

**Approval****Dargues Gold Mine third modification, Majors Creek, NSW (EPBC 2015/7539)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed action**

|   |  |
|---|--|
| <b>person to whom the approval is granted</b> | Big Island Mining Pty Ltd  |
| <b>proponent's ACN</b>                        | 112 787 470  |
| <b>proposed action</b>                        | To expand the gold mining operation at the existing Dargues Gold Mine (approved as EPBC 2010/5770), located at Majors Creek, New South Wales.<br><br>[See EPBC Act referral 2015/7539; variation request received 16 September 2015 and accepted 23 October 2015.] |

**Approval**

| Controlling Provision   | Decision |
|---|----------|
| Listed threatened species and communities (sections 18 & 18A) | Approve  |


**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 31 August 2025

**Decision-maker**

|                          |   |
|--------------------------|---|
| <b>name and position</b> | Mike Smith<br>Acting Assistant Secretary<br>Assessments (NSW, ACT) and Fuel Branch  |
| <b>signature</b>         |  |
| <b>date of decision</b>  | 17.2.17   |

**Conditions attached to the approval:**

1. The person taking the action must not:
  - a. extract more than 1.6 Megatonnes of ore over the life of the project
  - b. undertake any **construction** or **operation** activities outside the **project site boundary**
  - c. undertake any **construction** or **operation** activities that are not consistent with the **project site layout**.
2. For the protection of downstream **listed threatened species and communities**, the person taking the action must prepare a Construction Environmental Management Plan (CEMP). The person taking the action must not **commence construction** until the CEMP has been approved by the **Minister**. Once approved, the approved CEMP must be implemented. The CEMP must:
  - a. be prepared by a **suitably qualified expert**
  - b. include measureable performance indicators and limits for protecting, conserving, and managing **listed threatened species and communities** from **sedimentation impacts** from **construction** activities
  - c. include management actions and measures to be implemented, including those in the **sediment and erosion control plans**
  - d. be consistent with the Surface Water Assessment (Strategic Environment and Engineering Consulting, 2015a) and **New South Wales Sedimentation and Erosion Guidelines**
  - e. include indicative contingency responses, corrective actions and remediation actions that will be implemented should performance indicators and limits not be achieved
  - f. include a monitoring program that measures **sediment loads** in Spring Creek and Majors Creek during **construction** activities. The monitoring program must:
    - i. include methods, **control sites**, baseline data, and frequency of sampling
    - ii. be designed to detect any changes to **sediment loads** associated with **significant rainfall events**
    - iii. be designed to inform adaptive management.
  - g. include a self-audit program that evaluates and reports on the monitoring program, achievement of the objectives, the effectiveness of management actions, and contingency responses and corrective actions
  - h. specify the timing and frequency of management actions, reporting and implementation of contingency responses and corrective actions, and the person/s responsible.
3. For the protection of downstream **listed threatened species and communities**, the person taking the action must prepare a Water Management Plan (WMP). The person taking the action must not **commence operation** until the plan has been approved by the **Minister**. Once approved, the approved WMP must be implemented. The WMP must:
  - a. be prepared by a **suitably qualified expert**

- b. include measureable performance indicators and limits for protecting, conserving, and managing **listed threatened species and communities** from **sedimentation impacts**
- c. include management actions to be implemented, including those in the **sediment and erosion control plans**
- d. ensure all measures, equipment and facilities specified in the **sediment and erosion control plans** are maintained to be fully effective for the life of the mine, including during mine decommissioning and site rehabilitation
- e. be consistent with the Surface Water Assessment (Strategic Environment and Engineering Consulting, 2015a) and **New South Wales Sedimentation and Erosion Guidelines**
- f. include indicative contingency responses, corrective actions and remediation actions that will be implemented should performance indicators and limits not be achieved
- g. include a monitoring program that measures **sediment loads** in Spring Creek and Majors Creek during **operation** activities. The monitoring program must:
  - i. include methods, **control sites**, baseline data, and frequency of sampling
  - ii. be designed to detect **sediment loads** within Spring Creek and Majors Creek (including any changes to **sediment loads** associated with **significant rainfall events**)
  - iii. be designed to inform adaptive management.

The monitoring program must be undertaken over a minimum of two (2) years from the period of which **operation** activities begin. After two (2) years, the person taking the action may apply to the **Minister** for approval to cease the monitoring program if the monitoring program demonstrates that management actions are effective, as measured against the approved performance indicators and limits.

- h. include a self-audit program that evaluates and reports on the monitoring program, achievement of the objectives, the effectiveness of management actions, and contingency responses and corrective actions
- i. specify the timing and frequency of management actions, monitoring, auditing, reporting and implementation of contingency responses and corrective actions, and the person/s responsible.

#### **Administrative conditions:**

- 4. The person taking the action must notify the **Department** in writing of any potential non-compliance with any condition of this approval within seven business days of the detection of the potential non-compliance.
- 5. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans and monitoring programs required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be published through the general media.

