Newmont™
CADIA

Modification 16
Northern Tailings Storage Facility
Buttress Optimisation

Attachment A
Detailed Statutory Compliance Reconciliation Table

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Table A1-1
Detailed Statutory Compliance Reconciliation Table

Relevant Legislation or Instrument	Mandatory Consideration/Pre-condition	Relevant Section in the Modification Report	Modified Project Compliance Status
NSW Environmental Planning and Assessment Act 1979 (EP&A Act)			
section 1.3	Relevant objects of the EP&A Act: • Promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources. • Protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats. • Promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention. • Promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage. • Provide opportunities for participation in environmental planning and assessment. • Facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment. • Promote a proportionate and risk-based approach to environmental planning and assessment. • Promote the orderly and economic use and development of land.	Section 4	✓
section 4.15	Relevant environmental planning instruments: • *State Environmental Planning Policy (Planning Systems) 2021*. • *State Environmental Planning Policy (Resources and Energy) 2021*. • *State Environmental Planning Policy (Resilience and Hazards) 2021*. • *Blayney Local Environmental Plan 2012* (Blayney LEP). • *Cabonne Local Environmental Plan 2012* (Cabonne LEP). • Any planning agreement or draft planning agreement that a developer has entered into under section 7.4 of the EP&A Act. • *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). The significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality; the suitability of the site for the development; any submissions made in accordance with the EP&A Act or the regulations; the public interest.	Section 4.3, Section 6, Table A1-1 and Table A1-2	✓

Table A1-1 (Continued)
Detailed Statutory Compliance Reconciliation Table

Relevant Legislation or Instrument	Mandatory Consideration/Pre-condition	Relevant Section in the Modification Report	Modified Project Compliance Status
NSW Environmental Planning and Assessment Regulation 2021			
clause 98	Clause 98 provides for the circumstances in which a modification application may be made. In accordance with the requirements of clause 98(4), CHPL will give notice of the Modification Application via newspaper no later than 14 days after the Modification Application is made. With respect to clause 98(6), Cadia incorporating the Modification does not relate to land owned by a Local Aboriginal Land Council.	Table A1-1	✓
clauses 99 and 100	Clauses 99 and 100 of the EP&A Regulation provide for the making and content of a Modification Application. With respect to these two clauses, this Modification Application: • contains the information required by the EP&A Act and EP&A Regulation; • has been prepared in consideration of *State Significant Development Guidelines* (Department of Planning Housing and Infrastructure, 2024a), in particular *Appendix E – Preparing a Modification Report* (Department of Planning and Environment, 2022b); • contains the information required by clause 100(1)(a) to (c) and a description of the Modification and its expected impacts; and • gives an undertaking here that the modified development will remain substantially the same as the development originally approved; and • is accompanied by a Biodiversity Development Assessment Report (BDAR) detailing biodiversity credits information. The Modification is solely proposed within CHPL-owned land and within existing Mining Leases (MLs) at Cadia. There is no proposed change to the approved disturbance footprint. As such, an assessment of impacts to biodiversity is not required for the Modification.	Sections 1 to 8	✓
clause 103	Clause 103 of the EP&A Regulation concerns applications to modify a development consent that relates to mining or petroleum development on certain land. The proposed Modification activities at Cadia would be located within ML 1481 and ML 1405. A new Mining Lease is not required for the purpose of this modification as the Modification is solely proposed within CHPL-owned land and within existing MLs at Cadia.	Section 4.2.3	✓
clause 106	Division 2 of Part 5 of the EP&A Regulation provides for the public notification of modification applications. The consent authority is required to attend to the relevant public notice requirements in this Division.	-	-

