

All communications to be addressed  
to the General Manager  
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Telephone: (02) 6836 5888  
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Website: www.cobar.nsw.gov.au  
In your reply please quote:

Ref: GJR:KAB  
File: 2010/LD-00074



Cobar Shire Council Offices:  
36 Linsley Street  
Cobar NSW 2835  
ABN 71 579 717 155

*"Regional Centre in Western NSW"*

1 June 2011

Ian Lawrence  
Managing Director  
Cobar Consolidated Resources Limited  
PO Box 7693  
St Kilda Rd  
MELBOURNE VIC 3004

Dear Ian

***Notice of Determination of a Development Application***  
***Environmental Planning and Assessment Act 1979***

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***Local Development Application No. 2010/LD-00074***

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***Local Development Application***

Applicant Name	<u>Ian Lawrence</u> <u>Managing Director</u> <u>Cobar Consolidated Resources Limited</u>
Land to be Developed	<u>Lot 3632 DP766014; WLL 6238, "Manuka"</u> <u>Lot 863 DP761939; WLL 2810, "The Bluff"</u> <u>Lot 864 DP 761940; WLL 2811, "Buckambool"</u> <u>Lot 5074 DP 45018; WLL 12903, "Belford"</u> <u>Lot 4225 DP766852; WLL 9260, "Lachlan Downs"</u> <u>Part of Bedooba Road (SR13B) – Road Reserve</u> <u>Part of Lerida Road (SR 13A) – Road Reserve</u>
Proposed Development	<u>Wonawinta Silver Project</u> <u>Note: Mirrabooka Water Pipeline Route excepted pursuant to s 80(4) of the</u> <u>Environmental Planning and Assessment Act 1979</u>

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***Determination***

Pursuant to Section 81 of the *Environmental Planning and Assessment Act 1979*, notice is given that the above Development Application has been determined by the granting of consent, subject to the conditions specified in this Notice.

Determination by: ***Western Region Joint Planning Panel***

Date of determination: ***24 May 2011***

Date from which consent operates: ***1 June 2011***

Date Consent Lapses: ***2 June 2016***

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### ***Review of Determination***

The applicant may under s82A of the *Environmental Planning and Assessment Act 1979* request the consent authority to review its determination of the application the subject of this consent.

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### ***Right of Appeal***

Section 97 of the *Environmental Planning and Assessment Act 1979* provides a right of appeal to an applicant who is dissatisfied with the determination of a consent authority. The right of appeal is to the Land and Environment Court and must be exercised within the prescribed time frame detailed in s97.

Section 98 of the *Environmental Planning and Assessment Act 1979* provides a right of appeal to an objector who is dissatisfied with the determination of the application. The right of appeal is to the land and Environment Court and must be exercised within 28 days as prescribed in s98

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### ***Other Approvals***

This consent does not include any other approvals granted under s78A of the *Environmental Planning and Assessment Act 1979*.

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### ***Conditions***

1. The development must be carried out in accordance with the documents listed below, except where amended by other conditions of this consent:

Environmental Impact Statement (December 2010) for the Cobar Consolidated Resources Limited Wonawinta Silver Project prepared by R W Corkery & Co Pty. Limited and as amended by the following supplementary documents.

- Response to DECCW Initiated Stop the Clock
- Additional information supplied in Response to DECCW Initiated Stop the Clock (15 February 2011)
- Response to I&I Request for Additional Information
- Additional information supplied in Response to DECCW Initiated Stop the Clock (1 March 2011)
- Response to Council Request for Additional Information
- Response to NOW Request for Additional Information
- Response to RTA Request for Additional Information
- Revised Appendices C, D & E to the Ecological Assessment prepared by Oz Ark Environmental and Heritage Management Pty Ltd received 15 April 2011.
- Revised Appendices B, C, D, E, F & G to the Ecological Assessment prepared by Oz Ark Environmental and Heritage Management Pty Ltd received 28 April 2011.

2. In the event of any inconsistency between conditions of this consent and documents referred to above, the conditions of this consent prevail.

3. The applicant must ensure that all obligations under the *Building and Construction Industry Long Service Payments Act 1986* have been satisfied prior to commencing any development on the site. A Construction Certificate cannot be issued until any required Long Service Levy payable under the above Act has been paid.

