

PLANNING PERMIT

Permit No. **AM/2248/1997/C**
Planning Scheme: **Greater Bendigo Planning Scheme**
Responsible Authority: **Greater Bendigo City Council**

ADDRESS OF THE LAND: **1091 (CA 37 Sec 1) Heathcote-Nagambie Road, and (CA16 Sec 6) Bradleys Lane, COSTERFIELD
Part CA 37 Sec 1**

THE PERMIT ALLOWS: **Open cut mining and gold antimony recovery and existing treatment plant (located at the Brunswick mine site) and works allowed by the Victorian Civil and Administrative Tribunal in its determination of permit amendment proceedings P842/2014 and P846/2014 authorising the raising of the dam walls of the Bombay tailings dam and the Brunswick tailings dam associated with the Augusta mine.**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

ADVERTISED PLAN

1. Endorsed Plans

1.1 The permitted mine must be established and operate generally in accordance with the endorsed plan, being the "Variation to Work Plan MIN 4073", August 1996, and as amended by the Bombay-Minerva area site layout plan dated March 1997 which shall be amended showing:

- a) Fencing realignment to fence in the historic sites;
- b) Showing the tailings dam bypass drain dispersing runoff below the Bombay Dam;
- c) Showing boom gates at the intersection of the haulage road and the new road in lieu of traffic lights;
- d) Showing access past the Mears property to local traffic;
- e) Showing provision of a minor drain on the east between the Post Office and eastern bund;
- f) Showing a temporary creek crossing to provide access to the waste rock stockpile on the Worn property;
- g) Showing the barrier as noted as a 'acoustic (sound) wall' continuing to the north and around the northern end of the pit to join the eastern building;
- h) A plan of the Brunswick Treatment site

And cannot be altered without the further consent of the Responsible Authority in consideration of the recommendations of the Environmental Review Committee, Costerfield.

1.2 All works and operations must be carried out generally in accordance with the Work Plan submitted with the application, unless inconsistent or in contravention of any of these planning permit conditions.

1.3 In relation to the raising of the height of the Bombay tailings dam and the Brunswick tailings dam authorised by the amendments to this permit granted by the Victorian Civil and Administrative Tribunal in its determination of proceedings P842/2014, and

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P846/2014 such works are not to commence until plans thereof have been submitted to and approved by the responsible authority. Such plans are to be drawn to scale with dimensions and three copies are to be submitted. When approved, such plans will be endorsed as evidence of their approval and will thereby become the part of the endorsed plans under this permit relating to the elevation of the heights of the dam walls of the Bombay tailings dam and the Brunswick tailings dam such plans are to depict or specify:

- (a) the nature and extent, materials and specifications for the design, construction and ultimate closure and rehabilitation of those tailings dams including specifications of the materials used, their extent when constructed, foundations, clay lining with specifications for such linings;
- (b) the plans may provide for the works to be carried out in stages in which case such stages are to be clearly specified in the plans;
- (c) the new works raising the heights of tailings dam walls are to contain dry clay linings 3 metres in width and with impermeability of 1×10^{-8} m/sec
- (d) the spillway for each dam is to be designed for a 1 in 10,000 year Annual Exceedence Probability (AEP);
- (e) the flood storage capacity of each tailings dam is to be designed for a 1 in 100,000 years AEP flood plus wave run up for a 1 in 10 AEP wind;
- (f) the embankments for each dam extension is to be designed to provide a factor of safety of 1.5 after closure for a Maximum Credible Earthquake;
- (g) the top of the embankment for each tailings dam, and for each stage of tailings dam extension if to be constructed in stages, is to be graded to ensure that all drainage from the top of the embankment flows into the tailings dam; and
- (h) plans for the ultimate closure of the said tailing dams with specifications including capping and rehabilitation but on the basis that the provision of such closure and

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

rehabilitation plans may be deferred with the consent of the responsible authority pending the report of the independent reviewer required by condition 1.4 in so far as it relates to such capping and rehabilitation.

Note that: In determining what it will approve in relation to such plans the responsible authority will take into consideration reports and recommendations submitted to it in accordance with condition 1.4 below.

