

Your ref: DA 2019/58  
Our ref: 12519337

18 November 2021

Emma Yule  
Narromine Shire Council  
PO Box 115  
Narromine NSW 2821

**DA2019/58 PPSWES-81 Redden Mine Assessment Report Addendum**

Dear Emma

In response to the further clarifications and amendments discussed with the Western Regional Planning Panel on 3 November 2021 regarding DA2019/58-PPSWES-81 Redden Mine Assessment Report, we provide the following:

## 1. State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Part 3 of the Mining SEPP sets out several matters that a consent authority must consider when assessing a development application for mining, petroleum production or extractive industry. A summary of the matters and how they have been satisfied is provided in Table 1.

*Table 1 Mining SEPP Part 3 considerations*

Clause	Comment
12AB Non-discretionary development standards for mining	This clause identifies development standards on particular matters relating to mining. The proposal complies with the particular matters listed.
12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses	The proposal is located in a rural setting and the assessments indicate it's not likely to cause significant impact to the surrounding area. It is therefore considered to be compatible with the other land uses in the area.
12A Consideration of voluntary land acquisition and mitigation policy	NA – this relates to State significant development
13 Compatibility of proposed development with mining, petroleum production or extractive industry	This clause relates to applications that are in the vicinity of an existing mine, petroleum production facility or extractive industry. Another extractive industry is located approximately 2km to the east but this application is not expected to have an impact on that existing development.
14 Natural resource management and environmental management	This clause outlines a number of natural resource management considerations in relation to development for the purposes of mining, petroleum production or extractive industry. These have been considered to some extent in the EIS and relevant conditions included in the consent to minimise impacts on natural resources.

Clause	Comment
15 Resource recovery	This clause requires the consent authority to consider the efficiency or otherwise of the development in terms of resource recovery. The EIS predicts minimal waste will be generated and commits to reusing or recycling as much waste as possible. Conditions of consent have also been included to manage and minimise waste.
16 Transport	This clause outlines some considerations and requirements in relation to roads and notification with the roads authority. It was considered that the development is not feasible without transporting the material on public roads but conditions have been included to minimise the impact on public roads and other road users, including a code of conduct.
17 Rehabilitation	This clause relates to ensuring the rehabilitation of land. The EIS provided a concept rehabilitation plan and the conditions of consent have required the rehabilitation of the site.

Clause 4AA Mining and petroleum develop on strategic agricultural land outlines matters to be considered for mining and petroleum developments on strategic agricultural land. As shown by Figure 1, the proposed site is outside the area mapped as strategic agricultural land, so this clause is not applicable.



**Figure 1** Strategic agricultural land map

## 2. Conditions of consent

The conditions in the attached Notice of determination have been amended as follows:

- Changed reference to quarry to mine throughout
- Condition 1. Added reference to Addendum received 29<sup>th</sup> January 2021.
- Condition 2. Included a sentence requiring the Mining Lease issued pursuant to the Mining Act and the EPL pursuant to the POEO Act is issued prior to commencement of operations.
- Condition 46. Added reference in condition a) to the plan labelled 2517.DRG.004
- Condition 46. Deleted the note.
- Condition 57. Included a requirement that the Applicant provide evidence to Council the required credits have been retired.
- Changed the wording of the conditions to reflect 'prior to commencement' rather than Occupation Certificate.

I trust the above addresses all the points discussed but please let me know if anything further is required.

Regards



**Ben Luffman**  
Senior Environmental Consultant

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Attachments      Notice of determination of development application

# NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

*Issued under Section 4.16 of the Environmental Planning and Assessment Act 1979*

## APPLICANT DETAILS

Applicant: Jane Redden and Matthew Redden  
Address: 1210 Wallaby Road  
NARROMINE NSW 2821

## APPLICATION DETAILS

Development Application Number: **2019/58**  
Description of Development: **Redden Mine**  
plans, specifications and supporting documentation stamped with reference to this consent

## LAND TO BE DEVELOPED

Address: 1210 Wallaby Road, NARROMINE NSW 2821  
Property Description: Lot 102 DP 792484

## DETERMINATION DETAILS

Decision: **Approved subject to conditions**  
Determination Date: `{{[granted], "d MMMM yyyy"}}`  
Approval to operate from: `{{[granted], "d MMMM yyyy"}}`  
Approval to lapse on: `{{[granted + 1824], "d MMMM yyyy"}}`  
BCA Classification: Class 5, 7b and 10

## OTHER APPROVALS

Section 68 Local Government Act	refer Part B of this consent
Roads Act	refer Part C of this consent
EPA General Terms of Approval	refer Part G of this consent
MEG General Terms of Approval	refer Part H of this consent

**A. ADMINISTRATIVE CONDITIONS****General**

1. This consent relates to the Redden Mine as described in the EIS, Addendum dated 29 January 2021, plans, specifications and supporting documentation listed below and as modified by the following conditions. The development must be carried out in accordance with this consent.

