

Table 9 (Cont'd)
Assessment of Potential Impacts to Biodiversity Values

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Biodiversity Value	Assessment of Impact	Conclusion
Clause 1.4 of the Biodiversity Conservation Regulation 2017 (Cont'd)		
Habitat connectivity	The Project Area is in a highly fragmented landscape. Cropping and historic clearing for agriculture has impacted most of the Project Area with small, isolated remnants and narrow, linear bands of native vegetation remaining. The Proposed Modification would not create additional disruption to habitat connectivity for threatened species that has not been included in the approved BDAR. The barking owl is a wide ranging species and narrow gaps for roads would not affect their movements.	The Proposed Modification would not reduce habitat connectivity.
Threatened species movement	The Project Area is fragmented having been cleared and cropped for agriculture. The site is not likely to provide key movement corridors for threatened species to maintain their lifecycle. The Proposed Modification would retain slightly more native vegetation in the landscape.	The Proposed Modification would not affect the movement of threatened species such that they would be unable to maintain their lifecycle.
Flight path integrity	The approved BDAR would introduce new structures into the landscape for the Mine. The Proposed Modification includes similar structures in a reorganised footprint.	The Proposed Modification does not introduce new obstacles that would interfere with the flight paths of protected fauna that were not considered in the approved BDAR.
Water sustainability	Some water management infrastructure would be relocated for the Proposed Modification, however, water management at the Mine Site would be implemented consistent with the approved operation and there would be no or only minimal changes to impacts associated with water quality, water availability to users (including the environment) and natural hydrological processes.	The Proposed Modification would not affect how water quality, water bodies and hydrological process sustain threatened species.
Source: Ecoplaning (2026) – Table 4		

6.3 Heritage

6.3.1 Introduction

An *Aboriginal Cultural Heritage Assessment Report* (ACHAR) and an *Historic Heritage Assessment* were prepared by Niche Pty Ltd (Niche) to support the EIS for the CCM. As a result of those assessments, a range of sites of Aboriginal heritage value were identified. No listed historic heritage sites were identified to exist within the Mine Site. The Applicant has prepared a *Heritage Management Plan* to describe the management strategies, procedures, controls, compliance requirements and monitoring programs to be implemented at the CCM in relation to Aboriginal and historic heritage values.

The following subsection provides an overview of identified Aboriginal cultural heritage values and considers the proposed relocation and realignment of Mine Site components in relation to known sites. As the *Historic Heritage Assessment* concluded there would be no impact to historic heritage items or values as a result of development of the CCM, historic heritage is not considered further. Proposed management and mitigation measures are discussed before assessment of any residual impacts relating to the Proposed Modification.

6.3.2 Existing Setting

An ACHAR was completed by Niche Environment and Heritage Pty Ltd (Niche) that included consultation with representatives of Registered Aboriginal Parties (RAPs) to support the original development application for the Mine. During the assessment a total of 140 heritage site were provided from a search of the Aboriginal Heritage Information Management System (AHIMS) within the CCM, and a total of 45 new sites were recorded during archaeological field surveys. Sites recorded within the CCM included the following.

- Modified trees (carved or scarred);
- Hearth;
- Earth mound;
- Artefacts and artefact scatters; and,
- Midden.

Figure 9 presents the existing heritage setting within the CCM in relation to the Proposed Modification.

Preparation for site establishment and commencement has involved the salvage and relocation of sites approved for direct impact under the current approval. **Table 10** presents the sites that have been salvaged or could no longer be salvaged within the Mine Site¹¹.

¹¹ Several sites either could not be located or were no longer present as they had evidently been disturbed by on-farm practices and could not be salvaged.

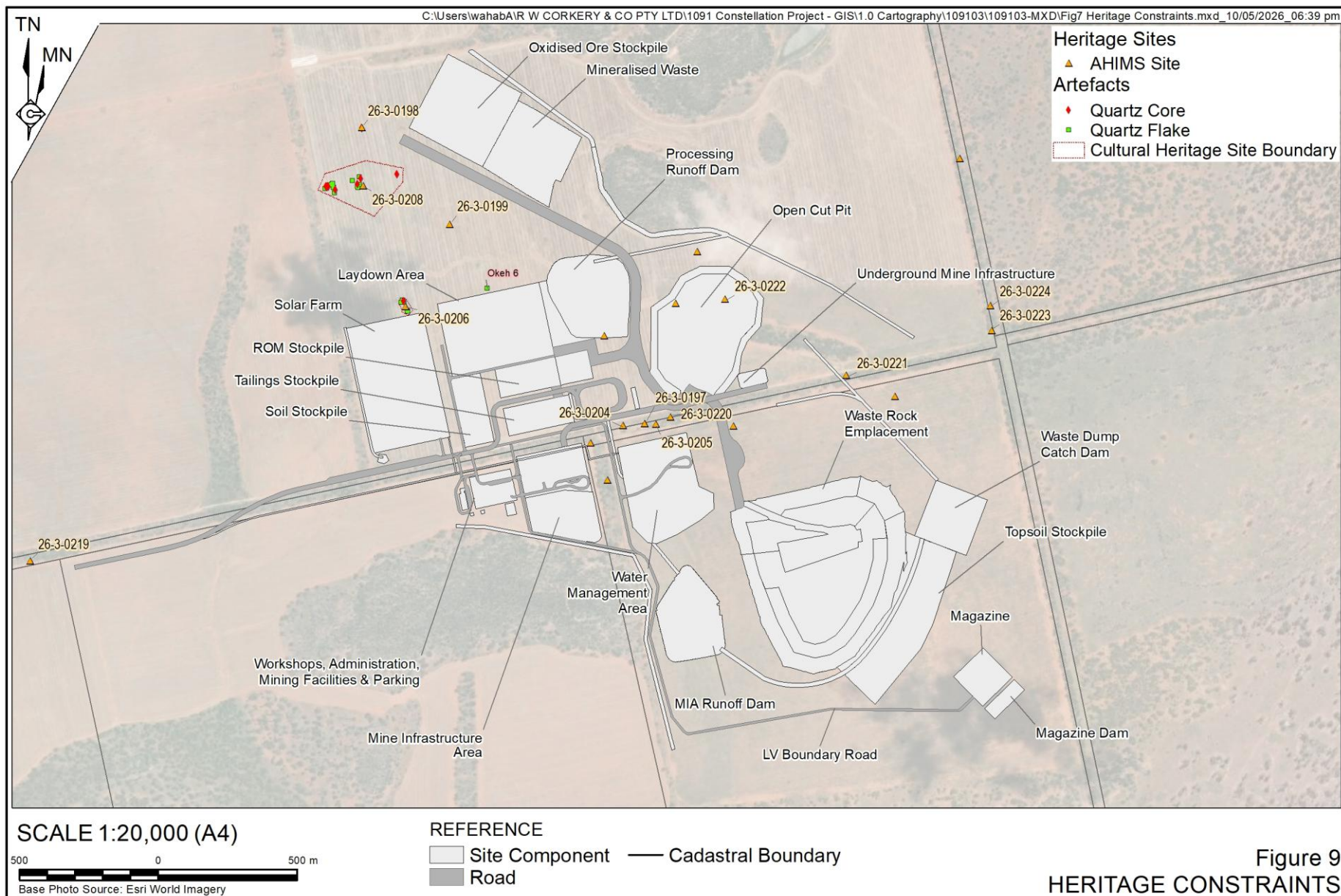


Table 10
Salvaged/Removed Aboriginal Heritage Sites

Site ID	Site Name	Site Type
26-1-0222	Okeh Scar Tree 27	Scarred tree
26-3-0189	Okeh Scar Tree 9	Scarred tree
26-3-0193	Okeh Scar Tree 15	Scarred tree
26-3-0227	Okeh Scar Tree 4	Scarred tree
26-3-0208	Okeh 3	Artefact scatter and PAD
26-3-0199	Oven 1	Hearth
26-3-0200	Oven 2	Hearth

6.3.3 Potential Impacts

Given the proposed changes to the Mine Site are within areas previously considered for assessment, no further field surveys of the Mine Site are required.

Potential impacts to known Aboriginal cultural heritage items have been avoided in the proposed Mine Site layout (see **Figure 9**). All proposed disturbance would be located within areas subject to previous heritage assessments, and areas subject to historical disturbance through mining and agricultural management practices. No impacts to cultural heritage items or locations are proposed as part of this modification.

6.3.4 Mitigation and Management Measures

The Applicant has prepared a Heritage Management Plan that describes measures to avoid impacts to known Aboriginal heritage items and minimise the risk of impact to unexpected sites. The following presents a brief summary of measures presented in the Heritage Management Plan. No additional management and mitigation measures are considered necessary for the Proposed Modification.

- Establishment of '5m No Go Zones' for known heritage items that are not approved for harm.
- Salvage and relocation of sites approved for harm.
- Preparation and implementation of an unexpected finds protocol.
- Ongoing consultation with RAPs on various aspects of development over the Mine Life

6.3.5 Assessment of Impacts

No additional items of Aboriginal heritage value would be impacted for the Proposed Modification. As a result, there would be no change to assessed outcomes for Aboriginal cultural heritage as a result of the Proposed Modification.

6.4 General Environmental Issues

Table 11 presents a high-level consideration of the potential environmental impacts of the Proposed Modification relating to matters that either would not change or for which outcomes would be difficult to discern. It is noted that the Applicant would implement environmental management measures and monitoring in accordance with approved management plans. These plans direct the implementation of environmental management and guide reactive measures and the management of compliance, including notification and reporting requirements. These measures are approved under the existing Project, but would continue to be implemented under the Proposed Modification.

Table 11
Assessment of Environmental Impacts

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Environmental Aspect	Approved Outcomes	Assessment of Potential Impact
Surface Water and Flooding	Assessments completed to support the EIS identified no significant water features or water courses that would be impacted by the Project. Water balance modelling demonstrated that the Applicant would be capable of managing water demand through existing Water Access Licences (groundwater and surface water) as well as the capture of water on-site. The Applicant may also rely on water captured under the Maximum Harvestable Rights allowance for the properties on which the Mine is located. The final void pit lake is predicted to remain at least 22m below ground level over the 600 years post-mining that were modelled, with no overtopping or release to the local surface water environment anticipated. The assessment of flooding risks identified that there would be minimal change to flooding risks associated with the road upgrades and development of the Mine Site.	The Proposed Modification would not change water use requirements or the water sources available to the Mine. Water management strategies would not change with excess water to be transferred to the Murrawombie Mine as approved, and no controlled discharge of water would be required for the Mine. The Proposed Modification incorporates the relocation of some water management infrastructure to a dedicated area (Water Management Infrastructure Area), however retains the general configuration of water management structures. All potentially sediment laden water captured within the Mine Site would be stored for use. Clean water diversions would be in place to divert water from clean water catchments away from the Mine Site unless the water is captured under the Maximum Harvestable Rights Capacity of the landholding. The relocation of disturbance areas previously approved for heap leaching may increase the area of clean water capture that would enter the Mine Site, however the Applicant would continue to rely upon the Maximum Harvestable Rights Capacity of the landholding to account for this capture. Additional dams are proposed for the Solar Farm and the Magazine areas.

Table 11 (Cont'd)
Assessment of Environmental Impacts

Page 2 of 4

Environmental Aspect	Approved Outcomes	Assessment of Potential Impact
Social and Economic	A range a positive and negative social and economic impacts were evaluated during preparation of the EIS. On balance it was concluded that the CCM would provide significant benefits to local and regional employment, household incomes in the Mine locality and Commonwealth and State government revenues. Potential social risks related to the acquisition of land, impacts to the availability of housing locally, the use of heavy vehicles and risk to the health and well-being of the community and workforce. These were countered by potential social benefits from population growth, productivity and employment generation and the potential to enhance social capital. Ongoing engagement with the community would support positive outcomes and enable the Applicant to mitigate or avoid potential risks.	The Proposed Modification would have a positive impact on the local and regional socio-economic setting, as it would allow for the commencement of construction activities within the CCM and surrounds without delay. This would allow any socio-economic benefits to be realised by the surrounding community sooner than otherwise possible.
Rehabilitation	Rehabilitation of the Mine Site would be implemented in accordance with an approved rehabilitation strategy with the aim of creating safe, stable and non-polluting post-mining landforms. The Applicant would progressively rehabilitate the landform to its pre-mining land use, which is primarily grazing on native/introduced mixed pastures.	Rehabilitation of the CCM would be consistent with the approved Rehabilitation and Closure Strategy for the Mine. The final landform and final land use for the Mine is described in Section 3.3. Rehabilitation of the CCM would be undertaken progressively and in accordance with the Rehabilitation Management Plan prepared for the CCM.
Groundwater	Numerical groundwater modelling prepared to support the EIS predicted groundwater drawdown up to 600 years following mining and concluded that three registered bores may experience drawdown of less than 1m. Post mining, a pit lake will form in the final void of the open cut mine that would act as a groundwater sink. The average Open Cut Pit lake water level was predicted to remain approximately 10m below the existing pre-mining groundwater level.	There would be no change to the approved depth or volume of groundwater intercepted for the Proposed Modification. Therefore, the assessment outcomes are unlikely to noticeably change. Any groundwater interception associated with the Boxcut would be avoided. The removal of the heap leaching process from the CCM operations would avoid risks associated with contamination from this structure.

