



*"Comfortable Country Living"*

10 October 2016  
DA 2015/004

Ian Sheppard  
Tritton Resources Pty Ltd  
Suit 1, Level 2, HQ South Tower  
520 Wickham Street  
FORTITUDE VALLEY QLD 4006

Dear Mr Sheppard

**Notice of Determination of Development Application  
Section 80(1)(a), Environmental Planning and Assessment Act 1979**

**Premises to which Notice refers: Part Lot 3 DP 751342 & Lot 135, 144 and Part Lot 10 DP 751315 – Mitchell Highway, GIRILAMBONE, 2831**

**Proposed Development: 'Avoca Tank' - Construction and operation of an underground mine and associated infrastructure including but not limited to a box cut, decline, ROM pad, waste rock emplacement, access road, workshop, offices, hardstand areas and related infrastructure.**

It is desired to inform you that the application submitted by you for permission to undertake the above described development, has been approved by the Western Region Joint Regional Planning Panel.

The application has been determined as a conditional consent subject to the compliance with the conditions attached to this Notice and adherence to the requirements of the Environmental Planning and Assessment Act 1979 and Regulation thereunder.

**Development Application Number: 10/2015/004/001**

**Determination Date: 15 September 2016**

**Operation of Consent Date: 15 September 2016**

**Consent Expiry Date: 15 September 2021**

**Note:** Such consent will not lapse once the proposed development is physically commenced before the date the consent would otherwise lapse, except where a specific condition of consent limits the duration of consent.

The Planning Assessment Commission has not conducted a review of this application.

**Approvals under the Local Government Act 1993 integrated with this consent: Nil.**

DA No. 10/2015/004/001

**PART A ADMINISTRATIVE CONDITIONS**

**OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

- A1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the Development.

**TERMS OF CONSENT**

- A2. The Applicant shall carry out the Development generally in accordance with the:
- a) Development Application – 2015/004;
  - b) Environmental Impact Statement prepared by R W Corkery and Co dated July 2014;
  - c) Response to Submissions report prepared by R W Corkery and Co dated June 2016; and
  - d) The conditions of this consent.
- A3. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.
- A4. The Applicant shall comply with any reasonable requirement(s) of the Council arising from Council's assessment of:
- a) any reports, plans or correspondence that are submitted in accordance with this consent; and
  - b) the implementation of any actions or measures contained within these documents.
- A5. Material extracted from the Avoca Mine (other than waste rock) is to be transported to the Tritton Processing Facility for processing. On-site processing or processing at a third location is excluded from this consent.

**STAGING**

- A6. The Applicant may elect to construct and/ or operate the Development in stages. Where staging is proposed, the Applicant shall submit a Staging Report to the Bogan Shire Council prior to the commencement of the first proposed stage. The Staging Report shall provide details of:
- a) how the Development would be staged, including general details of work activities associated with each stage and the general timing of when each stage would commence; and
  - b) details of the relevant conditions of consent, which would apply to each stage and how these shall be complied with across and between the stages of the Development.

Where staging of the Development is proposed, these conditions of consent are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).

The Applicant shall ensure that an updated Staging Report (or advice that no changes to staging are proposed) is submitted to the Bogan Shire Council prior to the commencement of each stage, identifying any changes to the proposed staging or applicable conditions.

*Note: These conditions do not relate to staged development within the meaning of section 83B.*

## **STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM**

A7. With the approval of Bogan Shire Council, the Applicant may:

- a) submit any strategy, plan or program required by this consent on a progressive basis; and
- b) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required for the Development.

*Notes:*

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

## **PART B ENVIRONMENTAL PERFORMANCE CONDITIONS**

### **AIR QUALITY AND GREENHOUSE GAS**

#### **Odour**

B1. The Applicant shall ensure the Development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

### **BIODIVERSITY**

#### **Biodiversity Offset Package**

B2. The Applicant shall prepare a Biodiversity Offset Package that formalises the final suite of offset measures that comprises like for like offsets for the impacts to 34 hectares of Poplar Box-Gum Coolibah and White Cypress Pine Shrubby Woodland mainly in the Cobar Peneplain Bioregion. The Biodiversity Offset Package shall be developed in consultation with the OEH and shall (unless otherwise agreed by the Bogan Shire Council) include, but not necessarily be limited to:

