Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

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

Date
Director

Sydney 2021

SCHEDULE 1

Application Number:	SSD 10367
Applicant:	Evolution Mining (Cowal) Pty Limited
Consent Authority:	Minister for Planning and Public Spaces
Site:	The land defined in Appendix 1
Development:	Cowal Underground Project

RECOMMENDED

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RECOMMENDED

DEFINITIONS

AHD	Australian Height Datum
Annual Review	The review required by condition C9
Applicant	Evolution Mining (Cowal) Pty Limited, or any person carrying out any development under this consent
BCA	Building Code of Australia
BCS	Biodiversity, Conservation and Science Directorate within the Department
BSC	Bland Shire Council
Calendar year	A period of 12 months from 1 January to 31 December
CEMCC	Community Environmental Monitoring and Consultative Committee required by condition A11
Conditions of this consent	Conditions contained in Schedule 2
Construction	All physical works required to enable mining operations under this consent to be carried out, including demolition and removal of buildings or works and erection of buildings and other infrastructure permitted by this consent (including, but not limited to, the box-cut, paste fill plant, main portal, development decline, fresh air intake adits, exhaust adit, ventilation infrastructure, and access roads), but not including pre-construction works
Cowal Gold Operations	The combined operations of the Open Cut Operations and the Underground Mine Development
DSNSW	Dams Safety NSW
Date of commencement	The date notified to the Department by the Applicant under condition A5(a)
Decommissioning	The deconstruction or demolition and removal of works and buildings 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, Industry and Environment
Development	The development described in the document/s listed in condition A2(c), as modified by the conditions of this consent
Development Layout	The indicative development layout depicted in Figure 2 in Appendix 2
DPI Fisheries	NSW Department of Primary Industries Fisheries
DPIE Crown Lands	Crown Lands Group within the Department
DPIE Water	Water Group within the Department
EIS	The Environmental Impact Statement titled *Cowal Gold Operations Underground Development Environmental Impact Statement*, prepared by EMM Pty Ltd on behalf of Evolution Mining (Cowal) Pty Ltd, dated October 2020; the Applicant's report titled *Cowal Gold Operations Underground Development Project/Modification 16 Submissions Report* dated February 2021; and additional information provided by the Applicant on 26 April 2021, 12 May 2021, 20 May 2021 and 22 September 2021 in support of the application.
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	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
Feasible	Means what is possible and practical in the circumstances
FSC	Forbes Shire Council
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
LSC	Lachlan Shire Council
Material harm	Is harm to the environment that: • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • results in actual or potential 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) This definition excludes "harm" that is authorised under either this consent or any other statutory approval
Mine closure	Decommissioning and final rehabilitation of the site following the cessation of mining operations
Mine water	Water that accumulates within, or drains from, active mining and infrastructure areas and any other disturbed and unrehabilitated areas
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The carrying out of mining and mining related activities, including stope development, extraction of ore, transportation of ore and waste rock to the surface, backfilling of stopes, and underground development necessary for mining operations to be carried out (including installation and use of electricity, water, communications and other services and infrastructure)
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Open Cut Operations	Open cut mining operations and associated development approved under DA 14/98 (as modified), as shown on the figure 1 in Appendix 2
PA	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
Pre-Construction works	Pre-construction works that may be required for the development, including surveys, acquisitions, fencing, investigative or geotechnical drilling or excavation, minor clearing, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided (including service relocations)
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
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Resources Regulator	NSW Resources Regulator within the Department of Regional NSW
Site	The land defined in Appendix 1 and shown in figure 1 in Appendix 2
TfNSW	Transport for NSW (incorporating the former NSW Roads and Maritime Services)
Underground Mine Development	The underground mining operations and associated development approved under this consent, as shown in figure 1 in Appendix 2.

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria 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 made under condition A3;

(c) generally in accordance with the EIS; and

(d) generally in accordance with the Development Layout.

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 paragraph (a).

