

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

**INTEGRATED STATE SIGNIFICANT DEVELOPMENT**

**DETERMINATION OF DEVELOPMENT APPLICATION PURSUANT TO SECTIONS 76(A)9 & 80**

I, the Minister for Urban Affairs and Planning, pursuant to Sections 76(A)9 & 80 of the Environmental Planning and Assessment Act, 1979 determine the development application (“the application”) referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedules 2 to 5.

The reasons for the imposition of the conditions are to:

- (i) minimise the adverse impact the development may cause through water, noise and air pollution, and disturbance to archaeological sites, flora and fauna and the visual environment;
- (ii) provide for environmental monitoring and reporting; and
- (iii) set requirements for development infrastructure provision.

Andrew Refshauge MP

**Minister for Urban Affairs and Planning,**

**SYDNEY,**

**2001**

**FILE NO.S98/01078**

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Red type represents December 2017 modification – MOD 5

Green type represents May 2018 modification – MOD 6

Blue type represents September 2018 modification – MOD 4

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**SCHEDULE 1**

Applicant: [Clean TeQ Sunrise Pty Ltd](#)  
Consent Authority: The Minister for Urban Affairs and Planning  
Land: See Appendix 1  
Development: [Sunrise Mine Project](#)

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## DEFINITIONS

|                            |   |
|----------------------------|---|
| Accommodation Camp         | Accommodation camp located on the land listed in Appendix 1 and shown in Appendix 2   |
| Applicant                  | Clean TeQ Sunrise Pty Ltd, or any other person/s who rely on this consent to carry out the development that is subject to this consent  |
| ARI                        | Average Recurrence Interval   |
| BCA                        | Building Code of Australia  |
| Borefields                 | The Borefields located on the land listed in Appendix 1 and shown in Appendix 2   |
| CCC                        | Community Consultative Committee  |
| Clean water                | Water not in contact with mine water  |
| Construction               | All site activities associated with the development, including clearing, trenching, earthworks, road works, development of borrow pits and tailings dams; or the location of earthmoving plant or buildings (portable or fixed) onto the site   |
| Conditions of this consent | Conditions contained in Schedules 2 to 5 inclusive  |
| Councils                   | Lachlan Shire Council, Parkes Shire Council, Forbes Shire Council   |
| Day                        | The period from 7.00 am to 6.00 pm on Monday to Saturday, and 8.00 am to 6.00 pm on Sundays and Public Holidays   |
| Department                 | Department of Planning & Environment  |
| Development                | The development as described in the EIS and comprising the: <ul style="list-style-type: none"> <li>• mine including mine processing facility;</li> <li>• mining operations;</li> <li>• limestone quarry including limestone processing facility;</li> <li>• quarrying operations;</li> <li>• rail siding;</li> <li>• borefields;</li> <li>• water pipeline;</li> <li>• gas pipeline; and</li> <li>• accommodation camp</li> </ul>   |
| Dol Lands & Water          | The Department of Industry – Lands and Water  |
| DPI                        | Department of Primary Industries  |
| DSC                        | Dams Safety Committee   |
| EIS                        | <ul style="list-style-type: none"> <li>• Environmental Impact Statement prepared by Resource Strategies Pty Ltd dated October 2000 and supplemented by letters dated 3 December 2000 and 12 January 2001.</li> <li>• Statement of Environmental Effects prepared by Resource Strategies Pty Ltd dated May 2005.</li> <li>• Letter prepared by Ivanplats Syerston Pty Ltd dated 22 December 2005.</li> <li>• Environmental Assessment titled “Syerston Project Scandium Oxide Modification Environmental Assessment” dated May 2016 and Response to Submissions.</li> <li>• Letter prepared by Clean TeQ Holdings Limited dated 13 October 2017, and response to submissions dated 16 November 2017.</li> <li>• Environmental Assessment dated January 2018 and Response to Submissions dated 23 February 2018.</li> <li>• Letter prepared by Clean TeQ Holdings Limited dated 16 May 2018.</li> <li>• Environmental Assessment titled “Syerston Project Modification 4 Environmental Assessment” dated November 2017 and Response to Submissions dated February 2018.</li> <li>• Letter prepared by Clean TeQ Holdings Limited dated 29 June 2018.</li> </ul> |
| EP&A Act                   | <i>Environmental Planning and Assessment Act 1979</i>   |
| EP&A Regulation            | <i>Environmental Planning and Assessment Regulation 2000</i>  |
| EPA                        | Environment Protection Authority  |
| EPL                        | Environment Protection Licence issued under the POEO Act  |
| Evening                    | The period from 6.00 pm to 10.00 pm   |
| Feasible                   | Feasible relates to engineering considerations and what is practical to build or to implement   |
| Gas pipeline               | The gas pipeline located on the land listed in Appendix 1 and shown in Appendix 2   |
| Ha                         | Hectare   |
| Heritage item              | An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal object   |

|  |  |
|--|--|
|  | or Aboriginal place as defined under the <i>National Parks and Wildlife Act 1974</i>   |
| Incident   | A set of circumstances that:<br>a) causes or threatens to cause material harm to the environment; and/or<br>b) breaches or exceeds the limits or performance measures/criteria in this consent   |
| LAeq<br>Land   | Equivalent continuous sound pressure level with “A” weighted scale<br>In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to acquisition it means 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  |
| Limestone processing facility                              | Infrastructure and plant associated with crushing operations for the preparation of limestone at the limestone quarry, exclusive of all quarrying activities   |
| Limestone product<br>Limestone quarry                      | Limestone produced at the limestone quarry<br>Limestone quarry including the limestone processing facility, located on the land listed in Appendix 1 and shown in Appendix 2   |
| Limestone quarry water<br>Material harm to the environment | Water that accumulates within active quarrying and infrastructure areas<br>Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial   |
| Mine   | The mine including the mine processing facility, located on the land listed in Appendix 1 and shown in Appendix 2  |
| Mine processing facility                                   | Infrastructure and plant associated with the processing of ore at the Mine, including: <ul style="list-style-type: none"> <li>• processing plant;</li> <li>• electricity and steam co-generation plant;</li> <li>• the industrial gas plants;</li> <li>• sulphur storage;</li> <li>• sulphuric acid plant;</li> <li>• <del>hydrogen sulphide flare;</del></li> <li>• scandium oxide plant; and</li> <li>• water treatment plant.</li> </ul>  |
| Mine water<br>Mining operations                            | Water that accumulates within active mining and infrastructure areas<br>Includes the removal of overburden and extraction, processing, handling, storage and transportation of ore   |
| Minor<br>Mitigation  | Not very large, important or serious<br>Activities associated with reducing the impacts of the development prior to or during those impacts occurring  |
| Night  | The period from 10pm each night to 7.00 am on Mondays to Saturdays and to 8.00 am on Sundays and Public Holidays   |
| NP&W Act<br>OEH<br>POEO Act<br>Power generation facilities | <i>National Parks &amp; Wildlife Act 1974</i><br>Office of Environment and Heritage<br><i>Protection of the Environment Operations Act 1997</i><br>On-site electricity and steam co-generation plant and standby diesel generators   |
| Preliminary Works  | Site establishment and earthworks associated with the mine processing facility and gas pipeline including: <ul style="list-style-type: none"> <li>• clearing and grubbing;</li> <li>• topsoil removal;</li> <li>• slope protection;</li> <li>• installation of drainage, culverts, and storm water retention;</li> <li>• establishment of temporary roads, power, water and fuelling facilities; and</li> <li>• construction of fencing and gates, laydown areas, subsurface utilities and contractor hardstands.</li> </ul> |
| Privately-owned land                                       | Land that is not owned or leased by a public agency, or a mining company (or its subsidiary)   |
| Public infrastructure                                      | Infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc  |
| Quarrying operations                                       | The extraction, processing, stockpiling and transportation of limestone product and the associated removal of vegetation, topsoil and overburden   |
| Rail siding  | The rail siding located on the land listed in Appendix 1 and shown in Appendix 2   |
| Reasonable   | Reasonable relates to the application of 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 |
| RFS             | Rural Fire Service  |
| RMS             | Roads and Maritime Services   |
| Secretary       | The Secretary of the Department, or nominee and/or delegate   |
| Site            | The land listed in Appendix 1   |
| Transport route | Routes SR171, SR64, MR57 and SR34 between the rail siding and the mine, as shown in Appendix 2                          |
| TSP             | Total Suspended Particulate   |
| VPA             | Voluntary Planning Agreement  |
| Water pipeline  | The water pipeline located on the land listed in Appendix 1 and shown in Appendix 2                                     |

## SCHEDULE 2

### ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. 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/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.

#### TERMS OF CONSENT

2. The Applicant must carry out the development:
  - (a) generally in accordance with the EIS; and
  - (b) in accordance with the conditions of this consent.

*Note: The general layout of the development is shown in the figures in Appendix 2.*
3. If there is any inconsistency between the documents referred to in condition 2 above, the most recent document must prevail to the extent of the inconsistency.
4. The Applicant must comply with any reasonable requirements of the Secretary arising from the Department's assessment of:
  - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent (including any stages of these documents);
  - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
  - (c) the implementation of any actions or measures contained in these documents.

#### LIMITS ON MINING OPERATIONS

##### Mining Operations

5. The Applicant may carry out mining operations at the mine for 21 years from the day upon which mining operations start.

##### Ore Processing

6. In any calendar year, the Applicant must not exceed an autoclave feed rate of 2.5 million tonnes of ore at the mine.

##### Off-site Product Transport

7. In any calendar year, the Applicant must not transport more than 180 tonnes of scandium oxide and 40,000 tonnes of nickel and cobalt metal equivalents (as sulphate precipitate products) and 100,000 tonnes of ammonium sulphate from the mine.

#### LIMITS ON QUARRYING OPERATIONS

##### Extraction

8. In any calendar year, the Applicant must not extract more than 790,000 tonnes of limestone from the limestone quarry.

##### Restriction on Use of Extracted Limestone

9. Limestone extracted from the limestone quarry may only be sent to the mine for use in mining operations, and may not be sold or used for any other purpose.

#### NOTIFICATION OF DEPARTMENT

10. The Applicant must notify the Department and the relevant Councils in writing of the day upon which the:
  - (a) development of the mine starts;
  - (b) commissioning of the mine processing facility starts;
  - (c) development of the limestone quarry starts;
  - (d) development of the gas pipeline starts;
  - (e) commissioning of the gas pipeline starts;
  - (f) commissioning of the borefields starts;

- (g) development of the water pipeline starts;
- (h) commissioning of the water pipeline starts;
- (i) development of the rail siding starts;
- (j) rail siding operations start;
- (k) road or intersection upgrades start;
- (l) road or intersection upgrades are completed; and
- (m) development of the accommodation camp starts;
- (n) commissioning of the accommodation camp starts; and
- (o) accommodation camp capacity is reduced.

11. If the carrying out of the development is to be staged, then the Applicant must notify the Department and relevant Councils in writing prior to the commencement of the relevant stage, and clearly identify the development that would be carried out in the relevant stage.

#### **UPDATING & STAGING OF STRATEGIES, PLANS OR PROGRAMS**

12. With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.

To ensure these strategies, plans or programs are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.

*Notes:*

- *While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that all development being carried out on site is covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

#### **STRUCTURAL ADEQUACY**

##### **Building and Structures**

13. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are 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.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

##### **Pipeline Construction and Operation**

14. The Applicant must design and construct the gas pipeline in accordance with the relevant Australian Standards, in particular *AS2885 Pipelines – Gas and Liquid Petroleum*, or its latest version.

*Note: All utility crossings of Henry Parkes Way require concurrence from RMS in accordance with Section 138(2) of the Roads Act 1993.*

#### **DEMOLITION**

15. The Applicant must ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

#### **OPERATION OF PLANT AND EQUIPMENT**

16. The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

#### **PLANNING AGREEMENTS**

17. Prior to carrying out any development under this consent after 6 May 2017, unless otherwise agreed by the Secretary, the Applicant must enter into a VPA with each of the relevant Councils, consistent with the offers summarised in Appendix 3. The VPA must include the provision of funding for:
- (a) the road upgrades required for the development;

- (b) ongoing road maintenance for the development; and
- (c) community enhancement initiatives in the locality.



## SCHEDULE 3

### ENVIRONMENTAL PERFORMANCE CONDITIONS

#### NOISE

##### Hours of Construction/Operation

- The Applicant must comply with the restrictions in Table 1, unless otherwise agreed by the Secretary.

*Table 1: Restriction on Hours of Construction/Operation*

| <b>Activity</b>   | <b>Operating Hours</b>   |
|---|--|
| <ul style="list-style-type: none"> <li>• Construction of the:                             <ul style="list-style-type: none"> <li>– gas pipeline;</li> <li>– water pipeline and borefields;</li> <li>– rail siding;</li> <li>– accommodation camp; and</li> <li>– road upgrades</li> </ul> </li> <li>• Construction materials haulage along the transport route</li> </ul> | <ul style="list-style-type: none"> <li>• 7 am to 6 pm, Monday to Sunday</li> </ul> |
| <ul style="list-style-type: none"> <li>• All quarrying operations (excluding truck loading on the limestone quarry site)</li> </ul>   | <ul style="list-style-type: none"> <li>• 7 am to 5 pm, Monday to Sunday</li> </ul> |

*Note: All other operations are permitted 24 hours per day, seven days per week.*

##### Construction Noise

- The Applicant must minimise the noise generated during construction of the development in accordance with the best practice requirements outlined in the *Interim Construction Noise Guideline (DECC, 2009)*, or its latest version.

##### Operational Noise Criteria - Mine

- The Applicant must ensure that the noise generated by development at the mine does not exceed the criteria in Table 2.

