



## Variation of conditions attached to approval

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

This decision to vary conditions of approval is made under section 143(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

#### Approved Action

<b>approval holder</b>	Evolution Mining (Cowal) Pty Limited ABN: 75 007 857 598
<b>approved action</b>	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 EPBC 2017/7989]

#### Variation

##### The variation is:


Delete conditions 4, 5, 6, 7, 8, 9, 18, 19 and 20 and substitute them with those specified in the tables below.

Revoke condition 10 and definitions for **Biobanking**, **Like-for-like credits**, **OEH**, **Statement of assessment of reasonable equivalence of biodiversity credits** and **Suitably qualified person** attached to the approval.

Add conditions 20A, 20B, 20C, 20D, 20E, 20F and definitions for **Audit period**, **Audit report**, **Biodiversity credits**, **Independent audit**, **Independent Audit and Audit Report Guidelines**, **Independent auditor** and **Retire or retirement** to the approval as specified in the tables below.

<b>date of effect</b>	This variation has effect on the date this instrument is signed.
<b>period for which this approval has effect</b>	This approval has effect until 31 December 2032.

#### Person authorised to make decision

<b>name and position</b>	Sam Hush Acting Branch Head Compliance and Enforcement Branch
<b>signature</b>	
<b>date of decision</b>	19 January 2025

## OFFICIAL

Date of decision	Conditions attached to approval
Original 25 January 2019	1. The approval holder must not <b>clear</b> more than 1.5 hectares of <b>Weeping Myall Woodlands</b> within the areas designated "BAR Footprint – Mine Site" and "BAR Footprint – Pipeline" in <b>Attachment 1</b> .
Original 25 January 2019	2. The approval holder must not <b>clear</b> more than 11.5 hectares of <b>Grey Box Grassy Woodlands</b> within the areas designated "BAR Footprint – Mine Site" and "BAR Footprint – Pipeline" in <b>Attachment 1</b> .
Original 25 January 2019	3. The approval holder must not <b>clear</b> more than 0.4 hectares of <b>breeding habitat</b> for the <b>Superb Parrot</b> within the areas designated "BAR Footprint – Mine Site" and "BAR Footprint – Pipeline" in <b>Attachment 1</b> .
As varied on the date this instrument was signed	4. The approval holder must not <b>clear</b> more than 30.9 hectares of <b>foraging habitat</b> for the <b>Superb Parrot</b> within the areas designated "BAR Footprint – Mine Site" and "BAR Footprint – Pipeline" in <b>Attachment 1</b> .
As varied on the date this instrument was signed	5. To compensate for the loss of 1.5 hectares of <b>Weeping Myall Woodlands</b> , the approval holder must <b>retire</b> 54 <b>biodiversity credits</b> .
As varied on the date this instrument was signed	6. To compensate for the loss of 11.5 hectares of <b>Grey Box Grassy Woodlands</b> , the approval holder must <b>retire</b> 224 <b>biodiversity credits</b> by.
As varied on the date this instrument was signed	7. To compensate for the loss of 0.4 hectares of <b>breeding habitat</b> for the <b>Superb Parrot</b> , the approval holder must <b>retire</b> 11 <b>biodiversity credits</b> .
As varied on the date this instrument was signed	8. To compensate for the loss of 30.9 hectares of <b>foraging habitat</b> for the <b>Superb Parrot</b> , the approval holder must <b>retire</b> 404 <b>biodiversity credits</b> .
As varied on the date this instrument was signed	9. Within 10 <b>business days</b> following 31 January 2025, the approval holder must provide evidence to the <b>Department</b> that <b>biodiversity credits</b> have been <b>retired</b> pursuant to conditions 5, 6, 7 and 8 of this approval.
As varied on the date this instrument was signed	10. <b>Revoked</b> .
Original 25 January 2019	11. The approval holder must notify the <b>Department</b> in writing of the date of <b>commencement of the action</b> within 10 <b>business days</b> after the date of <b>commencement of the action</b> .
Original 25 January 2019	12. If <b>commencement of the action</b> does not occur within 2 years from the date of this approval, then the approval holder must not <b>commence the action</b> without the prior written agreement of the <b>Minister</b> .
Original 25 January 2019	13. The approval holder must maintain accurate and complete <b>compliance records</b> .
Original 25 January 2019	14. If the <b>Department</b> makes a request in writing, the approval holder must provide electronic copies of <b>compliance records</b> to the <b>Department</b> within the timeframe specified in the request.  <b>Note:</b> <b>Compliance records</b> may be subject to audit by the <b>Department</b> or an independent auditor in accordance with section 458 of the <b>EPBC Act</b> , and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the <b>Department's</b> website or through the general media.