A4. The conditions of this consent and directions of the Planning Secretary made under condition A3 prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

NOTIFICATION OF COMMENCEMENT

A5. The Applicant must notify the Department in writing of the date of commencement of each of the following phases of development, at least two weeks before that date:

(a) commencement of development under this consent;

(b) commencement of construction under this consent;

(c) commencement of mining operations under this consent;

(d) cessation of mining operations (i.e. mine closure); and

(e) any period of suspension of mining operations (i.e. care and maintenance).

A6. If the development is to be further staged, the Department must be notified in writing at least two weeks prior to the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

LIMITS OF CONSENT

Mining Operations

A7. Mining operations may be carried out on the site within the approved disturbance area until 31 December 2040.

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.*

Identification of Approved Disturbance Area

A8. Within three months of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must provide to the Department a survey plan (or spatial files in format agreed by the Planning Secretary) of the boundaries of the approved disturbance areas.

PLANNING AGREEMENT

A9. Within 6 months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a PA with BSC in accordance with:

(a) Division 7.1 of Part 7 of the EP&A Act; and

(b) the terms of the Applicant's offer to BSC in Appendix 4.

RECOMMENDED

A10. If there is any dispute between the Applicant and BSC in regards to condition A9 then either party may refer the matter to the Planning Secretary for resolution.

COMMUNITY CONSULTATIVE COMMITTEE

A11. The Applicant must operate of the Community Environmental Monitoring and Consultative Committee (CEMCC) established under DA 14/98 for the Cowal Gold Operations. The CEMCC must be operated in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019) during the life of the development, or other timeframe agreed by the Planning Secretary.

Notes:

- The CEMCC is an advisory committee only.
- In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, BSC and the local community.

EVIDENCE OF CONSULTATION

A12. Where conditions of this consent require consultation with an identified party, the Applicant must:

(a) consult with the relevant party prior to submitting the subject document for approval; and

(b) provide details of the consultation undertaken to the Planning Secretary, including:

(i) the outcome of that consultation, matters resolved and unresolved; and

(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A13. With the approval of the Planning Secretary, the Applicant may:

(a) prepare and submit any strategy, plan or program required by this consent 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);

(b) 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) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and

(d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by other consents for the Cowal Gold Operations subject to common, shared or related ownership or management.

A14. 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.

A15. 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.

PUBLIC INFRASTRUCTURE

Protection of Public Infrastructure

A16. 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 made by the Applicant to the relevant Council or to damage subject to compensation under the Mining Act 1992.*

DEMOLITION

A17. 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

A18. 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:

RECOMMENDED

- *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 EP&A Regulation sets out the requirements for the certification of the development.*

OPERATION OF PLANT AND EQUIPMENT

A19. 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.

COMPLIANCE

A20. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

A21. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) of the condition.

A22. However, 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, Standard or policy, or a replacement of them.

CROWN LAND

A23. The Applicant must consult with DPIE Crown Lands prior to undertaking 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 DPIE 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 DPIE Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.*

RECOMMENDED

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

WATER

Water Supply

B1. 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.

B2. The Applicant must report on water extracted from the Cowal Gold Operations each year (direct and indirect) in the Annual Review, including water taken under each water licence.

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

B3. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the Cowal Gold Operations, in consultation with DPIE Water, and to the satisfaction of the Planning Secretary.

B4. The compensatory water supply measures must provide an alternative long term supply of water that is equivalent, in quality and volume, to the loss attributable to the Cowal Gold Operations. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.

B5. If the Applicant and the landowner cannot agree on whether the loss of water is attributed to the Cowal Gold Operations or 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.

B6. If the Applicant is unable to provide an alternative long term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.

B7. However, conditions B3 to B6 do not apply if the Applicant has a compensatory water agreement with the owner/s of the land and the Applicant has advised the Department in writing of the terms of this agreement.

