

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The NSW Independent Planning Commission (the Commission), as the declared consent authority under 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.



Peter Duncan AM
Member of the Commission



Clare Sykes
Member of the Commission



Peter Cochrane
Member of the Commission

Sydney

3 April 2023

SCHEDULE 1

Application Number:	SSD 5765
Applicant:	Bowdens Silver Pty Ltd
Consent Authority:	Independent Planning Commission of NSW
Site:	The land defined in Appendix 1
Development:	Bowdens Silver Project

TABLE OF CONTENTS

DEFINITIONS	3
PART A ADMINISTRATIVE CONDITIONS	6
Obligation to Minimise Harm to the Environment.....	6
Terms of Consent	6
Notification of Commencement.....	6
Limits of Consent	6
Planning Agreement	7
Community Consultative Committee.....	7
Evidence of Consultation	7
Staging, Combining and Updating Strategies, Plans or Programs.....	7
Payment of Reasonable Costs	8
Public Infrastructure.....	8
Demolition.....	8
Structural Adequacy	8
Operation of Plant and Equipment.....	8
Compliance.....	8
Applicability of Guidelines.....	8
Crown Land	8
PART B OPERATIONS SPECIFIC ENVIRONMENTAL CONDITIONS	9
Noise	9
Blasting.....	10
Air Quality and Greenhouse Gases	13
Meteorological Monitoring.....	15
Water.....	15
Biodiversity	20
Heritage	22
Transport	23
Visual.....	24
Waste	24
Hazards and Risks.....	24
Bushfire Management.....	25
Rehabilitation.....	26
Social.....	27
PART C ADDITIONAL PROCEDURES.....	29
Mitigation Upon Request	29
Notification of Landowners/Tenants.....	29
Notification of Exceedances	29
Independent Review	29
PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING.....	30
Environmental Management.....	30
Revision of Strategies, Plans and Programs.....	31
Reporting and Auditing	31
Access To Information	32
Updating and Staging Of Studies, Strategies and Plans.....	32
APPENDIX 1 SCHEDULE OF LAND	34
APPENDIX 2 DEVELOPMENT LAYOUT	37
APPENDIX 3 RECEIVER LOCATIONS.....	38
APPENDIX 4 BIODIVERSITY OFFSETS	40
APPENDIX 5 HERITAGE SITES	41
APPENDIX 6 PLANNING AGREEMENT	42
APPENDIX 7 REHABILITATION PLAN AND FINAL LAND FORM	43
APPENDIX 8 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	44

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
AEP	Average Exceedance Probability
Applicant	Bowdens Silver Pty Ltd, or any person carrying out any development under this consent
Approved disturbance area	The indicative surface disturbance areas identified on the Development Layout in Figure A2.1 of Appendix 2 of this consent (including the relocated Maloneys Road)
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity and Conservation Division within the Department
BGM	Bituminous geomembrane
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community consultative committee required by condition A12
Conditions of this consent	Conditions contained in Schedule 2
Construction	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 (including the relocation of Maloneys Road) and the associated removal, storage and/or emplacement of vegetation and topsoil, but not including pre-construction works or the transmission line realignment
Council	Mid-Western Regional Council
Date of commencement	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 Figure A2.1 in Appendix 2 of this consent
Disturbance	A physical displacement of existing features that impacts those features
DPE – Crown Lands	Crown Lands Group within the Department
DPE Water	Water Group within the Department
EIS	<p>The Environmental Impact Statement titled <i>Bowdens Silver - Environmental Impact Statement</i>, prepared by R.W Corkery & Co Pty Ltd on behalf of Bowdens Silver Pty Ltd, dated May 2020 and;</p> <ul style="list-style-type: none"> • the Applicant's report titled <i>Bowdens Silver - Submissions Report</i> dated June 2021; • the Applicant's report titled <i>Bowdens Silver - Amendment Report</i> dated July 2021; • the Applicant's report titled <i>Bowdens Silver - Amendment Submissions Report</i> dated March 2022; • the Applicant's report titled <i>Bowdens Silver - Water Supply Amendment Report</i> dated March 2022; • the Applicant's report titled <i>Bowdens Silver - Water Supply Amendment Submissions Report</i> dated June 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 Bowdens Silver 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	<i>NSW 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
Heavy vehicles	A vehicle that is prescribed as ‘heavy’ in the <i>Austroads Vehicle Classification System</i> , with the exception of shuttle buses used to transport the workforce to and from the mine site
Heritage NSW	Heritage NSW within the Department
Heritage item	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: <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	Is harm to the environment that: <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 closure	Decommissioning and final rehabilitation of the site following the cessation of mining operations
Mine site	The mining operations within the Mining Lease Application area as shown within the area labelled ‘Mine Site Boundary’ in Appendix 1 of this consent
Mine-owned land	Land owned by a mining, petroleum or extractive industry company (or its subsidiary or related party)
Mine water	Water that accumulates within or drains from active mining and infrastructure areas and any other disturbed and unrehabilitated areas.
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The carrying out of mining, 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
NAF	Non-Acid Forming
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>
PAF	Potentially Acid Forming
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) and the upgrade of the Pyangle Road/Lue Road intersection
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)
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.
Site	The land identified in Appendix 1
Transmission line realignment	The demolition of a section of TransGrid's existing 500 kilovolt power transmission line (labelled 'Existing Power Line (500kV) / Tower' and shown in blue in Figure A2.1 of Appendix 2) of this consent, and the construction of a replacement transmission line in the location shown in A2.1 of Appendix 2 of this consent (labelled Re-aligned Power Line (500 kV) / Tower)
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 good condition, to ensure it is safe, stable and non-polluting
Relocated Maloneys Road	The road identified in Figure A2.1 of Appendix 2 of 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
TfNSW	Transport for NSW (incorporating the former NSW Roads and Maritime Services)
TSF	The Tailings Storage Facility identified in Figure A2.1 in Appendix 2 of this consent
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
WRE	The Waste Rock Emplacement identified in Figure A2.1 in Appendix 2 of this consent

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:
- in compliance with the conditions of this consent;
 - in accordance with all written directions of the Planning Secretary;
 - generally in accordance with the EIS; and
 - 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:
- 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
 - the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

NOTIFICATION OF COMMENCEMENT

- A5. The Applicant must notify the Department in writing via the Major Projects Portal, and notify the EPA in writing at least two weeks prior to:
- physical commencement of the development;
 - construction of the development;
 - the commencement of mining operations;
 - the transmission line realignment;
 - any period of suspension of mining operations (e.g. care and maintenance); and
 - 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 Projects 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

Mining operations

- A7. Mining operations may be carried out on the site, within the approved disturbance area, for a period of 15.5 years from the date of commencing mining operations under this consent.
- A8. A maximum of 2.58 million tonnes of ore (including low grade and oxide ore) may be mined in any calendar year using open cut mining methods.
- A9. A maximum of 2 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

A10. The Applicant must comply with the hours of operation listed in Table 1:

Table 1: Operating Hours

Activity	Hours	When
Mining operations and rehabilitation	In accordance with the commitments in the EIS and as detailed in the Noise and Blast Management Plan required under condition B23 of this consent	
Transmission line realignment	7:00 am – 6:00 pm	Monday to Friday
	8:00 am – 1:00 pm	Saturday
Haulage of waste rock to the TSF	7:00 am – 6:00 pm	Monday to Saturday ¹
Concentrate transport	7:00 am – 6:00 pm ²	Monday to Saturday ¹
Notes:		
1 Excluding public holidays		
2 Excluding the school bus periods from 7:30 am to 8:30 am and 3:30 pm to 4:30 pm		

PLANNING AGREEMENT

A11. The Applicant must make monetary contributions under the executed Planning Agreement with Council in accordance with:

- (a) Division 7.1 of Part 7 of the EP&A Act; and
- (b) the terms of the Applicant's Planning Agreement in Appendix 6.

COMMUNITY CONSULTATIVE COMMITTEE

A12. The Applicant must continue operation of the Bowdens Silver Project Community Consultative Committee (CCC) established under Secretary's Environmental Assessment Requirements for the development. The CCC must be operated 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

A13. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document for approval; and
- (b) provide details of the consultation undertaken to the Planning Secretary, including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A14. With the approval of the Planning Secretary, the Applicant may:

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

A15. 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.

A16. 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

A17. 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

A18. 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 A11 or to damage subject to compensation under the Mining Act 1992.

DEMOLITION

A19. 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

A20. 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 & Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

OPERATION OF PLANT AND EQUIPMENT

A21. 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

A22. 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

A23. 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.

A24. 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

A25. 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 land covered by 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 land covered by an exploration licence.

PART B OPERATIONS SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Construction Noise Criteria

- B1. Construction of the development may be undertaken on Mondays to Fridays between the hours of 7:00 am and 6:00 pm and on Saturdays between the hours of 8:00 am and 1:00 pm. Construction must not occur at any time on Sundays or 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:
- (a) construction that causes $L_{Aeq(15min)}$ noise levels that are:
 - (i) 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
 - (ii) 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; and
 - (b) construction that causes LAF_{max} noise levels less than 52 dB(A) during the night period; or
 - (c) 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
 - (d) emergency work to avoid loss of life, damage to property and/or environmental harm; or
 - (e) 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 condition 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 Applicant must not carry out any out of hours construction works before this protocol has been approved by the Planning Secretary.
- B4. All reasonable and feasible mitigation is to be implemented to achieve the construction noise management levels for the development defined in the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version).

Operational Noise Criteria

- B5. Excluding the construction of the relocated Maloneys Road, the Applicant must ensure that the noise from the development does not exceed the criteria in Table 2 at any residences on privately-owned land. However, the noise criteria in Table 3 apply for any receiver identified in that table during the transmission line realignment. The noise limits in these tables do not apply until either six months after commencing construction, or mining operations commence (whichever is the earliest), as notified in condition A5.

