

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, the Director Resource Assessments approves the development application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



Stephen O'Donoghue
Director Resource Assessments
Energy, Resources and Industry Assessments

Sydney

10 December 2024

SCHEDULE 1

Application Number:	SSD-42917792
Applicant:	Evolution Mining (Cowel) Pty Limited
Consent Authority:	Minister for Planning and Public Spaces
Site:	The land identified in table 11 of appendix 1 and located within the area marked 'project area' in figure 1 of appendix 1
Development:	Cowel Gold Operations Open Pit Continuation

Light blue type represents August 2025 modification (MOD 1)

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument, but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Aboriginal site	A location where one or more Aboriginal objects has/have been identified
AEP	Annual exceedance probability
AHD	Australian Height Datum
ANCOLD guidelines	Guidelines developed by the Australian National Committee on Large Dams
Annual review	The review required by condition D11D11
Applicant	Identified as such in Schedule 1, and any other person carrying out any part of the development approved under this consent
Australian standards	Codes and guidelines published by Standards Australia
BAM	<i>Biodiversity Assessment Method</i>
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	Biodiversity Conservation and Science Group of NSW DCCEE
BCT	NSW Biodiversity Conservation Trust
BSC	Bland Shire Council
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community consultative committee previously referred to as the Community Environmental Monitoring and Consultative Committee established under DA14/98
Conditions of this consent	Conditions contained in Schedule 2
Construction of the LPB and UCDS	The physical works involved in construction of the LPB and UCDS
Cover sequence	The surficial rock layers around the open cut pits comprising the Transported, Soft Oxide and Hard Oxide layers shown in figure 5 in appendix 2
CPI	Consumer price index
Crown Lands	Crown Lands group within the Department
Date of commencement	The date notified to the department by the applicant under condition A10
Day	The period from 7.00 am to 6.00 pm on Monday to Saturday, and 8.00 am to 6.00 pm on Sundays and public holidays
Decommissioning	The deconstruction or demolition and removal of works installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the EIS, as modified by the conditions of this consent
E42 legacy area	The area within the E42 open cut pit identified in figure 6 of appendix 2 as "Legacy Area"
E42 lower primary	The area within the E42 open cut pit in figure 6 of appendix 2 as "Lower Primary"
EEC	Endangered ecological community, as defined under the BC Act and/or EPBC Act
EIS	The <i>Cowal Gold Operations Open Pit Continuation Project Environmental Impact Statement</i>, dated May 2023 and prepared by EMM Consulting Pty Limited; <i>Cowal Gold Operations Open Pit Continuation Project Submissions Report</i> dated January 2024 prepared by EMM Consulting Pty Limited; and the additional information provided by the applicant on 8 November 2023, 22 April 2024, 27 June 2024, 2 July 2024, 23 July 2024, 28 August 2024 and 30 October 2024 in support of the application, as modified by: the modification report titled <i>CGO Open Pit Continuation Project (SSD-42917792) – Mod 1</i> dated 9 April 2025

Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment protection licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Means what is possible and practical in the circumstances
Financial year	A period of 12 months from 1 July to 30 June
Fisheries NSW	Fisheries Branch within the NSW Department of Primary Industries and Regional Development
FSC	Forbes Shire Council
Factor of safety	A measure used to assess slope stability as commonly applied in geotechnical engineering practise.
GDE	Groundwater dependent ecosystem
Heavy vehicle	A vehicle that has a combined gross vehicle mass or aggregate trailer mass of more than 4.5 tonnes
Heritage NSW	Heritage NSW within the NSW DCCEEW
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: - the State Heritage Register under the <i>Heritage Act 1977</i>; - a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>; - a local environmental plan under the EP&A Act; - the World Heritage List; - the National Heritage List or Commonwealth Heritage List under the EPBC Act; or - anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and which may or may not be or cause a non-compliance
ICDS	Internal catchment drainage system and water storages excluding the tailings storage facilities within the IWL
IWL	The landform identified in figure 1 of appendix 2 as 'Integrated Waste Landform'
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered with NSW Land Registry Services at the date of this consent
LSC class	Land and soil capability class as defined in <i>The land and soil capability assessment scheme – second approximation</i>
LPB	The landform identified in figure 1 of appendix 2 as the 'Lake Protection Bund'
LSC	Lachlan Shire Council
Material harm	Is harm that: - involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or - results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

Notes:

- This definition excludes “harm” that is either authorised under this consent or any other statutory approval
- For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements

Mine-owned Land	Land owned by a mining, petroleum or extractive industry company (or its subsidiary or related party)
Mine closure	Decommissioning and final rehabilitation of the site following the cessation of mining operations
Mine disturbance area	The area identified in figure 1 of appendix 2 as the ‘Mine disturbance area’
Mine water	Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with mineral ore or acidic or saline material
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The carrying out of mining, including the extraction, processing, stockpiling and transportation of ore on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, waste rock and tailings
Minister	NSW Minister for Planning and Public Spaces, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with minimising the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and public holidays
Noise sensitive areas	Areas where mining operations are being carried out that have potential to lead to increased noise at privately-owned residences, such as elevated areas or areas near the boundary of the site
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
NPfl	<i>NSW Noise Policy for Industry 2017</i>
NSW DCCEW	NSW Department of Climate Change, Energy, the Environment and Water
NSW Resources	NSW Resources within the Department of Primary Industries and Regional Development
Open cut mining	Extraction of ore and waste rock from open cut pits
Over-dimensional	Over-mass, over-size or over-length vehicles
Planning agreement	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Registered Aboriginal parties	As described in the <i>National Parks and Wildlife Regulation 2009</i>
Rehabilitation	As defined in the <i>Mining Act 1992</i>
Remediation	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact

Residence	Existing or approved dwelling at the date of grant of this consent
Resources Regulator	NSW Resources Regulator within the Department of Primary Industries and Regional Development
RFS	NSW Rural Fire Service
Site	The land identified in table 11 of appendix 1 and located within the area marked 'project area' in figure 1 of appendix 1
Supplementary IWL activities	Construction of water management infrastructure, removal of soil and soil stockpiles and placement of clay materials at the IWL
TfNSW	Transport for NSW
UCDS	The landform identified as the 'Up catchment diversion system' in figure 1 of appendix 2
Underground mine	The underground mine as shown in figures 1 and 2 of appendix 2
Underground mining	Extraction of ore and waste rock from underground workings
Water Group	NSW DCCEEW – Water Group

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and limits established under this consent, the applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the development layout plans in appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and an EIS document. In the event of an inconsistency, ambiguity or conflict between any of the EIS documents, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Mining Operations

- A5. Mining operations may be carried out within the mine disturbance area until 31 December 2042.

Notes:

- Under this consent, the applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.
- Mining operations and rehabilitation are also regulated under the Mining Act 1992.

- A6. Other than open cut pits that would be backfilled, the cover sequence of open cut pit walls constructed or extended by a cutback under this development consent must meet a factor of safety of at least 1.5 during mining operations, unless otherwise agreed by the Resources Regulator.

Processing Rates

- A7. A maximum of 9.8 million tonnes of ore can be processed on site in a calendar year.

Gravel Supply

A maximum of 150,000 tonnes of waste rock can be crushed for use as gravel road base in a calendar year.

Hours of Operation

- A8. The applicant must comply with the operating hours in table 1 unless alternative hours are approved by the Planning Secretary through a construction noise protocol required under condition B5.

Table 1: Operating hours

Activity	Hours
Construction of tailings storage lifts or rock buttress Construction of the LPB and UCDS	7 am to 6 pm, 7 days a week
Dewatering of LPB during construction	24 hours a day, 7 days a week
All other activities (including supplementary IWL activities)	24 hours a day, 7 days a week

Note: For limitations on blasting operations see condition B13.

Identification of Approved Mine Disturbance Area

- A9. Within three months of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, a survey plan (or spatial files in a format agreed by the Planning Secretary) of the boundaries of the approved mine disturbance area must be provided to the department.

NOTIFICATION OF COMMENCEMENT

- A10. The date of commencement of each of the following phases of the development must be notified to the department in writing via the NSW planning portal (Major Projects) at least two weeks prior to:
- (a) commencement of development under the consent;
 - (b) commencement of construction of the LPB and UCDS;
 - (c) cessation of mining operations (i.e. mine closure); and
 - (d) any period of suspension of mining operations (i.e. care and maintenance).
- A11. If the phases of development are to be further staged, the department must be notified in writing via the NSW planning portal (Major Projects) at least two weeks prior to the commencement of such stages, of the date of commencement and the development to be carried out in that stage.

SURRENDER OF EXISTING CONSENTS OR APPROVALS

- A12. Within 12 months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the existing development consents for the Cowal Gold Mine (DA14/98) and the Cowal Underground Project (SSD-10367) must be surrendered in accordance with the EP&A Regulation.
- A13. Upon the commencement of development under this consent, and before the surrender of existing development consents required under condition A12, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents.

Note: *This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.*

PLANNING AGREEMENT

- A14. Within 12 months of the date of commencement of operations under this consent, or other timeframe agreed by the Planning Secretary, the applicant must enter into a planning agreement with BSC (or vary the existing Planning Agreement) in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of the offer in appendix 7.

COMMUNITY CONSULTATIVE COMMITTEE

- A15. The CCC must be continued for the life of the development, unless otherwise agreed by the Planning Secretary. The CCC must be operated in accordance with the department's *Community Consultative Committee Guidelines: State Significant Projects* (2023).

EVIDENCE OF CONSULTATION

- A16. Where conditions of this consent require consultation with an identified party consultation must be undertaken with the relevant party prior to submitting the subject document to the Planning Secretary for approval. Documentary evidence and a tabulated summary of the consultation must be submitted with the subject document via the NSW planning portal (Major Projects), including:
- (a) dates of the consultation with the identified party, copies of the identified party's response, and a summary of the issues raised;
 - (b) the outcome of that consultation, including how the issues have been addressed in the subject document; and
 - (c) details of any disagreement remaining between the party consulted and the applicant, and how the applicant has addressed the matters not resolved.

APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS

- A17. Prior to the approval of management plans under this consent, any equivalent or similar management plan/s required under DA14/98 and SSD 10367 must be implemented, to the satisfaction of the Planning Secretary.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A18. With the approval of the Planning Secretary, any strategy, plan or program required by this consent can be:
- (a) Combined with any similar strategy, plan or program required under DA14/98 and SSD 10367;

- (b) prepared and submitted on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);
- (c) combined if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined;
- (d) updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development);
- (e) staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent; and
- (f) staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage

A19. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A20. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

PAYMENT OF REASONABLE COSTS

A21. The applicant must pay all reasonable costs incurred by the department to engage a suitably qualified, experienced and independent expert(s) to review the adequacy of any strategy, plan, program or report required under the consent.

PROTECTION OF PUBLIC INFRASTRUCTURE

A22. Unless the applicant and the applicable authority agree otherwise, the applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required under other conditions of this consent or to damage subject to compensation under the Mining Act 1992.*

DEMOLITION

A23. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001), or its latest version.

STRUCTURAL ADEQUACY

A24. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 6 of the EP&A Act, the applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

OPERATION OF PLANT AND EQUIPMENT

A25. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

A26. References in the conditions of this consent to any guideline, protocol, Australian standard or policy are to such guidelines, protocols, Australian standards or policies in the form they are in as at the date of inclusion (or later update) in the condition.

A27. Notwithstanding condition A26, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Australian standard or policy, or a replacement of them.

CROWN LAND

A28. Crown Lands must be consulted prior to undertaking any development on Crown land or Crown roads.

Notes:

- *Under section 265 of the Mining Act 1992, the applicant is required to enter into a compensation agreement with Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease.*
- *Under section 141 of the Mining Act 1992, the applicant is required to enter into an access arrangement with Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.*

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Noise Limits

- B1. Other than the exceptions identified in conditions B3 and B4, noise generated by the development must not exceed the noise limits in table 2 at any residence identified in the table.

Table 2: Noise limits dB(A)

Residence ^a	During construction of the LPB and UCDS	Day	Evening	Night	
	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{AF} Max
15 (Laurel Park)	42	40	39	40	52
20 (Bramboyne)	42	40	36	38	
21 (Westella)	45	-	-	-	
22a (Lakeview)	40	40	36	36	
22b (Lakeview II)	40	40	35	36	
22c (Lakeview III)	41	40	37	38	
24 (Mangelsdorf)	40	40	36	37	
36a (The Glen)	40	40	39	40	
38 (Gumbelah)	40	40	35	36	
49a (Foxman Downs)	40	40	36	37	
49b (Foxman Downs II)	40	40	37	38	
62 (Cawal North)	40	40	35	36	
89 (Morton)	40	40	35	36	
All other privately-owned residences	40	40	35	35	52

^aThe residences referred to in table 2, are shown in appendix 3.

- B2. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017). Standard meteorological conditions and noise enhancing meteorological conditions as defined in Part D of the *NSW Noise Policy for Industry* (EPA, 2017) and determined by monitoring at the meteorological station required under condition B31 apply to the noise limits in table 2.
- B3. For very noise-enhancing meteorological conditions as defined in the *NSW Noise Policy for Industry*, the applicable noise limits are as defined in table 2 plus 5 dB(A).

- B4. The noise limits in condition B1 do not apply:
- (a) if the applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise limits and the applicant has provided evidence of this agreement to the satisfaction of the Planning Secretary; or
 - (b) during construction of the LPB and/or UCDS if the construction is undertaken in accordance with a construction noise protocol approved by the Planning Secretary.

Construction Noise Protocol

- B5. A construction noise protocol must be submitted to the Planning Secretary for approval prior to the commencement of any activities associated with the construction of the LPB or UCDS that are likely to exceed the noise limits in table 2 or undertaken outside of the hours specified in condition A8. The protocol must:
- (a) be prepared in consultation with the EPA and any residents who may be affected by the noise generated by these activities;
 - (b) describe the activities to be undertaken and the noise impacts at affected residences;
 - (c) justify the need to operate above the noise limits;
 - (d) describe the proposed measures to manage noise at affected residences; and
 - (e) include written notification arrangements for affected residences for approved out-of-hours work.

Noise Operating Conditions

- B6. All reasonable and feasible mitigation and management measures must be implemented for the development to:
- (a) minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development;
 - (b) minimise the noise impacts of the development in noise sensitive areas during the evening and night;
 - (c) implement noise attenuation measures on all plant and equipment that operate in noise sensitive areas; and
 - (d) minimise the noise impacts of the development during very noise-enhancing meteorological conditions.
- B7. Attended noise monitoring must be undertaken at least once a month during construction of the LPB and UCDS and once per quarter during operations, to determine whether the development is complying with the relevant conditions of this consent, unless otherwise agreed by the Planning Secretary.
- B8. A comprehensive noise management system that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations must be implemented for the development. The monitoring data must be used to guide the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent.

