Appendix 4 – Final Responses from Approval Bodies

Documents provided in the following order:

- NSW Department of Environment Climate Change and Water
- NSW Industry and Investment
- NSW Office of Water
- NSW Roads and Traffic Authority
- Cobar Shire Council - Engineering Assessment Comments.

NSW GOVERNMENT | Environment, Climate Change & Water

Notice No: 1126414

The General Manager
Cobar Shire Council
PO Box 223
COBAR NSW 2835

Dear Mr Woodman

RE: Development Application 2010/LD- 00074 Proposed Wonawinta Silver Mine, Cobar NSW

I refer to the development application 2010/LD- 00074 and accompanying information provided for the proposed "Wonawinta" Silver Mine received by the Department of Environment Climate Change and Water (DECCW) on 4 January 2011 and subsequent information outlined in Attachment A.

eneral Terms of Approval – Environment Protection Licence

Having reviewed the information provided, DECCW has determined that it is able to issue an environment protection licence for the proposal, subject to conditions contained in the General Terms of Approval (GTAs). The applicant will need to make a separate application to DECCW to obtain this licence.

As requested, GTAs for this proposal are provided at Attachment A. Should Cobar Shire Council (Council) grant development consent for this proposal; these conditions should be incorporated into the consent.

DECCW would like to advise Council that every Protection of the Environment Operations Act 1997 (POEO) licence will contain a number of mandatory conditions. A copy of the mandatory conditions has been included as a separate attachment to the general terms of approval and is provided as Attachment B.

These general terms relate to the development as proposed in the documents and information currently provided to DECCW. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with DECCW about the changes before the consent is issued. This will enable DECCW to determine whether its general terms need to be modified in light of the changes.

assessing the proposal DECCW has also identified a number of environmental issues that Council may wish to consider in its overall assessment of the application. These issues are discussed further below.

Biodiversity and Aboriginal Cultural Heritage

As you would be aware, DECCW also has responsibilities under the:

- *National Parks and Wildlife Act 1794* – namely the protection and care of Aboriginal objects and places, the protection and care of native flora and fauna and the protection and management of reserves;
- *Threatened Species Conservation Act 1995* which aims to conserve threatened species of flora and fauna, populations and ecological communities to promote their recovery and manage processes that threaten them; and
- *Native Vegetation Act 2003* - an important aspect of the Act is that it aims to prevent broadscale clearing of vegetation, unless the clearing improves or maintains environmental outcomes (i.e. suitable offsets for the loss of lawfully cleared native vegetation).

As such, DECCW has also provided comments and recommendations in regards to the potential impact on the Aboriginal sites identified in the Environmental Impact Statement for the proposed mine site and associated activities and the proposed biodiversity offset for the loss of vegetation and habitat as a result of the proposal. Details pertaining to Aboriginal Cultural Heritage management and the biodiversity offsets and recommended conditions of consent (if granted by Council) are provided in Attachment C.

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Info | Action

Regarding threatened species, Council has the statutory responsibility to decide (based on available information) whether the development will have significant impacts on threatened species, populations or communities. If Council believes it does not have sufficient information available to make such an assessment then Council can request that the necessary information is to be made available by the proponent. Under the Environmental Planning and Assessment Act 1979 DECCW does not have a statutory role until the matter is referred to us by Council because it has determined that there is a significant impact.

Miscellaneous

At this stage DECCW 's Parks and Wildlife Group (PWG) as land managers of the Bedooba State Conservation Area (SCA) are not willing to provide concurrence for the proposed water pipeline route, as proposed in the application, as it is inconsistent with DECCW policy. That is the proposal can not be assessed as consistent with the SCA's Plan of Management as a Plan of Management for the SCA is yet to be prepared.

DECCW also recommends Council include conditions of consent regarding waste disposal issues discussed in Attachment C.

Should you have any questions, or wish to discuss this matter further please contact Brad Tanswell at the Dubbo office of DECCW on (02) 6883 5367.

Yours sincerely

25- 3- 2011

Carmen Dwyer
Head Pesticides Operations and Planning Unit- Dubbo
Environment Protection and Regulation

Encl:
Attachment A: General Terms of Approval.
Attachment B: Mandatory Conditions.
Attachment C: Biodiversity, Aboriginal Cultural Heritage and Miscellaneous Matters.
Attachment D: Biodiversity Offset Management Actions.