- a) the extent and types of habitat that would be lost or degraded as a result of the final design of the Development ;
- b) the objectives and biodiversity outcomes to be achieved;
- c) the final suite of the biodiversity offset measures selected and secured in accordance with the EIS Biodiversity Offset Strategy;
- d) the management and monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed to ensure the outcomes of the package are achieved, including:

- i) the monitoring of the condition of species and ecological communities at offset locations;
    - ii) the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites;
    - iii) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH; and
  - e) timing and responsibilities for the implementation of the provisions of the Package; and
  - f) The offset be secured in perpetuity under one of the following conservation mechanisms:
    - a. BioBanking agreement;
    - b. Dedication of land under the National Parks and Wildlife Act 1974 (NPW Act);
    - c. Trust Agreements under the Nature Conservation Trust Act 2001, and;
    - d. A PVP registered on title under the Native Vegetation Act 2003.
- B3. Land offsets shall be consistent with the *Principles for the use of Biodiversity Offsets in NSW*. Any land offset shall be enduring and be secured by a conservation mechanism which protects and manages the land in perpetuity. Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures shall be provided to collectively deliver an improved or maintained biodiversity outcome for the region.
- B4. Where monitoring referred to in Condition B2 indicates that biodiversity outcomes are not being achieved, remedial actions as approved by OEH shall be undertaken to ensure that the objectives of the Biodiversity Offset Package are achieved.
- B5. A Biodiversity Offset Management Plan be developed to ensure the offsets are appropriately managed and funded. Management activities included in the management plan should result in an improvement of the offset area over time.
- B6. The Biodiversity Offset Package must be approved by Bogan Shire Council and OEH prior to any construction work that would result in the disturbance of any existing ecological communities identified in the Biodiversity Offset Strategy.
- B7. Those measures outlined in Section 4.3.7.3 of the EIS are to be implemented and maintained (as applicable) to the satisfaction of Bogan Shire Council.

#### **BUSHFIRE MANAGEMENT**

- B8. The Applicant shall take all reasonable measures to prevent the ignition and/or spread of bushfires, in accordance with the *Schedule of Onshore Petroleum Operations and Production Safety Requirements (1992)*.
- B9. A bush fire management plan is to be prepared and provided to Council prior to the commencement of operations incorporating, but not being limited to the following:
- a. A 15 metre cleared area around the buildings and infrastructure is to be implemented prior to the commissioning of the development and maintained in accordance with Appendix 5 of the Rural Fire Service publication *Planning for Bushfire Protection (2006)* (or such document as should replace this) for the life of the development.
  - b. The controls identified in Section 4.12.3 of the EIS are to be implemented prior to the commissioning of the development and maintained for the life of the consent.

## HAZARDS AND RISK

### Safety and Risk Management

- B10. The Applicant shall prepare and implement an Emergency Plan for the development to the satisfaction of Bogan Shire Council. The plan shall be submitted to Council prior to commissioning of the development and shall be prepared in accordance with the Department of Planning and Environment's *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*.
- B11. The Applicant shall prepare and implement a Safety Management System (SMS) for the Development, to the satisfaction of Bogan Shire Council. The SMS must be submitted to the Council prior to commissioning of the Development and shall be prepared in accordance with the Department of Planning and Environment's *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*. For the avoidance of doubt, the SMS may be provided as an update to an existing plan in current application. The SMS shall:
- a) clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures;

### Compliance Report

- B12. Within 3 months of commissioning of the Development, the Applicant shall prepare a compliance report to the satisfaction of the Bogan Shire Council. The report shall be prepared by a suitably qualified, experienced, and independent expert whose appointment has been endorsed by the Bogan Shire Council and shall include:
- a) dates of commencement of construction and commissioning;
  - b) actions taken (or proposed to be taken) to implement conditions B8 and B10; and
  - c) a signed statement that:
    - (i) the Emergency Plan required under Condition B10 is effectively in place and that at least one emergency exercise has been conducted;
    - (ii) the SMS required under condition B11 has been fully implemented and that records required by the system are being kept;
    - (iii) the Emergency Plan and SMS have been prepared in accordance with the relevant Hazardous Industry Planning Advisory Paper;
    - (iv) all recommendations of the QRA, Emergency Plan and SMS have been implemented and are being maintained; and
    - (v) all safety management systems and their associated risk controls have been implemented and are being maintained.

