

Reference: DOC14/042343

Stan Smythe
PO Box 469
Merbein VIC 3505
Via Email: yeltara@ozemail.com.au

Development Consent for Mining Leases 1330, 1333, 1334 and 1372 (Mt Browne Gold Mine), Unincorporated Area of NSW

Dear Mr Smythe,

I refer to your application under the *Environmental Planning and Assessment Act 1979* for Development Consent from the Western Lands Commissioner (under Section 3A of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*) for mining in the Unincorporated Area of NSW.

Pursuant to Sections 80 of the *Environmental Planning and Assessment Act 1979*, I determine the Development Application ("the Application") referred to in attached Schedule 1 by granting consent to the Application subject to the conditions set out in attached Schedule 2.

The reasons for the imposition of the conditions are to:

- (i) minimise the adverse impact the development may cause through water and air pollution, noise, and visual disturbance;
- (ii) provide for environmental monitoring and reporting; and
- (iii) set requirements for any mine infrastructure provisions.

Should you require any further information, please contact Shaun Barker on 02 6883 5411 (phone) or shaun.barker@lands.nsw.gov.au (email).

Yours faithfully,



Andrew Bell
Western Lands Commissioner

14 March 2014

Orange type represents the September 2026 modification (MOD 1)

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.

FOR INFORMATION

DETERMINATION OF DEVELOPMENT APPLICATION Mt Browne Gold Mine

- Pursuant to Section 80 of the *Environmental Planning And Assessment Act 1979* -

SCHEDULE 1

Application made by: Mr Stan Smythe, and Yeltara Prospecting and Mining Pty Ltd

To: The Western Lands Commissioner

In respect of: Land described as being Lot 692 in Deposited Plan 761772, being Western Lands Lease 2697 and Lot 1735 in DP 763541, being Western Lands Lease 3311, both issued under the *Western Lands Act 1901*.

For the following: Continuation of mining and use of existing associated surface facilities under Mining Leases 1330, 1334 and 1372 known as the Milparinka Gold Project, and Mining Lease 1333 known as the Mt Browne Gold Mine.

SCHEDULE 2

Definitions

Applicant	<i>For mining operations and any part of the project carried out in Mining Leases 1330, 1334 and 1372, the Applicant is Yeltara Prospecting and Mining Pty Ltd or any other person carrying out any part of the development under this consent in those Mining Lease areas.</i> <i>For mining operations and any part of the project carried out in Mining Lease 1333, the Applicant is Mt Brown Gold Mining Co Pty Ltd or any other person carrying out any part of the development under this consent in that Mining Lease area.</i>
Construction	<i>Construction of road works and surface facilities, and clearing of vegetation relating to the construction of road works and surface facilities.</i>
CPHR	<i>Conservation Programs, Heritage and Regulation Group within the NSW Department of Climate Change, Energy, the Environment and Water.</i>
DA	<i>Development Application.</i>
DA Area	<i>Development Application area which includes all works described in the DA.</i>
DCCEEW Water	<i>Water Group within the NSW Department of Climate Change, Energy, the Environment and Water.</i>
EPA	<i>Environment Protection Authority.</i>
Heritage NSW	<i>Heritage NSW within the NSW Department of Climate Change, Energy, the Environment and Water.</i>
Landholder	<i>Owners and occupants of a property or lessees of Western Lands Leases (including Mt Browne Station).</i>
Mining Operations	<i>Includes overburden removal, mineral extraction, and vegetation removal and soil stripping.</i>
Planning Secretary	<i>Planning Secretary under the Environmental Planning and Assessment Act 1979, or nominee.</i>
Project	<i>Includes the construction, operation and rehabilitation of a mine and ancillary infrastructure, including the construction of access roads.</i>
Resources Regulator	<i>Resources Regulator within the Department of Primary Industries and Regional Development.</i>
TfNSW	<i>Transport for NSW.</i>
WLL	<i>Western Lands Leases issued under the Western Lands Act 1901.</i>

