

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.


Mike Young
A/Executive Director
Resource Assessments and Business Systems

Sydney

4 OCTOBER

2018

SCHEDULE 1

The development consent (DA 14/98), granted by the Minister for Urban Affairs and Planning for the Cowal Gold Project on 26 February 1999.

SCHEDULE 2

- In the list of definitions, delete the definitions for 'Biodiversity offset strategy', 'DA area', 'DPI (Agriculture)', 'DPI (Fisheries)', 'DPI (Agriculture)', 'DPI (Fisheries)', 'DPI (Water)', 'DRE', 'Feasible', 'Incident', 'Material harm to the environment' and 'Site', and insert the following in alphabetical order:

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
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
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Fisheries NSW	Department of Primary Industries - Fisheries Division
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
IWL	Integrated Waste Landform
Material harm	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; orresults 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
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
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
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

2. In the definition of 'EIS', delete all words after "Evolution Mining (Cowal) Pty Limited;" and insert:
 - 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.
3. Delete condition 1.1(a) of Schedule 2 (including the note), and replace with:
 - (a) The Applicant must carry out the development:
 - (i) generally in accordance with the EIS; and
 - (ii) in accordance with the conditions of this consent.

Note: The general layout of the development is shown in Appendix 2.
4. Delete all references to:
 - 'DA area', and replace with 'site'.
 - 'DPI (Fisheries)', and replace with 'Fisheries NSW';
 - 'DPI (Agriculture)', and replace with 'DPI Agriculture';
 - 'DPI (Water)' and replace with 'DoI L&W';
 - 'DRE', and replace with 'DRG' and
 - 'NPWS', and replace with 'OEH'.
5. Delete condition 1.2(b) of Schedule 2, and insert:
 - (b) The Applicant must not:
 - (i) process more than 9.8 million tonnes of ore on site in a calendar year; and
 - (ii) crush more than 150,000 tonnes of waste rock for use as gravel road base in a calendar year.
6. In condition 1.2(c) of Schedule 2, delete '272', '264' and 288' and replace with '248.4', '240.5' and '320' respectively.
7. After condition 1.2(c)(vi) of Schedule 2, insert:
 - (vii) Integrated Waste Landform - 245 m AHD.
8. Delete condition 1.2(d) of Schedule 2, and replace with:
 - (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 Supplementary IWL activities	7 am to 6 pm, 7 days a week
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

9. In condition 2.4(a) of Schedule 2, delete 'Appendix '2' and replace with 'Appendix 3'.
10. In Table 1 of Schedule 2, insert the following objective for the final void after 'Highwall to be long-term stable':
 - Minimise the ongoing runoff from clean areas into the final void
11. In condition 3.1(a)(ii) of Schedule 2, insert 'include a Chance Finds Protocol' after 'by OEH';.
12. After condition 3.1(b) of Schedule 2, insert:
 - (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*.

13. Delete conditions 3.2(a)(ii) and (iii) of Schedule 2, and replace with:
- (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.
14. In condition 3.2(b) of Schedule 2, insert 'and IWL' after any occurrence of 'tailings dam' or 'tailings dams'.
15. In condition 3.2(b)(ii) of Schedule 2:
- before any occurrence of 'native fauna deaths', insert 'cyanide related';
 - delete 'or other incidents involving native fauna';
 - delete '(except those attributable to physical trauma such as vehicle strike)';
 - after '(or next working day)', insert 'following confirmation of the death being cyanide related'; and
 - after 'published', insert 'in the Annual Review and'.
16. In condition 3.4(a) of Schedule 2:
- delete 'Appendix 4' and replace with 'Appendix 3'; and
 - delete the heading '*Table 2: Summary of Biodiversity Offset Strategy*' and replace with '*Table 2: Northern and Southern Offsets*'.
17. After condition 3.4(b) of Schedule 2, insert:
- (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:

- (i) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- (ii) making payments into the Biodiversity Conservation Fund; and
- (iii) 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

PCT	PCT ID	Credits Required
Weeping Myall Open Woodland	26	109
Inland Grey Box - White Cypress Pine Woodland	82	1,005
River Red Gum Forest	249	19
Belah Woodland	55	193
Green Mallee – White Cypress Pine Woodland	176	300
Highly Modified Derived Grasslands	250	291
Poplar Box-Belah Woodland	56	1,694
Shallow Freshwater Mixed Marsh Sedgeland	53	76
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 the equivalent “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.

