

SCHEDULE 2**INDEX**

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Light blue type represents April 2016 modification – MOD 12

Green type represents January 2017 modification – MOD 13

Purple type represents October 2018 modification – MOD 14

DEFINITIONS

Applicant	Evolution Mining (Cowal) Pty Limited , or any other person or persons who rely on this consent to carry out the development that is subject to this consent
BCA	Building Code of Australia
Biodiversity offset strategy	The conservation and enhancement strategy described in the EIS, summarised in Tables 2, 2.1 and 2.2, and depicted conceptually in the figure in Appendix 3
BSC	Bland Shire Council
CEMCC	Community Environmental Monitoring and Consultative Committee
DA	Development Application
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Development	The development described in the EIS
DoEE	Commonwealth Department of the Environment and Energy administering the EPBC Act
DoI L&W	Department of Industry – Lands & Water Division
DRG	Division of Resources and Geoscience and Resources Regulator within the Department
DPI Agriculture	Department of Primary Industries – Agriculture
DSC	NSW Dams Safety Committee
EIS	The Environmental Impact Statement prepared by Resource Strategies and dated 13 March 1998, including the Statement of Intent by North Gold (WA) Ltd, as amended by the: <ul style="list-style-type: none">• Applicant's primary submission, and submission in reply to the Commission of Inquiry;• modification application submitted by Barrick Australia Limited, dated 20 June 2003;• modification application and supporting information submitted by Barrick Australia Limited, dated 13 November 2003;• modification application and supporting information submitted by Barrick Australia Limited, dated 22 June 2004;• modification application and supporting documentation submitted by Barrick Australia Limited, dated 15 August 2006;• modification application and supporting documentation submitted by Barrick Australia Limited, dated 24 December 2007;• modification application and supporting documentation submitted by Barrick Australia Limited, dated 30 January 2009;• modification application and supporting documentation submitted by Barrick (Cowal) Limited, dated 23 June 2009;• modification application dated 25 March 2008 and supporting EA submitted by Barrick Australia Limited;• modification application dated 22 November 2010 and supporting letter submitted by Barrick (Cowal) Limited;• modification application dated 16 December 2010 (Mod 10) and supporting Environmental Assessment titled Cowal Gold Mine Water Supply Modification (Section 75W Modification) and dated December 2010, submitted by Barrick (Cowal) Limited;• modification application and supporting Environmental Assessment (Mod 11) titled Cowal Gold Mine Extension Modification and dated 12 September 2013, submitted by Barrick (Cowal) Limited;• modification application (Mod 12) dated 24 March 2016, submitted by Evolution Mining (Cowal) Pty Limited;• modification application (Mod 13) dated 11 November 2016, submitted by Evolution Mining (Cowal) Pty Limited; and• modification application (Mod 14) dated 6 April 2018, and supporting information submitted by Evolution Mining (Cowal) Pty Limited.
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build

Fisheries NSW Incident	or implement Department of Primary Industries - Fisheries Division A set of circumstances that causes or threatens to cause material harm to the environment
IWL Land	Integrated Waste Landform As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions 6.1 and 6.4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
m AHD Material harm	metres Australian Height Datum Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to ecosystems 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)
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	Includes the removal and emplacement of waste rock; the processing, handling and storage of ore on site; and the transport of ore concentrate offsite
Mitigation	Activities associated with reducing the impacts of the development
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
NRAR	Natural Resources Access Regulator
OEH	Office of Environment and Heritage
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, irrigation channels, drainage channels
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Reasonable	Reasonable relates to the application of 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
RMS Secretary	Roads and Maritime Services Secretary of the Department, or nominee
Site	As listed in Appendix 1 and shown in Appendix 2
Supplementary IWL activities	Construction of water management infrastructure, removal of soil and soil stockpiles and placement of clay materials at the IWL

1. GENERAL

1.1 Adherence to terms of DA, EIS, SIS, etc.

- (a) The Applicant must carry out the development:
- generally in accordance with the EIS; and
 - in accordance with the conditions of this consent.

Note: The general layout of the development is shown in Appendix 2.

- (b) If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- (c) The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- any strategies, plans, programs, reviews, reports, audits or correspondence that are submitted in accordance with this consent (including any stages of these documents);
 - any reviews, reports or audits commissioned by the Department regarding compliance with this consent; and
 - the implementation of any actions or measures contained in these documents.

1.2 Limits on Consent

- (a) The Applicant may only carry out mining operations until 31 December 2032.

Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Secretary and DRG. Consequently, this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.

- (b) The Applicant must not:
- process more than 9.8 million tonnes of ore on site in a calendar year; and
 - crush more than 150,000 tonnes of waste rock for use as gravel road base in a calendar year.

- (c) The Applicant shall comply with the following maximum heights:
- Northern Rock Emplacement - 308 m AHD;
 - Southern Rock Emplacement - 283 m AHD;
 - Southern Tailings Storage Facility – 248.4 m AHD;
 - Northern Tailings Storage Facility – 240.5 m AHD;
 - Perimeter Rock Emplacement - 233 m AHD;
 - Mineralised Material Stockpile - 320 m AHD; and
 - Integrated Waste Landform - 245 m AHD.

- (d) Unless the Secretary agrees otherwise, the Applicant must comply with the operating hours in Table 1.1.

Table 1.1: Operating hours

Activity	Hours
Construction of Tailings Storage Facility lifts or rock buttress	7 am to 6 pm, 7 days a week
Supplementary IWL activities	
Construction of Lake Cowal water supply pipeline (excluding construction at the western side of Lake Cowal)	7 am to 6 pm, Monday to Friday 8 am to 1 pm, Saturday
Lake Cowal Road realignment construction	No activities on Sundays or public holidays
All other activities	24 hours a day, 7 days a week

1.3 Structural Adequacy

The Applicant shall ensure that all new buildings and structures on site, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Note: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates (where applicable) for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

1.4 Demolition

The Applicant shall ensure that all demolition work undertaken on site is carried out in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version.

1.5 Protection of Public Infrastructure

Unless the Applicant and the applicable authority agree otherwise, the Applicant shall:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by 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.

1.6 Operation of Plant and Equipment

The Applicant shall ensure that all plant and equipment used on site, or to monitor the performance of the development, is maintained and operated in a proper and efficient manner.

1.7 Staging and Updating Strategies, Plans or Programs

To ensure the strategies, plans and programs under this consent are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the development, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

The Secretary may approve a revised strategy, plan or program required under [this consent](#), or the staged submission of any of these documents, at any time. With the agreement of the Secretary, the Applicant may prepare a revision of or a stage of a strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent.

Note: While any strategy, plan or program may be submitted on a staged basis, the Applicant will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.

1.8 Dispute Resolution

In the event that the Applicant and the BSC or any Government agency, other than the Department, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Secretary for resolution. The Secretary's determination on the dispute shall be final and binding on the parties.

2. MINE MANAGEMENT

2.1 Mine Management Plan, Operations and Methods

The Applicant shall prepare and implement a Mining Operations Plan for the development to the satisfaction of DRG. This plan must be prepared in accordance with any current guidelines issued for such plans by DRG, and should include a geotechnical analysis and review of ongoing open pit development, the management of waste rock emplacements, and continued monitoring of the lake protection bund.

2.2 Ore, Waste and Concentrate Production

The Applicant shall not transport ore or other excavated materials not required for either construction or maintenance works from other mines or locations to the mine site without the written approval of the relevant councils.

2.3 Mine and Public Safety

The Applicant shall secure the mine site as described in the EIS. The fence for the mining lease boundary shall be designed to minimise the impact on water birds and aquatic species.