6. By 30 September each year for the period which the approval has effect, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans and monitoring programs as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the **Department** at the same time as the compliance report is published.
7. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The person taking the action must not commence the audit until the independent auditor and audit criteria have been approved by the **Minister** in writing. The audit report must address the criteria to the satisfaction of the **Minister**.
8. The person taking the action may choose to revise a management plan or monitoring program approved by the **Minister** under conditions 2 and 3 without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised plan or monitoring program would not be likely to extend the timeframe for plan objectives, reduce conservation outcomes or have a **new or increased impact**. If the person taking the action makes this choice they must:
  - a. notify the **Department** in writing that the approved plan or program has been revised and provide the **Department**, at least four weeks before implementing the revised plan, with:
    - i. with an electronic copy of the revised plan or program
    - ii. an explanation of the differences between the revised plan and the approved plan
    - iii. the reasons the person taking the action considers that the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**.
9. The person taking the action may revoke their choice under condition 8 at any time by notice to the **Department**. If the person taking the action revokes the choice to implement a revised plan or monitoring program without approval under section 143A of the **EPBC Act**, the plan or monitoring program approved by the **Minister** must be implemented.
10. If the **Minister** gives a notice to the person taking the action that the **Minister** is satisfied that the taking of the action in accordance with the revised plan or program would be likely to have a **new or increased impact**, then:
  - i. condition 8 does not apply, or ceases to apply, in relation to the revised plan or program
  - ii. the person taking the action must implement the plan or program approved by the **Minister**.

To avoid any doubt, this condition does not affect any operation of conditions 8 and 9 in the period before the day the notice is given.

At the time of giving the notice the **Minister** may also notify that, for a specified period of time, condition 8 does not apply for one or more specified plans or programs required under the approval.

11. Conditions 8, 9 and 10 are not intended to limit the operation of section 143A of the **EPBC Act**, which allows the approval holder to submit a revised plan or program to the **Minister** for approval.
12. If, at any time after five (5) years from the date of this approval, the person taking the action has not **commenced construction**, then the person taking the action must not **commence** the action without the written agreement of the **Minister**.
13. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans and monitoring programs referred to in these conditions of approval on its website. Each management plan and monitoring programs must be published on the website within 1 month of being approved by the **Minister** or being submitted under Condition 8.

#### **Definitions:**

**Commencement** (also **commence**, **commenced**) – the first instance of **construction**.

**Construction** – the undertaking of any preparatory works earthworks, erection of any structures, the formation of any hardstand surfaces, or the first instance of any use of heavy duty equipment for earthworks, and works during mine decommissioning and site rehabilitation, in relation to the action (i.e. construction of the Spring Creeks Crossing and Eastern Waste Rock Emplacement), with the exception of:

- installation of temporary signage
- installation of temporary fencing
- exploratory, management, mitigation, remediation / corrective actions or asset protection measures required in the fulfillment of these or other conditions of regulatory approval

**Control sites** – sites to be monitored concurrently within Springs Creek and Majors Creek, to provide evidence of the relative sedimentation and erosion impacts or improvements as a result of the approved action.

**Department** – the Commonwealth Department responsible for administering the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**).

**EPBC Act** – the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

**Listed threatened species and communities** refers to the flora and fauna species (and their habitat) and ecological communities that are listed under the **EPBC Act**, that may be impacted by the proposed action, including:

- Giant Burrowing Frog (*Heleioporus australiacus*)
- Green and Golden Bell Frog (*Litoria aurea*)
- Australian Grayling (*Prototroctes maraena*)
- Spot-tailed Quoll (*Dasyurus maculatus* subsp. *maculatus*) (SE mainland population)
- New Holland Mouse (*Pseudomys novaehollandiae*)
- Brush-tailed Rock Wallaby (*Petrogale penicillata*).

**Minister** – the Minister responsible for the administration of the **EPBC Act** and includes a

delegate of the Minister.

**New South Wales Sedimentation and Erosion guidelines** including:

- Managing Urban Stormwater: Soils and Construction Manual (Landcom, 2004, or its latest version)
- Managing Urban Stormwater – Soils and Construction – Volume 2C Unsealed Roads (Department of Environment and Climate Change, 2008a, or its latest version)
- Managing Urban Stormwater – Soils and Construction – Volume 2E Mines and Quarries (Department of Environment and Climate Change, 2008b, or its latest version).

**New or increased impact** is a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the impact resulting from implementing a plan or strategy that has already been approved by the **Minister**.

**Operations** refers to any actions associated with the proposed action, including increased extraction of ore, transferring of waste rock, use of Spring Creek Crossing, and the operation of the Eastern Waste Rock Emplacement, but explicitly excluding **construction** activities.

**Project site boundary** refers to the Dargues Gold Mine site boundary, as shown in **Annexure A**, where **construction** and / or **operations** activities will occur.

**Project site layout** is the location at which **construction** and / or **operations** activities will be undertaken within the **project site boundary**, as shown in **Annexure B**.

**Sedimentation impacts** are impacts to listed threatened species and communities and their habitat resulting from sediment deposition or reduced water quality.

**Sediment loads** refers to particles of gravel, sand, silt or clay within the watercourse or suspended and carried in the body of a water flow.

**Sediment and erosion control plans** means the all measures, equipment and facilities required to be implemented and specified in the *Sediment and Erosion Control Plan for the Eastern Waste Rock Emplacement (Strategic Environment and Engineering Consulting, 2015a)* and the *Spring Creek Crossing (Strategic Environment and Engineering Consulting, 2015b)*.












**Significant rainfall event** is where 10 millimeters of rainfall has been recorded within any 24 hour period. Rainfall measurements are recorded at the onsite Dargues Gold Mine weather station.

**Suitably qualified expert** means a person with tertiary qualification and a minimum of five (5) years demonstrated experience relevant to the task in question (e.g. erosion and soil control, environmental monitoring).





- REFERENCE**

|   |   |   |                                    |
|---|---|---|------------------------------------|
|  | ML1675 Boundary<br>(Offset for Clarity) |  | Primary Production                 |
|  | Project Site Boundary                   |  | Village                            |
|  | Cadastral Boundary                      |  | Public Recreation                  |
|  | "Slings" Property                       |  | Special Activities                 |
|   |   |  | National Parks and Nature Reserves |
|   |   |  | Environmental Conservation         |
|   |   |  | Defined Watercourse                |

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