

Modification of Project Approval

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

As delegate of the Minister for Planning, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Stephen O'Donoghue
Director – Resource Assessments

Sydney

16 March 2022

SCHEDULE 1

Project Approval: MP07_0018 granted by the Minister for Planning on 31 January 2011

For the following: Rasp Project

Applicant: Broken Hill Operations Pty Ltd

Consent Authority: Minister for Planning

The Land: See Appendix 1 of Project Approval (MP07_0018)

Modification: Tailings Management and Underground Access (Modification 6)

SCHEDULE 2

1. Table of Contents have been updated to reflect the revised section names and page numbers.
2. In the list of definitions, delete the definitions for “DPIE Water” and “EP&A Regulation”, and insert the following in alphabetical order:

Boxcut	The boxcut identified in the Figure in Appendix 2
Broken Hill Lead Reference Group	A group of government agency and industry stakeholders aiming to minimise the impact of lead exposure in Broken Hill while maintaining a viable mining industry, chaired and co-ordinated by Council
DPE Water	Water Group within the Department
Free Areas	Non-active mining areas within CML7 that are not disturbed by the project but contribute to the wind-blown dust from the project site, as identified in Appendix 4
MEG	Mining, Exploration and Geoscience within the Department of Regional NSW
TSF3	Tailings storage facility 3, identified as Kintore Pit in the Figure in Appendix 2
3. In the list of definitions, after “Department of Planning and Environment”, insert “(DPE)”.
4. In the list of definitions, in the definition of “EA”:
 - after “*Rasp Mine Zinc-Lead-Silver Project: Preferred Project Report*”, insert “(PPR)”;
 - after “dated March 2021;”, delete “and”;
 - after “by the Proponent to support the modification application”, delete “.” and insert:
 - “; and
 - *Modification application 07_0018 Mod 6 and accompanying Modification Report titled: Rasp Mine Modification Report (MOD6) Kintore Pit TSF3 dated August 2021, associated Submissions Report titled: Rasp Mine Submissions Report (MOD6) Kintore Pit TSF3 dated December 2021 and additional information provided by the Proponent to support the modification application and included in Appendix A of the Department’s assessment report on Modification 6.*”
5. In the list of definitions, after “Broken Hill Operations Pty Ltd”, insert “, or any person who carries out the project under this approval”.
6. In Schedule 3, delete all references to “DPIE Water” and replace with “DPE Water”.
7. In Schedule 2, condition 2, delete all words after “and”, and insert:

“(b) in accordance with the conditions of this approval; and

“(c) in accordance with any written directions of the Secretary.”
8. In Schedule 2, delete condition 4 and insert:

“4. Consistent with the requirements of this approval, the Secretary may make written directions to the Proponent in relation to:

(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this approval, including those that are required to be, and have been, approved by the Secretary; and

(b) the implementation of any actions or measures contained in any such document referred to in condition 4(a).”
9. In Schedule 2, condition 6:
 - delete “750,000” and insert “500,000”; and
 - after “ore per annum”, insert “on-site”.

10. In Schedule 2, insert the following after condition 6:

“6A. The annual extraction limit set in Schedule 2 condition 6 can be increased up to no more than 750,000 tonnes of ore per annum subject to further air quality impact assessment undertaken to the satisfaction of the EPA and a revised limit approved in writing by the Secretary.”

11. In Schedule 2, condition 8:

- delete “4A” and insert “6”; and
- delete “Part 8 of the EP&A Regulation” and insert “Parts 1-9 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021”.