## NOISE

### Construction and Operation Hours

- B13. The Applicant shall construct and operate the Development in accordance with the hours listed in Table 6, except for emergency purposes.

**Table 6: Construction and operation hours of the development**

Activity	Hours
Construction - vegetation clearing, topsoil stripping and rehabilitation operations	Daylight hours 7 days per week

Operation - site establishment, underground mining, ore transportation and maintenance	24 hours 7 days per week
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*Notes: 'Emergency purposes' refers to instances where the cessation of construction activities would have the potential to generate serious harm to the environment or serious safety issues. Should these activities be conducted outside of the hours permitted, a report must be provided to Council within 7 days of the event containing relevant information and/or data to demonstrate the specific emergency purposes and circumstances at the time.*

### Impact Assessment Criteria

- B14. The Applicant shall ensure that the noise generated by the Development (excluding drilling) does not exceed the noise impact assessment criteria set out in Table 7 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.

**Table 7 Impact assessment criteria dB(A)**

Location	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night	
			L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)
All privately owned land	35	35	35	35

*Notes:*

- Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

## SOIL AND WATER

### Construction Soil and Water Management

- B15. Soil and water management measures consistent with *Managing Urban Stormwater - Soils and Construction Vol. 1* (Landcom, 2004) shall be employed during the construction of the Development to minimise soil erosion and the discharge of sediment and other pollutants to land and/or waters.

### Pollution of Waters (Department of Primary Industry: Water General Terms of Approval Conditions)

- B16. The Construction Certificate will not be issued over any part of the site requiring a Work Approval under the Water Management Act 2000 until a copy of the Work Approval has been provided to Council.
- B17. The proponent must obtain a Water Access Licence (WAL) in the Lachlan Fold Belt Groundwater Source with sufficient share component to account for the proposed groundwater take prior to commencing activities.
- B18. The proponent must prepare a Water Management Plan in consultation with DPI Water. This plan is to address:
- Erosion and Sediment Control
  - Groundwater Monitoring and Mitigation
  - Surface Water Monitoring and Mitigation

## VISUAL

B19. The Applicant shall:

- a) implement all reasonable and feasible measures to minimise the visual and lighting impacts of the Development;
- b) establish effective vegetative screens;
- c) ensure no outdoor lights shine above the horizontal;
- d) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*; and
- e) Those measures outlined in Section 4.11.3 of the EIS are to be implemented to the satisfaction of Bogan Shire Council.

## TRAFFIC AND TRANSPORT

B20. The proponent is to prepare and implement a code of conduct relating to transport of materials on public roads as part of the considerations under Clause 16( 1) of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

B21. Sufficient parking is to be provided on site to accommodate proposed staffing levels, at a ratio of one parking space per two employees. All parking provided on site is to be designed and constructed to ensure compliance with Australian Standard 2890.

## WASTE MANAGEMENT

B22. All waste materials removed from the site shall only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B23. Waste generated outside the site shall not be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the POEO Act, if such a licence is required in relation to that waste.

B24. All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with *Waste Classification Guidelines* (Department of Environment, Climate Change and Water, 2009), or any superseding document.

B25. Non-production waste management measures listed in Section 2.9 of the EIS are to be implemented for the life of the development in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.

B26. Any soil contaminated as a result of the development is to be remediated in accordance with relevant guidelines (including guidelines under section 145C of the Act and the Contaminated Land Management Act 1997).

B27. Details of an effluent management system suitable to accommodate the required capacity of generated effluent from staff amenities is to be submitted to and approved by Bogan Shire Council prior to the site commencing operations. This system is to be installed, maintained and decommissioned to Bogan Shire Council's satisfaction for the life of the development.

## **NSW RESOURCES AND ENERGY GENERAL TERMS OF APPROVAL**

B28. The general terms of approval, issued by NSW Resources and Energy on the 5 May 2015, are reproduced below in their entirety, and are to be complied with for the duration of the consent.