Table A1-1 (Continued)
Detailed Statutory Compliance Reconciliation Table

Relevant Legislation or Instrument	Mandatory Consideration/Pre-condition	Relevant Section in the Modification Report	Modified Project Compliance Status
NSW Biodiversity Conservation Act 2016			
section 7.13(2)	The consent authority is to take into consideration the likely impact of the proposed development on biodiversity values as assessed in the BDAR. The Modification is solely proposed within CHPL-owned land and within existing MLs at Cadia. There is no proposed change to the approved disturbance footprint. As such, an assessment of impacts to biodiversity was not required for the Modification.	Sections 4.2.2 and 6.7.1	✓
Dams Safety Act 2015			
section 48(4)	Before a consent authority modifies a development consent for the carrying out of any mining operations in a notification area of a declared dam, the consent authority must refer the application to Dams Safety NSW and take into consideration any matters that are raised by Dams Safety NSW within the prescribed period.	Section 4.2.4	✓
NSW Mining Act 1992			
section 5	A person must not prospect for or mine any mineral except in accordance with an authorisation that is in force in respect of that mineral and the land where the prospecting or mining is carried on. A new Mining Lease is not required for the purpose of this modification as the Modification is solely proposed within CHPL-owned land and within existing MLs at Cadia.	Section 4.2.3	✓
NSW Protection of the Environment Operations Act 1997 (PoEO Act)			
section 43	Cadia currently operates under EPL 5590, granted under the PoEO Act, which allows for mineral processing, crushing, grinding or separating mining for minerals. The EPL contains conditions that relate to emission and discharge limits, environmental monitoring and reporting. No changes are anticipated to be required to EPL 5590 as a result of the Modification.	Section 4.2.7	✓
NSW Water Management Act 2000			
sections 89, 90 and 91	CHPL holds appropriate licences under the WM Act for the existing activities at Cadia and no change in licensing requirements are anticipated for the Modification.	Sections 4.2.1, 6.4 and 6.5	✓

Table A1-1 (Continued)
Detailed Statutory Compliance Reconciliation Table

Relevant Legislation or Instrument	Mandatory Consideration/Pre-condition	Relevant Section in the Modification Report	Modified Project Compliance Status
National Parks and Wildlife Act 1974			
section 90	No additional surface disturbance would be associated with the Modification and an Aboriginal cultural heritage impact permit under section 90 of the NPW Act is not required for Cadia, including for the Modification.	Sections 4.2.5 and 6.7.2	✓
NSW Crown Land Management Act 2016			
section 5.30	For any relevant Crown land directly affected by the Modification, CHPL would enter into necessary leases or licences under the *Crown Land Management Act 2016* and/or reach agreements under section 265 of the *Mining Act 1992* to allow Modification activities to occur. No Crown land is located within the proposed Modification area.	Table A1-1	✓

Table A1-2
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Modification Report	Modified Project Compliance Status
State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)			
Part 2.2	The Planning Systems SEPP provides for the declaration of SSD. In this respect, the approved Cadia was declared to be SSD under clause 6 of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.	Table A1-2	✓
clause 2.7	Clause 2.7(1) relevantly provides for the Independent Planning Commission to be the declared consent authority for certain applications to modify a development consent for SSD, if the application is made by a person who has disclosed a "reportable political donation" under section 10.4 of the EP&A Act in connection with the modification application. In this respect, this Modification Application is not made by a person who has disclosed a reportable political donation.	Table A1-2	✓
clause 2.10	Under clause 2.10, development control plans do not apply to SSD.	Table A1-2	✓
State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP)			
clause 2.1	Clause 2 of Chapter 2 (Mining, petroleum and extractive industries) of the Resources and Energy SEPP relevantly states that the aims of the Policy are, in recognition of the importance to NSW of mining, petroleum production and extractive industries: *(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and* *(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and* *(c) to promote the development of significant mineral resources, and* *(d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and* *(e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development—* *(i) to recognise the importance of agricultural resources, and* *(ii) to ensure protection of strategic agricultural land and water resources, and* *(iii) to ensure a balanced use of land by potentially competing industries, and* *(iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.* The consent authority can be satisfied that the Modification is consistent with the relevant aims of the Resources and Energy SEPP for the reasons given in Section 4.1.1 with respect to the objects of the EP&A Act.	Section 4.1.4 Table A1-2	✓
clause 2.9	Clause 2.9 states that development for the purpose of mining may be carried out (with consent) on land where development for the purposes of agriculture or industry may be carried out (with or without development consent). Cadia including the Modification is entirely within land that is zoned for primary production, for which development for the purpose of agriculture or industry may be carried out (with or without consent) under the Blayney and Cabonne LEP.	Section 4.3.1	✓