Plan/Doc Title	Plan/Doc Reference No.	Issue No.	Prepared by	Date
Redden Mine Environmental Impact Statement	2517 300 001	0	Groundwork Plus	August 2020
Conceptual Site Layout	2517.DRG.004		Groundwork Plus	29/07/2020
Conceptual Final Landform	2517.DRG.011		Groundwork Plus	30/7/2020
Conceptual Final Landform – Cross Sections	2517.DRG.011A		Groundwork Plus	30/7/2020
Site office plan	MS-200108-101		MBS	15/01/2018
Site amenities plan	MS-200305-B20-101		MBS	19/10/2015

**Notes:**

- Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.
- Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.

2. The Redden Mine must not commence operation under this consent until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security). The Mining Lease issued pursuant to the Mining Act and the Environment Protection Licence issued pursuant to the POEO Act must also be obtained prior to the commencement of operations.

### **Limits of approval**

3. The Applicant may carry out mining operations on the site for 6 years from the date of commencement.

*Note: Under this approval, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of Council. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard.*

4. If the development has not been physically commenced within 5 years of the date of this consent, then this development consent will lapse.

### **Material extraction**

5. The Applicant must not carry out extraction below a level of 233 m AHD.

*Note: This condition does not apply to the construction of any bores approved by Water NSW or pollution and sediment control structures.*

6. The Applicant must not extract more than 490,000 tonnes of extractive materials from the site in any 12-month period or 2,940,000 tonnes in total over the life of the mine.

### **Extractive material transport**

7. The Applicant must not:
  - (a) transport more than 490,000 tonnes of extractive material from the site in any 12 month period;
  - (b) dispatch more than 132 and an average of 43 laden trucks from the site on any day; or
  - (c) dispatch more than 11 and an average of 4 laden trucks from the site in any hour.
  - (d) increase the average annual daily traffic, until the access route is upgraded to the relevant standard as per Councils Roads Management Strategy (Road Manual) – Part 3: Asset Planning - Road Hierarchy.

8. The Applicant may only transport extractive material from the site on the designated haulage routes, specified in the EIS, except in circumstances where the final destination of the transported mine products can only be accessed by other roads.

**Revision of strategies, plans and programs**

9. Within three months of:
  - a) the submission of an incident report under condition 88;
  - b) the submission of an Annual Review under condition 84;
  - c) the submission of an Independent Environmental Audit under condition 86; or
  - d) the approval of any modification of the conditions of this approval (unless the conditions require otherwise).

The Applicant must review, and if necessary revise the strategies, plans and programs required under this approval, to the satisfaction of Council and be submitted to Council for approval within six weeks of the review.

**Evidence of consultation**

10. Where conditions of this approval require consultation with an identified party, the Applicant must:
  - a) consult with the relevant party prior to submitting the subject document; and
  - b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

**National construction code of Australia**

11. All building work must be carried out in accordance with the requirements of the National Construction Code of Australia.

**Note:** *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

12. The Applicant must comply with the requirements of a Class 5, 7b and 10a, as relevant, construction as per the National Construction Code of Australia.

### **Section 7.11 Contributions**

13. The Applicant must pay a monthly contribution to the Council for the maintenance of roads in accordance with the Council Section 7.11 Contributions Plan – Heavy Vehicles as in force at the time, unless the road impacts from the development are otherwise addressed, to Council's satisfaction, by the ARTC and the Inland Rail Project conditions.

### **Protection of public infrastructure**

14. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
  - a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the project; and
  - b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

### **Removal of Unauthorised Signs**

15. All unauthorised advertisements on the site shall be removed. Areas affected by removal shall be remediated to natural ground level and all wastes removed from the site and disposed of at licenced waste facility.