### **Rehabilitation/Mining Operations Plan**

B29. The proponent must prepare and implement a Rehabilitation Management Plan/Mining Operations Plan for the project area to the satisfaction of the Secretary of DTIRIS. This Plan must be:

- a. prepared in consultation with the DRE, Office of Environment and Heritage, Planning and Environment, NSW Office of Water, NSW EPA and Bogan Shire Council;
- b. prepared in accordance with the relevant DRE guidelines and in consultation with the ORE; and
- c. submitted to the Secretary of DTIRIS within 3 months of this approval.

### **Exploration Activities**

B30. Exploration activities must be notified to, and approved by, DRE prior to commencement. Relevant due diligence assessment reports and environmental assessment reports must be provided and must address the following:

- summary of the Proposed Activity;
- description of the Site(s);
- existing Environment - including general description, surface and groundwater, threatened species, populations and ecological communities, aboriginal cultural heritage values, historic and natural heritage values;
- impact assessment;
- summary of Impacts;
- conclusions; and
- Statement of Commitments

B31. Details of exploration activities must be documented in the Annual Environmental Management Report.

## **ENVIRONMENT PROTECTION AUTHORITY GENERAL TERMS OF APPROVAL**

B32. The general terms of approval, issued by the EPA on the 21 July 2015, and amended via the EPA correspondence of 1 July 2016, are reproduced below in their entirety, and are to be complied with for the duration of the consent.

### **Administrative conditions**

#### ***A1. Information supplied to the EPA***

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA 2015-004 submitted to EPA on 25 May 2015; and
- Environmental Impact Statement (EIS) for Avoca Tank Project submitted to EPA on 25 May 2015 relating to the development;



## ***A2. Fit and Proper Person***

**A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

## ***A3. Discharges to Air***

### **A3.1** Location of monitoring/discharge points and areas

The following point(s) referred to in the table are identified in this licence for the purpose of monitoring and/or the settling of limits for discharge of pollutants from the plant.

<b>EPA identification number</b>	<b>Type of monitoring point</b>	<b>Description of location</b>
1	Weather monitoring	Weather station on mine site

*Note: the monitoring requirements may be modified by the EPA subject to ongoing review of license condition and monitoring results.*

## **Limit conditions**

### ***L1. Pollution of waters***

**L1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

### ***L5. Waste***

**L5.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

**L5.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

### **L6. Noise Limit**

**L6.1** Noise generated at the premises must not exceed the noise limits in the table below.

<b>Location</b>	<b>Time Period</b>	<b>Noise level dB(A) (LAeq (15min))</b>
All residences	Day	35
	Evening	35
	Night	35

- L6.2** For purpose of condition L6.1;
- Day is defined as the period from 7:00 am to 6:00 pm Monday to Saturday and 8:00am to 6:00 pm Sunday and Public Holidays.
- L6.3** The noise limits set out in condition L6.1 apply under all meteorological conditions except for the following:
- wind speed greater than 3 metres/second at 10 metres above ground level.
  - stability category F temperature inversion condition and wind speed greater than 2 metres/second at 0 metres above ground level; or
  - stability category G temperature inversion conditions.
- L6.4** For the purpose of condition L6.3:
- Data recorded by a meteorological station must be used to determine meteorological conditions; and
  - Temperature inversion condition (stability category) are to be determined by the sigma-theta method referred to in Part E4 of appendix E to the NSW Industrial Noise Policy.
- L6.5** To determine compliance:
- a. with the Leq (15 min) noise limit in condition L6.1, the noise measurement equipment must be located:
    - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
    - within 30 metres of a dwelling facade, but not closer than 3m, where any dwelling on the property is situated more than 30 m from the property boundary closest to the premises or, where applicable; and
    - within approximately 50 m of the boundary of a National Park or a nature reserve.
  - b. with the LA(1 minute) noise limits in condition L6.1, the noise measurement equipment must be located within 1 metre of a dwelling facade;
  - c. with the noise limits in condition L6.1, the noise measurement equipment must be located:
    - at most affected point at a location where there is no dwelling at the location; or
    - at the most affected point within an area at a location prescribed by condition L6.5 (a).
- L6.6** A non compliance of condition L6.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:
- at a location other than an area prescribed by condition L6.1; and/or
  - at a point other than the most affected point at a location.
- L6.7** For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

## ***L7. Blasting***

- L7.1** Blasting at the premises is limited to the following on each day on which blasting is permitted or as otherwise approved in writing by the EPA:

- A maximum of 3 blasts per day. This condition does not apply to blasts that generate ground vibration of 0.5mm/s or less at any residence on privately owned land, or blasts required to ensure the safety of the site or its workers.