ATTACHMENT A

ADMINISTRATIVE CONDITIONS

Information supplied to the EPA

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

- the development application 2010/LD- 00074 submitted to Cobar Shire Council on 22 December 2010;
- the Environmental Impact Statement for the Wonawinta Silver Mine, prepared by R.W. Corkery & Co. Pty Limited dated December 2010 (the EIS);
- Report entitled "Response to DECCW initiated 'Stop the Clock Issued on 24 January 2011" dated February 2011.
- Letter addressed to Cobar Shire Council dated 15 February 2011 entitled "Additional Information Supplied in Response to DECCW Initiated Stop the Clock".
- Report entitled "Response to A Request from NSW I&I for Additional Information Issued on 7 February 2011" dated February 2011.
- Letter addressed to Cobar Shire Council dated 1 March 2011 entitled "Additional Information Supplied in Response to DECCW initiated 'Stop the Clock".
- Report entitled "Response to Cobar Shire Council Request for Additional Information Issued on 17 January 2011" dated March 2011.
- Report entitled "Response to a Request of NSW Office of Water for Additional Information Issued on 8 February 2011" dated March 2011.

Fit and Proper Person

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

DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND

Location of monitoring/discharge points and areas

The following point(s) referred to in the table are identified in this licence for the purposes of monitoring and/or the setting of limits for discharges of pollutants from the point.

The following utilisation area(s) referred to in the table are identified in this license for the purposes of monitoring and/or the setting of limits for any application of solids or liquids to utilisation area(s).

EPA identification number	Type of monitoring point	Type of discharge point	Description of location
1	Discharge to Tailings Storage Facility	Discharge to Tailings Storage Facility	End of line discharge pipe to Tailings Storage Facility (TSF)
2	Discharge to Process Water Dam	Discharge to Process Water Dam	End of line discharge pipe to Process Water Dam from Tailings Storage Facility
3	Groundwater Quality Monitoring		Various Groundwater Monitoring Bores located around the TSF and Processing Plant and Office Area-number and location to be determined by site specific OEMP
4	Groundwater Quality Monitoring		Various Groundwater Monitoring Bores located around pits- number and location to be determined by site specific OEMP
5	Dust Monitoring		Dust gauge located at mine site boundary closest to "Manuka"- location to be determined by site specific OEMP
6	Dust Monitoring		Dust gauge located at mine site boundary closest to "Wirlong"- location to be determined by site specific OEMP
7	Weather Monitoring		Weather Station located on mine site

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

LIMIT CONDITIONS

Pollution of waters

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

Potentially Offensive Odour

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

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection license as a potentially offensive odour and the odour was emitted in accordance with the conditions of a license directed at minimising odour.

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

Concentration limits

For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges. To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Water and Land – Discharge Points 1 and 2- Discharge to Tailings Storage Dam and Process Water Dam

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
Cyanide (Weak Acid Dissociable)	Milligrams per litre	--	20	--	30

Waste limits

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

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

L6 Noise limits

L6.1. Noise generated at the Wonawinta Silver Mine[1] must not exceed the noise limits presented in the table below. The locations referred to in the table are identified in the document, *Cobar Consolidated Resources Limited – Wonawinta Silver Project – Environmental Impact Statement prepared by R. W. Corkery & Co. Pty Ltd dated 21 December 2010*, or except as otherwise noted in the table below.

		NOISE LIMITS dB(A)			
Locality	Location	Day	Evening	Night	
		$L_{Aeq\ (15\ minute)}$	$L_{Aeq\ (15\ minute)}$	$L_{Aeq\ (15\ minute)}$	$L_{A1\ (1\ minute)}$
All	Manuka[2]	37	37	37	45
	Wirlong[2]	36	36	36	45
	Any other residential premises not nominated above, at the time of project approval	35	35	35	45

Note 1: As identified in 'Cobar Consolidated Resources Limited- Wonawinta Silver Project- Environmental Impact Statement prepared by R.W. Corkery and Co Pty Ltd dated 21 December 2010.

