

## Development Consent

### Section 89E of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission approves the development application referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Member of the Commission

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Sydney

2015

#### SCHEDULE 1

Application Number:

SSD-5251

Applicant:

Australian Strategic Materials (Holdings) Ltd

Consent Authority:

Minister for Planning

Land:

See Appendix 1

Development:

Dubbo Project

Red type represents the February 2023 modification

*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.*

# CONSOLIDATED CONSENT

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## DEFINITIONS

Annual review	The review required by condition 4 of schedule 5
Applicant	Australian <b>Strategic Materials (Holdings) Ltd</b> , or anyone else who relies on this consent to carry out the development that is subject to this consent
ARI	Average recurrence interval
ARPANSA	Australian Radiation Protection and Nuclear Safety Agency
BCA	Building Code of Australia
BC Act	<b>Biodiversity Conservation Act 2016</b>
BCS	<b>Biodiversity, Conservation and Science Directorate within the Department</b>
Biodiversity offset strategy	The conservation and enhancement strategy described in the EIS, and depicted conceptually in the figure in Appendix 6
Blast misfire	The failure of one or more holes in a blast pattern to initiate
CCC	Community Consultative Committee
Conditions of this consent	Conditions contained in schedules 1 to 5 inclusive
Council	Dubbo <b>Regional Council</b>
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Development	The development described in the EIS
Development Area	All land to which the development application applies, as listed in Appendix 1 and shown in Appendix 2
Department	Department of Planning and Environment
DPI – Agriculture	Agriculture NSW within the Department of Primary Industries
DPE Water	<b>Water Division within the Department</b>
EEC	<b>Endangered ecological community, as defined under the BC Act and/or EPBC Act</b>
EIS	<ul style="list-style-type: none"> <li>• Environmental impact statement titled <i>Dubbo Zirconia Project, Environmental Impact Statement</i> (3 volumes), dated September 2013, as modified by the Response to Submission titled, <i>Dubbo Zirconia Project, Response to Submissions</i>, dated December 2013, and the document titled <i>A Summary of the Minor Modifications to the Proposed Operations and/or Environmental Assessment of the Dubbo Zirconia Project</i>, dated April 2014; and</li> <li>• Modification Application 1 (MOD 1) titled - <i>Dubbo Project Modification 1 Report</i>, dated March 2022 and the Submissions Report titled <i>Dubbo Project MOD1 Submissions Report</i>, dated August 2022</li> </ul>
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<b><i>Environmental Planning and Assessment Regulation 2021</i></b>
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build or to implement
ha	Hectare
HDPE	High Density Polyethylene
Heritage NSW	<b>Heritage NSW within the Department</b>
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal object or Aboriginal place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that: <ul style="list-style-type: none"> <li>• causes or threatens to cause material harm to the environment; and/or</li> <li>• breaches or exceeds the limits or performance measures/criteria in this consent</li> </ul>
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedule 3 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Linear infrastructure	Includes the rail line upgrade, construction of water and gas pipelines, and road re-alignments and upgrades
Material harm to the environment	<p>Is harm that:</p> <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</li> </ul>

	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)
MEG	Mining, Exploration and Geoscience within the Department of Regional NSW
Mine water	Water that is used in the processing of the ore, accumulates within, or drains from, active mining and infrastructure areas and any other areas where run-off may have come into contact with mineral ore, ore concentrate, or processing waste residue material
Mining operations	Includes the removal and emplacement of overburden and extraction, processing, handling, storage and transport of mineral ore / ore concentrate / refined ore products
Minister	Minister for Planning, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of consent
NP&W Act	National Parks and Wildlife Act 1974
Ore Processing Facility	Infrastructure and plant associated with mining operations including Chlor-alkali Plant and Brine Concentrator as depicted in Figure 2 of Appendix 2
POEO Act	Protection of the Environment Operations Act 1997
Privately-owned land	Land that is not owned by a public agency or a mining company (or its subsidiary)
Project Site	The land listed in Appendix 1, including any subdivided lot that may be created from the listed land lots
Public infrastructure	Infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc
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
Refined ore products	The saleable minerals produced after refining the ore at the ore processing facility
Rehabilitation	The restoration of land disturbed by the development to ensure it is safe, stable and non-polluting
Resources Regulator	NSW Resources Regulator within the Department of Regional NSW
Secretary	Planning Secretary under the EP&A Act, or nominee
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement that is made under Division 6 of Part 4 of the EP&A Act
Waste Residue Storage Facilities	The collective term for the Solid Residue Storage Facility and Liquid Residue Storage Facility (see Appendix 2)
Zoo	Taronga Western Plains Zoo

## SCHEDULE 2 – ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

### TERMS OF CONSENT

2. The development must only be carried out:
  - (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Secretary;
  - (c) generally in accordance with the EIS and the statement of commitments; and
  - (d) generally in accordance with the development layout.

*Notes:*

- The general layout of the development is shown in Appendix 2.
- The statement of commitments is reproduced in Appendix 3.

3. The conditions of this consent and the directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in Condition 2(c). In the event of an inconsistency, ambiguity or conflict between the documents/s listed in condition 2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.
4. Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:
  - (a) the content of any strategy, study, plan, review, audit, notification, report or correspondence submitted under or otherwise in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and;
  - (b) the implementation of any actions or measures contained in any such document referred to in Condition 4(a).

### LIMITS ON CONSENT

#### Mining Operations

5. The Applicant may carry out mining operations on the site until 31 December 2045.

*Notes:*

- Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.
- Mining operations and rehabilitation are also regulated under the Mining Act 1992.

#### Ore Extraction and Processing

6. The Applicant **must** not
  - (a) extract more than 1 million tonnes of ore on site in any calendar year; and
  - (b) process more than 1 million tonnes of ore on site in any calendar year.

However, with the prior written agreement of the Secretary, the Applicant may extract and/or process up to 1.1 million tonnes of ore on the site in a calendar year to accommodate minor fluctuations in production.

#### Road and Rail Transport

7. The Applicant **must** not:
  - (a) receive and dispatch more than 75 trucks to or from the site per day or more than 16 per hour; and
  - (b) dispatch more than 3 trains from the site per week or 1 loaded train per day.

*Note: This condition does not include the receipt or dispatch of heavy vehicles associated with general maintenance or waste collection.*

- 7A No more than 400 vehicle movements per day can travel to or from the site to transport the construction workforce, unless otherwise agreed by the Secretary.

8. The Applicant **must** use all reasonable endeavours to:

- (a) restrict train movements to and from the site to between the hours of 9:30 am and 2:30 pm and 4:30 pm and 9:00 pm;
- (b) minimise the unloading and loading of train wagons on the site during the night; and
- (c) minimise the transport of material by road between the Newell Highway and the site during the night.

## NOTIFICATION OF COMMENCEMENT

9. The Applicant **must** notify the Department in writing prior to commencing mining operations under this consent.

## STRUCTURAL ADEQUACY

10. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

### Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

## DEMOLITION

11. The Applicant **must** ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

## PROTECTION OF PUBLIC INFRASTRUCTURE

12. 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 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.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage.*

## OPERATION OF PLANT AND EQUIPMENT

13. The Applicant **must** ensure that all plant and equipment used on site or any monitoring equipment used off site for monitoring the performance of the development is:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS

14. 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) combine any strategy, plan, program or Annual Review required by this consent with any similar strategy, plan, program or Annual Review required by an adjoining mining consent or approval, in common ownership or management;
  - (d) and 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).
- 14A. 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.
- 14B. 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.

## COMMUNITY ENHANCEMENT

15. The Applicant **must** implement the VPA made with Council on 15 October 2014, to the satisfaction of the Secretary.

## COMPLIANCE

16. 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

17. 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.
  18. 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.
-

## SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

### ACQUISITION UPON REQUEST

1. Upon receiving a written request for acquisition from the owner of R50, the Applicant **must** acquire the land in accordance with the procedures in conditions 4 and 5 of schedule 4.

*Note: To interpret the land referred to in this condition, see the figure in Appendix 4.*

### NOISE

#### Noise Mitigation – Western Plains Zoo

2. Prior to undertaking any construction on Obley Road between Camp Road and the Newell Highway, the Applicant **must** construct a 3 m high and 1 km long road noise barrier on land owned by the Zoo and in consultation with the Zoo, **or implement alternative noise mitigation measures to achieve a reduction in road noise equivalent to that provided by the road noise barrier of at least 5dBA**, to the satisfaction of the Secretary, **following consultation with the EPA and the Zoo.**

In the event that there is a dispute between the Applicant and the Zoo about the implementation of this condition, then either party may refer the matter to the Secretary for resolution.

#### Hours of Operation

3. The Applicant **must** comply with the operating hours set out in Table 1, unless the applicant has written approval from the Secretary to temporarily alter the operational hours due to an emergency situation.

Table 1: Operating Hours

Activity	Operating Hours
Mining operations (excluding the operation of the ore processing facility)	7 am to 6 pm, Monday to Friday 8 am to 5 pm, Saturday No activities on Sundays or Public Holidays
Operation of the ore processing facility and receipt of processing reagents	24 hours a day, 7 days a week
Construction of linear infrastructure	7 am to 6 pm, Monday to Friday 8 am to 1 pm, Saturday No construction to be undertaken on Sundays or Public Holidays
Other construction activities	<b>In accordance with the commitments in the EIS and as detailed in the Noise Management Plan required under Schedule 3 Condition 8</b>
Dispatch of refined ore products and receipt of limestone products	6 am to 10 pm, Monday to Friday 8 am to 5 pm, Saturday No activities on Sundays or Public Holidays

#### Noise Criteria

4. 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 (excluding the noise generated by the construction of the project's linear infrastructure).

Table 2: Noise Criteria dB(A)

Location	Day	Evening	Night	
	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>A1</sub> (1 min)
All privately-owned residences	<b>40</b>	35	35	45

Noise generated by the development (excluding the noise generated by the construction of the project's linear infrastructure) is to be measured in accordance with the relevant requirements of the **NSW Noise Policy for Industry (EPA, 2017)** (or its latest version). Appendix 5 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.



## Operating Conditions

5. The Applicant **must**:
- implement all reasonable and feasible measures to minimise the construction, operational, low frequency, road and rail noise of the development;
  - ensure Australian Standard AS 2436-2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites" is implemented during the construction of any buildings on the site;
  - operate a comprehensive noise management system on site that uses a combination of meteorological and noise monitoring data to guide the planning of operations and the implementation of noise mitigation measures to ensure compliance with the relevant conditions of this consent;
  - minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 5);
  - ensure that its rail spur is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with the noise limits in the relevant rail authority's EPL;
  - use its best endeavours to ensure that rolling stock is selected to minimise noise; and
  - carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent and, if necessary, adjust the scale of operations on site to meet the criteria in this consent,

## Construction – Linear Infrastructure

6. The Applicant **must** manage noise from the construction of linear infrastructure in accordance with the noise management levels defined in the *Interim Construction Noise Guideline*.
7. In seeking any variations to the construction hours (see Table 2), the Applicant **must** submit an Out of Hours Work Protocol to the Secretary. This protocol must:
- be prepared in consultation with the EPA and any people who may be affected by the proposed variation; and
  - address the relevant requirements of the *Interim Construction Noise Guideline*.

## Noise Management Plan

8. The Applicant **must** prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to any development under this consent, unless the Secretary agrees otherwise;
  - describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent and procedures within this plan, including procedures to minimise noise generated by construction activities and unloading and loading trains;
  - describe the proposed noise management system in detail;
  - include noise monitoring program that:
    - uses attended monitoring to evaluate the compliance of the development against the noise criteria in this consent;
    - evaluates and reports on:
      - the effectiveness of the noise management system;
      - compliance against the noise criteria in this consent; and
      - compliance against the noise operating conditions; and
    - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.

**8A The Applicant must implement the approved Noise Management Plan.**

## BLASTING

### Blasting Criteria

9. The Applicant **must** ensure that blasting on the site does not cause exceedances of the criteria in Table 3.

Table 3: Blasting criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Residence on privately-owned land	120	10	0%
	115	5	5% of the total number of blasts

<b>Location</b>	<b>Airblast overpressure (dB(Lin Peak))</b>	<b>Ground vibration (mm/s)</b>	<b>Allowable exceedance</b>
			over a period of 12 months
All other public infrastructure	-	50	0%

However, these criteria do not apply if the Applicant has a written agreement with the relevant owner to allow impacts above the criteria, and has advised the Department in writing of the terms of this agreement.

### Blasting Hours

10. The Applicant **must** only carry out blasting on site between 9 am and 5 pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Secretary.

### Blasting Frequency

11. The Applicant **must** carry out a maximum of:
  - (a) 2 blasts a day; and
  - (b) 5 blasts a week, averaged over a calendar year, on the site.

This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, blast misfires or blasts required to ensure the safety of the mine or its workers.

#### Notes:

- For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.
- For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast.
- In circumstances of recurring unfavourable weather conditions (following planned but not completed blast events), to avoid excess explosive sleep times and minimise any potential environmental impacts, the Applicant may seek agreement from the Secretary for additional blasts to be fired on a given day.

### Property Inspections

12. If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant **must**:
  - (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:
    - establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
    - identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and/or structures; and
  - (b) give the landowner a copy of the new or updated property inspection report.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Secretary for resolution.

### Property Investigations

13. If the owner of any privately-owned land claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then within 2 months of receiving this claim the Applicant **must**:
  - (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and
  - (b) give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Secretary.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.

## Operating Conditions

14. During mining operations on site, the Applicant **must**:
- (a) implement best management practice to:
    - protect the safety of people and livestock in the surrounding area;
    - protect public or private infrastructure/property in the surrounding area from any damage; and
    - minimise the dust and fume emissions of any blasting;
  - (b) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site and any road closures; and
  - (c) monitor and report on compliance with the relevant blasting conditions in this consent,
15. The Applicant **must** not undertake blasting on site within 500 metres of:
- (a) any public road; or
  - (b) any land outside the site that is not owned by the Applicant, unless:
    - the Applicant has a written agreement with the applicable roads authority or landowner to allow blasting to be carried out closer to the public road or land, and the Applicant has advised the Department in writing of the terms of this agreement; or
    - the Applicant has:
      - demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the road or land without compromising the safety of people or livestock, or damaging buildings and/or structures; and
      - updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the road or land.

## Blast Management Plan

16. The Applicant **must** prepare a Blast Management Plan for the development to the satisfaction of the Secretary. This plan **must**:
- (a) be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to undertaking any blasting under this consent;
  - (b) describe the measures that would be implemented to ensure compliance with the blasting criteria and operating conditions of this consent;
  - (c) propose and justify any alternative ground vibration limits for any public infrastructure or other structures in the vicinity of the site (if relevant); and
  - (d) include a monitoring program for evaluating the performance of the development, including:
    - compliance with the applicable criteria; and
    - minimising the fume emissions from the site.

**16A The Applicant must implement the approved Blast Management Plan.**

## AIR QUALITY

### Odour

17. The Applicant **must** ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

### Air Quality Criteria

18. The Applicant **must** ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the particulate emissions generated by the development do not exceed the criteria listed in Tables 4 to 5 at any residence on privately-owned land.

Table 4: Long term criteria for particulate matter

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>a, d</sup> Criterion</b>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 25 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a</sup> 8 µg/m <sup>3</sup>

Table 5: Short term criterion for particulate matter

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>b</sup> Criterion</b>
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>b</sup> Criterion</b>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	24 hour	25 µg/m <sup>3</sup>

Table 6: - Deleted

Notes to Tables 4 to 5:

- <sup>a</sup> Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to other sources);
- <sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the development on its own);
- <sup>c</sup> Deleted
- <sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents, illegal activities or any other activity agreed to by the Secretary.

19. The Applicant **must** ensure that all reasonable and feasible design, avoidance and mitigation measures are employed so that the gaseous emissions generated by the development do not exceed the criteria listed in Table 7 at any residence on privately-owned land.

Table 7: Criteria for **Ore Processing Facility Emissions**

<b>Pollutant</b>	<b>Averaging Period</b>	<b>Criteria</b>
Sulphur Dioxide	10-minute	712 µg/m <sup>3</sup>
	1-Hour	570 µg/m <sup>3</sup>
	24-Hour	228 µg/m <sup>3</sup>
	Annual	60 µg/m <sup>3</sup>
Nitrogen Dioxide	1-Hour	246 µg/m <sup>3</sup>
	Annual	62 µg/m <sup>3</sup>
Hydrogen Chloride	1 hour	0.14 mg/m <sup>3</sup>
Chlorine	1 hour	0.05 mg/m <sup>3</sup>

### Operating Conditions

20. The Applicant **must**:
- implement all reasonable and feasible measures to minimise the:
    - odour, fume, dust and radon emissions of the development;
    - gaseous emissions from the ore processing facility; and
    - greenhouse gas emissions from the site;
  - minimise the surface disturbance of the site;
  - operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day-to-day planning of mining operations and implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
  - minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d to Tables 4 and 5 above),

### Processing Plant Design and Validation

21. Prior to commissioning the ore processing facility on the site, the Applicant **must**:
- finalise the detailed design of the emission control measures at the ore processing facility to ensure:
    - it has TM-1 compliant sample ports so sampling of emissions will comply with the EPA's *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*; and
    - compliance with the minimum stack height detailed in the EIS, unless otherwise agreed with the EPA; and
  - prepare a revised air quality impact assessment to predict the emissions from the development at surrounding sensitive receivers based on the final design of the ore processing facility, in consultation with the EPA and to the satisfaction of the Secretary.

