Notice of Modification

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

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

Richard Pearson
Deputy Director-General

Sydney 6th October 2009

SCHEDULE 1

The project approval for the Northparkes Mines, granted by the Minister for Planning on 28 February 2007 (06_0026).

SCHEDULE 2

1. In the list of DEFINITIONS, delete "DEC - Department of Environment and Climate Change", "DEUS - Department of Energy, Utilities and Services", "DNR - Department of Natural Resources" and "DPI – Department of Primary Industries", and insert in alphabetical order "DECCW - Department of Environment, Climate Change and Water" and "DII - Department of Industry and Investment".

2. Delete all references to "DEC", "DEUS" and "DNR", and replace with "DECCW".

3. Delete all references to "DPI", and replace with "DII".

4. Delete condition 2(c) of Schedule 2 and replace with the following:

   (c) modification application 06_0026 Mod 1 and accompanying Environmental Assessment titled *North Mining Limited Northparkes Mines Section 75W Environmental Assessment* dated March 2009; and
   (d) conditions of this approval.

5. Delete "2018" in condition 5 of Schedule 2, and replace with "2025".

6. Delete "6.5 million tonnes" in condition 6 of Schedule 2, and replace with "8.5 million tonnes".

7. After condition 12 of Schedule 2, insert the following:

   Revision of Management Plans/Monitoring Programs

   13. By 30 June 2010, the Proponent shall review and update as necessary the environmental management plans, strategies and monitoring programs in this approval to reflect modification application 06_0026 Mod 1. The plans, strategies and programs shall be prepared in consultation with the relevant authorities, and to the satisfaction of Director-General.

8. Delete "2018" in condition 3(b) of Schedule 3, and replace with "2025".

9. In condition 13(b) of Schedule 3, after "3 years" insert "following completion of the revegetation works".

10. After condition 13 of Schedule 3, insert the following:

Estcourt Tailings Storage Facility Offset

13A. The Proponent shall:
(a) implement the Estcourt Tailings Storage Facility offset as described in the document *Northparkes Mines Section 75W Modification Biodiversity Offset Strategy July 2009*;
(b) provide appropriate long term security for this offset by 31 October 2010; and
(c) lodge a conservation and biodiversity bond with the Director-General by 31 December 2009 to ensure that the Estcourt Tailings Storage Facility offset is implemented in accordance with the offset strategy. The sum of the bond shall be determined by:
- calculating the full cost of implementing the strategy; and
- employing a suitably qualified rehabilitation expert or quantity surveyor to verify the calculated costs,

in consultation with DECCW and to the satisfaction of the Director-General.

Notes:
- *The proposed Estcourt Tailings Storage Facility offset area is marked with a bold black line in Figure 4 of Appendix 2.*
- *If the works associated with the Estcourt Tailings Storage Facility offset are satisfactorily completed, the Director-General will release the conservation bond.*
- *If the works are not completed to the satisfaction of the Director-General, all or part of the conservation bond will be used to ensure their satisfactory completion.*

11. In condition 15 of Schedule 3, delete from paragraph (b) "the 4,400 hectares of" and replace with "all", and delete from paragraph (d) "revegetating, monitoring and maintaining the Limestone National Forest offset area;".

12. Delete condition 19 of Schedule 3, and replace with the following:

Construction Noise

19. The Proponent may exceed the noise limits in condition 18 at any privately owned land during construction of the Estcourt Tailings Storage Facility and/or the Rosedale Tailings Storage Facility in accordance with an approved Construction Noise Management Plan. The Construction Noise Management Plan must:
(a) be prepared in consultation with DECCW and owners of any privately owned land where construction noise is predicted to exceed the limits in condition 18;
(b) describe the measures that would be implemented during construction to minimise noise impacts; and
(c) be approved by the Director-General prior to construction of the Estcourt Tailings Storage Facility.