18. After condition 4.1(b) of Schedule 2, insert:

- (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.

19. Before condition 4.4(a), insert:
- (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 DoI L&W and to satisfaction of the Secretary.
20. In condition 4.4(a)(ii) of Schedule 2, delete 'pipeline' and replace with 'pipelines' and insert the following before the last dot point:
- 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
21. In condition 4.4(b) of Schedule 2, after the words 'Lake protection bund.', insert:
- The strategy must aim to develop a stabilised surface water management system consistent with the 'Guidelines for Controlled Activities on Waterfront Land' (NRAR 2018).
22. In condition 4.4(c)(i) of Schedule 2, delete 'and site water and tailings storages' and replace with ", site water storages, tailings dams and IWL'.
23. In condition 4.5(b) of Schedule 2, delete 'pipeline' and replace with 'pipelines'.
24. In condition 5.2(a) of Schedule 2, after 'dams', insert 'and IWL'.
25. In condition 5.2(b) of Schedule 2, delete the words after 'tailings' and replace with 'dams and IWL to ensure an equivalent permeability of no more than 1×10^{-9} m/s over a thickness of 1 metre.'
26. After condition 5.4(c) of Schedule 2, insert:
- (d) Transport of Hazardous Materials
- 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: Following approval of this plan, the 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.*
27. In Table 3 of Schedule 2, delete '30' and replace with '25'.
28. In Table 7A of Schedule 2, delete 'Laurel Park', 'Bramboyne', 'The Glen' and 'Caloola II'.
29. In Table 8 of Schedule 2, delete:
- 'Laurel Park', 'Bramboyne', 'Caloola II' and 'Lakeview II';
 - 'Foxham' and replace with 'Foxman'; and
 - '39', '38' and '37' and replace with '38', '37' and '36' respectively.

30. After condition 7.1(a) of Schedule 2, insert:

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.

31. Delete condition 9.3 of Schedule 2, and insert:

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.

