



Tritton Resources Limited – Avoca Tank Modification 2 (Administrative)

Statement of Environmental Effects

31 March 2025

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AMENDMENTS

Rev.	Date	Section	Page	Developed By	Nature of Amendment
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1. INTRODUCTION

The Avoca Tank Project (the Project) is an approved mining project located in the central west region of New South Wales (NSW), approximately 7 km northwest of the Girilambone township and 55 km northwest of Nyngan, in the Bogan Shire Council Local Government Area (LGA). The Project is owned by Tritton Resources Pty Ltd (Tritton Resources) a wholly owned subsidiary of Aeris Resources Ltd (Aeris). Within the Project region, Tritton Resources also own the Murrawombie Copper Mine, the North East Copper Mine and the Tritton Copper Mine.

The location of the Project and existing operations are shown on 1.

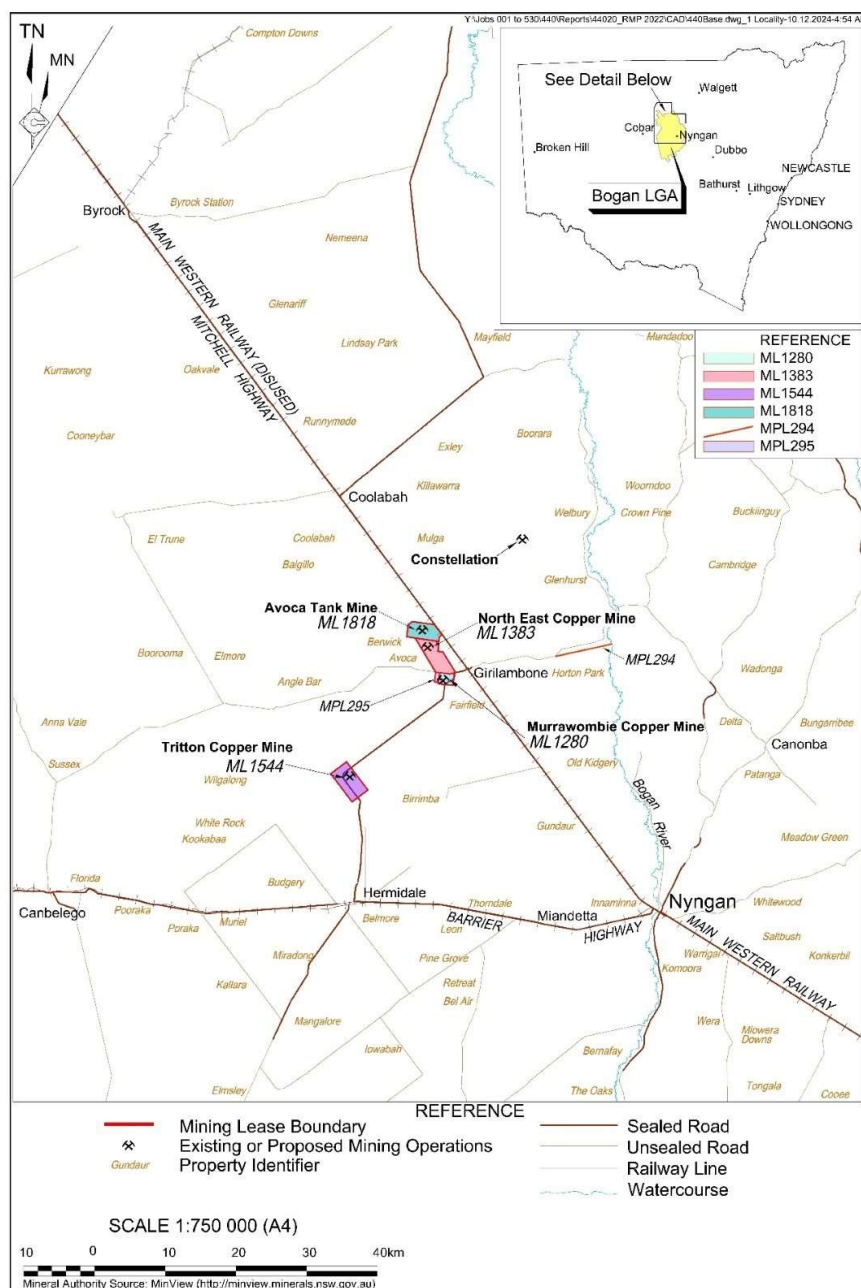


Figure 1 Project Location

2. APPROVAL HISTORY

2.1 Initial Approval

The initial development application (DA 10/2015/004/001) was approved by Bogan Shire Council¹ on 15 September 2016 under Part 4 of the *Environmental Planning and Assessment Act 1979*. The approved development was based on an Environmental Impact Statement prepared by R W Corkery and Co (July 2014) (R W Corkery 2014) and included considerable surface development to support an underground mine including:

- a box-cut, portal, decline and underground workings and two vertical rises (one equipped as an emergency egress and the other with a ventilation fan at the surface);
- a temporary (surface) waste rock emplacement (WRE) area – for waste rock from the box-cut, initial sections of the decline and underground workings;
- extension of infrastructure from the adjacent North East Copper Mine, including a site access road, water pipeline and powerline; and
- other surface infrastructure, including a mine water pond, run-of-mine (ROM) stockpile pad, laydown area, fuel store and refuelling bay, and hardstand area comprising a workshop, mobile plant parking area, washdown bay and dismountable offices (including a crib room and ablution facilities).

The approved Project allowed for a total disturbance area of 34 ha. The principal infrastructure contributing to this footprint were the waste rock emplacement, site access and haul roads, the box cut, the hardstand area and the ROM pad. The approved layout of the site is shown in **Figure 2**.

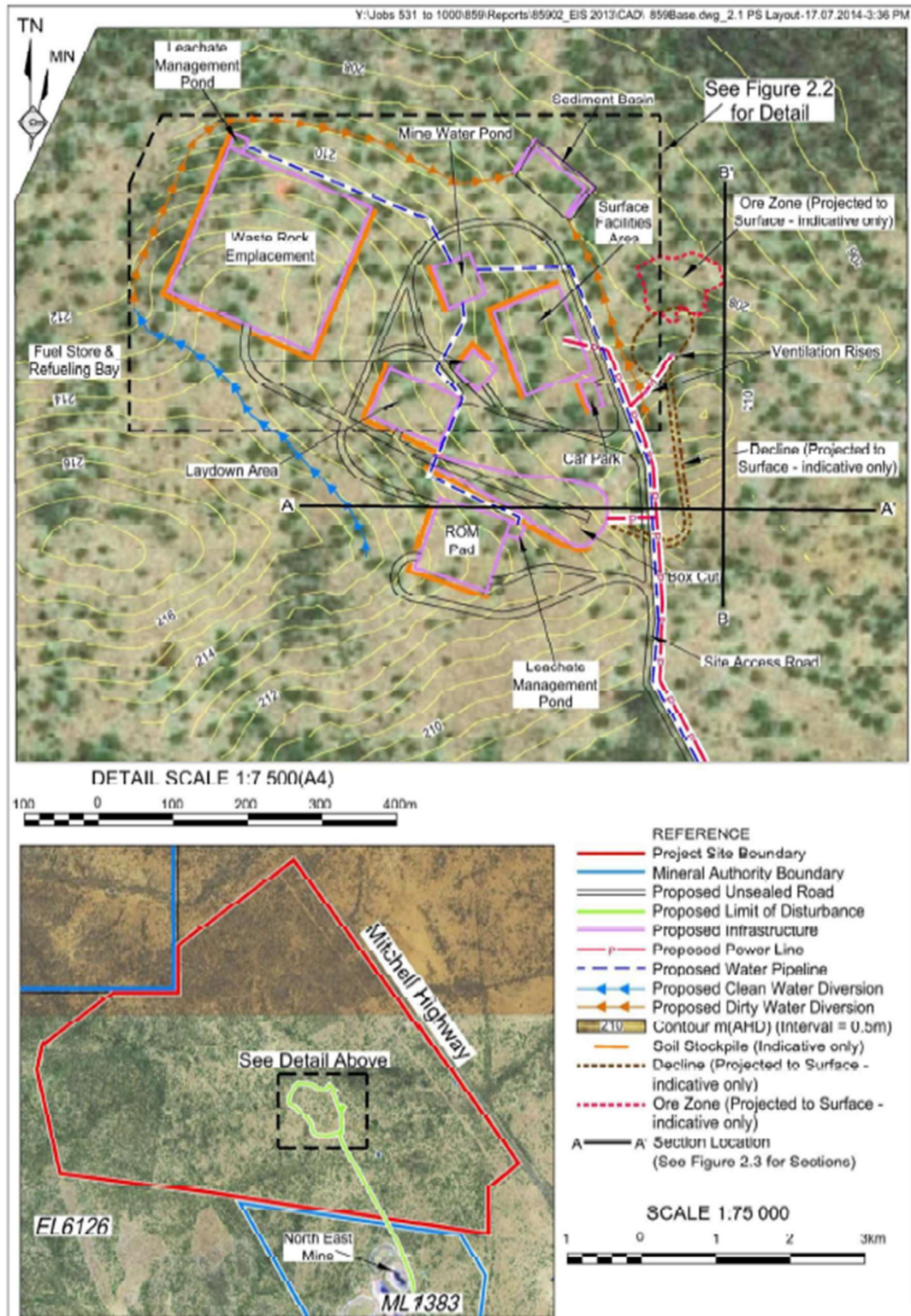
The Project was approved to extract copper-gold-silver ore material, at a maximum production rate of approximately 316,000 tonnes per annum.