Table 2: Operational noise criteria dB(A)

Residence ^a	Day	Evening	Night	
	$L_{Aeq(15min)}$	$L_{Aeq(15min)}$	$L_{Aeq(15min)}$	L_{AFmax}
R21	42	36	36	52
R27	42	37	37	
R35	43	37	37	
R37	42	36	36	
R40	40	36	36	
R87	43	36	36	
All other privately-owned residences	40	35	35	

^a The locations referred to in Table 2 are shown in Figure A3.1 in Appendix 3

- B6. The Applicant must ensure that noise generated from the transmission line realignment does not exceed the criteria in Table 3 at any receiver on privately-owned land.

Table 3: Noise criteria during transmission line realignment dB(A)

Residence ^a	Day	Evening	Night	
	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{AF max}
R21	42	36	36	52
R25	41	35	35	
R27	42	37	37	
R35	43	37	37	
R37	42	36	36	
R40	42	36	36	
R45A	41	35	35	
R46	42	35	35	
R82	41	35	35	
R86	41	35	35	
R87	43	36	36	
L3, L4, L50	41	35	35	
All other privately-owned residences	40	35	35	

^a The locations referred to in Table 3 are shown in Figure A3.1 and Figure A3.2 in Appendix 3

- B7. Noise generated by the development must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *Noise Policy for Industry* (EPA, 2017) (or its latest version). The noise enhancing standard meteorological conditions determined by monitoring at the meteorological station required under condition B35 and as defined in Part D of the *Noise Policy for Industry* (EPA, 2017) apply to the noise criteria in Table 2 and Table 3. For other meteorological conditions, the applicable noise criteria are as defined in Table 2 and Table 3 plus 5 dB.
- B8. The noise criteria in Table 2, Table 3 and condition B7 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Noise Operating Conditions

- B9. The Applicant must:
- (a) take all reasonable 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 meteorological forecasting, predictive 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 the commencement of construction, 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 2 and Table 3, and make these records readily available at the request of the Department or the EPA; and
 - (f) fit all trucks and mobile plant operating within the premises with broad-spectrum reversing alarms;
 - (g) not undertake emplacement of materials within the waste rock emplacement during night-time hours.

BLASTING

Blasting Criteria

- B10. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria at the locations in Table 4.

Table 4: *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
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%

B11. The blasting criteria in Table 4 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

B12. The Applicant must only carry out blasting on the site between 10:00 am and 4:00 pm (Monday to Saturday inclusive). No blasting is allowed on Sundays, public holidays or any other time without the prior written approval of the Planning Secretary.

Blasting Frequency

B13. The Applicant may carry out a maximum of:

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

B14. Condition B13 does not apply to single blast events 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.

B15. For the purposes of conditions B13 and B14, a '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 to be counted as a single blast event.

Property Inspections

B16. If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of any approved open cut 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.

B17. 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

B18. If the owner of any privately-owned land within 2 kilometres of any approved open cut 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 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.

- B19. If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary.
- 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 independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.

Blasting Operating Conditions

- B21. 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 blasting is undertaken in accordance with Australian Standard AS 2187.2 2006 *Storage and use of Explosives*;
 - (c) ensure that blasting on the site does not damage heritage items outside the approved disturbance area, and develop specific measures to protect heritage items outside the approved disturbance areas from any blasting damage associated with the development;
 - (d) implement and 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; and
 - (e) carry out regular blast monitoring to determine whether the development is complying with the relevant conditions of this consent.
- B22. 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) demonstrated to the satisfaction of the Planning Secretary 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 the Noise and Blasting Management Plan has been updated to include specific mitigation measures to be implemented while blasting is being carried out within 500 metres of the road or land.

Noise and Blasting Management Plan

- B23. The Applicant must prepare a Noise and Blasting Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
 - (b) be prepared in consultation with, and incorporate any reasonable recommendations or requirements of, the EPA;
 - (c) consider *The Code of Good Practice: Prevention and Management of Blast Generated NOx Gases in Surface Blasting* (Australian Explosives Industry and Safety Group Inc 2011).
 - (d) 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;
 - (iii) noise impacts are minimised during noise-enhancing meteorological conditions; and
 - (iv) the risk of blast fumes and NOx emissions are minimised;
 - (e) describe the noise and blasting management systems in detail, including:
 - (i) a detailed schedule of operating hours for activities undertaken during mining operations and rehabilitation, as committed to in the EIS;
 - (ii) the noise control and management measures to be implemented in accordance with the EIS, including (but not limited to):
 - temporary and long-term noise barriers, including a southern barrier to the south of the open cut pits to attenuate noise from the open cut mining and processing areas;
 - full or partial enclosures of noisy fixed plant;
 - the use of noise attenuated mobile equipment;
 - restricting the number and location of mobile equipment; and
 - scheduling intrusive mining activities to less sensitive times of the day;
 - (iii) a review mechanism and contingency measures if blasting causes amenity impacts at levels below the relevant criteria;

- (iv) public notification procedures to enable members of the public, particularly surrounding residents, to get up-to-date information on the proposed blasting schedule; and
- (v) 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.
- (f) include a noise monitoring program that:
 - (i) uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
 - (ii) monitors noise at locations representative of the nearest and/or most affected residences;
 - (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 noise monitoring is undertaken during representative operating conditions; and
- (g) includes a monitoring program for evaluating and reporting on compliance with the relevant blasting conditions of this consent.

B24. The Applicant must not commence construction of the development until the Noise and Blasting Management Plan is approved by the Planning Secretary.

B25. The Applicant must implement the approved Noise and Blasting Management Plan.

AIR QUALITY AND GREENHOUSE GASES

Odour

B26. 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

B27. The Applicant must ensure that particulate matter and deposited dust generated by the development do not cause exceedances of the criteria listed in Table 5 and Table 6 at any residence on privately-owned land or at Lue Public School.

Table 5: Particulate matter 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

Table 6: Deposited dust criteria

Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust levels
^d Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes to Table 5 and Table 6:

^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.

^d Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method

B28. The air quality criteria in Table 5 and Table 6 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

- B29. Particulate matter and dust emissions generated by the development must not exceed the criteria listed in Table 5 and Table 6 at any occupied residence on mine-owned land (including land owned by another mining company), unless:
- 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 C of this consent;
 - the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving 14 days notice;
 - 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
 - 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

- B30. The Applicant must:
- take all reasonable steps to:
 - minimise odour, fume, deposited dust and particulate matter (including PM₁₀ and PM_{2.5}) emissions of the development;
 - improve energy efficiency and reduce Scope 1 and Scope 2 greenhouse gas emissions of the development;
 - minimise any visible off-site air pollution generated by the development; and
 - minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
 - take all reasonable and feasible measures to ensure that all 'non-road' mobile diesel equipment used in undertaking the development includes diesel emissions reduction technology;
 - operate a comprehensive air quality management system that uses a combination of meteorological forecasts 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;
 - minimise air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 5 and Table 6 above); and
 - carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and 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

- B31. The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s;
 - be prepared in consultation with, and incorporate any reasonable recommendations or requirements of, the EPA;
 - describe the measures to be implemented to ensure:
 - compliance with the air quality criteria and operating conditions of this consent;
 - best practice management is being employed to:
 - minimise the development's air quality impacts;
 - minimise the development's Scope 1 and 2 greenhouse gas emissions; and
 - improve the development's energy efficiency;
 - disturbance areas are minimised, including the use of temporary stabilisation to minimise dust generation; and
 - the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
 - describe the air quality management system in detail, including any physical enclosure of equipment (e.g. enclosure of the ROM feed hopper); and
 - include an air quality monitoring program, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2022) and *Ambient Air Monitoring Guidance Note* (EPA, 2022), (or latest versions thereof), that:
 - uses monitors, including real-time monitoring, to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of mining operations, including reactive air quality mitigation measures;

- (ii) monitors particulates, deposited dust and metal concentrations including lead at locations representative of the nearest and/or most affected residences;
 - (iii) includes real-time monitoring of lead particles in dust at representative locations;
 - (iv) adequately supports the air quality management system, including a trigger-action-response protocol and contingency measures for elevated particulate matter, dust or metal concentrations;
 - (v) includes record keeping and a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.
- B32. The Applicant must not commence construction until the Air Quality and Greenhouse Gas Management Plan is approved by the Planning Secretary.
- B33. 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;
 - (b) a report on action taken; and
 - (c) a 3-year action plan to investigate and implement reasonable and feasible measures to minimise greenhouse gas emissions.
- B34. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Planning Secretary.

METEOROLOGICAL MONITORING

- B35. 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 versions thereof); and
 - (b) is capable of measuring meteorological conditions in accordance with the *Noise Policy for Industry* (EPA, 2017) (or latest version thereof);
- unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

WATER

Materials Classification Verification Program

- B36. The Applicant must prepare a Materials Classification Verification Program to validate the acid mine drainage risk classification system to the satisfaction of the Planning Secretary. This program must:
- (a) be prepared by a suitably qualified expert(s);
 - (b) be based on a sampling and testing program that has been approved by the Planning Secretary, that includes:
 - (i) static geochemical testing to verify the proposed classification of waste rock material as non-acid forming (NAF) or potentially acid forming (PAF); and
 - (ii) kinetic geochemical testing to quantify acid generation and duration rates (including lag time and longevity) from PAF waste rock; and
 - (c) include a final report on the results and analysis of the testing program that:
 - (i) identifies and verifies the suitability of the adopted sulphur cut-off value(s) for classifying waste rock materials as NAF; and
 - (ii) demonstrates that there is sufficient NAF material available for construction of the mine and to successfully rehabilitate the site, including full encapsulation of PAF materials.
- B37. The Applicant must not commence construction of the development until the Materials Classification Verification Program is approved by the Planning Secretary.
- B38. The Applicant must implement the Materials Classification Verification Program, as approved by the Planning Secretary.