### **Compliance**

16. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the project.



## **B. REQUIREMENTS PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Long Service Levy Payment**

17. The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council/Accredited Certifier, prior to the issue of a Construction Certificate. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

### **Construction Certificate Application**

18. A Construction Certificate application is required to be submitted to, and issued by, Council/Accredited Certifier prior to any excavation or building works being carried out on site.

### **Engineering Plans**

19. Engineering plans, showing details of all proposed construction works and adhering to any conditions of development consent, must be submitted to, and approved by, Council or an Accredited Certifier prior to issuing of the Construction Certificate.
20. Detailed design of road upgrades and construction works must be prepared in accordance with Austroads Guidelines and RMS QA Road works specifications, or to Council's satisfaction.
21. Prior to the average annual daily traffic (AADT) of an access route exceeding the trigger in the Narromine Shire Council Roads Management Strategy (Road Manual) – Part 3: Road Hierarchy, the route must be upgraded as per the Narromine Shire Council Roads Management Strategy (Road Manual) – Part 3: Road Hierarchy.

The Applicant will be responsible for the design and construction costs associated with any upgrades proportionate to the number of vehicles the development is contributing to the AADT, as determined by Council. If the Applicant does not fund their proportion of the upgrade, they will not be permitted to increase the truck numbers from prior to the upgrade.

Note: AADT to be calculated according to Austroads Guidelines

22. Prior to commencing haulage via designated Route 1, the Mitchell Highway / Tantitha Rd intersection is to be upgraded as follows:
  - a. Provision of a Short Channelised Right (CHR(S) eastbound turn treatment
  - b. Extension of the Basic Left (BAL) westbound turn treatment into Tantitha Road to meet current Austroads standards.

The upgrade is to be designed and constructed in accordance with Austroads Guide to Road Design and able to accommodate the largest vehicle using the intersection.

23. Detailed design for the upgrade of the site access at Wallaby Road/Dappo Road to a basic (BAL/BAR) intersection treatment must be submitted to Council for consideration. The intersection works must be designed for a 100km/h speed zone and able to accommodate the largest vehicle accessing the intersection. Prior to issue of Construction Certificate submit a design for a dust and sediment control facility, such as a rumble grid, at the road intersection with the property entrance for approval by Council. The installation, ongoing maintenance and operations of such a facility shall be at the Applicant's cost.

### **Pipe Backfill**

24. All pipe backfill designs and construction must be in accordance with AS/NZ 3725:2007.

### **Building works**

25. Prior to the issue of a construction certificate, the Applicant is to provide detailed construction plans of any buildings, including site office and amenities.
26. Prior to the issue of a construction certificate, a Section 68 approval is required for water plumbing works and sanitary drainage works for any associated infrastructure.

**C. REQUIREMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK**

**S138 Roads Act Approvals**

27. Prior to commencement of construction works, the proponent must contact Councils Engineering Department for determination of an Authority to Work Permit.
28. Prior to works on the Mitchell Highway, the Proponent is required to enter a formal agreement in the form of a Works Authorisation Deed (WAD) and Road Occupancy Licence (ROL) with TfNSW.

**Project Plans & Testing**

29. Prior to any works commencing, a project construction plan must be submitted to Council for review and approval to ensure all requirements are met. All documentation required for submission should follow Aus-spec 0161 Quality Management - Construction including road works and other services. This should include the following:
  - a) Sequence of operations
  - b) Documented procedures and work instructions
  - c) Types of equipment required, capability, maintenance and calibration certificates
  - d) Any special working environment requirements
  - e) Personnel competency and skills required
  - f) Criteria for workmanship and tolerances
  - g) Materials required
  - h) Safety requirements
  - i) Reference documents
  - j) Records produced
  - k) Planning
  - l) Verification measures
  - m) Inspection, test and control points
  - n) Monitoring of continuous suitability

- o) Responsibility for implementing and monitoring work process controls and rectifying any deficiencies.

**Notice of Commencement**

- 30. The applicant must advise Council's Engineering Manager at least 48 hours prior to commencement of any construction works on site or associated with the site, together with the approved contractor's name and address.

**Erosion and Sediment Control**

- 31. Prior to the commencement of works, erosion and sediment control measures must be in accordance with the approved soil erosion and sediment management control plan and must be installed and maintained until all disturbed areas have been revegetated and restored.