Table 11 (Cont'd)
Assessment of Environmental Impacts

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Environmental Aspect	Approved Outcomes	Assessment of Potential Impact
Noise, vibration and blasting	Noise generation for the construction and operation of the CCM was assessed with noise exposure at 35 sensitive receptors considered. Impacts associated with proposed blasting were also assessed. The assessment concluded that the relevant criteria would be satisfied at all sensitive receptors.	The removal of some processing activities including heap leaching would reduce noise generation for operation of the CCM. It is therefore considered likely that any change to noise generation under the Proposed Modification would be difficult to discern when compared to approved outcomes.
Air quality and greenhouse gas emissions	Dust dispersion modelling predicted that the generation of dust and particulates during operations at the CCM would satisfy all relevant assessment criteria at all sensitive receptors. Additional assessment of heavy metals concentrations in dust concluded there would be no significant risks of exposure to heavy metals as a result of the construction and operation of the CCM.	The removal of some processing activities including heap leaching would reduce dust generation at the CCM. Overall, exposed areas would be reduced. The Proposed Modification would support the timely development of the Solar Farm that would enable some diesel power generation to transition to solar power generation. This would ultimately improve greenhouse gas emission outcomes for the CCM.
Subsidence and geotechnical	Assessment prepared for the EIS for the CCM determined that subsidence was unlikely to occur given the adopted stope sizes, sequencing of mining and adequate backfilling of all stopes. Surface fracturing and deformation were only considered possible within the open pit and would not impact subsidence risks. The stability of proposed structures and other landforms were assessed and predicted to be stable.	Minor changes to the boundary and geometry of the Open Cut Pit and removal of the Boxcut for underground access would not change assessed outcomes for subsidence and geotechnical risk. Given that the Open Cut Pit would be constructed with the same or similar general design parameters, geotechnical risks and the necessary management of these risks would not change.
Geochemical hazards	Assessment prepared to support the EIS concluded that overall environmental risk from the exposure and handling of mineral materials within the Mine Site would be low. The majority of waste rock samples were not acid forming (NAF) or acid consuming (83%) Acid-forming materials would be returned underground to backfill stopes, placed in the Open Cut Pit at closure or encapsulated in the WRE. A proportion of the tailings produced at the Tritton Copper Mine would be returned the Mine Site for re-use as paste backfill for the underground operations.	Planning for operations at the Mine Site has identified a higher proportion of NAF or acid consuming materials would be mined (85%) under the Proposed Modification. There would be no change to the volumes or types of materials mined or to the proposed management of PAF materials. As a result, it is considered the environmental risks from mineral materials would remain low. The removal of heap leach processing would avoid this geochemical risk potential during operations and post-closure.

Table 11 (Cont'd)
Assessment of Environmental Impacts

Page 4 of 4

Environmental Aspect	Approved Outcomes	Assessment of Potential Impact
Visibility	A visual impact assessment considered risks to changes to the viewshed for neighbours, along the transport route and for the broader landscape. One receptor is expected to experience a moderate to low level visual impact from the Mine site. The visual impacts at other sensitive receptors are expected to be negligible.	There would no changes to approved visual amenity outcomes for the broader landscape. Relocation of the WRE may alter the location of this feature and possible views, however it is considered that remnant vegetation would continue to mitigate or completely obscure views and overall visual amenity risks would remain moderate to low.
Land, Soil, and Agriculture	Assessment completed to support the EIS concluded that the Mine Site is predominantly capable of supporting low-impact agricultural uses. There is a risk of impact to land capability through soil erosion and sedimentation.	The Proposed Modification would not change soil management or land capability outcomes following rehabilitation of the Mine Site.
Traffic and Transport	Traffic generation for the transport of ore, tailings backloads, equipment and materials delivery, and personnel arriving and leaving the Mine Site was considered likely to have only a very minor impact on the surrounding transport environment.	There would be no changes to traffic levels, transport routes or vehicle types under the Proposed Modification and therefore assessment outcomes for transportation would not change.

7. Evaluation of Merits

7.1 Introduction

As a conclusion to the *Modification Report*, the Project is evaluated and justified through consideration of its potential impacts on the environment and potential benefits to the local and wider community.

The evaluation of the Project is undertaken by firstly assessing the statutory requirements that apply to the modification through consideration of:

- Section 4.55(1A) of the EP&A Act in relation to the permissibility of modification to development consent for State significant development; and
- Section 4.15(1) of the EP&A Act in relation to the evaluation of applications for development in general.

The Project is then evaluated as a whole against the principles of Ecologically Sustainable Development (ESD) in order to provide further guidance as to the acceptability of the Project.

Section 7.5 presents the justification of the Project and revisits any residual impacts on the biophysical and social environment as a result of the Proposed Modification and reviews the Project against the objects of the EP&A Act.

7.2 Consistency with Strategic Context

The Proposed Modification is generally consistent with the existing strategic context of the wider TCO. The following presents a high-level overview of the relevant state strategic planning documents considered for the approved Project.

- United Nations Framework Convention on Climate Change
- NSW Net Zero Plan
- NSW Critical Minerals and High-Tech Metals Strategy

The following regional strategic planning documents were also considered for the Proposed Modification.

- Bogan Shire Council Community Strategic Plan 2032
- Central West and Orana Regional Plan 2041
- Western Plains Regional Economic Development Strategy
- Economic Development Strategy for Regional NSW

The Proposed Modification is generally consistent with the goals and objectives presented in both the state and regional strategic planning documents considered for the CCM in that it would allow the commencement of construction of the CCM without delays caused by the approvals process for a further detailed modification for the entire Mine Site. Preventing delays in construction of the CCM would allow for the predicted socio-economic benefits of the Project to be realised as

well as allowing for a more efficient operation of the CCM following determination of the further detailed modification. The Proposed Modification would also allow for the development and realisation of positive flow-on effects of investment in infrastructure and employment.

7.3 Statutory Requirements

Section 4 provides an overview of the Proposed Modification's satisfaction of relevant statutory requirements and where various requirements have been addressed in this document. The following subsections address relevant statutory requirements that have not been addressed elsewhere in this document.

7.3.1 Section 4.15(1) Considerations (EP&A Act)

Section 4.15(1) of the EP&A Act sets out the matters for consideration by a consent authority when determining an application for development consent.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) (Repealed)*

that apply to the land to which the development application relates,

- b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c) the suitability of the site for the development,*
- d) any submissions made in accordance with this Act or the regulations,*
- e) the public interest.*

The following subsections provide an evaluation of the Proposed Modification against these provisions.

Environmental Planning Instruments, Plans and Regulations (Section 4.15(1a))

All relevant environmental planning instruments, plans and regulations are addressed in Section 4. In summary, the Proposed Modification is permissible and consistent with the aims and objectives of relevant local and State environmental legislation and guidelines.

Likely Impacts of the Development (Section 4.15(1b))

Section 6 provides an assessment of the environmental factors potentially impacted by the Proposed Modification. The proposed management and mitigations measures would limit potential environmental impacts and the modification would not generate adverse environmental impacts beyond those already approved for the CCM.

Suitability of the Site (Section 4.15(1c))

The CCM was approved on 24 December 2025 and the original application considered the suitability of the site for the development. The Proposed Modification would not require any changes to the existing and approved land uses within the CCM.

Submissions (Section 4.15(1d))

It is anticipated that DPHI will take any submissions into consideration during the assessment of this application.

The Public Interest (Section 4.15(1e))

The Applicant considers that the Proposed Modification serves the public interest as it would allow for the efficient and timely construction of the Mine. The TCO has an important role in the local community and provides employment of local personnel which in turn provides additional flow-on benefits to the local community. Additionally, the environmental outcomes would be consistent with existing Mine operations resulting in no additional significant impacts.

It is therefore concluded that the Proposed Modification is in the public interest through the construction of the CCM in a safe and environmentally responsible manner and the provision of ongoing local economic benefits.

7.3.2 Section 4.55(1A) Considerations (EP&A Act)

As described in Section 1.1, the Proposed Modification is being made under Section 4.55(1A) of the EP&A Act which is provided in full below.

(1A) Modifications involving no or minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- a) it is satisfied that the proposed modification has minimal environmental impact, and*
- b) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

- c) *it has notified the application in accordance with—*
- i) *the regulations, if the regulations so require, or*
 - ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Minimal Environmental Impact

Section 6 of this report presents an assessment of the environmental impacts as a result of the Proposed Modification. In summary, the relocation of some components of surface infrastructure at the CCM would:

- slightly reduce disturbance to native vegetation as a whole, but increase impacts to potential habitat for the barking owl by 0.01ha;
- result in a minor increase to disturbance of land that contains non-native vegetation;
- not change outcomes for Aboriginal or historic heritage impacts or ongoing management;
- not change the strategies or outcomes for the sourcing and management of water resources including surface water or groundwater;
- relocate some activities but not result in discernible changes for amenity outcomes including noise, dust, vibration and blasting;
- not change approved outcomes for flood risk, land and soil capability, traffic and transport, geochemical risk or geotechnical risks which would be managed as approved; and
- enhance and bring forward positive social and economic outcomes without exacerbating negative outcomes.

On balance, these outcomes are considered to represent a minimal change to environmental impacts.

Substantially the Same Development

The Proposed Modification to SSD-41579871 to permit the modified surface layout is considered to be materially consistent with the activities approved under SSD 41579871. While there are a number of proposed changes to the surface layout of the operation, these changes are of the same essence as those currently occurring and do not represent a radical transformation of the Mine. Under the Proposed Modification, the Project would remain “substantially the same development” as that approved under SSD 41579871 for the following reasons.

- The Proposed Modification does not include any novel activities, nor any significant intensification or reduction in any existing or approved activity.
- The proposed changes to the Mine Site infrastructure are wholly within the existing land parcels described in this Schedule of Lands provided as Appendix 1 of SSD-41579871.

- The Applicant anticipates there would be no discernible change to the outward experience of the Project as the construction and use of the relocated Mine Site components would be difficult to differentiate from those approved.
- The Proposed Modification results in only minor changes to proposed surface disturbance and vegetation clearing. There would be a minor reduction in the disturbance of native vegetation and no changes to the assessment of impacts to biodiversity values (see Section 6.3.5). The location of direct impacts to biodiversity would change as a result of the Proposed Modification but the magnitude of impact would remain consistent with that approved.
- There would be no change to approved biodiversity offsetting obligations described in Condition C25 of SSD-41579871.
- While amenity impacts associated with the use of proposed infrastructure would change (i.e. the location and therefore sources of impact), it is anticipated that only minimal changes to environmental impact outcomes would occur when compared to what is currently approved.
- The Proposed Modification would not significantly impact the approved final landform and post-mining land use, other than the location of landforms and the removal of the heap leach pad structure from the rehabilitated landform.

Notification of the Application

This is a matter for DPHI to consider, however it is anticipated that DPHI will notify the application to relevant stakeholders.

Submissions Regarding the Proposed Modification

This is a matter for the DPHI to consider. However, the Applicant would be pleased to respond to any submissions received by DPHI during the assessment process.

7.4 Ecologically Sustainable Development

Sustainable practices by industry, all levels of government and the community are recognised to be important for the future prosperity and well-being of the world. The principles of Ecologically Sustainable Development (ESD), recognised for over two decades, are based upon meeting the needs of the current generation while conserving our ecosystems for the benefit of future generations. In order to achieve sustainable development, recognition needs to be placed upon the integration of both short-term and long-term environmental, economic, social and equitable objectives.

Table 11 presents the features of the Project that reflect the four principles of ESD, namely:

- The precautionary principle.
- The principle of intergenerational equity.
- The principle of the conservation of biodiversity and ecological integrity.
- The principle for the improved valuation, pricing and incentive mechanisms.

