



Office
of Water

21 November 2011

General Manager
Cobar Shire Council
PO Box 223
COBAR NSW 2835

Contact Tim Baker
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Attention: Garry Ryman

Our ref ER20927
Your ref 2010/LD-0074. PU5

Dear Mr Ryman

WONAWINTA SILVER PROJECT – SECTION 96(2) MODIFICATION APPLICATION

The NSW Office of Water has reviewed the supporting documentation for the Modification Application (DA2010/LD0074) received by Cobar Shire Council on 27/10/2011 for the Wonawinta Silver Project. Office of Water has reviewed the previously issued General Terms of Approval (GTAs) included in a letter dated 7 April 2011 and has determined that amendments are required to reflect the modified development application. The key amendments considered by the Office of Water include the following:

- 4 causeways associated with the Shire Road Reconstruction Plan require a Controlled Activity Approval under the *Water Management Act 2000* unless the works are specifically included in a lease, license, permit or other right in force in under the *Mining Act 1992*, *Crown Lands Act 1989*, *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901* ;
- Mine Access Road has been realigned to utilise the existing "Manuka" property intersection with Shire Road 13;
- An alternative borefield has been identified on the adjacent property "Wirlong".

Based on this review, the Office of Water has identified the GTAs that relate to the Controlled Activity Approval under the *Water Management Act 2000* require amendment and are shown in Attachment 1. Recommended consent conditions consistent with the response dated 7 April 2011 are provided in Attachment 2 and key comments related to the review are provided in Attachment 3. Previously issued GTAs under Part 5 of the *Water Act 1912* for monitoring bores and groundwater interception remain valid and are included in Attachment 4.

It is noted that previously issued GTAs still apply to relevant aspects of the proposal which have not been modified from the original approval.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPAA) which requires a consent, granted by a

consent authority, to be consistent with the GTAs proposed to be granted by the approval body.

If the proposed modification is approved by Council, the NSW Office of Water requests that these GTAs be included (in their entirety) in Council's development consent. Please also note the following:

- The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (i.e. in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.
- The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The NSW Office of Water requests notification of any legal challenge to the consent.

Under Section 91A(6) of the EPAA, Council must provide the NSW Office of Water with a copy of any determination/s including refusals.

The attached GTAs do not represent the Controlled Activity Approval or the licences for Groundwater Bores. The applicant must apply (to the NSW Office of Water) **after consent** has been issued by Council and **before** the commencement of any 'works' on waterfront land or relating to monitoring bore construction.

Applicants must complete and submit an application form together with any required plans, documents, the appropriate fee and security (i.e. bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website

<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

Application forms for Groundwater Licenses under Part V of the *Water Act 1912* can also be found on the website

<http://www.water.nsw.gov.au/Water-licensing/Applications/default.aspx>

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

For general enquires in relation to this submission please do not hesitate to contact Tim Baker on (02) 6841 7403. For specific licensing enquires and for submitting the necessary licence applications please contact Alison Collaros on (02) 6841 7416.

Yours sincerely



Mark Mignanelli
Manager Major Projects, Mines and Assessment



ATTACHMENT 1

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

Our Reference		85 ERM2011/0091	File No:	9055296
Site Address		Cobar		
DA Number		2010/LD-0074		
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">(i) Site plan, map and/or surveys(ii) Works Schedule(iii) Environmental Impact Statement(iv) Additional Information Report No. 802/02e(v) Application for Modification of Consent and Supporting Documentation <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">(i) Vegetation Management Plan(ii) Works Schedule(iii) Erosion and Sediment Control Plan(iv) Soil and Water Management Plan			
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 www.water.nsw.gov.au/Water-</p>			

Our Reference	85 ERM2011/0091	File No:	9055296
Site Address	Cobar		
DA Number	2010/LD-0074		
LGA	Cobar Shire		
Number	Condition		
	Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) In-stream works (iii) 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.		
Rehabilitation and maintenance			
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.		
Reporting requirements			
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.		
Security deposits			
9	N/A		
Access-ways			
10	N/A		
11	N/A		
Bridge, causeway, culverts, and crossing			
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.		
Disposal			
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 accordance with a plan approved by the NSW Office of Water.		