### **Overpressure**

**L7.2** The overpressure level from blasting operations on the premises must not:

- Exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
- Exceed 120dB (Lin Peak) at any time,

The air blast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring air blast overpressure.

### **Ground vibration (ppv)**

**L7.3** Ground vibration peak particle velocity from the blasting operations at the premises must not:

- Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
- Exceed 10mm/s at any time,

when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

### ***Operating conditions***

#### ***O1. Odour***

**O 1.1** The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

**O1.2** No condition of this licence identifies a potentially offensive odour for the purpose of Section 129 of the Protection of the Environment Operations Act 1997.

#### ***O 2. Dust***

**O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

**O2.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

**O2.3** The premises must be maintained in a condition which minimises or prevent the emission of dust from the premises.

### ***O3. Stormwater/sediment control - Construction Phase***

**O3.1** An *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The *SWMP* should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

### ***O4. Stormwater/sediment control - Operation Phase***

**O4.1** A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

### ***O5. Bunding requirement***

**O5.1** All above ground storage facilities containing flammable and combustible liquid must be bunded in accordance with Australian Standards AS 1940-200.

### ***O6. Waste Rock Management Plan***

**O6.1** The proponent must prepare and implement a Waste Rock Management Plan documenting procedures for the management of potentially Acid Forming Material to prevent pollution of water or groundwater and provide a copy to the EPA prior to commencement of operations.

### ***Monitoring and recording conditions***

#### ***M1 Monitoring records***

**M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and

- the name of the person who collected the sample.

## **M2 Requirement to Monitor Weather**

**M2.1** The licensee must monitor the parameter specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Parameter	Units of measure	Frequency	Averaging period	Sampling method
Rainfall	mm	Continuous	24 hour	AM - 4

## ***M4. Testing methods concentration limits***

**M4.1** Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

## ***Reporting conditions***

**R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

## **Mandatory Conditions for all EPA licences**

### **Administrative conditions**

### **Operating conditions**

### **Activities must be carried out in a competent manner.**

Licensed activities must be carried out in a competent manner.

This includes:

- the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

### **Maintenance of plant and equipment**

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

### **Monitoring and recording conditions**

#### **Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

#### **Telephone complaints line**

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## **Reporting conditions**

### **Annual Return documents**

#### ***What documents must an Annual Return contain?***

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### ***Period covered by Annual Return***

An Annual Return must be prepared in respect of each reporting, except as provided below.

*Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee:

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence - the date from which notice revoking the licence operates.

#### ***Deadline for Annual Return***

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

#### ***Notification where actual load cannot be calculated***

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to

circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

#### ***Licensee must retain copy of Annual Return***

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

#### **Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary**

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

#### ***Notification of environmental harm***

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

#### ***Written report***

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises;
- or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;



- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

### **General conditions**

#### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

### **NSW DEPARTMENT OF PRIMARY INDUSTRY (WATER) GENERAL TERMS OF APPROVAL**

B33. The general terms of approval, issued by the NSW DPI (Water) on the 24 June 2016 are reproduced below in their entirety, and are to be complied with for the duration of the consent.

<b>General Terms of Approval –for works requiring a Work Approval under the Water Management Act 2000 (Excavation)</b>	<b>Our Reference 80 ERM2016/0455</b>
<b>Site Address</b>	<b>Lot 10 (part), Lot 135 &amp; 144 DP751315 and Lot 3 (part) DP751342</b>
<b>DA Number</b>	<b>DA2015/004</b>
<b>LGA</b>	<b>Bogan Shire Council</b>
<b>Number</b>	<b>Condition</b>
<b>Plans, standards and guidelines</b>	
<b>1</b>	These General Terms of Approval (GTA) only apply to activities constituting a work approval associated with the proposed excavation of an underground mine in relation to the interception and/or extraction of groundwater as conceptually defined in the documentation relating to DA2015/004