Note: This condition does not apply to privately owned land where:
- *the owner has an agreement with the Proponent to exceed the limits in condition 18 and the Proponent has advised the Director-General of the terms of the agreement; and/or*
- *the residence on the property is unoccupied during the construction of either the Estcourt Tailings Storage Facility or the Rosedale Tailings Storage Facility and the Proponent has advised the Director-General of the unoccupied status of the residence.*

13. After Figure 2 in Appendix 2, insert the following figures:

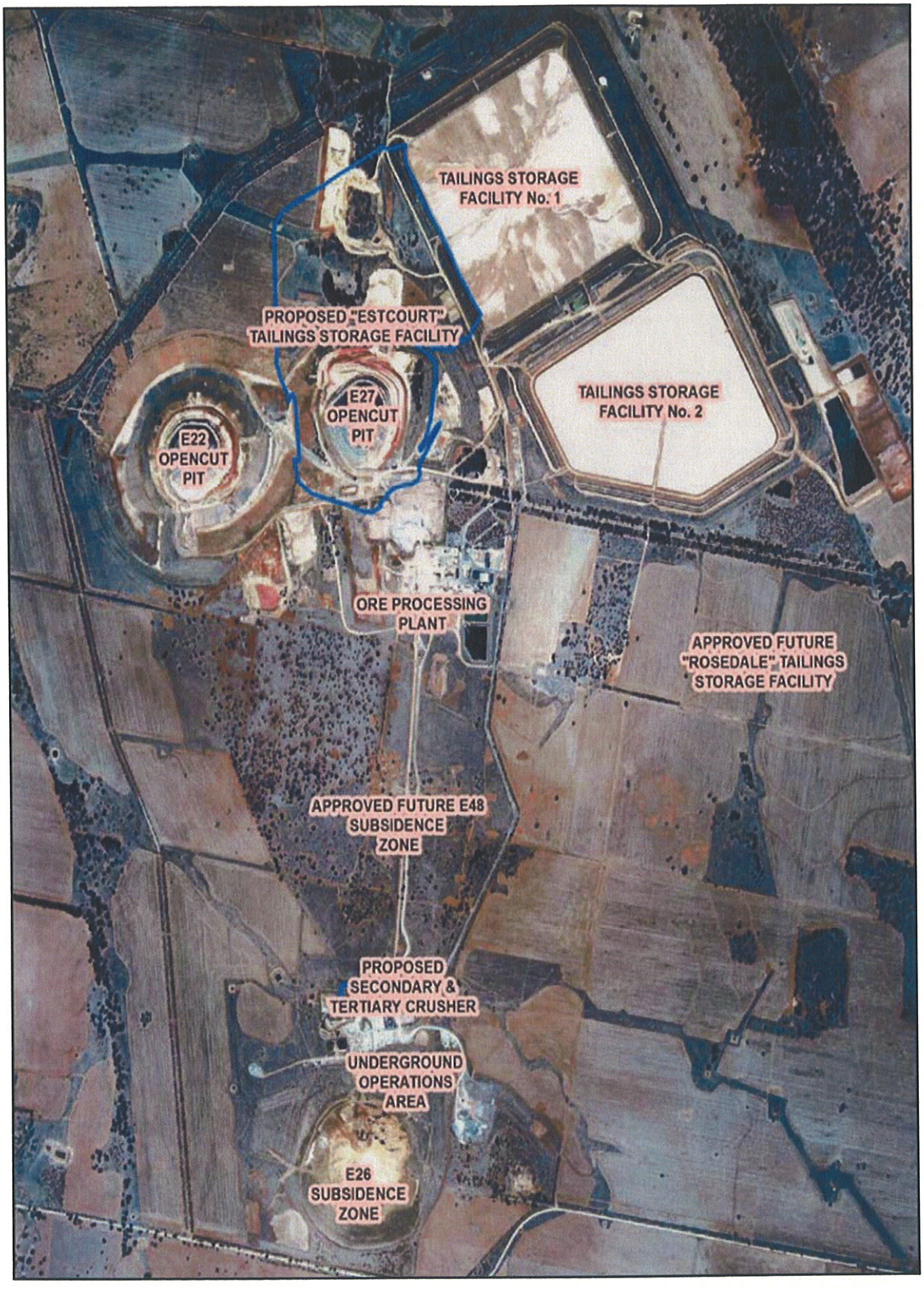

Figure 3: Proposed layout of the project including 06_0026 Mod 1

Figure 4: Proposed Estcourt Tailings Storage Facility vegetation clearing area (red line) and biodiversity offset area (bold black line)

