

Notice of Modification

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.



Chris Wilson
Executive Director
Major Project Assessment

Sydney, 12 March 2008

SCHEDULE 1

The development consent (DA 14/98), granted by the Minister for Urban Affairs and Planning for the Cowal Gold Project on 26 February 1999.

SCHEDULE 2

1. Delete the definitions for "Director-General", "DLWC", "DMR", "EPA", "NPWS" "NSW Agriculture" and "NSW Fisheries" from the Definitions in Schedule 2 and insert the following in alphabetical order, where appropriate:

DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of Planning, or delegate
DPI(Agriculture)	Department of Primary Industries (Agriculture)
DPI(Fisheries)	Department of Primary Industries (Fisheries)
DPI(Minerals)	Department of Primary Industries (Minerals)
DWE	Department of Water and Energy

2. Delete all references to "EPA" from Schedule 2 and replace with "DECC".
3. Delete all references to "NSW Agriculture" from Schedule 2 and replace with "DPI(Agriculture)".
4. Delete all references to "NSW Fisheries" from Schedule 2 and replace with "DPI(Fisheries)".
5. In condition 5.3(c) of Schedule 2 delete ", DMR and NPWS" and replace with "and DPI(Minerals)".
6. Except where specified above, delete all references to "DMR" from Schedule 2 and replace with "DPI (Minerals)".
7. In condition 3.4(a) of Schedule 2 delete "NPWS,".
8. In conditions 6.3(i) and 6.4(b) of Schedule 2 delete ", in consultation with NPWS if monitoring demonstrates bird breeding is impacted".
9. In condition 8.4(a)(ii) of Schedule 2 delete "in consultation with NPWS or".
10. Except where specified above, delete all references to "NPWS" from Schedule 2 and replace with "DECC" only as set out below:

Condition Number

3.4(a) where first occurring, 3.4(a)(x), 3.10(A)(ii), 8.1, 8.4(b)(ii)

11. In condition 3.5 delete "DLWC and".
12. In condition 3.5(a) delete "and DLWC".

13. Except where specified above, delete all references to "DLWC" in Schedule 2 and replace only as set out below:

Condition Number	Replace With
3.1(ii), 3.10(E), 4.1/4.2(a), 4.1/4.2(b), 4.1/4.2(c), 4.4(a), 4.4(b)(i), 5.2(a), 8.2(a) all occurrences, 9.2(i)(b), 9.2(iii), 12.1	"DWE"
3.5(b), 3.9(a), 5.2(b)	"DECC"
3.10(A)(i)	"DECC, DWE"

14. Delete all references to "Department of Urban Affairs and Planning" from Schedule 2 and replace with "Department".
15. In condition 1.3 of Schedule 2, delete the words "Minister for Urban Affairs and Planning" and replace with "Minister for Planning".
16. In condition 3.9(b) of Schedule 2, delete "Department of Infrastructure, Planning and Natural Resources (DIPNR)".
17. In condition 1.1 of Schedule 2, delete all words beneath the heading and insert the following:
- (a) The Applicant shall carry out the development generally in accordance with the:
 - (i) EIS dated 13 March 1998, including the Statement of Intent by North Gold (WA) Ltd, and prepared by Resource Strategies, as amended by the plans in Appendix 2 of this consent;
 - (ii) other relevant documentation, including the Applicant's primary submission, and submission in reply to the Commission of Inquiry;
 - (iii) modification application submitted by Barrick Australia Limited, dated 20 June 2003;
 - (iv) modification application and supporting information submitted by Barrick Australia Limited, dated 13 November 2003;
 - (v) modification application and supporting information submitted by Barrick Australia Limited, dated 22 June 2004;
 - (vi) modification application and supporting information submitted by Barrick Australia Limited, dated 15 August 2006;
 - (vii) modification application and supporting documentation submitted by Barrick Australia Limited, dated 24 December 2007; and
 - (viii) conditions of this consent.
 - (b) If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all such documents to the extent of any inconsistency.
18. Delete condition 3.4(a)(ii) of Schedule 2, and replace with the following:
- (ii) development of a protocol for the reporting of any native fauna deaths or other incidents involving native fauna on the mining lease to the DECC, DPI(Minerals), CEMCC and, in the case of fish, DPI(Fisheries). Native fauna deaths (except those attributable to physical trauma such as vehicle strike) must be reported as per this protocol within 24 hours. The Applicant shall maintain a record of any native fauna deaths or other incidents and this record shall be included in the AEMR.
19. Delete condition 4.1/4.2(a)(viii) of Schedule 2, and replace with the following:
- (viii) measures to evaluate water quality data obtained from monitoring required by condition 8.2(a)(iii) against records of baseline monitoring undertaken prior to development consent; and
20. In condition 8.2(a)(iii) of Schedule 2, delete the words "ongoing baseline".