

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, the Director Resource Assessments approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Stephen O'Donoghue
Director Resource Assessments
Energy, Resources and Industry Assessments

Sydney 2 March 2023

SCHEDULE 1

Application Number:	SSD 24319456
Applicant:	Hera Resources Pty Ltd
Consent Authority:	Minister for Planning
Site:	The land defined in Appendix 1- including part lots within the site boundary identified in Figure 1 of Appendix 2.
Development:	Federation Project

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DEFINITIONS

Annual Review	The review required by condition C10
Applicant	Hera Resources Pty Ltd, or any person carrying out any development under this consent
Approved disturbance area	The proposed disturbance shown on Figure 1 in Appendix 2
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity Conservation Division within the Department
BSC	Bogan Shire Council
CCC	Community Consultative Committee required by condition A17
Conditions of this consent	Conditions contained in Schedule 2
Consolidated paste fill material	Consolidated mix of tailings and cement or similar binder
Construction	All physical works required to enable mining operations under this consent to be carried out, including demolition and removal of buildings or works and erection of buildings and other infrastructure permitted by this consent, but excluding pre-construction works and intersection upgrade works required by condition B51.
CSC	Cobar Shire Council
Date of commencement	The date notified to the Department by the Applicant under condition A5
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The deconstruction or demolition and removal of works and buildings installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the document/s listed in condition A2(c), as modified by the conditions of this consent
Development Layout	The indicative development layout depicted in Appendix 2
DPE Crown Lands	Crown Lands Group within the Department
DPE Water	Water Group within the Department
EIS	The Environmental Impact Statement titled <i>Federation Project Environmental Impact Statement</i> , prepared by SLR on behalf of Hera Resources, dated February 2022; the Applicant's <i>Response to Submissions Report</i> dated October 2022; the Applicant's <i>Amendment Report</i> dated October 2022 and the additional information provided by the Applicant on 21 December 2022, in support of the application.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental consequences	The environmental consequences of subsidence impacts, including, but not limited to: damage to built features; loss of surface water flows to the subsurface; loss of standing pools; slope changes to streams; adverse water quality impacts; development of iron bacterial mats; cliff falls; rock falls; landslides; damage to heritage items; impacts on biodiversity values or aquatic ecology; and ponding
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Evening	The period from 6 pm to 10 pm
Feasible	Means what is possible and practical in the circumstances
Federation Mine	The mine as shown in Figure 2 in Appendix 2
Financial year	A period of 12 months from 1 July to 30 June
Hera Mine	The mine as shown in Figure 3 in Appendix 2

Heritage NSW	Heritage Branch within the Department
Heritage item	<p>An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following:</p> <ul style="list-style-type: none"> • the <i>National Parks and Wildlife Act 1974</i>; • the State Heritage Register under the <i>Heritage Act 1977</i>; • a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>; • a Local Environmental Plan under the EP&A Act; • the World Heritage List; • the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth); or <p>anything identified as a heritage item under the conditions of this consent</p>
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Km	Kilometres
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm	<p>Is harm to the environment that:</p> <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval</p>
MEG	Department of Regional NSW – Mining, Exploration and Geoscience
Mine closure	Decommissioning and final rehabilitation of the site following the cessation of mining operations
Mine water	Water that accumulates within, or drains from, active mining and infrastructure areas and any other disturbed and unrehabilitated areas
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The carrying out of mining and mining related activities, including stope development, extraction of ore, transportation of ore and waste rock to the surface, backfilling of stopes, underground development necessary for mining operations to be carried out (including installation and use of electricity, water, communications and other services and infrastructure) and crushing and ore processing.
Minister	NSW Minister for Planning, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Peak Mine	Peak Mine Gold Mine, which includes several polymetallic underground mines and a gold and base metals processing plant, located in the northern part of the Cobar Basin in NSW.
Planning agreement	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Pre-Construction works	Pre-construction works that may be required for the development, including surveys, acquisitions, fencing, investigative or geotechnical drilling or excavation, minor clearing, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided (including service relocations)
POEO ACT	<i>Protection of the Environment Operations Act 1997</i>

Privately-owned land	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
Public infrastructure	Infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc, including Council-owned assets and infrastructure.
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Resources Regulator	The Resources Regulator within the Department of Regional NSW – Mining, Exploration and Geoscience
Site	The land defined in Appendix 1- including part lots within the site boundary identified in Figure 1 of Appendix 2
Subsidence	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts
Subsidence effects	Deformation of the ground mass due to mining, including all mining-induced ground movements, such as vertical and horizontal displacement, tilt, strain and curvature
Subsidence impacts	Physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and upsidence and surface depressions or troughs
TfNSW	Transport for NSW (incorporating the former NSW Roads and Maritime Services)

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- in compliance with the conditions of this consent;
 - in accordance with all written directions of the Planning Secretary;
 - generally in accordance with the EIS; and
 - generally in accordance with the Development Layout.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

NOTIFICATION OF COMMENCEMENT

- A5. The Applicant must notify the Department in writing of the date of commencement of each of the following phases of development, at least two weeks before that date:
- physical commencement of development under this consent;
 - commencement of construction under this consent;
 - commencement of mining operations under this consent;
 - cessation of mining operations (i.e. mine closure); and
 - any period of suspension of mining operations (i.e. care and maintenance).
- A6. If the development is to be further staged, the Department must be notified in writing at least two weeks prior to the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

SURRENDER OF EXISTING CONSENTS OR APPROVALS

- A7. Within 12 months of the date of physical commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender development consent MP10_0191 for the Hera Gold Mine in accordance with the EP&A Regulation.
- A8. Upon the physical commencement of development under this consent, and before the surrender of existing development consents or project approvals required under condition A7, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

Note: *This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.*

LIMITS OF CONSENT

Mining Operations

- A9. Mining operations may be carried out until 31 December 2036.

Notes:

- Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.*
- Mining operations and rehabilitation are also regulated under the Mining Act 1992.*

Ore Extraction, Processing and Transport

- A10. A maximum of 750,000 tonnes of ore may be extracted from the site in any financial year.

- A11. A maximum of 155,000 tonnes of concentrate may be transported from the site in any financial year.
- A12. A maximum of 200,000 tonnes of ore may be transported from the site to the Peak Mine in any financial year.

Hours of Operation

- A13. Construction and the entry or exit of vehicles transporting ore, concentrate and waste rock to or from the site must only be undertaken between the hours of 7 am and 7 pm.

PLANNING AGREEMENT

- A14. Within six months of the date of physical commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a planning agreement with CSC and BSC in accordance with Division 7.1 of Part 7 of the EP&A Act. The planning agreement with BSC must include a contribution to road safety upgrades of Nymagee-Hermitdale Road, at least consistent with the upgrade requirements under condition B54.
- A15. If the Applicant and CSC do not enter into a planning agreement within the timeframe required by condition A13, then within a further 3 months, the Applicant must make a contribution to CSC of \$2 million in accordance with Section 7.12 of the EP&A Act. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Cobar Local Infrastructure Contributions Plan 2012.
- A16. If the Applicant and BSC do not enter into a planning agreement within the timeframe described under condition A14, then the Applicant must contribute funding to BSC for the road safety upgrades to Nymagee-Hermitdale Road under condition B54.

ROAD CONTRIBUTIONS

- A17. The Applicant must make annual financial contributions to CSC and BSC towards the maintenance of local public roads used for haulage for the development. The contributions to CSC and BSC must be determined in accordance with the *Cobar Local Infrastructure Contributions Plan 2012*.

COMMUNITY CONSULTATIVE COMMITTEE

- A18. The Applicant must operate the Community Consultative Committee (CCC) established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects (2019)* during the life of the development, or other timeframe agreed by the Planning Secretary.

Notes:

- *The CCC is an advisory committee only.*
- *In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, CSC, BSC and the local community.*

- A19. With the approval of the Planning Secretary, the Applicant may combine the CCC required by this consent with any similar CCC required by a consent or approval for any adjoining mine subject to common, shared or related ownership or management.

EVIDENCE OF CONSULTATION

- A20. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (f) consult with the relevant party prior to submitting the subject document for approval; and
 - (g) provide details of the consultation undertaken to the Planning Secretary, including:
 - (h) the outcome of that consultation, matters resolved and unresolved; and
 - (i) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A21. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and
 - (d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by other consents subject to common, shared or related ownership or management.
- A22. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

A23. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS

A24. Prior to the approval of management plans under this consent, the Applicant must continue to implement any equivalent or similar management plan/s required under existing consents listed under condition A7, to the satisfaction of the Planning Secretary.

PUBLIC INFRASTRUCTURE

Protection of Public Infrastructure

A25. 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 development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions made by the Applicant to the relevant Council or to damage subject to compensation under the Mining Act 1992.*

A26. If the Applicant and the public infrastructure owner cannot agree on whether damage to public infrastructure is attributed to the development or the measures to be implemented to repair or relocate public infrastructure, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

DEMOLITION

A27. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001), or its latest version.

STRUCTURAL ADEQUACY

A28. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*

OPERATION OF PLANT AND EQUIPMENT

A29. All plant and equipment used for the development, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

COMPLIANCE

A30. 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 consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

A31. References in the conditions of this consent to any guideline, protocol, Australian standard or policy are to guidelines, protocols, standards or policies in the form they are in at the date of inclusion of the condition.

