

Modification of Development Consent

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 development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Stephen O'Donoghue
Director
Resource Assessments

Sydney 18 January 2022

SCHEDULE 1

Development consent:	DA374-11-00 granted by the Minister for Urban Affairs and Planning on 23 May 2001
For the following:	Sunrise Project (formerly known as the Syerston Nickel Cobalt Project)
Applicant:	SRL Ops Pty Ltd
Consent Authority:	Minister for Planning
Development:	Sunrise Project

SCHEDULE 2

1. Replace all to references to 'Clean TeQ Sunrise Pty Ltd' with 'SRL Ops Pty Ltd'.
2. In the document footer, delete 'Mine'.
3. In the list of Definitions, delete the following terms and their definitions: 'DoI Lands & Water', 'DPI', 'DSC', 'OEH', 'Secretary', and 'RMS', and insert the following in alphabetical order:

BCS	Biodiversity, Conservation and Science Directorate within the Department
DPIE Water	Water Group within the Department
DS NSW	Dams Safety NSW
Heritage NSW	Heritage Branch within the Department
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Resources Regulator	NSW Resources Regulator within the Department of Regional NSW
TfNSW	Transport for New South Wales

4. In the definition of 'EIS', after the last bullet point, insert:
 - Modification Report titled "Project Execution Plan Modification" dated June 2021 and Submissions Report (document ID 01098801-002).
 - Email prepared by SRL Ops Pty Ltd dated 13 October 2021.
 - Letter prepared by SRL Ops Pty Ltd dated 4 November 2021
5. Replace all references to 'Secretary' with 'Planning Secretary'.
6. Replace all references to 'RMS' with 'TfNSW'.
7. Replace all references to 'DoI Lands & Water' with 'DPIE Water'.
8. Replace all references to 'DSC' with 'DS NSW'.
9. In Schedule 2, Condition 6, insert 'dry' after '2.5 million'.
10. In Schedule 2, Condition 10, replace clause (j), with:
(j) commissioning of the rail siding starts;
11. In Schedule 2, Condition 12:
 - before every instance of the word 'strategy' (including in the notes), insert 'hazard study, ';
 - before every instance of the word 'strategies' (including in the notes), insert 'hazard studies, '.
12. In Schedule 3, Condition 2, replace Table 2 with:

Table 1: Noise Criteria (dB(A)) – Mine

Location and Receiver ID	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Abandoned (M04)	35	36	36	45
Currajong Park 2 (M08)	38	40	40	
Glenburn (M10)	35	36	37	
Brooklyn (M22)	36	37	37	
Currajong Park 1 (M23)	38	40	39	
Rosehill (M28)	35	37	36	
Slapdown (M29)	35	37	36	
All other privately-owned residences	35	35	35	

Note: To identify the residences referred to in Table 2, see Appendix 4.

13. In Schedule 3, after Condition 3A, insert:

Noise Mitigation– Mine

- 3B. Upon receiving a written request from the owner of any residence listed in Table 2B, the Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development* (NSW Government, 2018). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the noise impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.

If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

Table 2B: Land where noise mitigation measures are available on request

Location and Receiver ID
Currajong Park 2 (M08), Currajong Park 1 (M23)

Note: To identify the residences referred to in Table 2B, see Appendix 4.

14. In Schedule 3, replace Conditions 5 and 6 with:

Operational Noise Criteria – Rail Siding

5. The Applicant must ensure that the noise emissions from the development at the rail siding do not exceed the noise limits in Table 4.

Table 2: Noise Criteria (dB(A)) – Rail Siding

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Ballenrae West	35	35	35	47
Glen Rock	35	35	35	46
All other privately-owned residences	35	35	35	45

Note: To identify the residences referred to in Table 4, see Appendix 4.

