

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Steve O'Donoghue
Director – Resource Assessments
NSW Department of Planning, Industry and Environment

Sydney

18 March 2020

SCHEDULE 1

The development consent (06_0168) for the Snapper Mineral Sands Project, granted by the Minister for Planning on 28 August 2007.

SCHEDULE 2

1. In Schedule 1, delete “Cristal” and replace with “Tronox”.
2. In the list of DEFINITIONS, delete the following terms and their definitions: “Crown Lands”, “DRE”, “NOW”, “OEH”, “RMS” and “Site” and insert the following in alphabetical order:

BCD	Biodiversity and Conservation Division, within the Department
DPIE Crown Lands	Crown Lands Group, within the Department
DPIE Water	Water Group, within the Department
DRG	Division of Resources and Geoscience, within the Department
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	Is harm that: • involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval but is not an incident
Resources Regulator	Resources Regulator, within the Department
Site	The land bounded by the red line (ML1621 and MLA 1) plus the ETL from the Ginkgo Mine and access road extensions, shown in Appendix 5
TfNSW	Transport for NSW

3. In the definition for “Department”, after “Planning”, insert “, Industry”.
4. In the definition for “EA”, after “2007”, insert:

- , as modified by:
- modification application 06_0168 Mod 1 and accompanying Environmental Assessment titled *Bemax Resources Limited Snapper Mineral Sands Mine Offset Modification Environmental Assessment* dated April 2009;
 - modification application 06_0168 Mod 2 and accompanying Environmental Assessment titled *Bemax Resources Limited Ginkgo Mineral Sands Mine and Snapper Mineral Sands Mine November 2009 Modification Environmental Assessment* dated November 2009;
 - modification application 06_0168 Mod 3 and accompanying Environmental Assessment titled *Snapper Mineral Sands Mine and Ginkgo Mineral Sands Mine April 2010 Modification Environmental Assessment*, dated April 2010;
 - modification application 06_0168 Mod 4 and accompanying Environmental Assessment titled *Murray Darling Basin Operations Modification Environmental Assessment November 2013*, dated November 2013;
 - modification application 06_0168 Mod 6 and accompanying letter titled *Snapper Mineral Sands Mine - Ore Production and Mineral Concentrate Transport Limit Modification*, dated 2 December 2014;
 - modification application 06_0168 Mod 5 and accompanying Environmental Assessment titled *Snapper Mine Production Increase Modification Environmental Assessment*, dated August 2014; and
 - modification application 06_0168 (MOD 7) and accompanying Modification Report titled '*Snapper Mine – Northern Extension Modification – Modification Report*' dated November 2019, accompanying Submissions Report titled '*Snapper Mine – Northern Extension Modification – Submissions Report*' dated January 2020, and additional information provided by the Proponent dated 18 and 24 February 2020
5. In the definition for “Minister”, after “Planning”, insert “and Public Spaces”.
 6. In the definition for “MSP”, delete “Cristal” and replace with “Tronox”.
 7. In the definition for “Proponent”, delete “Cristal”, and replace with “Tronox”.
 8. In the definition for “Secretary”, delete “of Planning & Environment”.
 9. Delete all references to “DRE” and replace with “the Resources Regulator”, except in Condition 19B(b) of Schedule 3.
 10. Delete all references to “OEH” and replace with “BCD”.
 11. Delete all references to “RMS” and replace with “TfNSW”.
 12. In condition 2 of Schedule 2:
 - (a) after “project”, insert “in compliance with the conditions of this approval and”;
 - (b) in sub-condition 2(a), after “EA,” insert “and”; and
 - (c) delete sub-conditions 2(c) to 2(i).
 13. In condition 2(a) of Schedule 3, delete the reference to:
 - (a) “NOW” and replace with “DPIE Water”; and
 - (b) “Director-General” and replace with “Secretary”.
 14. In condition 7(a) of Schedule 3, delete “DEC, 1996” and replace with “EPA, 2016”.
 15. In condition 13 of Schedule 3:
 - (a) delete “dust generated by the project does not cause additional” and replace with “all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not cause”; and
 - (b) within Table 1, delete “30” and replace with “25”.
 16. Delete condition 14(c) of Schedule 3 and replace with:
 - (c) include details of how the air quality performance of the project would be monitored, and a protocol for evaluating compliance with the air quality criteria in this approval.
 17. In condition 15 of Schedule 3, delete “DEC, 2007” and replace with “EPA, 2017”.
 18. In condition 19 of Schedule 3:
 - a) delete “to the satisfaction of the Resources Regulator” and replace with “in accordance with the conditions imposed on the mining lease(s) associated with the project under the *Mining Act 1992*”; and
 - b) delete “strategy for the project, and” and replace with “objectives described in the EA (and shown conceptually in Appendix 7), and must”.