Notes*:*

- *The Water Management Plan (see condition B9) is required to include trigger levels for investigating potentially adverse impacts on water supplies.*
- *The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.*
- *For the avoidance of doubt, the Applicant is not required to provide compensatory water supplies under this consent if equivalent compensatory water supplies are provided under the consent for the open cut operations.*

Water Management Performance Measures

B8. The Applicant must ensure that the Cowal Gold Operations complies with the performance measures in Table .

Table 1: *Water management performance measures*

Feature	***Performance Measure***
Water management – General	• Maximise water recycling, reuse and sharing opportunities • Minimise the need for make-up water from external supplies, particularly the use of higher quality water used by other land users • Design, install, operate and maintain water management infrastructure 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 caused by the Cowal Gold Operations beyond those predicted in the EIS, including: – negligible change in groundwater levels beyond those predicted; – negligible change in water quality beyond those predicted; – negligible impact to other groundwater users; and – no exceedance of the minimal impact considerations in the *NSW Aquifer Interference Policy*

RECOMMENDED

Feature	*Performance Measure*
Lake Cowal and other surface water resources	• Negligible impacts to Lake Cowal and other surface water resources caused by the Cowal Gold Operations beyond those predicted in the EIS, including: – negligible change in lake volume; – negligible change in surface water quality; and – negligible impact to other surface water users
Borefields	• Implement all reasonable and feasible measures to ensure that extraction of groundwater from the borefields does not result in exceedances of established mitigation trigger response levels • Negligible impact to other groundwater users caused by the extraction of water from the borefields by the Applicant
Up-Catchment Diversion System (UCDS)	• Maximise, as far as reasonable and feasible, the diversion of all clean water around disturbed areas
Internal Catchment Drainage System (ICDS)	• Storages are suitably designed, installed and maintained to ensure no discharge of mine water or sediment-laden water outside the ICDS • Storages are suitably designed, installed and maintained to minimise the migration of pollutants due to discharges within the ICDS • Storages are suitably designed, installed and maintained to minimise permeability, and prevent or minimise the migration of pollutants due to seepage
Flood mitigation	• Design, install and maintain the lake isolation system to exclude exchange of water between the ICDS and Lake Cowal for all flood events up to and including the Probable Maximum Flood • Negligible change to off-site flood regime, including flows, levels, storage capacity or velocities
Chemical and hydrocarbon storage	• Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard
Groundwater dependent ecosystems	• Negligible environmental consequences to groundwater dependent ecosystems • Negligible environmental consequences to fish and aquatic habitat

Water Management Plan

B9. The Applicant must prepare a Water Management Plan for the Cowal Gold Operations to the satisfaction of the Planning Secretary. This plan must:

(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;

(b) be prepared in consultation with DPIE Water, EPA, FSC, DPI Fisheries, DSNSW and Resources Regulator;

(c) be submitted to the Planning Secretary for approval prior to commencing any construction works associated with the Underground Mine Development and/or Modification 16 as described in the EIS, unless the Planning Secretary agrees otherwise;

(d) include a:

(i) <u>Site Water Balance</u> that:

- includes details of:
  - predicted inflows and outflows;
  - sources and security of water supply, including contingency planning for various climate scenarios and allocations;
  - preferential water supply to prioritise internal and poorer quality water supplies over external and higher quality water supplies;
  - measures to ensure that average extraction of water from the borefields does not exceed the relevant performance measures in Table 1;

    - water use and management;
    - any off-site water transfers; and
    - reporting procedures, including the annual preparation of an updated site water balance; and
  - investigates and implements all reasonable and feasible measures to minimise water use;