Development Consent Conditions

General

- (1) There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the Project. As such, the Applicant is required to undertake all practicable measures to prevent and minimise harm that may result from the construction, operation and, where relevant, decommissioning of the development.
- (2) There is an obligation on the Applicant to ensure all mining activities (including rehabilitation) comply with current best practice and industry standards.
- (3) The Applicant must ensure that mining and related activities are contained within the boundaries of Mining Lease area, as issued under the *Mining Act 1992*.
- (4) Deleted
- (5) If, at any time, the *Planning Secretary* is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of environmental management measures in place to ameliorate the impacts, the *Planning Secretary* may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the *Planning Secretary*.
- (6) If any consent conditions are breached, the Applicant must comply with any modification to the work as specified by the relevant agency who administers the activity.
- (7) The Applicant must ensure that every contractor, supervisor or other responsible person engaged in activities approved by this consent is familiar with and have ready access to this consent or a copy of this consent, and must be able to produce the consent within 24 hours when requested to do so by an authorised officer.
- (8) The Applicant must ensure that persons employed or otherwise engaged by him/her for the purpose of this consent do not contravene the provisions of the consent.
- (9) The Applicant must ensure that security deposits and bonds are paid as required by the *Resources Regulator* under Mining Lease conditions.
- (10) Where agreement cannot be reached between the Applicant and a landholder, alternative arrangements are to be agreed with the *Planning Secretary* and/or relevant regulatory authority.

Mine Management

- (11) Deleted
- (12) The Applicant must only operate at the site between 8:00 am to 5:30 pm weekdays, and must obtain agreement with all adjoining landholders if a variation to the hours of operation is required.

Environmental Management

- (13) If required by the *Planning Secretary*, the Applicant must ensure that a suitably qualified and experienced Environmental Officer is available throughout the life of the mine. The Officer, in conjunction with the Mine Manager, must manage the following responsibilities:
 - (i) the preparation of environmental management plans;
 - (ii) the application of the matters specified in the conditions of this consent to the operation of the Project and compliance with such matters;
 - (iii) receiving and responding to complaints;
 - (iv) an environmental induction and training program for all persons involved with construction activities, mining and remedial activities; and
 - (v) making recommendations to take reasonable steps to avoid or minimise adverse environmental impacts. The Mine Manager must issue instructions to stop work if an adverse impact on the environment is likely to occur.

The Environmental Officer must be responsible:

- (a) For recording complaints with respect to the operations on a dedicated and publicly advertised telephone line, 24 hours a day, 7 days a week, entering complaints or comments in an up-to-date log book, or other suitable data base, and ensuring that a response is provided to the complainant within 24 hours;
- (b) Providing a report of complaints received every six months throughout the life of the project to the *Resources Regulator*, EPA, *DCCEEW Water*, *Heritage NSW*, *CPHR* and *Planning Secretary* or as otherwise agreed by the *Planning Secretary*. A summary of this report must be included in the Annual Review.

- (14) The Applicant must notify the **Resources Regulator**, EPA, **DCCEE Water**, **Heritage NSW**, **CPHR** and **Planning Secretary** and the local residents of the name and contact details of the Environmental Officer (if required by the **Planning Secretary**) upon appointment and any changes to that appointment.

Heritage Management

- (15) If, during the course of Construction or Mining Operations, the Applicant becomes aware of any Aboriginal heritage and/or archaeological relics not previously identified, the Applicant must ensure all work likely to affect the material ceases immediately and **consult Heritage NSW** and the relevant local Aboriginal group(s). Any necessary permits or consents must be obtained and complied with prior to recommencement of work in the relevant area.
- (16) If during the course of Construction or Mining Operations, the Applicant becomes aware of any European heritage items or archaeological relics not previously identified, the Applicant must ensure all work likely to affect the material ceases immediately and **consult Heritage NSW and the Planning Secretary about an appropriate course of action prior to recommencement of work.**

Flora and Fauna Management

- (17) If threatened species (listed under the *Threatened Species Conservation Act 1995*) are identified on the site during operation of the mine, the Applicant must immediately notify **CPHR**. The Applicant must cease any work which could adversely impact on the identified species, should an appropriately qualified and experienced ecologist (approved by the **Planning Secretary**) in consultation with **CPHR** deem it necessary. In the event that work ceases, work must not recommence until advice has been received from **CPHR**.
- (18) **Deleted**
- (19) The Applicant must minimise the removal of trees and other vegetation from the proposed surface facilities area, and restrict any clearance to the areas occupied by mine activity, buildings and paved surfaces, and those areas necessary for fire control in accordance with RFS requirements.