Noise Management Plan

- B9. A noise management plan must be prepared for the development. The plan must:
- (a) describe the measures to be implemented to ensure:
 - (i) compliance with the noise limits and operating conditions of this consent;
 - (ii) best practice management is being employed; and
 - (iii) noise impacts of the development are minimised during noise-enhancing meteorological conditions;
 - (b) describe the measures to minimise development related road traffic noise generated on public roads;
 - (c) describe the noise management system in detail; and
 - (d) include a monitoring program that:
 - (i) uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
 - (ii) monitors noise at locations representative of the most affected residences;
 - (iii) includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;
 - (iv) adequately supports the noise management system; and
 - (v) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the department and relevant stakeholders of any such event.
- B10. The noise management plan must be implemented for the development.

BLASTING

Blasting Limits

- B11. Blasting on the site must not cause exceedances of the limits in table 3 at any residence on privately-owned land.

Table 3: Blasting limits

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Residence on privately-owned land	120	10	0%
	115	5	5% of the total number of blasts over a calendar year
All other public infrastructure	-	50 (or a limited determined by the structural design methodology in AS2187.2 – 2006, or other alternative limit for public infrastructure, to the satisfaction of the Planning Secretary)	0%

- B12. The blasting limits in table 3 do not apply if the applicant has an agreement with the owner/s of the relevant residence to exceed the blasting limits, and the applicant has advised the department in writing of the terms of this agreement.

Blasting Hours

- B13. Blasting for open cut mining may only be carried out between 9:00 am and 5:00 pm (Monday to Saturday inclusive). No blasting is allowed on Sundays, public holidays or any other time without the prior written approval of the Planning Secretary.
- B14. Blasting for underground mining may be undertaken at any time, subject to compliance with the conditions of this consent.

Blasting Frequency

- B15. A maximum of 1 blast a day may be carried out on site for open cut mining. This condition does not apply to blasts that generate ground vibration of 0.5mm/second or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.

Note: For the purposes of this condition a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.

Property Inspections

- B16. If the applicant receives a written request from the owner of any privately-owned land within 3 kilometres of any approved open cut mining pit on the site for a property inspection to establish the baseline condition of any buildings and structures on their land, or to have a previous property inspection updated, then within 2 months of receiving this request the applicant must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:
 - (i) establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
 - (ii) identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and structures; and
 - (b) give the landowner a copy of the new or updated property inspection report.
- B17. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Planning Secretary for resolution.

Property Investigations

- B18. If the owner of any privately-owned land within 3 kilometres of any approved open cut mining pit on the site or any other landowner where the Planning Secretary is satisfied an investigation is warranted, claims in writing that buildings or structures on their land have been damaged as a result of blasting on the site, then within 2 months of receiving this written claim the applicant must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and
 - (b) give the landowner a copy of the property investigation report.
- B19. If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the applicant must repair the damage to the satisfaction of the Planning Secretary.
- B20. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.

Blast Operating Conditions

- B21. All reasonable and feasible steps must be taken to:
- (a) ensure the safety of people and livestock from blasting impacts of the development;
 - (b) protect public and private infrastructure and property in the vicinity of the site from blasting damage associated with the development;
 - (c) minimise blast-related dust and fume emissions;
 - (d) minimise the frequency and duration of any public road closures for blasting and use all reasonable efforts to avoid road closures during peak traffic periods; and
 - (e) enable the public to get up-to-date information on the proposed blasting schedule on site;
- B22. Blasting must not be undertaken within 500 metres of any public road or any land outside the site not owned by the applicant, unless the blast generates ground vibration of 0.5 mm/s or less, or the applicant has:
- (a) a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the public road or land, and the applicant has advised the department in writing of the terms of this agreement; or
 - (b) demonstrated, to the satisfaction of the Planning Secretary, that the blasting can be carried out closer to the public road or land without compromising the safety of people or livestock or damaging the road or other buildings and structures, and updated the Blast Management Plan to include specific mitigation measures to be implemented while blasting is being carried out within 500 metres of the road or land.

Blast Management Plan

- B23. A blast management plan must be prepared for the development, this plan must:
- (a) describe the blast management system and the measures that will be implemented to ensure compliance with the blasting limits and conditions of this consent;
 - (b) include a monitoring program for evaluating and reporting on compliance with the relevant conditions of this consent;
 - (c) include public notification procedures to enable members of the public, particularly surrounding residents, to get up-to-date information on the proposed blasting schedule; and
 - (d) include a protocol for investigating and responding to blast-related complaints.
- B24. The blast management plan must be implemented for the development.

AIR QUALITY AND GREENHOUSE GAS

Air Quality Limits

- B25. All reasonable and feasible avoidance and mitigation measures must be employed to ensure that particulate matter emissions generated by the development do not cause exceedances of the limits listed in table 4 at any residence on privately-owned land.

Table 4: Air quality limits

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³
	24 hour	^b 50 µg/m ³

Pollutant	Averaging period	Criterion
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³
	24 hour	^b 25 µg/m ³

Notes:

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

B26. The air quality limits in table 4 do not apply if the applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality limits, and the applicant has advised the department in writing of the terms of this agreement.

Mine-Owned Land

B27. Particulate matter emissions generated by the development must not exceed the limits listed in table 4 at any occupied residence on mine-owned land (including land owned by another mining company) unless:

- the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under PART C of this consent;
- the tenant of any land owned by the applicant can terminate their tenancy agreement without penalty at any time, subject to giving 14 days' notice;
- air quality monitoring is regularly undertaken to inform the tenant and landowner (if the residence is owned by another mining company) of the likely particulate matter emissions at the residence; and
- data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.

Air Quality Operating Conditions

B28. All reasonable and feasible mitigation and management measures must be implemented to:

- minimise odour, fume and particulate matter emissions from the development, paying particular attention to minimising wheel-generated haul road emissions;
- minimise any visible off-site air pollution generated by the development;
- minimise the extent of potential dust generating surfaces exposed on the site at any given point in time through implementation of progressive rehabilitation, including use of interim stabilisation and temporary vegetation strategies when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated;
- minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note c to table 4 above); and
- minimise the greenhouse gas emissions from the development.

Air Quality Management Plan

B29. An air quality management plan must be prepared for the development. This plan must:

- describe the measures to be implemented to ensure:
 - compliance with the air quality limits and operating conditions of this consent;
 - best practice management is being employed to:
 - minimise the development's air quality impacts; and
 - minimise the development's Scope 1 and 2 greenhouse gas emissions
 - minimise the air quality impacts during adverse meteorological conditions and extraordinary events;
- include an air quality monitoring program, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007), that:
 - uses monitors at representative locations upwind and downwind of operations to measure PM₁₀ and PM_{2.5} and to evaluate the performance of the development against the air quality limits in this consent and to guide day to day planning of mining operations;
 - adequately supports the air quality management system;

- (iii) includes a protocol for distinguishing the dust emissions of the development from any neighbouring developments; and
- (iv) includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the department and relevant stakeholders of these events.

B30. The air quality management plan must be implemented for the development.

Note: A Greenhouse Gas Mitigation Plan and a Climate Change Adaptation Plan will also be required by the EPA

METEOROLOGICAL MONITORING

B31. A meteorological station must be operating in the vicinity of the site for the life of the development. The meteorological station must:

- (a) comply with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2022); and
- (b) be capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017),

unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

WATER

Water Supply

B32. The applicant must ensure that it has sufficient water for all stages of the development and, if necessary, adjust the scale of the development to match its available water supply.

B33. Water extracted from the site each year (direct and indirect), including water taken under each water licence, must be reported in the annual review.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the applicant is required to obtain all necessary water licences for the development, including during rehabilitation and post mine closure.

Compensatory Water Supply

B34. If the owner of any privately-owned land claims in writing that their water supply has been directly and adversely impacted as a result of the development then, within 3 months of receiving this claim, the applicant must:

- (a) investigate the claim in consultation with DCCEE Water; and
- (b) provide an investigation report to the landowner and to the Planning Secretary

to the satisfaction of the Planning Secretary.

B35. If the development has directly and adversely impacted the water supply on privately-owned land (other than an impact that is minor or negligible), the applicant must:

- (a) provide an alternative long-term supply of water or compensation to the landowner of the impacted water supply, to the satisfaction of the Planning Secretary; and
- (b) as soon as practicable ensure a temporary water supply is available to the landowner pending the provision of the long-term compensatory supply, to the satisfaction of the Planning Secretary

B36. If the applicant and the landowner cannot agree on whether the loss of water is attributed to the development or there is a dispute about the compensatory measures offered under conditions B35, then either party may refer the matter to the Planning Secretary for resolution.

Notes:

- The water management plan (see condition B39) is required to include trigger levels for investigating potentially adverse impacts on water supplies.
- The burden of proof that any loss of surface water or groundwater access is not due to mining impacts rests with the applicant.

Water Discharges

B37. All surface discharges from the mine disturbance area must comply with:

- (a) discharge limits (both volume and quality) set for the development in any EPL; and
- (b) all relevant provisions of the POEO Act.

Water Management Performance Measures

B38. The development must comply with the performance measures in table 5. These performance measures apply to the entire site, including all landforms constructed under previous development consents. However, these performance measures do not require any additional earthmoving works to be undertaken for landforms that

have been approved and constructed under previous consents, except where those earthworks that are required for the establishment of a stable and non-polluting landform.

Table 5: Water management performance measures

Feature	Performance Measure
Water management – General	• Maintain separation between clean, dirty (i.e. sediment-laden) and mine water management systems • Minimise the use of clean and potable water on the site • Maximise water recycling, reuse and sharing opportunities • Minimise the use of make-up water from external sources • Design, install, operate and maintain water management systems in a proper and efficient manner • Minimise risks to the receiving environment and downstream water users
Aquifers	• Negligible impacts to alluvial and fractured rock aquifers as a result of the development, beyond those predicted in the EIS
Lake Cowal and other surface water resources	• Negligible impacts to Lake Cowal and other surface water resources caused by the development beyond those predicted in the EIS
Borefields	• Negligible impact to other groundwater users caused by the extraction of water from the borefields by the applicant
LPB	• LPB designed, constructed and maintained to a 1 in 1,000 year AEP flood event height plus 0.35 m freeboard. • Designed, installed and maintained in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPE)
ICDS	• Designed, installed and maintained to ensure no discharge of mine water or sediment-laden water outside the ICDS • Designed, installed and maintained to minimise permeability and prevent or minimise the migration of pollutants due to seepage
UCDS	• Designed, installed and maintained to capture and convey 1 in 1,000 year AEP rainfall event
Flood mitigation	• Negligible changes to offsite flood regimes caused by the development beyond those predicted in the EIS
Erosion and sediment control works	• Designed, installed and maintained in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1: Blue Book (Landcom, 2004)</i> and <i>Volume 2E: Mines and Quarries (DECC, 2008)</i> • Designed, installed and maintained in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPE) if constructed within 40 metres of watercourses
Tailings storages and IWL	• Designed, constructed and operated in accordance with ANCOLD guidelines and the requirements of Dam Safety NSW. • Floors and embankments constructed and compacted to achieve a permeability standard equivalent of no more than 1×10^{-9} metres per second over a thickness of 1 metre • Concentration of Weak Acid Dissociable (WAD) cyanide must not exceed 20mg CN_{WAD}/L (90th percentile) and 30mg CN_{WAD}/L (maximum) at any time
Overburden emplacements	• Designed, installed and maintained to encapsulate and minimise offsite migration of contaminants from acid forming, potentially acid forming, saline and sodic material
Groundwater dependent ecosystems	• Negligible environmental consequences to groundwater dependent ecosystems • Negligible environmental consequences to fish and aquatic habitat

Water Management Plan

B39. A water management plan must be prepared for the development to the satisfaction of the Planning Secretary. This plan must:

- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- consider the 2022 DPE *Guidelines for Groundwater Documentation for SSD/SSI Projects - Technical guideline*;
- be prepared in consultation with the Water Group and the EPA;

- (d) describe the measures to be implemented to ensure that the development complies with the water management performance measures (see table 5);
- (e) utilise existing data from nearby mines and build on existing monitoring programs, where practicable;
- (f) include a:
 - (i) **site water balance** that includes details of:
 - predicted annual inflows to and outflows from the site;
 - sources and security of water supply for the life of the development (including authorised entitlements and licences);
 - water storage capacity;
 - water use and management on the site;
 - licensed discharge points and limits;
 - dewatering volumes and timing for construction of the LPB, if constructed in wet conditions; and
 - reporting procedures, including the annual preparation of an updated site water balance;
 - (ii) **surface water management plan** that includes:
 - detailed baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development;
 - details of the water licensing requirements for all water storages (i.e. exempt, harvestable rights and licenced);
 - detailed plans, design objectives and performance criteria for water management infrastructure;
 - surface water performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development, for:
 - water supply for other water users;
 - downstream surface water flows, water quality and flooding impacts; and
 - lake, stream and riparian vegetation health
 - a program to monitor and evaluate compliance with the relevant performance measures listed in table 5 and the performance criteria in this plan;
 - reporting procedures for the results of the monitoring program, including notifying other water users of any exceedance of relevant performance measures or performance criteria;
 - a trigger action response plan to respond to any exceedances of the relevant performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development, including a contingency plan to reduce cyanide if the performance criteria are exceeded and
 - measures to provide compensatory water supply to any affected water user under condition B35 of this Schedule.
 - (iii) **groundwater management plan** that includes:
 - detailed baseline data of groundwater levels, yield and quality for groundwater resources and groundwater dependent ecosystems potentially impacted by the development, including groundwater supply for other water users;
 - a detailed description of the groundwater management system, including measures to ensure that long term average extraction from the borefields remains within the levels predicted in the EIS and/or below applicable trigger levels;
 - groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts (or trends) associated with the development, on:
 - regional and local aquifers (alluvial and hardrock); and
 - groundwater supply for other water users such as licensed privately-owned groundwater bores;
 - groundwater inflows to the mining operations;
 - seepage/leachate (including cyanide) from water storages, the IWL, tailings storages, emplacements, infrastructure and processing areas, and the final voids; and
 - groundwater dependent ecosystems
 - a program to monitor and evaluate:
 - compliance with the relevant performance measures listed in table 5 and the performance criteria in this plan;

- groundwater inflows to the mining operations
 - seepage/leachate (including cyanide) from water storages, the IWL, tailings storages, emplacements, infrastructure and processing areas, and the final voids, including migration over the short and long term;
 - groundwater inflows, outflows and storage volumes, to inform the site water balance;
 - any localised enhanced groundwater inflows associated with faults or other structures;
 - impacts on groundwater dependent ecosystems;
 - impacts on groundwater supply for other water users;
 - the effectiveness of the groundwater management system;
 - reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results;
 - a trigger action response plan to respond to any exceedances of the relevant performance measures and groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development; and
- (iv) a program to periodically validate the groundwater model for the development, including an independent review of the model every 3 years (unless otherwise agreed by the Planning Secretary), and comparison of monitoring results with modelled predictions; and a protocol to report on the measures, monitoring results and performance criteria identified above, in the annual review referred to in condition D11. The modelling program must also include a review and updated model predictions of post mining drawdown to determine whether any impacts on water supply works would require compensatory water to be provided for predicted future impacts following mine closure.
- (v) an **LPB design and verification plan** that includes:
- additional geochemical and geotechnical testing to verify the suitability of the clay and other materials to be used for construction of the LPB and other components of the lake isolation system;
 - details of a quality assurance program to demonstrate that the LPB is constructed to meet its design specifications; and
 - details of measures that would be implemented to minimise impacts on fish and other aquatic fauna species.