Ore material from the Project was approved for transport and processing at the Tritton Processing Facility, located at the Tritton Copper Mine.

The approved mine life was for a total of seven years, including:

- Infrastructure development – 1 year
- Mining – four years
- Decommissioning and rehabilitation – 2 years

¹ Assessed and approved by the Western Region Joint Regional Planning Panel



2.2 Modification 1

Modification 1 to DA 10/2015/004/001 was approved by Bogan Shire Council on 7 October 2021 (DA 10/2015/004/002) under Part 4 of the *NSW Environmental Planning and Assessment Act 1979*.

The approved (modified) development was considered '*substantially the same development for which consent was originally granted*' and was based on a Statement of Environmental Effects prepared by AARC (April 2021) (AARC 2021).

The approved development application included the removal of several elements from the surface disturbance area, through the utilisation of existing infrastructure on the adjacent North East Copper Mine. The modified Project required a total of 5.6 ha of disturbance, reducing the approved disturbance of the Project by 28.4 ha.

The modified Project utilised the existing portal in Hartman's Pit, that provided access to the North East underground mine. An underground decline was constructed from the existing underground workings of the North East underground mine, to reach the Project resource. This alternative access facilitated the removal of most of the approved Project's surface development, through use of the existing infrastructure at North East Copper Mine.

The approved Modification included the following key elements:

- access to the Project resource via an underground decline from the North East underground mine, from the existing portal in Hartman's Pit;
- use of existing infrastructure on North East Copper Mine (including the existing portal, ROM pad, waste rock emplacement (WRE), laydown area, infrastructure area, water management structures);
- establishment of a third ventilation rise, laydown area and office on the Avoca Tank mining lease; and
- removal of the bulk of the approved Project infrastructure, including the box-cut and portal, waste rock emplacement, ROM pad, and various supporting surface infrastructure from the approved surface development area, including the mine water pond, sediment basin, leachate management pond, laydown area, fuel store and refuelling bay, hardstand area (comprising the workshop, mobile plant parking area, washdown bay and dismountable offices, crib room and ablution facilities).

The key infrastructure components of the approved Modification 1 are shown in **Figure 3**.

Construction of the development commenced in October 2021.

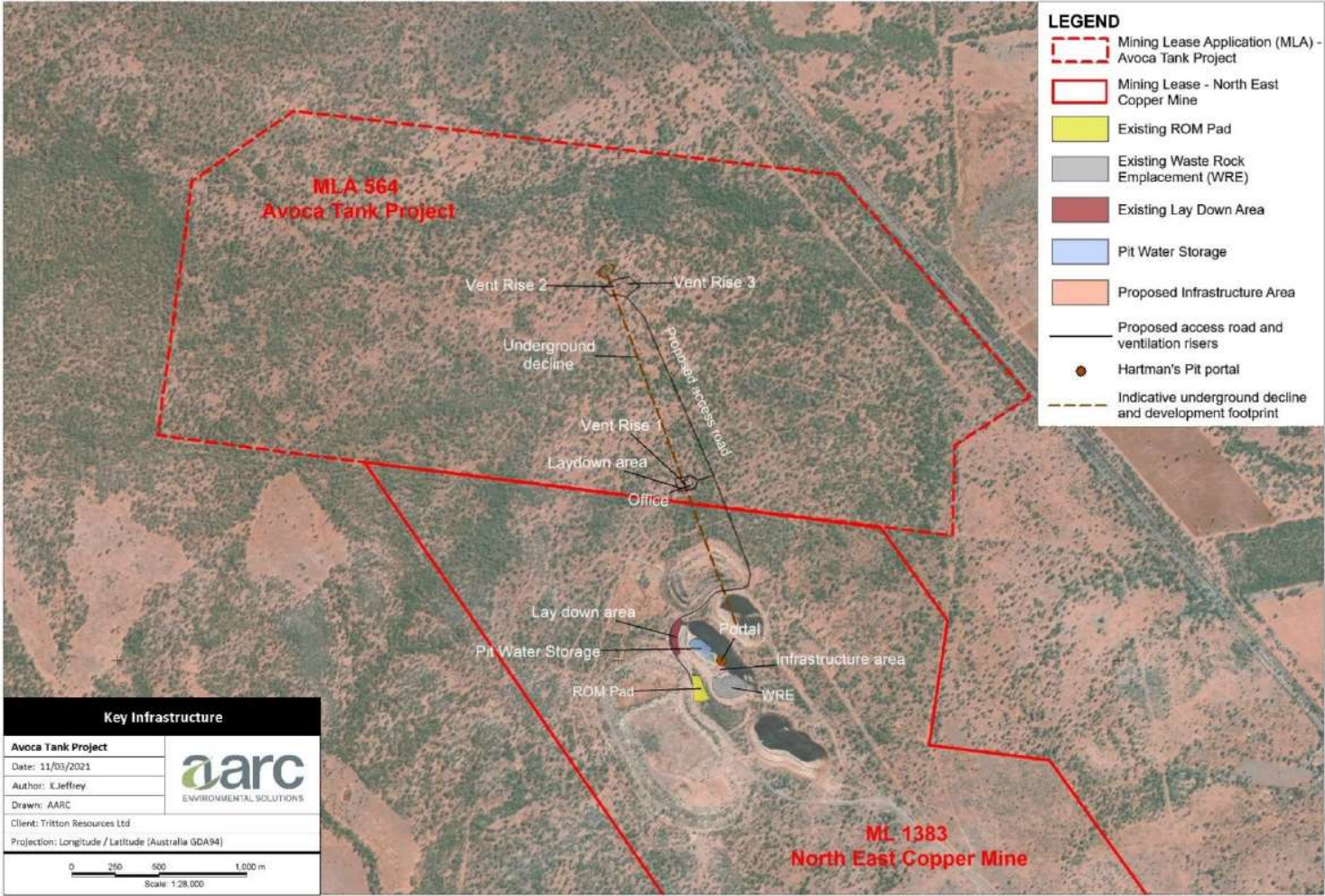


Figure 3 Modification 1 approved site layout

3. OVERVIEW OF THE PROPOSED MODIFICATION

Tritton Resources Limited (TRL) are seeking an ‘administrative’ modification to the current Development Consent (DA 10/2015/004/002), the purpose of which is to:

- remove / modify consent requirements to reflect the minimal disturbance and impacts associated with the project;
- remove duplication with other licences and permit conditions; and
- align DA 10/2015/004/002 with other TRL development consents where applicable.