Soil Management

- (20) The Applicant must ensure all works involving soil or vegetation disturbance are undertaken with adequate measures to control and minimise soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- (21) The Applicant must ensure sedimentation dams or other siltation control devices are constructed to contain or treat surface water runoff from all areas disturbed by mining and related activities. Such devices must only use biodegradable materials for any erosion control matting in riparian zones along any watercourses within the DA Area. These temporary sediment control structures must be maintained at all times during construction and checked, repaired, replaced or cleaned out as necessary after any significant rainfall event.

Land Management

- (22) The Applicant must provide adequate fire protection works on site, including the availability of trained personnel, water tankers and fire fighting equipment and annual hazard reduction measures, together with any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, that land, with particular attention to boundaries of adjoining landholdings;
- (23) The Applicant must eradicate all identified noxious weed species on and within a distance of 20 metres from the centre-line of the access track (starting from the Main Road), and within the DA Area, with control to commence from the granting of the consent.

- (24) The Applicant must implement measures during and after mining to prevent the establishment and/or spread of noxious weeds, especially Mesquite and African Boxthorn, and/or feral animals within and beyond the DA Area. In the event that the distribution of noxious weeds and/or feral animals has increased as a result of the direct activities of mining, the Applicant must implement measures to control and eradicate the weeds and/or feral animals.

Water Management

- (25) The Applicant must ensure waste water from the mining process is not discharged onto adjoining roads, Crown land (including WLLs) or other persons land, any river, creek or watercourse, groundwater aquifer, any area of native vegetation or any wetlands, unless otherwise authorised by a license under the *Protection of the Environment Operations Act 1997*.
- (26) The Applicant must ensure that any perimeter bunds must be designed for, amongst other things, toe stability; forces from flooding, hydraulic pressures, seepage, attack from burrowing fauna and revegetation.
- (27) The Applicant must ensure erosion of the bed and banks upstream and downstream of any watercourse crossings is prevented with suitable scour protection. Stabilisation works must be adequately tied into existing banks to prevent under or back cutting occurring.
- (28) The Applicant must ensure that any watercourse crossings do not obstruct the passage of native fish.
- (29) The Applicant must ensure mining operations are conducted in such a way that there is no diversion of the watercourse from the existing alignment, and so as not to cause damage or increase erosion of the adjacent banks.
- (30) The Applicant must ensure that no materials are used that may pollute the river or that may create a risk to public safety.
- (31) If, in the opinion of any responsible officer of **DCCEEW Water**, any work is carried out in such a manner as it may damage or detrimentally affect a watercourse, or damage or interfere in any way with any work, the Applicant must ensure that the operation on that section of the watercourse ceases immediately upon written or oral direction of such officer. Any necessary permits or consents, and/or actions, must be obtained and complied with prior to recommencement of work in the relevant area.
- (32) The Applicant must ensure all activities are undertaken in a manner which ensures efficient use of water and which maximises reuse of water.

Site Rehabilitation and Final Land Use

- (33) The Applicant must carry out rehabilitation of all mine areas in accordance with the requirements of any Mining Lease granted **under the Mining Act 1992**.
- (34) The Applicant must remove all structures (other than silt fences and other erosion/sedimentation control devices), infrastructure and construction equipment on completion of the work, as well as any material and refuse related to the work.
- (35) **The Applicant must ensure that all areas of the site affected by the project must be rehabilitated to a condition that is safe, stable and non-polluting and that revegetation is undertaken using locally endemic species.**

Air Quality and Noise

- (36) The Applicant must ensure agricultural activities on properties adjacent to the DA Area and the access tracks / routes are not adversely affected by dust generated by the Project. Should agricultural activities be affected, the Applicant must identify measures to remediate this impact in consultation with the lease holders of the affected property.
- (37) The Applicant must ensure that the noise emissions from the operation of the mine and associated activities must not exceed 35 LAeq dB(A) at any time at any non-mine related residences (**Note:** The noise limit criteria apply in accordance with the specifications and requirements of the **Noise Policy for Industry (2017)**).
- (38) The Applicant must ensure trucks entering and leaving the premises that are carrying loads are covered at all times, except during loading and unloading.

Visual Amenity and Landscaping

- (39) The Applicant must ensure buildings and structures are designed and constructed so as to present a neat and orderly appearance and to blend as far as practicable with the surrounding landscape.
- (40) The Applicant must ensure that any onsite lighting is designed and operated to minimise any offsite impacts.
- (41) The Applicant must ensure that the DA Area is kept in a state that is considered to be clean and orderly.

