



TRITTON RESOURCES PTY LTD

ABN 88 100 095 494

Modification Report

for the

Constellation Project



Modification 1



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R.W. Corkery & Co. acknowledge and pay our respects to the Traditional Custodians of the lands in NSW and Australia on which our projects are located. We value the knowledge, advice and involvement of the Elders and extended Aboriginal community that contribute to our Projects and extend our respect to all Aboriginal and Torres Strait Islander peoples.

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Contents

	Page
ACRONYMS.....	VI
EXECUTIVE SUMMARY.....	VII
1. INTRODUCTION.....	1
1.1 SCOPE.....	1
1.2 OBJECTIVES	3
1.3 THE APPLICANT	3
1.4 BACKGROUND AND EXISTING MINING OPERATIONS	4
2. STRATEGIC CONTEXT	7
2.1 PROJECT NEED.....	7
2.2 STATE STRATEGIC PLANNING.....	7
2.3 REGIONAL STRATEGIC PLANNING	8
2.4 LAND OWNERSHIP	11
2.5 LAND USES	11
3. DESCRIPTION OF THE MODIFICATION.....	13
3.1 OVERVIEW OF THE PROPOSED MODIFICATION.....	13
3.2 MODIFIED SITE LAYOUT	15
3.2.1 Components Modified	15
3.2.2 Components Not Modified	19
3.3 MODIFIED FINAL LAND USE AND FINAL LANDFORM	19
3.3.1 Introduction	19
3.3.2 Final Land Use	20
3.3.3 Final Landform	22
3.4 ALTERNATIVES CONSIDERED	22
4. STATUTORY CONTEXT	25
4.1 INTRODUCTION.....	25
4.2 POWER TO MODIFY THE CONSENT	25
4.3 CONSENT AUTHORITY	25
4.4 PERMISSIBILITY	26
4.5 OTHER APPROVALS.....	26
4.6 PRE-CONDITIONS TO GRANTING APPROVAL	27
4.7 MANDATORY MATTERS FOR CONSIDERATION	27
5. ENGAGEMENT.....	36
5.1 GOVERNMENT CONSULTATION	36
5.2 COMMUNITY CONSULTATION.....	36
5.3 COMMUNITY FEEDBACK.....	37
5.4 ONGOING CONSULTATION.....	37

Contents

Page

6.	ASSESSMENT OF KEY ENVIRONMENTAL ISSUES	38
6.1	INTRODUCTION	38
6.2	BIODIVERSITY	38
6.2.1	Introduction	38
6.2.2	Existing Setting and Approved Biodiversity Impacts.....	38
6.2.3	Potential Impacts.....	40
6.2.4	Mitigation and Management Measures.....	41
6.2.5	Assessment of Impacts	42
6.3	HERITAGE	45
6.3.1	Introduction	45
6.3.2	Existing Setting	45
6.3.3	Potential Impacts.....	47
6.3.4	Mitigation and Management Measures.....	47
6.3.5	Assessment of Impacts	47
6.4	GENERAL ENVIRONMENTAL ISSUES.....	48
7.	EVALUATION OF MERITS	53
7.1	INTRODUCTION	53
7.2	CONSISTENCY WITH STRATEGIC CONTEXT	53
7.3	STATUTORY REQUIREMENTS.....	54
7.3.1	Section 4.15(1) Considerations (EP&A Act)	54
7.3.2	Section 4.55(1A) Considerations (EP&A Act)	55
7.4	ECOLOGICALLY SUSTAINABLE DEVELOPMENT	57
7.5	JUSTIFICATION OF THE PROPOSED MODIFICATION	60
7.5.1	Introduction	60
7.5.2	Biophysical Considerations.....	60
7.5.3	Socio-economic Considerations	60
7.5.4	Consequences of Not Proceeding with the Proposed Modification.....	61
7.6	OBJECTS OF THE EP&A ACT.....	61
7.7	CONCLUSION.....	62
8.	REFERENCES	63

APPENDICES

Appendix 1 Modified Project Description

Appendix 2 Biodiversity Impact Review

Contents

	Page
FIGURES	
Figure 1 Locality Plan.....	2
Figure 2 Approved Site Layout.....	5
Figure 3 Land Uses.....	12
Figure 4 Proposed Site Layout.....	17
Figure 5 Proposed Layout Area Changes.....	18
Figure 6 Proposed Final Land Uses.....	21
Figure 7 Conceptual Final Landform.....	23
Figure 8 Biodiversity Constraints	39
Figure 9 Heritage Constraints	46
TABLES	
Table 1 State Strategic Planning Objectives and the Proposed Modification	8
Table 2 Regional Strategic Planning and the Proposed Modification.....	9
Table 3 Modified Project Summary Table.....	13
Table 4 Overview of Proposed Modifications to Site Infrastructure.....	15
Table 5 Pre-Conditions to Granting Approval	28
Table 6 Mandatory Matters for Consideration	30
Table 7 PCTs Approved for Disturbance	40
Table 8 Approved and Proposed Vegetation Clearing – Project Area	41
Table 9 Assessment of Potential Impacts to Biodiversity Values	43
Table 10 Salvaged/Removed Aboriginal Heritage Sites.....	47
Table 11 Assessment of Environmental Impacts.....	49
Table 12 Review of the Principles of Ecologically Sustainable Development	58

Acronyms

ACHAR	Aboriginal Cultural Heritage Assessment Report
Aeris	Aeris Resources Limited
AHD	Australian Height Datum
AHIMS	Aboriginal Heritage Information Management System
AQMS	Air Quality Monitoring Station
AWS	Automatic Weather Station
BC Act	Biodiversity Conservation Act 2016
BDAR	Biodiversity Development Assessment Report
CCM	Constellation Copper Mine
DA	Development Application
DPHI	NSW Department of Planning, Housing and Infrastructure
DPIRD	Department of Primary Industries and Regional Development
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
ESD	Ecologically Sustainable Development
MCM	Murrawombie Copper Mine
MLA	Mining Lease Application
Mt	Million tonnes
Mtpa	Million tonnes per annum
NAF	Non-acid forming
NSW	New South Wales
PAF	Potentially acid forming
PCT	Plant Community Type
RAP	Registered Aboriginal Party
ROM	Run-of-mine
RWC	R.W. Corkery & Co. Pty Limited
SAII	Serious and Irreversible Impacts
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TCM	Tritton Copper Mine
TCO	Tritton Copper Operations
WRE	Waste Rock Emplacement

Executive Summary

This *Modification Report* has been prepared by R.W. Corkery & Co. Pty. Limited (RWC) on behalf of Tritton Resources Pty Ltd (the Applicant) who is seeking a modification to Development Consent SSD-41579871 (SSD-41579871) for the Constellation Copper Mine (CCM or the Mine). The Proposed Modification is intended to refine the Mine Site Layout to support commencement of the Mine.

The Applicant operates several distinct open cut and underground mines in the region that collectively make up the Tritton Copper Operations (TCO), each of which use facilities at the CCM for processing ore. The CCM was approved 24 December 2025 as State Significant Development (SSD) under SSD 41579871. The CCM is a green-field SSD mining and processing operation located approximately 55 km northwest of Nyngan and 20 km northeast of the township of Girilambone in western New South Wales (NSW).

Following the approval of the Project, the Applicant has undertaken an optimisation program in order to prepare for site establishment and construction and to support operations in a practical and efficient manner. The optimised Project requires modification, without significant alteration, of the following components.

- Refined geometry of the Open Cut Pit and the inclusion of safety bunding and road access in the layout.
- Relocation of the Waste Rock Emplacement (WRE) to the south.
- Relocation of some site infrastructure to support operations including the proposed Solar Farm.
- Inclusion of a Water Management Area to be used for water transfers and the management of water captured within the Open Cut Pit.
- Relocation of underground access as this would now occur from a portal within the Open Cut Pit. The Boxcut Pit would be removed.
- Removal of infrastructure that would have been used for processing including heap leaching, which would no longer occur at the Mine.

While various components of the site layout are proposed to be relocated or modified, the total area of the CCM would only increase by 4.33ha. The increase in area is considered minor as the approved total area of the CCM (Mine Site and Infrastructure Corridor) is 184.91ha . There are no changes proposed to the location or scale of the Infrastructure Corridor.

It is also noted that the Proposed Modification would result in slightly lower native vegetation clearing (reduced by 0.11ha) with the additional disturbance located in cropping land (non-native vegetation). While the Proposed Modification requires minor changes in location for physical disturbance, there are no changes to impact to known Aboriginal heritage sites or values. In addition, the Proposed Modification would result in minimal changes to amenity outcomes (noise, air quality and visual impacts) and surface water and groundwater would continue to be managed as approved.

The Proposed Modification is being made under Section 4.55(1A) of the EP&A Act as it would result in only minor changes to environmental impacts and it is considered that the Proposed Modification would remain “substantially the same development” as the original approval. The consent authority for the modification application will be the Minister of Planning and Public Spaces (or their delegate).

The residual environmental impacts of the Proposed Modification considered of greatest significance are summarised as follows.

Biodiversity

The proposed layout changes and modifications to surface infrastructure resulting in minor increases in the total area of disturbance would have the potential to result in additional impacts to biodiversity values at the Mine. The Applicant engaged EcoPlanning to review the changes to physical disturbance associated with the Proposed Modification. As the Proposed Modification would not increase impacts on biodiversity values, a BDAR is not required to be submitted with the modification application. Impacts to native vegetation would decrease by 0.11ha (PCT103 only) under the Proposed Modification. Areas of higher quality vegetation have been avoided and preference was placed on disturbance of non-native vegetation for Mine Site components. The total area to be disturbed within land classified as non-native vegetation would increase by 4.44ha. Based on this information, it is considered that potential impacts to biodiversity values would be minimal. An assessment of potential impacts to biodiversity values is presented in Section 6.2.5 of this report.

Heritage

The proposed layout changes and modifications to surface infrastructure resulting in minor increases in the total area of disturbance would have the potential to result in additional impacts to heritage at the Mine Site. A qualitative assessment of existing heritage setting and approved impacts to heritage items for the Mine was undertaken to determine potential impacts associated with the Proposed Modification.

The relocation and modification of surface site infrastructure avoided all known heritage items present within the Mine Site. Disturbance was preferentially located on areas within the Mine Site that did not contain heritage items. No additional items of Aboriginal heritage value would be impacted for the Proposed Modification. As a result, there would be no change to assessed outcomes for Aboriginal cultural heritage as a result of the Proposed Modification.

General Environmental Issues

General environmental issues considered to not be impacted by the Proposed Modification or impacts that did not require further assessment were considered for the Proposed Modification in Section 6.4 of this report.

Surface Water impacts under the Proposed Modification were considered in light of proposed changes to the surface site layout including some water management infrastructure. The Proposed Modification would not result in any changes to the water use requirements for the CCM or the water management strategies. The CCM would remain a nil discharge site. Relocation of water management infrastructure to a dedicated Water Management Infrastructure Area and relocation and addition of dams and clean water diversions would not result in a significant change to the general configuration of water management structures on site. The removal of land use for heap leaching would increase the area of clean water capture that would enter the Mine Site, however this would remain within the Maximum Harvestable Rights Capacity of the landholding.

Social and Economic impacts as a result of the Proposed Modification are considered to be largely positive. The Proposed Modification would allow for the commencement of construction of the CCM without delays potentially caused by a further detailed modification for the Mine which would result in the realisation of economic and social benefits sooner than otherwise possible.

Rehabilitation and final landform for the CCM were reviewed in light of the proposed modified surface infrastructure layout. Rehabilitation of the CCM would be consistent with the approved Rehabilitation and Closure Strategy for the Mine. The final landform and final land use for the Mine is described in Section 3.3. Rehabilitation of the CCM would be undertaken progressively and in accordance with the Rehabilitation Management Plan prepared for the CCM.

Other environmental issues were reviewed in light of the Proposed Modification including groundwater, noise, vibration and blasting, air quality and greenhouse gas emissions, subsidence and geotechnical, geochemical hazards, visibility, land, soil and agriculture, and traffic and transport. The environmental impact assessment for each issue determined that there would not be any noticeable change to the original assessment outcomes as described in the EIS and that any changes would be difficult to discern when compared to approved outcomes. In some instances, including greenhouse gas emissions, it was considered that the Proposed Modification would in fact have a positive effect on the assessed environmental outcomes.

Evaluation of the Proposed Modification

The Proposed Modification would permit the Applicant to construct the CCM and commence activities within the Mine Site in accordance with the planned further detailed modification. Delays to construction would be avoided under the Proposed Modification as optimisation and relocation of surface infrastructure has been designed in accordance with the optimisation program undertaken by the Applicant. The Proposed Modification includes the minor increase in the total disturbance area of the CCM as described in Section 3.

The Constellation Copper Mine is the newest addition to the Tritton Copper Operations. The Proposed Modification is in the public interest as it seeks the continued operation of the Mine in a safe and environmentally responsible manner and the provision of ongoing local economic benefits. The Proposed Modification and ongoing operations would be consistent with the aims of ecologically sustainable development as it would encourage the safe, efficient and environmentally responsible operation of the Mine so that maximum benefit is achieved for the Applicant, the Bogan Shire Council, the local community and the communities of the future. The design of the Proposed Modification achieves a significant overall benefit and sustainable outcome for the local and wider environment without substantial additional environmental risk.

1. Introduction

1.1 Scope

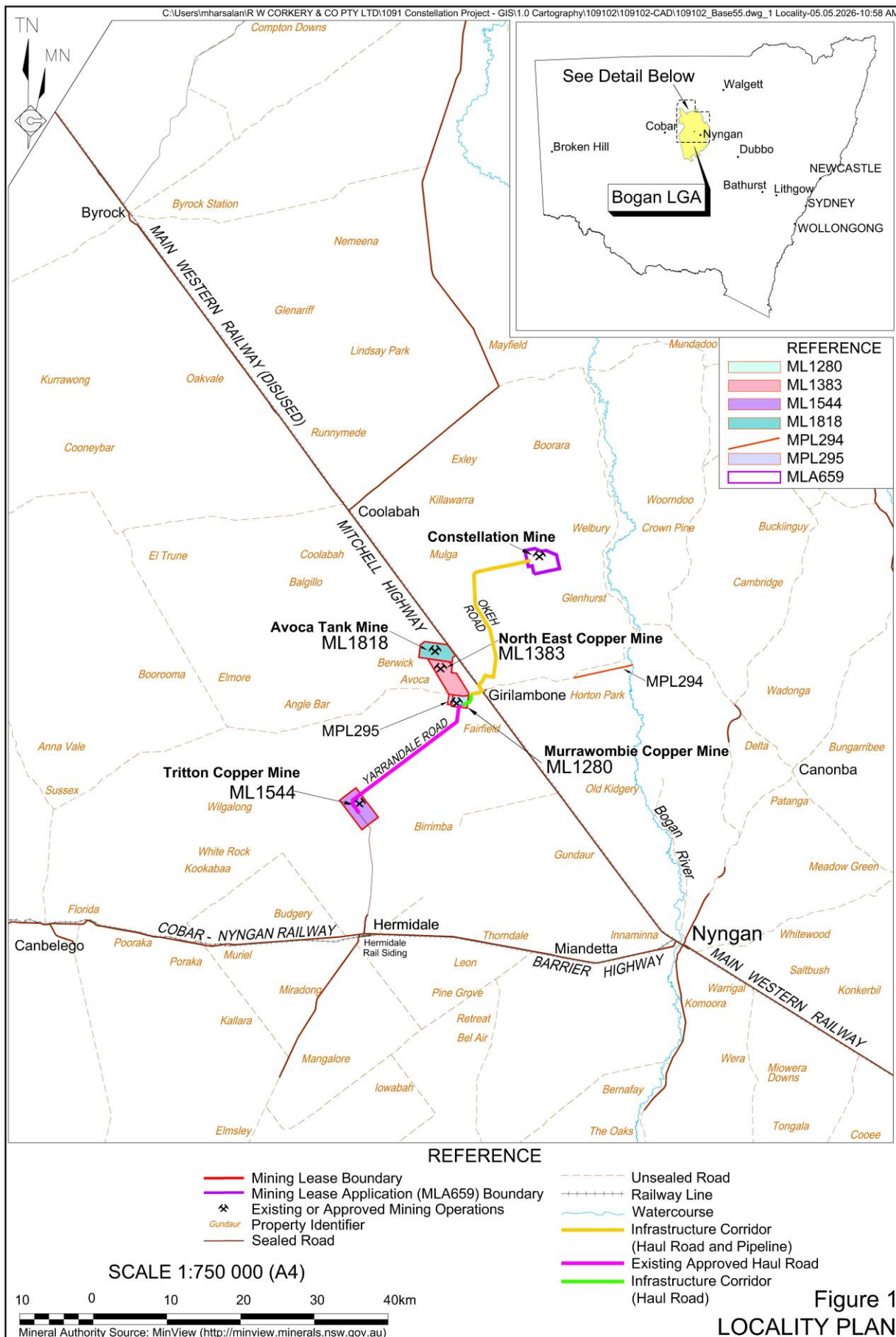
This *Modification Report* has been prepared by R.W. Corkery & Co. Pty. Limited (RWC) on behalf of Tritton Resources Pty Ltd (the Applicant) who is seeking a minor modification to Development Consent SSD-41579871 (SSD-41579871) for the Constellation Copper Mine (CCM or the Mine) to refine the Mine Site Layout to support commencement (the Proposed Modification). The CCM was approved 24 December 2025 as State Significant Development (SSD) under SSD 41579871. The CCM is a green-field SSD mining and processing operation located approximately 55 km northwest of Nyngan and 20 km northeast of the township of Girilambone in western New South Wales (NSW). Construction of the CCM commenced in May 2026. **Figure 1** provides an overview of the locality of the Project and the surrounding mineral authorities.

Following the approval of the Project, the Applicant has undertaken an optimisation program in order to prepare for site establishment and construction and to support operations in a practical and efficient manner. The optimised Project requires modification, without significant alteration, of the following components.

- Refined geometry of the Open Cut Pit and the inclusion of safety bunding and road access in the layout.
- Relocation of the Waste Rock Emplacement (WRE) to the south.
- Relocation of some site infrastructure to support operations including the proposed Solar Farm.
- Inclusion of a Water Management Area to be used for water transfers and the management of water captured within the Open Cut Pit.
- Relocation of underground access as this would now occur from a portal within the Open Cut Pit. The Boxcut Pit would be removed.
- Removal of infrastructure that would have been used for processing including heap leaching, which would no longer occur at the Mine.

While various components of the site layout are proposed to be relocated or modified, the total area of the CCM would only increase by 4.33ha. The increase in area is considered minor as the approved total area of the CCM (Mine Site and Infrastructure Corridor) is 184.91ha. There are no changes proposed to the location or scale of the Infrastructure Corridor or Mine Site access.

It is also noted that the Proposed Modification would result in slightly less native vegetation clearing (reduced by 0.11ha) with the additional disturbance located in cropping land (non-native vegetation). While the Proposed Modification requires minor changes in location for physical disturbance, there are no changes to impact to known Aboriginal heritage sites or values. In addition, the Proposed Modification would result in minimal changes to amenity outcomes (noise, air quality and visual impacts) and surface water and groundwater would continue to be managed as approved.



The Proposed Modification is being made under Section 4.55(1A) of the EP&A Act as it would result in only minor changes to environmental impacts. In accordance with Section 4.55(1A) of the EP&A Act, the development as modified must have “minimal environmental impact”. An evaluation of the Proposed Modification under Section 4.55(1A) of the EP&A Act is provided in Section 7.2. The consent authority for the modification application will be the Minister of Planning and Public Spaces (or their delegate).

The information contained in this document relates only to those components of the CCM that would be the subject of the Proposed Modification. Aspects of the CCM that would not be modified would continue to be undertaken as approved.

This document has been prepared generally in accordance with the Department of Planning, Housing and Infrastructure’s (DPHI) *State Significant Development Guidelines – Preparing a Modification Report* (March 2026).

1.2 Objectives

The Applicant’s objectives for the CCM and the Proposed Modification are as follows.

- Augment the existing Tritton Copper Operations (TCO) with an additional ore source to balance declining production at other mines.
- Continue the existing significant social and economic benefits of TCO for the local and regional community.
- Continue the operation of the TCO that would in turn support existing and future local and regional exploration programs.
- Continue to proactively engage with neighbours, the local community and Bogan Shire Council on all aspects of planning, construction and operation of the TCO.
- Optimise the layout of the Mine Site to increase operational efficiency.
- Ensure the layout of the Mine Site does not limit the long-term operation and development of the Mine Site and resource.
- Continue the operation of TCO in a cost-effective manner to ensure ongoing and productive employment and the continued economic viability of the Applicant, its suppliers and partners.

1.3 The Applicant

The Applicant, Tritton Resources Pty Ltd, is a wholly owned subsidiary of Aeris Resources Limited (Aeris). The Applicant, through its associated companies, has operated in the region since 1992 with the development of Murrawombie Copper Mine (MCM) (**Figure 1**) (then the Girilambone Copper Mine). Aeris is an established mid-tier base and precious metals mining and exploration company listed on the Australian Securities Exchange. Aeris has a diverse portfolio of operational and development assets in Australia, including: the TCO comprising of the Mines displayed on **Figure 1** in NSW, Cracow Gold Operations in QLD, Jaguar Zinc/Copper Operations in Western Australia, and the Stockman Project in Victoria. Aeris has an experienced Board and management team focused on operational excellence and building strong partnerships with its key community, investment and workforce stakeholders.

Approved production at the TCO is 1.8Mt of ore processed per annum with approximately 20,000t of copper produced annually. TCO also has a strong pipeline of development projects as well as advanced exploration projects.

As a major employer to the local community, the Applicant has continued to provide employment directly through a large locally-resident workforce, or via engagement of local sub-contractors from Nyngan, Hermidale and Girilambone townships or by prioritising sourcing of required materials from local businesses.

1.4 Background and Existing Mining Operations

The CCM forms one part of the TCO. The location of the TCO are presented on **Figure 1** and collectively consist of the:

- Constellation Copper Mine;
- Tritton Copper Mine;
- Murrawombie Copper Mine;
- North East Copper Mine; and
- Avoca Tank Copper Mine.

For each of the above operational mines, mineralised ore is processed at the Tritton Copper Mine¹. This creates the Applicant's hub and spoke operating model, with the Tritton Copper Mine receiving and processing ore mined from the wider Tritton Copper Operations. The Applicant actively seeks to manage the multiple supply sources of ore to the Tritton Copper Mine to maintain the supply of copper concentrate to its customers.

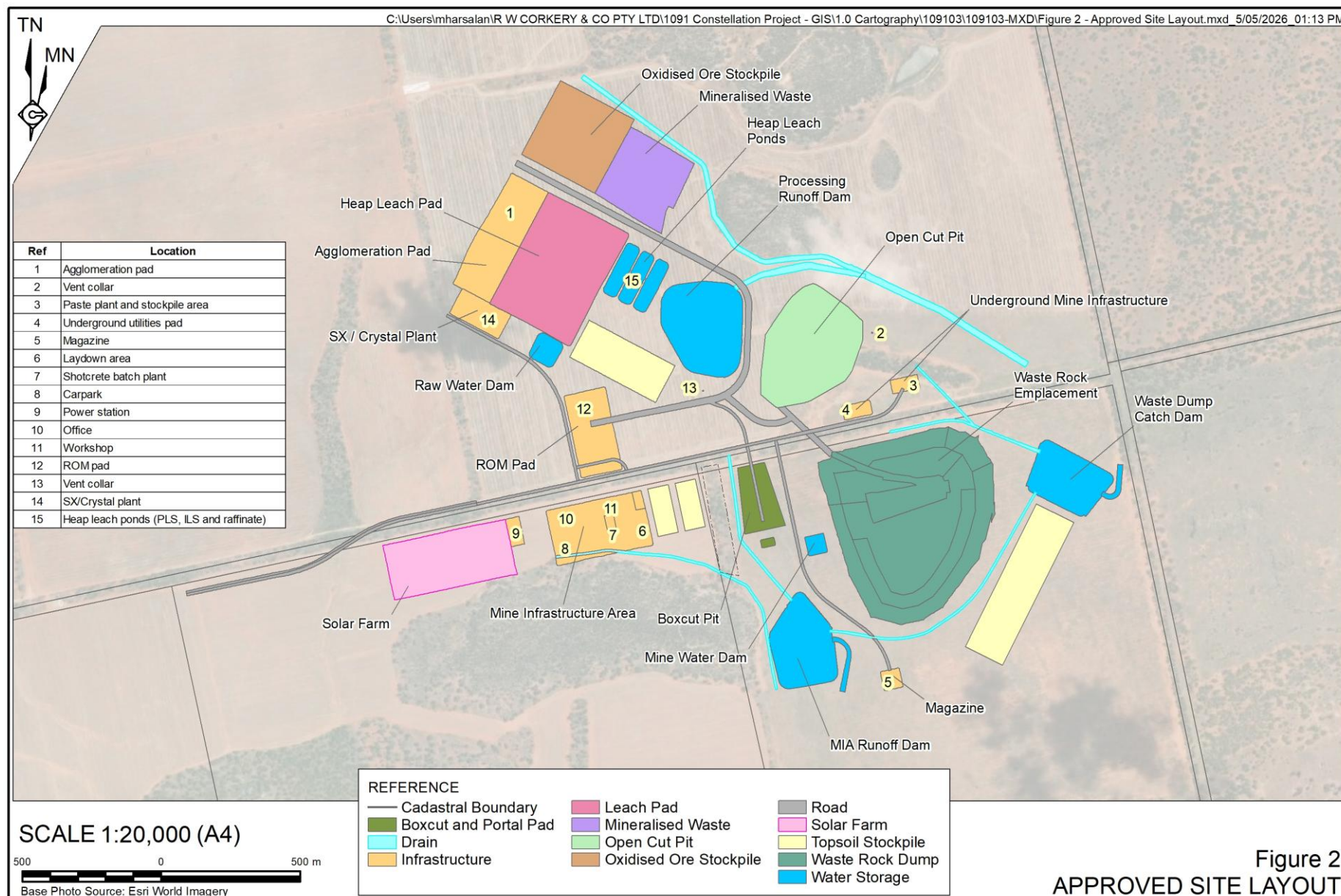
The CCM is the latest mine approved as a component of the Tritton Copper Operations and would comprise a predominantly copper mining project² utilising open cut and underground mining methods to access mineralised ore for processing. The majority of mineralised ore would be transported to the Tritton Copper Mine for processing. A total of approximately 6.7Mt of mineralised ore would be processed over an expected 16 years of operations³. Up to one million tonnes of ore would be transported for processing per annum. A Modified Project Description is included as **Appendix 1** and describes the proposed mining operation in detail.