4. A sign must be erected in a prominent position on any site on which building work is being carried out, identifying the following:

- a) the name, address and telephone number of the principal certifying authority for the work,
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed

5. Approval must be obtained under Section 138 of the *Roads Act 1993* to carry out works on or within a public road from the appropriate roads authority prior to the work commencing.
6. Building work (exempt development building work excepted) approved by this consent must not commence until:
  - a) A Construction Certificate has been issued.
  - b) A Principal Certifying Authority has been appointed.
  - c) A notice of intention to commence work has been issued to Council.
7. The applicant must implement all practicable measures to prevent or minimise harm to the environment during the construction and operation of the development.
8. No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.
9. This consent does not authorise the use of the development site for the receipt or disposal of waste brought on to the development site from other land.
10. A Bush Fire Management Plan for the development must be prepared and implemented generally in accordance with the proposal detailed in the amended Environmental Impact Statement.
11. The applicant must provide Council with written notice of intention to commence any development work on the site at least 5 days prior to commencing.
12. The applicant must submit a Pre-Commencement of Work Compliance Report to Council certifying that all pre-conditions to work commencing on site have been satisfied. The Pre-Commencement of Work Compliance Report must be provided and have received Council's concurrence prior to giving written notice of intention to commence work and include:
  - a) details of how the conditions of consent required to be addressed prior to commencing work have been complied with,
  - b) details of when each relevant condition of consent was complied with, including submissions dates of any required report and/or approval dates; and
  - c) details of any approvals or licences required to be issued prior to commencing work.
13. The applicant must consult with Bogan Shire Council with a view to negotiating an agreement regarding a maintenance and improvement contribution in respect of the unsealed section of MR461 within the Bogan Shire Council local government area.
14. The applicant must consult with Cobar Shire Council with a view to negotiating the funding of a project and/or projects identified in its Community Enhancement Program.
15. The proponent shall prepare a Water Management Plan in consultation with and to the satisfaction of the NSW Office of Water. This plan must include the following and be approved prior to any works commencing on site:
  - a) An Erosion and Sediment Control Plan.
  - b) A Surface Water Management Plan.
  - c) A Groundwater Management Plan.
16. The proponent must obtain relevant licensing under Part 5 of the *Water Act 1912* from the NSW Office of Water before commencing any works which intercept or extract ground water.
17. The proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Director General (DG) of I&I NSW. The Rehabilitation Plan must:
  - a) be prepared in accordance with any relevant I&I NSW guidelines and in consultation with relevant agencies and stakeholders;
  - b) be submitted and approved by the DG of I&I NSW prior to the commencement of mining or mining related activities;

- c) address all aspects of rehabilitation and mine closure, including final land use assessment, rehabilitation objectives, domain objectives, completion criteria and rehabilitation monitoring, in particular;
- i. include an evaluation of end land use options for final void/s;
  - ii. include life of mine tailings management strategy, including an environmental risk assessment in order to demonstrate that the emplacements can be designed, managed and rehabilitated appropriately; and
  - iii. describe how rehabilitation will be carried out progressively to the extent that it is practicable.

18. The proponent must submit an application for an Aboriginal Heritage Impact Permit (AHIP) for all Aboriginal sites to be impacted by the proposal. The sites that are to be impacted by the proposal are to be identified and fenced until an AHIP is obtained for the relevant site. Works on these sites (both directly and indirectly) must not commence until an AHIP has been obtained. The proponent must ensure compliance with the consultation and other requirements outlined in DECCW's Aboriginal Cultural Heritage requirements for proponents, 2010 in applying for an AHIP.

19. Should any Aboriginal object be discovered works in the immediate vicinity of the object which might impact (both directly and/or indirectly) on the object must cease and the proponent must notify DECCW.

20. All effluent generated on site must be disposed of in accordance with the requirements of the *Protection of the Environment Operations (Waste) Regulation 2005* and *Protection of the Environment Operations Act 1997*.

21. The proponent must consult with DECCW and other relevant agencies regarding any proposed discharges of effluent generated on site. This includes the need to consult with Council regarding any required s68 *Local Government Act 1993* approvals.