*Note: The revised air quality impact assessment **must** be undertaken in accordance with the relevant methods and guidelines, including EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*.*

22. Within 1 month of commissioning the ore processing facility, unless the Secretary agrees otherwise, the Applicant **must** prepare an emissions validation report, which includes monitoring to compare the actual emissions with:
- the predicted emissions in the revised air quality impact assessment in condition 21 (b) above; and

- (b) the criteria in Table 7,  
in consultation with the EPA and to the satisfaction of the Secretary.

#### **Air Quality and Greenhouse Gas Management Plan**

23. The Applicant **must** prepare a detailed Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Secretary. This plan **must**:
- (a) be prepared in consultation with the EPA, and be submitted for approval prior to the commencement of construction activities under this consent, unless the Secretary agrees otherwise;
  - (b) describe the measures that would be implemented to ensure compliance with air quality criteria and operating conditions of this consent, **and measures to minimise the Scope 1 and Scope 2 greenhouse gas emissions**;
  - (c) describe the proposed air quality management system;
  - (d) include an air quality monitoring program that:
    - adequately supports the proactive and reactive air quality management system;
    - evaluates and reports on:
      - the effectiveness of the air quality management system; and
      - compliance with the air quality operating conditions; and
    - defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents; and
  - (e) include procedures and a schedule for the preparation of emissions validation reports for the **ore processing facility** during the operation of the development.

**23A The Applicant must implement the approved Air Quality and Greenhouse Gas Management Plan.**

#### **METEOROLOGICAL MONITORING**

24. Prior to undertaking any development on the site, the Applicant **must** ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- (a) complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
  - (b) is capable of measuring temperature inversion conditions (stability category) determined by the sigma-theta method in accordance with the *NSW Noise Policy for Industry* (EPA, 2017), unless a suitable alternative is approved by the Secretary following consultation with the EPA.

#### **RADIATION MANAGEMENT**

##### **Radiation Management Plan**

25. The Applicant **must** prepare a Radiation Management Plan for the development to the satisfaction of the Secretary. This plan **must**:
- (a) be prepared in consultation with EPA and **Resources Regulator** by a suitably qualified expert/s whose appointment has been approved by the Secretary;
  - (b) be submitted for approval prior to commencing mining operations on the site, unless the Secretary agrees otherwise;
  - (c) be consistent with the *Code of Practice and Safety Guide for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing* (ARPANSA, 2005);
  - (d) describe:
    - the measures that would be implemented to ensure compliance with the ARPANSA Public Dose Limit;
    - potential sources of dose delivery pathways and potential doses;
    - operational and control measures, including:
      - details of appropriate equipment, staff, facilities and operational procedures;
      - a description of induction and training courses;
      - demonstration of access to professional expertise in radiation protection; and
      - waste generating processes and waste characterisation (including any disused plant and equipment that has the potential to be contaminated with radioactive substances as defined under the Radiation Control Act 1990);
    - reporting and periodic review procedures; and
    - emergency response procedures;
  - (e) include a Radioactive Waste Management Plan which describes the procedures to ensure the processing waste residues are blended and that these waste residues and any disused plant and equipment that are regulated under a Radiation Management Licence, are disposed in a manner to achieve:
    - an average concentration of radioactive material that does not exceed the average concentration of radioactive material in the original ore body;

- the environmental goals listed in *Environmental Guidelines: Solid Waste Landfills* (DEC, 1996 or its latest version); and
- (f) include a Radiation Monitoring Program that:
- establishes background (existing) radiation levels in the ore body; and
  - measures radiation in processing waste residues prior to and following blending for disposal.

**25A The Applicant must implement the approved Radiation Management Plan.**

## WATER

### Water Supply

26. The Applicant **must**
- ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of mining operations to match its available water supply; and
  - prioritise the use of water for environmental management over mining operations where a reduction in water use is required under this condition.

*Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain necessary water licences for the development.*

### Compensatory Water Supply

27. The Applicant **must** provide a compensatory water supply to the owner of privately-owned land with riparian frontage within the 'undefined Macquarie River catchment' as identified within the EIS, whose basic landholder water rights (as defined in the *Water Management Act 2000*) are adversely and directly impacted as a result of the development. This supply **must** be provided in consultation with **DPE Water**, and to the satisfaction of the Secretary.

The compensatory water supply measures **must** provide an alternative long term supply of water that is equivalent to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable from the loss being identified, unless otherwise agreed with the landowner.

If the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

If the Applicant is unable to provide an alternative long term supply of water, then the Applicant **must** provide alternative compensation to the satisfaction of the Secretary.

*Note: The Water Management Plan (see condition 30) is required to include trigger levels for investigating potentially adverse impacts on basic landholder water rights.*

### Water Discharges

28. Unless an EPL or the EPA authorises otherwise, the Applicant **must** ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the development in any EPL.

### Water Management Performance Measures

29. The Applicant **must** comply with the performance measures in Table 8.

*Table 8: Water management performance measures*

<b>Feature</b>	<b>Performance Measure</b>
Water Management – General	<ul style="list-style-type: none"> <li>• Minimise the use of clean water on site.</li> <li>• Minimise the need for make-up water from external supplies.</li> </ul>
Construction and operation of infrastructure	<ul style="list-style-type: none"> <li>• Design, install and maintain all infrastructure within 40 m of watercourses to: <ul style="list-style-type: none"> <li>– minimise the impact on watercourse water quality, hydrology and function;</li> <li>– minimise the impact on the habitat of aquatic species, populations or communities, consistent with the <i>Guidelines for fish habitat conservation and management – Chapter 4</i> (DPI 2013), or its latest version;</li> <li>– ensure pipelines across perennial watercourses are installed by directional drilling (under-boring) or attached to rail or road bridge crossings; and</li> <li>– be in accordance with <b>DPE Water's</b> <i>Guidelines for Controlled Activities on Waterfront Land</i>.</li> </ul> </li> </ul>



<b>Feature</b>	<b>Performance Measure</b>
Macquarie River Pumping Station	<ul style="list-style-type: none"> <li>Design, construct and operate the water intake structure to prevent to the greatest extent practicable the entrapment and/or extraction of aquatic fauna species including juvenile fish and larvae.</li> </ul>
Mine Water Management System - General	<ul style="list-style-type: none"> <li>Design, install and/or maintain mine water storage infrastructure to prevent the discharge of mine water off-site (this does not apply to sediment control structures that can be designed to discharge in accordance with an EPL).</li> <li>On-site storages are suitably designed, installed and/or maintained to minimise permeability.</li> <li>Maintain adequate freeboard at all times to minimise the risk of discharge to surface waters.</li> </ul>
Waste Residue Storage Facilities and Salt Encapsulation Cells	<ul style="list-style-type: none"> <li>Nil discharge from site.</li> <li>Design, construct and maintain: <ul style="list-style-type: none"> <li>in accordance with the recommendations of the NSW Dam Safety Committee;</li> <li>to be stable over the long term and under all expected loading conditions;</li> <li>in accordance with the standards set out in the <i>Environmental Guidelines – Management of Tailings Storage Facilities</i> (VIC DPI, 2006); and</li> <li>to be lined with HDPE liners or equivalent that complies with a minimum permeability standard of <math>&lt; 1 \times 10^{-9}</math> m/s in accordance with the <i>NSW Environmental Guidelines for Solid Waste Landfills</i> (EPA, 1996), unless otherwise agreed with the EPA; and</li> <li>to ensure the Solid Residue Storage Facility and Salt Encapsulation Cells are double-lined and include an adequate leak detection system.</li> </ul> </li> <li>Ensure that at all times a freeboard of at least 600 mm (or 1000 mm for liquid residue storage facility) or a freeboard capable of accommodating a 1 in 100 year ARI, 72 hour rainfall event (or 1 in 10,000 year for the liquid residue storage facility) without overtopping, whichever is greater.</li> <li>Ensure any piping to or from these facilities has a suitable leak detection system.</li> </ul>
Waste Rock Emplacement	<ul style="list-style-type: none"> <li>Design, install and maintain the emplacement to encapsulate and prevent: <ul style="list-style-type: none"> <li>migration of potentially acid forming material, and saline and sodic material; and</li> <li>and/or manage long term saline groundwater seepage.</li> </ul> </li> </ul>
Clean water diversion & storage infrastructure	<ul style="list-style-type: none"> <li>Design, install and maintain the clean water diversion system to capture and convey the 100 year ARI flood.</li> <li>Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site.</li> </ul>
Flood mitigation measures	<ul style="list-style-type: none"> <li>Design, install and maintain flood mitigation measures ensuring that the <b>Ore Processing Facility</b>, Administration areas, Waste Residue Storage Facilities, Salt Encapsulation Cells and Waste Rock Emplacement are appropriately protected from flooding up to the 1 in 100 ARI.</li> <li>Residual impacts downstream <b>must</b> be managed in an appropriate manner.</li> </ul>
Sediment control structures	<ul style="list-style-type: none"> <li>Design, install and maintain erosion and sediment controls generally in accordance with <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> and <i>Volume 2E Mines and Quarries</i>.</li> </ul>
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> <li>Chemical and hydrocarbon products to be stored in covered, impervious bunded areas in accordance with the relevant Australian Standards.</li> </ul>
Aquatic and riparian ecosystem	<ul style="list-style-type: none"> <li>Maintain or improve baseline channel stability.</li> <li>Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> procedures (DECC 2006), or its latest version</li> </ul>

### Water Management Plan

30. The Applicant **must** prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan **must**:
- be prepared in consultation with the EPA, **DPE Water** and **DPI - Agriculture**, and be submitted to the Secretary for approval prior to carrying out any development under this consent, unless the Secretary agrees otherwise;
  - in addition to the standard requirements for management plans (see condition 3 of schedule 5), include a:
    - Site Water Balance that:
      - includes details of:

- sources and security of water supply, including contingency planning for future reporting periods;
    - water use and management on site, including water use priorities during periods of restricted water supply;
    - water transfers to/from the site and discharges; and
    - reporting procedures, including the preparation of a site water balance for each calendar year; and
  - investigates and implements all reasonable and feasible measures to minimise water use on site;
- (ii) Surface Water Management Plan, that includes:
- detailed baseline data on surface water flows and quality in the watercourses that could potentially be affected by the development;
  - a detailed description of the water management system on site, including the:
    - clean water diversion systems;
    - erosion and sediment controls (for the mine and associated linear infrastructure);
    - mine water management systems, including Waste Residue Storage Facilities, Salt Encapsulation Cells, Waste Rock Emplacement and ore processing facility; and
    - clean water storages;
  - detailed plans, including design objectives and performance criteria, for the:
    - design, construction and management of the Macquarie River water pumping station;
    - design, construction and management of the Waste Residue Storage Facilities and the Salt Encapsulation Cells;
    - design, construction and management of mine water storages and process water dams;
    - design and management of the final void; and
    - control of any potential water pollution from the rehabilitated areas of the site;
  - performance criteria for the following, including trigger levels for investigating any potentially adverse impacts associated with the development, including the:
    - mine water management system;
    - surface water flows and quality, including channel stability, stream and riparian vegetation health; and
    - basic landholder water rights for downstream landowners in the 'undefined Macquarie River catchment';
  - a program to monitor and report on:
    - the effectiveness of the mine water management system, including the Waste Residue Storage Facilities, Salt Encapsulation Cells and associated pipelines between water management structures;
    - surface water supplies for adjacent landowners;
    - the operation of the Macquarie River water pumping station; and
    - surface water flows and quality, including channel stability, stream and riparian vegetation health; and
  - a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the development; and
- (iii) Groundwater Management Plan, which includes:
- detailed baseline data on groundwater levels and quality in the region, and privately-owned groundwater bores, that could be affected by the development;
  - groundwater performance criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
  - a program to monitor and report on:
    - groundwater inflows to the open cut pit, if relevant;
    - the seepage/leachate from mine water storages, Waste Residue Storage Facilities and mine voids;
    - the impacts of the development on:
      - regional and local (including alluvial) aquifers;
      - groundwater supply of potentially affected landowners; and
      - base flows to Wambangalang Creek; and
  - a plan to respond to any exceedances of the groundwater performance criteria, and mitigate and/or offset any adverse groundwater impacts of the development.

**30A The Applicant must implement the approved Water Management Plan.**



## BIODIVERSITY

### Biodiversity Offset Strategy

31. The Applicant **must** implement the Biodiversity Offset Strategy described in the EIS, as summarised in Table 9 and shown conceptually in Appendix 6, to the satisfaction of the Secretary.

Table 9: Summary of the Biodiversity Offsets

Offset Name	Offset Criteria	Minimum Size hectares (ha)
Dowds Hill Offset Area	Existing vegetation to be managed and enhanced	1,021

### Security of Offsets

32. Within 2 years of this consent, unless the Secretary agrees otherwise, the Applicant **must** make suitable arrangements to provide appropriate long term security for the offset area, to the satisfaction of the Secretary.

*Note: Mechanisms to provide appropriate long term security to the land within the Biodiversity Offset Strategy include a Biobanking Agreement, or an alternative mechanism that provides for a similar conservation outcome. Any mechanism **must** remain in force in perpetuity.*

### Biodiversity Management Plan

33. The Applicant **must** prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan **must**:
- (a) be prepared in consultation with **BCS** and submitted to the Secretary for approval prior to the commencement of any development under this consent, unless the Secretary agrees otherwise;
  - (b) a description of the short, medium, and long term measures that would be implemented to:
    - manage the remnant vegetation and fauna habitat on the site;
    - implement the biodiversity offset strategy; and
  - (c) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy and triggering remedial action (if necessary);
  - (d) a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:
    - minimising clearing and avoiding unnecessary disturbance associated with the construction and operation of the development;
    - protecting vegetation and fauna habitat outside the approved disturbance areas;
    - enhancing the quality of existing vegetation and fauna habitat on the site;
    - maximising the salvage of resources within the approved disturbance area - including vegetative and soil resources – for beneficial reuse in the enhancement of the offset area or the rehabilitation of the site;
    - collecting and propagating seed;
    - minimising the impacts on fauna on site, including undertaking pre-clearance surveys;
    - managing salinity using best practice dryland salinity management revegetation measures;
    - controlling weeds and feral pests;
    - controlling erosion;
    - managing grazing and agriculture on site;
    - controlling access; and
    - managing bushfire risk;
  - (e) include a seasonally-based program to monitor and report on the effectiveness of these measures;
  - (f) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate against these risks;
  - (g) include a Pink-tailed Worm Lizard Management Plan, which includes detailed information on the:
    - baseline data on the local Pink-tailed Worm lizard population and habitat on site, in the biodiversity offset areas and release areas;
    - measures to mitigate and manage the identified impacts on Pink-tailed Worm-lizard, including:
      - progressive clearing in the project disturbance area; and
      - a detailed translocation procedures prepared generally in accordance with the *NPWS Policy and Procedure Statement No. 9 – Policy for the Translocation of Threatened Fauna in NSW*;
    - include a program to monitor:
      - resident Pink-tailed Worm-lizard, distribution and population size on site and in the biodiversity offset areas;
      - translocated Pink-tailed Worm lizard distribution and population size; and
      - existing and revegetated potential distribution and population size habitat; and
  - (h) include details of who would be responsible for monitoring, reviewing, and implementing this plan.

**33A The Applicant must implement the approved Biodiversity Management Plan.**

**Conservation Bond**

34. Within 6 months of the approval of the Biodiversity Management Plan, the Applicant **must** lodge a conservation bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.

The sum of the bond **must** be determined by:

- (a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and
- (b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary.

The calculation of the conservation bond **must** be submitted to the Department for approval at least 1 month prior to lodgement of the final bond.

If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.

If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all, or part of, the conservation bond, and arrange for the satisfactory completion of the relevant works.

Notes:

- Alternative funding arrangements for long term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by **BCS** as part of a Biobanking Agreement or transfer to conservation reserve estate (or any other mechanism agreed with **BCS**) can be used to reduce the liability of the conservation bond.
- The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy or the completion of major milestones within the approved plan.

**HERITAGE**

**Aboriginal Heritage Management Plan**

35. The Applicant **must** prepare an **Aboriginal** Heritage Management Plan for the development to the satisfaction of the Secretary. This plan **must**:
- (a) be prepared in consultation with **Heritage NSW** and the relevant Aboriginal stakeholders, and be submitted to the Secretary for approval prior to carrying out any development under this consent, unless the Secretary agrees otherwise;
  - (b) include a program/procedures for:
    - the salvage, excavation and/or management of Aboriginal sites and potential archaeological deposits within the project disturbance area;
    - the assessment and removal of scarred trees;
    - the protection and monitoring of Aboriginal sites outside the project disturbance area;
    - managing the discovery of any new Aboriginal objects or skeletal remains during the development;
    - maintaining and managing access to archaeological sites by the relevant Aboriginal stakeholders; and
    - ongoing consultation and involvement of the relevant Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage on the site; and
  - (c) include a program to monitor and report on the effectiveness of the management measures carried out under the plan.

