Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the development application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

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

David Kitto
Executive Director
Resource Assessments and Business Systems

Sydney 5 April 2016

SCHEDULE 1

Application Number: SSD-5285
Applicant: Iluka Resources Limited
Consent Authority: Minister for Planning
Land: See Appendix 1
Development: Balranald Mineral Sands Project
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**DEFINITIONS**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal stakeholders</td>
<td>Aboriginal stakeholders registered for cultural heritage consultation for the development of the development that is subject to this consent.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Iluka Resources Limited, or any other person/s who rely on this consent to carry out the development that is subject to this consent.</td>
</tr>
<tr>
<td>ARI</td>
<td>Average Recurrence Interval</td>
</tr>
<tr>
<td>BCA</td>
<td>Building Code of Australia</td>
</tr>
<tr>
<td>Bulk Sampling Activity</td>
<td>The activity described in the EIS (specifically the supplementary information provided by EMGA Mitchell McLennan dated 12 November 2015), involving extraction of up to 100,000 tonnes of mineral ore within the disturbance area for the West Balranald Mine (as shown on the applicable figure in Appendix 2).</td>
</tr>
<tr>
<td>BVT</td>
<td>Biometric Vegetation Type, as defined in OEH’s Framework for Biodiversity Assessment (2014, or as updated).</td>
</tr>
<tr>
<td>Conditions of this consent</td>
<td>Conditions contained in Schedules 1 to 5 inclusive.</td>
</tr>
<tr>
<td>Council</td>
<td>Balranald Shire Council</td>
</tr>
<tr>
<td>Day</td>
<td>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.</td>
</tr>
<tr>
<td>Department</td>
<td>Department of Planning &amp; Environment</td>
</tr>
<tr>
<td>Development</td>
<td>The development as described in the EIS</td>
</tr>
<tr>
<td>DPI</td>
<td>Department of Primary Industries</td>
</tr>
<tr>
<td>DPI Water</td>
<td>The Division of Water within DPI</td>
</tr>
<tr>
<td>DRE</td>
<td>Division of Resources and Energy within the NSW Department of Industry</td>
</tr>
<tr>
<td>EPA</td>
<td>Environment Protection Authority</td>
</tr>
<tr>
<td>EP&amp;A Act</td>
<td>Environmental Planning and Assessment Act 1979</td>
</tr>
<tr>
<td>EP&amp;A Regulation</td>
<td>Environmental Planning and Assessment Regulation 2000</td>
</tr>
<tr>
<td>EPBC Act</td>
<td>Environment Protection and Biodiversity Conservation Act 1999</td>
</tr>
<tr>
<td>EPL</td>
<td>Environment Protection Licence issued under the POEO Act</td>
</tr>
<tr>
<td>Evening</td>
<td>The period from 6.00 pm to 10:00 pm</td>
</tr>
<tr>
<td>Exploration activities</td>
<td>Prospecting operations, as defined under the Mining Act 1992</td>
</tr>
<tr>
<td>Feasible</td>
<td>Feasible relates to engineering considerations and what is practical to build or to implement</td>
</tr>
<tr>
<td>Fisheries NSW</td>
<td>Fisheries NSW, within DPI</td>
</tr>
<tr>
<td>Ha</td>
<td>Hectare</td>
</tr>
<tr>
<td>Heritage item</td>
<td>An item as defined under the Heritage Act 1977 and/or an Aboriginal object or Aboriginal place as defined under the National Parks and Wildlife Act 1974</td>
</tr>
<tr>
<td>HMC</td>
<td>Heavy mineral concentrate</td>
</tr>
<tr>
<td>Incident</td>
<td>A set of circumstances that:</td>
</tr>
<tr>
<td></td>
<td>• causes or threatens to cause material harm to the environment; and/or</td>
</tr>
<tr>
<td></td>
<td>• breaches or exceeds the limits or performance measures/criteria in this consent</td>
</tr>
<tr>
<td>Land</td>
<td>As defined in the EP&amp;A Act, except for where the term is used in the noise and air quality conditions in Schedules 3 and 5 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent.</td>
</tr>
<tr>
<td>Material harm to the environment</td>
<td>Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial</td>
</tr>
<tr>
<td>Mine water</td>
<td>Water that accumulates within active mining and infrastructure areas</td>
</tr>
<tr>
<td>Mining operations</td>
<td>Includes the removal of overburden and extraction, processing, handling, storage and transportation of ore on site</td>
</tr>
<tr>
<td>Minister</td>
<td>Minister for Planning, or delegate</td>
</tr>
<tr>
<td>Minor</td>
<td>Not very large, important or serious</td>
</tr>
<tr>
<td>Mitigation</td>
<td>Activities associated with reducing the impacts of the development prior to or during those impacts occurring</td>
</tr>
<tr>
<td>MSP</td>
<td>Hamilton mineral separation plant</td>
</tr>
<tr>
<td>Negligible</td>
<td>Small and unimportant, such as to be not worth considering</td>
</tr>
<tr>
<td>Nepean mine</td>
<td>The Nepean mineral sands mine and associated infrastructure as</td>
</tr>
</tbody>
</table>
Night
The period from 10pm to 7am on Monday to Saturday, and 10.00 pm to 8.00 am on Sundays and Public Holidays

NP&W Act
National Parks & Wildlife Act 1974

OEH
Office of Environment and Heritage

POEO Act

Privately-owned land
Land that is not owned or leased by a public agency, or a mining company (or its subsidiary)

Public infrastructure
Linear and related infrastructure and the like that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc

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

Secretary Industry
The Secretary of NSW Department of Industry, or equivalent position

Site
All land to which the development application applies, including the land listed in Appendix 1 and shown in Appendix 2

SMCA
Southern Mallee Conservation Area

TSC Act
Threatened Species Conservation Act 1995

VPA
Voluntary Planning Agreement

West Balranald mine
The West Balranald mineral sands mine and associated infrastructure as described in the EIS and shown on the applicable figure in Appendix 2, but excluding the Bulk Sampling Activity
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 shall 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 shall 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 Appendix 2.

3. If there is any inconsistency between the above documents, the more recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

4. The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department’s assessment of:
   (a) any strategies, plans, programs, reviews, audits, reports or correspondence submitted in accordance with this consent;
   (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 CONSENT

Mining Operations

5. The Applicant may carry out mining operations on the site for 16 years from the date of the commencement of the construction of the West Balranald mine.

   Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of either the Secretary or the Secretary Industry. Consequently this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.

Ore Extraction & Transport – Bulk Sampling Activity

6. The Applicant shall not extract more than 100,000 tonnes of mineral ore as part of the bulk sampling activity, and shall not transport this material offsite until the necessary road upgrades have been completed, unless otherwise agreed by the Secretary.

On-site Mineral Concentrate Production

7. In any calendar year, the Applicant shall not:
   (a) produce more than 500,000 tonnes of HMC; and/or
   (b) produce more than 600,000 tonnes of ilmenite; on the site.

Off-site Mineral Concentrate Transport

8. In any calendar year, the Applicant shall not:
   (a) transport more than 500,000 tonnes of HMC; and/or
   (b) transport more than 600,000 tonnes of ilmenite; from the site.

Workforce Accommodation Facility

9. The Applicant may only construct the workforce accommodation facility on the site if it has demonstrated to the satisfaction of the Secretary that constructing an accommodation facility in Balranald town is not reasonable or feasible.

   In seeking this approval, the Applicant must:
   (a) demonstrate that it has:
consulted with Council on the options for constructing a town-based accommodation facility;
considered the engineering and economic implications of the various options; and
used its reasonable endeavours to secure the necessary land tenure, access agreements
and/or approvals for a town-based accommodation facility; and
(b) justify why it is not reasonable or feasible to construct a town-based accommodation facility.

10. Prior to constructing the workforce accommodation facility on the site, the Applicant shall prepare detailed plans of the facility in consultation with Council and to the satisfaction of the Secretary.

Note: These plans should include architectural, civil, stormwater, services and landscaping plans.

NOTIFICATION OF DEPARTMENT

11. The Applicant shall notify the Department prior to the:
(a) commencement of the bulk sampling activity;
(b) construction or commissioning of the West Baranald mine; and
(c) construction or decommissioning of the Nepean mine.

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

STRUCTURAL ADEQUACY

13. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures that are part of the development, are constructed in accordance with the relevant requirements of the BCA.

Notes:
- Under Part 4A 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.

DESTRUCTION

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

PROTECTION OF PUBLIC INFRASTRUCTURE

15. Unless the Applicant and the applicable authority agree otherwise, the Applicant shall:
(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

This condition does not apply to the upgrade and maintenance of the road network, which is expressly provided for in the conditions of this consent.

OPERATION OF PLANT AND EQUIPMENT

16. The Applicant shall 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.

UPDATING & STAGING OF STRATEGIES, PLANS OR PROGRAMS

17. 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.

COMMUNITY ENHANCEMENT

18. Prior to the commencement of construction of the West Balranald Mine, unless the Secretary agrees otherwise, the Applicant enter into a VPA with the Council in accordance with:
   (a) Division 6 of Part 4 of the EP&A Act; and
   (b) the terms of the Applicant’s offer in Appendix 3.
SCHEDULE 3
ENVIRONMENTAL PERFORMANCE CONDITIONS

ACQUISITION UPON REQUEST

1. Upon receiving a written request for acquisition from an owner of the land listed in Table 1, the Applicant shall acquire the land in accordance with the procedures in conditions 3 and 4 of Schedule 4.

Table 1: Land subject to acquisition upon request

<table>
<thead>
<tr>
<th>Acquisition Basis</th>
<th>Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise</td>
<td>R5</td>
</tr>
</tbody>
</table>

Note: To interpret the land referred to in Table 1, see the figure in Appendix 4.

ADDITIONAL NOISE MITIGATION UPON REQUEST

2. Upon receiving a written request from an owner of the land listed in Table 1 (unless the landowner has requested acquisition), the Applicant shall implement additional noise mitigation measures (such as double glazing, insulation and/or air conditioning) at the residence in consultation with the landowner. These measures must be reasonable and feasible, and directed towards reducing the noise impacts of the development on the residence commensurate with the level of impact in accordance with the Voluntary Land Acquisition and Mitigation Policy (November 2014).

If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or if there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

NOISE

Operational Noise Criteria

3. Except for the noise-affected land in Table 1, the Applicant shall ensure that the noise generated by the development does not exceed the noise criteria in Table 2.

Table 2: Noise criteria dB(A)

<table>
<thead>
<tr>
<th>Location</th>
<th>Day</th>
<th>Evening</th>
<th>Night</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any residence on privately-owned land</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Mungo National Park and Mungo State Conservation Area (when in use)</td>
<td>50</td>
<td>50</td>
<td>-</td>
</tr>
</tbody>
</table>

Noise generated by the development is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy (as may be updated or replaced from time to time). Appendix 5 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, these noise criteria 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

4. The Applicant shall:
   (a) implement all reasonable and feasible measures to minimise the construction, operational and road noise of the development;
   (b) minimise the noise impacts of the development during meteorological conditions under which the noise limits in this consent do not apply (see Appendix 5); and
   (c) undertake regular attended monitoring of the noise of the development, to ensure compliance with the relevant conditions of this consent.

Noise Management Plan

5. Prior to carrying any development under this consent, the Applicant shall prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
   (a) be prepared in consultation with the EPA;
(b) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions of this consent;
(c) include a noise monitoring program for evaluating and reporting on:
   • compliance against the noise criteria in this consent; and
   • compliance against the noise operating conditions; and
(d) defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.

Following approval, the Applicant must carry out the development in accordance with this plan.

AIR QUALITY

Odour

6. The Applicant shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.

Air Quality Criteria

7. The Applicant shall 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 3, 4 and 5 at any residence on privately owned land.