The approved Mine Site layout is presented in **Figure 2** and comprises a Project Area of approximately 170ha and the Infrastructure Corridor. The Applicant also has approval to construct a dedicated private haul road and upgrade existing public roads to accommodate transportation operations and an infrastructure corridor that would contain power and water infrastructure. For the purposes of the Proposed Modification, activities associated with the infrastructure corridor and other activities outside of the Mine Site would remain unchanged.

¹ Processing is also approved to be undertaken at MCM and CCM.

² Gold and silver would also be produced in smaller quantities.

³ This includes 10 years of mining operations with an anticipated one year for site establishment and construction and an estimated 5 years for rehabilitation.



The Applicant has been undertaking a program of mine optimisation that has included further geological, resource, geotechnical, metallurgical, and economic analysis that had not been incorporated into the *Environmental Impact Statement* or subsequent Project amendments. The outcome of this analysis supports modification to the Project. Aspects of the optimisation program that require updated environmental impact assessment may be the subject of a future modification application.

Site establishment is proposed to commence in May 2026 with initial activities such as road construction and the establishment of mining infrastructure required to support preparations for mining of the Open Cut Pit. A component of the optimisation program has been planning for infrastructure development. The Applicant has identified that there would be a period where the establishment of mining infrastructure and the initial development of the Open Cut Pit and Waste Rock Emplacement (WRE) would need to commence, prior to the expected determination of any more detailed modification application. Therefore, it is proposed that a minor modification be made to relocate mining components where this may be done with minimal change to physical disturbance and other environmental impacts. This would support the orderly commencement of the CCM including initial establishment of the Mine Site, preliminary mining and waste rock management with any further changes subject to the approval of a future modification application. Importantly, site establishment, mining operations and future rehabilitation activities would not rely on any future modification application, but may continue under the Proposed Modification, if approved.

2. Strategic Context

2.1 Project Need

Copper and silver are identified in the NSW *Critical Minerals and High-tech Metals Strategy 2024-35* (DPIRD, 2024) as strategic minerals that are vital for a range of future industries in NSW such as renewable energy, advanced manufacturing and technology enabled primary industries and defence and aerospace industries. With declining ore reserves globally, demand for both copper and silver are expected to outstrip global supply. Copper demand in NSW is expected to double by 2035 which is driven by the renewable energy transition but also for industries such as advanced manufacturing, battery technology, defence and aerospace as well as technology-enabled primary industries (DPIRD, 2024).

Copper is essential to improve the living standards globally. For example, one tonne of copper is estimated to contribute:

- functionality to 40 cars;
- power to 100,000 mobile phones;
- enable operations in 400 computers; and
- distribute electricity to 30 homes.⁴

Copper mining supports a significant proportion of mining activity and employment in regional NSW; since 2019, NSW copper production has averaged 200,000 tonnes per annum (DPIRD, 2024). TCO are a key producer of copper within NSW, with approximately 20,000tpa of total copper produced each year. Concentrate produced at the TCM (Tritton Copper Mine) is principally exported to China, India, Japan, Korea and the Philippines. The operation of TCO results in significant benefits to the Applicant, its shareholders, and employees as well as the local community and State and Federal Governments. As a major employer to the local community, the Applicant has continued to provide employment and use of local services either directly, via engagement of local sub-contractors from Nyngan, Hermidale and Girilambone townships, or by prioritising sourcing of required materials from local businesses.

The activities included in the Proposed Modification would result in increased capability for the Applicant to manage current and future operations in the most cost effective and efficient manner possible, as well as ongoing employment and increased certainty for the Applicant's employees, contractors, and suppliers, as well as those businesses and individuals that rely upon the flow on effects from the Applicant's overall operations.

2.2 State Strategic Planning

The *Environmental Impact Statement* (EIS) and *Amendment Report* for the Project considered the following strategic documents.

- *United Nations Framework Convention on Climate Change (UNFCCC)*
- *NSW Net Zero Plan*
- *NSW Critical Minerals and High-Tech Metals Strategy*

⁴ See <https://internationalcopper.org/sustainable-copper/about-copper/copper-an-essential-resource/>

Table 1 identifies how the Proposed Modification would contribute to the relevant state strategic documents.

Table 1
State Strategic Planning Objectives and the Proposed Modification

Planning Strategy Objectives	MOD1 Contributions
United Nations Framework Convention on Climate Change	
Establishes the global commitment to limit greenhouse gas emissions and prevent harmful human influence on the climate system. Objectives are reinforced through the <i>Kyoto Protocol</i> , which required participating developed nations to set and achieve specific emissions reduction targets through domestic action.	The Proposed Modification remains consistent with the strategic intent of the UNFCCC. Commencement of construction at the CCM will allow supply of copper to global decarbonisation efforts while avoiding delays due to further modifications required to the development consent.
NSW Net Zero Plan	
Outlines the State's pathway for reducing greenhouse gas emissions and achieving net zero by 2050. It sets the policy direction for sectors such as transport, energy and primary industries, and encourages the uptake of low-emissions technologies including electric vehicles and renewable energy systems.	The Proposed Modification would support the objectives of the Net Zero Plan maintaining the supply of copper required for renewable energy technologies across NSW and reinforcing NSW's long-term decarbonisation goals.
NSW Critical Minerals and High-Tech Metals Strategy	
Sets out the State's plan to strengthen its position as a leading supplier and processor of minerals that are essential to advanced technologies and the global energy transition. Copper is recognised as a critical mineral due to its role in renewable energy systems, electrification, and low-carbon technologies, as well as its strong recyclability profile.	By supporting commencement of construction of mining infrastructure at the CCM prior to the determination of a detailed modification application to support the optimisation program, the Applicant would minimise disruptions to copper production as a result of the delays related to the detailed modification application.

2.3 Regional Strategic Planning

The assessment of the Proposed Modification also considers the regional planning framework that guides economic development, land use and community outcomes in the Bogan Shire. In particular, the Project has been reviewed against the relevant sections of the following key documents:

- *Bogan Shire Community Strategic Plan 2032*
- *Central West and Orana Regional Plan 2041*
- *Western Plains Regional Economic Development Strategy*
- *Economic Development Strategy for Regional NSW*

These documents provide the regional context for growth, industry development and land use management. **Table 2** outlines how the Proposed Modification responds and is generally consistent with the relevant objectives and priorities contained within these regional strategies.

Table 2
Regional Strategic Planning and the Proposed Modification

Page 1 of 3

Relevant Planning Strategy Items	MOD1 Contributions
Bogan Shire Council Community Strategic Plan 2032	
Goal 1 – Social 1.4 Education - Outcome: Access to opportunities for education at all levels. Strategy 1.4.2 - Provide support and encouragement for local people to obtain work in Bogan Shire after completing tertiary education.	The Proposed Modification would ensure the continued and additional employment of local community members without delays potentially caused by determination of a further detailed modification currently under preparation. The Applicant will also continue regional exploration projects to identify further resources and additional employment opportunities.
Goal 2 – Infrastructure Strategy 2.2.1 – Encourage increased use of rail for transporting agricultural and mining products.	The Proposed Modification would not impact on existing transport networks and would continue to support the Cobar-Nyngan Railway and the Main Western Line.
Goal 3 – Environment Strategy 3.3.5 – Protect, preserve and enhance Bogan Shire's natural environments, waterways, flora and fauna through responsible development and management.	The Proposed Modification would not result in disturbance of additional land. Similarly, the Proposed Modification would not result in additional or significant biodiversity, groundwater, surface water, air quality or other impacts.
Goal 4 – Economic Strategy 4.1.1 – Support and promote our local business and industry, to identify gaps and develop initiatives for sustainable economic growth and local employment opportunities. Strategy 4.1.3 – Work in conjunction with mining companies to obtain mutual benefit from an abundance of natural mining resources which provide our shire with opportunities for local economic growth and employment.	The Proposed Modification and the development of the CCM would ensure the ongoing demand for local suppliers and businesses for the sourcing of required materials, hence supporting local businesses and industry. The Proposed Modification would ensure that the steady inflow of economic stimulus delivered to the local community would occur on schedule rather than delayed due to stalled construction. The Applicant will also continue regional exploration projects to identify further resources.
Central West and Orana Regional Plan 2041	
Part 1 – Region-shaping investment Objective 2: Supporting the State's transition to Net Zero by 2050 and deliver the Central-West Orana Renewable Energy Zone Objective 3: Sustainably manage extractive resource land and grow the critical minerals sector. Objective 4: Leverage inter-regional transport connections.	The Proposed Modification would ensure that the CCM is able to operate using the approved solar farm facilities supporting the State's transition to Net Zero rather than allowing delays in solar farm construction resulting in the need to utilise non-renewable energy sources. The Proposed Modification would ensure that there are no delays to CCM construction and that operations may commence in an orderly manner which maximises the ability to produce Copper as a critical mineral. The Proposed Modification would provide continued use of the Cobar-Nyngan Railway and the Main Western Line, supporting critical regional transport infrastructure and reducing reliance on heavy vehicles on public and state roads.

Table 2 (Cont'd)
Regional Strategic Planning and the Proposed Modification

Page 2 of 3

Relevant Planning Strategy Items	MOD1 Contributions
Central West and Orana Regional Plan 2041 (Cont'd)	
Part 2 – A sustainable and resilient place Objective 5: Identify, protect and connect important environmental assets. Objective 7: Plan for resilient places and communities Objective 8: Secure resilient regional water resources Objective 9: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage.	The Proposed Modification would not result in disturbance of additional land. Similarly, the Proposed Modification would not result in additional or significant groundwater, surface water, air quality or other impacts. The Proposed Modification would not result in disturbance of any areas affected by natural hazards. The Proposed Modification would not result in additional utilisation of water resources and would utilise water recycling practices within the Mine Site. The Proposed Modification would not result in disturbance of additional native vegetation nor impacts on additional items of Aboriginal heritage.
Part 4 – Prosperity, productivity and innovation Objective 18: Leverage existing industries and employment areas and support new and innovative economic enterprises. Objective 20: Protect and leverage the existing and future road, rail and air transport networks and infrastructure.	The Proposed Modification would ensure that the steady inflow of economic stimulus delivered to the local community would not be delayed due to waiting for approval for further modifications, during which time the Applicant can continue regional exploration projects to identify further resources. The Proposed Modification would not impact on existing transport networks and would continue to support the Cobar-Nyngan Railway and the Main Western Line.
Western Plains Regional Economic Development Strategy	
The Strategy aims to capitalise on the growth potential of the mining sector to boost economic development of the Region. The Strategy identifies mining as an 'engine' industry in the Region and that growth in the mining sector will likely increase demand in the construction, manufacturing, professional, scientific and technical services and transportation sectors. The Strategy identifies that the region has strong exploration potential for metalliferous mining, and that continued exploration and approval of new mines and mine expansion projects can support long term growth in the sector.	It is noted that the Strategy explicitly identifies the "existing copper mine in Bogan" as a target for supporting approvals; the Tritton Copper Operations are the only copper mining operations in the Bogan LGA. The Proposed Modification would enable the Applicant to provide significant economic and social benefits without delay to the Bogan LGA and wider Western Plains Region.
Economic Development Strategy for Regional NSW	
Goal 1 – Promote key regional sectors and regional competitiveness Action 1.2 – Increase the value of NSW's mineral industry and the energy sector.	The Proposed Modification would help to increase the value of the NSW mineral industry by enhancing the Applicant's successful operations within the region and the continued support, employment and development of the Applicants' employees, contractors and suppliers.

Table 2 (Cont'd)
Regional Strategic Planning and the Proposed Modification

Page 3 of 3

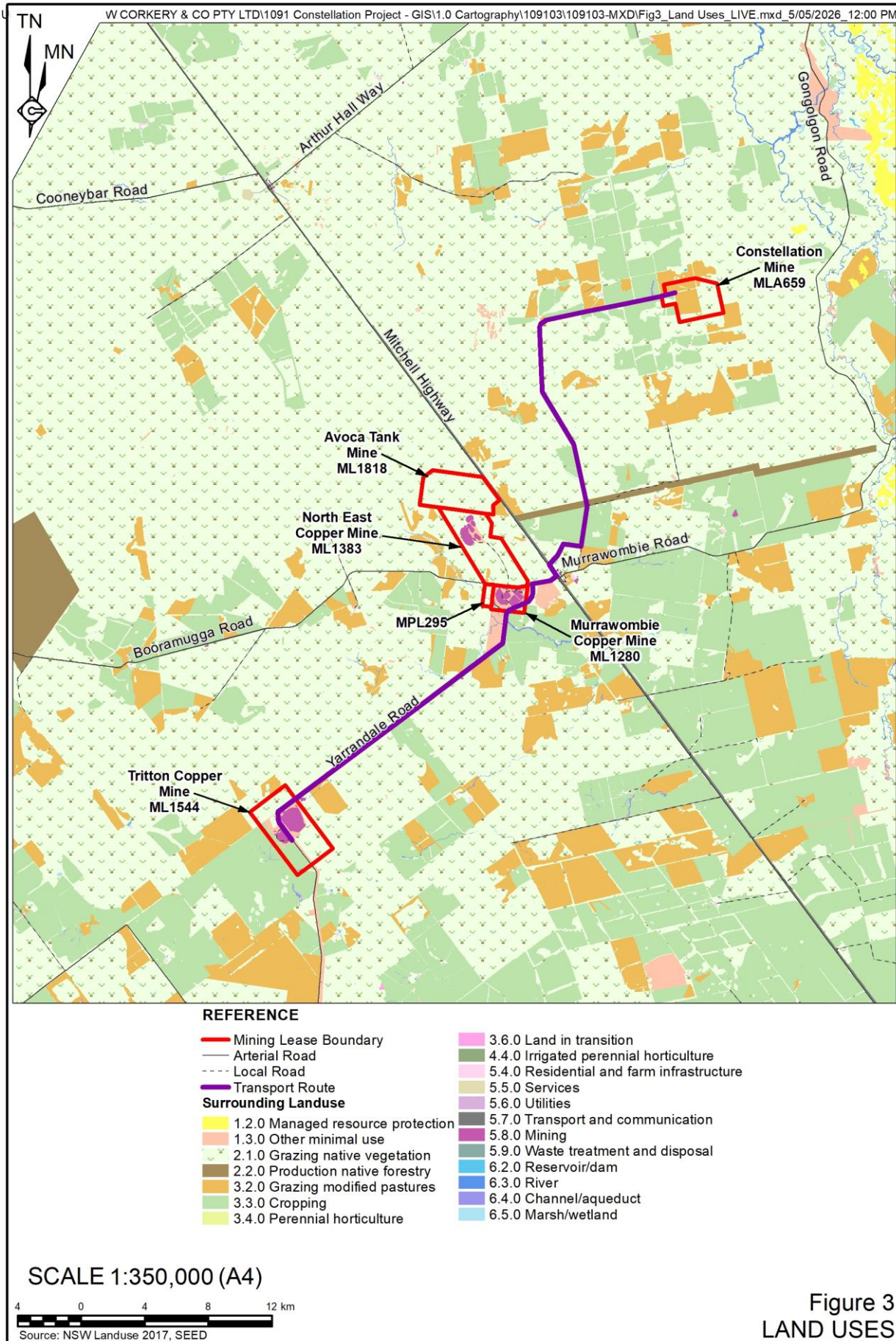
Relevant Planning Strategy Items	MOD1 Contributions
Central West and Orana Regional Plan 2041 (Cont'd)	
Goal 2 – Drive regional employment and regional business growth	
Action 2.1 – Promote regional job creation.	The Proposed Modification would enable worker positions to be uninterrupted, ensuring the continuation of flow-on economic effects of consistent employment levels.
Actions 2.4 and 2.5 – Increase regional skills base and improve Aboriginal employment and business outcomes.	The Proposed Modification would allow the Applicant to continue to employ apprentices and trainees and contribute to training programs for the local community, including the local Aboriginal community.

2.4 Land Ownership

Land within the Mine Site is freehold and forms part of the ‘Okeh’ property and the ‘Windella’ property. Sections of the haul route and infrastructure corridor, as well as parts of the Project area also affect the “Gundooee” property, “Glendale” property, the “Karingal” and “Einalla” properties, and the properties located on the corners of Murrawombie Road and the Mitchell Highway. The Schedule of Lands, including Lot and DP details, is provided in the Modified Project Description (**Appendix 1**) and describes the ownership of the land affected by the CCM and Proposed Modification at the time of this Modification Report.

2.5 Land Uses

Land uses within and surrounding the Mine Site is primarily dominated by agriculture (cropping and grazing), transport, and mining (**Figure 3**). The various mining operations that make up the Applicant’s TCO are a defining feature of the region. The closest operating mining complex (which is not owned or operated by Aeris) is approximately 110 km to the south-west of the proposed CCM. In addition to mining and agriculture, other surrounding land uses include forestry, conservation, and rural-residential land.



3. Description of the Modification

3.1 Overview of the Proposed Modification

Table 3 presents a comparison of the approved development and the Proposed Modification.

Table 3
Modified Project Summary Table

Page 1 of 2

Element	Project as Approved	Proposed Modification
Project Components		
Resource (ore)	2.5Mt – Open Cut 3.7Mt – Underground 0.5Mt – Supergene ore from Open Cut and Underground Total of 6.7Mt	No change
Production Rate (extraction and transport)	Up to 1.0Mt per annum	No change
Open Cut Pit Area and Depth	11.7ha to 110m depth (-55m AHD)	Realignment to Open Cut Pit that extends area to 12.7ha. Addition of safety bunds and access roads (2.7ha). No change to depth.
WRE Area and Height	33ha to 45m height	No change
Processing Methods	Supergene, primary and high-grade ore will be crushed and screened on the run-of-mine (ROM) pad. Pre-concentration processes, including dry grinding and flotation to create a concentrate, will be undertaken adjacent to the ROM pad. Approximately 2.0Mt of lower-grade oxide ore from the open cut pit will be processed by heap leaching at the Project site.	Supergene, primary and high-grade ore may be crushed and screened on the run-of-mine (ROM) pad before being transported to the Tritton Mine for processing.
Waste Rock	6.1Mm ³ of waste rock generated for management in the WRE. 0.55 Mm ³ of mineralised oxide waste will be stored separately.	No change
Exportation of NAF waste rock material.	Cumulative with ore export (i.e. up to 1Mtpa)	No change
Life of Mine	A total of 16 years comprising: • One year construction • 10 years mining operations • 5 years for rehabilitation (nominal)	No change
Total Project Area Disturbance	Approximately 170ha	172.8ha Minor increase in disturbance of non-native vegetation areas. Minor decrease in disturbance of native vegetation.

Table 3 (Cont'd)
Modified Project Summary Table

Page 2 of 2

Element	Project as Approved	Proposed Modification
Project Components		
Vegetation Clearing ⁵	Total vegetation disturbance of 168.49ha comprising: • PCT 103 Woodland – 3.67ha • PCT 103 Derived Native Grassland – 85.02ha • Non-native Vegetation – 79.80ha	Total vegetation disturbance of 172.82ha comprising: • PCT 103 Woodland – 3.61ha • PCT 103 Derived Native Grassland – 84.97ha • Non-native Vegetation – 84.24ha A minor change to total disturbance resulting from additional activities in areas of historic cropping activities (non-native vegetation).
Processing	Minor processing and use of heap leaching for oxide ore materials.	Stockpiling of oxide ore material is retained, however all processing would occur at the Tritton Copper Mine.
Water sources	Water would be sourced via direct capture of rainfall and runoff, groundwater inflows and water transferred from the Murrawombie Mine via the Infrastructure Corridor. Peak water demand of 613ML in Year 4	No change
Water management	All water captured within the Mine Site would be stored for use. Excess water would be transferred to the Murrawombie Mine. No discharge of water would be required for the Mine. Clean water diversions would be in place to divert water from clean water catchments away from the Mine Site unless the water is captured under the Maximum Harvestable Rights Capacity of the landholding	No change
Daily Heavy Vehicle Movements – Construction	25	No change
Daily Heavy Vehicle Movements – Operations	82	No change
Hours of operation	Various for construction, mining and general site operations in accordance with Condition A8 of SSD-41579871. See detailed discussion in Section 3.	No change

Appendix 1 presents the Modified Project Description for the CCM.

⁵ Source – Ecoplaning (2026) – see **Appendix 3**

3.2 Modified Site Layout

3.2.1 Components Modified

The Proposed Modification includes the relocation, reconfiguration, and/or resizing of Mine components. The proposed Mine Site layout is displayed on **Figure 4** and a comparison of the approved and proposed layout is presented in **Figure 5**. The Proposed Modification would result in a total minor increase in the total CCM disturbance area to 172.8ha. **Table 4** presents a brief description and rationale for the proposed modifications to Mine Site components and the total area changes required.