**Temporary Onsite Toilet**

- 32. Prior to the commencement of works, a temporary on-site toilet must be provided and maintained on-site throughout the construction of the project or until an alternative facility meeting Council's requirement is available on-site. Sewage must be disposed of at a licensed disposal facility. The Narromine Sewage Treatment Plant does not accept septic or pan waste.

**D. REQUIREMENTS DURING CONSTRUCTION WORKS**

**Approved hours of Construction**

33. Unless otherwise approved by Council, construction work may only be undertaken in during the following hours:
- Monday to Friday - 7:00am to 8:00pm
  - Saturday - 8:00am to 1:00pm
  - Sunday & Public Holidays - Nil

**Building Materials, Plant and Equipment**

34. During construction works, all building materials, plant and equipment must be placed on site to ensure that pedestrian and vehicular access in public places is not restricted.
35. The road reserve must be fully restored where damage has occurred as a result of these works.

**Dust Abatement**

36. During construction works, a water cart is required to be readily available to suppress dust during construction. During dry periods or high wind, construction works must be delayed or postponed.
37. Dust suppressant additives are also encouraged during construction works.

**Fill**

38. During construction works, fill material must not be placed in such a manner that natural drainage from adjoining land will be obstructed.
39. During construction works, fill material must not be placed on land in such a manner that surface water will be diverted to adjoining land.

**Hazardous Substances or Dangerous Goods**

40. During construction works, the storage of fuel, chemicals or any hazardous substances and dangerous goods must be secured and stored in accordance of the manufacturers' specifications.
41. Safety Data Sheets (SDS) must be kept on site along with a manifest.

**Aboriginal Heritage**

42. In the event that an item of Indigenous Heritage is discovered during excavation, all work is to immediately cease and the Local Aboriginal Land Council and the NSW National Parks and Wildlife Services is to be notified. Works are not to recommence until such time as any required licenses or approvals are obtained.

**E. REQUIREMENTS PRIOR TO COMMENCEMENT**

**WAE Drawings**

43. Prior to commencement, a design report (printed and bound) and three (3) copies of which 1 x A0 size and 2 x A3 size of works-as-executed (WAE) drawings of the road works must be submitted to Council in hard copy format. The certified WAE drawings must be prepared by a registered surveyor and must indicate the following:
- Subgrade surface level
  - Subbase pavement level
  - Pavement base level
  - Invert levels of all pits, pipes and orifice plates
  - Nominal diameter (DN) and class of pipe(s)
  - Surface levels of pits and surrounding ground levels.
44. The plans must be accompanied by a report from the designer stating the conformance or otherwise of the as constructed works in relation to the approved design.
45. The WAE plan and design report must be in both CAD and PDF format and must be submitted for approval to Council prior to commencement.

**Identification of Boundaries**

46. Prior to the commencement of operations, or as otherwise agreed by Council, the Applicant must:
- a) engage an independent registered surveyor to survey the boundaries of the approved limit of extraction as per plan labelled 2517.DRG.004;
  - b) submit a survey plan of these boundaries to the Council; and
  - c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.

**Notice of Commencement**

47. Notice of commencement of mine operations (at least 48 hours prior) is to be given to Council in writing.

## Signage

48. Prior to commencement, the installation of "Advance Truck" warning signs (W5-22 Size B) with a distance plate (W8-5 Size B) below the warning sign, must be installed 250 metres in advance of the intersection of Wallaby Road at no cost to Council.

## Environmental management plan

49. Prior to commencement, the Applicant must prepare an Environmental Management Plan for the project to the satisfaction of Council. This plan must:
- (a) provide the strategic framework for environmental management of the project;
  - (b) identify the statutory approvals that apply to the project;
  - (c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
  - (d) set out the procedures to be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the project;
    - (i) receive record, handle and respond to complaints;
    - (ii) resolve any disputes that may arise during the course of the project;
    - (iii) respond to any non-compliance and any incident; and
    - (iv) respond to emergencies.
  - (e) a protocol for periodic review of the plan
  - (f) include:
    - (i) references to any strategies, plans and programs approved under the conditions of this approval; and
    - (ii) a clear plan depicting all the monitoring to be carried out under the conditions of this approval.

**Note:** The Environmental Management Plan and any other strategy, plan or program required by this consent can be satisfied by another similar document eg Mining Operations Plan, subject to Councils approval.