Note 2: As identified in "Cobar Consolidated Resources Limited- Wonawinta Silver Project- Environmental Impact Statement prepared by R.W. Corkery and Co Pty Ltd dated 21 December 2010, Figure 1.2 Local Setting.

6.2. For the purpose of condition L6.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holiday's.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holiday's.

L6.3 The noise limits set out in condition L6.1 apply under all meteorological conditions except for any one of the following:

a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
b) Temperature inversion conditions up to 3^0C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level;
c) Temperature inversion conditions greater than 3^0C/100m and up to 8^0C/100m and wind speeds greater than 1 metres/second at 10 metres above ground level; or,
d) Temperature inversion conditions greater than 8^0C/100m.

L6.4 For the purposes of condition L6.3:

a) The meteorological data to be used for determining meteorological conditions is the data to be recorded by a meteorological station to be sited in accordance with DECCW Approved Methods AM-2 and AM-4; and
b) Inversion conditions (vertical temperature gradient) shall be determined by the direct measurement of temperature lapse rate method referred to in Part E2 of Appendix E to the NSW Industrial Noise Policy.

L6 For the purposes of determining the noise generated at the premises:

a) Class 1 or 2 noise monitoring equipment as defined by AS IEC61672.1-2004 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing, must be used;
b) The noise monitoring equipment used at a location must be placed in a position:
   i. that is, where applicable:
   - approximately on a location's property boundary that is closest to the premises, where any dwelling at the location is within 30 metres of the location's property boundary that is closest to the premises; or
   - within 30 metre of a dwelling façade, but not closer than 3m, where any dwelling at a location is situated more than 30 metres from the location's property boundary that is closest to the premises.

to determine compliance with the $L_{eq(15\ minute)}$ noise limits in condition L6.1; or

ii. that is within 1 metre of a dwelling façade at a location to determine compliance with the $L_{A1(1\ minute)}$ noise limits in condition L6.1; and

iii. that is:
- at the most affected point at a location where there is no dwelling at the location; or
- at the most affected point within an area at a location prescribed by conditions L6.5(b)(i) or L6.5(b)(ii).

L6.6 An exceedance will still occur where noise generated from the premises in excess of the appropriate limit specified in the condition L6.1 is detected:

- in an area at a location other than an area prescribed by conditions L6.5(b)(i) or L6.5(b)(ii); and/or
- at a point other than the most affected point at a location.

L6.7. For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

Blasting limits

Blasting is not permitted on the premises.

OPERATING CONDITIONS

Dust

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

All dust control equipment must be operable at all times with the exception of shutdowns required for maintenance.

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

Bunding Requirements

All above ground storage facilities containing flammable and combustible liquids must be bunded in accordance with Australian Standard AS 1940-2004.

Tailings Facilities

The Tailings Storage Facility, Raw Water Dam and Lead Concentrate Drying Ponds must have a basal barrier or impermeable liner with an equivalent permeability of 1×10^{-9} metres per second over a minimum thickness of 900 millimetres or other liner approved by DECCW.

Freeboard

A minimum of 500mm freeboard must be maintained in the Tailings Storage Facility, Process Water Dam, Lead Concentrate Drying Ponds and Raw Water Dam.

Stormwater/sediment control - Construction Phase

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

Stormwater/sediment control - Operation Phase

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

Prepare and Implement Operations Environmental Management Plan

Prior to the commencement of mining operations, the proponent shall develop and subsequently implement an Operations Environmental Management Plan (OEMP). The OEMP shall include, but not necessarily be limited to:

- Noise management and monitoring;
- Cyanide management, monitoring and Contingency;
- Surface water management and monitoring;
- Groundwater management and monitoring;
- Air Quality management and monitoring;
- Biodiversity management and monitoring;
- Waste management and monitoring;
- Acid Mine Drainage management and monitoring;
- Soil management and monitoring.

MONITORING AND RECORDING CONDITIONS

Monitoring records

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

All records required to be kept by the licence must be:

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

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.

