

APPENDIX 2



SF2015/025408; WST10/00007/07

General Manager  
Cobar Shire Council  
PO Box 223  
COBAR NSW 2835

Dear Sir

**DA2010/LD-00074: Manuka Mine, Bedooba Road, Cobar; Modification to Manuka Mine**

Thank you for your letter dated 13 May 2015 referring a modification to DA2010/LD-00074 to Roads and Maritime Services for comment.

Roads and Maritime notes the modification application includes the receiving of ore from the Mount Boppy Mine east of Cobar. Transportation of ore from Mount Boppy Mine to Manuka Mine will be by road using 36.5 metre road trains.

Roads and Maritime will not object to the proposed development and, in accordance with *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, provides the following recommendations for Council's consideration:

- Prior to commencement of haulage operations, the intersection of Manuka-Yarranvale Road and Kidman Way (MR410) is to be upgraded in accordance with *Austroads Guide to Road Design Part 4A Figure 7.5 'Type BAR' (Basic Right Turn)* and any relevant Roads and Maritime Supplements. The BAR treatment is to be sealed, match existing road levels and not interfere with existing road drainage. The intersection is to be designed to accommodate the simultaneous passing of the largest right and left turning haulage vehicles (nominated as AB Triple Road Trains) whilst still allowing south bound traffic on Kidman Way sufficient room to pass a right turning haulage vehicle on the left hand side.
- Manuka-Yarranvale Road is to be sealed for a minimum of forty (40) metres from the edge of the northbound travel lane of Kidman Way. The levels of the Manuka-Yarranvale Road are to match the levels of the Kidman Way.
- Gateway size C advance truck warning (W5-22) and distance plate (W8-5) signage is to be provided adjacent to Kidman Way, 300 metres either side of the Manuka-Yarranvale Road/Kidman Way intersection.
- Safe Intersection Sight Distance (SISD) requirements outlined in *Austroads Guide to Road Design Part 4A* and relevant Roads and Maritime Supplements is to be provided and maintained in each direction at the intersection of Manuka-Yarranvale Road and Kidman Way. For a 110 km/h speed zone the minimum SISD is 300 metres.

Roads and Maritime Services

51 - 55 Cunningham Street Parkes NSW 2870  
PO Box 234 Parkes NSW 2870 DX 20256  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) : 13 17 82

- A formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and Roads and Maritime Services for the developer to undertake "private financing and construction" of any work on Kidman Way. This agreement is necessary for works in which Roads and Maritime Services has a statutory interest. The WAD is to be executed prior to the commencement of road work.
- Prior to the commencement of construction work, the proponent is to contact Roads and Maritime Services' Traffic Operations Coordinator to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent will obtain the ROL prior to work commencing within three (3) metres of the travel lanes in Kidman Way.
- The proponent is to consult with the National Heavy Vehicle Regulator (NHVR) to ensure that proposed haulage vehicles are legally able to travel on haulage routes.

*Note: Priory Tank Road (MR461) is currently not open to B and AB Triple Road Trains.*

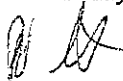
- A Traffic Management Plan (TMP) is to be developed in consultation with Cobar Shire Council and Roads and Maritime Services. The TMP is to provide initiatives to reduce traffic commuting to the mine by encouraging and facilitating car pooling and shuttle bus programs.
- The proponent is to prepare and implement a code of conduct relating to transport of materials on public roads as part of the considerations under Clause 16(1) of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. The code of conduct is also to include:
  - Details of transportation hours pursuant to approval of the modification application.
  - Procedure for the transport of hazardous materials.
  - Details of the transportation routes to be followed for the delivery of product including alternative transportation routes following road closures due to wet weather.
  - Details of the local school bus route, operating hours and pick-up and drop-off points along the transportation routes. Drivers are to be conscious of school buses and school children particularly during the operating hours of local school bus services.
  - Requirement for drivers to operate vehicles in a safe, professional and courteous manner.

The code of conduct is to be supplied to Roads and Maritime for concurrence and distributed to drivers prior to commencement of any transportation, including transportation for the purposes of construction.