Table 4
Overview of Proposed Modifications to Site Infrastructure

Page 1 of 2

Component	Description of Proposed Change
Solar Farm and power station	Relocated to north of the access road with the addition of a drain and the Solar Farm Dam.
Open Cut Pit	Minor realignment of the boundary of the Open Cut Pit.
Open Cut Pit safety bund and access road	Assumed to have been included in original Open Cut Pit area but not in approved pit design. New area added to account for safety requirements and access needs.
Underground Mine Infrastructure	Reduction in disturbance area and relocation of one area intended for tailings stockpile and paste fill plant.
Waste Rock Emplacement	No change to design. Relocation south of approved location
Mine Infrastructure Area	Relocation and increase in area to accommodate underground heavy vehicle management and laydown, warehouse for mining operations and exploration laydown
Offices and Workshop	Creation of a dedicated areas for office and workshop area (including carparks, admin, and mining facilities)
ROM Pad	Relocation and reduction in area
Various topsoil stockpiles	Relocation of various topsoil stockpiles and removal of two small stockpiles near Mine Infrastructure Area
Magazine	Relocated to east of approved location and increase in area. Addition of Magazine Dam.
Tailings Stockpile and Paste Fill Plant	Relocated and enlarged
Roads	Minor changes to internal road locations and areas to suit access needs of proposed layout
Water Management Infrastructure	Mine Water Dam and Raw Water Dam relocated within the "Water Management Area". Addition of Magazine Dam and Solar Farm Dam (addressed in separate components) Relocation of some drains

Table 4 (Cont'd)
Overview of Proposed Modifications to Site Infrastructure

Page 2 of 2

Component	Description of Proposed Change
<u>Additional Infrastructure:</u>	
Laydown Area	Dedicated Laydown Area to support Open Cut Pit development.
<u>Removed Infrastructure:</u>	Infrastructure associated with on-site processing, including heap leaching have been removed.
Agglomeration Pad	Access to underground workings would be through a dedicated portal in the Open Cut Pit and supports removal of the Boxcut Pit.
Heap Leach Pad and HL Ponds	
SX Crystal Plant	
Boxcut Pit	

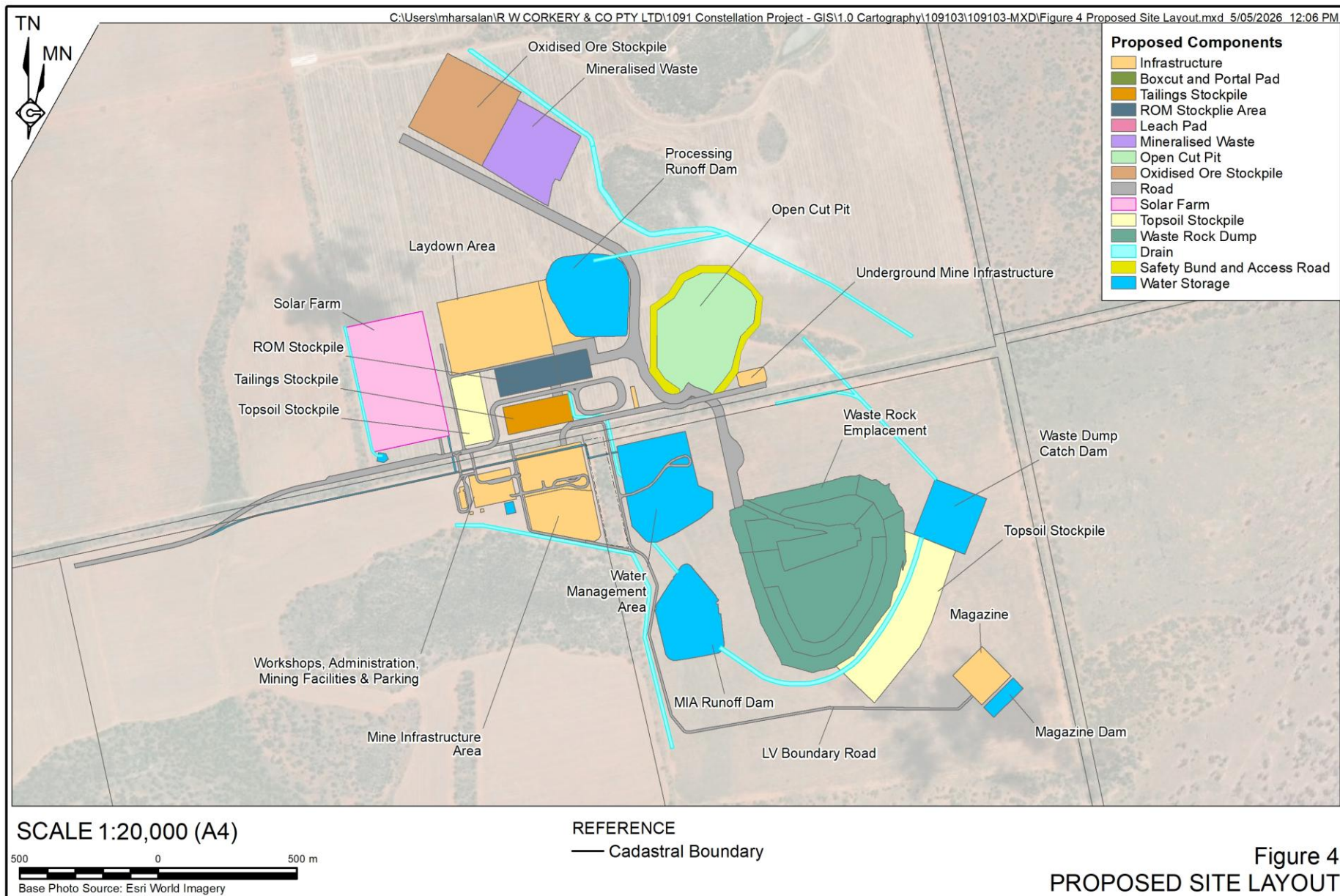
Open Cut Pit

While the area of the Open Cut Pit would be 12.7ha (an increase of 1.0ha compared with the approved area), it is noted that the depth would remain at the approved depth of 55m AHD and the total volume of material mined would remain approximately 14Mt as currently approved. Minor changes to the geometry of the Open Cut Pit would not change the overall PAF/NAF balance substantially or the availability of suitable material for encapsulation of PAF material or to support closure of the WRE and other components of the Mine Site. As a result, there would be no change to the conceptual WRE design, proposed procedures that would be used for encapsulation of PAF material or closure plans for the WRE⁶.

Consistent with the approved Project, NAF waste rock generated during mining would be stockpiled and used:

- for road construction (including the required upgrade of Okeh Road prior to commencement of ore transport);
- for construction within the Mine Site such as for the ROM Pad, laydown yards and drainage structures/rock armouring;
- off-site at other Aeris Resources mine sites in construction or rehabilitation; and/or
- for encapsulation of PAF material or blending with low capacity PAF for beneficial uses such as to form growth medium layers of the WRE.

⁶ See Section 4.5 of the Constellation Project: Rehabilitation and Closure Strategy (Burton Environmental, 2024)





Water Management Infrastructure Area

A component of the proposed Mine Site layout is a Water Management Infrastructure Area that features consolidated water management and storage infrastructure. This area would include the following general infrastructure to support mining operations.

- The Raw Water Dam that would receive water transferred from the Murrawombie Mine via the Infrastructure Corridor. Water from this dam would also be transferred back towards Murrawombie, if needed.
- Two sediment basins would be constructed to capture water internally and transferred from the Open Cut Pit.
- A turkeys nest style dam that would receive water transferred from other water storage locations within the Mine Site.
- A water treatment plant and storage tanks.
- A range of pumps and pipelines for water transfer.

Water management procedures would be undertaken consistently with the approved Water Management Plan.

Additional water management infrastructure associated with the Solar Farm, Office and Workshop Area, and Magazine have been included to capture any sediment laden water from those areas. Drains across the CCM have been amended slightly to reflect the modified Mine Site layout to ensure all water captured from disturbed areas reports to a water management area.

3.2.2 Components Not Modified

The remainder of the Mine Site and other approved elements of the Project that are not explicitly identified in Section 3.2.1 would not be modified. These are shown indicatively on **Figure 4** and **Figure 5** and include the following.

- Oxidised Ore Stockpile
- Mineralised Waste area
- Infrastructure Corridor

3.3 Modified Final Land Use and Final Landform

3.3.1 Introduction

Rehabilitation for the CCM is currently described under the Rehabilitation and Closure Strategy (Burton Environmental, 2024). A Rehabilitation Management Plan for the Project would be prepared prior to the commencement of mining and reflect progressive and final rehabilitation planning. The Applicant would rehabilitate completed sections of the Mine Site in accordance with Burton Environmental (2024), the Rehabilitation Management Plan and including proposed rehabilitation objectives, criteria and final landform.

This would include:

- Removal of all Project-related infrastructure not required by the final land use;
- construct a safe, stable and non-polluting landform;
- reinstatement of the soil profile and function, creating landforms that are compatible with the surrounding topography and pre-mining land uses; and
- establishment of a landscape that permits livestock grazing on native/mixed pastures while enhancing biodiversity values lost due to past agricultural clearing.

3.3.2 Final Land Use

The proposed modifications would not result in any risk to the successful rehabilitation of the Mine Site to the existing approved final land uses, which would remain unchanged other than the removal of the Native Ecosystem Area – Grasslands associated with the Heap Leach Pads. However, the proposed modifications would require changes to various locations and extents of the final land use domains. An indicative final land use plan is presented in **Figure 6**. The final land use plan includes the following land uses, consistent with the existing and approved land use plan⁷.

- Agricultural Grazing - associated with the majority of the ancillary infrastructure areas.
- Final Void – associated with the Open Cut.
- Infrastructure - associated with the Solar Farm and retained access roads.
- Native Ecosystem Area – Woodland – associated with the constructed landforms of the WRE and the Mineralised Waste Stockpile.
- Water Management Areas – associated with retained water management infrastructure (i.e. drains and diversions).
- Water Storage – associated with any dams to be retained to support final land use.

It should be noted that **Figure 6** includes some minor administrative or graphical revisions compared to the existing approved land use plan. For the purposes of clarity, these include the following.

- Removal of areas that would not be disturbed by the Mine to better represent the extent of rehabilitation obligations for the Company.
- Revision of the symbology to improve interpretation.
- Addition of the Safety Bund to show key final landform features.
- Reduction of the number of roads to be retained as “Infrastructure”
- Addition of a Hillshade / Digital Elevation Model to show landform context.

⁷ Figure 9: Final Land Use Domains of SSD 41579871

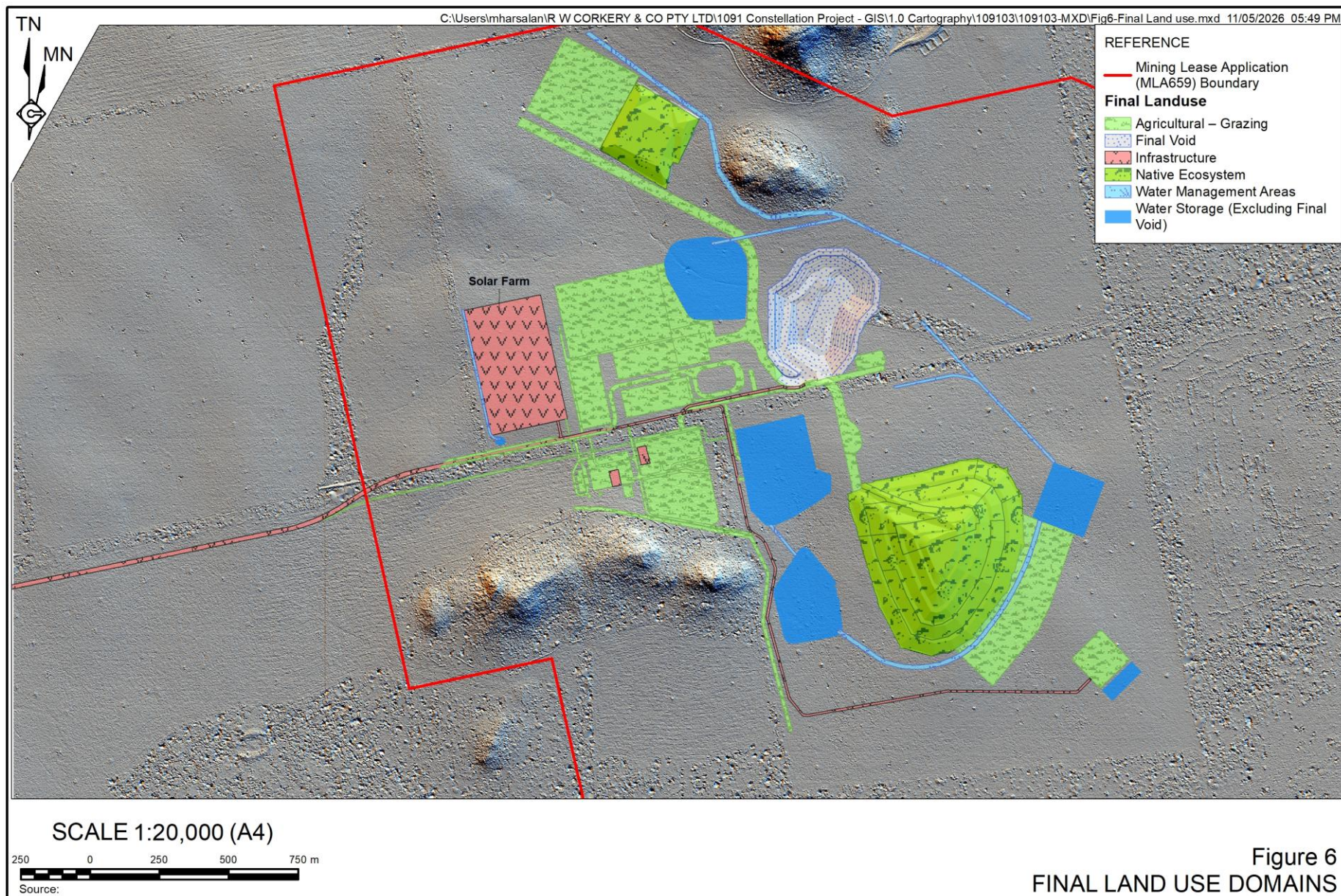


Figure 6
FINAL LAND USE DOMAINS

3.3.3 Final Landform

The proposed modifications to surface infrastructure at the CCM would require equivalent changes to the indicative final landform. Minor changes to the Open Cut Pit, location of the WRE and the removal of the heap leach pads from the landform are required under the Proposed Modification. An indicative final landform is presented in **Figure 7** which does not represent a change to rehabilitation strategies or final land uses, only minor changes to the locations and alignment on some components.

The proposed final landform would include the following (**Figure 7**).

- A safe, stable, and non-polluting Waste Rock Emplacement landform with a final elevation of approximately 190m AHD.
- A retained, geotechnically stable, final void with a maximum final depth of approximately 110m AHD.
- A geotechnically stable Mineralised Waste Stockpile.
- Water management infrastructure including dams and drains.

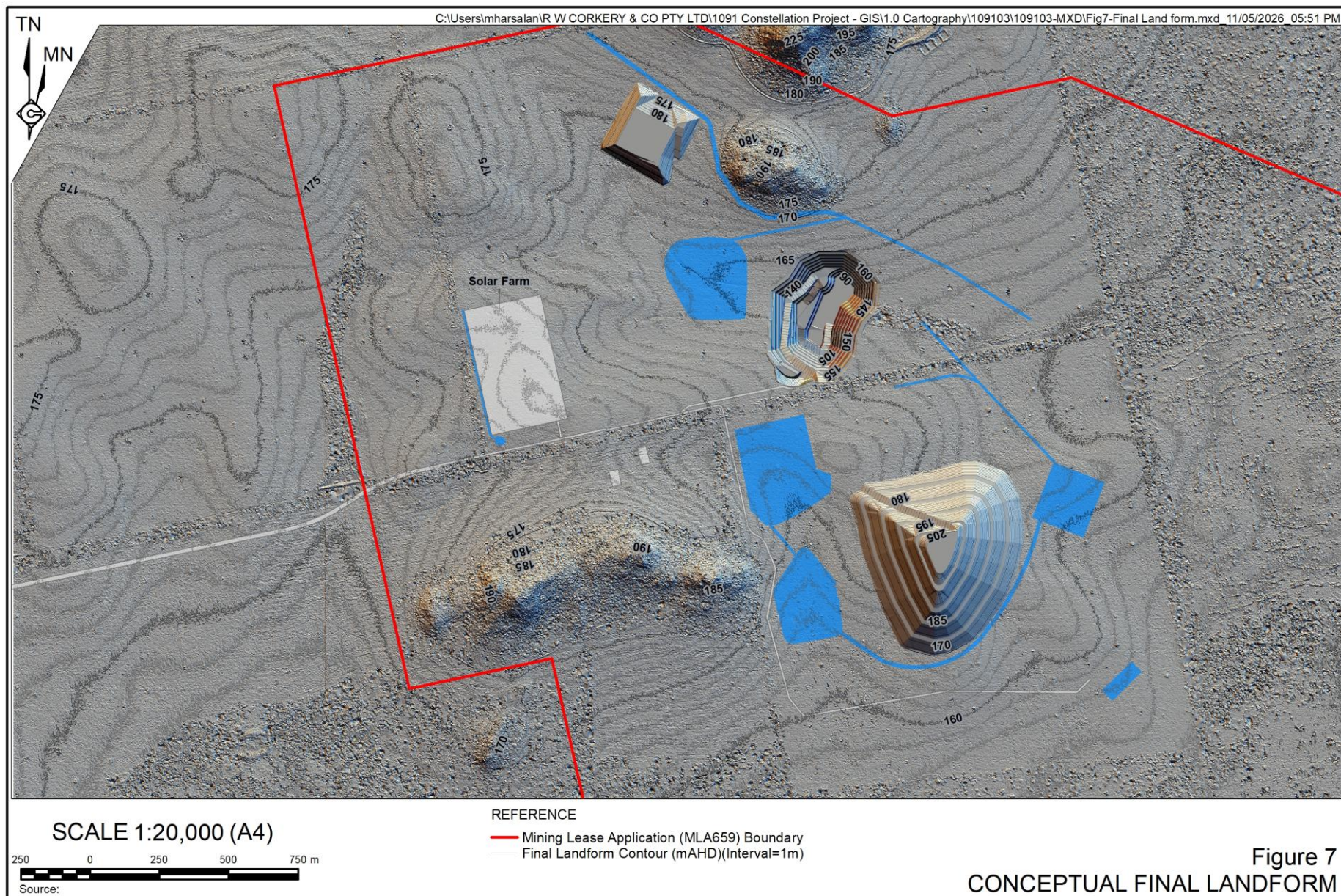
Internal roads and the solar farm including associated infrastructure would be retained in the final landform. Consistent with the rehabilitation strategy, all other infrastructure at the Mine Site, would be removed during rehabilitation.

3.4 Alternatives Considered

The Proposed Modification presents the initial outcomes of a Mine Site optimisation program that has focused on the immediate needs for infrastructure establishment. This has required the consideration of alternatives to support the timely and efficient development of the Mine. As a result, the following key changes are proposed.

- The need for pre-concentration and heap leaching was removed given that oxide ore may be processed at the Tritton Copper Mine.
- Detailed consideration has been given of opportunities to separate open cut and underground heavy vehicle movements and to separate light vehicle movements where possible. This has resulted in additional roads or dedicated routes to enhance vehicle safety.
- Some roads have also been widened to account for current safety requirements⁸.
- Infrastructure such as the ROM Pad and Tailings Stockpile and Paste Fill Plant were relocated to support efficient vehicle movement across the Mine Site.
- Water management infrastructure was supplemented and realigned to support water capture and reuse across the Mine Site.

⁸ See the *Technical Reference Guide: Roads or other vehicle operating areas – principal hazard management plan for surface mining operations* (NSW Resources Regulator, July 2025)



The Applicant is currently investigating further opportunities to optimise the Open Cut Pit based on the outcomes of additional exploration and mine planning. The option to commence under the approved Mine Site layout and wait on the outcomes of this investigation before proceeding to optimise the Mine Site was considered. This option was ultimately rejected as it would result in double handling of materials, changes to the use of land and the cost associated with construction and then relocation of infrastructure in the future. Activities that might be modified with minimal change to environmental impacts were selected for the Proposed Modification to support the pending commencement of construction activities. This was considered to be the best outcome for the Applicant, Bogan Shire Council, and the surrounding community.

4. Statutory Context

4.1 Introduction

This section identifies the relevant statutory requirements that must be considered by the consent authority before the modification application may be determined. The relevant statutory requirements are described in terms of power to grant approval, permissibility, and other required approvals. The section concludes with the statutory compliance matters that must be considered by the consent authority.

4.2 Power to Modify the Consent

In order for the consent authority to modify SSD-41579871 under Section 4.55(1A) of the EP&A Act it is necessary that the following be satisfied.

- The Proposed Modification must have only minimal environmental impact.
- The development, as modified, must remain substantially the same as the development for which the consent was originally granted.
- The development application has been notified to relevant stakeholders in accordance with the *Environmental Planning and Assessment Regulation 2021* or the *Bogan Shire Council Development Control Plan 2012*.
- The consent authority must consider submissions during any public exhibition period or otherwise as required by the *Environmental Planning and Assessment Regulation 2021* or the *Bogan Shire Council Development Control Plan 2012*.

The Proposed Modification is considered to be materially consistent with the activities approved under SSD-41579871.

It is expected that no conditions within SSD 41579871 would require changing, only the plans presented as appendices to the consent.

4.3 Consent Authority

Section 4.55(1A) of the EP&A Act states the following.

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent

Clause 2.7(3) of the *State Environmental Planning Policy (Planning Systems) 2021* states the following.

The Independent Planning Commission is also declared, under section 4.5(a) of the Act, to be the consent authority in respect of an application to modify a development consent that is made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification application.

As the Applicant has not made a reportable political donation, the Minister for Planning and Public Spaces, or their delegate, is the consent authority and has the power to modify SSD-41579871.

4.4 Permissibility

The CCM is situated within land zoned as Zone RU1 - Primary Production under the *Bogan Local Environment Plan 2011* (Bogan LEP). The objectives of Zone RU1 – Primary Production under that plan are as follows.

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

It is noted that open cut mining and underground mining is not identified as permissible with consent within this zone. However, Section 2.9(1)(b) of *State Environmental Planning Policy (Resources and Energy) 2021* identifies that mining is permissible, with consent, on any land where agriculture is permissible. As agriculture is permissible under Zone RU1 under the Bogan LEP, open cut and underground mining is also permissible, with consent.

In addition, the aims of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) were considered for the Proposed Modification. The aims include facilitation of the effective delivery of infrastructure across NSW through, among other things, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

The Proposed Modification does not seek to amend any activities adjacent to or in the vicinity of the classes of infrastructure identified in the SEPP. As a result, the Transport and Infrastructure SEPP does not apply to this modification.

4.5 Other Approvals

No additional approvals are expected to be required for the Proposed Modification to the CCM.

The Applicant is currently in the process of applying for a variation to Environmental Protection Licence (EPL) 4501⁹ to include the CCM. Depending on the determination of the Proposed Modification, EPL 4501 may need to be varied to account for the proposed changes.

⁹ The Applicant currently holds EPL 4501 to undertake all relevant scheduled activities for the MCM, NECM, and ATCM. A separate EPL, EPL 11024, is held for TCM and would not be required to be varied.

The Applicant is currently in the process of applying for a Mining Lease under the *Mining Act 1992* (Mining Lease Application (MLA) 659). The Proposed Modification would not alter that application.

4.6 Pre-conditions to Granting Approval

Table 5 presents the pre-conditions to the granting of approval that apply to the Proposed Modification.

4.7 Mandatory Matters for Consideration

Table 6 presents the mandatory matters for consideration by the consent authority that apply to the proposed modification.

Table 5
Pre-Conditions to Granting Approval

Page 1 of 2

Section/ Clause	Precondition	Relevance
Environmental Planning and Assessment Act 1979		
4.55(2)	A consent authority may, ... modify the consent if	The Proposed Modification is being sought under Section 4.55(1A) of the EP&A Act as the Project would remain “substantially the same” as the Project as originally approved.
	a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	Under the Proposed Modification, the Project would remain “substantially the same development” as that approved under SSD 41579871.
	b) it has consulted with the relevant [government authorities]	This is a matter for DPHI to consider during its assessment of the proposed modification.
	c) it has notified the application in accordance with— i) the regulations, if the regulations so require, or ii) a development control plan	This is a matter for DPHI to consider, however it is anticipated that DPHI will notify the application to relevant stakeholders. In accordance with Clause 2.10(1) of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> , development control plans are not relevant to SSD applications.
	d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	This is a matter for the DPHI to consider. However, the Applicant anticipates preparing a Submissions Report to provide a response to any submissions received.
State Environmental Planning Policy (Resilience and Hazards) 2021		
4.6	1) A consent authority must not consent to the carrying out of any development on land unless— a) it has considered whether the land is contaminated, and b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	As the areas of surface disturbance have previously been used for agricultural purposes, it is highly unlikely that any contamination is present that would require remediation work prior to undertaking the Proposed Modification.

Table 5 (Cont'd)
Pre-Conditions to Granting Approval

Page 2 of 2

Section/ Clause	Precondition	Relevance
State Environmental Planning Policy (Resilience and Hazards) 2021 (Cont'd)		
	2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	The Proposed Modification does not propose a change in use of the land beyond what is currently approved.

Table 6
Mandatory Matters for Consideration

Page 1 of 6

Section/ Clause	Matter for Consideration	Relevance/Comment
Environmental Planning and Assessment Act 1979		
1.3	Relevant objects of the Act - to 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, - to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, - to promote the orderly and economic use and development of land, - to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The Proposed Modification would not limit the achievement of the objectives of the EP&A Act and would in effect assist with the achievement of objectives to: - promote the social and economic welfare of the local community through the efficient and continued economic benefits of the operation; and - promote orderly development of the copper resource. Section 7.5.3 addresses matters relevant to Socio-Economic Considerations. Section 7.4 addresses matters relevant to Ecologically Sustainable Development in detail. The Proposed Modification would encourage the safe, efficient and environmentally responsible operation of the CCM so that maximum benefit is achieved for the Applicant, the Bogan Shire Council, the local community and the communities of the future. The design of the Proposed Modification achieves an overall benefit and sustainable outcome for the local and wider environment. The Proposed Modification would not result in significant adverse environmental outcomes. Section 6 presents a detailed analysis of the key environmental aspects that may be affected by the Proposed Modification.
4.15(1) (a)	Relevant environmental planning instruments	See State Environment Planning Policy (Resources and Energy), State Environment Planning Policy (Resilience and Hazards) and Bogan Local Environment Plan below.
	Relevant development control plans	In accordance with Clause 2.10(a) of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> , development control plans are not relevant to SSD applications.
	Any planning agreement	The Proposed Modification would not change the implementation of the existing Planning Agreement with Bogan Shire Council (general terms described in Appendix 6 of SSD-41579871). The Applicant has also executed a Road Use Agreement with Council in relation to the use and maintenance of roads used for the development. There would be no change to transportation activities or approved road upgrades and therefore the terms of the Road Use Agreement are not affected by the Proposed Modification.
	The regulations	The Regulations have been considered throughout this document, where relevant.