Table A1-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Modification Report	Modified Project Compliance Status
State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP) (continued)			
clause 2.16	Clause 2.16 provides various non-discretionary development standards for mining. In this regard, it is noted that the Modification would not result in any potential impacts at private receivers on cumulative noise level, cumulative air quality level, airblast overpressure, or ground vibration (i.e. the non-discretionary development standards listed under clause 2.16[1] to [6]).	Section 6 Table A1-2	✓
clause 2.17	Before determining an application for consent for the purposes of mining the consent authority must: *(a) consider –* *(i) the existing uses and approved uses of land in the vicinity of the development, and* *(ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and* *(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and* *(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a)(i) and (ii), and* *(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).* Land use in the vicinity of Cadia is characterised by a combination of agricultural land uses, industrial and residential areas in the town of Blayney. The Modification would be undertaken within the existing mining leases. Accordingly, Cadia incorporating the Modification is considered to be compatible with existing and approved uses of land.	Table A1-2	✓
clause 2.18	Consideration of the Voluntary Land Acquisition and Mitigation Policy. At night, noise levels are generally found to increase by a negligible amount, with a small number of privately-owned residential receivers east and southeast of the site subject to increases. The increase in noise levels at night is due to the coarse sand tailings placement operation, however, is not predicted to result in any exceedances of criteria. Operational noise predictions would comply with the noise impact assessment criteria at all privately-owned residential receivers and assessment periods. The Modification would not result in any exceedances of particulate matter (i.e. dust) concentrations or deposited dust levels at all privately-owned sensitive receivers in the vicinity of Cadia. The Modification would not contribute to an exceedance at any privately-owned residence, privately-owned workplace or extend over more than 25% of any privately-owned land.	Sections 6.1 and 6.2	✓

Table A1-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Modification Report	Modified Project Compliance Status
State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP) (continued)			
clause 2.19	Before determining an application for development in the vicinity of mining, petroleum or extractive industry, the consent authority must (among other things) consider whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery. In this regard, Cadia incorporating the Modification would continue to progress in accordance with approved mine plans until the target gold, copper and molybdenum resource is fully extracted. Further, the development as modified is not expected to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials. As such, no additional measures to avoid or minimise incompatibility with existing and approved surrounding land uses are considered to be required.	Table A1-2	✓
clause 2.20	Clause 2.20(1) of the Resources and Energy SEPP requires that, *(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following–* *(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,* *(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,* *(c) that greenhouse gas emissions are minimised to the greatest extent practicable.* In addition, clause 2.20(2) requires that, without limiting clause 2.20(1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions. The Modification is solely proposed within CHPL-owned land and within existing MLs at Cadia. There is no proposed change to the approved disturbance footprint. As such, an assessment of impacts to biodiversity was not required for the Modification. The potential impact of the Modification on greenhouse gas emissions has been described in Section 6.6.	Sections 6.4, 6.5, 6.6 and 6.7.1	✓