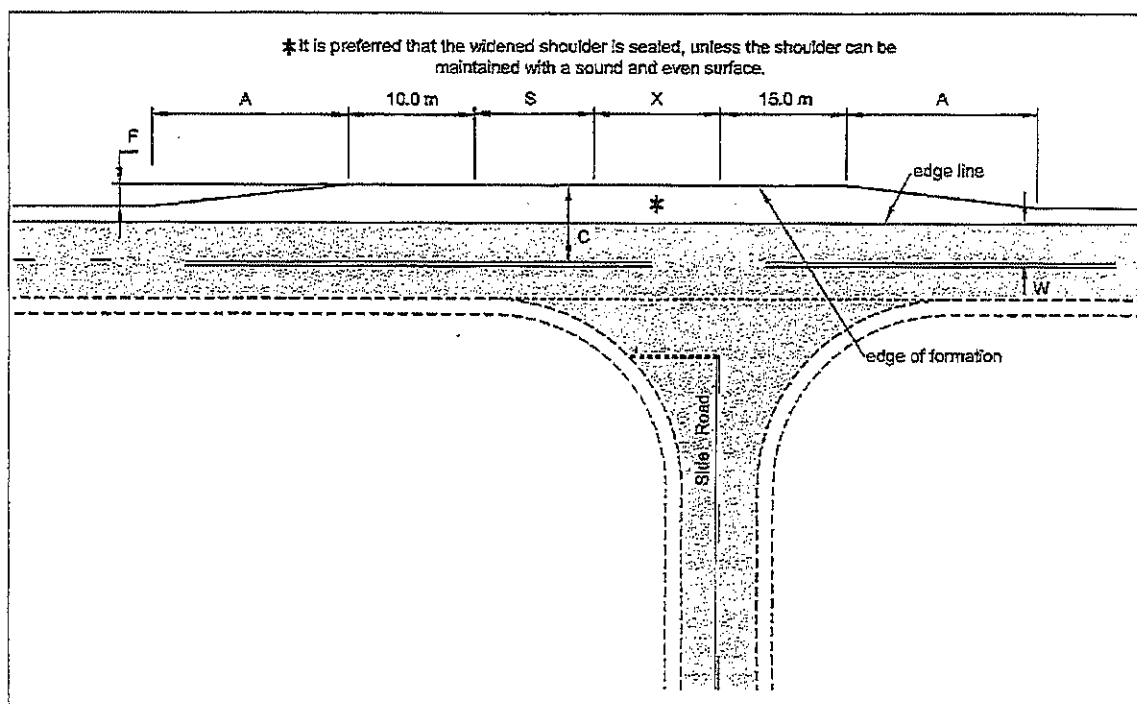
Please forward a copy of Council's determination of the development application to Roads and Maritime at the same time it is sent to the applicant.

Should you require further information please contact Andrew McIntyre on 02 6861 1453.

Yours faithfully



Peta Smith  
Acting Network & Safety Manager  
Western



Notes:

1. This treatment applies to the right turn from a major road to a minor road.

2. The dimensions of the treatment are defined thus:

W = Nominal through lane width (m) (including widening for curves). Width to be continuous through the intersection.

C = On straights – 6.5 m minimum

7.0 m minimum for Type 1 & Type 2 road trains

On curves – widths as above + curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle).

$$A = \frac{0.5VF}{3.6}$$

Increase length A on tighter curves (e.g. those with a side friction demand greater than the maximum desirable). Where the design through vehicle is larger than or equal to a 19 m semi-trailer the minimum speed used to calculate A is 80 km/h.

V = Design speed of major road approach (km/h).

F = Formation/carriageway widening (m).

S = Storage length to cater for one design turning vehicle (m) (minimum length 12.5 m).

X = Distance based on design vehicle turning path, typically 10–15 m.

Source: QDMR (2006).

