



APPROVAL

Cowal Gold Operations – increased processing rate, Lake Cowal, New South Wales (EPBC 2017/7989)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	Evolution Mining (Cowal) Pty Limited
ABN of approval holder	75 007 857 598
Action	To modify/expand the existing tailings storage facilities within mining lease (ML) 1535, including relocating water management and ancillary infrastructure and the relocation of a portion of the Travelling Stock Reserve and Lake Cowal Road. To duplicate the water supply pipeline along its length, up to Bore 4 of the Bland Creek Palaeochannel Borefield [See EPBC Act referral 2017/7989].

Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.


Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 31/12/2032

Decision-maker

<i>Name and position</i>	Dane Roberts Acting Assistant Secretary of the Assessments and Waste Branch Department of the Environment and Energy
<i>Signature</i>	
<i>Date of decision</i>	25/01/2019

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.



ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

Impacts

1. The approval holder must not **clear** more than 1.5 hectares of **Weeping Myall Woodlands** within the areas designated “BAR Footprint – Mine Site” and “BAR Footprint – Pipeline” in **Attachment 1**.
2. The approval holder must not **clear** more than 11.5 hectares of **Grey Box Grassy Woodlands** within the areas designated “BAR Footprint – Mine Site” and “BAR Footprint – Pipeline” in **Attachment 1**.
3. The approval holder must not **clear** more than 0.4 hectares of **breeding habitat** for the **Superb Parrot** within the areas designated “BAR Footprint – Mine Site” and “BAR Footprint – Pipeline” in **Attachment 1**.
4. The approval holder must not **clear** more than 25.9 hectares of **foraging habitat** for the **Superb Parrot** within the areas designated “BAR Footprint – Mine Site” and “BAR Footprint – Pipeline” in **Attachment 1**.

Compensation measures

5. To compensate for the loss of 1.5 hectares of **Weeping Myall Woodlands**, the approval holder must, within 2 years of **commencement of the action**, retire:
 - a. 55 **like-for-like credits** under **Biobanking**, or;
 - b. the equivalent of 55 **like-for-like credits** under the *Biodiversity Conservation Act 2016* (NSW), as converted by **OEH**. A **statement of assessment of reasonable equivalence of biodiversity credits** must be provided to the **Department** before the **like-for-like credits** are retired.
6. To compensate for the loss of 11.5 hectares of **Grey Box Grassy Woodlands**, the approval holder must, within 2 years of **commencement of the action**, retire:
 - a. 374 **like-for-like credits** under **Biobanking**, or;
 - b. the equivalent of 374 **like-for-like credits** under the *Biodiversity Conservation Act 2016* (NSW), as converted by the **OEH**. A **statement of assessment of reasonable equivalence of biodiversity credits** must be provided to the **Department** before the **like-for-like credits** are retired.
7. To compensate for the loss of 0.4 hectares of **breeding habitat** for the **Superb Parrot**, the approval holder must, within 2 years of **commencement of the action**, retire:
 - a. 7 **like-for-like credits** under **Biobanking**, or;
 - b. the equivalent of 7 **like-for-like credits** under the *Biodiversity Conservation Act 2016* (NSW), as converted by **OEH**. A **statement of assessment of reasonable equivalence of biodiversity credits** must be provided to the **Department** before the **like-for-like credits** are retired.
8. To compensate for the loss of 25.9 hectares of **foraging habitat** for the **Superb Parrot**, the approval holder must, within 2 years of **commencement of the action**, retire:
 - a. 539 **like-for-like credits** under **Biobanking**, or;
 - b. the equivalent of 539 **like-for-like credits** under the *Biodiversity Conservation Act 2016* (NSW), as converted by **OEH**. A **statement of assessment of reasonable equivalence of biodiversity credits** must be provided to the **Department** before the **like-for-like credits** are retired.
9. Within 10 **business days** of **retiring** each of the **like-for-like credits** required in Condition 5, Condition 6, Condition 7 and Condition 8, the approval holder must provide the **Department** with **evidence** of when the **like-for-like credits** were **retired** and what mechanism was used to **retire** the **like-for-like credits**.



10. If **like-for-like credits** required in Condition 5, Condition 6, Condition 7 and Condition 8 are **retired** through a land based offset, within 10 **business days** of **retiring** each **like-for-like credit**, the approval holder must publish on their **website** an associated Biodiversity Stewardship Agreement Management Plan approved by the NSW Biodiversity Conservation Trust.