The overall aim of the modification is to remove or modify onerous conditions of consent that are not commensurate with the level of disturbance and impacts associated with the project.

This modification application has been prepared by Tritton Resources Limited with specialist support from:

- Dean Woods, Senior Environmental Consultant – Atlantech;
- Jeff Burton, Director - Burton Environmental.

3.1 Document Structure

The structure of this document includes the following sections:

Sections 1 – 3	Overviews the approved Project, the proposed Modification and the associated benefits;
Section 4	Describes the regulatory context and statutory planning considerations relevant to the proposed Modification;
Section 5	Describes the key components of the proposed Modification;
Section 6	Considers environmental effects / impacts that may arise from the proposed modification;
Section 7	Conclusion;
Section 8	References.

4. REGULATORY FRAMEWORK

4.1 Commonwealth Legislation

4.1.1 Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides a framework to protect and manage nationally and internationally important flora, fauna, ecological communities, and heritage places, which are defined in the EPBC Act as Matters of National Environmental Significance (MNES). The EPBC Act establishes nine MNES, being:

- world heritage properties;
- national heritage places;
- wetlands of international importance (Ramsar wetlands);
- nationally listed threatened species and ecological communities;
- migratory species;
- Commonwealth marine areas;
- the Great Barrier Reef Marine Park;
- nuclear actions (including uranium mines); and
- a water resource, in relation to coal seam gas development and large coal mining development.

The EPBC Act requires assessment and approval for any activity that has, or is likely to have, a significant impact on a MNES. The Commonwealth Minister for the Environment is the consent authority for determining whether a proposed action requires approval under the EPBC Act.

The Ecology Assessment completed for the Project's EIS (R W Corkery 2014) previously undertook a detailed assessment of the requirement for an approval under the EPBC Act. At the time of the assessment, it was determined that an EPBC Act Referral would not be required (R W Corkery 2014). An updated assessment of the listing status of species and communities under the EPBC Act has similarly determined that the proposed modified Project is unlikely to have an impact on MNES and will therefore not require an EPBC Act Referral (AARC 2021).

This proposed modification is administrative in nature and does not alter previously assessed impacts that may affect any MNES.

4.2 NSW Legislation

4.2.1 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (NSW) (POEO Act) seeks principally to protect, restore and enhance the quality of the environment in New South Wales, with regard to maintaining ecologically sustainable development. Relevantly, the POEO Act provides a regulatory framework for environmental protection, requiring operations to obtain an Environment Protection Licence (EPL) for scheduled activities likely to impact on the environment, or cause pollution.

TRL holds EPL 4501 for the approved Project which is regularly revised and updated by the Environmental Protection Authority, with the most recent update being 13 February 2025. It is noted that Condition B37 of the Avoca Tank Project Development Consent (DA 10/2015/004/002) duplicates standard conditions from EPL 4501, as such, as part of this modification application, TRL are seeking the removal of Condition B37 from DA 10/2015/004/002. Justification for removal of this condition includes:

- Due to periodic review and update of EPL 4501 by the Environmental Protection Authority, alignment between Condition B37 (DA 10/2015/004/002) and EPL 4501 (as varied) is difficult to maintain, requiring a modification to DA 10/2015/004/002 each time EPL 4501 is modified.
- Regardless of Condition B37 (DA 10/2015/004/002) TRL are bound by the POEO Act to comply with all conditions imposed by EPL4501, as such there is no benefit in duplicating conditions in DA 10/2015/004/002.

4.2.2 Environmental Planning and Assessment Act 1979

Tritton Resources is seeking to modify the existing Avoca Tank DA (DA No. 10/2015/004/002) under Section 4.55(1A) of the EP&A Act.

Section 4.55(1A) provides that the consent authority (in this case Council) may modify a consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modification is considered to be administrative in nature, resulting in no additional environmental impact. The proposed Modification therefore meets the 'minimal environmental impact' requirement established by section 4.55(1A)(a).

For completeness, potential environmental impacts that may arise from the administrative change to the Development Consent have also been assessed in **Section 6**.

4.2.3 Environmental Planning and Assessment Regulation 2000

In accordance with Section 4.55(3) and Section 4.15(1) of the EP&A Act, the consent authority (Council) must consider the Environmental Planning and Assessment Regulation 2000 (NSW) (EP&A Regulation) where relevant, when determining a development application.

Schedule 2 of the EP&A Regulation requires proposed developments to be justified in regard to the principles of ecologically sustainable development. While this is a statutory requirement for an EIS, it is noted that these principles also provide guidance for the assessment of proposed Modifications.

The four principles of ecologically sustainable development are:

1. the precautionary principle;
2. inter-generational equity;
3. conservation of biological diversity and ecological integrity; and
4. improved valuation, pricing and incentive mechanism.

The four principles are defined within Schedule 2, Part 3 (7)(4) of the EP&A Act as follows:

- a) *the precautionary principle, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by—*
 - i. *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - ii. *an assessment of the risk-weighted consequences of various options,*
- b) *inter-generational equity, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- c) *conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- d) *improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services, such as—*
 - i. *polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - ii. *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - iii. *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The principles of ecologically sustainable development relevant to the proposed modification have been considered below.

The precautionary principle

Engagement with environmental consultants was undertaken to identify potential risks associated with the proposed Modification. The results of the environmental review and assessment are summarised in **Section 6**.

Inter-generational equity

Section 6 considers the potential impacts associated with the proposed Modification. No additional impacts were identified, therefore there is no change to previous statements (AARC 2021) regarding inter-generational equity. Environmental monitoring and reporting will continue as described in the approved environmental management plans.

Conservation of biological diversity and ecological integrity

Section 6 considers the potential ecological impacts associated with the proposed Modification. No additional impacts were identified, therefore there is no change to previous statements (AARC 2021) regarding the conservation of biological diversity and ecological integrity.

As required by Condition B2, of the Avoca Tank Development Consent (DA 10/2015/004/002) TRL have retired biodiversity credits associated with Modification 1 of the Project.

Improved valuation, pricing and incentive mechanism

Not Applicable. The proposed modification is administrative in nature, as such there is no change to previous statements (AARC 2021) regarding valuation, pricing and incentive mechanisms. The proposed Modification will however improve efficiencies in complying with the various development consents, permits and licences associated with the Avoca Tank Project.

4.2.4 Water Management Act 2000

The objects of the Water Management Act 2000 (NSW) (WM Act) are to provide for the sustainable and integrated management of NSW's water sources for the benefit of current and future generations. The WM Act seeks to provide and encourage the sustainable use of water sources, while aiming to provide water security to water users. These objectives are supported by the implementation of Water Sharing Plans (WSP), which establish rules for water users while balancing the environmental needs of the river or aquifer. To take water for a particular purpose, potential users are required to obtain a Water Access Licence (WAL). Licence holders are entitled to specified shares in the available water within a particular water management area or water source (i.e. are allocated a share component) and to take water at specified times, rates or circumstances. Water use for the Project region is regulated under the Water Sharing Plan for the Macquarie-Bogan Unregulated and Alluvial Water Sources (2012) (Lachlan Fold Belt Murray Darling Basin Groundwater Source), and the Water Sharing Plan for NSW Murray-Darling Basin Fractured Rock Groundwater Sources (2012) (Lower Bogan River Water Source).

Tritton Resources holds three WALs for take of water for the North East, Murrawombie and Tritton operations. An additional WAL has been obtained to access groundwater entitlements and account for groundwater inflow to the underground workings at the Avoca Tank Project.