Table 3: Long term impact assessment criteria for particulate matter

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Averaging period</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total suspended particulate (TSP) matter</td>
<td>Annual</td>
<td>(a ) 90 (\mu g/m^3)</td>
</tr>
<tr>
<td>Particulate matter &lt; 10 (\mu m) (PM(_{10}))</td>
<td>Annual</td>
<td>(a ) 30 (\mu g/m^3)</td>
</tr>
</tbody>
</table>

Table 4: Short term impact assessment criterion for particulate matter

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Averaging period</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Particulate matter &lt; 10 (\mu m) (PM(_{10}))</td>
<td>24 hour</td>
<td>(a ) 50 (\mu g/m^3)</td>
</tr>
</tbody>
</table>

Table 5: Long term impact assessment criteria for deposited dust

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Averaging period</th>
<th>Maximum increase(^a) in deposited dust level</th>
<th>Maximum total(^a) deposited dust level</th>
</tr>
</thead>
<tbody>
<tr>
<td>(^c) Deposited dust</td>
<td>Annual</td>
<td>(^b) 2 g/m(^2)/month</td>
<td>(^a) 4 g/m(^2)/month</td>
</tr>
</tbody>
</table>

Notes to Tables 3-5

- \(^a\) Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).
- \(^b\) Incremental impact (i.e. incremental increase in concentrations due to the development on its own).
- \(^c\) 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.
- \(^d\) Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Secretary.

Operating Conditions

8. The Applicant shall:

(a) implement all reasonable and feasible measures to minimise the:
   • off-site odour and dust emissions of the development; and
   • release of greenhouse gas emissions from the development;
(b) minimise any visible off-site air pollution generated by the development;
(c) minimise the surface disturbance of the site;
(d) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d to Tables 3-5); and
(e) assess air quality monitoring data to determine whether the development is complying with the relevant conditions of this consent and, if necessary, adjust the scale of operations on site to meet the criteria in this consent.
**Air Quality Management Plan**

9. Prior to carrying out any development under this consent, the Applicant shall prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:
   (a) be prepared in consultation with the EPA;
   (b) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this consent;
   (c) include an air quality monitoring program for evaluating and reporting on:
       - compliance against the air quality criteria in this consent;
       - compliance against the air quality operating conditions;
       - compliance with the applicable emissions criteria for the Ilmenite Separation Plant; and
   (d) 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.

Following approval, the Applicant must carry out the development in accordance with this plan.

**METEOROLOGICAL MONITORING**

10. During the life of the development, the Applicant shall ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline.

**WATER**

**Water Supply**

11. The Applicant shall ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of mining operations 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**

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

**Compensatory Water Supply**

13. The Applicant shall provide a compensatory water supply to the owner or leaseholder of any privately-owned land 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 DPI 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 should be provided (at least on an interim basis) as soon as practicable from the loss being 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 shall provide alternative compensation to the satisfaction of the Secretary.

*Note: The Water Management Plan (see condition 15) is required to include trigger levels for investigating potentially adverse impacts on water supplies.*
Water Management Performance Measures

14. The Applicant shall comply with the performance measures in Table 6, to the satisfaction of the Secretary.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Performance Measure</th>
</tr>
</thead>
</table>
| Water management – General | Minimise the use of clean water (i.e. water not in contact with disturbed areas) on site  
Minimise the need for make-up water from external supplies |
| Loxton Parilla Sands and Shepparton alluvial aquifers | Negligible environmental consequences to the alluvial aquifer beyond those predicted in the EIS, including:  
- negligible change in groundwater levels beyond those predicted;  
- negligible change in groundwater quality beyond those predicted; and  
- negligible impact to other groundwater users levels beyond those predicted |
| Construction and operation of infrastructure | Design, install and maintain erosion and sediment controls generally in accordance with the series *Managing Urban Stormwater: Soils and Construction* including Volume 1, Volume 2A – *Installation of Services* and Volume 2C – *Unsealed Roads*  
Design, install and maintain infrastructure within 40 m of watercourses generally in accordance with the *Guidelines for Controlled Activities on Waterfront Land (DPI 2007)*, or its latest version  
Design, install and maintain any creek crossings generally in accordance with the *Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013)* and *Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003)*, or their latest versions |
| Clean water diversion & storage infrastructure | Design, install and maintain the clean water system to capture and convey the 100 year ARI flood.  
Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site |
| Sediment dams | Design, install and/or maintain the dams generally in accordance with the series *Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries* |
| Mine water storages | Design, install and/or maintain mine water storage infrastructure to ensure no discharge of mine water or saline water off-site (except in accordance with an EPL)  
On-site storages (including mine infrastructure dams, groundwater storage and treatment dams) are suitably designed, installed and/or maintained to minimise permeability, where practicable |
| Flood mitigation measures | Design, install and maintain flood mitigation measures including bunds to exclude flows from inundating the mining areas for all flood events up to and including the Probable Maximum Flood level  
Manage any residual downstream impacts in an appropriate manner |
| Overburden emplacements | Design, install and maintain emplacements to encapsulate and prevent any off-site migration of tailings, acid forming and potentially acid forming materials, and saline and sodic material  
Design, install and maintain emplacements to prevent off-site migration of saline groundwater seepage |
| Chemical and hydrocarbon storage | Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards |
Water Management Plan

15. Prior to carrying out any development on site, the Applicant shall prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:
   (a) be prepared in consultation with DPI Water and the EPA;
   (b) include a:
      (i) **Site 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;
           - reporting procedures, including the preparation of a site water balance for each calendar year; and
         - investigates and implements all reasonable and feasible measures to minimise clean water use and to recycle water;
      (ii) **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
         - detailed plans, including design objectives and performance criteria for the:
           - emplacement areas for tailings, acid forming and potentially acid forming materials, and saline and sodic materials;
           - reinstatement of drainage lines on the rehabilitated areas of the site; and
           - final void;
         - surface water assessment criteria, including trigger levels for investigating any potentially adverse impacts associated with:
           - the water management system;
           - surface water users supplies;
           - downstream surface water quality;
           - downstream flooding impacts; and
         - a program to monitor and report on:
           - the effectiveness of the water management system; and
           - surface water flows and water quality (if any); and
           - downstream flooding impacts;
         - reporting procedures for the results of the monitoring program; and
         - a plan to respond to any exceedances of the surface water assessment criteria, and mitigate any adverse impacts of the development;
      (iii) **Groundwater Management Plan**, that includes:
         - detailed baseline data on groundwater levels, yield and quality in the region and privately-owned groundwater bores that could be affected by the development;
         - a detailed description of the groundwater management system on-site;
         - detailed plans, including design objectives and performance criteria for the:
           - emplacement areas for tailings, acid forming and potentially acid forming materials, and saline and sodic materials;
           - groundwater dewatering and reinjection system; and
           - final void;
         - groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts associated with:
           - alluvial aquifers including the Loxton Parilla and Shepparton aquifers;
           - groundwater users bores;
           - groundwater dewatering and reinjection system;
           - seepage/leachate from water storages, emplacements, backfilled voids and the final void;
           - groundwater dependent ecosystems;
         - a program to monitor and report on:
           - groundwater inflows to the mining operations;
           - background changes in groundwater yield/quality against mine-induced changes;
           - the impacts of the development on the regional and local (including alluvial) aquifers;
           - impacts on the groundwater supply of potentially affected landowners/leaseholders;
Following approval, the Applicant shall carry out the development in accordance with this plan.

