

# CONSOLIDATED CONSENT

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### DETERMINATION OF DEVELOPMENT APPLICATION UNDER SECTION 91 OF THE UNAMENDED ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister for Urban Affairs and Planning, under section 91 of the unamended *Environmental Planning and Assessment Act 1979* (EP&A Act) determine the development application referred to in Schedule 1 by granting consent to that application subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions generally is to minimise any adverse effects from the development, consistent with the objectives of the Act. These conditions are listed in Schedule 2.

The “unamended” EP&A Act means the EP&A Act, as in force immediately before 1 July 1998.

Andrew Refshauge MP  
**Deputy Premier**  
**Minister for Urban Affairs and Planning,**  
**Minister for Aboriginal Affairs and**  
**Minister for Housing**

**SIGNED BY MINISTER REFSHAUGE 1 SEPTEMBER 1999**

Sydney

1999

File No: S97/00305

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Note: Section 91 of the unamended EP&A Act continues to apply to development applications that were made but not determined by the consent authority under that section before the appointed day as if the EP&A Amendment Act 1998 had not been enacted.

#### SCHEDULE 1

**Applicant:**

Tritton Resources Pty Ltd

**To:**

The Minister for Urban Affairs and Planning

**In respect of:**

Lot 61/875925; Lot 13/751346; Lot 14/751346; Lot 6/751346; LI 204945; LI 204957; Tritton Trig Reserve; TSR No 60 000; TSR No 9696; Yarrandale Road. Parish of Tritton and County of Canbelego Lot 4/751308; Parish of Carnbilly and County of Canbelego.

**For the following:**

Tritton Copper Mine Project

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**Development Application:** Development Application No. 41/98 lodged with Department of Urban Affairs and Planning on 29 June 1998, accompanied by an Environmental Impact Statement prepared by RW Corkery & Co Pty Limited dated June 1998.

A Species Impact Statement had also been prepared by Countrywide Ecological Service in conjunction with Greg Richards and Associates and Geoff Cunningham Natural Resource Consultants dated December 1998.

**Determination:**

- (1) To determine the date upon which this consent becomes effective, refer to section 93 of the unamended Act;
- (2) To determine the date on which this consent lapses, refer to section 99 of the unamended Act;
- (3) Section 97 of the unamended Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after the receipt of the notice under section 92 of the unamended Act.

*The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.*

*The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.*

Blue type represents modification of 22 September 2005

Green type represents modification of 12 June 2007

Violet type represents modification of 19 December 2007

Orange type represents modification of 7 April 2015

Light blue type represents modification of January 2019

Red type represents consolidated consent (October 2021)

Pink type represents modification of June 2022

**SCHEDULE 2**

**CONDITIONS OF DEVELOPMENT CONSENT**

**LIST OF ABBREVIATIONS**

Annual Review	The review referred to in condition 6A of Schedule 2 of this consent
Applicant	Tritton Resources Pty Ltd, or any person who seeks to carry out the approved development under this consent
BCA	Building Code of Australia
BCS	Biodiversity, Conservation and Science Directorate within the Department
Council	Bogan Shire Council
Department	Department of Planning and Environment
Development	The development described in the EIS
DPE Crown Lands	Crown Lands Group within the Department
DPE Water	Water Group within the Department
EA	Environmental Assessment
EIS	The Environmental Impact Statement titled <i>Tritton Copper Project - Environmental Impact Statement</i> , dated June 1998, prepared by R W Corkery & Co Pty Limited, as amended by the: <ul style="list-style-type: none"><li>• Species Impact Statement, dated December 1998, prepared by Countrywide Ecological Service in conjunction with Greg Richards and Associates and Geoff Cunningham Natural Resource Consultants;</li><li>• modification application No.41/98 MOD - 1, dated 15 June 2004, and accompanying information prepared by Tritton Resources Limited;</li><li>• modification application No. 41/98 MOD - 2, dated 30 June 2005, and accompanying information prepared by Tritton Resources Limited;</li><li>• modification application No. 21_3_2007, dated 20 February 2007, and accompanying SEE for the <i>Proposed Surface Waste Rock Dump at the Tritton Copper Mine, Hermidale</i>, prepared by Tritton Resources Limited;</li><li>• modification application DA 41/98 MOD 4, dated 3 October 2007, and accompanying SEE for the <i>Tritton Expansion Project – Stage 2</i>, prepared by <i>Straits Resources Limited</i>, and the accompanying Response to Submissions prepared by <i>Straits Resources Limited</i> and received by the Department on 26 November 2007;</li><li>• modification application DA 41/98 MOD 5 and EA titled <i>Environmental Assessment for the Tritton Copper Mine Modification 5</i>, dated November 2014, and the associated Response to Submissions dated 19 January 2015, and additional information dated 26 February 2015; and</li><li>• modification application DA 41/98 MOD 6 and EA titled <i>Environmental Assessment for the Tritton Copper Mine</i></li></ul>