*Table 2: Noise Criteria (dB(A)) – Mine*

| <b>Location and Receiver ID</b>      | <b>Day</b>                         | <b>Evening</b>                     | <b>Night</b>                       |                                  |
|--------------------------------------|------------------------------------|------------------------------------|------------------------------------|----------------------------------|
|                                      | <i>L<sub>Aeq</sub> (15 minute)</i> | <i>L<sub>Aeq</sub> (15 minute)</i> | <i>L<sub>Aeq</sub> (15 minute)</i> | <i>L<sub>A1</sub> (1 minute)</i> |
| Currajong Park (M08 and M23)         | 37                                 | 37                                 | 37                                 | 45                               |
| Abandoned (M04)                      | 35                                 | 36                                 | 36                                 | 45                               |
| Glenburn (M10)                       |                                    |                                    |                                    |                                  |
| Rosehill (M28)                       |                                    |                                    |                                    |                                  |
| Slapdown (M29)                       |                                    |                                    |                                    |                                  |
| Brooklyn (M22)                       | 36                                 | 35                                 | 35                                 | 45                               |
| Wanda Bye                            | 35                                 | 37                                 | 37                                 | 45                               |
| All other privately-owned residences | 35                                 | 35                                 | 35                                 | 45                               |

*Note: To identify the residences referred to in Table 2, see Appendix 4.*

##### Noise Acquisition Criteria – Mine

- If the noise generated by the development at the mine causes sustained exceedances of the criteria in Table 2A at any residence on privately-owned land, then upon receiving a written request for acquisition from the landowner, the Applicant must acquire the land in accordance with the procedures in conditions 3-4 of Schedule 4.

*Table 2A: Noise Acquisition Criteria (dB(A)) – Mine*

| <b>Location</b>                | <b>Day</b>                         | <b>Evening</b>                     | <b>Night</b>                       |
|--------------------------------|------------------------------------|------------------------------------|------------------------------------|
|                                | <i>L<sub>Aeq</sub> (15 minute)</i> | <i>L<sub>Aeq</sub> (15 minute)</i> | <i>L<sub>Aeq</sub> (15 minute)</i> |
| All privately-owned residences | 40                                 | 40                                 | 40                                 |

*Note: To identify the residences referred to in Table 2A, see Appendix 4.*

### Operational Noise Criteria – Limestone Quarry

4. The Applicant must ensure that the noise generated by development at the limestone quarry does not exceed the criteria in Table 3.

*Table 3: Noise Criteria (dB(A)) – Limestone Quarry*

| Location                             | Day                                | Evening                            | Night                              |                                  |
|--------------------------------------|------------------------------------|------------------------------------|------------------------------------|----------------------------------|
|                                      | <i>L<sub>Aeq</sub> (15 minute)</i> | <i>L<sub>Aeq</sub> (15 minute)</i> | <i>L<sub>Aeq</sub> (15 minute)</i> | <i>L<sub>A1</sub> (1 minute)</i> |
| Moorelands                           | 42                                 | 35                                 | 35                                 | 45                               |
| Lesbina                              | 38                                 | 35                                 | 35                                 | 45                               |
| Eastbourne                           |                                    |                                    |                                    |                                  |
| Gillenbine                           | 37                                 | 35                                 | 35                                 | 45                               |
| All other privately-owned residences | 35                                 | 35                                 | 35                                 | 45                               |

*Note: To identify the residences referred to in Table 3, see Appendix 4.*

### Operational Noise Criteria – Rail Siding

5. The Applicant must ensure that the noise emissions from the development at the rail siding do not exceed the noise limits in Table 4.

*Table 4: Noise Criteria (dB(A)) – Rail Siding*

| Location                             | Day                                | Evening                            | Night                              |                                  |
|--------------------------------------|------------------------------------|------------------------------------|------------------------------------|----------------------------------|
|                                      | <i>L<sub>Aeq</sub> (15 minute)</i> | <i>L<sub>Aeq</sub> (15 minute)</i> | <i>L<sub>Aeq</sub> (15 minute)</i> | <i>L<sub>A1</sub> (1 minute)</i> |
| Glen Rock                            | 37                                 | 35                                 | 35                                 | 45                               |
| Ballanrae                            |                                    |                                    |                                    |                                  |
| Spring Park                          |                                    |                                    |                                    |                                  |
| All other privately-owned residences | 35                                 | 35                                 | 35                                 | 45                               |

*Note: To identify the residences referred to in Table 4, see Appendix 4.*

### Noise Management Requirements

6. Noise generated by the development is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (EPA, 1999), or its latest version. Appendix 4 sets out the meteorological conditions under which the criteria in conditions 3 – 5 above apply, and the requirements for evaluating compliance with these criteria.

### Noise Agreements

7. However, the noise criteria in conditions 3 – 5 above do not apply if the Applicant has an agreement with the owner/s or leaseholders of the residence to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

### Operating Conditions

8. The Applicant must:
- minimise the noise impacts of the development during meteorological conditions under which the noise limits in this consent do not apply; and
  - undertake regular attended monitoring of the noise of the development, to ensure compliance with the relevant conditions of this consent.

### Noise Management Plan

9. Prior to carrying out any development under this consent after 6 May 2017, the Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with the EPA;
  - include management of construction, traffic and operational noise;
  - describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions of this consent, including measures to reduce noise emissions from the mine during night time operations under adverse meteorological conditions;
  - include a noise monitoring program for evaluating and reporting on:
    - compliance against the noise criteria in this consent;
    - compliance against the noise operating conditions; and
  - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.
10. The Applicant must implement the approved Noise Management Plan for the development.

## BLASTING

11. Deleted.

### Blasting Criteria

12. The Applicant must ensure that blasting at the [mine or](#) limestone quarry does not cause exceedances of the criteria in Table 5.

Table 5: Blasting Criteria (dB(A))

| Location                          | Airblast overpressure (db(lin peak)) | Ground vibration (mm/s) | Allowable exceedance                        |
|-----------------------------------|--------------------------------------|-------------------------|---|
| Residence on privately-owned land | 120                                  | 10                      | 0%  |
|                                   | 115                                  | 5                       | 5% of total blasts over any 12 month period |

13. However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner, and has advised the Department in writing of the terms of this agreement.

### Blasting Hours

14. The Applicant may only carry out blasting at the [mine or](#) limestone quarry between 9:00am and 5:00pm Monday to Saturday, inclusive. No blasting is allowed on Sundays, public holidays or at any other time without the written approval of the Secretary.

[This condition does not apply to blasts required to ensure the safety of the mine, its workers or the general public.](#)

### Operating Conditions

15. The Applicant must:
- implement best management practice to:
    - protect the safety of people and livestock in the surrounding area;
    - protect public or private infrastructure/ property in the surrounding area from damage from blasting operations; and
    - minimise the dust and fume emissions from any blasting; and
  - monitor and report on compliance with the relevant blasting conditions in this consent, to the satisfaction of the Secretary.

### Blast Management Plan

16. Prior to carrying out any blasting at the [mine or](#) limestone quarry, the Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Secretary. This plan must:
- describe the measures that would be implemented to ensure compliance with the blasting criteria and operating conditions of this consent;
  - propose and justify any alternative ground vibration limits for any public infrastructure in the vicinity of the site (if relevant); and
  - include a monitoring program for evaluating and reporting on compliance with the blasting criteria and operating conditions.
17. The Applicant must implement the approved Blast Management Plan for the development.

## AIR QUALITY

### Odour

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

### Air Quality – Mine

19. The Applicant must ensure that gaseous emissions from the development at the mine comply with the requirements of any EPL or the relevant requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010* and the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2016)* (or its latest version).
20. On submission of an application for an Environment Protection Licence, the Applicant must provide [an](#) air quality impact assessment to ensure the impacts of the proposal are appropriately assessed and demonstrate compliance with the relevant requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*, [to the satisfaction of the EPA.](#)

## Air Quality Criteria - Development

21. 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 Tables 6, 7 and 8 at any residence on privately owned land.

Table 6: Long term impact assessment criteria for particulate matter

| Pollutant                           | Averaging period | d Criterion            |
|-------------------------------------|------------------|------------------------|
| TSP matter                          | Annual           | a 90 µg/m <sup>3</sup> |
| Particulate matter < 10 µm (PM10)   | Annual           | a 25 µg/m <sup>3</sup> |
| Particulate matter < 2.5 µm (PM2.5) | Annual           | a 8 µg/m <sup>3</sup>  |

Table 7: Short term impact assessment criterion for particulate matter

| Pollutant                           | Averaging period | d Criterion            |
|-------------------------------------|------------------|------------------------|
| Particulate matter < 10 µm (PM10)   | 24 hour          | a 50 µg/m <sup>3</sup> |
| Particulate matter < 2.5 µm (PM2.5) | 24 hour          | a 25 µg/m <sup>3</sup> |

Table 8: Long term impact assessment criteria for deposited dust

| Pollutant        | Averaging period | Maximum increase in deposited dust level | Maximum total deposited dust level |
|------------------|------------------|--|------------------------------------|
| c Deposited dust | Annual           | b 2 g/m <sup>2</sup> /month              | a 4 g/m <sup>2</sup> /month        |

Notes to Tables 6-8:

- Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).
- Incremental impact (i.e. incremental increase in concentrations due to the development on its own).
- Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.
- Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Secretary.

## Operating Conditions

22. The Applicant must:
- minimise:
    - dust emissions from the development;
    - the surface disturbance of the development, including implementing interim rehabilitation strategies to stabilise areas prone to dust generation that cannot be permanently rehabilitated;
    - the greenhouse gas emissions of the development;
  - carry out any monitoring required by the EPA, and publish the results of this monitoring on its website.

## Air Quality Management Plan

23. Prior to carrying out any development under this consent after 6 May 2017, unless otherwise agreed by the Secretary, the Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with the EPA;
  - outline the procedure for notifying property owners and occupiers likely to be affected by dust from the operations;
  - describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this consent;
  - include an air quality monitoring program that:
    - includes real-time monitoring;
    - supports proactive and reactive air quality management strategies;
    - includes monitoring of the sulphuric acid plant stack emissions, including continuous monitoring of in-stack pollutant concentrations;
    - includes key performance indicators;
    - evaluates and reports on:
      - baseline monitoring;
      - compliance against the air quality operating conditions;
      - compliance against the air quality criteria in this consent;
      - the effectiveness of the air quality management system; and
    - considers what real-time and/or regular reporting on air quality monitoring data would be useful to provide regularly on the Applicant's website;

- (e) defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.
24. The Applicant must implement the approved Air Quality Management Plan for the development.

### Air Quality Verification

- 24A. The Applicant must provide an Air Quality Verification Report to the satisfaction of the EPA, that confirms all sulphuric acid plant and power generation facility stack emission discharges will comply with the prescribed concentrations contained in the *Protection of the Environment Operations (Clean Air) Regulation 2010* and best practice emission concentrations.

### Meteorological Monitoring

25. Prior to carrying out any development under this consent after 6 May 2017, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the mine site that complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline. Once established, this meteorological station must operate for the remainder of the life of the development.

## WATER

### Water Supply

26. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of development on site to match its available water supply.

*Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.*

### Water Pollution

27. Unless an EPL authorises otherwise, the Applicant must comply with Section 120 of the POEO Act.

### Compensatory Water Supply

28. The Applicant must provide a compensatory water supply to anyone whose basic landholder water rights (as defined in the *Water Management Act 2000*) are adversely and directly impacted as a result of the development. This supply must be provided in consultation with [Dol Lands & Water](#), and to the satisfaction of the Secretary.

The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributable to the development. Equivalent water supply must be provided (at least on an interim basis) as soon as possible after the loss is identified, unless otherwise agreed with the landowner.

If the Applicant and the landowner cannot agree on 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 Secretary for resolution.

If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide alternative compensation to the satisfaction of the Secretary.

### Water Management Performance Measures

29. The Applicant must ensure the development on site complies with the performance measures in Table 9, to the satisfaction of the Secretary.

*Table 9: Water Management Performance Measures*

| <b>Feature</b>                               | <b>Performance Measure</b>   |
|--|--|
| Water management – General                   | <ul style="list-style-type: none"> <li>Maintain separation between clean and mine water management systems</li> <li>Minimise the use of clean water on site</li> </ul>   |
| Construction and operation of infrastructure | <ul style="list-style-type: none"> <li>Design, install and maintain erosion and sediment controls generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction including Volume 1, Volume 2A – Installation of Services and Volume 2C – Unsealed Roads</i></li> <li>Design, install and maintain infrastructure within 40 m of watercourses generally in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land (DPI 2012)</i>, or its latest version</li> <li>Design, install and maintain any creek crossings generally in accordance</li> </ul> |

| <b>Feature</b>                            | <b>Performance Measure</b>   |
|---|--|
|   | with the <i>Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013)</i> and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003)</i> , or their latest versions   |
| Clean water diversion infrastructure      | <ul style="list-style-type: none"> <li>Maximise the diversion of clean water around disturbed areas on site</li> <li>Design, construct and maintain the clean water diversions to capture and convey the 100 year, peak flow rainfall event</li> </ul>   |
| Sediment dams (mine and limestone quarry) | <ul style="list-style-type: none"> <li>Design, install and/or maintain the dams generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries</i></li> </ul>  |
| Mine and limestone quarry water storages  | <ul style="list-style-type: none"> <li>Design, install and/or maintain mine and limestone water storage infrastructure to ensure no discharge of mine or limestone quarry water off-site (except in accordance with an EPL)</li> <li>On-site storages (including mine infrastructure dams, groundwater storage and treatment dams) are suitably designed, installed and/or maintained to minimise permeability</li> <li>Ensure that the floor and side walls of the Tailings Storage Facility, Evaporation Basin and Surge Dam are designed with a minimum of a 900 mm clay or modified soil liner with a permeability of no more than <math>1 \times 10^{-9}</math> m/s, or a synthetic (plastic) liner of 1.5 mm minimum thickness with a permeability of no more than <math>1 \times 10^{-14}</math> m/s (or equivalent)</li> <li>Design, install and maintain a seepage interception system in the Tailings Storage Facility embankments in accordance with DSC guidelines</li> <li>Design, install and maintain the water storages to capture and convey the 100 year, 72-hour ARI rainfall event</li> <li>Design, install and/or maintain the facilities to meet the requirements of the DSC</li> <li>The design of the Tailings Storage Facility should conform to: <ul style="list-style-type: none"> <li>DSC3A – Consequence Categories for Dams (DSC); and</li> <li>DSC3F – Tailings Dams (DSC)</li> </ul> </li> </ul> |
| Chemical and hydrocarbon storage          | <ul style="list-style-type: none"> <li>Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards</li> </ul>  |
| Irrigation Area                           | <ul style="list-style-type: none"> <li>Manage the irrigation area in accordance with the EPA's <i>Environmental Guidelines: Use of Effluent by Irrigation</i></li> </ul>   |

