

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission of NSW (the Commission), as the declared consent authority under clause 2.7 of the *State Environmental Planning Policy (Planning Systems) 2021* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, 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.

[Name of Commissioner]
Member of the Commission

[Name of Commissioner]
Member of the Commission

[Name of Commissioner]
Member of the Commission

Sydney

2022

SCHEDULE 1

Application Number: SSD 9505
Applicant: LFB Resources NL
Consent Authority: Independent Planning Commission of NSW
Site: The land defined in Appendix 1
Development: McPhillamys Gold Project

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Applicant	LFB Resources NL, or any person carrying out any development under this consent
Approved disturbance area	The indicative surface disturbance areas identified on the Development Layout in Figures 1 and 2 of Appendix 2 of this consent
ARI	Average Recurrence Interval
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	Biodiversity, Conservation and Science Directorate within the Department
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community consultative committee required by condition A13
Conditions of this consent	Conditions contained in Schedule 2
Construction	All physical works required to enable mining operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent and the associated removal, storage and/or emplacement of vegetation and topsoil, but not including pre-construction works
Council	Blayney Shire Council
Crown Lands	Crown Lands Group within DPE
Date of commencement of development	The date notified to the Department by the Applicant under condition A5(a)
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The deconstruction or demolition and removal of works and buildings installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment (DPE)
Development	The development described in the document/s listed in condition A2(c)
Development Layout	The indicative development layout depicted in Figures 1 and 2 of Appendix 2 of this consent
Disturbance	A physical displacement of existing features that impacts those features
DPE Water	Water Group within the Department
DPI Fisheries	NSW Fisheries Group within the NSW Department of Primary Industries
Ecological Rehabilitation	Rehabilitation of the approved disturbance area to satisfy biodiversity credit requirements
EIS	The Environmental Impact Statement titled <i>McPhillamys Gold Project - Environmental Impact Statement</i> , prepared by EMM Consulting Pty Ltd on behalf of LFB Resources NL, dated August 2019, submitted with the application for consent for the development; the Applicant's report titled <i>McPhillamys Gold Project - Submissions Report</i> dated September 2020; the Applicant's report titled <i>McPhillamys Gold Project - Amendment Report</i> dated September 2020, the Applicant's report titled <i>McPhillamys Gold Project Amendment Report</i> dated May 2022, the Applicant's report titled <i>McPhillamys Gold Project Amendment Report</i> dated October 2022, and the Applicant's additional information responses in support of the application and included in Appendix A5 of the Department's assessment report on McPhillamys Gold Project.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	NSW <i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	NSW <i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm

FCNSW	Forestry Corporation of NSW
Feasible	Means what is possible and practical in the circumstances
Heritage NSW	Heritage NSW in the Department of Premier and Cabinet
Heritage item	<p>An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following:</p> <ul style="list-style-type: none"> • the State Heritage Register under the <i>Heritage Act 1977</i>; • a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>; • a Local Environmental Plan under the EP&A Act; • the World Heritage List; • the National Heritage List or Commonwealth Heritage List under the EPBC Act; or • anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
LALC	Local Aboriginal Land Council
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm	<p>Is harm to the environment that:</p> <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval</p>
MEG	Regional NSW – Mining, Exploration and Geoscience
Mine access road	The private road outside the Mining Lease Application (MLA) area connecting the mine site to the Mid-Western Highway as shown in Figure 1 of Appendix 2.
Mine closure	Decommissioning and final rehabilitation of the site following the cessation of mining operations
Mine site	The open-cut gold mining operations within the Mining Lease Application area of the development located near Blayney, as shown in Figure 1 of Appendix 2, excluding the mine access road.
Mine-owned land	Land owned by a mining, petroleum or extractive industry company (or its subsidiary or related party)
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The carrying out of mining and mining related activities, including extracting, transporting, processing, handling and storing ore material on-site and the associated removal and emplacement of waste rock and storage and/or emplacement of tailings material
Minister	NSW Minister for Planning, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the project, prior to or during those impacts occurring
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
‘Non-road’ mobile diesel equipment	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
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
Open woodland	Medium density native woodland with a significant grassy understorey
Ore	Natural rock or sediment material containing metallic minerals
Planning Agreement	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee

POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Pre-Construction works	Pre-construction works that may be required for the development, including surveys, acquisitions, fencing, investigative or geotechnical drilling or excavation, minor clearing, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided (including service relocations)
Privately-owned land	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
Processing plant	The carbon-in-leach gold processing plant on the mine site as shown in Figure 1 of Appendix 2.
Processing plant preliminary works	Site establishment and earthworks associated with the processing plant including: <ul style="list-style-type: none"> • clearing and grubbing; • topsoil removal; • slope protection; • installation of drainage, culverts, and storm water retention; • establishment of temporary roads, power, water and fuelling facilities; and • construction of fencing and gates, laydown areas, subsurface utilities and contractor hardstands.
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2019</i>
Rehabilitation	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
Residence	Existing or approved dwelling at the date of grant of this consent
Resources Regulator	Resources Regulator within the Department of Regional NSW
RFS	NSW Rural Fire Service
ROM	Run-of-mine
Site	The land defined in Appendix 1 and shown within the 'Project Area' boundary in Figures 1 and 2 in Appendix 2.
TEC	Threatened ecological community, as defined under the BC Act and/or EPBC Act
TfNSW	Transport for NSW (incorporating the former NSW Roads and Maritime Services)
TSF	Tailings Storage Facility, as shown in Figure 1 of Appendix 2
Watercourse	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
Water Supply Pipeline	Approximately 90-kilometre water supply pipeline component of the development from the Western Coalfields near Lithgow to the mine site as shown in Figure 2 of Appendix 2.

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, or rehabilitation of the development.

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 in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

NOTIFICATION OF COMMENCEMENT

- A5. The date of commencement of each of the following phases of the development must be notified to the Department in writing via the Major Project Portal and to the EPA in writing at least two weeks prior to:
- (a) pre-construction works (physical commencement of the development);
 - (b) construction of the water supply pipeline;
 - (c) construction of the mine access road;
 - (d) construction of the mine site;
 - (e) construction of the TSF;
 - (f) construction of the processing plant;
 - (g) commissioning of the processing plant;
 - (h) mining operations;
 - (i) any period of suspension of mining operations (i.e. care and maintenance); and
 - (j) cessation of mining operations (i.e. mine closure)
- A6. If the phases of development are to be further staged, the Department must be notified in writing via the Major Project Portal at least two weeks prior to the commencement of such stages, of the date of commencement and the development to be carried out in that stage.

LIMITS OF CONSENT

Water Offtake Agreement

- A7. Prior to commencement of the development, the Applicant must provide to the Department a copy of a water offtake agreement which provides for the supply of water to the site via the water supply pipeline over the life of the development consistent with the water balance modelling assumptions and water quality characteristics described in the EIS.

Mining operations

- A8. Mining operations may be carried out on the site, within the approved disturbance area, for a period of 11 years from the date of commencing mining operations under this consent.
- A9. A maximum of 8.5 million tonnes of ore may be extracted from the site in any calendar year using open cut mining.
- A10. A maximum of 7 million tonnes of ore may be processed on the site in any calendar year.

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.

Hours of Operation

- A11. The Applicant may undertake the development 24 hours a day, 7 days a week, except for:
- construction hours for the mine site and mine access road as described in conditions B1 to B3;
 - construction of the southern amenity bund and pit amenity bund as described in condition B13;
 - blasting operations as described in condition B16; and
 - construction hours for the water supply pipeline as described in condition B1.

PLANNING AGREEMENT

- A12. The Applicant must make monetary contributions under the executed Planning Agreement with Council in accordance with:
- Division 7.1 of Part 7 of the EP&A Act; and
 - the general terms of the Planning Agreement as summarised in Appendix 6.

COMMUNITY CONSULTATIVE COMMITTEE

- A13. The Applicant must continue to 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 the 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.

EVIDENCE OF CONSULTATION

- A14. 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
 - provide details of the consultation undertaken to the Planning Secretary, including:
 - the outcome of that consultation, matters resolved and unresolved; and
 - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Note: The details required to be provided under condition A14(b) can be provided as separate correspondence and do not need to be included in the management plan document itself.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A15. With the approval of the Planning Secretary, the Applicant may:
- 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);
 - 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);
 - 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
 - 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.
- A16. 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.
- A17. 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.

PAYMENT OF REASONABLE COSTS

A18. The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced and independent expert(s) to review the adequacy of any strategy, plan, program or report required under the consent.

PUBLIC INFRASTRUCTURE

Protection of Public Infrastructure

A19. 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^a that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure^a that needs to be relocated as a result of the development.

Note ^a: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition A12 or to damage subject to compensation under the Mining Act 1992.

DEMOLITION

A20. 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

A21. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

OPERATION OF PLANT AND EQUIPMENT

A22. 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

A23. 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

A24. 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.

A25. 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

A26. The Applicant must consult with DPE Crown Lands prior to undertaking development on Crown Land or Crown Roads.

Notes:

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

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Construction Noise

- B1. Construction of the development must be undertaken between the hours of 7 am to 6 pm, Monday to Sunday and at no time on Public Holidays in accordance with the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version), unless the Planning Secretary agrees otherwise.
- B2. The following activities may be carried out outside the hours in condition B1:
- construction 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); and
 - 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, 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). The protocol must also consider road noise impacts against the *Road Noise Policy* for the specific works being proposed. The Applicant must not carry out any out of hours construction works before this protocol has been approved by the Planning Secretary.
- B4. Noise generated at the mine site and mine access road during the first six months of mine development must not exceed the Noise Management Levels, as defined in the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version).
- B5. The Applicant must apply all reasonable and feasible noise mitigation measures in accordance with the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version).

Operational Noise Criteria

- B6. Subject to conditions B7 to B11, the Applicant must ensure that the noise generated within the mine site and mine access road does not exceed the criteria in **Table 1** at any residences on privately-owned land.
- B7. The noise limits in **Table 1** do not apply until six months after commencing construction of the mine site and mine access road, as notified in condition A5.

Table 1: Operational noise criteria dB(A)

Residence ^a	Day	Evening	Night	
	$L_{Aeq(15min)}$	$L_{Aeq(15min)}$	$L_{Aeq(15min)}$	L_{AFmax}
R30	41	38	37	52
R31, R32		37	36	
R16, R25, R28, R29, R33		37	37	
R15, R17		37	35	
R24		37	37	
R19, R21, R23	40	36	36	
All other privately-owned residences		35	35	

Note ^a: The locations referred to in Table 1 are shown in Appendix 3:

B8. The noise limits set out in **Table 1** apply under the meteorological conditions defined in **Table 2**.

Table 2: *Meteorological conditions*

Assessment Period	Meteorological Conditions
Day	Stability categories A, B, C and D with wind speeds up to and including 0.5 m/s at 10 above ground
Evening	Stability categories A, B, C and D with wind speeds up to and including 0.5 m/s at 10 above ground
Night	Stability categories A, B, C and D with wind speeds up to and including 0.5 m/s at 10 above ground

B9. For other meteorological conditions, the applicable noise criteria are as defined in **Table 1** plus 5 dB.

B10. Noise generated by the mine site and mine access road must be measured in accordance with the relevant requirements and exemptions of the *Noise Policy for Industry* (EPA, 2017) (or its latest version).

B11. The noise criteria in **Table 1**, and conditions B4 and B9 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.

Attenuation of Plant

B12. The Applicant must:

- (a) prior to commencing construction of the mine site and mine access road, undertake a noise verification program to demonstrate the noise sources from construction activities are consistent with those undertaken in the EIS as described in condition A2(c);
- (b) prior to commencing mining operations, undertake a noise verification program to demonstrate the noise sources from mining operations are consistent with those undertaken in the EIS as described in condition A2(c);
- (c) conduct a testing program of the attenuated plant on the mine site and mine access road, with each item of plant tested at no greater than 3 yearly intervals, to ensure that the attenuation remains effective and maintained within in-service tolerances;
- (d) restore the effectiveness of any attenuation if it is found to be defective; and
- (e) report on the results of any testing and/or attenuation work in the Annual Review required in condition E8, including a summary of any implications for meeting compliance objectives.

