



Mr Visco Sulicich
General Manager – Rasp Mine
PO Box 5073
BROKEN HILL NSW 2880

File N°: 06/6436

Dear Visco

Re: MOP Amendment for Rasp Mine – Broken Hill

Thank you for submitting the MOP Amendment for the Rasp Mine, which was received on 27 March 2007. This information will be added to the original Mining Operations Plan (MOP) for the Rasp Project within CML 7.

Works proposed in the MOP may now commence, subject to obtaining any additional approvals or licences which may be required.

Any future significant changes to operations documented in the MOP will also need to be covered in a MOP amendment.

If you require further information with regard to this issue, please contact Luke Pickering on (08) 8088 9334.

Yours faithfully

Greg Kininmonth
A/Senior Environmental Officer
29 March 2007



Brendan Barker
Mine Manager
CBH Resources
PO Box 5073
Broken Hill NSW 2880

Dear Brendan,

CML 7: Approval for Mining Operations Plan

In accordance with condition 2 of Consolidated Mining Lease 7 (CML 7) as renewed under the *Mining Act 1992*, the titleholder is granted approval to conduct the Mining Operations detailed in the Rasp Mine Mining Operations Plan, subject to the conditions set out below. These conditions relate specifically to this approval and are in addition to those attached to CML 7. A breach of conditions is an offence under the *Mining Act 1992*.

CONDITIONS

General

The activity must be carried out generally in accordance with the:

- a) Rasp Mine Underground Mining review of Environmental Factors (including all appendices) dated November 2009;
- b) Rasp Mine Mining Operations Plan dated Dec 2009; and,
- c) conditions of this approval.

If there is any inconsistency between the above documents, the most recent document prevails to the extent of the inconsistency.

Other

- d) The Mining Operation Plan is valid from 16 December 2009 until 31 December 2010.
- e) A MOP for the next period must be submitted at least 2 months prior to the expiry date of this MOP unless there is prior completion of rehabilitation and final closure of the mine site.
- f) The Annual Environmental Management Report under this MOP is to report for the period from 16 December 2009 to 15 December 2010. It is to be provided to the Department with the content and format described in "Guidelines to the Rehabilitation and Environmental Management Process" within 4 weeks of the end of the reporting period.

If you have any questions about this approval, please contact Catherine Stokes directly on (08) 8088 9334.

Yours sincerely

Michael McFadyen 16 DEC 09
Manager Environmental Operations



Broken Hill City Council

... a safe, vibrant, prosperous and culturally rich City achieved through community leadership and sustainable management.

Quote No *DA-264/2009 - T18/29*
TS:MC

Telephone / Personal Enquiries
Ask For

Mrs. T. Stephens

Please address all communications to:
The General Manager,
240 Blende Street,
P.O. Box 448,
BROKEN HILL N.S.W. 2880
Telephone: (08) 8080 3300
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ABN: 84 873 116 132
Email: council@brokenhill.nsw.gov.au
Website: www.brokenhill.nsw.gov.au

2/02/2010

Broken Hill Operations
Attention: Brendan James Barker
130 Eyre Street
BROKEN HILL NSW 2880

Environmental Planning and Assessment Act, 1979

Notice to Applicant of Determination of a Development Application

Dear Sir,

Pursuant to Section 80(1)(a) of the Act notice is hereby given of the determination by Council of Development Application No. DA-264/2009, located on Cons ML 7, CML 7 Mining Lease, BROKEN HILL NSW 2880 to allow for surface mining activities including crushing, stock piling and transportation.

The development application has been determined by the granting of consent subject to the following conditions:

- **Traffic**

- The existing access on Eyre Street should be widened to provide adequate width to allow turning movements for the largest vehicle anticipated to use the site.

Reason for imposition of condition: *To comply with the requirements of the Roads and Traffic Authority NSW, in regard to traffic safety and vehicle movements.*

- Two-way traffic flows to be separated at the property boundary through provision of a suitable physical barrier.

Reason for imposition of condition: *To comply with the requirements of the Roads and Traffic Authority NSW, in regard to traffic safety and vehicle movements.*

- Traffic turning left into or out of the development is not to cross the centreline of

Eyre Street.