19. In condition 19B of Schedule 3, delete:
- (a) "and to the satisfaction of the Resources Regulator" and replace with "in accordance with the conditions imposed on the mining lease(s) associated with the project under the *Mining Act 1992*".
 - (b) the reference to "Crown Lands" and replace with "DPIE Crown Lands";
 - (c) the reference to "DRE" in subparagraph (b) and replace with "DRG".
 - (d) subparagraph (a).
20. After condition 22 of Schedule 3, insert:
- 22A. Prior to the closure of the section of Nob Road to be realigned under Modification 7, the Proponent must realign Nob Road and its intersection with Roo Roo Road to the satisfaction of the relevant roads authority.
21. In condition 24(a) of Schedule 3, after "EPA", insert ", Council".
22. In condition 24(b) of Schedule 3, delete "submitted to the Secretary for approval within 6 months of the date of approval for MOD 5" and replace with "approved by the Secretary prior to commencing the road works outlined in condition 22A of this Schedule".
23. In condition 24(c) of Schedule 3:
- (a) delete the "and" at the end of the second dot point; and
 - (b) after the second dot point, insert:
 - details of the measures to be implemented to minimise traffic safety issues and disruption to local road users during road upgrade works; and
24. Delete conditions 3 and 4 of Schedule 4, including the heading "INCIDENT REPORTING", and replace with:

COMPLIANCE

Incident Notification

3. The Proponent must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing and identify the project (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

- 3A. Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be in writing and identify the project (including the development application number and name), set out the condition of this approval that the project is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

4. The Proponent must provide regular compliance reporting to the Department on the project in accordance with the relevant *Compliance Reporting* requirements (DPE 2018).

25. In condition 6 of Schedule 4, delete all words after "The audit must:", including the note, and replace with:

- (a) be prepared in accordance with the relevant *Independent Audit Post Approval requirements* (DPE 2018);
- (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- (c) be carried out in consultation with the relevant agencies;
- (d) assess whether the project complies with the relevant requirements in this approval, and any strategy, plan or program required under this approval; and
- (e) recommend appropriate measures or actions to improve the environmental performance of the project and any strategy, plan or program required under this approval.

26. Delete condition 7 of Schedule 4, and replace with:

- 7. Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that

requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations.

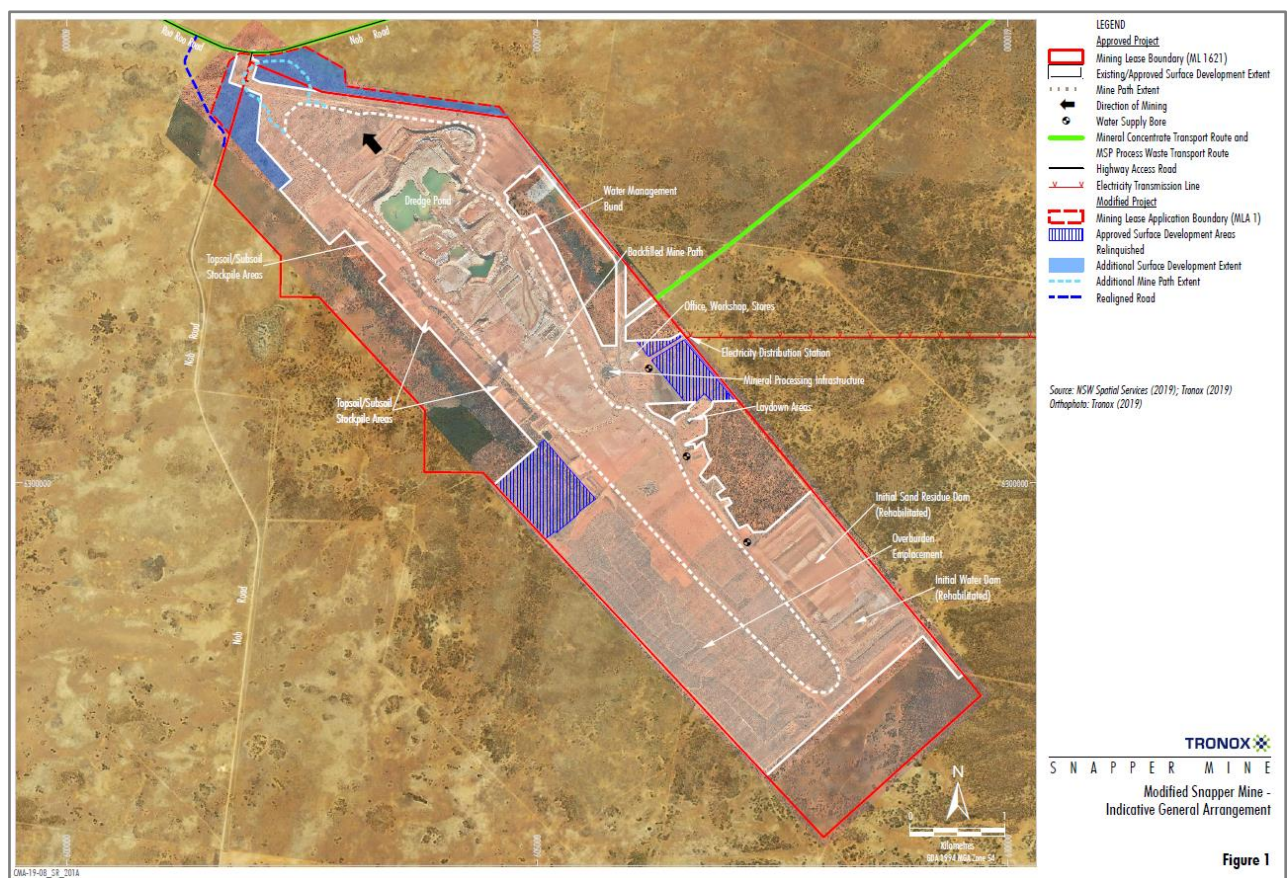
The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.