## Noise Management Plan

50. Prior to commencement, the Applicant must prepare a Noise Management Plan for the project to the satisfaction of Council. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;



- (b) be prepared in consultation with the EPA;
- (c) include a summary of relevant background or baseline data;
- (d) describe the relevant statutory requirements (including any relevant approval, licence or lease conditions);
- (e) outline the relevant limits or performance measures and criteria;
- (f) describe the measures to be implemented to ensure:
  - (i) compliance with the noise criteria and operating conditions in this approval;
  - (ii) best practice management is being employed;
  - (iii) noise impacts of the project are minimised during noise-enhancing meteorological conditions under which the noise criteria in this approval do not apply;
- (g) include a procedure for attended noise monitoring in the event of a noise related complaint or request by Council.
- (h) include a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible
- (i) detail who would be responsible for monitoring, reviewing and implementing the plan.

### **Blast Management Plan**

51. Prior to commencement, the Applicant must prepare a Blast Management Plan for the development to the satisfaction of Council. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
  - (b) be prepared in consultation with the EPA;
  - (c) include a summary of relevant background or baseline data;
  - (d) outline the relevant statutory requirements (including any relevant approval, licence or lease conditions);
  - (e) Include relevant limits or performance measures and criteria;
  - (f) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
  - (g) include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this consent;
  - (h) include community notification procedures for the blasting schedule;
  - (i) provide a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (j) detail who would be responsible for monitoring, reviewing and implementing the plan.

### **Air Quality and Greenhouse Gas Management Plan**

52. Prior to commencement, the Applicant must prepare an Air Quality Management Plan for the project to the satisfaction of Council. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
  - (b) be prepared in consultation with the EPA;
  - (c) include the relevant statutory requirements (including any relevant approval, licence or lease conditions);
  - (d) outline the relevant limits or performance measures and criteria;
  - (e) describe the measures to be implemented to ensure:
    - (i) compliance with the air quality criteria and operating conditions in this approval, including along haulage routes;
    - (ii) best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency); and
    - (iii) air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events;
  - (f) include an air quality monitoring program, undertaken in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007), that:
    - (i) is capable of evaluating the performance of the project against the air quality criteria;
    - (ii) provides for the use of real-time monitoring measures, if directed by Council.
  - (g) provide a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible
  - (h) detail who would be responsible for monitoring, reviewing and implementing the plan.

### **Water Management Plan**

53. Prior to commencement, the Applicant must prepare a Water Management Plan for the development to the satisfaction of Council. This plan must:
- (a) be prepared by suitably qualified and experienced person/s;
  - (b) be prepared in consultation with the EPA and DPIE-Water;
  - (c) provide a summary of relevant background or baseline data;
  - (d) outline the relevant statutory requirements (including any relevant approval, licence or lease conditions);
  - (e) include the relevant limits or performance measures and criteria;
  - (f) include a:
    - (i) Site Water Balance that includes details of:
      - sources and security of water supply;
      - water use and management on site;

- any off-site water transfers;
  - reporting procedures;
  - measures that would be implemented to minimise clean water use on site.
- (ii) Surface Water Management Plan, that includes:
- baseline data on surface water flows and quality in water bodies that could potentially be affected by the development;
  - a detailed description of the surface water management system on site including the:
    1. clean water diversion system;
    2. erosion and sediment controls;
    3. dirty water management system; and
    4. water storages.
- (iii) a program to monitor and report on:
1. any surface water discharges;
  2. the effectiveness of the water management system; and
  3. surface water flows and quality in local watercourses.
- (iv) Groundwater Management Plan, that includes:
- baseline data on groundwater levels, yield and quality in local aquifers and privately-owned groundwater bores that could be potentially affected by the development; and
  - a program to monitor and report on groundwater inflows to the mine pit and the impacts of the development on surrounding aquifers and privately-owned groundwater bores.
- (v) Surface and Ground Water Contingency Strategy, that includes:
- a protocol for the investigation, notification and mitigation of identified impacts on surface water flows and quality in water bodies and/or groundwater levels, yield and quality in local aquifers and privately-owned groundwater bores that could be potentially affected by the development; and
  - the procedures that would be followed if any unforeseen impacts are detected during the development.
- (g) detail who would be responsible for monitoring, reviewing and implementing the plan.