Table 12
Review of the Principles of Ecologically Sustainable Development

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Principle	Description	Discussion
The Precautionary Principle	If there are threats of serious and irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In order to satisfy the principles of ESD, emphasis must be placed on anticipation and prevention of environmental damage, rather than reacting to it.	The Applicant has designed the Proposed Modified, specifically the proposed site layout, to avoid potential environmental impacts, particularly in relation to biodiversity and heritage. The precautionary principle has been considered during all stages of the design and assessment of the Proposed Modification. The approach adopted provides a high degree of certainty that the Proposed Modification would not result in any unforeseen impacts.
Social Equity	Social equity embraces value concepts of justice and fairness so that the basic needs of all sectors of society are met and there is a fair distribution of costs and benefits to the community. Social equity includes both inter-generational (between generations) and intra-generational (within generations) equity considerations.	Both elements of social equity are addressed through the design of the Proposed Modification itself, the implementation of operational safeguards to mitigate any short-term or long-term environmental impacts, and the proposed rehabilitation of the areas directly disturbed. Examples of matters relating to inter-generational equity that are relevant to the proposed modification are provided below. • The Applicant seeks to undertake development and operations in a manner that avoids and minimises adverse impacts on the local environment throughout and beyond the operational life of the Mine. This approach enables the Applicant to develop the Mine to maximise economic and social benefits while ensuring beneficial environmental values are preserved for future generations. • The proposed relocation and realignment of Mine Site components would enable the construction of site layout without delays potentially caused by a further detailed modification expected to be submitted for the Mine. • The Proposed Modification would allow for the safe and efficient extraction of raw materials used to produce products that would not only benefit today's generation but many generations to come.
Conservation of Biological Diversity and Ecological Integrity	The protection of biodiversity and maintenance of ecological processes and systems are central goals of sustainability. Developments should not threaten ecological integrity or the conservation of threatened species.	The Proposed Modification would not result in additional impacts to biodiversity values.

Table 12 (Cont'd)
Review of the Principles of Ecologically Sustainable Development

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Principle	Description	Discussion
Improved Valuation and Pricing of Environmental Resources	This principle requires that environmental factors be integrated into asset and service valuation, including the “polluter pays” principle, full life cycle costing, and cost-effective environmental stewardship.	The value placed by the Applicant on environmental resources is evident in the following elements of the proposed modification. The Proposed Modification would allow for mining operations to commence in a profitable, safe and environmentally responsible manner. The Proposed Modification has been designed to minimise surface disturbance and to optimise the efficiency of the proposed Mine Site layout. The assessment of various potential impacts has addressed the likely residual effects on the environment. No additional environmental safeguards and measures (other than those already approved) are required to prevent impacts to the environment within and surrounding the Mine Site.

7.5 Justification of the Proposed Modification

7.5.1 Introduction

In assessing whether the development and operation of the Proposed Modification is justified, consideration has been given both to biophysical and socio-economic factors including the predicted residual impacts on the local and wider environment and the potential benefits of the proposed modification. This section also considers the consequences of the Proposed Modification not proceeding.

7.5.2 Biophysical Considerations

Section 6 presents an assessment of residual impacts on the biophysical environment that are predicted should the Mine commence development and operate in the manner proposed. The residual impacts considered of greatest significance, and the proposed management of these, are summarised as follows.

Biodiversity

The Proposed Modification would not result in disturbance of additional native vegetation and the total number of biodiversity offset credits to be retired would be unchanged. While additional land is proposed to be disturbed under the Proposed Modification, efforts have been made to avoid direct impacts to native vegetation and additional disturbance has preferentially been located on non-native vegetation land. The Proposed Modification would not result in significant changes to the approved biodiversity impacts within the CCM and would not change conditions of consent relating to biodiversity offsetting obligations.

Heritage

The Proposed Modification would not result in disturbance of heritage items within the CCM. While additional land is proposed to be disturbed under the Proposed Modification, additional impacts to heritage items have been avoided. The Proposed Modification would not result in significant changes to the approved heritage impacts within the CCM.

7.5.3 Socio-economic Considerations

The social and economic implications of the Proposed Modification are on balance positive. The proposed modification would enable the construction of the modified layout of the Mine as well as the continued operation of all other existing and proposed mines within the Tritton Copper Operations and consequently the continued distribution of the economic benefits of the Applicants regional operations. Any changes to local amenity or the local experience of the mining operation would be difficult to discern from existing approved operations.

7.5.4 Consequences of Not Proceeding with the Proposed Modification

The consequences of not proceeding with the Proposed Modification include an increased risk of an interruption in the operation of the Tritton Copper Operations, with the associated adverse social and economic impacts that would occur.

The Proposed Modification proposes the most efficient layout of the current operations, limiting impacts elsewhere while ensuring that the Applicant may make the most of existing infrastructure and its existing mining operations.

Based on the above, the consequences of not proceeding with the Proposed Modification would directly and indirectly impact on the operation and economic viability of the existing and proposed mines within the Tritton Copper Operations.

7.6 Objects of the EP&A Act

The objects of the EP&A Act are described in Section 1.3 of the Act as follows.

The objects of this Act are as follows:

- i) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- ii) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- iii) to promote the orderly and economic use and development of land,*
- iv) to promote the delivery and maintenance of affordable housing,*
- v) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- vi) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- vii) to promote good design and amenity of the built environment,*
- viii) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- ix) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- x) to provide increased opportunity for community participation in environmental planning and assessment.*

The Proposed Modification would not limit the achievement of the objects of the EP&A Act and would in effect assist with the achievement of objectives to:

- promote the social and economic welfare of the local community through the efficient and continued economic benefits of the CCM and the wider Tritton Copper operations; and
- promote orderly development of the regional copper resource.

7.7 Conclusion

The Proposed Modification would permit the Applicant to construct the CCM and commence activities within the Mine Site in an efficient and timely manner. Delays to construction would be avoided under the Proposed Modification as optimisation and relocation of surface infrastructure has been designed in accordance with the optimisation program undertaken by the Applicant.

Implementation of the Proposed Modification would have the following significant benefits to the local community within the Bogan Shire and NSW.

- Construction of the CCM in a timely manner.
- Continued mining operations under the wider Tritton Copper Operations in a location that is separated from private residences and other sensitive land uses.
- Improved mining and operational efficiencies with only minor new surface disturbance and minimal additional environmental impact.
- Support for the existing operations within the Tritton Copper Operations.
- The continued employment of personnel residing in the Bogan Local Government Area and contribution to the diversity and sustainability of the region.
- The continued growth and distribution of the economic benefits of the Tritton Copper Operations locally and regionally through the use of local services and businesses.
- The ongoing supply of copper to domestic and international markets that is consistent with the objectives identified in the NSW *Critical Minerals and High-tech Metals Strategy 2024-35* (DPIRD, 2024). The copper supply is essential to support growing demand for electricity transmission (supporting the decarbonisation of the power grid) and use in electric vehicles and the renewable energy sector.

The Applicant intends to remain a major source of employment and services in the Bogan Local Government Area. The Proposed Modification maintains and supports the existing operations at the Tritton Mine and presents new opportunities under the CCM. It is considered that changes to local amenity or the local experience of the mining operation as a result of the Proposed Modification would be difficult to discern from existing approved operations. However, the social and economic benefits associated with the existing and proposed Tritton Copper Operations would continue to be substantial. It is therefore concluded that the proposed modification would firmly be in the public interest.

8. References

Burton Environmental (2024). *Constellation Project – Rehabilitation and Closure Strategy*, 23 May 2024.

Department of Primary Industries and Regional Development (DPIRD), (2024). *Critical Minerals and High-tech Metals Strategy 2024-35*.

Ecoplanning (2025). *Biodiversity Development Assessment Report* prepared for the Constellation Project, Girilambone, NSW.

Appendices

Appendix 1 Modified Project Description

Appendix 2 Biodiversity Impact Review

Appendix 1

Modified Project Description

(Total No. of pages including blank pages = 17)



TRITTON RESOURCES PTY LTD

ABN 88 100 095 494

Modified Project Description

for the

Constellation Project



Modification 1

Prepared by:



RWCorkery&co

May 2026

1. Description of the Modification

1.1 Introduction

This *Updated Project Description* has been prepared to support Modification 1 to the Constellation Copper Mine (CCM) (the “Modified Project”) and has been prepared in accordance with the NSW Government’s *State Significant Development Guidelines – Preparing a Modification Report* (March 2026).

The CCM was approved 24 December 2025 as State Significant Development (SSD) under SSD-41579871. The CCM is an SSD mining operation located approximately 55 km northwest of Nyngan and 20 km northeast of the township of Girilambone in western New South Wales (NSW).

The CCM is owned and operated by Triton Copper Operations Pty Ltd (Tritton), a wholly owned subsidiary of Aeris Resources Ltd (Aeris). The CCM forms part of Tritton’s regional Tritton Copper Operations, a hub-and-spoke network of metalliferous mining and processing operations within the Bogan Shire of New South Wales. Each of the components of the Tritton Copper Operations operates under one or more separate development consents. This *Updated Project Description* applies only to the activities approved under SSD-41579871 and is not intended to be used to describe approved operations of any other developments unless directly relevant to the CCM.

1.2 Consolidated Project Description

The Modified Project comprises the following.

- Construction and use of the Mine Site, including:
 - the Constellation Open Cut and Underground Mine;
 - the Constellation Waste Rock Emplacement (WRE);
 - stockpiling of low-grade mineralised waste for potential future use within the Mineralised Waste Stockpile.
 - various ancillary mining infrastructure to support the operation of the Mine Site.; and
 - an on-site Solar Farm;
- Development of an Infrastructure Corridor between the Mine Site and the Murrawombie Copper Mine. The infrastructure corridor includes the site access/haul road and service connections including power, water, and a fibre-optic cable. Development of the Infrastructure Corridor includes upgrades to the majority of Okeh Road, as well as construction and use of a dedicated private haul road between Okeh Road and the Mitchell Highway, and upgrades to associated intersections as required under the Consent.
- Integration of CCM into the Tritton Copper Operations including but not limited to the following.
 - Despatch and haulage of mined ore from the Mine Site to the Tritton Copper Mine for processing.

- Haulage and receipt of tailings from the Tritton Copper Mine to the Mine Site.
- Despatch and haulage of excavated natural materials (e.g. growth medium) from the Mine Site to the Murrawombie Copper Mine.
- Connection of the water pipeline to existing shared licenced water supply infrastructure.
- Shared environmental and operational management, as relevant.

Where required, separate approvals/licences/authorities are held by other mining and processing operations to permit the above.

The Schedule of Lands has been updated to incorporate Lot 13 DP 751354 that has been included in the area nominated for Mining Lease Application (MLA) 659.

A number of updated figures are presented for the Modified Project Description including the following.

- Figure 1 – Locality Plan
- Figure 2 – Mine Site Area
- Figure 3 – Surface Development Layout
- Figure 4 – Infrastructure Corridor
- Figure 5 – Infrastructure Corridor
- Figure 6 – Underground layout (cross-section)
- Figure 7 – Underground layout (plan view)
- Figure 8 – Conceptual Final Landform
- Figure 9 – Final Land Use Domains

1.3 Overview of the Modified Project

Table 1 presents a comparison of the Modified Project and the Project as approved.

Table 1
Modified Project Summary Table

Page 1 of 5

Element	Project as Approved	Proposed Modification
Project Components		
Project mine area	The CCM is located in a rural setting on two freehold properties identified as 'Okeh' property (including Lot 4 of DP751341 and Lot 9 of DP751321) and 'Windella' property (Lot 10 of DP 751321). The CCM site is sparsely vegetated, and was previously used for sheep grazing with some dryland wheat cropping in the southern paddocks. The CCM's total surface disturbance area is approximately 170ha. The CCM is within exploration leases (EL) 6126, EL8987 and EL8084, and Mining Lease Application (MLA) 659 held by Tritton Resources Pty Ltd.	The CCM's total surface disturbance for the Project mine area is now 172.8ha. There has been a minor increase in disturbance of non-native vegetation areas and a minor decrease in disturbance of native vegetation. All other details including properties remain unchanged.