14. Delete the Proponent's Statement of Commitments in Appendix 3, and replace with the following:

APPENDIX 3

PROPONENT'S STATEMENT OF COMMITMENTS

Desired Outcome		Action	Timing
1. PROJECT COMPONENTS AND ENVIRONMENTAL MANAGEMENT			
Continue operation of existing activities	1.1	Undertake all activities as described in Part B (and summarised on Figure F1) of E48 EA and Section 2 of Section 75W EA.	Ongoing for life of mine.
Construct and operate the E48 mine and related components	1.2	Undertake all activities as described in Part C (and summarised on Figure F1) of E48 EA and Section 3 of Section 75W EA.	Ongoing for life of mine.
Comply with all conditional requirements in all approvals, licences and leases.	1.3	Comply with all commitments recorded in this table.	Continuous and as required.
	1.4	Comply with all conditional requirements included in the: ◗ Planning Approval; ◗ Environment Protection Licence; ◗ Mining Leases; and ◗ Any other approvals.	Continuous and as required.
Conduct all operations in accordance with all relevant documentation.	1.5	Undertake all activities in accordance with any current Mining Operations Plan, environmental procedures, safety management plan or site-specific documentation.	Continuous and as required.
2. OPERATING HOURS			
Construction and operating hours are managed in accordance with the approved planning approval conditions.	2.1	Blasting (underground): 24 hours per day, 7 days per week.	Continuous during project construction and operations.
	2.2	Blasting (open cut): 9.00 am to 5.00 pm, Monday to Saturday	
	2.3	Underground Mine Development: 24 hours per day, 7 days per week.	
	2.4	Underground Mining: 24 hours per day, 7 days per week	
	2.5	Tailings Storage Facility Construction: 24 hours per	

Desired Outcome		Action	Timing
		day, 7 days per week	
	2.6	Maintenance: 24 hours per day, 7 days per week	
	2.7	Processing: 24 hours per day, 7 days per week	
	2.8	Product Transport	
		◗ Trucks: 24 hours per day, 7 days per week (but timed to avoid school buses)	
		◗ Trains: 24 hours per day, 7 days per week	
Noise impacts attributable to the Project are minimised at all surrounding residences and comply with DEC criteria.	3.1	Regularly service major earthmoving equipment to ensure equipment sound power levels are within nominated range.	Standard servicing schedules
	3.2	Avoid unnecessary clustering of earthmoving equipment.	During all above ground construction activities.
	3.3	Minimise TSF 3 construction at night during gentle winds towards "Avondale" and temperature inversions.	During adverse weather conditions when "Avondale" residence is occupied.
	3.3A	Minimise Estcourt TSF construction at night-time during noise enhancing conditions such as gentle wind towards 'Lone Pine' and temperature inversions	During adverse weather conditions at 'Lone Pine'.
	3.3B	Mitigation measures and safeguards recommended in section 5.2.5 of the EA will be incorporated in the CEMP for the Estcourt TSF (refer to Action 9.20)	Prior to Estcourt TSF construction
All open cut blasts meet DEC airblast overpressure	3.4	Ensure all blasting contractors adopt appropriate blasting controls to minimise air blast overpressure and vibration.	All open cut blasts

Desired Outcome		Action	Timing
and ground vibration criteria at all surrounding residences.	3.5	Monitor open cut blasts at 'Hubberstone'.	All open cut blasts
4. SOILS AND LAND CAPABILITY			
Maintain soil value for rehabilitation and minimise soil loss through erosion.	4.1	Minimise handling of soils.	During soil stripping operations
	4.2	Select soil stockpile locations to minimise subsequent movement.	During soil stripping operations
	4.3	Minimise handling of soils during periods of high soil moisture.	During soil stripping operations
	4.4	Topsoil stockpiles will be created between 1m and 2m in height while subsoil stockpiles will not normally exceed 3m in height.	Continuous
	4.5	Prevent mobile equipment, including light vehicles, from accessing soil stockpiles once created.	Continuous
	4.6	Install well maintained upslope water diversion banks or swales where overland surface water flow has the potential to impact on the soil stockpiles.	Continuous
	4.7	Implement downslope sedimentation controls as required.	Until the surface of the soil stockpile is stabilised
	4.8	Sow surfaces of soil stockpiles with appropriate groundcover.	As soon as practicable following construction
	4.9	Take reasonable measures to protect natural or stockpiled soils from any spills or contaminating activities.	Continuous
	4.10	Ensure Soil Mapping Unit SMU2 subsoils >70cm in depth are mixed with overburden before being	During soil stripping campaigns.