Original 25 January 2019	<p>15. The approval holder must prepare a <b>compliance report</b> for each 12 month period following the date of <b>commencement of the action</b>, or as otherwise agreed to in writing by the <b>Minister</b>. The approval holder must:</p> <ul style="list-style-type: none"> <li>a. publish each <b>compliance report</b> on the <b>website</b> within 60 <b>business days</b> following the relevant 12 month period;</li> <li>b. notify the <b>Department</b> by email that a <b>compliance report</b> has been published on the <b>website</b> within 5 <b>business days</b> of the date of publication;</li> <li>c. keep all <b>compliance reports</b> publicly available on the <b>website</b> until this approval expires;</li> <li>d. exclude or redact <b>sensitive ecological data</b> from <b>compliance reports</b> published on the <b>website</b>; and</li> <li>e. where any <b>sensitive ecological data</b> has been excluded from the version published, submit the full <b>compliance report</b> to the <b>Department</b> within 5 <b>business days</b> of publication.</li> </ul> <p><b>Note:</b> <b>Compliance reports</b> may be published on the <b>Department's</b> website. The first <b>compliance report</b> may report a period less than 12 months so that it and subsequent <b>compliance reports</b> align with the similar requirement under state approval.</p>
Original 25 January 2019	<p>16. The approval holder must notify the <b>Department</b> in writing of any: <b>incident</b>; non-compliance with the conditions; or non-compliance with the commitments made in <b>plans</b>. The notification must be given as soon as practicable, and no later than two <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> <li>a. the condition which is or may be in breach; and</li> <li>b. a short description of the <b>incident</b> and/or non-compliance.</li> </ul>
Original 25 January 2019	<p>17. The approval holder must provide to the <b>Department</b> the details of any <b>incident</b> or non-compliance with the conditions or commitments made in <b>plans</b> as soon as practicable and no later than 10 <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance, specifying:</p> <ul style="list-style-type: none"> <li>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</li> <li>b. the potential impacts of the <b>incident</b> or non-compliance; and</li> <li>c. the method and timing of any remedial action that will be undertaken by the approval holder.</li> </ul>
As varied on the date this instrument was signed	<p>18. The approval holder must ensure that an <b>independent audit</b> of compliance with the conditions is conducted for every <b>audit period</b>.</p>
As varied on the date this instrument was signed	<p>19. The approval holder must submit details of the proposed <b>independent auditor</b> and their qualifications to the department within 10 <b>business days</b> following the end of each <b>audit period</b>.</p>
As varied on the date this instrument was signed	<p>20. The approval holder must ensure the scope of each <b>independent audit</b> is sufficient to determine the compliance status for each condition of approval, and each commitment made in each <b>plan</b>.</p>

## OFFICIAL

As varied on the date this instrument was signed	20A. The approval holder must ensure the criteria for each <b>independent audit</b> and the undertaking of each <b>independent audit</b> are consistent with the <b>Independent Audit and Audit Report Guidelines</b> .
As varied on the date this instrument was signed	20B. The approval holder must submit an <b>audit report</b> to the <b>department</b> for written agreement from the <b>department</b> within 3 months following the end of each <b>audit period</b> , or as otherwise directed by the <b>Minister</b> in writing.
As varied on the date this instrument was signed	20C. The approval holder must ensure each <b>audit report</b> is completed to the satisfaction of the <b>Minister</b> and is consistent with the <b>Independent Audit and Audit Report Guidelines</b> .
As varied on the date this instrument was signed	20D. The approval holder must publish each <b>audit report</b> on the <b>website</b> , in a format that is easily accessible and downloadable, within 10 <b>business days</b> of the date the <b>department</b> agrees to that <b>audit report</b> in writing.
As varied on the date this instrument was signed	20E. The approval holder must notify the <b>department</b> within 5 <b>business days</b> of the date the <b>audit report</b> is published on the <b>website</b> . In this notification, the approval holder must provide the <b>department</b> with the web address for where the <b>audit report</b> is published on the <b>website</b> .
As varied on the date this instrument was signed	20F. The approval holder must keep each <b>audit report</b> published on the <b>website</b> from the first date which that <b>audit report</b> must be published and until the expiry date of this approval.
Original 25 January 2019	21. Within 30 days after the <b>completion of the action</b> , the approval holder must notify the <b>Department</b> in writing and provide <b>completion data</b> .