2.4 Rehabilitation

(a) Rehabilitation Objectives

The Applicant shall rehabilitate the site to the satisfaction of DRG. This rehabilitation must be generally consistent with the proposed rehabilitation in the EIS (which is depicted in the Figure in Appendix 3) as amended by the approved rehabilitation strategy (see condition 3.8), and comply with the objectives in Table 1.

Table 1: Rehabilitation objectives

Feature	Objective
Mine site (as a whole)	<ul style="list-style-type: none"> • Safe, stable and non-polluting • Final landforms designed to incorporate micro-relief and integrate with surrounding natural landforms • Constructed landforms are to generally drain to the final void • Minimise long term groundwater seepage zones • Minimise visual impact of final landforms as far as is reasonable and feasible
Final void	<ul style="list-style-type: none"> • Minimise to the greatest extent practicable: <ul style="list-style-type: none"> • the size and depth of final void • the drainage catchment of final void • risk of flood interaction for all flood events up to and including the Probable Maximum Flood • To be permanently separated from Lake Cowal by the Lake Protection Bund • Highwall to be long-term stable • Minimise the ongoing runoff from clean areas into the final void
Surface infrastructure	<ul style="list-style-type: none"> • To be decommissioned and removed, unless DRG agrees otherwise
Agriculture	<ul style="list-style-type: none"> • Restore or maintain land capability generally as described in the EIS
Rehabilitation areas and other vegetated land	<ul style="list-style-type: none"> • Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems
Community	<ul style="list-style-type: none"> • Ensure public safety • Minimise adverse socio-economic effects associated with mine closure

(b) Progressive Rehabilitation

The Applicant shall rehabilitate the site progressively as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilization and rehabilitation strategies shall be employed when areas prone to dust generation cannot be permanently rehabilitated.

Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.

(c) Rehabilitation Management Plan

The Applicant shall prepare and implement a Rehabilitation Management Plan for the development to the satisfaction of DRG. This plan must:

- (i) be prepared in consultation with the Department, DoI L&W, OEH, DPI Agriculture, Bland and Forbes councils and the CEMCC;
- (ii) be prepared in accordance with any relevant DRG guideline;
- (iii) describe how the rehabilitation of the site would be integrated with the biodiversity offset strategy for the development;
- (iv) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);
- (v) 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;
- (vi) include interim rehabilitation where necessary to minimise the area exposed for dust generation;
- (vii) include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and
- (viii) build to the maximum extent practicable on the other management plans required under this consent.

2.5 Security Deposits and Bonds

Security deposits and bonds will be paid as required by DRG under mining lease approval conditions.

3. HERITAGE, FLORA AND FAUNA AND LAND MANAGEMENT

3.1 Heritage Management

- (a) The Applicant shall:
- (i) prepare and implement a Heritage Management Plan for the development to the satisfaction of the Secretary. The plan shall be prepared in consultation with Bland District Historical Society, BSC, and Lake Cowal landholders/residents and address non-indigenous cultural heritage issues associated with the development;
 - (ii) prepare and implement an Indigenous Archaeology and Cultural Management Plan for the development to the satisfaction of the Secretary. The plan shall be prepared in consultation with OEH, the Local Aboriginal Land Council, a consultant archaeologist, any other stakeholders identified by OEH; include a Chance Finds Protocol and identify future salvage, excavation and monitoring of any archaeological sites within the site prior to and during development, and to address Aboriginal cultural heritage issues; and
 - (iii) retain a Cultural Heritage Officer approved by the West Wyalong Local Aboriginal Land Council who is to be available on site during construction earthworks.
- (b) The Applicant shall monitor the effectiveness of measures outlined in the Heritage Management Plan and Indigenous Archaeology and Cultural Management Plan to the satisfaction of the Secretary. A summary of the monitoring results is to be published annually on the Applicant's website for the development.
- (c) The Applicant must ensure that no harm occurs to any Aboriginal objects within the site unless an Aboriginal Heritage Impact Permit has been issued by OEH under section 90 of the *National Parks and Wildlife Act 1974*.

3.2 Flora and Fauna Management

- (a) The Applicant shall:
- (i) minimise the removal of trees and other vegetation from the mine site and restrict any clearance to the areas occupied by the mine activity, buildings and paved surfaces, and those areas necessary for fire control in accordance with BSC's requirements, and have regard to the draft Mid-Lachlan Regional Vegetation Management Plan (or its final version);
 - (ii) not disturb the area of Belah Woodland as identified in Appendix 4; and
 - (iii) not disturb the area of Weeping Myall Open Woodland as identified in Appendix 4.
- (b) The Applicant shall prepare and implement a Flora and Fauna Management Plan for the development to the satisfaction of the Secretary. The plan shall be prepared in consultation with Fisheries NSW and OEH, and cover the mining lease area and monitoring of bird breeding areas as identified by the Applicant in consultation with OEH. The plan shall include, but not be limited to:
- (i) methods for monitoring daily and seasonal fauna usage of tailings dams and IWL (eg. species, number, location, habits), and whether deaths or other effects or incidents are occurring. Usage of the tailings dams and IWL shall be reported to the OEH on a six monthly basis, unless otherwise directed by the Secretary;
 - (ii) development of a protocol for the reporting of any cyanide related native fauna deaths on the mining lease to the OEH, DRE, CEMCC and in the case of fish, Fisheries NSW. Cyanide related native fauna deaths must be reported as per this protocol within 24 hours (or next working day) following confirmation of the death being cyanide related. The Applicant shall maintain a record of cyanide related native fauna deaths this record must be published in the Annual Review and annually on the Applicant's website for the development;
 - (iii) provision for fauna autopsy facilities to enable the cause of any deaths to be quickly determined. The protocol required in sub clause (ii) above shall also detail collection and autopsy of fauna. This shall include but not be limited to collection and recording procedures, autopsy procedures and laboratory tests;
 - (iv) provision of contingency measures for reducing cyanide levels in the tailings dams and IWL in the event it is established that fauna deaths are occurring from cyanide in tailings dam and IWL water;
 - (v) development of effective mechanisms to keep fauna and avifauna away from the tailings storages, which shall include, but not be limited to:
 - minimising the area of open water in the tailings dams and IWL;
 - fencing to prevent both medium and large fauna, terrestrial and amphibians, from entering the area. Mesh will have holes no greater than 5cm in diameter;
 - making the area non-conductive to the establishment of wildlife habitats, as far as possible;

- use of netting where practical; and
 - use of current best practice methods for avifauna deterrence;
- (vi) development of plans for the rescue and rehabilitation of wildlife that may become bogged/sick/trapped in the tailings dams and IWL or elsewhere within the mining lease area;
- (vii) methods to conserve and enhance wildlife values around Lake Cowal, within the mine lease area, including: protection and enhancement of existing retained habitats;
- (viii) provision to continue fauna and flora, fish, and aquatic invertebrate monitoring of the Lake Cowal region as documented in the EIS including investigation of fauna deaths off site if requested by the Secretary where it is considered the deaths are attributable to activities on the site;
- (ix) details to relocate any threatened species and/or its habitat away from disturbed areas that are created by mine operations. This will include placement and maintenance of suitable types and numbers of artificial roosting boxes for bats such as the Greater Long-eared Bat and other animals (eg birds/possums) in undisturbed areas of the mine site; and
- (x) details of monitoring the mine's impacts particularly on birdlife in bird breeding areas identified by the Applicant in consultation with OEH, threatened fauna and flora, and fish and aquatic invertebrates around Lake Cowal, and outline contingency measures should impacts be identified as occurring.
- (c) The Applicant shall implement a Threatened Species Management Protocol for the development to the satisfaction of the Secretary, which will include provisions for targeted searches prior to construction and proposed mitigation measures where threatened flora or fauna species are found.
- (d) The Applicant shall monitor the effectiveness of measures outlined in the Flora and Fauna Management Plan and Threatened Species Protocol to the satisfaction of the Secretary. A summary of these monitoring results shall be published annually on the Applicant's website for the development.