Part B – Standard administrative conditions

Notification of date of commencement of the action

11. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**.
12. If **commencement of the action** does not occur within 2 years from the date of this approval, then the approval holder must not **commence the action** without the prior written agreement of the **Minister**.

Compliance records

13. The approval holder must maintain accurate and complete **compliance records**.
14. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

Annual compliance reporting

15. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or as otherwise agreed to in writing by the **Minister**. The approval holder must:
 - a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
 - b. notify the **Department** by email that a **compliance report** has been published on the **website** within 5 **business days** of the date of publication;
 - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
 - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
 - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

Note: **Compliance reports** may be published on the **Department's** website. The first **compliance report** may report a period less than 12 months so that it and subsequent **compliance reports** align with the similar requirement under state approval.

Reporting non-compliance

16. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
 - a. the condition which is or may be in breach; and
 - b. a short description of the **incident** and/or non-compliance.



17. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than **10 business days** after becoming aware of the **incident** or non-compliance, specifying:
- any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
 - the potential impacts of the **incident** or non-compliance; and
 - the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

18. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
19. For each **independent audit**, the approval holder must:
- provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
 - submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
20. The approval holder must publish the audit report on the **website** within **10 business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Completion of the action

21. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

22. In these conditions, except where contrary intention is expressed, the following definitions are used:
- Biobanking** means the New South Wales Government's biodiversity credit and offset scheme of that name created under the *Threatened Species Conservation Act 1995 (NSW)* (now repealed).
 - Breeding habitat** means habitat used by the **Superb Parrot** for the purposes of breeding, and includes the following plant community type (PCT):
 - PCT 249 – *River Red Gum – Veined Swamp Wallaby Grass grassy tall woodland of depressions on floodplains and alluvial plains*.
 - Business days** means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
 - Clear** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).
 - Commencement of the action** means the first instance of any specified activity associated with the action including clearance of vegetation and **construction** of any infrastructure. Commencement does not include minor physical disturbance necessary to:



- i. undertake pre-clearance surveys or monitoring programs;
 - ii. install signage and /or temporary fencing to prevent unapproved use of the project area;
 - iii. protect environmental and property assets from fire, weeds and pests, including erection or **construction** of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the **Department**.
- f. **Completion data** means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is shapefile.
- g. **Completion of the action** means the time at which all approved conditions (except Condition 21) have been fully met.
- h. **Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.
- i. **Compliance reports** means written reports:
 - i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;
 - ii. consistent with the **Department's Annual Compliance Report Guidelines (2014)**;
 - iii. include a shapefile of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
 - iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.
- j. **Construction** means the undertaking of any preparatory works, earthworks, erection of any infrastructure, the formation of any hardstand surfaces, or the first instance of any use of heavy duty equipment for earthworks, the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of fences and signage.
- k. **Department** means the Australian Government agency responsible for administering the **EPBC Act**.
- l. **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.
- m. **Evidence** means documentation from the relevant authority showing that credits have been **retired**.
- n. **Foraging habitat** means habitat used by the **Superb Parrot** for foraging, and includes the following plant community types (PCT):
 - i. PCT 82 - *Inland Grey Box - Poplar Box - White Cypress Pine tall woodland on red loams mainly of the eastern Cobar Peneplain Bioregion*
 - ii. PCT 26 - *Weeping Myall open woodland of the Riverina Bioregion and New South Wales (NSW) South Western Slopes Bioregion*
 - iii. PCT 185 - *Dwyer's Red Gum - White Cypress Pine - Currawang shrubby woodland*
 - iv. PCT 249 - *River Red Gum - Veined Swamp Wallaby Grass grassy tall woodland of depressions on floodplains and alluvial plains.*
 - v. PCT 55 - *Belah woodland on alluvial plains and low rises in the central NSW wheatbelt to Pilliga and Liverpool Plains regions*