### Water Management Plan

30. Prior to carrying out any development after 6 May 2017, the Applicant must prepare a Water Management Plan for the development in consultation with [Dol Lands & Water](#) and the EPA, and to the satisfaction of the Secretary. This plan must include:
- (a) a Water Balance that:
- includes details of:
    - sources and security of water supply, including contingency planning for future reporting periods;
    - water use and management on site;
    - measures to prioritise the use of water in the following order:
      - recycled water from the water treatment plant;
      - other on-site sources (in accordance with harvestable rights provisions); and
      - water extracted from the borefields and Lachlan River;
    - reporting procedures, including the preparation of a site water balance for each calendar year; and
  - describes the reasonable and feasible measures that would be implemented to minimise clean water use on site and maximise the reuse of recovered tailings water at the facility;
- (b) a Surface Water Management Plan, that includes:
- baseline data on water flows and quality in the watercourses that could be affected by the development (if available);
  - a detailed description of the water management system on-site, including the:
    - clean water diversion systems;
    - erosion and sediment controls; and
    - water storages; and
    - irrigation area;
  - objectives and performance criteria, including trigger levels for investigating any potential or actual adverse impacts associated with the development, including the:
    - surface water flows and quality;
    - downstream flooding;

- a program to monitor and report on:
    - the effectiveness of the water management system and tailings storage facility; and
    - surface water flows and water quality;
    - the performance measures listed in Table 9;
    - impacts on water users;
    - downstream flooding;
  - a plan to respond to any exceedances of the trigger levels and/or performance criteria, and minimise and/or offset any adverse surface water impacts of the development;
- (c) a Groundwater Management Plan, that includes:
- baseline data on groundwater levels, yield and quality in the region and privately-owned groundwater bores that could be affected by the development in the vicinity of the borefields;
  - groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts associated with the development in the vicinity of the borefields;
  - a program to monitor and report on:
    - groundwater inflows into the open cut pits, if relevant;
    - the seepage/leachate from the tailings storage facility and evaporation ponds; and
    - the impacts of the development on:
      - groundwater supply of any potentially affected landholders, particularly around the borefields;
      - regional and local aquifers; and
      - post-mining groundwater recovery;
  - a plan to respond to any exceedances of the groundwater assessment criteria, and mitigate any adverse impacts of the development;

31. The Applicant must implement the approved Water Management Plan for the development.

## **BIODIVERSITY**

### **Revegetation**

32. For every 1 ha of native woodland vegetation cleared for the mine or limestone quarry, a minimum of 2 ha must be revegetated as native woodland.

### **Revegetation Strategy**

33. Prior to carrying out any development under this consent after 6 May 2017, the Applicant must prepare a Revegetation Strategy for the development, in consultation with OEH, to the satisfaction of the Secretary. This strategy must:

- (a) include updated estimates of the likely clearing of native vegetation required over the life of the development;
- (b) identify areas on or off site that will be available for revegetation over the life of the development;
- (c) propose a strategy for progressive rehabilitation and revegetation for the development and which reflects the requirements of condition 32 (for the mine and limestone quarry); and
- (d) include a program to monitor and review the effectiveness of the strategy over the life of the development.

34. The Applicant must implement the approved Revegetation Strategy for the development.

### **Biodiversity Management Plan**

35. Prior to carrying out any development under this consent after 6 May 2017, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with OEH, and to the satisfaction of the Secretary. This plan must:

- (a) describe the short, medium, and long term measures that would be implemented to:
  - manage and enhance the quality of remnant vegetation and fauna habitat on site, with specific emphasis on the preservation of remnant Box woodland; and
  - ensure that the Revegetation Strategy is effectively implemented over the life of the development;
- (b) include detailed performance and completion criteria for evaluating the performance of the revegetation area identified in the approved Revegetation Strategy, and triggering remedial action (if necessary);
- (c) include a detailed description of the measures that would be implemented for:
  - protecting vegetation and fauna habitat outside the approved disturbance area on-site;
  - enhancing the quality of existing vegetation and fauna habitat in the revegetation area identified in the approved Revegetation Strategy;
  - minimising, clearing and avoiding unnecessary disturbance within the approved development footprint;
  - recording the details of any vegetation clearing that is undertaken for the development;
  - progressively rehabilitating and revegetating the site, particularly in temporary disturbance areas;
  - maximising the salvage of resources within the approved disturbance area - including vegetative

- and soil resources – for beneficial reuse in the rehabilitation of the site;
  - collecting and propagating seed;
  - identifying and managing significant impacts on any threatened fauna species not identified in the EIS, (particularly the Yellow-bellied Sheathtail Bat, Little Pied Bat, Greater Long eared bat, Barking Owl, Pied Honey eater, Major Mitchell's Cockatoo and Superb Parrot);
  - minimising the impacts on threatened fauna on site, including pre-clearance surveys (with an emphasis on tree hollows, stags and roosting bats);
  - seasonally adjusting activities to minimise disturbance of potential breeding activities;
  - minimising potential exposure to tailings;
  - implementing a fauna rescue strategy (including provision of artificial roosts);
  - controlling weeds and feral pests;
  - managing bushfire risk;
  - controlling erosion;
  - (d) include a seasonally-based program to monitor and report on the effectiveness of these measures;
  - (e) identify the potential risks to the successful implementation of the Biodiversity Management Plan, and include a description of the contingency measures that would be implemented to mitigate against these risks; and
  - (f) include details of who would be responsible for monitoring, reviewing, and implementing the plan.
36. The Applicant must implement the approved Biodiversity Management Plan for the development.

## HERITAGE

### Protection of Heritage Sites

37. Unless otherwise authorised under the NP&W Act, the Applicant must ensure that the development does not cause any direct or indirect impact on any Aboriginal heritage items located outside the approved disturbance area of the development.
38. Prior to any disturbance of the artefacts identified as Syerston 1 in the EIS, the Condobolin Local Aboriginal Council or the Wiradjuri Branch of the NSW Aboriginal Land Council must be invited to collect the artefacts.
39. The pastoral out station on the western boundary of the mine site (illustrated in Figure 5 in Appendix M of the EIS) should be retained if practical and feasible.

### Heritage Management Plan

40. Prior to carrying out any development under this consent after 6 May 2017, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Secretary;
  - (b) be prepared in consultation with OEH and the Condobolin Local Aboriginal Land Council, Wiradjuri Branch of the NSW Aboriginal Land Council (in relation to the management of Aboriginal heritage values);
  - (c) include a description of the measures that would be implemented for:
    - managing the discovery of any human remains or previously unidentified heritage objects on site; and
    - ensuring workers on-site receive suitable heritage inductions prior to carrying out works on the site, and that suitable records are kept of these inductions;
  - (d) include a description of the measures that would be implemented for:
    - protecting, monitoring and/ or managing Aboriginal heritage items on site, paying particular attention to the following sites as identified in the EIS:
      - Syerston 2 – open scatter and possible knapping floor;
      - Syerston 3 – isolated flake of brown/red vitreous volcanic material; and
      - Scarred tree beside the Fifield to Wilmatha Road;
    - implementing archaeological investigations and/ or salvage measures for Aboriginal heritage items on site;
    - maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on site;
    - on-going consultation with the Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage on site; and
    - protecting Aboriginal sites and items outside the development disturbance area from the development; and
  - (e) include the following for the management of non-Aboriginal heritage:
    - a description of the measures that would be implemented for:
      - protecting, monitoring and/or managing heritage objects on site (particularly the pastoral out station referred to in condition 39 of this consent);
      - recording, prior to disturbance, any heritage areas or structures that will be impacted by the development, and making these records publicly available;



- managing the discovery of any previously unidentified heritage objects on site; and
- implementing archaeological investigations and/ or salvage measures for heritage items on site;

41. The Applicant must implement the approved Heritage Management Plan for the development.

#### TRANSPORT

42. Deleted.

#### Road Upgrade and Maintenance Strategy

43. Prior to carrying out any development under this consent after 6 May 2017, the Applicant must prepare a Road Upgrade and Maintenance Strategy for the development, in consultation with RMS and Council, and to the satisfaction of the Secretary. This strategy must:

- (a) identify the road and intersection upgrades required for the project, including all those outlined in Appendix 5; ~~and~~
- (b) include a program **that details:**
  - the scheduling of road upgrades required to be implemented in accordance with Appendix 5; and
  - the maintenance of the relevant sections of the road network following the upgrades; **and**
- (c) **be consistent with the terms of the VPA outlined in Appendix 3.**

44. The Applicant must implement the approved Road Upgrade and Maintenance Strategy for the development.

#### Traffic Management Plan

45. Prior to carrying out any development under this consent after 6 May 2017, the Applicant must prepare a Traffic Management Plan for the development in consultation with the relevant road authority, and to the satisfaction of the Secretary. This plan must include:

- (a) details of all transport routes and traffic types to be used for development-related traffic;
- (b) **a program to monitor and report on the amount of metal sulphate precipitate, scandium oxide and ammonium sulphate transported from the mine;**
- (c) a program to monitor and report on the amount of limestone transported from the limestone quarry **and third party suppliers;**
- (d) the measures that would be implemented to:
  - minimise traffic safety issues and disruption to local users of the transport route/s during construction and decommissioning of the development, including:
    - temporary traffic controls, including detours and signage;
    - notifying the local community about development-related traffic impacts; and
    - a traffic management system for managing over-dimensional vehicles;
  - **operate shuttle bus services to transport employees to and from Parkes, Forbes and Condobolin to the mine; and**
  - **operate high capacity trucks to transport limestone and other materials and products to and from the mine;**
- (e) a Road Transport Protocol for all drivers transporting materials to and from the site with measures to:
  - ensure drivers adhere to the designated transport routes, **and prioritise use of national, state and regional roads over local roads;**
  - verify that these heavy vehicles are completely covered whilst in transit;
  - co-ordinate the staggering of heavy vehicle departures to minimise impacts on the road network, where practicable;
  - minimise disruption to school bus timetables and rail services;
  - ensure travelling stock access and right of way to the adjacent travelling stock route;
  - maintain radio communications between all school buses and heavy vehicle operators operating on the transport route between the rail siding, **limestone quarry or third party limestone quarries and the mine;**
  - manage worker fatigue during trips to and from the site;
  - manage appropriate driver behaviour including adherence to speed limits, safe overtaking and maintaining appropriate distances between vehicles (i.e. a Driver Code of Conduct);
  - inform drivers of relevant drug and alcohol policies;
  - regularly inspect vehicles maintenance and safety records;
  - implement contingency procedures when the transport route is disrupted **(e.g. flood events and other emergencies);**
  - respond to emergencies;
  - transport processing reagents safely;
  - **minimise disruption to community events and festivals, in consultation with event organisers;**
  - **implement reasonable and feasible measures to minimise amenity impacts to local communities, including minimising night time truck movements and compression braking in urban areas as far as practicable; and**

- ensure compliance with and enforcement of the protocol.

46. The Applicant must implement the approved Traffic Management Plan for the development.

#### ACCOMMODATION CAMP

47. Prior to carrying out any development at the accommodation camp, unless otherwise agreed by the Secretary, the Applicant must prepare a final layout for the accommodation camp in consultation with Lachlan Shire Council, and to the satisfaction of the Secretary.

47A. Prior to reducing the capacity of the accommodation camp, unless otherwise agreed by the Secretary, the Applicant must prepare a reduced capacity accommodation camp layout in consultation with Lachlan Shire Council, and to the satisfaction of the Secretary.

#### VISUAL

##### Operating Conditions

48. The Applicant must:

- implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development;
- ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting*, or its latest version;
- take all practical measures to shield views of the development from users of public roads and privately-owned residences; and
- ensure the visual appearance of all ancillary infrastructure (including paint colours, specifications and screening) blends in as far as possible with the surrounding landscape; and
- establish the vegetation screens (shown in Figure 2 in Appendix 2) within 3 years of the commencement of any development on the mine site (unless otherwise agreed by the Secretary), and maintain these screens throughout the life of the development;

to the satisfaction of the Secretary.

#### BUSHFIRE MANAGEMENT

49. The Applicant must:

- ensure that the development:
  - provides for asset protection in accordance with the RFS's *Planning for Bushfire Protection 2006* (or equivalent); and
  - is suitably equipped to respond to any fires on site;
- develop procedures to manage potential fires on site and in the vicinity of the site, in consultation with the RFS; and
- assist the RFS and emergency services as much as possible if there is a fire in the vicinity of the site.

#### DANGEROUS GOODS

50. The Applicant must ensure that the storage, handling, use and transport of dangerous goods is done in accordance with:

- the relevant Australian Standards, particularly AS1940 and AS1596;
- the *Australian Code for the Transport of Dangerous Goods by Road and Rail*;
- Hazardous Industry Planning Advisory Paper No 11 'Route Selection'*; and
- Managing Risk of Hazardous Chemicals in the Workplace Code of Practice (SafeWork NSW)*.

51. Bulk storage of hydrogen sulphide (H<sub>2</sub>S) and sulphur dioxide (SO<sub>2</sub>) is not permitted at the mine, other than to ensure process continuity in the event of a process upset, start-up or shut-down.

#### HAZARDS AND RISK

##### Pre-Construction Hazard Studies

52. Prior to commencement of construction of the mine processing facility and gas pipeline (except for preliminary works), the Applicant must prepare and submit for approval a:

- Fire Safety Study for the mine processing facility and gas pipeline, covering all relevant aspects of the Department's publication *Hazardous Industry Planning Advisory paper No. 2, 'Fire Safety Study'* and the *New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*.