A32. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, standard or policy, or a replacement of them.

CROWN LAND

A33. The Applicant must consult with DPE Crown Lands prior to undertaking development on Crown Land or Crown Roads.

Notes:

- *Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPE Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease.*
- *Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPE Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.*

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Construction noise

- B1. The Applicant must minimise the noise generated by any construction, upgrading or decommissioning activities in accordance with the best practice requirements outlined in the Interim Construction Noise Guideline (DECC, 2009), or its latest version.

Exceptions to Construction Hours

- B2. The following activities may be carried out outside the construction hours in condition A13:
- (a) construction that causes $L_{Aeq(15\text{minute})}$ noise levels that are:
 - (i) no more than 5 dB above Rating Background Level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009); and
 - (ii) no more than the Noise Management Levels specified in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) at other sensitive land uses; or
 - (b) for the delivery of materials required by the police or other authorities for safety reasons; or
 - (c) emergency work to avoid loss of life, damage to property and/or environmental harm; or
 - (d) out of hours works approved under condition B3 of this approval.

Variation of Construction Hours

- B3. The hours of construction activities specified in condition A13 of this approval may be varied with the prior written approval of the Planning Secretary. Any request to alter the hours of construction must be:
- (a) considered on a case-by-case or activity-specific basis;
 - (b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
 - (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of CSC (and other relevant agencies) has been and will be undertaken;
 - (d) accompanied by evidence that all feasible and reasonable noise mitigation measures have been put in place; and
 - (e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECCW, 2009), or latest version.

Noise Criteria

- B4. The Applicant must ensure that the noise generated by the development does not exceed the criteria in **Table 1** at any residence on privately-owned land.

Table 1: Noise criteria

Noise Assessment Location	Day $L_{Aeq(15\text{min})}$ dB(A)	Evening $L_{Aeq(15\text{min})}$ dB(A)	Night $L_{Aeq(15\text{min})}$ dB(A)	Night L_{Max} dB(A)
All privately-owned residences	40	35	35	52

- B5. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).
- B6. The noise criteria in **Table 1** do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Noise Operating Conditions

- B7. The Applicant must:
- (a) take all reasonable steps to minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development;
 - (b) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions;

- (c) regularly assess the noise monitoring data, and modify or stop operations to ensure compliance with the relevant conditions of this consent.

Noise Management Plan

- B8. The Applicant must prepare a Noise Management Plan for the development. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
 - (b) include an out-of-hours works protocol; and
 - (c) describe the measures to be implemented to ensure:
 - (i) compliance with the noise criteria and operating conditions in this consent;
 - (ii) best practice management is being employed; and
 - (iii) include a monitoring program that:
 - is capable of evaluating the performance of the development against the noise criteria;
 - monitors noise at the nearest and/or most affected residences; and
 - includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.
- B9. The Applicant must not commence construction until the Noise Management Plan has been prepared and a copy has been provided to the Planning Secretary.
- B10. The Applicant must implement the Noise Management Plan.

BLASTING

Blast Criteria

- B11. The Applicant must ensure that blasting from the development does not cause exceedances of the criteria in **Table 2**.

Table 2: Vibration Criteria

Location	Airblast Overpressure (dB Linear Peak)	Ground vibration (mm/s)	Allowable exceedance
Residence on privately-owned land *	120	10	0%
	115	5	5% of the total number of blasts over a financial year

**Or other sensitive receiver location (e.g. a school or hospital)*

- B12. The blasting criteria in **Table 2** do not apply to a residence if the Applicant has an agreement with the owner/s of that residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.
- B13. The Applicant may carry out a maximum of:
- (a) 3 blasts per 24-hour period; and
 - (b) 20 blasts per week.
- B14. Condition B13 does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.

Notes:

- For the purpose of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.
- Should an additional blast be required after a blast misfire, the additional blast and the blast misfire are counted as a single blast.

Blasting Hours

- B15. The Applicant must only carry out above ground blasting between 9:00 am and 5:00 pm Monday to Saturday, inclusive. No above ground blasting is allowed on Sundays, public holidays or at any other time without the written approval of the Secretary.
- B16. Underground blasting may be undertaken at any time, subject to compliance with the conditions of this consent.

Blast Operating Conditions

B17. The Applicant must:

- (a) take all reasonable steps to:
 - (i) protect the safety of people and livestock in the areas surrounding blasting operations; and
 - (ii) protect public or private infrastructure and property in the surrounding area from damage from blasting operations;
- (b) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site; and
- (c) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent.

Blast Management Plan

B18. The Applicant must prepare a Blast Management Plan for the development. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) describe the blast management system and the measures that will be implemented to ensure compliance with the blasting criteria and conditions of this consent;
- (c) include a monitoring program for evaluating and reporting on compliance with the relevant conditions of this consent;
- (d) include a protocol for identifying any blast-related exceedance, incident or non-compliance and for notifying the Department, the EPA and relevant stakeholders of these events;
- (e) includes a review mechanism and contingency measures if blasting causes amenity impacts at levels below the relevant criteria;
- (f) include public notification procedures to enable members of the public, particularly surrounding residents, to get up-to-date information on the proposed blasting schedule; and
- (g) include a protocol for investigating and responding to blast-related complaints.

B19. The Applicant must not commence construction until the Blast Management Plan has been prepared and a copy has been provided to the Planning Secretary.

B20. The Applicant must implement the Blast Management Plan.

AIR QUALITY AND GREENHOUSE GAS

Odour

B21. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the development.

Air Quality Criteria

B22. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in **Table 3** at any residence on privately-owned land.

Table 3: Air quality criteria

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³
	24 hour	^b 50 µg/m ³
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³
	24 hour	^b 25 µg/m ³
Total suspended particulate (TSP) matter	Annual	^{a, c} 90 µg/m ³

Notes:

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

^c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.

B23. The air quality criteria in **Table 3** do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Air Quality Operating Conditions

B24. The Applicant must:

- (a) take all reasonable steps to
 - (i) minimise odour, fume, and particulate matter (including PM₁₀ and PM_{2.5}) emissions of the development, paying particular attention to minimising odour from ventilation shafts, wheel-generated haul road emissions, and emissions from the waste rock emplacements;
 - (ii) improve energy efficiency and reduce greenhouse gas emissions of the development;
 - (iii) minimise any visible off-site air pollution generated by the development;
 - (iv) minimise to the greatest extent practicable, the area of dust generating surfaces at any given point in time;
- (b) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and air quality monitoring to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
- (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to **Table 3** above);
- (d) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and
- (e) regularly assess the air quality monitoring data, and modify operations to ensure compliance with the relevant conditions of this consent.

Air Quality and Greenhouse Gas Management Plan

B25. The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the development. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) describe the measures to be implemented to ensure:
 - (i) compliance with the air quality criteria and operating conditions in this consent;
 - (ii) reasonable and feasible measures are being employed to:
 - (iii) minimise the development's air quality impacts;
 - (iv) minimise the development's Scope 1 and 2 greenhouse gas emissions; and
 - (v) improve the development's energy efficiency; and
 - (vi) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
- (c) describe the air quality management system in detail; and
- (d) include an air quality monitoring program, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in NSW* (EPA, 2022) and *Ambient Air Monitoring Guidance Note* (EPA, 2022), or its latest version, that:
 - (i) uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of operations;
 - (ii) adequately supports the air quality management system;
 - (iii) includes a protocol for distinguishing the dust emissions of the development from any neighbouring developments; and
 - (iv) includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.

B26. Every three years during the life of mining operations, unless otherwise agreed by the Planning Secretary, the Air Quality and Greenhouse Gas Management Plan must be updated to include the following information in relation to Scope 1 and Scope 2 greenhouse gas emissions:

- (a) a review of abatement technologies relevant to the development's greenhouse gas emissions;
- (b) a detailed review of the feasibility of implementing various greenhouse gas abatement options, and economic considerations for the development; and
- (c) a 3-year action plan to investigate and implement reasonable and feasible measure to minimise greenhouse gas emissions.

- B27. The Applicant must not commence construction until the Air Quality and Greenhouse Gas Management Plan has been prepared and a copy has been provided to the Planning Secretary.
- B28. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan.

METEOROLOGICAL MONITORING

- B29. Prior to the commencement of construction and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in *NSW (EPA, 2022) and Ambient Air Monitoring Guidance Note (EPA, 2022)*; and
 - is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry (EPA, 2017)*,
- unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

WATER

Water Discharges

- B30. The Applicant must ensure that:
- all surface discharges from the development comply with discharge limits (both volume and quality) set for the development in any EPL or the relevant provisions of the POEO Act;
 - the concentration of Weak Acid Dissociable (WAD) cyanide in tailings discharged from the discharge point to the tailings storage facility does not exceed 20 mg/L (90th percentile) and 30mg/L (maximum);
 - the concentration of Weak Acid Dissociable (WAD) cyanide at the discharge point to the process water dam does not exceed 20 mg/L (90th percentile) or 30 mg/L (maximum).

Water Supply

- B31. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.
- B32. The Applicant must report on water extracted from the development each year (direct and indirect) in the Annual Review, including water taken under each water licence.

