



18 December 2018

Clay Preshaw
NSW Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

Dear Clay,

RE: CLEAN TEQ SUNRISE PROJECT MODIFICATION 4 – DRAFT MODIFIED DEVELOPMENT CONSENT CONDITIONS

Clean TeQ Holdings Limited (Clean TeQ) refers to the draft modified Development Consent for the Clean TeQ Sunrise Project (the Project) Modification 4 provided in your email dated 17 December 2018.

Clean TeQ has reviewed the draft modified Development Consent and our comments are provided below.

Proposed Acquisition Upon Request Condition (Condition 3A, Schedule 3)

Clean TeQ proposes to comply with the noise criteria included in Table 2 of the existing draft modified Development Consent (consistent with the outcomes of the Noise Assessment [Renzo Tonin, 2017]) and therefore Clean TeQ considers that the proposed Condition 3A, Schedule 3 is redundant.

In addition, Clean TeQ notes that the proposed Condition 3A, Schedule 3 is inconsistent with the NSW Government's *Voluntary Land Acquisition and Mitigation Policy* (VLAMP). The predicted noise impacts in the Noise Assessment (Renzo Tonin, 2017) (i.e. "negligible" exceedances) do not justify the inclusion of a voluntary acquisition rights condition in the modified Project Development Consent. The VLAMP states that noise limits for predicted "negligible" exceedances should be set at the predicted values and no voluntary acquisition rights should be provided (refer to Figure 4 of the VLAMP).

None of the residences that are proposed to be provided voluntary acquisition rights in the proposed Condition 3A, Schedule 3 (shown in Appendix 4 of the draft modified Development Consent) were predicted to have "significant" exceedances that are required for the provision of voluntary acquisition rights in accordance with the VLAMP.

On the basis that the proposed Condition 3A, Schedule 3 is redundant and is inconsistent with the NSW Government's VLAMP, Clean TeQ considers that proposed Condition 3A, Schedule 3 should not be included in any modified Development Consent.

Proposed Air Quality Monitoring Requirement (Condition 23[d], Schedule 3)

Clean TeQ will report monitoring results on its website in accordance with the requirements of the existing draft modified Project Development Consent:

- Regular reporting on the environmental performance of the Project (including air quality) on the Clean TeQ website is required by Condition 9, Schedule 5.
- Provide a comprehensive summary of the monitoring results of the Project on the Clean TeQ website is required by Condition 12, Schedule 5.

In addition, Clean TeQ is required to report monitoring results collected in accordance with its Environment Protection Licence issued under the *Protection of the Environment Operations Act 1997* (POEO Act) (including air quality monitoring) on its website each month in accordance with section 66(6) of the POEO Act.

It is also noted that no exceedances of relevant air quality criteria were predicted in the Air Quality Assessment (Ramboll, 2017).

On this basis, Clean TeQ considers that the proposed addition to Condition 23(d), Schedule 3 is redundant and is therefore not required in any modified Development Consent.

Conclusion

Clean TeQ is concerned that the proposed inclusion of an acquisition upon request condition in the modified Development Consent by the Independent Planning Commission is inconsistent with NSW Government policy (the VLAMP). This will create uncertainty for both proponents and landholders for current and future State Significant Development mining applications and modifications in New South Wales.

Yours sincerely,

CLEAN TEQ HOLDINGS LIMITED



JOHN HANRAHAN
ENVIRONMENTAL & APPROVALS LEAD – SUNRISE PROJECT