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. 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

- B41. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply (groundwater, surface water and/or tank water) is adversely and directly impacted (other than an impact that is minor or negligible) as a result of mining operations, in consultation with the DPE Water, and to the satisfaction of the Planning Secretary.
- B42. The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.
- B43. The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.
- B44. If the Applicant and the landowner cannot agree on whether the loss of water is attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.
- B45. If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide compensation to the landowner, to the satisfaction of the Planning Secretary.

Note: *The Water Management Plan is required to include trigger levels for investigating potentially adverse impacts on water supplies.*

- B46. In the event of any complaint related to a privately-owned licensed groundwater bore which may, in the opinion of the Planning Secretary, have been adversely and directly impacted as a result of the development (other than an impact that is minor or negligible), the Applicant must, as soon as practicable, facilitate the provision of a temporary water supply, pending the outcome of any groundwater investigation and/or provision of an alternative long-term supply of water as required under conditions B41-B45, to the satisfaction of the Planning Secretary.
- B47. However, conditions B41 to B45 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

- B48. 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

- B49. The Applicant must ensure that the development complies with the performance measures in Table 7.

Table 7: *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 activities • Design, install, operate and maintain water management infrastructure in a proper and efficient manner • Identify, minimise and mitigate risks to the receiving environment and downstream water users
TSF	<ul style="list-style-type: none"> • Design, construct and maintain the TSF to ensure no unlicensed or uncontrolled discharge of mine water off-site (except in accordance with condition B48) • Design, construct and operate with sufficient capacity to accommodate a 1% AEP 72-hour rainfall event and maintain a minimum of 500 mm freeboard • Design, construct and operate in accordance with the requirements of the <i>Dams Safety Act 2015</i> and <i>Dams Safety Regulation 2019</i> or as amended • ensure that the floor and walls are lined to achieve a permeability standard equivalent to 1000 mm clay of permeability of 1×10^{-9} m/s or less
Waste emplacement	<ul style="list-style-type: none"> • Minimise the potential for acid mine drainage • Design, construct and maintain emplacement to encapsulate and prevent migration of acid forming and potentially acid forming materials
Stockpiles and constructed landforms	<ul style="list-style-type: none"> • Design, construct and maintain stockpiles and constructed landforms to minimise the potential for acid mine drainage and metalliferous mine drainage

Feature	Performance Measure
Mine water management system excluding the TSF	<ul style="list-style-type: none"> • Design, construct and maintain mine water storage infrastructure to ensure no unlicensed or uncontrolled discharge of mine water off-site (except in accordance with condition B48) • Maintain adequate freeboard (i.e. minimum 200 mm) in the processing plant dams at all times • Maintain a minimum freeboard of 1,000 mm in the leachate management dam at all times • ensure that the floor and walls of all dams containing mine water are lined to achieve a permeability standard equivalent to 1000 mm clay of permeability of 1×10^{-9} m/s or less
Clean water diversions and storage infrastructure	<ul style="list-style-type: none"> • Design, construct and maintain the clean water system to capture and convey the 1% AEP 72-hour rainfall event • Maximise, as far as reasonable, the diversion of clean water around disturbed areas on the site
Erosion and sediment control works – including sediment dams	<ul style="list-style-type: none"> • Design, construct 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) and 2E Mines and Quarries (DECC, 2008)</i> • Design, construct 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 version thereof. • Design, construct 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
Creeks and creek diversions and outlet structures	<ul style="list-style-type: none"> • Designed to achieve channel stability and long-term ecological functioning • 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 “<i>A rehabilitation manual for Australian streams (LWRRDC 2000)</i>”
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 (ANZECC & ARMCANZ, 2000)</i> and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW (DEC, 2006)</i>

Water Management Plan

B50. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with, and incorporate any reasonable recommendations or requirements of, DPE Water and the EPA;
- (c) describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 7);
- (d) 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
- (e) include a:
 - (i) **Site Water Balance** that includes details about:
 - predicted annual inflows to and outflows from the site;
 - sources and security of water supply for the life of the development (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 development;
 - the water storage capacity on site;
 - 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; and
 - a description about how actual water take from surface and groundwater sources would be measured (including metered where this is possible);
 - reporting procedures, including reporting on actual water take from surface and groundwater sources and an annual revision of the site water balance;
- (ii) **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 7;
 - 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 development, 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 development;
 - water run-off diversions and catch drains;
 - clean water storages, mine water storages and sediment dams;
 - emplacement areas, including a monitoring and management protocol for emplacement of PAF and NAF 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 development, for:
 - downstream surface water flows and quality;
 - channel stability;
 - stream and riparian vegetation health;
 - water supply for other water users;
 - water quality including metal concentrations in water supply tanks at private residences; 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 7 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;
 - water quality including metal concentrations in drinking water supply tanks at locations representative of the nearest and/or most affected residences;
 - 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; and

- a trigger action response plan to respond to any exceedances of the performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development;
- (iv) **Groundwater Management Plan** that includes:
- detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development, 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 development, 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 7 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 development 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 development;
 - a program to periodically validate the groundwater model for the development in accordance with best practice methods, including an independent review of the model every 3 years, and at least annual comparison of monitoring results with modelled predictions; and
 - details about how landowner entitlements under condition B41 will be given effect for groundwater bores that are predicted to have a drawdown of greater than 2 metres as a result of the development after the cessation of mining;
- (v) **Acid Mine Drainage Management Plan** that:
- describes the acid mine drainage management system in detail, including:
 - the classification system and cutoff values for potentially acid forming and non-acid forming materials;
 - the methods to be used to identify and separate potentially acid forming and non-acid forming materials after extraction and prior to emplacement; the method to be used to treat and/or manage potentially acid forming material;
 - the methods to be used to assess and manage non-acid forming material that has potential to generate acid and metalliferous mine drainage (such as material containing alunite and jarosite);
 - the methods to be used to assess and manage acid potential for low grade ore and oxide ore; and
 - how best practice management is being employed to minimise the potential for acid mine and metalliferous drainage;
 - includes a program to monitor and evaluate:
 - compliance with the relevant performance measures listed in Table 7 and the performance criteria in this plan;
 - potential acid and metalliferous drainage from water storages (including the TSF, WRE and open cut pit) and built landforms, including landforms constructed from material classified as non-acid forming; and
 - the effectiveness of the materials classification system, including contingency measures to be implemented if there is an excess of acid forming material;
 - includes reporting procedures for the results of the monitoring program; and
 - includes a trigger action response plan to respond any exceedances of the performance measures or performance criteria and mitigates any adverse impacts that may result from acid mine drainage or metalliferous drainage.
- (vi) a **WRE Design and Verification Plan** that must:
- be submitted prior to the commencement of construction of the WRE;
 - demonstrate how the design will achieve the performance measures in Table 7; and
 - include details in a Quality Assurance/Quality Control program to demonstrate that the WRE is constructed to meet its design specifications;

- (vii) a **TSF Liner Design and Verification Plan** that must:
- be submitted prior to the commencement of construction of the TSF;
 - incorporate additional seepage analysis;
 - demonstrate how the use of compacted clay and a bituminous geomembrane (BGM) liner will achieve the performance measures in Table 7;
 - describe the circumstances in which the BGM liner would be extended over the entire TSF impoundment area and/or to cover the decant pond area; and
 - include details in a Quality Assurance/Quality Control program to demonstrate that the TSF liner is constructed to meet its design specifications; and
- (viii) a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition D9.

B51. The Applicant must not commence construction until the Water Management Plan is approved by the Planning Secretary.

B52. The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

BIODIVERSITY

Biodiversity Offsets

B53. The Applicant must retire biodiversity credits of a number and class specified in Table 8 below to offset the biodiversity impacts of the development. Evidence must be provided to the Department that the correct number and class of credits has been retired prior to undertaking the disturbance associated with each stage. The retirement of credits must be carried out 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*.

Table 8: Biodiversity credit requirements

Credit Type	Credits Required							
	Total		Stage 1 Years 0-1		Stage 2 Years 3-4		Stage 3 Years 6-12	
	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits
PCT277 Blakely's Red Gum – Yellow Box grassy tall woodland	22.97	1,250	5.64	307	4.39	233	13.05	710
PCT324 Inland Scribbly Gum grassy open forest	58.69	4,150	40.95	2895	7.70	544	10.05	711
PCT323 Red Stringybark Inland Scribbly Gum Dry Open Forest (Moderate/good-high)	84.38	5,603	45.35	3,012	24.85	1,650	14.18	941
PCT323 Red Stringybark Inland Scribbly Gum Dry Open Forest (Moderate/good-medium)	13.93	654	2.24	105	6.44	302	5.26	247
PCT323 Red Stringybark Inland Scribbly Gum Dry Open Forest (Moderate/good-poor)	21.26	703	12.10	400	6.91	229	2.25	74
PCT358 Mugga Ironbark – Red Box – White Box – Black	0.71	42	0.62	37	0.08	5	0	0