Note: *Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and post mine closure.*

Compensatory Water Supply

- B33. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the development, in consultation with DPE Water, and to the satisfaction of the Planning Secretary.
- B34. The compensatory water supply measures must provide an alternative long term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.
- B35. If the Applicant and the landowner cannot agree on whether the loss of water is attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.
- B36. If the Applicant is unable to provide an alternative long term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.
- B37. However, conditions B33 to B36 do not apply if the Applicant has a compensatory water agreement with the owner/s of the land and the Applicant has advised the Department in writing of the terms of this agreement.

Notes:

- The Water Management Plan (see condition B43) is required to include trigger levels for investigating potentially adverse impacts on water supplies.*
- The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.*

- B38. In the event of any complaint related to a privately-owned licensed groundwater bore which may, in the opinion of the Planning Secretary, have been adversely and directly impacted as a result of the development (other than an impact that is minor or negligible), the Applicant must, as soon as practicable, facilitate the provision of a temporary

water supply, pending the outcome of any groundwater investigation and/or provision of an alternative long-term supply of water as required under condition B34, the satisfaction of the Planning Secretary.

Design and Permeability of Storages

- B39. The Applicant shall ensure that the floor and walls of:
- the leachate management ponds, seepage collection pond (associated with the tailings storage facility), process water dam and raw water dam are lined to achieve a permeability of no less than 1×10^{-9} m/s to a depth of at least 900 millimetres of clay (or equivalent);
 - the tailings storage facility (except for the seepage collection pond) is lined to achieve a permeability of no less than 1×10^{-8} m/s to a depth of at least 600 millimetres of clay (or equivalent); and
 - the water management dam is lined to achieve a permeability of no less than 1×10^{-9} m/s to a depth of at least 1000 millimetres of clay or equivalent geosynthetic liner.

Notes:

- An alternative permeability standard may be acceptable following completion of an appropriate risk assessment undertaken in accordance with the *Environmental Guidelines – Management of Tailings Storage Facilities (VIC DPI, 2004)*, to the satisfaction of the EPA and the Secretary.

- B40. The clean water diversion around the tailings storage facility shall be designed, constructed and maintained to prevent the probable maximum flood from the catchment upstream of the facility from entering the facility.
- B41. The process water dam, raw water dams, stormwater retention pond and lined leachate ponds must be maintained with a minimum freeboard sufficient to accommodate a 1 in 100-year ARI, 72-hour rainfall event without overtopping at all times.

Water Management Performance Measures

- B42. The Applicant must ensure that the development complies with the performance measures in **Table 4**.

Table 4: Water management performance measures

Feature	Performance Measure
Water management – General	<ul style="list-style-type: none"> Maximise water recycling, reuse and sharing opportunities Minimise the need for make-up water from external supplies, particularly the use of higher quality water used by other land users Design, install, operate and maintain water management infrastructure in a proper and efficient manner Minimise risks to the receiving environment and downstream water users
Aquifers	<ul style="list-style-type: none"> Negligible impacts to fractured rock aquifers caused by the development beyond those predicted in the EIS, including: <ul style="list-style-type: none"> negligible change in groundwater levels beyond those predicted; negligible change in water quality beyond those predicted; negligible impact to other groundwater users; and no exceedance of the minimal impact considerations in the <i>NSW Aquifer Interference Policy</i>
Surface water resources	<ul style="list-style-type: none"> Negligible impacts to surface water resources caused by the development beyond those predicted in the EIS; Maximise, as far as reasonable and feasible, the diversion of all clean water around disturbed areas
Waste Rock Storage Areas	<ul style="list-style-type: none"> Minimise, as far as reasonable and feasible, the potential for acid mine drainage
Flood mitigation	<ul style="list-style-type: none"> Negligible change to off-site flood regime, including flows, levels, storage capacity or velocities
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard

Water Management Plan

B43. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with DPE Water, EPA, Resources Regulator and Council;
- (c) describe the measures to be implemented to comply with the water management performance measures in Table 4 and conditions of this consent;
- (d) include a:
 - (i) Site Water Balance that:
 - includes details of:
 - predicted inflows and outflows;
 - sources and security of water supply, including contingency planning for various climate scenarios and allocations;
 - reporting procedures, including the preparation of an updated annual site water balance; and
 - measures actual water take from surface and groundwater sources, including accurate metering where possible;
 - (ii) Surface Water Management Plan, that includes:
 - a detailed description of the water management system, including the:
 - clean water capture and diversion system;
 - dirty water system (including sediment detention basins); and
 - mine water capture system;
 - detailed plans for the design and management for the emplacement of reject materials and acid or sulphate generating materials;
 - detailed objectives and performance criteria, including trigger levels for investigating any potentially adverse impacts associated with:
 - the water management system;
 - downstream surface water flows and quality;
 - water supply for other water users;
 - post-mining water pollution from rehabilitated areas of the development;
 - surface water quality attributes relevant to water quality impacts on biological diversity and aquatic ecological integrity;
 - a program to monitor and evaluate:
 - compliance with the relevant performance measures in Table 5 and the performance criteria established above;
 - the effectiveness of the water management system;
 - surface water flows and quality in waterbodies that could be affected by the development;
 - impacts on water users; and
 - impacts on wildlife from exposure to cyanide or other toxic chemicals;
 - reporting procedures for the results of the monitoring program; and
 - a plan to respond to any exceedances of the performance measures or performance criteria, and mitigate any adverse surface water impacts of the development, including contingency strategies for addressing:
 - any discharge of pollutants from water storages, emplacements, infrastructure and processing areas (including pipelines); and
 - any identified impacts to waterbodies;
 - (iii) Groundwater Management Plan, that includes:
 - a detailed description of the groundwater management system, including measures to minimise acid mine drainage from potentially acid forming material;
 - detailed objectives and performance criteria, including trigger levels for investigating any potentially adverse impacts associated with the development for:
 - local and regional aquifers;
 - groundwater users bores;
 - groundwater inflows to the mining operations;
 - seepage/leachate from underground voids, water storages, emplacements, infrastructure and processing areas, and the surface extraction area; and

- groundwater dependent ecosystems;
 - a program to monitor and evaluate:
 - compliance with the relevant performance measures listed in Table 5 and the performance criteria established above;
 - potential acid mine drainage;
 - the effectiveness of the groundwater management system;
 - groundwater inflows to the mining operations;
 - any localised enhanced groundwater inflows associated with faults or other structures;
 - the effectiveness of the seepage collection and storage system and associated infrastructure in collecting and containing all seepage from the tailings storage facility and all other water storages that receive chemical or salt-laden water;
 - background changes in groundwater yield/quality against mine-induced changes;
 - any post-rehabilitation seepage from the tailings storage facility
 - impacts of the development on:
 - local and regional aquifers;
 - waterbodies;
 - groundwater supply of potentially affected landowners;
 - reporting procedures for the results of the monitoring program; and
 - a plan to respond to any exceedances of the performance measures or performance criteria, and mitigate any adverse groundwater impacts of the development, including contingency strategies for addressing:
 - seepage/leachate of pollutants from underground voids, water storages, emplacements, infrastructure and processing areas, and surface extraction area;
 - any localised enhanced groundwater inflows associated with faults or other structures; and
- (iv) Waste Rock Management Plan, that includes:
- a detailed description of the procedures to be implemented to monitor and manage potential acid forming material;
 - reference to the groundwater and surface water monitoring programs to monitor potentially acid-forming waste rock and any leachate generated, including appropriately designed detection and response systems for acid generation (covering monitoring methods, trigger levels and proposed management actions);
 - measures to ensure effective isolation of potential acid forming material in waste rock storage areas;
 - procedures to ensure that material relocated underground does not, to the extent reasonable and feasible, further oxidise or cause impact to groundwater;
 - notwithstanding the above, trigger levels for any material that has oxidised to the extent that it cannot be placed underground without impacting groundwater quality; and
- (v) a program to validate the water balance and groundwater model for the development every 3 years, and compare monitoring results against modelled predictions.

B44. The Applicant must not commence construction until the Water Management Plan is approved by the Planning Secretary.

B45. The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

Paste Fill

B46. Only consolidated paste fill material may be used as tailings material to backfill stopes.

B47. The Applicant must ensure material used to backfill stopes is physically and chemically stable.

B48. The Applicant must commission a suitably qualified and experienced person to:

- (a) carry out trials to clarify the physical and leaching characteristics of the paste fill and set technical specifications for the production of the consolidated paste fill material to meet the performance measures in Condition B47;
- (b) prepare a program for the ongoing testing of the consolidated paste fill material to ensure it meets these technical specifications; and
- (c) prepare a report on the findings of the trial and proposed implementation of the testing program, to the Secretary's satisfaction prior to backfilling stopes with consolidated paste fill material.

B49. The Applicant must implement the approved program in Condition B48(b).

SUBSIDENCE MANAGEMENT

Subsidence Performance Measures

B50. The Applicant must ensure that all stopes and associated backfilling maintains long term stope stability and that the development results in negligible subsidence impacts or environmental consequences.

TRANSPORT

Road Upgrades

B51. Prior to commencing the transport of ore to Peak Mine, or an alternative date nominated by CSC and TfNSW, the Applicant must upgrade the intersections of Kidman Way and Priory Tank Road, Kidman Way and the Peak Mine, and Burthong Road and Priory Tank Road to provide a basic left turn treatment in accordance with the relevant AUSTROADS standards, to the satisfaction of CSC and TfNSW.