3.3 Compensatory Wetland Management Plan

The Applicant shall prepare and implement a Compensatory Wetland Management Plan for the development to the satisfaction of the Secretary. The plan shall be prepared in consultation with OEH and Fisheries NSW, Lake Cowal Landowners Association, and Lake Cowal Environmental Trust, and detail compensation measures for the loss of 120 hectares of wetland, through the enhancement of at least the equivalent area of existing wetland within the mine lease area during operation and following closure of the mine. The plan shall include, but not be limited to:

- (a) a definition of wetland which shall be all land up to the high water mark of Lake Cowal recognising that river red gum habitat is below high water mark;
- (b) measures to manage the enhanced wetlands without adversely impacting adjoining private properties; and
- (c) measures to improve habitats for wildlife including waterbirds, fish, aquatic organisms etc, in the wetlands covered by the plan.

3.4 Biodiversity Offset Strategy

- (a) The Applicant shall implement the biodiversity offset strategy summarised in Table 2, shown conceptually in Appendix 3, and described in detail in the EIS to the satisfaction of the Secretary.

Table 2: Northern and Southern Offsets

Area	Minimum Size
Northern Offset Area (Enhancement Area)	80 ha
Southern Offset Area (Enhancement Area) (including 230 ha Mod 11 extension)	260 ha
Southern Offset Area (Revegetation Area)	100 ha
Total	440 ha

- (b) By the end of July 2015, unless the Secretary agrees otherwise, the Applicant shall make suitable arrangements for the long term protection of the biodiversity offset areas in Table 2 to the satisfaction of the Secretary.
- (b1) Within two years of commencing the construction of activities associated with Modification 14, unless the Secretary agrees otherwise, the Applicant must secure the offset areas listed in Table 2.1 (or alternative offset areas with comparable ecological values as agreed in consultation with OEH and to the satisfaction of the Secretary) by entering into a Biodiversity Stewardship Agreement(s), in accordance with the relevant provisions of the Biodiversity Conservation Act 2016, unless otherwise agreed with the Secretary.

Table 2.1: Land based offsets – Modification 14

Area	Minimum Size
Offset Area 3	88 ha
Offset Area 4	157 ha
Offset Area 5	39.5 ha
Offset Area 6	202 ha
Total	486.5

Notes:

- To identify the areas referred to in Table 2.1 see the figure in Appendix 3.
- By entering a Stewardship Agreement, the Applicant will be required to develop a management plan for each of these offset areas and provide in perpetuity up-front funding to implement agreed management measures. Therefore, management of these offset areas does not need to be incorporated into the Biodiversity Management Plan required under condition 3.4(f) or conservation bond required under condition 3.4(g) below.

(b2) Retirement of Credits

Within two years of commencing the construction of activities associated with Modification 14, the Applicant must retire biodiversity credits of a number and class specified in Tables 2.2 and 2.3 below to the satisfaction of OEH.

The retirement of credits must be carried out in accordance with the requirements of the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- making payments into the Biodiversity Conservation Fund; and
- funding a biodiversity conservation action that benefits the threatened entity impacted by the development, consistent with the 'Ancillary rules: Biodiversity conservation actions'.

Table 2.2: Ecosystem Credit Requirements

Area	PCT ID	Credits Required
Weeping Myall Open Woodland	26	109
Inland Grey Box - White Cypress Pine Woodland	82	816
River Red Gum Forest	249	19
Belah Woodland	55	193
Dwyer's Red Gum - White Cypress Pine - Currawang Woodland	185	18
Highly Modified Derived Grasslands	250	2,532
Total	-	3,687

Table 2.3: Species Credit Requirements

Area	Credits Required
Superb Parrot	7

Notes:

- Payments to an offset fund do not apply to EPBC Act listed threatened species and ecological communities.
- The number and class of credits in Tables 2.2 and 2.3 are credits created under the *Threatened Species Conservation Act 1995*.
- Following repeal of the *Threatened Species Conservation Act 1995* on 25 August 2017, credits created under that Act are taken to be "biodiversity credits" under the *Biodiversity Conservation Act 2016* under clause 22 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

(b3) The Applicant must use the ecosystem and species credits generated by the establishment of Biodiversity

Stewardship Agreements for the offset areas in Table 2.1 to retire the biodiversity credit requirements of the development under condition 3.4(b2) of Schedule 2 of this consent, unless otherwise agreed with the Secretary.

Note: If there is a surplus in credits following establishment of the Biodiversity Stewardship Agreement(s), then these remaining credits will be held by the Applicant for future use.

(c) Biodiversity Management Plan

The Applicant shall prepare and implement a Biodiversity Offset Management Plan for the development to the satisfaction of the Secretary. This plan must be prepared in consultation with OEH and DoEE, and include:

- (i) a description of the short, medium, and long term measures that would be implemented to:
 - implement the biodiversity offset strategy;
 - manage the remnant vegetation in the offset areas; and
 - integrate the implementation of the biodiversity offset strategy to the greatest extent practicable with the rehabilitation of the site;
- (iii) detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary);
- (iv) a detailed description of the measures that would be implemented for:
 - enhancing the quality of existing vegetation and fauna habitat in the biodiversity offset areas;
 - creating native vegetation and fauna habitat in the biodiversity offset areas;
 - maximising the salvage of resources from the disturbance areas on site, including the vegetative and soil resources – for beneficial use in the biodiversity offset areas;
 - collecting and propagating seed;
 - controlling weeds and feral pests;
 - controlling erosion;
 - managing any grazing;
 - controlling access; and
 - bushfire management;
- (v) a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;
- (vi) a description of the potential risks to successful implementation of the biodiversity offset strategy, and the contingency measures that would be implemented to mitigate against these risks; and
- (vii) details of who would be responsible for monitoring, reviewing, and implementing the plan.

(d) Conservation Bond

By the end of July 2015, unless otherwise agreed by the Secretary, the Applicant shall lodge a Conservation Bond with the Department to ensure that the biodiversity offset strategy summarised in Table 2 is implemented in accordance with the performance and completion criteria in the Biodiversity Offset Management Plan. The sum of the bond shall be determined by:

- (i) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and
- (ii) employing a suitably qualified and experienced person to verify the calculated cost to the satisfaction of the Secretary.

The calculation of the Conservation Bond must be submitted to the Department for approval at least 1 month prior to the lodgment of the bond.

If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Offset Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.

If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Offset Management Plan, the Secretary will call in all, or part of, the conservation bond, and arrange for the completion of the relevant works.

Note: Alternative funding arrangements for long-term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond. The sum of the bond may be reviewed in conjunction with any revision to the Biodiversity Offset Management Plan.

3.5 Prevention of Soil Erosion

The Applicant shall prepare and implement the following plans to the satisfaction of the Secretary:

- (a) an erosion and sediment control management plan for the site which shall include, but not be limited to:
 - (i) details of temporary and permanent sediment and erosion control systems to be used during both

- mine construction and operation, including for earthworks associated with landscaping;
- (ii) details of salinity management; and
- (iii) a program for reporting on the effectiveness of the sediment and erosion control systems and performance against objectives contained in the approved erosion and sediment control management plan, and EIS; and
- (b) a soil stripping management plan for the site which shall include, but not be limited to:
 - (i) details of the management of soil stockpiles, soil stripping techniques and scheduling;
 - (ii) any further requirements of DRG; and
 - (iii) a program for reporting on the effectiveness of the soil stripping methods and performance against objectives contained in the soil stripping management plan, and EIS.