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	<p><i>Modification 6</i>, dated August 2018, and associated letters titled <i>Response to EPA Comments</i>, 8 November 2018, <i>Response to Dam Safety Committee Comments</i>, 23 November 2018, <i>Response to EPA Feedback on RTS</i>, 4 December 2018 and <i>Tritton Mine (DA 41/98 Modification 6) – Review of Traffic Activities</i>, 16 January 2019.</p> <ul style="list-style-type: none"><li>• <b>modification application DA41/98 MOD 7 and EA titled <i>Modification Report for the Tritton Copper Mine Modification 7</i>, dated August 2021</b></li><li>• <b>modification application DA41/98 MOD 8 and EA titled <i>Modification Report for the Tritton Copper Mine Modification 8</i> dated February 2022 and <i>Submissions Report titled Submissions Report for the Tritton Copper Mine Modification 8</i> dated April 2022</b></li></ul>
EMP	Environmental Management Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Heritage NSW	Heritage NSW within the Department
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	Is harm that: <ul style="list-style-type: none"><li>• involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li><li>• 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)</li></ul>
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	Includes the removal and emplacement of ore and waste rock; the processing, handling and storage of ore and tailings on site; and the transport of ore concentrate and tailings offsite
Mitigation	Activities associated with reducing the impacts of the development
Negligible	<b>Small and unimportant, such as to be not worth considering</b>
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
MOP/S	Mining Operations Plan/s
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Reasonable relates to the application of 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
RR	NSW Resources Regulator
Secretary	Planning Secretary under the EP&A Act, or nominee
SEE	Statement of Environmental Effects

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Site  
TfNSW

As listed in Schedule 1 and shown in Appendix 1  
Transport for NSW

FOR INFORMATION

**PART A ADMINISTRATIVE CONDITIONS, ENVIRONMENTAL  
MANAGEMENT, AUDITING AND REPORT**

**GENERAL**

1. The Applicant must carry out the development:
  - (i) generally in accordance with the EIS;
  - (ii) in accordance with the conditions of this consent;
  - (iii) generally in accordance with the development layout; and
  - (iv) in accordance with all written directions of the Secretary.

*Note: The general layout of the development is shown in Appendix 1.*

- 1A. The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition 1(i). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 1(i), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

**STATUTORY AND OTHER REQUIREMENTS**

- 2(a) The Applicant shall meet the statutory requirements of all public authorities having responsibilities for environmental protection, pollution control, and land and water conservation approvals and licences in respect of the mine operation and associated works encompassed by DA No. 41/98.
- 2(b) The Applicant shall comply with all reasonable requirements of the Secretary in respect of the implementation of any measures arising from reports submitted in accordance with the conditions of this consent, within such time as the Secretary may agree.

**DURATION AND SCOPE OF CONSENT**

3. The Applicant may carry out mining operations on site until 21 December 2028.

*Note: This consent will continue to comply to all other aspects – other than the right to conduct mining operations – until the rehabilitation of the site and any additional undertakings have been carried out satisfactorily.*

**EVIDENCE OF CONSULTATION**

- 3A. 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 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**

- 3B. With the approval of the 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 on a regular basis 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 other consents subject to common, shared or related ownership or management.
- 3C. If the 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.
- 3D. If the 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.

### **APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS**

- 3E. Prior to the approval of management plans under this consent, the Applicant must continue to implement any equivalent or similar management plan/s required under existing consents, to the satisfaction of the Secretary.

### **PUBLIC INFRASTRUCTURE**

#### **Protection of Public Infrastructure**

- 3F 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 that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

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

### DEMOLITION

- 3G. 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

- 3H. 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.*
- *Parts 1-9 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

### OPERATION OF PLANT AND EQUIPMENT

- 3I. All plant and equipment used on site, or to monitor the performance of the development must be: maintained in a proper and efficient condition; and operated in a proper and efficient manner.

### COMPLIANCE

- 3J. 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

- 3K. 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.
- 3L. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the 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

- 3M. Within 12 months of the determination of Modification 8, the Applicant must commence consultation with DPE Crown Lands in relation to:
- entering into a compensation agreement under the *Mining Act 1992*; and
  - permitting free and uninterrupted passage of stock through parts of the site covered by Travelling Stock Reserves.

*Notes:*

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



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

### MINING OPERATIONS PLAN/S (MOP/S)

4. The Applicant shall prepare and implement a Mining Operations Plan or Rehabilitation Management Plan for the project in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. This plan must:
- (i) be prepared in accordance with any relevant RR guideline;
  - (ii) demonstrate consistency with the conditions of this consent and any other statutory approvals;
  - (iii) demonstrate consistency with the Environmental Management Plan required by Condition 6;
  - (iv) provide the basis for implementing mining operations, environmental management, and ongoing monitoring and reporting; and
  - (v) identify a schedule of proposed mine development for the period covered by the plan and include:
    - the area proposed to be impacted by mining activity and resource recovery mining methods and remediation measures including rehabilitation;
    - areas of environmental, heritage or archaeological sensitivity and mechanisms for appropriately minimising impact;
    - water management; and
    - proposals to appropriately minimise surface impacts.