12. In Schedule 2, condition 12, delete “s 75YA and 104A” and insert “section 4.63”.

13. In Schedule 3, condition 3:

- insert the following row after the last row in Table 1:

Particulate matter < 2.5 µm (PM _{2.5})	Annual	^a 8 µg/m ³
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- insert the following row after the last row in Table 2:

Particulate matter < 2.5 µm (PM _{2.5})	24 hour	^a 25 µg/m ³
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14. In Schedule 3, condition 6:

- after “commencement of ore extraction”, insert “or their use”;
- in Table 6, before “ROM pad to and through mill”, insert “Altered”;
- in Table 6, delete “354” and insert “384”; and
- in Table 6, insert the following rows after the last of in the table:

Modification 6	Haul road for transportation of harvested tailings from TSF2 to TSF3	2,283
	Ore haul road from the new portal (Modification 6) to the Run of Mine Pad	325

15. In Schedule 3, condition 11:

- after “The Proponent”, delete “shall prepare and implement” and insert “must prepare”;
- in item (a), after “be prepared”, insert “by a suitably qualified and experienced person/s,”;
- in item (c), after “identified in consultation with EPA,”; delete “and”;
- in item (c), after “Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales”, delete “(DECC, 2007)” and insert “(NSW EPA, 2022), or the latest version,”;
- in item (c), after “Regulation 2010”, insert the following:
“; and”
 - details trigger response management protocols in combination with continuous particulate matter monitors and a meteorological monitoring station on-site, with clear and specific reactive mitigation measures to be implemented in accordance with the trigger response management protocol; and”
 - In item (j), after “procedures for the minimisation of dust generation on the site”, insert “and measures to be implemented to ensure compliance with the air quality criteria and operating conditions in this approval”.

16. In Schedule 3, after condition 11, insert the following condition:

“11A. The Proponent must implement the Air Quality Management Plan as approved by the Secretary.”

17. In Schedule 3, condition 12, delete “the Director-General of the NSW Department of Health” and insert “NSW Health (Western NSW Local Health District)”.

18. In Schedule 3, condition 13, item (a):
- after “consultation with the”, delete “Lead Reference Group”, insert “Broken Hill Lead Reference Group”; and
 - after “including the”, delete “NSW Department of Health”, and insert “EPA, NSW Health”.

19. In Schedule 3, condition 14, delete all words after “be relevant to the assessment; and” and insert the following:

“(c) be prepared in consultation with the EPA and the NSW Health (Western NSW Local Health District).

14A. The updated Health Risk Assessment must inform the revision of the Air Quality Management Plan and the Lead Management Plan required under this approval, if monitoring data shows that the project is contributing to increased blood lead levels.”

20. In Schedule 3, condition 15, Table 6.1:

- insert the following row directly under the first row:

Mod 6 construction activities excluding new decline underground activities, and TSF3 tailings preparation works	7 am to 6 pm, Monday to Saturday No activities on Sundays or public holidays
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- after “excluding construction of the EEL”, insert “and Mod 6 construction activities”; and
- after “including construction of the EEL”, insert “, construction of the new decline (underground activities) and TSF3 tailings preparation works”.

21. In Schedule 3, condition 17:

- after “criteria in Table 7”, insert “except as otherwise permitted under conditions 17B and 17D below”;
- in Table 7, delete the daytime criteria in the second column for location A1, A2, A13 and A14 and insert in each row “40”;
- in Table 7, delete the daytime criteria in the second column for location A7 and insert “45”;
- in Table 7, delete the evening criteria in the third column for location A7 and insert “42”;
- in Table 7, delete the night time criteria in the fourth column for location A7 and insert “36”;
- in the notes, delete “NSW Industrial Noise Policy (EPA, 2000)” and insert “Noise Policy for Industry (NSW EPA, 2017), or its latest version”; and
- in the notes, delete all references to “:00”.

22. In Schedule 3, condition 17B, after “noise generated by”, delete “development” and insert “project”.

23. In Schedule 3, after condition 17C, insert the following:

“17D. The noise criteria in Table 7 of this approval apply for construction of Stages 1 and 2 of the boxcut, excluding daytime criteria for receivers described in Table 7a. The proponent must ensure that the noise generated by the project does not exceed the criteria in Table 7a during standard construction hours – defined as Monday to Friday 7 am to 6 pm and Saturday 8 am to 1 pm and no time on Sundays and public holidays.