Credit Type	Credits Required							
	Total		Stage 1 Years 0-1		Stage 2 Years 3-4		Stage 3 Years 6-12	
	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits
Cypress Pine tall woodland								
PCT281 Rough-Barked Apple – red gum – Yellow Box woodland (Moderate/good-medium)	90.80	6,803	74.23	5,562	6.80	510	9.76	731
PCT281 Rough-Barked Apple – red gum – Yellow Box woodland (Moderate/good-poor)	66.40	3,315	29.87	1,491	20.47	1,022	16.06	802
PCT273 White Box shrubby open forest	22.04	1,360	22.04	1,360	0	0	0	0
Species credits (Fauna)	Total		Stage 1 Years 0-1		Stage 2 Years 3-4		Stage 3 Years 6-12	
	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits
Koala (<i>Phascolarctos cinereus</i>)	381.17	9,910		6,059		2,016		1,835
Regent Honeyeater (<i>Anthochaera Phrygia</i>)	381.17	29,350		17,943		5,970		5,437
Large-eared Pied Bat (<i>Chalinolobus dwyeri</i>)	337.80	4,391		2,860		835		696
Squirrel Glider (<i>Petaurus norfolcensis</i>)	381.17	8,386		5,127		1,706		1,553
Species credits (Flora)	Num. plants	Credits	Num. plants	Credits	Num. plants	Credits	Num. plants	Credits
Silky Swainson-pea (<i>Swainsona sericea</i>)	54	972		954		0		18
Small Purple-pea (<i>Swainsona recta</i>)	4	104		0		104		0

Notes:

- The credits in Table 8 were calculated in accordance with the Framework for Biodiversity Assessment of the NSW Biodiversity Offset Policy for Major Projects (OEH, 2014) and must be converted to reasonably equivalent 'biodiversity credits' within the meaning of the BC Act.
- The disturbance stages are shown in Figure A4.1 in Appendix 4

Biodiversity Management Plan

B54. The Applicant must prepare a Biodiversity Management Plan for the development 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, and incorporate any reasonable recommendations or requirements of, BCD and Council;
- describe the short, medium, and long-term measures to be undertaken to manage vegetation and fauna habitat on the site;
- describe how biodiversity management would be integrated with similar measures within other management plans, including the Rehabilitation Strategy referred to in condition B86;

- (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;
 - (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 pathogens with consideration of actions identified in relevant threat abatement plans;
 - (ix) control erosion;
 - (x) manage any grazing and agriculture;
 - (xi) control access to vegetated or revegetated areas; and
 - (xii) manage bushfire hazards;
- (g) 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; and
- (h) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

B55. The Applicant must not commence construction of the development until the Biodiversity Management Plan is approved by the Planning Secretary.

B56. The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.

HERITAGE

Protection of Aboriginal Heritage

B57. 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).

B58. 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

B59. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any biodiversity offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

Heritage Management Plan

B60. Prior to commencing construction, the Applicant must prepare a Heritage Management Plan for the development. 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;
 - (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; and
 - (vii) include details about the Indigenous Technical Heritage Mentorship Program
- (d) for Historic Heritage (other than Aboriginal cultural heritage), be prepared in consultation with Heritage NSW and Council and in accordance with relevant Heritage NSW guidelines, and
- (i) describe how historic heritage values would be recorded and preserved; and
 - (ii) identify all historic heritage items in the vicinity of the development and include a statement of significance for each item.

B61. The Applicant must not commence construction of the development until the Heritage Management Plan is approved by the Planning Secretary.

B62. The Applicant must implement the Heritage Management Plan as approved by the Planning Secretary.

TRANSPORT

Road Maintenance

B63. The Applicant must make road maintenance contributions to Council in accordance with the terms of the Planning Agreement in Appendix 6 (or any amended version of the Planning Agreement as executed).

Road Upgrades

B64. Prior to commencing construction of the development, the Applicant must widen the shoulder on the southern side of Lue Road at its intersection with Pyangle Road to achieve a basic auxiliary right turn treatment in accordance with Austroads guidelines to the satisfaction of Council.

B65. Prior to commencing mining operations, the Applicant must:

- (a) construct the relocated Maloneys Road and intersections as described and shown conceptually in the EIS and in accordance with Austroad guidelines, including installing appropriate signage; and
- (b) seal the relocated Maloneys Road; to the satisfaction of Council

B66. During construction of the relocated Maloneys Road, the development must not generate more than 32 heavy vehicle movements and 4 shuttle bus movements per day through Lue. Light vehicles and the occasional oversize or overmass vehicle are not restricted.

B67. The Applicant must construct the relocated Maloneys Road railway bridge crossing of the Wallerawang-Gwabegar railway line as described and shown conceptually in the EIS in accordance with *Australian Standard AS5100.1:2017* (Bridge Design) in consultation with the managing agent for the Country Regional Network and to the satisfaction of TfNSW.

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.

B68. All road works, including the creek and railway bridge crossings and intersection upgrades must be undertaken at full cost to the Applicant and at no cost to the appropriate roads authority.

Traffic Management Plan

B69. The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with, and incorporate any reasonable recommendations or requirements of, TfNSW and Council;
- (c) include details of all transport routes and traffic types and volumes to be used for development-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; and
 - (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 local road users, including:

- (i) a risk assessment to identify hazards to traffic control, the level of risk posed and control measures to be implemented during construction or decommissioning works;
 - (ii) details of a traffic control plan prepared in accordance with *Traffic Control at Work Sites* (RMS, 2018) during construction or decommissioning works;
 - (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) pick up and drop off locations and parking arrangement for shuttle buses;
 - (vii) responding to any emergency repair requirements or maintenance during construction and/or decommissioning; and
 - (viii) a traffic management system for managing over-dimensional vehicles during construction or decommissioning works;
- (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.

B70. The Applicant must not commence construction of the development until the Traffic Management Plan is approved by the Planning Secretary.

B71. The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.

VISUAL

Visual Amenity and Lighting

B72. 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) floodlights must be fitted with shields on the front and sides of the fittings to prevent light being emitted in or above the horizontal plane;
- (e) ensure that all external lighting associated with the development complies with relevant Australian Standards including the requirements for lighting in Zone A1 in the latest version of *Australian Standard AS/NSW 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting*;
- (f) in addition to progressive rehabilitation, implement a landscaping strategy that includes tree planting and maintenance to shield public views of the development as far as practicable;
- (g) plant and maintain supplementary screening trees and shrubs on the site adjacent to Pyangle Road/Powells Road and around the outer southern perimeter of the southern barrier and TSF; and
- (h) 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.

WASTE

B73. 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 thereof);
- (c) dispose of all waste at appropriately licensed waste facilities;
- (d) except as expressly permitted in an 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 D9.

HAZARDS AND RISKS

B74. 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 *Australian Standards AS/NZS 4452:1997 The storage and handling of toxic substances*;
- (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*, if the chemicals are liquids;

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.

- B75. Sodium cyanide and blasting agents must not be stored within 300 metres of the site boundary.
- B76. The Applicant must ensure that all dangerous goods are transported along the routes indicated in the EIS, except where departures are necessary for local deliveries or emergencies.

Hazardous Material Management Plan

- B77. The Applicant must prepare a Hazardous Materials Management Plan for the development to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared in consultation with, and incorporate any reasonable recommendations or requirements of, relevant government agencies including Council, TfNSW, EPA, and the Resources Regulator;
 - (b) be consistent with the *International Cyanide Management Code for the Manufacture, Transport and Use of Cyanide in the Production of Gold (2021)*, or latest version;
 - (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 that the storage, handling, and transport of explosives are managed in accordance with the requirements of the Resources Regulator; and
 - (iii) detail the emergency procedures for the development consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning*.
- B78. The Applicant must not commence mining operations until the Hazardous Materials Management Plan is approved by the Planning Secretary.
- B79. The Applicant must implement the Hazardous Material Management Plan as approved by the Planning Secretary.

BUSHFIRE MANAGEMENT

- B80. The Applicant must:
- (a) provide for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2019) guideline (or latest version thereof);
 - (b) ensure that there is suitable equipment to respond to any fires on the site; and
 - (c) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

Bushfire Management Plan

- B81. 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) site infrastructure plan, including the
 - (i) asset protection zones, including defendable spaces for emergency vehicle access;
 - (ii) location of managed and unmanaged vegetation within the site;
 - (iii) location of water supply; and
 - (iv) site access and 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*.
- B82. The Applicant must implement the Bushfire Management Plan.

REHABILITATION

Rehabilitation Objectives

B83. The rehabilitation of the Site must meet the proposed rehabilitation objectives described in the documents listed in condition A2(c) (and shown conceptually in the figures A7.1 in Appendix 7), and must comply with the objectives in Table 9.

Table 9: Rehabilitation objectives for the development

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 local plant community types • Levels of ecosystem function have been established that demonstrate the rehabilitation is self sustaining • 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"> • Achieve land and soil capabilities that are equivalent or better than pre-mining • Establish/restore grassland areas to support sustainable agricultural production • Use predominantly local native species suitable for pasture production • Locate adjacent to surrounding agricultural land, where practicable • 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 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"> • Designed as long-term groundwater sink to prevent the release of polluting water into the surrounding environment, unless further mine planning and final landform design processes identify a more suitable outcome for the final void (see condition B86) • 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
Waste rock emplacement	<ul style="list-style-type: none"> • Capping layer designed to minimise oxygen ingress and water infiltration into 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
Surface infrastructure of the development	<ul style="list-style-type: none"> • To be decommissioned and removed, unless the Resources Regulator agrees otherwise
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

Progressive Rehabilitation

- B84. 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 strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.
- B85. Condition B84 does not prevent further disturbance at some later stage of the development of areas that have been rehabilitated on an interim basis.