A copy of the MOP or Rehabilitation Management Plan must be made available on the Proponent's website in accordance with Schedule 5 condition 11.

### ENVIRONMENTAL MANAGEMENT SERVICES

5. The Applicant shall ensure that suitably qualified personnel are appointed to:
- (i) be responsible for the preparation of relevant environmental documentation;
  - (ii) be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;
  - (iii) be responsible for receiving and responding to any complaints;
  - (iv) facilitate an induction and training program for all persons involved with construction activities, mining and remedial activities (including surface drainage mitigation works); and
  - (v) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or a adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.

### ENVIRONMENTAL MANAGEMENT PLANS

6. The Applicant shall prepare an Environmental Management Plan (EMP) for the mining operation, which shall include, the preparation of the following:

- (i) deleted;
- (ii) a Contingency Strategy prepared in consultation with BCS for any threatened species that maybe affected by the construction and operation of the mine;
- (iii) a Traffic Management Strategy prepared in consultation with TfNSW and Council, including a Driver's Code of Conduct;
- (iv) a Noise and Vibration Management Strategy in consultation with the EPA, including noise management procedures, monitoring protocols and measures to ensure compliance with the noise criteria and operating conditions in this consent; and
- (v) a Dust Management Strategy for the development, prepared in consultation with the EPA. The strategy must describe the air quality management system in detail and describe the measures that would be implemented to ensure compliance with condition 48 of schedule 2 of this consent.

The Plan shall also include but not be limited to:

- (vi) details of the mine infrastructure and facilities to be developed;
- (vii) where relevant, monitoring procedures relating to water quality, groundwater flows, air quality, noise and vibration, and the tailings storage facility;
- (viii) management and protection measures for all recorded Aboriginal archaeological sites within the development site;
- (ix) the recommendations of the Preliminary Hazard Analysis prepared by McCracken Consulting, dated December 1998;
- (x) management measures for any fauna and flora species listed under the Threatened Species Conservation Act 1995 that occur on the site.

The EMP shall be prepared to the satisfaction of the Secretary in consultation with relevant agencies and shall be submitted at least 1 (one) month prior to the commencement of construction, or within such period as otherwise agreed to by the Secretary.

*(Note: The Applicant may prepare the EMP required by this condition in conjunction with the MOP/s required by Condition 5 provided the MOP/s specifically addresses the matters listed in this condition).*

### ANNUAL REVIEW

- 6A. By the end of March each year, unless the Secretary agrees otherwise, the Applicant must review the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. This review must:
- i) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;
  - ii) include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against the:
    - relevant statutory requirements, limits or performance measures/criteria;
    - monitoring results of previous years; and

- relevant predictions in the EIS;
- iii) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
- iv) identify any trends in the monitoring data over the life of the development;
- v) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- vi) describe what measures will be implemented over the next year to improve the environmental performance of the development.

*Note: The Post Approval Requirements for State Significant Developments - Annual Review Guideline 2015, NSW Government, October 2015 (or its latest version) provides a reporting framework to integrate the reporting requirements of the Annual Review required by the Department under the development consent and the Annual Environment Management Report required under the Mining Lease.*

### REVISION OF STRATEGIES, PLANS AND PROGRAMS

- 6B. The Applicant must review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary within 3 months of the:
- i) submission of an incident report under condition 7 of Schedule 2;
  - ii) submission of an audit report under condition 8 of Schedule 2; or
  - iii) any modification to the conditions of this consent.

Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted to the Secretary for approval.

### REPORTING AND AUDITING

#### Incident Notification

7. The Applicant must immediately notify the Department and any other relevant agencies after it becomes aware of an incident. The notification must identify the development (including the development application number and name) and set out the location and nature of the incident.

#### Non-compliance notification

- 7A. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must set out the condition of this consent that the development is non-compliant with, why 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.

**INDEPENDENT ENVIRONMENTAL AUDIT**

8. By 30 September 2021, and every 3 years thereafter, or as directed by the Secretary, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
- i) be prepared in accordance with the relevant *Independent Audit Post Approval requirements* (DPE 2018);
  - ii) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
  - iii) be carried out in consultation with the relevant agencies;
  - iv) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
  - v) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations.

The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.