Requirement to monitor concentration of pollutants discharged

For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Water and Land – Discharge Points 1 and 2- Discharge to Tailings Storage Dam and Process Water Dam

Pollutant	Units of measure	Frequency	Sampling Method
Cyanide (Total)	Milligrams per litre	weekly	Total cyanide from water samples- CN-1 recovery by 20th Ed. APHA 4500-CN-1 method B3.j- Alternative method and analysis by 20th Ed. APHA 4500- CN-1 method E, D or F.
Cyanide (Weak Acid dissociable)	Milligrams per litre	Daily during discharge	WAD cyanide from water samples – CN-1 recovery by 20th Ed. APHA 4500-CN-1 method I- Alternative method and analysis by 20th Ed. APHA 4500- CN-1 method E, D or F.

Water and Land – Monitoring Point 3- Various Groundwater Monitoring Bores located around the TSF and Processing Plant and Office Area

Pollutant	Units of measure	Frequency	Sampling Method
pH	pH	Monthly	In Situ
Conductivity	µS/cm	Monthly	In Situ
Cyanide (Weak Acid dissociable)	Milligrams per litre	Every 3 months	Grab Sample
Alkalinity	Milligrams per litre	Every 3 months	Grab Sample
Antimony	Milligrams per litre	Every 3 months	Grab Sample
Arsenic	Milligrams per litre	Every 3 months	Grab Sample
Cadmium	Milligrams per litre	Every 3 months	Grab Sample
Calcium	Milligrams per litre	Every 3 months	Grab Sample
Chloride	Milligrams per litre	Every 3 months	Grab Sample
Copper	Milligrams per litre	Every 3 months	Grab Sample
Lead	Milligrams per litre	Every 3 months	Grab Sample
Magnesium	Milligrams per litre	Every 3 months	Grab Sample

Potassium	Milligrams per litre	Every 3 months	Grab Sample
Selenium	Milligrams per litre	Every 3 months	Grab Sample
Silver	Milligrams per litre	Every 3 months	Grab Sample
Sodium	Milligrams per litre	Every 3 months	Grab Sample
Standing Water Level	m (AHD)	Monthly	In Situ
Sulphate	Milligrams per litre	Every 3 months	Grab Sample
Total hardness	Milligrams per litre	Every 3 months	Grab Sample
Zinc	Milligrams per litre	Every 3 months	Grab Sample

Water and Land – Monitoring Point 4- Various Groundwater Monitoring Bores located around pits

Pollutant	Units of measure	Frequency	Sampling Method
pH	pH	Monthly	In Situ
Conductivity	µS/cm	Monthly	In Situ
Alkalinity	Milligrams per litre	Every 3 months	Grab Sample
Antimony	Milligrams per litre	Every 3 months	Grab Sample
Arsenic	Milligrams per litre	Every 3 months	Grab Sample
Cadmium	Milligrams per litre	Every 3 months	Grab Sample
Calcium	Milligrams per litre	Every 3 months	Grab Sample
Chloride	Milligrams per litre	Every 3 months	Grab Sample
Copper	Milligrams per litre	Every 3 months	Grab Sample
Lead	Milligrams per litre	Every 3 months	Grab Sample
Magnesium	Milligrams per litre	Every 3 months	Grab Sample
Potassium	Milligrams per litre	Every 3 months	Grab Sample

Selenium	Milligrams per litre	Every 3 months	Grab Sample
Silver	Milligrams per litre	Every 3 months	Grab Sample
Sodium	Milligrams per litre	Every 3 months	Grab Sample
Standing Water Level	m (AHD)	Monthly	In Situ
Sulphate	Milligrams per litre	Every 3 months	Grab Sample
Total hardness	Milligrams per litre	Every 3 months	Grab Sample
Zinc	Milligrams per litre	Every 3 months	Grab Sample

Air – Dust Monitoring Points 5 and 6- Dust gauges located at mine site boundary closest to "Manuka" and "Wirlong"

Pollutant	Units of measure	Frequency	Sampling Method
Particulates – deposited matter	g/m^2/month	Monthly	AM-19

Testing methods - concentration limits

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

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

Monitoring for the concentration of a pollutant discharged to waters required by the condition mentioned above must be done in accordance with:

- the Approved Methods Publication; or
- if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,
- unless otherwise expressly provided in the licence.

Requirement to Monitor Weather

For each monitoring point specified in the Table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other Columns.