Notes:

- Under the Roads Act 1993, the Applicant is required to obtain all necessary approvals and licences for the development, including approval under Section 138. The Applicant may also be required to enter into a Works Authorisation Deed with TfNSW and obtain a Road Occupancy Licence from TfNSW for the development.

B52. Prior to the transport of more than 60,000 tonnes of concentrate from the site in a financial year, unless otherwise agreed by the Planning Secretary, the Applicant must either:

- (a) upgrade the following intersections:
 - (i) the Barrier Highway and Hermidale Nymagee Road to provide an Auxiliary Left (AUL) Turn Lane in accordance with the relevant AUSTROADS standards; and
 - (ii) the Barrier Highway and the Rail Siding Access to provide a Channelised Right (CHR) Turn Lane in accordance with the relevant AUSTROADS standards;or
- (b) identify alternative intersection safety mitigation measures for the transport of concentrate to the satisfaction of TfNSW.

B53. The intersections must be upgraded in accordance with the relevant Austroads guidelines, Australian standards and TfNSW specifications, or alternative measures must be implemented to the satisfaction of TfNSW.

Notes:

- Under the Roads Act 1993, the Applicant is required to obtain all necessary approvals and licences for the development, including approval under Section 138. The Applicant may also be required to enter into a Works Authorisation Deed with TfNSW and obtain a Road Occupancy Licence from TfNSW for the development.

B54. If the Applicant and BSC do not enter into a planning agreement within the timeframe described under condition A13, then prior to the transport of more than 60,000 tonnes of concentrate from the site in a financial year, or alternative timing agreed by the Planning Secretary, the Applicant must make payment to BSC for the full amount required to upgrade Nymagee-Hermidale Road between chainage 4.5 km to 7.9 km as shown in Appendix 5 to an 8 metre wide seal or alternative upgrades of equivalent financial value along Nymagee-Hermidale Road as otherwise agreed with BSC.

B55. If there is any dispute between the Applicant and BSC regarding the payment required in condition B54, then any of the parties involved may refer the matter to the Secretary for resolution.

Monitoring of Road Transport

B56. The Applicant must:

- (a) keep accurate records of the:
 - (i) amount of ore, concentrate and/or waste transported from the site, including between Hera Mine and Federation Mine (on a daily basis); and
 - (ii) number of daily and annual truck movements generated by the development; and
- (b) publish a summary of these results in the Annual Review.

Transport Operating Conditions

B57. The Applicant must ensure that:

- (a) ensure that all laden trucks transporting ore, waste rock and tailings entering or exiting the site have their loads covered;
- (b) take all reasonable steps to minimise traffic safety issues and disruptions to local road users, including school buses.

Note: *The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimension vehicles on the road network.*

Traffic Management Plan

B58. The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with CSC, BSC and TfNSW;
- (c) include details of all transport routes and traffic types to be used for development-related traffic;
- (d) identify the maximum daily truck movements transporting ore, concentrate, tailings and waste rock to and from the site, including between Hera Mine and Federation Mine. The nominated maximum daily truck movements must be based on an assessment of the impact of these movements on the capacity, safety and efficiency of the local road network;
- (e) include a program to monitor and regularly report on the daily and cumulative truck movements from the site;
- (f) include details of the measures to be implemented to:
 - (i) comply with the operating conditions in condition B57;
 - (ii) minimise traffic safety issues and disruption to local road users, including:
 - (iii) minimising potential for conflict with school buses;
 - (iv) installation of advance truck warning signage on Kidman Way;
 - (v) a traffic management system for managing over-dimensional vehicles; and
 - (vi) implementation of temporary traffic controls, including detours and signage;
 - (vii) manage and coordinate ore, tailings, waste rock and concentrate haulage movements;
 - (viii) notify the local community about development-related traffic impacts;
 - (ix) respond to any emergency repair requirements or maintenance during construction and/or decommissioning; and
- (g) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:
 - (i) adhere to posted speed limits or other required travelling speeds;
 - (ii) adhere to the designated transport routes;
- (h) implement safe driving practices, including through residential areas and school zones and during hazardous weather conditions;
 - (i) minimise traffic noise.

B59. If the development is to be staged, the obligations in this condition apply to each stage of the development.

B60. The Applicant must not commence construction of the road upgrades required under condition B52 until the Traffic Management Plan is approved by the Planning Secretary.

B61. The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.

HERITAGE

Protection of Aboriginal Heritage

B62. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified Heritage item located outside the approved disturbance areas, beyond those predicted in the document/s listed in condition A2(c).

B63. If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.

B64. If any previously unknown Aboriginal object is discovered, or suspected to be within or adjacent to the approved disturbance area:

- (a) all work in the immediate vicinity of the object or place must cease immediately;
- (b) a 10m buffer area around the object or place must be cordoned off; and
- (c) Heritage NSW must be contacted immediately.

B65. Work in the immediate vicinity may only recommence if:

- (a) the potential Aboriginal object is confirmed by Heritage NSW, in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal Place;
- (b) the Aboriginal Cultural Heritage Management Plan is revised to include the Aboriginal object and appropriate measures in respect of it; or

(c) the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object and makes a written direction in that regard.

B66. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

B67. The Applicant must carry out ongoing consultation with Registered Aboriginal Parties regarding the conservation and management of Aboriginal cultural heritage values.

BIODIVERSITY

Biodiversity Credit Requirements

B68. The Applicant must retire the biodiversity credits for Offset Stages 1, 2a, 2b, 2c, 3, 4 and 5, as specified in Table 5 below, prior to commencing vegetation clearing in those stages. The retirement of credits must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act.

Table 5: Biodiversity Credit Requirements

Credit type	Area (ha)	Offset liability							Total
		1	2a	2b	2c	3	4	5	
PCT 103 - Poplar Box – Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penepplain Bioregion	37.88	787	267	223	-	163	45	0	1,485
PCT 103 (Open) - Poplar Box – Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penepplain Bioregion	0.47	-	7	-	-	-	-	-	7
PCT 104 - Gum Coolabah woodland on sedimentary substrates mainly in the Cobar Penepplain Bioregion	4.97	74	-	29	-	24	-	-	127
PCT 174 - Mallee - Gum Coolabah woodland on red earth flats of the eastern Cobar Penepplain Bioregion	24.68	527	-	-	286	65	37	9	924
PCT 176 - Green Mallee - White Cypress Pine very tall mallee woodland on gravel rises mainly in the Cobar Penepplain Bioregion	0.06	-	1	-	-	-	-	-	1
PCT 180 - Grey Mallee - White Cypress Pine woodland on rocky hills of the eastern Cobar Penepplain Bioregion	2.35	-	-	-	-	-	-	54	54
PCT 258 - Gum Coolabah - Mugga Ironbark - White Cypress Pine woodland on granite low hills in the eastern Cobar Penepplain Bioregion and central NSW South Western Slopes Bioregion	0.70	17	-	-	-	4	-	-	21
Total									2,619

Notes:

- To identify the surface disturbance areas associated with Offset Stages 1 to 5, refer to Table 5 and Appendix 4
- The credits in Table 6 were calculated in accordance with Biodiversity Assessment Methodology (BAM) (DPIE, 2020).
- The available credit retirement options for the development include purchase and retirement of open market available biodiversity credits, payment into the Biodiversity Conservation Fund or establishment of a Biodiversity Stewardship Site.

Biodiversity credits – carryover from Hera Mine offset requirements

B69. Within two years of commencing construction of the water management dam, unless the Secretary agrees otherwise, the Applicant must retire biodiversity credits of a number and class identified in Table 6 below. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act.

Table 6: Biodiversity Credit Requirements for Water Management Dam

Credit type	Area (ha)	Offset liability
PCT 103 - Poplar Box – Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penneplain Bioregion	11.4	300

Biodiversity Management Plan

- B70. The Applicant must prepare a Biodiversity Management Plan for the development. This plan must:
- be prepared by a suitably qualified and experienced person/s;
 - be prepared in consultation with BCD;
 - describe the short, medium, and long-term measures to be undertaken to manage the remnant vegetation and fauna habitat on the site;
 - describe how biodiversity management would be integrated with similar measures within other management plans, including the Rehabilitation Management Strategy referred to in condition B86;
 - describe the measures to be implemented within the approved disturbance areas to:
 - minimise the amount of clearing;
 - minimise impacts on fauna, including undertaking pre-clearance surveys and translocation of threatened species as guided by the NSW Government’s Translocation Operational Policy 2019 (as amended from time to time); and
 - maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
 - describe the measures to be implemented on the site to:
 - minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees;
 - protect vegetation and fauna habitat outside of the approved disturbance areas;
 - manage the collection and propagation of seed from the local area;
 - control weeds, including measures to avoid and mitigate the spread of noxious weeds;
 - control feral pests; and
 - control access to vegetated or revegetated areas.
- B71. The Applicant must not commence construction until the Biodiversity Management Plan has been prepared and a copy has been provided to the Planning Secretary.

B72. The Applicant must implement the Biodiversity Management Plan.

VISUAL

Visual Amenity and Lighting

- B73. The Applicant must:
- B74. take all reasonable steps to minimise the visual and off-site lighting impacts of the development;
- B75. ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;
- B76. ensure that all external lighting associated with the development complies with relevant Australian standards including the latest version of AS/ NZS 4282: 2019 – Control of Obtrusive Effects of Outdoor Lighting;
- B77. ensure that the visual appearance of all new buildings, structures, facilities or works which are visible from outside the site (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.