- (b) Final Hazard Analysis for the **mine processing facility and gas pipeline**, prepared by a suitably qualified and experienced person(s) approved by the Secretary, consistent with the Department's publication *Hazardous Industry Planning Advisory Paper No. 6*, 'Guidelines for Hazard Analysis'. The Final Hazard Analysis must report on the implementation of the recommendation made by the Preliminary Hazard Assessment, within the EIS.
- (c) Construction Safety Study for the mine processing facility and gas pipeline, prepared in accordance with *Hazardous Industry Planning Advisory Paper No. 7*, 'Construction Safety Study Guidelines'.
- (d) Hazard and Operability Study for the mine processing facility and **gas pipeline**, to be conducted by a suitably qualified and experienced team and chaired by a suitably qualified and independent, whose appointments have been endorsed by the Secretary. The study shall be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 8*, 'HAZOP Guidelines'. The final report for the study must be accompanied by a program for the implementation of all recommendations made within the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented

**52A. Construction of the mine processing facility and gas pipeline must not commence until approval of the Pre-Construction Hazard Studies has been given by the Secretary.**

### **Pre-Commissioning Hazard Studies**

53. Prior to commissioning of the mine processing facility and gas pipeline, the Applicant must prepare and submit for approval:
- (a) Transport of Hazardous Materials Study for the development, covering the transport of hazardous materials including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the development. The Study must be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 11*, 'Route Selection'. Suitable routes identified in the Study must be used except where departures are necessary for local deliveries or emergencies.
  - (b) Emergency Plan for the development, prepared by suitably qualified person(s) approved by the Secretary. The Plan must be developed in consultation with the State Emergency Services, RFS, Fire & Rescue NSW and Lachlan Shire Council, and include detailed procedures for the development and include consideration of the safety of all people outside the development who may be at risk from the development. The Plan must be prepared in a manner that is consistent with the:
    - Department's publication *Hazardous Industry Planning Advisory Paper No. 1*, 'Industry Emergency Planning Guidelines', including the matters in Appendix 6 – Major Hazard Facilities;
    - *Code of Practice for Emergency Planning at Mines* (NSW Resources Regulator); and
    - *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and Regulations;
  - (c) Safety Management System for the development, prepared in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 9*, 'Safety Management'. The System must cover all operations on-site and associated transport activities involving hazardous materials, **and include hazardous chemicals as a Principal Mining Hazard**. All safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures, must be clearly specified in the System. Records must be kept on-site and must be available for inspection by the Secretary upon request.

**53A. Commissioning of the mine processing facility and gas pipeline must not commence until approval of the Pre-Commissioning Hazard Studies has been given by the Secretary.**

### **WASTE**

54. The Applicant must:
- (a) implement all reasonable and feasible measures to minimise the waste generated by the development;
  - (b) classify all waste in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
  - (c) store and handle all waste generated on site in accordance with its classification;
  - (d) not receive or dispose of any waste on site;
  - (e) ensure that waste is disposed of at appropriately licensed waste facilities; and
  - (f) manage on-site sewage treatment and disposal in accordance with the requirements of the relevant Councils and EPA.

## REHABILITATION

### Rehabilitation Objectives

55. The Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS, and comply with the objectives in Table 10.

Table 10: Rehabilitation Objectives

| Feature                | Objective   |
|------------------------|---|
| Site (as a whole)      | <ul style="list-style-type: none"> <li>• Safe, stable &amp; non-polluting</li> <li>• Materials (including topsoils, substrates and seeds of the disturbed areas) are recovered, appropriately managed and used effectively as resources in the rehabilitation of the site</li> <li>• Final landforms to:               <ul style="list-style-type: none"> <li>- restore native vegetation communities and ecosystem function (in the applicable domains);</li> <li>- sustain the intended land use for the post-mining domains;</li> <li>- minimise visual impacts</li> <li>- be generally in keeping with the natural terrain features of the area;</li> <li>- incorporate micro-relief</li> </ul> </li> <li>• incorporate drainage lines consistent with topography and natural drainage where reasonable and feasible</li> </ul> |
| Final voids            | <ul style="list-style-type: none"> <li>• Minimise:               <ul style="list-style-type: none"> <li>- the size and depth of the final void/s</li> <li>- the drainage catchment of the final voids</li> <li>- risk of flood interaction for all flood events up to and including a 1 in 100 year or 1% annual exceedance probability storm event</li> </ul> </li> </ul>  |
| Surface infrastructure | <ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless agreed otherwise by the Secretary</li> </ul>  |
| Agriculture            | <ul style="list-style-type: none"> <li>• Agriculture (pasture for grazing) land use areas are established and self-sustaining within a reasonable timeframe</li> </ul>  |
| Community              | <ul style="list-style-type: none"> <li>• Ensure public safety</li> <li>• Minimise the adverse socio-economic effects of mine closure</li> </ul>   |

### Progressive Rehabilitation

56. The Applicant must rehabilitate the site progressively, that is, as soon as is practicable following disturbance, to the satisfaction of the Secretary Industry.

### Rehabilitation Management Plan

57. Prior to carrying out any development under this consent after 6 May 2017, the Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the Department, OEH, DPI and relevant Councils;
  - (b) be prepared in accordance with relevant guidelines and consistent with the rehabilitation objectives in the EIS and in Table 10;
  - (c) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);
  - (d) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including timeframes for achieving specified rehabilitation objectives;
  - (e) review the final land use options, including the use of void water at the mine and limestone quarry;
  - (f) include a mine closure strategy that details measures to minimise the long term impacts associated with mine closure, including final landform and the final voids, final land use and socio-economic issues;
  - (g) include interim rehabilitation where necessary to minimise the area exposed for dust generation;
  - (h) include a strategy for the preparation of the site for habitat rehabilitation as part of the revegetation program, including the exclusion of stock feeding on bushland reconstruction areas;
  - (i) include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and
  - (j) build to the maximum extent practicable on the other management plans required under this consent.
58. The Applicant must implement the approved Rehabilitation Management Plan for the development.

## SCHEDULE 4

### ADDITIONAL PROCEDURES

#### NOTIFICATION OF LANDOWNERS/ TENANTS

1. As soon as practicable after obtaining monitoring results showing an exceedance of any relevant criteria in Schedule 3, the Applicant must notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria.

#### INDEPENDENT REVIEW

2. If an owner of privately-owned land considers the development to be exceeding the relevant criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.

If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Applicant must:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:
  - consult with the landowner to determine his/her concerns;
  - conduct monitoring to determine whether the development is complying with the relevant criteria in schedule 3; and
  - if the development is not complying with these criteria, then identify the measures that could be implemented to ensure compliance with the relevant criteria; and
- (b) give the Secretary and landowner a copy of the independent review.

*Note: Where the independent review finds that the development is not complying with applicable criteria, the Department may take enforcement action under the EP&A Act to ensure compliance with the consent.*

#### LAND ACQUISITION

3. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on:
  - (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the:
    - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
    - presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date;
  - (b) the reasonable costs associated with:
    - relocating within the Lachlan Shire Council Council, Forbes Shire Council or Parkes Shire Council local government areas, or to any other local government area determined by the Secretary; and
    - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
  - (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.

Upon receiving such a request, the Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- consider submissions from both parties;
- determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
- prepare a detailed report setting out the reasons for any determination; and
- provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination.

Following consultation with the independent valuer and both parties, the Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.

Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.

If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, unless the Secretary determines otherwise, then the Applicant's obligations to acquire the land shall cease.

4. The Applicant must pay all reasonable costs associated with the land acquisition process described in condition 4 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

## SCHEDULE 5

### ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

#### ENVIRONMENTAL MANAGEMENT

##### Environmental Management Strategy

1. Prior to carrying out any development under this consent after 6 May 2017, the Applicant must prepare an Environmental Management Strategy for the development in consultation with the relevant authorities and the CCC and to the satisfaction of the Secretary. This strategy must:
  - (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) include overall ecological and community objectives for the development, and a strategy for the restoration and management of the areas affected by operations, including elements such as creek lines and drainage channels, within the context of those objectives;
  - (e) identify cumulative environmental impacts and procedures for dealing with these at each stage of the development;
  - (f) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise;
    - respond to any non-compliance; and
    - respond to emergencies; and
  - (g) include:
    - copies of any strategies, plans and programs approved under the conditions of this consent; and
    - a clear plan depicting all the monitoring to be carried out in relation to the development.
2. Following approval, the Applicant must carry out the development in accordance with this strategy.

##### Adaptive Management

3. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/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.

Where any exceedance of these criteria and/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 recur;
- (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 remediation measures as directed by the Secretary to the satisfaction of the Secretary.

##### Management Plan Requirements

4. The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, are consistent with other plans prepared for other stakeholders, and include:
  - (a) detailed baseline data;
  - (b) a description of:
    - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - any relevant limits or performance measures/criteria;
    - 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) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
  - (d) a program to monitor and report on the:
    - impacts and environmental performance of the development;
    - effectiveness of any management measures (see c above);
  - (e) a contingency plan to manage any unpredicted impacts and their consequences;

- (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
- (g) a protocol for managing and reporting any:
  - incidents;
  - complaints;
  - non-compliances with statutory requirements; and
  - exceedances of the impact assessment criteria and/or performance criteria; and
- (h) a protocol for periodic review of the plan.

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

### **Annual Review**

5. By the end of March each year, the Applicant must review the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. This review must:
  - (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against the:
    - relevant statutory requirements, limits or performance measures/criteria;
    - monitoring results of previous years; and
    - relevant predictions in the EIS;
  - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
  - (d) identify any trends in the monitoring data over the life of the development;
  - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

### **Revision of Strategies, Plans and Programs**

6. Within 3 months of the submission of:
  - (a) annual review under condition 5 above;
  - (b) incident report under condition 8 below;
  - (c) audit under condition 10 below; or
  - (d) any modification to the conditions of this consent (unless the conditions require otherwise),

the Applicant must review and, if necessary, revise the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval.

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

### **Community Consultative Committee**

7. The Applicant must establish and operate a CCC for the development to the satisfaction of the Secretary, in accordance with the *Community Consultative Committee Guidelines for State Significant Project (2016)*, or its latest version. The Applicant must ensure at least one CCC meeting is held prior to any development at the mine, unless the Secretary agrees otherwise.

*Notes:*

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.*
- *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Councils, and the local community.*



## REPORTING

### Incident Reporting

8. The Applicant must immediately notify the Secretary and any other relevant agencies [including the relevant Council](#) of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the development, the Applicant must notify the Secretary and any other relevant agencies [including the relevant Council](#) as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

### Regular Reporting

9. The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

## AUDITING

10. Within 1 year of the commencement of the development [after 6 May 2017](#), and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
  - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
  - (b) include consultation with the relevant agencies;
  - (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any other relevant approvals, EPL/s; and/or mining lease/s;
  - (d) include a comprehensive Hazard Audit of the development in accordance with the Department's publication *Hazardous Industry Planning Advisory paper No. 5 - Hazard Audit Guidelines*, including a review of the Site Safety Management System and all entries made in the incident register since the previous Audit.
  - (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and
  - (f) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals.

*Note: This audit team must be led by a suitably qualified auditor, and include experts in water resources, noise, air quality, ecology, and any other fields specified by the Secretary.*

11. Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

## ACCESS TO INFORMATION

12. The Applicant must:
  - (a) make the following information publicly available on its website as relevant to the stage of the development:
    - the EIS;
    - current statutory approvals for the development;
    - approved strategies, plans or programs required under the conditions of this consent;
    - a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
    - a complaints register, which is to be updated on a monthly basis;
    - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
    - any other matter required by the Secretary; and
  - (b) keep this information up to date, to the satisfaction of the Secretary.

## APPENDIX 1

### SCHEDULE OF LAND

| <b>Site</b>                        | <b>Land Description</b>   |
|------------------------------------|---|
| Mine                               | Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 DP 754021<br>Lot 7001 DP 1028245<br>Lots 7301 and 7302 DP 1148734<br>Lot 7303 DP 1148889<br>Lot 1 DP 652705 |
| Fifield Bypass Road                | Lots 8 and 28 DP 752111<br>Crown Road   |
| Limestone quarry                   | Lots 11, 12 and 24 DP 752089<br>Lot 352 DP 629402<br>Lot 281 DP 610057  |
| Rail siding                        | Part Lot 39 DP 752117   |
| Gas pipeline                       | Lots 10 and 17 DP 752086<br>Lots 4, 5, 27 and 28 DP 752087<br>Lots 1 and 2 DP 580284  |
| Borefields/water pipeline          | <a href="#">Lot 1 and 6 DP 598735</a><br><a href="#">Lots 24 and 103 DP 752106</a><br><a href="#">Lot 29 DP 752077</a>                                |
| <a href="#">Accommodation camp</a> | <a href="#">Lot 17 DP 752086</a>  |

And all Crown road reserves, crown land, road reserves, main roads, rail corridors, and travelling stock routes within the development application area, as modified.