Weather –Monitoring Point 7- Weather Station Location on the Mine Site

Parameter	Units of measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm	Continuous	24 hour	AM-4
Wind speed and direction	m/s & degrees	Continuous	15 minute	AM-2 and AM-4
Air temperature	Degrees (C)	Continuous	15 minute	AM-4
Sigma theta	Degrees	Continuous	15 minute	AM-2 and AM-4

REPORTING CONDITIONS

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

Reporting Fauna Deaths or Injury

The licensee must report any incident of death or injury (including bogging or miring) of fauna (avian and terrestrial) associated with the Tailings Impoundment or tailing runoff dam by telephoning the EPA's Pollution line on 131 555 as soon as the licensee becomes aware of the incident.

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

GENERAL CONDITIONS

Signage

Each monitoring and discharge point must be clearly marked by a sign that indicates the EPA point identification number.

ATTACHMENT B

MANDATORY CONDITIONS FOR ALL EPA LICENCES

ADMINISTRATIVE CONDITIONS

OPERATING CONDITIONS

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

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

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
  - must be maintained in a proper and efficient condition; and
  - must be operated in a proper and efficient manner.

MONITORING AND RECORDING CONDITIONS

Recording of pollution complaints

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

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

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

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

Telephone complaints line

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

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

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

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
    - a Statement of Compliance; and
    - a Monitoring and Complaints Summary.

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

Period covered by Annual Return

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

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

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

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

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
    - in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
    - in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

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

Licensee must retain copy of Annual Return

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

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

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

(a) the licence holder; or

(b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

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

Notification of environmental harm

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

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

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

Written report

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

(a) where this licence applies to premises, an event has occurred at the premises; or

(b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

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

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

- The request may require a report which includes any or all of the following information:
    - the cause, time and duration of the event;
    - the type, volume and concentration of every pollutant discharged as a result of the event;
    - the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
    - the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
    - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
    - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
    - any other relevant matters.

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

GENERAL CONDITIONS

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

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

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

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

ATTACHMENT C

BIODIVERSITY, ABORIGINAL CULTURAL HERITAGE AND MISCELLANEOUS MATTERS

BIODIVERSITY

Compensatory habitat proposal

Whilst it is DECCW's preference that the full impacts of a development be considered upfront (and prior to issue of consent) DECCW agrees with the proponent's proposal to adequately assess and offset the impacts of the project on biodiversity through development of a Property Vegetation Plan (PVP) as a condition of consent. This is due to the fact DECCW are of the belief sufficient area should be available on "Manuka" to ensure biodiversity offsets ar adequately offset.

The following information must be considered in development of a PVP to ensure impacts of the project on biodiversity are adequately assessed and adequately offset and to ensure the development does not have a significant affect on threatened species or their habitat.

- Biodiversity offsets must be managed primarily for biodiversity conservation. To maximise the biodiversity values of the offset the covenant must include the management actions outlined in Attachment D.
- DECCW encourages inclusion of management practices for conservation of Aboriginal cultural heritage values. Consultation should occur on the appropriate management of any matters of cultural significance to those Aboriginal people with a cultural association with the land.
- The offset must be secured in perpetuity and registered on title, via a covenant (such as a property vegetation plan covenant as recommended by the consultant).
- The offset must be sufficient in size to offset the loss and be consistent with the principals for the use of biodiversity offsets in NSW. See link below. http://www.environment.nsw.gov.au/biocertification/offsets.htm
- It is recommended that the minimum area of the offset be determined in consultation with DECCW. DECCW notes that no metric such as Biobanking has been used to determine an appropriate offset size. It is the expert opinion of DECCW that based on experience to date, the offset proposal as offered is less than would be required by such a metric.
- Adequate funding to manage the offset must be provided.
- DECCW does not consider it appropriate to create additional clearing to establish the offset's goat proof fence. It is strongly recommended that the offset boundary should be established along existing fence lines, tracks, or roads or along clearings proposed as part of this development. It is likely that in doing this an adequate sized offset may also be achieved.

RECOMMENDATION:

Should consent be granted, Cobar Shire Council include a condition of consent requiring that a Property Vegetation Plan (PVP) be developed and implemented in accordance with the requirements outlined above and in consultation with DECCW. The PVP must be registered on the land title prior to the commencement of works onsite.