Desired Outcome		Action	Timing
		stockpiled.	
5. AIR QUALITY			
Undertake site activities without exceeding DEC air quality criteria or goals.	5.1	Avoid disturbing areas outside approved footprints of disturbance (including tracks).	During construction periods
	5.2	Keep unsealed roads damp when in use by off-road trucks.	As required
	5.3	Tailings storage facilities operated to minimise dust and capped as early as practicable.	Continuous
	5.4	Erect and maintain partial cover on above ground conveyors.	Continuous during operations
	5.5	Progressively rehabilitate areas no longer required for operational purposes.	As required
	5.6	Prepare and implement a dust control strategy.	As required
6. SURFACE WATER AND WATER SUPPLIES			
Ensure the surface infrastructure related to the E48 project and modification works is incorporated into a comprehensive surface water management system compatible with the existing surface water management system.	6.1	Construct appropriate catch drains and diversion banks around the margins of TSF 3 (Cell A).	Prior to construction of TSF 3 (Cell A)
	6.2	Construct necessary sediment ponds to contain sediment-laden water on site.	Prior to construction of TSF 3 (Cell A)
	6.3	Maintain the existing drainage systems for Farm Dams south of the mine access road.	Until TSF 3 (Cell B) works commence
	6.4	Construct catch drains and diversion banks around the margins of TSF 3 (Cell B).	Prior to construction of TSF 3 (Cell B)
	6.4A	Construct catch drains and diversion banks around the margins of Estcourt TSF.	Prior to construction of Estcourt TSF
	6.4B	Review the Site Water Management Plan in consultation with DWE and DECC	Prior to construction of Estcourt TSF

Desired Outcome		Action	Timing
	6.4C	Prepare final design drawings for the secondary and tertiary crushers in accordance with DWE Guidelines for Controlled Activities – Watercourse Crossings and Instream Works	Prior to commissioning of secondary and tertiary crushers.
Ensure that there is a secure water supply to the E48 Project	6.5	To work with the Parkes Shire Council and other relevant authorities to put in place a formal agreement relating to various matters associated with the volumes and quality of water required to support the NPM operations, the future infrastructure requirements and the use of water entitlements post mine.	Commencing immediately with a view to completion by 2006 year end.
Ensure no 'dirty' or 'contaminated' water leaves the Project Site as a result of the E48 Project surface disturbance.	6.6	Stabilise the embankments of TSF 3 and Estcourt TSF to provide protection using vegetation or rock armour to minimise erosion.	On completion of each TSF 3 embankment construction
	6.7	Contain tailings supernatant and accumulated rainfall within the processing plant water circuit for extreme rainfall events up to 1 in 100 year 72 hour storm or sustained wet periods.	Continuous
	6.8	Continue to negotiate and reach agreement with Parkes Shire Council regarding the supply of water during the operational phase of the NPM operations.	As required
	6.9	Undertake activities at the premises in a manner that does not cause or permit water pollution as defined in the *Protection of the Environment Operations Act 1997.*	Continuous
Ensure the NPM operations water usage from off-site sources do not cause unacceptable short falls for	6.10	Continue to negotiate and reach agreement with Parkes Shire Council regarding the supply of water during the operational phase of the NPM operations	As required

Desired Outcome		Action	Timing
other users,			
7. TRAFFIC			
All motorists travel safely to and from the NPM operations.	7.1	Ensure all employees and contractors are regularly informed about the safe driving requirements to and from the NPM operations.	Continuous
	7.2	Transport all oversize loads with all necessary permits.	As required
Interaction between the road train and school bus is avoided.	7.3	Avoid despatch of road train (with concentrate) between 7:30 am/9:30 am and 3:00 pm/5:00 pm.	School days
The standard of road pavement is maintained at an appropriate level for the type and volume of traffic.	7.4	Continue to work collaboratively with the Parkes Shire Council on road pavement and traffic issues. An ex gracia annual road maintenance contribution of $50,000, index linked will be made in order to help maintain Bogan Road in good repair.	Annually or as agreed
8. GROUNDWATER			
Protect the groundwater resources from contamination.	8.1	Ensure the floor and walls of TSF 3 and Estcourt TSF have a permeability sufficient to protect the groundwater resource.	During construction program
	8.2	Carry out inspections by a suitably qualified engineer of the floors and walls to document and ensure the adequacy of as built conditions.	During construction program
	8.3	Ensure all programs for managing hydrocarbons and chemicals are fully implemented.	Ongoing
	8.4	Prepare a Groundwater Management Plan for the entire project site in consultation with and to the satisfaction of the Department of Water and Energy.	Within 6 months of the grant of planning approval.
	8.5	Review groundwater	Prior to