27. In Condition 8 (b) of Schedule 4, delete “an incident report under condition 4” and replace with “a non-compliance or incident notification under condition 3 or 3A”.

28. In Appendix 1, insert the following rows at the bottom of the table:

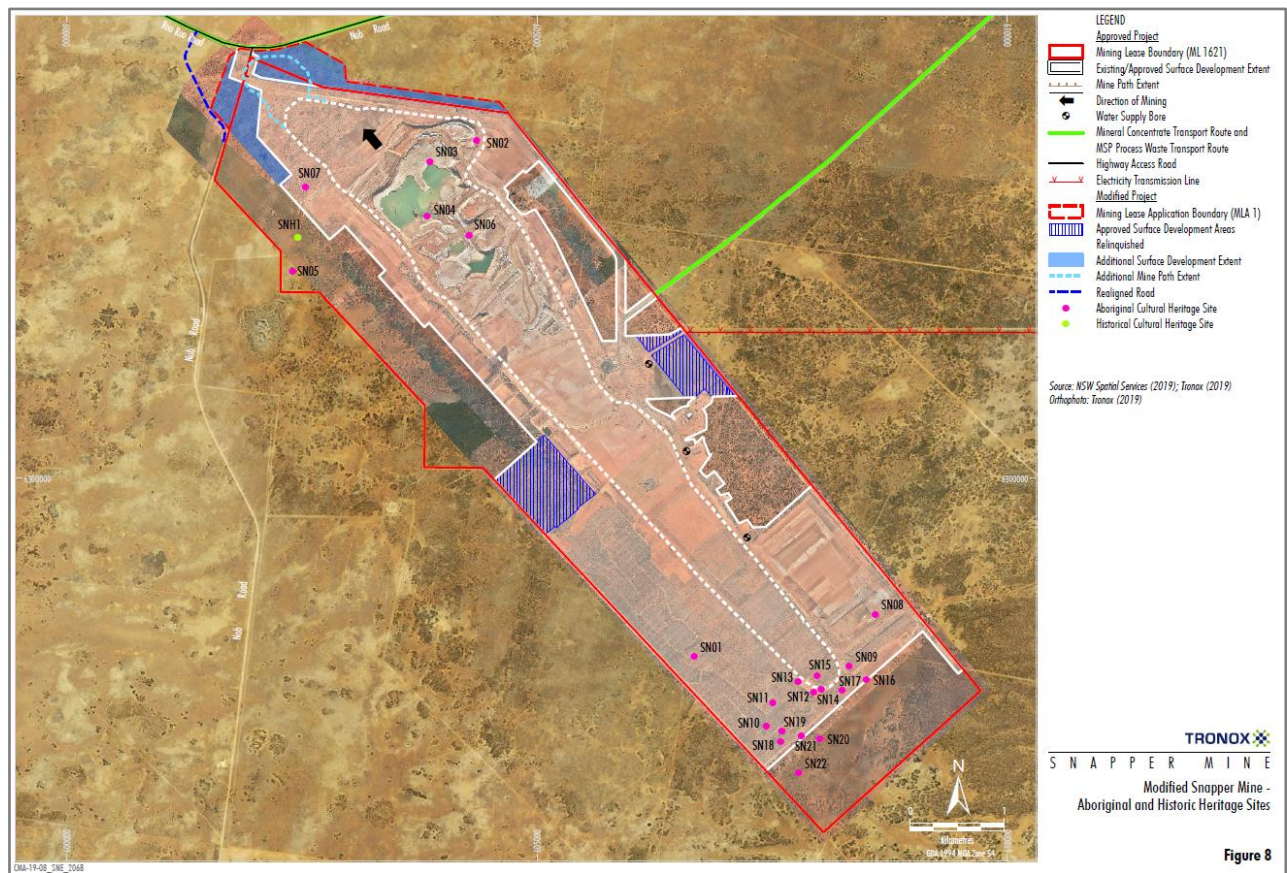
1926/763904	M.A. Withers	Manilla
Wentworth Shire Council or Crown land	N/A	All roads, road reserves, Crown land, and Crown road reserves within the development application area, as modified.