22. The applicant is to comply with all the RTA's terms of concurrence pursuant to Section 138 of the *Roads Act 1993* before any transportation of plant, product or other goods or materials is commenced following approval of the development application.

23. The applicant is to prepare and supply a Code of Conduct to all drivers of heavy vehicles (including contractors) transporting plant, product or other goods or material to or from the project site.

24. The Code of Conduct is to include:

- a) Details of the transportation hours pursuant to approval of the development application.
- b) That no transportation of plant, product or other goods or materials is to occur outside of the transportation hours.
- c) Procedure for the transport of hazardous materials.
- d) Details of the transportation routes to be followed for the delivery of product including alternative transportation routes following road closure due to wet weather.
- e) Details of the local school bus route, operating hours and pick-up and drop-off points along the transportation route.
- f) That drivers are to be conscious of the school bus and school children particularly during the operating hours of the local school bus.
- g) That drivers are to operate their vehicles in a safe, professional and courteous manner.

25. The Code of Conduct is to be given RTA concurrence and distributed to drivers prior to commencement of any transportation, including transportation for the purposes of construction.

26. Bus services are to be provided for the transport of all staff (employees and contractors) to the mine site from Cobar. Staff are to be educated about and pro-actively encouraged to use the service through such means as staff inductions and toolbox meetings.

27. The Bedooba (SR13B) and Manuka (SR14) Roads which form the route from the project site to the Kidman Way (MR410) must be upgraded to achieve a suitable standard to service the proposed development. As a minimum the required upgrading must include:

- a) a heavy formation grade to 8 metres wide,
- b) new and/or restored table and mitre drains as needed,

- c) elimination or replacement of existing stock grids to suit the 8 metre wide formation,
- d) spreading and compacting 8metres by 150mm thick suitable gravel to construct a good trafficable surface,
- e) installation of guide posts and
- f) construction of four concrete causeways located at 8.0km, 9.8km, 10.9km and 27.7km along the route measured from the Kidman Way.

The required upgrading works must be financed by the developer at no cost to Cobar Shire Council.

Road Occupancy Licences as relevant must be obtained in respect of the required upgrading works. The required upgrading works must be completed prior to the commencing of mining operations. Specifications for the work must meet the minimum requirements of AUS-SPEC. The roads must be maintained in a safe and trafficable condition for the duration of the upgrading works project.

**28.** The Bedooba (SR13B) and Manuka (SR14) Roads which form the route from the project site to the Kidman Way (MR410) must be maintained to a suitable standard to service the proposed development. As a minimum required maintenance must include:

- a) twelve (12) full maintenance grades using a grader, roller and water cart per annum.
- b) gravel re-sheeting work as needed each 12 to 18 months.

The required maintenance work must be financed by the developer at no cost to Cobar Shire Council.

Road Occupancy Licences as relevant must be obtained in respect of the required maintenance works. Specifications for the work must meet the minimum requirement of AUS-SPEC.

**29.** The applicant must develop a Code of Conduct for all staff (management, employees and contractors) recommending against the use of Shuttleton Road (SR15), Lerida Road (SR13A) and the parts of Bedooba Road (SR13B) not included in the route from the project site to the Kidman Way for project related purposes.

**Notes:**

- i. Maintenance related travel identified in the required road occupancy licence for McKinnon's Water Pipeline Route is excepted.*
- ii. Travel to and from the project site by staff or contractors residing on the listed roads is excepted.*
- iii. A contractor travelling to or from another job site located on the listed roads is excepted.*

**30.** The applicant must provide Council with written notice of intention to commence mining operations on the site at least 5 days prior to commencing.

**31.** The applicant must submit a Pre-Mining Operations Compliance Report to Council certifying that all pre-conditions to mining operations commencing on the site have been satisfied. The Pre-Mining Operations Compliance Report must be provided and have received Council's concurrence prior to giving written notice of intention to commence mining operations and:

- a) details of how the conditions of consent required to be addressed prior to commencement of operation have been complied with;
- b) details of when each relevant condition of consent was complied with, including submissions dates of any required report and/or approval dates; and
- c) details of any approvals or licences required to be issued prior to the commencement of operation.