WASTE

- B78. The Applicant must:
- B79. take all reasonable steps to minimise the waste generated by the development;
- classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);

- (b) dispose of all waste, except for waste rock and tailings, at appropriately licensed waste facilities;
- (c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and
- (d) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition C10.
- (e) Dangerous Goods

- B80. The Applicant must ensure that the storage, handling, and transport of:
- (a) dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code; and
 - (b) explosives are managed in accordance with the requirements of the Resources Regulator.
- B81. The storage of explosives and explosive precursors for the development must comply with relevant Australian Standards and codes of practices including AS 2187.

HAZARDOUS MATERIALS MANAGEMENT PLAN

- B82. The Applicant must prepare a Hazardous Materials Management Plan for the development to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared in consultation with TfNSW, EPA, DPE Water, SafeWork NSW and Resources Regulator;
 - (b) be consistent with the International Cyanide Management Code for the Manufacture, Transport and Use of Cyanide in the Production of Gold;
 - (c) describe the measures that would be implemented to:
 - (i) ensure sodium cyanide and other toxic chemicals are stored and handled in accordance with *AS/NZS 4452:1997 – The Storage and Handling of Toxic Substances*; and
 - (ii) ensure the transportation of hazardous materials to or from the site is undertaken in accordance with the Department’s *Hazardous Industry Planning Advisory Paper No. 11 – Route Selection* and the *Australian Code for the Transport of Dangerous Goods by Road and Rail*;
 - (iii) detail the emergency procedures for the development consistent with the Department’s *Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning*.
- B83. The Applicant must not commence mining operations until the Hazardous Materials Management Plan has been approved by the Planning Secretary.
- B84. The Applicant must implement the Hazardous Materials Management Plan as approved by the Planning Secretary.

REHABILITATION

Rehabilitation Objectives

- B85. The Applicant must rehabilitate all areas affected by the development accordance with the conditions imposed on the mining leases(s) associated with the development under the *Mining Act 1992*. The rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS (and shown conceptually in the Rehabilitation Plan in Appendix 3), and must comply with the objectives in **Table 7**.

Table 7: Rehabilitation objectives

<i>Feature</i>	<i>Objective</i>
All areas affected by the development	<ul style="list-style-type: none"> • Safe, stable and non-polluting • Fit for the intended post-mining land use/s • Establish the final landform and post mining- land use/s as soon as practicable after cessation of mining • Minimise post-mining environmental impacts
Final landform	<ul style="list-style-type: none"> • Stable and sustainable for the intended post-mining land use/s • Integrated with surrounding natural landforms and other mine rehabilitated landforms, to the greatest extent practicable • Incorporate macro-relief and micro-relief and drainage features that mimic natural topography and mitigate erosion, to the greatest extent practicable • Maximise surface water drainage to the natural environment • Minimise visual impacts, where practicable

Feature	Objective
Stopes	<ul style="list-style-type: none"> • Backfilled • Safe and stable • Negligible surface subsidence in the long term
Portals and vent shafts	<ul style="list-style-type: none"> • To be decommissioned and made safe and stable
Tailings storage facility	<ul style="list-style-type: none"> • Final landform designed for native grassland species, unless further assessment indicates the capping design can accommodate woodland vegetation • Free draining
Surface extraction area	<ul style="list-style-type: none"> • Free draining • Optimise the size and depth to ensure the final landform is stable and non-polluting • Minimise to the greatest extent practicable the drainage catchment and any instability risk.
Waste rock storage areas	<ul style="list-style-type: none"> • Minimise the potential for acid mine drainage and erosion • Potentially acid forming materials to be emplaced in the underground workings
Mine water discharges following mine closure (from any location)	<ul style="list-style-type: none"> • Negligible environmental impact
Water quality	<ul style="list-style-type: none"> • Water retained on the site is fit for intended post-mining land use/s
Surface infrastructure	<ul style="list-style-type: none"> • To be decommissioned and removed, unless Resources Regulator agrees otherwise
Community	<ul style="list-style-type: none"> • Ensure public safety • Minimise adverse socio-economic effects associated with mine closure

Rehabilitation Strategy

- B86. The Applicant must prepare a Rehabilitation Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- be prepared by a suitably qualified and experienced person/s;
 - be prepared in consultation with Resources Regulator, DPE Water, BCD, CSC and the CCC;
 - be submitted to the Planning Secretary for approval within six months of the date of physical commencement of development under this consent, unless otherwise agreed by the Planning Secretary;
 - build upon the Rehabilitation Objectives in **Table 7**, describe the overall rehabilitation outcomes for the development, and address all aspects of rehabilitation including mine closure, final landform, , post-mining land use/s and water management;
 - align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA, 2000);
 - describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure; and
 - include details of:
 - how the tailings storage facility will be designed to meet the rehabilitation objectives in **Table 7**;
 - target vegetation communities and species to be established within the proposed revegetation areas; and
 - the design of the surface water drainage network on the final landform;
 - investigate opportunities to refine and improve the final landform over time, including the configuration of the waste rock emplacement;
 - include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site, that:
 - align with regional and local strategic land use planning objectives and outcomes;
 - support a sustainable future for the local community;

- (iii) utilise existing mining infrastructure, where practicable; and
- (iv) avoid disturbing self-sustaining native ecosystems, where practicable;
- (j) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes;
- (k) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and
- (l) include a program to report on the outcomes of the investigations required under this condition and review and update this strategy at least every five years.

B87. The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary.

Notes:

- *The Applicant must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992.*

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- C1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) be submitted to the Planning Secretary for approval prior to commencing construction under this consent;
 - (b) provide the strategic framework for environmental management of the development;
 - (c) identify the statutory approvals that apply to the development;
 - (d) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (e) 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 development;
 - (ii) receive, record, handle and respond to complaints;
 - (iii) resolve any disputes that may arise during the course of the development;
 - (iv) respond to any non-compliance and any incident; and
 - (v) respond to emergencies; and
 - (f) include:
 - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
 - (ii) a clear plan depicting all the sites where monitoring is to be carried out under the conditions of this consent.
- C2. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

Adaptive Management

- C3. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.
- C4. Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:
- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur.
 - (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
 - (c) implement reasonable remediation measures as directed by the Planning Secretary.

Management Plan Requirements

- C5. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:
- (a) summary of relevant background or baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);
 - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (e) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (d);
 - (f) 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;
 - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (h) a protocol for managing and reporting any:
 - (i) incident, non-compliance or exceedance of any impact assessment criterion or performance measure;

- (ii) complaint; or
- (iii) failure to comply with other statutory requirements;
- (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and
- (j) a protocol for periodic review of the plan.

Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C6. Within three months of:
- (a) the submission of an incident report under condition C8;
 - (b) the submission of an Annual Review under condition C10;
 - (c) the submission of an Independent Environmental Audit under condition C12; or
 - (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise);
 - (e) notification of a change in development phase under condition A5; or
 - (f) a direction of the Secretary under condition A3 of Schedule 2
- the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

- C7. If necessary, to either improve the environmental performance of the development or cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

REPORTING AND AUDITING

Incident Notification

- C8. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 6.

Non-Compliance Notification

- C9. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: *A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.*

Annual Review

- C10. By the end of September each year after the date of physical commencement of development under this consent, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:
- (a) describe the development (including any rehabilitation) that was carried out in the previous financial year, and the development that is proposed to be carried out over the current financial year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous financial year, 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 consent;
 - (iii) monitoring results of previous years; and
 - (iv) relevant predictions in the document/s listed in condition A2(c);
 - (c) identify any non-compliance or incident which occurred in the previous financial year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
 - (d) evaluate and report on compliance with the performance measures, criteria and operating conditions of this consent;

- (e) identify any trends in the monitoring data over the life of the development;
- (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (g) describe what measures will be implemented over the next financial year to improve the environmental performance of the development.

C11. Copies of the Annual Review must be submitted to CSC and made available to the CCC and any interested person upon request.

Independent Environmental Audit

C12. Within one year of the date of physical commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:

- (a) be prepared in accordance with the *Independent Audit Post Approval Requirements* (NSW Government 2020); and
- (b) be submitted, to the satisfaction of the Planning Secretary, within two months of undertaking the independent audit site inspection, unless otherwise agreed by the Planning Secretary.

C13. In accordance with the specific requirements of the *Independent Audit Post Approval Requirements* (NSW Government 2020), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under Condition C12 of this consent;
- (b) submit a response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations of the Independent Audit Report;
- (c) implement the recommendations to the satisfaction of the Planning Secretary; and
- (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary.