Noise Operating Conditions

B13. The Applicant must:

- (a) take all reasonable and feasible steps to minimise:
 - (i) noise from construction and operational activities as well as road noise associated with the development; and
 - (ii) the noise impacts of the development during noise-enhancing meteorological conditions;
- (b) operate a comprehensive noise management system that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
- (c) regularly assess the real time noise monitoring data, and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.
- (d) carry out regular attended noise monitoring (at least once a month from commencement of construction of the mine site and mine access road, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent;
- (e) record the daily adaptive management measures implemented on the site, including how operations were modified or stopped to comply with the noise criteria in **Table 1**, and make these records readily available at the request of the Department or the EPA;
- (f) fit all trucks and mobile plant operating within the mine site and mine access road with broad-spectrum reversing alarms; and
- (g) only undertake emplacement of materials within the pit amenity bund and southern amenity bund as shown in Appendix 2 Figure 1 during day time hours.

BLASTING

Blasting Criteria

B14. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria at the locations in **Table 3**.

Table 3: *Blasting criteria*

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Residence on privately-owned land	120	10	0%
	115	5	5% of the total number of blasts over a calendar year
Hallwood Farm Complex (MGP-H23) ^b	115	3	0%
At the closest point to blasting on the TSF embankment		50	0%
All other public infrastructure		50 <i>(or a limit determined by the structural design methodology in AS 2187.2 - 2006, or other alternative limit for public infrastructure, to the satisfaction of the Planning Secretary)</i>	0%

Notes:

^a The locations referred to in Table 3 are shown in Appendix 3 and include any receivers along the Water Supply Pipeline route where blasting may be undertaken during construction.

^b Unless a more appropriate criterion is established by the structural engineer's findings in condition B65 and agreed to by the Planning Secretary.

B15. Apart from the TSF embankment, the blasting criteria in **Table 3** 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

B16. The Applicant must only carry out blasting on the site between 9 am and 4 pm (Monday to Saturday inclusive). No blasting is allowed on Sundays, public holidays or any other time.

Blasting Frequency

B17. The Applicant may carry out a maximum of:

- (a) 1 single blast event^a a day; and
- (b) 5 single blast events^a a week, averaged over a calendar year.

B18. Condition B17 does not apply to single blast events^a 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.

Note: ^aFor the purposes of Conditions B17 and B18 'single blast event' means a blast which involves either a single detonation or a number of individual blasts fired in quick succession in a discrete area of the development. Should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast event.

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 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 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 Investigations

B21. If the owner of any privately-owned land within 2 kilometres of the 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.

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 and private infrastructure and property in the vicinity of the site from blasting damage associated with the development; and
 - (iii) minimise blast -related dust and fume emissions;
- (b) ensure that blasting on the site does not damage heritage items (outside the approved disturbance area – see Appendix 4) and develop specific measures to protect heritage items from any blasting damage associated with the development;
- (c) 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;
- (d) minimise the frequency and duration of any public road closures for blasting, and use all reasonable efforts to avoid road closures during peak traffic periods;
- (e) 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 blasting schedule and associated road closures for that day and any variations to that schedule and closures; and
- (f) carry out blast monitoring to determine whether the development is complying with the relevant conditions of this consent.

B25. The Applicant must not undertake blasting on the site within 500 metres of any public road or any land outside the site not owned by the Applicant, unless the blast generates ground vibration of 0.5 mm/s or less, or the Applicant has:

- (a) a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the public road or land, and the Applicant has advised the Department in writing of the terms of this agreement; or
- (b) that the blasting can be carried out closer to the public road or land without compromising the safety of people or livestock or damaging the road or other buildings and structures, and updated the Noise and Blast Management Plan Mine Site and Mine Access Road to include specific mitigation measures to be implemented while blasting is being carried out within 500 metres of the road or land.

NOISE AND BLAST MANAGEMENT PLAN

B26. The Applicant must prepare a Noise and Blast Management Plan for the mine site and mine access road 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 and CCC;
- (c) describe the measures to be implemented to ensure:
 - (i) compliance with the noise and blasting criteria and operating conditions of this consent;
 - (ii) best practice management is being employed; and
 - (iii) noise and blasting impacts are minimised during noise-enhancing meteorological conditions;
- (d) describe the noise and blast management systems in detail including:
 - (i) the fleet attenuation and testing program required under condition B12;
 - (ii) a review mechanism and contingency measures if blasting causes amenity impacts at levels below the relevant criteria;
 - (iii) public notification procedures to enable members of the public, particularly surrounding residents, to get up-to-date information on the proposed blasting schedule; and
 - (iv) a protocol for identifying any noise or blast related exceedance, incident or non-compliance and for notifying the Department, the EPA, Dams Safety NSW (in relation to the TSF) and relevant stakeholders of these events.
- (e) include a noise monitoring program that:
 - (i) uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the mine site;
 - (ii) monitors noise at locations representative of the nearest and/or most affected residences, particularly targeting real time monitors in multiple locations in the Kings Plains locality;
 - (iii) includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time; and
 - (iv) includes a procedure to ensure attended monitoring is undertaken during representative operating conditions;
- (f) include a monitoring program for evaluating and reporting on compliance with the relevant blast conditions of this consent.

B27. The Applicant must not commence construction at the mine site and mine access road until the Noise and Blast Management Plan is approved by the Planning Secretary.

B28. The Applicant must implement the approved Noise and Blast Management Plan

AIR QUALITY AND GREENHOUSE GAS

Odour

B29. 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

B30. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in **Table 4** at any residence on privately-owned land.

Table 4: Air quality criteria

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

Notes:

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

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

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

B31. The air quality criteria in **Table 4** do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Mine-owned Land

- B32. Particulate matter emissions generated by the development must not exceed the criteria listed in **Table 4** at any occupied residence on mine-owned land (including land owned by another mining company), unless:
- (a) the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under PART D of this consent;
 - (b) the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;
 - (c) air quality monitoring is regularly undertaken to inform the tenant and landowner (if the residence is owned by another mining company) of the likely particulate matter emissions at the residence; and
 - (d) data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.

Air Quality and Greenhouse Gas Operating Conditions

- B33. The Applicant must:
- (a) take all reasonable and feasible measures to:
 - (i) minimise odour, fume and particulate matter (including PM₁₀ and PM_{2.5}) and airborne asbestos emissions of the development;
 - (ii) improve energy efficiency and minimise the Scope 1 and Scope 2 greenhouse gas emissions of the development;
 - (iii) minimise any visible off-site air pollution generated by the development; and
 - (iv) minimise the extent of potential dust and asbestos fibre 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 air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to **Table 4** above);and
 - (e) regularly assess meteorological and 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

- B34. The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the mine site and mine access road 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 and CCC;
 - (c) describe the measures to be implemented to ensure:
 - (i) compliance with the air quality criteria and operating conditions of this consent;
 - (ii) best practice management is being employed to:
 - minimise the mine site's air quality impacts, including exposure to airborne asbestos;
 - minimise the mine site's Scope 1 and Scope 2 greenhouse gas emissions; and
 - improve the mine site's energy efficiency; and
 - (iii) the air quality impacts of the mine site are minimised during adverse meteorological conditions and extraordinary events;
 - (d) describe the air quality management system in detail; and
 - (e) include an air quality monitoring program, undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (EPA, 2022) and *Ambient Air Monitoring Guidance Note* (EPA, 2022), (or latest version), that:
 - (i) uses monitors to evaluate the performance of the mine site against the air quality criteria in this consent and to guide day to day planning of mining operations;
 - (ii) adequately supports the air quality management system, including record keeping and trigger-action-response protocol and contingency measures; and

- (iii) 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.

- B35. The Applicant must not commence construction of the mine site and mine access road until the Air Quality and Greenhouse Gas Management Plan is approved by the Planning Secretary.
- B36. 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 detailed review of the feasibility of implementing various greenhouse gas abatement options, and economic considerations for the mine site; and
 - (b) a 3-year action plan to investigate and implement reasonable and feasible measure to minimise greenhouse gas emissions.
- B37. The Applicant must implement the approved Air Quality and Greenhouse Gas Management Plan.

Note: Under the Work Health and Safety Regulation 2017, the Applicant must prepare and implement an Asbestos Management Plan for monitoring and management of naturally occurring asbestos fibres generated by the development, including during rehabilitation and post mine closure.

METEOROLOGICAL MONITORING

- B38. Prior to commencing mining operations under this consent and for the remaining life of the development, the Applicant must ensure that there is a suitable meteorological station operating within the mine site or at a location approved by the EPA that:
- (a) complies with the requirements in the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA, 2022) and Ambient Air Monitoring Guidance Note (EPA, 2022)* (or latest version); and
 - (b) is capable of measuring meteorological conditions in accordance with the *Noise Policy for Industry (EPA, 2017)* (or latest version).

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

WATER

Water Supply

- B39. 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.
- B40. Apart from water to be used for potable demands, the Applicant must preferentially employ water harvested from the mine site (except for clean water collected for diversion around the mine site), water generated through mining operation dewatering or water supplied by the water supply pipeline instead of potable water sourced from off-site.
- B41. The Applicant must report on water extracted from the mine site 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 (groundwater or surface water) is adversely and directly impacted (other than an impact that is minor or negligible) as a result of mining operations, in consultation with DPE Water, and to the satisfaction of the Planning Secretary.
- B43. The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.
- B44. 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.
- B45. 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.
- B46. 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.

Note:

- *The Water Management Plan – Mine Site (see condition B58) is required to include trigger levels for investigating potentially adverse impacts on water supplies.*

- B47. In the event of any complaint related to a privately-owned licensed groundwater bore or surface water supply 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 B44, to the satisfaction of the Planning Secretary.

B48. However, conditions B42 to B46 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.

Water Discharges

B49. 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.

Water Management Performance Measures

B50. The Applicant must ensure that the development complies with the performance measures in **Table 5**.

Table 5: Water management performance measures

Feature	Performance Measure
Water management – General	<ul style="list-style-type: none"> • Maintain separation between clean dirty (i.e. sediment laden) and mine water management systems • Minimise the use of clean and potable water on the site • Maximise water recycling, reuse and sharing opportunities • Maximise the capture and reuse of TSF decant water and captured dirty water to meet operational demands for water, including processing and dust suppression activities • Minimise the use of make-up water from licensed external sources (excluding water imported to the site via the water supply pipeline) • Design, install, operate and maintain water management infrastructure in a proper and efficient manner • Minimise risks to the receiving environment and downstream water users
TSF	<ul style="list-style-type: none"> • Design, install and maintain the TSF to ensure no unlicensed or uncontrolled discharge of mine water off-site (except in accordance with condition B49), with sufficient freeboard to accommodate a 1 in 10,000 year 72-hour duration storm event • Designed, constructed and operated in accordance with the requirements of the <i>Dams Safety Act 2015</i> and <i>Dams Safety Regulation 2019</i> • Ensure that the floor and walls are lined to achieve a permeability standard equivalent to 1,000mm clay of permeability of at least 1×10^{-9} m/s, unless otherwise agreed by the EPA and the Planning Secretary.
Waste emplacements	<ul style="list-style-type: none"> • Minimise the potential for acid mine drainage • Design, install and maintain emplacements to encapsulate and prevent migration of acid forming and potentially acid forming materials
Mine water management system excluding the TSF	<ul style="list-style-type: none"> • 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 B49) • Maintain adequate freeboard (i.e. minimum 200 mm) in the process water and raw water dams at all times
Clean water diversions and storage infrastructure	<ul style="list-style-type: none"> • Design, install and maintain the clean water system to capture and convey the 100-year ARI flood event • Maximise, as far as reasonable, the diversion of clean water around disturbed areas on the site • Transfer water captured in all clean water facility (CWF) dams to the Belubula River downstream of the site in accordance with commitments in documents in condition A2(c)
Erosion and sediment control works – including sediment dams	<ul style="list-style-type: none"> • 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 (Landcom, 2004)</i> and <i>2E Mines and Quarries (DECC, 2008)</i> • 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. • Design, install and maintain sediment dams to include contingency measures to prevent the potential mobilisation of pollutants and ensure compliance with the requirements of the <i>Water Management Act 2000</i> and the EPL discharge criteria
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> • Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard

Feature	Performance Measure
Creek diversions and outlet structures	<ul style="list-style-type: none"> • Diverted flow lines are hydraulically and geomorphologically stable • Incorporate erosion control measures based on vegetation and engineering revetments • Incorporate water features such as persistent/permanent pools for aquatic habitat • Revegetate with suitable riparian vegetation • Watercourse remediation and reconstruction is in accordance with the guideline “A rehabilitation manual for Australian streams (LWRRDC 2000)”
Aquatic and riparian ecosystems	<ul style="list-style-type: none"> • Negligible environmental consequences beyond those predicted in the document/s listed in condition A2(c) • Maintain or improve baseline channel stability • 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 & ARMCANZ, 2000) and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> (DEC, 2006)

Offsets – Regulated Water Users

- B51. Prior to commencement of construction of the TSF, the Applicant must offset the impacts to the Belubula River Regulated River Water Source caused by an estimated reduction in inflows to Carcoar Dam of 413 ML/year associated with the construction of the TSF by acquiring water access licence shares of high and/or general security water in the Belubula River Regulated Water Source under the *Water Management Act 2000*, to the satisfaction of the Planning Secretary, following consultation with DPE Water.
- B52. Water access licence shares acquired and held for the purpose of condition B51 cannot be used or traded by the Applicant until the TSF is rehabilitated and a free draining landform is established in accordance with the requirements of condition B95.