**32.** The Applicant shall prepare a suitable Biodiversity Offset Strategy (in the form of a Property Vegetation Plan or equivalent arrangement) to compensate for the impacts of the project. This Biodiversity Offset Strategy must:

- a) be prepared in consultation with the NSW Office of Environment and Heritage;
- b) quantify and categorise the biodiversity values of both the impacted site and proposed offset area(s);
- c) incorporate an area of up to 600ha (based on a 2:1 ratio of offset to disturbance) of 'like for like' vegetation;

- d) provide for the protection of significant Aboriginal site 34-1-0008; and
- e) be submitted to Council for approval by 31 December 2011, or such later date as is mutually agreed.

33. Within 6 months of the approval of the Biodiversity Offset Strategy (referred to in Condition 32 above), the Applicant shall provide appropriate long-term security for the area included in the strategy to the satisfaction of Council and the NSW Office of Environment and Heritage.

34. The Applicant shall prepare and implement a Biodiversity Offset Management Plan for the project. This plan must:

- a) be prepared in consultation with the NSW Office of Environment and Heritage and submitted to Council within 6 months of the approval of the Biodiversity Offset Strategy (referred to in Condition 32 above);
- b) describe how the implementation of the biodiversity offset strategy is to be integrated with the overall rehabilitation of the site and land management of the remaining property having regard to the applicant's intention to restore the mine site to pastoral uses to the greatest extent reasonably practicable; and
- c) include:
  - detailed performance and completion criteria for the implementation of the offset strategy;
  - a detailed description of the measures that will be implemented for:
    - weed management (both control and suppression) and monitoring;
    - management of retained native vegetation and habitat;
    - feral animal control;
    - fire management;
    - management of public access;
    - supplementary revegetation;
  - a program to monitor the effectiveness of these measures, and evaluate progress against the detailed performance and completion criteria;
  - details of how the measures contained within the plan, and the biodiversity offset strategy generally, are to be funded; and
  - details of who would be responsible for monitoring, reviewing and implementing the plan.

35. The proponent shall obtain all necessary licences and approvals for the project under the Water Act 1912 and the Water Management Act 2000.

36. The proponent shall ensure that it has sufficient water for all stages of the project and if necessary shall adjust the scale of mining operations to match the available water supply.

#### **REASONS FOR THE IMPOSITION OF THE CONDITIONS**

1. To ensure the proposed development:
  - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
  - b) complies with the provisions of all relevant environmental planning instruments.
2. To ensure that the relevant public authorities have been consulted and their requirements are incorporated into the consent.
3. To ensure the protection of the amenity of land adjoining and in the locality of the proposed development.
4. To minimise any potential adverse environmental, social or economic impacts of the proposed development.
5. To ensure the development does not conflict with the public interest.

## **NOTICE OF GENERAL TERMS OF APPROVAL (GTA's)**

The following list of GTA's are attached and form part of this Notice of Determination:

### **NSW Office of Water**

- General Terms of Approval – for works requiring a Controlled Activity Approval under the *Water Management Act 2000*.
- General Terms of Approval for an approval under the *Water Act 1912* for ground water bores for the Wonawinta Project.

### **Department of Environment, Climate Change and Water**

- General Terms of Approval – Environment Protection Licence.
- Mandatory Conditions for licences under the *Protection of the Environmental Operations Act 1997*.

The NSW Roads and Traffic Authority have provided the following terms of concurrence pursuant to section 138 of the *Roads Act 1993*.

