

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-42917792 Cowal Gold Operations Open Pit Continuation
Applicant	Evolution Mining (Cowal) Pty Limited
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director – Resource Assessments, under delegation from the Minister for Planning and Public Spaces, has granted consent to the development application under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) subject to conditions.

A copy of the Department of Planning, Housing and Infrastructure's assessment report and development consent is available [here](#).

Date of decision

10 December 2024

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the department during the assessment of the development application and any additional information considered in the department's assessment report;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the department's assessment report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including an additional \$44-\$56 million in royalty payments to NSW, continued employment for the open cut workforce for an additional 10 years and extended employment of the total workforce for an additional two years;
- the project is permissible with development consent, and is consistent with NSW Government policies
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent;
- engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department it was placed on exhibition from Thursday 15 June 2023 until Wednesday 12 July 2023 (28 days). 111 public submissions were received, including five objections, six comments and 100 in support of the project.

The department also undertook the following engagement activities:

- visited the project site
- held meetings with community members and local organisations that lodged submissions

The key issues raised by the community (including in submissions) and considered in the department's assessment report and by the decision maker include water resources and biodiversity. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<i>Water resources, including:</i> <ul style="list-style-type: none">• potential increase in flooding impacts from the lake protection bund extension;• risk of surface water contamination on downstream users; and• potential impacts if groundwater demand increases.	<i>Assessment</i> <ul style="list-style-type: none">• While the expansion of the lake protection bund into Lake Cowal would displace water when the lake is high, flood modelling indicates the project would not materially change flood velocities and water levels during a 0.1% annual exceedance probability flood would be about 14 mm higher.• Impacts on surface water are not predicted to occur as erosion and sediment controls would be used during construction, contaminated water would be contained during mining, and water levels within the final voids is expected to remain well below the spill level of the voids.• Modelling for the project predicts that drawdown caused by the additional mining activities only would be minor in comparison to drawdown from approved mining and there would be no material change in groundwater level drawdown at any privately owned bores. <i>Conditions</i> <ul style="list-style-type: none">• The Department has recommended conditions, including a water management plan and a range of performance measures to ensure infrastructure is designed and constructed to minimise the risks of surface water and groundwater impacts, and requiring Evolution to compensate any landowners whose bores may be directly affected by the mine.
<i>Biodiversity, including:</i> <ul style="list-style-type: none">• potential impacts on the lake ecosystem and key breeding habitat in Lake Cowal.	<i>Assessment</i> <ul style="list-style-type: none">• The project would disturb about 928 ha of native vegetation, including around 376 ha within Lake Cowal.• The projects impact on biodiversity have been minimised and mitigated through the mine's existing management practices and would broadly continue under the proposed management strategy.• Unavoidable biodiversity impacts would require offsets under both the New South Wales and Commonwealth legislation. Evolution proposed to satisfy most of the offset requirements through the establishment of biodiversity stewardship agreements, to be located primarily on Evolution owned land and within Lake Cowal. <i>Conditions</i> <ul style="list-style-type: none">• The Department has recommended conditions, including setting performance measures for impacts; staged offset requirements to retire credits prior to impacts on biodiversity values occurring and before each disturbance phase of the project; implementing a biodiversity management plan to minimise impacts; and monitoring and adaptive management of residual impacts.