**35A The Applicant must implement the approved Aboriginal Heritage Management Plan.**

**Historic Heritage Management Plan**

36. The Applicant **must** prepare a Historic Heritage Management Plan for the development to the satisfaction of the Secretary. This plan **must**:
- (a) be prepared in consultation with the Heritage Branch and Council, and submitted to the Secretary for approval prior to commencing rail upgrade construction works; and
  - (b) include a program/procedures for:
    - photographic and archival recording of potentially affected historic heritage items;
    - protection and monitoring of historic heritage items outside the project disturbance area; and
    - additional archival recording of any significant historic heritage items requiring demolition.

**36A The Applicant must implement the approved Historic Heritage Management Plan.**

**Fossil Hill**

37. The Applicant **must** avoid the recorded fossil locations at 'Fossil Hill', unless the Secretary agrees otherwise.

If the Secretary agrees it is not reasonable and feasible to avoid this area, then prior to construction of Area 4 of the Liquid Residue Storage Facility (refer Appendix 2) the Applicant **must** prepare and implement a Fossil Management Plan, to the satisfaction of the Secretary, which **must**:

- (a) be prepared by a suitably qualified person, in consultation with **Resources Regulator** and Council;
- (b) include:
  - a program to undertake periodic inspections during construction of this facility by a suitably qualified person for paleontological evidence of fossilised plants;
  - procedures to record and document new paleontological information found during construction;
  - procedures to provide this information to the relevant government agencies; and
  - details of the employee(s) responsible for implementing the plan; and
- (c) include the details and design of the excavation area to be left exposed at 'Fossil Hill' for future reference and/or research, and how it would be integrated into the final landform as detailed in the Rehabilitation Management Plan.

**TRANSPORT**

**Operating Conditions**

38. The Applicant **must** ensure that:
- (a) shift changes for shift workers does not occur between 7:00 am and 10:00 am and between 2:00 pm and 4:00 pm Monday to Friday, unless the Secretary agrees otherwise;
  - (b) the exterior surfaces of all heavy vehicles are cleaned of mud, dirt and dust prior to exiting the site;
  - (c) trucks loaded with processing reagents or refined ore products entering and leaving the site have their loads covered or contained;
  - (d) there is sufficient parking at the site for all project-related traffic, in accordance with Council's parking code; and
  - (e) the transportation of all dangerous goods to or from the site is undertaken in strict accordance with the:
    - *Australian Code for the Transport of Dangerous Goods by Road and Rail*; and
    - *Hazardous Industry Planning Advisory Paper No 11 'Route Selection'*.

*Note: The restrictions on shift changes in this condition may be amended following further SIDRA modelling which confirms the acceptable operation of roads and intersections during peak traffic periods.*

**Monitoring of Transport**

39. The Applicant **must**:
- (a) keep accurate records of the:
    - **the number of vehicles transporting the workforce to and from the site during the construction period;**
    - number of trucks received at and dispatched from the site carrying processing reagents and refined mineral products; and
    - the date and time of all truck and rail movements from the site; and
  - (b) publish a summary of these records on its website on a quarterly basis.

**Road Upgrades**

40. Prior to transporting any processing reagents or refined ore products to and from the site, the Applicant **must** complete the upgrade of Obley Road and Toongi Road between the Newell Highway and the mine. The upgrades **must** be designed and constructed:
- (a) in consultation with **TfNSW** (where relevant) and to the satisfaction of Council;
  - (b) to the satisfaction of **DPE Water**, for the road crossings of Hyandra Creek, Twelve Mile Creek and Wambangalang Creek;
  - (c) in accordance with the relevant guidelines, including AUSTROADS guidelines and associated **TfNSW** supplements, and to include:
    - upgrades to the following intersections:
      - an extended channelised right turn at the intersection of Obley Road with the main entrance to the Zoo;
      - a channelised left turn and channelised right turn from Obley Road into Toongi Road; and
      - an auxiliary acceleration lane on Obley Road for vehicles turning right from Toongi Road;
    - upgrades of the crossings of Hyandra Creek, Twelve Mile Creek and Wambangalang Creek;

- design capacity to accommodate B-double vehicles up to 26 m in length (Class PBS 2);
  - a pavement seal with a design life of at least 20 years;
  - an asphaltic concrete seal of Obley Road:
    - from the intersection with the Newell Highway to Camp Road; and
    - for a distance of 950 m north from the intersection with Toongi Road; and
  - additional pavement seal of the approach and exit at existing bus stops, where relevant; and
- (d) to maintain or improve safe access to and from properties along Obley Road, to the satisfaction of the Secretary.

### Independent Road Safety Audit

41. Prior to commencing operations, and every three years thereafter, the Applicant **must** commission an independent suitably qualified and experienced person endorsed by the Secretary to undertake a road safety audit of the haulage route between the Newell Highway and the mine (including the intersection of the haulage route with the Newell Highway, the intersection of the Newell Highway with Boothenba Road and Purvis Lane). This audit **must**:
- (a) be undertaken by a suitably qualified person approved by the TfNSW, and undertaken in consultation with Council and TfNSW;
  - (b) identify any non-compliances with applicable design and safety standards, including consideration of:
    - the recommendations of the preceding Road Safety Audits;
    - the appropriateness of the speed limit along Obley Road past the Zoo;
    - haulage records;
    - accident records on the haulage route;
    - infringements of the code of conduct and any incidents involving mine-related vehicles;
    - community complaints register; and
    - minutes of CCC meetings.

Within 1 month of receiving the audit report, unless the Secretary agrees otherwise, the Applicant **must** submit a copy of the report to the Secretary, with a detailed response to any non-compliances identified in the audit report, including a timetable for the implementation of any reasonable and feasible measures proposed to address the non-compliances.

Any road works recommended in the Independent Road Safety Audit **must** be undertaken in accordance with this timetable and to the satisfaction of the relevant road authority, unless otherwise agreed with the Secretary.

In the event that there is a dispute between the Applicant and the relevant road authority about the implementation of this condition, then either party may refer the matter to the Secretary for resolution.

*Note: This preparation work for this report can be undertaken in conjunction with the Independent Environmental Audit detailed in condition 9 of schedule 5.*

### Transport Options Review

42. Three years after commencing development (as notified in accordance with condition 9 of schedule 2), the Applicant **must** review the feasibility of transport options for the development. The feasibility review **must**:
- (a) be prepared in consultation with TfNSW and Council by a suitably qualified expert/s whose appointment has been approved by the Secretary;
  - (b) investigate the reasonable and feasible options to maximise the use of rail and minimise the use of public roads to transport chemical reagents and mineral concentrate to and from the site over the approved and projected life of the development;
  - (c) analyse the capital, construction and operating costs of the alternative transport options;
  - (d) review the capacity of Boothenba Road and associated intersections to cater for heavy vehicles associated with the project;
  - (e) consider the results of the Road Safety Audit undertaken in accordance with condition 41;
  - (f) compare the potential social and environmental impacts of each option; and
  - (g) assess the viability of the use of rail transport for the development.

Within 3 months of receiving the review, unless the Secretary agrees otherwise, the Applicant **must** submit a copy of the report to the Secretary, with a detailed response to the recommendations contained in the review, including a timetable for the implementation of any reasonable and feasible measures proposed to address the recommendations in the review.

Any works recommended in the review **must** be undertaken in accordance with this timetable to the satisfaction of the relevant rail authority and TfNSW and Council (where relevant) for level crossings, unless otherwise agreed with the Secretary.

In the event that there is a dispute between the Applicant and the relevant rail or road authority about the implementation of this condition, then any of the relevant parties may refer the matter to the Secretary for resolution.

### Rail Transport

43. Prior to commencing the movement of trains to or from the site the Applicant **must**:
- (a) upgrade the Molong-Dubbo rail line from Dubbo to Toongi and signalling within the Dubbo Rail Junction to the satisfaction of the relevant rail authority, and TfNSW and Council (where relevant) for level crossings and:
    - in accordance with Australian Level Crossing Assessment Model (ALCAM) and AS 1742.7-2007 *Manual of Uniform Traffic Devices – Railway Crossings*; and
    - in consultation with residents within 50 m of the rail line, and
  - (b) develop and implement a Train Network Pathway Plan in consultation with the relevant rail authority, to the satisfaction of the Secretary.

### Transport Management Plan

44. The Applicant **must** prepare a Transport Management Plan to the satisfaction of the Secretary. This plan **must**:
- (a) be prepared in consultation with TfNSW, Council and the Zoo, and be submitted to the Secretary for approval prior to commencing construction, unless the Secretary agrees otherwise;
  - (b) include a Construction Transport Management Plan which incorporates:
    - the final detailed designs of the Toongi Road and Obley Road upgrades;
    - measures to ensure that oversized vehicles can safely navigate the road network and the delivery of goods to the site or offsite construction locations;
    - a management strategy and measures to minimise disruption to other road users during the construction of the development, detailing procedures and timing for the temporary, partial or whole road closures required for the development, in particular during public and school holidays; **and**
    - **use of shuttle buses and car pooling to comply with traffic movement limits for the construction workforce;**
  - (c) include an Operational Transport Management Plan, to be submitted to the Secretary for approval prior to commencing mining operations, which includes:
    - details of measures to minimise truck movements at night;
    - a description of the designated haulage routes to be used within the Dubbo local government area;
    - measures to maximise the use of a low frequency (regular) trucking schedule rather than an intermittently-high frequency (campaign) trucking schedule, especially during the peak hours;
    - measures to reduce the noise generated by road transport vehicles along Obley Road;
    - contingency plans to apply during disruptions of the designated haulage route within the Dubbo local government area, including procedures for notifying relevant agencies and affected communities of the need to implement such contingency plans;
    - procedures to ensure that all haulage trucks associated with the development have relevant contact details displayed;
    - **measures to promote use of shuttle buses and car pooling;**
    - procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the site;
    - measures to ensure that the provisions of this plan are implemented (e.g. driver training in the heavy vehicle Driver Code of Conduct and contractual agreements with heavy vehicle operators appropriate penalties for infringements of the Code); and
  - (d) include a Road Transport Protocol for all drivers transporting processing reagents or refined ore products to and from the site, which includes measures to:
    - ensure drivers adhere to the designated haulage routes within the Dubbo local government area;
    - verify that these heavy vehicles are completely covered whilst in transit;
    - co-ordinate the staggering of heavy vehicle departures to minimise impacts on the road network, where practicable;
    - minimise disruption to school bus timetables;
    - manage worker fatigue during trips to and from the site;
    - manage appropriate driver behaviour including adherence to speed limits, safe overtaking and maintaining appropriate distances between vehicles (i.e. a Driver Code of Conduct);
    - inform drivers of relevant drug and alcohol policies;
    - regularly inspect vehicles maintenance and safety records;
    - implement contingency procedures when the haulage route is disrupted;
    - respond to emergencies;
    - transport processing reagents safely; and
    - ensure compliance with and enforcement of the protocol.



44A The Applicant must implement the approved Transport Management Plan.

## VISUAL

### Visual Bund

45. The Applicant **must** design, construct and maintain the proposed visual bund (Soil Stockpile 1) to the satisfaction of the Secretary. The bund **must** provide screening of the **ore processing facility** and be completed as soon as practicable, and prior to commencing mining under this consent.

### Visual & Lighting

46. The Applicant **must**:
- implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development;
  - ensure no fixed outdoor lights shine above the horizontal or above the building line or any illuminated structure;
  - ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version;
  - take all practical measures to shield views of mining operations from users of public roads and privately-owned residences,

### Additional Visual Mitigation Measures

47. Upon receiving a written request from the owner of any residence on privately-owned land who has, or would have, significant direct views of the mining operations from this residence and/or its associated facilities (such as pool or barbeque area) during the development, the Applicant **must** implement additional visual impact mitigation measures on the land in consultation with the landowner. These measures **must** be reasonable and feasible, and directed towards reducing the visibility of mining operations from the residence and/or its associated facilities.

If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

#### Notes:

- The additional visual impact mitigation measures **must** be aimed at reducing the visibility of the mining operations on site from significantly affected residences, and do not require measures to reduce the visibility of the mining operations from other locations on the affected properties.
- The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (i.e. the additional measures could involve the implementation of measures outside the affected property boundary that provide an effective reduction in visual impacts).
- Except in exceptional circumstances, the Secretary will not require additional visual impact mitigation to be undertaken for residences that are more than 5 kilometres from the mining operations.

## HAZARDS MANAGEMENT

### Operability and Final Analysis

48. One month prior to the construction of the **Ore Processing Facility**, unless the Secretary agrees otherwise, the Applicant **must** prepare and submit for approval a:
- Hazard and Operability Study, to be conducted by a suitably qualified and experienced team and chaired by a suitably qualified and independent person, whose appointments have been endorsed by the Secretary. The study **must** be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. The final report for the study **must** be accompanied by a program for the implementation of all recommendations made within the report. If the Applicant intends to defer the implementation of a recommendation, reasons **must** be documented; and
  - Final Hazard Analysis, prepared by suitably qualified person(s) approved by the Secretary consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*. The Final Hazard Analysis **must** report on the implementation of the recommendations made by the Preliminary Hazard Analysis, within the EIS.

### Emergency Plan

49. Two months prior to commissioning the **Ore Processing Facility**, unless the Secretary agrees otherwise, the Applicant **must** submit for approval a comprehensive Emergency Plan, prepared by suitably qualified person(s) approved by the Secretary, that is consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*. The plan **must** contain detailed emergency procedures for the

development and include consideration of the safety of all people outside of the development who may be at risk from the development.

#### **Pre and Post Start-up Compliance Report**

50. One month prior to the commissioning of the **Ore Processing Facility**, the Applicant **must** submit to the Secretary, a report detailing compliance with conditions 48 and 49, including the:
  - (a) dates of submission and approval of these studies and the construction and proposed commissioning dates of the **Ore Processing Facility**; and
  - (b) actions taken or proposed, to implement recommendations made in the studies.
51. Three months after the commissioning of the **Ore Processing Facility**, the Applicant **must** submit to the Secretary, a report verifying that:
  - (a) transport routes specified under condition 44 are being followed; and
  - (b) the Emergency Plan required under condition 49 is effectively in place and that at least one emergency exercise has been conducted.

#### **Hazard Audit Report**

52. Within one year of commencement, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant **must** undertake a Hazard Audit that is:
  - (a) prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*; and
  - (b) conducted by a suitably qualified and experienced team whose appointment has been endorsed by the Secretary;

Unless the Secretary agrees otherwise, the Applicant **must** submit a copy of the report to the Department, within 6 weeks of its completion together with its response to any recommendations contained in the report. The Applicant's response should also include a timetable for the implementation of any measures proposed to address the recommendations in the report. If the Applicant intends to defer the implementation of a recommendation, reasons **must** be documented.

*Note: This preparation work for this report can be undertaken in conjunction with the Independent Environmental Audit detailed in condition 9 of Schedule 5.*

#### **Bushfires**

53. The Applicant **must**:
  - (a) ensure that the development is suitably equipped to respond to any fires on site; and
  - (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area.

#### **Gas Pipeline**

54. The Applicant **must** design and construct the gas pipeline in accordance with the relevant Australian Standards, in particular *AS2885 Pipelines – Gas and Liquid Petroleum*, or its latest version.

#### **Soil Contamination**

55. Prior to any construction activities being undertaken in any areas that were identified as potentially contaminated in the EIS, the Applicant **must** assess and manage the soil in general accordance with the relevant EPA guidelines including the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, or its latest version, to the satisfaction of the Secretary.

#### **WASTE**

56. The Applicant **must**:
  - (a) implement all reasonable and feasible measures to minimise the waste generated by the development;
  - (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of; and
  - (c) monitor and report on the effectiveness of the waste minimisation and management measures each calendar year,

#### **REHABILITATION**

##### **Rehabilitation Objectives**

57. The Applicant **must** rehabilitate the site **in accordance with the conditions imposed on the mining lease(s) associated with the project under the Mining Act 1992**. This rehabilitation **must** be generally consistent with the proposed rehabilitation strategy depicted conceptually in the figures in Appendix 7, and comply with the objectives in Table 11.