Condition B33 of the Avoca Tank Project Development Consent (DA 10/2015/004/002) duplicates standard 'Works Approval' conditions. As part of this modification application, TRL are seeking the removal of Condition B33 from the DA 10/2015/004/002. Justification for removal of this condition includes:

- Regardless of Condition B33 (DA 10/2015/004/002) TRL are bound by the Water Management Act 2000 to comply with all conditions imposed by works approval and water access licences, as such there is no benefit in duplicating conditions in DA 10/2015/004/002.

4.2.5 Biodiversity Conservation Act 2016.

At the time of initial consent, the controlling state legislation for the protection of flora and fauna values was the Threatened Species Conservation Act 1995 (NSW) (TSC Act). The TSC Act has since been repealed and replaced with the Biodiversity Conservation Act 2016 (NSW) (BC Act). The BC Act outlines the framework for addressing impacts on biodiversity from development and clearing and establishes the Biodiversity Offsets Scheme - a framework for the delivery of biodiversity offsets to compensate for unavoidable biodiversity impacts.

The modified Project (Modification 1 DA 10/2015/004/002) reduced impacts to vegetation, however, the remaining impacts to the 'Poplar Box – Gum-barked Coolabah – White Cypress Pine shrubby woodland mainly in the Cobar Penneplain Bioregion' required offsetting in accordance with the Biodiversity Offset Scheme. As required by Condition B2, of the Avoca Tank Development Consent (DA 10/2015/004/002) TRL have retired biodiversity credits associated with Modification 1 of the Project.

Section 6 assessed and identified that as part of the proposed modification, there are no associated impacts to biodiversity.

5. THE PROPOSED MODIFICATION

This section outlines the proposed administrative modification to the Avoca Tank Development Consent (DA 10/2015/004/002).

Table 1 below provides the development consent number (by exception²), development consent wording, the proposed modification and justification for modification. Where alternate / additional wording is suggested, this is indicated by maroon text.

² Only consent conditions for which TRL are seeking a modification to are included in Table 1, all other consent conditions remain as per DA 10/2015/004/002

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Table 1 Proposed Modification to DA 10/2015/004/002

DA 10/2015/004/002		Proposed Modification	
Condition No.	Existing Wording	Proposed change / wording	Justification
B13	The applicant shall take all reasonable measures to prevent the ignition and/or spread of bushfires, in accordance with the <i>Schedule of Onshore Petroleum Operations and Production Safety Requirements (1992)</i>	"The applicant shall take all reasonable measures to prevent the ignition and/or spread of bushfires, in accordance with the Bushfire Management Plan, prepared to the satisfaction of the Bogan Shire Council ".	Existing reference is out of date and provides no meaningful measures for the prevention of bushfires from an operational mine site. TRL propose that the most suitable reference is the Bushfire Management Plan, prepared to the satisfaction of the Bogan Shire Council which includes site specific measures, consistent with the EIS (R W Corkery 2014) and SEE (AARC 2021) for the project.
B15	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 the commissioning of the development and shall be prepared in accordance with the Department of Planning and Environment's <i>Hazardous Industry Planning Advisory Paper No 1 – Industry Emergency Planning Guidelines</i> .	Remove condition, or Remove reference to the Department of Planning and Environment's <i>Hazardous Industry Planning Advisory Paper</i> . "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 the commissioning of the development".	The Hazardous Industry Planning Advisory Paper Guidelines are intended to be applied for industries that are Potentially Hazardous Industries, as defined by Chapter 3 of State Environmental Planning Policy (Resilience and Hazards) 2021 (previously SEPP 33). The Avoca Tank Project is not a Potentially Hazardous Industry as it does not include the transport, use, or storage of any hazardous material in exceedance of the criteria identified in that guideline.
B16	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 Council prior to the commissioning of the development and shall be prepared in accordance with the Department of Planning and Environment's <i>Hazardous Industry Planning Advisory Paper No 9 – Safety Management</i> . For the avoidance of doubt, the SMS may be provided as an update to an existing plan in current application. The SMS shall:	Remove condition, or Remove reference to the Department of Planning and Environment's <i>Hazardous Industry Planning Advisory Paper</i> . "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 Council prior to the commissioning of the development.	The current requirement to develop plans in accordance with these guideline documents in not commensurate with risks posed by the project. In addition, the requirement to develop emergency and safety management systems is an existing requirement of the Work Health and Safety (Mines and Petroleum Sites) Act 2013.

Tritton Resources Limited – Avoca Tank Modification 2 (Administrative)

DA 10/2015/004/002		Proposed Modification	
Condition No.	Existing Wording	Proposed change / wording	Justification
	a) Clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures.	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.	
B24	The Applicant shall: a) Implement all reasonable and feasible measures to minimise the visual and lighting impacts of the Development; b) Establish effective vegetation screens; c) Ensure no outdoor lights shine above the horizontal; d) Ensure that all external lighting associated with the development complies with <i>Australian Standard AS4282 (INT) 1997 Control of Obtrusive Effects of Outdoor Lighting</i>; and e) Those measures outlines in Section 4.11.3 of the EIS are to be implemented to the satisfaction of Bogan Shire Council.	Remove Condition B24	Condition B24(e) refers to the initial EIS (R W Corkery 2014) and has since been modified. Modification 1 of the development consent resulted in the removal of the majority of surface infrastructure from the mine site and the establishment of the mine access, crib rooms, ablutions etc within the rim of the Hartman's Pit and therefore not visible by any surrounding sensitive receivers. In addition, remaining surface infrastructure is limited to ventilation fans which are located approximately 2km from any publicly accessible vantage points (Mitchell Highway) and are screened by topography and remnant woodland vegetation. There result of the modification 1 is that there are no remaining potential visual amenity issues associated with the project.

Tritton Resources Limited – Avoca Tank Modification 2 (Administrative)

DA 10/2015/004/002		Proposed Modification	
Condition No.	Existing Wording	Proposed change / wording	Justification
B33	The general terms of approval, issued by the 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.	Remove current conditions and replace with:	The 2021 amendment to the NSW Mining Act 1992 establishes new 'Standard Mining Lease Conditions' that direct the preparation of rehabilitation documents and processes. As such the current wording in Condition B33 and B34 are now obsolete.
B34	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 DRIRIS within 3 months of this approval.	"The Applicant must rehabilitate the mine site in accordance with the conditions imposed on the mining leases(s) associated with the development under the Mining Act 1992. The rehabilitation must be generally consistent with the proposed rehabilitation objectives described in the documents listed in condition A2(b) and A2(e)".	A summary of Standard Mining Lease Conditions has been replicated in Appendix A (for information). TRL are bound by the Mining Act to comply with standard mining lease conditions, as such there is no benefit in duplicating conditions (such as those contained in Appendix A) in DA 10/2015/004/002.

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DA 10/2015/004/002		Proposed Modification	
Condition No.	Existing Wording	Proposed change / wording	Justification
B35	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 Sites(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.	Remove Condition B35 and B36. Alternatively, the following condition could be inserted: The Applicant must undertake exploration activities in accordance with the conditions imposed on exploration leases(s) granted under the NSW Mining Act 1992.	Exploration activities are regulated and enforced by the NSW Mining Act 1992. The current Condition B35 and B36 duplicate existing Mining Act (1992) requirements. Regardless of Condition B35 and B36 (DA 10/2015/004/002) TRL are bound by the Mining Act to comply with exploration lease requirements and conditions, as such there is no benefit in duplicating conditions in DA 10/2015/004/002. Exploration activities must be reported as per the NSW Mining Act and exploration licence conditions. As such there is no benefit in replicating / duplicating requirements in DA 10/2015/004/002.
B36	Details of exploration activities must be documented in the Annual Environmental Management Report		
B37	The general terms of approval, issued by the EPA on the 21 July 2016, are reproduced below in their entirety, and are to be complied with for the duration of the consent.	Remove Condition B37. Alternatively, the following condition could be inserted: The Applicant must follow all conditions imposed by Environment Protection Licences issued by the Environment Protection Authority for the project premises in accordance with the POEO Act.	Compliance with Environmental Protection Licence conditions is a legal requirement of the POEO Act and actively enforced by the NSW EPA. As such there is no benefit in duplicating consent requirements and conditions. In addition: The NSW EPA periodically review and update of EPL 4501, as such maintaining alignment between Condition B37 (DA 10/2015/004/002) and EPL 4501 (as varied) is difficult, requiring a modification to DA 10/2015/004/002 each time EPL 4501 is modified.