- At the intersection of the Manuka-Yarranvale Road and the Kidman Way:
  - ♦ The left turn treatment on the Manuka-Yarranvale Road is to comply with the "Type BAL" (Basic Left Turn) treatment as shown in Figure 4.8.35 of the *RTA Road Design Guide*.
  - ♦ A right turn treatment of the "Type BAR" (Basic Right Turn) is to be constructed adjacent to the southbound lane of the Kidman Way as shown in Figure 4.8.23 Rural Conditions of the *RTA Road Design Guide* (copy enclosed). The widened shoulder is to be sealed. (This is required to provide reasonable level of safety for traffic turning right into the access and to allow following Kidman Way traffic an area to pass the right turning vehicle on the left hand side).
- The Manuka-Yarranvale Road is to be sealed for a minimum of 30 metres from the edge of the northbound traffic lane of the Kidman Way. The levels of the Manuka-Yarranvale Road are to match the levels of the Kidman Way.
- A Road Occupancy Licence is required prior to any works commencing within three metres of the travel lanes of the Kidman Way. This can be obtained by contacting Mr Paul Maloney on (02) 6861 1686. Submission of a Traffic Control Plan is required as part of this licence.
- The developer will be required to undertake private financing and construction of works on the Kidman Way, a road in which the RTA has a statutory interest. A formal agreement in the form of a Works Authorisations Deed (WAD) is required between the developer and the RTA.
- The intersection treatment at the Manuka-Yarranvale Road and the Kidman Way is to be completed prior to any other works being undertaken at the mine site.
- All works associated with the development are to be at no cost to the RTA.

NSW Industry and Investment have given support to the approval of the Wonawinta Silver Project.

The grant of development consent does not provide Cobar Consolidated Resources with the right to mine. Mining activities can only be conducted after development consent has been obtained and mining lease granted by the Minister of Resources and Energy, under the provisions of the *Mining Act 1992*.

Should the proponent lodge an application for a mining lease, the proponent may expect that any mining lease granted – provided all legislative requirements have been met – may be similar to conditions as outlined in the attached document titled "*Standard Mining Lease Conditions 2010*". The conditions include the requirement of the preparation of a mining operations plan and the lodgement of an appropriate mining lease security.

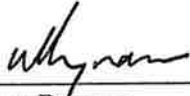
### **Mining Operations Plan**

The standard mining lease conditions will require the proponent to conduct operations in accordance with an accepted Mining Operations Plan (MOP). Accordingly, the proponent is required to seek the approval of I&I NSW for a MOP for this mine development. The proponent must not commence mining or mining related activities prior to receiving approval of the MOP from I&I NSW. It is expected that further

identification of rehabilitation objectives and completion criteria will need to be included in the Mining Operations Plan/Rehabilitation Plan.

**Mining Lease Security**

The security required to be lodged for the mining lease, to fulfil the proponent's obligation to rehabilitate areas disturbed by mining, will be subject to a self assessment process by the proponent. This will be certified by I&I NSW to ensure that the security amount is sufficient to rehabilitate areas to be disturbed by associated mining activities.



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Garry Ryman

**DIRECTOR OF PLANNING & ENVIRONMENTAL SERVICES**





## New South Wales Office of Water

### ATTACHMENT 3

#### General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference		85 ERM2011/0091	File No:	
Site Address		Cobar		
DA Number				
LGA		Cobar Shire		
Number	Condition			
Plans, standards and guidelines				
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to and provided by Council:</p> <ul style="list-style-type: none"><li>(i) Site plan, map and/or surveys</li><li>(ii) Works Schedule</li><li>(iii) Environmental Impact Statement</li><li>(iv) Additional Information Report No. 802/02e</li></ul> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>			
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>			
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none"><li>(i) Vegetation Management Plan</li><li>(ii) Works Schedule</li><li>(iii) Erosion and Sediment Control Plan</li><li>(iv) Soil and Water Management Plan</li></ul>			
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-">www.water.nsw.gov.au/Water-</a></p>			

[www.water.nsw.gov.au](http://www.water.nsw.gov.au) | NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water  
209 Cobra St, Dubbo | PO Box 717 Dubbo NSW 2830 | t 02 6841 7403 | f 02 6884 0096

Our Reference	<b>85 ERM2011/0091</b>	File No:	
Site Address	<b>Cobar</b>		
DA Number			
LGA	<b>Cobar Shire</b>		
<b>Number</b>	<b>Condition</b>		
	Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Laying pipes and cables in watercourses (iii) In-stream works (iv) Watercourse crossings		
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.		
<b>Rehabilitation and maintenance</b>			
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.		
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.		
<b>Reporting requirements</b>			
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.		
<b>Security deposits</b>			
9	N/A		
<b>Access-ways</b>			
10	N/A		
11	N/A		
<b>Bridge, causeway, culverts, and crossing</b>			
12	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.		
13	The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.		
<b>Disposal</b>			
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in		