(ii) Surface Water Management Plan, that includes:
  - detailed baseline data on surface water flows and quality in Lake Cowal and other waterbodies (including Bland Creek and Sandy Creek) that could be affected by the Cowal Gold Operations;
  - a detailed description of the water management system, including the;
    - Up-Catchment Diversion System;
    - Internal Catchment Drainage System; and
    - Lake Isolation System;
  - detailed objectives and performance criteria, including trigger levels for investigating any potentially adverse impacts associated with the Cowal Gold Operations for:
    - the water management system;
    - downstream surface water flows and quality;
    - downstream flooding impacts;
    - water supply for other water users; and
    - lake, stream and riparian health;
  - a program to monitor and evaluate:
    - compliance with the relevant performance measures in Table 1 and the performance criteria established above;
    - the effectiveness of the water management system;
    - surface water flows and quality, stream and riparian health in Lake Cowal and other waterbodies (including Bland Creek and Sandy Creek) that could be affected by the Cowal Gold Operations;
    - downstream flooding impacts;
    - stability of the Lake Isolation System; and
    - impacts on water users;
  - reporting procedures for the results of the monitoring program; and
  - a plan to respond to any exceedances of the performance measures or performance criteria, and mitigate any adverse surface water impacts of the Cowal Gold Operations, including contingency strategies for addressing:
    - any discharge of pollutants from on-site water storages, tailings dams, emplacements, infrastructure and processing areas (including pipelines and borefield infrastructure); and
    - any identified impacts to Lake Cowal and other waterbodies;

(iii) Groundwater Management Plan, that includes:
  - detailed baseline data on groundwater levels, yield and quality in the region that could be affected by the Cowal Gold Operations, including privately-owned groundwater bores and groundwater dependent ecosystems;
  - 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;
  - detailed objectives and performance criteria, including trigger levels for investigating any potentially adverse impacts associated with the Cowal Gold Operations for:
    - the groundwater management system;
    - local and regional aquifers;
    - groundwater users bores;
    - groundwater inflows to the mining operations;
    - seepage/leachate from water storages, tailings dams, emplacements, infrastructure and processing areas, and final void; and
    - groundwater dependent ecosystems;
  - a program to monitor and evaluate:
    - compliance with the relevant performance measures listed in Table 1 and the performance criteria established above;
    - the effectiveness of the groundwater management system;
    - groundwater inflows to the mining operations;
    - any localised enhanced groundwater inflows associated with faults or other structures;
    - seepage/leachate from water storages, tailings dams, emplacements, infrastructure and processing areas, and final void, including migration over the short and long term;
    - background changes in groundwater yield/quality against mine-induced changes;
    - impacts of the Cowal Gold Operations on:
      - local and regional aquifers;
      - Lake Cowal and other waterbodies;
      - groundwater supply of potentially affected landowners; and
      - groundwater dependent ecosystems; and
  - reporting procedures for the results of the monitoring program; and

RECOMMENDED

- a plan to respond to any exceedances of the performance measures or performance criteria, and mitigate any adverse groundwater impacts of the Cowal Gold Operations, including contingency strategies for addressing:
  - seepage/leachate of pollutants from on-site water storages, tailings dams, emplacements, infrastructure and processing areas, and final void;
  - any localised enhanced groundwater inflows associated with faults or other structures;
  - any exceedance of trigger levels at the borefields; and

(iv) a program to validate the water balance and groundwater model for the Cowal Gold Operations every 3 years, and compare against monitoring results with modelled predictions.

Note: The groundwater monitoring program should provide for additional nested monitoring bores within Lake Cowal, as recommended by DPIE Water in its advice to the Department dated 29 April 2021, and by the Department's independent groundwater expert in his advice to the Department dated 20 May 2021.

B10. The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

SUBSIDENCE MANAGEMENT

Paste Fill

B11. The Applicant may only use consolidated paste fill material to backfill stopes.

B12. The Applicant must ensure material used to backfill stopes maintains long term stope stability and results in negligible environmental harm.

B13. The Applicant must prepare a report to confirm that the paste fill material meets the performance measures in Condition B12. 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

B14. The Applicant must not mine stopes above 80 m AHD, unless otherwise agreed by the Planning Secretary.

B15. The Applicant must prepare a Subsidence Monitoring Program, which has been prepared in consultation with the Resources Regulator, that includes:

(a) a detailed description of ongoing subsidence monitoring;

(b) detailed baseline data for subsidence monitoring above the Underground Mine Development 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 (TARP) 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.