**APPENDIX 2**  
**DEVELOPMENT LAYOUT PLANS**

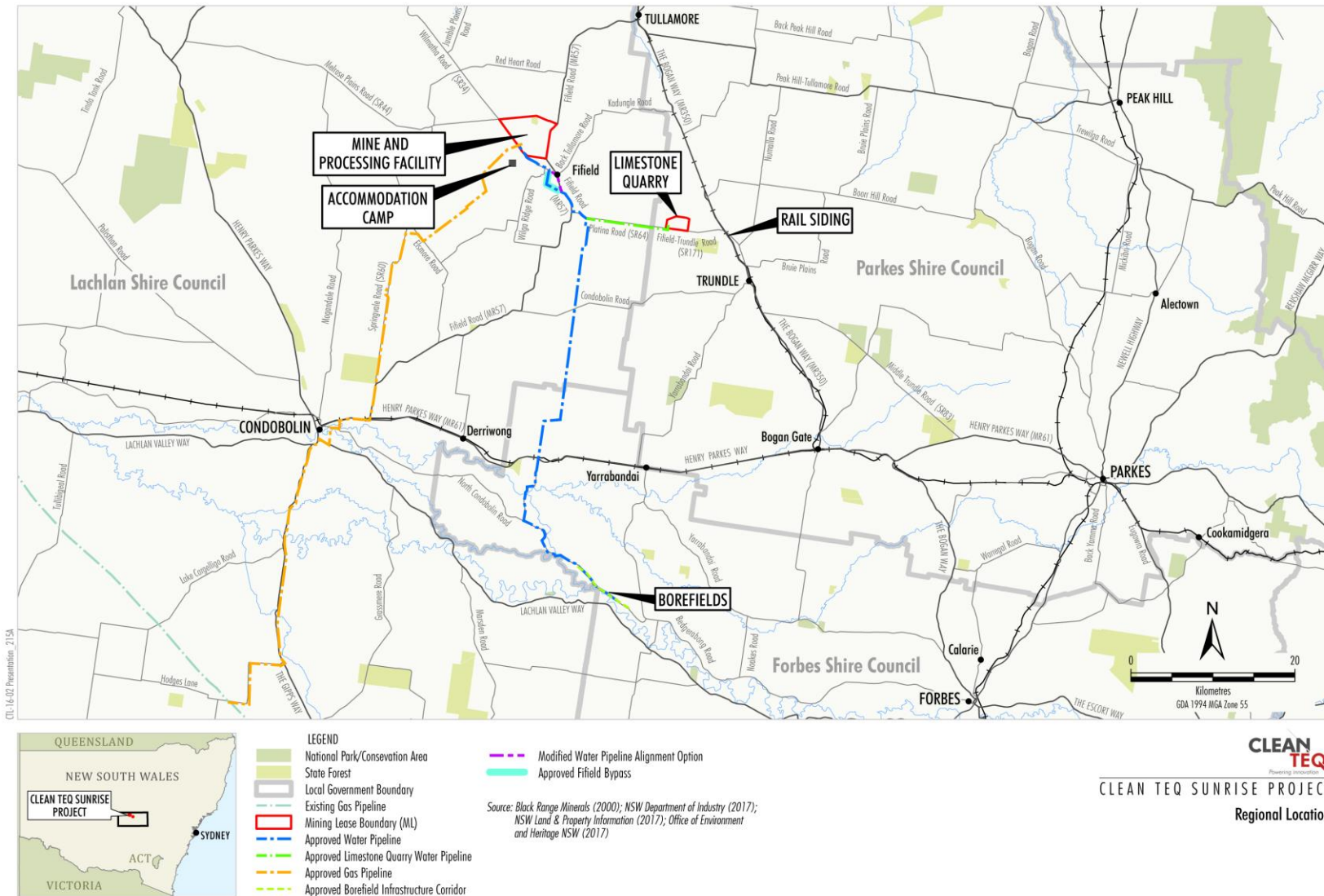
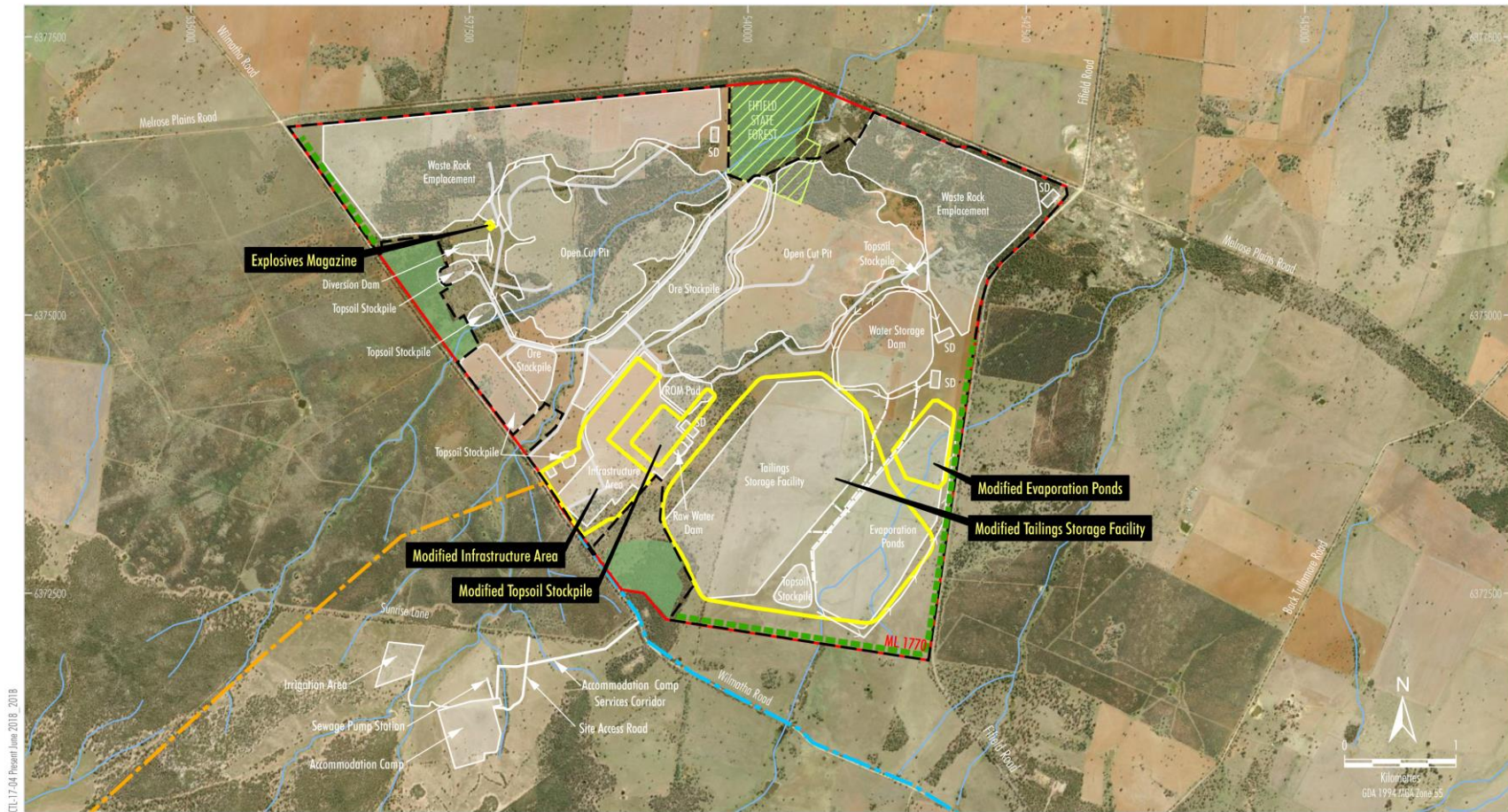


Figure 1: Development Components



CLL-17-04 Present June 2018 - 2018

- LEGEND**
- Slate Forest
  - Mining Lease Boundary (ML)
  - Approved Surface Development Area
  - Approved Mine Footprint
  - Diversion Structure
  - Key Site Water Pipeline
  - Approved Gas Pipeline
  - Approved Water Pipeline
  - Vegetation Screening
  - Existing Open Woodland

Modified Layout

Source: Black Range Minerals (2005); NSW Department of Industry (2017); NSW Land and Property Information (2017)  
 NSW Imagery: © Department of Finance, Services & Innovation (2017)

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**CLEAN TEQ SUNRISE PROJECT**  
 Indicative Modified Mine and Processing Facility  
 General Arrangement

