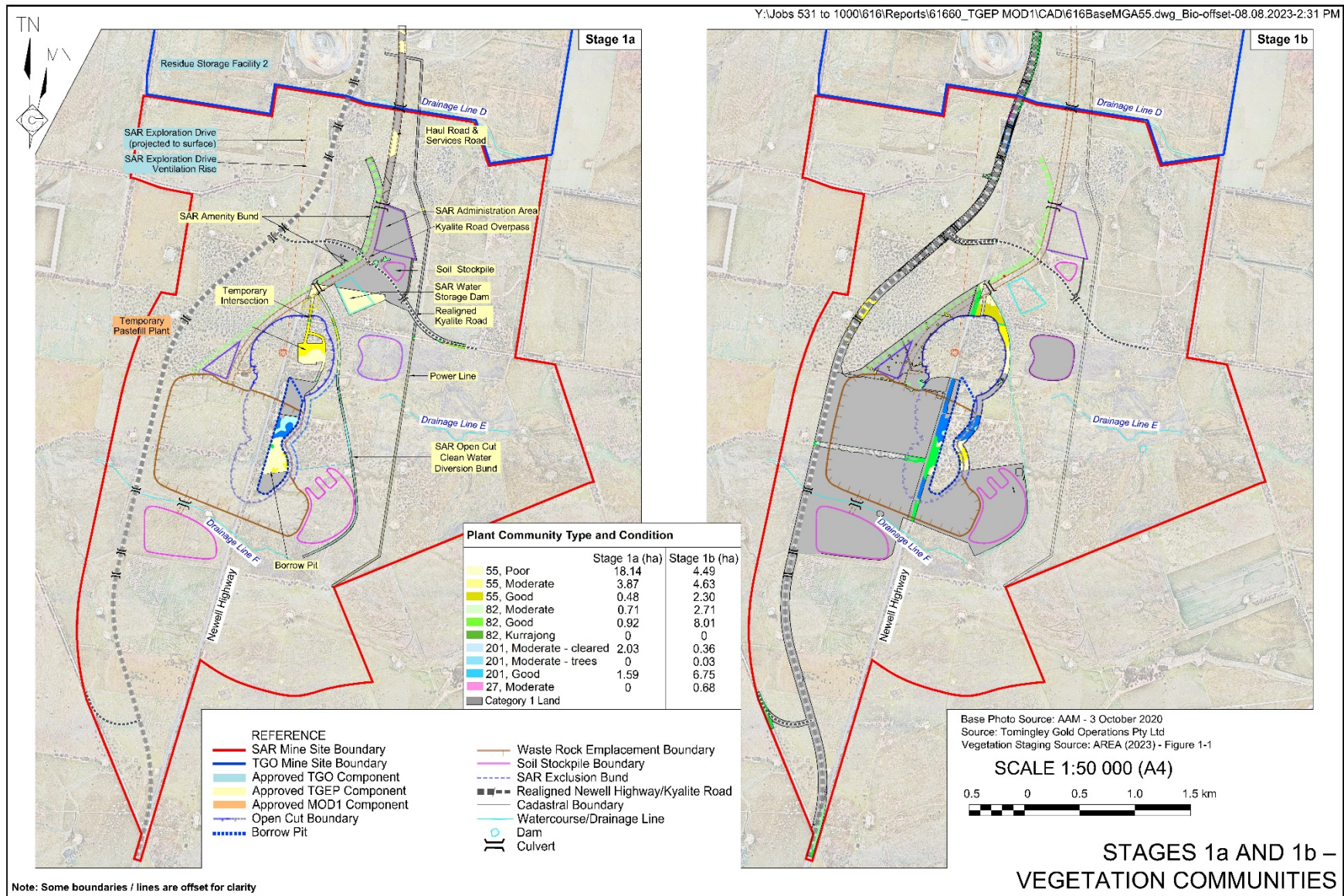


Figure 1: Biodiversity Offset Staging (Stages 1a and 1b)