Waste Management and Hazardous Materials

- (42) The Applicant must not, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*:
 - (a) receive any waste at the premises for storage, treatment processing or disposal; or
 - (b) dispose of any waste on the premises.
- (43) The Applicant must make arrangements for the disposal of all solid wastes (other than mining wastes), domestic waste and putrescible matter in accordance with the *Protection of the Environment Operations Act 1997* and the 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes' from the Department of Environment and Conservation (1999) or its latest version.
- (44) The Applicant must prior to construction of any wastewater treatment system, submit full details of the installation and operation of the proposed package sewerage treatment plant to the **Planning Secretary** for approval and be in compliance with any requirements detailed by the EPA and NSW Department of Health.
- (45) The Applicant must ensure that the storage and handling of dangerous goods (including diesel) is in accordance with the requirements of **SafeWork NSW** and the relevant Australian standards. In particular, the storage tanks should be banded in accordance with the NSW Workcover 'Storage and Handling of Dangerous Goods' Code of Practice 2005 and Australian Standard 1940-2004 or their latest versions.
- (46) The Applicant must ensure that bund(s) are installed around areas in which fuels, oils, chemicals, lubricants and hazardous substances if stored onsite. Bunds must:
 - (i) have walls and floors constructed of impervious materials;
 - (ii) be of sufficient capacity to contain 110% of the volume of any tank (or 110% volume of the largest tank where a group of tanks are installed);
 - (iii) have walls not less than 250 millimetres high;
 - (iv) have floors graded to a collection sump; and
 - (v) not have a drain valve incorporated in the bund structure.
- (47) The Applicant must ensure that all oils and grease from equipment maintenance are stored in leak proof containers within a banded area until collected by a licensed recycling contractor.
- (48) The Applicant must ensure that no machinery and other construction equipment is stored within the bed of any watercourses when not in use. All machinery, equipment, fuels, oils, chemicals, lubricants and hazardous substances are to be stored a minimum of 20 metres of the high bank of any watercourses.
- (49) The Applicant must ensure no refuelling is undertaken within 20 metres of the high bank of any watercourses.
- (50) The Applicant must ensure that facilities are available onsite to contain and clean chemical and hydrocarbon spills, and that personnel are trained in the correct use of these facilities;

Roads and Access

- (51) The Applicant must restrict vehicle and plant movements to dedicated access tracks/roads, mining and other infrastructure areas previously cleared of native vegetation within the DA Area.
- (52) The Applicant must suitably construct access tracks to prevent erosion and sedimentation, with cross-cuts and drainage implemented where appropriate.
- (53) The Applicant must ensure that, in the event of rain or other inclement weather and/or times of water flow within any watercourses, all vehicle traffic and extraction activities (operations) must stop and any damage that occurs to tracks and roads must be repaired at the Applicant's expense.
- (54) Prior to any work commencing within a public road reserve, the Applicant must submit for the approval of **TfNSW**, detailed engineering design drawings of intended works. The drawings are to be accompanied by associated sediment control plans, environmental management plans, work method statements and traffic control plans.

- Road and intersection designs and detailed engineering drawings and specifications are to be in accordance with TfNSW requirements as applicable, the RTA's "Guide to Road Design - Supplement to Austroads Guide" (or its latest version) and/or Austroads - Guide to Road Design (or its latest version).
 - Traffic Control Plans are to be in accordance with Australian Standard 1742.3 and/or the RTA's Manual "Traffic Control at Work Sites" Manual, dated June 2010 (or its latest version).
 - All required road signs, guide posts and other road-side furniture must be designed and installed by the Applicant in accordance with Australian Standard 1742 and Australian Standard 1743 (or their latest versions).
- (55) The Applicant must enter into an Access Agreement with the underlying landholder for the access route from the main road to the mine site. The Agreement must include a requirement for a joint inspection every six months, or as agreed by the Resources Regulator as relevant, following completion of the road upgrade, to determine and assess as to whether maintenance is required, and to stipulate that should maintenance be required and not be carried out within one month of the inspection, the landholder as applicable, will be entitled to carry out such maintenance work at the Applicant's cost.
- (56) The Applicant must consult with relevant leaseholders and negotiate appropriate reimbursement at current market values for stock losses attributable to Project traffic or other Project activities.
- (57) The Applicant must prepare and implement a code of conduct relating to the transport of materials on public roads, in accordance with Clause 16 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

Monitoring and Auditing

- (58) In addition to the requirements contained elsewhere in this consent, the Planning Secretary may, at any time in consultation with the relevant government authorities and the Applicant, require specific monitoring programs to be developed or revised/updated to reflect changing environmental requirements or changes in technology/operational practices. The Applicant must provide all monitoring programs to the Planning Secretary within two weeks of approval of the relevant government authority.
- (59) The Applicant must ensure that all sampling strategies and protocols undertaken as part of any monitoring program include a quality assurance/quality control plan and must require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program. Only accredited laboratories must be used for laboratory analysis.
- (60) The Applicant must obtain land holder agreement for monitoring on private property.