Figure 7.5: Basic right (BAR) turn treatment on a two-lane rural road



OUT15/16501

General Manager  
Cobar Shire Council  
PO Box 223  
COBAR NSW 2835

Attention: Mr Stephen Poulter

Dear Mr Poulter

**Application to modify Development Consent DA 2010/LD-00074  
Manuka Mine**

I refer to your invitation to provide comments on Black Oak Minerals Limited (BOML) application to Cobar Shire Council to modify Development Consent DA 2010/LD-00074 for the Manuka Mine.

The NSW Trade & Investment - Division of Resources and Energy (DRE) has reviewed the *"Statement of Environmental Effects for a Proposed Modification to the Manuka Mine (Importation and Processing of Mt Bobby Mine Ore) March 2015"* (SoEE) against the Department standards SEARs, internal policies and standards.

While it is noted that the SoEE broadly addresses final land use and landform requirements and provides the following comments.

**Tailings Management**

In accordance with DA 2010/LD 00074 the proponent has approval for disposal of tailings within an above ground tailing Storage Facility (TSF) to be constructed as progressive upstream lifts to a maximum height of 279.5m AHD. At full capacity the approved TSF has storage capacity for approximately 8Mt of tailings. The TSF is a prescribed dam under schedule 1 of the *Dam Safety Act 1978*.

The amendment seeks to process ore from the Mt Bobby mine and emplace the resultant tailings within the approved TSF at the Manuka Mine.

The SoEE identifies that the tailings generated from the Mt Bobby ore are likely to be coarser than the tailings generated from the ore from the Manuka Mine. As a consequence, the Mt Bobby tailings are likely, at least on deposition, to have a higher permeability. Additionally, an analysis of the acid generating potential of the Mt Bobby ore indicates that the tailings are typically acid (pH of 3.7 to 4.2) and Potentially Acid Forming – Low Capacity (PAF-LC), with a Low Net Acid Producing Potential (NAPP).

DRE requires that the Mine Operation Plan (MOP) includes a 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.

In addition, DRE seeks confirmation of height limits and elevations of the final levels (finished height) of the above ground of the tailings storage facility.

While it is noted the SoEE indicates a further amendment for input tailings disposal, this will not be considered until the application for input disposal of tailings is received and determined this proposal may not eventuate and the above ground Tailings Storage Facility will remain with additional lifts resulting from the additional ore processed from the Mt Bobby Mine.

Section 2.7.5 of the SoEE identifies that a modified rehabilitation procedure will be implemented for the TSF. Any proposed modification to the TSF rehabilitation is to be detailed in the MOP.

#### **Transport of Waste Rock and Other Materials to Mt Bobby Mine Site**

DRE notes that Section 2.3.2.2 of the SOEE states "Occasionally trucks returning to the Mt Bobby Mine would be back loaded with waste rock or other material for use in road maintenance or rehabilitation operations". The SoEE provides no quantification of the amount of material to be transported from Manuka and no characterisation of the materials.

DRE seeks clarification of what materials are proposed to be transported to Mt Bobby and confirmation of the characteristics of these materials to demonstrate that the materials are fit for purpose. Additionally, DRE seeks confirmation of the volumes to be transported to Mt Bobby and confirmation that this will not limit the availability of rehabilitation resources for the Manuka site should this be approved.

DRE requests that the applicant demonstrates under what authority these materials will be removed from the site.

#### **Mine Life**

The SoEE indicates that the importation and processing of ore from the Mt Bobby mine will extend the life of the Manuka Mine between 18 and 30 months. And, in the event that Belah and Bimble pits remain undeveloped, mine closure would occur towards the end of 2018. Given this timeframe DRE requires the next Mining Operation Plan for ML1659 to address Mine Closure Planning.

#### **Final Landform**

DRE notes that the revised final landform, taking into account the proposed modified mine site layout, is broadly consistent with the current Mining Operation Plan. However, some of the proposed modifications will require some amendments to the final landform to reflect the as-constructed layout. These include changes to the shapes of various waste rock dumps boundaries and changes to the shape of the TSF.

A conceptual final landform design with final landform contours has been provided in the SoEE. However, the plan does not include; vegetation types; habitat features; Aboriginal heritage features and fencing design.