Monitoring and Environmental Audits

C14. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

For the purposes of this condition, as set out in the EP&A Act, “monitoring” means monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” means a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

ACCESS TO INFORMATION

C15. Within three months of the date of physical commencement of development under this consent, until the completion of all rehabilitation required under this consent, the Applicant must:

- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
 - (i) the document/s listed in condition A2(c);
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) minutes of CCC meetings;
 - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vii) a summary of the current phase and progress of the development;
 - (viii) contact details to enquire about the development or to make a complaint;
 - (ix) a complaints register, updated monthly;
 - (x) the Annual Reviews of the development;
 - (xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant’s response to the recommendations in any audit report; and
 - (xii) any other matter required by the Planning Secretary; and

keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 SCHEDULE OF LAND

<i>LOT</i>	<i>DP</i>
Part lot 664	DP761702
Part lot 3129	DP765334
Part lot 3586	DP769242
Part lot 1730	DP763521

APPENDIX 2 DEVELOPMENT LAYOUT PLANS

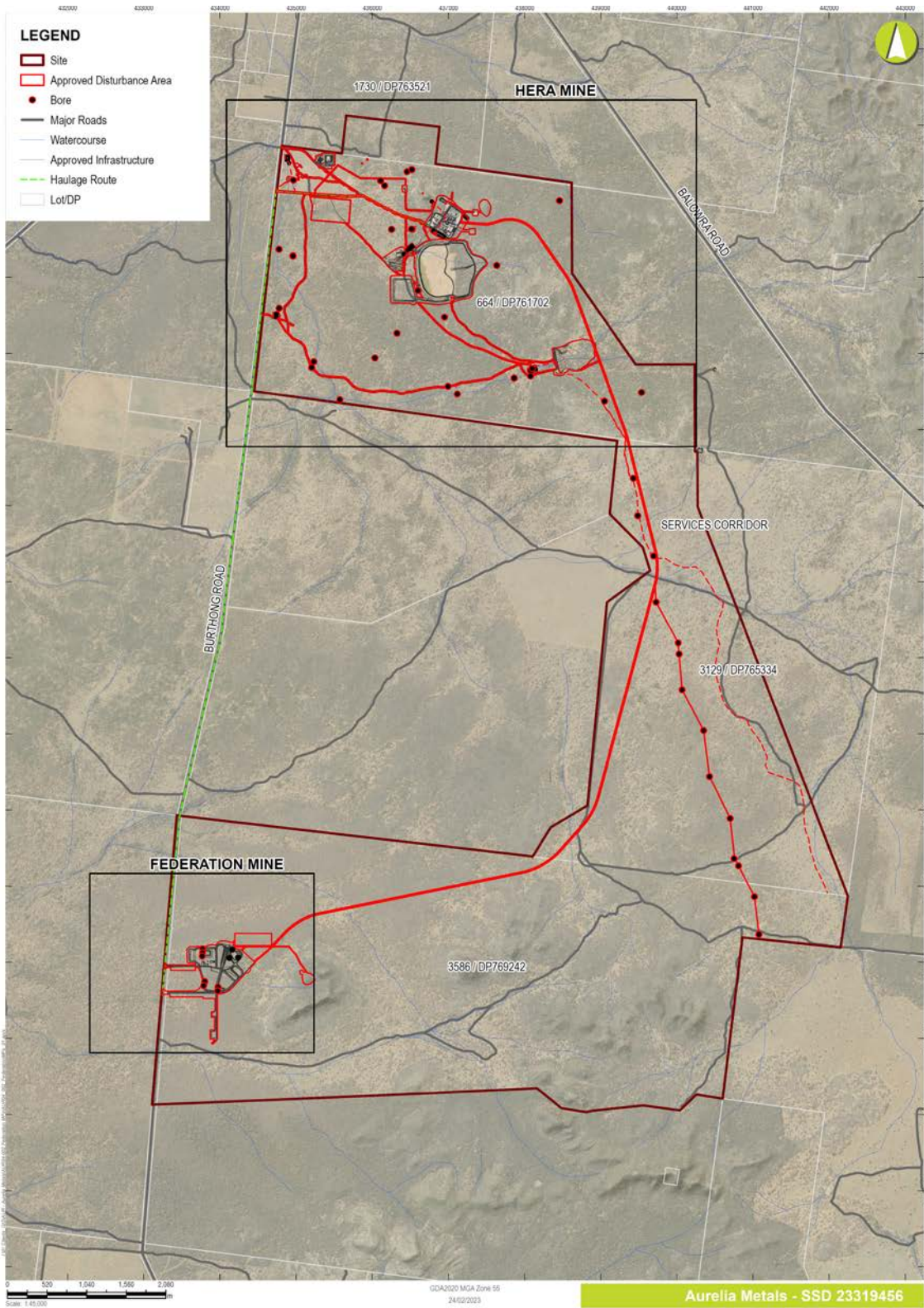


Figure 1: The site and approved disturbance areas

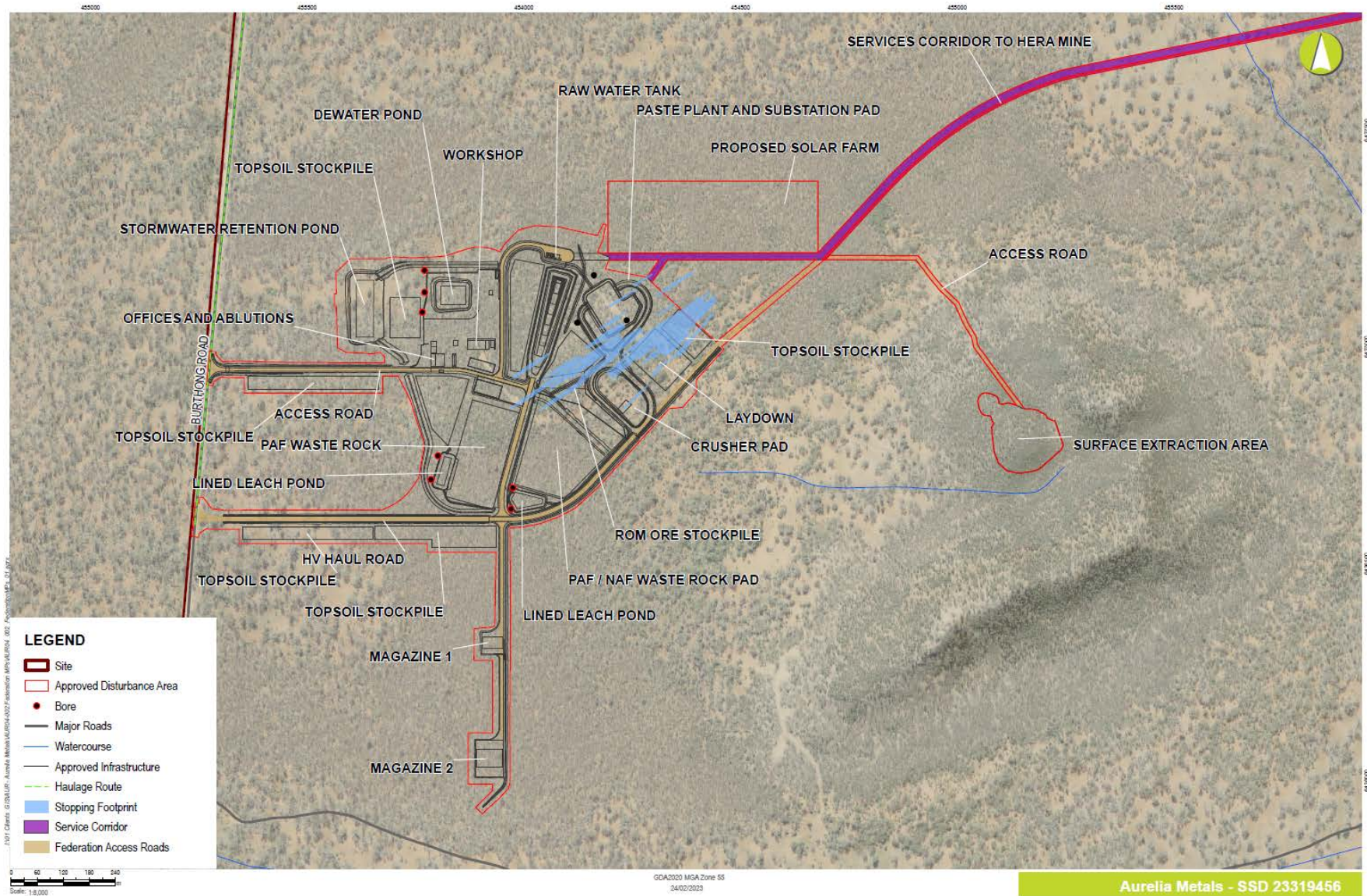