Our Reference	85 ERM2011/0091	File No:	9055296
Site Address	Cobar		
DA Number	2010/LD-0074		
LGA	Cobar Shire		
Number	Condition		
Drainage and Stormwater			
15	N/A		
16	N/A		
Erosion control			
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.		
Excavation			
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.		
Maintaining river			
20	N/A		
21	N/A		
River bed and bank protection			
22	N/A		
23	N/A		
Plans, standards and guidelines			
24	N/A		
25	N/A		
26	N/A		
27	N/A		
END OF CONDITIONS			

**End of Attachment 1
21 November 2011**



Office
of Water

ATTACHMENT 2

RECOMMENDED CONDITIONS OF CONSENT

The NSW Office of Water requests the following conditions be included in any consent issued for the Wonawinta Silver Project:

1. 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:
 - a. An Erosion and Sediment Control Plan
 - b. A Surface Water Management Plan
 - c. A Groundwater Management Plan
2. 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 groundwater.

End of Attachment 2
21 November 2011



ATTACHMENT 3

ASSESSMENT COMMENTS

Licensed Water Supply

NSW Office of Water acknowledges that an alternative groundwater source has been identified on the adjacent property "Wirlong" and that this provides an additional water supply option for the project.

Office of Water advises Council that the applicant has lodged a Permanent Transfer Application under the *Water Act 1912* to transfer a water entitlement of 750 megalitres to a proposed borefield on "Wirlong". It is noted that at the time of this response the transfer application and associated applications for groundwater works is being processed by Office of Water hydrogeologists and licensing staff. As this licence application has already been lodged with Office of Water this response has not included associated GTAs. However a recommended condition for a Part 5 licence under the *Water Act 1912* is applicable.

Water Supply Pipeline

Office of Water Licensing staff has inspected the route of the water supply pipeline from "Wirlong" to "Manuka". The pipeline does not cross any watercourses as defined under the *Water Management Act 2000*, therefore a Controlled Activity Approval is not required for construction of the pipeline.

Watercourse Crossings – Mine Access Road

Office of Water has reviewed the modified location of the mine access road and notes that it does not cross any watercourses as defined under the *Water Management Act 2000*, therefore a Controlled Activity Approval is not required for construction of the mine access road.

Watercourse Crossings – Shire Road Reconstruction

The Shire Road Reconstruction Plan includes construction of four causeways located at 8.0km, 9.8km, 10.9km and 27.7km along the route measured from the Kidman Way. These crossings will require Controlled Activity Approval and the attached GTAs will apply. It is noted that the Office of Water does not support the use of pipe culverts. Box culverts or bed level causeways are preferred. Please see the attached guidelines for *Watercourse Crossings*.

Dewatering

As indicated in a previous response a license will be required under Part 5 of the *Water Act 1912* for dewatering and groundwater interception activities. An embargo dated 22/12/2008 prevents further applications under Part 5, however an exemption listed in Clause 12 of Schedule 2 of the embargo may allow the granting of a license for dewatering up to 10ML, subject to assessment by Hydrogeologist and licensing officers. The proponent will be required to apply for a dewatering license under the exemption and

the recommended condition that relates to a Part 5 licence under the *Water Act 1912* remains applicable. The proponent is advised that the current groundwater embargo and associated exemption provisions will cease upon commencement of the water sharing plan for the local groundwater system.

Monitoring Bores

As indicated in a previous response licenses will be required under Part 5 of the *Water Act 1912* for monitoring bores. An embargo dated 22/12/2008 prevents further applications under Part 5, however an exemption listed in Clause 4 of Schedule 2 of the embargo allows the granting of licenses for monitoring and test bores for groundwater investigation and/or environmental management purposes. The attached GTAs in Attachment 4 relate to the proposed monitoring bores. Office of Water expects the proposed monitoring bore network will be finalised within a Groundwater Management Plan which is recommended as a condition of consent.