DRE requests that this plan is amended to show these features and is provided with the MOP amendment if the proposed modification is approved prior to the submission of a new MOP. The plan should be provided at an appropriate size and scale to enable the relevant detail to be easily identified in A3 size (minimum).

#### **CONDITIONS OF APPROVAL**

This response reflects DRE's role and regulatory responsibilities for regulating mining projects post approval. The principle mechanism for DRE's role post-mining is by the Mining Operations Plan (MOP).

DRE recommends the insertion of rehabilitation objectives into the consent, particularly where these are not clear or are in-concept only. The intent is not to be too specific but to ensure that rehabilitation (as set out in the MOP) has appropriate objectives and proceeds to successful completion, fit for an intended land use.

### **Rehabilitation Objectives and Commitments**

The Proponent shall rehabilitate the site to the satisfaction of the Director, Environmental Sustainability in the DRE.

Rehabilitation must be substantially consistent with the Rehabilitation Objectives described in the SoEE, and the following objectives in Table 1.

**Table 1. Rehabilitation Objectives**

<b>Rehabilitation Feature</b>	<b>Objective</b>
Mine site (as a whole of the disturbed land and water)	Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s).
Rehabilitation materials	Materials (including topsoils, substrates and seeds of the disturbed areas) are recovered, appropriately managed and used effectively as resources in the rehabilitation.
Landforms	Final landforms sustain the intended land use for the post-mining domain(s).  Final landforms are consistent with and complement the topography of the surrounding region to minimise the visual prominence of the final landforms in the post mining landscape.  Final landforms incorporate design relief patterns and principles for consistent with natural drainage.
Water Quality	Water retained on site is fit for the intended land use(s) for the post-mining domain(s).  Water discharged from site is consistent with the baseline ecological, hydrological and geomorphic conditions of the creeks prior to mining disturbance.  Water management is consistent with the regional catchment management strategy.
Native flora and fauna habitat and corridors	Size, locations and species of native tree lots and corridors are established to sustain biodiversity habitats.  Species are selected that re-establishes and complements regional and local biodiversity.
Post-mining agricultural pursuits	The land capability classification for the relevant nominated agricultural pursuit for each domain is established and self-sustaining within 5 years of land use establishment (first planting of vegetation.)

### **Progressive Rehabilitation**

The proponent shall carry out all surface disturbing activities (eg pre-stripping in advance of mining operations) in a manner that, as far is reasonably practicable, minimises potential for dust emissions and shall carry out rehabilitation of disturbed areas progressively, as soon as reasonably practicable, to the satisfaction of the Director Environmental Sustainability in DRE.

### **Rehabilitation Plan**

1. The Proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Director Environmental Sustainability of the DRE.

2. Rehabilitation Plan must:

- a. be submitted to and approved by the Director Environmental Sustainability prior to carrying out any surface disturbing activities of the development, unless otherwise agreed by the Director General;
- b. be prepared in accordance with DRE guidelines and in consultation with the Department, relevant agencies and stakeholders, including OEH, EPA, NOW, DPI Crown Lands and Cobar Shire Council;
- c. incorporate and be consistent with the rehabilitation objectives in the EA, the statement of commitments and Table 1;
- d. integrate and build on, to the maximum extent practicable, the other management plans required under this approval; and,
- e. address all aspects of mine closure and rehabilitation, including post mining land use domains, rehabilitation objectives, completion criteria and rehabilitation monitoring and management.
- f. Include an evaluation of end landuse options for final void/s;
- g. 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
- h. Describe how rehabilitation will be carried out progressively to the extent that it is practicable.

*Note: The approved Mining Operation Plan, required as a condition of ML1659 issued in relation to this project, will satisfy the requirements of this condition for a Rehabilitation Plan.*

Should you have any enquires regarding this matter please contact Steve Cozens, Senior Project Officer, Industry Coordination on 9842 8573.