Water Management Plan

- B53. The Applicant must prepare a Water Management Plan for the mine site and mine access road to the satisfaction of the Planning Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s;
 - be prepared in consultation with DPE Water and EPA;
 - describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see **Table 5**);
 - incorporate recent meteorological and climate data and describe the periodic review of new and relevant input data, including sensitivity analysis of variations from climate projections and trends; and
 - include a:
 - 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 site (including authorised entitlements and licences);
 - prioritisation strategy for water sources, including the strategy to maximise the reuse of mine water and dirty water for the mine site;
 - water storage capacity;
 - protocols for supply, storage and use of water imported to the site via the water supply pipeline;
 - 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;
 - Erosion and Sediment Control Plan** that:
 - is consistent with the best management practice requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) and *Volume 2E: Mines and Quarries* (DECC, 2008);
 - 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 5;
 - describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
 - 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 and quality of watercourses and/or water bodies potentially impacted by the mine site, including:
 - stream and riparian vegetation health;
 - channel stability (geomorphology); and
 - water supply for other surface water users;
 - a detailed description of the surface water management system;
 - detailed plans, design objectives and performance criteria for water management infrastructure, including:
 - any approved creek diversions or restoration works associated with the mine site;
 - water run-off diversions and catch drains;
 - clean water storages, mine water storages and sediment dams;
 - emplacement areas, including monitoring and management protocol for emplacement of potentially acid forming materials; and
 - reinstated drainage networks on rehabilitated areas of the site;
 - detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the mine site, for:
 - downstream surface water flows and quality;
 - channel stability;
 - stream and riparian vegetation health;
 - water supply for other surface water users downstream of the mine site; and
 - post-mining water pollution from rehabilitated areas of the site;
 - a program to monitor and evaluate:
 - compliance with the relevant performance measures listed in **Table 5** and the performance criteria in this plan;
 - potential acid and metalliferous drainage
 - water quality in sediment dams prior to discharge into the environment;
 - controlled and uncontrolled discharges and seepage/leachate from the site;
 - impacts on water supply for other water users;
 - 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, and
 - the effectiveness of the measures in the Erosion and Sediment Control Plan;
 - reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results;
 - 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 mine site; and
 - a program to periodically upgrade and validate the surface water model for the mine site, 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 of groundwater levels, yield and quality for groundwater resources potentially impacted by the mine site, including groundwater supply for other water users;
 - a detailed description of the groundwater management system;
 - groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts associated with the mine site, on:
 - regional and local aquifers (alluvial and hardrock); and
 - groundwater supply for other water users such as licensed privately-owned groundwater bores;
 - a program to monitor and evaluate:
 - compliance with the relevant performance measures listed in **Table 5** and the performance criteria in this plan;

- groundwater inflows, outflows and storage volumes, to inform the Site Water Balance;
 - potential acid and metalliferous drainage
 - the seepage/leachate from the TSF, water storages and the final void;
 - the likelihood of any indirect impacts from the mine site on nearby alluvial aquifers; and
 - the effectiveness of the groundwater management system;
 - reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results;
 - a trigger action response plan to respond to any exceedances of the groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the mine site; and
 - a program to periodically upgrade and validate the groundwater model for the mine site, 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; and
- (v) a **TSF Liner Design and Verification Plan**, prepared in consultation with the EPA, WaterNSW and Dams Safety NSW that must:
- be submitted prior to the commencement of TSF construction works;
 - demonstrate how the use of geosynthetic clay liners and in situ clays will achieve the performance measures in **Table 5**;
 - include details on a Quality Assurance/Quality Control program to demonstrate that the TSF liner is constructed to meet its design specifications; and
- (vi) a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition E8.

B54. The Applicant must not commence construction of the mine site or mine access road until the Water Management Plan is approved by the Planning Secretary.

B55. The Applicant must implement the approved Water Management Plan.

BIODIVERSITY

Biodiversity Offsets

B56. Prior to commencing construction of the water supply pipeline, the Applicant must retire the biodiversity credits specified in **Table 6** below in accordance with the *Biodiversity Offsets Scheme* of the BC Act, including the application of any ancillary rules published under clause 6.5 of the *Biodiversity Conservation Regulation 2017*, and must provide the Department with appropriate evidence that the number and classes of biodiversity credits have been retired.

Table 6: Biodiversity credit requirements (Stage One - Pipeline Corridor)

Credit Type	Credits Required
Ecosystem credits	
PCT277 Blakely's Red Gum – Yellow Box grassy tall woodland	53
PCT727 Broad-leaved Peppermint – Brittle Gum – Red Stringybark Dry Open Forest	2
PCT1093 Red Stringybark – Brittle Gum – Inland Scribbly Gum Dry Open Forest	97
PCT1191 Snow Gum – Candle Bark Woodland	75
PCT1197 Snow Gum – Mountain Gum tussock grass-herb forest	53
PCT1330 Yellow Box – Blakely's Red Gum grassy woodland	158
Species credits	
Threatened Fauna	
Barking Owl (<i>Ninox connivens</i>)	7
Bathurst Copper Butterfly (<i>Paralucia spinifera</i>)	14

Credit Type	Credits Required
Booroolong Frog (<i>Litoria booroolongensis</i>)	9
Brush-tailed Phascogale (<i>Phascogale tapoatafa</i>)	81
Brush-tailed Rock Wallaby (<i>Petrogale penicillata</i>)	9
Eastern Pygmy Possum (<i>Cercartetus nanus</i>)	142
Gang-gang Cockatoo (<i>Calyptorhynchus lathami</i>)	13
Key's Matchstick Grasshopper (<i>Keyacris scurra</i>)	171
Koala (<i>Phascolarctos cinereus</i>)	162
Large-eared Pied Bat (<i>Chalinolobus dwyeri</i>)	10
Masked Owl (<i>Tyto novaehollandiae</i>)	27
Pink-tailed Worm Lizard (<i>Aprasia parapulchella</i>)	5
Powerful Owl (<i>Ninox strenua</i>)	35
Squirrel Glider (<i>Petaurus norfolcensis</i>)	156
Yellow-spotted Tree Frog (<i>Litoria castanea</i>)	1
Threatened Flora	
Aromatic Peppercress (<i>Lepidium hyssopifolium</i>)	4
Austral Toadflax (<i>Thesium australe</i>)	31
Black Gum (<i>Eucalyptus aggregata</i>)	8
Clandulla Geebung (<i>Persoonia marginata</i>)	4
Silky Swainson-pea (<i>Swainsona sericea</i>)	76
<i>Veronica blakelyi</i>	38

- B57. Prior to the commencement of construction of the mine site or the mine access road, the Applicant must retire the biodiversity credits specified in **Table 7** below in accordance with the *Biodiversity Offsets Scheme* of the BC Act, including the application of any ancillary rules published under clause 6.5 of the *Biodiversity Conservation Regulation 2017*, and must provide the Department with evidence that the number and classes of biodiversity credits have been retired.

Table 7: Ecosystem credit requirements – Stage 2 Mine Site and Mine Access Road

Credit Type	Credits Required
Ecosystem credits	
PCT727 Broad-leaved Peppermint – Brittle Gum – Red Stringybark Dry Open Forest	952
PCT766 Carex sedgeland of the slopes and tablelands	26
PCT951 Mountain Gum – Manna Gum open forest	465
PCT1330 Yellow Box – Blakely's Red Gum grassy woodland	1,370
Species credits	
Koala (<i>Phascolarctos cinereus</i>)	2,428

Credit Type	Credits Required
Key's Matchstick Grasshopper (<i>Keyacris scurra</i>)	1,096
Squirrel Glider (<i>Petaurus norfolcensis</i>)	2,648

B58. The biodiversity credit requirements outlined in conditions B56 and B57 for the Key's Matchstick Grasshopper, may be reduced, if the Applicant demonstrates, in consultation with BCS, that the credit requirements in **Table 6** and/or **Table 7** do not accurately reflect the extent of impacts on these species as a result of the development. Any request from the Applicant to reduce these credit requirements must:

- (a) be submitted prior to commencement of any works that will impact on biodiversity values;
- (b) be in writing and addressed to the Planning Secretary;
- (c) be supported by an expert report or survey report outlining the requested reduction in impact to biodiversity values which has been prepared:
 - (i) by a suitably qualified and experienced person/s^{a,b}; and
 - (ii) in accordance with the BAM.

Note:

^a In the case of an expert report, a 'suitably qualified and experienced person' means a person who meets the relevant requirements outlined in section 6.5.2 of the BAM.

^b In the case of a survey report, a 'suitably qualified and experienced person' means an accredited person as defined in section 1.6 of the BC Act.

Biodiversity Management Plan

B59. The Applicant must prepare a Biodiversity Management Plan for the mine site and mine access road 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 BCS;
- (c) describe the short, medium, and long-term measures to be undertaken to manage the remnant vegetation and fauna habitat on the site;
- (d) describe how biodiversity management would be integrated with similar measures within other management plans, including the Rehabilitation Management Strategy referred to in condition B98;
- (e) describe the measures to be implemented within the approved disturbance areas to:
 - (i) minimise the amount of clearing;
 - (ii) minimise impacts on fauna, including undertaking pre-clearance surveys and translocation of threatened species as guided by the NSW Government's *Translocation Operational Policy 2019* (as amended from time to time); and
 - (iii) maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
- (f) describe the measures to be implemented on the site to:
 - (i) minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees;
 - (ii) enhance the quality of vegetation, vegetation connectivity and wildlife corridors through the planting of scattered trees, corridor enhancement measures and/or targeted of appropriate canopy, sub-canopy, understorey and ground strata; including restoration of a minimum of 22 ha of Box Gum Woodland community (PCT 1330) within undisturbed areas within the site – targeting areas outside of mine disturbance adjoining or proximate to Vittoria State Forest;
 - (iii) introduce naturally scarce fauna habitat features such as salvaged tree hollows and logs and promote the use of these introduced habitat features by threatened fauna species;
 - (iv) manage any potential conflicts with Aboriginal heritage values;
 - (v) protect vegetation and fauna habitat outside of the approved disturbance areas;
 - (vi) manage the collection and propagation of seed from the local area;
 - (vii) control weeds, including measures to avoid and mitigate the spread of noxious weeds;
 - (viii) control feral pests and pathogen *Phytophthora cinnamomi* with consideration of actions identified in relevant threat abatement plans;
 - (ix) control erosion;
 - (x) control access to vegetated or revegetated areas; and
 - (xi) manage bushfire hazards;
- (g) include an **Aquatic Ecological Offset Strategy**, in consultation with DPI Fisheries that include details of:

- (i) measures for removal of exotic riparian & aquatic weed species;
 - (ii) measures to remediate eroded bed & banks with native aquatic macrophytes, native riparian plants, large woody debris;
 - (iii) measures to fence off rehabilitated areas to grazing; and
 - (iv) measures for removal of existing barriers to fish passage and aquatic and riparian habitat mapping so as to be consistent with the *NSW DPI Policy & Guidelines for Fish Habitat Conservation and Management (Update 2013)*;
 - (v) describe the remediation of no less than 80,762 m² of Key Fish Habitat and/or provide supplementary measures via payment of funds to the Fish Conservation Trust Fund (or alternative fund agreed by DPI Fisheries); and
 - (vi) include a long-term monitoring and maintenance program to monitor the success of the Aquatic Ecological Offset Strategy meeting targets and Key Performance Indicators;
- (h) include a seasonally-based program to monitor and report on the effectiveness of the above measures, progress which includes tailored, quantitative performance measures and targets, completion criteria, monitoring and trigger points for corrective action which adhere to the SMART principles (specific, measurable, achievable, realistic and timely) that could be implemented to improve biodiversity outcomes;
- (i) include details of who would be responsible for monitoring, reviewing, and implementing the plan; and
- (j) achieve the specific Actions referenced within Table 6.6 of the Second Amendment BDAR (dated September 2022), which are not otherwise addressed above.