**BIODIVERSITY**

**Retirement of Credits**

16. The Applicant shall retire the biodiversity offset credits of a number and class specified in Table 7 below to the satisfaction of OEH. Unless the Secretary agrees otherwise, the credits:
   (a) for the West Balranald mine must be retired within 3 years of the commencement of construction of the West Balranald mine; and
   (b) for the Nepean mine must be retired prior to the commencement of construction of the Nepean mine.

Prior to retiring the credits, the Applicant shall convert the relevant land-based credit requirements to suitable ecosystem credit requirements in consultation with OEH. If there is any dispute in the calculation of these credit requirements, either party may refer the matter to the Secretary for resolution.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects*, and can be achieved by:
   (a) acquiring or retiring credits under the biobanking scheme in the TSC Act;
   (b) making payments into an offset fund that has been established by the NSW Government; or
   (c) providing supplementary measures.

<table>
<thead>
<tr>
<th>Vegetation Community</th>
<th>Code (BVT)</th>
<th>Credits Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>West Balranald Mine</td>
<td>Nepean Mine</td>
</tr>
<tr>
<td>Black Bluebush Low Open Shrubland</td>
<td>LM102</td>
<td>10,014</td>
</tr>
<tr>
<td>Black Box Grassy Chenopod Open Woodland</td>
<td>LM105</td>
<td>276</td>
</tr>
<tr>
<td>Belah – Pearl Bluebush Woodland</td>
<td>LM107</td>
<td>5,366</td>
</tr>
<tr>
<td>Belah – Chenopod Woodland</td>
<td>LM108</td>
<td>9,694</td>
</tr>
<tr>
<td>Bladder Saltbush Low Open Shrubland</td>
<td>LM110</td>
<td>14,929</td>
</tr>
<tr>
<td>Chenopod Sandplain/Swale Mallee Woodland</td>
<td>LM116</td>
<td>89,097</td>
</tr>
<tr>
<td>Flat Open Claypan / Derived Sparse Shrubland/Grassland</td>
<td>LM124</td>
<td>2,412</td>
</tr>
<tr>
<td>Old Man Saltbush Shrubland</td>
<td>LM137</td>
<td>831</td>
</tr>
<tr>
<td>Pearl Bluebush Low Open Shrubland</td>
<td>LM138</td>
<td>39,452</td>
</tr>
<tr>
<td>Spinifex Dune Mallee Woodland</td>
<td>LM130</td>
<td>15,239</td>
</tr>
</tbody>
</table>

*Can be achieved by:
(a) acquiring or retiring credits under the biobanking scheme in the TSC Act;
(b) making payments into an offset fund that has been established by the NSW Government; or
(c) providing supplementary measures.*
Biodiversity Management Plan

17. Prior to carrying out any development on site, the Applicant shall prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must:
   (a) be prepared in consultation with OEH;
   (b) describe the short, medium, and long term measures that would be implemented to:
       • manage the remnant vegetation and fauna habitat on the site;
       • integrate the implementation of biodiversity management to the greatest extent practicable with the rehabilitation of the site;
   (c) include a detailed description of the measures that would be implemented over the next 3 years for:
       • minimising the amount of clearing within the approved development footprint as far as practicable;
       • rehabilitating and revegetating temporary disturbance areas;
       • protecting vegetation and fauna habitat outside the approved disturbance area on-site;
       • enhancing the quality of existing vegetation and fauna habitat on the site;
       • maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse on site;
       • collecting and propagating seed;
       • minimising the impacts on fauna on site, including undertaking pre-clearance surveys (with an emphasis on tree hollows, raptor nests and Malleefowl mounds) and implementing a fauna rescue strategy;
       • managing salinity using best practice dryland salinity management revegetation measures;
       • controlling weeds and feral pests;
       • controlling erosion;
       • controlling access; and
       • bushfire management;
   (d) include a specific Malleefowl management and monitoring plan, consistent with the 'National Manual for the Malleefowl Monitoring System' and the 'National Recovery Plan for Malleefowl';
   (e) include a seasonally-based program to monitor and report on the effectiveness of these measures;
   (f) 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
   (g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

Following approval, the Applicant shall carry out the development in accordance with this plan.

HERITAGE

Protection of Aboriginal Sites

18. The Applicant shall ensure that the development does not cause any direct or indirect impact on the identified Aboriginal heritage sites located outside the approved disturbance area for the project.

Notes:
   • Identified Aboriginal heritage items and risk areas are shown on the figures in Appendix 6.
   • This condition does not preclude the Applicant from applying to impact the sites under a separate approvals process.

Aboriginal Cultural Heritage Working Group

19. The Applicant shall establish and maintain an Aboriginal Cultural Heritage Working Group for the development to the satisfaction of the Secretary. This group must:
   (a) be established in consultation with OEH and local Aboriginal stakeholders prior to the construction of the West Balranald mine;
   (b) be comprised of a range of Aboriginal cultural heritage experts/stakeholders from the local Aboriginal groups, the Applicant (and its heritage experts) and government (if available), whose appointments have been approved by the Secretary;
   (c) meet at least 2 times a year, unless the Secretary agrees otherwise; and
   (d) provide advice on project-related Aboriginal cultural heritage management issues, including:
       • preparation and/or implementation of the Aboriginal Cultural Heritage Management Plan (see condition 20 below);
       • Aboriginal heritage site monitoring; and
       • Aboriginal heritage site salvage, excavation, storage and management.