Rehabilitation Strategy

- B86. The Applicant must prepare a Rehabilitation Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) be prepared in consultation with, and incorporate any reasonable recommendations or requirements of, the Resources Regulator, DPE Water, EPA, DPI Agriculture, Council and the CCC;
 - (b) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes;
 - (c) build on the Rehabilitation Objectives in Table 9, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including final void), post-mining land use/s and water management;
 - (d) align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA, 2000);
 - (e) describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition B54;
 - (f) include overview of anticipated rehabilitation risks and risk treatment controls;
 - (g) include progressive rehabilitation measures;
 - (h) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature mine closure;
 - (i) outline opportunities to refine and improve the final landform and final void outcomes over time;
 - (j) 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) aligns with regional and local strategic land use planning objectives and outcomes;
 - (ii) supports a sustainable future for the local community;
 - (iii) utilises existing mining infrastructure, where practicable;
 - (iv) details mitigation measures to ensure the final void remains a groundwater sink in perpetuity, or demonstrates that seepage from the void would not cause adverse impacts on the receiving environment; and
 - (v) includes a description of long-term land management objectives, including bushfire management, weed and feral animal control, water quality and public safety.
 - (k) outline ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and
 - (l) include a program to periodically update this strategy at least every three years.
- B87. The Applicant must not commence mining operations until the Rehabilitation Strategy is approved by the Planning Secretary.
- B88. The Applicant must implement the Rehabilitation Strategy as approved by the Planning Secretary.

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

- B89. The Applicant must prepare a Social Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by suitably qualified and experienced person/s;
 - (b) be developed in consultation with, and incorporate any reasonable recommendations or requirements of, Council, the CCC and affected stakeholders (including residents of Lue and surrounds), to the greatest extent practicable;
 - (c) include a summary of the social baseline and assessment of social impacts and risks, including the social impact ratings;
 - (d) include a Stakeholder Engagement Framework including details about communications with relevant stakeholders, including local services providers and particularly focused on Lue and the surrounding community;
 - (e) describe the measures that would be implemented to enhance positive social impacts from the development, including:

- (i) the community investment program;
 - (ii) broader community cohesion;
 - (iii) a workforce accommodation and employment strategy, including but not limited to a focus on Rylstone and Kandos; and
 - (iv) a local businesses and services strategy, including but not limited to a focus on Rylstone and Kandos;
- (f) describe the measures that would be implemented to manage and mitigate negative social impacts, including:
- (i) impacts to near neighbours; and
 - (ii) during post-closure or care-and-maintenance periods;
- (g) include a research and monitoring program to assess and report on lead impacts including but not limited to:
- (i) the collection of baseline data;
 - (ii) best practice lead level monitoring and tracking over time, including but not limited to blood level monitoring;
 - (iii) monitoring of sources that may contain contaminants that could affect human health, including dust and surface water bodies; and
 - (iv) the effectiveness of mitigation measures in place to minimise impacts on human health and agricultural industries;
- (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.
- B90. The Applicant must not commence construction of the development until the Social Impact Management Plan is approved by the Planning Secretary:
- B91. The Applicant must implement the Social Impact Management Plan as approved by the Planning Secretary.

PART C ADDITIONAL PROCEDURES

MITIGATION UPON REQUEST

C1. Upon receiving a written request for noise mitigation from the owner of Residence R35 or R87, the Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development* (NSW Government, 2018). They must also be reasonable and feasible, proportionate to the level of predicted impact, and directed towards reducing the noise impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.

Note: The locations of residences R35 and R87 are shown in Figure A3.1 of Appendix 3

C2. If within 3 months of receiving this request from the owner, 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.

NOTIFICATION OF LANDOWNERS/TENANTS

C3. 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

C4. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended air quality 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,

NOTIFICATION OF EXCEEDANCES

C5. 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.

C6. For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected land owners and/or tenants a copy of the NSW Health fact sheet entitled "*Mine Dust and You*" (NSW Health, 2017) (or latest version).

INDEPENDENT REVIEW

C7. 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.

C8. 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.

C9. 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 D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- D1. 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.
- D2. The Applicant must implement the approved Environmental Management Strategy.

Adaptive Management

- D3. 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.
- D4. 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

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

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

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- D6. Within three months of:
- the submission of an incident report under condition D7;
 - the submission of an Annual Review under condition D9;
 - the submission of an Independent Environmental Audit under condition D10; or
 - 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

- D7. The Planning Secretary must be notified in writing via the Major Projects Portal 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 8.

Non-Compliance Notification

- D8. The Planning Secretary must be notified in writing via the Major Projects Portal 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

- D9. 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:
- 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;
 - report on the progress of biodiversity credits retirements and the associated actual versus proposed surface disturbance for each stage;
 - comprehensively review and report on the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - requirements of any plan or program required under this consent;
 - monitoring results of previous years; and
 - relevant predictions in the document/s listed in condition A2(c);
 - 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;
 - evaluate and report on:
 - the effectiveness of the noise and air quality management systems; and
 - compliance with the performance measures, criteria and operating conditions of this consent;
 - identify any trends in the monitoring data over the life of the development;
 - identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

Independent Environmental Audit

- D10. 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.
- D11. 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 D10 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

- D12. 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.
- D13. 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

- D14. 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; and
 - (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

- D15. To ensure the studies, strategies and plans for the development are updated on a regular basis and incorporate any required measures to improve the environmental performance of the development, 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.
- D16. 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.

On 16 August 2024, the NSW Court of Appeal declared that this development consent is void and of no effect. See *Bingman Catchment Landcare Group Incorporated v Bowdens Silver Pty Ltd* [2024] NSWCA 205

- D17. 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.
- D18. 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.

APPENDIX 1 SCHEDULE OF LAND

Lot/DP						
Mine Site						
Land in Lots in Deposited Plans						
61/755412	76/755412	178/755412	3/755412	42/755412	73/755412	74/755412
107/755412	102/1124638	2/572701	140/755435	119/755435	127/755435	3/572701
4/572701	86/755435	143/755435	132/1050074	1/1171691	1/835810	118/755435
25/755435	26/755435	161/755435	1/814633	2/814633	11/810747	122/755435
121/755435	1/1118167	2/776858	7007/1029353**	7008/1029652**	1/48047#	
Other Land						
A1	Un-named Crown road on southern and eastern boundaries of 178/755412 (Enclosure Permit 43618)					
A2	Un-named Crown road on eastern boundary of 107/755412 and continuing south along eastern boundary of 102/1124638 (Enclosure Permit 43618)					
A3	Un-named Crown road running approximately north-south through 3/755412 and 102/1124638 (Enclosure Permit 43618)					
A4	Un-named Crown road running approximately west-east along southern boundary of 74/755412 and 102/1124638. Road then continues south-southwest between eastern boundary of 1/1118167 and western boundary of 140/755435. (Part that runs east-west is part of Enclosure Permit 43618)					
A5	Un-named Crown road on eastern boundary of 121/755435, 122/755435, 1/814633, 26/755435 and thence running approximately north-northeast through 26/755435, 25/755435 and 118/755435					
A7	Former Crown road on western boundary of 7008/1029652 (Licence Number LN 600680)					
R1	Maloneys Road (through Mine Site)					
Relocated Maloneys Road						
Lots in Deposited Plans						
102/1124638	61/755412	76/755412	178/755412	3/755412	2/755412	18/755412
101/1124638	197/755412	7002/1029653**	11/755412			
Other Land						
A8	An unnamed Crown road (subject to an enclosure permit) through 102/1124638					
R2	A portion of Wallerawang-Gwabegar Railway north of 7002/1029653					
R3	Bara-Lue Road (Council road) through 2/755412 and 101/1124638					
R4	Lue Road (Council Road) south of 7002/1029653					
A9	Lawsons Creek (section forming the southern boundary of 11/755412 and the northern boundary of 197/755412)					
Notes:						
** Crown Land Lot						
# Owned by Mid-Western Regional Council						