B16. Within two years of commencement of the development 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.

B17. The Applicant must implement the Subsidence Monitoring Program as approved by the Planning Secretary.

TRANSPORT

Road Upgrades

B18. The Applicant must construct a Basic Right Turn within the Newell Highway at its intersection with West Plains Road:

(a) in accordance with the relevant Austroads guidelines, Australian Standards and TfNSW specifications, to the satisfaction of TfNSW;

(b) at no cost to TfNSW; and

(c) prior to commencement of mining operations, unless otherwise agreed by the Planning Secretary.

RECOMMENDED

B19. If there is any dispute between the Applicant and TfNSW in implementing these requirements, then any of the parties may refer the matter to the Planning Secretary for resolution.

VISUAL

Visual Amenity and Lighting

B20. The Applicant must:

(a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development and shield public views of the development;

(b) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;

(c) 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);

(d) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*; and

(e) ensure that the visual appearance of all new buildings, structures, facilities or works which are visible from outside the site (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.

WASTE

B21. The Applicant must:

(a) take all reasonable steps to minimise the waste generated by the development;

(b) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);

(c) dispose of all waste at appropriately licensed waste facilities;

(d) manage on-site sewage treatment and disposal in accordance with the requirements of BSC; and

(e) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition C9.

DANGEROUS GOODS

B22. The Applicant must ensure that the storage, handling, and transport of:

(a) dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code; and

(b) explosives are managed in accordance with the requirements of the Resources Regulator.

REHABILITATION

Rehabilitation Objectives

B23. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining leases(s) associated with the development under the *Mining Act 1992*. The rehabilitation must be generally consistent with the proposed rehabilitation objectives described in the documents listed in condition A2(c) (and shown conceptually in Figure 1 in Appendix 3), and must comply with the objectives in Table 2Table 2.

Table 2: *Rehabilitation objectives*

Feature	*Objective*
Stopes	• 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 Resources Regulator agrees otherwise
Community	• Ensure public safety • Minimise adverse socio-economic effects associated with mine closure

Rehabilitation Management Plan

B24. The Applicant must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*. The plan must:

(a) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);

RECOMMENDED

(b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform (including final voids) and final land use; and

(c) include a program to monitor and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria.

Note: *The Rehabilitation Management Plan may be combined with a Mining Operations Plan, or similar plan, required under the mining lease granted for the development.*

SOCIAL

Construction Workforce Accommodation

B25. The Applicant must prepare a Construction Workforce Accommodation Plan for the development to the satisfaction of the Planning Secretary. This plan must:

(a) be prepared in consultation with BSC, FSC and LSC;

(b) be submitted to the Planning Secretary for approval prior to commencing construction;

(c) provide details of the construction workforce numbers, including local and non-local workers, for all stages of construction; and

(d) demonstrate that the construction workforce can be suitably housed.

B26. The Applicant must implement the Construction Workforce Accommodation Plan as approved by the Planning Secretary.

RECOMMENDED

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

C1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:

(a) be submitted to the Planning Secretary for approval prior to commencing construction under this consent;

(b) provide the strategic framework for environmental management of the development;

(c) identify the statutory approvals that apply to the development;

(d) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;

(e) set out the procedures 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; and

(f) include:

(i) references to any strategies, plans and programs approved under the conditions of this consent; and

(ii) a clear plan depicting all the sites where monitoring is to be carried out under the conditions of this consent.

C2. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

Adaptive Management

C3. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria 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 criteria 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 reoccur.