Note: The Aboriginal Cultural Heritage Working Group is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this approval.
Aboriginal Cultural Heritage Management Plan

20. Prior to carrying out any development under this consent, the Applicant shall prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
   (a) be prepared in consultation with OEH, local Aboriginal stakeholders and the Aboriginal Cultural Heritage Working Group (if established), and be approved by the Secretary prior to the undertaking any development on site;
   (b) include:
      (i) a Geomorphic Assessment to assist in the development of the Subsurface Archaeological Testing Program and other management plan components (see below);
      (ii) a Subsurface Archaeological Testing Program, that includes provisions for:
         • sub-surface investigation of the excavation areas identified in Appendix 6 prior to any development within 250 metres of the excavation areas;
         • assessment of the archaeological and cultural heritage significance of any Aboriginal sites or megafauna assemblages (found in conjunction with cultural heritage values) identified during the sub-surface investigations, including consideration of cumulative impact;
         • involvement in the survey and investigation works by local Aboriginal stakeholders and the Aboriginal Cultural Heritage Working Group (if established);
      (iii) an Archaeological Salvage Program for Aboriginal sites/objects within the project disturbance area (including those identified following the additional testing program above), including methodology and procedures/protocols for:
         • salvage, excavation and/or management of sites within the disturbance area;
         • site assessment and reporting;
         • research objectives to inform knowledge of Aboriginal occupation;
         • protection, storage and management of salvaged Aboriginal objects;
         • addressing relevant statutory requirements under the NP&W Act; and
         • long term protection of salvaged Aboriginal objects;
      (iv) Trigger Action Response Plans (including stop work provisions, notification protocols and significance assessment protocols) for managing key risks to Aboriginal heritage, including:
         • the discovery of any potential human remains;
         • the discovery of previously unidentified Aboriginal objects or megafauna assemblages (found in conjunction with cultural heritage values) on site; and
         • managing unauthorised ground disturbance;
      (v) a Cultural Heritage Management Program, including a description of the measures that would be implemented for:
         • protecting, monitoring and managing Aboriginal sites outside the project disturbance area;
         • maintaining and managing reasonable access for Aboriginal stakeholders to cultural heritage items on site;
         • ongoing consultation with the Aboriginal Cultural Heritage Working Group and other local Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage on-site;
         • ensuring any workers on site receive suitable heritage inductions prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions; and
         • the long term management of the Aboriginal cultural heritage values of the site.

Following approval, the Applicant shall carry out the development in accordance with this plan.

Note: For the purposes of condition 21 below, the plan will need to define what constitutes an Aboriginal site of high and very high cultural heritage significance.

Additional Aboriginal Heritage Approval

21. The Applicant shall not disturb any site/s of high or very high cultural heritage significance identified during the implementation of the programs/plans identified in condition 20(b) or during the carrying out of the development without the prior written approval of the Secretary.

In seeking this approval, the Applicant shall submit a report to the Secretary. This report must:
   (a) be prepared in consultation with OEH and the Aboriginal Cultural Heritage Working Group;
   (b) assess the heritage significance of the site/s and their context;
   (c) justify why impacts to the site cannot be avoided; and
   (d) describe in detail the proposed salvage and/or management measures that would be implemented during any disturbance of the site, and incorporated into the Aboriginal Cultural Management Plan.

Note: For the avoidance of doubt, this condition does not apply to sites identified in the EIS.
TRANSPORT

Road Upgrades

22. Prior to the commencement of construction of the West Balranald Mine, the Applicant shall implement the road upgrade works detailed in Table 8 to the satisfaction of the applicable roads authority.

Table 8: Road Upgrade Works (Prior to Construction of West Balranald Mine)

<table>
<thead>
<tr>
<th>Measures</th>
<th>Applicable Roads Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upgrade Sturt Highway (HW14) and Murray Valley Highway intersection by gravel shoulder widening to accommodate oversize vehicles</td>
<td>RMS</td>
</tr>
<tr>
<td>Upgrade Piper, O’Connor and Moa Streets and associated intersection by gravel shoulder widening to accommodate oversize vehicles</td>
<td>RMS, Council</td>
</tr>
<tr>
<td>Upgrade McCabe Street/Balranald-Ivanhoe Road (MR67) intersection to include:</td>
<td></td>
</tr>
<tr>
<td>• Auxiliary Left Turn (AUL) and Basic Right Turn (BAR) treatment in accordance with Austroads intersection design standard</td>
<td>RMS, Council</td>
</tr>
<tr>
<td>• Intersection located, constructed and maintained to provide the required Safe Intersection Sight Distance (SISD), to be certified by appropriately qualified person</td>
<td>RMS, Council</td>
</tr>
<tr>
<td>• Installation of modified advance intersection signage</td>
<td>RMS, Council</td>
</tr>
<tr>
<td>• Intersection design to accommodate road train heavy vehicles (but only if these vehicles are to be used)</td>
<td>RMS, Council</td>
</tr>
<tr>
<td>Construct West-Balranald mine access road/Balranald-Ivanhoe Road intersection to an AUL/BAR.</td>
<td>RMS, Council</td>
</tr>
<tr>
<td>Construct two way access road from Balranald-Ivanhoe Road to the West Balranald Mine including:</td>
<td></td>
</tr>
<tr>
<td>• sealing of the first 100 metres from the Balranald-Ivanhoe Road intersection</td>
<td>-</td>
</tr>
<tr>
<td>• an entry gate located at least 40 metres from the Balranald-Ivanhoe Road intersection</td>
<td>-</td>
</tr>
<tr>
<td>Road maintenance to ensure a minimum 8 m wide two lane unsealed road along Burke &amp; Wills Road (12km section) – to continue during the life of the consent (unless the mine is placed on care and maintenance)</td>
<td>Council</td>
</tr>
<tr>
<td>Implement recommendations 1.1, 1.2, 1.3, 1.4, 1.5, 2.1 and 2.2 as identified in the Road Safety Audit prepared by Trafficworks Pty Ltd dated December 2012, unless otherwise agreed by the applicable roads authority</td>
<td>RMS, Council</td>
</tr>
</tbody>
</table>

23. Prior to the commencement of haulage of any mineral concentrate, the Applicant shall implement the road upgrade works detailed in Table 9, to the satisfaction of the applicable roads authority.