Table 11: Rehabilitation objectives

Feature	Objective
Mine site (as a whole)	<p>Safe, stable and non-polluting</p> <p>Final landforms to:</p> <ul style="list-style-type: none"> <li>• be designed to minimise the visual impacts of the development;</li> <li>• be in keeping with the natural terrain features of the area;</li> <li>• incorporate micro-relief; and</li> <li>• drain to the natural environment (excluding the final void, Waste Residue Storage Facilities, Salt Encapsulation Cells and Waste Rock Emplacement).</li> </ul>
Final void	<p>Minimise the size and depth of the final void and its drainage catchment as far as is reasonable and feasible, subject to meeting the objectives below</p> <p>Minimise risk of overflow or flood interaction</p> <p>Negligible high wall instability risk</p>
Surface infrastructure	To be decommissioned and removed, unless <b>Resources Regulator</b> agrees otherwise
Waste Storage Facilities, Salt Encapsulation Cells and Waste Rock Emplacement	<p>To be long-term stable and to meet original design standards</p> <p>Final landform and vegetation cover to be stable, self-sustaining, free draining and consistent with surrounding rehabilitated areas</p>
Agriculture	Use all reasonable and feasible measures to return <b>land identified as "agricultural landuse" in Figure 1 of Appendix 7</b> disturbed by the development to its former agricultural productivity
Woodland areas and other vegetated land	<p>Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of:</p> <ul style="list-style-type: none"> <li>• local native species; and</li> <li>• a landform consistent with the surrounding environment</li> </ul>
Community	<p>Ensure public safety</p> <p>Minimise adverse socio-economic effects associated with mine closure</p>

### Progressive Rehabilitation

58. The Applicant **must** rehabilitate the site progressively as soon as reasonably practicable following disturbance. All reasonable and feasible measures **must** be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies **must** be employed when areas prone to dust generation cannot be permanently rehabilitated.

*Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.*

### Rehabilitation Strategy

59. The Applicant **must** prepare a Rehabilitation Strategy for the site to the satisfaction of the Secretary. This strategy **must**:
- be prepared by a suitably qualified and experienced person/s;
  - be prepared in consultation with the Resources Regulator, MEG, DPE Water, DPI Agriculture, BCS, Council and the CCC;
  - be submitted to the Secretary for approval within one year of the date of approval of MOD 1, unless otherwise agreed by the Secretary;



- (d) build upon the Rehabilitation Objectives in **Table 11**, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform, final void outcomes, post-mining land use/s and water management;
- (e) align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA, 2000);
- (f) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;
- (g) investigate opportunities to refine and improve the final landform over time, including the configuration of the waste rock emplacement areas;
- (h) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site, that:
  - (i) align with regional and local strategic land use planning objectives and outcomes, including a return to agricultural land use;
  - (ii) support a sustainable future for the local community;
  - (iii) utilise existing mining infrastructure, where practicable; and
  - (iv) avoid disturbing self-sustaining native ecosystems, where practicable;
- (i) include a stakeholder engagement plan to guide rehabilitation, impacts to agriculture and mine closure planning processes and outcomes;
- (j) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and
- (k) include a program to report on the outcomes of the investigations required under this condition and review and update this strategy at least every five years.

59A. The Applicant must implement the Rehabilitation Strategy approved by the Secretary.

*Note: The Applicant must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992.*

## AGRICULTURE

60. The Applicant **must** use its best endeavours to ensure that the agricultural productivity and production of non-operational project-related land is maintained or enhanced.

This includes properties primarily used for agriculture that are acquired by the Applicant. However, it does not include land:

- where disturbance is permitted under the conditions of this consent; or
- that forms part of the biodiversity offset strategy.

## SCHEDULE 4 ADDITIONAL PROCEDURES

### NOTIFICATION OF LANDOWNERS/TENANTS

1. Within one month of the date of this consent, the Applicant **must**:
  - (a) notify in writing the owners of
    - R50 that they have the right to require the Applicant to acquire their land in accordance with the procedures in conditions 4 and 5 below at any stage during the development; and
    - any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; and
  - (b) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EIS identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the development.
2. As soon as practicable after obtaining monitoring results showing:
  - (a) an exceedance of any relevant criteria in schedule 3, the Applicant **must** notify the affected landowners in writing of the exceedance, and provide regular monitoring results to these landowners until the development is again complying with the relevant criteria; and
  - (b) an exceedance of any relevant air quality criteria in schedule 3, the Applicant **must** send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).

### INDEPENDENT REVIEW

3. If an owner of privately-owned land considers the development to be exceeding the relevant criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.

If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Applicant **must**:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:
  - consult with the landowner to determine their concerns;
  - conduct monitoring to determine whether the development is complying with the relevant criteria in schedule 3;
  - if the development is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and
- (b) give the Secretary and landowner a copy of the independent review.

### LAND ACQUISITION

4. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant **must** make a binding written offer to the landowner based on:
  - (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the:
    - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
    - presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of additional noise and/or air quality mitigation measures implemented by the Applicant;
  - (b) the reasonable costs associated with:
    - relocating within the Dubbo local government area, or to any other local government area determined by the Secretary; and
    - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
  - (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.

Upon receiving such a request, the Secretary **must** request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- consider submissions from both parties;
- determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
- prepare a detailed report setting out the reasons for any determination; and
- provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Applicant **must** make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review **must** be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.

Within 14 days of this determination, the Applicant **must** make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.

If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land **must** cease, unless the Secretary determines otherwise.

5. The Applicant **must** pay all reasonable costs associated with the land acquisition process described in condition 4 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

## SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

1. The Applicant **must** prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy **must**:
  - (a) be submitted to the Secretary for approval prior to the commencement of an activity associated with the development;
  - (b) provide the strategic framework for environmental management of the development;
  - (c) identify the statutory approvals that apply to the development;
  - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (e) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the development;
    - respond to any non-compliance;
    - respond to emergencies; and
  - (f) include:
    - copies of any strategies, plans and programs approved under the conditions of this consent; and
    - a clear plan depicting all the monitoring required to be carried out under the conditions of this consent.

**1A The Applicant must implement the approved Environmental Management Strategy.**

#### Adaptive Management

2. The Applicant **must** assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria and/or performance measures has occurred, the Applicant **must**, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.

#### Management Plan Requirements

3. The Applicant **must** ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
  - (a) detailed baseline data;
  - (b) a description of:
    - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - any relevant limits or performance measures/criteria;
    - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
  - (d) a program to monitor and report on the:
    - impacts and environmental performance of the development;
    - effectiveness of any management measures (see c above);
  - (e) a contingency plan to manage any unpredicted impacts and their consequences;
  - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (g) a protocol for managing and reporting any:
    - incidents;
    - complaints;
    - non-compliances with statutory requirements; and

- exceedances of the impact assessment criteria and/or performance criteria; and
- (h) a protocol for periodic review of the plan.

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

### Annual Review

- By the end of September each year, unless the Secretary agrees otherwise, the Applicant **must** review the environmental performance of the development to the satisfaction of the Secretary. This review **must**:
  - describe the development (including any rehabilitation) that was carried out in the past financial year, and the development that is proposed to be carried out over the next year;
  - include a comprehensive review of the monitoring results and complaints records of the development over the past financial year, which includes a comparison of these results against the:
    - relevant statutory requirements, limits or performance measures/criteria;
    - requirements of any plan or program required under this consent;
    - monitoring results of previous years; and
    - relevant predictions in the EIS;
  - identify any non-compliance over the past financial year, and describe what actions were (or are being) taken to ensure compliance;
  - identify any trends in the monitoring data over the life of the development;
  - identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - describe what measures will be implemented over the current financial year to improve the environmental performance of the development.

### Revision of Strategies, Plans and Programs

- Within 3 months of:
  - the submission of an annual review under Condition 4 above;
  - the submission of an incident report under Condition 7 below;
  - the submission of an audit report under Condition 9 below; or
  - any modification to the conditions of this consent (unless the conditions require otherwise),
 the Applicant **must** review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review, unless the Secretary agrees otherwise, the revised document **must** be submitted to the Secretary for approval.

*Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.*

### Community Consultative Committee

- The Applicant **must** establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC **must** be operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Developments* (Department of Planning, 2007, or its latest version), and be operating within 6 months of the date of this consent, unless the Secretary agrees otherwise.

#### Notes:

- The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.
- In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, and the local community.

### REPORTING

#### Incident Reporting

- The Secretary **must** be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification **must** identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements **must** be given, and reports submitted in accordance with the requirements set out in Appendix 8.

## Non-Compliance Notification

- 7A. The Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- 7B. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- 7C. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## Regular Reporting

8. The Applicant **must** provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

## AUDITING

### Independent Environmental Audit

9. Within one year of commencing development under this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant **must** commission and pay the full cost of an Independent Environmental Audit of the development. This audit **must**:
- (a) be prepared in accordance with the *Independent Audit Post Approval Requirements (2020 or as updated)*; and
  - (b) be submitted, to the satisfaction of the Secretary, within two months of undertaking the independent audit site inspection, unless otherwise agreed by the Secretary.
10. In accordance with the specific requirements of the *Independent Audit Post Approval Requirements (2020 or as updated)*, the Applicant **must**:
- (a) review and respond to each Independent Audit Report prepared under Schedule 5 Condition 9 of this consent;
  - (b) submit a response to the Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations of the Independent Audit Report;
  - (c) implement the recommendations to the satisfaction of the Secretary; and
  - (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Secretary.

## ACCESS TO INFORMATION

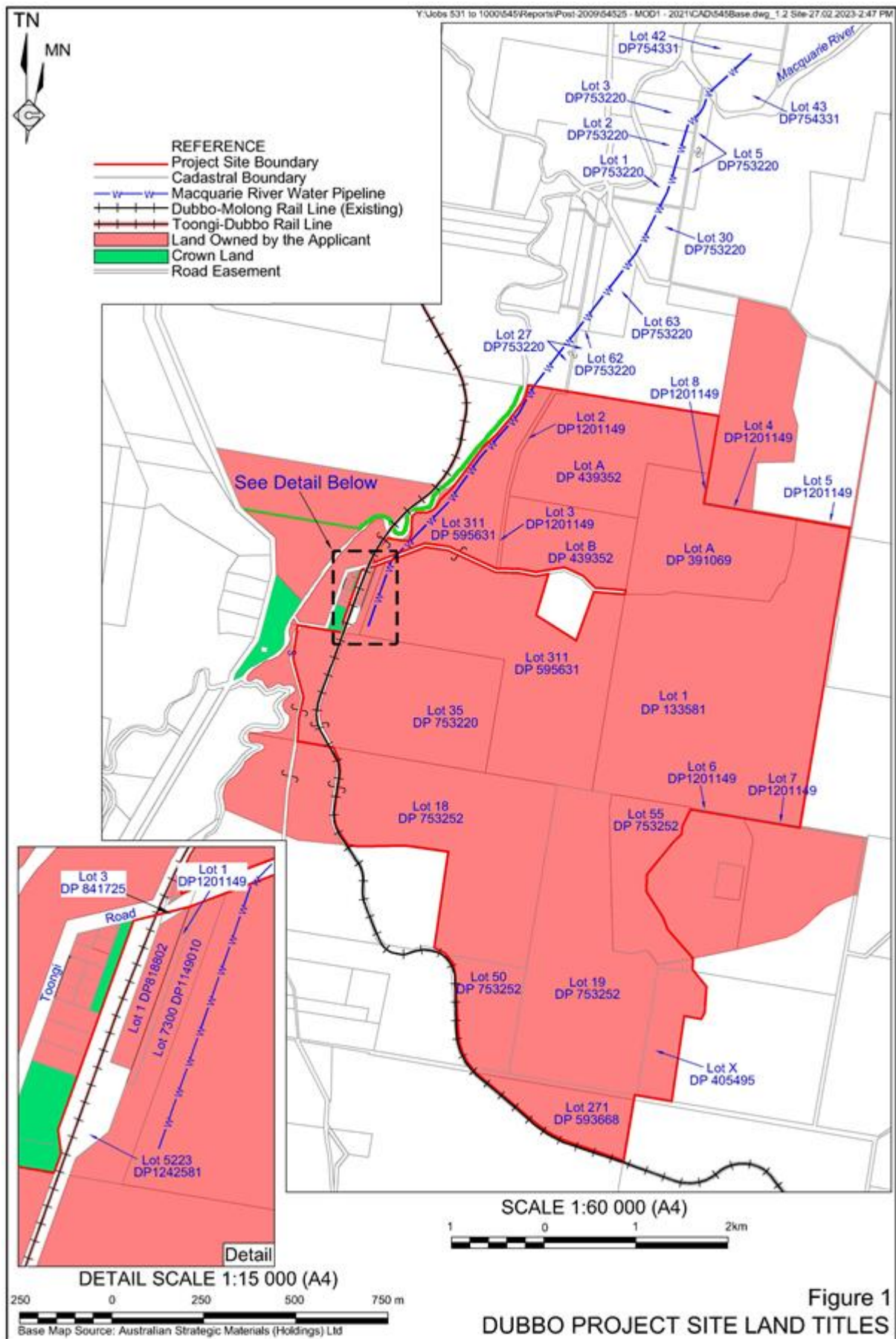
11. Within 6 months of the date of this consent, the Applicant **must**:
- (a) make copies of the following publicly available on its website:
    - the EIS;
    - current statutory approvals for the development;
    - approved strategies, plans and programs required under the conditions of this consent;
    - 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;
    - a complaints register, which summaries the complaints received and is updated quarterly;
    - minutes of CCC meetings;
    - the annual reviews of the development (for the last 5 years, if applicable);
    - any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;
    - any other matter required by the Secretary; and
  - (b) keep this information up-to-date, to the satisfaction of the Secretary.
-

**APPENDIX 1**  
**SCHEDULE OF LAND**

**Table 1: Development Area Land Titles**

<b>Project Site</b>		<b>Macquarie River and Sweet Water Bore Water Pipeline</b>	<b>Toongi–Dubbo Rail and Gas Pipeline Corridor</b>
Part Lot 311 DP595631	Lot 271 DP593668	Lot 311 DP595631	Toongi – Dubbo Rail Reserve
Part Lot 35 DP753220	Part Lot 1 DP133581		Purvis Lane Reserve
Part Lot 18 DP753252	Lot A & B DP439352		<b>Public Road Network</b>
Lot 19 DP 753252	Part Lot A DP391069	Lot 1, 2, 3, 5, 27, 30, 62 & 63 DP753220	Toongi Road Reserve
Lot 5223 DP124581	Lot 3 DP841725	Lot 42 & 43 DP754331	
Lot 55 DP 753252	Lot A DP 391069	Road Reserves of <ul style="list-style-type: none"> <li>– Toongi Road (as it traverses Lot 311 DP595631); and</li> <li>– Benolong Road (between Lot 63 and 30 DP753220)</li> </ul> Unformed crown road reserves: <ul style="list-style-type: none"> <li>– between Lots 27 and 62 of DP753220;</li> <li>– between Lots 1 and 30 of DP753320; and</li> <li>– between Lots 3 and 5 of DP753320.</li> </ul> Land subject to an easement for the Macquarie River and Sweet Water Bore Water Pipeline.	Obley Road Reserve
Lot X DP 405495			
Lot 1 DP818802	Lot 50 DP 753252		
Lot 7300 DP1149010			
Lots 1-8 DP1201149			