ABORIGINAL CULTURAL HERITAGE

The report is adequate in relation to the Cultural heritage requirements. DECCW notes that eighteen (18) Aboriginal sites were recorded within the project site. One (1) Scarred tree was also identified within the McKinnon's water pipeline route and six (6) Aboriginal sites were identified within the Mirabooka water pipeline route (one (1) of those sites located within Bedooba State Conservation Area (SCA)).

In addition, DECCW notes the proposed safeguards to reduce the likelihood of disturbance to Aboriginal Heritage from the proposal as included in section 4.5.8 of the EIS. This indicates that of the eighteen (18) Aboriginal sites that were recorded within the project site, thirteen (13) would be avoided and five (5) site would be impacted. This also indicates that the one (1) Scarred tree identified within the McKinnon's water pipeline route would be avoided and that of the six (6) Aboriginal sites identified within the Mirabooka water pipeline route, only one (1) would be directly impacted by construction of the water pipeline (noting this is the site located within Bedooba SCA).

Section 4.5.8.2 of the EIS provides the proposed management strategies for the six (6) sites for which impact would be unavoidable. DECCW generally concurs with these recommendations.

Based on the requirement for impact to six (6) Aboriginal sites DECCW would like to draw your attention to the requirement for the proponent to apply to DECCW for an Aboriginal Heritage Impact Permit (AHIP). The proponent would need to ensure compliance with the consultation and other requirements outlined in DECCW's *Aboriginal cultural heritage consultation requirements for proponents, 2010"* in appltying for an AHIP.

DECCW advises that Aboriginal objects are protected under the *National Parks and Wildlife Act 1974*. It is an offence to damage, deface or destroy or cause to permit the damage, defacement or destruction of Aboriginal objects or an Aboriginal Place without the written consent of the Director General, DECCW, or her delegate. It is in the interest of proponents to ensure that all reasonable precautions are taken to prevent the occurrence of damage to Aboriginal objects.

RECOMMENDATION:

Should consent be granted, Cobar Shire Council include a condition of consent requiring that the proponent submit an application for an AHIP for all Aboriginal sites to be impacted by the proposal. Works onsite must not commence until an AHIP has been obtained for all sites to be impacted. The proponent must ensure compliance with the consultation and other requirements outlined in DECCW's *Aboriginal cultural heritage consultation requirements for proponents, 2010"* in applying for an AHIP.

Should any Aboriginal object be discovered during the proposed works, the works must cease and the proponent must notify DECCW.

EFFLUENT MANAGEMENT

DECCW notes the document dated March 2011 entitled "Response to Cobar Council Request for Additional Information Issued 17 January 2011" proposes *installation of a packaged wastewater treatment plant.....*and*.....the final effluent would be discharged into the Tailings Storage Facility (TSF) with water recovered via the decant and reuses through processing.*

No detail is provided regarding the type of system or level of treatment prior to discharge to the TSF. DECCW are unable to provide comment on the adequacy of this proposal without the information outlined above.

Action	Objectives	Implementation guidelines
Domestic stock grazing exclusion	To promote natural regeneration of native vegetation in plant communities where grazing has a detrimental effect and regular biomass removal is not necessary. To allow remnant vegetation to be restored naturally (without the need for replanting) to Moderate to Good Condition. Where one or more of the structural components of the vegetation (trees, shrubs, ground layer species) is below benchmark for the Vegetation Type, the removal of grazing may allow these to regenerate without the need for supplementary planting or direct seeding action. Low Condition vegetation adjacent to remnant vegetation may in some circumstances also regenerate naturally if grazing is removed. If this can be achieved then this is likely to be a cheaper and ecological preferable method of achieving an expansion of remnant size compared to supplementary planting or replanting. To prevent degradation of understorey habitat structure and components through trampling, compaction, biomass removal, increased nutrient levels, spread of weed species, loss of litter layer etc, or to allow habitat recovery from such damage due to past domestic stock grazing. Stock exclusion may also be desirable to prevent damage to certain tree species (Stringybarks, for example) through the chewing or rubbing of bark or hoof damage to tree surface roots.	Permanent total exclusion of domestic stock is required by this action. This can be achieved using existing fences or by constructing new fences around the remnant, where necessary. Additional fencing may not be required where only cropping occurs adjacent to the offset area. Fencing must be maintained in good order to ensure stock from the property or neighbouring properties do not gain access to the PVP offset or incentive area. Where sensitive riparian areas are to be fenced off, if necessary pipe river water to troughs for stock watering purposes. In the PVP process, this action is mutually exclusive of applying the Strategic stock grazing management action. Thus, landholders can only select one of these two actions for each PVP offset or incentive Vegetation Zone.
Feral and/or native herbivore control/exclusion fencing	Sometimes it will be important to reduce grazing and browsing pressure on native vegetation to allow regeneration and assist recovery of threatened species and their habitats. Goats, rabbits, hares and other feral animals, as well as native herbivores can have a major impact in preventing regeneration of native	Target species may include rabbits, hares, goats, deer, camels, horses, kangaroos and wallabies. Particularly in cases where threatened flora is being impacted by browsing, the erection of permanent exclusion fencing in conjunction with initial and/or ongoing culling is likely to be