Table 6 (Cont'd)
Mandatory Matters for Consideration

Page 2 of 6

Section/ Clause	Matter for Consideration	Relevance/Comment
Environmental Planning and Assessment Act 1979 (Cont'd)		
4.15(1) (a) (Cont'd)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Section 6 presents an assessment of relevant impacts on the natural and built environment and social and economic impacts.
	The suitability of the site for the development,	The CCM was approved on 24 December 2025 and the original application considered the suitability of the site for the development. This remains unchanged
	Any submissions made in accordance with this Act or the regulations,	This is a matter for the DPHI to consider. However, the Applicant would respond to any submissions provided by DPHI.
	The public interest.	This is addressed in Section 7.3.1. In summary, however, the Proposed Modification is considered to be in the public interest through the construction of the CCM in a safe and environmentally responsible manner and the provision of ongoing local economic benefits.
Biodiversity Conservation Act 2016		
7.14 (2)	The Minister for Planning, when determining in accordance with the <i>Environmental Planning and Assessment Act 1979</i> any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report.	Minor additional surface disturbance would be required. However no additional native vegetation would be disturbed under the Proposed Modification. Therefore, it is considered that there would be no additional impacts to biodiversity values as a direct result of the proposed modification and further consideration of biodiversity values and offsetting obligations is not required. It is noted that the Applicant has already retired the credits assessed as part of the original application for the CCM.
State Environmental Planning Policy (Resources and Energy) 2021		
2.16	Non-discretionary development standards for mining 3) Cumulative noise level. The development does not result in a cumulative amenity noise level greater than the acceptable noise levels, as determined in accordance with Table 2.1 of the Industrial Noise Policy, for residences that are private dwellings	There would be no changes to the noise impacts of the CCM beyond those currently approved.
	4) Cumulative air quality level. The development does not result in a cumulative annual average level greater than 25µg/m ³ of PM ₁₀ or 8µg/m ³ of PM _{2.5} for private dwellings.	There would be no changes to the air quality impacts of the CCM beyond those currently approved.

Table 6 (Cont'd)
Mandatory Matters for Consideration

Page 3 of 6

Section/ Clause	Matter for Consideration	Relevance/Comment
State Environmental Planning Policy (Resources and Energy) 2021 (Cont'd)		
2.16 (Cont'd)	5) Airblast overpressure. Airblast overpressure caused by the development does not exceed: a) 120 dB (Lin Peak) at any time, and b) 115 dB (Lin Peak) for more than 5% of the total number of blasts over any period of 12 months, measured at any private dwelling or sensitive receiver.	The Proposed Modification would not alter blasting operations.
	6) Ground vibration. Ground vibration caused by the development does not exceed: a) 10mm/sec (peak particle velocity) at any time, and b) 5mm/sec (peak particle velocity) for more than 5% of the total number of blasts over any period of 12 months, measured at any private dwelling or sensitive receiver.	The Proposed Modification would not alter blasting operations.
	7) Aquifer interference. Any interference with an aquifer caused by the development does not exceed the respective water table, water pressure and water quality requirements specified for item 1 in columns 2, 3 and 4 of Table 1 of the Aquifer Interference Policy for each relevant water source listed in column 1 of that Table.	The Proposed Modification does not include changes to the existing site Water Balance, nor changes to any excavation / underground mining operations. Therefore, the Proposed Modification is not anticipated to result in any changes to the groundwater setting.
2.17	a) Consideration is given to: – the existing uses and approved uses of land in the vicinity of the development;	All proposed activities would occur within the existing boundary of Mining Lease Application (MLA) 659.
	– the potential impact on the preferred land uses (as considered by the consent authority) in the vicinity of the development; and	The Proposed Modification would not be inconsistent with approved land use within the Mine Site and would therefore not be incompatible with surrounding land uses.
	– any ways in which the development may be incompatible with any of those existing, approved or preferred land uses.	The Proposed Modification would optimise the efficiency of mining activities and ensure disruption to the TCO is minimised, resulting in public benefit arising from the development.
	b) The respective public benefits of the development and the existing, approved or preferred land uses are evaluated and compared.	
	c) Measures proposed to avoid or minimise any incompatibility are considered.	

Table 6 (Cont'd)
Mandatory Matters for Consideration

Page 4 of 6

Section/ Clause	Matter for Consideration	Relevance/Comment
State Environmental Planning Policy (Resources and Energy) 2021 (Cont'd)		
2.19 (Cont'd)	Consideration is given to whether the development is likely to have a significant impact on current or future mining, petroleum production or extractive industry and ways in which the development may be incompatible. Measures taken by the Proponent to avoid or minimise any incompatibility are considered. The public benefits of the development and any existing or approved mining, petroleum production or extractive industry must be evaluated and compared.	All nearby operations are owned by the Applicant and there is no identified conflict or risk of resource sterilisation
2.20	1) Consideration is given to ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure: – impacts on significant water resources, including surface and groundwater resources, are avoided or minimised; – impacts on threatened species and biodiversity are avoided or minimised; and – greenhouse gas emissions are minimised and an assessment of the greenhouse gas emissions (including downstream emissions) of the development is provided.	Potential environmental risks and impacts are considered in detail in Section 6. There would be no significant increase to approved impacts to water resources, biodiversity and greenhouse gas emissions. No additional native vegetation would be disturbed under the Proposed Modification.
2.21	The efficiency of resource recovery, including the reuse or recycling of material and minimisation of the creation of waste, is considered.	The Proposed Modification would permit the Applicant to construct the Mine Site in a manner that facilitates future development and minimises the need to demolish, decommission, or relocate surface infrastructure. This would minimise required resources and significantly reduce the generation of waste.
2.22	The following transport-related issues are considered. • The transport of some or all of the materials from the site by means other than public road. • Limitation of the number of truck movements that occur on roads within residential areas or roads near to schools. • The preparation of a code of conduct for the transportation of materials on public roads.	The Proposed Modification will not change transportation beyond that currently approved.

Table 6 (Cont'd)
Mandatory Matters for Consideration

Page 5 of 6

Section/ Clause	Matter for Consideration	Relevance/Comment
State Environmental Planning Policy (Resources and Energy) 2021 (Cont'd)		
2.23	The rehabilitation of the land affected by the development is considered including: - the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated; - the appropriate management of development generated waste; - remediation of any soil contaminated by the development; and - the steps to be taken to ensure that the state of the land does not jeopardize public safety, while being rehabilitated or at the completion of rehabilitation.	The Proposed Modification would not result in significant changes to rehabilitation outcomes for the Project.
State Environmental Planning Policy (Resilience and Hazards) 2021		
3.12	In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development)— - current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and - whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and - in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and - any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and - any likely future use of the land surrounding the development.	The Proposed Modification would not result in any additional use or storage of hazardous materials within the Mine Site. It is therefore concluded that the Proposed Modification would not pose a significant risk from hazardous or offensive development and therefore a risk screening is not necessary.

Table 6 (Cont'd)
Mandatory Matters for Consideration

Page 6 of 6

Section/ Clause	Matter for Consideration	Relevance/Comment
Bogan Local Environmental Plan 2011		
7.4	Terrestrial Biodiversity 3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development— a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and d) is likely to have any adverse impact on the habitat elements providing connectivity on the land. 4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	Given that the Proposed Modification would not result in additional disturbance of native vegetation, it is expected that the modified activities would not result in additional impacts to biodiversity. Therefore, the Proposed Modification is not expected to constrain achievement of the objectives of the Bogan LEP. The location of the Proposed Modification is an approved and operating Mine, and only minor additional surface disturbance is proposed. No additional native vegetation disturbance would occur under the Proposed Modification, all additional areas of disturbance would be confined to non-native vegetation areas. The development would continue to be managed to avoid or mitigate any significant adverse environmental impact to terrestrial biodiversity

5. Engagement

5.1 Government Consultation

A scoping meeting was held with DPHI on 30 January 2026 to discuss the Proposed Modification. During that meeting, the following matters were discussed.

- Background to the Proposed Modification.
- Alternatives / options for satisfying offsetting obligations.
- Likely assessment and application pathways.
- Consultation requirements.
- Scope of the Modification Report.

The Applicant also provides regular briefings to Bogan Shire Council (Council) either directly or through the Community Consultative Committee (which meets to discuss matters pertaining to all of the Applicant's operations in the region). Council discussions have included a summary of the upcoming planning matters relating to all operations including the proposed modification of operations at the Mine that are the subject of this document. No issues regarding the Proposed Modification have been raised in these discussions by Council officers.

5.2 Community Consultation

The Applicant maintains an open-door policy regarding complaints, questions and feedback to the local community. As such, surrounding landholders are regularly consulted through informal telephone conversations.

The Applicant's Community Consultative Committee is also kept apprised of the progress of development and planned modification with the meeting on 26 November 2025 and 18 February 2026 covering the status of operations and the need for the Proposed Modification. Copies of confirmed minutes are available on the Applicant's website.

Community updates for the general Girilambone community are undertaken by the Applicant on a regular basis to explain CCM and wider TCO modifications and status of operations. Community Update meetings have been held by the Applicant on 10 December 2025 and 21 April 2026. Questions raised during the meeting related to general matters and no objections or pushback was received in relation to MOD1. The community sentiment generally reflects support of the TCO and the CCM modifications proposed.

Given that the Proposed Modification is predicted to result in only minor changes to the operation and its potential impacts, no broader community consultation has been undertaken.

5.3 Community Feedback

Given the current support provided to the local community in terms of employment and spending on services and consumables, the main point of interest in feedback from the community has concerned the life of the TCO. No specific environmental concerns were raised in discussions relating to the Proposed Modification. Generally, the community sentiment toward the modification of the CCM is supportive as well as the wider TCO.

5.4 Ongoing Consultation

Following an approval to the Proposed Modification the following consultation activities would be continued by the Applicant.

- Informal phone or in-person discussions with neighbouring landowners to inform them of progress with the Project.
- Community Consultative Committee meetings would continue to provide an overview of each of the Applicant's operations and discuss matters relevant to the broader community.
- The Applicant would continue regular briefing discussions with Council officers to discuss matters relating to all of the Applicant's operations.

6. Assessment of Key Environmental Issues

6.1 Introduction

This section presents the outcomes of assessment of potential environmental impacts and risks associated with changes to the CCM as a result of the Proposed Modification. Given that the Proposed Modification is limited to the relocation and reconfiguration of Mine Site components, the key risks would be to biodiversity and Aboriginal heritage values of the Mine Site. These risks are considered in detail in the following subsections. A review of other environmental impact risks and matters not likely to change from approved outcomes are also presented.

6.2 Biodiversity

6.2.1 Introduction

Residual impacts to biodiversity values associated with the CCM were assessed in the Biodiversity Development Assessment Report (BDAR) prepared by Ecoplanning (April 2025). The BDAR presented measures applied to avoid, minimise and finally to offset potential impacts. The biodiversity offsetting obligations of the CCM are reflected in Condition C25 of SSD-41579871 and it should be noted that the Applicant has retired all credits required to be offset under SSD-41579871. The Proposed Modification would require the relocation and reconfiguration of Mine Site components but without substantial changes to physical disturbance and with a minor reduction to native vegetation clearing. Ecoplanning were commissioned to review the changes to physical disturbance associated with the Proposed Modification and consider risks to biodiversity values as listed under Section 1.5 of the *Biodiversity Conservation Act 2016* and Clause 1.4 of the *Biodiversity Conservation Regulation 2017* (see **Appendix 2**). As the Proposed Modification would not increase impacts on biodiversity values, a BDAR is not required to be submitted with the modification application¹⁰. No change to the biodiversity offsetting obligations described in Condition C25 of SSD-41579871 are required.

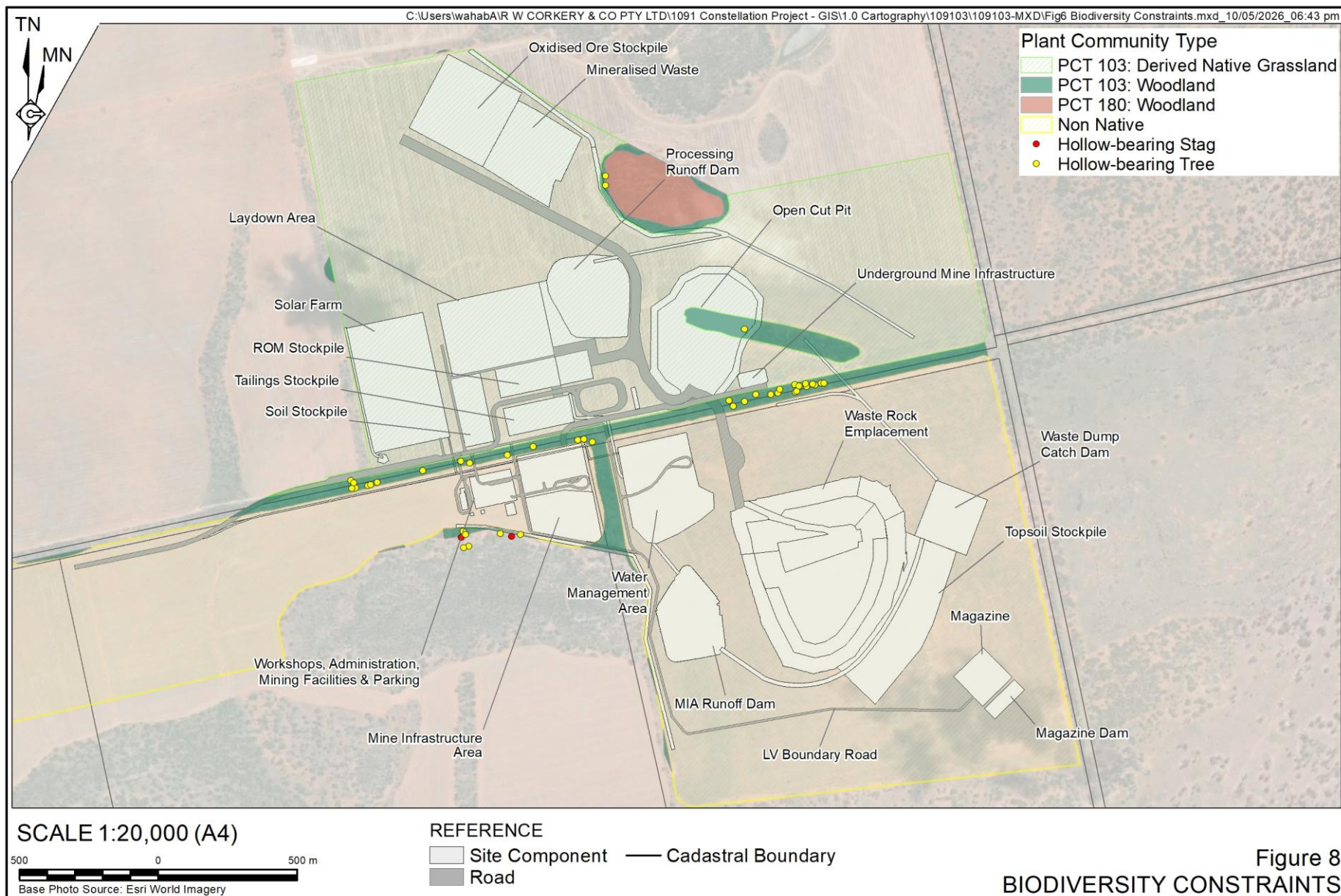
The following subsections provide an overview of existing biodiversity values within the Mine Site as well as a brief discussion of potential impacts and management and mitigation measures that are proposed to reduce or prevent these impacts. This is followed by discussion of the outcomes of the biodiversity impact review prepared by Ecoplanning (2026).

6.2.2 Existing Setting and Approved Biodiversity Impacts

Figure 8 presents the Plant Community Types (PCTs) mapped within the CCM during preparation of the BDAR for the EIS (Ecoplanning, 2025), including the following.

- PCT103 – Poplar Box – Gum Coolabah – White Cyprus Pine shrubby woodland mainly in the Cobar Peneplain Bioregion (Woodland)
 - Woodland
 - Open woodland
 - Derived Native Grassland

¹⁰ Consistent with Section 7.17(2)(c)(i) of the *Biodiversity Conservation Act 2016*



- PCT105 – Poplar Box grassy woodland on flats mainly in the Cobar Peneplain Bioregion and Murray Darling Depression Bioregion (Intact)
- Non-native vegetation (cropping land)

Table 7 presents the areas for each PCT assessed in the BDAR (Ecoplanning, 2025).

Table 7
PCTs Approved for Disturbance

Vegetation Community	Approved Disturbance Area (ha)		Total
	Project Area	Infrastructure Corridor	
PCT103: Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Peneplain Bioregion	88.69	8.78	97.48
PCT 105: Poplar Box grassy woodland on flats mainly in the Cobar Peneplain Bioregion and Murray Darling Depression Bioregion	0.00	0.05	0.05
Non-Native Vegetation	79.80	7.58	87.39
Source: Ecoplanning (2026)			

It is noted that PCT105 is located within the infrastructure corridor of the CCM and is not located within any areas that may be affected by the Proposed Modification. It is also noted that PCT180 is present within and in the immediate vicinity of the Mine Site. However, the disturbance footprint of the CCM does not impact on PCT180, therefore, no further consideration of PCT180 is required.

No threatened species or ecological communities defined as potential Serious and Irreversible Impacts (SAII) entities were identified within the CCM and none are predicted to occur. A range of threatened species were considered in the BDAR prepared for the CCM including species listed as threatened under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A total of 231 *Ninox connivens* (barking owl) credits and five *Tyto novaehollandiae* (masked owl) credits are required to offset the impact to habitat for these species.

The Applicant has retired all biodiversity offsetting credits required under SSD-41579871.

6.2.3 Potential Impacts

Table 8 presents the approved and proposed disturbance areas for each vegetation community (PCT), vegetation class and for non-native vegetation. **Figure 8** presents identified biodiversity constraints associated with the Proposed Modification. Based on this information, it is considered that potential impacts to biodiversity would be negligible. The total disturbance area for the CCM is proposed to increase by approximately 4.3ha with the majority of additional disturbance in non-native vegetation areas. Impacts to native vegetation would decrease by 0.11ha (PCT103 only). Areas of higher quality vegetation have been avoided and preference was placed on disturbance of non-native vegetation for Mine Site components. The total area to be disturbed within land classified as non-native vegetation would increase by 4.44ha.

The total area of land mapped as barking owl habitat would increase from 1.44ha under the approved project to 1.45ha for the Proposed Modification (a change of 0.01ha).

This notwithstanding, there remains a potential risk that relocating Mine Site components would mean that habitat features that may support threatened flora and fauna may be impacted to a greater extent than currently approved. **Figure 8** identifies mapped hollow bearing trees within the Mine Site which have been identified as a key habitat feature of vegetation in the mapped vegetation community. No additional hollow bearing trees would be impacted under the Proposed Modification. It is therefore concluded that the potential risk to habitat features is the same or less than that approved.

Table 8
Approved and Proposed Vegetation Clearing – Project Area

Vegetation Community	Approved Project Area Disturbance (ha)	Proposed Modification Area Disturbance (ha)
PCT103: Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penneplain Bioregion (Woodland)	3.67	3.61
PCT103: Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penneplain Bioregion (Derived Native Grassland)	85.02	84.97
PCT 105: Poplar Box grassy woodland on flats mainly in the Cobar Penneplain Bioregion and Murray Darling Depression Bioregion (Intact)	0.09	No change
Total Native Vegetation Disturbance	88.69	88.58
Non-Native Vegetation	79.80	84.24
Total Disturbance	168.49	172.82
Source: Ecoplanning (2026)		

6.2.4 Mitigation and Management Measures

The Applicant would implement the management and mitigation measures described in the approved Biodiversity and Land Management Plan for the CCM (as required under Condition C27 of SSD-41579871) and including the following key measures. No additional management and mitigation measures are required as a result of the Proposed Modification.

- Retirement of Biodiversity Credits for the long-term conservation of suitable habitats in accordance with the Biodiversity Offset Scheme.
- Development and implementation of a Construction Environmental Management Plan.
- Staff awareness and training on biodiversity values and land management.
- Implementation of Surface Disturbance Permit process.
- Pre-clearance survey / vegetation clearance protocol.
- Progressive rehabilitation.

- Fauna management protocols.
- Barricading of sensitive habitat areas.
- Trenching protocol (installation of buried services along the infrastructure services corridor).
- Habitat replacement program.
- Biodiversity protection and enhancement program (areas unaffected by mining).
- Weed and pest management
- Monitoring and inspection programs (and implementation of any identified corrective measures)
- Identification and implementation of corrective and preventive actions and continuous improvement initiatives.

6.2.5 Assessment of Impacts

Table 9 presents changes to the area affected as a result of the Proposed Modification. The proposed change (compared to the approved Mine Site layout presented in **Figure 2**) would require that less area of significant native vegetation be disturbed. An increase in the mapped area of barking owl habitat impacted would occur (0.01ha), however, Ecoplaning (2026) note that this minor increase would not change offsetting outcomes (species credits) for the species. Therefore, it is considered that biodiversity offsetting obligations for the Project, as described in Condition C25 would not change. Only the area of land previously assessed and determined as non-native vegetation that would be used for the Project would increase. It is noted that disturbance of this land is not directly referred to in the conditions of consent for SSD-41579871 but is presented in plans included as appendices to the consent.

Ecoplaning (2026) considered the potential risks to biodiversity values described in Section 1.5 of the *Biodiversity Conservation Act 2016* and Clause 1.4 of the *Biodiversity Conservation Regulation 2017* to determine the risk of impact associated with the Proposed Modification. This would ensure that the assessment was not limited to areas of vegetation clearing only. **Table 8** presents the outcomes of that review. In summary, Ecoplaning (2026) concluded that there would be no increase to impacts on biodiversity values as a result of the Proposed Modification. As a result, there would be no change to the biodiversity offsetting obligations presented in Condition C25 of SSD-41579871 and the Proposed Modification does not need to be supported by a BDAR.

Table 9
Assessment of Potential Impacts to Biodiversity Values

Page 1 of 2

Biodiversity Value	Assessment of Impact	Conclusion
Section 1.5 of the <i>Biodiversity Conservation Act 2016</i>		
Vegetation integrity	The Proposed Modification would impact 3.61ha of PCT 103 “Woodland” and 85.02ha of PCT 103 “DNG” in the Project Area. This is 0.6ha and 0.05ha less than the approved BDAR, respectively.	The Proposed Modification would impact less native vegetation in “Woodland” and “DNG” condition
Habitat suitability	The Proposed Modification would impact 1.45ha of potential barking owl habitat in the Project Area. This is 0.01ha greater than the approved BDAR. While there are hollows in trees that meet the criteria for this species, it was assumed present where suitable targeted survey for the species was not conducted. The number of credits required to offset the impact of potential barking owl habitat in the approved BDAR is the same as the number of credits required to offset the Proposed Modification in PCT 103 “Woodland”, based on the number of credits required per hectare for the zone in the BDAR	The approved BDAR has satisfied the offset requirements for barking owl in the Proposed Modification.
Clause 1.4 of the <i>Biodiversity Conservation Regulation 2017</i>		
Threatened species abundance	No threatened flora or fauna species have been identified near the Project Area, except for southern whiteface (<i>Aphelocephala leucopsis</i>). Southern whiteface was observed outside the subject land. There are no threatened ecological communities in the Project Area. There is potential habitat for threatened fauna within the Project Area, however, field survey did not detect the presence of candidate species. Only barking owl was associated with PCT 103 in the Project Area. Barking owl was retained as a candidate species given the target survey using Songmeters was only deemed reliable with 400 m of the recording device.	The Proposed Modification should not result in the reduction in occurrence of abundance of a threatened species or threatened ecological community. It would result in an additional 0.01ha of potential barking owl habitat being impacted. This area has been satisfactorily offset in the approved BDAR.
Vegetation abundance	The Proposed Modification would result in a reduction in impact to native vegetation. The Proposed Modification would remove 0.11ha less native vegetation. This reduction is composed of 0.06ha of PCT 103 in “Woodland” condition and 0.05 ha of PCT 103 in “DNG” condition.	The Proposed Modification would result in less impact to native vegetation within the Project Area.