B60. The Applicant must not commence construction of the mine site or mine access road until the Biodiversity Management Plan is approved by the Planning Secretary.

B61. The Applicant must implement the approved Biodiversity Management Plan.

HERITAGE

Protection of Aboriginal Heritage

B62. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage items located outside the approved disturbance area, beyond those predicted in the document/s listed in condition A2(c).

B63. If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.

B64. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

Protection of Historic Heritage

B65. Prior to commencing blasting on the mine site, the Applicant must commission a suitably qualified structural engineer to inspect the condition of the Hallwood Farm Complex (MGP-H23) to confirm measures to minimise damage due to blasting, advise appropriate blasting criteria and recommend works to protect the structural integrity of the complex.

Heritage Management Plan

B66. The Applicant must prepare a Heritage Management Plan for the mine site and mine access road, to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) describe the measures to be implemented to:
 - (i) ensure all workers on the mine site receive suitable heritage inductions prior to carrying out any activities which may cause impacts to heritage, and that suitable records are kept of these inductions;
 - (ii) protect heritage items located outside the approved disturbance area from impacts of the development, beyond those predicted in the document/s listed in condition A2(c); and
 - (iii) manage any new heritage items discovered during the life of the development;
- (c) for Aboriginal Cultural Heritage, be prepared in consultation with Heritage NSW and Registered Aboriginal Parties and describe the measures to be implemented on the site to:
 - (i) comply with the Aboriginal cultural heritage-related operating conditions of this consent;
 - (ii) 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);
 - (iii) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places;
 - (iv) maintain and manage reasonable access for Aboriginal stakeholders to Aboriginal objects;

- (v) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and
 - (vi) undertake the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term
- (d) for Historic Heritage, be prepared in consultation with Heritage NSW, Council and Cabonne Shire Council and in accordance with relevant Heritage NSW guidelines, and
- (i) describe how historic heritage values would be recorded and preserved, including a conservation management plan and establishing and maintaining an archival recording for the Hallwood Farm Complex (MGP-H23); and
 - (ii) identify all heritage items in the vicinity of the mine site and mine access road and include a statement of significance for each item.

B67. The Applicant must not commence construction of the mine site until the Heritage Management Plan is approved by the Planning Secretary.

B68. The Applicant must implement the approved Heritage Management Plan.

TRANSPORT

Dungeon, Vittoria and Guyong Roads

B69. Development-related traffic must not use Dungeon Road, Vittoria or Guyong Road, except for:

- (a) in an emergency to avoid the loss of lives, property and/or environmental harm;
- (b) employees that may reside on Dungeon Road or adjacent to Vittoria or Guyong Road or to the northeast of the mine site;
- (c) infrequent use for consultation, environmental monitoring, or inspection and maintenance of nearby infrastructure; and
- (d) in relation to Dungeon Road, pre-construction works/construction access to the mine site from the Mid-Western Highway for a maximum of six months from commencing construction of the mine site, or as otherwise agreed by the Planning Secretary.

B70. Use of Dungeon Road, Vittoria or Guyong Road for development related traffic is not permitted until the Traffic Management Plan required under Condition B74 is approved by the Planning Secretary.

Note: Conditions B69 and B70 do not apply to that section of Dungeon Road closed in accordance with the Roads Act 1993 within the mine site area.

Road Upgrades

B71. The Applicant must:

- (a) construct the mine site access intersection as described and shown conceptually in condition A2(c);
- (b) construct all roads and intersections in accordance with Austroads guidelines;
- (c) install appropriate lighting and advance warning signs at entry points to the mine access road; and
- (d) following mine closure decommission the mine access road;

to the satisfaction of the relevant roads authority.

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

B72. The Applicant must design, construct and maintain the mine access road intersection to the satisfaction of TfNSW and Council, and must bear all costs associated with the construction, maintenance and decommissioning of the intersection.

Traffic Management Plan

B73. The Applicant must prepare a Traffic Management Plan for the mine site and mine access road to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with TfNSW and Council;
- (c) include details of all transport routes and traffic types to be used for the mine site-related traffic;
- (d) include a vehicle movement plan for:
 - (i) managing light, heavy and over-dimensional vehicles during construction works;
 - (ii) transporting construction waste materials;
 - (iii) restricting construction or transportation hours to avoid road user conflicts;
- (e) include details of the measures to be implemented to minimise traffic safety issues and disruption to other road users, including during construction or decommissioning works, including:

- (i) a risk assessment to identify hazards to traffic control, the level of risk posed and control measures to be implemented;
 - (ii) details of a traffic control plan prepared in accordance with *Traffic Control at Work Sites* (RMS, 2018);
 - (iii) notifying the local community about development-related traffic impacts;
 - (iv) minimising potential for conflict with school buses and stock movements;
 - (v) promoting the use of shuttle buses and car pooling of construction and operational personnel;
 - (vi) responding to any emergency repair requirements or maintenance during construction and/or decommissioning; and
 - (vii) a traffic management system for managing over-dimensional vehicles;
- (f) include a monitoring program to audit vehicle movements, including the origin and destination of employees and contractors, against predictions in the EIS; and
- (g) 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.

B74. If the construction and/or decommissioning of the development is to be staged, the obligations in this condition apply to each stage of construction and/or decommissioning.

B75. The Applicant must not commence construction of the mine site or mine site access road until the Traffic Management Plan is approved by the Planning Secretary.

B76. The Applicant must implement the approved Traffic Management Plan.

VISUAL

Visual Amenity and Lighting

B77. The Applicant must:

- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development and shield public views of the development;
- (b) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;
- (c) ensure no in-pit mobile lighting rigs shine directly above the pit wall and other mobile lighting rigs do not shine directly above the horizontal (except where required for emergency safety purposes);
- (d) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of *Australian Standard AS4282 2019 – Control of Obtrusive Effects of Outdoor Lighting*;
- (e) in addition to progressive rehabilitation, implement a landscaping strategy to shield public views of the development as far as practicable that includes tree planting and maintenance schedule; and
- (f) ensure that the visual appearance of all new buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.

Additional Visual Impact Mitigation

B78. Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, high visual impacts of the mining operations and on-site infrastructure during the development, the Applicant must implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) to reduce the visibility of the mining operations and infrastructure from the residences on the privately-owned land.

These mitigation measures must be reasonable and feasible and must be implemented within a reasonable timeframe.

If the Applicant and the owner 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 Planning Secretary for resolution.

Notes:

- The additional visual impact mitigation measures must be aimed at reducing the visibility of the mining operations on site from affected residences, and do not require measures to reduce the visibility of the mining operations from other locations on the affected properties.
- The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (i.e. the additional measures could involve the implementation of measures outside the affected property boundary that provide an effective reduction in visual impacts).
- The Planning Secretary will not require additional visual impact mitigation to be undertaken for residences that are not classified as having a high visual impact, as identified in condition A2(c), unless there are exceptional circumstances

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) (or latest version);
- (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 E8.

HAZARDS AND RISKS

B80. 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.

B81. Unless otherwise agreed by the Planning Secretary, the storage of dangerous goods and combustible materials within the development must not exceed the maximum storage quantities listed in **Table 8**.

Table 8: Maximum storage quantities of dangerous goods and combustible materials within the mine site

Description	UN Number	Dangerous Goods Class	Packing Group	Maximum Storage Quantity
Explosives	0082	1.1D	n/a	36 tonnes
Ammonium nitrate prill	1942	5.1	III	400 tonnes
Ammonium nitrate emulsion	3375	5.1	II	160 tonnes
Sodium cyanide	3414	6.1	I	320 kL
Hydrochloric acid	1789	8	II	30 kL
Sodium hydroxide	1824	8	II	60 kL
Liquefied petroleum gas (LPG)	1075	2.1	n/a	18 kL
Diesel	n/a	n/a	n/a	660 kL

Pre-construction Documentation

B82. Unless the Planning Secretary agrees otherwise, the Applicant must prepare the following documents at least one month prior to commencing construction of the processing plant, other than of preliminary works that are outside the scope of the hazard studies, to the satisfaction of the Planning Secretary:

- (a) a Hazard and Operability Study based on the final detailed design of the processing plant (except for processing plant preliminary works), prepared by a suitably qualified, experienced and independent expert, that is consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*, and must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented;
- (b) a Final Hazard Analysis based on the final detailed design of the development that is consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*. The scope of the study must include and not be limited to:
 - (i) consideration of the findings and recommendations from the Hazard and Operability Study required in condition B82(a); and

- (ii) the technical investigations arising from the recommendation in “Query 3”, page 7 of the *Response to Submission, Appendix F, ‘Responses to DPIE queries for the McPhillamys mine proposal’* (dated 13 August 2020, prepared by Atomic DG Consultants).

B83. The Applicant must not commence construction of the processing plant, other than of preliminary works that are outside the scope of the hazard studies, until the Hazard and Operability Study and Final Hazard Analysis are approved by the Planning Secretary.

B84. The Applicant must implement the approved Hazard and Operability Study and Final Hazard Analysis.

Pre-commissioning Documentation

B85. Unless the Planning Secretary agrees otherwise, the Applicant must prepare the following documents at least two months prior to commencement of commissioning of the processing plant to the satisfaction of the Planning Secretary:

- (a) a Transport of Hazardous Materials Study, documenting arrangements for the transport of hazardous materials, including covering, details of transportation routes to or from the development that are consistent with the Department’s *Hazardous Industry Planning Advisory Paper No. 11, ‘Route Selection’*. Suitable routes identified in the study must be used except where departures are necessary for local deliveries or emergencies;
- (b) a comprehensive Emergency Plan, detailing emergency procedures for the development, including safety of all people outside of the development who may be at risk from the development. The plan must be prepared in accordance with the Department’s *Hazardous Industry Planning Advisory Paper No. 1, ‘Emergency Planning’*.
- (c) a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The Safety Management System must:
 - (i) be consistent with the Department’s *Hazardous Industry Planning Advisory Paper No. 9, ‘Safety Management’*; and
 - (ii) clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by the Planning Secretary upon request.

B86. The Applicant must not commence commissioning of the processing plant until the Transport of Hazardous Materials Study, Emergency Plan and Safety Management System are approved by the Planning Secretary.

B87. The Applicant must implement the approved Transport of Hazardous Materials Study, Emergency Plan and Safety Management System.

Notes: *Suitable routes identified in the Transport of Hazardous Materials Study must be used except where departures are necessary for local deliveries or emergencies.*

Hazardous Materials Management Plan

B88. Prior to commencing mining operations, the Applicant must submit an Operational Hazardous Materials Management Plan for the development to the satisfaction of the Planning Secretary, which must:

- (a) be prepared in consultation with relevant government agencies including Council, 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 on-site in accordance with the relevant guidelines;
 - (ii) ensure the transportation of hazardous materials are consistent with the Transport of Hazardous Materials Study required in condition B86;
 - (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*.