B40. Development under this consent must not commence until the water management plan is approved by the Planning Secretary.

B41. The water management plan as approved by the Planning Secretary must be implemented for the development.

BIODIVERSITY

B42. Any wildlife death caused by cyanide must be treated as an incident and the department must be notified in accordance with the procedures in condition D9 of this consent.

Biodiversity Credits Required

B43. The biodiversity credits specified in tables 6 and 7 must be retired in accordance with the biodiversity offsets scheme of the BC Act before any impacts on the relevant biodiversity values for each project stage occur.

Table 6: Biodiversity credit requirements – ecosystem credits

Biodiversity value	Ecosystem credits required									
	Disturbance stage									
	1	2a	2b	3	4a	4b	5	6	7	Total
PCT 17 <i>Lignum</i> shrubland wetland of the semi-arid (warm) plains (mainly Riverina Bioregion and Murray Darling Depression Bioregion)			512							512
PCT 26 Weeping Myall open woodland of the Riverina Bioregion and	413			1070					994	2477

Biodiversity value	Ecosystem credits required									
	Disturbance stage									
	1	2a	2b	3	4a	4b	5	6	7	Total
NSW South Western Slopes Bioregion										
PCT 53 Shallow freshwater wetland sedgeland in depressions on floodplains on inland alluvial plains and floodplains		140	3907		677	4889				9613
PCT 55 Belah woodland on alluvial plains and low rises in the central NSW wheatbelt to Pilliga and Liverpool Plains regions	667			1530			680	354	320	3551
PCT 82 Western Grey Box – Poplar Box – White Cypress Pine tall woodland on red loams mainly of the eastern Cobar Peneplain Bioregion				218				1029	961	2208
PCT 185 Dwyer's Red Gum – White Cypress Pine – Currawang shrubby woodland mainly in the NSW South Western Slopes Bioregion									39	39
PCT 244 Poplar Box grassy woodland on alluvial clay-loam soils mainly in the temperate (hot summer) climate zone of central NSW (wheatbelt)	190									190
PCT 249 River Red Gum swampy woodland wetland on cowals (lakes) and associated flood channels in central NSW	375	625	205	203	1					1409
Ecosystem credits required (Scattered trees)										
PCT 55 Belah woodland on alluvial plains and low rises in the central NSW wheatbelt to Pilliga and Liverpool Plains regions	hollow bearing tree			10						48
	non hollow bearing tree			38						

Table 7: Biodiversity credit requirements – species credits

Biodiversity value	Species credits required									
	Disturbance stage									
	1	2a	2b	3	4a	4b	5	6	7	Total
<i>Austral pillwort</i>	39			4						43

Notes:

- The indicative disturbance footprint and disturbance stages are shown in figure 1 in appendix 4
- Impacts to migratory bird species that are only listed under the EPBC Act are proposed to be offset under the Biodiversity Offset Scheme of the BC Act. The offset area would cover an area of about 1438.2 ha and be managed under a biodiversity stewardship agreement. Offset requirements for the EPBC Act listed only migratory bird species would be met by retiring credits for disturbance stages 1, 2a and 2b.
- To identify the indicative EPBC Act listed migratory bird offset areas, refer to figure 3 in appendix 4

- B44. Prior to any impacts on the relevant biodiversity values for each project stage occurring, evidence that the biodiversity offset credits have been retired for that stage must be provided to the department.
- B45. Prior to commencing development under this consent, the areas identified in table 8 must be secured under a biodiversity stewardship agreement, and all credits generated in these areas must be retired in accordance with the biodiversity offsets scheme of the BC Act. Any biodiversity stewardship areas established to retire credits identified in table 6 can be used to meet offset requirements for the for EPBC Act listed Commonwealth migratory species offset area specified in table 8.

Table 8: Biodiversity offset requirements – other areas

Offset type/ Biodiversity value	PCT	Minimum Size (ha)
Compensatory wetland offset area	PCT 17 - <i>Lignum shrubland wetland of the semi-arid (warm) plains (mainly Riverina Bioregion and Murray Darling Depression Bioregion)</i>	345.64
EPBC Act listed Commonwealth migratory species offset area	PCT 53 - <i>Shallow freshwater wetland sedgeland in depressions on floodplains on inland alluvial plains and floodplains</i> PCT 249 - <i>River Red Gum swampy woodland wetland on cowals (lakes) and associated flood channels in central NSW</i>	1438.2

Notes:

- The areas referred to in table 8 are shown indicatively in figure 3 of appendix 4

Biodiversity Offsets – Transferred Obligations from Development Consent DA14/98

- B46. Within six months of commencing development under this consent, or other timeframe agreed by the Planning Secretary, the biodiversity credits specified in table 9 must be retired in accordance with the biodiversity offsets scheme of the BC Act.

Table 9: Residual biodiversity credit requirements

PCT	Credits
PCT 26 <i>Weeping Myall open woodland of the Riverina Bioregion and NSW South Western Slopes Bioregion</i>	71
PCT 55 <i>Belah woodland on alluvial plains and low rises in the central NSW wheatbelt to Pilliga and Liverpool Plains regions</i>	362

Note: The biodiversity credits in condition B46 are transferred obligations from development consent DA14/98 and have been converted to reasonably equivalent 'biodiversity credits' within the meaning of the BC Act.

- B47. Within two years of commencing development under this consent, or other timeframe agreed by the Planning Secretary, the offset areas identified in table 10 must be secured under a biodiversity stewardship agreement or alternative mechanism agreed by the Planning Secretary.

Table 10: Summary of the Biodiversity Offset Areas - Cowal Gold Mine (DA14/98)

Offset Type	Minimum Size (ha)
Northern Offset Area (Enhancement Area)	80
Southern Offset Area (Enhancement Area)	260
Southern Offset Area (Revegetation Area)	100
Total	440

Note:

- To identify the areas referred to in table 10: refer to figure 2 in appendix 4.
- The Northern and Southern Offset Areas were established as land based offsets, prior to the commencement of the BC Act and the NSW Biodiversity Offsets Policy for Major Projects (OEH 2014), and therefore do not have a biodiversity credit obligation within the meaning of the BC Act. The offset areas are managed under the mine's biodiversity management plan.

Biodiversity Management Plan

B48. A biodiversity management plan must be prepared for the development to the satisfaction of the Planning Secretary. This plan must:

- be prepared by a suitably qualified and experienced person/s;
- be prepared in consultation with BCS and Fisheries NSW;
- describe the short, medium, and long-term measures to be undertaken to manage the remnant vegetation and fauna habitat on the site, in the offset areas identified in table 10 (except if the offset areas are secured through a biodiversity stewardship agreement under the BC Act); and in the compensatory wetland areas and remnant vegetation enhancement program areas shown in figure 3 of appendix 4;
- include detailed performance and completion criteria for evaluating the performance of the measures undertaken under condition B48(c), including triggers for remedial action if these performance or completion criteria are not met;
- describe the measures to be implemented to:
 - minimise impacts on fauna and associated habitat, including undertaking pre-clearance surveys;
 - relocate threatened fauna species and/or its habitat away from disturbed areas;
 - keep fauna and avifauna away from the tailings storages;
 - rescue and rehabilitate wildlife that becomes bogged/sick/trapped;
 - maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
 - minimise impacts to threatened ecological communities listed under the BC Act and EPBC Act, and contribute to conservation strategies for these communities;
 - manage any potential conflicts with Aboriginal heritage values;
 - protect vegetation and fauna habitat outside of the mine disturbance area;
 - manage the collection and propagation of seed from the local area;
 - control weeds, including measures to avoid and mitigate the spread of noxious weeds;
 - control feral pests with consideration of actions identified in relevant threat abatement plans;
 - control erosion;
 - control access to vegetated or revegetated areas; and
 - manage bushfire hazards;
- include a seasonally-based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance indicators and completion criteria, and identify improvements that could be implemented to improve biodiversity outcomes;
- include a program to monitor and report on daily and seasonal fauna usage of the tailings storages/IWL;
- include a protocol for investigating and reporting cyanide-related native fauna deaths and identify contingency measures for reducing cyanide levels in the tailings storages/IWL in the event of fauna deaths caused by cyanide;
- include a program to monitor and report on direct and indirect impacts on birdlife in bird breeding areas, threatened fauna and flora, and fish and aquatic invertebrates in and around Lake Cowal; and
- include details of who would be responsible for monitoring, reviewing, and implementing the plan.

- B49. Development under this consent must not commence until the biodiversity management plan is approved by the Planning Secretary.
- B50. The biodiversity management plan as approved by the Planning Secretary must be implemented for the development.

Note: *The biodiversity management plan does not apply to biodiversity offset areas secured through a biodiversity stewardship agreement under the BC Act.*

Conservation Bond

- B51. For offset areas that have not been secured via a biodiversity stewardship agreement, a conservation bond must be lodged with the department within 6 months of the approval of the biodiversity management plan referred to in condition B48, or other timeframe agreed by the Planning Secretary, to ensure that the performance measures in the biodiversity management plan are implemented. The sum of the bond must be determined by:
- (a) calculating the full cost of implementing the performance and completion criteria in the biodiversity management plan (other than land acquisition costs) based on third party costs; and
 - (b) employing a suitably qualified, independent and experienced person to verify the calculated costs.
- B52. The calculation of the conservation bond must be submitted to the department for approval at least 2 months prior to the lodgement of the bond.
- B53. The conservation bond must be reviewed and if required, an updated bond must be lodged with the department within 3 months following:
- (a) any update or revision to the biodiversity management plan;
 - (b) the completion of an independent environmental audit in which recommendations relating to the implementation of the performance measures in the biodiversity management plan have been made; or
 - (c) in response to a request by the Planning Secretary,
- B54. If the performance measures in the biodiversity management plan are completed to the satisfaction of the Planning Secretary, or if alternate funding arrangements are provided under a long-term security arrangement, the Planning Secretary will release the conservation bond.
- B55. If the performance measures in the biodiversity management plan are not completed, the Planning Secretary will call in all, or part of, the conservation bond and arrange for the completion of the relevant works.

Note: *A conservation bond is not required if the offset areas identified in table 10 are secured under a biodiversity stewardship agreement*

HERITAGE

Management of Aboriginal Heritage

- B56. If any suspected human remains are discovered in, on or under the land:
- (a) all work at the location must immediately cease;
 - (b) the area must be secured to avoid further harm to the remains;
 - (c) local police and Heritage NSW must be notified as soon as practicable and details of the suspected remains and their locations provided; and
 - (d) work must not recommence at the location unless authorized in writing by the Planning Secretary;
- B57. Any human remains determined to be a traditional Aboriginal ancestral burial must be managed in consultation with the registered Aboriginal parties and Heritage NSW.
- B58. The Aboriginal sites identified in table 12 and shown in figure 1 of appendix 5 must be protected.
- B59. The development must not directly or indirectly impact any Aboriginal sites located outside the mine disturbance area.
- B60. Aboriginal objects collected and/or salvaged from the mine disturbance area must be stored in a secure facility and Aboriginal people must be allowed reasonable access to these facilities.
- B61. The applicant must maintain a database of all Aboriginal objects that have been collected/salvaged. The database must:
- (a) identify and describe each Aboriginal object that has been collected/salvaged;
 - (b) identify where the Aboriginal objects were originally located; and
 - (c) identify where the Aboriginal objects are stored.

Note: The applicant is required to submit a completed Aboriginal site impact recording form to the NSW Aboriginal Heritage Information Management System for each Aboriginal site that has been subject to salvage.

Aboriginal Heritage Management Plan

- B62. The applicant must prepare an Aboriginal heritage management plan to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared by a suitably qualified and experienced person;
 - (b) be prepared in consultation with the registered Aboriginal parties;
 - (c) be prepared in consultation with Heritage NSW;
 - (d) include a tabulated list of Aboriginal sites that would be protected;
 - (e) include a clear map demarcating the Aboriginal sites that would be protected and the Aboriginal sites that would be disturbed;
 - (f) describe the measures that would be implemented to protect, monitor and manage Aboriginal sites identified for protection;
 - (g) describe the measures that would be implemented to mitigate the impacts to Aboriginal sites identified to be disturbed, including:
 - (i) the methodology and procedures/protocols for collection, sub-surface testing and salvage of Aboriginal objects;
 - (ii) the measures that would be implemented to protect, store and manage collected/salvaged Aboriginal objects, including post mining; and
 - (iii) procedures for recording details of any Aboriginal objects that are collected or salvaged;
 - (h) describe reporting procedures for test excavations and salvage activities;
 - (i) describe ongoing consultation that would be undertaken with registered Aboriginal Parties regarding the conservation and management of Aboriginal objects on site and in any storage areas, and how the outcomes of this consultation will be recorded;
 - (j) describe opportunities that would be provided for registered Aboriginal parties to participate and assist in the protection, removal and management of Aboriginal objects;
 - (k) describe the measures that would be implemented to maintain reasonable access for registered Aboriginal parties to Aboriginal sites on the site and in any biodiversity offset areas managed by the applicant; and
 - (l) describe how workers on site would receive suitable heritage inductions prior to carrying out any activities that may disturb Aboriginal sites.
- B63. Development under this consent must not commence until the Aboriginal heritage management plan is approved by the Planning Secretary.
- B64. The Aboriginal heritage management plan, as approved by the Planning Secretary, must be implemented for the development.

Aboriginal Heritage Research Program

- B65. A research program focused on building knowledge of spatial and temporal Aboriginal occupation of the area must be prepared for the development. This program must:
- (a) be submitted to the Planning Secretary for approval within 12 months of the commencement of development under this consent, or other timeframe agreed by the Planning Secretary;
 - (b) describe the research aims and objectives;
 - (c) be prepared and undertaken by a suitably qualified and experienced expert;
 - (d) be prepared in consultation with the registered Aboriginal parties;
 - (e) describe the methods that would be undertaken to conduct the research;
 - (f) set out the timing for undertaken the research;
 - (g) describe how the outcomes of the research would be recorded, reported and shared;
- B66. The research program, as approved by the Planning Secretary, must be implemented for the development.

SUBSIDENCE MANAGEMENT – UNDERGROUND MINE

Paste Fill

- B67. Unless otherwise agreed by the Planning Secretary, only consolidated paste fill material may be used to backfill stopes.

- B68. Material used to backfill stopes must maintain long term stope stability and result in negligible environmental harm.
- B69. A report to confirm that the paste fill material meets the performance measures in condition B38 must be prepared. The report must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) set technical specifications for the paste fill material production and clarify its physical and leaching characteristics;
 - (c) include a program for the ongoing testing of the paste fill material to ensure it meets the set technical specifications and performance measures; and
 - (d) be submitted to the Planning Secretary for approval prior to backfilling stopes with consolidated paste fill material.