(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

C4. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:

(a) summary of relevant background or baseline data;

(b) details of:

(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);

(ii) any relevant limits or performance measures and criteria; and

(iii) the 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;

(c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);

(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;

(e) a program to monitor and report on the:

(i) impacts and environmental performance of the development; and

(ii) effectiveness of the management measures set out pursuant to paragraph (d);

(f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;

(g) a program to investigate and implement ways to improve the environmental performance of the development over time;

(h) a protocol for managing and reporting any:

(i) incident, non-compliance or exceedance of any impact assessment criterion or performance measure;

RECOMMENDED

(ii) complaint; or

(iii) failure to comply with other statutory requirements;

(i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and

(j) 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

C5. Within three months of:

(a) the submission of an incident report under condition C7;

(b) the submission of an Annual Review under condition C9;

(c) the submission of an Independent Environmental Audit under condition C11; or

(d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise);

(e) notification of a change in development phase under condition A5; or

(f) a direction of the Secretary under condition A3 of Schedule 2

the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

C6. If necessary, to either improve the environmental performance of the development or 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

C7. The Applicant must immediately notify the Department and any other relevant agencies after it becomes aware of an incident. The notification must be in writing via the Department's Major Projects Website and must identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

C8. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance in writing via the Department's Major Projects Website. The notification must identify the development (including the development application number and name) and the consent condition that the development is non-compliant with. It must also describe how it does not comply, the reasons for the non-compliance (if known), and the actions have been, or will be, undertaken 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

C9. By the end of March each year after the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the Cowal Gold Operations, to the satisfaction of the Planning Secretary. This review must:

(a) 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;

(b) 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 document/s listed in condition A2(c);

(c) 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;

(d) evaluate and report on compliance with the performance measures, criteria and operating conditions of this consent;

(e) identify any trends in the monitoring data over the life of the development;

RECOMMENDED

(f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and

(g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

C10. Copies of the Annual Review must be submitted to BSC and made available to the CEMCC and any interested person upon request.

Independent Environmental Audit

C11. Within one year of the date of commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:

(a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;

(b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;

(c) be carried out in consultation with the relevant agencies and the CEMCC;

(d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);

(e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;

(f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and

(g) be conducted and reported to the satisfaction of the Planning Secretary.

C12. Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Monitoring and Environmental Audits

C13. 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.

For the purposes of this condition, as set out in the EP&A Act, “monitoring” means monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” means 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.

ACCESS TO INFORMATION

C14. Within three months of the date of commencement of development under this consent, until the completion of all rehabilitation required under this consent, the Applicant must:

(a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:

(i) the document/s listed in condition A2(c);

(ii) all current statutory approvals for the development;

(iii) all approved strategies, plans and programs required under the conditions of this consent;

(iv) minutes of CEMCC meetings;

(v) 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;

(vi) 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;

(vii) a summary of the current phase and progress of the development;

(viii) contact details to enquire about the development or to make a complaint;

(ix) a complaints register, updated monthly;

(x) the Annual Reviews of the development;

RECOMMENDED

(xi) 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; and

(xii) any other matter required by the Planning Secretary; and

(b) keep such information up to date, to the satisfaction of the Planning Secretary.

RECOMMENDED

APPENDIX 1 SCHEDULE OF LAND

LOT	*DP*	*OWNERSHIP*
23	753097	Evolution Mining (Cowal) Pty Limited
24	753097	Evolution Mining (Cowal) Pty Limited
2	530299	Evolution Mining (Cowal) Pty Limited
7001	1029713	Crown Land
7303	1143731	Crown Land