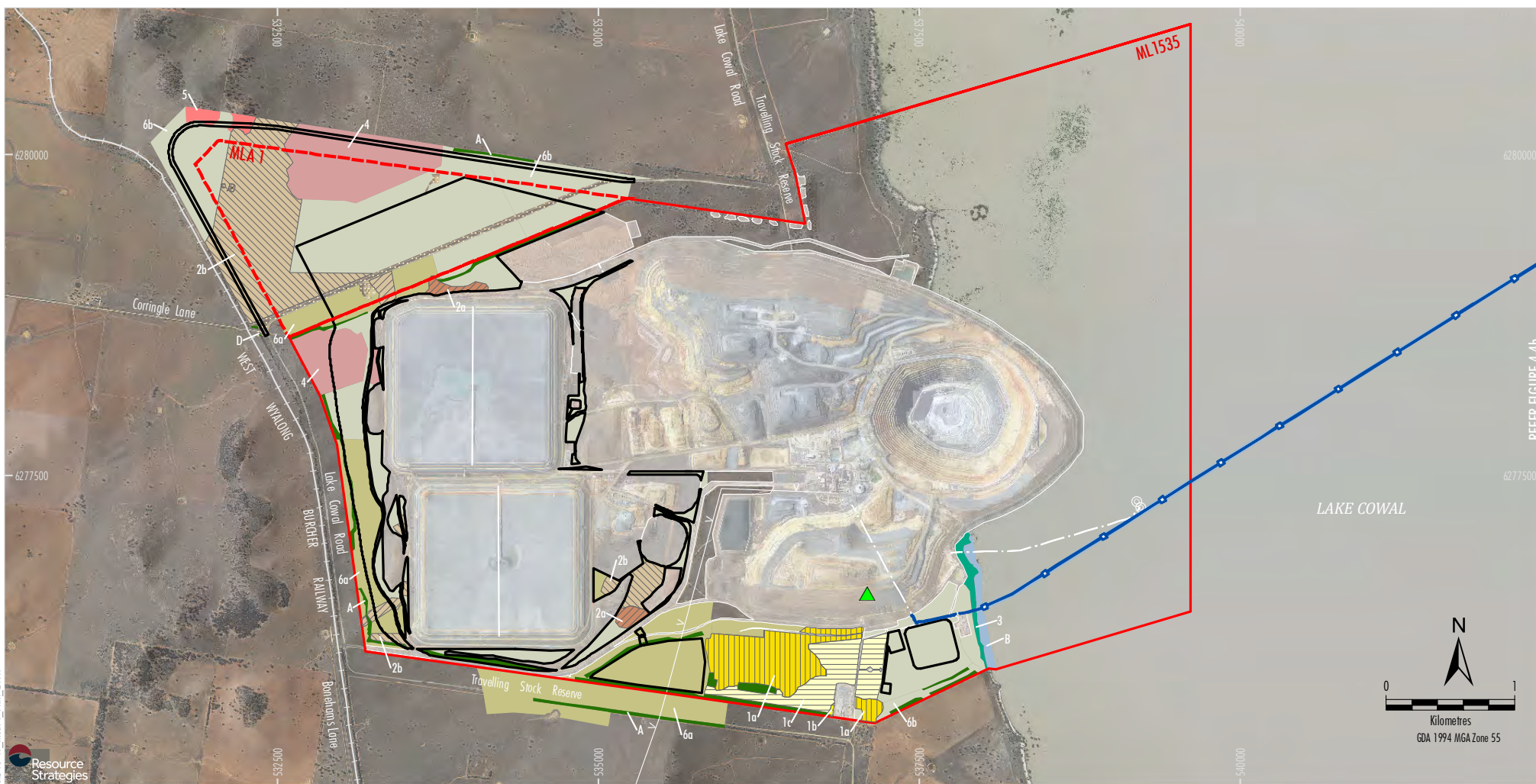


- o. **Grey Box Grassy Woodlands** means the Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia ecological community, listed as endangered under the **EPBC Act**, and the equivalent plant community type (PCT) being PCT 82 - *Inland Grey Box - Poplar Box - White Cypress Pine tall woodland on red loams mainly of the eastern Cobar Penneplain Bioregion*.
- p. **Incident** means any event which has the potential to, or does, impact on **protected matter(s)**.
- q. **Independent audit** means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2015).
- r. **Like-for-like credits** has the meaning given under the *Threatened Species Conservation Act 1995* (NSW) (now repealed), or the *Biodiversity Conservation Act 2016* (NSW).
- s. **Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.
- t. **OEH** means the New South Wales Office of Environment and Heritage.
- u. **Plan(s)** means any of the documents required to be prepared and implemented by the approval holder and in accordance with these conditions (includes action management plans).
- v. **Protected matter(s)** means:
 - i. **Grey Box Grassy Woodlands**
 - ii. **Superb Parrot**
 - iii. **Weeping Myall Woodlands**
- w. **Retire/retired/retirement** means to change the status of a credit such that the credit can no longer be bought or sold.
- x. **Sensitive ecological data** means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.
- y. **Statement of assessment of reasonable equivalence of biodiversity credits** means a statement issued by **OEH** under the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* (NSW).
- z. **Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.
- aa. **Superb Parrot** means the Superb Parrot (*Polytelis swainsonii*) listed as vulnerable under the **EPBC Act**.
- bb. **Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.
- cc. **Weeping Myall Woodlands** means the Weeping Myall Woodlands ecological community listed as endangered under the **EPBC Act** and the equivalent plant community type (PCT) being PCT 26 - *Weeping Myall open woodland of the Riverina Bioregion and New South Wales (NSW) South Western Slopes Bioregion*.

ATTACHMENTS

1. **Attachment 1** – Map of development footprint

HAL-16-41_Mod4_PRRM_219A



- LEGEND**
- Mining Lease Boundary (ML 1535)
 - Mining Lease Application Boundary (MLA 1)
 - Approximate Extent of Approved