Subsidence Monitoring Program

- B70. Stopes above 80 m AHD must not be mined without the agreement of the Planning Secretary.
- B71. A subsidence monitoring program must be prepared in consultation with the Resources Regulator. This program must include:
- (a) a detailed description of ongoing subsidence monitoring;
 - (b) detailed baseline data for subsidence monitoring above the underground mine and data to assist with the management of risks associated with stope overbreak or failure;
 - (c) in-situ stress measurement;
 - (d) detailed measures and controls that would be implemented to avoid and/or minimise subsidence, through management of risk associated with stope overbreak and/or stope failure;
 - (e) a risk assessment and trigger action response plan to identify and manage stope instability;
 - (f) a contingency plan and adaptive management process; and
 - (g) validation of subsidence predictions to assess and analyse the subsidence effects and resulting impacts under the program and any ensuing environmental consequences.
- B72. Within two years of commencing underground mining and every three years thereafter, unless otherwise agreed by the Planning Secretary, the applicant must prepare a report detailing the results of the monitoring program.
- B73. The subsidence monitoring program must be implemented for the development.

VISUAL

Visual Amenity and Lighting

- B74. All reasonable and feasible mitigation and management measures must be implemented for the development to:
- (a) minimise the visual and off-site lighting impacts of the development;
 - (b) shield views of mining operations and associated equipment from users of public roads and privately-owned residences;
 - (c) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;
 - (d) ensure no in-pit mobile lighting rigs shine directly above the pit wall and other mobile lighting rigs do not shine directly above the horizontal (except where required for emergency safety purposes);
 - (e) ensure that all external lighting associated with the development complies with relevant Australian standards including the latest version of *Australian Standard AS/NSW 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting*; and
 - (f) ensure that the visual appearance of any new buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.
- B75. Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the mining operations and infrastructure on-site during the development, the applicant must implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) to reduce the visibility of the mining operations and infrastructure from the residences on the privately-owned land.

These mitigation measures must be reasonable and feasible and must be implemented within a reasonable timeframe.

If the owner of the residence and the applicant cannot agree whether there are significant direct views from the residence, then either party may refer the matter to the Planning Secretary for resolution.
If within 3 months of receiving this request, the applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

Notes:

- The additional visual impact mitigation measures must be aimed at reducing the visibility of the mining operations from affected residences, and do not require measures to reduce the visibility of the mining operations from other locations on the affected properties.
- The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (i.e. the additional measures could involve the implementation of measures outside the affected property boundary that provide an effective reduction in visual impacts).

WASTE

- B76. All reasonable mitigation and management measures must be implemented to minimise the waste generated by the development.
- B77. All waste generated by the development must be classified in accordance with the *Waste Classification Guidelines* (EPA, 2014)(or its latest version), and must be stored and handled in accordance with its classification.
- B78. All waste must be removed from the site as soon as practicable and reused, recycled or sent to an appropriately licensed waste facility for disposal.
- B79. The effectiveness of the waste minimisation and management measures must be monitored and reported in the annual review required by condition D11.
- B80. No waste must be received, stored, treated, process, re-processed or disposed of on the site except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*.
- B81. On-site sewage must be treated and disposed of in accordance with the requirements of BSC.

Hazardous Materials Management

- B82. Dangerous goods, as defined by the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, must be stored and handled strictly in accordance with:
- all relevant Australian standards;
 - the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (for liquids); and
 - (for cyanide), the *International Cyanide Management Code for the Manufacture, Transport and Use of Cyanide in the Production of Gold*
- B83. In the event of an inconsistency between the requirements of the documents listed in condition B82 the most stringent requirement must prevail to the extent of the inconsistency.

Hazardous Materials Management Plan

- B84. A hazardous materials management plan must be prepared for the development. This plan must:
- be prepared in consultation with BSC, TfNSW and EPA;
 - be consistent with the *International Cyanide Management Code for the Manufacture, Transport and Use of Cyanide in the Production of Gold*; and
 - describe the measures that would be implemented to ensure:
 - sodium cyanide and other toxic chemicals and dangerous goods are stored and handled on the site in accordance with the relevant guidelines and standards;
 - the storage, handling and transport of explosives is managed in accordance with the requirements of the Resources Regulator; and
 - detail the emergency procedures for the development consistent with the department's *Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning*.
- B85. The hazardous materials management plan must be implemented for the development.

BUSHFIRE MANAGEMENT

- B86. The development must:
- provide for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2019) guideline (or latest version thereof);
 - ensure that there is suitable equipment to respond to any fires on the site; and

- (c) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

REHABILITATION

Rehabilitation Objectives

- B87. The site must be rehabilitated in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. Rehabilitation must be generally consistent with the proposed rehabilitation activities described in the EIS and shown in figure 4 of appendix 2, and must comply with the objectives table 11 of this consent.

Table 11: Rehabilitation objectives

Feature	Objective
Mine site (as a whole)	• Safe, stable and non-polluting • Final landforms designed to incorporate micro-relief and integrate with surrounding natural landforms • Minimise long term groundwater seepage zones • Minimise visual impact of final landforms as far as is reasonable and feasible
Final voids	• Minimise to the greatest extent practicable: - the sizes and depths of final voids - the drainage catchment of final voids - risk of flood interaction for all flood events up to and including the probable maximum flood • To be permanently separated from Lake Cowal by the LPB • No impact on the LPB Slopes within the E42 lower primary and E42 legacy area to achieve a factor of safety of 1.3 and, other than the open cut pits that would be backfilled, all other slopes within the final voids (including the cover sequence) to achieve a factor of safety of 1.5, unless otherwise agreed by the Resources Regulator • Minimise to the greatest extent practicable any pit wall geotechnical and erosional instability risks
IWL	• Tailings are contained within a structure that adequately mitigates risk of tailings and associated contaminants being released to the environment • Structural integrity and final landform stability meeting industry accepted engineering guidelines for tailings facilities closure (ANCOLD guidelines and <i>Global Industry Standards on Tailings Management</i>)
LPB	• Designed and constructed to exclude exchange of water between the mine and Lake Cowal for all flood events up to the probable maximum flood with additional freeboard of 0.35 m
Slopes	• Backfilled with paste fill material • Safe and stable • Negligible surface subsidence in the long term
Box cut	• Backfilled and rehabilitated
Surface infrastructure	• To be decommissioned and removed, unless the Resources Regulator agrees otherwise
Areas proposed for agriculture	• Establish/restore disturbed areas to support sustainable agriculture, including: - a minimum of 199 ha of disturbed land to achieve LSC class 4 - a minimum of 43 ha of disturbed land to achieve LSC class 6
Areas proposed for native vegetated land	• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems • Establish self-sustaining native ecosystems characteristic of vegetation communities found in the local area
Community	• Ensure public safety • Minimise adverse socio-economic effects associated with mine closure

- B88. The rehabilitation objectives in table 11 apply to the entire site, including all landforms constructed under either this consent or previous consents. However, the applicant is not required to undertake any additional earthmoving works on landforms that have been approved and constructed under previous consents, except where those earthworks are required for the establishment of a stable, non-polluting and free-draining landform.

Rehabilitation Strategy

- B89. A rehabilitation strategy must be prepared for all land disturbed by the development. The strategy must:

- (a) be submitted to the Planning Secretary for approval prior to the commencement of development under this consent;
 - (b) be prepared in consultation with the Resources Regulator, BSC and the CCC;
 - (c) include a stakeholder engagement plan to guide rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including final voids), post-mining land use/s and water management;
 - (d) align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA);
 - (e) describe how the rehabilitation measures would be integrated with the measures in the biodiversity management plan referred to in condition B48;
 - (f) include details of target vegetation communities and species to be established within the proposed revegetation areas;
 - (g) include an updated final landform plan showing the location and extent of conceptual significant water management structures, including structures that allow the flow of surface water over the cover sequence materials in the final voids;
 - (h) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including the final voids), that:
 - (i) align with regional and local strategic land use planning objectives and outcomes;
 - (ii) support a sustainable future for the local community;
 - (iii) utilise existing mining infrastructure, where practicable; and
 - (iv) includes a description of long-term land management objectives, including bushfire management, weed and feral animal control, water quality and public safety; and
 - (v) includes consideration of the integration of post-mining land uses with surrounding mining operations;
 - (i) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure;
- B90. Development under this consent must not commence until the rehabilitation strategy is approved by the Planning Secretary.
- B91. The rehabilitation strategy, as approved by the Planning Secretary, must be implemented.

Final Void Management Plan

- B92. A final void management plan must be prepared for the development. The plan must:
- (a) be submitted to the Planning Secretary for approval within 6 months of the commencement of development under this consent, unless otherwise agreed by the Planning Secretary;
 - (b) be prepared by suitably qualified and independent experts in geotechnical and erosional stability, whose appointments have been endorsed by the Planning Secretary;
 - (c) be prepared in consultation with the Resources Regulator;
 - (d) describe how the final landform will be constructed as soon as reasonably practicable during the construction of the void to meet the rehabilitation objectives in table 11;
 - (e) include a geotechnical stability assessment of all open cut pits, including:
 - (i) detailed modelling of slope stability that:
 - demonstrates open cut pit wall slopes will meet the rehabilitation objectives in table 11;
 - identifies modelling assumptions including site specific material strength parameters and justification for their use;
 - incorporates findings of in situ geotechnical stability and erosion trials;
 - considers the effect of predicted groundwater recovery levels within the final void;
 - considers the likelihood of any structural defects which may result in mass failure;
 - (ii) an assessment of the long term performance of the void and whether it could achieve the rehabilitation objectives identified in table 11;
 - (f) include an erosional stability assessment of all open cut pits, including:
 - (i) detailed modelling of erosional stability that:
 - nominates the long-term erosion rate to meet the rehabilitation objectives in table 11;
 - analyses the short, medium and long-term landscape evolution of the open cut pits;
 - identifies modelling assumptions, including site specific parameters, and justifies their use;

- includes analysis of tunnel erosion and gullyng;
 - incorporates findings of in situ geotechnical stability and erosion trials;
 - includes the application of drainage and seepage control structures and suitable erosion controls/treatments; and
 - considers the effect of groundwater within the final voids;
- (ii) an assessment of the long-term evolution of all voids and whether they could achieve the rehabilitation objectives identified in table 11;
- (g) identify the extent of the open cut pit crests and provide an assessment of:
- (i) any implications and long-term residual risk, including encroachment upon other surface features including the LPB; and
 - (ii) their positions within the mine disturbance area.
- (h) include a detailed description on the proposed measures to manage the stability of the voids to achieve the overall rehabilitation objectives including a monitoring and reporting program to demonstrate that the open cut pit walls would be stable and non-eroding. The program must include:
- (i) additional monitoring and/or data collection to identify local geological structures and confirm material strength in open cut pit walls;
 - (ii) erosion control measures that would be implemented as the final landform of open cut pits are constructed progressively;
 - (iii) trial testing of slopes in cover sequence layers to validate suitable methods for vegetation and treatment to attain an erosionally and geotechnically stable condition in the long term;
 - (iv) contingency measures (including pit wall laybacks) that would be implemented if the data does not demonstrate the rehabilitation objectives would be met; and
 - (v) a protocol for reporting on the measures, monitoring results and any identified slope instability and/or failure and the factors that contributed to the instability or the failure.
- (i) include a schedule for updating the final void management plan as mining progresses and further geotechnical and erosion data becomes available.
- B93. The final void management plan, as approved by Planning Secretary, must be implemented for the development.

TRANSPORT

Traffic Management Plan

- B94. A traffic management plan must be prepared for the development, the plan must:
- (a) be prepared in consultation with TfNSW, BSC, LSC and FSC;
 - (b) include details of all transport routes and traffic types to be used for development-related traffic, including roads to be used during construction of the LPB, UCDS and for the transport of hazardous materials;
 - (c) include a protocol for undertaking pre and post-dilapidation surveys and repairing any roads identified in the dilapidation surveys to have been damaged during construction and/or decommissioning works;
 - (d) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users during the construction, operation and decommissioning phases of the development, including:
 - (i) temporary traffic controls, including detours and signage (where relevant);
 - (ii) notifying the local community about development-related traffic impacts;
 - (iii) minimising potential for conflict with school buses and other motorists as far as practicable;
 - (iv) scheduling haulage vehicle movements to minimise convoy length or platoons;
 - (v) responding to local climate conditions that may affect road safety such as fog, dust, and wet weather;
 - (vi) responding to any emergency repair or maintenance requirements; and
 - (vii) a traffic management system for managing over-dimensional vehicles; and
 - (e) include a drivers' code of conduct that includes procedures to ensure that drivers:
 - (i) adhere to posted speed limits or other required travelling speeds;
 - (ii) adhere to the approved transport routes shown in appendix 6; and
 - (iii) implement safe driving practices; and
 - (f) a complaints handling procedure; and
 - (g) a program to monitor and report on the effectiveness of the implementation of the measures in this plan

B95. The traffic management plan must be implemented for the development.

FOR INFORMATION

PART C ADDITIONAL PROCEDURES

ACQUISITION UPON REQUEST

- C1. Upon receiving a written request for acquisition from the owner of the privately-owned land^a listed in table 12, the land must be acquired in accordance with the procedures in conditions C12 to C19 inclusive.

Table 12: Land subject to acquisition upon request

Acquisition Basis	Land
Noise	21 (Westella)

^aThe location of the land referred to in table 12 is shown in appendix 3.

ADDITIONAL MITIGATION UPON REQUEST

- C2. Upon receiving a written request for mitigation from the owner of any residence on the privately-owned land^a listed in table 13, additional mitigation measures at or in the vicinity of the residence must be implemented in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and 22c Policy for State Significant Mining, Petroleum and Extractive Industry Development* (NSW Government, 2018). The measures must be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the noise and/or air quality impacts of the development.

Table 13: Land subject to additional mitigation upon request

Mitigation Basis	Land
Noise	15 (Laurel Park); 20 (Bramboyne); 22c (Lakeview III); 36a (The Glen); 49b (Foxman Downs II)

^aThe locations of the land referred to in table 13 are shown in appendix 3.

- C3. If within 3 months of receiving a request for additional mitigation from the owner, the applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.
- C4. For the life of the development, the applicant must continue to contribute to reasonable maintenance and recurrent operating costs associated with the noise mitigation measures installed at privately-owned residences under the development and as described in the EIS. The contribution to ongoing maintenance and recurrent operating costs must be consistent with any existing agreement between the applicant and the relevant landowner.

NOTIFICATION OF LANDOWNERS/TENANTS

- C5. Within one month of the date of this consent, the applicant must:
- (a) notify in writing the owner of:
 - (i) the land listed in table 12 that they have the right to require the applicant to acquire their land at any stage during the development;
 - (ii) the residences on the land listed in table 12 and table 13 that they are entitled to ask the applicant to install additional mitigation measures at the residence; and
 - (iii) any privately-owned land within 3 kilometres of the approved open cut mining pit/s that they are entitled to ask the applicant for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated;
 - (b) notify the tenants of any mine-owned land of their rights under this consent; and
 - (c) send a copy of the fact sheet entitled “*Mine Dust and You*” (NSW Health, 2017) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EIS identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria identified in condition B25 at any time during the life of the development.
- C6. Prior to entering into any tenancy agreement for any land owned by the applicant that is predicted to experience exceedances of the recommended dust and/or noise limits, the applicant must:
- (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the fact sheet entitled “*Mine Dust and You*” (NSW Health, 2017); and
 - (b) advise the prospective tenants of the rights they would have under this consent,
- to the satisfaction of the Planning Secretary.