Action	Objectives	Implementation guidelines
	vegetation, including many threatened flora species. Dams provide access to water for feral herbivores and some kangaroo species that can maintain high population numbers which can cause adverse grazing impacts on native vegetation. Restricting access to artificial water supplies can reduce feral and native herbivores, particularly in for Western grey Kangaroos in western NSW. Only select this action if browsing damage is identified as having an adverse impact within the offset area and it is practical and affordable to firstly control feral animal populations and then to construct effective fencing to keep feral animals out. Consider the potential impact of the proposed method of reducing browsing pressure on non-target species, especially threatened species.	required for the positive effects of this action to be ongoing. Most of the larger feral species will be easily controlled before or after fencing is erected by mustering, trapping, shooting or poisoning as appropriate to assist in control and reduce risk of animals breaching the fencing. Use humane and effective methods that are not destructive to the habitat or plant community. Rabbit control, however, may need particular attention. There are several means of rabbit control, depending on the level of infestation and the type of country. Control methods suitable in areas of remnant vegetation are: • Poisoning with either Pindone® or 1080; • Laying baits laced with Rabbit Calecivirus Disease (available soon); • Removal of extensive warren systems by either blasting or ripping, followed by rehabilitation of the disturbed areas; and Trapping (using cage traps or rubber jawed trap) or shooting, in areas with low populations. Any control program needs follow up monitoring to ensure its effectiveness, including periodic checking of fencing. Monitoring is undertaken by measuring impacts on the vegetation and by spotlighting rabbits at night. Removal of rabbit harbour (i.e. fallen timber and dense shrubs) is not recommended as this provides habitat for fauna. Erect appropriate fencing or individual guards for targeted

Action	Objectives	Implementation guidelines
		threatened plants. Fencing is regarded as the most effective and reliable means to control damaging grazing impacts from feral and native herbivores. The fencing of stock dams and provision of an appropriate alternative water source for stock that is not accessible to target feral or native herbivores may be an alternative for reducing herbivore browsing pressure in some areas. • The complete removal of stock dams is another option to reduce impacts from native and feral herbivores in some situations.
Retention of all dead (and alive) timber.	Fallen and standing timber (coarse woody debris and dead branches, snags, stumps etc) provides essential or important Breeding or Foraging or Shelter habitat for many threatened species. Tree hollows and hollow logs are a vital habitat element for many fauna in forest and woodland communities. Standing dead trees often contain hollows that continue to provide important denning and nesting habitat Sticks and leaf litter provide essential Foraging and nesting habitats for many fauna species.	Retain all dead timber, including both standing and fallen trees and tree stumps. Protect live trees from threats such as ringbarking by stock. Avoid pruning older trees with hollows. Avoid removing ground litter for the purposes of tidying up. Avoid burning, heavy grazing, and the collection of small branches and sticks. In a few cases where the offset is large it may be justified to allow a very small amount of timber extraction for on-farm purposes. In this case removal should focus on younger solid trees that do not contain hollows.
Retention of all dead (and alive) timber (cont.)	Disturbance of this layer can also impact on threatened plants. The retention of fallen timber in streams and other water bodies may also be important in providing perching habitat for birds and Shelter for threatened fish species.	The amount that can be removed should be specified. Landholders should be encouraged to relocate timber resulting from legally-sanctioned vegetation-clearing into PVP offset and incentive areas and placed in strategic locations to provide additional habitat. Where it is necessary to remove fallen timber from other areas landholders should be encouraged to relocate this into retained vegetation in PVP offset or incentive areas.
Exclusion of fire	Some species and ecological communities are highly vulnerable to fire	Avoid deliberate burning of sites. Develop appropriate fire-