Table 1 (Cont'd)
Modified Project Summary Table

Page 2 of 5

Element	Project as Approved	Proposed Modification
Project Components (Cont'd)		
Open cut pit mining method and extent	An open cut pit is approved for open cut mining of the CCM deposit. The open cut pit is relatively small, with a maximum area of approximately 11.7ha and a maximum depth of approximately 110m to -55mRL.	Realignment to Open Cut Pit that extends the area to 12.7ha. Addition of safety bunds and access roads surrounding open cut. Relocation of underground access to a portal located within Open Cut Pit. No change to depth.
Underground mining method and extent	Underground mining of the CCM deposit is undertaken using long-hole, open stoping with backfilling. The average feed rate from the underground mine is 0.5Mtpa. Underground production may peak up to 1Mtpa in any given period. Access to the underground workings is via a portal in a surface box cut and a 3,100m long decline. Underground workings are to be developed to a depth of 280mRL.	Access to the underground workings is via a portal in the Open Cut Pit.
Production	The ore to be processed is approximately 2.4Mt from the open cut pit and 3.6Mt from the underground mine over the life of the mine. This is a maximum annual production of 1Mtpa of ore from the CCM.	No change
Resource	Mining of 6.7 million tonnes mineral ore	No change
Life of mine	The approved mine life is approximately 16 years, which includes: • an estimated one-year construction period; • ten years of mining operations; and • five years of decommissioning and rehabilitation activities.	No change
Infrastructure corridor	A corridor, generally approximately 18m wide, extends between the CCM and the existing Tritton Copper Mine incorporating: • the site access/haul road; • a water pipeline; • optic fibre cable; and • an underground electric conduit powerline.	No change
Site access	Within the infrastructure corridor, access to the CCM is predominantly via existing public roads. Operational traffic movements and deliveries to the CCM are via Okeh Road and a new haul road between the Mitchell Highway and Okeh Road. The new section of road, approximately 2,850m long, diverts CCM traffic north around the Girilambone township. Once constructed, operational and haulage traffic will access the CCM via the new intersection on the Mitchell Highway. The new intersection is located approximately 830m north-west of the existing Railway Road and Mitchell Highway intersection.	No change

Table 1 (Cont'd)
Modified Project Summary Table

Page 3 of 5

Element	Project as Approved	Proposed Modification
Project Components (Cont'd)		
Cont'd	Road upgrades to the existing Railway Road and Mitchell Highway intersection includes a channelised right-hand turning lane (for southbound traffic on the Mitchell Highway). A channelised right-turn treatment is also approved for the intersection of the new road and Mitchell Highway (for northbound traffic on the Mitchell Highway). Construction traffic movements and deliveries to the CCM are via Okeh Road, accessed via Murrawombie Road to the east of Girilambone, before the new haul road section has been constructed in the first year of the CCM (Year a-construction).	
Haulage route and traffic movements	CCM ore is transported to the Tritton processing plant at Tritton Copper Mine via the existing public road infrastructure and Aeris-owned roads. Haul vehicles operate along the site access route, travelling to Tritton Copper Mine via the Mitchell Highway, Railway Road and Yarrandale Road. Haul vehicles are either AB triple road trains with approximately 70-tonne payloads or B double trucks with approximately 50-tonne payloads. Operational traffic movements include up to 82 truck movements per day. Concentrate from Tritton is trucked to Hermidale rail siding and loaded onto rail to Newcastle Port. Copper crystal is loaded and transported from the CCM by road and continues by either road or rail. The existing rail networks provides enough transport capacity for the CCM. Therefore, no new rail or port facilities are required.	No change
Off-site processing	Supergene and primary ore are processed at the Tritton Copper Mine processing facility. Up to approximately 10Mt of CCM ore is expected to be processed at the Tritton processing plant over the life of the CCM. Tritton Copper Mine processing facility operates under DA 41/98 (expiring 21 December 2028). A separate approval has been sought to continue processing at the site and increase the annual processing rate and related activities (refer to Chapter 1, Introduction, Section 1.6.2 of the Amendment Report). The CCM production volume is 1.8Mtpa.	No change
On-site processing	Supergene, primary and high-grade ore are crushed and screened on the run-of-mine (ROM) pad. Pre-concentration processes, including dry grinding and flotation to create a concentrate, are undertaken adjacent to the ROM pad. Approximately 2.0 Mt of lower-grade oxide ore from the open cut pit is processed by heap leaching at the CCM.	Supergene, primary and high-grade ore may be crushed and screened on the run-of-mine (ROM) pad before being transported to the Tritton Mine for processing. Stockpiling of oxide ore material is retained, however all processing would occur at the Tritton Copper Mine. Heap leaching will no longer be undertaken at the CCM.

Table 1 (Cont'd)
Modified Project Summary Table

Page 4 of 5

Element	Project as Approved	Proposed Modification
Project Components (Cont'd)		
Cemented paste fill	Dewatered tailings material from the Tritton processing plant is backhauled by trucks or road trains using the haulage road to the CCM. The tailings are screened and mixed with water and a binder in a mobile paste backfill plant at the CCM to produce cemented paste fill. Cemented paste fill is used in the CCM's underground mining activities.	No change
Waste rock management	Approximately 6.1Mm ³ of waste material is expected be generated from the open cut and underground mines over the life of the CCM. The waste rock emplacement (WRE) has been designed for the total capacity, if required with a final height of approximately 35m above the adjacent land surface (top of the WRE at 205mRL) and a maximum disturbance area of approximately 40ha. Once underground operations commence, preference will be given to storing waste rock underground when possible. Waste material may also be stored within the open cut pit below the final level of the pit lake. Mineralised oxide waste is stored separately in a mineralised waste pile with a capacity of 0.55Mm ³ .	Relocation of the Waste Rock Emplacement.
Water supply	Water supply for the CCM is sourced from: • direct rainfall; • catchment runoff; • groundwater inflows; and • transferred via an underground water pipeline in the infrastructure corridor between Murrawombie Copper Mine and the CCM, providing up to 258 ML in peak water demand years (Year 4). CCM water demands are managed within existing water licences held by Aeris. Total annual peak water demands for the CCM are estimated to be 613 ML/yr (Year 4).	No change.
Water management	The CCM's water management system includes: • water storage dams; • a clean water diversion system diverting clean water around disturbed areas and mine site infrastructure; • a catchment drainage system around disturbed areas to contain mine-affected waters; • a bi-directional water supply pipeline from Murrawombie Copper Mine; • storing wastewater from ancillary infrastructure for on-site treatment and on-site disposal or reuse; • erosion and sediment controls during construction and operational phases; and • groundwater dewatering from the underground workings and open cut pit sump to the site water management dams.	Addition of a Water Management Area in the site layout to be used for water transfers and management of water captured within the Open Cut Pit

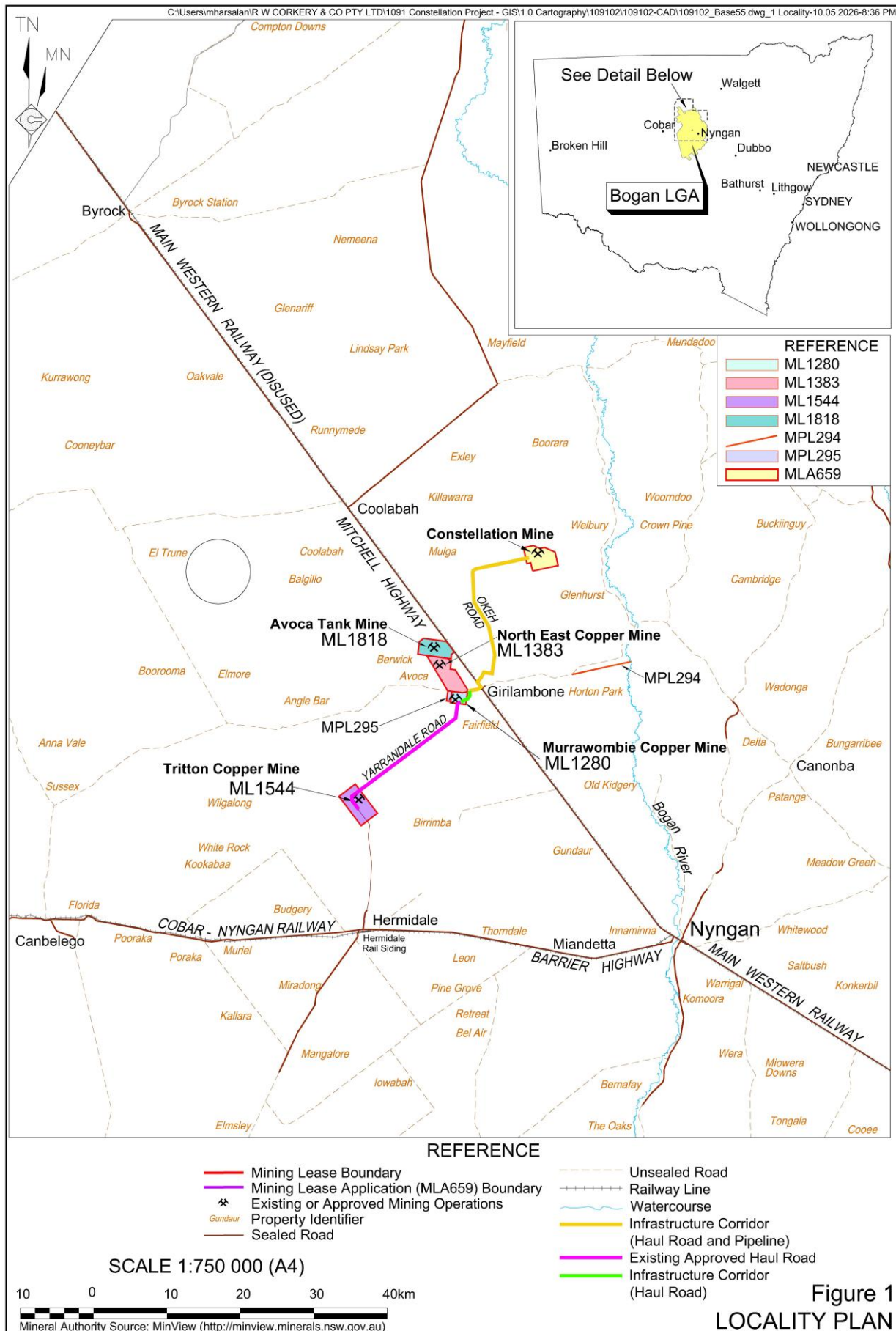
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Modified Project Summary Table