Table 9 (Cont'd)
Assessment of Potential Impacts to Biodiversity Values

Page 2 of 2

Biodiversity Value	Assessment of Impact	Conclusion
Clause 1.4 of the Biodiversity Conservation Regulation 2017 (Cont'd)		
Habitat connectivity	The Project Area is in a highly fragmented landscape. Cropping and historic clearing for agriculture has impacted most of the Project Area with small, isolated remnants and narrow, linear bands of native vegetation remaining. The Proposed Modification would not create additional disruption to habitat connectivity for threatened species that has not been included in the approved BDAR. The barking owl is a wide ranging species and narrow gaps for roads would not affect their movements.	The Proposed Modification would not reduce habitat connectivity.
Threatened species movement	The Project Area is fragmented having been cleared and cropped for agriculture. The site is not likely to provide key movement corridors for threatened species to maintain their lifecycle. The Proposed Modification would retain slightly more native vegetation in the landscape.	The Proposed Modification would not affect the movement of threatened species such that they would be unable to maintain their lifecycle.
Flight path integrity	The approved BDAR would introduce new structures into the landscape for the Mine. The Proposed Modification includes similar structures in a reorganised footprint.	The Proposed Modification does not introduce new obstacles that would interfere with the flight paths of protected fauna that were not considered in the approved BDAR.
Water sustainability	Some water management infrastructure would be relocated for the Proposed Modification, however, water management at the Mine Site would be implemented consistent with the approved operation and there would be no or only minimal changes to impacts associated with water quality, water availability to users (including the environment) and natural hydrological processes.	The Proposed Modification would not affect how water quality, water bodies and hydrological process sustain threatened species.
Source: Ecoplanning (2026) – Table 4		

6.3 Heritage

6.3.1 Introduction

An *Aboriginal Cultural Heritage Assessment Report* (ACHAR) and an *Historic Heritage Assessment* were prepared by Niche Pty Ltd (Niche) to support the EIS for the CCM. As a result of those assessments, a range of sites of Aboriginal heritage value were identified. No listed historic heritage sites were identified to exist within the Mine Site. The Applicant has prepared a *Heritage Management Plan* to describe the management strategies, procedures, controls, compliance requirements and monitoring programs to be implemented at the CCM in relation to Aboriginal and historic heritage values.

The following subsection provides an overview of identified Aboriginal cultural heritage values and considers the proposed relocation and realignment of Mine Site components in relation to known sites. As the *Historic Heritage Assessment* concluded there would be no impact to historic heritage items or values as a result of development of the CCM, historic heritage is not considered further. Proposed management and mitigation measures are discussed before assessment of any residual impacts relating to the Proposed Modification.

6.3.2 Existing Setting

An ACHAR was completed by Niche Environment and Heritage Pty Ltd (Niche) that included consultation with representatives of Registered Aboriginal Parties (RAPs) to support the original development application for the Mine. During the assessment a total of 140 heritage site were provided from a search of the Aboriginal Heritage Information Management System (AHIMS) within the CCM, and a total of 45 new sites were recorded during archaeological field surveys. Sites recorded within the CCM included the following.

- Modified trees (carved or scarred);
- Hearth;
- Earth mound;
- Artefacts and artefact scatters; and,
- Midden.

Figure 9 presents the existing heritage setting within the CCM in relation to the Proposed Modification.

Preparation for site establishment and commencement has involved the salvage and relocation of sites approved for direct impact under the current approval. **Table 10** presents the sites that have been salvaged or could no longer be salvaged within the Mine Site¹¹.

¹¹ Several sites either could not be located or were no longer present as they had evidently been disturbed by on-farm practices and could not be salvaged.

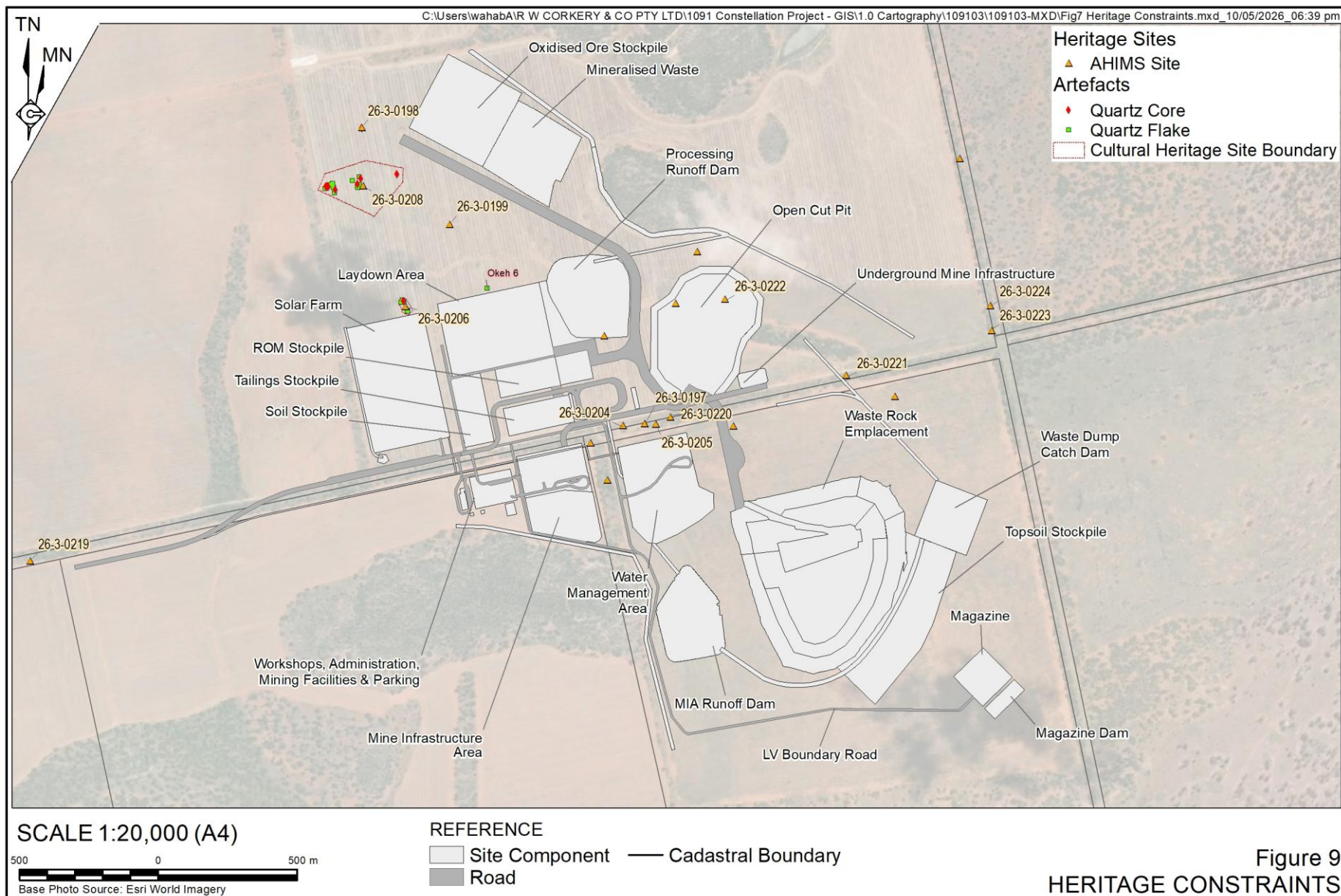


Table 10
Salvaged/Removed Aboriginal Heritage Sites

Site ID	Site Name	Site Type
26-1-0222	Okeh Scar Tree 27	Scarred tree
26-3-0189	Okeh Scar Tree 9	Scarred tree
26-3-0193	Okeh Scar Tree 15	Scarred tree
26-3-0227	Okeh Scar Tree 4	Scarred tree
26-3-0208	Okeh 3	Artefact scatter and PAD
26-3-0199	Oven 1	Hearth
26-3-0200	Oven 2	Hearth

6.3.3 Potential Impacts

Given the proposed changes to the Mine Site are within areas previously considered for assessment, no further field surveys of the Mine Site are required.

Potential impacts to known Aboriginal cultural heritage items have been avoided in the proposed Mine Site layout (see **Figure 9**). All proposed disturbance would be located within areas subject to previous heritage assessments, and areas subject to historical disturbance through mining and agricultural management practices. No impacts to cultural heritage items or locations are proposed as part of this modification.

6.3.4 Mitigation and Management Measures

The Applicant has prepared a Heritage Management Plan that describes measures to avoid impacts to known Aboriginal heritage items and minimise the risk of impact to unexpected sites. The following presents a brief summary of measures presented in the Heritage Management Plan. No additional management and mitigation measures are considered necessary for the Proposed Modification.

- Establishment of '5m No Go Zones' for known heritage items that are not approved for harm.
- Salvage and relocation of sites approved for harm.
- Preparation and implementation of an unexpected finds protocol.
- Ongoing consultation with RAPs on various aspects of development over the Mine Life

6.3.5 Assessment of Impacts

No additional items of Aboriginal heritage value would be impacted for the Proposed Modification. As a result, there would be no change to assessed outcomes for Aboriginal cultural heritage as a result of the Proposed Modification.

6.4 General Environmental Issues

Table 11 presents a high-level consideration of the potential environmental impacts of the Proposed Modification relating to matters that either would not change or for which outcomes would be difficult to discern. It is noted that the Applicant would implement environmental management measures and monitoring in accordance with approved management plans. These plans direct the implementation of environmental management and guide reactive measures and the management of compliance, including notification and reporting requirements. These measures are approved under the existing Project, but would continue to be implemented under the Proposed Modification.

Table 11
Assessment of Environmental Impacts

Page 1 of 4

Environmental Aspect	Approved Outcomes	Assessment of Potential Impact
Surface Water and Flooding	Assessments completed to support the EIS identified no significant water features or water courses that would be impacted by the Project. Water balance modelling demonstrated that the Applicant would be capable of managing water demand through existing Water Access Licences (groundwater and surface water) as well as the capture of water on-site. The Applicant may also rely on water captured under the Maximum Harvestable Rights allowance for the properties on which the Mine is located. The final void pit lake is predicted to remain at least 22m below ground level over the 600 years post-mining that were modelled, with no overtopping or release to the local surface water environment anticipated. The assessment of flooding risks identified that there would be minimal change to flooding risks associated with the road upgrades and development of the Mine Site.	The Proposed Modification would not change water use requirements or the water sources available to the Mine. Water management strategies would not change with excess water to be transferred to the Murrawombie Mine as approved, and no controlled discharge of water would be required for the Mine. The Proposed Modification incorporates the relocation of some water management infrastructure to a dedicated area (Water Management Infrastructure Area), however retains the general configuration of water management structures. All potentially sediment laden water captured within the Mine Site would be stored for use. Clean water diversions would be in place to divert water from clean water catchments away from the Mine Site unless the water is captured under the Maximum Harvestable Rights Capacity of the landholding. The relocation of disturbance areas previously approved for heap leaching may increase the area of clean water capture that would enter the Mine Site, however the Applicant would continue to rely upon the Maximum Harvestable Rights Capacity of the landholding to account for this capture. Additional dams are proposed for the Solar Farm and the Magazine areas.

Table 11 (Cont'd)
Assessment of Environmental Impacts

Page 2 of 4

Environmental Aspect	Approved Outcomes	Assessment of Potential Impact
Social and Economic	A range a positive and negative social and economic impacts were evaluated during preparation of the EIS. On balance it was concluded that the CCM would provide significant benefits to local and regional employment, household incomes in the Mine locality and Commonwealth and State government revenues. Potential social risks related to the acquisition of land, impacts to the availability of housing locally, the use of heavy vehicles and risk to the health and well-being of the community and workforce. These were countered by potential social benefits from population growth, productivity and employment generation and the potential to enhance social capital. Ongoing engagement with the community would support positive outcomes and enable the Applicant to mitigate or avoid potential risks.	The Proposed Modification would have a positive impact on the local and regional socio-economic setting, as it would allow for the commencement of construction activities within the CCM and surrounds without delay. This would allow any socio-economic benefits to be realised by the surrounding community sooner than otherwise possible.
Rehabilitation	Rehabilitation of the Mine Site would be implemented in accordance with an approved rehabilitation strategy with the aim of creating safe, stable and non-polluting post-mining landforms. The Applicant would progressively rehabilitate the landform to its pre-mining land use, which is primarily grazing on native/introduced mixed pastures.	Rehabilitation of the CCM would be consistent with the approved Rehabilitation and Closure Strategy for the Mine. The final landform and final land use for the Mine is described in Section 3.3. Rehabilitation of the CCM would be undertaken progressively and in accordance with the Rehabilitation Management Plan prepared for the CCM.
Groundwater	Numerical groundwater modelling prepared to support the EIS predicted groundwater drawdown up to 600 years following mining and concluded that three registered bores may experience drawdown of less than 1m. Post mining, a pit lake will form in the final void of the open cut mine that would act as a groundwater sink. The average Open Cut Pit lake water level was predicted to remain approximately 10m below the existing pre-mining groundwater level.	There would be no change to the approved depth or volume of groundwater intercepted for the Proposed Modification. Therefore, the assessment outcomes are unlikely to noticeably change. Any groundwater interception associated with the Boxcut would be avoided. The removal of the heap leaching process from the CCM operations would avoid risks associated with contamination from this structure.

Table 11 (Cont'd)
Assessment of Environmental Impacts

Page 3 of 4

Environmental Aspect	Approved Outcomes	Assessment of Potential Impact
Noise, vibration and blasting	Noise generation for the construction and operation of the CCM was assessed with noise exposure at 35 sensitive receptors considered. Impacts associated with proposed blasting were also assessed. The assessment concluded that the relevant criteria would be satisfied at all sensitive receptors.	The removal of some processing activities including heap leaching would reduce noise generation for operation of the CCM. It is therefore considered likely that any change to noise generation under the Proposed Modification would be difficult to discern when compared to approved outcomes.
Air quality and greenhouse gas emissions	Dust dispersion modelling predicted that the generation of dust and particulates during operations at the CCM would satisfy all relevant assessment criteria at all sensitive receptors. Additional assessment of heavy metals concentrations in dust concluded there would be no significant risks of exposure to heavy metals as a result of the construction and operation of the CCM.	The removal of some processing activities including heap leaching would reduce dust generation at the CCM. Overall, exposed areas would be reduced. The Proposed Modification would support the timely development of the Solar Farm that would enable some diesel power generation to transition to solar power generation. This would ultimately improve greenhouse gas emission outcomes for the CCM.
Subsidence and geotechnical	Assessment prepared for the EIS for the CCM determined that subsidence was unlikely to occur given the adopted stope sizes, sequencing of mining and adequate backfilling of all stopes. Surface fracturing and deformation were only considered possible within the open pit and would not impact subsidence risks. The stability of proposed structures and other landforms were assessed and predicted to be stable.	Minor changes to the boundary and geometry of the Open Cut Pit and removal of the Boxcut for underground access would not change assessed outcomes for subsidence and geotechnical risk. Given that the Open Cut Pit would be constructed with the same or similar general design parameters, geotechnical risks and the necessary management of these risks would not change.
Geochemical hazards	Assessment prepared to support the EIS concluded that overall environmental risk from the exposure and handling of mineral materials within the Mine Site would be low. The majority of waste rock samples were not acid forming (NAF) or acid consuming (83%) Acid-forming materials would be returned underground to backfill stopes, placed in the Open Cut Pit at closure or encapsulated in the WRE. A proportion of the tailings produced at the Tritton Copper Mine would be returned the Mine Site for re-use as paste backfill for the underground operations.	Planning for operations at the Mine Site has identified a higher proportion of NAF or acid consuming materials would be mined (85%) under the Proposed Modification. There would be no change to the volumes or types of materials mined or to the proposed management of PAF materials. As a result, it is considered the environmental risks from mineral materials would remain low. The removal of heap leach processing would avoid this geochemical risk potential during operations and post-closure.

Table 11 (Cont'd)
Assessment of Environmental Impacts

Page 4 of 4

Environmental Aspect	Approved Outcomes	Assessment of Potential Impact
Visibility	A visual impact assessment considered risks to changes to the viewshed for neighbours, along the transport route and for the broader landscape. One receptor is expected to experience a moderate to low level visual impact from the Mine site. The visual impacts at other sensitive receptors are expected to be negligible.	There would no changes to approved visual amenity outcomes for the broader landscape. Relocation of the WRE may alter the location of this feature and possible views, however it is considered that remnant vegetation would continue to mitigate or completely obscure views and overall visual amenity risks would remain moderate to low.
Land, Soil, and Agriculture	Assessment completed to support the EIS concluded that the Mine Site is predominantly capable of supporting low-impact agricultural uses. There is a risk of impact to land capability through soil erosion and sedimentation.	The Proposed Modification would not change soil management or land capability outcomes following rehabilitation of the Mine Site.
Traffic and Transport	Traffic generation for the transport of ore, tailings backloads, equipment and materials delivery, and personnel arriving and leaving the Mine Site was considered likely to have only a very minor impact on the surrounding transport environment.	There would be no changes to traffic levels, transport routes or vehicle types under the Proposed Modification and therefore assessment outcomes for transportation would not change.

7. Evaluation of Merits

7.1 Introduction

As a conclusion to the *Modification Report*, the Project is evaluated and justified through consideration of its potential impacts on the environment and potential benefits to the local and wider community.

The evaluation of the Project is undertaken by firstly assessing the statutory requirements that apply to the modification through consideration of:

- Section 4.55(1A) of the EP&A Act in relation to the permissibility of modification to development consent for State significant development; and
- Section 4.15(1) of the EP&A Act in relation to the evaluation of applications for development in general.

The Project is then evaluated as a whole against the principles of Ecologically Sustainable Development (ESD) in order to provide further guidance as to the acceptability of the Project.

Section 7.5 presents the justification of the Project and revisits any residual impacts on the biophysical and social environment as a result of the Proposed Modification and reviews the Project against the objects of the EP&A Act.

7.2 Consistency with Strategic Context

The Proposed Modification is generally consistent with the existing strategic context of the wider TCO. The following presents a high-level overview of the relevant state strategic planning documents considered for the approved Project.

- United Nations Framework Convention on Climate Change
- NSW Net Zero Plan
- NSW Critical Minerals and High-Tech Metals Strategy

The following regional strategic planning documents were also considered for the Proposed Modification.

- Bogan Shire Council Community Strategic Plan 2032
- Central West and Orana Regional Plan 2041
- Western Plains Regional Economic Development Strategy
- Economic Development Strategy for Regional NSW

The Proposed Modification is generally consistent with the goals and objectives presented in both the state and regional strategic planning documents considered for the CCM in that it would allow the commencement of construction of the CCM without delays caused by the approvals process for a further detailed modification for the entire Mine Site. Preventing delays in construction of the CCM would allow for the predicted socio-economic benefits of the Project to be realised as

well as allowing for a more efficient operation of the CCM following determination of the further detailed modification. The Proposed Modification would also allow for the development and realisation of positive flow-on effects of investment in infrastructure and employment.

7.3 Statutory Requirements

Section 4 provides an overview of the Proposed Modification's satisfaction of relevant statutory requirements and where various requirements have been addressed in this document. The following subsections address relevant statutory requirements that have not been addressed elsewhere in this document.

7.3.1 Section 4.15(1) Considerations (EP&A Act)

Section 4.15(1) of the EP&A Act sets out the matters for consideration by a consent authority when determining an application for development consent.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) (Repealed)*

that apply to the land to which the development application relates,

- b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c) the suitability of the site for the development,*
- d) any submissions made in accordance with this Act or the regulations,*
- e) the public interest.*

The following subsections provide an evaluation of the Proposed Modification against these provisions.

Environmental Planning Instruments, Plans and Regulations (Section 4.15(1a))

All relevant environmental planning instruments, plans and regulations are addressed in Section 4. In summary, the Proposed Modification is permissible and consistent with the aims and objectives of relevant local and State environmental legislation and guidelines.

Likely Impacts of the Development (Section 4.15(1b))

Section 6 provides an assessment of the environmental factors potentially impacted by the Proposed Modification. The proposed management and mitigations measures would limit potential environmental impacts and the modification would not generate adverse environmental impacts beyond those already approved for the CCM.

Suitability of the Site (Section 4.15(1c))

The CCM was approved on 24 December 2025 and the original application considered the suitability of the site for the development. The Proposed Modification would not require any changes to the existing and approved land uses within the CCM.

Submissions (Section 4.15(1d))

It is anticipated that DPHI will take any submissions into consideration during the assessment of this application.

The Public Interest (Section 4.15(1e))

The Applicant considers that the Proposed Modification serves the public interest as it would allow for the efficient and timely construction of the Mine. The TCO has an important role in the local community and provides employment of local personnel which in turn provides additional flow-on benefits to the local community. Additionally, the environmental outcomes would be consistent with existing Mine operations resulting in no additional significant impacts.

It is therefore concluded that the Proposed Modification is in the public interest through the construction of the CCM in a safe and environmentally responsible manner and the provision of ongoing local economic benefits.

7.3.2 Section 4.55(1A) Considerations (EP&A Act)

As described in Section 1.1, the Proposed Modification is being made under Section 4.55(1A) of the EP&A Act which is provided in full below.

(1A) Modifications involving no or minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- a) it is satisfied that the proposed modification has minimal environmental impact, and*
- b) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

- c) *it has notified the application in accordance with—*
- i) *the regulations, if the regulations so require, or*
 - ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Minimal Environmental Impact

Section 6 of this report presents an assessment of the environmental impacts as a result of the Proposed Modification. In summary, the relocation of some components of surface infrastructure at the CCM would:

- slightly reduce disturbance to native vegetation as a whole, but increase impacts to potential habitat for the barking owl by 0.01ha;
- result in a minor increase to disturbance of land that contains non-native vegetation;
- not change outcomes for Aboriginal or historic heritage impacts or ongoing management;
- not change the strategies or outcomes for the sourcing and management of water resources including surface water or groundwater;
- relocate some activities but not result in discernible changes for amenity outcomes including noise, dust, vibration and blasting;
- not change approved outcomes for flood risk, land and soil capability, traffic and transport, geochemical risk or geotechnical risks which would be managed as approved; and
- enhance and bring forward positive social and economic outcomes without exacerbating negative outcomes.

On balance, these outcomes are considered to represent a minimal change to environmental impacts.

Substantially the Same Development

The Proposed Modification to SSD-41579871 to permit the modified surface layout is considered to be materially consistent with the activities approved under SSD 41579871. While there are a number of proposed changes to the surface layout of the operation, these changes are of the same essence as those currently occurring and do not represent a radical transformation of the Mine. Under the Proposed Modification, the Project would remain “substantially the same development” as that approved under SSD 41579871 for the following reasons.

- The Proposed Modification does not include any novel activities, nor any significant intensification or reduction in any existing or approved activity.
- The proposed changes to the Mine Site infrastructure are wholly within the existing land parcels described in this Schedule of Lands provided as Appendix 1 of SSD-41579871.

- The Applicant anticipates there would be no discernible change to the outward experience of the Project as the construction and use of the relocated Mine Site components would be difficult to differentiate from those approved.
- The Proposed Modification results in only minor changes to proposed surface disturbance and vegetation clearing. There would be a minor reduction in the disturbance of native vegetation and no changes to the assessment of impacts to biodiversity values (see Section 6.3.5). The location of direct impacts to biodiversity would change as a result of the Proposed Modification but the magnitude of impact would remain consistent with that approved.
- There would be no change to approved biodiversity offsetting obligations described in Condition C25 of SSD-41579871.
- While amenity impacts associated with the use of proposed infrastructure would change (i.e. the location and therefore sources of impact), it is anticipated that only minimal changes to environmental impact outcomes would occur when compared to what is currently approved.
- The Proposed Modification would not significantly impact the approved final landform and post-mining land use, other than the location of landforms and the removal of the heap leach pad structure from the rehabilitated landform.

Notification of the Application

This is a matter for DPHI to consider, however it is anticipated that DPHI will notify the application to relevant stakeholders.

Submissions Regarding the Proposed Modification

This is a matter for the DPHI to consider. However, the Applicant would be pleased to respond to any submissions received by DPHI during the assessment process.

7.4 Ecologically Sustainable Development

Sustainable practices by industry, all levels of government and the community are recognised to be important for the future prosperity and well-being of the world. The principles of Ecologically Sustainable Development (ESD), recognised for over two decades, are based upon meeting the needs of the current generation while conserving our ecosystems for the benefit of future generations. In order to achieve sustainable development, recognition needs to be placed upon the integration of both short-term and long-term environmental, economic, social and equitable objectives.

Table 11 presents the features of the Project that reflect the four principles of ESD, namely:

- The precautionary principle.
- The principle of intergenerational equity.
- The principle of the conservation of biodiversity and ecological integrity.
- The principle for the improved valuation, pricing and incentive mechanisms.