32. Delete condition 9.4(a)(ix) of Schedule 2, and replace with:

- (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

33. Delete the Appendices 1 to 4 and replace with the following appendices:

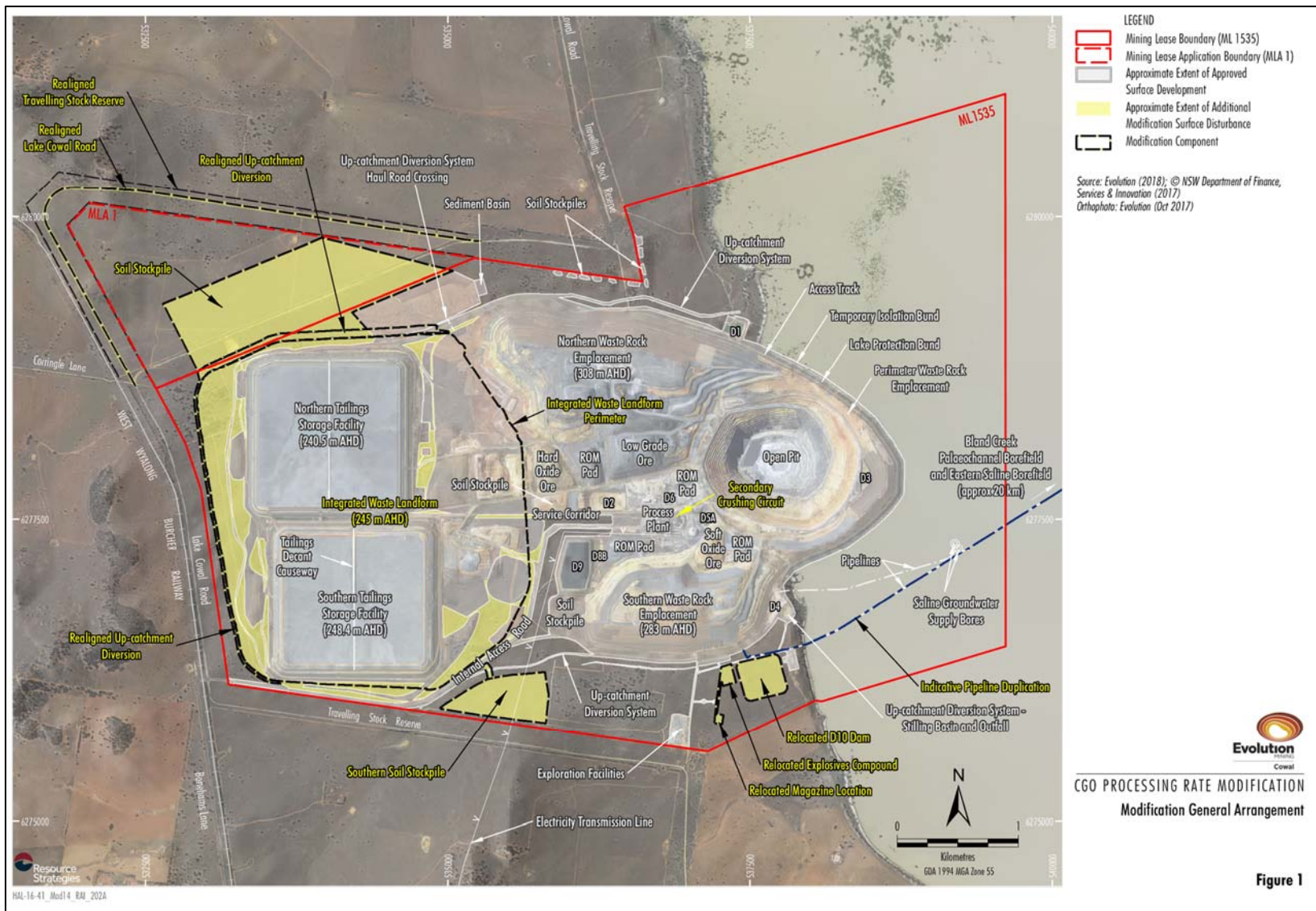
**APPENDIX 1
SCHEDULE OF LAND**

Mine Site	
Lot Number	Deposited Plan
37	39733
38	39733
1	530299
2	530299
7	753083
45	753083
23	753097
24	753097
25	753097
7001	1029713
100	1059150
101	1059150
102	1059150
103	1059150
104	1059150
105	1059150
106	1059150
107	1059150
1	1060709
2	1060709
1	1060907
2	1060907
7303	1143731
7323	1157291
Water Pipeline Route	
Lot Number	Deposited Plan
44	42918
45	42918
46	42918
47	42918
91	753077
18	753097