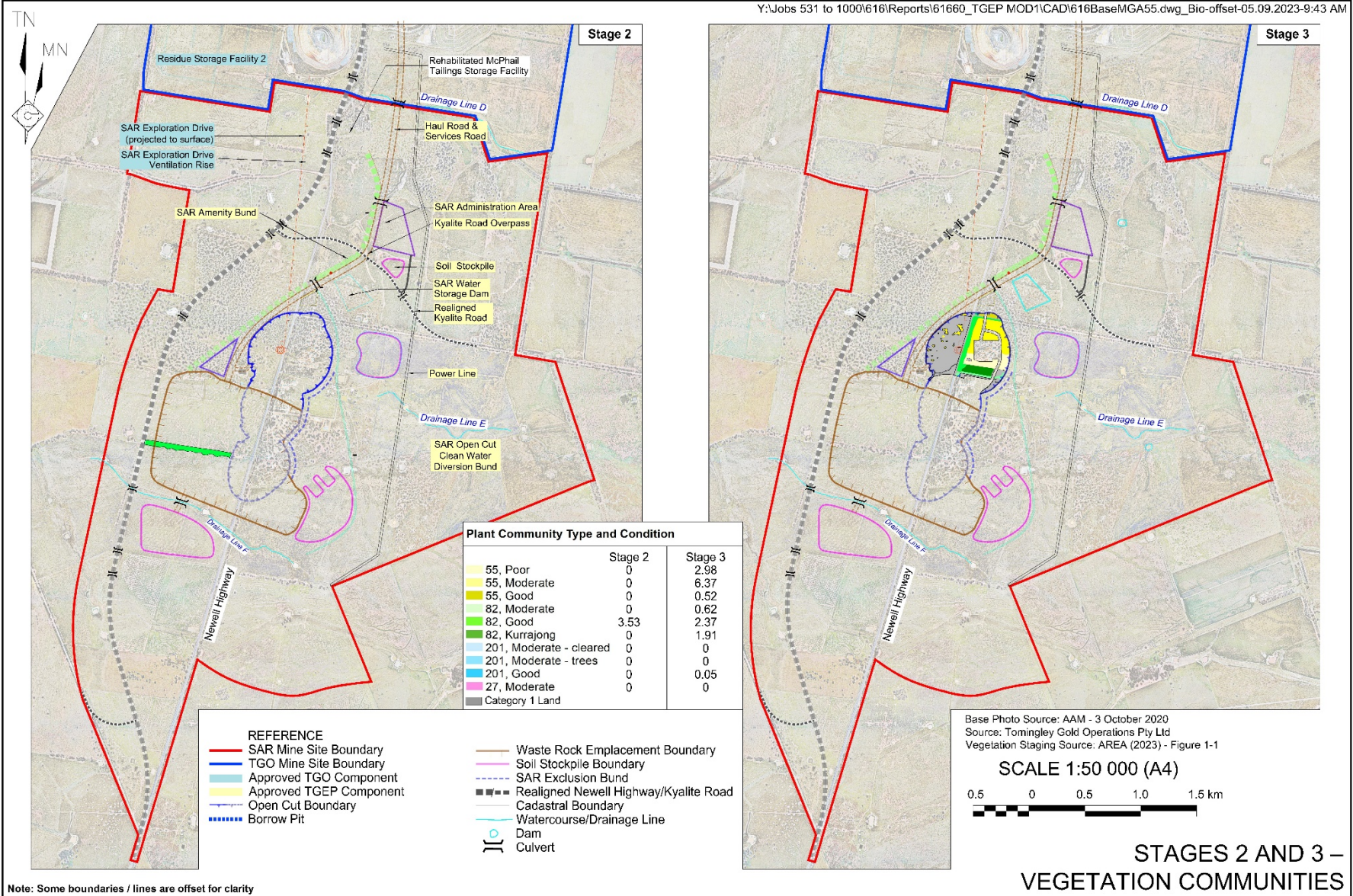