**ACCESS TO INFORMATION**

- 8A. Within three months of the determination of Modification 8, 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 1(i);
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) 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;
    - (v) 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;
    - (vi) a summary of the current progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) the Annual Reviews of the development;

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

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**PART B SPECIFIC ENVIRONMENTAL CONDITIONS**

**TAILINGS STORAGE FACILITY**

9. The Tailings Storage Facility shall be designed, constructed, operated, monitored, maintained and finally stabilised so as to:
  - (a) be in accordance with the documents referred to the EIS;
  - (b) be otherwise in accordance with the EIS, the supplementary document prepared in response to Government submissions, and the document titled “Nord Australix Nominees/Straits Mining Joint Venture – Tailings Storage Facility Preliminary Design Report”;
  - (c) ensure that water received in the facility is evaporated, retained, or reused and that there is no overflow of tailings water to the environment unless approved by EPA; and
  - (d) ensure that there is no excessive seepage or leakage from the facility, and that any leakage or seepage is managed in accordance with the requirements of EPA and the RR.
10. Prior to the construction of the Tailings Storage Facility, and prior to raising the Facility above 10 metres in height, the Applicant must submit detailed design plans to the RR and the NSW Dams Safety Committee for approval.
11. Construction of the Tailings Storage Facility shall be supervised at all times and certified by the Applicant’s dam design engineer.
12. Piezometers (monitoring bores) are to be installed to monitor the Tailings Storage Facility prior to any tailings being placed in the Tailings Storage Facility. The location and standard of the piezometers must be determined in consultation with the DPE Water’s Regional Hydrogeologist.
13. Standing water levels in the piezometers are to be measured prior to any tailings being placed in the Tailings Storage Facility and then at 6 monthly intervals. Sampling and a complete water analysis for each piezometer must be undertaken prior to any tailings being placed in the Tailings Storage Facility and thence annually. Results of measurements and sample analysis are to be interpreted and reported in the Annual Review.
- 13A. The Applicant must:
  - i) ensure any water in the excavated cells drains away from the embankment walls of the Tailings Storage Facility;
  - ii) minimise the amount of time that excavated and stockpiled tailings are stored on site;
  - iii) keep records of the amount of tailings that is extracted and exported from the site each year; and
  - iv) ensure that receipt and handling of waste on the site is undertaken in accordance with the requirements of the relevant Environment Protection Licence.
- 13B. Prior to commencing any works associated with Modification 6, unless the Secretary agrees otherwise, the Applicant must prepare a Tailings Extraction

Management Plan for the development, to the satisfaction of the Secretary. This plan must:

- (a) be prepared by a suitably qualified expert approved by the Department and prepared in consultation with the EPA and the NSW Dams Safety Committee;
- (b) include:
  - i) details of the tailings extraction process, including extraction, deposition, drying, storage, loading and on-site haulage activities;
  - ii) details of the location and extent of the tailings stockpile pad, the depth and permeability of the liner and the access points to this area;
  - iii) an overview of the water and air quality management systems at the tailings storage facility;
  - iv) a description of the measures that would be implemented to achieve the requirements of condition 13A of Schedule 2 of this consent;
  - v) a trigger action response plan for dust management; and
  - vi) a program to monitor and report on the effectiveness of the implementation of the measures in this plan.

The Applicant must implement the approved Tailings Extraction Management Plan.

13C. Prior to disposing drill cuttings in the Tailings Storage Facility, the Applicant must prepare a Disposal Management Plan, to the satisfaction of the Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with the EPA and Dam Safety NSW;
- (c) include details of the process to dispose of drill cuttings in the Tailings Storage Facility, including measures to ensure that emplacement poses negligible risk to embankment stability; and
- (d) include a program to monitor and report on the effectiveness of the implementation of the measures in this plan.

The Applicant must implement the approved Disposal Management Plan as approved by the Secretary.

## **WATER**

### **Water Supply**

13C. 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.

13D. The Applicant must report on water extracted from the development 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.

## Water Management Performance Measures

13E. The Applicant must ensure that the development complies with the performance measures in **Table 1**.

Table 1: Water management performance measures

Feature	Performance Measure
Water management – General	<ul style="list-style-type: none"> <li>• Design, install, operate and maintain water management infrastructure in a proper and efficient manner</li> <li>• Minimise risks to the receiving environment and downstream water users</li> </ul>
Aquifers	<ul style="list-style-type: none"> <li>• Negligible impacts to fractured rock aquifers caused by the development beyond those predicted in the EIS, including:                             <ul style="list-style-type: none"> <li>- negligible impact to other groundwater users; and</li> <li>- no exceedance of the minimal impact considerations in the <i>NSW Aquifer Interference Policy</i></li> </ul> </li> </ul>
Surface Water Resources	<ul style="list-style-type: none"> <li>• Negligible impacts to surface water resources caused by the development beyond those predicted in the EIS;</li> </ul>
Waste Rock Emplacement	<ul style="list-style-type: none"> <li>• Minimise the potential for acid mine drainage</li> </ul>
Groundwater Dependent Ecosystems	<ul style="list-style-type: none"> <li>• Negligible impacts to groundwater dependent ecosystems</li> </ul>