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DA 10/2015/004/002		Proposed Modification	
Condition No.	Existing Wording	Proposed change / wording	Justification
B38 (though identified as B33 on page 17 of the DA 10/2015/004/002)	The general terms of approval, issued by 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.	Remove Condition B38. Alternatively, the following condition could be inserted: The Applicant must follow all conditions imposed by Water Access Licences / Works Approvals in accordance with the Water Management Act 2000.	Compliance with Water Licence / Works Approval conditions is a legal requirement of the NSW Water Act 2000 and actively enforced by the DPIE Water / NRAR. As such there is no benefit in duplicating consent requirements and conditions. In addition, DPIE Water periodically review and update licence conditions, as such maintaining alignment between Condition B38 (DA 10/2015/004/002) and EPL 4501 (as varied) is difficult to maintain, requiring a modification to DA 10/2015/004/002 each time Water Licences / Works Approvals are modified.
C8 (e)	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: e) Include a hazard audit of the development in accordance with the Department's Hazardous Industry Advisory Paper No 5 – Hazard Audit Guidelines:	Remove C8(e). Remove reference to the Department of Planning and Environment's <i>Hazardous Industry Planning Advisory Paper</i> .	The Hazardous Industry Planning Advisory Paper Guidelines are intended to be applied for industries that are Potentially Hazardous Industries, as defined by Chapter 3 of State Environmental Planning Policy (Resilience and Hazards) 2021 (previously SEPP 33). ATP is not a Potentially Hazardous Industry as it does not include the transport, use, or storage of any hazardous material in exceedance of the criteria identified in that guideline. The current requirement to develop plans in accordance with these guideline documents is not commensurate with risks posed by the project.

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DA 10/2015/004/002		Proposed Modification	
Condition No.	Existing Wording	Proposed change / wording	Justification
C10 (iv)	The applicant shall: a) Make the following information publicly available on its website: 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.	Remove Condition C10(a)(iv).	A comprehensive summary of monitoring results will be reported in the Annual Review (as required by Condition C4) which is required to be made available on the website. In addition Section 66(6) of the POEO Act requires licence holders to publish monitoring data that is required to be collected by a licence condition. As such there is no benefit in duplicating this requirement.

6. CONSIDERATION OF ENVIRONMENTAL EFFECTS

While this modification application is administrative in nature, an assessment has nonetheless been undertaken of potential changes to environmental aspects and impacts that may arise from the proposed changes to the Development Consent as part of this modification. **Table 2** below provides a summary of these aspects and any potential changes.

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Table 2 Consideration of Environmental Effects

Environmental Aspect	Summary of Approved Activity / Impact	Consideration of additional impact resulting from this proposed modification
As considered by R W Corkery (2014) and AARC (2021).		
Mine life	Approximately four (4) years upon commencement of mining operations	Administrative changes associated with this modification do not alter the existing approved mine life.
Production Rate	Maximum mining rate of approximately 375,000 t per year	Administrative changes associated with this modification do not alter the existing approved production rate.
Mining method and mine access	No change in mining methods. Access remains via an existing portal within the NECM Hartman's Pit.	Administrative changes associated with this modification do not alter the existing approved mining methods or access to the Avoca Tank Mine.
Disturbance Area	Total surface disturbance area of approximately 5.6 ha.	Administrative changes associated with this modification do not alter or increase the approved disturbance area.
Mining Fleet	Modification 1 included reduced equipment requirements for the construction and development phases.	Administrative changes associated with this modification do not alter or increase the approved mining fleet.
Copper ore Transport	Transport of copper ore from the existing North East Copper Mine ROM pad (located at the top of Hartman pit) to the Tritton Copper Operations processing plant.	Administrative changes associated with this modification do not alter the approved methods or routes of copper ore transport.
Copper ore Processing	As per exiting TRL ores (at Tritton Copper Mine)	Administrative changes associated with this modification do not alter the approved copper ore processing methods or location.
Tailings Management	As per exiting TRL tailings management processes (at Tritton Copper Mine TSF)	Administrative changes associated with this modification do not alter the composition or volume of tailings or alter the location of tailings disposal.

Tritton Resources Limited – Avoca Tank Modification 2 (Administrative)

Environmental Aspect	Summary of Approved Activity / Impact	Consideration of additional impact resulting from this proposed modification
As considered by R W Corkery (2014) and AARC (2021).		
Waste Rock Management	Existing waste rock emplacement (WRE) in Hartman's Pit to be used.	Administrative changes associated with this modification do not alter the volume of waste rock or alter the location of waste rock disposal.
Waste Management	Non-production waste types produced by the Project to be managed as per the approved Waste Management Plan. Includes use of the existing landfill at Tritton Copper Mine.	Administrative changes associated with this modification do not alter the volume or types of waste generated or the locations and methods of waste handling and disposal.
Water Management	Use of existing pump and pipeline infrastructure and water storage structures servicing the North East Copper Mine. Existing water storage in bottom of Hartman's Pit will be utilised for storage and used in underground operations.	Administrative changes associated with this modification do not alter water sources, volumes, flow paths or any other aspect of water management. TRL propose to remove Condition B38 as part of this modification. Condition B38 duplicates water licence / works approval conditions, that are otherwise imposed by the Water Management Act 2000. Regardless of Condition B38, TRL must continue to comply with this condition as required by the Water Management Act 2000.
Underground ventilation	Two rises with one equipped as an emergency egress and the other with a nominal 200 m3/s capacity ventilation fan. Modification 1 included an additional ventilation rise to be installed on the Avoca Tank mining lease as part of the decline establishment.	Administrative changes associated with this modification do not alter the location or methods of underground ventilation.
Ancillary Infrastructure	Use of existing ancillary infrastructure on North East Copper Mine and Murrawombie Copper Mine. Establishment of crib room, ablution facilities etc on existing disturbed areas on North East Copper Mine. Partial construction of the site access road from North East Copper Mine and on-site access tracks.	Administrative changes associated with this modification do not alter the location or extent of surface infrastructure.

Tritton Resources Limited – Avoca Tank Modification 2 (Administrative)

Environmental Aspect	Summary of Approved Activity / Impact	Consideration of additional impact resulting from this proposed modification
As considered by R W Corkery (2014) and AARC (2021).		
Electricity Supply	Use of the existing 11 kV power line that formerly supplied electricity to North East Copper Mine from the main substation at Murrawombie Copper Mine	Administrative changes associated with this modification do not alter the source of electricity supply to the Avoca Tank Mine.
Operational hours	24 hours per day, 7 days a week	Administrative changes associated with this modification do not alter the hours of operation.
Workforce	Approximately 55 full-time equivalent positions during construction and operation	Administrative changes associated with this modification do not alter the size of the operational workforce.
Rehabilitation	As per standard mining lease conditions and the required <i>North East Mine and Avoca Tank Mine Rehabilitation Management Plan</i> (R W Corkery 2024) - capping and sealing the two rises; - rehabilitation of the remaining surface infrastructure area on the Avoca Tank Project site; and - retention of the site access road.	TRL are seeking the rewording of Conditions B33 and B34 to reflect the 2021 amendment to the NSW Mining Act 1992 which establishes new 'Standard Mining Lease Conditions' that direct the preparation of rehabilitation documents and processes. Amendment of these conditions does not alter the proposed rehabilitation as described in R W Corkery (2014) and AARC (2012), however, does alter the administrative process and documents where rehabilitation is described and planned.
Land Uses	Pre-mining land use for new disturbance areas is Agricultural. Following the completion of mining, surface disturbance areas (outside of the NECM infrastructure areas) will be returned to the same land use as per the <i>North East Mine and Avoca Tank Mine Rehabilitation Management Plan</i> (R W Corkery 2024).	Administrative changes associated with this modification do not alter the land uses surrounding the mine nor the post mining land uses as described in R W Corkery (2014) and AARC (2012).