## **Traffic Management Plan**

54. Prior to commencement, the Applicant must prepare a Traffic Management Plan for the project to the satisfaction of Council. This plan must:
- (a) be prepared by suitably qualified and experienced person/s;
  - (b) be prepared in consultation with TfNSW
  - (c) provide a summary of relevant background or baseline data;
  - (d) include the relevant statutory requirements (including any relevant approval, licence or lease conditions);
  - (e) outline the relevant limits or performance measures and criteria;
  - (f) include details of all transport routes and traffic types to be used for project-related traffic;
  - (g) describe the processes in place for the control of truck movements entering and exiting the site;
  - (h) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school buses and stock movements;
  - (i) include and consider Chain of Responsibility requirements under the Heavy Vehicle National Law;
  - (j) include a Drivers' Code of Conduct that includes:
    - (i) toolbox meetings to facilitate continuous improvement initiatives and incident awareness;
    - (ii) drivers to adhere to posted speed limits or other required travelling speeds;
    - (iii) haul route restrictions under the National Heavy Vehicle Regulator scheme for the classes of trucks being used, including the Narromine town centre bypass;
    - (iv) drivers implement safe and quiet driving practices;
    - (v) measures to discourage operating heavy machinery including trucks while under the influence of alcohol and/or drugs;
    - (vi) truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard;
    - (vii) measures to manage haulage movements during school bus pick up / drop off times (both on rural roads and through towns) to minimise potential interactions between haulage vehicles and buses or children, and
    - (viii) the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.
  - (j) a program to monitor and report on the effectiveness of the management measures to achieve the relevant criteria and conditions of this consent.

- (k) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible
- (l) detail who would be responsible for monitoring, reviewing and implementing the plan.

### **Aboriginal Cultural Heritage Management Plan**

55. Prior to works commencing on site under this consent the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of Council. This plan must include an Unanticipated Finds Protocol and must:
- (a) provide a summary of relevant background or baseline data;
  - (b) describe the measures to be implemented on the site to:
    - (i) ensure all workers on the site receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
    - (ii) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the project;
    - (iii) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places (unexpected finds), including provisions for burials, over the life of the project; and
  - (c) detail who would be responsible for monitoring, reviewing and implementing the plan.

### **Biodiversity Management Plan**

56. Prior to commencement, the Applicant must prepare a Biodiversity Management Plan for the project to the satisfaction of Council. This plan must:
- (a) be prepared in consultation with BCD;
  - (b) a description of the measures that would be implemented for:
    - (i) minimising the amount of native vegetation clearing within the approved development footprint;
    - (ii) minimising the loss of key fauna habitat, including tree hollows;
    - (iii) minimising the impacts on fauna on site, including undertaking pre-clearance surveys;
    - (iv) rehabilitating and revegetating temporary disturbance areas;
    - (v) protecting native vegetation and key fauna habitat outside the approved disturbance area;
    - (vi) maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse

- (including fauna habitat enhancement) during the rehabilitation and revegetation of the site;
- (vii) collecting and propagating seed (where relevant);
  - (viii) controlling weeds and feral pests;
  - (ix) controlling erosion; and
  - (x) bushfire management.
- (c) a detailed program to monitor and report on the effectiveness of these measures.
  - (d) identify the potential risks to successful rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate against these risks; and
  - (a) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

### Biodiversity offsets

57. Prior to the commencement of operation (or clearing any native vegetation), the Applicant must provide evidence to Council the biodiversity credits of a number and class specified in Table 2 have been retired, in accordance with the *Biodiversity Conservation Act 2016*.

Table 2 Ecosystem and species credit requirements

Ecosystem / Species Type	Credits Required						Total Credits Required
	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	
PCT 70: White Cypress Pine woodland on sandy loams in central NSW wheatbelt	25	58	29	36	37	28	213
<i>Diuris tricolor</i> (Pine Donkey Orch)	22	49	25	30	29	24	179
<i>Pterostylis cobarensis</i> (Greenhood Orchid)	30	66	34	41	39	33	243

### Rehabilitation and Closure Plan

58. Prior to commencement, the Applicant must prepare a Mine Rehabilitation and Closure Plan. for the project to the satisfaction of Council. This plan must:

- (a) the final land use and landform options considered, and justification of the preferred option;
- (b) detail any rehabilitation methods to be implemented for both planned and unplanned closure of the site;
- (c) suitable completion criteria;
- (d) a risk assessment to demonstrate that post-closure risks associated with the proposed final landform and land use are acceptable; and
- (e) an estimate of the closure costs prepared in accordance with the DRE ESG1-Rehabilitation cost Estimate Guidelines (DPE 2017).