***Reason for imposition of condition:** To comply with the requirements of the Roads and Traffic Authority NSW, in regard to traffic safety and vehicle movements.*

- **Time Period of Consent**

This development consent ceases two (2) years from the date of commencement of the approval activities. At the completion of the two (2) year time period, the use must cease.

***Reason for imposition of condition:** To reflect the temporary nature of the approved activity.*

- **Road Maintenance Agreement**

That Broken Hill Operations Pty Ltd enter into a Road Maintenance Agreement with Broken Hill City Council, prior to commencement of activity.

***Reason for imposition of condition:** To protect Council's infrastructure.*

- That a monthly report be provided to Council by the second Friday of each month
 - (i) detailing any issues that have impacted on the community during that month as a result of mining the Rasp Mine and outlining the corrective measures that have been taken
 - (ii) details of all calls received on the complaints hotline during the month
 - (iii) details of all monitoring results and reports generated during the preceding month as required by the EPA's general terms of approval or licence under the Protection of the Environment Operation Act 1997.

**GENERAL TERMS OF APPROVAL FROM DEPARTMENT OF ENVIRONMENT,
CLIMATE CHANGE AND WATER NSW**

ADMINISTRATIVE CONDITIONS

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application No. 264/2009 submitted to Broken Hill City Council on 9 October 2008;
- Any statement of environmental effects titled *Ancillary Surface Mining Activities: Crushing, Stockpiling and Transport of Ore – Broken Hill Operations Pty Ltd Rasp Mine* and dated October 2009 relating to the development; and

- All additional documents supplied to the EPA, in relation to the development, including the air monitoring plan submitted to the EPA on 9 November 2009 and on EPA file number LIC07/2213.

A2. Fit and Proper Person

- A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit Conditions

L1. Pollution of waters

- L1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Load limits

- L2.1** Not applicable

L3. Concentration limits

- L3.1** Not applicable

L4. Volume and mass limits

- L4.1** Not applicable

L5. Waste

- L5.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

- L5.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L6. Noise limits

- L6.1** Noise from premises based activities associated with extraction, mining, processing and transport of materials on the premises must not exceed the sound pressure level (noise) limits presented in the Table below. Note the limits represent the sound pressure level (noise) contribution, at the nominated receiver location in the table.

Location	Day L _{Aeq} , 15 minutes dB(A)	Evening L _{Aeq} , 15 minutes dB(A)
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Residences in Eyre Street (and cross streets with similar setbacks from the premises)	43	40
Residences in Piper Street (and cross streets with similar setbacks from the premises)	42	39
Residences in Hebbard Street (and cross streets with similar setbacks from the premises) and any other residence	38	35

Where L_{Aeg} means the equivalent continuous noise level – the level of noise equivalent to the energy average of noise levels occurring over a measured period.

L6.2 For the purpose of Condition 6.1:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays'
- Evening is defined as the period from 6pm to 10pm.

L6.2 Noise from the premises is to be measures at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Condition L6.1 unless otherwise stated.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DEC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

L6.3 The noise emission limits identified in Condition L6.1 apply under all meteorological conditions except:

- during rain and wind speeds (at 10m height) great than 3m/s; and
- under “non-significant weather conditions”.

Note: Field meteorological indicators for non-significant weather conditions are described in the NSW Industrial Noise Policy, Chapter 5 and Appendix E in relation to wind and temperature inversions.

Hours of operation

The following hours of operation apply:

- (a) Haulage of ore from the pit to the crusher – between 7am and 6pm seven days per week,
- (b) Trucks entering and leaving the premises – between 7am and 6pm seven days per week, and
- (c) Crushing plant operations – between 8am and 5pm Monday to Friday.

Assessment Report

Within three months of the commencement of operations of the ore crushing plant the applicant must submit to the EPA a noise assessment report about noise emissions from the ore crushing plant and ore haulage operations at the premises. The noise assessment report must be prepared by a noise consultant acceptable to the EPA and contain the following information:

- (a) designated noise monitoring point/s designed to measure the noise source at location/s not impacted by background noise,
- (b) the noise limits at the monitoring point/s referred to paragraph (a) based on the noise limits and locations in Condition **L6.1** and calculated or modelled to determine the noise limits at the monitoring points, and
- (c) Noise measurement of the ore crushing plant and ore haulage operations taken in a manner described in the NSW Industrial Noise Policy at the designated monitoring point/s referred to in paragraph (a) to determine compliance with the limits in Condition **L6.1** under existing or proposed conditions.