B89. The Applicant must not commence mining operations until the Operational Hazardous Materials Management Plan is approved by the Planning Secretary.

B90. The Applicant must implement the approved Operational Hazardous Materials Management Plan.

B91. Unless the Planning Secretary agrees otherwise, twelve months after the commencement of mining operations and every five years thereafter, the Applicant must carry out a comprehensive Hazard Audit of the development and within one month of each audit submit a report to the Planning Secretary. The audits must:

- (a) be consistent with the Department’s *Hazardous Industry Planning Advisory Paper No. 5, ‘Hazard Audit’*;

- (b) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

BUSHFIRE MANAGEMENT

B92. 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, 2006) (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.

B93. Prior to commencing mining operations, the Applicant must prepare a Bushfire Management Plan for the development in consultation with RFS. This plan must include a:

- (a) contact person and 24 hour contact phone number;
- (b) schedule and description of proposed bushfire mitigation works, including:
- (i) location of managed and unmanaged vegetation within the site;
 - (ii) location of water supply; and
 - (iii) internal access roads;
- (c) plan identifying the location and storage of bulk flammable liquids and materials;
- (d) 'hot works' management plan, including:
- (i) circumstances when 'hot works' are limited or prohibited; and
 - (ii) safety measures to be implemented when 'hot works' are being conducted; and
- (e) emergency/evacuation plan in accordance with the *Development Planning: A Guide to Developing a Bushfire Emergency Management and Evacuation Plan* (RFS, 2014) and *Australian Standard AS3745 Planning for Emergencies in Facilities*.

B94. The Applicant must implement the Bushfire Management Plan.

REHABILITATION

Rehabilitation Objectives – Mine Site

B95. The Applicant must rehabilitate the mine 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 objectives described in the documents listed in condition A2(c) (and shown conceptually in the figure in Appendix 5), and must comply with the objectives in **Table 9**.

Table 9: Rehabilitation objectives for the mine site

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> • Safe, stable and non-polluting • Fit for the intended post-mining land use/s • Establish the final landform and post-mining land use/s as soon as practicable after cessation of mining operations • Minimise post-mining environmental impacts
Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> • Establish/restore self-sustaining native open woodland ecosystems • Establish local plant community types • Monitor and control weeds and feral pests • Establish: <ul style="list-style-type: none"> – riparian vegetation, within any diverted and/or re-established creek lines and retained water features; – habitat, feed and foraging resources for threatened fauna species; and – vegetation connectivity and wildlife corridors, as far as is reasonable and feasible
Areas proposed for agricultural land	<ul style="list-style-type: none"> • Establish/restore grassland areas to support sustainable agricultural activities • Use species found in the local area that are suitable for pasture production • Achieve land and soil capabilities that establish a minimum 929 ha of Class 4 and 1,081 ha of Class 5 soils • Locate adjacent to surrounding agricultural land, where practicable

Feature	Objective
	<ul style="list-style-type: none"> • Monitor and control weeds and feral pests
Final Landform	<ul style="list-style-type: none"> • Stable and sustainable for the intended post-mining land use/s • Integrated with surrounding natural landforms and other mine rehabilitated landforms, to the greatest extent practicable • Incorporate macro-relief and micro-relief and drainage features that mimic natural topography and mitigate erosion, to the greatest extent practicable • Maximise surface water drainage to the natural environment, excluding final void catchment (i.e. free draining) • Minimise visual impacts, where practicable
Final void	<ul style="list-style-type: none"> • Optimise the size and depth of the final void to ensure the final landform is stable and non-polluting • Minimise to the greatest extent practicable: <ul style="list-style-type: none"> - the drainage catchment of final voids; - any high wall instability risk; and - the risk of flood interaction • Maximise potential for beneficial reuse, where practicable
TSF	<ul style="list-style-type: none"> • Final landform designed for grazing with pasture species, unless trials validate that the capping design can accommodate shrub/ tree layer with no impact to the structural integrity of the capping layer • Sufficient surface water management to withstand 1:10,000 annual exceedance probability rainfall events
Waste rock emplacement	<ul style="list-style-type: none"> • Capping layer designed to minimise oxygen ingress and water infiltration into Potentially Acid Forming (PAF) materials within the waste rock emplacement area • Final landform and vegetation cover designed to ensure no impact to the structural integrity of the capping layer • Maximise cover of Non Acid Forming (NAF) material within the area of the Southern Amenity Bund (see Appendix 2 Figure 1) to facilitate a micro-relief landform and woodland vegetation cover within this area
Surface infrastructure of the development	<ul style="list-style-type: none"> • To be decommissioned and removed, unless the Resources Regulator agrees otherwise
Water Supply Pipeline within the mining lease	<ul style="list-style-type: none"> • Water supply pipeline and associated infrastructure and services remain available for alternative uses following completion of the development • If alternative uses for the water supply pipeline cannot be identified following the completion of mining operations, <ul style="list-style-type: none"> - all surface infrastructure is removed and disturbed areas are rehabilitated to the satisfaction of the Secretary - underground infrastructure is secured to prevent unauthorised access and stabilised to ensure long term stability of surrounding land
Water quality	<ul style="list-style-type: none"> • Water retained on the site is fit for the intended post-mining land use/s • Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation
Community	<ul style="list-style-type: none"> • Ensure public safety • Minimise adverse socio-economic effects associated with mine closure

Decommissioning Objectives – Water Supply Pipeline Corridor

B96. If alternative uses for the water supply pipeline cannot be identified following the completion of mining operations, the Applicant must decommission the water supply pipeline generally consistent with the proposed decommissioning as described in the documents listed in condition A2(c) and must comply with the objectives in **Table 10**.

Table 10: Decommissioning objectives for the water supply pipeline

Feature	Objective
All areas of the water supply pipeline corridor	<ul style="list-style-type: none"> • Safe, stable and non-polluting • Fit for the intended post-development land use/s
Water Supply Pipeline	<ul style="list-style-type: none"> • All surface infrastructure is removed and disturbed areas are rehabilitated to the satisfaction of the Secretary • Underground infrastructure is secured to prevent unauthorised access and stabilised to ensure long term stability of surrounding land

Progressive Rehabilitation

B97. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

Note: *This condition does not prevent further disturbance at some later stage of the development of areas that have been rehabilitated.*

Rehabilitation Strategy

B98. The Applicant must prepare a Rehabilitation Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:

- (a) for the mine site, be prepared in consultation with the Resources Regulator, Council, DPE Water and the CCC;
- (b) for the water supply pipeline, be prepared in consultation with WaterNSW, DPE Water, Lithgow City Council, Bathurst Regional Council and Blayney Shire Council;
- (c) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes;
- (d) build on the Rehabilitation Objectives in **Table 9** and **Table 10**, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including final void), 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 the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition B59;
- (g) outline opportunities to refine and improve the final landform and final void outcomes over time;
- (h) include overview of anticipated rehabilitation risks and risk treatment controls;
- (i) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including the final void), that:
 - (i) align with regional and local strategic land use planning objectives and outcomes;
 - (ii) support a sustainable future for the local community;
 - (iii) utilise existing mining infrastructure, where practicable; and
 - (iv) includes a description of long-term land management objectives, including bushfire management, weed and feral animal control, water quality and public safety;
- (j) outline ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and
- (k) include a program to periodically update this strategy at least every three years.

B99. The Applicant must not commence mining operations until the Rehabilitation Strategy is approved by the Planning Secretary.

B100. The Applicant must implement the approved Rehabilitation Strategy.

Note: *The Applicant must also 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.*

SOCIAL

Social Impact Management Plan

B101. The Applicant must prepare a Social Impact Management Plan for the mine site to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by suitably qualified and experienced person/s;
- (b) be prepared having regard to the *“McPhillamys Gold Project - Social Impact Assessment Expert Review”* (3 November 2022) recommendations for the preparation of the Social Impact Management Plan and community benefit program;
- (c) be developed in consultation with Council, the CCC and affected stakeholders (including Kings Plains residents), to the greatest extent practicable;
- (d) include a summary of the social baseline and assessment of social impacts and risks, including the social impact ratings;
- (e) include a Stakeholder Engagement Framework including details about communications with relevant stakeholders, including local services providers, and particularly focussed on the Kings Plains community, and incorporating risk communication techniques;
- (f) describe the measures that would be implemented to enhance positive social impacts from the development;

- (g) describe the measures that would be implemented to manage and mitigate negative (and cumulative) social impacts, including:
 - (i) impacts to near neighbours and a community benefit program, including the Kings Plains community;
 - (ii) broader community cohesion;
 - (iii) workforce accommodation and local businesses and services; and
 - (iv) post-closure or care-and-maintenance periods;
- (h) include a program to monitor, review and report on the effectiveness of these measures including:
 - (i) identifying performance indicators, incorporating trigger-action-response-plan;
 - (ii) a three-yearly independent survey of the attitudes of the community about the development;
 - (iii) procedures for analysing and comparing the results of monitoring and surveys against the predicted social impacts and results of previous monitoring and surveys;
 - (iv) adaptive strategies throughout the project lifecycle (planning, construction, operation, closure); and
 - (v) undertaking additional research, if necessary, to address new or changed social risks and impacts.

B102. The Applicant must not commence construction of the mine site until the Social Impact Management Plan is approved by the Planning Secretary:

B103. The Applicant must implement the approved Social Impact Management Plan.

AGRICULTURE

B104. The Applicant must prepare an Apiary Monitoring and Management Program, to the satisfaction of the Planning Secretary. This program must:

- (a) be prepared by suitably qualified and experienced expert/s approved by the Planning Secretary;
- (b) be prepared in consultation with DPI Agriculture and local apiary operators;
- (c) include:
 - (i) a monitoring program to assess heavy metal and other mining-related impacts on local apiary operations, including but not limited to:
 - the collection of baseline data;
 - monitoring of sources that may contain contaminants that could affect bee health and honey production, including dust and surface water bodies; and
 - the effectiveness of mitigation measures in place to minimise impacts on bee keeping operations;
 - (ii) performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts on honey bee operations associated with the mine site;
 - (iii) a trigger action response plan to respond to exceedances of the performance criteria, and repair, mitigate, and/or offset any adverse impacts on local honey bee operations associated with the mine site; and
 - (iv) a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition E8.

B105. The Applicant must not commence mining operations until the Apiary Monitoring and Management Program is approved by the Planning Secretary.

B106. The Applicant must implement the approved Apiary Monitoring and Management Program.