Table 9: Road Upgrade Works (Prior to Haulage of Mineral Concentrate)

<table>
<thead>
<tr>
<th>Measures</th>
<th>Applicable Roads Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upgrade the two intersections on Murray Street in Tooleybuc to an asphalt wearing course, unless RMS agrees this upgrade is not required</td>
<td>RMS</td>
</tr>
<tr>
<td>Upgrade the Sturt Highway (HW14) / Balranald-Tooleybuc Road intersection to a CHR (channelised right turn)</td>
<td>RMS</td>
</tr>
<tr>
<td>Upgrade McCabe Street with asphalt resurfacing and shoulders to Austroads road design standards including a minimum sealed width of 7m and pavement upgrades as required</td>
<td>Council</td>
</tr>
<tr>
<td>Implement recommendations 3.1, 3.3, 4.1 and 4.2 as identified in the Road Safety Audit prepared by Trafficworks Pty Ltd dated December 2012, unless otherwise agreed by the applicable roads authority</td>
<td>RMS, Council</td>
</tr>
</tbody>
</table>
24. Prior to the commencement of construction of the Nepean Mine, the Applicant shall implement the road upgrade works detailed in Table 10, to the satisfaction of the applicable roads authority.

<table>
<thead>
<tr>
<th>Measures</th>
<th>Applicable Roads Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upgrade intersection of haul road/Burke and Wills Road in accordance with Austroads intersection design standard. Intersection located, constructed and maintained to provide the required SISD. Install appropriate signage and lighting (if required).</td>
<td>Council</td>
</tr>
<tr>
<td>Road maintenance to ensure a minimum 8 m unsealed pavement width with 1.5 m shoulders along:</td>
<td>Council</td>
</tr>
<tr>
<td>• Burke &amp; Wills Road (12km section)</td>
<td></td>
</tr>
<tr>
<td>• Marma Box Creek Road (Arumpo Road) (10km section)</td>
<td></td>
</tr>
<tr>
<td>Maintenance to continue during the life of the consent (unless the mine is placed on care and maintenance)</td>
<td>Council</td>
</tr>
<tr>
<td>Upgrade Burke and Wills and Marma Box Creek Road (Arumpo Road) intersection – sealed for 100 m on the two major road intersection approaches and 50 m on the minor intersection approach with appropriate SISD. Install appropriate signage and lighting (if required).</td>
<td>Council</td>
</tr>
<tr>
<td>Construct new Marma Box Creek Road (Arumpo Road)/Nepean Mine intersection to an AUL/Basic Right Turn in accordance with Austroads intersection design standard. Intersection located, constructed and maintained to provide the required SISD. Install appropriate signage and lighting (if required).</td>
<td>Council</td>
</tr>
<tr>
<td>Construct two way access road from West Balranald Mine to Burke and Wills Road intersection including:</td>
<td>-</td>
</tr>
<tr>
<td>• sealing of the first 100 metres from any intersection</td>
<td></td>
</tr>
<tr>
<td>• gate located at least 40 metres from any intersection</td>
<td></td>
</tr>
<tr>
<td>Construct a two way access road from Marma Box Creek Road (Arumpo Road) to Nepean Mine in accordance with Austroads intersection design standard. Intersection located, constructed and maintained to provide the required SISD. Install appropriate signage and lighting (if required).</td>
<td>-</td>
</tr>
</tbody>
</table>

Road Maintenance

25. Prior to the commencement of construction of the West Balranald Mine, unless the Secretary agrees otherwise, the Applicant shall enter into a road maintenance agreement with Council to provide contributions towards the maintenance of local roads relative to the proportion of project-related traffic on the roads. The contributions shall be calculated generally in accordance with Council’s Road Maintenance Costing Model Framework (see Appendix 7).

If there is a dispute between the Applicant and Council about the implementation of this condition, then either party may refer the matter to the Secretary for resolution.

Note: Local roads subject to the road maintenance agreement include Balranald-Ivanhoe Road (Main Road 67) and McCabe Street. Burke and Wills Road and Marma Box Creek Road (Arumpo Road) to be maintained as per the requirements in Tables 8-10, and these requirements continue to have effect during the life of the consent. The Applicant and Council have agreed to calculate the annual contributions for the maintenance of Balranald-Ivanhoe Road (Main Road 67) and McCabe Street along the haulage route using Council’s Road Maintenance Costing Model Framework, which is reproduced in Appendix 7.

Restriction on Transport Routes

26. The Applicant shall ensure that no project-related traffic uses local roads to access or egress the site, other than those roads that form part of the designated access routes, except:

(a) in an emergency to avoid loss of life, property and/or to prevent environmental harm;
(b) infrequent use of the roads for consultation, environmental monitoring and/or inspection and maintenance of nearby infrastructure;
(c) for any employees or contractors that may reside on a local road that does not form part of the haulage route; or
(d) infrequent and temporary use during construction of the development, where this use has been approved as part of the traffic management plan (see condition 27 below).

Note: The designated haulage routes during construction and operation of the development are shown on the figures in Appendix 8.
Traffic Management

27. Prior to the commencement of construction of the West Balranald mine, the Applicant shall prepare a Traffic Management Plan for the development to the satisfaction of the Secretary. This plan must:
   (a) be prepared in consultation with RMS and Council;
   (b) include:
       (i) details of all transport routes and traffic types to be used for project-related traffic;
       (ii) a program to monitor and report on the:
           • amount of mineral concentrate transported from the site; and
           • amount of MSP process waste returned to the site;
       (iii) a description of the measures that would be implemented to address the relevant requirements in the Code of Practice for the Safe Transport of Radioactive Materials (ARPANSA, 2001, or its latest version);
       (iv) details of reasonable and feasible 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 project-related traffic impacts;
           • a traffic management system for managing over-dimensional vehicles;
           • measures to ensure loose surface road material generated by project-related traffic does not cause nuisance or hazard to other road users; and
           • provision of hard stand areas for parking of transport vehicles if required; and
       (v) a Road Transport Protocol for all drivers transporting materials to and from the site with measures to ensure:
           • heavy vehicles adhere to the designated haulage routes;
           • all vehicles transporting mineral concentrate are completely covered whilst in transit;
           • the staggering of heavy vehicle departures to minimise impacts on the road network, where practicable;
           • no disruption to school bus timetables;
           • the management of worker fatigue during trips to and from the site;
           • appropriate driver behaviour including adherence to speed limits, safe overtaking and maintaining appropriate distances between vehicles (i.e. a Driver Code of Conduct);
           • adherence to drug and alcohol policies;
           • appropriate vehicle maintenance and safety;
           • contingency plans when the haulage route is disrupted due to low visibility or closed due to wet weather;
           • emergency response plans;
           • the safe transportation of MSP process wastes; and
           • compliance with and enforcement of the protocol.