Table 7a: Additional Construction Noise Criteria for the Boxcut Construction

Location	^a Day (dB(A))
A1 – Piper Street North	43
A2 – Piper Street Central	45
A3 – Eyre Street North	47
A13 – Eyre Street North 2	48
A14 – Piper Street North	47

Notes to Condition 17D:

- Receiver locations are as identified in the noise assessments presented in the Appendix 3; and
- Noise limits are to be measured in accordance with the Noise Policy for Industry (NSW EPA, 2017), or its latest version.”

24. In Schedule 3, condition 19B:

- after “The Proponent”, delete “shall” and insert “must”;
- after “Italo (Bocce) Club;” insert the following:
 - “(d) minimise the noise impacts of the project during adverse meteorological conditions (stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level);
 - (e) carry out regular monitoring to determine whether the project is complying with the relevant conditions of this approval; and
 - (f) regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this approval;”

25. In Schedule 3, condition 20:

- after “implement a Noise” insert “and Blast”;
- after “proactive mitigation measures;”, delete “and”;
- after “rehabilitation of TSF2;”, insert the following:
 - “and
 - address activities associated with the construction of the boxcut, TSF3 and tailings harvesting routes as described in Modification 6;”
- after “operating conditions of this approval;”, delete “and”;
- after “relevant conditions of this approval”, delete “.”, and insert the following:
 - “; and
 - (f) detail notification requirements to relevant government agencies.”

26. In Schedule 3, condition 23:

- in item (a), delete “methods to achieve accurate metering of water take” and insert “methods to monitor, measure and manage reporting on water take (exempt and licensable);”;
- in item (c), after “stream health;” delete “and”;
- in item (c), after “channel stability” insert the following:
 - “; and
 - detail relocated and additional water management infrastructure required by Modification 6 including the boxcut, water storage S37, the TSF3 and “free areas”.”;
- in item (d), after “and adjacent to”, delete “the tailings storage facility” and insert “all tailings storage facilities (the TSF1, TSF2 and TSF3)”.

27. In Schedule 3, delete all words after the heading “Rehabilitation Strategy” and replace with the following:

- “34A. Within 6 months from approval of Modification 6, the Proponent must prepare a Rehabilitation Strategy for the site to the satisfaction of the Secretary. This strategy must:
- (a) be prepared by a team of suitably qualified and experienced experts whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with relevant stakeholders including the RR, MEG, EPA, NSW Health (Western NSW Local Health District), DPE Water, Heritage NSW, Council and Perilya Broken Hill Limited;
 - (c) define the rehabilitation objectives for and schedule of the mine site and “free areas”, with consideration of heritage values, dust management, water and leachate management, subsidence, visual impacts and public safety;
 - (d) includes a conceptual final landform and rehabilitation plan;
 - (e) include a life of mine rehabilitation and mining schedule which outlines key progressive rehabilitation milestones from the commencement of operations through to decommissioning and mine closure; and
 - (f) managing and minimising any adverse socio-economic effects associated with mine closure.

The Proponent must implement the approved Rehabilitation Strategy for the project.