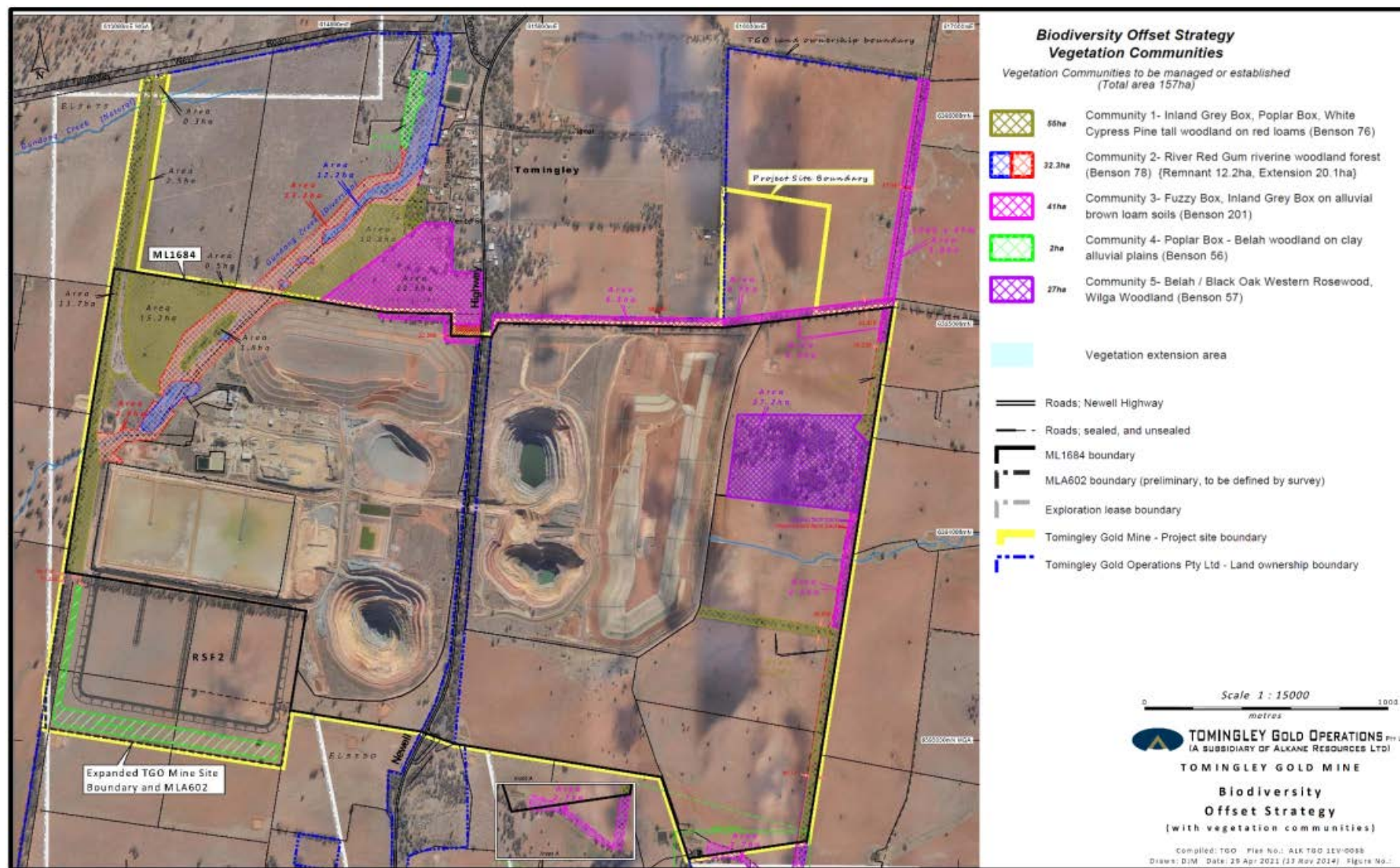