Operating conditions

O1. Dust

- O1.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- O1.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
- O1.3** The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O2. Truck movements

- O2.1** Truck movements to or from the kintore pit must not occur concurrently with the operation of the crushing plant unless the applicant can demonstrate to the EPA that this can be carried out within noise limits of Condition **L6.1** and the concurrent operation is permitted by an environment protection licence issued by the EPA.

O3. Stormwater

O3.1 The ore crushing plant must not operate until the stormwater works recommended in paragraph 2.5, *Surface Water Management Plan – Relocation of Storage Basin S3*, in Annexure 7 of the statement of environmental effects referred to in Condition **A1.1**, is completed.

O4. Blasting

O4.1 Rock blasting is not permitted at the premises unless used for underground mining.

Monitoring and recording conditions

M1. Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- In a legible form, or in a form that can readily be reduced to a legible form;
- Kept for at least 4 years after the monitoring or event to which they relate took place; and
- Produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- The date(s) on which the sample was taken;
- The time(s) at which the sample was collected;
- The point at which the sample was taken; and
- The name of the person who collected the sample.

M2. Requirement of monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

POINTS D1, D2, D3, D4, D5

AIR

Pollutant	Units of measure	Frequency	Sampling Method
Particulates - Deposited Matter	Grams per square metre per month	Monthly	AM-19
Total lead	Grams per square metre per month	Monthly	AM-19

POINT HVS1

Pollutant	Units of measure	Frequency	Sampling Method
Total lead	micrograms per cubic metre	every 6 days	Australian Standard 2800-1985
Total suspended particles	micrograms per cubic metre	every 6 days	AS/NZS 3580.9.6:2003

The points referred to in this condition are shown on the air monitoring plan submitted to the EPA on 9 November 2009 and on EPA file LIC07/2213-02.

ATTACHMENT – MANDATORY CONDITIONS FOR ALL EPA LICENCES

ADMINISTRATIVE CONDITIONS

Other activities

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises including:

Crushing, grinding or separating works.

OPERATING CONDITIONS

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

- This includes:

the processing, handling, movement and storage of materials and substances used to carry out the activity; and

the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:

must be maintained in a proper and efficient condition; and

must be operated in a proper and efficient manner.

MONITORING AND RECORDING CONDITIONS

Recoding of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

- The record must include details of the following:
 - the date and time of complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;
 - the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken by the licensee, the reason why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a Statement of Compliance; and
 - a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below.

Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- Where this licence is transferred from the licensee to a new licensee

the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and

the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending of the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

in relation to the surrender of a licence – the date when notice in writing of approval of the surrender is given; or

in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the “due date”).

Notification where actual load can not be calculated

(Licences with assessable pollutants)

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

- The notification must specify:

the assessable pollutants for which the actual load could not be calculated; and

the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

- The request may require a report which includes any or all of the following information:

the cause, time and duration of the event;

the type, volume and concentration of every pollutant discharged as a result of the event;

the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;

any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

GENERAL CONDITIONS

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

This approval became effective on 01-Feb-2010 (under Section 83 of the Act) and will lapse unless the proposed development is commenced within two (2) years of the approval date (Section 95 of the Act).

Appeal Provisions

Under the provisions of Section 97 of the Act, the applicant can appeal against this decision in the Land and Environment Court within twelve (12) months of receiving this notice.

Review of Determination

Under the provisions of Section 82A of the Act, the applicant can request Council to review the determination within 12 months of the decision date, subject to the payment of the fee set by Council.

All conditions imposed by Council should be observed, as non compliance is an offence under the Act and may result in orders being issued or legal action being instigated to have outstanding matters rectified.

NOTE

1. Change in use or class of building may only be permitted after notification to Council, and subject to the use or building complying with the appropriate construction or planning consent.
2. The use of the building or any portion thereof for a different class without the consent of Council is an offence.

Yours faithfully,



P. OLDSSEN
GROUP MANAGER SUSTAINABILITY