

ASSESSMENT REPORT

Broken Hill Mineral Separation Plant

Administrative Modification (DA 345-11-01 MOD 5)

1 BACKGROUND

Cristal Mining Australia Limited (Cristal) owns and operates the Broken Hill Mineral Separation Plant (the MSP) located approximately 5 kilometres (km) south-west of Broken Hill (see **Figure 1**).

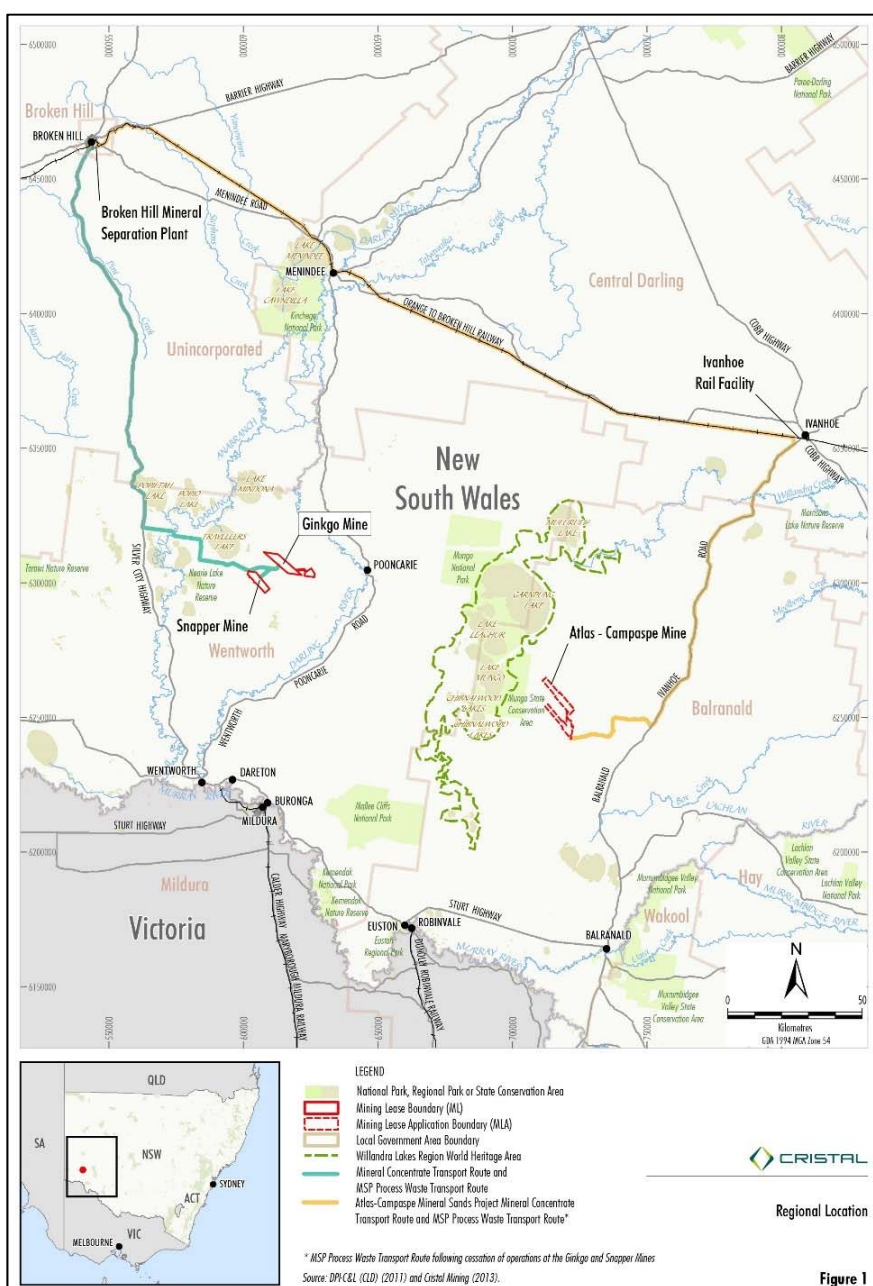


Figure 1: Broken Hill Mineral Separation Plant Regional Location

The MSP was approved by the then Minister for Planning on 27 May 2002. The development consent for the MSP has been modified on four occasions.