Following approval, the Applicant shall carry out the development in accordance with this plan.

VISUAL

Operating Conditions

28. The Applicant shall:
   (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development;
   (b) ensure that all external lighting associated with the development complies with Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting; and
   (c) take all practical measures to shield views of mining operations from users of public roads and privately-owned residences.

BUSHFIRE MANAGEMENT

29. The Applicant shall:
   (a) ensure that the development is suitably equipped to respond to any fires on site; and
   (b) assist the RFS, emergency services and National Parks and Wildlife Service as much as practicable in response to fires in the vicinity of the site.
DANGEROUS GOODS

30. The Applicant shall ensure that the storage, handling, and transport of dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Australian Code for the Transport of Dangerous Goods by Road and Rail.

WASTE

31. The Applicant shall:
   (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;
   (c) ensure that the waste generated by the development is appropriately stored, handled and disposed of at appropriately licensed waste facilities;
   (d) manage on-site sewage treatment and disposal in accordance with the requirements of Council and EPA; and

REHABILITATION

Rehabilitation Objectives

32. The Applicant shall rehabilitate the site to the satisfaction of the Secretary Industry. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS (and depicted conceptually in the figure in Appendix 9), and comply with the objectives in Table 11.

Table 11: Rehabilitation Objectives

<table>
<thead>
<tr>
<th>Feature</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mine site (as a whole)</td>
<td>• Safe, stable &amp; non-polluting&lt;br&gt;• 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&lt;br&gt;• Final landforms to:&lt;br&gt;  o restore native vegetation communities and ecosystem function (in the applicable domains);&lt;br&gt;  o sustain the intended land use for the post-mining domains;&lt;br&gt;  o minimise the visual impacts of the development;&lt;br&gt;  o be generally in keeping with the natural terrain features of the area;&lt;br&gt;  o incorporate micro-relief; and&lt;br&gt;• incorporate drainage lines consistent with topography and natural drainage where reasonable and feasible</td>
</tr>
<tr>
<td>Water quality</td>
<td>• Water retained on site is fit for the intended land use(s) for the post-mining domains&lt;br&gt;• Water discharged from site is consistent with the baseline ecological, hydrological and geomorphic conditions of the creeks prior to mining disturbance&lt;br&gt;• Water management is consistent with the applicable regional catchment strategy</td>
</tr>
<tr>
<td>Final void</td>
<td>• Minimise:&lt;br&gt;  o the size and depth of the final void&lt;br&gt;  o the drainage catchment of the final void&lt;br&gt;  o risk of flood interaction for all flood events up to and including the 1% AEP</td>
</tr>
<tr>
<td>Surface infrastructure</td>
<td>• To be decommissioned and removed, unless DRE agrees otherwise</td>
</tr>
<tr>
<td>Agriculture</td>
<td>• Land capability classification for the relevant nominated agricultural pursuit for each domain is established and self-sustaining within a reasonable timeframe</td>
</tr>
<tr>
<td>Community</td>
<td>• Ensure public safety&lt;br&gt;• Minimise the adverse socio-economic effects of mine closure</td>
</tr>
</tbody>
</table>
Progressive Rehabilitation

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

Rehabilitation Management Plan

34. Prior to carrying out any development on site, the Applicant shall prepare a Rehabilitation Management Plan for the development to the satisfaction of the Secretary Industry. This plan must be:

(a) prepared in consultation with the Department, OEH, DPI and Council;
(b) be prepared in accordance with relevant guidelines and consistent with the rehabilitation objectives in the EIS and in Table 12;
(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) include a mine closure strategy, that details measures to minimise the long term impacts associated with mine closure, including final landform and the final void, final land use and socio-economic issues;
(f) include interim rehabilitation where necessary to minimise the area exposed for dust generation;
(g) 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
(h) build to the maximum extent practicable on the other management plans required under this consent.

Following approval, the Applicant shall carry out the development in accordance with this plan.

Note: The Applicant is not required to carry out the consultation required under this condition if the plan is being prepared only for the rehabilitation of the Bulk Sampling Activity.
NOTIFICATION OF LANDOWNERS/TENANTS

1. Within 1 month of the commencement of development under this consent, the Applicant shall notify in writing the owners of the land listed in Table 1 of Schedule 3 that they have the right to require the Applicant to:
   (a) acquire their land in accordance with the procedures in conditions 3 and 4 below at any stage during the development; and
   (b) implement additional noise mitigation measures at their residence at any stage during the development.

INDEPENDENT REVIEW

2. If an owner of privately-owned land considers the development to be exceeding the criteria in Schedule 3 at his/her land, 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 the Applicant shall:
   (a) commission a suitably qualified, experienced and independent expert, 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 impact assessment criteria in Schedule 3; and
      • if the development is not complying with these criteria then:
         o determine if the more than one mine is responsible for the exceedance, and if so the relative share of each mine regarding the impact on the land;
         o 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 within 2 months of the Secretary's decision, unless the Secretary agrees otherwise.

LAND ACQUISITION

3. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall 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, but excluding any improvements or reasonable costs that have resulted from the implementation of the additional noise mitigation measures in condition 2 of Schedule 3;
   (b) the reasonable costs associated with:
      • relocating within the Balranald local government area, 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 shall 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 shall 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 shall 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, then the Applicant’s obligations to acquire the land shall cease, unless the Secretary determines otherwise.

4. The Applicant shall pay all reasonable costs associated with the land acquisition process described in condition 3 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 on site, the Applicant shall prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
   (a) be approved by the Secretary prior to the commencement of any development under this consent;
   (b) provide the strategic framework for environmental management of the development;
   (c) identify the statutory approvals that apply to the development;
   (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
   (e) 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;
      • respond to emergencies; and
   (f) 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.

Following approval, the Applicant shall carry out the development in accordance with this plan.

Adaptive Management

2. The Applicant shall 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

3. The Applicant shall ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, 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

4. By the end of March each year, the Applicant shall 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

5. Within 3 months of the submission of:
(a) annual review under condition 4 above;
(b) incident report under condition 6 below;
(c) audit under condition 8 below; or
(d) any modification to the conditions of this consent (unless the conditions require otherwise),
the Applicant shall 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.