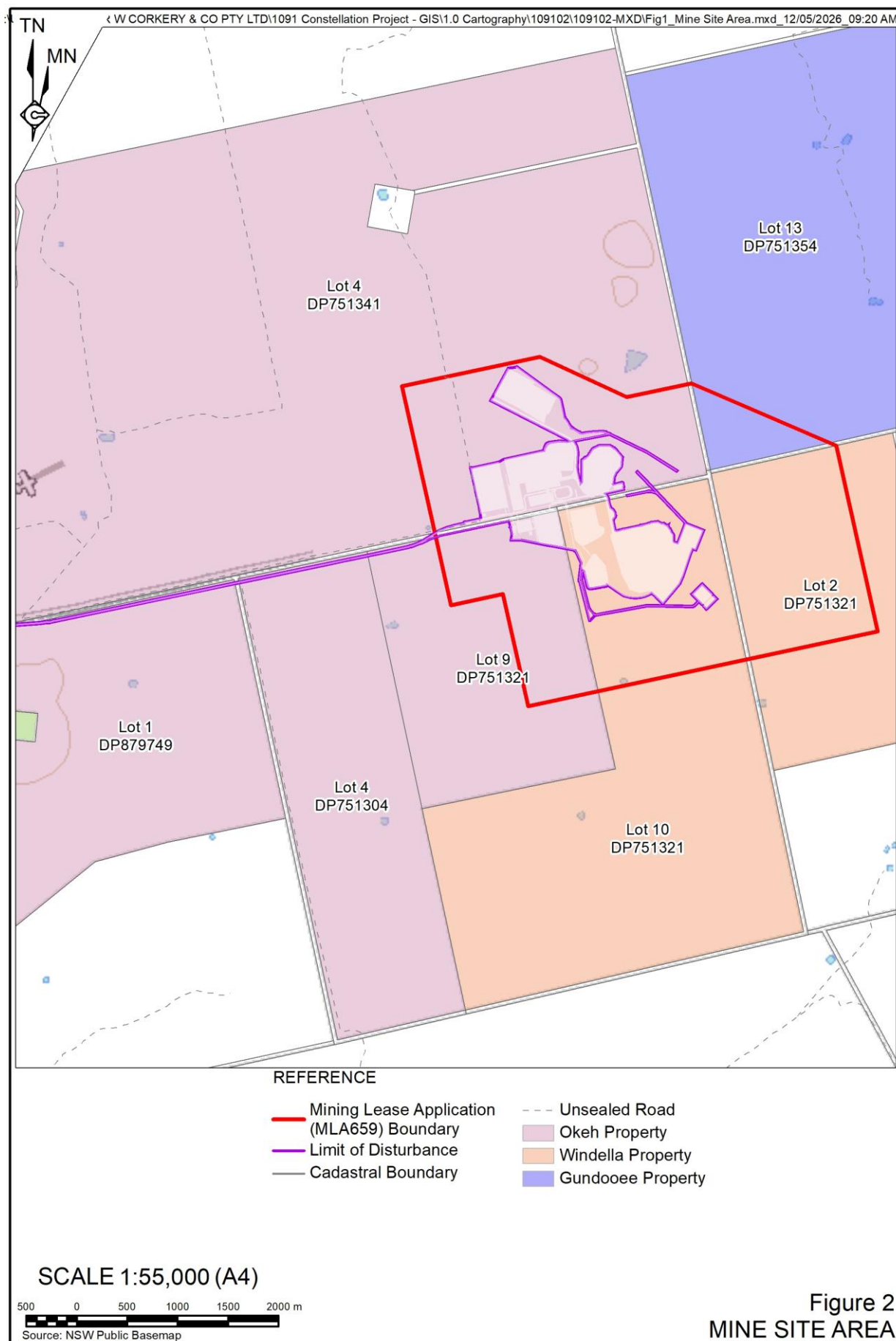
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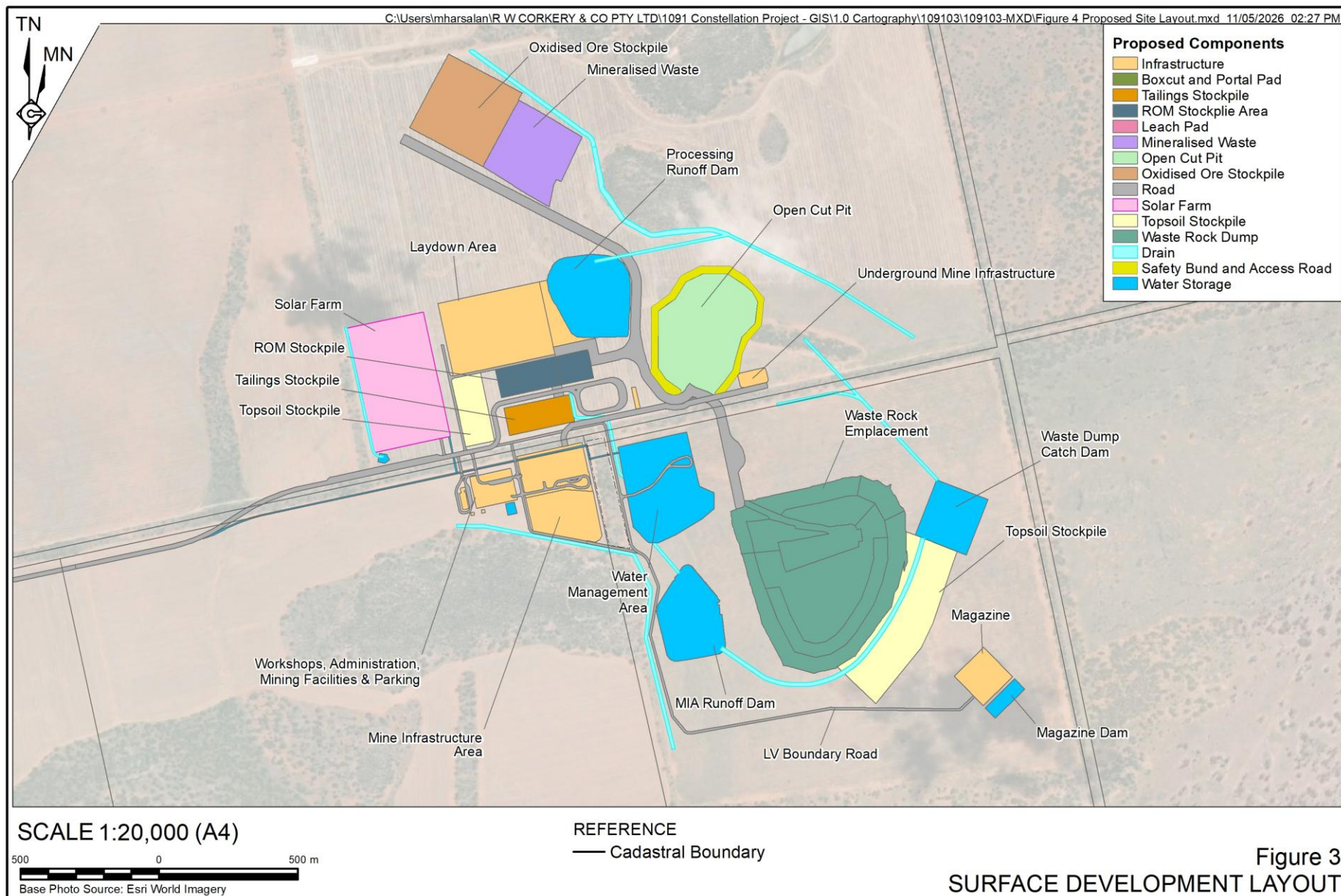
Element	Project as Approved	Proposed Modification
Project Components (Cont'd)		
General infrastructure	Additional infrastructure to be developed at the CCM includes: • a mine laydown area and workshop; • a ROM stockpile for mined ore; • a heap leach pad, oxide ore stockpile and crushing area and other processing facilities, including process and raffinate ponds and solvent extraction plant; • a paste plant, emulsion storage and shotcrete batch plant; • topsoil and subsoil stockpiles; • solar farm and on-site power station; and • administrative facilities, including offices, amenities and a car park.	Removal of heap leach pad and process ponds, agglomeration pad, SX / Crystal Plant, and Boxcut pit. Relocation of various surface site layout components
Power supply	Mains power is generated at the CCM using a combination of 6MW DC solar photovoltaic (PV) (12ha area) and a 5,000kVA diesel genset.	Relocation of the solar farm and increase to 13ha area.
Workforce	The CCM provides continued employment for existing Tritton Copper Operations personnel including an average of approximately 178 full-time equivalent (FTE) jobs for employees and contractors during operations. Operational employees work industry-standard 12-hour shifts on seven-day roster cycles. Approximately 95 FTE contractors will be required during the 12-month construction phase of the CCM.	No change.
Hours of operation	Various for construction, mining and general site operations in accordance with Condition A8 of SSD-41579871. See detailed discussion in Section 3.	No change.
Vegetation Clearing	Total disturbance of 168.49ha comprising: • PCT 103 Woodland – 3.67ha • PCT 103 Derived Native Grassland – 85.02ha • Non-native Vegetation – 79.80ha	Total disturbance of 172.82ha comprising: • PCT 103 Woodland – 3.61ha • PCT 103 Derived Native Grassland – 84.97ha • Non-native Vegetation – 84.24ha A minor change to total disturbance resulting from additional activities in areas of historic cropping activities (non-native vegetation).

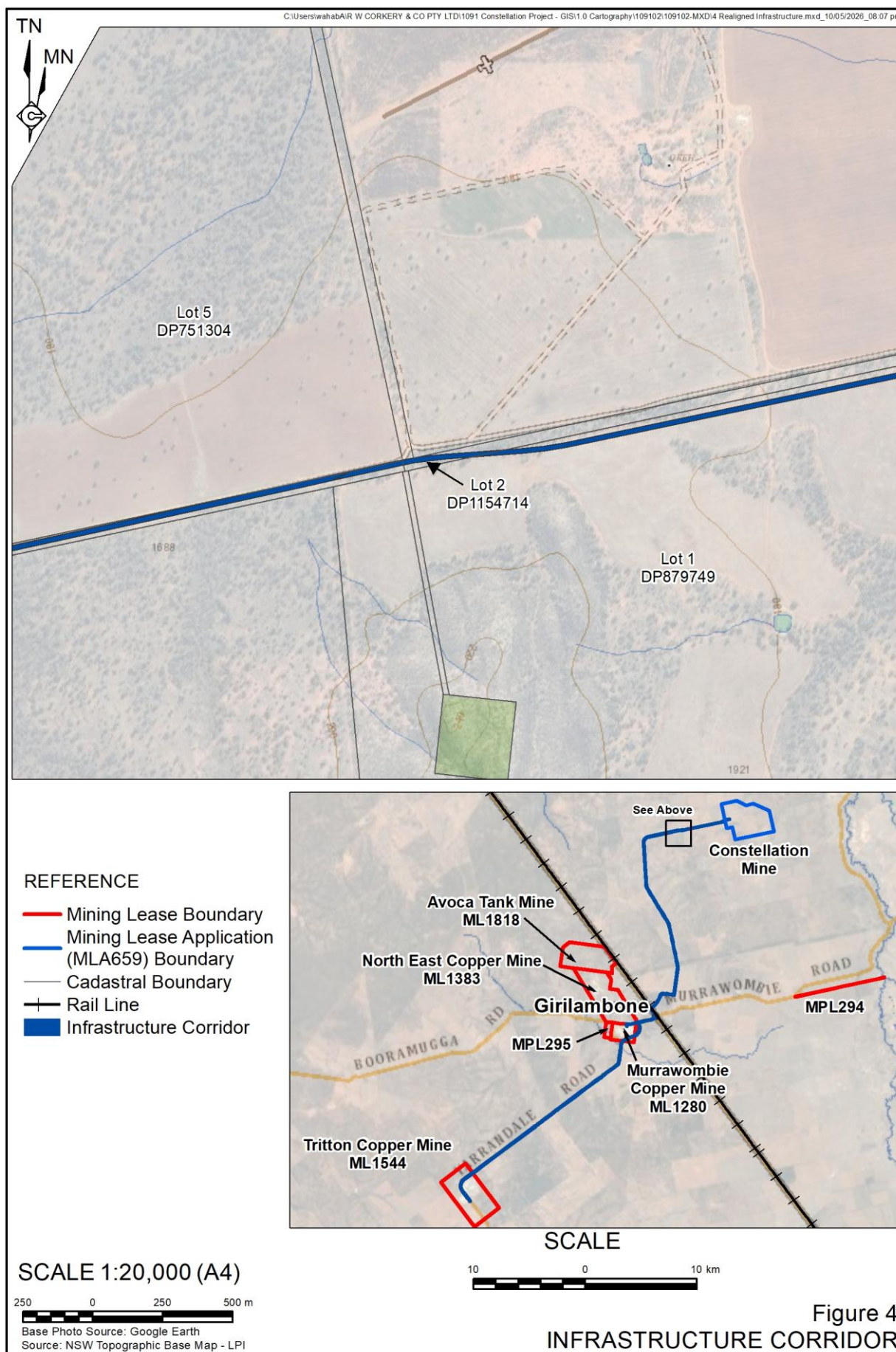
Schedule of Lands SSD-41579871

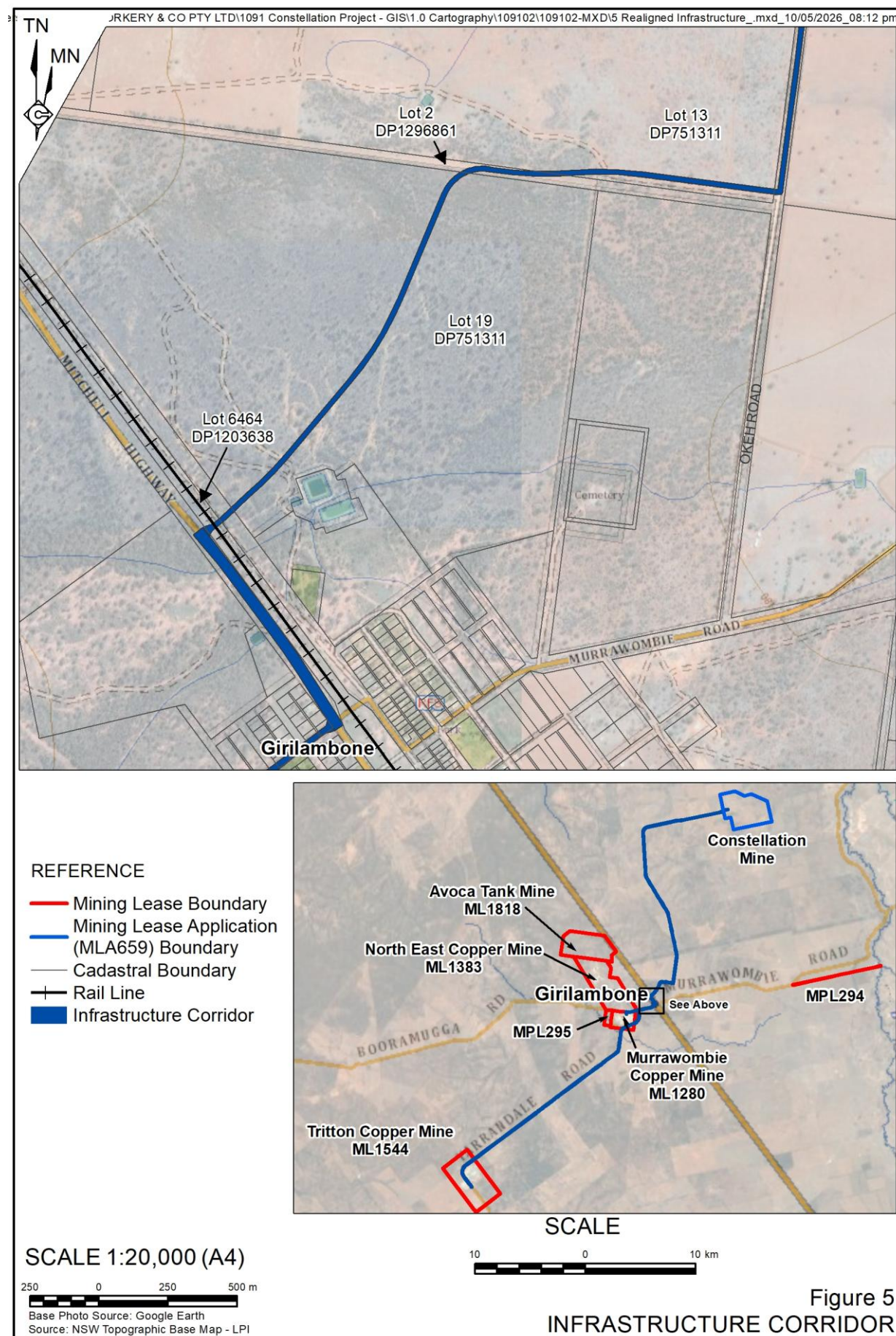
Lot Number	Deposited Plan Number	Proposed Project Area
2	751321	Partially within Mining Lease Application (MLA) 659 area
10	751321	Partially within Mining Lease Application (MLA) 659 area
9	751321	Partially within Mining Lease Application (MLA) 659 area
4	751341	Partially within Mining Lease Application (MLA) 659 area
2	1154714	Partially within Mining Lease Application (MLA) 659 area
1	1258865	Partially within Mining Lease Application (MLA) 659 area
1	1256374	Partially within Mining Lease Application (MLA) 659 area
13	751354	Partially within Mining Lease Application (MLA) 659 area
4	751304	Partially within Infrastructure Corridor
1	879749	Partially within Infrastructure Corridor
13	751311	Partially within Infrastructure Corridor (new private road)
19	751311	Partially within Infrastructure Corridor (new private road)
2	1296861	Partially within Infrastructure Corridor (new private road)