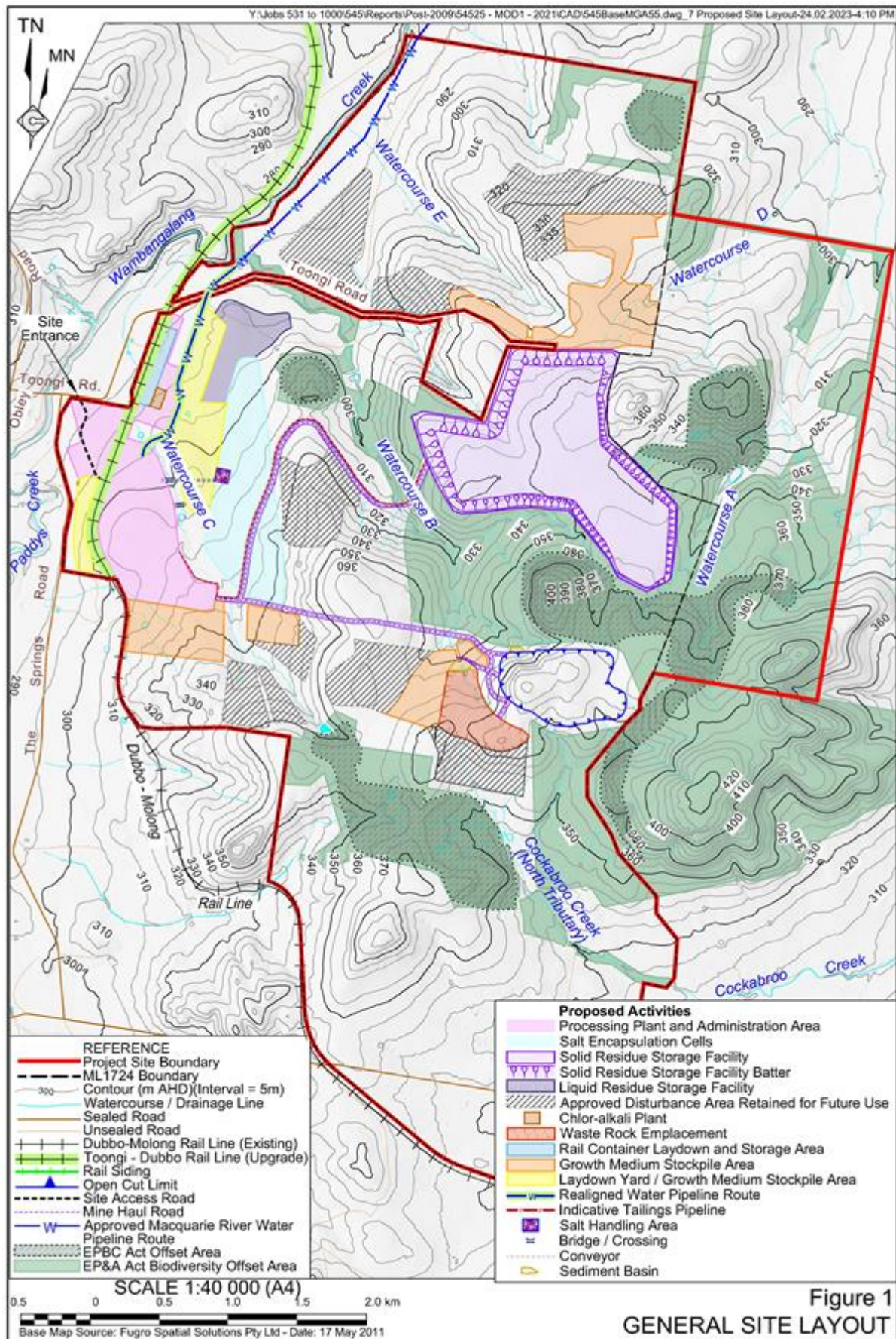




**Figure 1: Dubbo Project Site Land Titles**

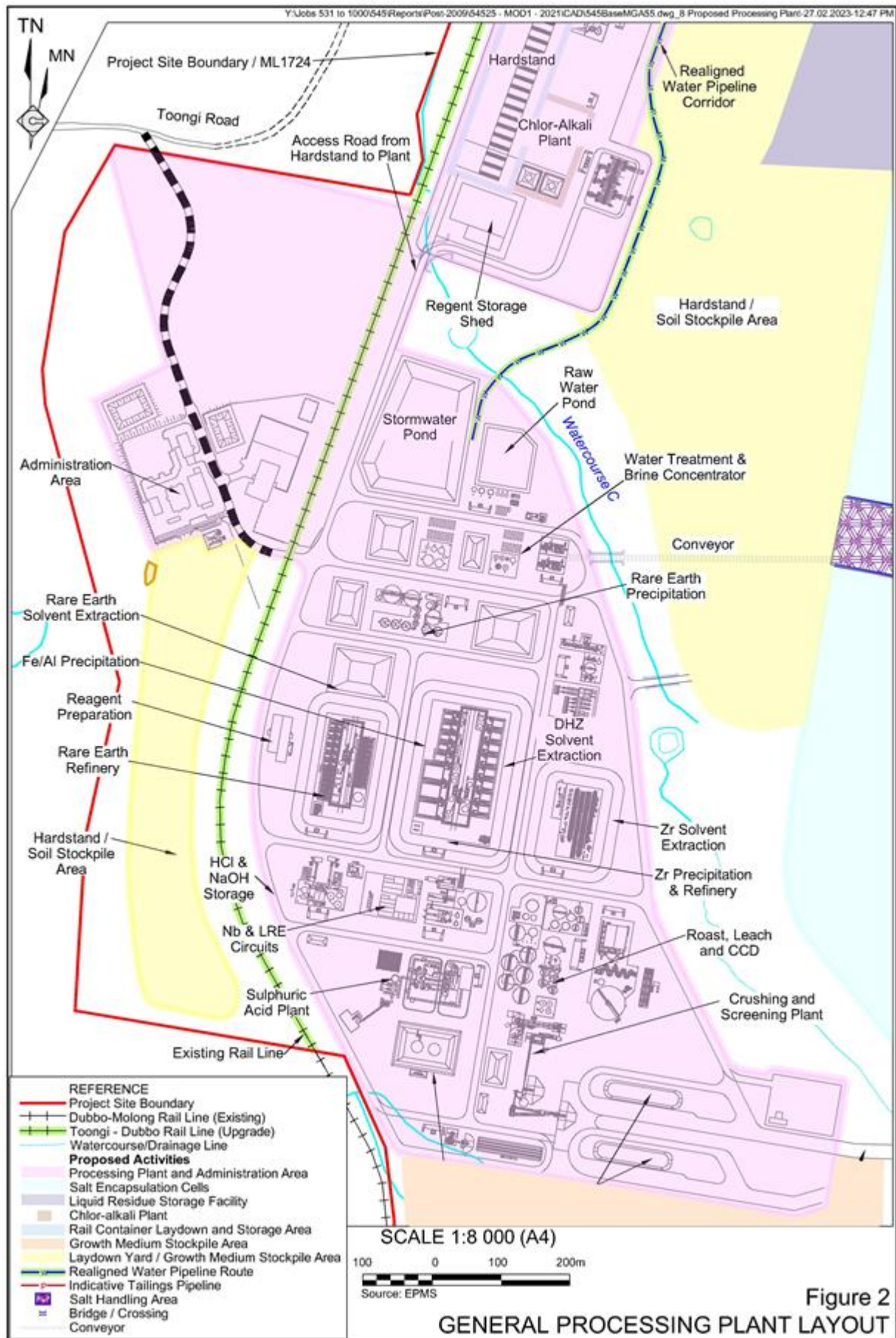


## APPENDIX 2 DEVELOPMENT LAYOUT



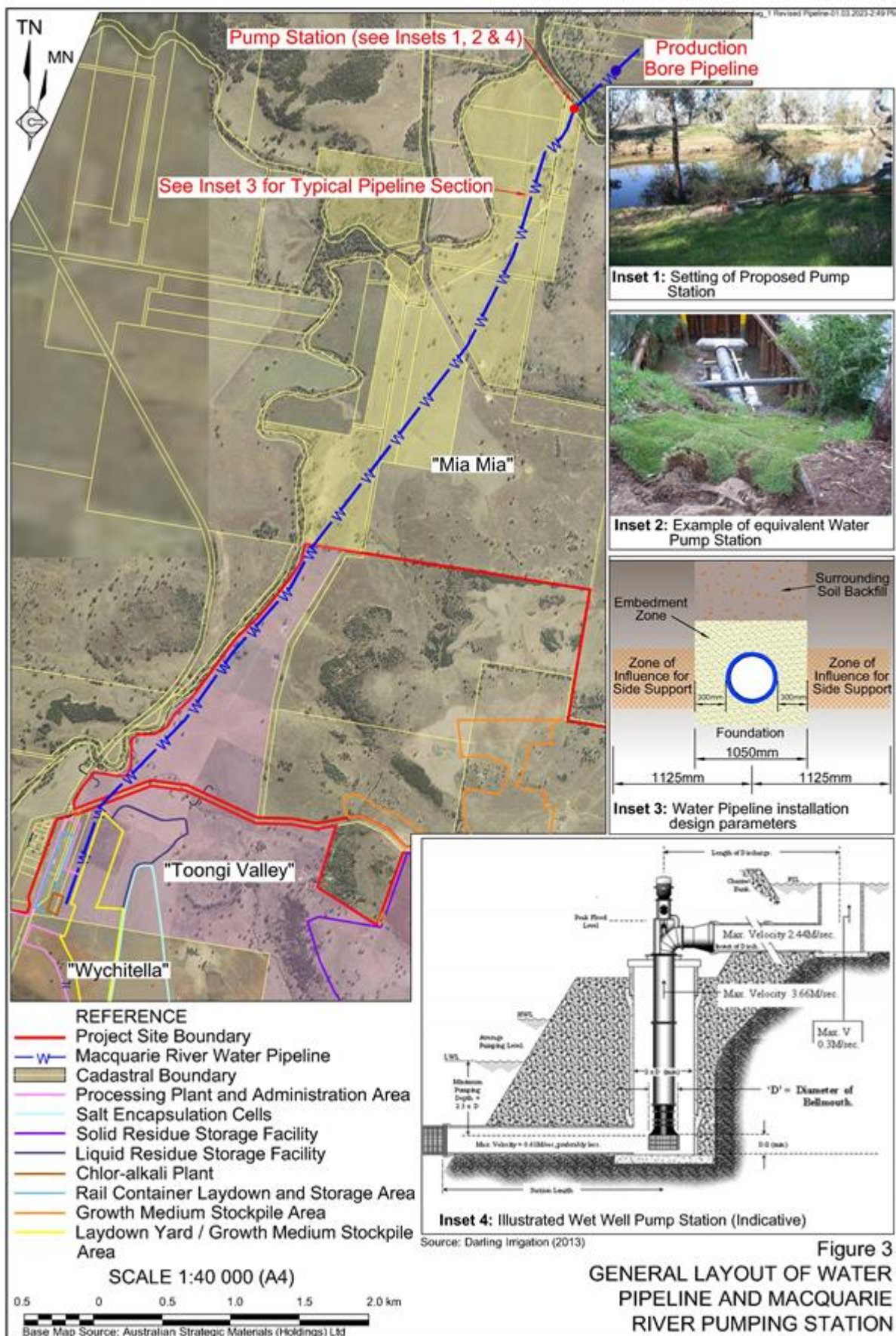
**Figure 1: General Site Layout**





**Figure 2: General Processing Facility Layout**





**Figure 3: General Layout of Water Pipeline and Macquarie River Pumping Station**



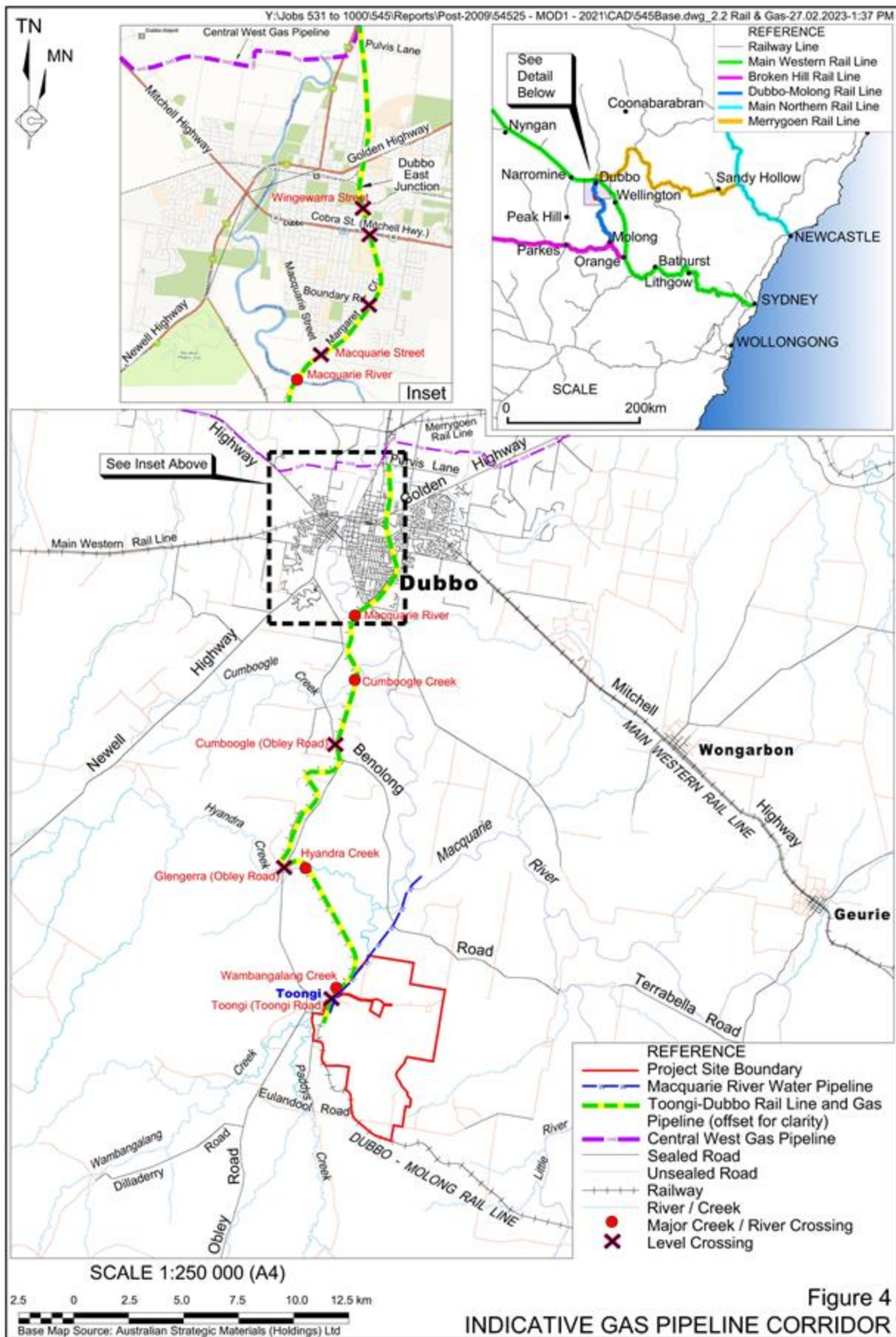
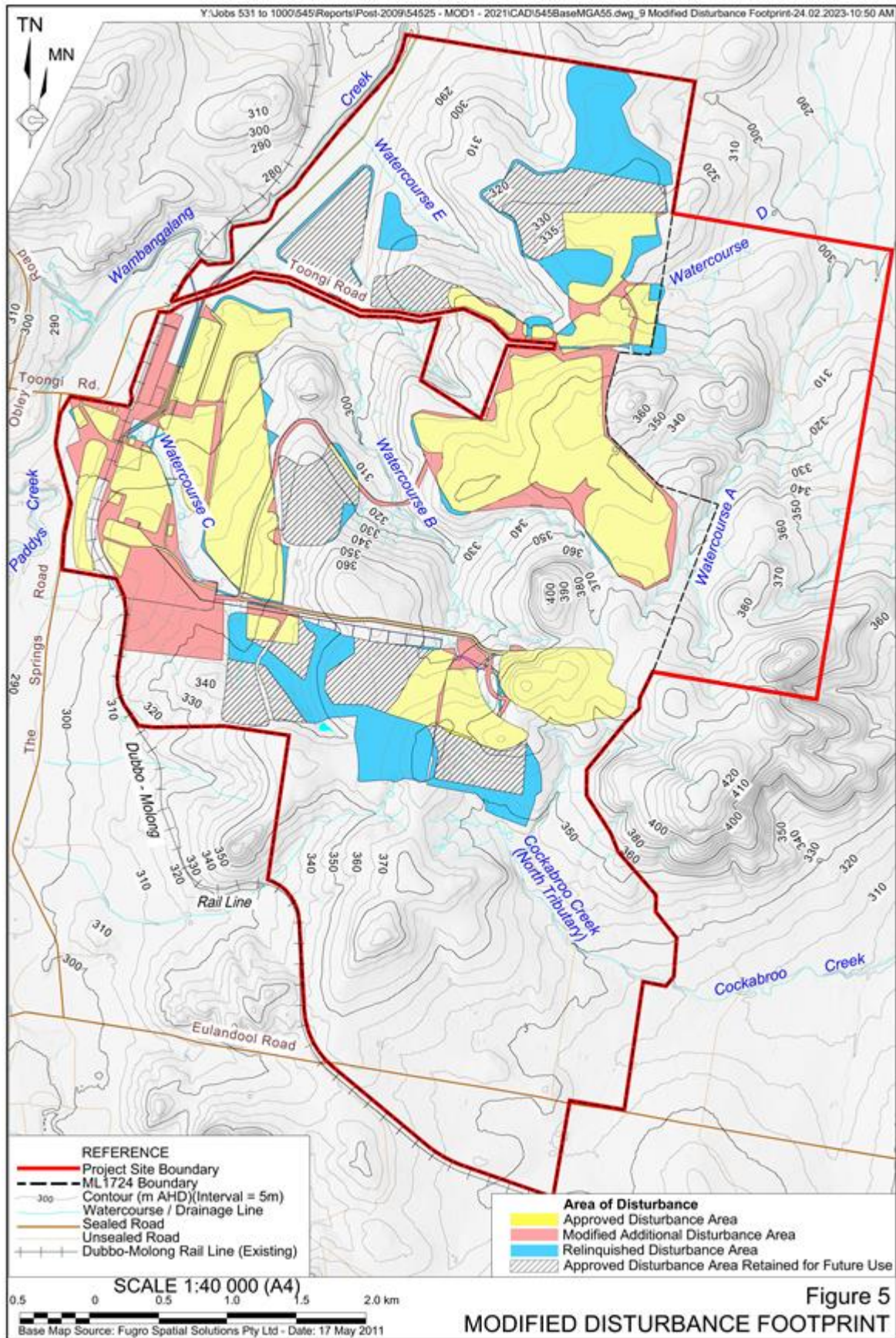


Figure 4: Indicative Gas Pipeline Corridor.