Our Reference		85 ERM2011/0091	File No:	
Site Address		Cobar		
DA Number				
LGA		Cobar Shire		
Number	Condition			
	accordance with a plan approved by the NSW Office of Water.			
<b>Drainage and Stormwater</b>				
15	N/A			
16	N/A			
<b>Erosion control</b>				
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.			
<b>Excavation</b>				
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.			
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.			
<b>Maintaining river</b>				
20	N/A			
21	N/A			
<b>River bed and bank protection</b>				
22	N/A			
23	N/A			
<b>Plans, standards and guidelines</b>				
24	N/A			
25	N/A			
26	N/A			
27	N/A			
<b>END OF CONDITIONS</b>				



## New South Wales Office of Water

### ATTACHMENT 4

#### GENERAL TERMS OF APPROVAL FOR AN APPROVAL UNDER THE WATER ACT 1912 FOR GROUNDWATER BORES FOR THE WONAWINTA SILVER PROJECT

##### General conditions

The purposes of these conditions are to:

- define certain terms used in the other conditions
- specify the need to obtain an approval before commencing any works
- specify that, in most cases, an approval will only be issued to the occupier of the lands where the works are to be located (as required by the Water Act)
- require existing approvals to be cancelled or let lapse when a licence is issued (if applicable)
- require the safe construction and operation of all works
- require the use of appropriate soil conservation measures
- limit vegetation destruction or removal to the minimum necessary
- require the separate authorisation for clearing under the Native Vegetation Conservation Act
- allow conditions to be imposed for the management of fuel (petroleum products)
- require the payment of fees on the issuing of an approval

In the following conditions relating to an approval under the *Water Act 1912*:

- "**approval**" means a licence, permit, authority or approval under that Act;
- "**river**" has the same meaning as in section 5 of the *Water Act 1912*;
- "**work**" means any structure, earthwork, plant or equipment authorised under the approval to be granted, as defined in section 5 and 105 of the *Water Act 1912*;
- "**controlled work**" means an earthwork, embankment or levee as defined section 165 of the *Water Act 1912*.

- Before commencing any works or using any existing works for the purpose of an approval under Part 5 of the *Water Act 1912* must be obtained from the NSW Office of Water. The application for the approval must contain sufficient information to show the development is capable of meeting the objectives and outcomes specified in these conditions.
- An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the *Water Act 1912*.
- When the NSW Office of Water grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.

- All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
- All vegetation clearing must be authorised under the *Native Vegetation Act 2003*, if applicable.
- The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
- A licence fee calculated in accordance with the Water Act 1912 must be paid before a licence can be granted.

#### **Conditions for bores and wells.**

The purpose of these conditions are to:

- set a limited period for bore construction
  - require the bore to be properly completed and sealed
  - require certain information to be provided on completion of the work, including a location plan
  - allow NSW Office of Water access for inspection and testing
  - restrict the bore diameter
  - specify procedures if saline or polluted water is found
  - specify procedures if the bore is abandoned
  - require advice if water is found
  - define domestic use (if applicable)
  - specify a volumetric allocation for each purpose of the entitlement (if applicable)
  - specify distances works to be sited from boundaries, streams other bores etc
  - identify lands that may be irrigated (if applicable)
  - specify a volumetric allocation for the works purpose (if applicable)
  - allow NSW Office of Water to alter the allocation at any time
  - provide for a review of allocation if any subdivision occurs (if applicable)
  - require regular measuring of water levels to provide information needed to manage aquifers
- Works for construction of bores must be completed within such period as specified by the NSW Office of Water
  - The NSW Office of Water must be notified if a supply of useable water is obtain and the bores shall then be suitably lined and capped to the standard required by the NSW Office of Water
  - Within 2 months after the works are completed the NSW Office of Water must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval
  - Officers of the NSW Office of Water or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing

- All works must be constructed and maintained to properly control the water extracted to prevent wastage or any reduction in quality of the sub-surface water. The NSW Office of Water may direct that any necessary repairs or alterations be undertaken to maintain the works in good working order.
- The inside diameter of any casing used to line the bore must not exceed 220 mm.
- Any saline or polluted water located above a producing aquifer must be sealed by the use of cemented casing as specified by the NSW Office of Water
- If the bore ceases to be productively used the NSW Office of Water must be notified and the aquifer must be sealed by a method acceptable to the NSW Office of Water
- Any water extracted by the works must not be discharged into any watercourse or groundwater if it would pollute that water
- Any water extracted by the works for domestic purposes may be used to irrigate gardens for private use and for use in the domestic household
- Both the pumping and non pumping levels must be recorded at least twice each year and reported with the annual groundwater return.

## **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<sup>1</sup> 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 <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)
All	Manuka <sup>2</sup>	37	37	37	45
	Wirlong <sup>2</sup>	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°C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level;
- c) Temperature inversion conditions greater than 3°C/100m and up to 8°C/100m and wind speeds greater than 1 metres/second at 10 metres above ground level; or,
- d) Temperature inversion conditions greater than 8°C/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.

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  $L_{eq(15 \text{ minute})}$  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  $L_{A1(1 \text{ minute})}$  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  $1 \times 10^{-9}$  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 20 <sup>th</sup> Ed. APHA 4500-CN-1 method B3.j- Alternative method and analysis by 20 <sup>th</sup> 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 20 <sup>th</sup> Ed. APHA 4500-CN-1 method I- Alternative method and analysis by 20 <sup>th</sup> 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 <sup>2</sup> /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.

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## **STANDARD MINING LEASE CONDITIONS 2010**

### **Content**

#### **Definition**

- 1. Notice to Landholders**
- 2. Environmental Harm**
- 3. Mining Operations Plan**
- 4. Environment Management Report**
- 5. Environmental Incident Report**
- 6. Additional Environmental Reports**
- 7. Rehabilitation**
- 8. Subsidence Management ((Not applicable))**
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- 10. Blasting**
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- 12. Prevention of Soil Erosion and Pollution**
- 13. Transmission lines, Communication lines and Pipelines**
- 14. Roads and Tracks**
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- 16. Use of Mercury or Cyanide**
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- 18. Indemnity**
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## **Note: Exploration Reports (Geological and Geophysical)**

### **Definition:**

"Director-General" means the Director-General of the Department of Industry and Investment

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## **MINING LEASE CONDITIONS 2010**

### **1. Notice to Landholders**

- (a) Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.
- (b) If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.

### **2. Environmental Harm**

- (a) The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activities under this lease.
- (b) For the purposes of this condition:
  - (i) environment means components of the earth, including:
    - (A) land, air and water, and
    - (B) any layer of the atmosphere, and
    - (C) any organic or inorganic matter and any living organism, and
    - (D) human-made or modified structures and areas,and includes interacting natural ecosystems that include components referred to in paragraphs (A)–(C).
  - (ii) harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.

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### 3. Mining Operations Plan

- (a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General.
- (b) The MOP must:
- (i) identify areas that will be disturbed by mining operations;
  - (ii) detail the staging of specific mining operations;
  - (iii) identify how the mine will be managed to allow mine closure;
  - (iv) identify how mining operations will be carried out in order to prevent and or minimise harm to the environment;
  - (v) reflect the conditions of approval under:
    - the *Environmental Planning and Assessment Act 1979*
    - the *Protection of the Environment Operations Act 1997*
    - and any other approvals relevant to the development including the conditions of this lease; and
    - have regard to any relevant guidelines adopted by the Director-General.
- (c) The leaseholder may apply to the Director-General to amend an approved MOP at any time.
- (d) It is not a breach of this condition if:
- (i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the *Mining Act 1992*, the *Environmental Planning and Assessment Act 1979*, *Protection of the Environment Operations Act 1997*, *Mine Health and Safety Act 2004 / Coal Mine Health and Safety Act 2002* and *Mine Health and Safety Regulation 2007 / Coal Mine Health and Safety Regulation 2006* or the *Occupational Health and Safety Act 2000*; and
  - (ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.
- (e) A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director-General.