Action	Objectives	Implementation guidelines
	and require habitat that has not been burnt for long periods. Whilst some fire sensitive species are likely to survive an occasional fire, many of these will not tolerate fires in relatively frequent succession. Some plant species are killed by fire and are slow to regenerate from a fire event. Fires in frequent succession can eliminate species from an area. Where fire sensitive species are known to be likely to be present in an offset or incentive area then the exclusion of fire as far as practically possible is a desirable action. It is accepted that for most sites it may not be possible to prevent the occasional severe wildfire. If the exclusion of fire has been scored as a positive management action for a species then this is an indication that experts have identified that the species is susceptible to too frequent burning.	breaks and prepare a local fire suppression strategy to minimise the risk of wildfire spreading into the site. Where hazard reduction burning is essential, the fire frequency and area allowed to be burnt should be clearly specified. In such cases it is recommended to apply mosaic burns within the hazard reduction zone to minimise impact of fire on sensitive threatened species populations.
Control of feral pigs	Feral pigs can have a major impact in destroying and preventing regeneration of native vegetation, including many threatened flora species, particularly herbaceous ground layer species. Areas disturbed by pigs can also become colonised by weed species. Only select this action where feral pig damage can be identified as a problem within the offset area, or is likely to become a problem.	Use humane and effective methods including shooting, cage traps and poisoning.
Retention of rocks	Rocks provide essential habitat for several threatened fauna species and sometimes provide protection from herbivore grazing for native plants. This habitat may occur as loose surface rocks, rocks embedded into the soil, rocky outcrops, rock piles, caves or cliff faces.	Retain and avoid disturbance to all rocks and rock features on the site. Avoid disturbance to cave entrances, including the vegetation near cave entrances.
Retain regrowth	Any disturbed areas where regrowth is, or may occur (including Invasive Native Scrub (INS)) have potential to become significant habitat to a range of native flora and fauna species.	Retain all regrowth in previously disturbed areas.

Action	Objectives	Implementation guidelines
No fertiliser application	Fertiliser application can reduce native plant species richness and increase richness of exotic species. This potentially changes vegetation community composition and structure, therefore reducing habitat available for native flora and fauna species.	Do not apply fertilises at any time.
Permitted Routine Agricultural Management Activities (RAMAs)		The landholder must not clear native vegetation for routine agricultural management activities (RAMAs), except when the landholder is clearing native vegetation for the following routine agricultural management activities: • the operation and maintenance only of permanent fences only (as permitted by s. 22 and s. 11(1)(a) Native Vegetation Act 2003 and cl 20 Native Vegetation Regulation 2005); • the removal of noxious weeds under the Noxious Weeds Act 1993 (as permitted by s. 22 and s. 11(1)(b) Native Vegetation Act 2003); • the control of noxious animals under the Rural Lands Protection Act 1998 (as permitted by s. 22 and s. 11(1)(c) Native Vegetation Act 2003); • any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property (as permitted by s. 22 and s. 11(1)(i) Native Vegetation Act 2003). The clearing of any vegetation in contravention of this clause is excluded from being an activity permitted to be carried out under Part 3 Division 3 s.22 of the Native Vegetation Act 2003.
Weed control (non-statutory exotic pest species only)	Woody or herbaceous weeds can be highly invasive and if not controlled may replace many native plant species, leading to a decline in habitat quality. Sensitive removal of weeds may allow populations of some threatened plant species to increase in response to greater availability of habitat.	Monitor and remove all weeds in high and medium condition sites annually. Non-herbicide based weed removal methods including

Action	Objectives	Implementation guidelines
		strategic stock grazing or hand pulling preferred. Registered herbicide use must be limited to targeted non-drift spray methods. Pre-emergent herbicides should not be used. When treating areas adjacent to the remnant for weeds, the remnant must be protected from herbicide drift. This can be achieved by nominating a buffer beyond the remnant where herbicide application is by non-drift methods only.