3.6 Bushfire Management

The Applicant shall:

- (a) ensure the development is suitably equipped to respond to any fires on site; and
- (b) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site.

3.7 Land Management

The Applicant shall prepare and implement a Land Management Plan for all its land holdings to the satisfaction of the Secretary. The plan shall be prepared in consultation with OEH, DoI L&W, Agriculture NSW and BSC, be consistent with the Flora and Fauna Management Plan, provide for proper land management including, but not limited to:

- (a) pastures and remnant vegetation management;
- (b) control of vermin and noxious weeds as required by the Local Lands Services, BSC and other relevant authorities;
- (c) integration of the latest versions of the Jemalong Land and Water Management Plan and the Lake Cowal Land and Water Management Plan; and
- (d) feral animal control.

3.8 Rehabilitation Strategy

The Applicant shall develop a strategy for the long term land use of the [site](#) on decommissioning of the mine site. The strategy shall include, but not be limited to: appropriate landuses within the [site](#), which may include areas for conservation, agriculture or recreation, long term management of the area, environmental impacts of any uses and maintenance of necessary drainage characteristics and other features provided on the site. The strategy for long term land use of the [site](#) shall be submitted by Year 7 of mining operations or five years before mine closure, whichever is the sooner, in consultation with DRG, Agriculture NSW, DoI L&W, OEH, BSC, CEMCC, and to the satisfaction of the Secretary.

4. WATER MANAGEMENT

4.1 Water Supply

(a) General

The Applicant shall ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of operations on site to match its available water supply.

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.

(b) Bland Creek Palaeochannel Borefield

The maximum daily extraction of water from the Bland Creek Palaeochannel Borefield shall not exceed 15ML/day or 3650ML/year.

- (c) The Applicant must ensure water is preferentially sourced from internal water sources before external water sources.

4.1A Compensatory Water Supply

The Applicant must provide a compensatory water supply to anyone whose basic landholder water rights (as defined in the *Water Management Act 2000*) are adversely and directly impacted as a result of the development. This supply must be provided in consultation with DoI L&W, and to the satisfaction of the Secretary.

The compensatory water supply measures must provide an alternative long-term supply of water that is

equivalent to the loss attributable to the development. Equivalent water supply must be provided (at least on an interim basis) as soon as possible after the loss is identified, unless otherwise agreed with the landowner.

If the Applicant and the landowner cannot agree on 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 Secretary for resolution.

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

4.2 Pipeline & Borefield Infrastructure

- (a) All pipeline and borefield infrastructure for the development shall be:
- (i) constructed in consultation with Fisheries NSW, and in accordance with the requirements of Dol L&W;
 - (ii) laid in such a way so as not to impede the passage of fish or other animals, or interfere with flood behaviour or the passage of boats and vehicles; and
 - (iii) equipped with an automatic shutdown device so water pumping is immediately stopped in the event of any pipe rupture. The water supply shall not be restarted until the rupture is located and repaired.

4.3 Disposal of Excess Water

There shall be no disposal of water from the internal catchment drainage system on site to Lake Cowal under any circumstances.

4.4 Water Management

- (a1) Within 3 months of the approval of Modification 14, the Applicant must model the hydraulic heads and transport of contaminants from the IWL at 20, 50, 100 and 200 years post mine closure, in consultation with Dol L&W and to the satisfaction of the Secretary.

- (a) The Applicant shall prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (i) be prepared in consultation with Dol L&W, Forbes Shire Council and EPA;
 - (ii) include, but not be limited to, the following matters:
 - management of the quality and quantity of surface and groundwater within and around the mine site, including water in the up catchment diversion system, internal catchment drainage system, dewatering bores, Bland Creek Palaeochannel borefield and water supply pipelines from the borefield, which shall include preparation of monitoring programs (see below);
 - measures to prevent the quality of water in Lake Cowal or any surface waters being degraded below the relevant ANZECC water quality classification prior to construction due to the construction and/ or operation of the mine;
 - identification of any possible adverse effects on water supply sources of surrounding land holders, and land holders near the Bland Creek Palaeochannel Borefield as a result of the mining operations, and implementation of mitigation measures as necessary;
 - identification of changes in flood regime on productive agricultural land in Nerang Cowal as a result of the mine perimeter bund intruding into Lake Cowal, and provision of appropriate compensation measures for affected landholders based on inundation of productive land caused by the changed flood regime;
 - construction and operation of water storages D1 and D4 as first flush systems with initial captured run-off waters from the outer batters of northern and southern emplacement dumps reporting to water storage D6;
 - measures to manage and dispose of water that may be captured behind the temporary perimeter bund during construction of that bund;
 - integration of the latest versions of the Jemalong Land and Water Management Plan and the Lake Cowal Land and Water Management Plan;
 - measures to evaluate water quality data obtained from monitoring under this consent against records of baseline monitoring undertaken prior to the consent;
 - strategies to mitigate the risk of potential water shortfalls under adverse climatic scenarios;
 - contingency strategies if the modelling required by condition 4.4 (a1) of Schedule 2 of this consent indicates that the IWL may result in groundwater quality changes beyond the extent of the final void, and a plan for implementing these strategies; and
 - a program for reporting on the effectiveness of the water management systems and performance against objectives contained in the approved site water management plan, and EIS.

- (b) The Applicant shall develop a strategy for the decommissioning of water management structures, including water storages both in and around the mine site, the water pipelines and borefield infrastructure associated with the development, and long term management of final void and Lake protection bund. The strategy must aim to develop a stabilised surface water management system consistent with the 'Guidelines for Controlled Activities on Waterfront Land' (NRAR, 2018). The strategy shall include, but not be limited to, long term monitoring of the water quality in the final void and stability of Lake protection bund and void walls, and options for alternate uses of the water pipelines. The strategy for the final void shall be submitted by Year 7 of mining operations or five years before mine closure, whichever is the sooner, in consultation with DoI L&W, EPA, DRG and CEMCC, and to the satisfaction of the Secretary.
- (c) The Applicant shall:
 - (i) construct the Lake protection bund, site water storages, tailings dams and IWL to the requirements of DoI L&W, EPA and DSC; and
 - (ii) provide a geotechnical report on pit/void wall construction/stability to DRG prior to commencement of mining operations and construct pit/void in accordance with the requirements of DRG.

4.5 Water Monitoring

- (a) The Applicant shall construct and locate:
 - (i) surface water monitoring positions in consultation with DoI L&W and EPA, and to the satisfaction of the Secretary, at least three months prior to the commencement of construction works unless otherwise directed by the Secretary; and
 - (ii) groundwater monitoring positions in consultation with DoI L&W and EPA, and to the satisfaction of the Secretary at least six months prior to the commencement of construction works unless otherwise directed by the Secretary.
- (b) The Applicant shall prepare and implement a detailed monitoring program for the development to the satisfaction of the Secretary. This plan must be prepared in consultation with DoI L&W, EPA, Fisheries NSW and be directed towards monitoring the potential water impacts of the mine, including water in the up catchment diversion system, internal catchment drainage system, dewatering bores, all borefields associated with the development, and water supply pipelines, pit/void, Lake Cowal, and any other waters in and around the mine site for all stages of the development.