Tritton Resources Limited – Avoca Tank Modification 2 (Administrative)

Environmental Aspect	Summary of Approved Activity / Impact	Consideration of additional impact resulting from this proposed modification
As considered by R W Corkery (2014) and AARC (2021).		
Biodiversity	The EIS Ecology Assessment (R W Corkery 2014) considered that the clearing of 34 ha (as per above) was unlikely to impact threatened fauna or flora. The only threatened flora identified on the Project, the Cobar Greenhood Orchid (<i>Pterostylis cobarensis</i>), was recorded well outside of the approved disturbance area and would not be cleared. Except for the Grey-crowned Babbler (<i>Pomatostomus temporalis temporalis</i>) all threatened fauna species are highly mobile and are unlikely to be confined to the boundaries of the Project site. The Grey-crowned Babbler was observed a significant distance from the approved disturbance area given the species small home range (1 – 50 ha) no habitat utilised by the species would be cleared. As per existing conditions (Condition B2), biodiversity credits associated with the project have been retired.	Administrative changes associated with this modification do not alter or increase any land disturbance or impacts to biodiversity values associated with the project.
Aboriginal Cultural Heritage	Various indigenous heritage artefacts have been identified on or near the Project site (R W Corkery 2014). Identified artefacts include stone artefacts (artefact scatter and a single silcrete artefact), hearths, a historic scar tree and an Aboriginal Stockman's camp. The EIS Aboriginal Heritage Assessment determined the approved Project would avoid impacts to all identified Aboriginal heritage sites.	Administrative changes associated with this modification do not alter or increase any land disturbance or impacts to Aboriginal Cultural heritage values in the vicinity of the project.
European Historic Heritage	Two European cultural heritage sites were identified on the Project site (R W Corkery 2014). The cultural significance of these sites has been determined as 'low'. Based on the location of the identified European heritage sites, the approved Project layout would avoid any impacts to European heritage values.	Administrative changes associated with this modification do not alter or increase any land disturbance or impacts to European Historic Heritage values in the vicinity of the project.

Tritton Resources Limited – Avoca Tank Modification 2 (Administrative)

Environmental Aspect	Summary of Approved Activity / Impact	Consideration of additional impact resulting from this proposed modification
As considered by R W Corkery (2014) and AARC (2021).		
Groundwater	There are three groundwater users within the surrounding Project region (R W Corkery 2014). The groundwater within the Project region is of limited suitability for beneficial purposes and of marginal use for stock watering. The approved Project is unlikely to impact groundwater users due to drawdown or groundwater quality impacts. The nearest high-priority Groundwater Dependent Ecosystem (GDE) is approximately 150 km from the Project (R W Corkery 2014) and well outside the predicted groundwater drawdown extent. Given there are no high priority GDEs located within the predicted drawdown extent, the approved Project would not impact any high-priority GDEs.	Administrative changes associated with this modification do not alter or increase any impacts to groundwater levels, groundwater quality, groundwater dependent ecosystems or local groundwater users in the vicinity of the project.
Surface Water	Water supply to the Project is consistent with approvals, utilising existing WALs. The Project uses existing water management infrastructure of the North East Copper Mine, including the pipeline and pump infrastructure. Water management on the North East Copper Mine is managed in accordance with the existing Water Management Plan	Administrative changes associated with this modification do not alter water sources, volumes, flow paths or any other aspect of water management. TRL propose to remove Condition B38 as part of this modification. Condition B38 duplicates water licence / works approval conditions, that are otherwise imposed by the Water Management Act 2000. Regardless of Condition B38, TRL must continue to comply with this condition as required by the Water Management Act 2000.
Noise	Noise from the approved Project (including construction, operation and road traffic noise) would comply with relevant criteria (R W Corkery 2014). Cumulative noise emissions associated with the Project and the North East Copper Mine would be insignificant (R W Corkery 2014).	Administrative changes associated with this modification do not alter the location or extent of any noise emitting surface infrastructure or mobile fleet.
Air Quality	Dust from the Project is highly unlikely to exceed the air quality guidelines at private dwellings surrounding the Project site (R W Corkery 2014).	Administrative changes associated with this modification do not alter or increase the generation of dust or impacts associated with dust emissions.

Tritton Resources Limited – Avoca Tank Modification 2 (Administrative)

Environmental Aspect	Summary of Approved Activity / Impact	Consideration of additional impact resulting from this proposed modification
As considered by R W Corkery (2014) and AARC (2021).		
Airblast Overpressure	Airblast overpressure from the Project would comply with relevant criteria (R W Corkery 2014).	Administrative changes associated with this modification do not alter or increase the generation of blast related overpressure or ground vibration emissions.
Ground Vibration	Ground vibration from the Project would comply with relevant criteria (R W Corkery 2014).	
Hazardous Materials	No hazardous materials or substances will be stored or used at the Avoca Tank Project following the Modification 1 removal of the majority of surface infrastructure.	Administrative changes associated with this modification do not allow the storage or use of any hazardous materials or substances. TRL are seeking the removal of reference to the Department of Planning and Environment's <i>Hazardous Industry Planning Advisory Papers</i> . TRL assert that <i>Hazardous Industry Planning Advisory Papers</i> do not apply to the Avoca Tank Project as the project is not considered a Potentially Hazardous Industry and does not involve the transport, use, or storage of any hazardous materials.
Traffic and Transportation	The approved project utilises existing access tracks and roads from Hartmans Pit to the Murrawombie Copper Mine. Ore is transported by road registered trucks from the Avoca tank Project to the Tritton Copper Mine for processing.	Administrative changes associated with this modification do not alter or increase traffic movements or access and haul routes associated with the project.
Visual amenity	Infrastructure as approved by Modification 1 ((DA 10/2015/004/002) does not result in visual amenity impacts to any sensitive receptor. Additionally, most of the Project's operational activities are within Hartman's Pit and would not be in direct line of site of any neighbouring properties (including the use of lighting towers).	Administrative changes associated with this modification do not alter or increase visual amenity impacts associated with the project.

Tritton Resources Limited – Avoca Tank Modification 2 (Administrative)

Environmental Aspect	Summary of Approved Activity / Impact	Consideration of additional impact resulting from this proposed modification
As considered by R W Corkery (2014) and AARC (2021).		
Bush Fire	Infrastructure as approved by Modification 1 ((DA 10/2015/004/002) does not increase the bushfire threat for the Project. Bush fire threat on the North East Copper Mine site is managed in accordance with the existing Bushfire Management Plan.	Administrative changes associated with this modification do not alter or increase bush fire risks associated with the project. TRL are seeking amendment to Condition B13 and the removal of an out of date reference. TRL propose that bushfire measures are included in a Bushfire Management Plan to be developed to the satisfaction of Bogan Shire Council and include measures as described in R W Corkery (2014) and AARC (2021).
Socio-Economic	The project as approved by Modification 1 ((DA 10/2015/004/002) does not significantly alter the predicted social or economic contributions of the Project from the initial EIS.	Administrative changes associated with this modification do not materially alter or increase socio-economic impacts or benefits associated with the project. It is anticipated that internal efficiencies will be gained through the removal of several onerous conditions and the removal of duplicate (with other instruments) consent requirements.