## Water Management Plan

13F. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with DPE Water and the EPA;
- (c) be submitted to the Secretary for approval within six months of the determination of Modification 8;
- (d) describe the measures to be implemented to ensure compliance with the water management performance measures (see Table 1);
- (e) include a:
  - (i) **Site Water Balance** that includes details of:
    - predicted annual inflows and outflows;
    - sources and security of water supply for the life of the development (including authorised entitlements and licences);
    - water storage capacity;
    - water use and management on the site, including any water transfers or sharing with neighbouring mines and opportunities to improve the efficiency of site water use and minimise the use of clean water on the site;
    - reporting procedures, including the annual preparation of an updated site water balance;
  - (ii) **Surface Water Management Plan** that includes:
    - baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development



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- a detailed description of the surface water management system, including the separation of water captured on the site and uses associated with the:
    - clean water capture and diversion system;
    - dirty water system (including sediment detention basins); and
    - mine water capture system;
  - detailed plans, design objectives and performance criteria for water management infrastructure, including:
    - water run-off diversions and catch drains;
    - clean water storages, mine water storages and sediment dams;
    - emplacement areas, including the waste rock emplacement and Tailings Storage Facility;
  - a program to monitor and evaluate:
    - compliance with the relevant performance measures listed in Table 1;
    - controlled and uncontrolled discharges and seepage/leachate from the site;
    - 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
  - 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;
- (iii) **Groundwater Management Plan** that includes:
- detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development;
  - 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 1 and the performance criteria in this plan;
    - inputs and outputs from water storages (groundwater, surface water and atmospheric water);
    - groundwater inflows, outflows and storage volumes, to inform the Site Water Balance; and

## CONSOLIDATED CONSENT

- 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; and
  - a program to periodically validate the groundwater model for the development, and at least annual comparison of monitoring results with modelled predictions; and
  - a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition 6A of Part A.
- 13G. The Applicant must implement the Water Management Plan as approved by the Secretary
14. Deleted.
15. Deleted.
16. Deleted.
17. Soil stripping and stockpiling procedures for use in future site rehabilitation are to be carried out as outlined in Section 4.4.2 of the EIS in consultation with EPA.

### MULLOCK MANAGEMENT

18. All potentially acid producing mullock materials shall be stockpiled in controlled discharge areas such that there is no discharge of leachate beyond the designed water management system.
19. Prior to the construction and the commencement of mining operations, and during the operational life of the mine, the Applicant shall conduct regular investigations to determine whether potentially acid-producing mullock will be mined.
20. Should investigations reveal the existence of potentially acid producing mullock, the Applicant shall:
- prepare an acid mine drainage strategy in consultation with the EPA; and
  - encapsulate the material with non-acid forming material if it is to be located in the mullock stockpile area or be left underground.
- 20A. The non acid forming rock waste dump shall be a maximum of 30 metres in height from the land surface.

### FLORA AND FAUNA

21. The Applicant shall consult with the BCS when implementing the recommendations detailed in section 4.6.1.1 and 4.6.2.1 of the EIS, including the placement of a fence around the Tailings Storage Facility prior to tailings production.

22. The Applicant shall ensure that, following the production of tailings, there is an alternative and permanent source of potable water for wildlife. Details should be included in the Contingency Strategy required by Condition 6(ii).
23. Prior to the construction of the tailings dam, and following consultation with [the RR](#) and [EPA](#), the Applicant shall prepare a Management and Monitoring Plan for the Tailings Dams to the satisfaction of the [Secretary](#). The Plan shall be prepared by a suitably qualified person and be submitted to the Department one month prior to the commencement of the works. The Plan shall include but not be limited to:
  - (i) A full list of chemicals and reagents and their concentrations to be released into the tailings dams and the expected dilutions of those chemicals and reagents after release;
  - (ii) A toxic profile of these chemicals and reagents (ie in tailings water);
  - (iii) An assessment of expected effects of the chemicals and reagents on the species of concern, particularly threatened species;
  - (iv) Ameliorative measures and contingency planning measures to ensure adverse impacts on wildlife are minimised;
  - (v) Provisions for on-going monitoring of the chemical and reagent concentrations of the tailings dam and wildlife use of the dam; and
  - (vi) The monitoring component of the plan shall also include provision for the monitoring of wildlife usage of the alternative water supply required by Condition 22.
24. The Applicant shall implement the Management and Monitoring Plan in accordance with its provisions.
25. Prior to any tree clearing for the Tailings Storage Facility, the Applicant shall inspect the area for potential bat roost trees and nest hollows. Identified trees should be retained where possible, or if lost, any bat colonies should be relocated in consultation with [BCS](#). The locations of trees with hollows and any other significant threatened fauna attributes should be identified and presented in the contingency plan required by Condition 6(ii) of this consent.
26. All hollowed vegetation, stumps and logs removed during the construction of the Tailings Storage Facility shall be relocated to the designated areas of compensatory planting identified in Figure 2.12 of the EIS.
27. In relation to the Kultarr, the Applicant shall;
  - a) Put in place pre-start monitoring. Any Kultarr located should be relocated to suitable habitat as near as possible to the capture site. This habitat shall be defined by a suitably qualified person; and
  - b) Any captured Kultarr to be relocated shall be held for a period no longer than 10 days in suitable conditions.