The monitoring program will include the development of adequate chemical and biological monitoring in the waters of Lake Cowal, when water is present, by suitably qualified and experienced staff or consultants to the satisfaction of the DoI L&W, and EPA, and in the case of biological monitoring Fisheries NSW, DoI L&W and EPA must be satisfied as to sampling design, including sample locations, sample frequency, sample handling, transport and analysis, sampling parameters and reporting of analysis results.

The results and interpretation of surface and ground water monitoring (including biological monitoring) are to be published on the Applicant's website for the development on a regular basis, or as directed by the Secretary.

- (d) The Applicant shall prepare and implement a monitoring program for the detection of any movement of the Lake protection bund, water storage and tailings structures and pit/void walls during the life of the mine, with particular emphasis on monitoring after any seismic events prior to commencement of construction works, in consultation with DoI L&W and DRG, and to the satisfaction of the Secretary.

4.6 Catchment Areas and Watercourses

The Applicant shall as a landowner have on-going regard for the provisions of the latest versions of the Jemalong Land and Water Management Plan, Lake Cowal Land and Water Management Plan, Mid-Lachlan Regional Vegetation Management Plan, and any future catchment/land and water management plans that may become relevant to the area.

5. HAZARDOUS MATERIALS AND TAILINGS MANAGEMENT

5.1 Waste Rock Emplacement and Management

The Applicant shall construct and manage the waste rock emplacement as set out in the EIS, and to the satisfaction of DRG.

5.2 Tailings Emplacement and Management

The Applicant shall:

- (a) construct the tailings dams and IWL to the requirements of DRG, EPA and DSC and in consultation with DoI L&W; and
- (b) construct and compact the floor of the tailings dams and IWL to ensure an equivalent permeability of no more than 1×10^{-9} m/s over a thickness of 1 metre.

5.3 Cyanide Management

(a) Cyanide levels

The Applicant shall ensure that cyanide levels of the aqueous component of the tailings slurry stream do not exceed: 20mg CN_{WAD}/L (90 percentile over six months), and 30mg CN_{WAD}/L (maximum permissible limit at any time), at the process plant.

(b) Cyanide Management

The Applicant shall prepare and implement a cyanide management plan for the development to the satisfaction of the Secretary. The plan is to be prepared in consultation with DRG, EPA and DoI L&W and include monitoring and reporting on cyanide use on the site. The plan shall make provision for, but is not limited to:

- (i) containing cyanide contaminated waters entirely within the mine site;
- (ii) maintaining weak acid dissociable (WAD) cyanide levels at the process plant to the levels stated in condition 5.3(a);
- (iii) contingency measures for cyanide reduction.

(c) Wildlife Deaths

In the event of wildlife deaths occurring due to cyanide, review of cyanide levels shall occur by the EPA in consultation with the Applicant and DRG. Any decision to require cyanide reduction shall include, but not be limited to, consideration of the number of fauna deaths, the species involved, antecedent condition of species, methods employed at the time to prevent use of tailings dams by fauna, and antecedent climatic and surface water conditions of the Lake and surrounding area. The Applicant shall notify the CEMCC of any reductions in cyanide levels as soon as practicable.

(d) Cyanide Monitoring

The Applicant shall prepare and implement a cyanide monitoring program for the development to the satisfaction of the Secretary. The plan must be prepared in consultation with EPA and DRG, and shall include, but not be limited to, provision for:

- (i) monitoring of CN_{WAD} levels of the aqueous component of the tailings slurry stream at the process plant twice daily or as otherwise directed by the Secretary, with any increases above 20mg CN_{WAD}/L to be assessed daily to ensure compliance and reported in the Annual Review, unless otherwise agreed by the Secretary. If the CN_{WAD} levels of 30mg/L are exceeded in the liquid at any time, discharge to the tailings dams shall cease until CN_{WAD} levels can be achieved below the levels stated in condition 5.3(a) and such exceedance shall be reported to the EPA within 24 hours;
- (ii) monitoring CN_{WAD} levels in the decant water of the tailings dams twice daily or as otherwise directed by the Secretary;
- (iii) an on site laboratory for quickly establishing CN_{WAD} levels in the liquid at the process plant and in the decant ponds for monitoring purposes;
- (iv) on-line monitoring of CN(FREE) at locations where employees are operating;
- (v) establishing a monitoring regime for detection of cyanide movement beneath and adjacent to the tailings impoundments.

A summary of the cyanide monitoring results shall be provided on the Applicant's website for the development on a regular basis, or as directed by the Secretary.

5.4 Hazards Management

Note: The development consent conditions under 5.4(a)-(f) are related to offsite risk to people and the biophysical environment. The safety of all persons and operations on site is the responsibility of the DRG under the Mines Inspection Act and Dangerous Goods Act.

(a) Pre-Construction Studies

The Applicant shall prepare and submit for the approval of the Secretary, the studies set out under subsections 5.4(a)(i) to 5.4(a)(iii) (the pre-construction studies), at least one month prior to the commencement of construction of the proposed development, (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as Secretary may agree. Construction, other than of preliminary works, shall not commence until approval has been given by the Secretary and, with respect to the fire safety study, approval has also been given by the Commissioner of the NSW Fire Brigades.

(i) *Fire Safety Study*

This study shall cover all aspects detailed in the Department's Hazardous Industry Planning Advisory Paper No. 2, "Fire Safety Study Guidelines" and the New South Wales Government's "Best Practice Guidelines for Contaminated Water Retention and Treatment Systems". The study shall also be submitted for approval to the New South Wales Fire Brigades.

The study should, in particular, address the fire related issues associated with the storage and use of Ammonium Nitrate, Sodium Isobutyl Xanthate, and Cyanide.

(ii) *Hazard and Operability Study*

The study is to be chaired by an independent qualified person approved by the Secretary prior to the commencement of the study. The study shall be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 8, "HAZOP Guidelines". The HAZOP shall in particular address the monitoring, control, alarm and shutdown systems associated with xanthate and cyanide process streams.

(iii) *Final Hazard Analysis*

The analysis should be prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 6, "Guidelines for Hazard Analysis".

(b) Pre-Commissioning Studies

The Applicant shall prepare and submit for the approval of the Secretary the following studies (the pre-commissioning studies), no later than two months prior to the commencement of commissioning of the proposed development, or within such period as the Secretary may agree. Commissioning shall not commence until approval has been given by the Secretary.

(i) *Transport of Hazardous Materials*

The study comprises arrangements covering the transport of hazardous materials including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the proposed development. The study shall be carried out in accordance with the Department's draft "Route Selection" guidelines. Suitable routes identified in the study shall be used except where departures are necessary for local deliveries or emergencies.

The study should also address (1) the issues associated with spills, cleanup procedures, training of clean-up teams, communication, and liaison with organisations such as the fire brigades, District Emergency Management Coordinator (and Committee), Local Emergency Management Committee(s), and state emergency services; (2) inspection and monitoring procedures for chemicals such as explosives, xanthates and cyanides prior to commencement of a trip, to verify the integrity of the packaging; and (3) measures to be taken to ensure that the temperature of the materials does not rise above safe levels.

(ii) *Emergency Plan*

A comprehensive emergency plan and detailed emergency procedures for the proposed development. This plan shall include detailed procedures for the safety of all people outside of the

development who may be at risk from the development. The plan should be in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, "Industry Emergency Planning Guidelines"*, and include procedures for spillage, cleanup, control and protection, and rescue of wildlife during the emergency.

(iii) *Safety Management System*

A document setting out a comprehensive safety management system, covering all operations on-site and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records shall be kept on-site and should be available for inspection by the Secretary upon request. The safety management system should be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, "Safety Management"*.