Table 12
Review of the Principles of Ecologically Sustainable Development

Page 1 of 2

Principle	Description	Discussion
The Precautionary Principle	If there are threats of serious and irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In order to satisfy the principles of ESD, emphasis must be placed on anticipation and prevention of environmental damage, rather than reacting to it.	The Applicant has designed the Proposed Modified, specifically the proposed site layout, to avoid potential environmental impacts, particularly in relation to biodiversity and heritage. The precautionary principle has been considered during all stages of the design and assessment of the Proposed Modification. The approach adopted provides a high degree of certainty that the Proposed Modification would not result in any unforeseen impacts.
Social Equity	Social equity embraces value concepts of justice and fairness so that the basic needs of all sectors of society are met and there is a fair distribution of costs and benefits to the community. Social equity includes both inter-generational (between generations) and intra-generational (within generations) equity considerations.	Both elements of social equity are addressed through the design of the Proposed Modification itself, the implementation of operational safeguards to mitigate any short-term or long-term environmental impacts, and the proposed rehabilitation of the areas directly disturbed. Examples of matters relating to inter-generational equity that are relevant to the proposed modification are provided below. • The Applicant seeks to undertake development and operations in a manner that avoids and minimises adverse impacts on the local environment throughout and beyond the operational life of the Mine. This approach enables the Applicant to develop the Mine to maximise economic and social benefits while ensuring beneficial environmental values are preserved for future generations. • The proposed relocation and realignment of Mine Site components would enable the construction of site layout without delays potentially caused by a further detailed modification expected to be submitted for the Mine. • The Proposed Modification would allow for the safe and efficient extraction of raw materials used to produce products that would not only benefit today's generation but many generations to come.
Conservation of Biological Diversity and Ecological Integrity	The protection of biodiversity and maintenance of ecological processes and systems are central goals of sustainability. Developments should not threaten ecological integrity or the conservation of threatened species.	The Proposed Modification would not result in additional impacts to biodiversity values.

Table 12 (Cont'd)
Review of the Principles of Ecologically Sustainable Development

Page 2 of 2

Principle	Description	Discussion
Improved Valuation and Pricing of Environmental Resources	This principle requires that environmental factors be integrated into asset and service valuation, including the “polluter pays” principle, full life cycle costing, and cost-effective environmental stewardship.	The value placed by the Applicant on environmental resources is evident in the following elements of the proposed modification. The Proposed Modification would allow for mining operations to commence in a profitable, safe and environmentally responsible manner. The Proposed Modification has been designed to minimise surface disturbance and to optimise the efficiency of the proposed Mine Site layout. The assessment of various potential impacts has addressed the likely residual effects on the environment. No additional environmental safeguards and measures (other than those already approved) are required to prevent impacts to the environment within and surrounding the Mine Site.

7.5 Justification of the Proposed Modification

7.5.1 Introduction

In assessing whether the development and operation of the Proposed Modification is justified, consideration has been given both to biophysical and socio-economic factors including the predicted residual impacts on the local and wider environment and the potential benefits of the proposed modification. This section also considers the consequences of the Proposed Modification not proceeding.

7.5.2 Biophysical Considerations

Section 6 presents an assessment of residual impacts on the biophysical environment that are predicted should the Mine commence development and operate in the manner proposed. The residual impacts considered of greatest significance, and the proposed management of these, are summarised as follows.

Biodiversity

The Proposed Modification would not result in disturbance of additional native vegetation and the total number of biodiversity offset credits to be retired would be unchanged. While additional land is proposed to be disturbed under the Proposed Modification, efforts have been made to avoid direct impacts to native vegetation and additional disturbance has preferentially been located on non-native vegetation land. The Proposed Modification would not result in significant changes to the approved biodiversity impacts within the CCM and would not change conditions of consent relating to biodiversity offsetting obligations.

Heritage

The Proposed Modification would not result in disturbance of heritage items within the CCM. While additional land is proposed to be disturbed under the Proposed Modification, additional impacts to heritage items have been avoided. The Proposed Modification would not result in significant changes to the approved heritage impacts within the CCM.

7.5.3 Socio-economic Considerations

The social and economic implications of the Proposed Modification are on balance positive. The proposed modification would enable the construction of the modified layout of the Mine as well as the continued operation of all other existing and proposed mines within the Tritton Copper Operations and consequently the continued distribution of the economic benefits of the Applicants regional operations. Any changes to local amenity or the local experience of the mining operation would be difficult to discern from existing approved operations.

7.5.4 Consequences of Not Proceeding with the Proposed Modification

The consequences of not proceeding with the Proposed Modification include an increased risk of an interruption in the operation of the Tritton Copper Operations, with the associated adverse social and economic impacts that would occur.

The Proposed Modification proposes the most efficient layout of the current operations, limiting impacts elsewhere while ensuring that the Applicant may make the most of existing infrastructure and its existing mining operations.

Based on the above, the consequences of not proceeding with the Proposed Modification would directly and indirectly impact on the operation and economic viability of the existing and proposed mines within the Tritton Copper Operations.

7.6 Objects of the EP&A Act

The objects of the EP&A Act are described in Section 1.3 of the Act as follows.

The objects of this Act are as follows:

- i) to 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,*
- ii) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- iii) to promote the orderly and economic use and development of land,*
- iv) to promote the delivery and maintenance of affordable housing,*
- v) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- vi) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- vii) to promote good design and amenity of the built environment,*
- viii) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- ix) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- x) to provide increased opportunity for community participation in environmental planning and assessment.*

The Proposed Modification would not limit the achievement of the objects of the EP&A Act and would in effect assist with the achievement of objectives to:

- promote the social and economic welfare of the local community through the efficient and continued economic benefits of the CCM and the wider Tritton Copper operations; and
- promote orderly development of the regional copper resource.

7.7 Conclusion

The Proposed Modification would permit the Applicant to construct the CCM and commence activities within the Mine Site in an efficient and timely manner. Delays to construction would be avoided under the Proposed Modification as optimisation and relocation of surface infrastructure has been designed in accordance with the optimisation program undertaken by the Applicant.

Implementation of the Proposed Modification would have the following significant benefits to the local community within the Bogan Shire and NSW.

- Construction of the CCM in a timely manner.
- Continued mining operations under the wider Tritton Copper Operations in a location that is separated from private residences and other sensitive land uses.
- Improved mining and operational efficiencies with only minor new surface disturbance and minimal additional environmental impact.
- Support for the existing operations within the Tritton Copper Operations.
- The continued employment of personnel residing in the Bogan Local Government Area and contribution to the diversity and sustainability of the region.
- The continued growth and distribution of the economic benefits of the Tritton Copper Operations locally and regionally through the use of local services and businesses.
- The ongoing supply of copper to domestic and international markets that is consistent with the objectives identified in the NSW *Critical Minerals and High-tech Metals Strategy 2024-35* (DPIRD, 2024). The copper supply is essential to support growing demand for electricity transmission (supporting the decarbonisation of the power grid) and use in electric vehicles and the renewable energy sector.

The Applicant intends to remain a major source of employment and services in the Bogan Local Government Area. The Proposed Modification maintains and supports the existing operations at the Tritton Mine and presents new opportunities under the CCM. It is considered that changes to local amenity or the local experience of the mining operation as a result of the Proposed Modification would be difficult to discern from existing approved operations. However, the social and economic benefits associated with the existing and proposed Tritton Copper Operations would continue to be substantial. It is therefore concluded that the proposed modification would firmly be in the public interest.

8. References

Burton Environmental (2024). *Constellation Project – Rehabilitation and Closure Strategy*, 23 May 2024.

Department of Primary Industries and Regional Development (DPIRD), (2024). *Critical Minerals and High-tech Metals Strategy 2024-35*.

Ecoplaning (2025). *Biodiversity Development Assessment Report* prepared for the Constellation Project, Girilambone, NSW.

Appendices

Appendix 1 Modified Project Description

Appendix 2 Biodiversity Impact Review

Appendix 1

Modified Project Description

(Total No. of pages including blank pages = 17)



TRITTON RESOURCES PTY LTD

ABN 88 100 095 494

Modified Project Description

for the

Constellation Project



Modification 1

Prepared by:



RWCorkery&co

May 2026

1. Description of the Modification

1.1 Introduction

This *Updated Project Description* has been prepared to support Modification 1 to the Constellation Copper Mine (CCM) (the “Modified Project”) and has been prepared in accordance with the NSW Government’s *State Significant Development Guidelines – Preparing a Modification Report* (March 2026).

The CCM was approved 24 December 2025 as State Significant Development (SSD) under SSD-41579871. The CCM is an SSD mining operation located approximately 55 km northwest of Nyngan and 20 km northeast of the township of Girilambone in western New South Wales (NSW).

The CCM is owned and operated by Triton Copper Operations Pty Ltd (Tritton), a wholly owned subsidiary of Aeris Resources Ltd (Aeris). The CCM forms part of Tritton’s regional Tritton Copper Operations, a hub-and-spoke network of metalliferous mining and processing operations within the Bogan Shire of New South Wales. Each of the components of the Tritton Copper Operations operates under one or more separate development consents. This *Updated Project Description* applies only to the activities approved under SSD-41579871 and is not intended to be used to describe approved operations of any other developments unless directly relevant to the CCM.

1.2 Consolidated Project Description

The Modified Project comprises the following.

- Construction and use of the Mine Site, including:
 - the Constellation Open Cut and Underground Mine;
 - the Constellation Waste Rock Emplacement (WRE);
 - stockpiling of low-grade mineralised waste for potential future use within the Mineralised Waste Stockpile.
 - various ancillary mining infrastructure to support the operation of the Mine Site.; and
 - an on-site Solar Farm;
- Development of an Infrastructure Corridor between the Mine Site and the Murrawombie Copper Mine. The infrastructure corridor includes the site access/haul road and service connections including power, water, and a fibre-optic cable. Development of the Infrastructure Corridor includes upgrades to the majority of Okeh Road, as well as construction and use of a dedicated private haul road between Okeh Road and the Mitchell Highway, and upgrades to associated intersections as required under the Consent.
- Integration of CCM into the Tritton Copper Operations including but not limited to the following.
 - Despatch and haulage of mined ore from the Mine Site to the Tritton Copper Mine for processing.

- Haulage and receipt of tailings from the Tritton Copper Mine to the Mine Site.
- Despatch and haulage of excavated natural materials (e.g. growth medium) from the Mine Site to the Murrawombie Copper Mine.
- Connection of the water pipeline to existing shared licenced water supply infrastructure.
- Shared environmental and operational management, as relevant.

Where required, separate approvals/licences/authorities are held by other mining and processing operations to permit the above.

The Schedule of Lands has been updated to incorporate Lot 13 DP 751354 that has been included in the area nominated for Mining Lease Application (MLA) 659.

A number of updated figures are presented for the Modified Project Description including the following.

- Figure 1 – Locality Plan
- Figure 2 – Mine Site Area
- Figure 3 – Surface Development Layout
- Figure 4 – Infrastructure Corridor
- Figure 5 – Infrastructure Corridor
- Figure 6 – Underground layout (cross-section)
- Figure 7 – Underground layout (plan view)
- Figure 8 – Conceptual Final Landform
- Figure 9 – Final Land Use Domains

1.3 Overview of the Modified Project

Table 1 presents a comparison of the Modified Project and the Project as approved.

Table 1
Modified Project Summary Table

Page 1 of 5

Element	Project as Approved	Proposed Modification
Project Components		
Project mine area	The CCM is located in a rural setting on two freehold properties identified as 'Okeh' property (including Lot 4 of DP751341 and Lot 9 of DP751321) and 'Windella' property (Lot 10 of DP 751321). The CCM site is sparsely vegetated, and was previously used for sheep grazing with some dryland wheat cropping in the southern paddocks. The CCM's total surface disturbance area is approximately 170ha. The CCM is within exploration leases (EL) 6126, EL8987 and EL8084, and Mining Lease Application (MLA) 659 held by Tritton Resources Pty Ltd.	The CCM's total surface disturbance for the Project mine area is now 172.8ha. There has been a minor increase in disturbance of non-native vegetation areas and a minor decrease in disturbance of native vegetation. All other details including properties remain unchanged.

Table 1 (Cont'd)
Modified Project Summary Table

Page 2 of 5

Element	Project as Approved	Proposed Modification
Project Components (Cont'd)		
Open cut pit mining method and extent	An open cut pit is approved for open cut mining of the CCM deposit. The open cut pit is relatively small, with a maximum area of approximately 11.7ha and a maximum depth of approximately 110m to -55mRL.	Realignment to Open Cut Pit that extends the area to 12.7ha. Addition of safety bunds and access roads surrounding open cut. Relocation of underground access to a portal located within Open Cut Pit. No change to depth.
Underground mining method and extent	Underground mining of the CCM deposit is undertaken using long-hole, open stoping with backfilling. The average feed rate from the underground mine is 0.5Mtpa. Underground production may peak up to 1Mtpa in any given period. Access to the underground workings is via a portal in a surface box cut and a 3,100m long decline. Underground workings are to be developed to a depth of 280mRL.	Access to the underground workings is via a portal in the Open Cut Pit.
Production	The ore to be processed is approximately 2.4Mt from the open cut pit and 3.6Mt from the underground mine over the life of the mine. This is a maximum annual production of 1Mtpa of ore from the CCM.	No change
Resource	Mining of 6.7 million tonnes mineral ore	No change
Life of mine	The approved mine life is approximately 16 years, which includes: • an estimated one-year construction period; • ten years of mining operations; and • five years of decommissioning and rehabilitation activities.	No change
Infrastructure corridor	A corridor, generally approximately 18m wide, extends between the CCM and the existing Tritton Copper Mine incorporating: • the site access/haul road; • a water pipeline; • optic fibre cable; and • an underground electric conduit powerline.	No change
Site access	Within the infrastructure corridor, access to the CCM is predominantly via existing public roads. Operational traffic movements and deliveries to the CCM are via Okeh Road and a new haul road between the Mitchell Highway and Okeh Road. The new section of road, approximately 2,850m long, diverts CCM traffic north around the Girilambone township. Once constructed, operational and haulage traffic will access the CCM via the new intersection on the Mitchell Highway. The new intersection is located approximately 830m north-west of the existing Railway Road and Mitchell Highway intersection.	No change

Table 1 (Cont'd)
Modified Project Summary Table

Page 3 of 5

Element	Project as Approved	Proposed Modification
Project Components (Cont'd)		
Cont'd	Road upgrades to the existing Railway Road and Mitchell Highway intersection includes a channelised right-hand turning lane (for southbound traffic on the Mitchell Highway). A channelised right-turn treatment is also approved for the intersection of the new road and Mitchell Highway (for northbound traffic on the Mitchell Highway). Construction traffic movements and deliveries to the CCM are via Okeh Road, accessed via Murrawombie Road to the east of Girilambone, before the new haul road section has been constructed in the first year of the CCM (Year a-construction).	
Haulage route and traffic movements	CCM ore is transported to the Tritton processing plant at Tritton Copper Mine via the existing public road infrastructure and Aeris-owned roads. Haul vehicles operate along the site access route, travelling to Tritton Copper Mine via the Mitchell Highway, Railway Road and Yarrandale Road. Haul vehicles are either AB triple road trains with approximately 70-tonne payloads or B double trucks with approximately 50-tonne payloads. Operational traffic movements include up to 82 truck movements per day. Concentrate from Tritton is trucked to Hermidale rail siding and loaded onto rail to Newcastle Port. Copper crystal is loaded and transported from the CCM by road and continues by either road or rail. The existing rail networks provides enough transport capacity for the CCM. Therefore, no new rail or port facilities are required.	No change
Off-site processing	Supergene and primary ore are processed at the Tritton Copper Mine processing facility. Up to approximately 10Mt of CCM ore is expected to be processed at the Tritton processing plant over the life of the CCM. Tritton Copper Mine processing facility operates under DA 41/98 (expiring 21 December 2028). A separate approval has been sought to continue processing at the site and increase the annual processing rate and related activities (refer to Chapter 1, Introduction, Section 1.6.2 of the Amendment Report). The CCM production volume is 1.8Mtpa.	No change
On-site processing	Supergene, primary and high-grade ore are crushed and screened on the run-of-mine (ROM) pad. Pre-concentration processes, including dry grinding and flotation to create a concentrate, are undertaken adjacent to the ROM pad. Approximately 2.0 Mt of lower-grade oxide ore from the open cut pit is processed by heap leaching at the CCM.	Supergene, primary and high-grade ore may be crushed and screened on the run-of-mine (ROM) pad before being transported to the Tritton Mine for processing. Stockpiling of oxide ore material is retained, however all processing would occur at the Tritton Copper Mine. Heap leaching will no longer be undertaken at the CCM.

Table 1 (Cont'd)
Modified Project Summary Table

Page 4 of 5

Element	Project as Approved	Proposed Modification
Project Components (Cont'd)		
Cemented paste fill	Dewatered tailings material from the Tritton processing plant is backhauled by trucks or road trains using the haulage road to the CCM. The tailings are screened and mixed with water and a binder in a mobile paste backfill plant at the CCM to produce cemented paste fill. Cemented paste fill is used in the CCM's underground mining activities.	No change
Waste rock management	Approximately 6.1Mm ³ of waste material is expected be generated from the open cut and underground mines over the life of the CCM. The waste rock emplacement (WRE) has been designed for the total capacity, if required with a final height of approximately 35m above the adjacent land surface (top of the WRE at 205mRL) and a maximum disturbance area of approximately 40ha. Once underground operations commence, preference will be given to storing waste rock underground when possible. Waste material may also be stored within the open cut pit below the final level of the pit lake. Mineralised oxide waste is stored separately in a mineralised waste pile with a capacity of 0.55Mm ³ .	Relocation of the Waste Rock Emplacement.
Water supply	Water supply for the CCM is sourced from: • direct rainfall; • catchment runoff; • groundwater inflows; and • transferred via an underground water pipeline in the infrastructure corridor between Murrawombie Copper Mine and the CCM, providing up to 258 ML in peak water demand years (Year 4). CCM water demands are managed within existing water licences held by Aeris. Total annual peak water demands for the CCM are estimated to be 613 ML/yr (Year 4).	No change.
Water management	The CCM's water management system includes: • water storage dams; • a clean water diversion system diverting clean water around disturbed areas and mine site infrastructure; • a catchment drainage system around disturbed areas to contain mine-affected waters; • a bi-directional water supply pipeline from Murrawombie Copper Mine; • storing wastewater from ancillary infrastructure for on-site treatment and on-site disposal or reuse; • erosion and sediment controls during construction and operational phases; and • groundwater dewatering from the underground workings and open cut pit sump to the site water management dams.	Addition of a Water Management Area in the site layout to be used for water transfers and management of water captured within the Open Cut Pit

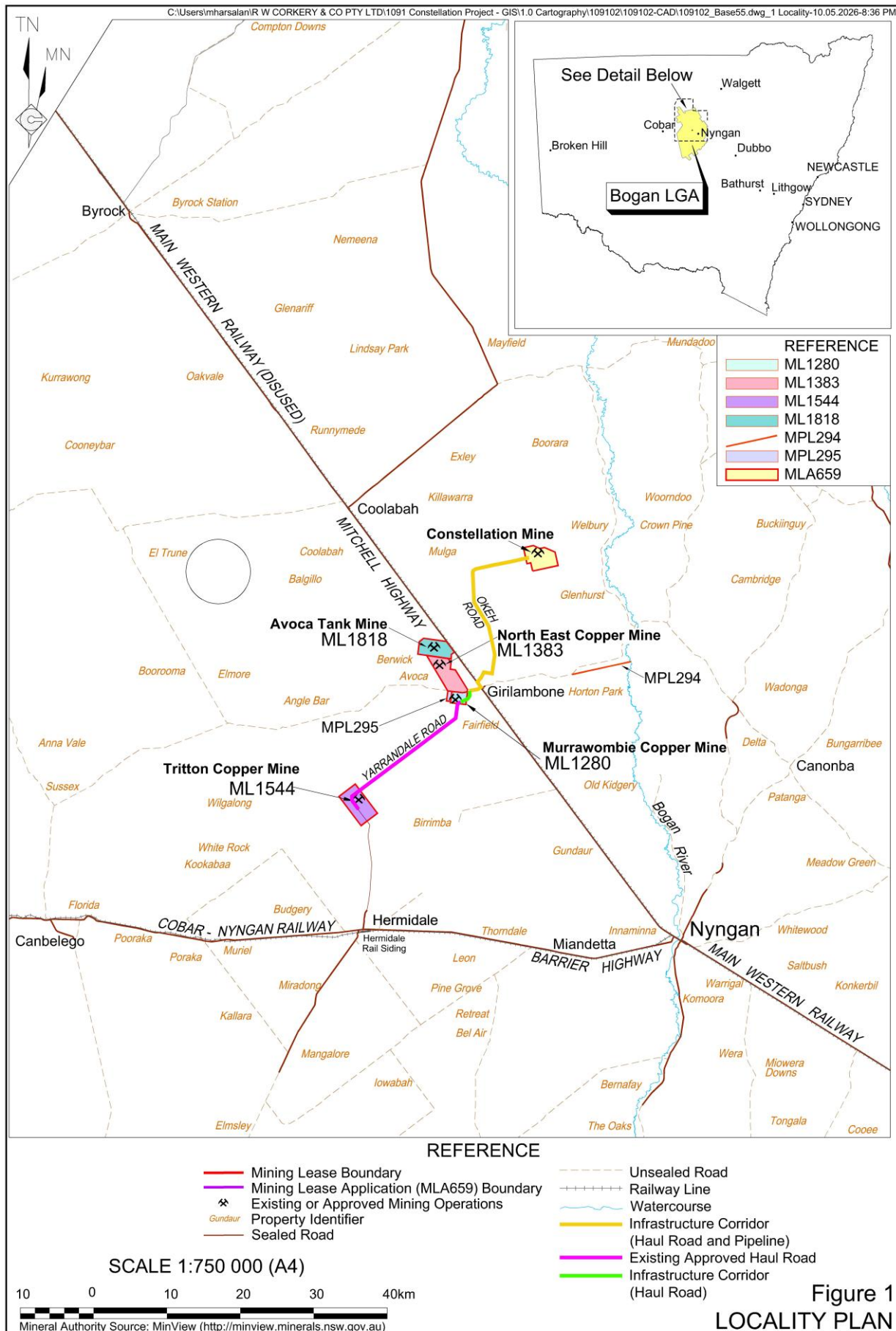
Table 1 (Cont'd)
Modified Project Summary Table