28. The Applicant shall, where practicable, ensure that the identified communities containing the species *Pterostylis cobarensis* are protected from mining and mining related disturbance by means of a buffer area at least 20 metres wide.

### LANDSCAPE PLAN

29. The Applicant shall submit a Landscape Plan to Council prior to the issuing of a Construction Certificate. The Plan shall be prepared by a suitably qualified person and shall address, but not be limited to, the following matters:
- i) Details on screen planting around the Tailings Storage Facility, with particular attention to minimising the visibility of the facility from Yarrandale Road; and
  - ii) Details on the proposed landscaping treatment of the mine processing area, Tailings Storage Facility and office area.
30. All landscaping and tree planting works referred to in Condition 29 shall be completed as far as practicable within 12 (twelve) months of the commencement of operations.
31. All disturbed areas are to be revegetated as soon as practicable on completion of construction using species and fertilisers in combinations and at such rates acceptable to the BCS's Nyngan Catchment Advisory Officer.

### EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES

32. The Applicant shall ensure that the external colour and texture of all structures shall, where practical, blend into the natural surroundings of the locality.

### TRANSPORTATION AND TRAFFIC

33. All heavy vehicle movements associated with the development shall use the Barrier Highway and the sealed section of Yarrandale Road for site ingress and egress, ie with the exception of any movement of equipment and supplies between the Girilambone Mine and the Tritton Project Site, and the transportation of waste rock and tailings.
- 33A. The Applicant may:
- (a) transport up to 30,000 tonnes of waste rock from the site in any calendar year; and
  - (b) receive up to 1 million tonnes of ore material in any calendar year.
- 33B. The Applicant shall ensure:
- (a) all vehicles exporting waste rock enter and exit the site via the haul road entrance/Yarrandale Road intersection (see Appendix 1);
  - (b) transportation of waste rock only occurs between 7.00 am and 10.00 pm; and
  - (c) that no more than 50 laden heavy vehicle loads of drill cuttings are received at the site per calendar year, unless otherwise agreed by the Secretary.
- Note: One laden heavy vehicle load equals two truck movements (ie one in and one out).*
34. Prior to the commencement of construction of the mine or as otherwise agreed to by the TfNSW and Council, the Applicant shall at its own cost:

- i) seal the length of Yarrandale Road to a width of 7 metres, from the end of the existing seal to the Tritton project site;
  - ii) upgrade the intersection of Yarrandale Road and the Barrier Highway to an intersection type AUR for westbound traffic on the Barrier Highway, and the intersections for both northbound and southbound traffic on Yarrandale Road to intersections type BAL 4.8.35 for use by articulated vehicles in accordance with the RMS Road Design Guidelines;
  - iii) in consultation with the TfNSW, ensure that there is an adequate bitumen area to accommodate the sweep path generated by the vehicles that will regularly use the site during both the construction and operational phase;
  - iv) prior to carrying out any concentrate transport operations (other than during daylight hours), provide adequate overhead night time lighting for the intersection of the Barrier Highway and Yarrandale Road to the approval of the TfNSW and Council;
  - v) construct the turnout to the Tritton site from Yarrandale Road to an intersection type AUL in accordance with the RMS's Road Design Guide (1991). This area shall include a suitable deceleration length applicable to all proposed transport modes;
  - vi) in accordance with the RMS's Road Design Guide (1991) provide an appropriate intersection for right turn movements into the Girilambone Mine Site to the satisfaction of Council;
  - vii) to the approval of the TfNSW and Council, erect appropriate warning signs on both approaches to both the turnout to the Tritton site and on both approaches to the Yarrandale Road intersection. At a minimum, the signs shall comprise a TRUCK sign (Entering or Crossing) *sign type W5-22C* and with a DISTANCE sign, *sign type W8-5C* located beneath it. The distance sign is to show a distance of 200 metres; and
  - viii) provide GIVE WAY signs, *sign type R1-3B* on the access road facing traffic about to enter Yarrandale Road, and on Yarrandale Road facing traffic about to enter the Barrier Highway.
35. Any road works undertaken on or adjacent to the Highway formation are to be advised and controlled in accordance with the requirements set down by Australian Standard AS1742 and the RMS's "Traffic Control at Worksites, Version 2 October 1998".
36. The Applicant shall ensure that the vehicles engaged in the transport of concentrates:
- comply with the design requirements and vehicle specifications for this type of vehicle; and
  - are adequately covered so as to prevent any materials falling from the truck and trailer onto the road pavement.
37. The Applicant shall, in liaison with the local bus operators, ensure that any heavy vehicle haulage is to avoid school bus times when and if school buses travel along Yarrandale Road.
- 37A. Prior to exporting any waste rock and tailings as permitted by condition 33A, the Applicant shall prepare and implement a code of conduct for the transportation of

waste rock and tailings on public roads, including procedures to ensure that drivers implement safe driving practices. The code of conduct must be prepared in consultation with TfNSW and Council and to the satisfaction of the Secretary.