Table A1-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Modification Report	Modified Project Compliance Status
State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP) (continued)			
clause 2.21	Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery, and whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material. In this regard, Cadia incorporating the Modification would continue to progress in accordance with approved mine plans until the target gold, copper and molybdenum resource is fully extracted.	Section 3 Table A1-2	✓
clause 2.23	Clause 2.23 of the Resources and Energy SEPP requires that, before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development. In particular, the consent authority must consider whether conditions of the consent should: *(a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or* *(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or* *(c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of Schedule 6 to the Act and the Contaminated Land Management Act 1997), or* *(d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.* CHPL would continue to progressively rehabilitate Cadia in accordance with existing approvals. CHPL would review and revise the Rehabilitation Management Plan (or equivalent) to incorporate the Modification.	Table A1-2	✓
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)			
clause 3.12	A consent authority must consider current circulars or guidelines published by DPHI relating to hazardous or offensive development, whether to consult with relevant public authorities regarding any environmental or land use safety requirements, a preliminary hazard analysis prepared by the applicant, feasible alternatives to the development, and likely future use of surrounding land. To the extent that clause 3.12 is relevant to the Modification Application, the consent authority can be satisfied that the development as modified will be carried out appropriately to manage potential hazards and pollution. Hazardous materials would continue to be managed in accordance with the Project Approval and approved management plans.	Table A1-2	✓

Table A1-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Modification Report	Modified Project Compliance Status
Blayney Local Environmental Plan 2012 (Blayney LEP)			
clause 2.3(2)	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	Section 4.3	✓
clause 5.10(4)	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	Section 6.7.3	✓
clause 5.10(8)	If applicable, a consent authority must, before granting consent under clause 5.10 to the carrying out of development in an Aboriginal place of heritage significance, consider the effect of a proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment.	Section 6.7.2	✓
clause 6.3	Clause 6.3 outlines considerations relating to the conservation and improvement of terrestrial biodiversity, and applies to: *… land identified as "Biodiversity" on the Natural Resource—Biodiversity Map.* Subclause 6.3(3) requires that before determining a development application for development on land to which clause 6.3 applies, the consent authority must consider— *(a) whether the development is likely to have –* *(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and* *(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and* *(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and* *(iv) any adverse impact on the habitat elements providing connectivity on the land, and* *(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.* The Modification is solely proposed within CHPL-owned land and within existing MLs at Cadia. There is no proposed change to the approved disturbance footprint. As such, an assessment of impacts to biodiversity is not required for the Modification.	Section 6.7.1	✓

Table A1-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Modification Report	Modified Project Compliance Status
Blayney Local Environmental Plan 2012 (Blayney LEP) (continued)			
clause 6.4	Clause 6.4(3) requires that before determining a development application for development on land to which clause 6.4 applies, the consent authority must consider: *(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),* *(b) any adverse impacts the development may have on groundwater dependent ecosystems,* *(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),* *(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.* The potential impact of the Modification on groundwater have been described in Section 6.5.	Section 6.5	✓
clause 6.6	Clause 6.6 of the Blayney LEP outlines considerations relating to the conservation and continuation of ecological processes within watercourses and riparian areas, and applies to the following: *(a) identified as "Riparian Land and Waterways" on the Riparian Land and Waterways Map,* *(b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as "Riparian Land and Waterways" on that map.* Subclause 6.6(3) requires that before determining a development application for development on land to which clause 6.3 applies, the consent authority must consider— *(a) whether the development is likely to have any adverse impact on the following –* *(i) the water quality and flows within the watercourse,* *(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,* *(iii) the stability of the bed and banks of the watercourse,* *(iv) the free passage of fish and other aquatic organisms within or along the watercourse,* *(v) any future rehabilitation of the watercourse and riparian areas, and* *(b) whether or not the development is likely to increase water extraction from the watercourse, and* *(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.* The potential impact of the Modification on surface water have been described in Section 6.4.	Section 6.4	✓

Table A1-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Modification Report	Modified Project Compliance Status
Cabonne Local Environmental Plan 2012 (Cabonne LEP)			
clause 2.3(2)	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	Section 4.3	✓
clause 5.10(4)	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	Section 6.7.3	✓
clause 5.10(8)	The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment.	Section 6.7.2	✓