NOTIFICATION OF EXCEEDANCES

- C7. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting or air quality criterion in PART B of this consent, the applicant must provide the details of the exceedance to any affected landowners, tenants and the CCC.
- C8. For any exceedance of any air quality criterion in PART B of this consent, the applicant must also provide to any affected land owners and/or tenants a copy of the fact sheet entitled "*Mine Dust and You*" (NSW Health).

INDEPENDENT REVIEW

- C9. If a landowner considers the development to be exceeding any relevant noise, blasting or air quality criterion in PART B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.
- C10. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.
- C11. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the applicant must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
 - (i) consult with the landowner to determine their concerns;
 - (ii) conduct monitoring to determine whether the development is complying with the relevant criterion in PART B of this consent; and
 - (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and
 - (b) give the Planning Secretary and landowner a copy of the independent review; and
 - (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

LAND ACQUISITION

- C12. Within 6 months of receiving a written request for acquisition from a landowner with acquisition rights, the applicant must make a binding written offer to the landowner based on:
- (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the:
 - (i) existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - (ii) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise and/or air quality mitigation measures in condition C2;
 - (b) the reasonable costs associated with:
 - (i) relocating within the same local government area, or to any other local government area determined by the Planning Secretary; and
 - (ii) obtaining independent legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
 - (c) reasonable compensation for any disturbance caused by the land acquisition process.
- C13. If, within two months of the binding written offer being made under condition C12, the applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution.
- C14. Upon receiving a request, under condition C13, the Planning Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:
- (a) consider submissions from both parties;
 - (b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in condition C12;
 - (c) prepare a detailed report setting out the reasons for any determination; and
 - (d) provide a copy of the report to both parties.
- C15. Within 30 days of receiving the independent valuer's report, the applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.
- C16. However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, either party may refer the matter to the Planning Secretary for review. Any request for

a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in condition C12, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.

- C17. Within 14 days of this determination, the applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Planning Secretary's determination.
- C18. If the landowner refuses to accept the applicant's binding written offer under this condition within 6 months of the offer being made, then the applicant's obligations to acquire the land shall cease, unless the Planning Secretary determines otherwise.
- C19. The applicant must pay all reasonable costs associated with the land acquisition process described in conditions C12 to C18 inclusive, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- D1. An environmental management strategy must be prepared for the development. The strategy must:
- (a) be submitted to the Planning Secretary for approval prior to the commencement of development under this consent;
 - (b) provide the strategic framework for environmental management of the development;
 - (c) include clear plans of the development footprint and all monitoring to be carried out for the development;
 - (d) identify the statutory approvals that apply to the development;
 - (e) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (f) include an environmental risk assessment and a description of the measures that would be implemented to:
 - (i) comply with statutory requirements, limits, or performance measures and criteria;
 - (ii) manage the predicted impacts identified in the EIS; and
 - (iii) manage any other environmental risk or impact that has been identified since the EIS documents were submitted;
 - (g) include an adaptive risk management protocol for:
 - (i) reviewing the environmental risk assessment and the effectiveness of the measures to manage the risks described in (f) above;
 - (ii) updating management measures if the existing measures are not effective; and
 - (iii) identifying and managing new or unexpected environmental risks; and
 - (h) set out the procedures (including timeframes) to be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, record, handle and respond to complaints;
 - (iii) resolve any disputes that may arise during the course of the development;
 - (iv) respond to any non-compliance and any incident; and
 - (v) respond to emergencies;
- D2. Development under this consent must not commence until the environmental management strategy is approved by the Planning Secretary.
- D3. The environmental management strategy, as approved by the Planning Secretary, must be implemented for the development.

Adaptive Management

- D4. The applicant must assess and manage development-related risks to ensure that there are no exceedances of the limits and performance measures in this consent. Any exceedance of these limits or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these limits or performance measures has occurred, the applicant must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the department describing those options and any preferred remediation measures or other course of action; and
- (c) implement reasonable remediation measures as directed by the Planning Secretary.

Management Plan Requirements

- D5. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) quality control information including document version control details and the management plan author(s);
 - (b) a summary of the environmental management context, including:
 - (i) a brief project description, including visual representation of any project staging;
 - (ii) the purpose and scope of the management plan
 - (c) the relationship of the management plan with other environmental management documents or systems;
 - (d) a site location plan identifying the project boundary, mine disturbance area and related environmental aspects;

- (e) a brief summary of background or baseline data, where relevant;

Note: *If detailed baseline data must be included in a management plan, it must be appended and summarised in the main text of the management plan.*

- (f) a summary of consultation undertaken during the preparation of the management plan that includes when and how consultation was undertaken and the outcomes of the consultation;
- (g) details of the statutory requirements, limits or performance measures and any specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
- (h) an environmental risk assessment and a description of the measures that will be implemented to:
 - (i) comply with statutory requirements, limits, or performance measures and criteria;
 - (ii) manage the predicted impacts identified in the EIS; and
 - (iii) manage any other environmental risk or impact which has been subsequently identified after the EIS documents were submitted;

Note: *Environmental risk assessment cannot be used to identify and assess changes to the project that are not described and assessed in the approved EIA. These may be project modifications and may need to be referred to the department.*

- (i) a monitoring and evaluation protocol for the measures identified in the environmental risk assessment that supports the analysis and evaluation of the implementation of the identified measures with results and records that are reliable, reproducible and traceable;
- (j) a process to review the environmental risk assessment to:
 - (i) analyse and evaluate the implementation of the identified measures and determine whether any changes to the environmental risk assessment or identified measures is required; and
 - (ii) identify any additional unexpected environmental risks and the measures that will be implemented to manage them.
- (k) a protocol for periodic review of the plan.

Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*

REVISION OF STRATEGIES, PLANS AND PROGRAMS

D6. Within three months of:

- (a) the annual review of the environmental risk assessment under condition D1;
- (b) the submission of an incident report under condition D8;
- (c) the submission of an annual review under condition D11;
- (d) the submission of an independent environmental audit under condition D12;
- (e) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or
- (f) notification of a change in development phase under condition A10;

D7. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

REPORTING AND AUDITING

Incident Notification

D8. The applicant must notify the department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:

- (a) date, time and location;
- (b) a brief description of what occurred and why it has been classified as an incident;
- (c) a description of what immediate steps were taken in relation to the incident; and
- (d) identifying a contact person for further communication regarding the incident.

D9. The applicant must provide the department with a subsequent incident report in accordance with appendix 8.

Non-Compliance Notification

D10. Within seven days of becoming aware of a non-compliance, the applicant must notify the department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects).

The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Annual Review

D11. An annual report reviewing the environmental performance of the development must:

- (a) be submitted:
 - (i) to the department by the end of March each year after the commencement of development under this consent, or other timeframe agreed by the Planning Secretary;
 - (ii) to BSC and made available to the CCC.
- (b) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
- (c) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:
 - (i) relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) monitoring results of previous years; and
 - (iv) relevant predictions in the EIS
- (d) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
- (e) evaluate and report on:
 - (i) the effectiveness of the noise and air quality management systems; and
 - (ii) compliance with the performance measures, limits and operating conditions of this consent;
- (f) identify any trends in the monitoring data over the life of the development;
- (g) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (h) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

Independent Environmental Audit

D12. An independent environmental audit of the development, carried out in accordance with the *Independent Audit Post Approval Requirements*, must be conducted by 31 December 2025 and every three years thereafter.

Monitoring and Environmental Audits

- D13. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.
- D14. For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development. Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.

ACCESS TO INFORMATION

- D15. Until the completion of all rehabilitation required under this consent, the following information and documents must be:
- (a) publicly available on the development website as they are obtained, approved or as otherwise stipulated within the conditions of this consent:
 - (i) the EIS;
 - (ii) all current statutory approvals for the development;
 - (iii) all strategies, plans, programs and reports required under the conditions of this consent;
 - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;

- (v) minutes of CCC meetings;
- (vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
- (vii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
- (viii) a summary of the current phase and progress of the development;
- (ix) contact details to enquire about the development or to make a complaint;
- (x) a complaints register, updated monthly;
- (xi) the annual reviews of the development;
- (xii) audit reports prepared as part of any independent environmental audit of the development and the applicant's response to the recommendations in any audit report;
- (xiii) any other matter required by the Planning Secretary; and

D16. The information and documents listed in condition D15 must be kept up to date to the satisfaction of the Planning Secretary

APPENDIX 1 SCHEDULE OF LAND

Table 14: Schedule of land

Lot	DP
1	515542
51	45331
45	42918
46	42918
47	42918
2	515542
55	753089
16	753089
15	753129
1	660761
21	753089
69	753089
20	753089
19	753089
18	753129
91	753077
68	753077
104	753077
102	753077
93	753077
108	753077
110	753077
111	753077
1	240891
109	753077
23	753097
24	753097
25	753097
37	39733
1	530299
45	753083
7001	1029713
7002	1029341

Lot	DP
36	39733
2	1060709
7	753083
103	1059150
64	753083
2	549106
2	1060907
1	1060709
38	39733
1	1060907
2	530299
44	42918
18	753097
22	753083
71	753129
100	1059150
101	1059150
102	1059150
104	1059150
105	1059150
106	1059150
107	1059150
7002	1117542
7303	1143731
7323	1157291
101	1200100
105	753077

Note: The project site will also be taken to include any crown land, including road reserves, contained within the project site.