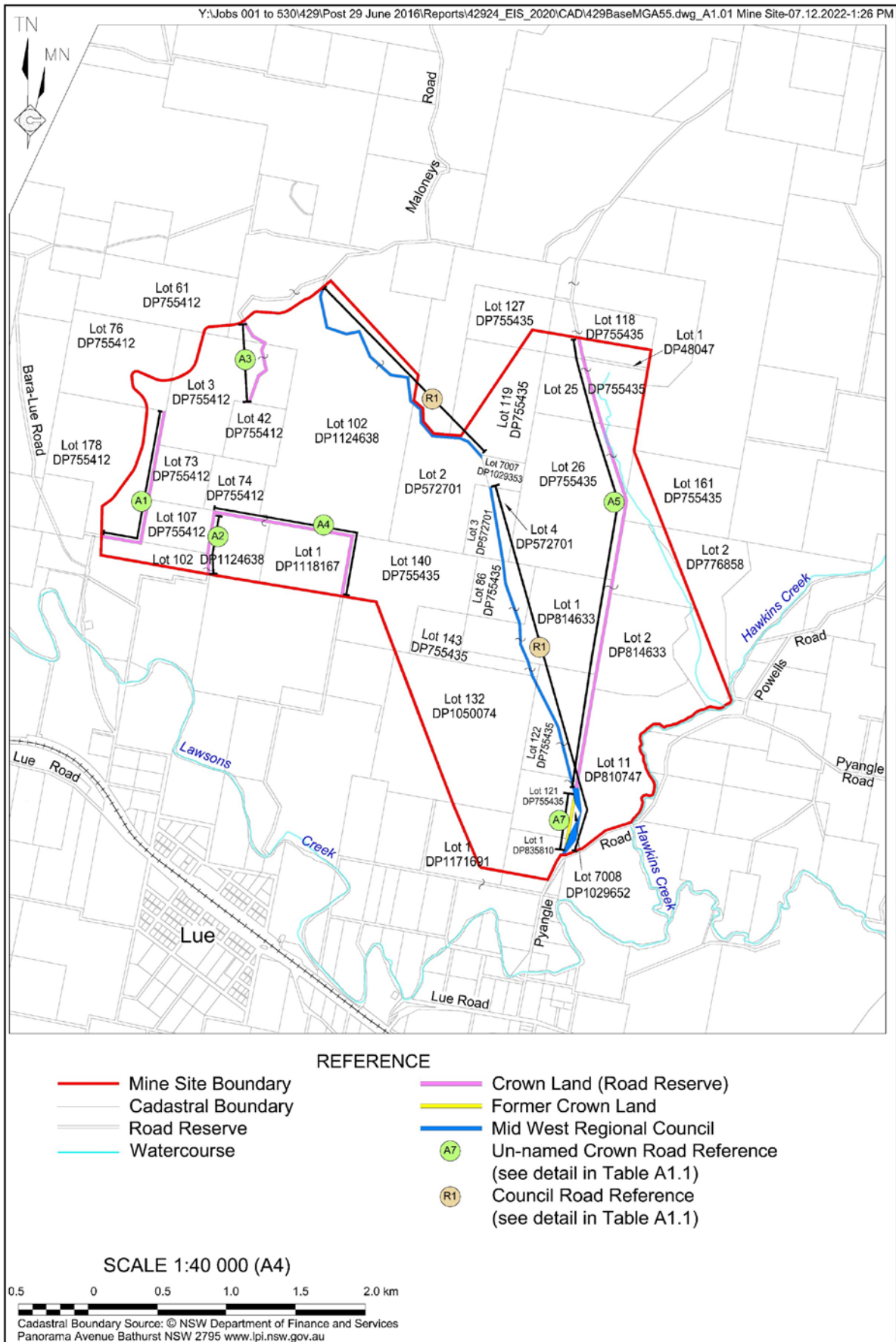


Figure A1.1 | Land Title Boundaries

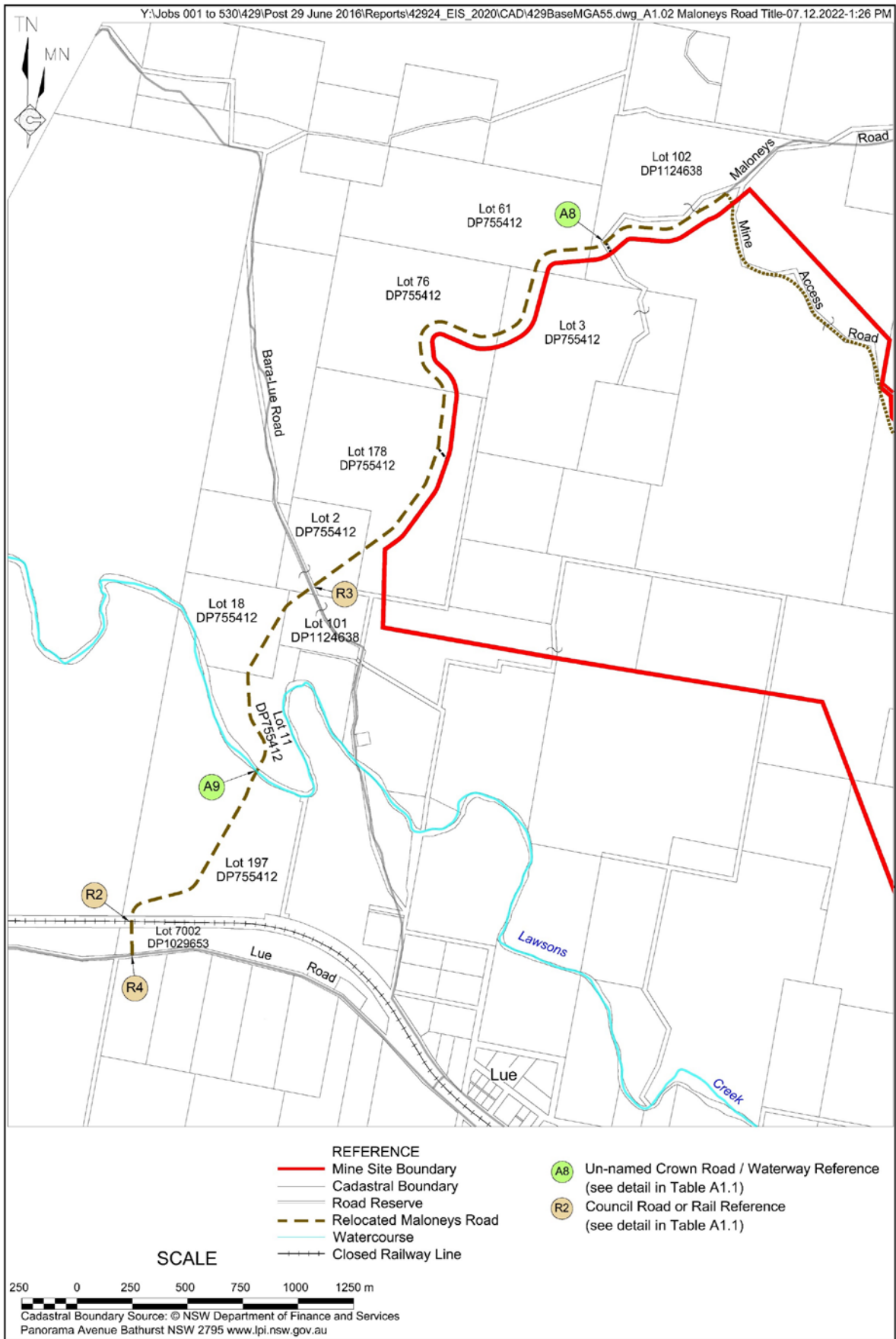


Figure A1.2 | Land Title Boundaries

APPENDIX 2 DEVELOPMENT LAYOUT

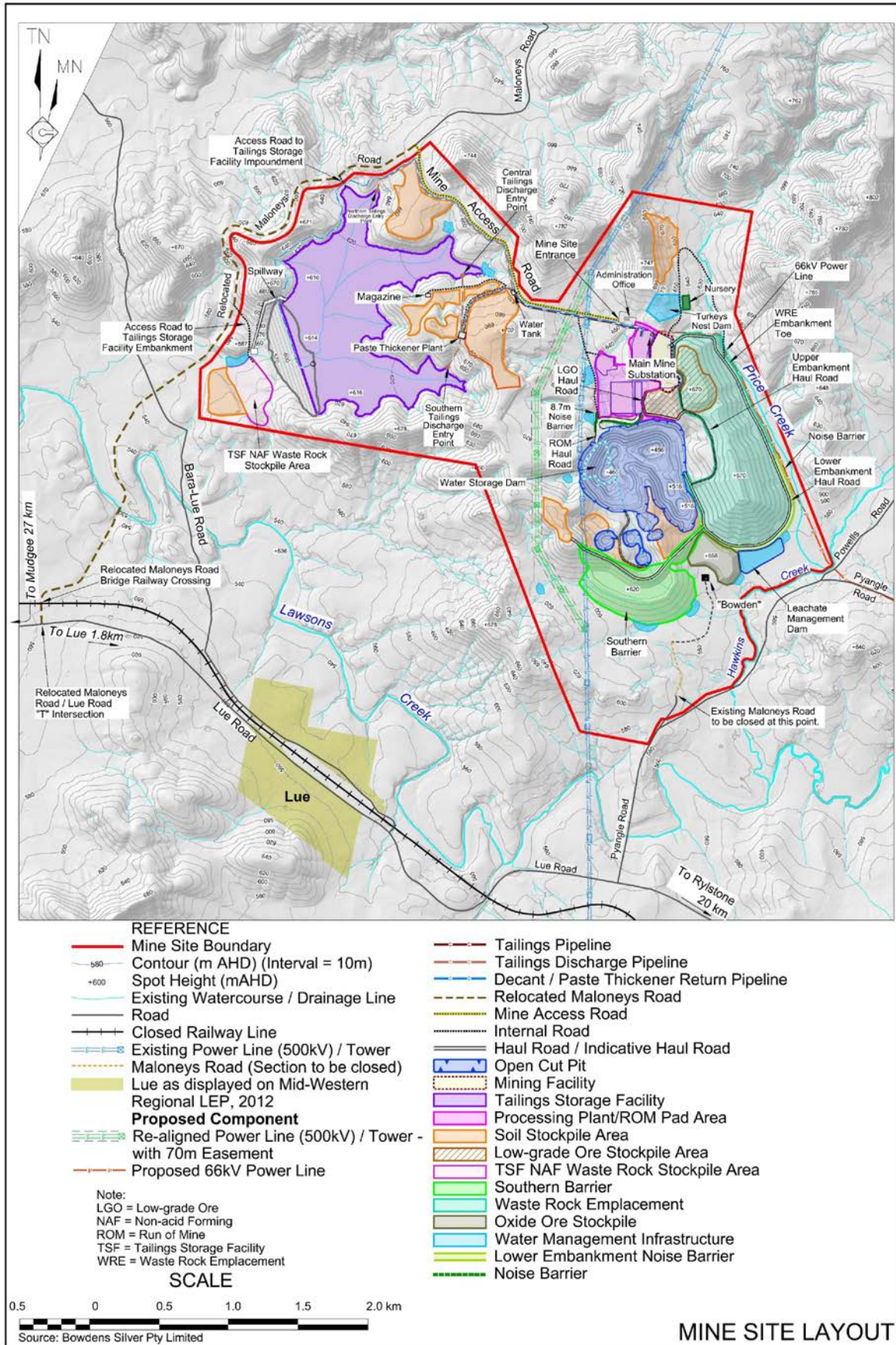


Figure A2.1 | Mine Site Layout

APPENDIX 3 RECEIVER LOCATIONS

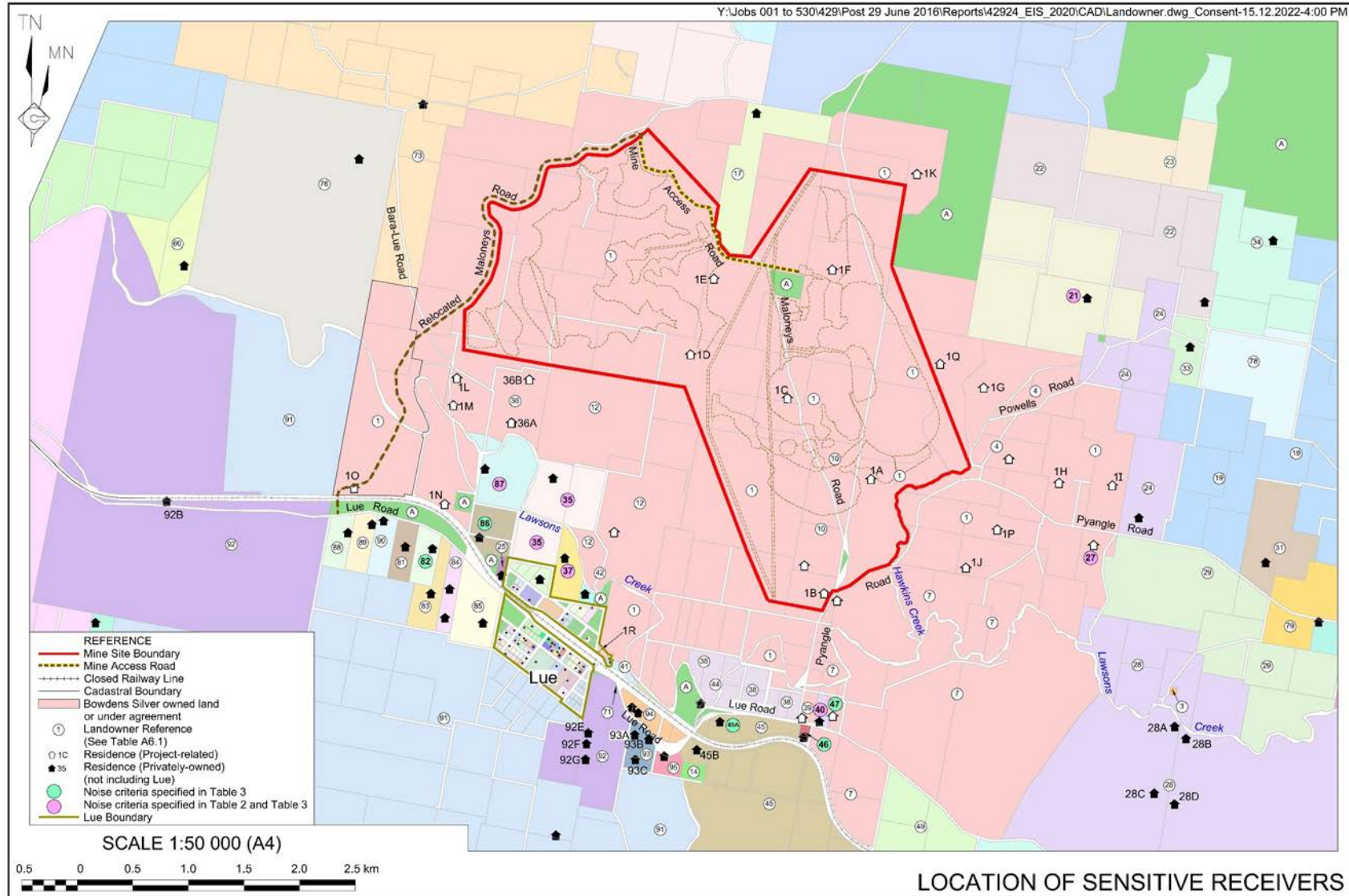


Figure A3.1 | Noise Receiver Locations



Figure A3.2 | Noise Receiver Locations -receivers in Lue

APPENDIX 4 BIODIVERSITY OFFSETS

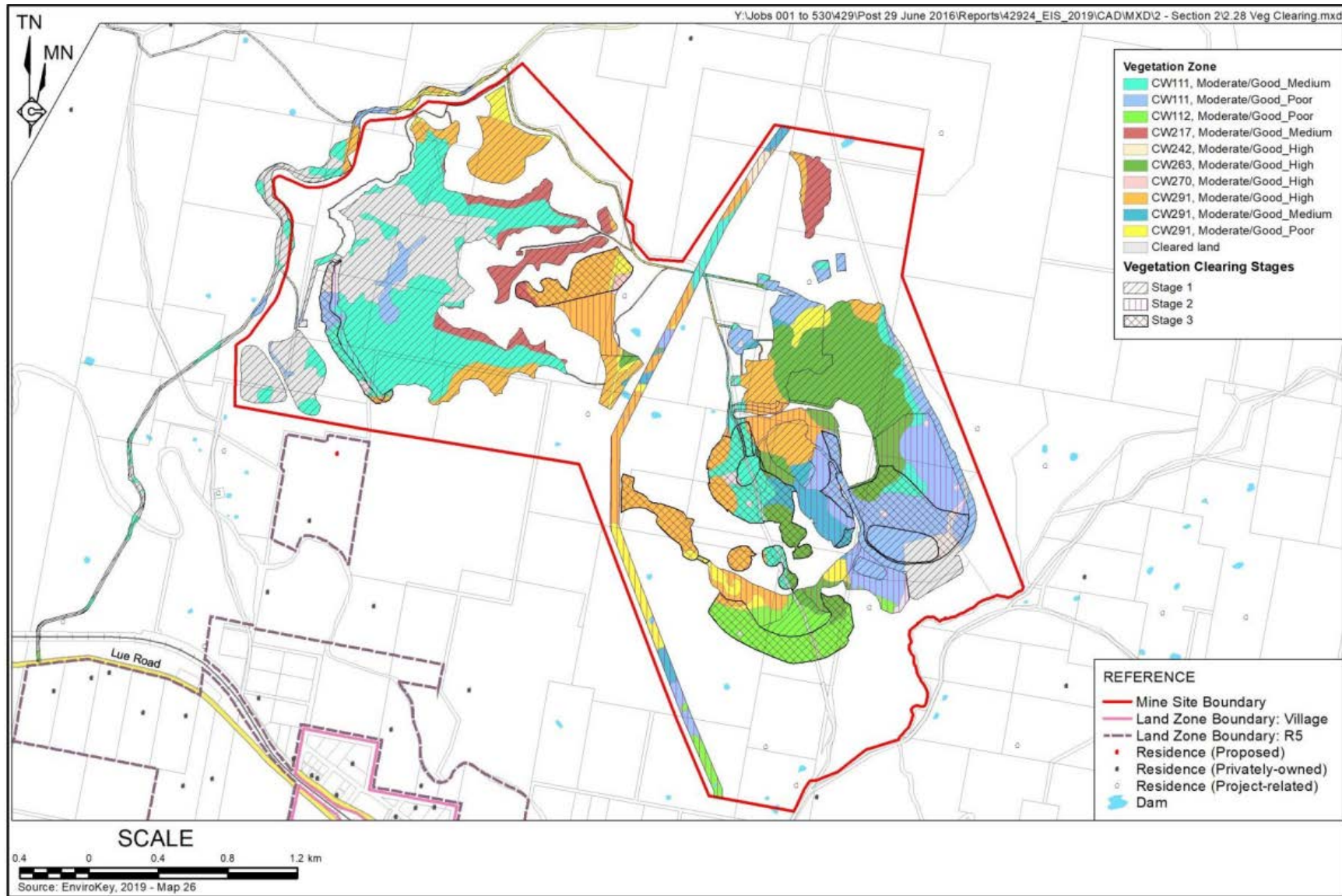


Figure A4.1 | Vegetation clearing stages

APPENDIX 5 HERITAGE SITES

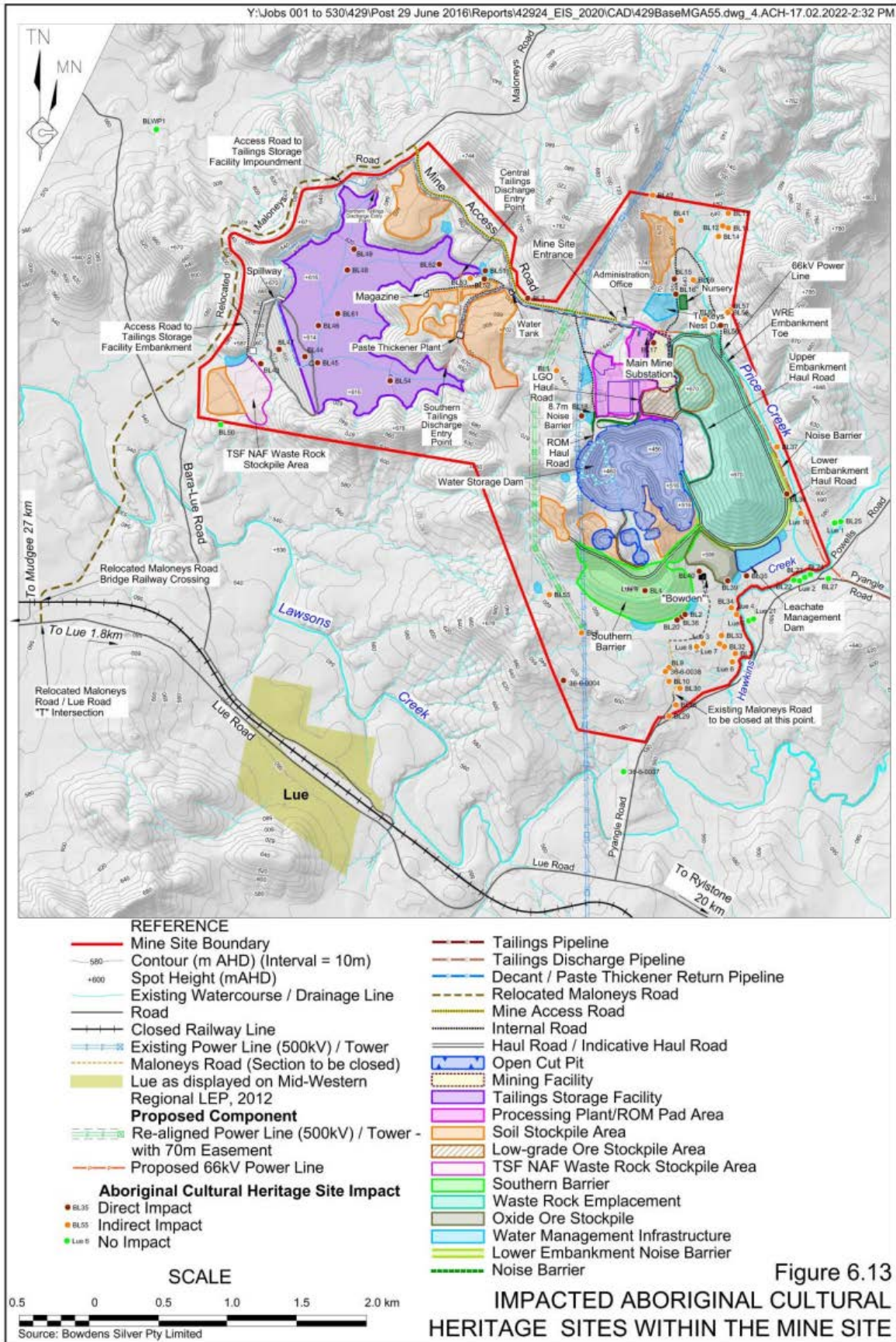


Figure A5.1 | Heritage sites

APPENDIX 6 PLANNING AGREEMENT

Contributions to Mid-Western Shire Council

The Planning Agreement executed between the Applicant and the Council is summarised in the table below.

<i>Item</i>	<i>A – Purpose</i>	<i>B – Development contribution</i>	<i>C – Date for payment</i>
1	Community Infrastructure and Services	\$500,000 subject to CPI adjustment (representing a lump sum upfront portion of the 1% of the ICC).	Within one calendar month of the Construction Commencement Date.
2	Community Infrastructure and Services	\$500,000 subject to CPI adjustment (representing a lump sum upfront portion of the 1% of the ICC).	Within one calendar month of the Production Commencement Date.
3	Community Infrastructure and Services	Balance of the ICC contribution (being \$1.46 million) payable in instalments being \$94,200 per annum (subject to CPI adjustment) for 15 years and \$47,000 (subject to CPI adjustment) on the date that is 15.5 years after the Production Commencement Date.	(a) \$94,200 per annum (subject to CPI adjustment) to be paid on each anniversary of the Production Commencement Date for 15 years, and (b) \$47,000 (subject to CPI adjustment) to be paid on the date that is 15.5 years after the Production Commencement Date.
