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EMAIL TRANSMISSION

TO: Phillipa Duncan EMAIL: phillipa.duncan@planning.nsw.gov.au

ORGANISATION: Department of Planning and Environment DATE: 17 February 2015

COPY: Tomingley Gold Operations REFERENCE: 616

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SUBJECT: Tomingley Gold Mine MOD2 – Response to submissions

Confidential Please Reply For Follow-up Urgent For your information

MESSAGE:

Greetings Phillipa,

The purpose of this email transmission is to provide the Department with a response to comments and submissions received in relation to the application by Tomingley Gold Operations Pty Ltd (the Applicant) to modify PA 09_0155 for the Tomingley Gold Mine. Given the limited number of submissions received and the generally minor nature of the issues raised, this response has been prepared as a brief letter report.

To assist the Department, responses to each of the submissions are provided under separate headings, including the date of the submission, with relevant text from the submission repeated in *italics*.

Department of Planning and Environment – 3 February 2015

In order to maintain consistency with the Figures to be updated in the Project Approval, could you please:

- *Provide an updated Biodiversity Offset Strategy figure (Appendix 5 in the current Project Approval) that shows the proposed modified mine layout (Figure 9 in the EA is not equivalent); and*
- *Provide an updated rehabilitation plan (Appendix 6 in the current Project Approval) covering the whole site that incorporates the modified landform as per Figure 6 of the EA.*

The requested figures are attached to this email. It is noted that the *Biodiversity Offset Strategy* figure is to be replaced with the plan recently endorsed by Local Land Services. The final landform figure has been adjusted to be consistent with the approved Biodiversity Offset Plan.

Environment Protection Authority – 30 January 2015

Noise

The key conditions relate to measures to protect noise amenity and ensure consistency with the EPA's Interim Construction Noise Guidelines.

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Hours of Operation

1. All construction activities undertaken at the premises must only be conducted between 7:00am to 6:00pm Monday to Sunday.
2. This condition does not apply to the delivery of material outside the hours of operation permitted by the above condition, if the delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible or within a reasonable period in the case of emergency.
3. The licensee must notify, by letterbox drop or other suitable means and by detailing works on the project website, potentially affected noise sensitive receivers of the timing and duration of work, at least 48 hours prior to that work commencing. A copy of the notification must be kept by the licensee and made available to the EPA on request.
4. The hours of operation specified in the first condition, may be varied with written consent of the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

The Applicant notes that the Section 1.2 of the *Interim Construction Noise Guidelines* states the following.

“Examples of noise that is not covered by the Guideline are:

- noise from industrial sources (for example, factories, quarrying, mining, and including construction associated with quarrying and mining) – this is assessed under the NSW Industrial Noise Policy (EPA 2000).”

As a result, the Applicant contends that the basis for the justification of the proposed restriction on the hours of operation is not relevant.

Notwithstanding the above, the Applicant notes that it has committed in Section 2.4 of the *Environmental Assessment* to limiting the hours of operation for construction of the amenity bund to between 6:30am and 6:30pm Monday to Sunday (in line with current day shift operations at the Mine). It is noted that the proposed hours of operations extend 30 minutes outside the *Industrial Noise Policy*-defined day time period of 7:00am to 6:00pm. However, given that the morning shoulder periods would be of limited duration and that the duration of the works to construct the bund would be limited, the Applicant contends that the proposed hours of operation are appropriate.

Stormwater/Sediment Control

Stormwater/Sediment Control - Construction Phase

A Soil and Water Management Plant (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlines in Managing Urban Stormwater: Council Handbook (available from the EPA).

Stormwater/Sediment Control - Operating Phase

A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater runoff from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. If a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Storm water Council Handbook (available from the EPA).

The Applicant notes that Section 4.5 of the *Environmental Assessment* provides a commitment to update the existing *Erosion and Sediment Control Plan* for the Mine. That plan, and the subsequent modified plan, is and would continue to be consistent with *Managing Urban Stormwater*, Volumes 1 and 2.

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17 February 2015

Page 3

Office of Environment and Heritage – 2 February 2015

OEH has no specific comments to make on the proposal at this stage.

Noted.

NSW Office of Water – 19 December 2014

The proponent must update the Water Management Plan in consultation with the NSW Office of Water.

The Applicant notes that this requirement is consistent with the requirements of Condition 5 of Schedule 5 of PA 09_0155.

NSW Division of Resources and Energy

The Proponent must prepare and implement a Mining Operations Plan (MOP) to the satisfaction of the Secretary, Department of Trade & Investment, Regional Infrastructure & Services (DTIRIS). The Rehabilitation Plan must be:

- a) prepared in accordance with DRE guidelines;*
- b) submitted and approved by the Secretary, DTIRIS 3 months prior to the implementation of the modification;*
- c) address all aspects of rehabilitation and mine closure, including post mining land use assessment, rehabilitation objectives, completion criteria and rehabilitation monitoring; and*
- d) include a final landform design that is consistent with the surrounding topography of the area and considers natural drainage design and relief patterns and principles.*

Acknowledged. The Applicant has commenced preparation of an amended *Mining Operations Plan* and will provide this DRE following receipt of approval of the current application, assuming that it is granted.

I trust that this provides the information that you require at this stage. Please do not hesitate to contact me should you require further information.

Regards

Mitchell Bland
Principal Environmental Consultant

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