Rehabilitation Management Plan

35. The Proponent must prepare and implement a Rehabilitation Management Plan for the project in accordance with the conditions imposed on the mining lease(s) associated with the project under the *Mining Act 1992*.”
28. In Schedule 4, condition 3:
- after “By the end of”, delete “June 2012” and insert “31 March 2023”;
 - after “the Proponent”, delete “shall review” and insert “must submit a report reviewing”;
 - delete all references to “development” and insert “project”;
 - in item (a), after “in the past”, insert “calendar”;
 - in item (b), after “monitoring results of previous years;”, delete “and”;
 - in items (b), after “Conditions 2 of Schedule 2”, insert the following:
“; and
 - requirements of any plan or program required under this approval;”
 - in item (c), after “(or are being) taken to”, delete “ensure compliance” and insert “rectify the non-compliance and avoid reoccurrence”; and
 - in item (f), after “performance of the project”, delete “.”, and insert the following:
“; and
 - (g) evaluate and report on compliance with the performance measures, criteria and operating conditions of this approval”.
29. In Schedule 4, condition 4:
- in item (c), after “an audit report under”, delete “Condition 7 below, or”, and insert “Conditions 7-8A below;”;
 - in item (d), after “(unless the conditions require otherwise),” insert the following:
“ or
 - (e) a direction of the Secretary under Condition 2 of Schedule 2.”; and
 - after “to the satisfaction of the Secretary.”, insert in a new line and the following:
“Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.”
30. In Schedule 4, delete conditions 7 and 8 under the “INDEPENDENT ENVIRONMENTAL AUDIT” heading and replace with the following:
- “7. Within one year of the date of physical commencement of development under Modification 6, and every three years after, unless the Secretary directs otherwise, the Proponent must commission and pay the full cost of an Independent Environmental Audit of the project. The audit must:
- (a) be prepared in accordance with the *Independent Audit Post Approval Requirements* (NSW Government 2020); and
 - (b) be submitted, to the satisfaction of the Secretary, within two months of undertaking the independent audit site inspection, unless otherwise agreed by the Secretary.
8. In accordance with the specific requirements of the *Independent Audit Post Approval Requirements* (NSW Government 2020), the Proponent must:
- (a) review and respond to each Independent Audit Report prepared under Condition 7 above;
 - (b) submit a response to the Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations of the Independent Audit Report;
 - (c) implement the recommendations to the satisfaction of the Secretary; and

- (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Secretary.

MONITORING AND ENVIRONMENTAL AUDITS

8A. Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

For the purposes of this condition, as set out in the EP&A Act, “monitoring” means monitoring of the project to provide data on compliance with the approval or on the environmental impact of the project, and an “environmental audit” means a periodic or particular documented evaluation of the project to provide information on compliance with the approval or the environmental management or impact of the project.”

31. In Schedule 4, condition 9:

- after “end of March 2011”, insert “until the completion of all rehabilitation required under this approval”;
- in item (a), after “make copies of the following”, insert “information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this approval)”;
- in item (a), after “all approved strategies, plans and programs required under the conditions of this approval”, insert the following:

“

- the proposed staging plans for the project if the construction, operation or decommissioning of the project is to be staged;
- regular reporting on the environmental performance of the project in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval;” and

- in item (a), after “or any approved plans or programs”, insert the following:

“

- a summary of the current phase and progress of the project;
- contact details to enquire about the project or to make a complaint;”.

32. In Schedule 4, condition 10, delete all references to “development” and insert “project”.

33. In Schedule 4, after condition 10, insert the following condition:

“UPDATING AND STAGING OF STUDIES, STRATEGIES AND PLANS

11. To ensure the studies, strategies and plans for the project are updated on a regular basis and incorporate any required measures to improve the environmental performance of the project, the Proponent may submit revised studies, strategies or plans required for the project under the conditions of approval at any time. With the agreement of the Secretary, the Proponent may also submit any study, strategy or plan required under the conditions of this approval on a staged basis.
12. The Secretary may approve a revised strategy or plan required under the conditions of approval, or the stage submission of these documents, at any time. With the approval of the Secretary, the Proponent may prepare the revised or staged strategy or plan without undertaking consultation with all parties nominated under the applicable condition in this approval.