**Figure 5: Modified Disturbance Footprint**

**APPENDIX 3  
STATEMENT OF COMMITMENTS**

**Final Statement of Commitments**

1 of 9

Desired Outcome	Action	Timing
<b>1. Environmental Management</b>		
Compliance with all conditional requirements in all approvals licences and leases.	1.1 Comply with all commitments recorded in this table.	Continuous and as required.
	1.2 Comply with all conditional requirements included in the: <ul style="list-style-type: none"> <li>• Development consent;</li> <li>• Environment Protection Licence;</li> <li>• Mining Lease(s);</li> <li>• Approval under the EPBC Act; and</li> <li>• any other approvals.</li> </ul>	Ongoing.
<b>2. Area of Activities</b>		
All approved activities are undertaken generally in the location(s) nominated on the figures shown in Sections 2 and 4.	2.1 Mark, and where appropriate, survey the boundaries of the areas of proposed disturbance on the DZP Site.	Prior to the commencement of site establishment and construction in the respective component area.
	2.2 Mark, and where appropriate, survey the alignment of the Toongi – Dubbo Rail Line and Gas Pipeline Corridor.	Prior to the commencement of the relevant activity.
	2.3 Mark, and where appropriate, survey the alignment of the Macquarie River Water Pipeline.	Prior to the commencement of the relevant activity.
	2.4 Mark, and where appropriate, fence boundaries relevant to the Biodiversity Offset Area.	In accordance with an approved Biodiversity Offset Management Plan.
Undertake earthworks with regard to paleontological record of 'Fossil Hill'.	2.5 Undertake (or provide for) an inspection of the 'Fossil Hill' location by a qualified person for any further geological and paleontological information.	Prior to earthworks over or in the vicinity of 'Fossil Hill'.
	2.6 Retain at least one exposure for future reference.	Ongoing.
<b>3. Noise</b>		
Noise generated by construction and operational activities does not exceed criteria.	3.1 Implement noise controls in accordance with a approved Noise Management Plan.	Ongoing.
	3.2 Notify local residences of plans for nearby construction, duration of construction and plans in place to mitigate noise impacts.	As required during construction.
	3.3 Educate all contractors and personnel regarding the sensitivities relating to noise	Ongoing and as part of site induction.
	3.4 Avoid night time loading and unloading of trains (unless necessary to meet allocated rail path).	Ongoing.

## Final Statement of Commitments (Cont'd)

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Desired Outcome	Action	Timing
<b>3. Noise (Cont'd)</b>		
Noise generated by blasting does not exceed criteria.	3.5 Design and implement blasting events by a suitably qualified blasting engineer or experienced shot-firer to ensure all relevant noise and safety criteria are met.	Ongoing.
Noise generated by DZP traffic does not exceed criteria.	3.6 Implement noise controls in accordance with a approved Noise Management Plan.	Ongoing.
Noise generated by the DZP is monitored and procedures developed and implemented to respond to ensure compliance is maintained.	3.7 Install noise monitoring and communication equipment in accordance with an approved Noise Monitoring Program.	Prior to commencement of operations.
	3.8 Establish noise monitoring procedures for identifying and managing elevated noise levels.	
	3.9 Ensure that a 24-hour complaints telephone line is maintained and that the surrounding community is made aware of the number.	Prior to the commencement of operations.
	3.10 Ensure that prompt action is taken to identify the nature of any complaint received and verify the relevant noise levels using the real-time noise monitoring equipment.	Within 24 hours of receipt of complaint.
<b>4. Air Quality</b>		
Dust generated during the operations stage does not exceed the nominated air quality criteria	4.1 Implement dust control measures in accordance with an approved Air Quality Management Plan.	Ongoing and as required.
Minimise emissions to the atmosphere from the <b>ore processing facility</b> .	4.2 Regulate emissions from the stacks and vents by operating within the prescribed in-stack concentrations limits.	Ongoing.
	4.3 Undertake periodic extractive monitoring to demonstrate compliance with in-stack limits.	In accordance with an approved Air Quality Management Plan.
	4.4 Implement a regular and documented maintenance and inspection program for all plant items where emissions to air are deemed likely.	Prior to commencement of processing and then ongoing.

Desired Outcome	Action	Timing
<b>5. Radiation</b>		
Provide for appropriate controls to minimise potential for discharge or dispersal of radiation. / Ensure only authorised access to the DZP Site.	5.1 Implement radiation control measures in accordance with an approved Radiation Management Plan.	Ongoing.
Appropriately classify work areas to allow for implementation of appropriate OHS management.	5.2 Define and operate the DZP Site as a "supervised area" (as defined in ARPANSA, 2005).	Prior to commencement of mining and processing.
	5.3 Define and operate "controlled areas" (as defined in ARPANSA, 2005).	
	5.4 Define and designate employees working in the controlled areas as designated radiation workers.	
	5.5 Ensure "designated workers" change into work clothes at the commencement of their shift and then shower and change into "street clothes" at the end of their shift.	
	5.6 Launder dirty clothes on-site, with waste water sent to an on-site water treatment plant.	
Establishment of site-wide administrative controls.	5.7 Ensure pre-employment and routine medical checks for workers.	Prior to employment.
	5.8 Ensure inductions and regular training of all employees and contractors.	As part of induction and then ongoing.
	5.9 Develop safe work procedures which will include: <ul style="list-style-type: none"> <li>radiation safety aspects;</li> <li>procedures to segregate, isolate and clean up contamination or contaminated equipment; and</li> <li>procedures for equipment or materials leaving the controlled area.</li> </ul>	Prior to commencement of operations.
	5.10 Enforce mandatory use of personal hygiene facilities (wash facilities) at entrances to lunch rooms and offices.	Ongoing.
	5.11 Employ suitably qualified and experienced radiation safety professionals to assist during the final design, construction and the operational phases of the Proposal.	As required.
	5.12 Use a computer-based data management system to store and manage all information relating to radiation management and monitoring.	Develop prior to commencement and operate for the life of the DZP.



## Final Statement of Commitments

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Desired Outcome	Action	Timing
<b>6. Surface Water</b>		
Design and construct surface water management structures to prevent the discharge of polluted water from the DZP Site and minimise impacts on environmental flows	6.1 Ensure that all potentially salt or chemical-laden water is retained within the DZP Site and either used for processing operations or is sent to the LRSF.	Ongoing.
	6.2 Complete an analysis of wave run-up and (if necessary) provide for additional management measures.	Prior to LRSF construction.
	6.3 Ensure that all Mine Water, as defined by the development consent, is directed to pump equipped storage basins capable of accepting double the 1 in 100 ARI storm event.	Ongoing.
	6.4 Ensure that all potentially sediment-laden water is managed in accordance with a Surface Water Management Plan.	Ongoing.
Site infrastructure does not compromise surface water management.	6.5 Ensure that all mine-related roads within the DZP Site are constructed in accordance with Soils and Construction: Managing Urban Stormwater Vol. 2b (DECC, 2008b).	Prior to the commencement of the relevant activity.
	6.6 Ensure that all areas where reagents or processing-related chemicals are used or stored are bunded and, where appropriate, covered. If not covered, include a suitable sump for the collection and removal of incident rainfall.	
	6.7 Maintain a >20m buffer between the DZP Site Administration Area and Watercourse C, unless reduced buffer approved within the Water Management Plan for the DZP.	Ongoing.
Water access does not exceed harvestable rights.	6.8 Ensure that the capacity of existing and proposed water storages to be constructed does not exceed the Applicant's harvestable rights (182ML at the time of development consent).	Ongoing.
<b>7. Groundwater</b>		
Minimisation of groundwater contamination from the SRSF and SEC's.	7.1 Construct each cell of the SRSF and SEC with a double liner, at least one of which is HDPE.	Prior to the commencement of processing operations.
	7.2 Construct the SRSF and each SEC cell with a leak detection system and leak / seepage collection mechanisms.	
	7.3 Maintain the leak detection system following the completion of the SECs until such time as leakage is deemed (by hydrogeologist) to be unlikely.	
	7.4 Install groundwater monitoring bores around the SRSF and SECs to monitor for changes in water chemistry which could indicate a leak.	

Desired Outcome	Action	Timing
<b>7. Groundwater (Cont'd)</b>		
Minimisation of groundwater contamination from the LRSF.	7.5 Construct each cell of the LRSF with a HDPE (or equivalent) liner.	During construction.
	7.6 Weld the liner to form a continuous barrier over the internal embankments.	During construction.
	7.7 Drill and hydraulically test additional boreholes along the perimeters of the proposed LRSF to evaluate aquifer properties. If high permeability alluvial aquifers are identified below the proposed LRSF, either: <ul style="list-style-type: none"> <li>• modify the extent of the LRSF to avoid potential interaction with high permeability aquifer;</li> <li>• construct the LRSF cells with a double liner system, leakage detection and capability to pump any leakage similar to the SRSF; and/or</li> <li>• design and/or install a quick response seepage interception system as part of the Water Management Plan.</li> </ul>	As part of the final design phase of the LRSF  As required
	7.8 Monitor the water balance within each cell in accordance with an approved Water Management Plan.	Ongoing following approval of Water Management Plan.
	7.9 Monitor groundwater levels and quality beyond the downstream toe of external embankments in accordance with an approved Water Management Plan.	As defined by the Water Management Plan.
	7.10 Design and implement a <i>Leak Detection Response Strategy</i> .	Prior to commencement of discharge to the LRSF.
	7.11 Harvest precipitated salts in accordance with a <i>Salt Harvesting Protocol</i> .	Prior to and during salt harvesting campaigns.
Minimise potential for dryland salinity	7.12 Establish deep rooted vegetation between LRSF Areas 2 and 3 within the proposed Biodiversity Offset Area.	Over initial 5 years of operations.
<b>8. Terrestrial Ecology</b>		
Avoid impacts on native flora and fauna.	8.1 Limit disturbance to those areas identified in the EIS.	Ongoing.
	8.2 Clearly mark areas of ground disturbance prior to commencement of activities and disturbance restricted to these areas.	During site establishment phase.
Manage impacts to remnant biodiversity.	8.3 Undertake biodiversity management in accordance with a Biodiversity Management Plan.	Ongoing.
	8.4 Include and implement a plan of management for the Pink-tailed Worm-lizard in the Biodiversity Management Plan.	
Rehabilitate disturbed areas to create a final landform that maintains or improves biodiversity values.	8.5 Undertake rehabilitation in accordance with a Rehabilitation Management Plan.	Ongoing and as required.
	8.6 Monitor all areas of progressive and final rehabilitation, in accordance with the Rehabilitation Management Plan, and undertake remedial action in the event that rehabilitation does not comply with the relevant completion criteria.	

Desired Outcome	Action		Timing
9. Aquatic Ecology			
Avoid, minimise or mitigate impacts as a result of DZP construction activities on aquatic biota and habitats	9.1	Undertake all earthworks on waterfront land in accordance with the most up to date Controlled Activity Approval guideline documents (or equivalent) issued by the NSW Office of Water.	During construction.
	9.2	Mark exclusion zones around riparian vegetation to avoid potential impacts.	Ongoing.
	9.3	Enforce pumping protocols that require pumping rates gradually increase and decrease and the commencement and cessation of pumping cycles.	Ongoing.
10. Aboriginal Heritage			
Manage Aboriginal heritage sites and values in accordance with the wishes of the Registered Aboriginal Parties (RAPs) for the DZP	10.1	Prepare an Aboriginal Cultural Heritage Management Plan in consultation with the RAPs and Office of Environment and Heritage. The Plan should consider the following. <ul style="list-style-type: none"><li>• Consultation with the Aboriginal stakeholders.</li><li>• Personnel awareness of the locations of Aboriginal sites.</li><li>• Involvement of suitably qualified archaeologists.</li><li>• Inductions for crews working on the DZP Site.</li><li>• Monitoring of disturbance to Aboriginal sites.</li></ul>	Prior to commencement of surface disturbing activities.
	10.2	Complete all works of the DZP in accordance with the Aboriginal Cultural Heritage Management Plan.	
Manage future finds in accordance with relevant legislative requirements	10.3	Prepare and maintain an <i>Unanticipated Finds Protocol</i> .	Prior to surface disturbing activities.
	10.4	Ensure if any other objects or Aboriginal sites are identified during construction the <i>Unanticipated Finds Protocol</i> is implemented.	As required.
11. Historic Heritage			
Minimise the potential for adverse Proposal-related impacts on historic heritage sites within and surrounding the DZP Site.	11.1	Identify all identified sites on plans and ensure that activities in the vicinity of those sites are appropriately managed.	Prior to surface disturbing activities.
	11.2	Avoid impacts on sites DZP-HIF1 and DZP-HIF2 by establishing a fence and buffer zone around the sites.	Ongoing.
	11.3	Ensure that unless unavoidable due to rail line upgrade, avoid DZP HS1.	Ongoing.
12. Soils and Land Capability			
Undertake soil stripping such that impacts on the quality of the soil for future rehabilitation is maximised.	12.1	Plan and implement soil stripping in accordance with an approved Mining Operations Plan. Ensure the MOP considers the following. <ul style="list-style-type: none"><li>• Moisture of the soil to be stripped. Material should not be stripped in either an excessively dry or wet condition.</li><li>• Potential for compaction.</li><li>• Immediate re-use of soils (where practical).</li></ul>	Ongoing.

Desired Outcome	Action	Timing
<b>12. Soils and Land Capability (Cont'd)</b>		
Stockpile soil such that impacts on the quality of the soil for future rehabilitation is maximised.	12.2 Plan and implement soil stockpiling in accordance with an approved Mining Operations Plan (MOP). Ensure the MOP considers the following. <ul style="list-style-type: none"> <li>Minimising the operation of machinery on soil stockpiles to minimise compaction.</li> <li>Maximum stockpile height considerations.</li> <li>Grazing on stockpiles.</li> </ul>	Ongoing.
Respread soil such that impacts on the quality of the soil for future rehabilitation is maximised.	12.3 Plan and implement soil resspreading in accordance with an approved MOP. Ensure the MOP considers the following. <ul style="list-style-type: none"> <li>Tests to be undertaken prior to reuse to ensure that it is not toxic to plant growth.</li> <li>Moisture condition of the soil.</li> <li>Density of replaced soil.</li> <li>Treatment of replaced soil.</li> <li>Soil placement procedures.</li> <li>Measures to minimise operation of machinery after resspreading.</li> <li>Establishment of vegetation.</li> </ul>	Prior to soil resspreading.
<b>13. Traffic and Transportation</b>		
Achieve safe and efficient transport operations.	13.1 Prepare and implement a Transport Management Plan.	Prior to construction and then transport operations.
Manage future and changing traffic environment to maintain safe and efficient transport operations	13.2 Ensure that the approved heavy vehicle transportation route is amended to include the use of the intersection of the Newell Highway and Boothenba Road.	Prior to transport operations.
	13.3 Contribute to the construction of a right turn acceleration lane on the Newell Highway (from Obley Road), if recommended by the independent technical specialist engaged to review the RSA on the basis of: <ul style="list-style-type: none"> <li>reasonable safety grounds unfettered by capacity considerations; or</li> <li>capacity grounds where the DZP is shown to be a significant contributor to the intersection volume.</li> </ul> <p>Note: Contribution to the upgrade works would be negotiated with the road authority. AZL is committed to providing a proportion commensurate with the contribution of the DZP to the safety or capacity impact(s).</p>	To be negotiated with the road authority(ies) following the completion of the independent technical specialist's report.
<b>14. Visual Amenity</b>		
Manage the impact of activities on the visual amenity surrounding the DZP Site.	14.1 Construct the <b>ore processing facility</b> and other infrastructure within the DZP Site from predominantly non-reflective, neutral coloured material.	During construction.

Desired Outcome	Action	Timing
<b>15. Hazards</b>		
Prevent the escape of reagents from the <b>ore processing facility</b> and DZP Site Administration Area.	15.1 Complete all tanker deliveries over sealed areas with kerbing and drainage design preventing any runoff to the environment if a spill occurs.	Ongoing.
	15.2 Provide spill kits as appropriate, enabling recovery of small quantities of spilt materials.	Ongoing.
Prepare appropriately for the possibility of a bush fire event.	15.3 Prepare bush fire management procedures in consultation with appropriate stakeholders.	Prior to commencement of operations.
Manage a local bush fire to minimise the potential for property damage or personnel injury.	15.4 Implement bush fire management procedures in accordance with an approved plan developed in consultation with appropriate stakeholders.	Ongoing.
Minimise risks associated with initiation of a bush fire.	15.5 Prepare risk minimisation and mitigation procedures and include within a Bush Fire Management Plan.	Ongoing.
Avoid conflict between aircraft and stacks of the <b>ore processing facility</b>	15.6 Consult with the Civil Aviation Safety Authority (CASA) and, if requested by CASA, install obstacle lighting in accordance with Part 139 of the <i>Civil Aviation Safety Regulations 1998</i> <sup>1</sup> .	Prior to commencement of construction of the stack.
<b>16. Social-economic Setting</b>		
Maximise the positive impacts and minimise any actual or perceived adverse impacts on the social fabric or facilities available to the community surrounding the DZP Site.	16.1 Engage the community surrounding the Proposal in regular dialogue in relation to the proposed and ongoing operation of the Project and maintain an "open door" policy for any member of the community who wishes to discuss any aspect of the DZP.	Ongoing.
	16.2 Proactively and regularly consult with those residents most likely to be adversely impacted by the DZP.	Ongoing.
	16.3 Give preference when engaging new employees, where practicable, to candidates who live within the Dubbo Local Government Area over equivalent candidates with equivalent experience and qualifications based elsewhere.	Ongoing.
	16.4 Encourage the involvement of the local Aboriginal community in the workforce.	Ongoing.
	16.5 Ensure that infrastructure and services installed for the Proposal, including the gas pipeline, electricity transmission line, appropriate buildings and hardstand areas, remain available for alternative uses following completion of the Proposal	Post-Proposal.
	16.6 Maintain agricultural operations on land not required for active mining or biodiversity offsetting purposes.	Ongoing.