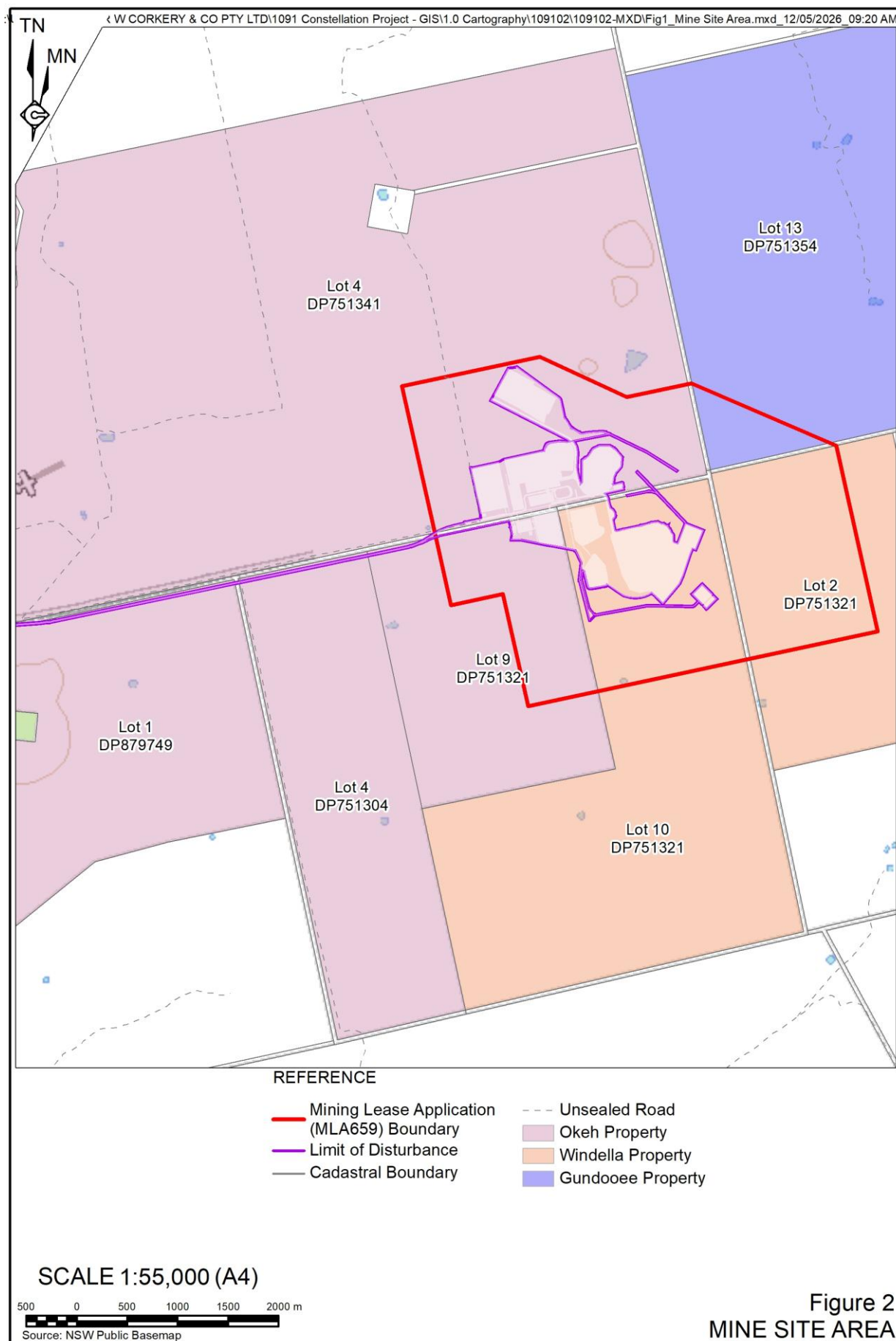
Page 5 of 5

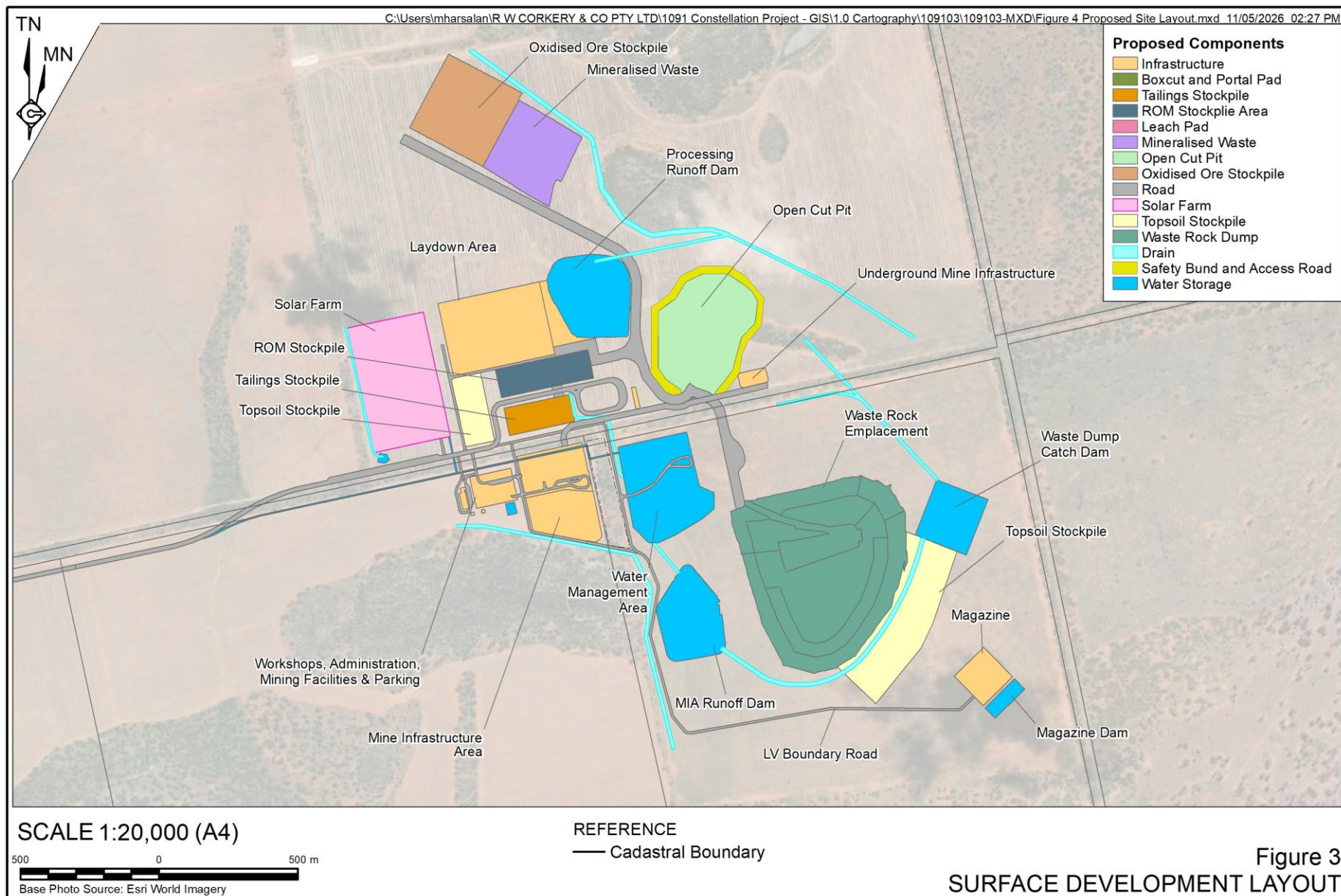
Element	Project as Approved	Proposed Modification
Project Components (Cont'd)		
General infrastructure	Additional infrastructure to be developed at the CCM includes: • a mine laydown area and workshop; • a ROM stockpile for mined ore; • a heap leach pad, oxide ore stockpile and crushing area and other processing facilities, including process and raffinate ponds and solvent extraction plant; • a paste plant, emulsion storage and shotcrete batch plant; • topsoil and subsoil stockpiles; • solar farm and on-site power station; and • administrative facilities, including offices, amenities and a car park.	Removal of heap leach pad and process ponds, agglomeration pad, SX / Crystal Plant, and Boxcut pit. Relocation of various surface site layout components
Power supply	Mains power is generated at the CCM using a combination of 6MW DC solar photovoltaic (PV) (12ha area) and a 5,000kVA diesel genset.	Relocation of the solar farm and increase to 13ha area.
Workforce	The CCM provides continued employment for existing Tritton Copper Operations personnel including an average of approximately 178 full-time equivalent (FTE) jobs for employees and contractors during operations. Operational employees work industry-standard 12-hour shifts on seven-day roster cycles. Approximately 95 FTE contractors will be required during the 12-month construction phase of the CCM.	No change.
Hours of operation	Various for construction, mining and general site operations in accordance with Condition A8 of SSD-41579871. See detailed discussion in Section 3.	No change.
Vegetation Clearing	Total disturbance of 168.49ha comprising: • PCT 103 Woodland – 3.67ha • PCT 103 Derived Native Grassland – 85.02ha • Non-native Vegetation – 79.80ha	Total disturbance of 172.82ha comprising: • PCT 103 Woodland – 3.61ha • PCT 103 Derived Native Grassland – 84.97ha • Non-native Vegetation – 84.24ha A minor change to total disturbance resulting from additional activities in areas of historic cropping activities (non-native vegetation).

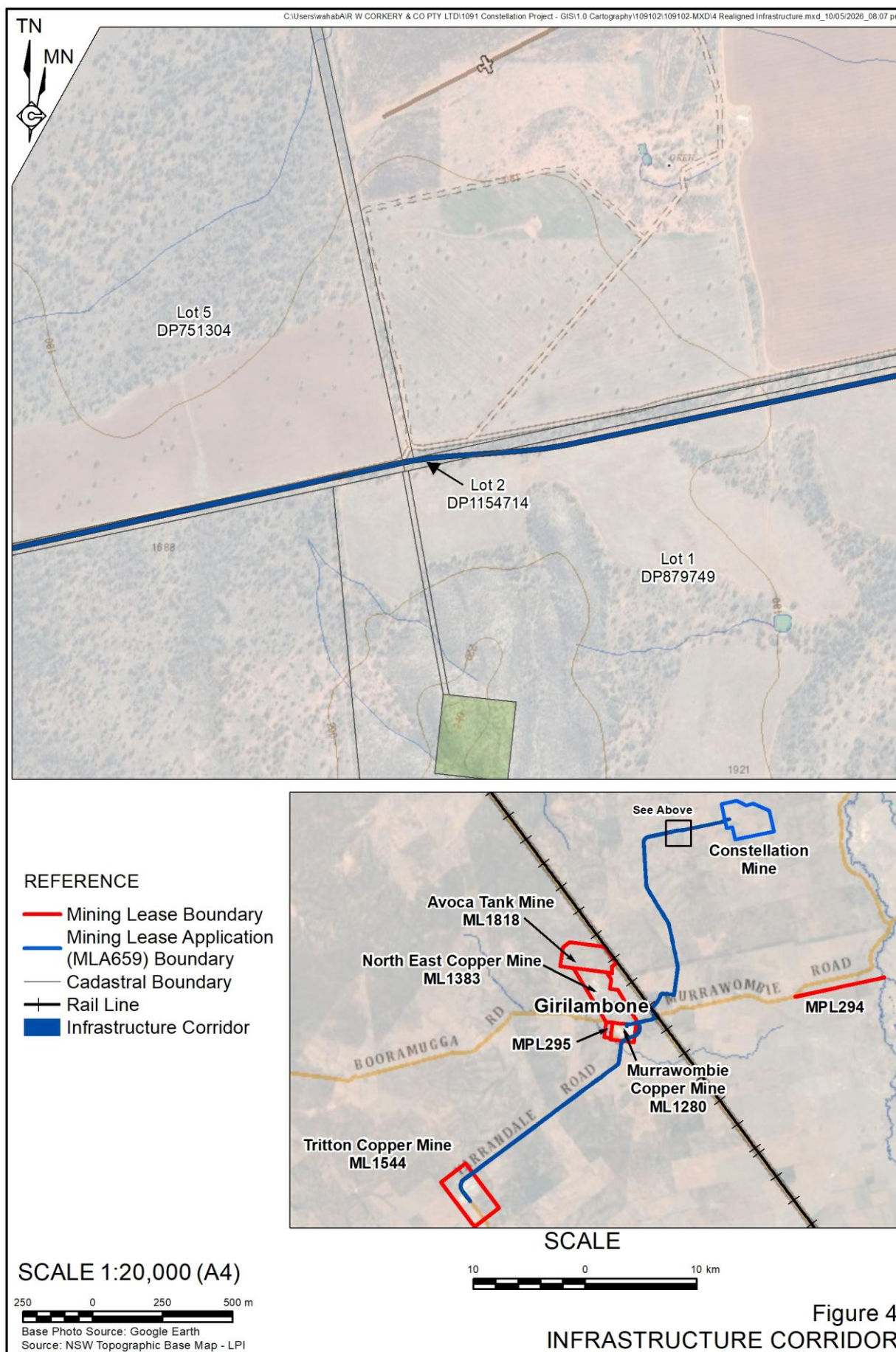
Schedule of Lands SSD-41579871

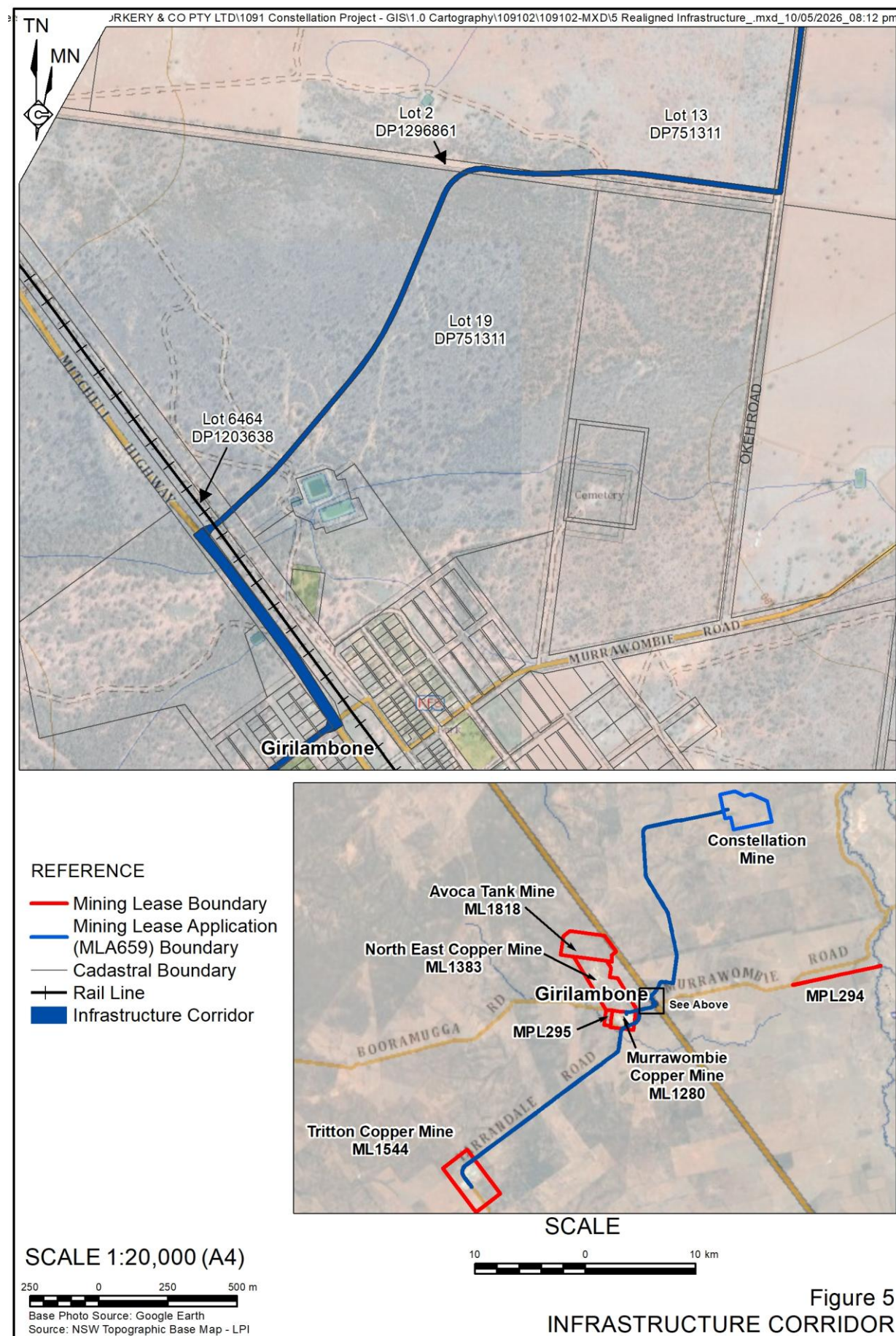
Lot Number	Deposited Plan Number	Proposed Project Area
2	751321	Partially within Mining Lease Application (MLA) 659 area
10	751321	Partially within Mining Lease Application (MLA) 659 area
9	751321	Partially within Mining Lease Application (MLA) 659 area
4	751341	Partially within Mining Lease Application (MLA) 659 area
2	1154714	Partially within Mining Lease Application (MLA) 659 area
1	1258865	Partially within Mining Lease Application (MLA) 659 area
1	1256374	Partially within Mining Lease Application (MLA) 659 area
13	751354	Partially within Mining Lease Application (MLA) 659 area
4	751304	Partially within Infrastructure Corridor
1	879749	Partially within Infrastructure Corridor
13	751311	Partially within Infrastructure Corridor (new private road)
19	751311	Partially within Infrastructure Corridor (new private road)
2	1296861	Partially within Infrastructure Corridor (new private road)