(c) Hazard Audit

Twelve months after the commencement of operations of the proposed development or within such further period as the Secretary may agree, the Applicant shall carry out a comprehensive hazard audit of the proposed development and submit a report of the audit to the Secretary.

The audit shall be carried out at the Applicant's expense by a duly qualified independent person or team approved by the Secretary prior to commencement of the audit. Further audits shall be carried out every three years or as determined by the Secretary and a report of each audit shall within a month of the audit be submitted to the Secretary. Hazard audits should be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, "Hazard Audit Guidelines"*.

(d) Hazardous Materials Management Plan

The Applicant must prepare and implement a Hazardous Materials Management Plan for the development to the satisfaction of the Secretary. This plan must:

- (i) be prepared in consultation with Forbes, Bland and Lachlan councils, RMS, EPA, DoI L&W and DRG;
- (ii) be consistent with the *International Cyanide Management Code for the Manufacture, Transport and Use of Cyanide in the Production of Gold*; and
- (iii) describe the measures that would be implemented to ensure:
 - sodium cyanide and other toxic chemicals are stored and handled on the site in accordance with *AS/NZ 4452 – The Storage and Handling of Toxic Substances*;
 - the transportation of hazardous materials to or from the site on the local road network shown in Appendix 7 is undertaken in accordance with the *Department's Hazardous Industry Planning Advisory Paper No. 11 – Route Selection* and the *Australian Code for the Transport of Dangerous Goods by Road and Rail – current version*; and
 - detail the emergency procedures for the development consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning*.

The Applicant must implement the approved Hazardous Materials Management Plan for the development.

Note: The approved Hazardous Materials Management Plan shall replace the pre-commissioning studies required by conditions 5.4(b)(i) and (ii) and the Hazardous Waste and Chemical Management Plan required by condition 5.7 of Schedule 2 of this consent.

5.5 Domestic Waste

The Applicant shall dispose of all solid waste and putrescible matter from the site to the satisfaction of BSC.

5.6 Sewage and Associated Waste Management

The Applicant shall install the site sewage treatment facility, and dispose of treated sewage and sullage to the satisfaction of BSC and EPA, and in accordance with the requirements of the Department of Health.

5.7 Asbestos and Other Hazardous or Toxic Waste Management

The Applicant shall prior to commencement of construction works prepare a Hazardous Waste and Chemical Management Plan as set out in section 6.4.1 of the EIS in consultation with EPA and BSC, and to the satisfaction of the Secretary.

6. AIR, BLAST, NOISE AND VISUAL IMPACT MANAGEMENT

6.1 Air Management

(a) Impact Assessment Criteria

The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Tables 3, 4 and 5 at any residence on privately-owned land.

Table 3: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 25 µg/m ³

Table 4: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	^d Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³

Table 5: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes to Tables 3-5:

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

^c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary.

(b) Operating Conditions

The Applicant shall:

- (i) implement best management practice to minimise the off-site odour, fume, spontaneous combustion and dust emissions of the development;
- (ii) implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;
- (iii) minimise any visible off-site air pollution generated by the development;
- (iv) minimise the surface disturbance on the site;
- (v) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d above under Tables 3-5); and
- (vi) carry out regular monitoring to determine whether there is compliance with the relevant conditions of this consent,

to the satisfaction of the Secretary.

(c) Air Quality Management Plan

The Applicant shall prepare and implement an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:

- (i) be prepared in consultation with the EPA;
- (ii) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of **this consent**;
- (iii) include an air quality monitoring program that:
 - evaluates and reports on the:
 - the effectiveness of the air quality management system;
 - compliance with the air quality criteria;
 - compliance with the air quality operating conditions; and

- defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.

6.2 Meteorological Monitoring

For the life of the development, the Applicant shall ensure that there is a meteorological station in the vicinity of the site that complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline.

6.3 Blast Management

(a) Impact Assessment Criteria

The Applicant shall ensure that blasting on site does not cause any exceedence of the criteria in Table 6.

Table 6: Blasting impact assessment criteria

Location & Time	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedence
Residence on privately-owned land - Anytime	120	10	0%
Residence on privately-owned land – Monday to Saturday during day	115	5	5% of the total number of blasts over a period of 12 months
Residence on privately-owned land – Monday to Saturday during evening	105	2	5% of the total number of blasts over a period of 12 months
Residence on privately-owned land – Monday to Saturday at night, Sundays and public holidays	95	1	5% of the total number of blasts over a period of 12 months

However, these criteria do not apply if the Applicant has a written agreement with the relevant owner to exceed the limits in Table 6, and the Applicant has advised the Department in writing of the terms of this agreement.

(b) Blasting Frequency

The Applicant may carry out a maximum of 1 blast a day on site. This condition does not apply to blasts required to ensure the safety of the mine or its workers.

Note: For the purposes of this condition a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.

(c) Property Investigations

If the owner of any privately-owned land claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, and the Secretary agrees an independent investigation of the claim is warranted, then within 2 months of receiving this claim the Applicant shall:

- commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and
- give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant shall repair the damage to the satisfaction of the Secretary.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.

(d) Operating Conditions

The Applicant shall:

- implement best management practice to:
 - protect the safety of people and livestock in the areas surrounding blasting operations;

- protect public or private infrastructure/property in the surrounding area from damage from blasting operations; and
 - minimise the dust and fume emissions of any blasting;
- (ii) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site; and
- (iii) carry out regular monitoring to determine whether the development is complying with the relevant conditions of [this consent](#),
to the satisfaction of the Secretary.

(e) Blast Management Plan

The Applicant shall prepare and implement a Blast Management Plan for the development to the satisfaction of the Secretary. This plan must:

- (i) be prepared in consultation with the EPA;
- (ii) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of [this consent](#); and
- (iii) include a monitoring program for evaluating and reporting on compliance with the blasting criteria and operating conditions of [this consent](#).

6.4 Noise Management

(a) Acquisition Upon Request

Upon receiving a written request for acquisition from the owner of any land listed in Table 7, the Applicant shall acquire the land in accordance with the procedures in condition 8.3.

Table 7: Land subject to acquisition upon request

Westella
Westlea

Note: To interpret the location referred to Table 7, see the map in Appendix 6.

(b) Additional Noise Mitigation

Upon receiving a written request from the owner of the residences listed in [Tables 7 and 7A](#), the Applicant shall implement additional noise mitigation measures (such as double-glazing, insulation, and/or air conditioning) at the residence in consultation with the landowner. These measures must be reasonable and feasible, and directed towards reducing the noise impacts of the development on the residence.

If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on 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 Secretary for resolution.

Table 7A: Land subject to mitigation upon request

Lakeview III

Note: To interpret the location referred to Table 7A, see the map in Appendix 6.

(c) Impact Assessment Criteria

The Applicant shall ensure that the noise generated by the development does not exceed the noise impact assessment criteria in Table 8 at any residence on privately-owned land.

Table 8: Noise Impact Assessment Criteria dB(A) L_{Aeq} (15min)

Land	Day/Evening/Night
Lakeview III	38
The Glen	37
Lakeview, Foxman Downs II	36
All other privately-owned land	35

Note: To identify the land referred to in Table 8, see the map in Appendix 6.

Noise generated by the development is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time). Appendix 5 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

(d) Operating Conditions

The Applicant shall:

- (i) implement best management practice, including all reasonable and feasible mitigation measures, to minimise the operational, low frequency, and road noise of the development, including mitigation measures to:
 - (ii) minimise the noise impacts of the development during meteorological conditions when the noise limits in [this consent](#) do not apply (see Appendix 5); and
 - (iii) carry out regular attended monitoring to determine whether the development is complying with the relevant conditions of [this consent](#),
- to the satisfaction of the Secretary.