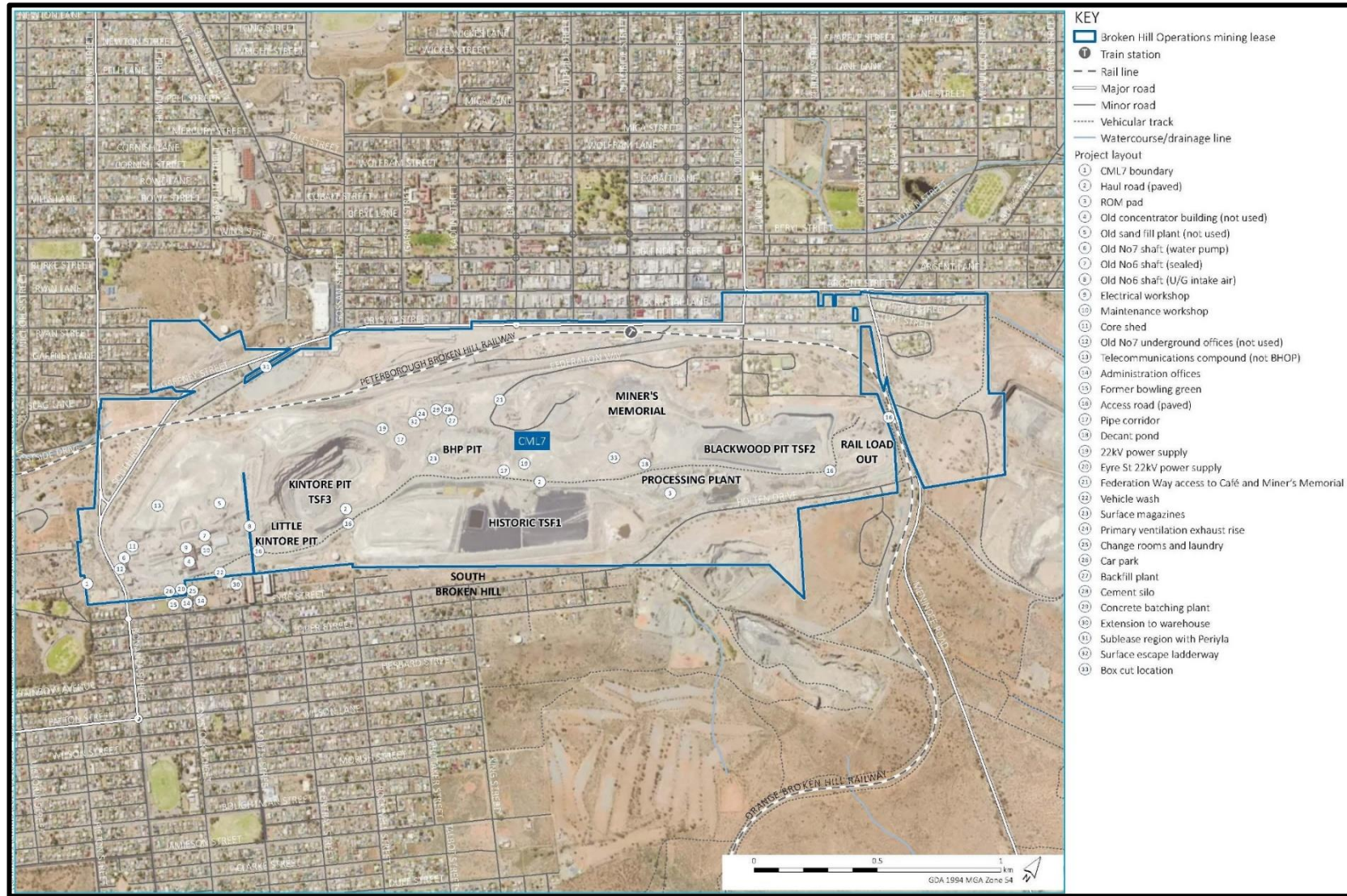
Notes:

- *While any study, strategy or plan may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable studies, strategies or plans at all times.*
- *If the submission of any study, strategy or plan is to be staged, then the relevant study, strategy or plan must clearly describe the specific stage to which the study, strategy or plan applies, the relationship of this stage to any future stages, and the trigger for updating the study, strategy or plan.”*