RECOMMENDED

APPENDIX 2 DEVELOPMENT LAYOUT

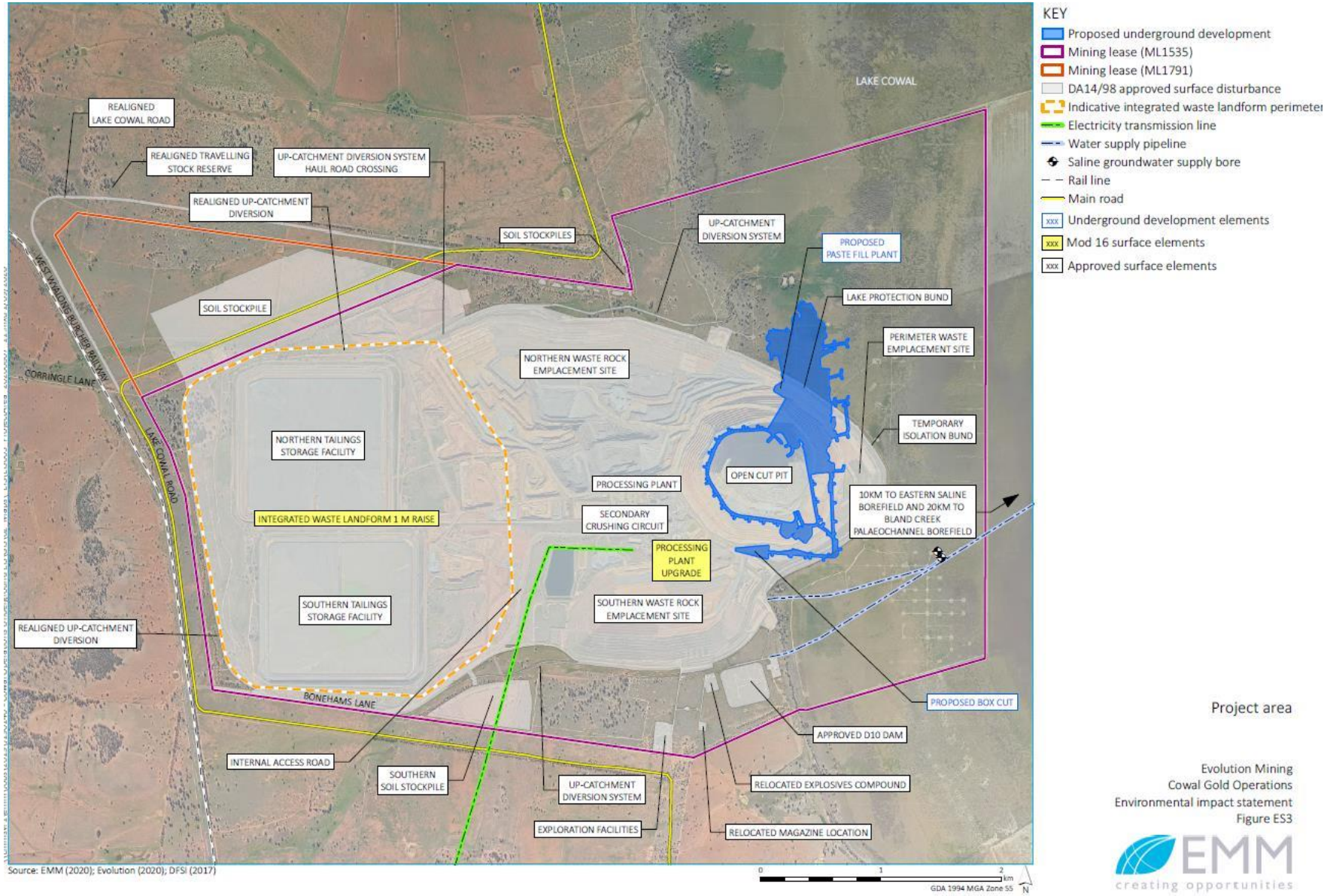

Figure 1: Development Layout

APPENDIX 3 REHABILITATION PLAN

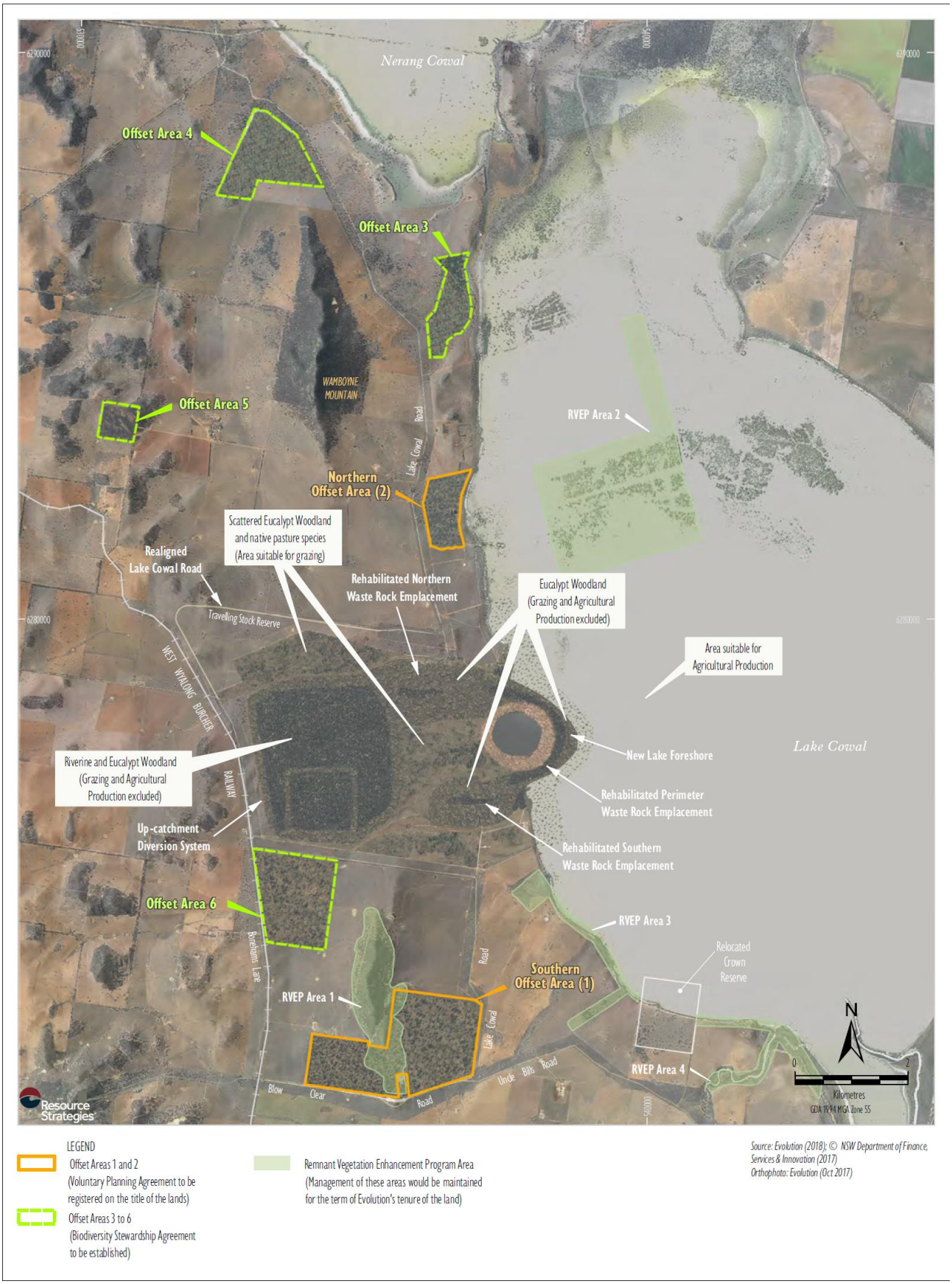

Figure 1: Conceptual Rehabilitation Plan

APPENDIX 4 GENERAL TERMS OF APPLICANT'S VPA OFFER

BLAND SHIRE COUNCIL

Applicant's Contribution	*Intended Use*
$250,000	Initial sign-on amount
$200,000	Annual contribution to the Bland Shire Council for the length of the granted term of the Development Consent
$60,000	Annual contribution to road maintenance costs for the length of the granted term of the Development Consent
$150,000	Minimum annual contribution for targeted Community initiatives for the length of the term for the Development Consent
$25,000	One off contribution to the Bland Shire Council Housing Strategy

RECOMMENDED