7. CONCLUSION

TRL propose a number of administrative changes to the Avoca Tank Project Development Consent DA 10/2015/004/002, the purpose of which is to:

- remove / modify consent requirements to reflect the minimal disturbance and impacts associated with the project;
- remove duplication with other licences and permit conditions; and
- align DA 10/2015/004/002 with other TRL development consents where applicable.

The overall aim of the modification is to remove or modify onerous conditions of consent that are not commensurate with the level of disturbance and impacts associated with the project.

This Statement of Environmental Effects has considered the proposed administrative amendments against:

- legislative requirements;
- the principles of ecologically sustainable development; and
- any potential increases in environmental or community impacts

These assessments have demonstrated that the proposed administrative Modification would not have any additional environmental or socio-economic impacts and is consistent with the principles of ecologically sustainable development.

As this proposed modification is administrative in nature, no additional management or mitigation measures are considered relevant. TRL will continue to implement measures as contained in R W Corkery (2014), AARC (2021) and those contained in approved management plans, required by the existing development consent.

8. REFERENCES

AARC (2021) Avoca Tank Modification 1 – Statement of Environmental Effects (Prepared for Aeris Resources)

R.W. Corkery & Co (2014) Environmental Impact Statement – Avoca Tank Project. Prepared for Tritton Resources Pty Ltd.

R W Corkery & Co (2024) North East Mine and Avoca Tank Mine Rehabilitation Management Plan. Prepared for Tritton Resources Pty Ltd.

9. APPENDIX A – STANDARD MINING LEASE CONDITIONS



New South Wales

Mining Amendment (Standard Conditions of Mining Leases—Rehabilitation) Regulation 2021

under the

Mining Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mining Act 1992*.

JOHN BARILARO, MP

Deputy Premier, Minister for Regional New South Wales, Industry and Trade

Explanatory note

The object of this Regulation is to prescribe standard conditions of mining leases granted under the *Mining Act 1992*. The conditions broadly relate to environmental management, protection and rehabilitation of land that is or may be affected by activities under mining leases.

The conditions include requirements relating to the following—

- (a) preventing or minimising harm to the environment,
- (b) ensuring rehabilitation occurs promptly and achieves the final land use,
- (c) carrying out rehabilitation risk assessments,
- (d) preparing documents relating to rehabilitation and having some of them approved,
- (e) keeping records of compliance and reporting on non-compliance,
- (f) nominating contact persons,
- (g) giving notice in relation to development applications and modifications of development consent.

This Regulation is made under the *Mining Act 1992*, including section 388, the general regulation-making power, Schedule 1B, Part 3, clauses 7–7B, and Schedule 4, clauses 2 and 9.

Mining Amendment (Standard Conditions of Mining Leases—Rehabilitation) Regulation 2021

under the

Mining Act 1992

1 Name of Regulation

This Regulation is the *Mining Amendment (Standard Conditions of Mining Leases—Rehabilitation) Regulation 2021*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Mining Regulation 2016

[1] Clause 31A

Insert after clause 31—

31A Standard conditions of mining leases

- (1) For the purposes of the Act, Schedule 1B, clause 7, the provisions of Schedule 8A, Part 2 are prescribed as conditions of a mining lease.

Note— A contravention of a condition of a mining lease by a person—

- (a) constitutes an offence under the Act, section 378D by each holder of the lease, and
 - (b) if committed by a corporation, constitutes an executive liability offence, and
 - (c) is grounds for cancellation of the lease under the Act, section 125.
- (2) The conditions do not apply to a mining lease that is in force on the commencement day—
- (a) for a large mine—until the day that is 12 months after the commencement day, or
 - (b) for a small mine—until the day that is 24 months after the commencement day.

- (3) In this clause—

commencement day means the day on which the *Mining Amendment (Standard Conditions of Mining Leases—Rehabilitation) Regulation 2021* commences

large mine and **small mine** have the same meanings as in Schedule 8A.

[2] Schedule 8A

Insert after Schedule 8—

Schedule 8A Standard conditions of mining leases

clause 31A

Part 1 Preliminary

1 Definitions

In this Schedule—

activities under a mining lease includes ancillary mining activities under the mining lease.

Note— The Act, Schedule 1B, clause 7B(3) restricts the extent to which a condition may regulate the carrying out of an ancillary mining activity on land that is outside the mining area.

annual rehabilitation report—see clause 13(2).

annual reporting period—see clause 13(5).

final land use—see clause 6.

final landform and rehabilitation plan—see clause 12(1)(c).

forward program—see clause 13(1).

large mine means a mine the subject of one or more mining leases, the carrying out of activities under at least one of which requires an environment

protection licence under the *Protection of the Environment Operations Act 1997*.

mining area includes, for a mining lease that does not include the surface of land, the part of the surface of land on which the holder of the mining lease is authorised, in accordance with the Act, section 81, to carry out activities.

Note— This definition extends the definition of **mining area** included in the Act, Dictionary.

rehabilitation completion criteria statement—see clause 12(1)(b).

rehabilitation management plan—see clause 10(1).

rehabilitation objectives statement—see clause 12(1)(a).

rehabilitation outcome documents—see clause 12(1).

small mine means a mine that is not a large mine.

2 Functions of Secretary—approval of rehabilitation outcome documents

- (1) In deciding whether to approve a rehabilitation outcome document under clause 13, the Secretary must take into account—
 - (a) the extent to which the document is consistent with the final land use for the mining area, and
 - (b) any other matters the Secretary considers relevant.
- (2) If the Secretary does not approve the document, the Secretary must give written notice to the holder of the mining lease of the following—
 - (a) the refusal,
 - (b) the reasons for the refusal,
 - (c) the time within which a revised document must be given to the Secretary for approval.

3 Assessments and documents may relate to more than 1 mining lease

- (1) The Secretary may, on application by a person (the **applicant**), approve multiple mining leases relating to the same mine being treated as a single lease for the purposes of Part 2 if—
 - (a) the applicant is the holder of all the mining leases, or
 - (b) the applicant—
 - (i) is the holder of 1 or more of the mining leases, and
 - (ii) has obtained the written consent of the holders of the other mining leases authorising the applicant to exercise the functions of the other holder under Part 2 on their behalf.
- (2) This clause does not remove any liability from the holder of a mining lease if the applicant fails to comply with a requirement of Part 2.
- (3) An application under this clause must be in the form approved by the Secretary.

Part 2 Standard conditions

Note— The conditions in this Part prevail over conditions imposed under the Act by the relevant decision-maker to the extent of any inconsistency between them—see the Act, Schedule 1B, clause 7(4).

Division 1 Protection of the environment and rehabilitation

4 Must prevent or minimise harm to environment

- (1) The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease.
- (2) In this clause—
harm to the environment has the same meaning as in the *Protection of the Environment Operations Act 1997*.

5 Rehabilitation to occur as soon as reasonably practicable after disturbance

The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.

6 Rehabilitation must achieve final land use

- (1) The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.
- (2) The holder of the mining lease must ensure any planning approval has been obtained that is necessary to enable the holder to comply with subclause (1).
- (3) The holder of the mining lease must identify and record any reasonably foreseeable hazard that presents a risk to the holder's ability to comply with subclause (1).

Note— Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause.

- (4) In this clause—
final land use for the mining area means the final landform and land uses to be achieved for the mining area—
 - (a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and
 - (b) for a large mine—as spatially depicted in the final landform and rehabilitation plan, and
 - (c) if the final land use for the mining area is required by a condition of development consent for activities under the mining lease—as stated in the condition.

planning approval means—

- (a) a development consent within the meaning of the *Environmental Planning and Assessment Act 1979*, or
- (b) an approval under that Act, Division 5.1.