Yours sincerely

  
**Adrian Delany**  
**A/Director Industry Coordination**

2.7.15



**Department of  
Primary Industries**  
Office of Water

Contact: Tim Baker  
Phone: 02 6841 7403  
Fax: 02 6884 0096  
Email: Tim.Baker@dpi.nsw.gov.au

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

Our ref: ER20927  
File No:  
Your Ref: 2010/LD-00074

**Attention: Stephen Poulter**

Dear Mr Poulter,

**Re: Application to Modify Development Consent 2010/LD-00074 – Manuka Mine**

Reference is made to your letter dated 13<sup>th</sup> May 2015 regarding the application by Black Oak Minerals Limited to modify development consent 2010/LD-00074 for the Manuka Mine. The Office of Water has reviewed the submitted Statement of Environmental Effects (SEE) and provides the following key comments and recommended condition of approval.

- Key elements of the modification proposal relevant to the NSW Office of Water (NOW) include the following:
  - Modification of the mine layout to reflect the actual construction footprint. This has included an increase in size of the Tailing Storage Facility, relocation of the access road and modification of the boundary of two waste rock emplacements and the Boundary Pit.
  - Importation and processing of ore from the Mt Boppy Mine.
  - Upgrade of a causeway over Sandy Creek on the Manuka to Yarranvale Road.
  - No modifications to the existing water supply demands or sources.
- The SEE has not indicated any additional water related impacts due to the modifications to the layout or processing of ore from the Mt Boppy mine. The existing mitigating and monitoring measures, in addition to the proposed measures, particularly in relation to managing acidic runoff from the ROM pad are considered acceptable.
- Tailings produced from processing the Mt Boppy ore are to be placed in the existing TSF at the Manuka Mine. The original TSF construction standards and groundwater monitoring was considered acceptable, therefore no additional comment is required.
- It is recognised the proposed causeway upgrade of Sandy Creek is to occur within a road reserve managed by Cobar Shire Council and the works are likely to be completed by Council. In this situation the works would be exempt from a Controlled Activity Approval (CAA) under the *Water Management Act 2000* as Council is a public authority. It is recommended that the works be completed in accordance with the NSW Office of Water's "*Guidelines for Controlled Activity Approvals on Waterfront Land (July 2012)*". If an alternate contractor is to be engaged by the proponent a CAA may be required and consultation with the NSW Office of Water and Council would be necessary prior to construction to confirm any approval requirements.
- It is recognised no additional water demand is proposed, therefore no additional water entitlement or associated licenses are required at this stage. The NSW Office of Water

[www.water.nsw.gov.au](http://www.water.nsw.gov.au) | NSW Office of Water

209 Cobra St, Dubbo | PO Box 717 Dubbo NSW 2830 | t 02 6841 7555 | f 02 6884 0096

advises in terms of the existing operations that an approval under the *Water Management Act 2000* and sufficient entitlement in a Water Access Licence will be required if groundwater is intercepted and/or extracted from the pits. This will also be relevant for the final landform if there is ongoing groundwater inflow to the pits both during the period to reach equilibrium and at equilibrium if there is inflow induced through evaporation.

- A Stormwater Management Scheme has been prepared in support of this modification application. It is recommended this information in addition to other relevant parts of the SEE be used to update the Water Management Plan.

Recommended Condition of Consent

- The proponent shall review the Water Management Plan in consultation with the NSW Office of Water.

Should you have any further queries in relation to this submission or wish to discuss further please do not hesitate to contact Tim Baker on (02) 6841 7403.

Yours sincerely



**Mitchell Isaacs**  
**Manager Strategic Stakeholder Liaison**  
**1 June 2015**



Mr Gary Woodman  
General Manager  
Cobar Shire Council  
PO Box 223  
Cobar NSW 2835

- 4 JUN 2015

Dear Gary

### Re: Application to Modify Development Consent 2010/LD-00074

Correspondence from Cobar Shire Council regarding the Application to Modify Development Consent 2010/LD-00074 addressed to Chris Glennon, Lachlan Catchment Management Authority, has been referred on to Local Land Services Western Region for comment. Catchment Management Authorities (CMAs) ceased to exist with the implementation of the *Local Land Services Act 2013* and the roles of the former organizations have been integrated with Local Land Services. The boundaries of Cobar Shire now fall wholly within the Local Land Services Western Region.