- Any amendments or modifications to the proposed works may render these GTAs invalid. If the proposed activities are amended or modified DPI Water must be notified to determine if any variations to these GTA will be required.
- 2 Prior to the commencement of any works associated with groundwater interception and /or extraction for the Avoca Tank Project, the consent holder must obtain the necessary Work Approval/s under the *Water Management Act 2000* from DPI Water. In addition to the Work Approval for the excavation the proponent will be required to obtain adequate licensed entitlement in a Water Access Licence (WAL) commensurate with the anticipated volume of groundwater take prior to this take occurring.
- 3 The consent holder must prepare or commission the preparation of the following to be submitted with the Work Approval application:
- 4 (i) Groundwater Monitoring and Mitigation Plan  
All plans and/or documents must be prepared by a suitably qualified person and submitted with the licence application to DPI Water for approval prior to any works commencing.
- 5 The consent holder must (i) carry out any works for the excavation in accordance with approved plans and (ii) construct and/or implement any works for the groundwater excavations by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.
- Rehabilitation and maintenance**
- 6 Rehabilitation and site management must be undertaken in accordance with a plan approved by DPI Water.
- 7 The licence holder must carry out any work or make any alterations deemed necessary by DPI Water, for the protection or proper maintenance of the works, or for the control of the water extracted or prevention of pollution of groundwater.
- 8 If a work is abandoned at any time, the approval holder must notify DPI Water that the work has been abandoned and seal off the aquifer by:
- (a) Casing (lining) to the satisfaction of DPI Water; or  
(b) Such other methods as agreed to or directed by DPI Water.
- 9 The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the DPI Water as required.
- 10 The licence holder must develop and implement a methodology to estimate the annual volume of Groundwater inflow (water budget), approved by DPI Water. Water budgets must be set and approved one month prior to the beginning of each water year to enable implementation.
- 11 An extraction measurement device must be installed and maintained on each extraction device (pump) used for extraction of water under this licence, and such devices

12	must be of a type and standard, and must be maintained in a manner, which is acceptable to DPI Water. The licence holder will provide DPI Water with an annual Compliance Report, to report on the results of the Groundwater Monitoring and Mitigation Plan within one month of the end of the water year.
<b>Drainage and Stormwater</b>	
13	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.
14	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.
<b>Erosion control</b>	
15	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
<b>Excavation</b>	
16	The consent holder must ensure that no excavation is undertaken on waterfront land, and no groundwater interception is undertaken other than in accordance with a plan approved by DPI Water.
17	The consent holder must ensure that any excavation does not result in (i) bed or bank instability or (ii) damage to native vegetation within the area where a work approval has been authorised, other than in accordance with a plan approved by DPI Water.
18	The consent holder must prepare a works schedule plan depicting the location of the proposed underground mine and the order as to which extraction will occur.
<b>END OF DPI (WATER) CONDITIONS</b>	

## **PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

### **ENVIRONMENTAL MANAGEMENT**

#### **Environmental Management Strategy**

- C1. The Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of the Bogan Shire Council. This strategy must:
- be submitted to the Bogan Shire Council for approval prior to the commencement of any construction works;
  - be prepared by a suitably qualified and experienced expert;
  - provide the strategic framework for environmental management of the development;
  - identify the statutory approvals that apply to the development;
  - describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;

- f) describe the procedures that would be implemented to:
  - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
  - (ii) receive, handle, respond to, and record complaints;
  - (iii) resolve any disputes that may arise;
  - (iv) respond to any non-compliance;
  - (v) respond to emergencies; and
- g) include the following environmental management plans:
  - (i) Aboriginal Heritage Management Plan
  - (ii) Historic Heritage Management Plan
  - (iii) Hydrocarbon Management Plan
  - (iv) Soil and Water Management Plan
  - (v) Pest Animal Management Plan
  - (vi) Weed Management Plan
  - (vii) Fauna Management Plan
  - (viii) Water Management Plan
  - (ix) Bush Fire Management Plan

#### **Management Plan Requirements**

C2. The Applicant shall ensure that the management plans required under this consent are prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans (Department of Planning and Infrastructure 2004)* and include:

- a) detailed baseline data;
- b) a description of:
  - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
  - (ii) any relevant limits or performance measures/criteria;
  - (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) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
- d) a program to monitor and report on the:
- e) impacts and environmental performance of the development;
- f) effectiveness of any management measures (see c above);
- g) a contingency plan to manage any unpredicted impacts and their consequences;
- h) a program to investigate and implement ways to improve the environmental performance of the development over time;
- i) a protocol for managing and reporting any:
  - (i) incidents;
  - (ii) complaints;
  - (iii) non-compliances with statutory requirements; and
  - (iv) exceedances of the impact assessment criteria and/or performance criteria; and
- j) a protocol for periodic review of the plan.

C3. A procedure is to be included in the Historic Heritage Management Plan specifically dealing with the unexpected identification of historic heritage items or relics during works and how these would be managed. This must also identify any approvals under the Heritage Act 1977 that may be required.

### **Commissioning**

C3A. The Applicant shall advise the Bogan Shire Council in writing of the date of the commissioning of the development.

### **Annual Review**

- C4. By the end of July each year following development commissioning, or other timing as may be agreed by Bogan Shire Council, the Applicant shall review the environmental performance of the development to the satisfaction of the Council. This review must:
- a) describe the development that was carried out in the previous calendar year, and the development that is proposed to be carried out over the next year;
  - b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against the;
    - (i) the relevant statutory requirements, limits or performance measures/criteria;
    - (ii) the monitoring results of previous years; and
    - (iii) the relevant predictions in the EIS;
  - c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
  - d) identify any trends in the monitoring data over the life of the development;
  - e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

### **Revision of Strategies, Plans and Programs**

- C5. Within 3 months of the submission of an:
- a) annual review under Condition C4 above;
  - b) incident report under Condition C7 below;
  - c) audit under Condition C8 below; or
  - d) any modification to the conditions of this consent,
- the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Bogan Shire Council.

*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.*

### **Community Consultative Committee**

- C6. The Applicant shall establish and operate a Community Consultative Committee (CCC) that includes members of the Council, recognised environmental groups and the local community, where available and to the satisfaction of Bogan Shire Council. This CCC must be operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Developments* (Department of Planning, 2007, or its latest version),

#### **Notes:**

- *The CCC is an advisory committee. Council is responsible for ensuring that the Applicant complies with this consent.*

## REPORTING

### Incident Reporting

- C7. The Applicant shall notify, at the earliest opportunity, Bogan Shire Council and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the development, the Applicant shall notify Bogan Shire Council and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide Bogan Shire Council and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

## AUDITING

### Independent Environmental Audit

- C8. Within 2 years of the date of commissioning of the development, and every 3 years thereafter, unless Council directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit. This audit must:

- a) be conducted by a suitably qualified, experienced and independent person(s) whose appointment has been endorsed by Bogan Shire Council;
- b) include consultation with the relevant agencies;
- c) assess the environmental performance of the development, and its effects on the surrounding environment
- d) assess whether the development is complying with the relevant standards, performance measures and statutory requirements;
- e) include a hazard audit of the development in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*;
- f) review the adequacy of any approved strategy, plan or program required under this consent; and
- g) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under this consent.

*Note: This audit team must be led by a suitably qualified auditor, and include experts in any other fields specified by Bogan Shire Council.*

- C9. Within 3 months of commissioning this audit, or as otherwise agreed by Bogan Shire Council, the Applicant shall submit a copy of the audit report to the Council, together with its response to any recommendations contained in the audit report.

## ACCESS TO INFORMATION

- C10. The Applicant shall:

- a) make the following information publicly available on its website:
  - (i) the documents referred to in Condition A2;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans or programs required under the conditions of this consent;
  - (iv) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (v) a complaints register, updated on a monthly basis;

- (vi) minutes of CCC meetings;
  - (vii) the annual reviews of the development;
  - (viii) any independent environmental audit, and the Applicant's response to the recommendations in any audit;
  - (ix) any other matter required by the Bogan Shire Council; and
- b) keep this information up to date,  
to the satisfaction of Bogan Shire Council.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kayla Volker', followed by a period.

**Kayla Volker**  
Senior Development and Environment Officer  
Bogan Shire Council