date of decision	definitions attached to approval
In these conditions, except where contrary intention is expressed, the following definitions are used:	
As varied on the date this instrument was signed	<b>Audit period</b> means each subsequent 5-year period following <b>commencement of the action</b> until the expiry of this approval.
As varied on the date this instrument was signed	<b>Audit report</b> means a written report of an <b>independent audit</b> .
As varied on the date this instrument was signed	<b>Biobanking – Revoked.</b>
As varied on the date this instrument was signed	<b>Biodiversity Credits</b> means the unit of measure for offsets in accordance with the NSW Biodiversity Offsets Scheme under the <i>Biodiversity Conservation Act 2016</i> (NSW).
Original 25 January 2019	<p><b>Breeding habitat</b> means habitat used by the <b>Superb Parrot</b> for the purposes of breeding, and includes the following plant community type (PCT):</p> <ul style="list-style-type: none"> <li>i. PCT 249 – <i>River Red Gum – Veined Swamp Wallaby Grass grassy tall woodland of depressions on floodplains and alluvial plains.</i></li> </ul>

Original 25 January 2019	<b>Business days</b> means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original 25 January 2019	<b>Clear</b> means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the <i>Australian weeds strategy 2017 to 2027</i> for further guidance).
Original 25 January 2019	<p><b>Commencement of the action</b> means the first instance of any specified activity associated with the action including clearance of vegetation and <b>construction</b> of any infrastructure. Commencement does not include minor physical disturbance necessary to:</p> <ul style="list-style-type: none"> <li>i. undertake pre-clearance surveys or monitoring programs;</li> <li>ii. install signage and /or temporary fencing to prevent unapproved use of the project area;</li> <li>iii. protect environmental and property assets from fire, weeds and pests, including erection or <b>construction</b> of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the <b>Department</b>.</li> </ul>
Original 25 January 2019	<b>Completion data</b> means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The <b>Department's</b> preferred spatial data format is shapefile.
Original 25 January 2019	<b>Completion of the action</b> means the time at which all approved conditions (except Condition 21) have been fully met.
Original 25 January 2019	<b>Compliance records</b> 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.
Original 25 January 2019	<p><b>Compliance reports</b> means written reports:</p> <ul style="list-style-type: none"> <li>i. providing accurate and complete details of compliance, <b>incidents</b>, and non-compliance with the conditions and the <b>plans</b>;</li> <li>ii. consistent with the <b>Department's Annual Compliance Report Guidelines</b> (2014);</li> <li>iii. include a shapefile of any clearance of any <b>protected matters</b>, or their habitat, undertaken within the relevant 12 month period; and</li> <li>iv. annexing a schedule of all <b>plans</b> prepared and in existence in relation to the conditions during the relevant 12 month period.</li> </ul>
Original 25 January 2019	<b>Construction</b> 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.
Original 25 January 2019	<b>Department</b> means the Australian Government agency responsible for administering the <b>EPBC Act</b> .
Original 25 January 2019	<b>EPBC Act</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).