PART C WATER SUPPLY PIPELINE CONSTRUCTION SPECIFIC ENVIRONMENTAL CONDITIONS

Water Supply Pipeline Construction Environmental Management Plan

- C1. The Applicant must prepare a Pipeline Construction Environmental Management Plan (Pipeline CEMP) for the water supply pipeline 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 during pipeline construction;
 - (b) be submitted to the Planning Secretary for approval prior to carrying out pipeline construction under this consent;
 - (c) be prepared in consultation with TfNSW, DPI Agriculture, Forestry Corporation of NSW, DPE Water, BCS, WaterNSW, Blayney Shire Council, Bathurst Regional Council and Lithgow City Council.
 - (d) include a strategy for consultation with affected landowners, including a complaints resolution process.
 - (e) include the following sub-plans:
 - (i) **Soil and Water Management Sub-plan**, to describe the measures to be implemented to:
 - manage erosion and sedimentation risks, including soil sampling and analysis to identify erosion potential and agronomic constraints, soil treatment (if necessary) and controls in accordance with *Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004)* and *Volume 2A Installation of Services*;
 - ensure pipeline construction is consistent with the *Guidelines for Controlled Activities on Waterfront Land* including the *Guidelines for laying pipes and cables in watercourses on waterfront land* (NSW Office of Water, 2012);
 - 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
 - (ii) **Biodiversity Management Sub-plan**, to describe 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;
 - avoid direct impacts on the Tarengo Leek Orchid (*Prasophyllum petilum*) and apply buffers around individuals to minimise indirect impacts;
 - 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 pipeline corridor;
 - (iii) **Heritage Management Sub-plan**, to describe the measures to be implemented on the site to:
 - 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 and Aboriginal places (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 and Aboriginal places located outside the approved disturbance area from impacts of the development; and
 - manage the discovery of suspected human remains and any new Aboriginal objects;
 - (iv) **Air, Noise, Vibration and Blasting Management Sub-plan**, to describe the measures to be implemented on site to:
 - minimise the generation of dust;
 - minimise noise, vibration and blasting (if undertaken) impacts on sensitive receivers, particularly for receivers within 100 m of the water supply pipeline corridor;
 - undertake construction consistent with the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) (or its latest version);
 - minimise road traffic noise on local roads from construction vehicles; and
 - identify potential high noise generating activities and restrictions to be applied, including working hours and respite;
 - (v) **Traffic and Access Management Sub-plan**, to describe the measures to be implemented on site to:

- minimise rail, traffic and road safety issues and disruption to other road users;
 - respond to any emergency repair requirements or maintenance during construction and/or commissioning;
 - restore pipeline road crossings to the satisfaction of the relevant roads authority;
 - manage over-dimensional vehicles; and
 - control traffic around construction sites, in accordance with *Traffic Control at Work Sites* (RMS, 2018);
- (vi) **Rehabilitation Management Sub-plan**, to describe the measures to be implemented on site to:
- progressively stabilise disturbed areas following the completion of construction activities;
 - restore creek crossings to ensure the water course is geomorphically stable, including a watercourse monitoring and response strategy and watercourse remediation and reconstruction strategy;
 - inspect and maintain the rehabilitated pipeline to ensure successful rehabilitation and minimise erosion and weeds;
 - remove temporary structures; and
 - manage any grazing and agriculture; and
- (vii) **Social Impact Management Sub-plan**, to describe the measures to be implemented to:
- minimise the potential social impacts of providing workforce accommodation for construction employees;
 - manage access to properties;
 - promote the procurement of local businesses and supplies; and
 - manage worker behaviour through a workers code of conduct.
- C2. The Applicant must not commence construction of the Water Supply Pipeline until the Pipeline CEMP is approved by the Planning Secretary.
- C3. The Applicant must implement the approved Pipeline CEMP.

PART D ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS/TENANTS

- D1. Within one month of the date of this consent, the Applicant must:
- (a) notify in writing the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask the Applicant for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; and
 - (b) notify the tenants of any mine-owned land of their rights under this consent; and
- D2. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, the Applicant must:
- (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (NSW Health, 2017) (or latest version); and
 - (b) advise the prospective tenants of the rights they would have under this consent,
- to the satisfaction of the Planning Secretary.

NOTIFICATION OF EXCEEDANCES

- D3. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners tenants and the CCC.
- D4. For any exceedance of any air quality criterion in PART B, the Applicant must also provide to any affected land owners and/or tenants a copy of the NSW Health fact sheet entitled "*Mine Dust and You*" (NSW Health, 2017) (or latest version).

INDEPENDENT REVIEW

- D5. If a landowner considers the development to be exceeding any relevant air quality, noise or blasting criterion in PART B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.
- D6. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision.
- D7. If the Planning Secretary is satisfied that an independent review is warranted, within three 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;
 - (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.

PART E ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- E1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) be submitted to the Planning Secretary for approval prior to commencing construction under this consent;
 - (b) provide the strategic framework for environmental management of the development;
 - (c) identify the statutory approvals that apply to the development;
 - (d) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (e) set out the procedures to be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, record, handle and respond to complaints;
 - (iii) resolve any disputes that may arise during the course of the development;
 - (iv) respond to any non-compliance and any incident; and
 - (v) respond to emergencies; and
 - (f) include:
 - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
 - (ii) a clear plan depicting all the sites where monitoring is to be carried out under the conditions of this consent.
- E2. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

Adaptive Management

- E3. 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 recur;
 - (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

- E4. 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

- E5. Within three months of:
- (a) the submission of an incident report under condition E6;
 - (b) the submission of an Annual Review under condition E8;
 - (c) the submission of an Independent Environmental Audit under condition E9; or
 - (d) the modification of the conditions of this consent (unless the conditions require otherwise),

the Applicant must review and, if necessary, revise the studies, strategies or plans required under the conditions of consent to the satisfaction of the Planning Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Planning Secretary for approval, unless otherwise agreed with the Secretary.

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

REPORTING AND AUDITING

Incident Notification

- E6. 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 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 7.

Non-Compliance Notification

- E7. 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

- E8. By the end of March each year, after the date of 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 calendar year, and the development that is proposed to be carried out over the current calendar year;
 - (b) report on the progress of biodiversity credits retirements and the associated actual versus proposed surface disturbance for each stage;
 - (c) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:
 - (i) relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) monitoring results of previous years; and
 - (iv) relevant predictions in the document/s listed in condition A2(c)PART A(c);
 - (d) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
 - (e) evaluate and report on:
 - (i) the effectiveness of the noise and air quality management systems; and

- (ii) compliance with the performance measures, criteria and operating conditions of this consent;
- (f) identify any trends in the monitoring data over the life of the development;
- (g) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (h) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

Independent Environmental Audit

- E9. 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.
- E10. 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 E9 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

- E11. 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.
- E12. Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in PART B, providing that these representative monitoring locations are set out in the respective management plan/s.

ACCESS TO INFORMATION

- E13. 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) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (vi) 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;
 - (vii) 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;
 - (viii) a summary of the current phase and progress of the development;
 - (ix) contact details to enquire about the development or to make a complaint;
 - (x) a complaints register, updated monthly;
 - (xi) the Annual Reviews of the development;
 - (xii) 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;

- (xiii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

UPDATING AND STAGING OF STUDIES, STRATEGIES AND PLANS

- E14. To ensure the studies, strategies and plans for the project are updated on a regular basis and incorporate any required measures to improve the environmental performance of the project, the Applicant may submit revised studies, strategies or plans required for the development under the conditions of consent at any time. With the agreement of the Planning Secretary, the Applicant may also submit any study, strategy or plan required under the conditions of this consent on a staged basis.
- E15. The Planning Secretary may approve a revised strategy or plan required under the conditions of consent, or the stage submission of these documents, at any time. With the approval of the Planning Secretary, the Applicant may prepare the revised or staged strategy or plan without undertaking consultation with all parties nominated under the applicable condition in this consent.

Notes:

- *While any study, strategy or plan may be submitted on a progressive basis, the Applicant must ensure that the existing operations on site are covered by suitable studies, strategies or plans at all times.*
- *If the submission of any study, strategy or plan is to be staged, then the relevant study, strategy or plan must clearly describe the specific stage to which the study, strategy or plan applies, the relationship of this stage to any future stages, and the trigger for updating the study, strategy or plan.*

RECOMMENDED

APPENDIX 1 SCHEDULE OF LAND
TABLE A1 – MINE SITE SCHEDULE OF LANDS

<i>LOT</i>	<i>DP</i>	<i>LOT</i>	<i>DP</i>
7003	1020650	1	318572
10	1063244	22	750413
1	1053787	11	750413
2	1058009	2	533362
50	750413	B	37372
1	1058009	152	750413
14	562837	7	750413
73	750413	21	750413
47	750413	12	531188
1	794024	F	37372
2	794024	9	750413
2	111597	69	750413
3	111597	1	126314
1	151210	1	111597
1	533362	2	628211
158	705323	2	318572
3	533362	2	1192983
1	152247	1	1192983
4	533362	72	750413
1	628211	3	1206735
41	750413	1	1261431
1	112496	1	820994
A	37372	96	750414
14	750413	110	750375
17	750413	140	750414
D	37372	57	750414
10	750413	118	750414
13	750413	101	750414
8	750413	103	750414
18	750413	97	750414
1	1212978	2	1256445
OTHER			
Named Watercourses	Belubula River		
Roads	Dungeon Road	Mid Western Highway for new intersection	Crown and local government roads

TABLE A2 – WATER SUPPLY PIPELINE CORRIDOR SCHEDULE OF LANDS

<i>LOT</i>	<i>DP</i>	<i>LOT</i>	<i>DP</i>
9	1213471	94	755774
C	397138	111	755774
1	661053	113	755774
1	1105507	95	755774
2	252612	5	1180539
1	1078580	8071	1205868
20	1119593	1	829065
15	1047248	2	126483
31	192661	107	751638
35	192661	161	751638
32	192661	162	751638
2	546736	106	751638
3	530391	166	751638
1	530391	5	858201
A	158169	2	551462
1	798074	5	755764
1	199374	99	755805
3	1129060	8076	1206111
51	1139046	100	755805
4	720638	56	755773
3	1106759	239	755764
71	786945	8085	1206111
123	1187556	1139	1207308
15	242814	31	1207313
216	755805	8077	1206111
29	1096381	12	873545
7	755764	7006	1073323
2	792926	105	751638
38	755805	1	1151441
8	755764	1	88503
30	755764	102	1240974
1	777938	3	542432
32	755764	25	751636
220	755805	16	1183802
79	755805	101	1240974
8070	1205868	13	751651
8082	1206111	43	751636
13	878486	4	751636
240	755764	131	1188105
8084	1206111	132	1188105
151	626703	121	1188105
1	1216175	126	1188105
16	1252204	123	1188105

LOT	DP	LOT	DP
15	1252204	122	1188105
17	1252204	120	1188105
2	1216175	130	1188105
A	374140	134	1188105
102	1268530	129	1188105
1	226832	135	1188105
1	750413	133	1188105
351	599058	502	825541
1	256917	105	755774
63	750413	2	1042933
8063	1205868	333	1111283
153	755774	241	1185616
OTHER			
Named Watercourses	Macquarie River	Queen Charlottes Creek	Coxs River
	Wangcol Creek	Pipers Flat Creek	Williwa Creek
	Sugarloaf Creek	Kirkconnell Creek Saint	Anthony's Creek
	Salt Water Creek	Dicks Creek	Evans Plains Creek
	McLeans Creek		
Roads	Castlereagh Highway	Brewongle Lane	Gormans Hill Road
	Great Western Highway	Montavella Road	John Mackey Drive
	McManus Road	Kelly Boundary Road	O'Connell Road
	Pipers Flat Road	Sunny Corner Road	Sibleys Road
	Staits Boundary Road	Bourkes Road	Tarana Road
	Thompsons Hill Retreat	White Rock Road	Walang Drive
	Gardiners Road	Yetholme Drive	Mid Western Highway
	Wolgan Road	White Rock River Lane	Gulf Boundary Road
	Sugarloaf Road	Egan Road	Portland Sunny Corner Road
	Ridge Road	Kirkconnell Road	Macabees Road
	Phillips Boundary Road	Stoney Trig Road	McDonalds Road
	Lagoon Road	Hen and Chicken Road	Vale Road
	Unnamed council and Crown roads		
State Forest	Vittoria	Sunny Corner	Ben Bullen
Conservation Area	Gardens of Stone State Conservation area		
Railways	Wallerawang Gwagegar Railway	Main Western Railway	

TABLE A3 – CONSTRUCTION WATER SUPPLY PIPELINE SCHEDULE OF LANDS

<i>LOT</i>	<i>DP</i>	<i>LOT</i>	<i>DP</i>
1	801034	1	820991
102	750414	101 (part)	750414

RECOMMENDED

APPENDIX 2 DEVELOPMENT LAYOUT

Figure 1: Mine Site Development Layout (Source: Third Amendment Report (October 2022))