<sup>1</sup> The proposed structures of the DZP Site do not meet the requirements specified by Section 9.4.1.2 of the Manual of Standards Part 139—Aerodromes, Version 1.6: June 2011 published by the Civil Aviation Safety Authority.

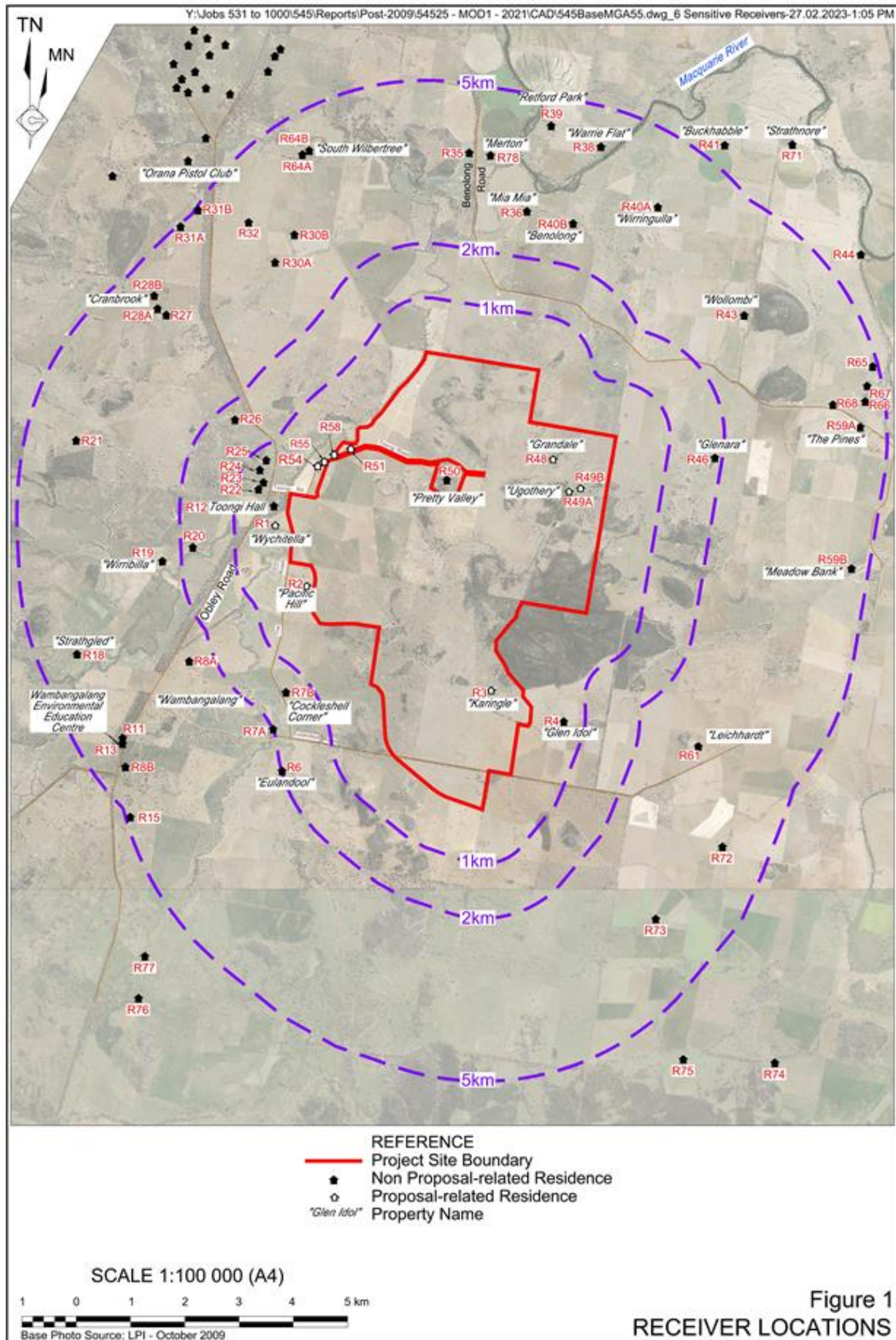
## Final Statement of Commitments

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Desired Outcome	Action	Timing
<b>16. Social-economic Setting (Cont'd)</b>		
Maintain ongoing consultation with the local community and Council.	16.7 Regularly brief the CCC on activities within the DZP Site and seek feedback in relation to Proposal-related impacts whether real or perceived.	As necessary.
Respond to environmental complaints.	16.8 Establish and maintain an environmental complaints line and register of complaints in accordance with the requirements of the Environment Protection Licence, once issued.	Within 6 months of receipt of development consent.
	16.9 Respond promptly to any issue of concern or complaint raised by the community or a government agency.	Ongoing.
<b>17. Waste</b>		
Manage waste appropriately on the DZP Site.	17.1 Maintain a register of the types and quantities of wastes produced on the DZP Site.	Ongoing.
	17.2 Segregate and retain recyclable and non-recyclable waste in designated storage areas prior to removal from the DZP Site.	
	17.3 Keep the DZP Site in a clean and tidy condition.	
	17.4 Ensure waste is regularly removed from the DZP Site by a licensed contractor.	
Manage potentially restricted or hazardous waste and/or dangerous goods appropriately	17.5 Classify all wastes to be disposed of in accordance with the NSW Waste Classification Guidelines. Restricted or hazardous wastes would not leave the DZP Site without obtaining prior EPA approval.	Ongoing
	17.6 Clean used bulky bags, drums and pallets within the relevant covered and bunded storage areas in accordance with the product MSDS or relevant Australian Standard.	
	17.7 Complete a visual (or other required) inspection to confirm any remnant reagent has been removed.	
	17.8 Remove waste materials from the DZP Site by licensed waste removal contractor.	



# **APPENDIX 4** **RECEIVER LOCATION PLANS AND LAND OWNERSHIP**



**Figure 1: Receiver Locations and Land Ownership**

## APPENDIX 5 NOISE COMPLIANCE ASSESSMENT

### Applicable Meteorological Conditions

1. The noise criteria in Table 2 of schedule 3 are to apply under all meteorological conditions except the following:
  - a) Wind speeds greater than 3 m/s at 10 metres above ground level; or
  - b) Stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or
  - c) Stability category G temperature inversion conditions

### Determination of Meteorological Conditions

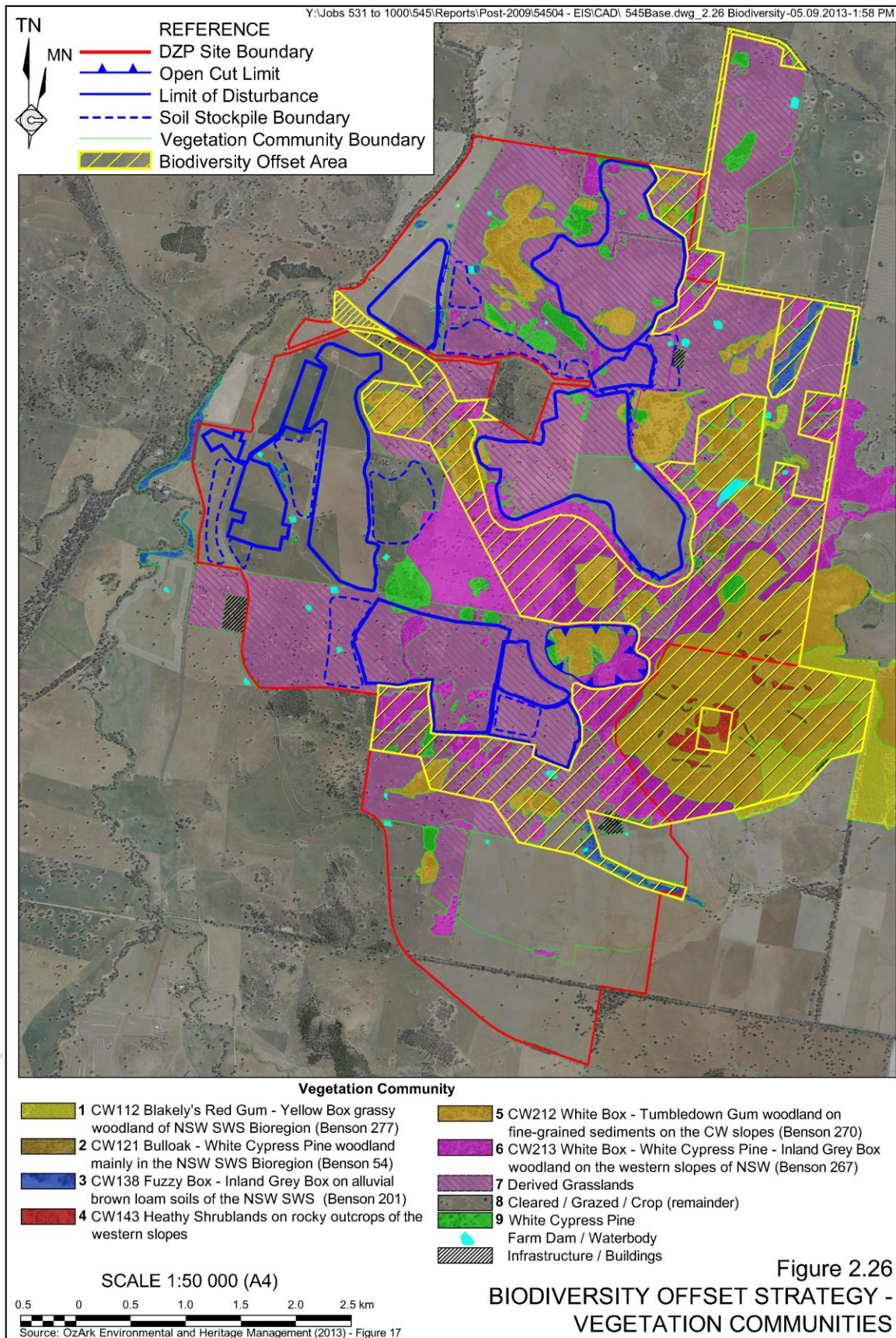
2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions **must** be that recorded by the meteorological station located on the site.

### Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.
4. This monitoring **must** be carried out at least once a month (but at least two weeks apart), unless the Secretary directs otherwise.
5. Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Noise Policy for Industry (EPA, 2017)* (as amended from time to time), in particular the requirements relating to:
  - (a) monitoring locations for the collection of representative noise data;
  - (b) meteorological conditions during which collection of noise data is not appropriate;
  - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
  - (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.



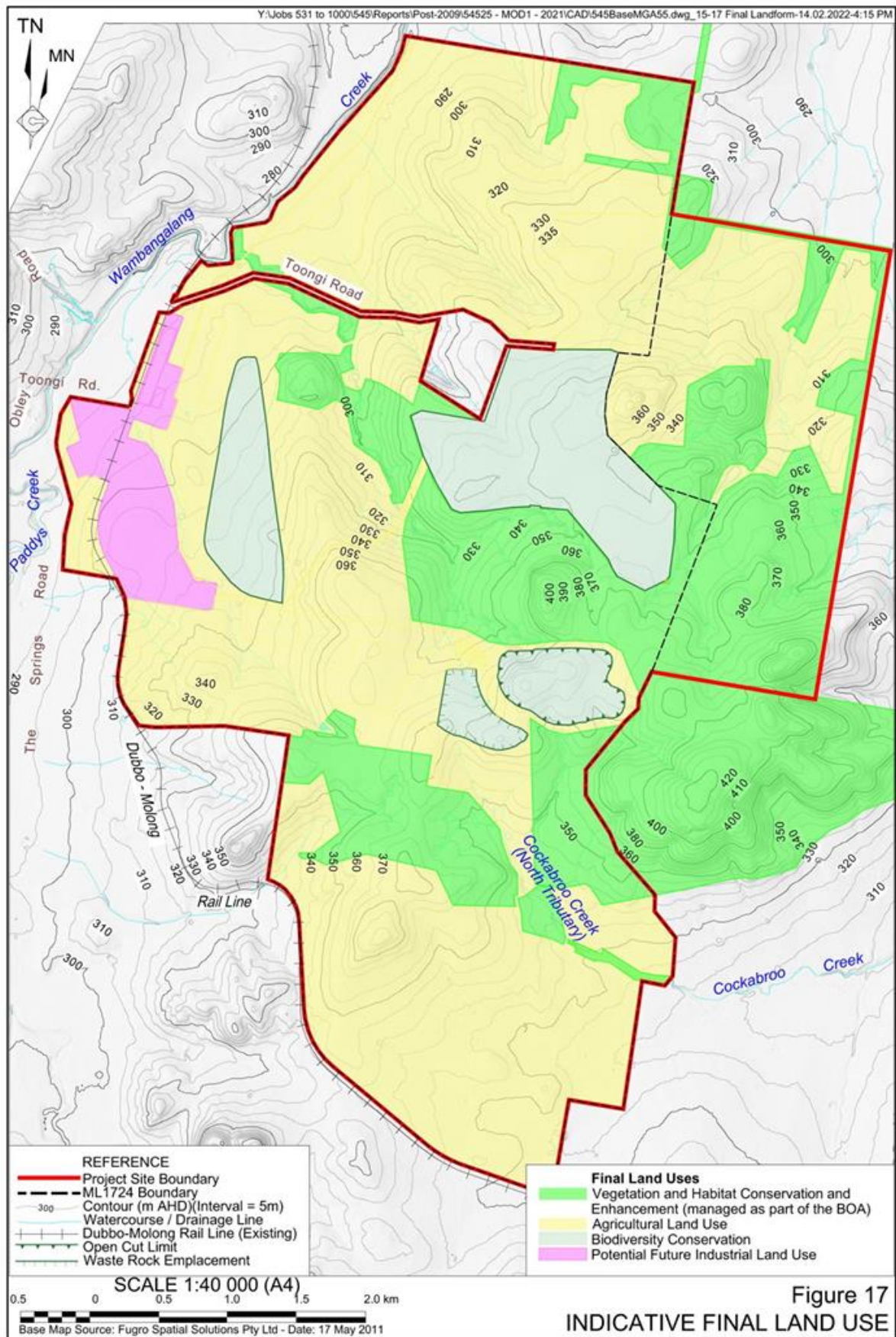
## APPENDIX 6 BIODIVERSITY OFFSET STRATEGY