Figure 2: Biodiversity Offset Staging (Stages 2 and 3)





**Figure 3: Biodiversity Offset Strategy**

## APPENDIX 5 REHABILITATION

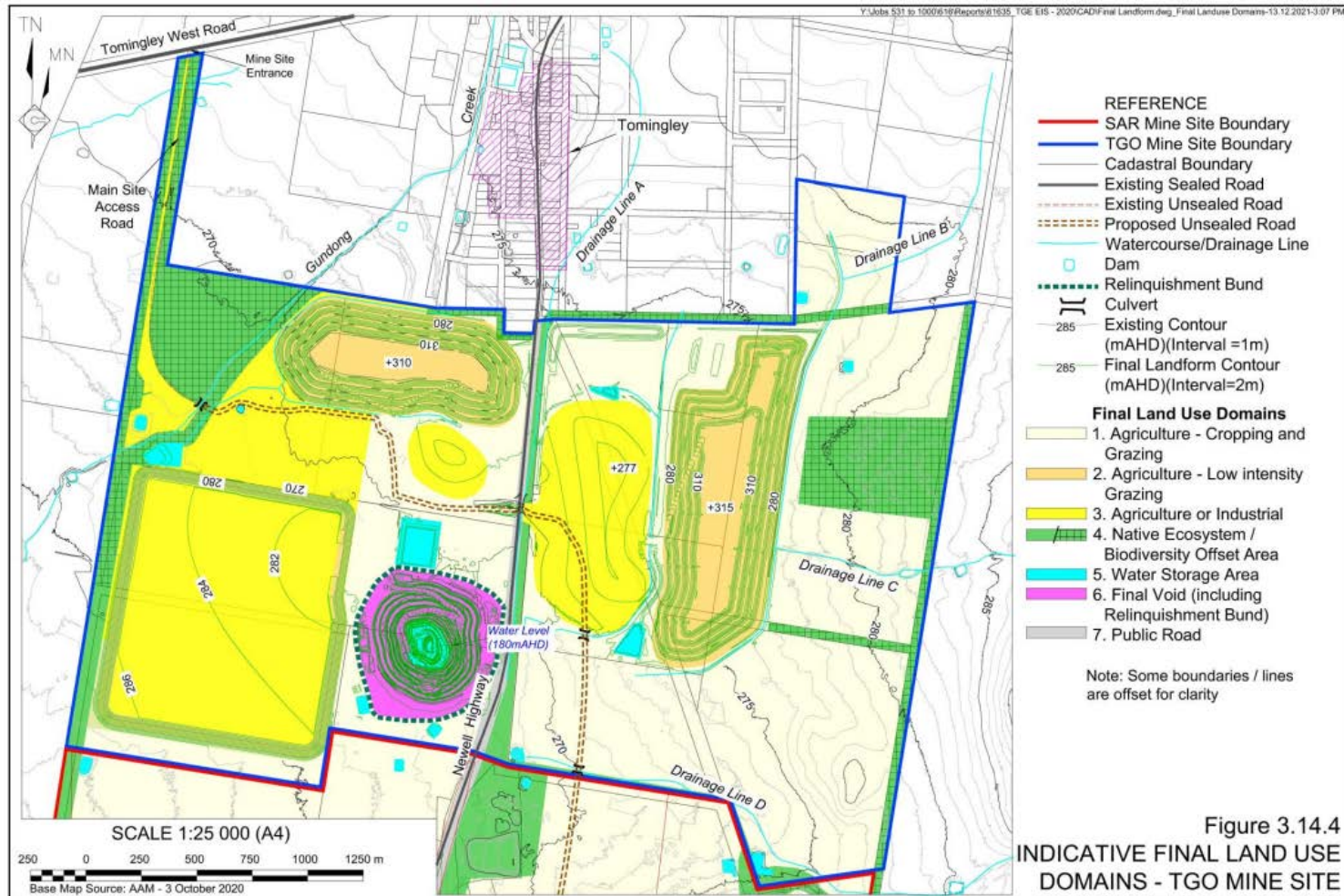
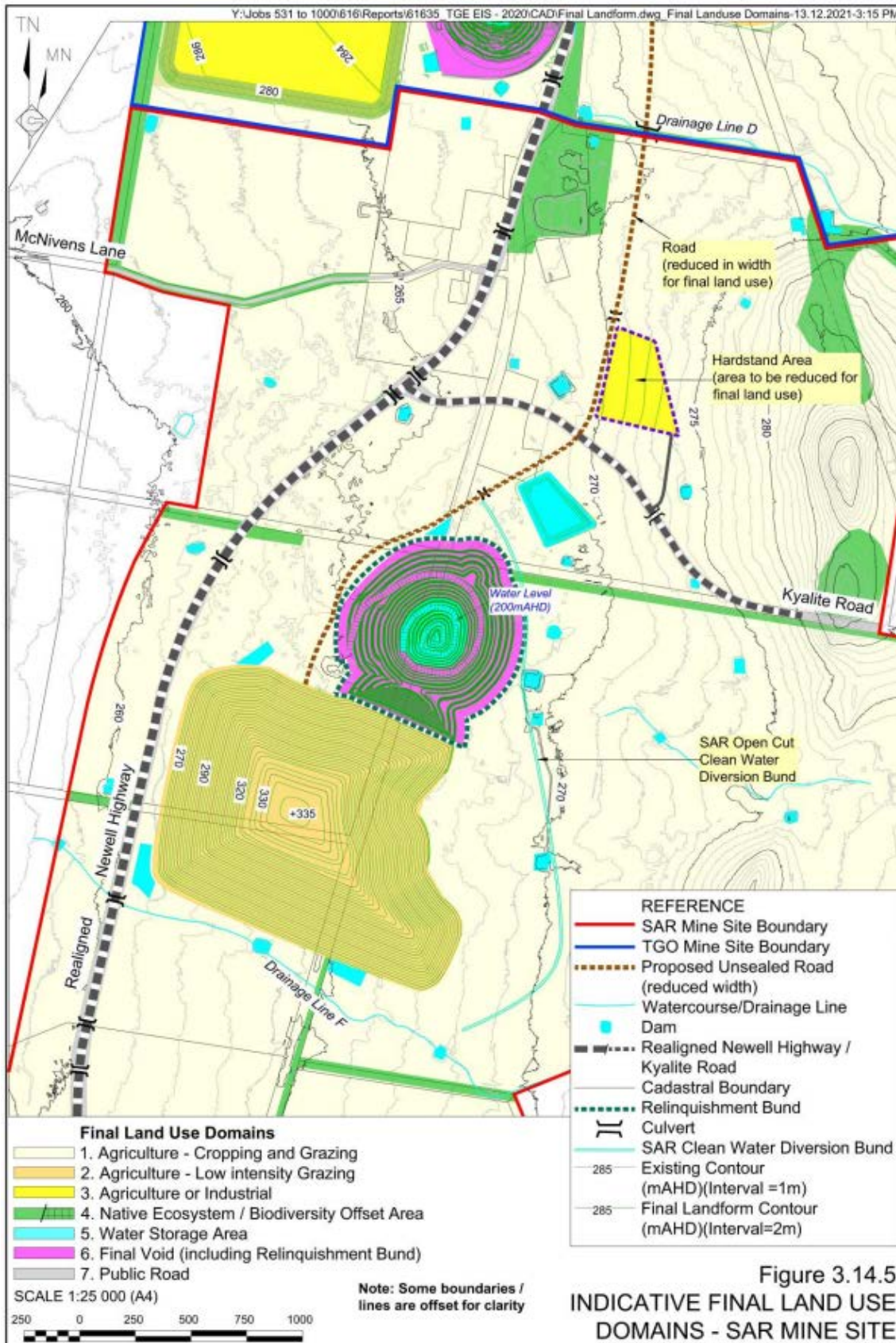