The mine rehabilitation and closure plan must be prepared in accordance with any applicable legislation and the principles of the Strategic Framework for Mine Closure produced by the Australian and New Zealand Minerals and Energy Council and Minerals Council of Australia (ANZMEC, 2000).

### **Bushfire Management Plan**

59. Prior to commencement, the Applicant must prepare, to the satisfaction of Council and Bushfire Management Committee:
- (a) a Bushfire Emergency Management and Evacuation Plan consistent with Develop Planning – A Guide to Developing a Bushfire Emergency Management and Evacuation Plan.
  - (b) a bush fire management plan including:
    - (i) contact person / details for emergency management;
    - (ii) location and access provisions for fire fighting water supply
    - (iii) communication strategy for coordinated response to bush fires with the RFS;
    - (iv) work involving risk of ignition should not be carried out during total fire bans;
    - (v) availability of fire suppression equipment; and,
    - (vi) storage of fuels and any flammable materials.

**F. OPERATIONAL REQUIREMENTS**

**Environmental Management**

- 60. The Applicant must implement the Environmental Management Plan as approved by Council.
- 61. The Applicant must comply with the requirements of the Environment Protection Authority (EPA) General Terms of Approval, refer Part H of this consent.
- 62. The Applicant must comply with the requirements of the Regional NSW – Mining, Exploration and Geoscience - General Terms of Approval, refer Part I of this consent.

**Note:** The GTA's issued by Regional NSW – Mining, Exploration & Geoscience do not constitute an approval under the Mining Act 1992.

**Noise**

- 63. The Applicant must implement the Noise Management Plan as approved by Council.

**Blasting**

- 64. The Applicant must implement the Blast Management Plan as approved by Council.

**Air Quality**

- 65. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by Council.

**Odour**

- 66. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

**Surface and Ground Water**

- 67. The Applicant must implement the Water Management Plan as approved by Council.



### **Water Supply**

- 68. The Applicant must ensure that it has sufficient water during all stages of the project, and if necessary, adjust the scale of mining operations on site to match its available water supply, to the satisfaction of Council.
- 69. The Applicant must obtain the necessary approvals for the project under the Water Management Act 2000.

### **Transport**

- 70. The Applicant must implement the Traffic Management Plan as approved by Council.
- 71. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads Guide to Road Design must be provided and maintained at the vehicular access servicing the land from the Wallaby Road.

### **Monitoring of Product Transport**

- 72. The Applicant must, by the use of a weighbridge (or other means as agreed by Council), make, and retain for at least 12 months, records of the - time of dispatch, weight of load, route and vehicle identification for each laden truck dispatched from the development. These records must be made available to Council on request and a summary included in the Annual Review.

### **Parking**

- 73. The Applicant must provide sufficient parking on-site for all project-related traffic in accordance with Council's parking codes.

### **Heritage**

- 74. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by Council.

### **Biodiversity**

- 75. The Applicant must implement the Biodiversity Management Plan approved by Council.
- 76. The Applicant must implement the Mine Rehabilitation and Closure Plan approved by Council.

## **Visual**

77. The Applicant must:

- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the project;
- (b) revegetate overburden emplacements, emplacement extensions and bunds as soon as practicable;
- (c) not erect or display any advertising structure(s) or signs on the site without the written approval of Council.

*Note: This does not include business identification, traffic management and safety or environmental signs.*

## **Waste**

78. The Applicant must:

- (a) manage on-site sewage treatment and disposal in accordance with the requirements of its Environmental Protection Licence (EPL), and to the satisfaction of the EPA and Council;
- (b) minimise the waste generated by the development;
- (c) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
- (d) monitor the amount of waste generated by the project.

79. Except as expressly permitted in an EPL, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

## **Storage of Liquids, Chemicals & Petroleum Products**

80. The Applicant must ensure that all liquids, chemicals and/or petroleum products on site are stored in accordance with the relevant Australian Standard.