Cristal has approval to receive and process up to 1.2 million tonnes of mineral sands concentrate a year at the MSP until 2032. The MSP receives mineral concentrate from Cristal's Ginkgo and Snapper mines, which are located around 170 km south-east of the MSP.

2 PROPOSED MODIFICATION

Cristal is seeking to modify its development consent (DA 345-11-01) for the MSP to:

- remove the requirement to monitor air quality at one location (Point 5); and
- streamline the consent by removing duplication with the Environment Protection Licence (EPL; No. 12314) for the site.

The proposal is summarised below and described in more detail in the information that accompanied the modification application (see **Appendix C**).

Point 5 Air Quality Monitoring

Under the existing consent (and EPL), Cristal is required to undertake air quality monitoring at several locations around the MSP, referred to as points 1 through 5.

Air quality monitoring at Point 5 requires a high-volume air sampler (HVAS) for PM₁₀. Monitoring at this location has been undertaken for 10 years.

In support of its request to remove the Point 5 monitoring location, Cristal reviewed the air quality monitoring data at this location. The review showed long-term compliance with the relevant air quality criteria.

Administrative Changes

Cristal has requested a number of administrative changes to the existing development consent, primarily relating to updating specific conditions to avoid duplication and/or ensure consistency with the EPL. The Department's consideration of this request is summarised in **Section 5**.

3 STATUTORY CONTEXT

3.1 Section 75W Modifications

The MSP was originally approved under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Clause 8J(8) of the *Environmental Planning and Assessment Regulation 2000* requires modifications of such development consents to be carried out under Section 75W of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to the consent must be made under the former Section 75W of the Act.

Based on its assessment, the Department considers that the application can be characterised as a modification as the proposal would not change the approved operations (with the exception of monitoring requirements), and it would not increase the environmental impacts of the project. Consequently, the Department considers that the proposed modification is within the scope of Section 75W of the EP&A Act.

3.2 Approval Authority

The Minister for Planning is the approval authority for the modification application. However, under the Minister's delegation dated 11 October 2017, the Director, Resource and Energy Assessments, may determine the application. This is because no public submissions were received on the proposed modification, no reportable political donations were made and Broken Hill City Council raised no objections to the proposal.

4 CONSULTATION

The Department notified Broken Hill City Council and the Environmental Protection Authority (EPA) about the proposed modification, and made the modification application publicly available on its website from 23 September 2017.

Council raised no concerns about the proposed modification. The EPA also confirmed that it had no issues with the modification subject to the inclusion of review measures, which is discussed further in **Section 5**.

Copies of the agency advice are provided in **Appendix D**.

5 ASSESSMENT

In assessing the merits of the modification application, the Department has considered the:

- existing conditions of consent;
- previous Environmental Assessments for the MSP;
- modification application and supporting information;
- applicable government policies and guidelines;
- advice from the EPA and Council; and
- requirements of the EP&A Act.

Point 5 Air Quality Monitoring

Cristal engaged GHD Pty Ltd (GHD) to review the air quality monitoring data at Point 5.

The annual average PM₁₀ data at Point 5 has been below 25 µg/m³ for the last seven years. This demonstrates ongoing compliance with the National Environment Protection (Ambient Air Quality) Measure, which sets the most stringent reporting standard for particulate pollution.

On this basis, GHD recommended that monitoring should be suspended. However, the report also recommended triggers for the review of the air quality monitoring program, and if required, re-instatement of PM₁₀ monitoring at Point 5. These triggers are:

- if there is a change in long-term compliance observed by the independent audit and/or annual review of data from the remaining monitoring points at the MSP; and/or
- if there are significant changes to site operations and/or new development or expansion at the site, where there is evidence that the change in site activities may increase dust generated from the site.

Subject to implementation of the above recommendations, the EPA raised no objections to the removal of air quality monitoring Point 5 from the consent and has agreed to vary the EPL accordingly.

To ensure that Cristal implements the above recommendations, the Department has recommended that Cristal update its Air Quality Management Plan for the MSP to include a requirement to identify the triggers by which the requirement for PM₁₀ monitoring would be reviewed and if required, re-instated.

The Department notes the existing conditions of consent already require Cristal to undertake independent audits and annual reviews.

Administrative Amendments

Cristal has requested the deletion of several conditions from the consent that overlap with the requirements in its EPL. In considering this request, the Department has reviewed the conditions of consent against the EPL to ensure that any monitoring points removed from the consent continue to be covered by the EPL (except for Point 5).