Original 25 January 2019	<b>Evidence</b> means documentation from the relevant authority showing that credits have been <b>retired</b> .
Original 25 January 2019	<p><b>Foraging habitat</b> means habitat used by the <b>Superb Parrot</b> for foraging, and includes the following plant community types (PCT):</p> <ul style="list-style-type: none"> <li>i. PCT 82 - <i>Inland Grey Box - Poplar Box - White Cypress Pine tall woodland on red loams mainly of the eastern Cobar Peneplain Bioregion</i></li> <li>ii. PCT 26 - <i>Weeping Myall open woodland of the Riverina Bioregion and New South Wales (NSW) South Western Slopes Bioregion</i></li> <li>iii. PCT 185 - <i>Dwyer's Red Gum - White Cypress Pine - Currawang shrubby woodland</i></li> <li>iv. PCT 249 – <i>River Red Gum – Veined Swamp Wallaby Grass grassy tall woodland of depressions on floodplains and alluvial plains.</i></li> <li>v. PCT 55 – <i>Belah woodland on alluvial plains and low rises in the central NSW wheatbelt to Pilliga and Liverpool Plains regions.</i></li> </ul>
Original 25 January 2019	<b>Grey Box Grassy Woodlands</b> means the Grey Box ( <i>Eucalyptus microcarpa</i> ) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia ecological community, listed as endangered under the <b>EPBC Act</b> , and the equivalent plant community type (PCT) being PCT 82 - <i>Inland Grey Box - Poplar Box - White Cypress Pine tall woodland on red loams mainly of the eastern Cobar Peneplain Bioregion</i> .
Original 25 January 2019	<b>Incident</b> means any event which has the potential to, or does, impact on <b>protected matter(s)</b> .
As varied on the date this instrument was signed	<b>Independent audit</b> means an audit conducted by an <b>independent auditor</b> , of compliance with and fulfilment of the conditions of this approval, objectively evaluated against the audit criteria developed by the <b>independent auditor</b> , in accordance with the <b>Independent Audit and Audit Report Guidelines</b> .
As varied on the date this instrument was signed	<b>Independent Audit and Audit Report Guidelines</b> means the Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019
As varied on the date this instrument was signed	<p><b>Independent auditor</b> means a person, or firm, who:</p> <ul style="list-style-type: none"> <li>• does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,</li> <li>• has demonstrated experience in undertaking government-regulated environmental compliance audits, and</li> <li>• holds relevant professional qualifications and accreditations.</li> </ul> <p>*Other than for the purpose of undertaking the role for which an independent person, or firm, is required.</p>
As varied on the date this instrument was signed	<b>Like-for-like credits – Revoked.</b>
Original 25 January 2019	<b>Minister</b> means the Australian Government Minister administering the <b>EPBC Act</b> including any delegate thereof.
As varied on the date this	<b>OEH – Revoked.</b>

instrument was signed	
Original 25 January 2019	<b>Plan(s)</b> 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).
Original 25 January 2019	<b>Protected matter(s)</b> means: <ul style="list-style-type: none"> <li>i. <b>Grey Box Grassy Woodlands</b></li> <li>ii. <b>Superb Parrot</b></li> <li>iii. <b>Weeping Myall Woodlands</b></li> </ul>
As varied on the date this instrument was signed	<b>Retire or retirement</b> means to change the status of a credit under the NSW Biodiversity Offset Scheme, in accordance with clauses 6.2 and 6.6A of the <i>Biodiversity Conservation Regulation 2017</i> (NSW), such that the credit can no longer be bought or sold.
Original 25 January 2019	<b>Sensitive ecological data</b> means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
As varied on the date this instrument was signed	<b>Statement of assessment of reasonable equivalence of biodiversity credits – Revoked</b>
As varied on the date this instrument was signed	<b>Suitably qualified person – Revoked.</b>
Original 25 January 2019	<b>Superb Parrot</b> means the Superb Parrot ( <i>Polytelis swainsonii</i> ) listed as vulnerable under the <b>EPBC Act</b> .
Original 25 January 2019	<b>Website</b> means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.
Original 25 January 2019	<b>Weeping Myall Woodlands</b> means the Weeping Myall Woodlands ecological community listed as endangered under the <b>EPBC Act</b> and the equivalent plant community type (PCT) being PCT 26 - <i>Weeping Myall open woodland of the Riverina Bioregion and New South Wales (NSW) South Western Slopes Bioregion</i> .
<b>date of decision</b>	<b>Attachments</b>
Original 25 January 2019	<b>Attachment 1 – Map of development footprint</b>





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## 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 Semi-arid Woodlands (Grassy sub-formation) - Riverine Plain Woodlands 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)
- Grassy Woodlands - Floodplain Transition Woodlands
- 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 Forested Wetlands - Inland Riverine Forests River Red Gum Forest (Moderate Condition) (LA191)
- 4 Semi-arid Woodlands (Grassy sub-formation) - Northwest Floodplain Woodlands
- 4 Belah Woodland (Low Condition) (LA105)
- 5 Semi Arid Woodland (Shrubby sub-formation) - Inland Rocky Hill Woodlands
- 5 Dwyer's Red Gum - White Cypress Pine - Currawang Woodland (Moderate Condition) (LA144)

## Grasslands - Western Slopes Grasslands

- 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





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