Division 2 Risk assessment

7 Rehabilitation risk assessment

- (1) The holder of a mining lease must conduct a risk assessment (a *rehabilitation risk assessment*) that—
 - (a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease—
 - (i) the rehabilitation objectives,
 - (ii) the rehabilitation completion criteria,

- (iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and
 - (b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks.
- (2) The holder of the mining lease must implement the measures identified.
- (3) The holder of a mining lease must conduct a rehabilitation risk assessment—
 - (a) for a large mine—before preparing a rehabilitation management plan, and
 - (b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and
 - (c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and
 - (d) whenever given a written direction to do so by the Secretary.

Division 3 Rehabilitation documents

8 Application of Division

This Division does not apply to a mining lease unless—

- (a) the security deposit required under the mining lease is greater than the minimum deposit prescribed under the Act, section 261BF in relation to that type of mining lease, or
- (b) the Secretary gives a written direction to the holder of the mining lease that this Division, or a provision of this Division, applies to the mining lease.

9 General requirements for documents

A document required to be prepared under this Division must—

- (a) be in a form approved by the Secretary, and
Note— The approved forms are available on the Department's website.
- (b) include any matter required to be included by the form, and
- (c) if required to be given to the Secretary—be given in a way approved by the Secretary.

10 Rehabilitation management plans for large mines

- (1) The holder of a mining lease relating to a large mine must prepare a plan (a ***rehabilitation management plan***) for the mining lease that includes the following—
 - (a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area,
 - (b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation,
 - (c) a summary of rehabilitation risk assessments conducted by the holder,
 - (d) the risk control measures identified in the rehabilitation risk assessments,
 - (e) the rehabilitation outcome documents for the mining lease,

- (f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored.
- (2) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must include a proposed version of the document.
- (3) A rehabilitation management plan is not required to be given to the Secretary for approval.
- (4) The holder of the mining lease—
 - (a) must implement the matters set out in the rehabilitation management plan, and
 - (b) if the forward program specifies timeframes for the implementation of the matters—must implement the matters within those timeframes.

11 Amendment of rehabilitation management plans

The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows—

- (a) to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary—within 30 days after the document is approved,
- (b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made,
- (c) to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment—as soon as practicable after the rehabilitation risk assessment is conducted,
- (d) whenever given a written direction to do so by the Secretary—in accordance with the direction.

12 Rehabilitation outcome documents

- (1) The holder of a mining lease must prepare the following documents (the ***rehabilitation outcome documents***) for the mining lease and give them to the Secretary for approval—
 - (a) the ***rehabilitation objectives statement***, which sets out the rehabilitation objectives required to achieve the final land use for the mining area,
 - (b) the ***rehabilitation completion criteria statement***, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives,
 - (c) for a large mine, the ***final landform and rehabilitation plan***, showing a spatial depiction of the final land use.
- (2) If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition.

13 Forward program and annual rehabilitation report

- (1) The holder of a mining lease must prepare a program (a ***forward program***) for the mining lease that includes the following—
 - (a) a schedule of mining activities for the mining area for the next 3 years,

- (b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years,
 - (c) a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.
- (2) The holder of a mining lease must prepare a report (an ***annual rehabilitation report***) for the mining lease that includes—
 - (a) a description of the rehabilitation undertaken over the annual reporting period,
 - (b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period,
 - (c) a report demonstrating progress made towards the achievement of the following—
 - (i) the objectives set out in the rehabilitation objectives statement,
 - (ii) the criteria set out in the rehabilitation completion criteria statement,
 - (iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan.
- (3) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must rely on a proposed version of the document.
- (4) The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary.
- (5) In this clause—
annual reporting period means each period of 12 months commencing on—
 - (a) the date on which the mining lease is granted, or
 - (b) if the Secretary approves another date in relation to the mining lease—the other date.

14 Amendment of rehabilitation outcome documents and forward program

- (1) This clause applies to—
 - (a) a rehabilitation outcome document if it has been approved by the Secretary, and
 - (b) a forward program if it has been given to the Secretary.
- (2) The holder of a mining lease must not amend a document to which this clause applies that relates to the mining lease unless—
 - (a) the Secretary gives the holder a written direction to do so, or
 - (b) the Secretary, on written application by the holder, gives a written approval of the amendment.
- (3) The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval.
- (4) Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.

15 Times at which documents must be prepared and given

- (1) The holder of a mining lease must do the following before the end of the initial period—
 - (a) prepare a rehabilitation management plan, and
 - (b) prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and
 - (c) prepare a forward program and give it to the Secretary.
- (2) The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before—
 - (a) 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to Secretary under subclause (1)(c), or
 - (b) a later date approved by the Secretary.
- (3) A rehabilitation completion criteria statement relating to completion of rehabilitation during a period covered by a forward program must be given to the Secretary for approval when the forward program is required to be given to the Secretary.
- (4) The holder of the mining lease must prepare updated rehabilitation outcome documents for the mining lease and give them to the Secretary for approval before—
 - (a) 60 days after a development consent is modified following an application referred to in clause 20(1)(b), or
 - (b) a later date approved by the Secretary.
- (5) A rehabilitation completion criteria statement is not required to be given to the Secretary under subclause (4) unless a rehabilitation completion criteria statement has already been given to the Secretary under subclause (3).
- (6) The Secretary may, by written notice, direct the holder of a mining lease to prepare, or give to the Secretary, a document required to be prepared under this Division at a time other than that specified in this clause.
- (7) The holder of the mining lease must comply with the direction.
- (8) In this clause—

initial period means the period commencing when the mining lease is granted and ending—

 - (a) 30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or
 - (b) if this Division applies to the mining lease because of an increase in the required security deposit—
 - (i) when the surface of the mining area is disturbed by activities under the mining lease, or
 - (ii) at a later date approved by the Secretary.

16 Certain documents to be publicly available

- (1) This clause applies to the following documents—
 - (a) a rehabilitation management plan,
 - (b) a forward program,

- (c) an annual rehabilitation report.
- (2) The holder of a mining lease must make a document to which this clause applies publicly available by—
 - (a) publishing it on its website in a prominent position, or
 - (b) if the holder does not have a website— providing a copy of it to a person—
 - (i) on the written request of a person, and
 - (ii) without charge, and
 - (iii) within 14 days after the request is received.
- (3) If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published—
 - (a) for a rehabilitation management plan—within 14 days after it is prepared or amended, or
 - (b) for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended,
- (4) Personal information within the meaning of the *Privacy and Personal Information Protection Act 1998* is not required to be included in a document made available to a person under this clause.

Division 4 Records, reporting and notification

17 Records demonstrating compliance

The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part.

Note— The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained.

18 Report on non-compliance

- (1) The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with—
 - (a) a condition of the mining lease, or

Note— The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition.

 - (b) a requirement of the Act or this Regulation relating to activities under the mining lease.
- (2) The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance.
- (3) The holder of the mining lease must ensure the report—
 - (a) identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and
 - (b) describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and
 - (c) describes the causes or likely causes of the non-compliance, and
 - (d) describes the action that has been taken, or will be taken, to mitigate the effects, and to prevent any recurrence, of the non-compliance.

19 Nominated contact person

- (1) The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act.
Note— The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act.
- (2) The holder of the mining lease must give written notice to the Secretary of—
 - (a) the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and
 - (b) any change in nomination or in the nominated person’s contact details—within 28 days after the change occurs.
- (3) The holder of the mining lease must ensure that the contact details for the nominated person include the person’s phone number and postal and email addresses.

Division 5 Applications relating to development consent

20 Additional requirements—application for or to modify development consent

- (1) The holder of a mining lease must give written notice to the Secretary within 10 days after—
 - (a) making an application for development consent that relates to the mining area, or
 - (b) making an application for modification of a development consent—
 - (i) under the *Environmental Planning and Assessment Act 1979*, section 4.55(2), and
 - (ii) that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area.
- (2) This clause does not apply if the development is State significant development.