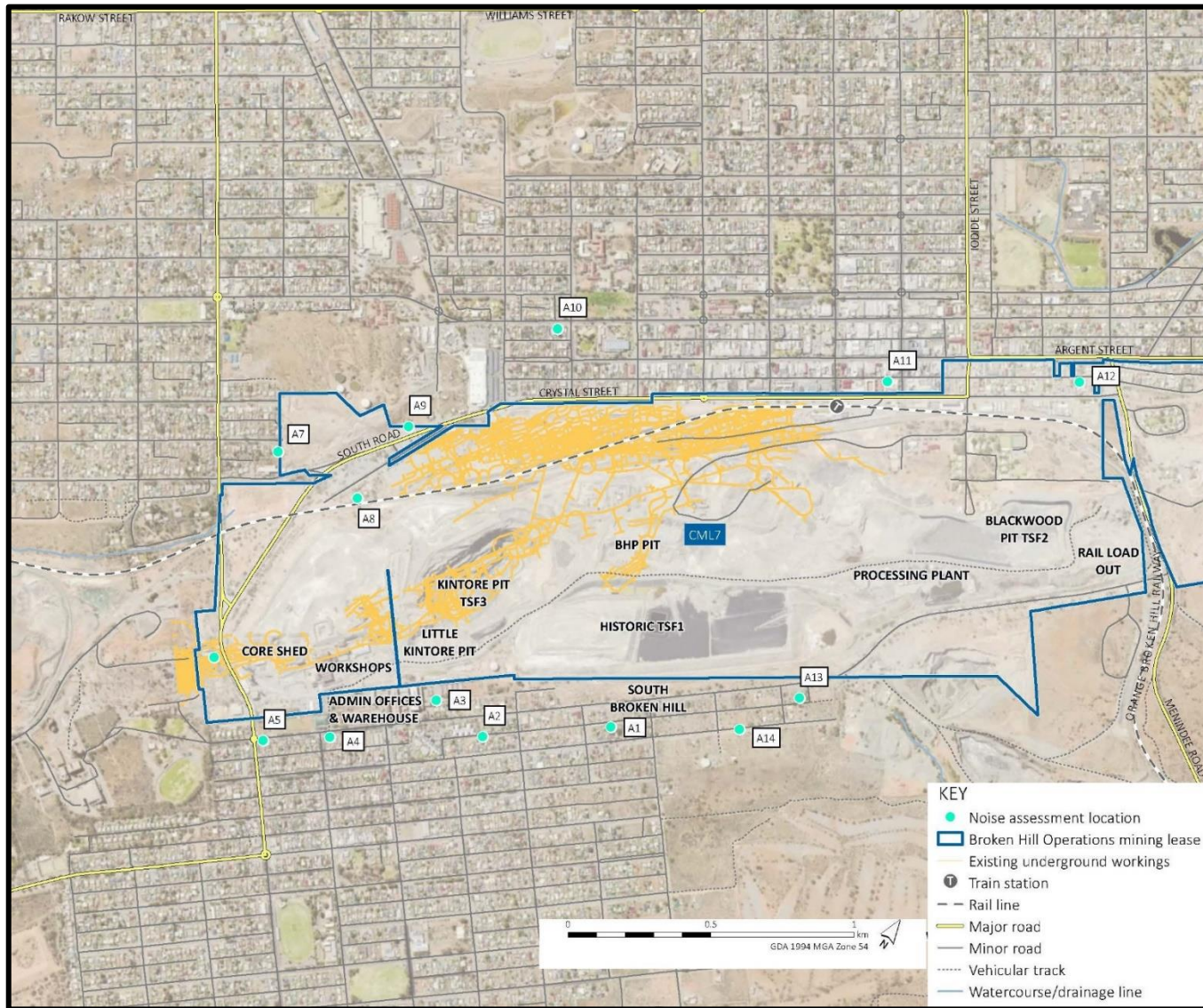
34. In Appendix 2, delete the first figure and replace with the following:



35. In Appendix 3, delete the first figure and replace with the following:



36. In Appendix 3, delete the third figure and replace with the following:



**End of modification
(MP07_0018 MOD 6)**