End of Attachment 3
21 November 2011



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 intercepting, extracting or monitoring groundwater, 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 is 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.

**End of Attachment 4
21 November 2011**



General Terms of Approval

Notice No: 1121764

- 3 JAN 2012

The General Manager

Cobar Shire Council

PO Box 223

COBAR NSW 2835

- copy M4-17.06

Attention: Mr Woodman

Notice Number 1503299

File Number LIC10/11-03

Date 23-Dec-2011

LD/2010-00074 69115

OPEs

Re: Modification of Development Consent 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 modification received by the Environment Protection Authority (EPA) on 3 November 2011 and subsequent information outlined in Attachment A.

General Terms of Approval - Scheduled Development Works Environment Protection Licence

Having reviewed the information provided, the EPA has determined that is able to vary the existing Scheduled Development Works License for the proposal, subject to conditions contained in the General Terms of Approval (GTAs). The applicant will need to make a separate application to the EPA to vary the existing Scheduled Development Works Licence 20020 to allow the modified Scheduled Development works to be conducted onsite.

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.

The EPA would like to advise Cobar Shire 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 the EPA. 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 the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

These General terms of Approval allow Cobar Consolidated Resources (CCR) to undertake Scheduled Development Works associated with works the subject of this application in accordance with the information



General Terms of Approval

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submitted with this application.

This does not permit the undertaking of Scheduled Activities associated with mining operations. CCR will need to make a separate application to the EPA for an EPL to allow Scheduled Activities to be carried out.

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

Yours sincerely

23/12/11

Richard Whyte
Regional Manager
North West - Bathurst
(by Delegation)

Encl:

Attachment A: General Terms of Approval

Attachment B: Mandatory Conditions



General Terms of Approval

Notice No: 1121764

ATTACHMENT A

General Terms of Approval

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 modified development application 2010/LD- 00074 submitted to Cobar Shire Council on 2 November 2011 and accompanying information;
- Letter addressed to Cobar Shire Council dated 1 December 2011 from Cobar Consolidated Resources addressing additional information to support modification of development consent.

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 to water 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).



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EPA identification number	Type of monitoring point	Type of discharge point	Description of location
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 licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

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

Concentration limits

NA

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.



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L3 Noise limits

L3.1 Noise generated at the premises 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.

Location	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night (LA1 1 minute)
Manuka - see note below	37	37	37	45
Wirlong - See note below	36	36	36	45
Any other residential premises not nominated above, at the time of project approval	35	35	35	45

L3.2 Note: 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.

L3.3 For the purpose of condition L3.1;

- 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.

L3.4 The noise limits set out in condition L3.1 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) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.



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L3.5 For the purposes of condition L3.4:

- 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 OEH Approved Methods AM-2 and AM-4; and
- b) Temperature inversion conditions (stability category) shall be determined by the sigma-theta method referred to in Part E4 of Appendix E of the NSW Industrial Noise Policy.

L3.6 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 LAeq(15 minute) noise limits in condition L3.1; or

ii. that is within 1 metre of a dwelling façade at a location to determine compliance with the LA1(1 minute) noise limits in condition L3.1; 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 L3.6(b)(i) or L3.6(b)(ii).

L3.7 An exceedance will still occur where noise generated from the premises in excess of the appropriate limit specified in the condition L3.1 is detected:

- in an area at a location other than an area prescribed by conditions L3.6(b)(i) or L3.6(b)(ii); and/or
- at a point other than the most affected point at a location.

L3.8 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.

L4 Blasting

Blasting is not permitted on the premises.



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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 banded 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 the EPA.

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).



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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).

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

NA

Testing methods - concentration limits

NA



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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.



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General Conditions

Signage

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



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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.



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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.



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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:



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- o the cause, time and duration of the event;
- o the type, volume and concentration of every pollutant discharged as a result of the event;
- o 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
- o 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;
- o action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- o details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- o 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.