**NOISE**

38. The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land.

Table 2: Noise Criteria

Noise Assessment Location	Day $L_{Aeq}(15min)$ dB(A)	Evening $L_{Aeq}(15min)$ dB(A)	Night $L_{Aeq}(15min)$ dB(A)	Night $L_{AMax}$ dB(A)
All privately-owned residences	40	35	35	52

- 38A. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).
- 38B. The noise criteria in Table 2 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**

39. The Applicant must:
- (a) take all reasonable steps to minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development; and
  - (b) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions.
40. All aboveground blasting shall be carried out between 9:00am and 6:00pm Monday to Friday. Blasting shall only be allowed on public holidays in special circumstances and with the prior approval of the EPA.
41. The Applicant shall ensure that no private or company vehicles are utilising Yarrandale Road within 400 metres of the entrance to the Tritton Project Site when surface blasting is being undertaken.
42. The Applicant shall ensure that air blast overpressure and vibration monitoring and control is generally carried out in accordance with relevant Australian Standards. in consultation with the EPA.
43. The Applicant shall monitor all surface blasts and blasts within 200 metres of the mine portal and record the overpressure and peak particle velocity at locations agreed by EPA and the RR.

### HERITAGE

44. The Applicant shall ensure that all Aboriginal archaeological sites that have been identified within the **development site** are avoided and not disturbed. This shall include the site referred to as H/G-OS-2.
45. The Applicant shall prepare management and protection measures in consultation with the **Heritage NSW** and the relevant local Aboriginal groups for those Aboriginal sites within the **development site** within 50 metres of any proposed area of disturbance, that have been identified to date and for any other sites that may be identified in the future.

These protective measures are to include the procedures recommended in the Archaeological Report of the EIS prepared by J Kelton.

46. In the event that Aboriginal artefacts are identified within the **development site** during earthworks, construction or operation of the mine, the Applicant shall contact **Heritage NSW** and cease work in the relevant location pending investigation and assessment of its heritage value by **Heritage NSW** and the relevant local Aboriginal groups.
47. The Applicant shall place temporary fencing or flagging around those Aboriginal sites identified within 50 metres of the proposed areas of disturbance to prevent the possibility of accidental damage during the mine's construction phase in accordance with the relevant recommendations of the Archaeological Report of the EIS prepared by J Kelton.

### AIR QUALITY

48. The Applicant must:
  - i) take all reasonable steps to minimise the air quality impacts of the development, including during adverse meteorological conditions;
  - ii) minimise any visible air pollution generated by the development;
  - iii) minimise surface disturbance on the site;
  - iv) ensure that trucks transporting tailings and drill cuttings cover their loads during transportation at all times; and
  - v) define dust trigger levels and identify a plan to respond to any exceedances of the trigger levels.
49. Deposited dust sampling shall occur at any nearby property as required by the **EPA** following the request of a resident and at any other locations determined by the **EPA** with the results submitted to the **EPA**.

### BLASTING PROTOCOL

50. Prior to undertaking any blasting activities, the Applicant shall prepare and submit a blasting protocol to the **Secretary** and **EPA** prior to the commencement of operations. The protocol shall include;
  - a means for notifying any property owners within 5 km of the site of the proposed blasting program; and,

- the proposed methods for keeping any records of complaints to enable remedial action to be undertaken to prevent recurrence.

### HAZARDS AND SAFETY

*Note: Conditions 51 to 53 relate to offsite risk to people, property and the biophysical environment. The safety of all persons and operations on site is the responsibility of the RR under the Work Health and Safety Act 2013 and Dangerous Goods Act.*

*The Applicant may choose to meet these Conditions by demonstrating to the Department that the plans and systems developed to meet the requirements of the mining lease also meet the requirements set out in the Hazardous Industry Planning Advisory Papers as appropriate.*

#### Pre-Construction Studies

51. At least one month prior to the commencement of construction of the proposed development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Secretary may agree, the Applicant shall prepare and submit for the approval of the Secretary a final hazard analysis as set out below. Construction, other than of preliminary works, shall not commence until approval has been given by the Secretary.

#### FINAL HAZARD ANALYSIS

*Note: The purpose of the final hazard analysis is to demonstrate that there have been no changes during design that would materially affect the findings of the preliminary hazard analysis, in addition to showing that any recommendations from the latter have been appropriately implemented.*

52. A final hazard analysis of the proposed development. The analysis should be prepared in accordance with the Department of Urban Affairs and Planning's Hazardous Industry Planning Advisory Paper No. 6, "Guidelines for Hazard Analysis".

The analysis shall in particular address the issues relating to (i) the freeboard capacity and overflow frequency for the TSF as raised in recommendation No. 9 of the preliminary hazard analysis and (ii) the hazards associated with blasting as identified in recommendations 2 and 11 of the preliminary hazard analysis.