29. Delete all figures in Appendix 2, and replace with:



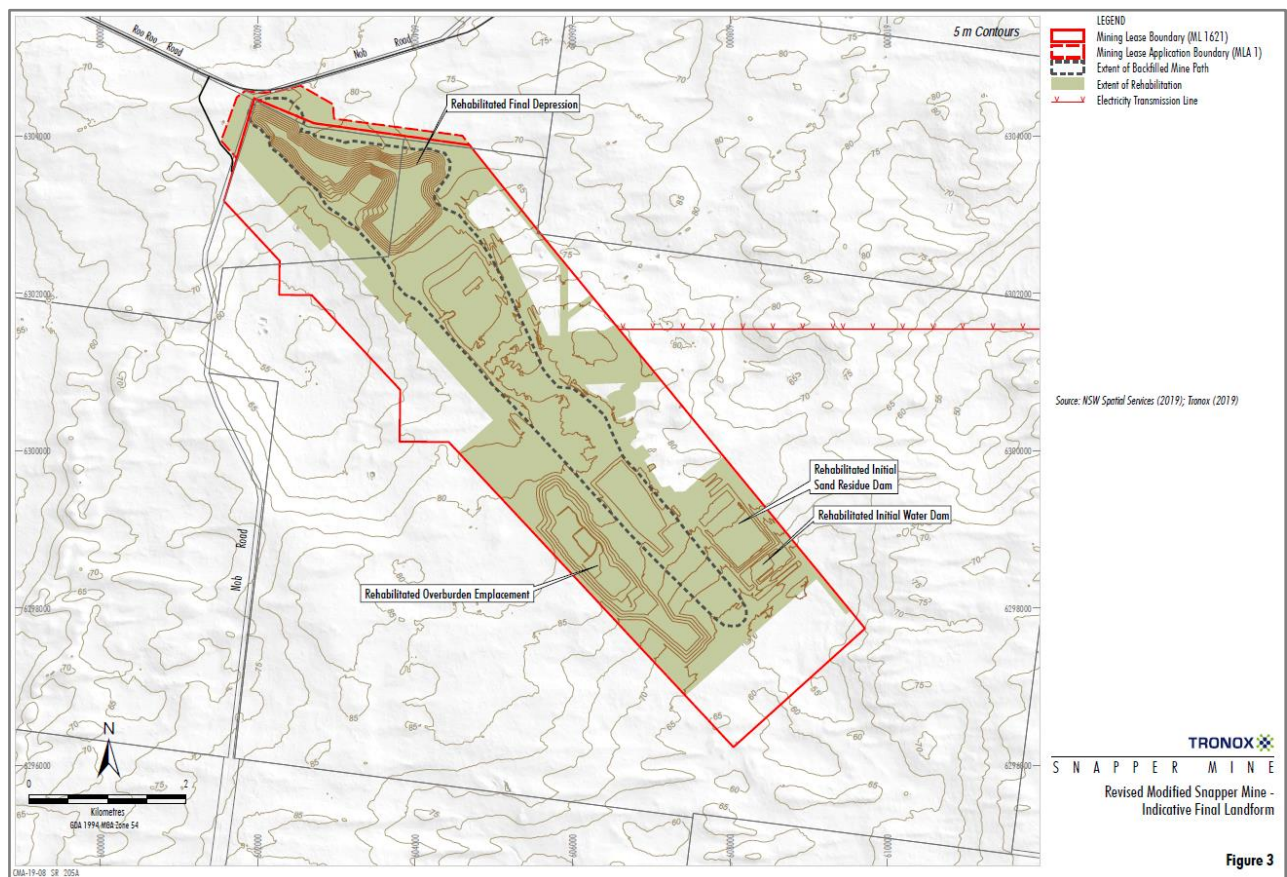
30. In Appendix 4, delete all references to “BEMAX” and replace with “Proponent”, except for the reference in ‘SOC 2’.

31. In Appendix 6, delete the figure, and replace with:



32. After Appendix 6, insert:

APPENDIX 7 INDICATIVE FINAL LANDFORM



33. Update the Table of Contents.

End of modification
(06_0168 MOD 7)