Figure 2: Federation Mine - Surface Development Layout

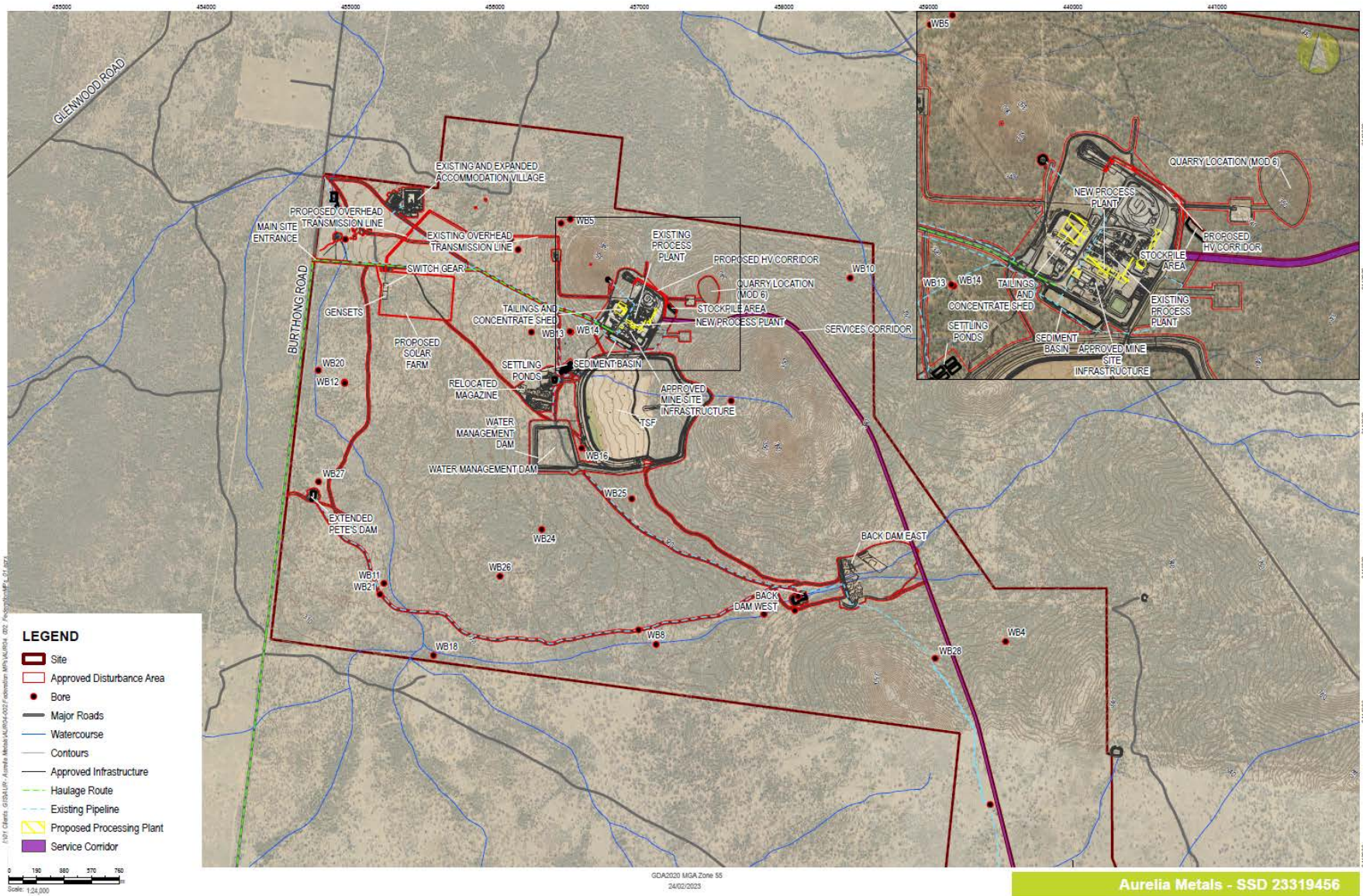


Figure 3: Hera Mine - Surface Development Layout

APPENDIX 3 REHABILITATION PLAN

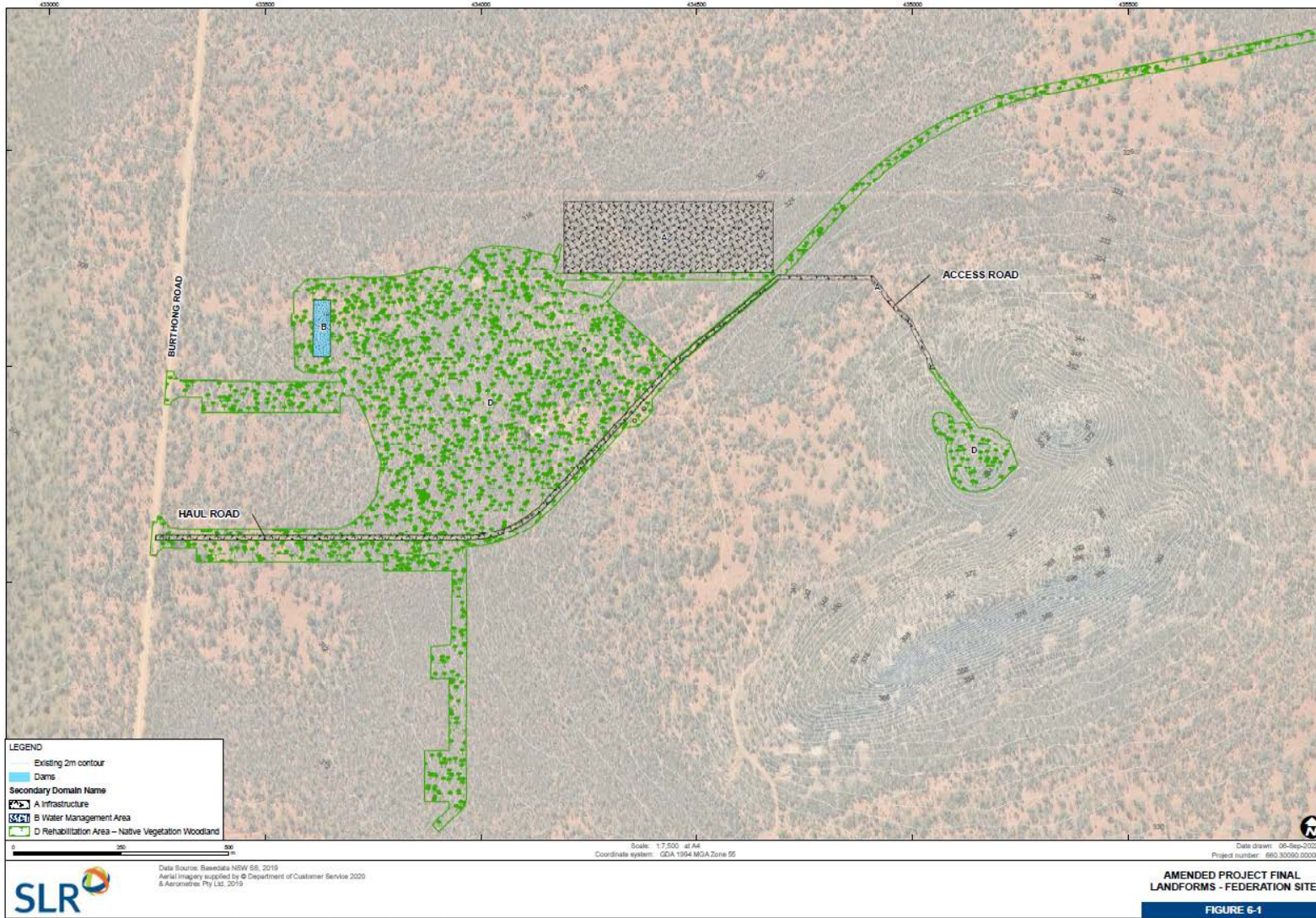


Figure 4: Conceptual Rehabilitation Plan – Federation Mine

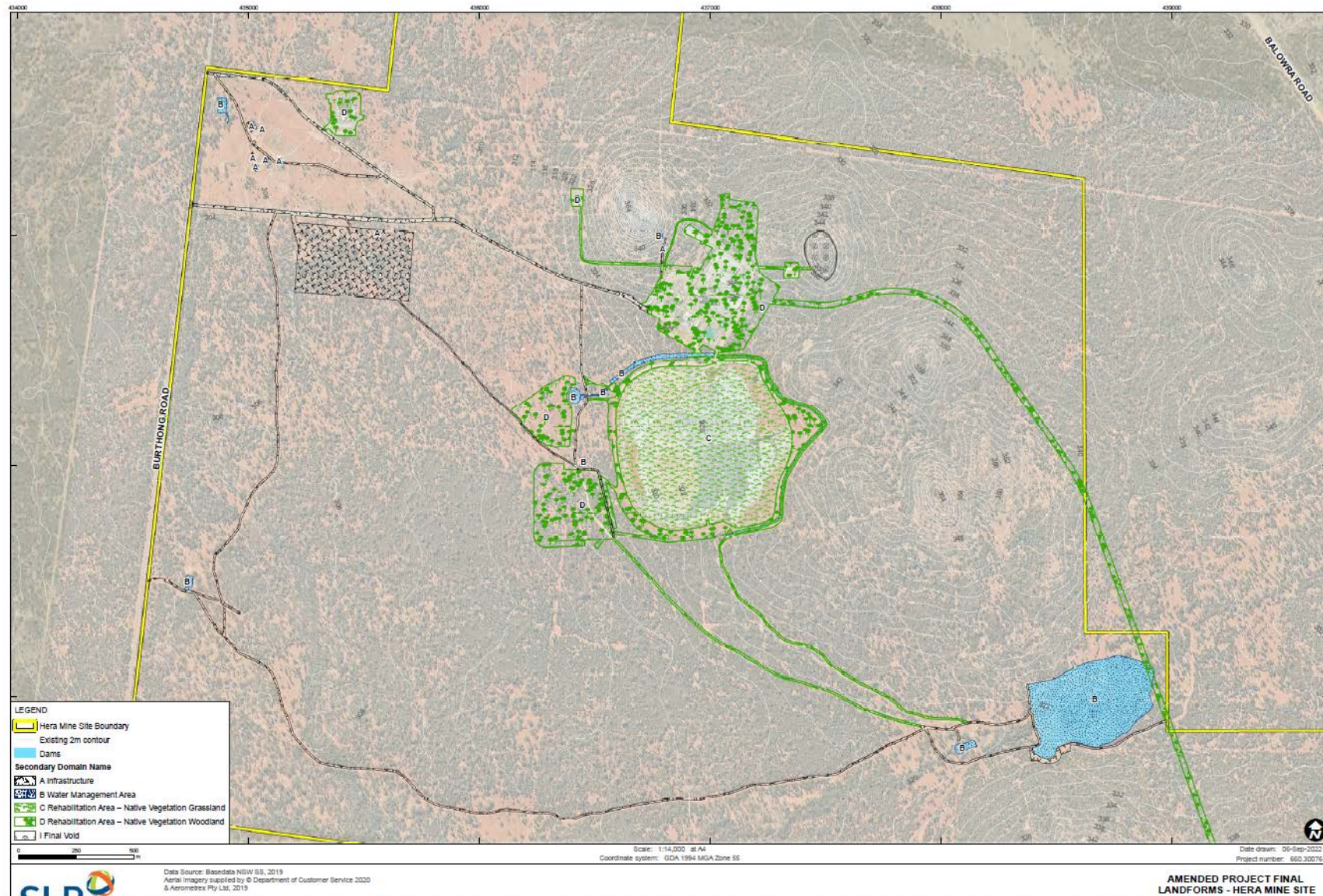


Figure 5: Conceptual Rehabilitation Plan – Hera Mine

APPENDIX 4 BIODIVERSITY OFFSET STAGES

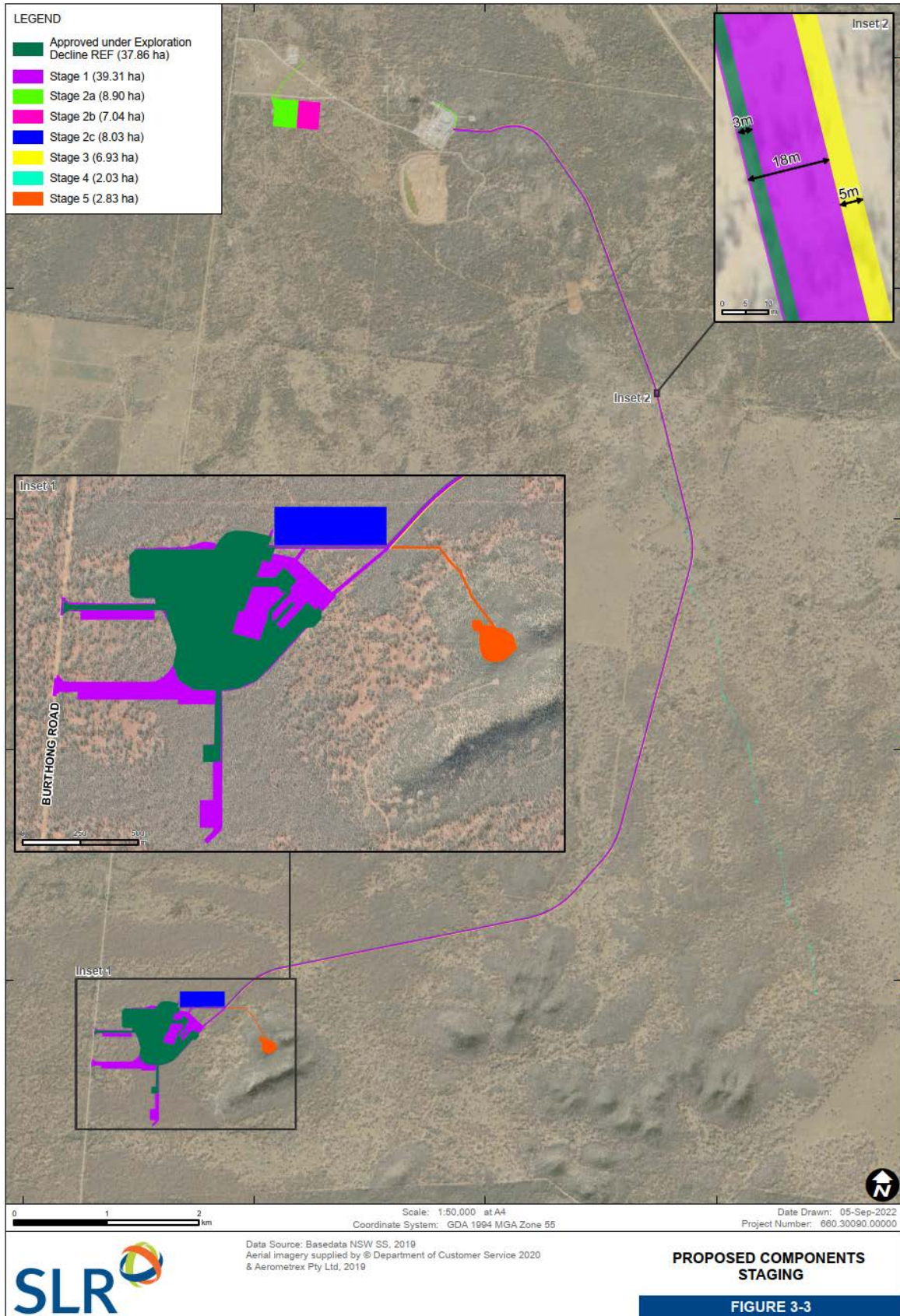


Figure 6: Biodiversity Offset Stages

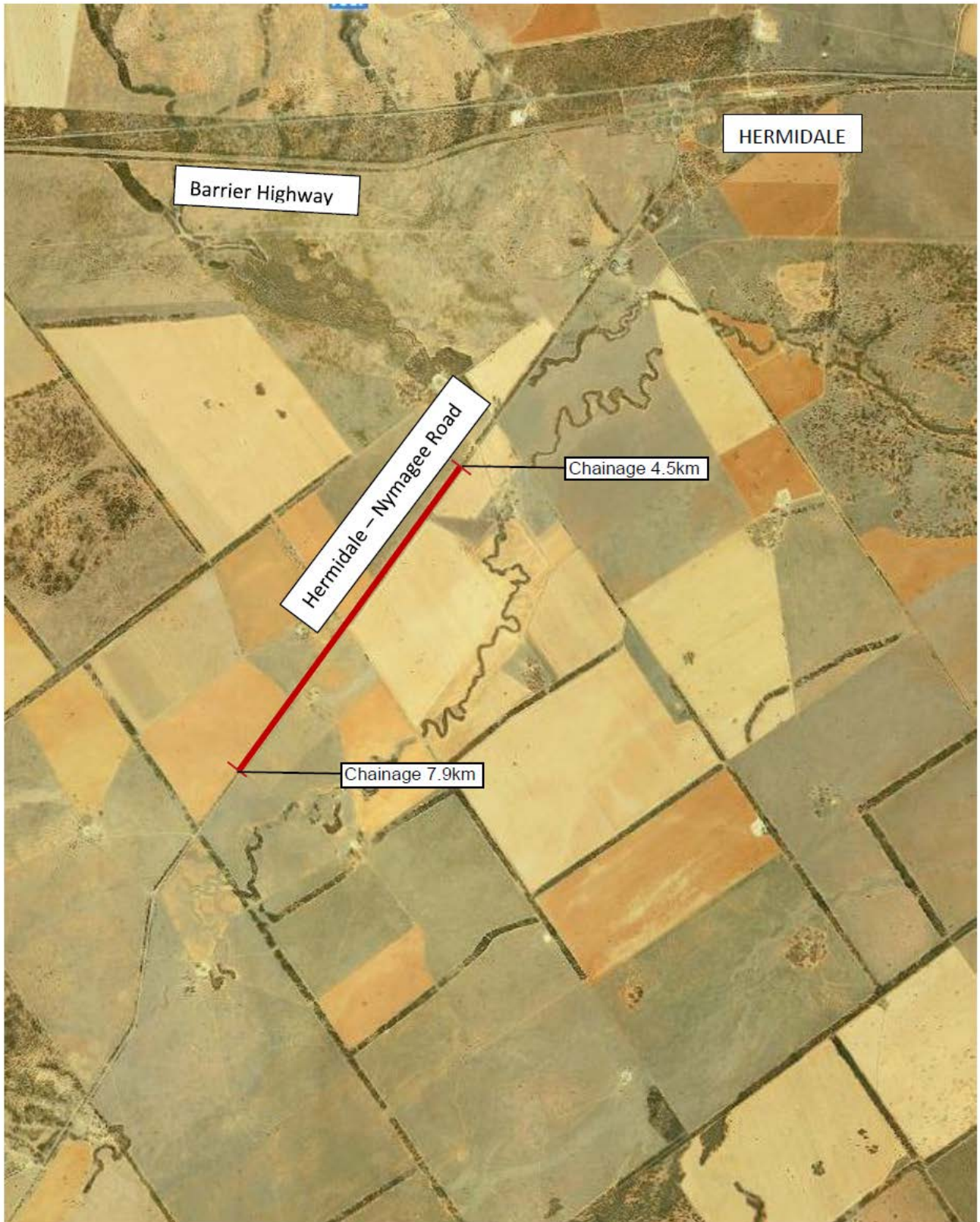


Figure 7: Hermidale-Nymagee Road upgrade extent

APPENDIX 6 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C8 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the Applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.