Desired Outcome		Action	Timing
		monitoring bores around Estcourt TSF and install additional bores as required.	commissioning of Estcourt TSF.
9. ECOLOGY MANAGEMENT AND BIODIVERSITY OFFSET STRATEGY			
Minimise long term impact on flora and fauna on and around the Project Site.	9.1	Clearly identify the boundaries of all construction areas. No clearing will occur outside these boundaries.	Prior to clearing
	9.2	Where practicable, clearing within woodland communities will be timed to avoid more sensitive fauna breeding, torpor and dispersal periods of the year. Where it is not practicable to avoid clearing during these sensitive periods, any fauna species identified during the pre-clearing survey will be relocated.	During clearing
	9.3	Implement a feral baiting and/ or trapping program, consistent with the existing feral animal control strategy	Prior to clearing
	9.4	Spread all cleared native vegetation in revegetation areas.	Following clearing if areas available, otherwise the revegetation area available.
	9.5	Re-site hollow-bearing trees removed where practicable.	During clearing
	9.6	Continue the existing feral animal management program.	Continuous
	9.7	Inspect TSF 3 and the Rosedale Borrow Pit daily for fauna during the course of daily maintenance and operation inspections.	Daily
	9.8	Progressive and final rehabilitation will occur across the Project Site to recreate a final land use of agriculture and native vegetation.	As required
	9.9	Continue current programs of habitat enhancement and revegetation across the Proponent's land.	Ongoing

Desired Outcome		Action	Timing
	9.10	Review the revegetation program to ensure it remains relevant.	Annually
	9.11	Ensure all native trees and shrubs planted on the Project Site are local endemic species.	Ongoing
	9.12	Prepare and implement a detailed revegetation plan for the Limestone National Forest offset area.	Within 6 months of the grant of a planning approval.
	9.13	Incorporate in the Mine Closure Plan details of the mechanisms to achieve long term security of both remnant and planted native vegetation across the Proponent's landholding.	No later than 3 years prior to the scheduled closure of the mine.
	9.14	Undertake pre-clearing surveys to target Threatened species known to potentially occur in the vicinity of the Project Site. Undertake appropriate measures for the relevant species in the event any of the targeted species are located in an area to be cleared.	Prior to each tree clearing campaign.
	9.15	Ensure that during all operations involving the clearing of mature trees, an ecologist or appropriately trained personnel is present to check any tree felled for wildlife inhabiting these trees.	During each tree felling campaign.
	9.16	Undertake a small scale vegetation survey across the 6,000 ha of surrounding properties owned by the Proponent to provide guidance on a suite of species appropriate for rehabilitation.	Within 2 years of E48 approval.
	9.17	Swap an area of 45 ha (as identified in Figure F1 of the E48 Environmental Assessment) in agreement with the DPI Forests for 24 ha located within the E48 subsidence zone.	