#### Pre-commissioning Studies

53. No later than two months prior to the commencement of commissioning of the proposed development, or within such further period as the Secretary may agree, the Applicant shall prepare and submit for the approval of the Secretary the studies set out under subsections (a) and (b) (the pre-commissioning studies). Commissioning shall not commence until the Secretary has given approval.

##### (a) EMERGENCY PLAN

A comprehensive emergency plan and detailed emergency procedures for the proposed development. This plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The



plan shall be in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1, "Industry Emergency Planning Guidelines". The plan should address the matters raised in recommendation No. 5 of the preliminary hazard analysis.

(b) SAFETY MANAGEMENT SYSTEM

A document setting out a comprehensive safety management system, covering all operations on-site and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records shall be kept on-site and shall be available for inspection by the **Secretary** upon request. The Safety Management System shall be developed in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 9, "Safety Management".

The safety management system should take into account recommendations 2 and 8 of the preliminary hazard analysis.

FOR INFORMATION

APPENDIX 1

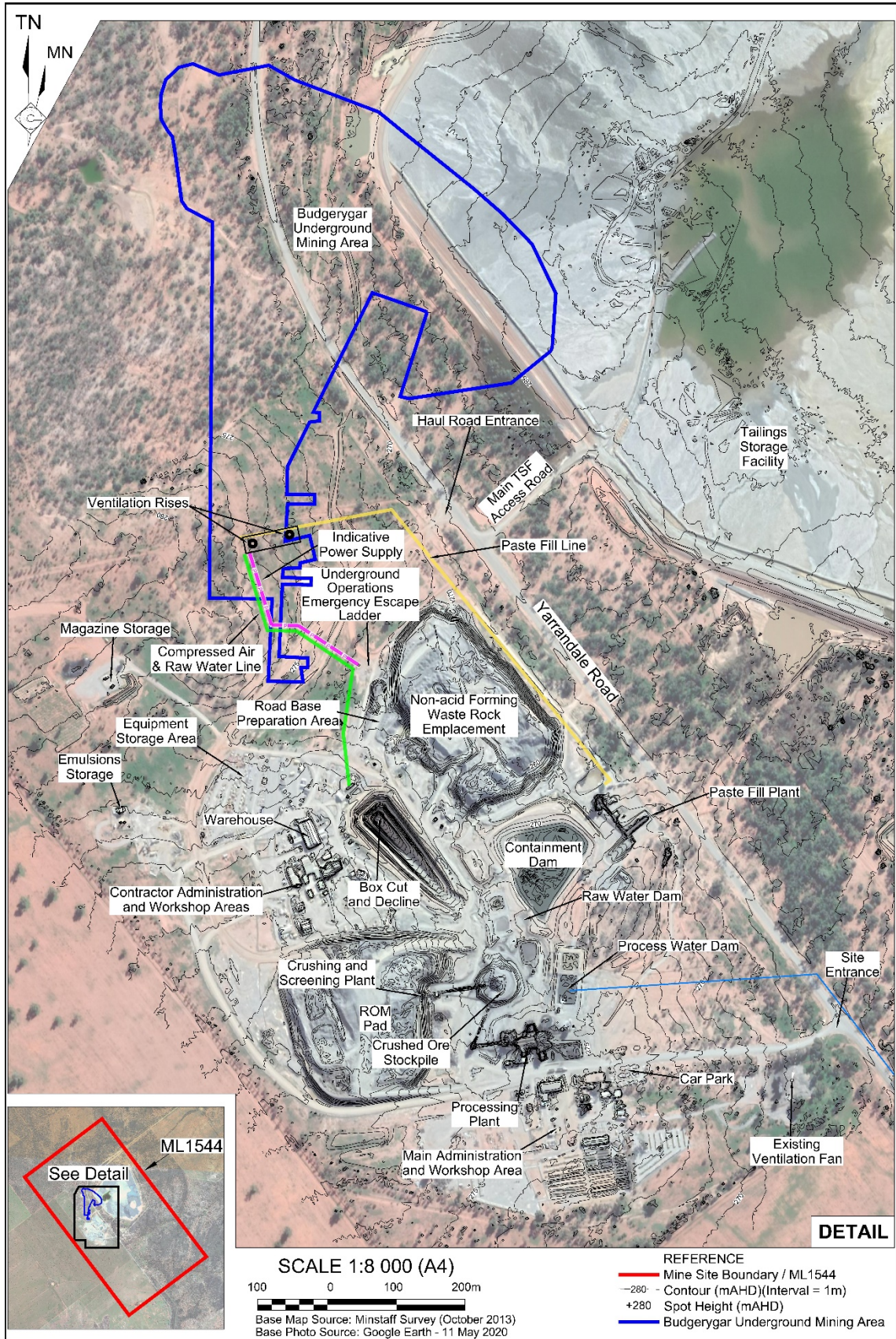


Figure 1 – Development Layout