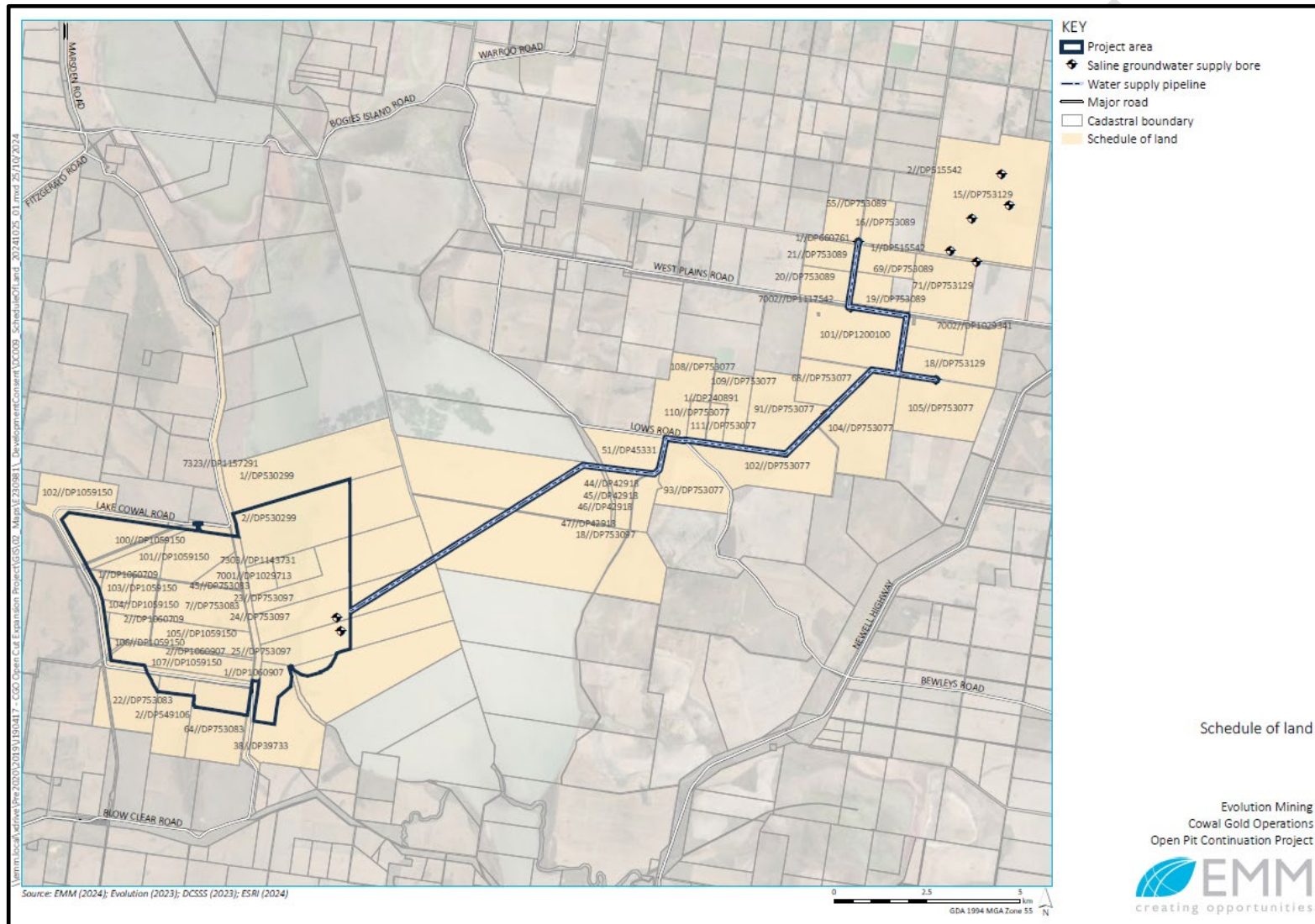


Figure 1: Project Site

APPENDIX 2 DEVELOPMENT LAYOUT PLANS

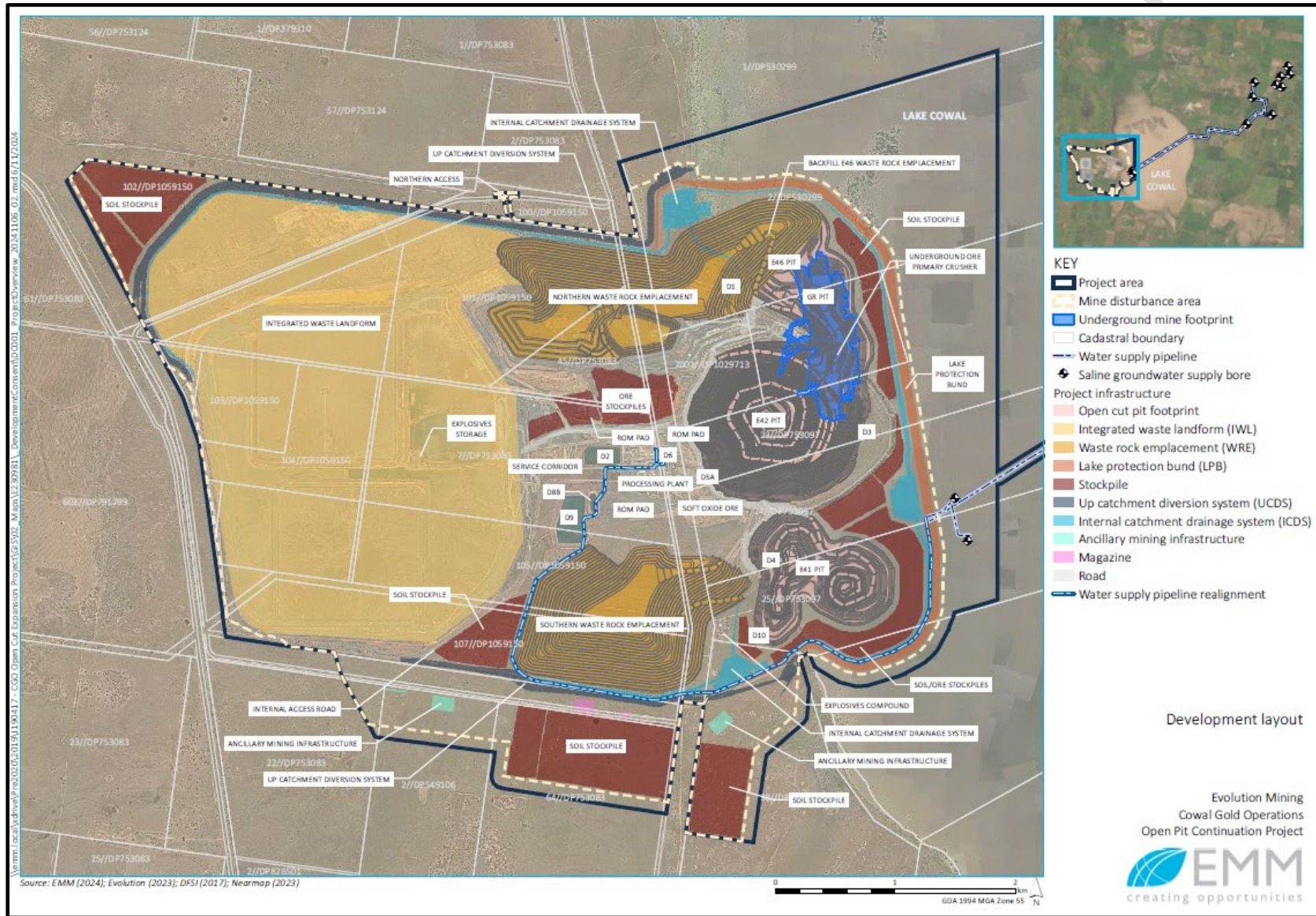


Figure 2: Mine layout

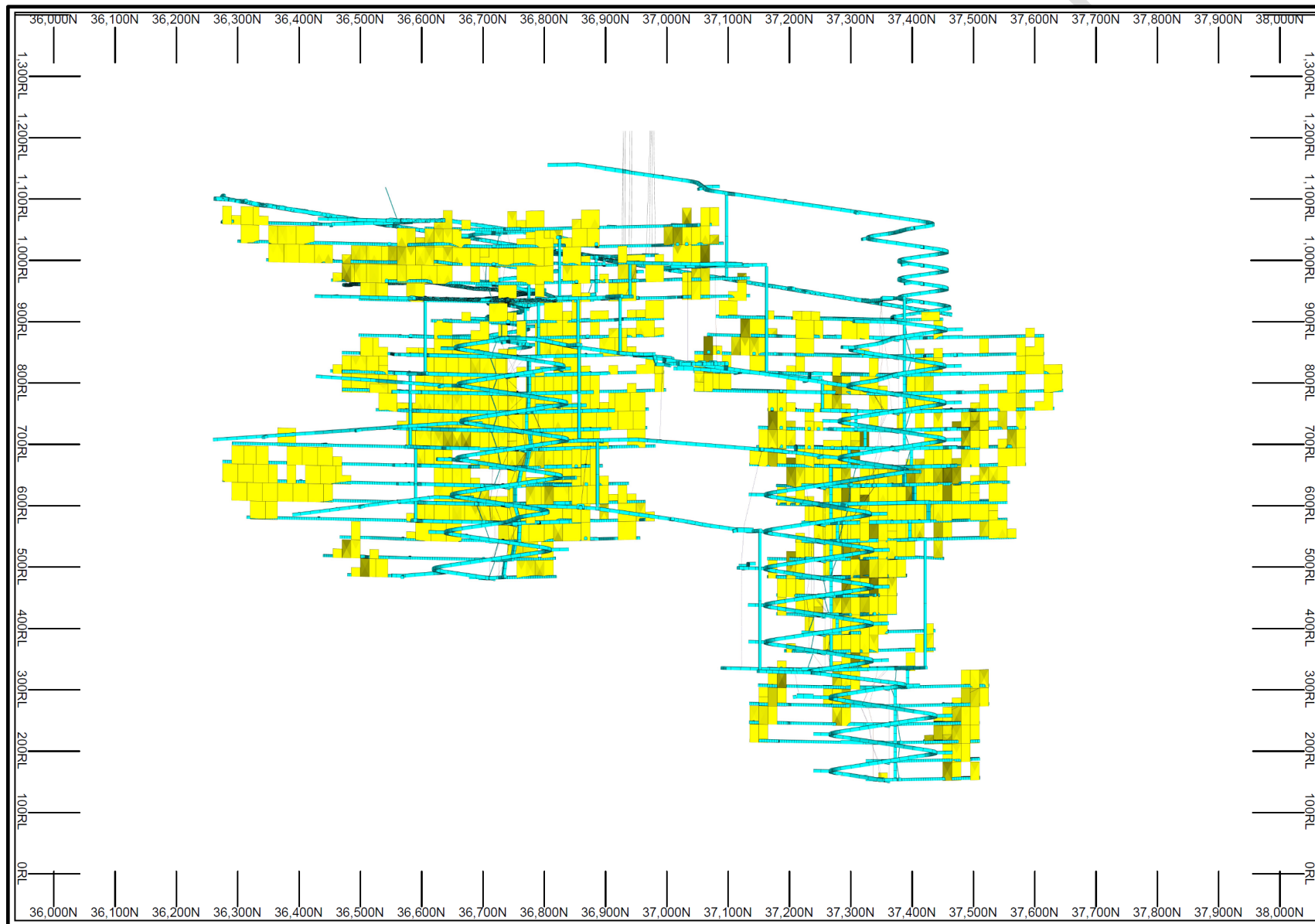


Figure 3: Underground Layout

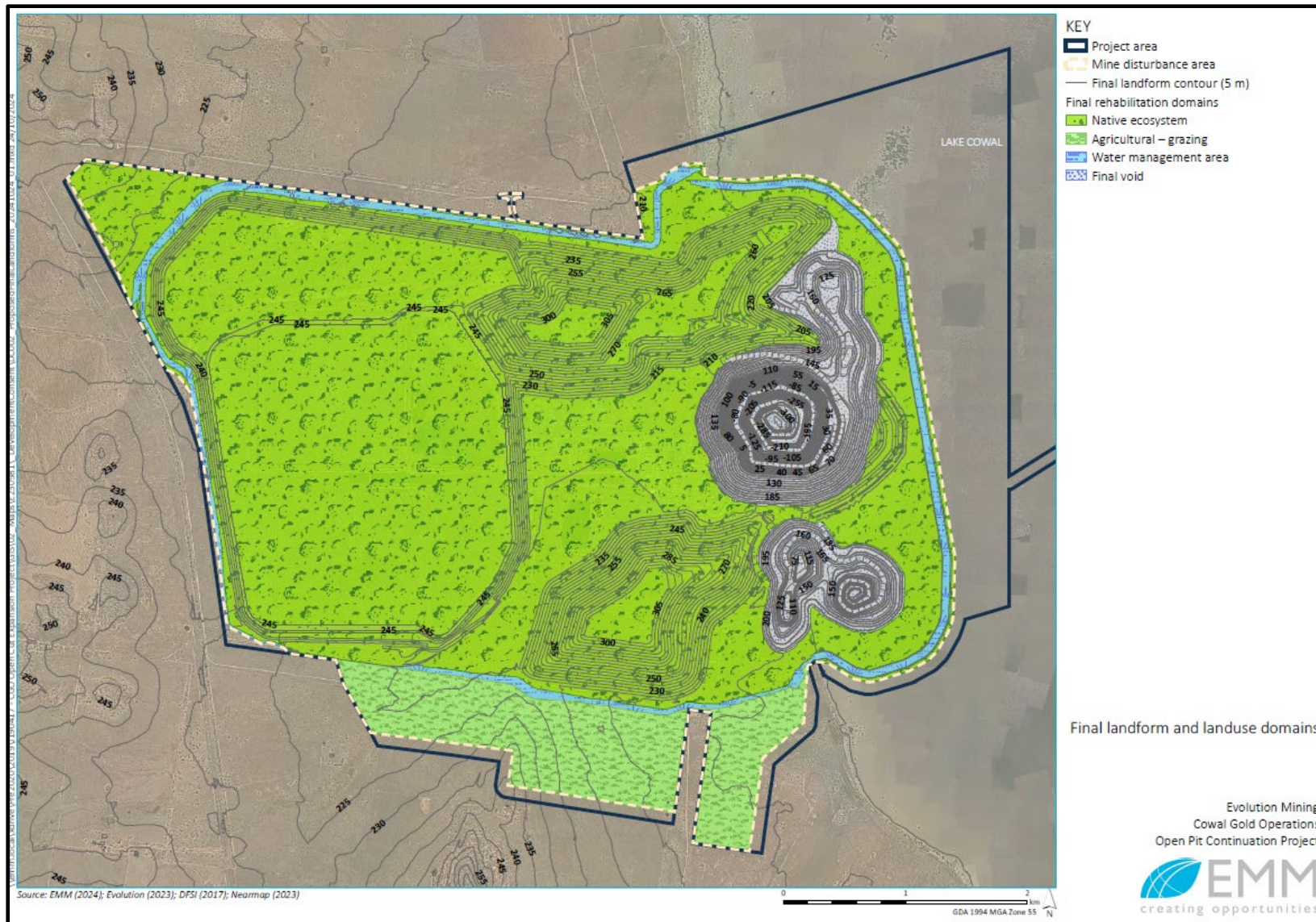


Figure 4: Final Landform

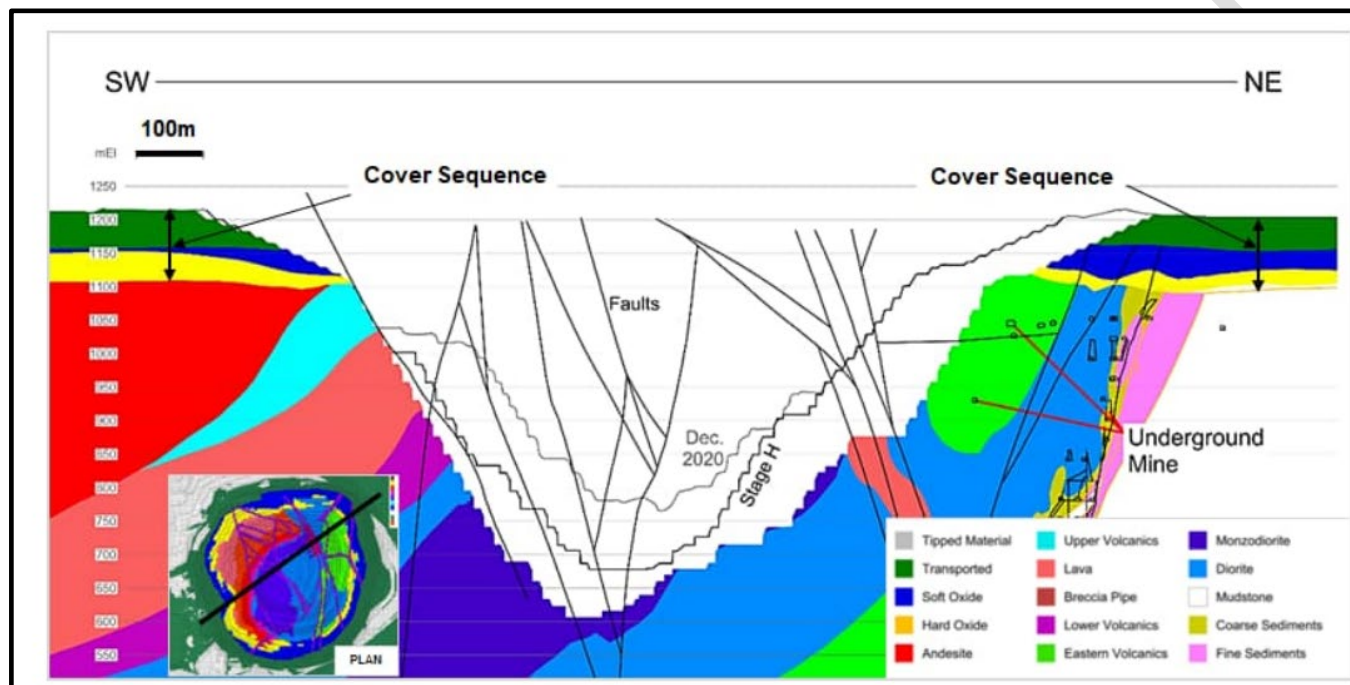


Figure 5: Cover sequence depicted in geological section through E42 pit

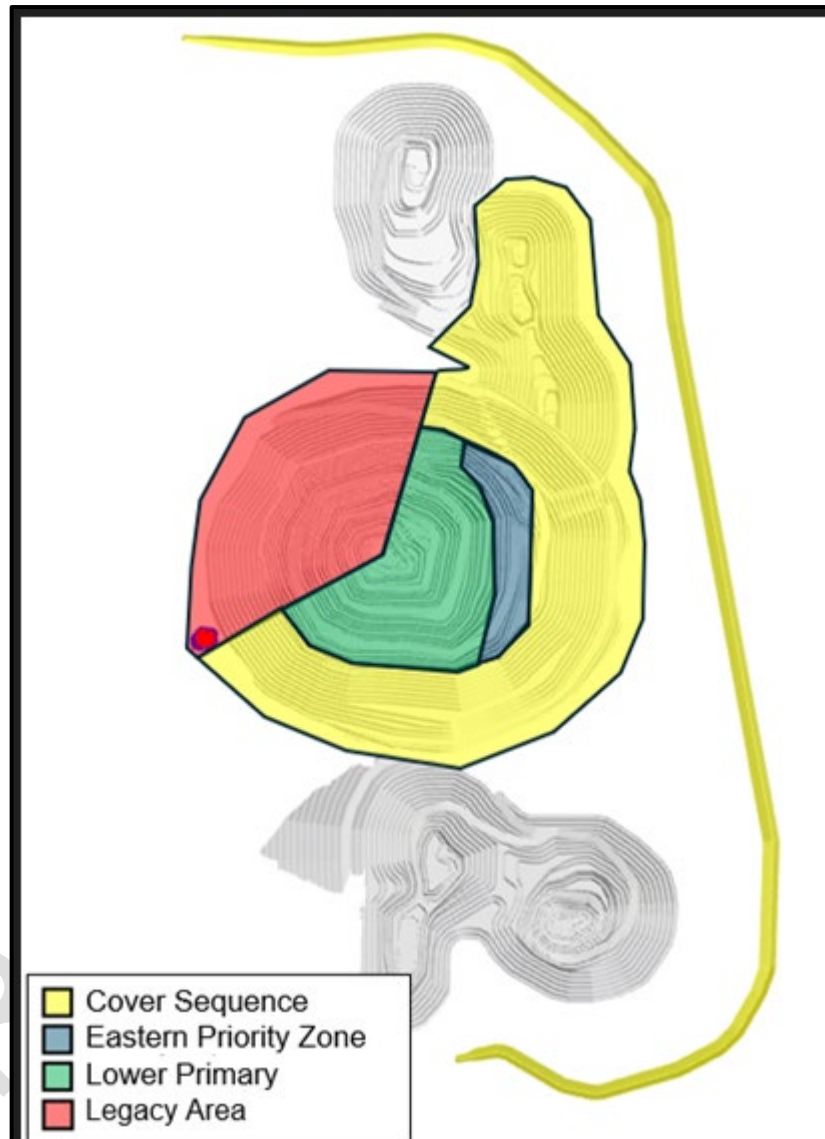


Figure 6: E42 open cut pit zones

APPENDIX 3 RECEIVER ZONES AND LOCATIONS

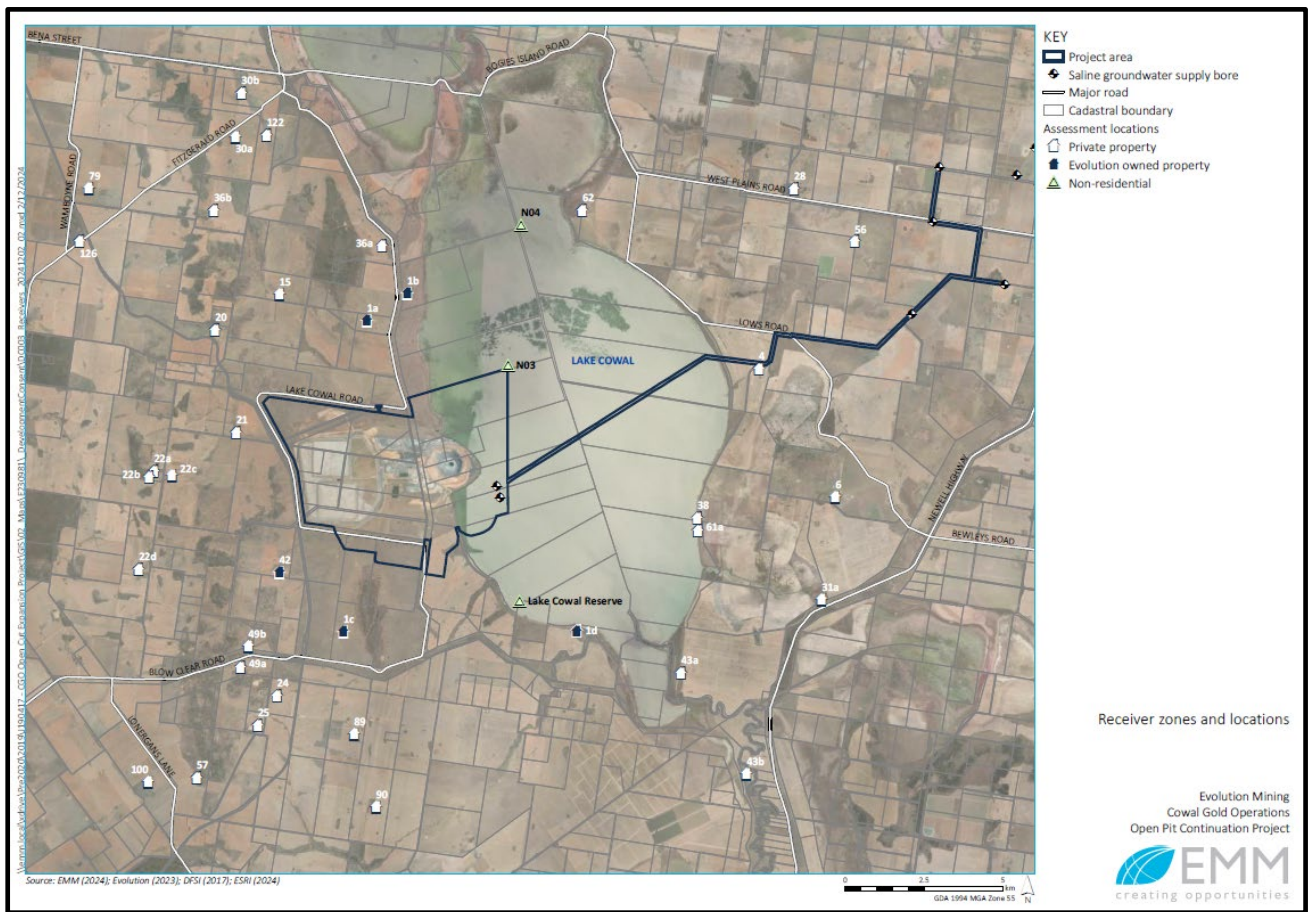


Figure 1: Receiver Zones and Locations

APPENDIX 4 BIODIVERSITY OFFSETS

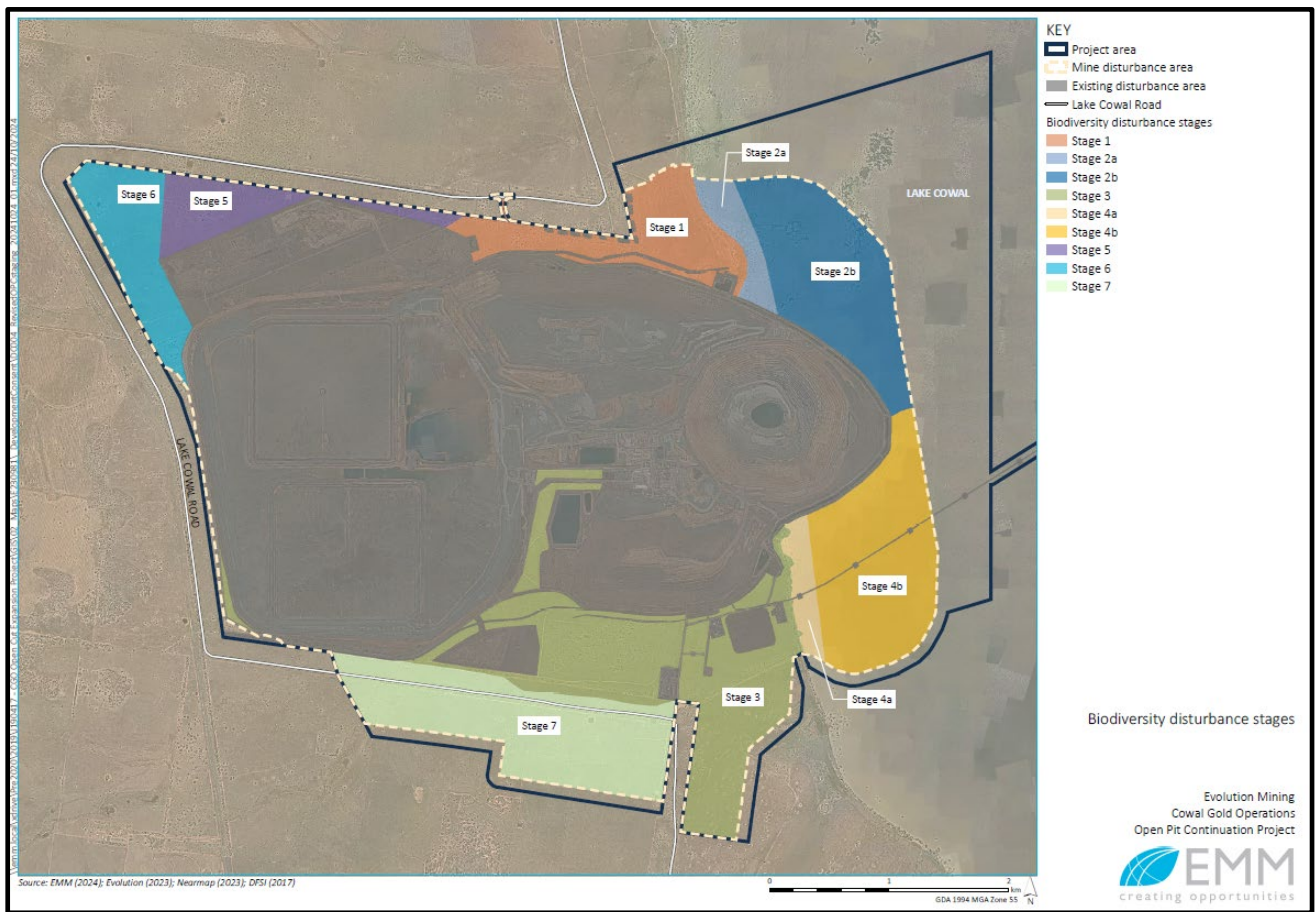