## **Safety**

81. The Applicant must secure the site to ensure public safety to the satisfaction of Council and DRG.

## **Bushfire**

82. The Applicant must implement the Bushfire Management Plan approved by Council.

### **Annual survey**

83. At the anniversary of the commencement of the mine, or other timeframe agreed by Council, the Applicant must engage an independent registered surveyor or other independent practitioner as agreed with Council to
- (a) survey the extent of the extraction area;
  - (b) survey the depth of the extraction;
  - (c) calculate the volume extracted since the previous survey; and
  - (d) confirm the boundary markers clearly mark the approved limit of extraction.

The survey must be provided to Council within six weeks of the anniversary date of the consent.

### **Annual Review**

84. At the anniversary of the commencement of the mine, or other timeframe agreed by Council, the Applicant must compile a report reviewing the environmental performance of the project over the past year, to the satisfaction of Council. This review must:
- (a) describe the activities (including any rehabilitation) that was carried out in the previous 12 months, and the activities that is proposed to be carried out over the current 12 months;
  - (b) include a survey of the extraction area showing the depth and extent of the extraction and the volume of material extracted in the past 12 months;
  - (c) include a comprehensive review of the monitoring results and complaints records of the project over the previous 12 months, including a comparison of these results against the:
    - (i) relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this approval;
    - (iii) monitoring results of previous years; and
    - (iv) relevant predictions in the EIS.
  - (d) identify any non-compliance or incident which occurred in the previous year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence.
85. Copies of the Annual Review must be submitted to Council within six weeks of the anniversary of the commencement date, or other timeframe agreed by Council, and made available on the Project's website.

### **Independent Environmental Audit**

86. Once 150,000 tonnes of material has been extracted, or at the request of Council, the Applicant must commission an Independent Environmental Audit of the project to assess compliance since the previous audit. The audit must:
- (a) be led by a suitably qualified, experienced and independent auditor;
  - (b) be carried out in consultation with the relevant agencies;
  - (c) assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval, any relevant EPL, water licences and mining leases for the project (including any assessment, strategy, plan or program required under these approvals);
  - (d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this approval;
  - (e) recommend appropriate measures or actions to improve the environmental performance of the project and any assessment, strategy, plan or program required under the abovementioned approvals and this approval; and
  - (f) be conducted and reported to the satisfaction of Council.
87. Within three months of the triggers in Condition 86 for an Independent Environmental Audit, the Applicant must submit a copy of the audit report to Council, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of Council.

### **Incident and Complaint Reporting**

88. The Applicant must immediately (within 24 hours) notify Council and any other relevant agencies of any complaint, incident or non-compliance with the criteria in this consent. Within 7 days of the date of the complaint, incident or non-compliance, the Applicant must provide Council and any relevant agencies with a detailed report on the complaint, incident or non-compliance, and such further reports as may be requested.

**G. EPA General Terms of Approval**

**H. MEG General Terms of Approval**

**I. REASONS FOR CONDITIONS**

**Conditions of consent have been imposed to:**

89. 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;
  - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
90. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
91. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979.
92. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
93. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
94. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
95. Ensure the development does not conflict with the public interest.

**J. GENERAL ADVICE**

**LAPSING OF DEVELOPMENT CONSENT**

96. Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

**RIGHT OF APPEAL**

97. If you are the applicant:

You can appeal against this decision in the Land and Environment Court within six (6) months of the date of this notice (section 8.7 & 8.10 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, if a Commission of Inquiry was held and the development is designated development or state significant development.

**REVIEW OF DETERMINATION**

98. An applicant may request the Council to review this determination within one (1) year after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

A Review cannot be requested for:

- a) a determination to issue or refuse to issue a complying development certificate, or
- b) a determination in respect of designated development, or
- c) a determination made by Council under Section Division 4.6 in respect of an application by the Crown.

**Date of notice: 9 December 2019**

Phil Johnston  
**Director Community and Economic Development**



**K. ADVISORY NOTES**

**Electrical and Telecommunication Services**

**DIAL BEFORE YOU DIG**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on phone number 1800 810 443.

**ELECTRICAL INFRASTRUCTURE**

It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice — Work near Overhead Power Lines and Code of Practice — Work near Underground Assets.

**National Broadband Network**

If, as a result of this approval, you wish to connect to the NBN (National Broadband Network), you must do so online via:

<http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html>

**L. APPROVED PLANS**