**Figure 1: Dowds Hill Biodiversity Offset Strategy**

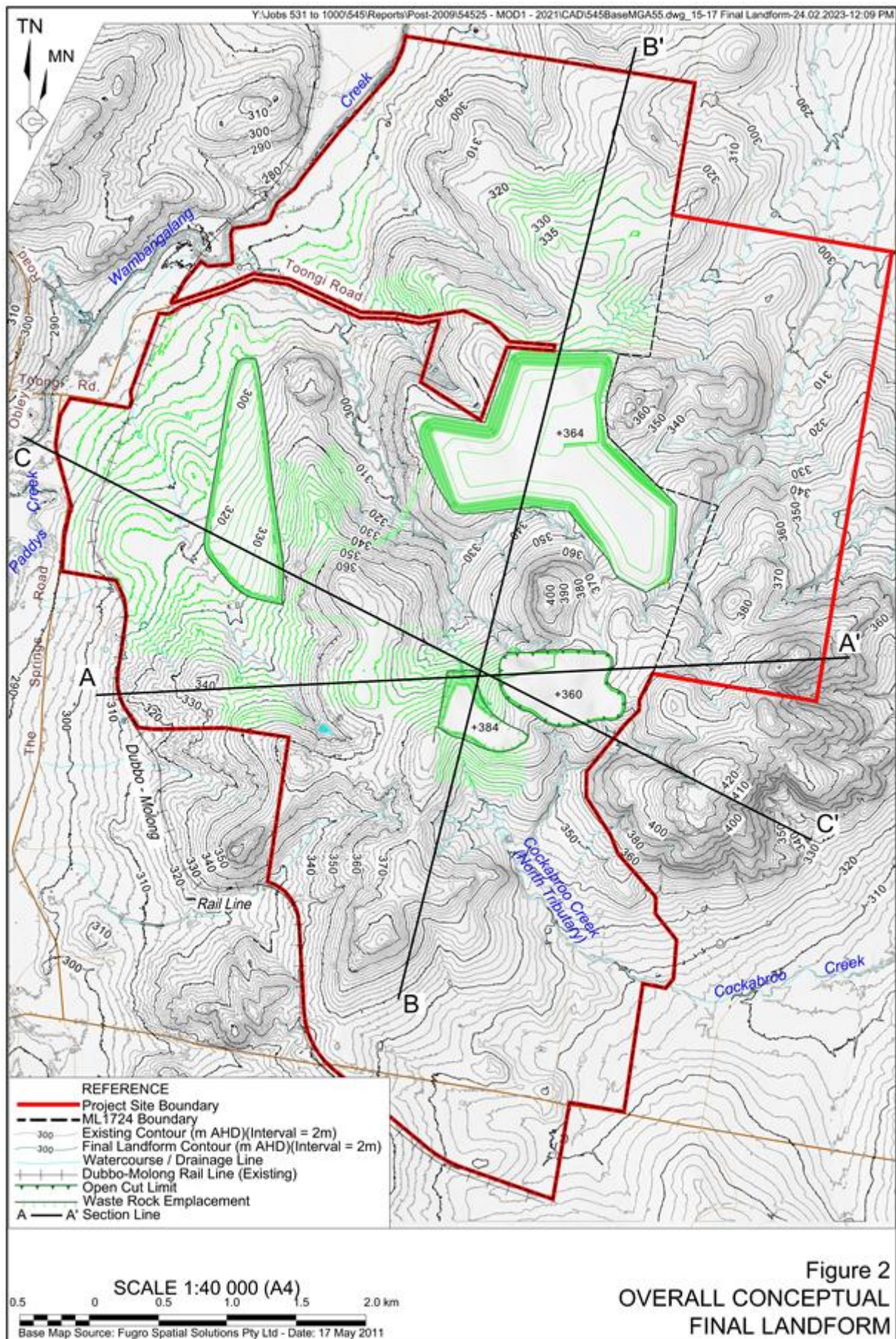


## APPENDIX 7 REHABILITATION

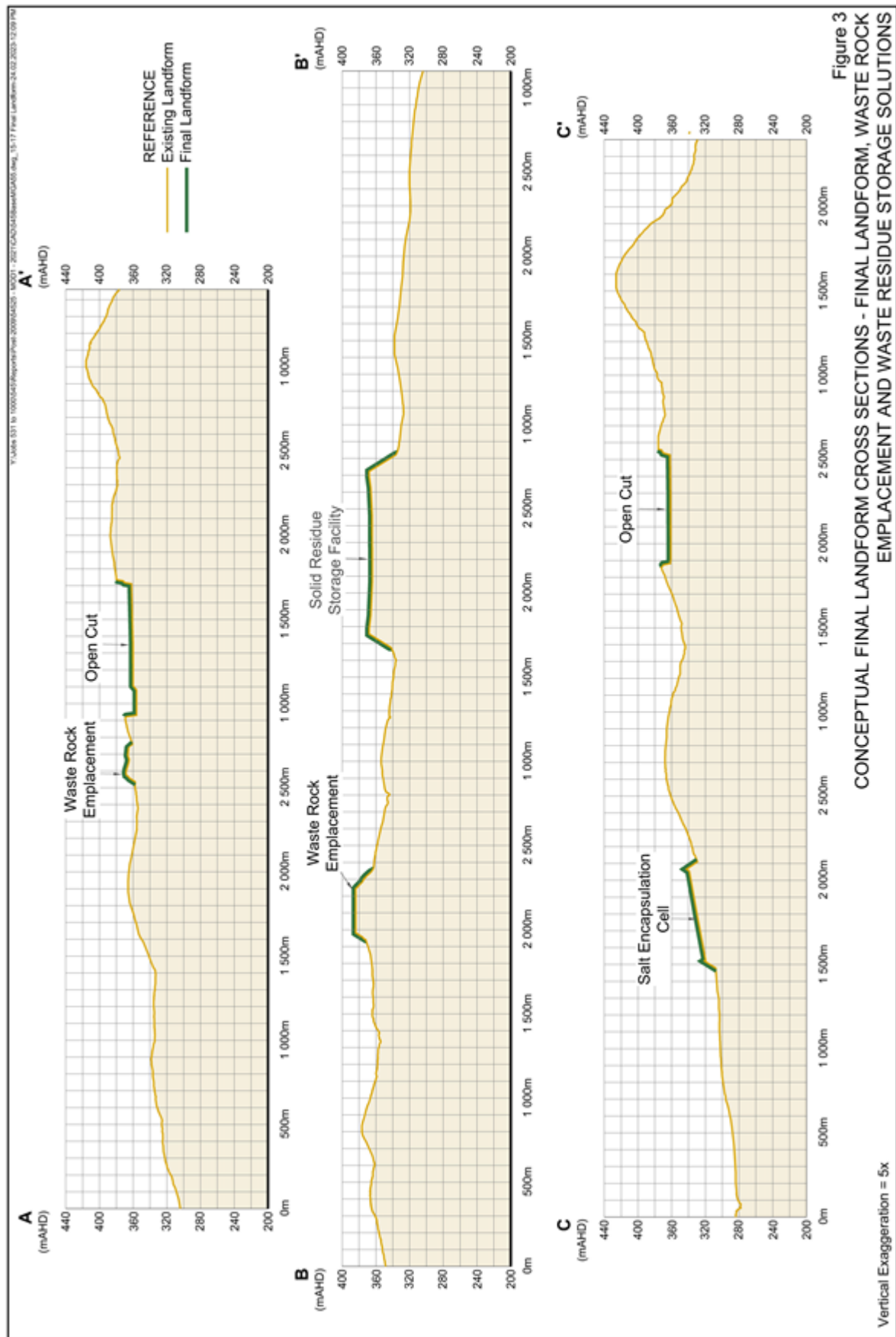


*Figure 1: Indicative Final Land Use*

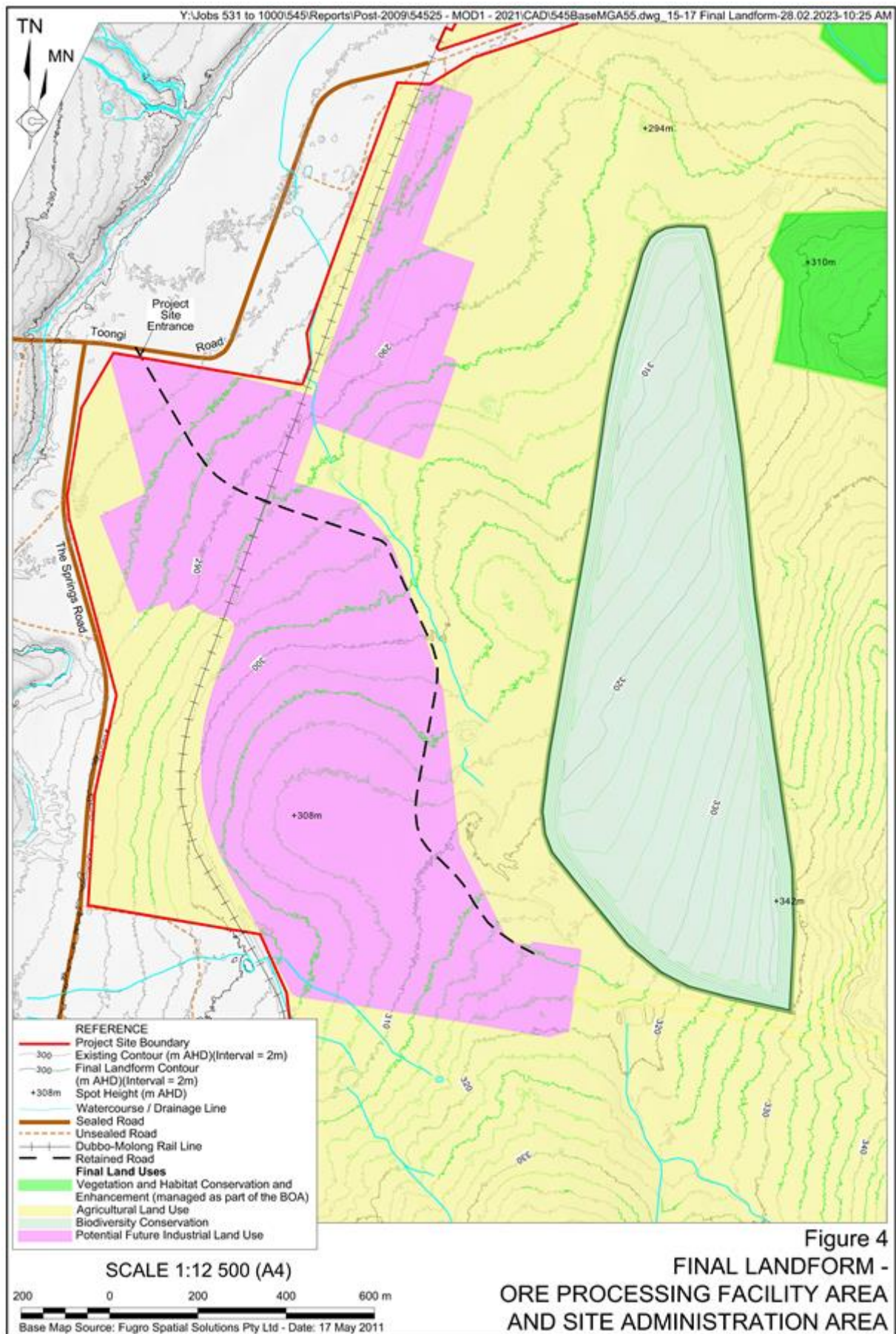




**Figure 2: Overall Conceptual Final Landform**

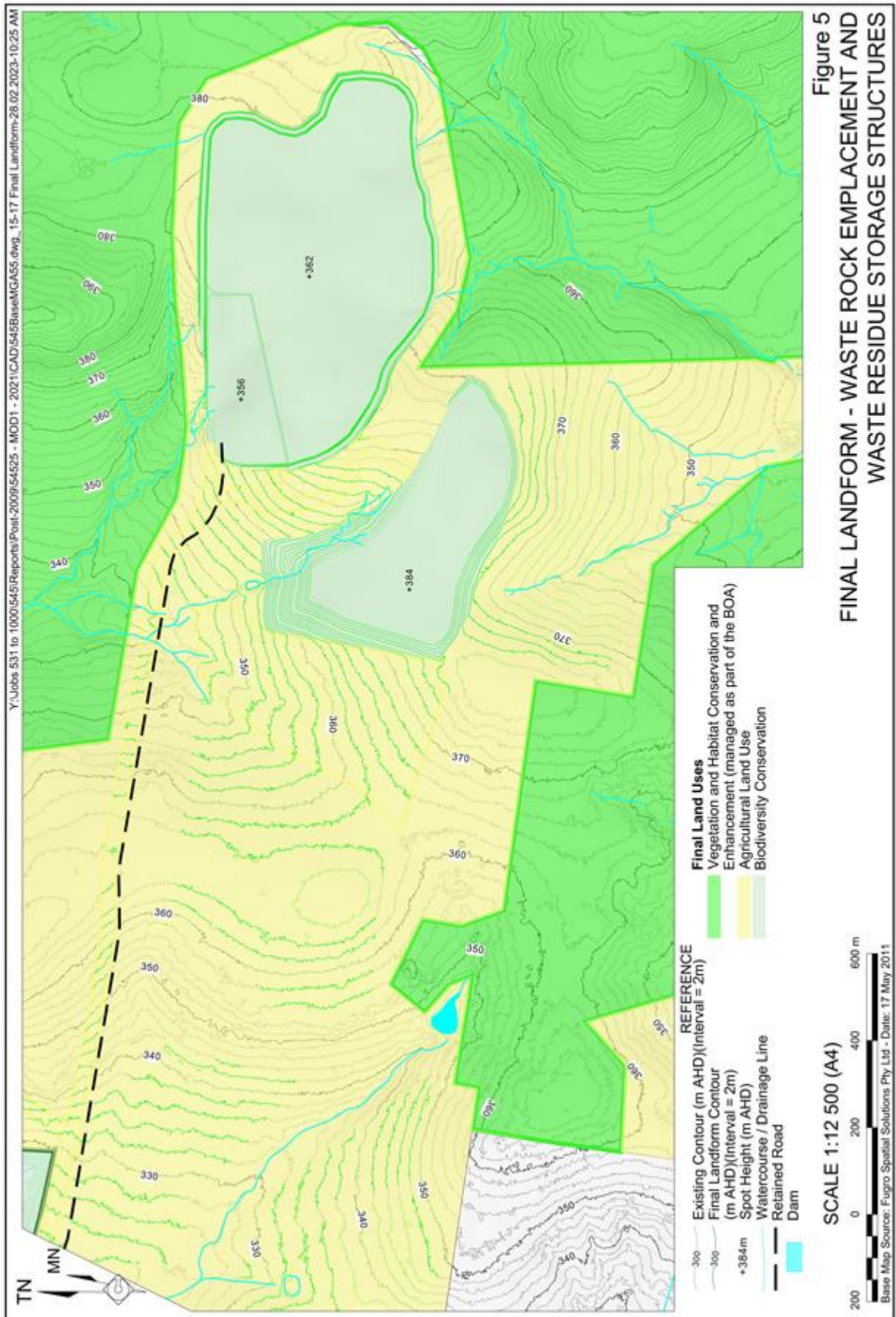






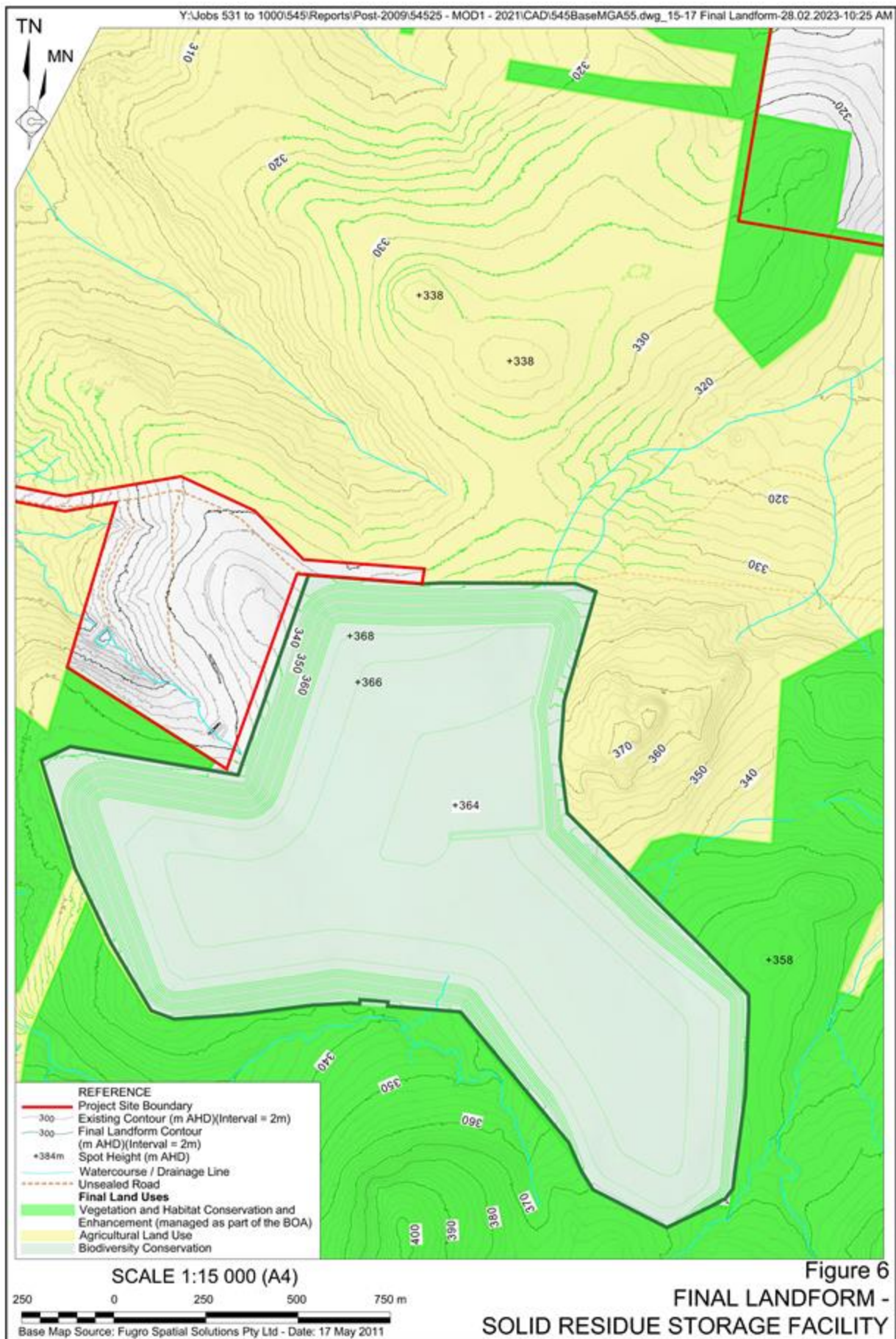
**Figure 4: Final Landform – Ore Processing Facility Area and Site Administration Area**





**Figure 5: Final Landform - Waste Rock Emplacement and Waste Residue Storage Structures**





**Figure 6: Final Landform – Liquid Residue Storage Facility**

## APPENDIX 8

### INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

#### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Secretary via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition 8 of Schedule 5 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the Proponent became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Proponent must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.