Figure 1: Biodiversity disturbance stages

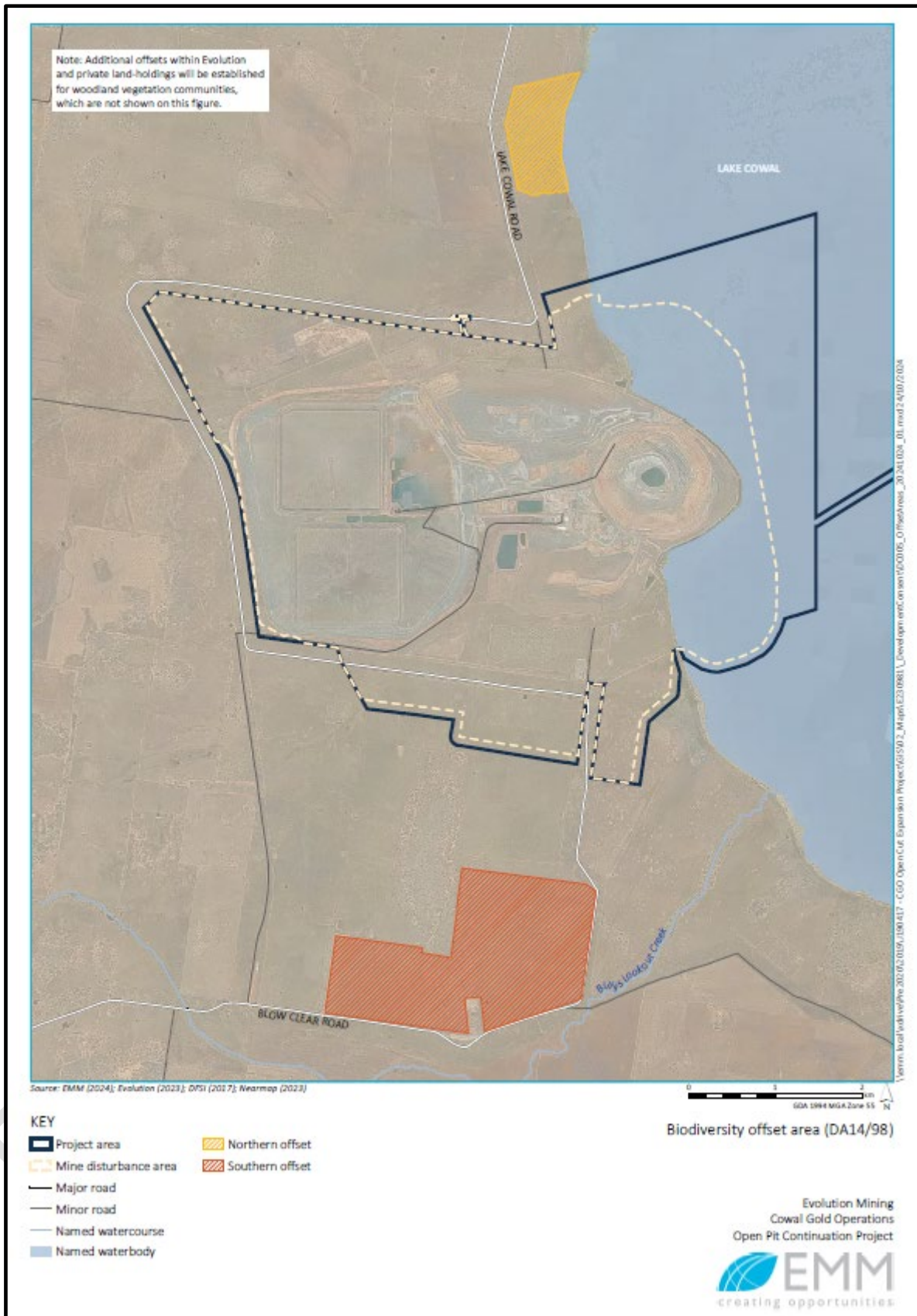


Figure 2: Biodiversity offset areas - Cowal Gold Mine (DA14/98)

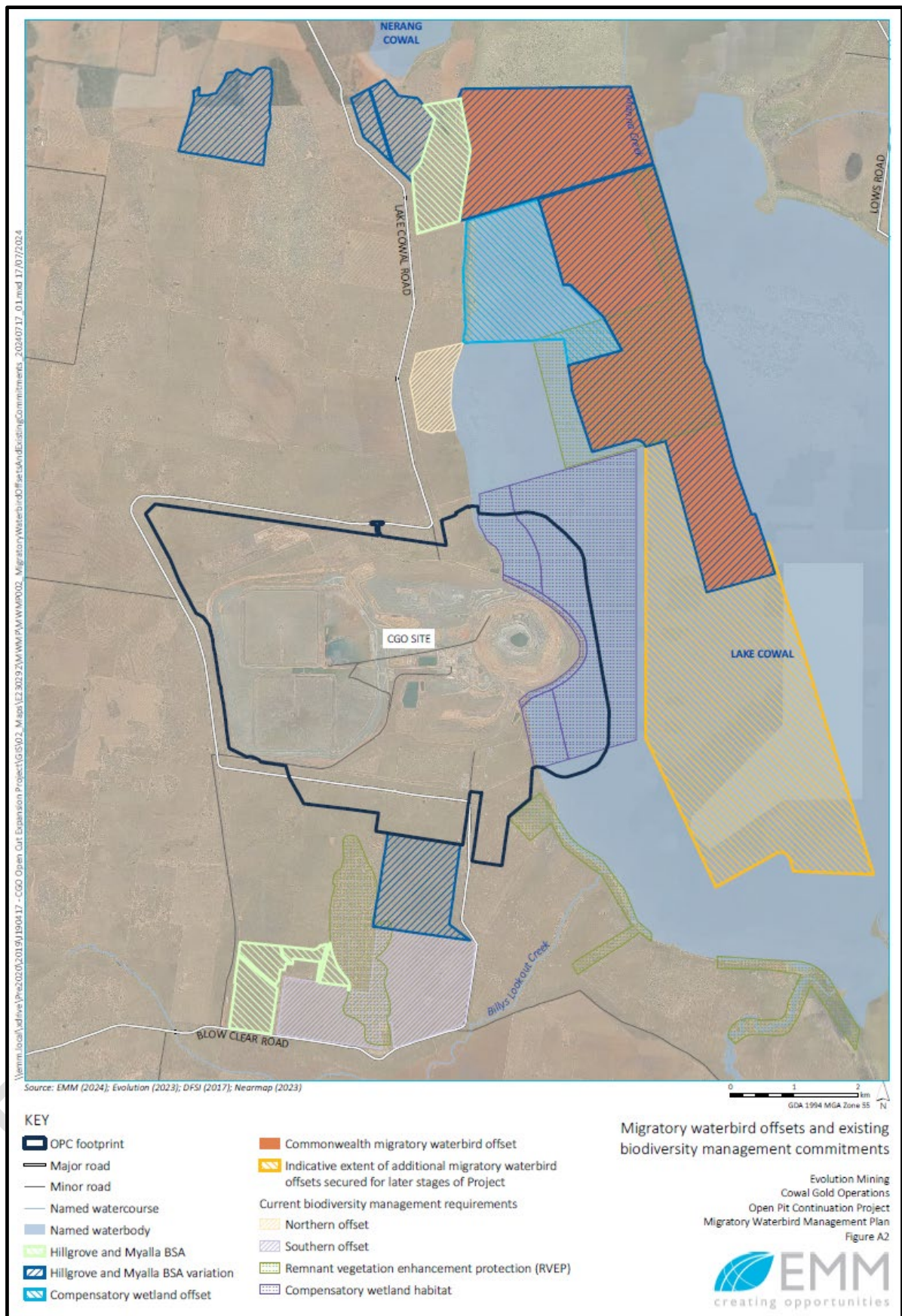


Figure 3: Biodiversity offset areas

APPENDIX 5 ABORIGINAL HERITAGE

Table 15 Aboriginal sites to be protected

AHIMS Site Number	Description
39-4-0318	Lake Cowal 2017-030 – hearth, presumed destroyed
39-4-0329	Lake Cowal 2017-006 – hearth, artefact scatter
39-4-0330	Lake Cowal 2017-016 – hearth
39-4-0331	Lake Cowal 2017-017 – hearth
39-4-0332	Lake Cowal 2017-018 – hearth
43-4-0055	Lake Cowal 2017-068 – hearth
43-4-0190	CGO H1 – hearth
43-4-0194	CGO A55 – medium density artefact scatter