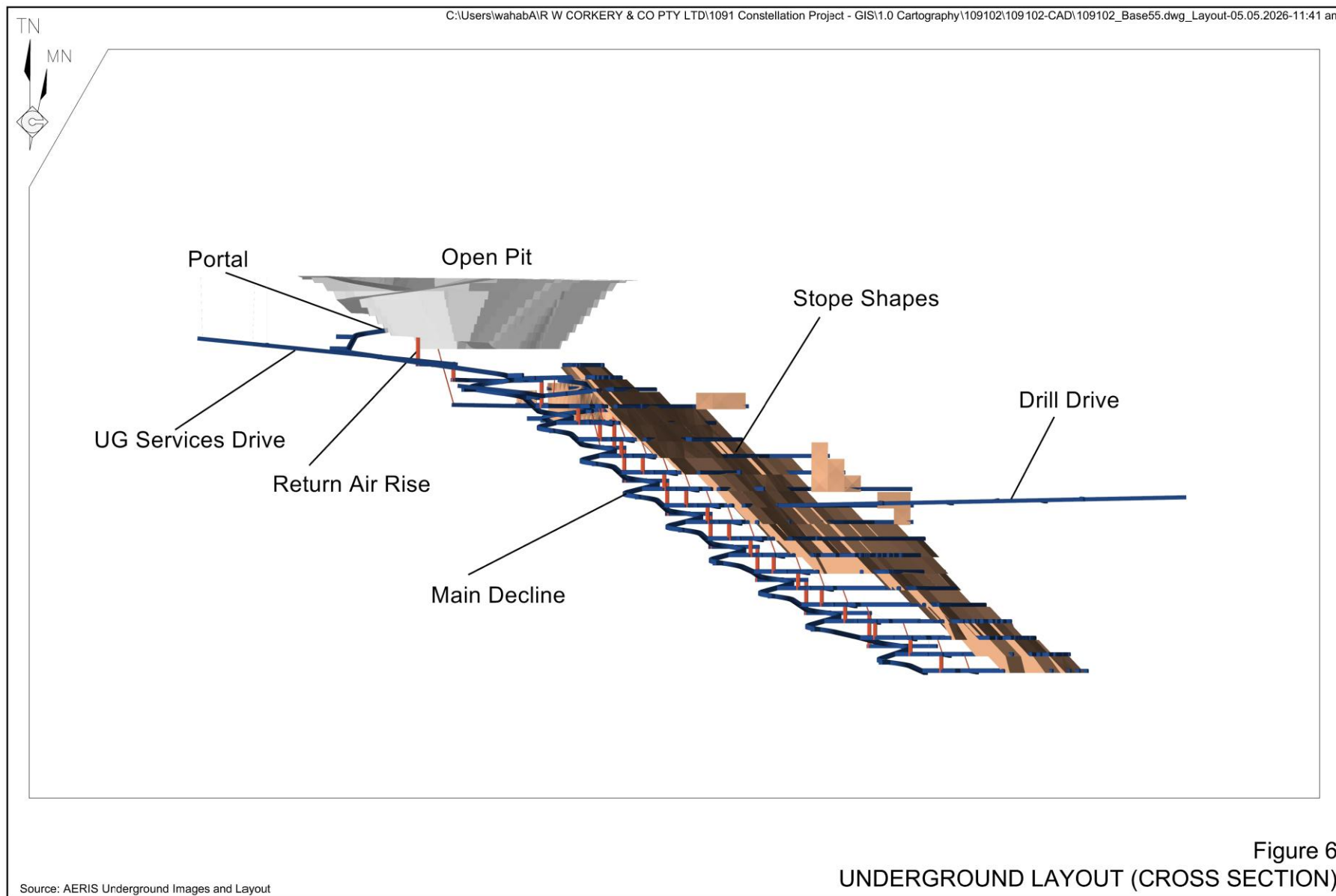


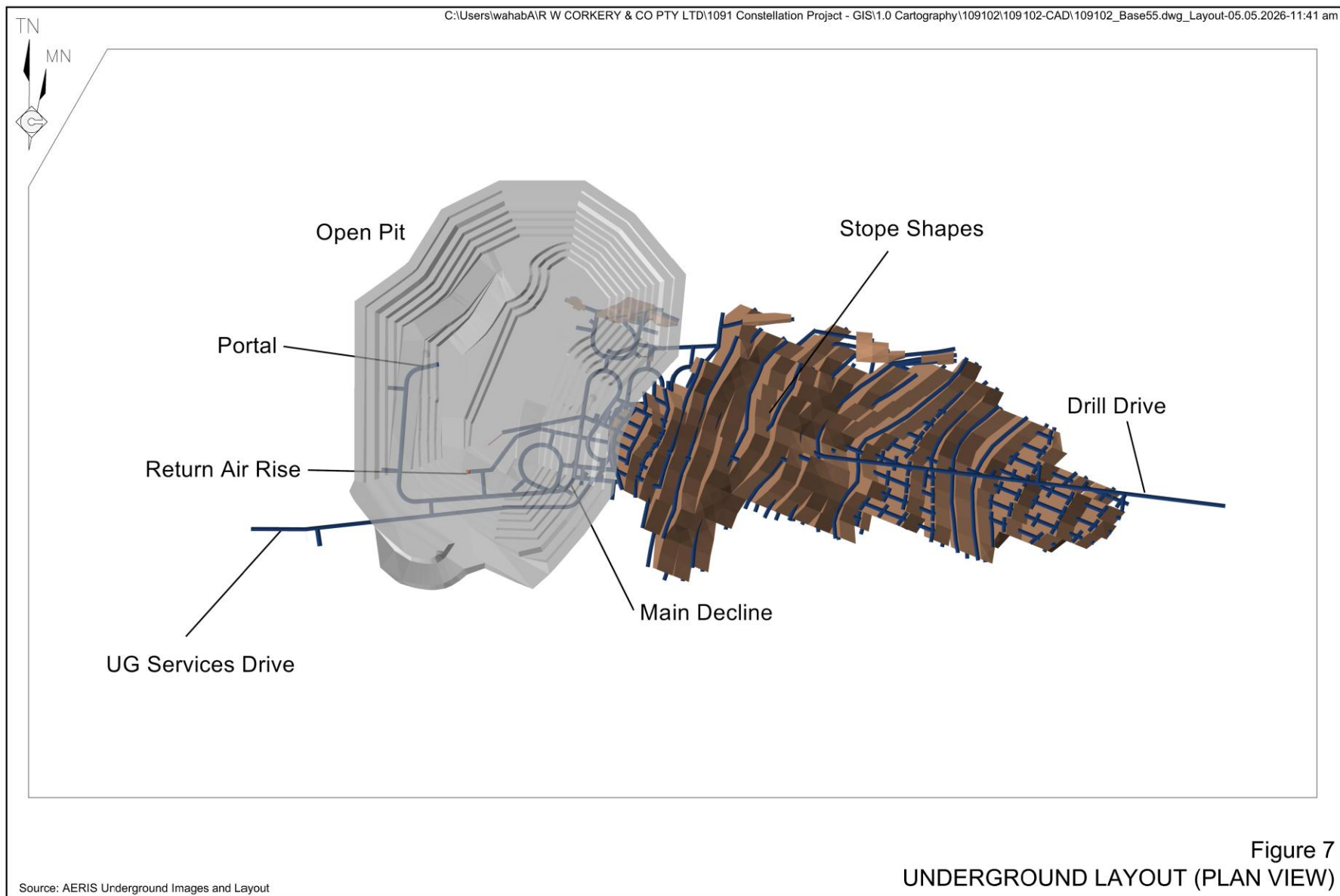


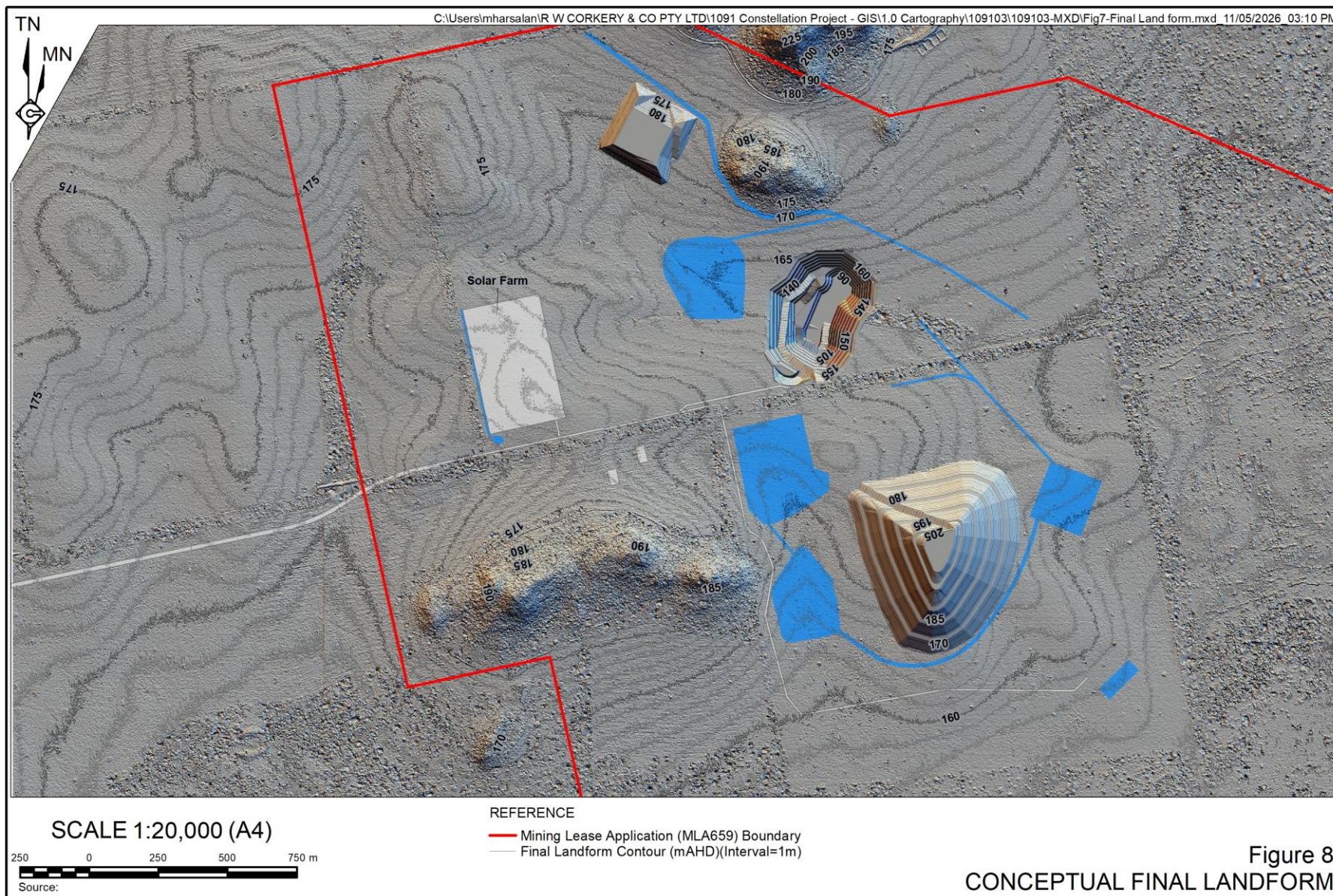












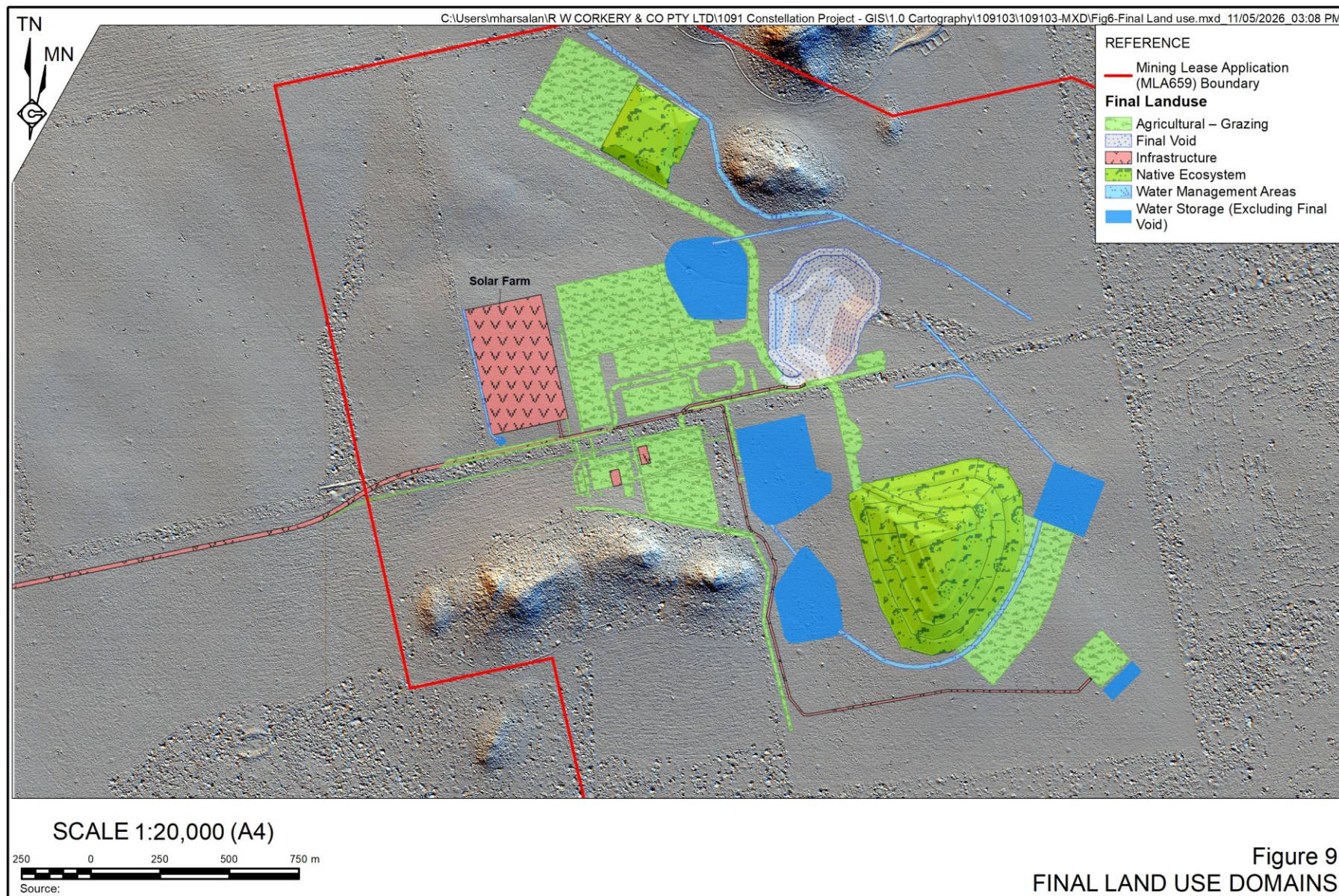


Figure 9
FINAL LAND USE DOMAINS

Appendix 2

Biodiversity Impact Review

prepared by

Ecoplanning Pty Ltd

(Total No. of pages including blank pages = 13)

Nicholas Warren
Principal Environmental Consultant
R.W. Corkery
PO Box 1796
Chatswood NSW 2057
Supplied by email

11 May 2026

Re: Biodiversity impact review, Minor modification to Development Consent SSD-41579871, Constellation Copper Mine, Girilambone, NSW

Dear Nick,

It is understood that Tritton Resources Pty Ltd is seeking a minor modification to Development Consent SSD-41579871 for the Constellation Copper Mine (CCM) to refine the Mine Site Layout to support commencement. The CCM was approved 24 December 2025 as State Significant Development (SSD) under SSD 41579871. The CCM is a green-field SSD mining and processing operation located approximately 55 km northwest of Nyngan and 20 km northeast of the township of Girilambone in western New South Wales. Construction of the CCM is scheduled to commence in May 2026.

Following the approval of the Project, we understand that Tritton Resources has undertaken an optimisation program in order to prepare for site establishment and construction and to support operations in a practical and efficient manner. The optimised Project requires modification, without significant alteration, of the following components.

- Refined geometry of the Open Cut Pit and the inclusion of safety bunding and road access in the layout.
- Relocation of the Waste Rock Emplacement to the south.
- Relocation of some site infrastructure to support operations including the proposed Solar Farm.
- Inclusion of a Water Management Area to be used for water transfers and the management of water captured within the Open Cut Pit.
- Relocation of underground access as this would now occur from a portal within the Open Cut Pit. The Boxcut Pit would be removed.
- Removal of infrastructure that would have been used for processing including heap leaching, which would no longer occur at the CCM.

Ecoplanning prepared the Biodiversity Development Assessment Report (BDAR) for the approved project in 2025. Ecoplanning was engaged to assess and compare the environmental impact of the proposed minor modification to the impacts described in the BDAR.

In order to assess the change in native vegetation clearing for the minor Modification we have considered the Project Area (i.e. the Mine Site) and short section of the Infrastructure Corridor that covers an area of 172.82 ha within the approved Project Area. This area is referred to as the Proposed Modification Area, noting that activities to the west within the Infrastructure Corridor would not change under the minor Modification.

Approved BDAR

The BDAR (Ecoplanning 2025) describes the proposal, which constitutes the subject land, as a development that includes:

- a road upgrade (where necessary) between the Project site and the Mitchell Highway (to support haulage activity), noting that a large section of the existing Okeh Road will be used in the infrastructure corridor.
- a new T-intersection to link the proposed infrastructure corridor with the eastern side of the Mitchell Highway (north of Girilambone).
- A bi-directional water supply pipeline that will be buried within the infrastructure corridor from the Project Area to Murrawombie and Tritton Copper mines. The pipeline will pass under the Mitchell Hwy, and will not require additional clearing.
- an upgrade to the intersection of the Mitchell Highway with Railway Road (west of Girilambone).
- a waste rock emplacement at the Project site.
- a run of mine stockpile to support the handling of mined ore.
- a mine laydown area and workshop.
- a heap leach pad and associated processing facility.
- a paste plant, emulsion storage and shotcrete batch plant.
- topsoil stockpiles.
- a solar farm and on-site power station.
- water management and storage infrastructure, including a bi-directional water pipeline between the Project site and Murrawombie Copper Mine. The pipeline from the intersection of Railway Rd and the Mitchell Hwy will be buried within the existing road corridor.
- administrative facilities including offices, amenities, and car park.

The subject land in the approved BDAR was composed of the Project Area (i.e. the location of the Mine Site and associated infrastructure) and the Infrastructure Corridor. The total impact of the approved BDAR is provided in **Table 1**.



Table 1: Total impact to vegetation in the approved BDAR.

PCT name	Impact area (ha)		
	Project Area	Infrastructure Corridor and pipeline	Total
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penepplain Bioregion	88.69	8.78	97.48
PCT 105 Poplar Box grassy woodland on flats mainly in the Cobar Penepplain Bioregion and Murray Darling Depression Bioregion	0.00	0.05	0.05
Non-native vegetation	79.80	7.58	87.39
Total	168.49	16.42	184.91

Within the Project Area, the BDAR assessed impacts to 88.69 ha of PCT 103 (**Table 2**) in “Woodland” and “DNG” condition states. The Project Area assessed in the BDAR is shown in **Figure 1**.

Table 2: Vegetation impacted in the approved BDAR in the Project Area.

PCT name	Condition	Impact area (ha)
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penepplain Bioregion	Woodland	3.67
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penepplain Bioregion	DNG	85.02
Non-native vegetation	N/A	79.80
TOTAL		168.49

The targeted flora and fauna surveys described in the BDAR (refer to Section 4 of the BDAR) encompass the changes to the Project Area in the minor Modification. Therefore, the surveys described in the BDAR are sufficient to confirm the absence of most candidate species, except for Barking Owl and Masked Owl.

The BDAR assessed the potential impact of the project on candidate species, with species credits only required for Barking Owl (*Ninox connivens*) and Masked Owl (*Tyto novaehollandiae*). However, only impacts to Barking Owl are relevant to the minor Modification as Masked Owl is not associated with PCT 103.

The Barking Owl species polygon in the approved BDAR excluded the area where target field survey was deemed to satisfy survey requirements in the Project Area (refer to Section 7 of the BDAR). The approved BDAR impacted 1.44 ha of potential Barking Owl habitat.

We note that in accordance with Condition 25 of the SSD-41579871 that the required quantum of biodiversity credits have been retired to offset the impact of the Project.



Figure 1: The Project Area assessed in the BDAR (Ecoplanning 2025), including the location of BAM plots used to calculate the Vegetation Integrity score



Figure 2: Barking Owl species polygon for the Project Area in the approved BDAR

Proposed Modification Area

The minor Modification reorganises the development within the approved Project Area (**Figure 3**). The overall impact to native vegetation in the modified Project Area is slightly less (0.11 ha) than the approved BDAR at 88.58 ha (**Table 3**); the impact to non-native vegetation is higher in the Proposed Modification Area.

Table 3: Vegetation impacted in the Proposed Modification Area

PCT name	Condition	Impact area (ha)
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penneplain Bioregion	Woodland	3.61
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penneplain Bioregion	DNG	84.97
Non-native vegetation	N/A	84.24
TOTAL		172.82

The minor Modification is being made under Section 4.55(1A) of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) as it would result in minor changes to environmental impacts. In accordance with Section 4.55(1A) of the EP&A Act, the development as modified must have “minimal environmental impact”.

A comparison of the impact of the approved Project Area compared to the Proposed Modification Area shows that the impact to native vegetation has reduced slightly for both condition classes of PCT 103. Vegetation Integrity plots used to calculate the offset requirements in the approved BDAR are suitably placed to reliably infer the likely offset requirements for impacts within the Proposed Modification Area.

Therefore, based on the area of impact in the Proposed Modification Area (i.e. 0.11 ha less than the approved BDAR) it is reasonable to conclude that the number of credits required to offset the impact of the approved BDAR would be the same or less in the Proposed Modification Area.

The rules and limitation applied to drawing the Barking Owl species polygon in the approved BDAR have been applied to the Proposed Modification Area. The area of impact to potential Barking Owl habitat in the Project Area outlined in the approved BDAR compared to the Proposed Modification Area is provided in **Table 4**. While the overall impact to native vegetation has decreased by 0.11 ha, the impact to potential Barking Owl habitat has increased by 0.01 ha within the Proposed Modification Area. This increase is due to the change in where the impacts to native vegetation occur and the area of potential habitat excluded from the Barking Owl species polygon within the Proposed Modification Area.

Table 4: A comparison of the impact to Barking Owl in the Project Area.

PCT	Impact Approved BDAR	Impact Proposed Modification Area
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Peneplain Bioregion ("Woodland")	1.44 ha	1.45 ha

Given the number of credits required to offset impacts to Barking Owl within PCT 103 "Woodland" are at 28 credits/ha, the number of credits required to offset the impact to Barking Owl within the Proposed Modification Area is the same as the approved BDAR (41 credits). Therefore, while there is a minor increase in the impact area (0.01 ha), the approved BDAR has satisfied the offset requirements for Barking Owl in the Proposed Modification Area.

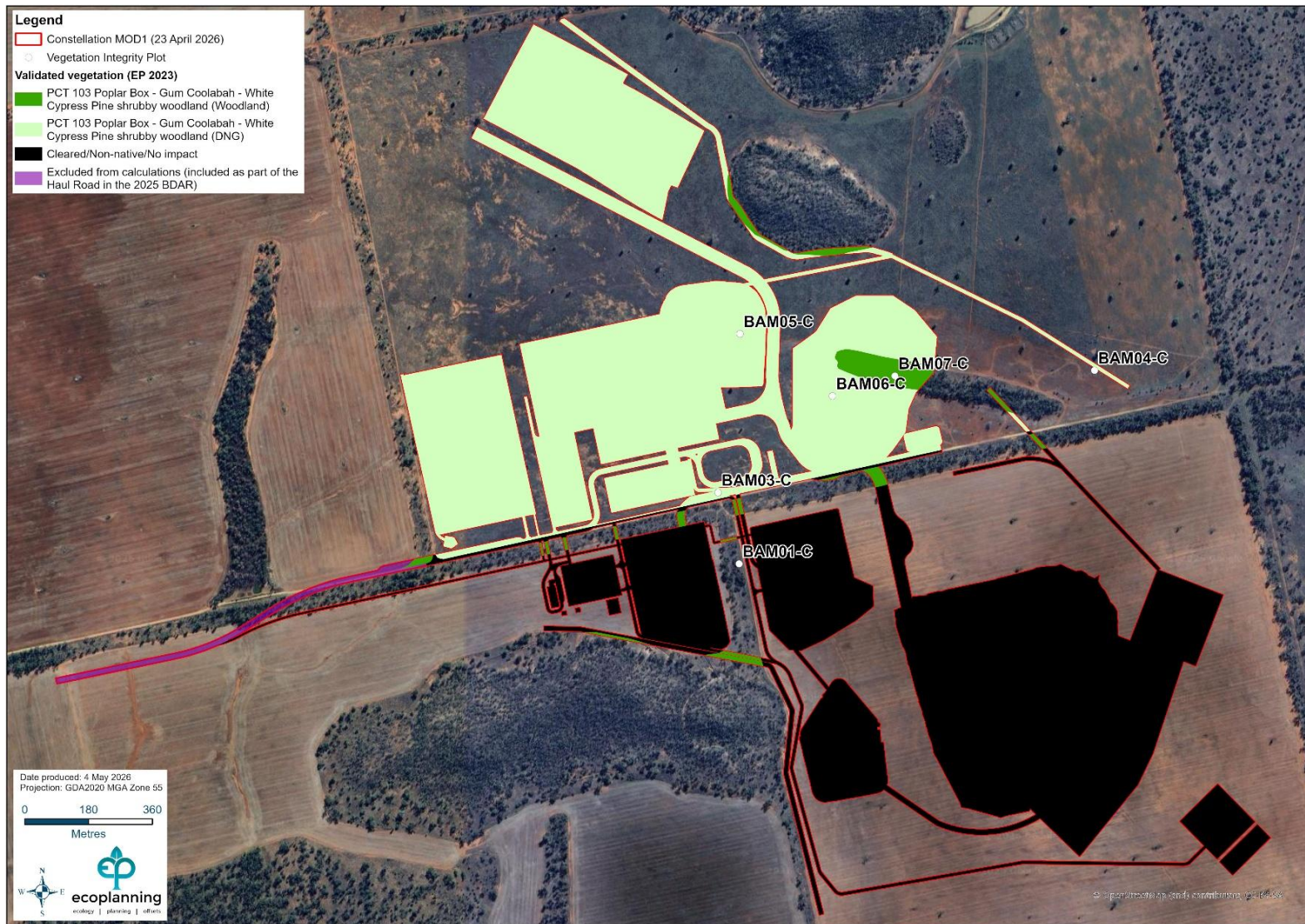


Figure 3: The Proposed Modification Area including the location of BAM plots used to calculate the Vegetation Integrity score.

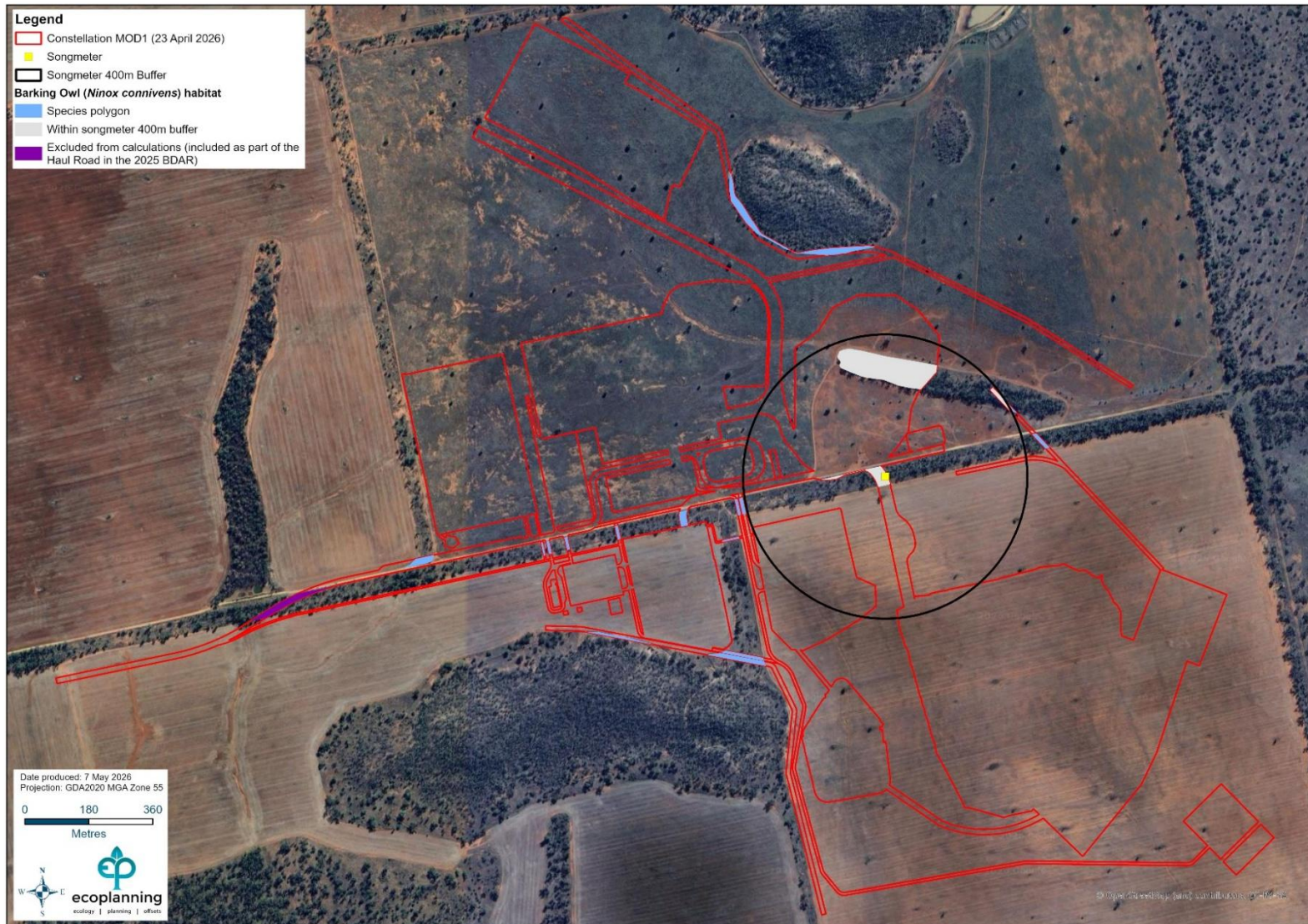


Figure 4: Barking Owl species polygon for the Proposed Modification Area

Impact of the minor Modification on Biodiversity Values

“Biodiversity values” are defined in the NSW *Biodiversity Conservation Act 2016* (BC Act)(refer to Clause 1.5) and in the NSW *Biodiversity Conservation Regulations 2017* (BC Regs)(refer to Clause 1.4). The impact of the minor Modification to “biodiversity values” compared to the approved BDAR is presented in **Table 5**.

Table 5: Impact of the minor Modification on Biodiversity Values defined under the BC Act and BC Regs

Biodiversity Value	Assessment of Impact	Conclusion
Clause 1.5 of the <i>Biodiversity Conservation Act 2016</i>		
Vegetation integrity	The minor Modification would impact 3.61 ha of PCT 103 “Woodland” and 85.02 ha of PCT 103 “DNG” in the Project Area. This is 0.6 ha and 0.05 ha less than the approved BDAR, respectively.	The minor Modification would impact less native vegetation in “Woodland” and “DNG” condition
Habitat suitability	The minor Modification would impact 1.45 ha of potential Barking Owl habitat in the Project Area. This is 0.01 ha greater than the approved BDAR. While there are hollows in trees that meet the criteria for this species, it was assumed present where suitable targeted survey for the species was not conducted. The number of credits required to offset the impact of potential Barking Owl habitat in the approved BDAR is the same as the number of credits required to offset the minor Modification in PCT 103 “Woodland”, based on the number of credits required per hectare for the zone in the BDAR	The approved BDAR has satisfied the offset requirements for Barking Owl in the Proposed Modification Area.
Clause 1.4 of the <i>Biodiversity Conservation Regulation 2017</i>		
Threatened species abundance	No threatened flora or fauna species have been identified near the Project Area, except for Southern Whiteface (<i>Aphelocephala leucopsis</i>). Southern Whiteface was observed outside the subject land. There are no threatened ecological communities in the Project Area. There is potential habitat for threatened fauna within the Project Area, however, field survey did not detect the presence of candidate species. Only Barking Owl was associated with PCT 103 in the Project Area. Barking Owl was retained as a candidate species given the target survey using	The minor Modification should not result in the reduction in occurrence of abundance of a threatened species or threatened ecological community. It would result in an additional 0.01 ha of potential Barking Owl Habitat being impacted. This area has been satisfactorily offset in the approved BDAR.

Biodiversity Value	Assessment of Impact	Conclusion
	Songmeters was only deemed reliable with 400 m of the recording device.	
Vegetation abundance	The minor Modification would result in a lower impact to native vegetation. The minor Modification would remove 0.11 ha less native vegetation. This reduction is composed of 0.06 ha of PCT 103 in "Woodland" condition and 0.05 ha of PCT 103 in "DNG" condition.	The minor Modification would result in less impact to native vegetation within the Project Area.
Habitat connectivity	The Project Area is in a highly fragmented landscape. Cropping and historic clearing for agriculture has impacted most of the Project Area with small, isolated remnants and narrow, linear bands of native vegetation remaining. The minor Modification would not create additional disruption to habitat connectivity for threatened species that has not been included in the approved BDAR. The Barking Owl is a wide ranging species and narrow gaps for roads will not affect their movements.	The minor Modification would not reduce habitat connectivity .
Threatened species movement	The Project Area is fragmented having been cleared and cropped for agriculture. The site is not likely to provide a key movement corridor for threatened species to maintain their lifecycle. The minor Modification would retain slightly more native vegetation in the landscape.	The minor Modification would not affect the movement of threatened species such that they would be unable to maintain their lifecycle.
Flight path integrity	The approved BDAR will introduce new structures into the landscape for the proposed mine. The minor Modification includes similar structures in a reorganised footprint.	The minor Modification does not introduce new obstacles that would interfere with the flight paths of protected fauna that were not considered in the approved BDAR.
Water sustainability	Some water management infrastructure would be relocated for the Proposed Modification Area, however, water management at the Mine Site would be implemented consistent with the approved operation and there would be no or only minimal changes to impacts associated with water quality, water availability to users (including the environment) and natural hydrological processes.	The minor Modification would not affect how water quality, water bodies and hydrological process sustain threatened species.

The minor Modification does not increase impacts to biodiversity values (see Section 7.17(2ci) of the BC Act ([Biodiversity Conservation Act 2016 No 63 - NSW Legislation](#))), therefore, a BDAR is not required to be provided with the modification application.

Should you have any questions regarding this letter, please do not hesitate to contact me at your convenience.

Yours sincerely



Bruce Mullins

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