- 1.4 A report or reports from a suitably qualified independent reviewer whose qualifications are to the satisfaction of the responsible authority is to be submitted to the responsible authority prior to its approval of the plans required by condition 1.3 above. Such report and recommendations are to review the stages of design construction and operation of the tailings dams as extended and their capping and rehabilitation including whether a closing cap with a gradient of 1:100 is appropriate and if not what gradient should be required save that insofar as plans, report and recommendations might relate to final capping and rehabilitation, their submission can be delayed with the consent of the responsible authority granted in writing which consent can be granted from time to time. The report or reports are to confirm that the tailings dams raisings have been designed, constructed, operated, closed and rehabilitated in accordance with ANCOLD Guidelines on Tailings Dams – Planning, Design, Constructions, Operation and Closure (ANCOLD 2012) and that the dams have been designed as High C consequence category dams.
- 1.5 All works and rehabilitation works allowed or required by amendments to this permit granted by the Victorian Civil and Administrative Tribunal in its determination of proceedings P842/2014 and P846/2014 are to be carried out in accordance with the plans approved under 1.3 above and such plans, after approval, are not to be altered or varied except with the written consent of the responsible authority.
- 1.6 All construction and ongoing activities must, to the satisfaction of the responsible authority, accord with the sediment control principles outlined in the 'Construction Techniques and Sediment Pollution Control' 1991 and the 'Environment Guidelines and Major Construction sites' 1996 published by the Victorian Environment Protection Authority.

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

2. Work Authority

The use and development of the subject land must at all times be in accordance with the relevant mining Licence and the Work Authority, including the Approved Work Plan, issued pursuant to the Mineral Resources Development Act 1990.

3. Goulburn-Murray Water

- 3.1 All structural works must be placed above the 1:100 year flood level.
- 3.2 All sedimentation ponds and drains must be designed for a recurrence interval equal to or greater than 10 years but on the basis that this condition does not reduce any requirement imposed by any other condition of this permit.
- 3.3 In the interim period while the vegetation works are taking effect, the drainage lines must be sufficiently 'artificially' stabilized to prevent erosion.
- 3.4 A groundwater extraction licence issued by Goulburn-Murray Water under the Water Act 1989, must be obtained prior to any dewatering.

4. Country Fire Authority

The operator must ensure that appropriate fire safety standards are maintained on site in accordance with the Fire Protection Regulations 1992 and the Country Fire Authority Act and Regulations to the satisfaction of the Responsible Authority in consultation with the local Country Fire Authority Brigade Captain.

5. Complaint Management

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Within one month from the issue of this permit the operator must nominate the person responsible for the project as the person to whom complaints concerning the carrying out of works can be directed. Such nomination must be in writing and state the name, address and telephone numbers (day and night) of the person appointed. Copies of such written nomination must be sent to the Responsible Authority, relevant Statutory Authorities and adjoining landowners concerned at least 7 days prior to the commencement of works and within 7 days of any change in the nominated person.

6. Operating Hours

- 6.1 The hours of operation during the construction period of the project shall be 7.00am to 5.00pm, Monday to Saturday (both inclusive).
- 6.2 The hours of operation on the mining, haulage of ore and waste rock and the crushing plans shall be 7.00am to 6.00pm Monday to Friday (both inclusive).
- 6.3 The treatment plant is permitted to operate 24 hours per day, 7 days per week.
- 6.4 Excepting the treatment plant operations, no other operations shall be carried out on the project outside the hours specified above without the written permission of the Responsible Authority, or on a Sunday, Christmas Day, Boxing Day, New Year's Day or Good Friday, except for essential plant maintenance.

7. Noise Limits

- 7.1 Noise emissions from the permitted use are to comply with the requirements of the Environmental Protection Authority at all times.

Maximum noise levels at adjoining residences shall be :-

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Day:	Monday – Friday (0700 – 1800 hours)	45 dB(A)
	Saturday (0700 – 1300 hours)	45 dB(A)
	Saturday (1300 – 1800 hours)	42 dB(A)
	Sunday and Public Holidays (0700 – 1800 hours)	42 dB(A)
Evening:	Monday – Sunday (1800 – 2200 hours)	42 dB(A)
Night:	Monday – Sunday (2200 – 0700 hours)	36 dB(A)

7.2 Noise levels under this condition must be assessed in accordance with the procedures set out in State Environment Protection Policy No. N-1.

7.3 An allowance of 10 dB(A) above the maximum day period limit is permitted during construction. Construction includes all works necessary to prepare the site for mining operations including soil stripping and construction of road, tailings dam, storm water cu-off drains, dewatering dam and buildings. Construction does not include overburden removal which is part of mining operation.

8. Environmental Monitoring Program

An environmental monitoring program must be undertaken by the operator in accordance with the Department of Natural Resources and Environment requirements and shall provide for but not be limited to :-

- i. Construction of monitoring bores (to be located and operated generally in accordance with the recommendations contained in the report of Mr R. Friday of Goldair Associated dated April 1997);
- ii. Installation of dust and noise monitoring stations (to be located and operated generally

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

in accordance with the recommendations contained in the report of Dr. J.T. Bellair dated April 1997 and Mr R. Burton dated April 1997(;

- iii. Regular representative sampling of private household, domestic water supplies within the near vicinity of the project and response management (to be conducted generally in accordance with the said reports of Mr R. Friday and Dr. J.T. Bellair);
- iv. Any other monitoring requirement that may be required by and of the statutory agencies represented on the Environmental Review Committee. Such program must be to the satisfaction of the Responsible Authority and the Department of Natural Resources and Environment.