**Figure 2: Mine and Processing Facility – General Layout**

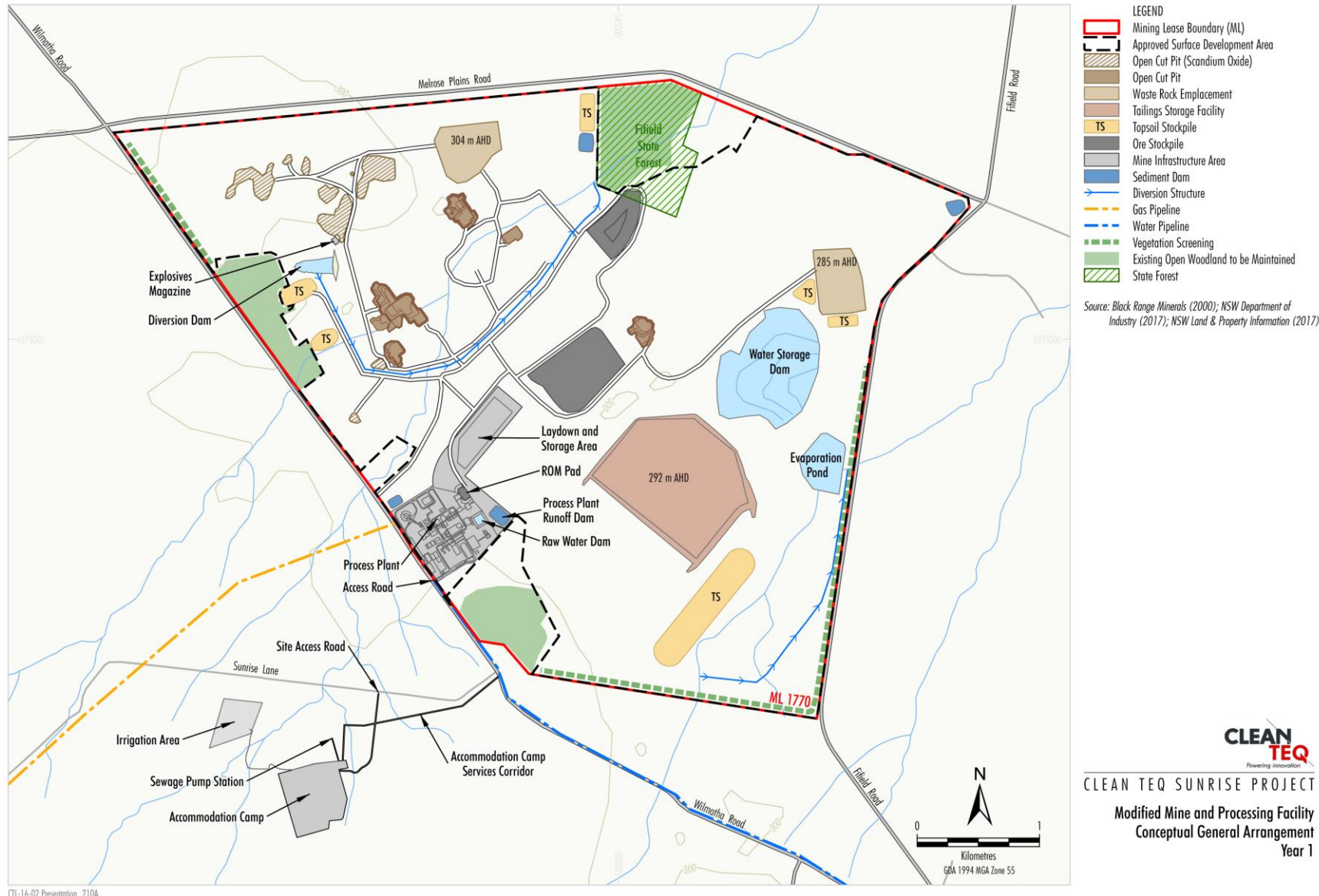


Figure 3: Mine and Processing Facility – Year 1

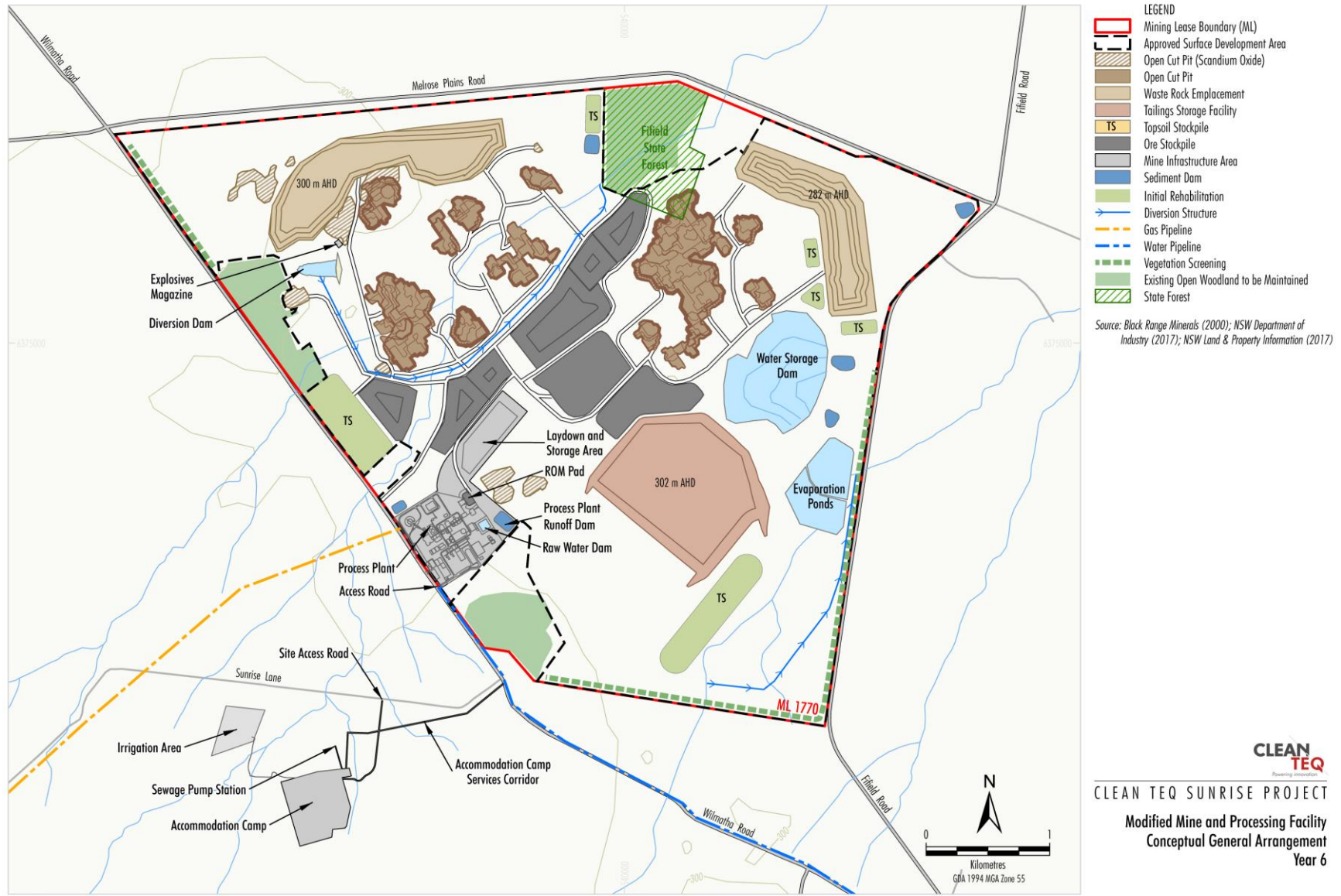


Figure 4: Mine and Processing Facility – Year 6

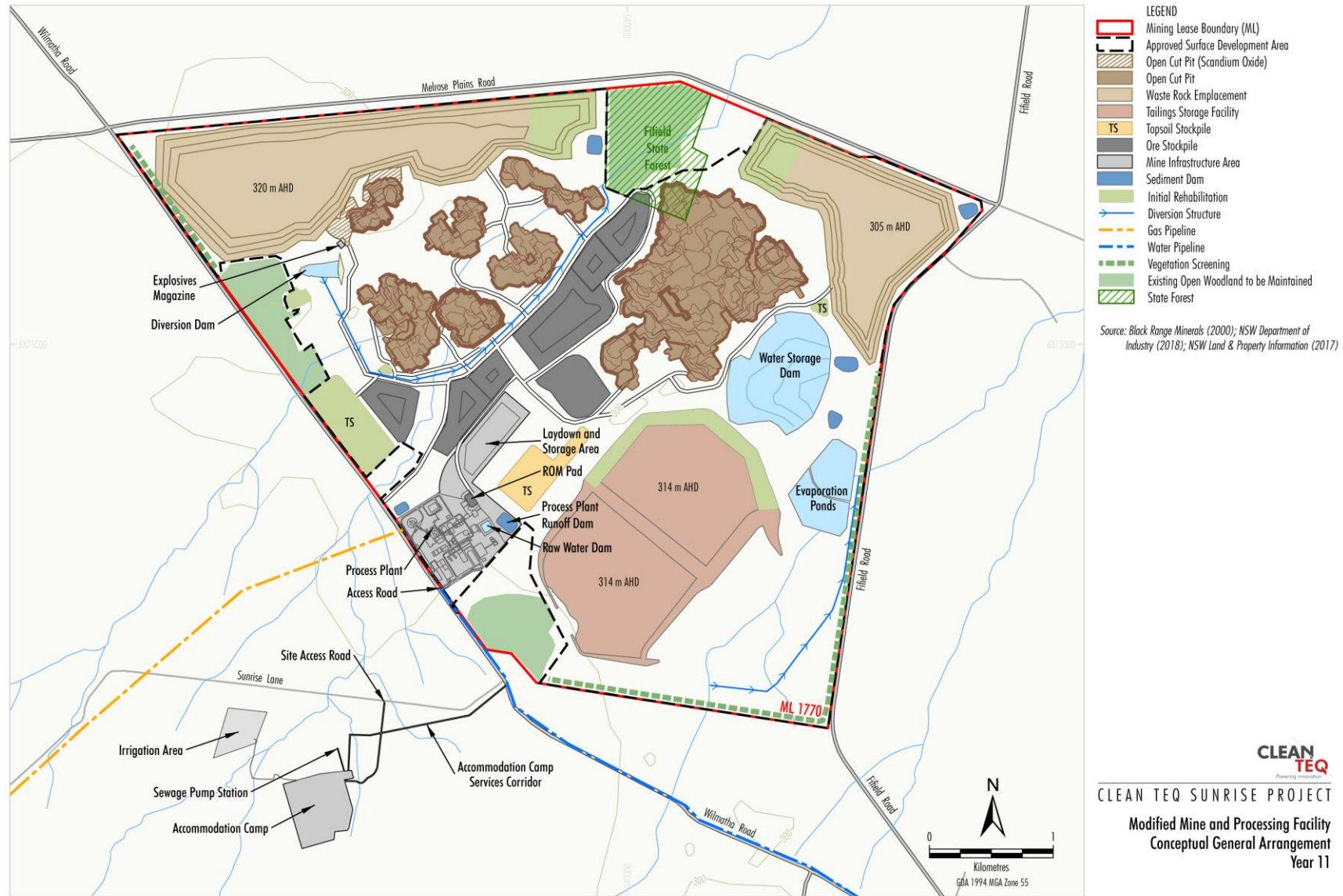


Figure 5: Mine and Processing Facility – Year 11





CTL-16-02 Presentation\_213A

Figure 6: Mine and Processing Facility – Year 21

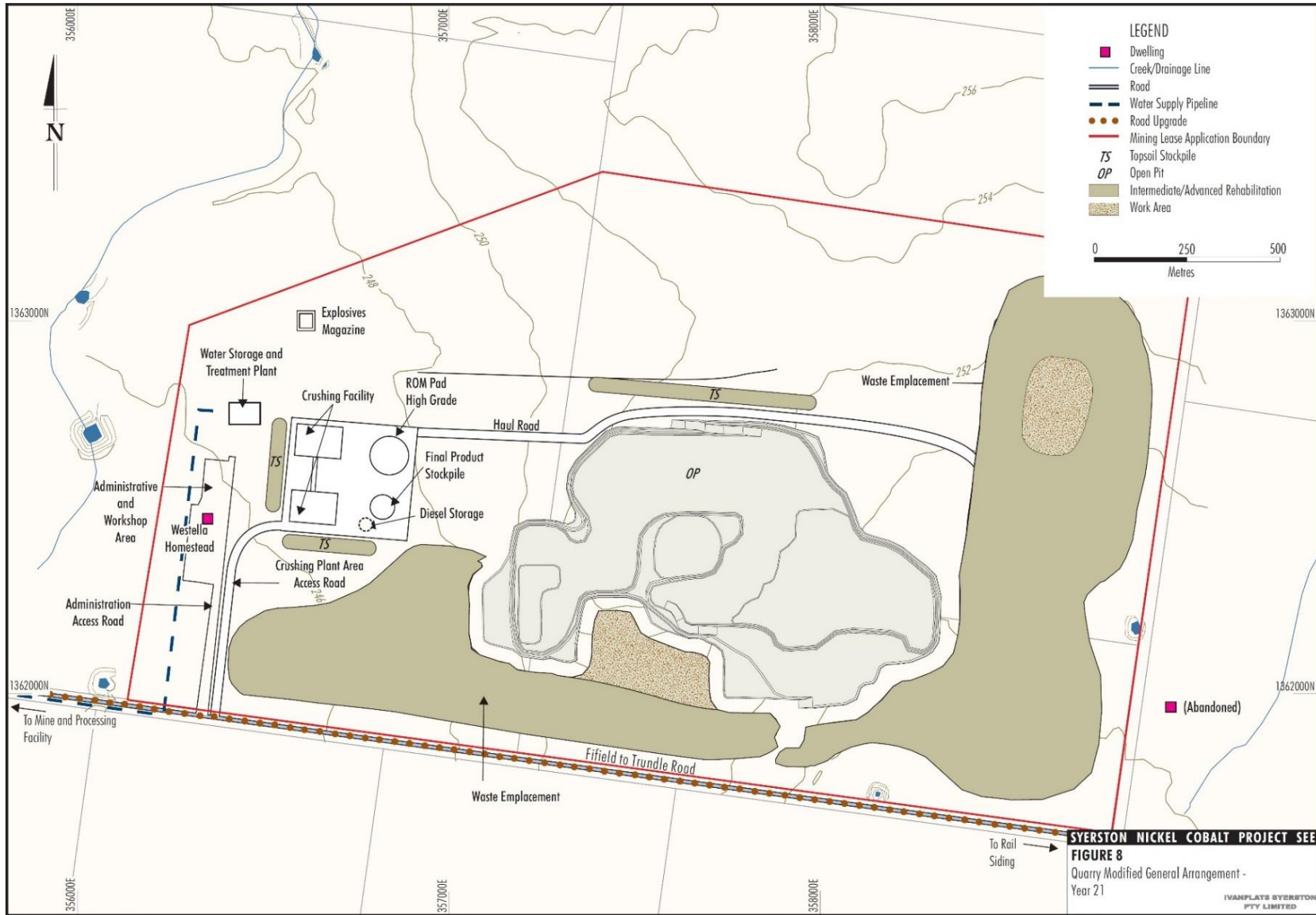


Figure 7: Limestone Quarry Layout

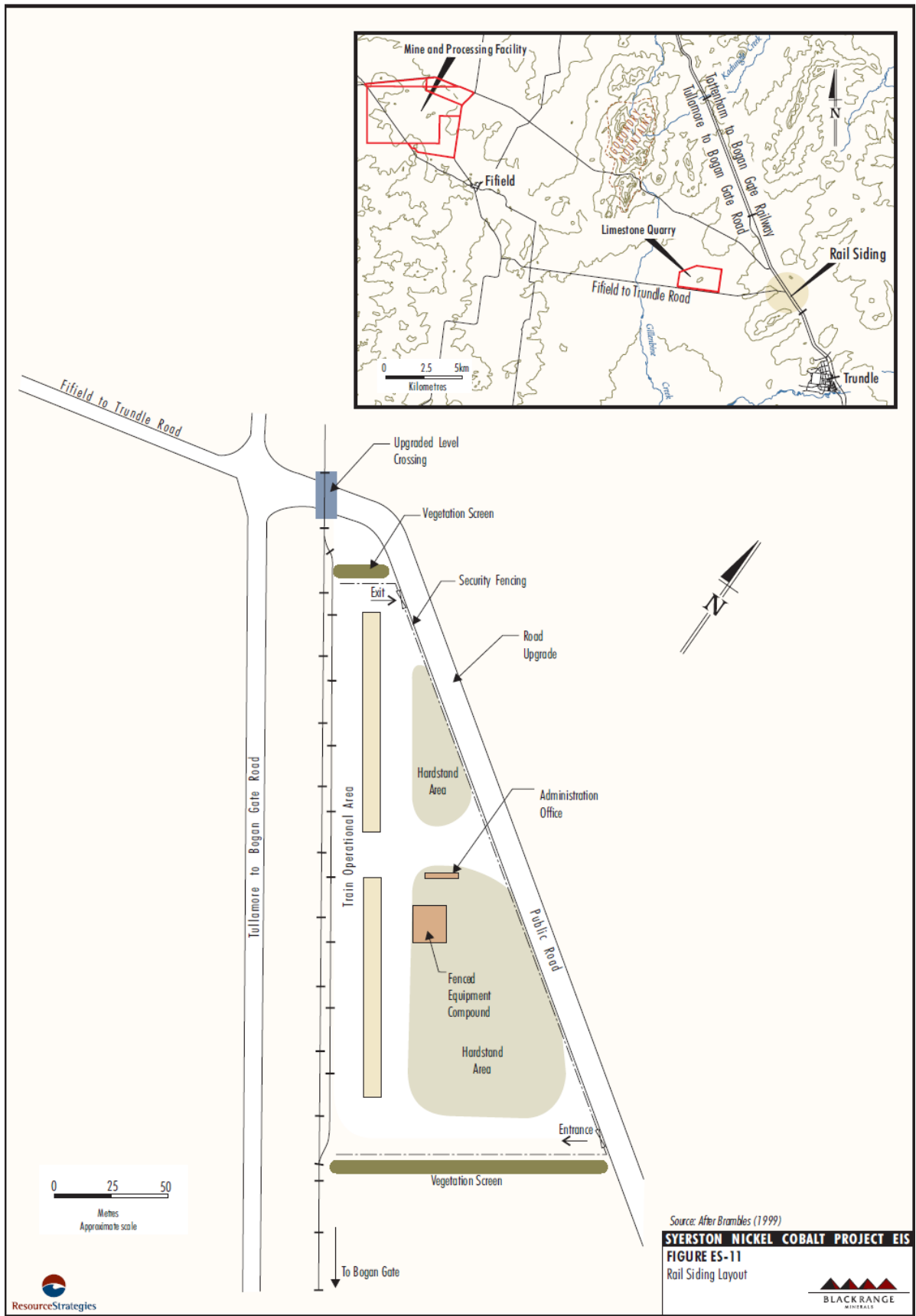
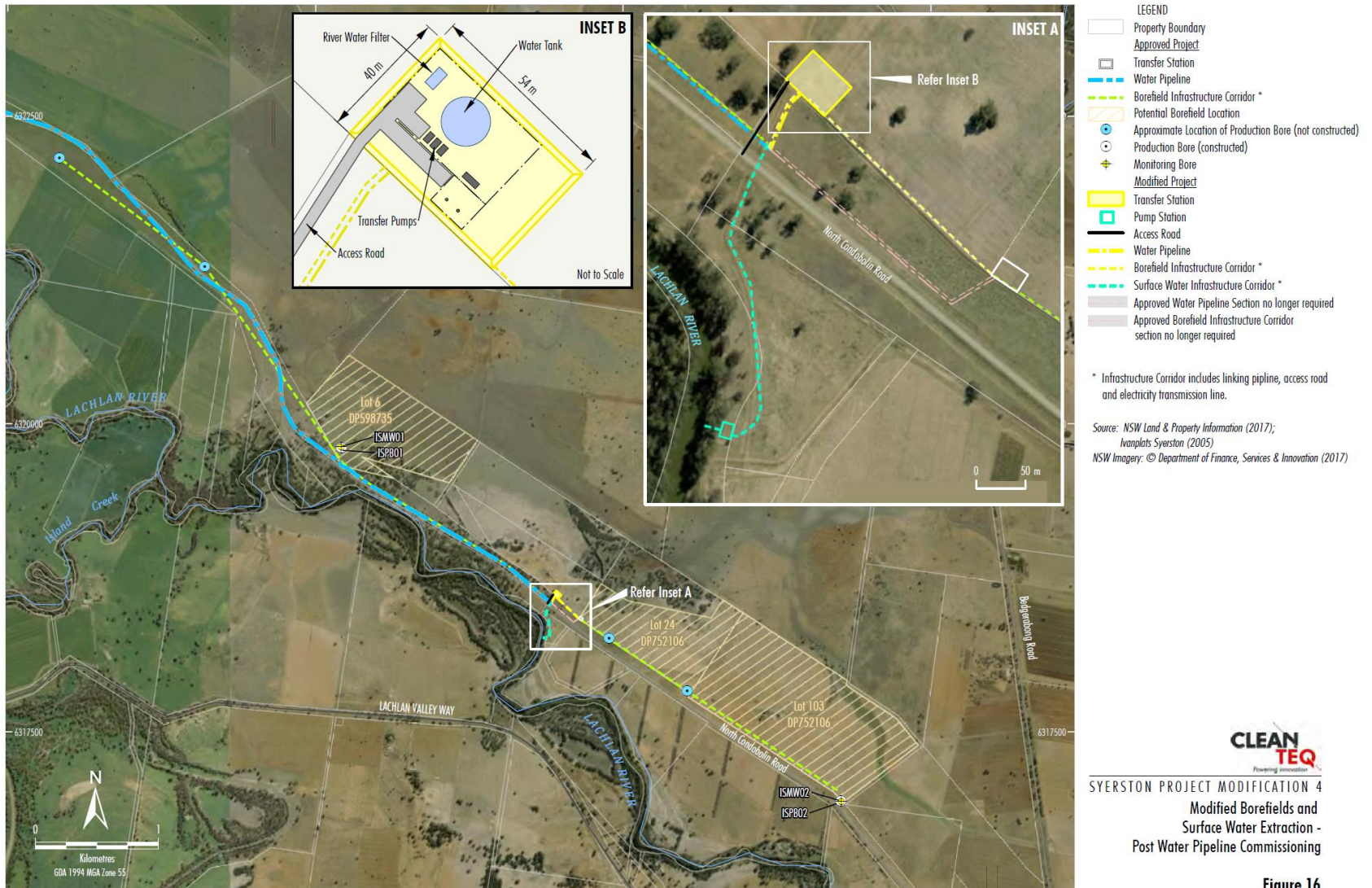


