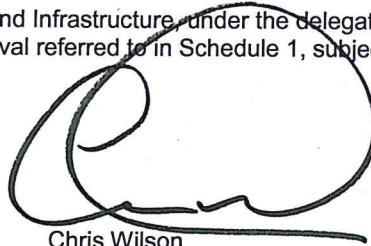


Notice of Modification

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

As delegate of the Minister for Planning and Infrastructure, under the delegation executed on 14 September 2011, I hereby modify the conditions of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson
Executive Director
Major Projects Assessment

Sydney

10 AUGUST

2012

SCHEDULE 1

Project Approval The Remediation of the Pasminco Cockle Creek Smelter Site (06_0184) which was approved on 24 December 2007.

SCHEDULE 2

1. In the list of definitions delete:

| | |
|------------------|--|
| DEC | Department of Environment and Conservation |
| Department | Department of Planning |
| Director-General | Director-General of Department of Planning, or delegate |
| EPA | Environment Protection Authority as part of the Department of Environment and Conservation |
| Minister | Minister for Planning |

and insert in alphabetical order

| | |
|------------------|---|
| Department | Department of Planning and Infrastructure |
| Director-General | Director-General of the Department of Planning and Infrastructure or delegate |
| EPA | Environment Protection Authority |
| LLDPE | Linear low-density polyethylene |
| Minister | Minister for Planning and Infrastructure |

2. Replace all references to DEC with EPA

3. Replace condition 1.1 with the following:

1.1 The Proponent shall carry out the project generally in accordance with:

- a) Major Projects Application 06_0184;
- b) Environmental Assessment Report Pasminco Cockle Creek Smelter Site Remediation Project, prepared by Fitzwalter Group Pty Limited dated August 2006, and appendices;
- c) *Submissions Report* prepared by Fitzwalter Group Pty Limited and dated 21 November 2006; and
- d) modification application 06_0184 MOD 1, accompanied by correspondence titled:
 - *Request for modification to Part 3A*, prepared by Fitzwalter Group and dated 8 October 2009; and
 - *Pasminco Cockle Creek Smelter Pty Limited (Subject to Deed of Company Arrangement) ('PCCS'). Is the Approved Containment Cell A 'Structure'*, prepared by Minter Ellison and dated 2 November 2009;
- e) modification application 06_0184 MOD 3, accompanied by correspondence including:

- Letter from Minter Ellison titled *Section 75W – Application to Modify Project Approval No. 06_0184 Pasmaenco Cockle Creek Smelter Pty Ltd (Subject to Deed of Company Arrangement)* and dated 16 December 2011;
- Letter from Golder Associates titled *Pasmaenco Cockle Creek Smelter: Proposed Design Changes for Containment Cell Cap* and dated 15 December 2011; and
- Letter from Minter Ellison dated 14 March 2012 with Technical Memorandum from Golder Associates in response to submissions; and

f) conditions of this approval.

4. Insert new condition 3.2 A) following existing condition 3.2:

3.2A) Prior to commencement of construction of the revised containment cell cap in accordance with 06_0184 MOD 3, the Proponent shall prepare a **Cap Report**. This shall be prepared to the satisfaction of the EPA and include, but not necessarily be limited to the following (unless it can be demonstrated to the satisfaction of the EPA that an alternative design is equivalent or better in performance):

- a) full design details of the engineered features of the alternative cap, including detailed plans, specifications and engineered drawings;
- b) a scaled site survey plan which identifies and delineates the existing cell cap and the modified capping layer;
- c) a cell drainage layer with the following specifications:
 - a tri-planar and high density polyethylene geonet drainage layer which is manufactured or covered with a geotextile fabric on the upper surface (or a product of equivalent performance);
 - the internal drainage core of the geonet (or equivalent product) must be at least 10mm thick;
 - a drainage pipe system above the LLDPE liner which maximises water collection. Pipes shall be placed in inverts (or similar);
 - top soil and subsoil layers shall be a minimum of 750 mm deep above the drainage, provided that a power conduit for cabling of all other anticipated electrical use including around all sports fields is pre-installed during the cap construction; and,
 - a high visibility marker barrier no less than 250mm above the geocomposite drain and LLDPE barrier which does not impede the functioning of the capping system;
- d) a cell barrier layer containing an LLDPE liner with a thickness of at least 1mm;
- e) confirmation that the hydraulic transmissivity of the modified system is equivalent to the hydraulic transmissivity of the currently approved gravel drainage system;
- f) details of the construction methodology, including construction quality assurance procedures, and timeframes;
- g) detail on the final land use, including details for the cell cap drainage and penetration points in connection with the landuse; and
- h) details for the proposed maintenance of the revised cap.

5. Insert new condition 3.3A) following existing condition 3.3:

3.3A) Prior to submission to the EPA for approval, the **Cap Report** shall be reviewed by a Site Auditor who shall issue a Site Audit Statement(s) and a Site Audit Report(s) on the suitability of the proposed containment cell cap and associated infrastructure to meet the remediation objectives for the site, taking into account the proposed land-use above the containment cell.

6. Replace condition 8.5 with the following:

8.5 Upon completion of the containment cell(s), a qualified structural or geotechnical engineer shall certify that all relevant works have been constructed in compliance with the approved reports required under conditions 3.2 and 3.2A) and in compliance with any plans approved by the Mine Subsidence Board. A copy of the certification shall be provided to the Department, EPA, the Mine Subsidence Board and Council.