REPORTING

Incident Reporting

6. The Applicant shall immediately notify the Secretary and any other relevant agencies 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 shall notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

7. The Applicant shall 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

8. Within 1 year of the commencement of construction, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall 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) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and
(e) 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, ecology, Aboriginal heritage and/or any other fields specified by the Secretary.

9. Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall 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

10. The Applicant shall:
(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;
   • minutes of meetings of the Aboriginal Cultural Heritage Working Group;
   • 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**

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APPENDIX 2
GENERAL LAYOUT OF DEVELOPMENT

Figure 1: West Balranald Mine and Gravel Extraction Areas
Figure 2: Bulk Sampling Activity Location
Figure 3: Nepean Mine
Figure 4: West Balranald Access Road, Water Supply Pipeline and Gravel Extraction Areas
Figure 5: Nepean Access Road and Injection Borefields
## APPENDIX 3
### GENERAL TERMS OF VPA

<table>
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<th>Responsibility for Administration</th>
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<td>Community Support</td>
<td>$50,000 per year, for up to 10 years</td>
<td>Annually (for each year of construction and operations)</td>
<td>Community Partnerships Committee</td>
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<td>50% of funding for a local project, up to a maximum of $150,000</td>
<td>Within two years of the commencement of construction of the West Balranald mine</td>
<td>Applicant &amp; Council</td>
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<td>Local Employment</td>
<td>Aspirational local employment target of 5% of the total full time equivalent site workforce</td>
<td>To be publically reported annually</td>
<td>Applicant</td>
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<td>Youth Training (higher education scholarship fund)</td>
<td>$4,500 per year, for up to 8 years, with potential for work experience opportunities</td>
<td>Annually (for each year of operations)</td>
<td>Community Partnerships Committee</td>
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<td>Employment Study</td>
<td>50% of funding for employment study, up to a maximum of $50,000</td>
<td>Two years prior to the cessation of mining activities under this consent (as can be reasonably forecasted)</td>
<td>Applicant &amp; Council</td>
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</table>

**Notes:**
- The general terms of the offer are outlined in the Applicant’s letter to Council dated 7 December 2015;
- The Community Partnerships Committee is to be an independent body to be established under the VPA with equal representation from the Applicant, Council and the Community, and chaired by the Applicant;
- Contributions are to be suspended when construction and/or operations cease, and the development is placed on care and maintenance; and
- Contributions are to be made by the Applicant as per the relevant timeframes, unless otherwise agreed by the parties.
APPENDIX 4
RECEIVER LOCATION PLAN

Figure 6: Land Ownership and Receiver Location Plan
APPENDIX 5
NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in condition 3 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) temperature inversion conditions greater than 8°C/100m.

Determination of Meteorological Conditions

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

Compliance Monitoring

3. 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 5 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.

4. 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 7: Aboriginal Heritage Sites

Note: Detailed figures and a description of all identified Aboriginal sites is provided in Appendix G of the EIS.
Figure 8: Aboriginal Heritage Risk Layers
Figure 9: Proposed Subsurface Excavation Program – Injection Borefields and Haul Road
Figure 10: Proposed Subsurface Excavation Program – West Balranald Mine Overview
Figure 11: Proposed Subsurface Excavation Program – West Balranald Mine Location 7
Figure 12: Proposed Subsurface Excavation Program – West Balranald Mine Exploratory Test Pitting
Figure 13: Proposed Subsurface Excavation Program – West Balranald Mine Location 8
Flow chart summarising Council’s Development Impact Road Costing Framework to derive the road maintenance contribution for MR67 and McCabe Street – ‘red’ text highlights key input/assumption to be resolved

**Design Equivalent Standard Axle Loads (ESA)**

- Existing ESA = MR67 xxx & McCabe Street xxx
  - calc. based on existing heavy vehicle traffic counts & payload
- Iluka ESA = MR67 xxx & McCabe Street xxx
  - calc. based on Mine Product Haulage traffic counts & 40t payload

**Pavement / Rehabilitation Costing Per Kilometre**

- Costings = MR67 xxx per km & McCabe Street $275,800 per km
  - calc. based on existing 7.5m sealed pavement width being 1000m² per km applied against MR67 $9.5m length with:
    - light patching - 5% of the area @ $20m²
    - heavy patching rehabilitation - 2% of the area @ $70m²
    - rehabilitation of area - 2% of area @ $80m²
    - resurfacing (40mm) - 10% of the area @ $100m²
  - calc. based on existing 7.5m sealed pavement width being 1000m² per km applied against McCabe Street at 1.5km length (based upon 2014 potholing) with:
    - light patching - 5% of the area @ $20m²
    - heavy patching rehabilitation - 12% of the area @ $70m²
    - rehabilitation of area - 2% of area @ $80m²
    - resurfacing (40mm) - 10% of the area @ $100m²

Total road maintenance / rehabilitation cost = $xxx per km

- calc. based on the MR67 pavement costing per kilometre = McCabe Street pavement costing per kilometre

**Road Pavement Design Life**

- Existing Design Life = MR67 xxx years & McCabe Street xxx years
  - calc. based on existing ESA and geotechnical investigations (pavement condition) against Figure 1 Design Chart calc. for granular pavements with thin bituminous surface (no kerb) [source Austroads APR8 Report No. 21]
- Iluka induced Design Life = MR67 xxx years & McCabe Street xxx years
  - calc. based on Iluka ESA and geotechnical investigations (pavement condition) against Figure 1 Design Chart calc. for granular pavements with thin bituminous surface (no kerb) [source Austroads APR8 Report No. 21]

**Iluka Road Maintenance Contribution**

- Proportion of Iluka costs for induced damage = xxx%
  - calc. based on Iluka ESA / Total ESA

Iluka road maintenance contribution (total) = MR67 xxx & McCabe Street $xxx

- calc. based on the total road maintenance cost per km x length of MR67 9.5km & McCabe Street 1.5km x proportion of Iluka costs for induced damage

Iluka Cost per Tonne of Mine Product Haulage = $xxx per t

- calc. based on Iluka road maintenance contribution (total) = 3,800,000
APPENDIX 8
ROAD HAULAGE ROUTES

Figure 14: Construction Access Routes
Figure 15: Mineral Transport Routes
Figure 16: Balranald Town Transport Routes
APPENDIX 9
REHABILITATION PLAN

Figure 17: Post Mining Land Use