4	Community Infrastructure and Services	\$540,000 (representing 1% of AACE) payable in instalments being \$34,840 per annum (subject to CPI adjustment) for 15 years and \$17,400 on the date that is 15.5 years after the Production Commencement Date.	(a) \$34,840 per annum (subject to CPI adjustment) to be paid on each anniversary of the Production Commencement Date for 15 years, and (b) \$17,400 (subject to CPI adjustment) to be paid on the date that is 15.5 years after the Production Commencement Date.
5	Road Maintenance Contribution	\$1,705,000 payable in instalments being \$110,000 per annum (subject to CPI adjustment) for 15 years and \$55,000 (subject to CPI adjustment) on the date that is 15.5 years after the Production Commencement Date.	(a) \$110,000 per annum (subject to CPI adjustment) to be paid on each anniversary of the Production Commencement Date for 15 years, and (b) \$55,000 (subject to CPI adjustment) to be paid on the date that is 15.5 years after the Production Commencement Date.
6	Community Infrastructure and Services	\$94,200 per annum (subject to CPI adjustment) for each year the Development is carried out beyond the date that is 15.5 years after the Production Commencement Date.	(a) \$94,200 per annum (subject to CPI adjustment) to be paid on the date that is 16.5 years after the Production Commencement Date, and on each anniversary of that date, and (b) a pro-rated amount of \$94,200 per annum (subject to CPI adjustment) for the final year the Development is carried out.