The proposed modification of Development Consent 2010/LD-00074 for the transport of ore from Mt Boppy to Manuka presents no significant concerns to the interests of Local Land Services Western Region. There are minimal natural resource management, agricultural production or biosecurity risks arising from the proposal other than the unlikely possibility of weed transfer with the truck movements.

The intent to develop a Conservation Property Vegetation Plan as the management instrument for the Biodiversity Offset Area (see 2.6.4.6 Proposed Land Management, Page 40, Statement of Environmental Effects) is noted and supported. A Conservation PVP can be configured to provide an appropriate management prescription for the revised offset area.

Currently biodiversity offset management appears to be defined by the Invasive Native Species Property Vegetation Plan (INS PVP) for Manuka. For clarification, an INS PVP is a statutory mechanism defining permissible types of clearing for defined areas under the Native Vegetation Act 2003. The document does not define best management practice as might be applied on any area of Manuka for either pastoral or biodiversity management. It merely defines permissible clearing.

Further, the illustrated impact of the Manuka Property Vegetation Plan (see Appendix 6, Page 20, Plate 5-1; Statement of Environmental Effects, Page 41, Plate 1) depicts the increase in groundcover resulting from the erection of a total grazing pressure (ie goat proof) fence and

LD/2010-00074

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DPES

the management of grazing. This is not an outcome of the implementation of the provisions of an INS PVP administered by Local Land Services. However, gaining control of grazing pressure through the implementation of this type of fencing is best management practice in the region.

In relation to fencing, Local Land Services Western Region has been aware of concerns that feral goats have previously had open access to mining areas at Manuka, especially tailings areas. As all feral goats in this region can potentially be destined for human consumption, assurance that they are excluded from areas where they can access contaminated materials is necessary. Contaminated sites also present an animal welfare issue for both goats and wildlife. Currently the Statement of Environmental Effects provides no indication of site fencing to control the access of goats and kangaroos, so clarification of this aspect of mine management is in the best interests of ensuring good environmental outcomes.

Yours sincerely,



Russell Grant  
Manager Land Services (North)

23/05/15



Trade &  
Investment  
Crown Lands

Our Reference: DOC15/106110

The General Manager  
PO Box 223  
COBAR NSW 2835

**RE. Application to Modify Development Consent 2010/LD-00074**

Dear Sir,

NSW Trade and Investment, Crown Lands Division (Crown Lands) has had the chance to review the Application to Modify Development Consent 2010/LD-00074 Statement of Environmental Effects (SEE) and has the following comment.

It is suggested that the mine be fenced to prevent goats accessing tailings water. Goats are mustered for human consumption in the vicinity of the mine, and there exists a possibility that toxins could be passed from goat products to humans consuming these products. Please note that this is not a condition of concurrence.

Crown Lands have no further comments with regards to this modification provided the SEE is followed.

If you have any further queries in regard to this matter, please do not hesitate to myself on 02 6883 5448 (phone) or [jarrod.smith@crownland.nsw.gov.au](mailto:jarrod.smith@crownland.nsw.gov.au) (email).

Yours sincerely,

Jarrod Smith  
Senior Natural Resource Management Officer  
Far West Area, West Region  
Crown Lands

11 June 2015



**Office of  
Environment  
& Heritage**

Date: 17 June 2015  
Your reference: 2010/LD-00074 REV03 SP:KAW  
Our reference: DOC15/167473  
Contact: Michelle Howarth 02 6883 5339

Stephen Poulter  
A/ Director Planning and Environmental Services  
Cobar Shire Council  
PO Box 223  
Cobar NSW 2835

Dear Stephen

**RE: Manuka Mine Modification**

I refer to your request dated 13 May 2015 seeking comment from the Office of Environment and Heritage (OEH) on the Statement of Environmental Effects for the proposed Manuka Mine Modification.

OEH understands that the proposed modification includes:

- The transportation, importation and processing of ore from the Mt Boppy Mine
- Minor Modifications to the Mine Site layout to reflect current disturbance
- Modification of the Biodiversity Offset Strategy (BOS) for the mine

OEH has reviewed the information provided, and our detailed comments are provided in Attachment A.