9. Environment Protection Authority

9.1 Impermeable liner of the tailings dam to have a permeability value of not greater than 10-6cm/sec over a thickness of not less than 300mm but on the basis that this condition does not reduce any requirement of specification imposed in relation to the Bombay tailings dam or the Brunswick tailings dam by the Victorian Civil and Administrative Tribunal in its determination of permit amendment proceedings P842/2014 and P846/2014 in relation to those tailings dams which determination granted amendments to this permit allowing extensions to the heights of those dam walls.

9.2 Approval shall be obtained from the Environment Protection Authority before discharging any surface run-off from waste rock stockpile area.

10. Refuse Transfer Station

Councils garbage hopper must be located to a site and fenced at no cost to Council and to its satisfaction, in such manner as to provide a continuous service to the public.

11. Temporary Road Diversion

11.1 All tree removal associated with the detour must be approved and supervised by the

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Department of Natural Resources and Environment.

- 11.2 The detour must be designed and constructed in accordance with plans and specifications submitted to and approved by the Responsible Authority.
- 11.3 The intersection of the detour with the Heathcote-Nagambie Road must be designed and constructed in accordance with plans and specifications submitted to and approved by VicRoads and the Responsible Authority.
- 11.4 Following completion of mining approved by this permit, all roads that have been temporarily closed must be reopened on the original alignments by construction to at least a comparable standard as existing prior to operations, to the satisfaction of the Responsible Authority.
- 11.5 Any and all buildings and works, including waste dumps, erected or constructed within 20 metres of the Heathcote-Nagambie Road reserve shall be removed and the site restored to the satisfaction of and at no cost to the Responsible Authority within three months of the termination of the use hereby permitted.
- 11.6 Any vegetation or other planting within the Heathcote-Nagambie Road reserve shall be in accordance with the requirements of VicRoads.
- 11.7 No discharge of any concentrated drainage, sullage or waste water shall be permitted onto the Heathcote-Nagambie Road.
- 11.8 If required, the permit holder shall enter into a Section 173 Agreement under the *Planning and Environment Act 1987* with the Responsible Authority and the Department of Natural Resources and Environment to ensure that buildings, works and waste dumps are removed and the site restored.

12. Amenity

No process or activity can be conducted in such a manner as will cause injury to or

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

prejudicially affect the amenity of the locality by reason of appearance or the emission of dust, noise, vibration, smell, fumes, smoke, vapor, steam, soot, ash, waste water, waste products, oil or otherwise.

13. Tailings Dam (Bombay Dam)

The tailings dam site must be enclosed by a 1.5 metre high stock proof fence with warning signs every 100 metres.

14. Rehabilitation

The approved pit must be progressively backfilled and rehabilitated generally in accordance with the endorsed plans, except that the drainage area shown in Figure 19D may be restored as a water feature in accordance with detailed landscape plans developed in consultation with the Responsible Authority, Department of Natural Resources and Environment and the local community.

15. Time for Commencement

This permit will expire if mining is not commenced within two years of the date of this permit, save that, in relation to the works allowed by amendments to this permit granted by the Victorian Civil and Administrative Tribunal in its determination of Tribunal proceedings P842/2014 and P846/2014 the time limit for commencement of those works will be 28 February 2019 and on the basis that such a period can be extended by the responsible authority upon application made to it for such extension before or within three months of the expiry.

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description of Amendment
12 November 2014	Variation to 'what the permit allows' and a number of conditional changes as a result of VCAT proceedings P842/2014 and P846/2014.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 of Part 4 of the *Planning & Environment Act 1987*)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
 - (i) the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

- A permit for the development of land expires if –
 - the development or any stage of it does not start within the time specified in the permit, or
 - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
- A permit for the use of land expires if –
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - the use is discontinued for a period of two years.
- A permit for the development and use of the land expires if –
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
- If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision –
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
- The expiry of a permit does not affect the validity of anything done under the permit before the expiry.

WHAT ABOUT APPEALS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil & Administrative Tribunal where, in which case no right of appeal exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil & Administrative Tribunal.
- An application for review must be made on an Application for Review form which can be obtained from the Civil & Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil & Administrative Tribunal.

Planning Services
City of Greater Bendigo
15 Hopetoun Street,
PO Box 733, Bendigo 3552

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