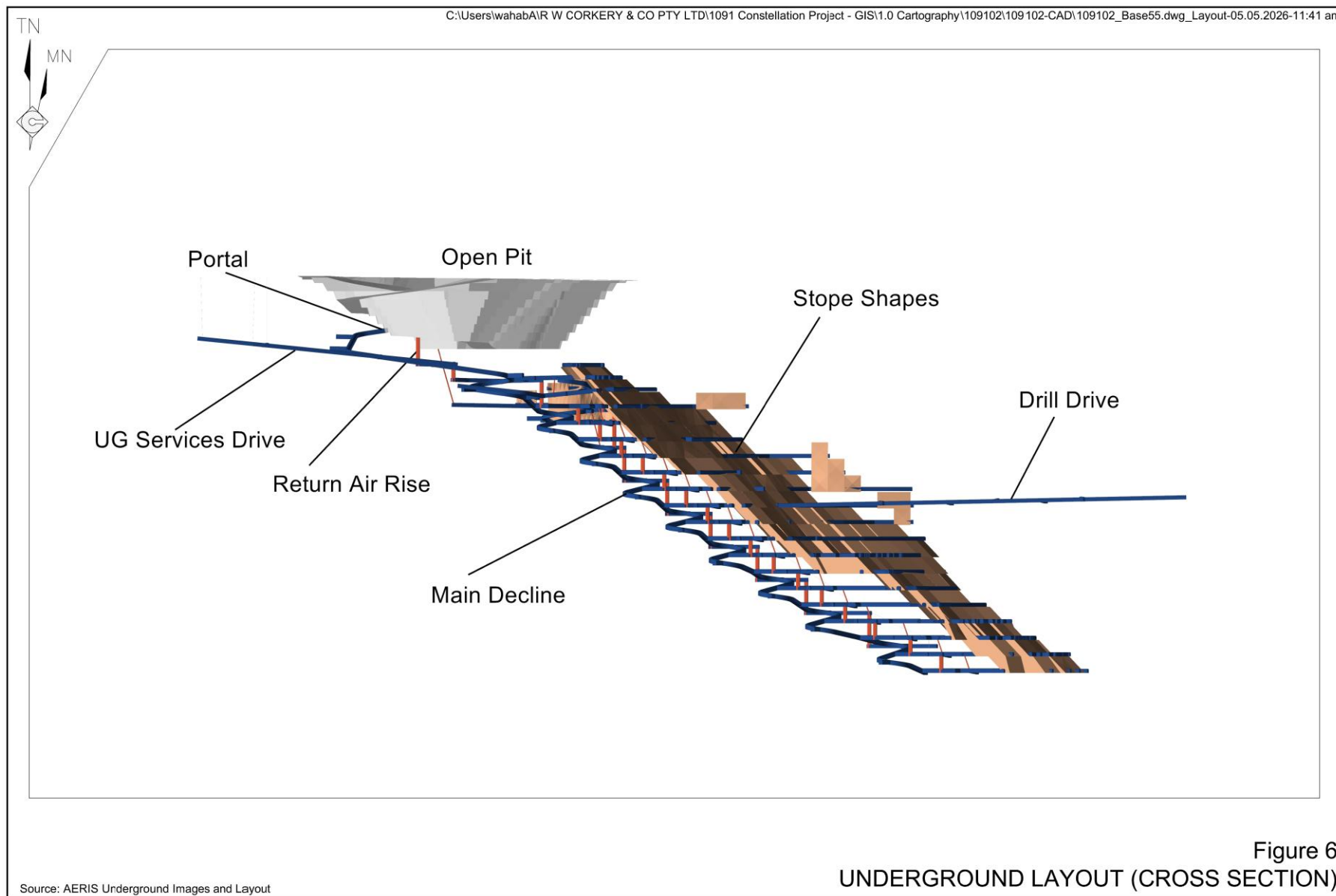


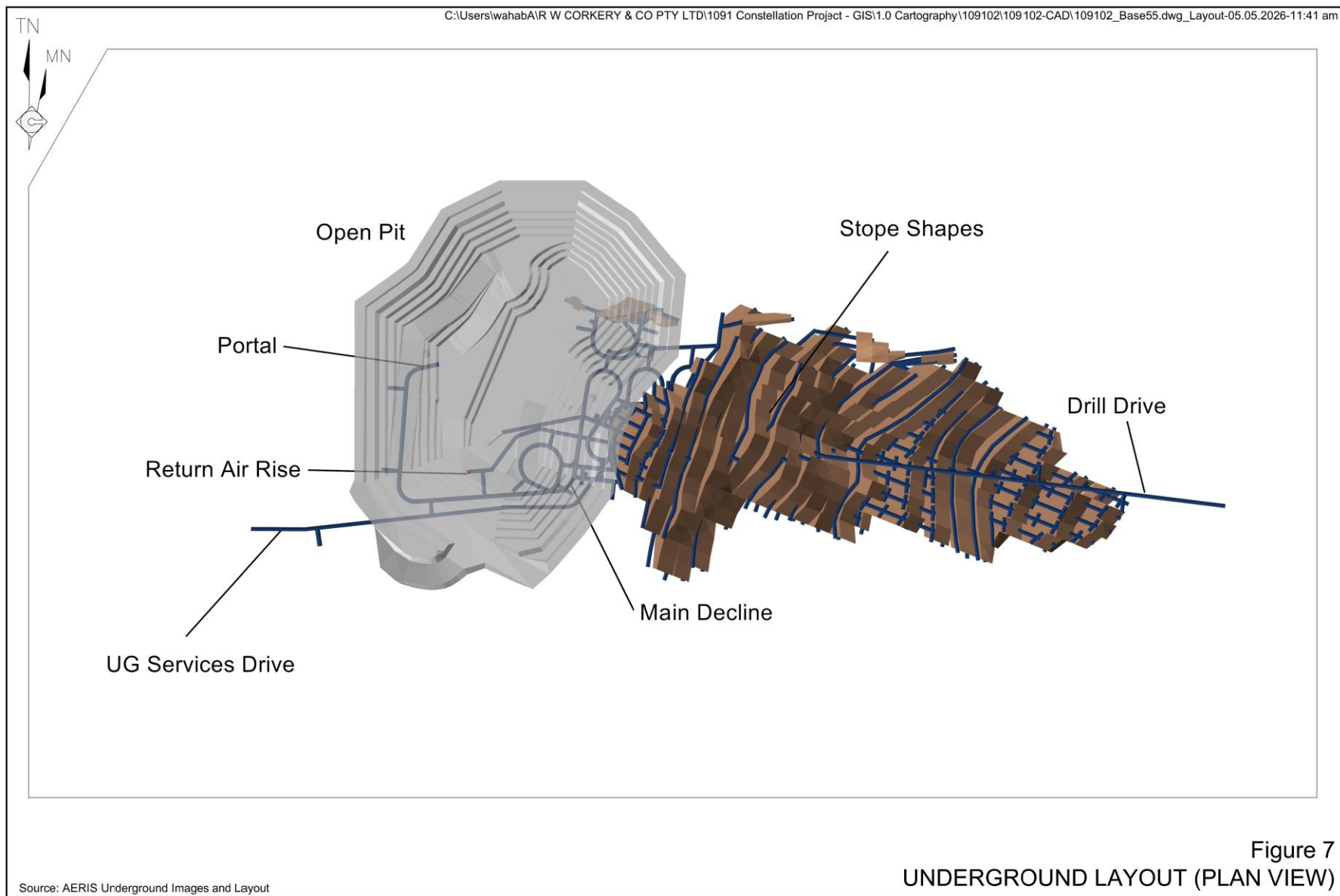


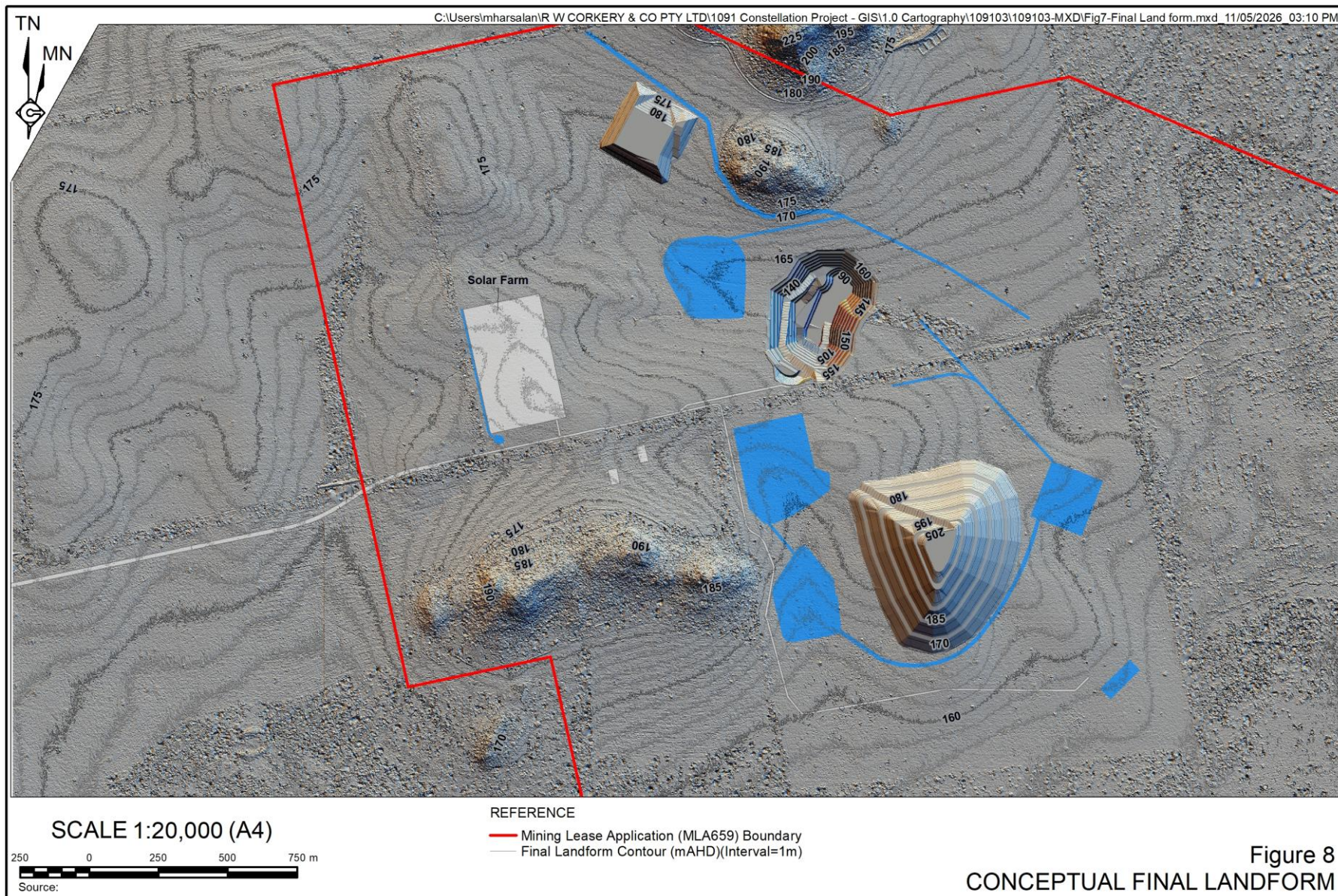












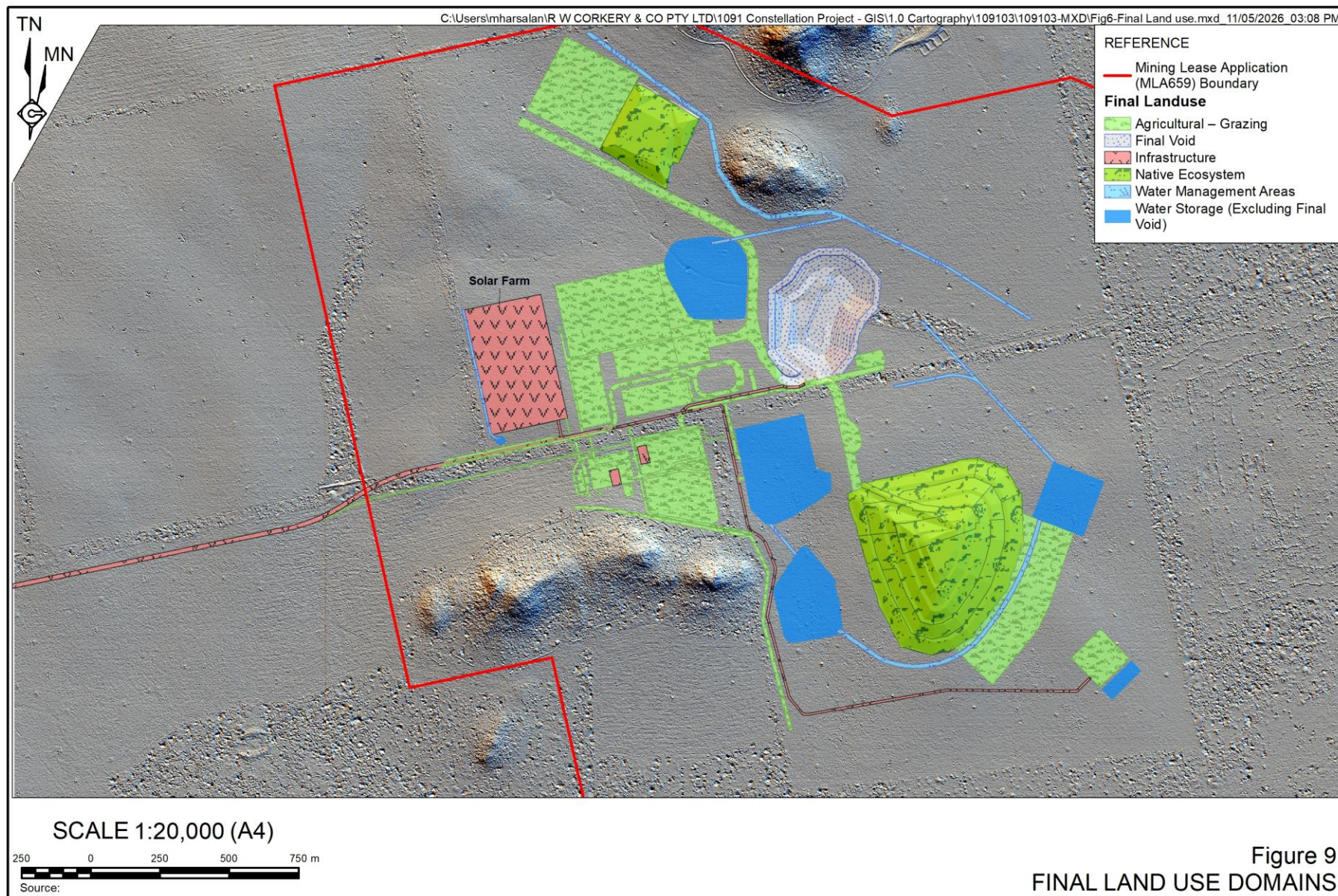


Figure 9
FINAL LAND USE DOMAINS

Appendix 2

Biodiversity Impact Review

prepared by

Ecoplanning Pty Ltd

(Total No. of pages including blank pages = 13)

Nicholas Warren
Principal Environmental Consultant
R.W. Corkery
PO Box 1796
Chatswood NSW 2057
Supplied by email

11 May 2026

Re: Biodiversity impact review, Minor modification to Development Consent SSD-41579871, Constellation Copper Mine, Girilambone, NSW

Dear Nick,

It is understood that Tritton Resources Pty Ltd is seeking a minor modification to Development Consent SSD-41579871 for the Constellation Copper Mine (CCM) to refine the Mine Site Layout to support commencement. The CCM was approved 24 December 2025 as State Significant Development (SSD) under SSD 41579871. The CCM is a green-field SSD mining and processing operation located approximately 55 km northwest of Nyngan and 20 km northeast of the township of Girilambone in western New South Wales. Construction of the CCM is scheduled to commence in May 2026.

Following the approval of the Project, we understand that Tritton Resources has undertaken an optimisation program in order to prepare for site establishment and construction and to support operations in a practical and efficient manner. The optimised Project requires modification, without significant alteration, of the following components.

- Refined geometry of the Open Cut Pit and the inclusion of safety bunding and road access in the layout.
- Relocation of the Waste Rock Emplacement to the south.
- Relocation of some site infrastructure to support operations including the proposed Solar Farm.
- Inclusion of a Water Management Area to be used for water transfers and the management of water captured within the Open Cut Pit.
- Relocation of underground access as this would now occur from a portal within the Open Cut Pit. The Boxcut Pit would be removed.
- Removal of infrastructure that would have been used for processing including heap leaching, which would no longer occur at the CCM.

Ecoplanning prepared the Biodiversity Development Assessment Report (BDAR) for the approved project in 2025. Ecoplanning was engaged to assess and compare the environmental impact of the proposed minor modification to the impacts described in the BDAR.

In order to assess the change in native vegetation clearing for the minor Modification we have considered the Project Area (i.e. the Mine Site) and short section of the Infrastructure Corridor that covers an area of 172.82 ha within the approved Project Area. This area is referred to as the Proposed Modification Area, noting that activities to the west within the Infrastructure Corridor would not change under the minor Modification.

Approved BDAR

The BDAR (Ecoplanning 2025) describes the proposal, which constitutes the subject land, as a development that includes:

- a road upgrade (where necessary) between the Project site and the Mitchell Highway (to support haulage activity), noting that a large section of the existing Okeh Road will be used in the infrastructure corridor.
- a new T-intersection to link the proposed infrastructure corridor with the eastern side of the Mitchell Highway (north of Girilambone).
- A bi-directional water supply pipeline that will be buried within the infrastructure corridor from the Project Area to Murrawombie and Tritton Copper mines. The pipeline will pass under the Mitchell Hwy, and will not require additional clearing.
- an upgrade to the intersection of the Mitchell Highway with Railway Road (west of Girilambone).
- a waste rock emplacement at the Project site.
- a run of mine stockpile to support the handling of mined ore.
- a mine laydown area and workshop.
- a heap leach pad and associated processing facility.
- a paste plant, emulsion storage and shotcrete batch plant.
- topsoil stockpiles.
- a solar farm and on-site power station.
- water management and storage infrastructure, including a bi-directional water pipeline between the Project site and Murrawombie Copper Mine. The pipeline from the intersection of Railway Rd and the Mitchell Hwy will be buried within the existing road corridor.
- administrative facilities including offices, amenities, and car park.

The subject land in the approved BDAR was composed of the Project Area (i.e. the location of the Mine Site and associated infrastructure) and the Infrastructure Corridor. The total impact of the approved BDAR is provided in **Table 1**.



Table 1: Total impact to vegetation in the approved BDAR.