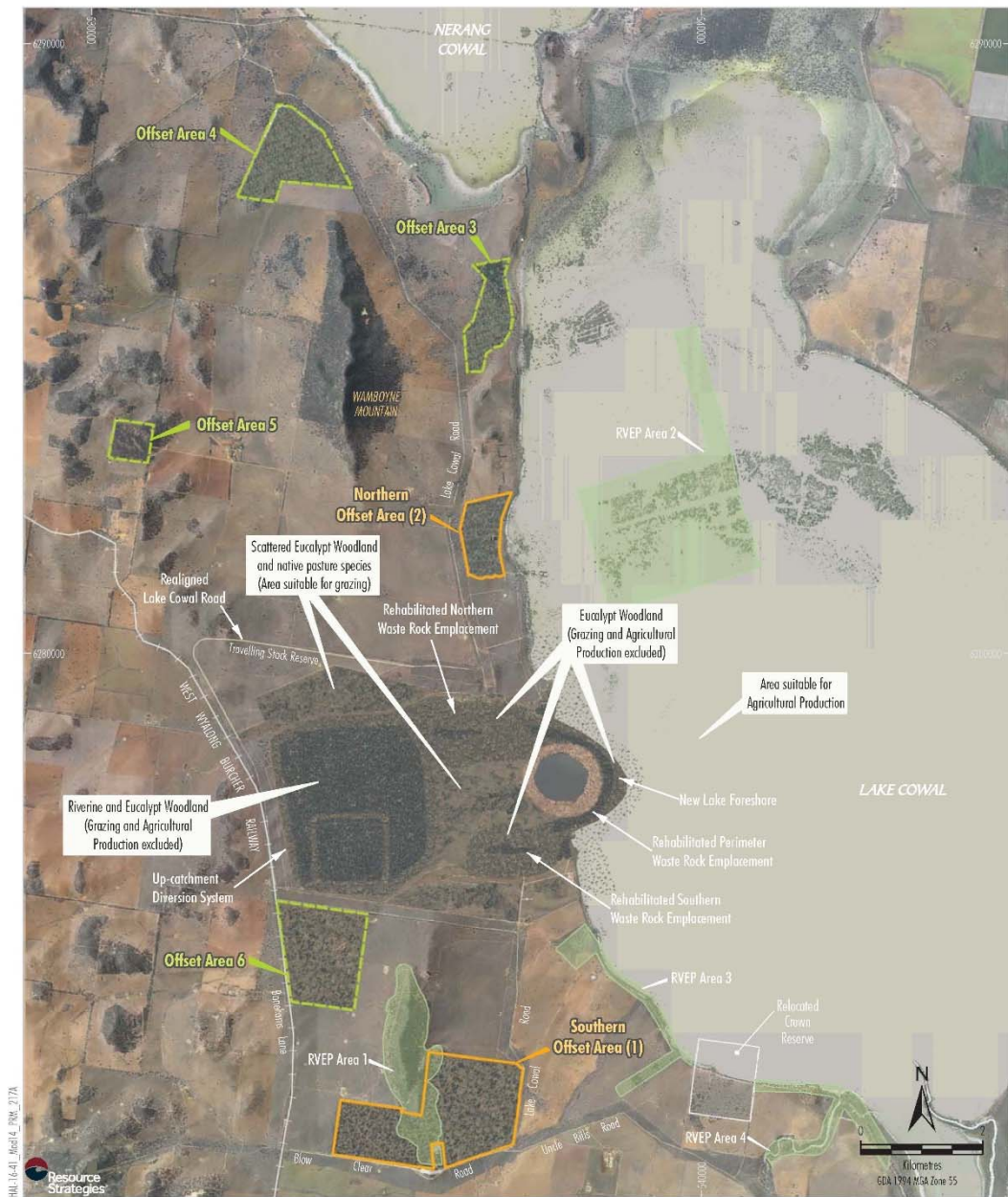
Notes:

- The Water Pipeline Route also traverses some lots listed under "Mine Site".
- The project site will also be taken to include:
 - any crown land, including road reserves, contained within the project site; and
 - any land which is required for the road upgrades specified in Appendix 7.

APPENDIX 2 GENERAL LAYOUT OF THE DEVELOPMENT



APPENDIX 3 BIODIVERSITY OFFSETS AND CONCEPTUAL REHABILITATION STRATEGY



- LEGEND**
- Existing Offset Area
(Voluntary Planning Agreement to be registered on the title of the lands)
 - Proposed Offset Area
(Biodiversity Agreement to be registered on the title of the lands)
 - Remnant Vegetation Enhancement Program Area
(Management of these areas would be maintained for the term of Evolution's tenure of the land)

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



CGO PROCESSING RATE MODIFICATION
Conceptual Final Landform and
Proposed Final Land Use Areas

Figure 5-1

APPENDIX 4 LOCATION OF WILGA AND BELAH WOODLAND



LEGEND		VEGETATION MAPPING	
	Mining Lease Boundary (ML 1535)		Semi-arid Woodlands (Grassy sub-formation) - Riverine Plain Woodlands
	Mining Lease Application Boundary (MLA 1)		Weeping Myall Open Woodland (Semi Cleared in Moderate Condition) (LA212)
	Approximate Extent of Approved Surface Development		Semi-arid Woodlands (Grassy sub-formation) - Northwest Floodplain Woodlands
	Approximate Extent of Additional Modification Surface Disturbance		Belah Woodland (Low Condition) (LA105)
	Modification Component		Threatened Ecological Communities
	Area not to be Disturbed		Weeping Myall Woodland EEC (BC Act and EPBC Act)