Figure 8: Rail Siding Layout



SYERSTON PROJECT MODIFICATION 4  
Modified Borefields and  
Surface Water Extraction -  
Post Water Pipeline Commissioning

Figure 16

Figure 9: Borefields Layout



CL-16-02-DC\_201C

- LEGEND**
- State Forest
  - Local Government Boundary
  - Mining Lease Boundary (ML)
  - Approved Gas Pipeline
  - Approved Water Supply Pipeline
  - Limestone Quarry Water Supply Pipeline
  - Modified Water Pipeline Alignment Option
  - Transport Route
  - Fifeild Bypass

Source: Black Range Minerals (2000);  
 NSW Department of Industry (2018);  
 NSW Land & Property Information (2015)

Note: The Limestone Quarry, Rail Siding, Limestone Quarry Water Supply Pipeline and Gas Pipeline would not be constructed during the Initial Production Phase.

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Figure 10: Transport Route

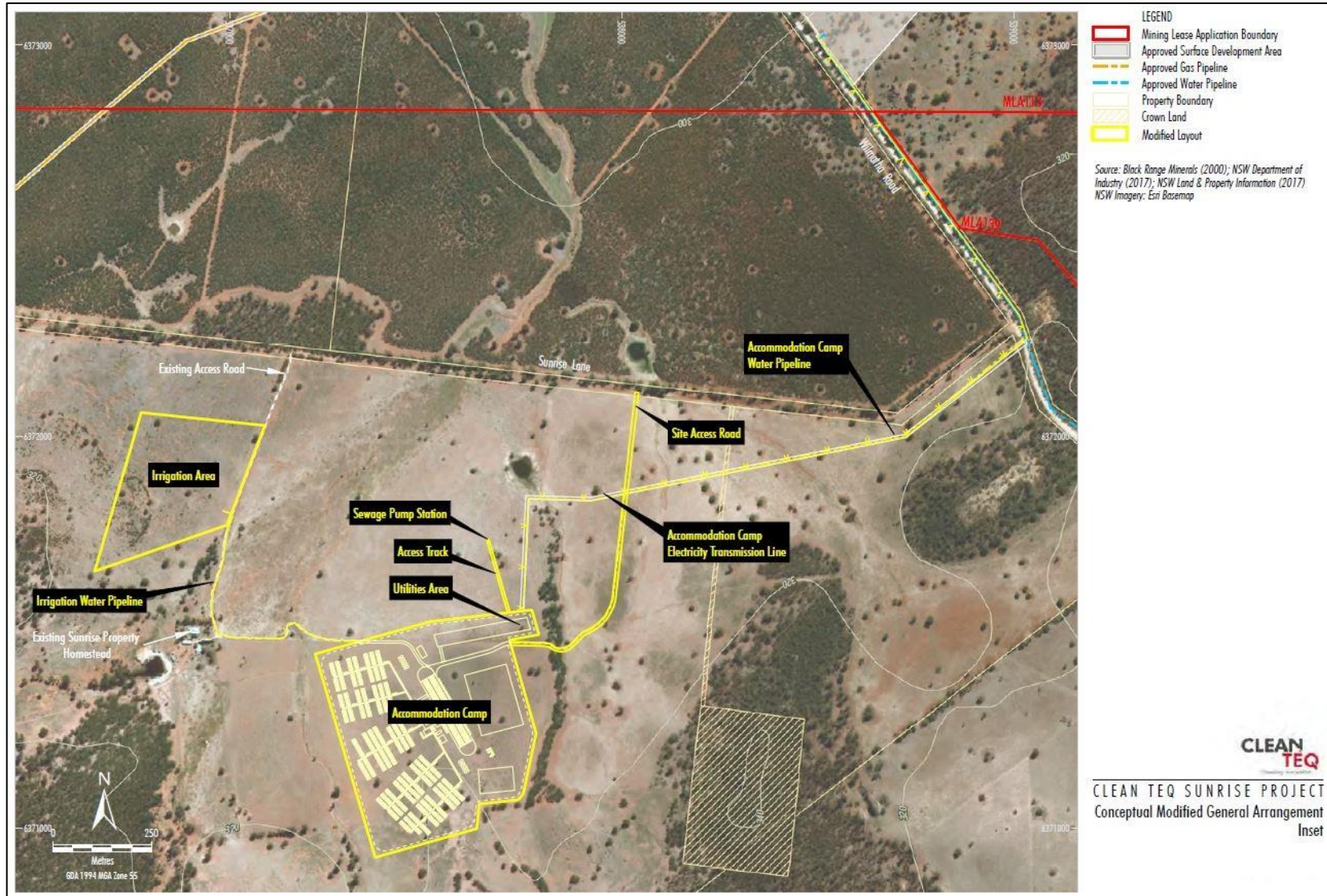


Figure 11: Accommodation Camp Layout

## APPENDIX 3

### TERMS OF VOLUNTARY PLANNING AGREEMENTS

#### Community Enhancement Contribution

- Clean TeQ shall pay an annual total payment of \$400,000 plus CPI to Forbes Shire Council (FSC), Parkes Shire Council (PSC) and Lachlan Shire Council (LSC).
- The total payment shall be allocated 50% to Lachlan Shire Council, with 25% each to Parkes Shire Council and Forbes Shire Council, unless otherwise determined jointly by FSC, LSC and PSC.
- The first payment of \$400,000 shall be payable within 21 days of signing of this Agreement and then paid on the same date each year until Mining Operations cease.

If the Final Investment Decision is not reached within 12 months of the initial payment, no further annual Community Enhancement Contributions will be made until the Final Investment Decision is reached. Once the Final Investment Decision is reached payments will resume within 21 days of the Final Investment Decision and continue annually.

#### Road Maintenance Contribution

- Clean TeQ shall pay an annual **Road Maintenance Contribution** totalling \$340,000 plus CPI as follows:
  - (i) Lachlan Shire Council: \$168,000
  - (ii) Parkes Shire Council: \$152,000
  - (iii) Forbes Shire Council: \$20,000
- The first annual contribution shall be paid within 21 days of the Final Investment Decision and then paid on the same date each year until Mining Operations cease.
- If the Final Investment Decision is not reached within 12 months of the initial payment, no further Road Maintenance Contributions shall be made until the Final Investment Decision is reached. Once the Final Investment Decision is reached, payments shall resume within 21 days of the Final Investment Decision payable annually on the same date.
- The Road Maintenance Contributions are to be used to maintain the following roads:

#### *Parkes Shire Council*

- Middle Trundle Road [SR83] (between Henry Parkes Way [MR61] and The Bogan Way [MR350]);
- The Bogan Way [MR350] (between Henry Parkes Way [MR61] and Fifield Trundle Road [SR171]);
- Fifield Trundle Road [SR171] (between The Bogan Way [MR350] and the Parkes Shire boundary);
- Fifield Road [MR 57] (between the Parkes Shire Boundary and The Bogan Way [MR350]);
- The Bogan Way [MR350] (between Fifield Road [MR57] and The McGrane Way [MR354]); and
- The McGrane Way [MR354] (between The Bogan Way [MR350] and the Parkes Shire Boundary).
- Scotson Lane between the rail siding access road and The Bogan Way [MR350].

#### *Lachlan Shire Council*

- Fifield Road [MR57] (between Henry Parkes Way [MR61] and Slee St [in Fifield Village] and between Slee St [in Fifield Village] and Red Heart Road [SR41]);
- Platina Road [SR64] (between the Lachlan Shire Boundary and Fifield Road [MR57]);
- Slee St [in Fifield Village] (between Fifield Road [MR57] and Wilmatha Road [SR34]);
- Wilmatha Road [SR34] (between Slee St [in Fifield Village] and Mine Access Road);and
- Fifield Road [MR57] (between Red Heart Road [SR41] and the Lachlan Shire Boundary).

#### *Forbes Shire Council*

- North Condobolin Road (between the bore fields and Ootha-Mulguthrie Road);
  - Ootha-Mulguthrie Road (between North Condobolin Road and Henry Parkes Way [MR61]);
  - Ootha- Ringwood Road (between Henry Parkes Way [MR61] and Burkes Road);
  - Burkes Road (between Ootha- Ringwood Road and Ootha North Road); and
  - Ootha North Road (between Burkes Road and the Forbes Shire Boundary).
- Clean TeQ shall maintain Sunrise Lane (between the accommodation camp site access road and Wilmatha Road [SR34]), to the satisfaction of LSC, during the construction and operation phase of the mine and processing facility.

#### **Project Facilitation Contribution**

Clean TeQ shall pay LSC, PSC and FSC each an annual Project Facilitation Contribution of \$30,000 within 21 days of the Final Investment Decision and then on the same date each year thereafter. The payments are to be made during the period between Final Investment Decision and two years to the day after the commencement of construction.

#### **Consumer Price Index**

- The Community Enhancement Contribution, the Road Maintenance Contribution and the Project Facilitation Contribution are all subject to CPI. The three different contributions shall be indexed according to the CPI at the time of payments after the initial payment.

#### **Major Repair Contributions**

- Clean TeQ shall pay Major Repair Contributions on the Transport Route to address exceptional failure of or damage to roads where government grants do not cover the full cost of repairs.
- The Major Repair Contribution shall be undertaken on an as needs basis during the life of the mine, but limited to a maximum 5 km of construction in any year, unless mutually agreed between Clean TeQ and the relevant council(s).
- Clean TeQ shall pay the Major Repair Contribution to the Council(s) within 30 Business Days of the date of the letter notifying the relevant Council of acceptance of the Cost Report. These contributions are to be mutually agreed by the Parties and do not substitute for the nominated Road Maintenance Contributions.



## Road and Intersection Upgrades

Clean TeQ shall pay for and be responsible for the following Road and Intersection Upgrades. Such upgrades shall commence promptly following the Final Investment Decision, or earlier at the sole discretion of Clean TeQ:

### *Road Upgrades*

Prior to the commissioning of the Accommodation Camp, Clean TeQ shall pay for and require the completion of the upgrade of Sunrise Lane (between the Accommodation Camp access road and Wilmatha Road [SR34]) to the following:

- all weather unsealed surface for an operating speed standard of 80 km/h; and
- carriageway width of 9 m (equivalent to two 3.5 m lanes and two 1.0 m wide shoulders).

Construction of the Road and Intersection Upgrades are to commence promptly following the Final Investment Decision and be completed prior to the Commissioning of the Development.

Prior to the Commissioning of the Development (meaning the date on which the testing of the Mine Processing Facility to verify that it functions according to its design objectives and specifications is completed), Clean TeQ shall pay for and be responsible for the delivery of the following upgrades:

- road pavement (8.0 m sealed pavement and 1.0 m gravel shoulders); and
- all private access roads (3.5 m sealed private access road approach and 3.0 m gravel shoulders along road 30 m either side of all private access roads).

to the following roads:

- Platina Road [SR64] (between the Lachlan Shire boundary and Fifield Road [MR57]);
- Fifield Road [MR57] (between Platina Road [SR64] and Slee St [in Fifield Village]);
- Wilmatha Road [SR34] (between Slee St [in Fifield Village] and the mine and processing facility access road); and
- Fifield Trundle Road [SR171] (between The Bogan Way [MR350] and the Parkes Shire boundary).

Clean TeQ shall prepare a road construction programme detailing the work specifications, timing and scheduling of road upgrades required. The programme shall be prepared by the Clean TeQ in consultation with the relevant Councils. The road upgrades shall be undertaken in accordance with the road construction programme unless otherwise agreed the relevant Councils.

### *Intersection Upgrades*

Prior to the Commissioning of the Development (as defined in the VPA), Clean TeQ shall pay for the following intersection upgrades:

- Platina Road [SR64] /Fifield Road [MR57];
- Fifield Road [MR57] /Slee Street [in Fifield Village];
- Slee Street [in Fifield Village]/Wilmatha Road [SR34]/Fifield Road;
- The Bogan Way [MR350] /Fifield Trundle Road [SR171] and Scotson Lane;
- Henry Parkes Way [MR61] and Middle Trundle Road [SR83];
- Henry Parkes Way [MR61] and The Bogan Way [MR350]; and
- Sunrise Lane/Wilmatha Road [SR34] - remove the transition between the gravel and dirt surfaces while Wilmatha Road remains unsealed, and then seal a minimum of 30 m of Sunrise Lane on the approach to the intersection once Wilmatha Road is sealed.

Clean TeQ shall prepare a road construction programme detailing the work specifications, timing and scheduling of intersection upgrades required. The programme shall be prepared by the Clean TeQ in consultation with the relevant Councils. The road upgrades shall be undertaken in accordance with the road construction programme unless otherwise agreed the relevant Councils.