(e) Noise Management Plan

The Applicant shall prepare and implement a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:

- (i) be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to carrying out any development under [this consent](#), unless the Secretary agrees otherwise;
- (ii) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in [this consent](#); and
- (iii) include a monitoring program that:
 - evaluates and reports on:
 - compliance with the noise criteria in [this consent](#); and
 - compliance with the noise operating conditions;
 - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.

6.5 Visual Management

(a) Additional Visual Impact Mitigation

Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the mining operations and infrastructure on-site during the development, the Applicant shall implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) to reduce the visibility of the mining operations and infrastructure from the residences on the privately-owned land.

These mitigation measures must be reasonable and feasible, and must be implemented within a reasonable timeframe.

If the owner of the residence and the Applicant cannot agree whether there are significant direct views from the residence, then either party may refer the matter to the Secretary for resolution.

If within 3 months of receiving this request, the Applicant and the owner cannot agree on 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 Secretary for resolution.

Notes:

- *The additional visual impact mitigation measures must be aimed at reducing the visibility of the mining operations on site from affected residences, and do not require measures to reduce the visibility of the mining operations from other locations on the affected properties.*
- *The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (i.e. the additional measures could involve the implementation of measures outside the affected property boundary that provide an effective reduction in visual impacts).*

(b) Operating Conditions

The Applicant shall:

- (i) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development;
- (ii) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;

- (iii) 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;
- (iv) ensure that all external lighting associated with the development complies with relevant Australian Standards including *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version; and
- (v) take all reasonable and feasible measures to shield views of mining operations and associated equipment from users of public roads and privately-owned residences, to the satisfaction of the Secretary.

7. TRANSPORT MANAGEMENT

7.1 Road Transport

(a) Mine site access road

The Applicant shall use its best endeavours to ensure that the preferred mine access road routes as described in the EIS are the only routes used by employees and contractors travelling to and from the mine site.

Note: The preferred and alternate transport routes are shown in Appendix 7.

(b) Lake Cowal Road Realignment

The Applicant must design and construct the Lake Cowal Road realignment in consultation with BSC and in accordance with the *Austrroads Guide to Road Design* (as amended by RMS supplements).

(c) Road Upgrades

Prior to using the proposed mine access routes shown in Appendix 7, the Applicant must fund the road upgrades detailed in Table 9, to the satisfaction of the applicable roads authority and in accordance with the *Austrroads Guide to Road Design* (as amended by RMS supplements), unless otherwise agreed with the Secretary.

Table 9: Road upgrades – Modification 14

Location	Upgrade requirements
Bena Street between Wamboyne Road and Burcher Road	Localised widening of Bena Street and Lake Cowal Road on approach to Wamboyne Road to allow vehicles to pass in the vicinity of the intersection
Wamboyne Road between Blow Clear Road and Bena Street	Maintenance of guide posts
Lake Cowal Road at the intersection with Bonehams Lane and the Mine Access Road	Install give way markings across Lake Cowal Road at the intersection with Bonehams Lane and the Mine Access Road
90-degree bend in Bonehams Lane	Improve signage at the bend with chevron alignment markers or similar
Bonehams Lane at Blow Clear Road	Install give way markings
Blow Clear Road on approach to Wamboyne Road	Replace the non-compliant crossroad warning sign with a give way ahead (W3-2) sign
Wamboyne Road at its intersection with Blow Clear Road	Upgrade the pavement for left turns from Wamboyne Road onto Blow Clear Road and upgrade intersection signage and line marking
Wamboyne Road (north) at its intersection with Wamboyne Road (southwest) and Fitzgerald Road	Install give way signs and line marking across Wamboyne Road (north) at its intersection with Wamboyne Road (southwest) and Fitzgerald Road and replace the non-compliant sight board
Wamboyne Road at its intersection with Bena Street and Lake Cowal Road	Install give way signs and line marking
Lonergans Lane at Blow Clear Road	Install give way signs and line marking
Lonergans Lane on its immediate approach to Blow Clear Road	Seal for approximately 20 m
Bodells Lane on its immediate approach to Newell Highway	Seal for approximately 20 m

Note: The proposed mine access routes referred to in this condition are the 'Condobolin – Sealed Network' route and 'Forbes – High Water Level' route shown in Appendix 7.

(d) Transport Management Plan

Prior to commencing construction of works associated with Modification 14, unless the Secretary agrees otherwise, the Applicant must prepare a Transport Management Plan for the development to the satisfaction of the Secretary. This plan must be prepared in consultation with RMS, Forbes, Bland and Lachlan councils, and include:

- (i) details of the transport routes to be used for development-related traffic, including roads to be used during construction of the pipeline duplication (as shown in Appendix 7);
- (ii) a protocol for undertaking dilapidation surveys to assess the:
 - existing condition of local roads along the approved transport routes prior to any development-related construction works; and
 - condition of local roads along these transport routes following any development-related construction works;
- (iii) a protocol for the repair of any local roads identified in the dilapidation surveys to have been damaged during development-related construction works;
- (iv) detailed plans and implementation schedules for the road upgrades specified in Table 9 of Schedule 2 of this consent;
- (v) detailed plans of the pipeline duplication and Lake Cowal Road realignment, as these works relate to impacts on local roads;
- (vi) details of the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport routes during construction and operation, including:
 - measures to manage development-related traffic, including vehicles associated with the pipeline construction, road realignment and gravel haulage campaigns;
 - measures to encourage the use of the employee shuttle bus service;
 - temporary traffic controls, including detours and signage;
 - notifying the local community about development-related traffic impacts;
 - minimising potential for conflict with school buses and other motorists as far as practicable;
 - scheduling of haulage vehicle movements to minimise convoy length or platoons;
 - responding to local climate conditions that may affect road safety such as fog, dust, wet weather;
 - responding to any emergency repair or maintenance requirements; and
 - a traffic management system for managing over-dimensional vehicles;
- (vii) a driver's code of conduct that addresses:
 - travelling speeds;
 - driver fatigue;
 - procedures to ensure that drivers adhere to the designated transport routes; and
 - procedures to ensure that drivers implement safe driving practices;
- (viii) a complaints handling procedure; and
- (ix) a program to monitor and report on the effectiveness of the implementation of the measures in this plan.

The Applicant must implement the approved Transport Management Plan for the development.

8. ADDITIONAL PROCEDURES

8.1 Notification of Landowners/Tenants

- (a) By the end of September 2014, unless the Secretary agrees otherwise, the Applicant shall notify in writing the owners of:
 - (i) the land listed in Table 7 that they have the right to ask the Applicant to:
 - acquire their land at any stage during the development; and
 - install additional noise mitigation measures at any residence on their land;
 - (ii) any residence on privately-owned land which has, or would have, significant direct views of the mining operations and infrastructure on-site during the development, that they have the right to ask the Applicant to implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) to reduce the visibility of the mining operations and infrastructure from the affected residences on the land.
- (b) As soon as practicable after obtaining monitoring results showing:
 - (i) an exceedance of any relevant criteria in this consent, the Applicant shall notify the affected landowners in writing of the exceedance, and provide regular monitoring results to the landowner until the development is again complying with the relevant criteria; and
 - (ii) an exceedance of the relevant air quality criteria in this consent, the Applicant shall send a copy of the NSW Health fact sheet entitled "*Mine Dust and You*" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land.

8.2 Independent Review

If an owner of privately-owned land considers the development to be exceeding the criteria in this consent, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.