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

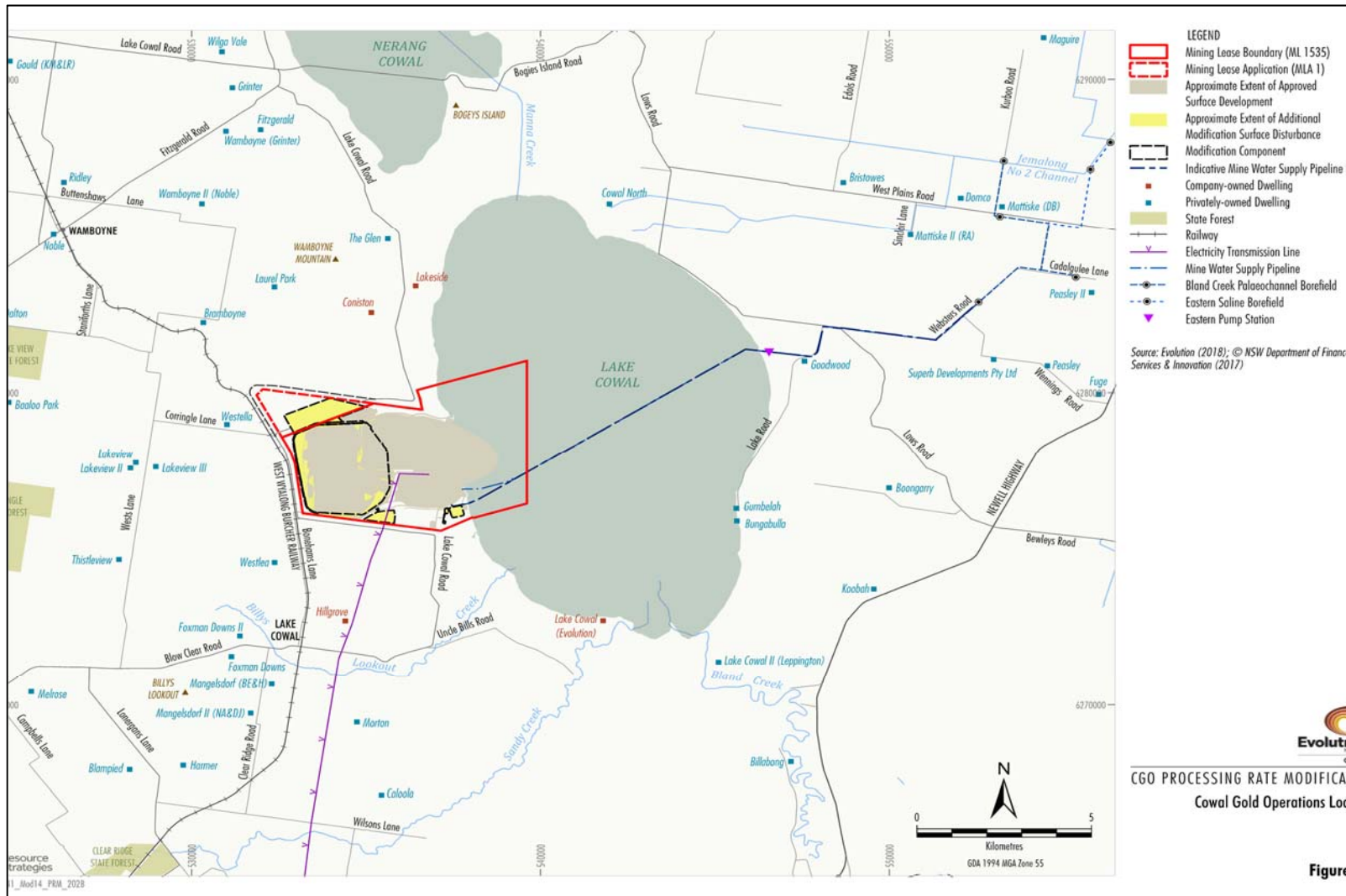


CGO PROCESSING RATE MODIFICATION

Appendix 4

34. Delete Appendix 6 and insert the following appendices:

APPENDIX 6 LOCATION OF RECEIVERS



APPENDIX 7 TRANSPORT ROUTES