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#### **4. Environment Management Report**

- (a) The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.
- (b) The EMR must:
  - (i) report against compliance with the MOP;
  - (ii) report on progress in respect of rehabilitation completion criteria;
  - (iii) report on the extent of compliance with regulatory requirements; and
  - (iv) have regard to any relevant guidelines adopted by the Director-General;

#### **5. Environmental Incident Report**

- (a) The lease holder must report any environmental incidents. The report must:
  - (i) be prepared according to any relevant Departmental guidelines;
  - (ii) be submitted within 24 hours of the environmental incident occurring;
- (b) For the purposes of this condition, environmental incident includes:
  - (i) any incident causing or threatening material harm to the environment
  - (ii) any breach of Conditions 1 to 9 and 11 to 24;
  - (iii) any breach of environment protection legislation; or,
  - (iv) a serious complaint from landholders or the public.
- (c) For the purposes of this condition, harm to the environment is material if:
  - (i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or
  - (ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, where loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.

#### **6. Additional Environmental Reports**

Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.

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## 7. Rehabilitation

Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.

## 9. Working Requirement

The lease holder must:

- (a) ensure that at least (number to be calculated \*based on the rate of 1 worker per 25 ha of mining lease application area) competent people are efficiently employed in relation to the mining process or mining operations on the lease area

OR

- (b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$ (amount \*based on the (a) calculated at \$17,500 per worker) per annum whilst the lease is in force.

The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.

## 10. Blasting

### (a) Ground Vibration

The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment, Climate Change and Water.

### (b) Blast Overpressure

The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment, Climate Change and Water.

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## **11. Safety**

Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General.

## **12. Prevention of soil erosion and pollution**

Prospecting operations must be carried out in a manner that does not cause or aggravate air pollution, water (including groundwater) pollution, soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.

## **13. Transmission lines, Communication lines and Pipelines**

Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated.

## **14. Roads and Tracks**

- (a) The lease holder must pay to the relevant roads authority in control of the road or track the reasonable costs incurred by the roads authority in making good any damage to roads or tracks caused by operations carried out under this lease less any amount paid or payable from the Mine Subsidence Compensation Fund.
- (b) During wet weather the use of any road or track must be restricted so as to prevent damage to the road or track.
- (c) Existing access tracks should be used for all operations where reasonably practicable. New access tracks must be kept to a minimum and be positioned in order to minimise damage to the land, watercourses or vegetation.
- (d) Temporary access tracks must be rehabilitated and revegetated to the satisfaction of the Director-General as soon as reasonably practicable after they are no longer required under this lease.

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## **15. Trees and Vegetation**

- (a) The lease holder must not fell trees, strip bark or cut timber on any land subject of this lease without the consent of the landholder who is entitled to the use of the timber.
- (b) The lease holder must contact Forests NSW and obtain any required permit, licence or approval before taking timber from any Crown land within the lease area.

*Note: Any clearing not authorised under the Act must comply with the requirements of the Native Vegetation Act 2003. Any clearing or taking of timber on Crown land is subject to the requirements of the Forestry Act 1916.*

## **16. Use of Mercury or Cyanide**

The lease holder must not use mercury or cyanide or any solution containing cyanide for the recovery of minerals on the lease area without the prior written approval of the Minister and subject to any conditions stipulated.

## **17. Resource Recovery**

- (a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, notice in writing to the lease holder may be given requiring the holder to recover such minerals.
- (b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.
- (c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.

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## **18. Indemnity**

The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.

## **19. Security**

A security in the sum of \$ (Based on self assessment and Departmental review -Refer to [www.dpi.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0006/363516/ESG1-Rehabilitation-Cost-Estimate-Guidelines.PDF](http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0006/363516/ESG1-Rehabilitation-Cost-Estimate-Guidelines.PDF)) must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under this lease.

## **23. Suspension of Mining Operations**

The holder of a mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister.

## **24. Cooperation Agreement**

The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:

- access arrangements
- operational interaction procedures
- dispute resolution
- information exchange
- well location
- timing of drilling
- potential resource extraction conflicts and
- rehabilitation issues.

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**Note: Exploration Reports (Geological and Geophysical)**

*The lease holder must lodge reports to the satisfaction of the Director-General in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.*

*Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Industry and Investment, 2010).*

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