 - Surface Development
 - BAR Footprint - Mine Site
 - BAR Footprint - Pipeline
 - Threatened Ecological Communities
 - Grey Box Woodland EEC (BC Act and EPBC Act)
 - Grey Box Woodland EEC (BC Act)
 - Weeping Myall Woodland EEC (BC Act and EPBC Act)
 - Weeping Myall Woodland EEC (BC Act)

- VEGETATION MAPPING**
- 1a Weeping Myall Open Woodland (Semi Cleared in Moderate Condition) (LA212)
 - 1b Weeping Myall Open Woodland (Semi Cleared in Low Condition) (LA212)
 - 1c Weeping Myall Open Woodland (Derived Grassland in Low Condition) (LA212)
 - 2a Inland Grey Box - White Cypress Pine Woodland (Semi Cleared in Moderate Condition) (LA152)
 - 2b Inland Grey Box - White Cypress Pine Woodland (Derived Grassland in Low Condition) (LA152)
 - 3 River Red Gum Forest (Moderate Condition) (LA191)
 - 4 Belah Woodland (Low Condition) (LA105)
 - 5 Dwyer's Red Gum - White Cypress Pine - Currawang Woodland (Moderate Condition) (LA144)

- 6a Highly Modified Derived Grasslands (Moderate Condition) (LA138)
- 6b Highly Modified Derived Grasslands (Low Condition) (LA138)
- Other Map Units
- A Plantings
- B Lake Bed
- D Cleared
- Threatened Flora Species
- ▲ Austral Pillwort

Source: AMBS (2018); OEH (2017); © NSW Department of Finance, Services & Innovation (2017)
 Orthophoto: Evolution (Oct 2017)



CGO PROCESSING RATE MODIFICATION
 Vegetation Communities and
 Threatened Flora Species
 - Mine Site

Figure 4-4a

HAL-16-41_Mod4_PRM_220A



LEGEND

- Approximate Extent of Approved Surface Development
- BAR Footprint - Pipeline
- Threatened Ecological Communities
- Weeping Myall Woodland EEC (BC Act and EPBC Act)
- Weeping Myall Woodland EEC (BC Act)

VEGETATION MAPPING

- Semi-arid Woodlands (Grassy sub-formation) - Riverine Plain Woodlands**
- 1a Weeping Myall Open Woodland (Semi Cleared in Moderate Condition) (LA212)
- 1b Weeping Myall Open Woodland (Semi Cleared in Low Condition) (LA212)
- 1c Weeping Myall Open Woodland (Derived Grassland in Low Condition) (LA212)
- Forested Wetlands - Inland Riverine Forests**
- 3 River Red Gum Forest (Moderate Condition) (LA191)
- Other Map Units**
- B Lake Bed
- C Cropping
- Threatened Flora Species**
- Austrostipa wakaolica*

Source: AMBS (2018); OEH (2017); © NSW Department of Finance, Services & Innovation (2017)
 Orthophoto: Evolution (Oct 2017)



CGO PROCESSING RATE MODIFICATION
 Vegetation Communities and
 Threatened Flora Species
 - Pipeline

Figure 4-4b