7	Community Infrastructure and Services	\$34,840 per annum (subject to CPI adjustment) for each year the Development is carried out beyond the date that is 15.5 years after the Production Commencement Date.	(a) \$34,840 per annum (subject to CPI adjustment) to be paid on the date that is 16.5 years after the Production Commencement Date, and on each anniversary of that date, and (b) a pro-rated amount of \$34,840 per annum (subject to CPI adjustment) for the final year the Development is carried out.
8	Road Maintenance Contribution	\$110,000 per annum (subject to CPI adjustment) for each year the Development is carried out beyond the date that is 15.5 years after the Production Commencement Date.	(a) \$110,000 per annum (subject to CPI adjustment) to be paid on the date that is 16.5 years after the Production Commencement Date, and on each anniversary of that date, and (b) a pro-rated amount of \$110,000 per annum (subject to CPI adjustment) for the final year the Development is carried out.

Notes:

- **GST:** All dollar amounts in the above table are GST exclusive.
- **ICC:** initial capital cost as defined in the executed agreement
- **AACE:** additional annual capital expenditure as defined in the executed agreement

APPENDIX 7 REHABILITATION PLAN AND FINAL LAND FORM

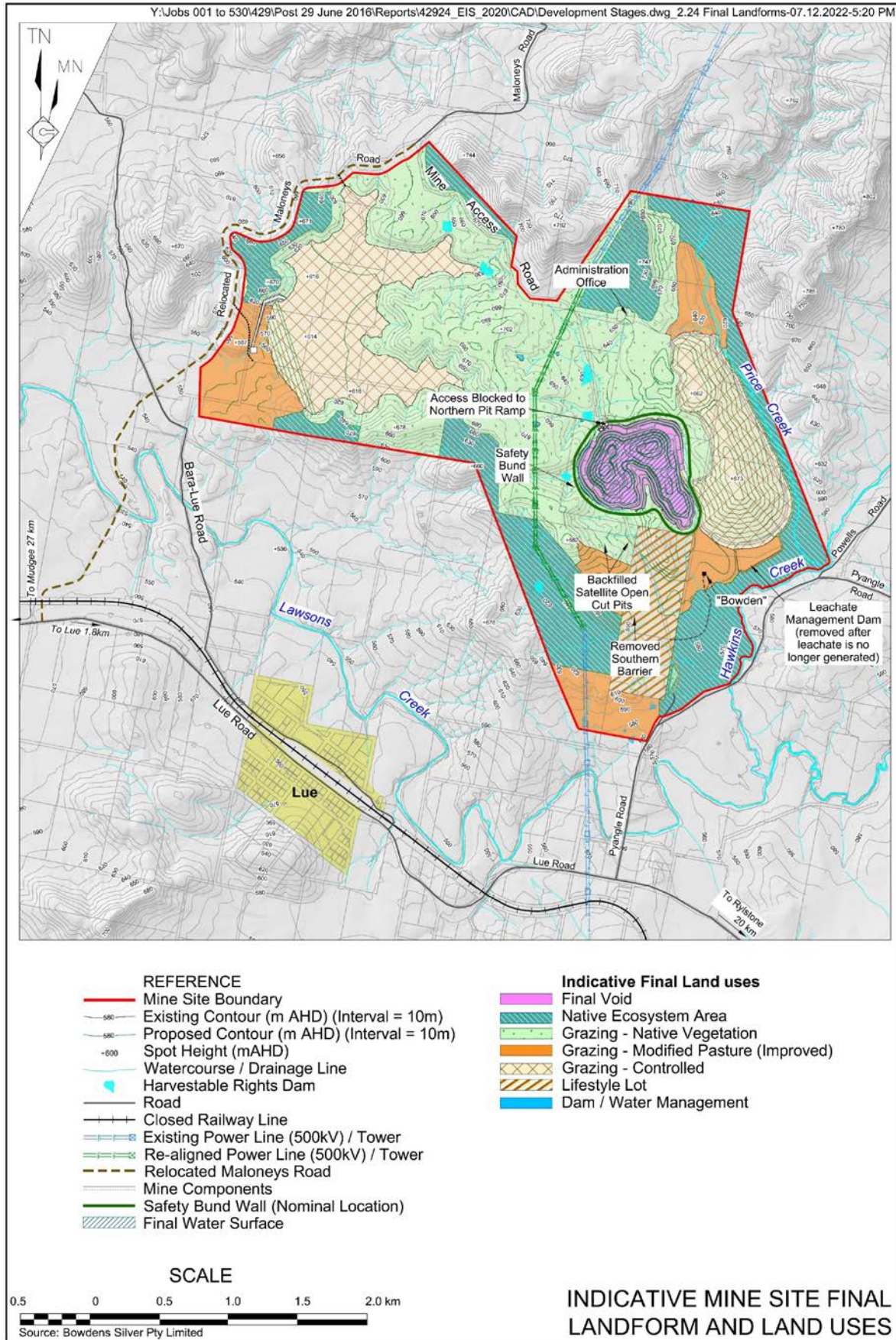


Figure A7.1 | Final Land Uses

APPENDIX 8 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 Portal 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 development 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.