PCT name	Impact area (ha)		
	Project Area	Infrastructure Corridor and pipeline	Total
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penepplain Bioregion	88.69	8.78	97.48
PCT 105 Poplar Box grassy woodland on flats mainly in the Cobar Penepplain Bioregion and Murray Darling Depression Bioregion	0.00	0.05	0.05
Non-native vegetation	79.80	7.58	87.39
Total	168.49	16.42	184.91

Within the Project Area, the BDAR assessed impacts to 88.69 ha of PCT 103 (**Table 2**) in “Woodland” and “DNG” condition states. The Project Area assessed in the BDAR is shown in **Figure 1**.

Table 2: Vegetation impacted in the approved BDAR in the Project Area.

PCT name	Condition	Impact area (ha)
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penepplain Bioregion	Woodland	3.67
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penepplain Bioregion	DNG	85.02
Non-native vegetation	N/A	79.80
TOTAL		168.49

The targeted flora and fauna surveys described in the BDAR (refer to Section 4 of the BDAR) encompass the changes to the Project Area in the minor Modification. Therefore, the surveys described in the BDAR are sufficient to confirm the absence of most candidate species, except for Barking Owl and Masked Owl.

The BDAR assessed the potential impact of the project on candidate species, with species credits only required for Barking Owl (*Ninox connivens*) and Masked Owl (*Tyto novaehollandiae*). However, only impacts to Barking Owl are relevant to the minor Modification as Masked Owl is not associated with PCT 103.

The Barking Owl species polygon in the approved BDAR excluded the area where target field survey was deemed to satisfy survey requirements in the Project Area (refer to Section 7 of the BDAR). The approved BDAR impacted 1.44 ha of potential Barking Owl habitat.

We note that in accordance with Condition 25 of the SSD-41579871 that the required quantum of biodiversity credits have been retired to offset the impact of the Project.



Figure 1: The Project Area assessed in the BDAR (Ecoplanning 2025), including the location of BAM plots used to calculate the Vegetation Integrity score



Figure 2: Barking Owl species polygon for the Project Area in the approved BDAR

Proposed Modification Area

The minor Modification reorganises the development within the approved Project Area (**Figure 3**). The overall impact to native vegetation in the modified Project Area is slightly less (0.11 ha) than the approved BDAR at 88.58 ha (**Table 3**); the impact to non-native vegetation is higher in the Proposed Modification Area.

Table 3: Vegetation impacted in the Proposed Modification Area

PCT name	Condition	Impact area (ha)
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penneplain Bioregion	Woodland	3.61
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Penneplain Bioregion	DNG	84.97
Non-native vegetation	N/A	84.24
TOTAL		172.82

The minor Modification is being made under Section 4.55(1A) of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) as it would result in minor changes to environmental impacts. In accordance with Section 4.55(1A) of the EP&A Act, the development as modified must have “minimal environmental impact”.

A comparison of the impact of the approved Project Area compared to the Proposed Modification Area shows that the impact to native vegetation has reduced slightly for both condition classes of PCT 103. Vegetation Integrity plots used to calculate the offset requirements in the approved BDAR are suitably placed to reliably infer the likely offset requirements for impacts within the Proposed Modification Area.

Therefore, based on the area of impact in the Proposed Modification Area (i.e. 0.11 ha less than the approved BDAR) it is reasonable to conclude that the number of credits required to offset the impact of the approved BDAR would be the same or less in the Proposed Modification Area.

The rules and limitation applied to drawing the Barking Owl species polygon in the approved BDAR have been applied to the Proposed Modification Area. The area of impact to potential Barking Owl habitat in the Project Area outlined in the approved BDAR compared to the Proposed Modification Area is provided in **Table 4**. While the overall impact to native vegetation has decreased by 0.11 ha, the impact to potential Barking Owl habitat has increased by 0.01 ha within the Proposed Modification Area. This increase is due to the change in where the impacts to native vegetation occur and the area of potential habitat excluded from the Barking Owl species polygon within the Proposed Modification Area.

Table 4: A comparison of the impact to Barking Owl in the Project Area.