If you have any questions regarding this matter please contact Michelle Howarth on 02 6883 5339 or email [michelle.howarth@environment.nsw.gov.au](mailto:michelle.howarth@environment.nsw.gov.au)

Yours sincerely

**SONYA ARDILL**  
Senior Team Leader Planning, North West Region  
Regional Operations

## ATTACHMENT A

**OEH Comments****1 Biodiversity Offset**

Section 2.6.3 of the Statement of Environmental Effects (SoEE) proposes changes to consent condition 32 (c), *'incorporate an area of up to 600ha (based on a 2:1 ratio of offset to disturbance) of 'like for like' vegetation'*

The proposed condition, *'incorporate an area of up to 330ha (based on a 2:1 ratio of offset to disturbance) of 'like for like' vegetation'*, does not require adequate offsets for the project.

The proposed offset of 330ha only offsets the areas within the project site that are currently disturbed, and does not take into account the currently approved Belah and Bimble pits and associated waste dumps. Although it is intended that the Belah and Bimble Pits and associated waste dumps will not be developed in the short term, if these are not being removed from the consent for the project (DA2010/LD-00074), use of these areas remains permissible and therefore should be adequately offset.

The proposed changes to consent condition 32 (c) would remove the proponent's obligations to offset these areas.

OEH does not support the proposed changes to consent condition 32(c) if the currently approved Belah and Bimble Pits and associated waste dumps are to remain as part of the approval.

Recommendation

- 1.1 That consent condition 32 (c) require an adequate offset for the entire approved area of impact for DA2010/LD-00074, including for the Belah and Bimble Pits and waste dumps.

**2 Security of Biodiversity Offset**

OEH notes that the Biodiversity Offset Strategy (BOS) originally submitted to Council in December 2011 did not satisfy the conditional requirements and therefore no offset was secured for the project. In accordance with the *OEH Principles for the use of Biodiversity Offsets in NSW* offsets should be agreed to prior to impact occurring. As mine development and operation have already commenced and impacts to native vegetation have occurred, it is important that an appropriate BOS be agreed to and secured in a reasonable timeframe. The offset must be enduring and secured in perpetuity with a mechanism supported by OEH.

Recommendations

- 2.1 That a timeframe for securing the approved offset be included in the consent conditions
- 2.2 That the consent conditions require that the offset must be secured in perpetuity with an appropriate mechanism supported by OEH

**3 Grazing in Offset Area**

Grazing (and any other management activity) should be designed to achieve stated objectives and management targets.

Section 7.4.3 of the draft BOS states that a planned grazing regime will be implemented in the offset area to contribute to maintaining a higher percentage of higher successional grasses. More information needs to be provided regarding this. Offsets must be managed for the purpose of conservation; therefore activities such as domestic stock grazing must have justification to show that the activity will achieve the stated objectives and management targets and therefore have an improved biodiversity outcome.

Recommendations

- 3.1 That the proponent provides justification to show that domestic stock grazing will have an improved biodiversity outcome; or
- 3.2 Update the offset management actions to full exclusion of domestic stock

## 4 Road Upgrades

Table 5 in Section 2.3.2.3.1 of the SoEE provides the recommended road upgrades and maintenance of the proposed modification, along with a recommended schedule for implementation. It is not clear from the information provided if approval for these upgrades and maintenance activities is being sought as part of this modification. If these road upgrades and maintenance activities form part of this modification the SoEE should include flora, fauna and cultural heritage assessments for these activities and any removal of native vegetation should be calculated using an appropriate methodology such as the Bio banking Assessment Methodology, and offset.

### Recommendations

- 4.1 That the proponent conducts flora, fauna and cultural heritage assessments for all road upgrades and maintenance.
- 4.2 That any removal of native vegetation related to these activities be quantified using an appropriate methodology such as the Biobanking Assessment Methodology, and an appropriate offset provided.