<table>
<tr><th>Desired Outcome</th><th></th><th>Action</th><th>Timing</th></tr>
<tr><td rowspan="2"></td><td>9.18</td><td>Prepare, seed, plant, monitor and maintain (including weed control) in order to revegetate the offset area.</td><td>Ongoing.</td></tr>
<tr><td>9.19</td><td>Ensure revegetation of offset area involves the use of local native species, sourced locally.</td><td>Ongoing.</td></tr>
<tr><td></td><td>9.20</td><td>Prepare and implement a Construction Environmental Management Plan (CEMP) for Estcourt TSF construction.</td><td>Prior to Estcourt TSF construction</td></tr>
<tr><td colspan="4">10. INDIGENOUS HERITAGE</td></tr>
<tr><td>Employees who are sensitive to, and respectful of, possible Aboriginal heritage on the Project Site.</td><td>10.1</td><td>Inform relevant staff and contractors of their responsibilities under the National Parks and Wildlife Act 1974.</td><td>During site induction</td></tr>
<tr><td>Appropriate salvage or protection provided for archaeological sensitive sites.</td><td>10.2</td><td>Implement the following proposed actions:
<table>
<tr><th>Site Id</th><th>Type</th><th>Impact</th><th>Proposed Action</th></tr>
<tr><td>2</td><td>Campsite</td><td>None</td><td>Protect</td></tr>
<tr><td>8</td><td>Campsite</td><td>Farming</td><td>Salvage</td></tr>
<tr><td>9</td><td>Campsite</td><td>Farming</td><td>Salvage</td></tr>
<tr><td>10</td><td>Campsite</td><td>Farming</td><td>Salvage</td></tr>
<tr><td>11</td><td>Campsite</td><td>Farming</td><td>Salvage</td></tr>
<tr><td>12</td><td>Campsite</td><td>Farming</td><td>Salvage</td></tr>
<tr><td>P1</td><td>Scarred Tree?</td><td>E48 Project</td><td>Salvage</td></tr>
<tr><td>P2</td><td>Isolated Find</td><td>E48 Project</td><td>Salvage</td></tr>
<tr><td>P3</td><td>Isolated Find</td><td>E48 Project</td><td>Salvage</td></tr>
<tr><td>P4</td><td>Isolated Find</td><td>E48 Project</td><td>Salvage</td></tr>
<tr><td>A1</td><td>Campsite</td><td>Farming</td><td>Salvage</td></tr>
<tr><td>A2</td><td>Isolated Find</td><td>E48 Project</td><td>Salvage</td></tr>
<tr><td>A3</td><td>Isolated Find</td><td>E48 Project</td><td>Salvage</td></tr>
<tr><td>NPM-ST1</td><td>Scarred Tree</td><td>Estcourt TSF</td><td>Record and prepare cast of tree</td></tr>
</table></td><td>Salvage prior to surface disturbance in that area. Protect continually.</td></tr>
</table>

Desired Outcome		Action	Timing
	10.3	For those sites that require salvaging, the artefacts will be recovered as part of a salvage project that will be undertaken with the Peak Hill Local Aboriginal Land Council. The salvage work will be undertaken by a qualified archaeologist and members of the Land Council.	When programmed
	10.3A	Revise AHMP to include reference to the identified Aboriginal site NPM-ST1 and the implementation of management measures.	Prior to Estcourt TSF Construction
Minimise disturbance to potential unidentified sites.	10.4	Conduct a program of test pitting in Zone 1 (Goonumbla Creek).	Prior to any disturbance in Zone 1.
	10.5	Involve local Wiradjuri representative to monitor removal of topsoil material within Zone 1 (Goonumbla Creek).	During topsoil removal at location of surface crushers
11. EUROPEAN HERITAGE			
Ensure appropriate records of the heritage buildings are made prior to their demolition.	11.1	A site plan of the heritage area be recorded to include: ◗ detailed recording of historic landscaping features; and ◗ location of structures within the Project Site and in relation to one another	Prior to disturbance
	11.2	Record elevations of: ◗ Blacksmith's shed; and ◗ Workman's Hut.	Prior to disturbance
	11.3	Compilation of the above details with the documentation and recordings provided by Jolly (2005).	Prior to disturbance
12. VISUAL			
Limit adverse visual impacts	12.1	Progressively revegetate all project-related components.	As areas are finalised

Desired Outcome		Action	Timing
Continue to enhance community communication.	14.3	Create a community consultative committee comprising mine management and local community representatives in order to enhance feedback between the mine and the local community on matters of community significance.	
15. DOCUMENTATION			
A systematic set of documents are in place to guide the planning and implementation of all environmental management strategies.	15.1	Incorporate the E48 Project management measures into the existing EMS.	Prior to commencement of the E48 Project and continuous review
	15.2	Update the Mining Operations Plan for the mine site.	Prior to commencement of E48 and modification works
	15.3	Incorporate relevant data/information regarding the E48 Project in Annual Environmental Management Reports.	Annually
16. MINE DECOMMISSIONING			
Decommission the mine and related infrastructure with least impact on the local environment and Parkes and district community.	16.1	Undertake all mine decommissioning in accordance with an approved Mine Closure Plan	Complete the mine closure plan no later than 3 years prior to scheduled closure of the mine
	16.2	Prepare a memorandum of understanding with Parkes Shire Council regarding water allocations currently used by the NPM operations.	As required but prior to mine closure
	16.3	Negotiate with Parkes Shire Council regarding programs for retraining personnel and social impacts following mine closure.	Prior to mine closure