The Department's consideration and recommendations are detailed in **Table 1**, and summarised below.

Monitoring point DBH2/Point 3 is not captured in the EPL as this monitoring location is now the site of the Broken Hill Solar Farm. The Department agrees that this monitoring requirement can be removed from the consent.

Monitoring points 8, 9, 10 and 12 relate to four unbuilt stacks. The Department agrees that these monitoring points can be removed from the conditions, but has recommended that Cristal be required to vary its EPL to include monitoring of these stacks should they be constructed in the future.

The Department has not agreed to remove any other duplicated air and noise conditions where they are standard conditions of consent.

The Department notes that the EPA raised no concerns regarding the removal of duplicate conditions.

Table 1: Proposed Condition Amendments

Consent Condition	EPL Condition	Issue	Inconsistency between consent and EPL	Reason for inconsistencies	Recommended condition
3.1	P1.1, L2.3, L2.4	Air quality	EPL does not include monitoring requirements for DBH2 and monitoring points 8, 9, 10, 12.	DBH2 is now the site of a solar farm, and monitoring points 8, 9, 10 and 12 relate to unbuilt stacks.	Delete to avoid duplication with EPL. Include new condition requiring Cristal to vary its EPL to include monitoring of stacks should they be constructed in the future.
3.5	O3, O3.1, O3.2	Air quality	None	NA	Standard condition: no change.
3.6 & 3.6D	L5, L5.1	Noise	None	NA	Standard conditions: no change.
3.8	P1.3	Ground-water	EPL does not include monitoring requirements for point 15.	Point 15 and point 9 are the same, and relate to an unbuilt stack.	Delete to avoid duplication with EPL.
4.6	5, M1, 1.1, 1.2, 1.3, M2, 2.1, 2.2, 2.3, M3.1	Monitoring and recording	EPL does not include monitoring requirements for points 3, 8, 9 and 15.	DBH2 and point 3 are the same. Point 15 and point 9 are the same. Points 8 and 9 relate to unbuilt stacks.	Delete to avoid duplication with EPL.
Attachment number 1	Multiple parts	Multiple matters		None	Delete to avoid duplication with EPL.
Attachment Number 2	L5.2 Note	Noise Compliance Assessment		None	Standard attachment: no change.

6 RECOMMENDED CONDITIONS

The Department has drafted a recommended Notice of Modification (see **Appendix A**), as well as a consolidated version of the development consent as modified (see **Appendix B**).

The recommended changes are outlined above.

The Department has also taken the opportunity to consolidate and fix several administrative errors in the consolidated instrument to facilitate more streamlined compliance monitoring and reporting.

The EPA and Cristal have reviewed the revised conditions and raised no objections to the proposed amendments.

7 CONCLUSION

The Department has assessed the modification application in accordance with the relevant requirements of the EP&A Act.

The Department considers that the proposed modification is largely administrative in nature and would not result in any environmental impacts. Further, the modification would modernise the consent by removing duplicated monitoring requirements in the development consent and EPL.

The Department and EPA would continue to have a compliance role in monitoring the ongoing environmental performance of the MSP and enforcing the conditions of consent and EPL respectively. In this regard, the proposed streamlining of conditions would allow for more efficient compliance tracking and ensure consistency between the consent conditions and the EPL.

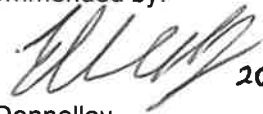
Consequently, the Department believes the proposed modification is in the public interest and should be approved, subject to conditions.

8 RECOMMENDATION

It is recommended that the Director, Resource and Energy Assessments, as delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report;
- **determine** that the request (345-11-01 MOD 5) falls within the scope of section 75W of the EP&A Act;
- **modify** the consent (345-11-01); and
- **sign** the attached modification of approval (**Appendix A**).

Recommended by:

 20/10/17
Elle Donnelley
Senior Planner
Resource and Energy Assessments

Recommended by:

 25/10/17
Phillipa Duncan
Team Leader
Resource and Energy Assessments

9 DECISION

The recommendation is Approved / Not approved by:

 25/10/17
Clay Preshaw
Director
Resource and Energy Assessments
as delegate of the Minister for Planning

APPENDIX B:
CONSOLIDATED CONSENT

APPENDIX C:
SUPPORTING INFORMATION

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8761

APPENDIX D:
AGENCY COMMENTS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8761