## 5 Cultural Heritage

Section 5.2.4 of the BOS states *'While originally contained within an initial BOA concept, Aboriginal site #34-1-0008 is external to the BOA presented in the BOS (see **Figure 5-1**). Management of this site will, however, be included in the conservation measures to be incorporated into the 'Manuka' property Conservation PVP'*

The BOS should detail the proposed conservation measures that will be incorporated to allow for the protection of Aboriginal Site #34-1-0008. It is important that specific measures are implemented to adequately protect the identified site.

### Recommendations

- 3.1 That the proponent provides details of the proposed measures to allow for the protection of Aboriginal Site #34-1-0008

22 JUL 2015



NSW EPA

## Part 4 Modification Application - EPA Comments

Notice No. - 1531951

1531951

BLACK OAK MINERALS LIMITED  
ABN 71 124 374 321 ACN 124 374 321  
GPO BOX 519  
BRISBANE QLD 4001

Attention: Mr Troy Lowien

Notice Number 1531951  
File Number EF14/30150  
Date 21-Jul-2015

### Re: "MANUKA MINE MODIFICATION- Importation and Processing of Mt Boppy Mine Ore" Issued pursuant to Section 96(2) Environmental Planning and Assessment Act 1979

I refer to the application by Black Oak Mineral Limited (Licensee) to modify development consent DA 2010/LD-00074 and the accompanying information provided to the Environment Protection Authority (EPA) on 8 May 2015. The modification of the consent is sought to authorise the importation and processing of Mt Boppy Mine ore at Manuka Mine.

Cobar Shire Council (Council) previously granted development consent (DA 2010/LD-00074) under the *Environment Planning and Assessment Act 1979* to Black Oak Minerals Limited. The EPA has also issued an environment protection licence (EPL No. 20020) under the *Protection of the Environment Operations Act 1997* in respect of the Mining for minerals, mineral processing, metal processing and crushing, grinding or separating.

The EPA has reviewed the application and information provided and is of the view that if the current activity is modified, EPL No. 20020 should be varied to effectively regulate the modified activity. The applicant will need to apply separately to the EPA to vary this licence prior to commencement of operations.

The additional licence conditions likely to be imposed by the EPA are set out at attachment A. Should the Licensee decide to modify the consent, please check that the consent as modified (including any additional conditions of consent) will not be inconsistent with EPL No. 20020 and the proposed additional licence conditions at attachment A.

The proposed licence conditions relate to the importation and processing of Mt Boppy Mine ore in Manuka Mine as outlined in the application and information provided to EPA. In the event that the proposal is further 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, the EPA requests that the licensee consult with EPA about the changes before modifying the consent. This will enable the EPA to determine whether the proposed licence conditions need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact Ramya Gowda on 6883 5306.

LD/2010-00074

91576

Page 1

APES


## **Part 4 Modification Application - EPA Comments**

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Notice No. - 1531951



Yours sincerely

  
.....  
**Bradley Tanswell**  
**Acting Unit Head Far West Operations**  
**Environment Protection Authority**  
(by Delegation)

# Part 4 Modification Application - EPA Comments

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Notice No. - 1531951

## Attachment A -

### Administrative conditions

#### *Administrative Conditions*

##### **A1. Information supplied to the EPA**

**A1.1** 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 DA2010/LD-00074 submitted to the EPA on 8 May 2015; and
- Statement of Environmental Effects relating to the development submitted to the EPA on 8 May 2015.

**A1.2** This licence permits the importation of ore from the My Boppy Mine to Manuka Mine in accordance with modified DA 2010/LD-00074 issued by Cobar Shire Council.

##### **A2. Fit and Proper Person**

**A2.1** 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.

### Limit conditions

#### **L1. Pollution of waters**

**L1.1** 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.

#### **L5. Waste**

**L5.1** 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.

**L5.2** 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.

#### **O2. Dust**

**O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

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**O2.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

**O2.3** The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

### ***O3. Record Keeping***

**O3.1** The licensee must measure and record the volume of ore received at the premises from Mt Boppy Mine and retain a copy at the premises.

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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').

### ***Notification where actual load can not be calculated***

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

- The notification must specify:
  - the assessable pollutants for which the actual load could not be calculated; and
  - the relevant circumstances that were beyond the control of the licensee.

### ***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

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(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.