#### *Road Safety Audits*

Prior to Commissioning of the Development, Clean TeQ shall pay for and deliver a road safety audit to determine road upgrade requirements on the following roads (including intersections and rail crossings):

- Henry Parkes Way [MR61] (between Jones Lane [eastern outskirts of Condobolin] and Fifield Road [MR57]);
- Fifield Road [MR57] (between Henry Parkes Way [MR61] and Slee St [in Fifield Village] and between Slee St [in Fifield Village] and Red Heart Road [SR41]);
- Platina Road [SR64] (between the Lachlan Shire Boundary and Fifield Road [MR57]);
- Slee St [in Fifield Village] (between Fifield Road [MR57] and Wilmatha Road [SR34]);
- Wilmatha Road [SR34] (between Slee St [in Fifield Village] and Mine Access Road); and
- Fifield Road [MR57] (between Red Heart Road [SR41] and the Lachlan Shire Boundary);
- Henry Parkes Way [MR61] (between Westlime Road [western outskirts of Parkes] and The Bogan Way [MR350]);
- Middle Trundle Road [SR83] (between Henry Parkes Way [MR61] and The Bogan Way [MR350]);
- The Bogan Way [MR350] (between Henry Parkes Way [MR61] and Fifield Trundle Road [SR171]);
- Fifield Road [MR 57] (between the Parkes Shire Boundary and The Bogan Way [MR350]);
- The Bogan Way [MR350] (between Fifield Road [MR57] and The McGrane Way [MR354]);
- Fifield Trundle Road [SR171] (between The Bogan Way [MR350] and the Parkes Shire boundary); and
- The McGrane Way [MR354] (between The Bogan Way [MR350] and the Parkes Shire Boundary).

Prior to the Commissioning of the Development, Clean TeQ shall reach an agreement with the relevant Councils on funding and the timing of works as to any additional, specific road safety matters relevant to the Project as deemed necessary by the road safety audit.

## APPENDIX 4

### NOISE COMPLIANCE ASSESSMENT

#### Applicable Meteorological Conditions

13. The noise criteria in [conditions 3-5](#) of Schedule 3 apply under all meteorological conditions except the following:
  - (a) wind speeds greater than 3 m/s at 10 metres above ground level; or
  - (b) stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or
  - (c) Pascall stability classes G temperature inversion conditions

#### Determination of Meteorological Conditions

14. Except for wind speed at microphone height, the data to be used for determining meteorological conditions must be that recorded by the meteorological station on or in the vicinity of the Mine.

#### Compliance Monitoring

15. Unless directed otherwise by the Secretary, attended monitoring is to be used to evaluate compliance with the relevant conditions of consent.

*Note: The Noise Management Plan (see condition 7 of Schedule 3) is required to include a noise monitoring program for the development, which will include details of the frequency of monitoring. The Secretary may direct that the frequency of monitoring increase or decrease at any time during the life of the development.*

16. Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended or replaced from time to time), in particular the requirements relating to:
  - (a) monitoring locations for the collection of representative noise data;
  - (b) meteorological conditions during which collection of noise data is not appropriate;
  - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
  - (d) modifications to noise data collected including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.

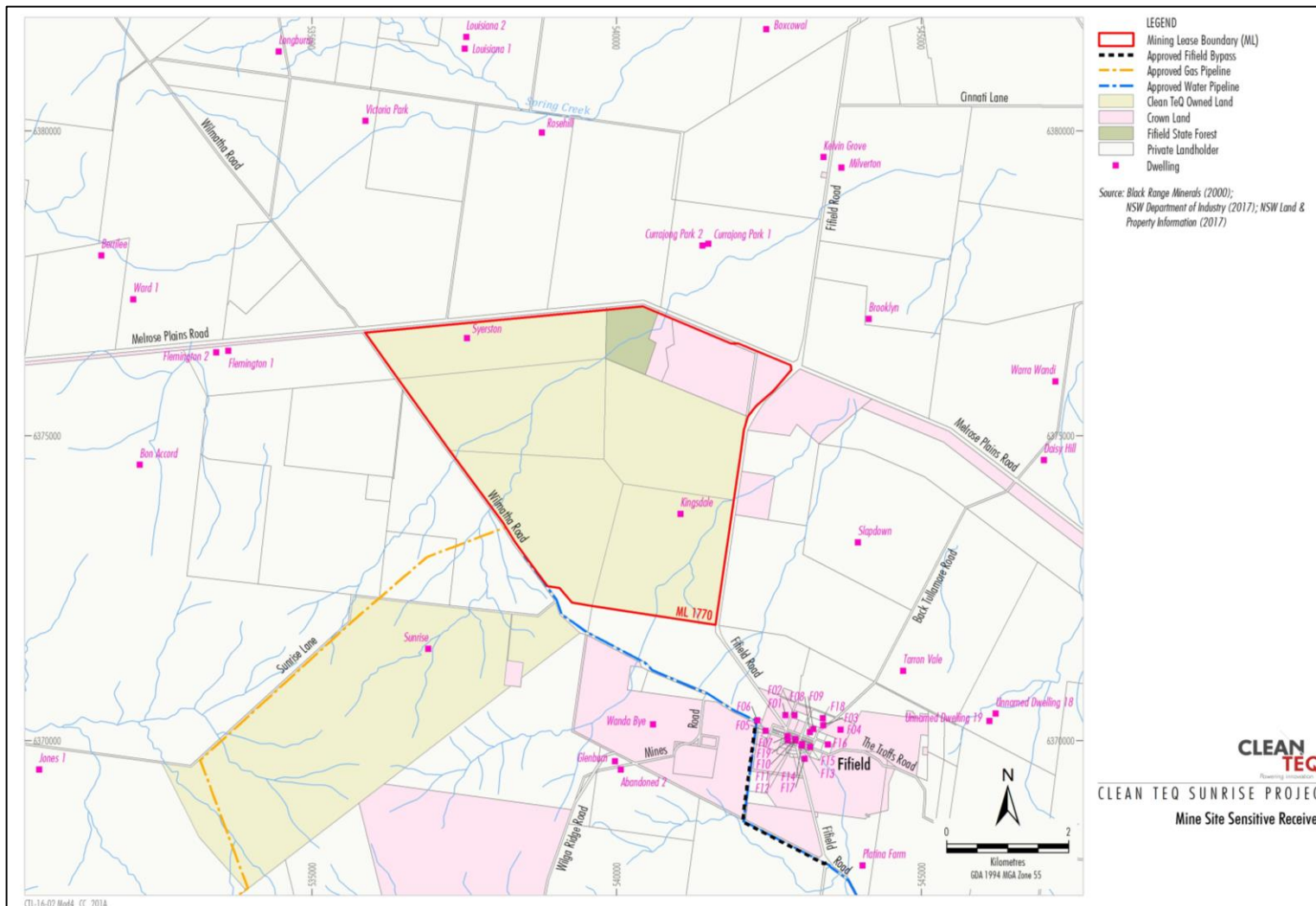


Figure 8: Residences surrounding the mine

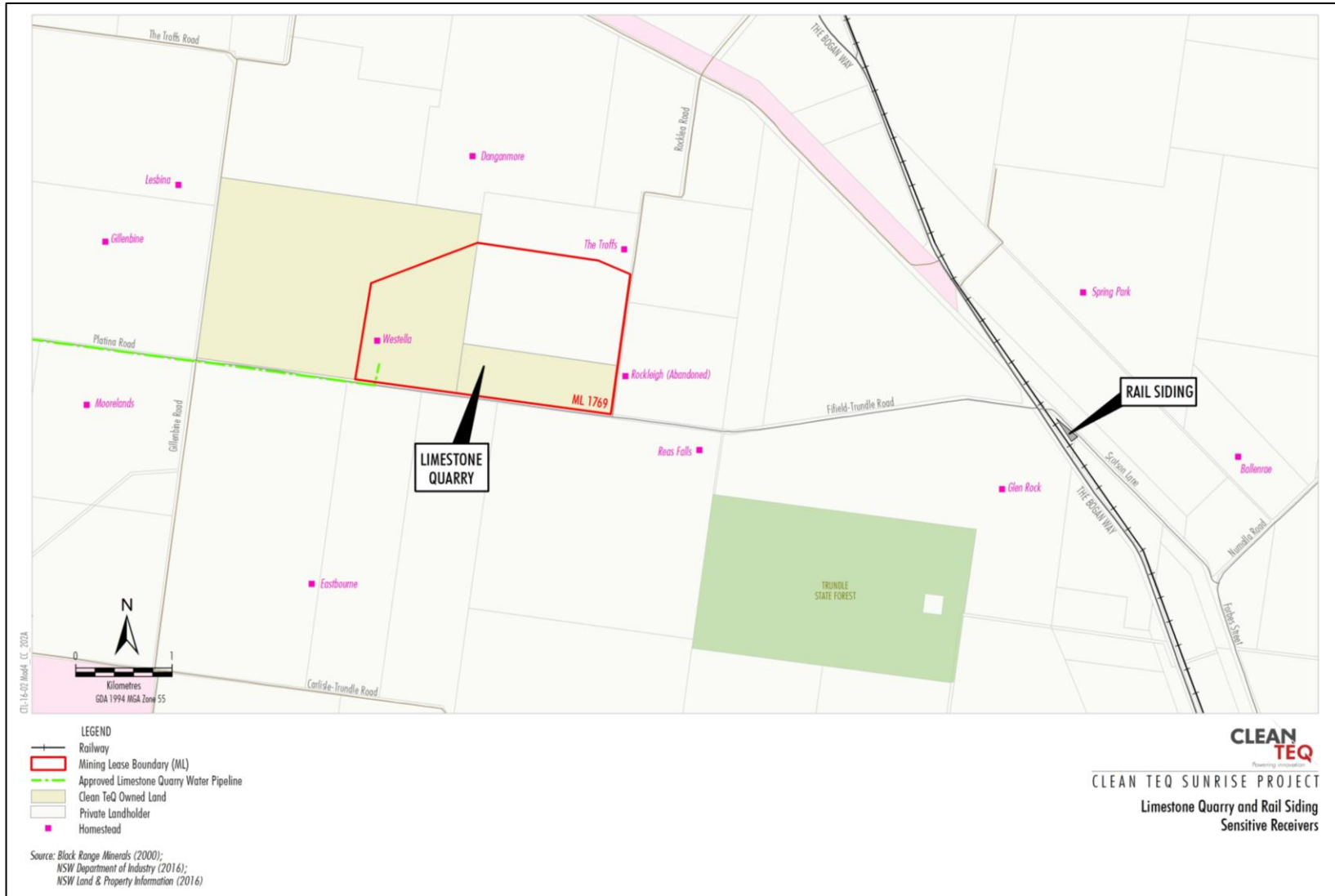


Figure 9: Residences surrounding the quarry

## APPENDIX 5

### ROAD AND INTERSECTION UPGRADES

|  |  |
|--|--|
| <p>1. Road upgrades – prior to commissioning of the mine processing facility</p>   | <p>(a) Platina Road [SR64] (between the Lachlan Shire boundary and Fifield Road [MR57]);<br/>           (b) Fifield Road [MR57] (between Platina Road [SR64] and Slee St [in Fifield Village]);<br/>           (c) Wilmatha Road [SR34] (between Slee St [in Fifield Village] and the mine; and<br/>           (d) Fifield Trundle Road [SR171] (between The Bogan Way [MR350] and the Parkes Shire boundary)</p>  |
| <p>2. Intersection upgrades – prior to commissioning of the mine processing facility</p>   | <p>(a) Platina Road [SR64] / Fifield Road [MR57];<br/>           (b) Fifield Road [MR57] / Slee Street [In Fifield Village];<br/>           (c) Slee Street [In Fifield Village] / Wilmatha Road [SR34] / Fifield Road;<br/>           (d) The Bogan Way [MR350] /Fifield Trundle Road [SR171];<br/>           (e) Henry Parkes Way and Middle Trundle Road (including a Channelised Right Short [CHR(s)] turn lane in Henry Parkes Way);<br/>           (f) Henry Parkes Way and The Bogan Way; and<br/>           (g) Sunrise Lane and Wilmatha Road [SR34].</p>   |
| <p>3. Further road and intersection upgrades – prior to the development of the limestone quarry or rail siding, or transport of limestone from third party suppliers</p> | <p>(a) Henry Parkes Way [SR61] (between Jones Lane and Fifield Road [MR57]);<br/>           (b) Fifield Road [MR57] (between Henry Parkes Way [MR61] and Slee St [In Fifield Village] and between Slee St [in Fifield Village] and Red Heart Road [SR41];<br/>           (c) Platina Road [SR64] (between Lachlan Shire boundary and Fifield Road [MR57] ;<br/>           (d) Slee St [in Fifield Village] (between Fifield Road [MR57] and Wilmatha Road [SR34];<br/>           (e) Wilmatha Road [SR34] (between Slee St [in Fifield Village] and Melrose Plains Road [SR44]);<br/>           (f) Springvale Road [SR60] (between Fifield Road [MR57] and Melrose Plains Road [SR44]);<br/>           (g) Henry Parkes Way [MR61] (between Westlime Road [western outskirts of Parkes] and The Bogan Way [MR350]) ;<br/>           (h) Middle Trundle Road [SR83] (between Henry Parkes Way [MR61] and The Bogan Way [MR350]);<br/>           (i) The Bogan Way [MR350] (between Henry Parkes Way [MR61] and Fifield Trundle Road [SR171]);<br/>           (j) Fifield Trundle Road [SR171] (between The Bogan Way [MR350] and the Parkes Shire boundary); and<br/>           (k) Melrose Plains Road [SR44] (between Springvale Road [SR60] and 4.65 km after the Melrose Plains Road [SR44] / Back Tullamore Road [SR1151] intersection); and<br/>           (l) Forbes Street improvement works, in accordance with the Pedestrian Access Review (GTA Consultants, 2018).</p> |
| <p>4. Road upgrades – prior to commissioning of the accommodation camp</p>   | <p>(a) Sunrise Lane, between the accommodation camp and Wilmatha Road [SR34].</p>  |
| <p>5. Intersection upgrades – prior to commissioning of the accommodation camp</p>   | <p>(a) Accommodation camp access road and Sunrise Lane.</p>  |