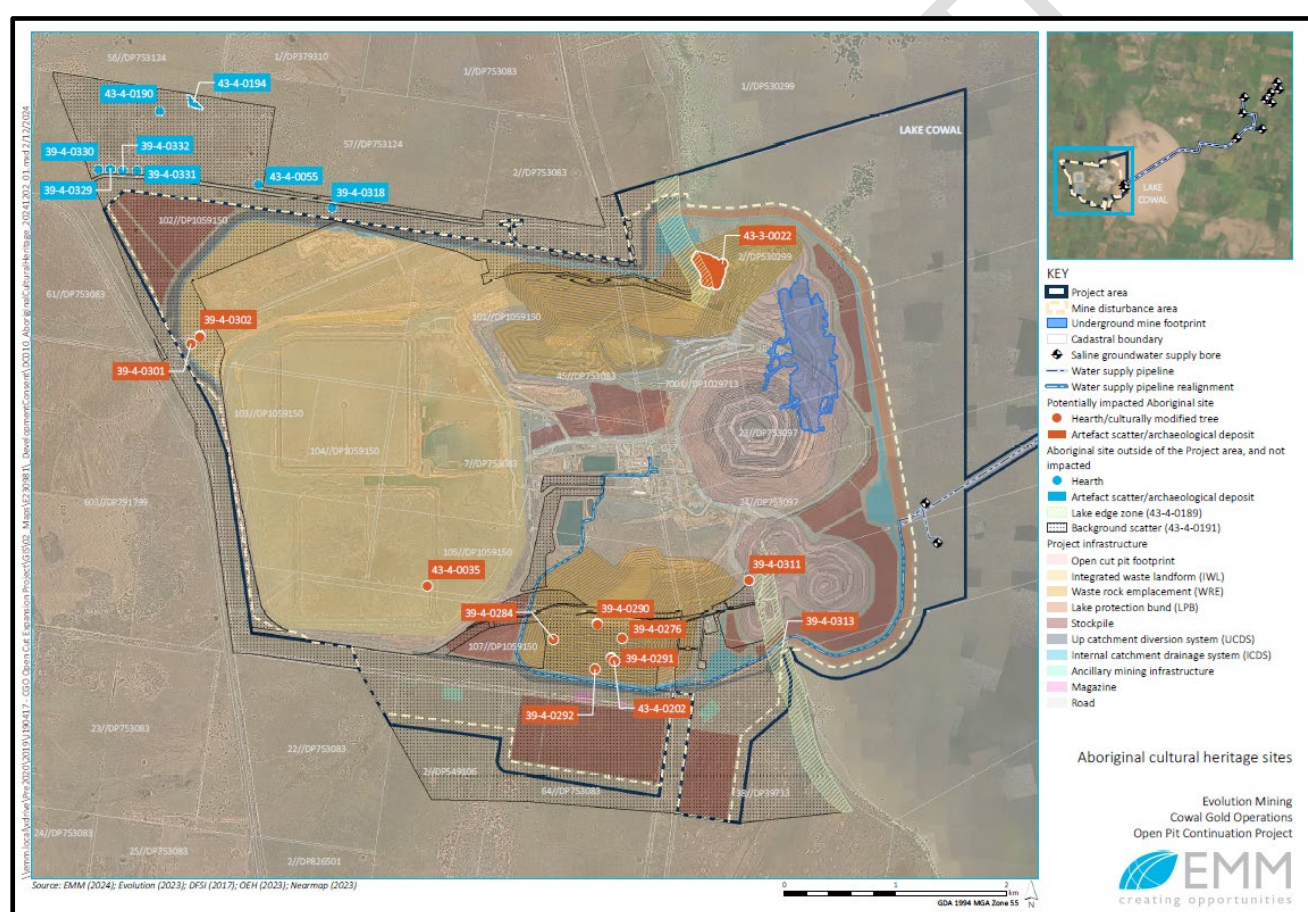


Figure 1: Aboriginal sites

APPENDIX 6 TRANSPORT ROUTES

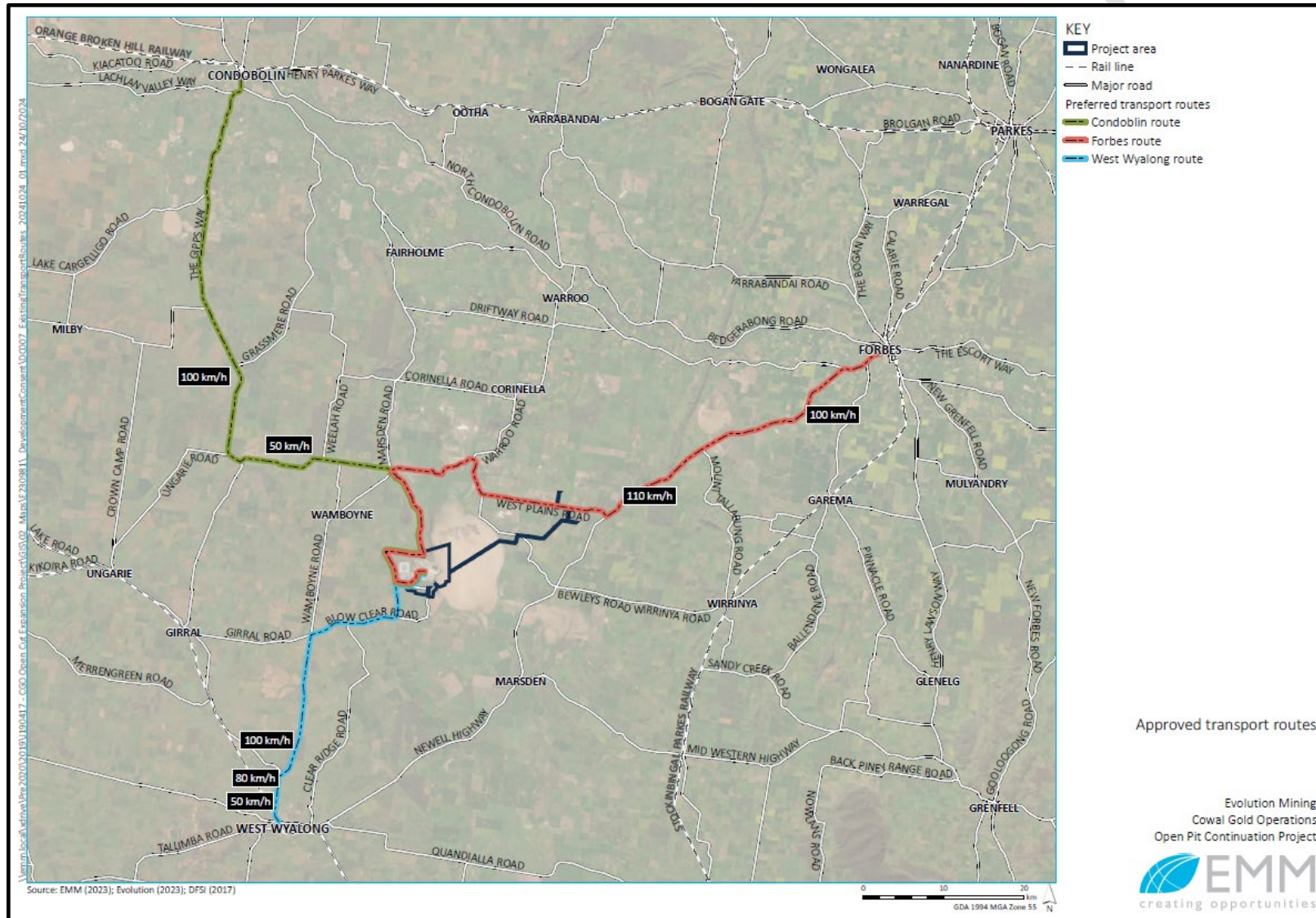


Figure 1: Approved Transport Routes

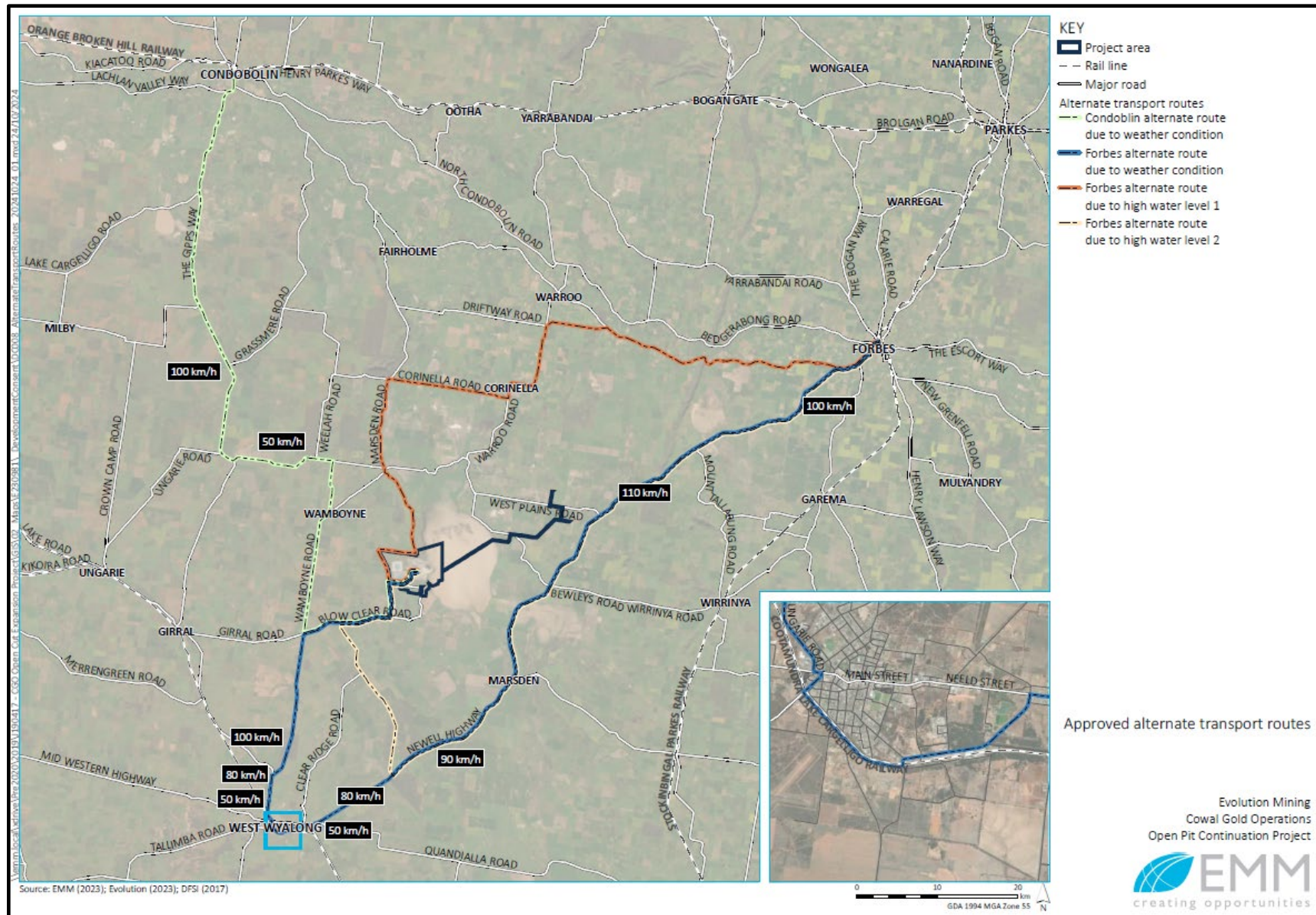


Figure 2: Approved Alternate Transport Routes

APPENDIX 7 GENERAL TERMS OF APPLICANT'S OFFER TO BLAND SHIRE COUNCIL

Item	Fund Reference	Annual Development Contribution (to be adjusted annually with the consumer price index)
1	Council Infrastructure Investment Fund	\$200,000 (in respect of underground development)
2	Council Infrastructure Investment Fund	\$200,000 (in respect of open cut development)
3	Road Maintenance Contribution	\$60,000
4	Direct Community Support and Sponsorships within Bland Shire	A minimum of \$250,000 per annum (averaged over five-year tranches)

Note: The table does not include road maintenance contributions made to BSC, LSC and FSC under a separate Memorandum of Understanding

APPENDIX 8 Incident Notification and Reporting Requirements

Incident Notification Requirements

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The applicant must provide notification as required under these requirements, even if the applicant fails to give the notification required under condition D8 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the applicant making the immediate incident notification (in accordance with condition D8), the applicant is required to submit a subsequent incident report that:
 - (a) identifies how the incident was detected;
 - (b) identifies when the applicant became aware of the incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the incident; and
 - (e) a summary of the incident;
 - (f) outcomes of an incident investigation, including identification of the cause of the incident;
 - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (h) details of any communication with other stakeholders regarding the incident.
4. The applicant must submit any further reports as directed by the Planning Secretary.