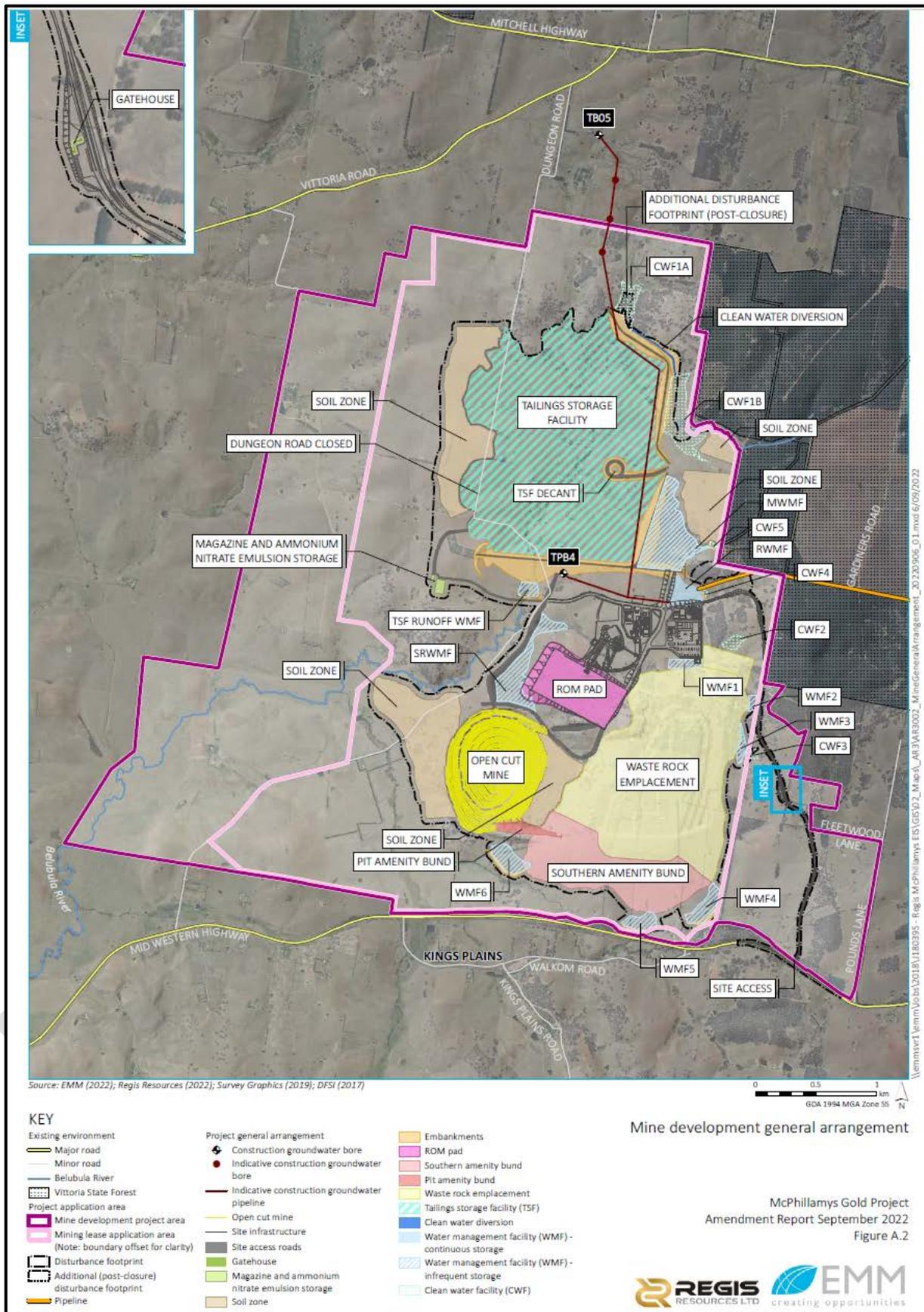
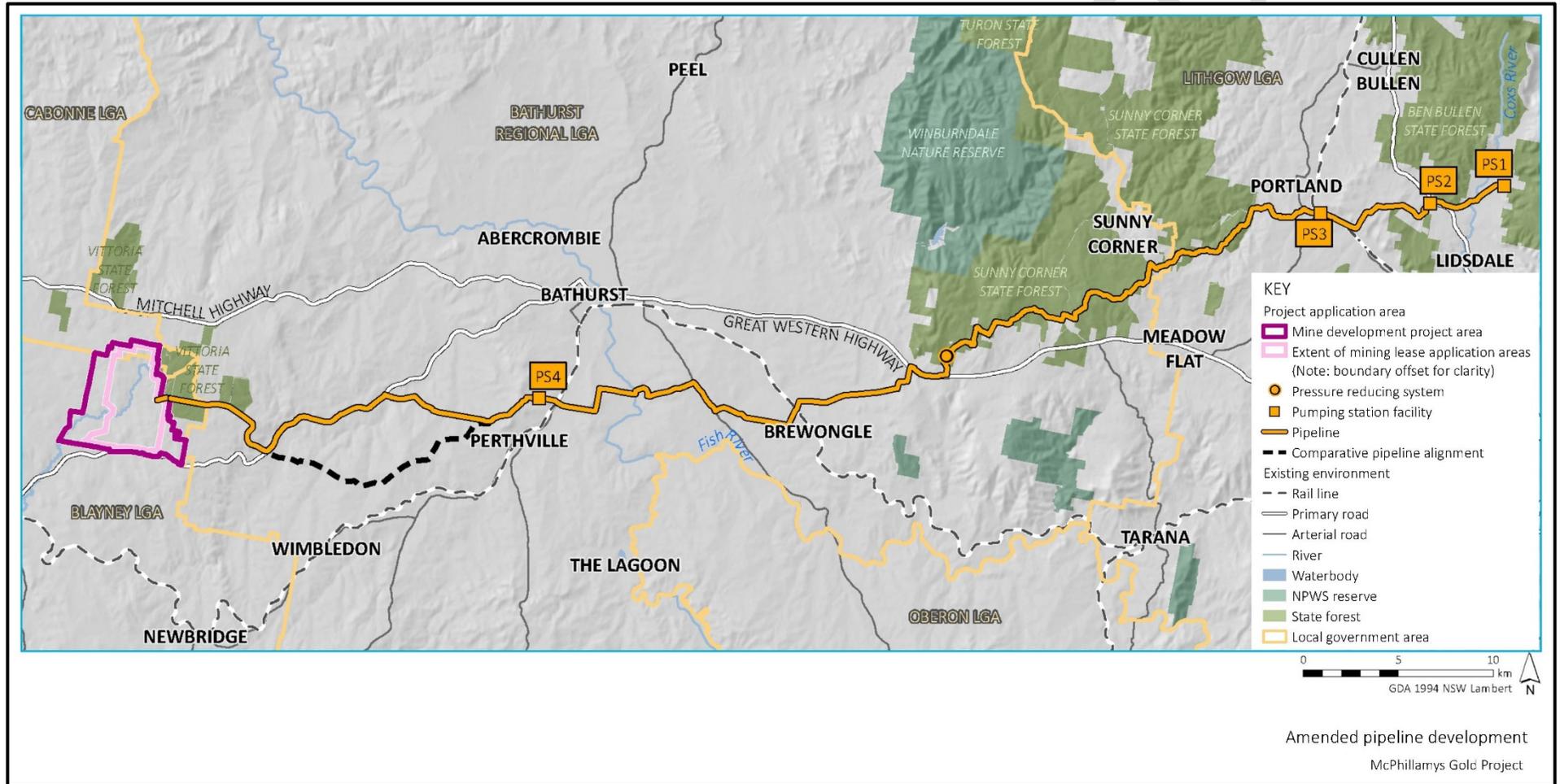
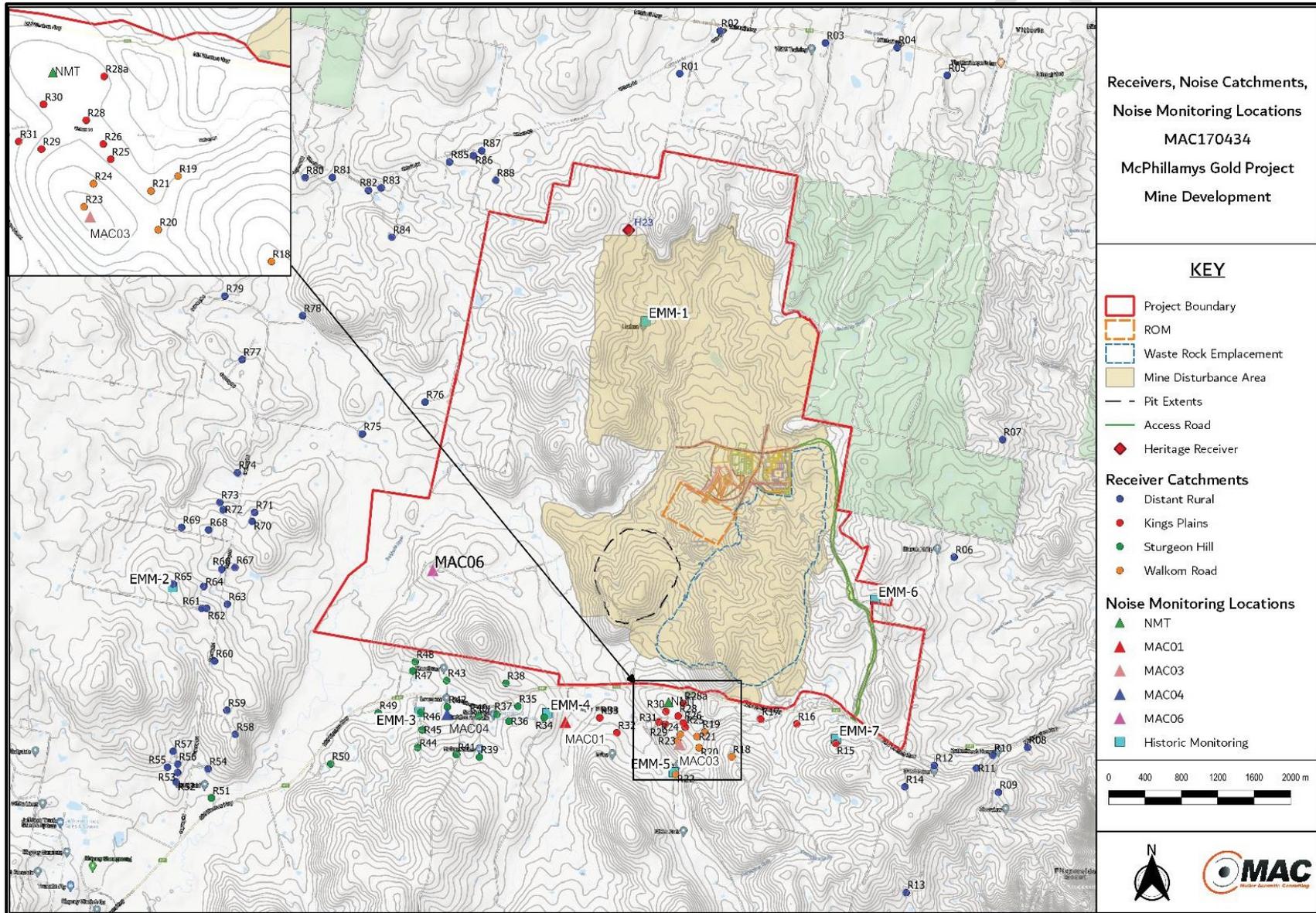


Figure 2: Water Supply Pipeline Development Layout (Source: Regis – Additional Information (November 2022))



APPENDIX 3 RECEIVER LOCATIONS

Noise Receiver Locations (Source: First Amendment Report, Appendix J (September 2020))



APPENDIX 4 HERITAGE SITES

Figure 1: Historic Heritage sites (Source: First Amendment Report, Appendix O (September 2020))