PCT	Impact Approved BDAR	Impact Proposed Modification Area
PCT 103 Poplar Box - Gum Coolabah - White Cypress Pine shrubby woodland mainly in the Cobar Peneplain Bioregion ("Woodland")	1.44 ha	1.45 ha

Given the number of credits required to offset impacts to Barking Owl within PCT 103 "Woodland" are at 28 credits/ha, the number of credits required to offset the impact to Barking Owl within the Proposed Modification Area is the same as the approved BDAR (41 credits). Therefore, while there is a minor increase in the impact area (0.01 ha), the approved BDAR has satisfied the offset requirements for Barking Owl in the Proposed Modification Area.

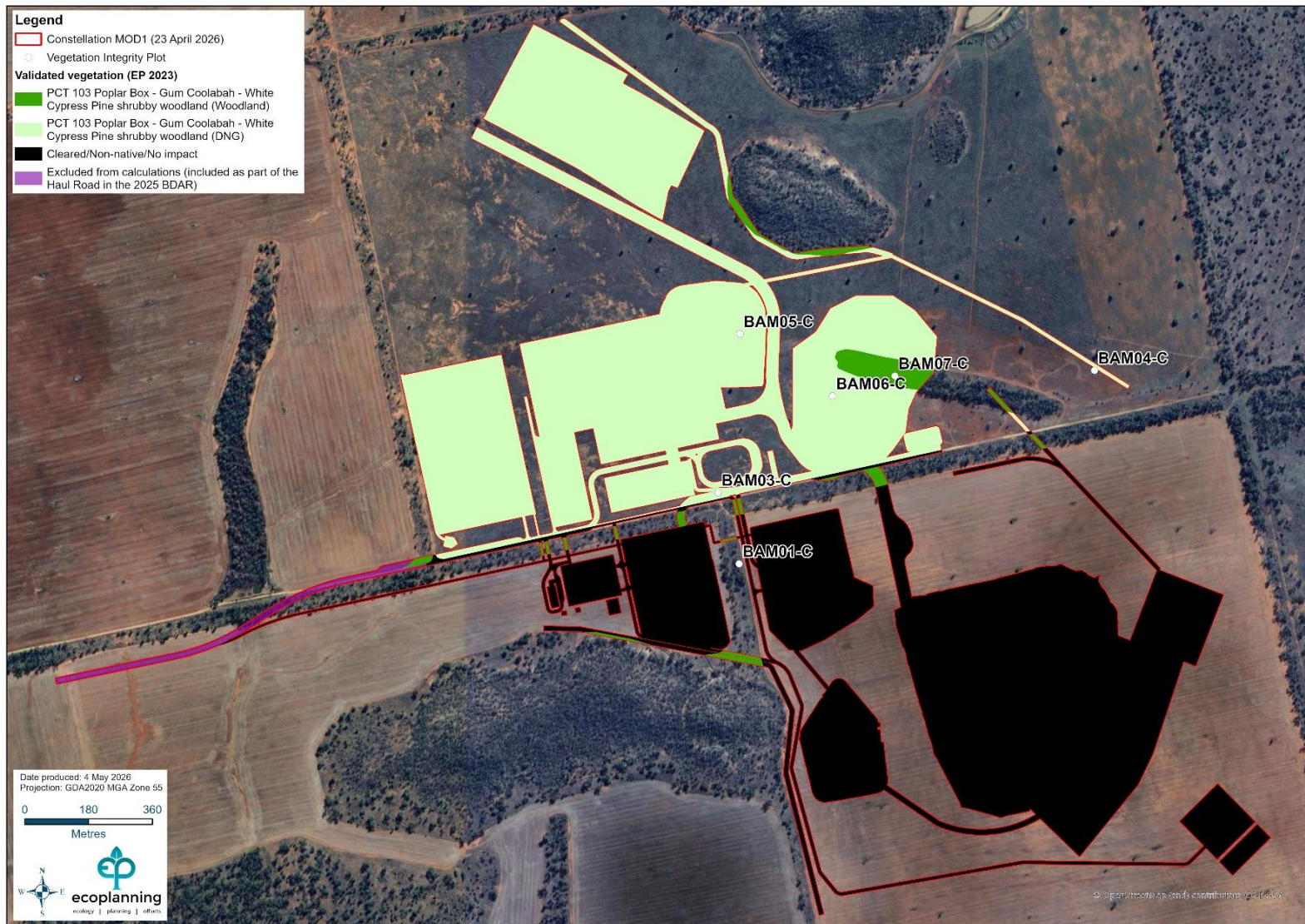


Figure 3: The Proposed Modification Area including the location of BAM plots used to calculate the Vegetation Integrity score.

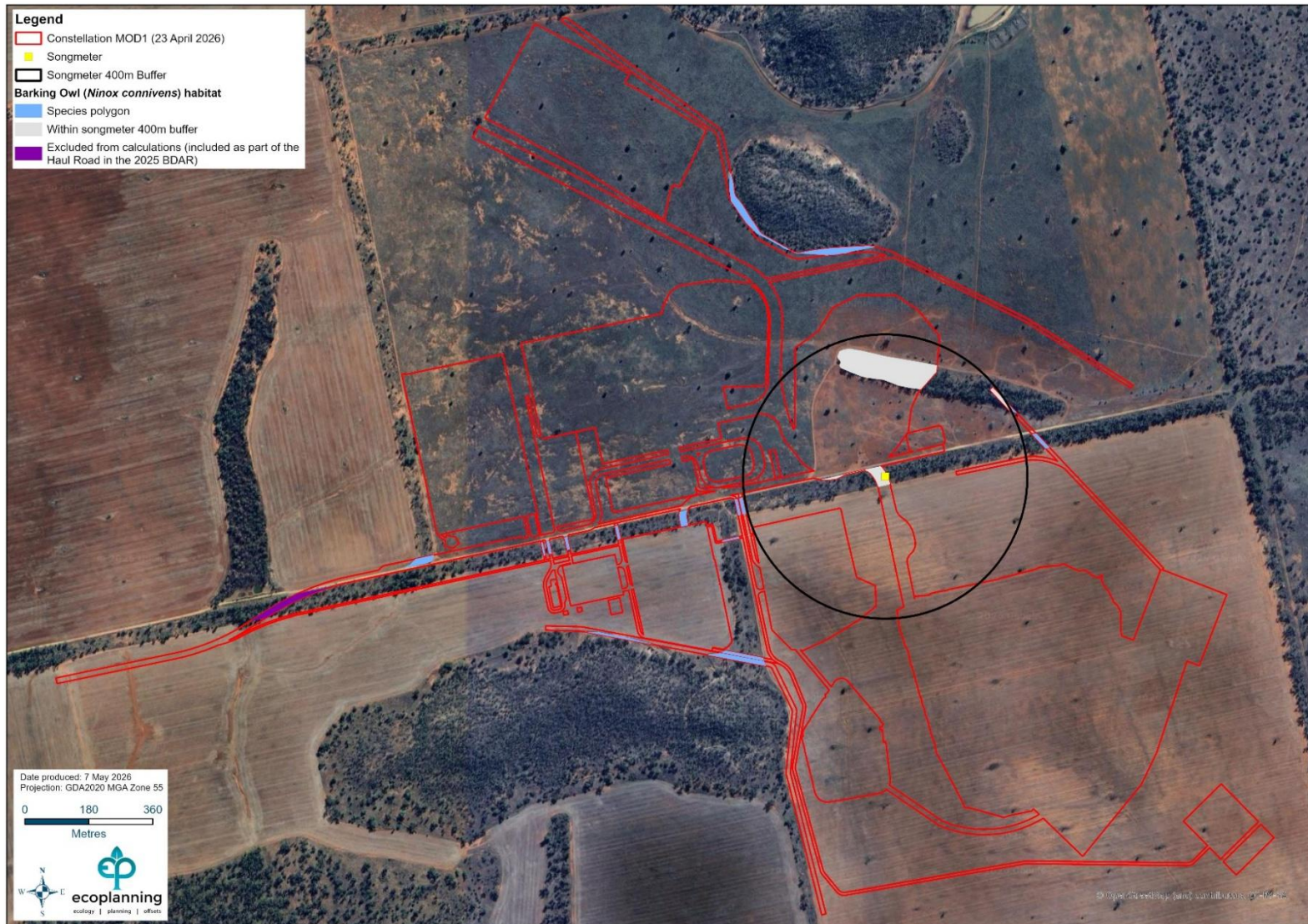


Figure 4: Barking Owl species polygon for the Proposed Modification Area

Impact of the minor Modification on Biodiversity Values

“Biodiversity values” are defined in the NSW *Biodiversity Conservation Act 2016* (BC Act)(refer to Clause 1.5) and in the NSW *Biodiversity Conservation Regulations 2017* (BC Regs)(refer to Clause 1.4). The impact of the minor Modification to “biodiversity values” compared to the approved BDAR is presented in **Table 5**.

Table 5: Impact of the minor Modification on Biodiversity Values defined under the BC Act and BC Regs

Biodiversity Value	Assessment of Impact	Conclusion
Clause 1.5 of the <i>Biodiversity Conservation Act 2016</i>		
Vegetation integrity	The minor Modification would impact 3.61 ha of PCT 103 “Woodland” and 85.02 ha of PCT 103 “DNG” in the Project Area. This is 0.6 ha and 0.05 ha less than the approved BDAR, respectively.	The minor Modification would impact less native vegetation in “Woodland” and “DNG” condition
Habitat suitability	The minor Modification would impact 1.45 ha of potential Barking Owl habitat in the Project Area. This is 0.01 ha greater than the approved BDAR. While there are hollows in trees that meet the criteria for this species, it was assumed present where suitable targeted survey for the species was not conducted. The number of credits required to offset the impact of potential Barking Owl habitat in the approved BDAR is the same as the number of credits required to offset the minor Modification in PCT 103 “Woodland”, based on the number of credits required per hectare for the zone in the BDAR	The approved BDAR has satisfied the offset requirements for Barking Owl in the Proposed Modification Area.
Clause 1.4 of the <i>Biodiversity Conservation Regulation 2017</i>		
Threatened species abundance	No threatened flora or fauna species have been identified near the Project Area, except for Southern Whiteface (<i>Aphelocephala leucopsis</i>). Southern Whiteface was observed outside the subject land. There are no threatened ecological communities in the Project Area. There is potential habitat for threatened fauna within the Project Area, however, field survey did not detect the presence of candidate species. Only Barking Owl was associated with PCT 103 in the Project Area. Barking Owl was retained as a candidate species given the target survey using	The minor Modification should not result in the reduction in occurrence of abundance of a threatened species or threatened ecological community. It would result in an additional 0.01 ha of potential Barking Owl Habitat being impacted. This area has been satisfactorily offset in the approved BDAR.



Biodiversity Value	Assessment of Impact	Conclusion
	Songmeters was only deemed reliable with 400 m of the recording device.	
Vegetation abundance	The minor Modification would result in a lower impact to native vegetation. The minor Modification would remove 0.11 ha less native vegetation. This reduction is composed of 0.06 ha of PCT 103 in "Woodland" condition and 0.05 ha of PCT 103 in "DNG" condition.	The minor Modification would result in less impact to native vegetation within the Project Area.
Habitat connectivity	The Project Area is in a highly fragmented landscape. Cropping and historic clearing for agriculture has impacted most of the Project Area with small, isolated remnants and narrow, linear bands of native vegetation remaining. The minor Modification would not create additional disruption to habitat connectivity for threatened species that has not been included in the approved BDAR. The Barking Owl is a wide ranging species and narrow gaps for roads will not affect their movements.	The minor Modification would not reduce habitat connectivity .
Threatened species movement	The Project Area is fragmented having been cleared and cropped for agriculture. The site is not likely to provide a key movement corridor for threatened species to maintain their lifecycle. The minor Modification would retain slightly more native vegetation in the landscape.	The minor Modification would not affect the movement of threatened species such that they would be unable to maintain their lifecycle.
Flight path integrity	The approved BDAR will introduce new structures into the landscape for the proposed mine. The minor Modification includes similar structures in a reorganised footprint.	The minor Modification does not introduce new obstacles that would interfere with the flight paths of protected fauna that were not considered in the approved BDAR.
Water sustainability	Some water management infrastructure would be relocated for the Proposed Modification Area, however, water management at the Mine Site would be implemented consistent with the approved operation and there would be no or only minimal changes to impacts associated with water quality, water availability to users (including the environment) and natural hydrological processes.	The minor Modification would not affect how water quality, water bodies and hydrological process sustain threatened species.

The minor Modification does not increase impacts to biodiversity values (see Section 7.17(2ci) of the BC Act ([Biodiversity Conservation Act 2016 No 63 - NSW Legislation](#))), therefore, a BDAR is not required to be provided with the modification application.

Should you have any questions regarding this letter, please do not hesitate to contact me at your convenience.

Yours sincerely



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