Figure 1: Conceptual Rehabilitation Plan TGO Mine Site





**Figure 2: Conceptual Rehabilitation Plan SAR Mine**



## APPENDIX 6 AGRICULTURAL LAND USE

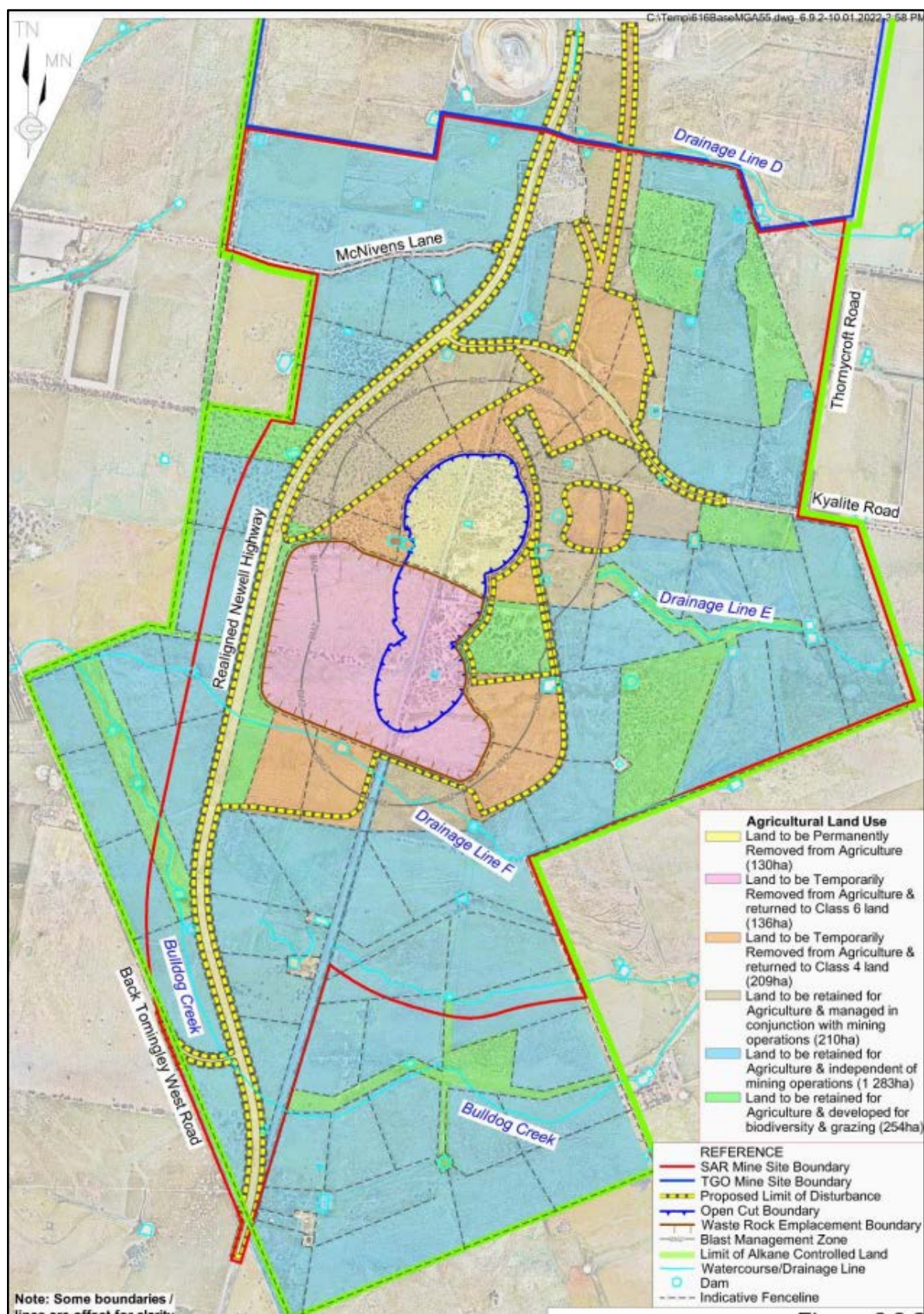


Figure 1: Agricultural Land Use

## APPENDIX 7 GENERAL TERMS OF APPLICANT'S PLANNING AGREEMENT

<i><b>Applicant's Contribution</b></i>	<i><b>Timing</b></i>	<i><b>Intended Use</b></i>
\$75,000	per annum for 8 years 50% payable on 1 January and 50% payable on 1 July each year	Community Fund
\$50,000	On the adoption of the Planning Agreement	Public art (mining monument) for Tomingley village capital contribution
\$85,000	per annum (base year 2023) for 8 years 50% payable on 1 January and 50% payable on 1 July each year	General council expenses including road and infrastructure maintenance
At Applicant's expense	When required	Road maintenance of the Tomingley West Road from intersection with Tomingley Road to TGO Mine entrance (to standard outlined in Roads Asset Management Plan)
At Applicant's expense	When required	Road maintenance of the Kyalite Road from Newell Highway to SAR Mine entrance (to standard outlined in Roads Asset Management Plan)
At Applicant's expense, at the direction of council	At the end of life of mine, should council so direct at that time	Removal of the Kyalite Road overpass and restoration of Kyalite Road (to standard outlined in Roads Asset Management Plan)
At Applicant's expense	Post mine life	Applicant to transfer from the "Woodlands" site the production bore, pumps, power supply and pipeline and up to 50ML of water license to council. In addition, council to have first right of refusal to purchase the remaining 950ML of license at market rate
At Applicant's expense	Per annum until end of mine life	Applicant to supply 11ML per annum of water to Tomingley Village, supplied by agreement during off peak periods
At Applicants expense	At the time of Modification Determination	In the event that the Applicant submits a Modification to its Project Approval such that the Capital spent as part of that modification would be greater than \$1,000,000 then the \$85,000 per annum payment would be increased by 1% of the value of the Community Fund (\$75,000) and the General council expenses (\$85,000) <sup>1</sup> combined
At Applicant's expense	Life of mine	Development contributions will continue as per this agreement for the life of mine, i.e. if the mine continues beyond the original term of the planning agreement

<sup>1</sup> Subject to Consumer Price Index (CPI)

## **APPENDIX 8 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition D8 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the Applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.