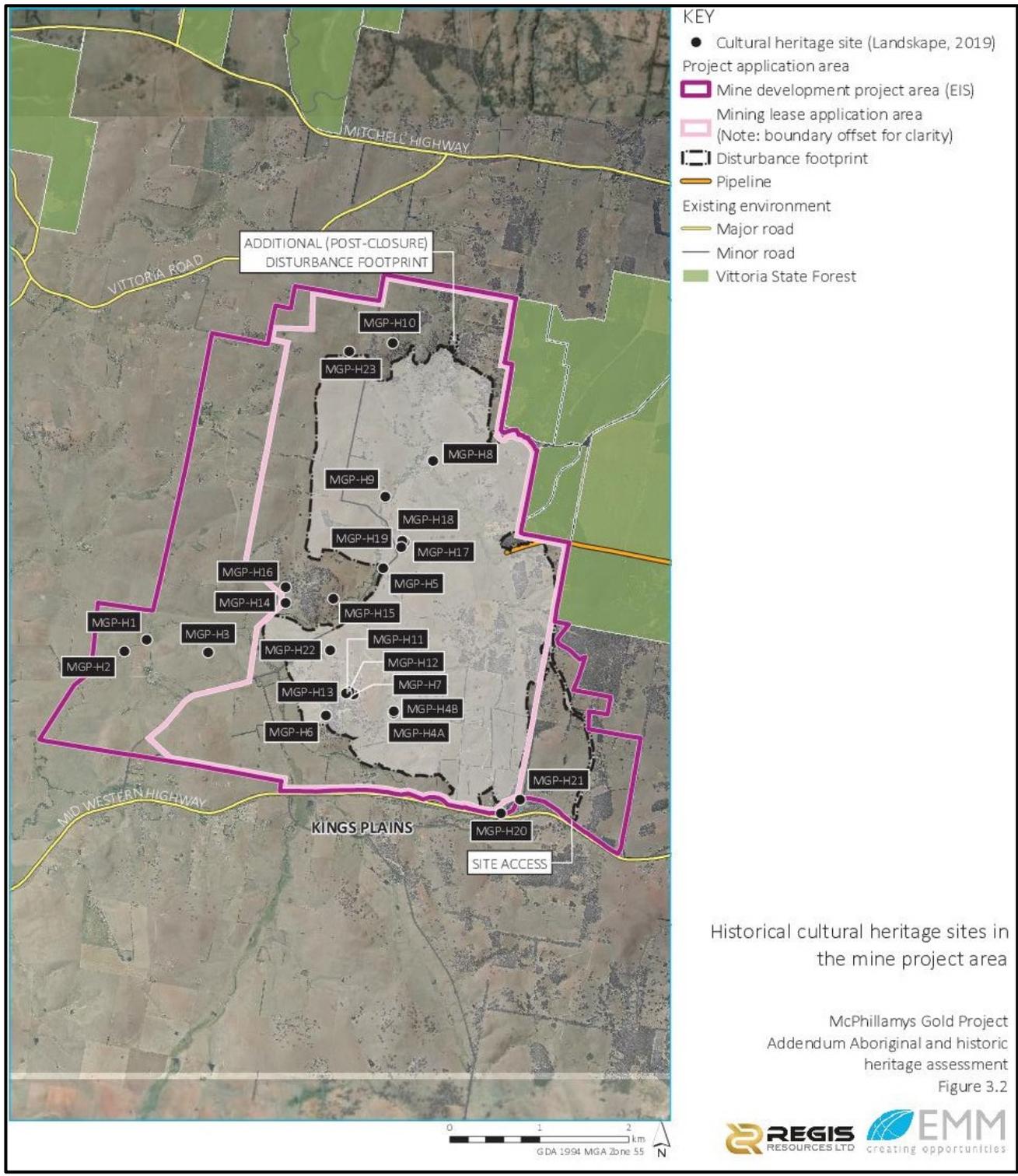
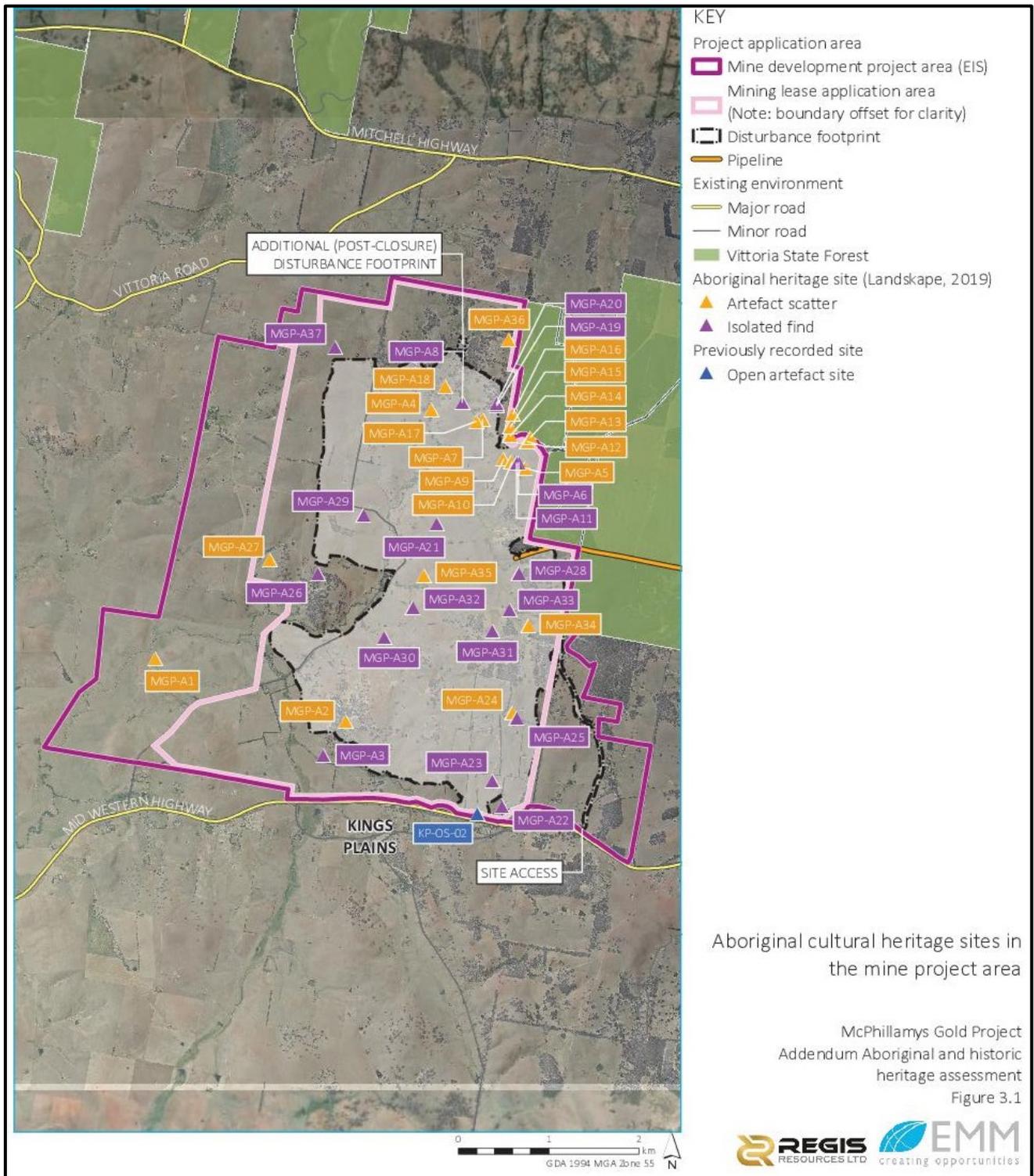
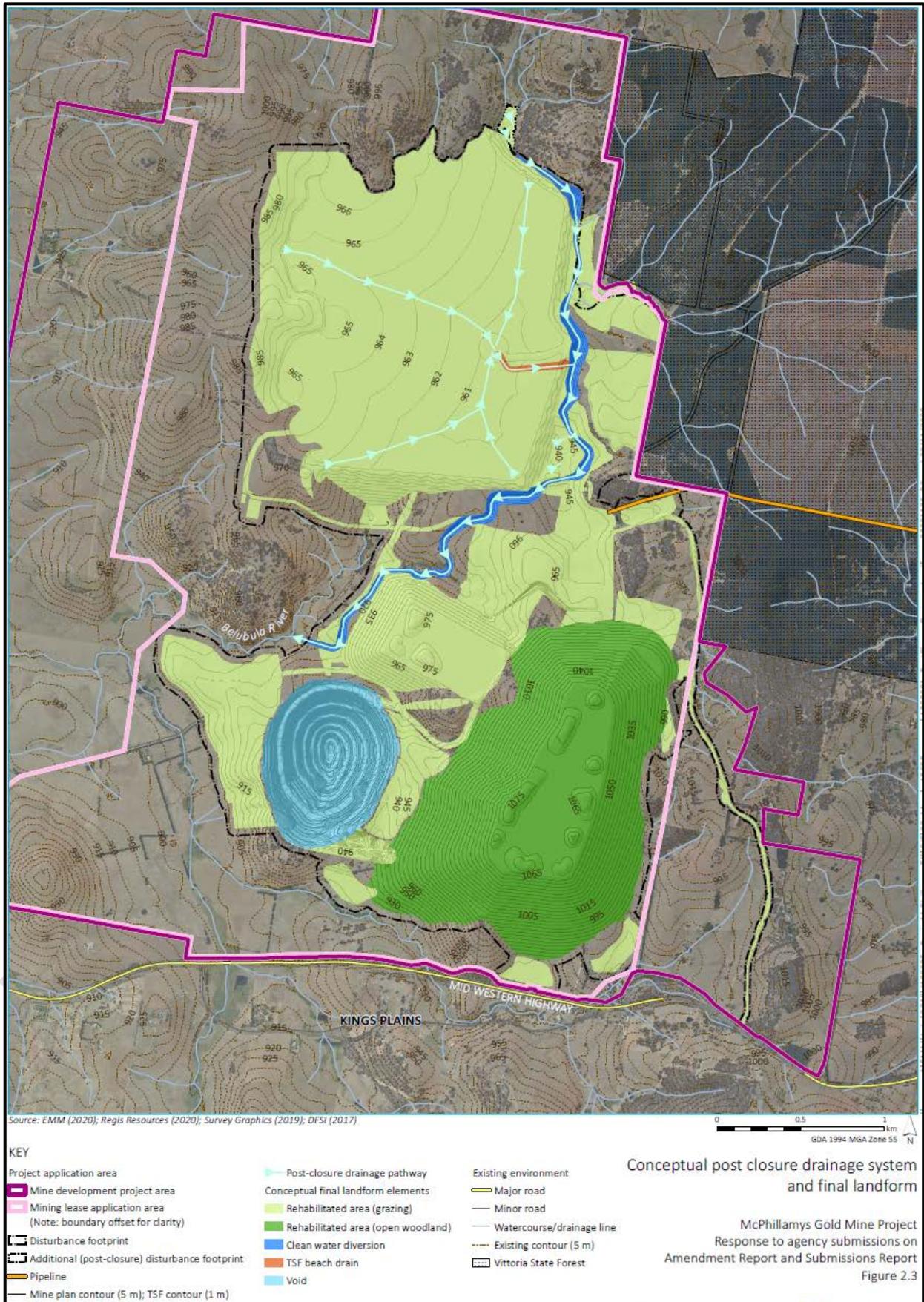


Figure 2: Aboriginal Cultural Heritage sites (Source: First Amendment Report, Appendix O (September 2020))



APPENDIX 5 REHABILITATION PLAN

Conceptual Mine Site Rehabilitation Plan (Source: Response to Agency Advice on Submissions Report and First Amendment Report (November 2020))



APPENDIX 6 GENERAL TERMS OF APPLICANT'S PLANNING AGREEMENT

Contributions to Blayney Shire Council

The Planning Agreement signed between the Applicant and the Council is available on the Council's website. The Applicant's monetary contributions are summarised in the table below.

<i>Applicant's Contribution</i>	<i>Payment Details</i>	<i>Intended Use</i>
Initial Contribution	\$1,000,000 within 30 days after the Conditions Precedent Satisfaction Date ¹	For or towards a Public Purpose, as determined by the Council for local community infrastructure projects that benefit social, sporting/recreation, environmental, economic and public amenity, consistent with the Blayney Shire Community Strategic Plan. The Council must keep records regarding its use or application of the monetary contribution within 30 days or receiving a written request from the Applicant.
Annual Contribution	\$212,222 within 30 days before each anniversary of the Conditions Precedent Satisfaction Date, indexed by 2% or in accordance with the percentage change to the Consumer Price Index, as detailed in the signed Planning Agreement, until the date on which mining operations permanently cease, or another date agreed by the Council in writing.	

¹ Defined in the executed agreement as the date by which the development consent is granted and remains in force, all appeal rights in relation to the development consent have been exhausted, or have expired without any such proceedings or appeal being commenced, and the board of Regis Resource Limited (ACN 009 174 761) has approved the capital expenditure to carry out the project.

RECOMMENDED

APPENDIX 7 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A5 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 approval;
 - (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.