If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Applicant shall:

- (a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the Secretary, to:
 - consult with the landowner to determine his/her concerns;
 - conduct monitoring to determine whether the development is complying with the relevant impact assessment criteria in condition 6 of this consent; and
 - if the development is not complying with these criteria then:
 - determine if more than one mine or development is responsible for the exceedance, and if so the relative share of each mine or development regarding the impact on the land; and
 - identify the measures that could be implemented to ensure compliance with the relevant criteria; and
- (b) give the Secretary and landowner a copy of the independent review.

8.3 Land Acquisition

- (a) Within 6 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:
 - (i) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the development, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of any additional noise and/or visual mitigation measures under this consent;
 - (ii) the reasonable costs associated with:
 - relocating within the same local government area, or to any other local government area determined by the Secretary;
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
 - (iii) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.

Upon receiving such a request, the Secretary shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- (1) consider submissions from both parties;
- (2) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (i)-(iii) above;
- (3) prepare a detailed report setting out the reasons for any determination; and
- (4) provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Applicant shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary shall determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (i)-(iii) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.

Within 14 days of this determination, the Applicant shall make a binding written offer to the landowner to

purchase the land at a price not less than the Secretary's determination.

If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Secretary determines otherwise.

- (b) The Applicant shall pay all reasonable costs associated with the land acquisition process described in condition 8.3(a) above.
- (c) If the Applicant and landowner agree that only part of the land shall be acquired, then the Applicant shall also pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.

9. ENVIRONMENTAL MANAGEMENT, AUDITING AND REPORTING

9.1 Environmental Management

(a) Environmental Management Strategy

The Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:

- (i) be submitted to the Secretary for approval by the end of October 2014, unless the Secretary agrees otherwise;
- (ii) provide the strategic framework for environmental management of the development;
- (iii) identify the statutory approvals that apply to the development;
- (iv) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
- (v) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise;
 - respond to any non-compliance;
 - respond to emergencies; and
- (vi) include:
 - copies of any strategies, plans and programs approved under the conditions of this consent; and
 - a clear plan depicting all the monitoring to be carried out in relation to the development.

(b) Annual Review

By the end of July each year, or as otherwise agreed with the Secretary, the Applicant shall review the environmental performance of the development to the satisfaction of the Secretary. This review must:

- (i) describe the development that was carried out in the previous calendar year, and the development that is proposed to be carried out over the next year;
- (ii) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against the:
 - the relevant statutory requirements, limits or performance measures/criteria;
 - the monitoring results of previous years; and
 - the relevant predictions in the EIS;
- (iii) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
- (iv) identify any trends in the monitoring data over the life of the development;
- (v) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (vi) describe what measures will be implemented over the next year to improve the environmental performance of the development.

(c) Revision of Strategies, Plans and Programs

Within 3 months of:

- (i) the submission of an annual review under condition 9.1(b) above;
- (ii) the submission of an incident report under condition 9.3(a) below;
- (iii) the submission of an audit under condition 9.2 (a) below;
- (iv) the submission of an Annual State of the Environment Report under condition 9.2(b) below;
- (v) the approval of any modification to the conditions of this consent; or

(vi) a direction of the Secretary under condition 1.1(c) of this consent; the Applicant shall review and, if necessary, revise the strategies, plans, and programs required under this consent to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.

(d) Community Environmental Monitoring and Consultative Committee

- (i) The Applicant shall establish and operate a Community Environmental Monitoring and Consultative Committee (CEMCC) for the development to the satisfaction of the Secretary. This CEMCC must:
- be comprised of an independent chair and at least 2 representatives of the Applicant, 1 representative of BSC, 1 representative of the Lake Cowal Environmental Trust (but not a Trust representative of the Applicant), 4 community representatives (including one member of the Lake Cowal Landholders Association);
 - be operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version).
 - monitor compliance with conditions of this consent and other matters relevant to the operation of the mine during the term of the consent.

Note: The CEMCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.

- (ii) The Applicant shall establish a trust fund to be managed by the Chair of the CEMCC to facilitate the functioning of the CEMCC, and pay \$2000 per annum to the fund for the duration of gold processing operations. The annual payment shall be indexed according to the Consumer Price Index (CPI) at the time of payment. The first payment shall be made by the date of the first Committee meeting. The Applicant shall also contribute to the Trust Fund reasonable funds for payment of the independent Chairperson, to the satisfaction of the Secretary
- (iii) At least four years prior to mine closure the Applicant shall, in consultation with the CEMCC, identify and discuss post-mining issues, particularly in relation to reduced employment and consequent impacts on West Wyalong, and develop a mine workforce phase out plan. This plan shall be reviewed and updated in consultation with the CEMCC at the commencement of the final year of mining operations.
- (iv) The Applicant shall, in consultation with the CEMCC, develop appropriate strategies to support activities which promote special interest tourism related to the co-existence of mining and the Lake Cowal environment.

9.2 Independent Auditing and Review

(a) Independent Environmental Audit

- (i) By the end of July 2016, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - include consultation with the relevant agencies, BSC and the CEMCC;
 - assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any other relevant approvals (such as environment protection licences and/or mining lease (including any assessment, plan or program required under this consent));
 - review the adequacy of any approved strategy, plan or program required under this consent or the abovementioned approvals; and
 - recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under this consent.

Note: This audit team must be led by a suitably qualified auditor, and include ecology and rehabilitation experts, and any other fields specified by the Secretary.

- (ii) Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of these

recommendations as required. The Applicant must implement these recommendations, to the satisfaction of the Secretary.

(b) Independent Monitoring Panel

- (i) The Applicant shall at its own cost establish an Independent Monitoring Panel prior to commencement of construction. The Applicant shall contribute \$30,000 per annum for the functioning of the Panel, unless otherwise agreed by the Secretary. The annual payment shall be indexed according to the Consumer Price Index at the time of payment. The first payment shall be paid by the date of commencement of construction and annually thereafter. Selection of the Panel representatives shall be agreed by the Secretary in consultation with relevant government agencies and the CEMCC. The Panel shall at least comprise two duly qualified independent environmental scientists and a representative of the Secretary.
- (ii) The panel shall:
- provide an overview of the annual reviews and independent audits required by conditions 9.1(b) and 9.2(a) above;
 - regularly review all environmental monitoring procedures undertaken by the Applicant, and monitoring results; and
 - provide an Annual State of the Environment Report for Lake Cowal with particular reference to the on-going interaction between the mine and the Lake and any requirements of the Secretary. The first report shall be prepared one year after commencement of construction. The report shall be prepared annually thereafter unless otherwise directed by the Secretary and made publicly available on the Applicant's website for the development within two weeks of the report's completion.

9.3 Notification

(a) Incident Notification

The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

(b) Non-Compliance Notification

The Department must be notified in writing to compliance@planning.nsw.gov.au within 7 days after the Applicant becomes aware of any non-compliance with the conditions of this consent. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been done, or will be, undertaken to address the non-compliance.

9.4 Access to Information

The Applicant shall:

- (a) make the following information publicly available on its website:
- (i) the EIS;
 - (ii) current statutory approvals for the development;
 - (iii) approved strategies, plans or programs required under the conditions of this consent;
 - (iv) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
 - (v) a complaints register, which is to be updated on a monthly basis;
 - (vi) minutes of CEMCC meetings;
 - (vii) the last five annual reviews;
 - (viii) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - (ix) [regular reporting on the environmental performance of the development, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;](#)
 - (x) [any other matter required by the Secretary; and](#)
- (b) keep this information up to date, to the satisfaction of the Secretary.