Reporting

- (61) Deleted
- (62) The Applicant must ensure that within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report is supplied to the EPA and Planning Secretary outlining the basic facts. A further detailed report must be prepared and submitted following investigations of the causes and identification of necessary additional preventative measures. That report must be submitted to the EPA and Planning Secretary no later than 14 days after the incident or potential incident.
- (63) The Applicant must maintain a register of accidents, incidents and potential incidents. The register must be made available for inspection by the Resources Regulator, EPA and Planning Secretary at any time.
- (64) Annually, and for a period of at least three years after the completion of mining or processing operations, whichever occurs the later, the Applicant must review the environmental performance of the project to the satisfaction of the Resources Regulator, EPA and Planning Secretary. This review must:
- (a) describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year;
 - (b) include a comprehensive review of monitoring results (if required) and complaints records of the project over the past year, which includes a comparison of these results against the
 - relevant statutory requirements, limits or performance measures/criteria, and
 - monitoring results of previous years;
 - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data (if required) over the life of the project;

- (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the next year to improve the environmental performance of the project.
- (65) The Applicant must provide annual reporting and any non-compliance reporting to the EPA in relation to the development as required by any license under the *Protection of the Environment Operations Act 1997*.
- (66) The Applicant must ensure that all records required to be kept by the license are:
- (i) In a legible form, or in a form that can readily be reduced to a legible form;
 - (ii) Kept for at least 7 years after the monitoring or event to which they relate took place; and
 - (iii) Produced in a legible form to any authorised officer of the EPA who asks to see them.
- The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken; the time(s) at which the sample was collected; the point at which the sample was taken; and the name of the person who collected the sample.

Community Consultation / Liaison

- (67) Prior to the commencement of construction, the Applicant must develop an Emergency Services Cooperation Agreement in consultation with State Emergency Services and bushfire fighting services in the area. The Agreement must provide, but not necessarily be limited to:
- (i) Policies and procedures for the ongoing supply of hazards information related to the Project to the state emergency services and bushfire fighting services (including quantities and locations of dangerous goods inventories and possible hazardous events at associated with the development);
 - (ii) Policies and procedures for communication with the state emergency services and bushfire fighting services and notification in the event of an emergency;
 - (iii) Details of any agreement for the provision of fire fighting / emergency response equipment from the Project in the event of a bushfire or emergency;
 - (iv) Details of any agreement for access to water stores at the development in the event of a bushfire; and
 - (v) Details of any agreement for the provision of suitably qualified employees from the Project in the event of a bushfire or emergency.
- (68) The Applicant must supply a copy of the Emergency Services Cooperation Agreement to the *Planning Secretary* within 14 days of the Agreement being reached.

Further Approvals and Agreements

- (69) The Applicant must ensure that all statutory requirements including but not restricted to those set down by the Dangerous Goods (Road and Rail Transport) Act 2008, *Local Government Act 1993*, *Mining Act 1992*, *Mine Health and Safety Act 2004*, *National Parks and Wildlife Act 1974*, *Native Vegetation Act 2003*, *Protection of the Environment Administration Act 1991*, *Protection of the Environment Operations Act 1997*, *Rural Fires Act 1997*, *Threatened Species Conservation Act 1995*, *Water Act 1912* and *Water Management Act 2000*, and *Work Health and Safety (Mines) Act 2013*, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the *Resources Regulator*, EPA, *DCCEEW Water*, *Heritage NSW*, *CPHR*, *TfNSW* and *Planning Secretary* are fully met.

Works and Activities Not approved by Development Consent

Nothing in development consent authorises:

- (a) any alteration or extension to or rebuilding of a building or work, or
- (b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used, or
- (c) any enlargement or expansion or intensification of an existing use, or
- (d) the continuance of the use which is in breach of any consent in force under any Act in relation to that use or any condition imposed or applicable to that consent.