Noise Management Requirements

6. Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions of the NSW Noise Policy for Industry (EPA, 2017), or its latest version. The noise enhancing meteorological conditions determined by monitoring at the meteorological station required under condition 25 and as defined in Part D of the Noise Policy for Industry (EPA, 2017) apply to the noise criteria in Tables 2, 2A, 3 and 4.
15. In Schedule 3, replace Condition 8 with:
 8. The Applicant must:
 - (a) take all reasonable steps to minimise noise from the construction and operational activities, including low frequency noise and other audible characteristics, as well as road traffic noise associated with the development;
 - (b) operate a comprehensive noise management system using a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
 - (c) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions;
 - (d) maintain the sound power levels of mobile equipment and plant used for the development to ensure compliance with the noise criteria in this consent;
 - (e) ensure that improvements are made to existing noise suppression equipment as improved technology becomes available, where reasonable and feasible;
 - (f) carry out regular attended noise monitoring (at least quarterly, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and
 - (g) regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.
16. In Schedule 3, replace Condition 9(d) with:
 - (d) include a noise monitoring program that uses:
 - attended noise monitoring for evaluating and reporting on compliance against the noise criteria in this consent;
 - a combination of real-time and supplementary attended monitoring to guide the day to day planning of mining operations and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent; and
17. In Schedule 3, in the heading before Condition 23, insert after '**Air Quality**', '**and Greenhouse Gas**'.
18. In Schedule 3, Condition 23, insert after 'Air Quality', 'and Greenhouse Gas'.
19. In Schedule 3, after Condition 23(c), insert:
 - (c1) describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the development;
 - (c2) include interim rehabilitation where necessary to minimise the area exposed for dust generation
20. In Schedule 3, Condition 24, insert after 'Air Quality', 'and Greenhouse Gas'.
21. In Schedule 3, Condition 24A, after 'stack emission discharges', insert 'and including from the diesel generators', replace 'prescribed concentrations' with 'relevant requirements' and replace 2010 with '2021'
22. In Schedule 3, Condition 29, Table 9:
 - In the Performance Measures for 'Mine and limestone quarry water storages', delete 'Basin and Surge Dam', and replace with 'Pond and Decant Transfer Ponds';
 - In the Performance Measures for 'Mine and limestone quarry water storages', delete the last bullet point; and
 - In the Performance Measures for 'Irrigation Area', insert after the last bullet:
 - Limit irrigation to the expanded irrigation area (refer to Appendix 2, Figure 11) to the construction phase only.

23. In Schedule 3, Condition 30(c), in the third bullet point, replace 'and' after 'tailings storage facility' with ','; and after 'evaporation ponds' insert 'and decant transfer ponds'
24. In Schedule 3, Conditions 33 and 35, replace 'OEH' with 'BCD'.
25. In Schedule 3, Conditions 38 and 40, replace 'Wiradjuri Branch of the NSW Aboriginal Land Council' with 'Registered Aboriginal Parties'.
26. In Schedule 3, Condition 40(b), replace 'OEH and' with 'Heritage NSW,'; and insert 'and' after 'Condobolin Local Aboriginal Land Council,'.
27. In Schedule 3, after Condition 44, insert:

Additional Road and Intersection Upgrades

44A. The Applicant must:

- (a) construct two additional vehicle access points from Wilmatha Road to the mine and processing facility, prior to the commissioning of the mine and processing facility; and
- (b) upgrade the 675 metre extension of Scotson Lane road to the rail siding access road to an 8 metre sealed pavement with 1 metre gravel shoulders, prior to the commissioning of the rail siding,
- (c) to the satisfaction of the appropriate roads authority.

Notes:

- See Appendix 2 for the location of the roads and intersections referred to above.
- The road and intersection works identified above include all road furniture and safety requirements required to meet relevant road standards, to the satisfaction of the appropriate roads authorities.
- If there is a dispute between the relevant parties about the implementation of this condition, then any party may refer the matter to the Planning Secretary for resolution.

Rail Level Crossings

44B. The Applicant must:

- (d) undertake rail level crossing safety assessments, in consultation with the relevant Rail Infrastructure Manager, and to the satisfaction of TfNSW, prior to the commencement of construction of the mine and processing facility. The assessments must:
 - consider the operation of each of the level crossings along the transport routes associated with the development;
 - be prepared in consideration of the railway crossing risk assessment procedure outlined in Appendix A of the *Establishing a Railway Crossing Safety Management Plan* (NSW Roads Traffic Authority, 2011);
 - determine any rail crossing upgrade requirements necessary to achieve compliance with AS 1742.4 *Manual of uniform control devices, Part 7: Railway crossings* and the *Austroads Guides to Road Design* under existing conditions;
 - determine any potential impacts on the operation of the level crossings as a result of construction and operation of the development; and
 - determine any incremental rail crossing upgrade requirements necessary as a result of the development to ensure compliance with AS 1742.7 *Manual of uniform control devices, Part 7: Railway crossings* and the *Guides to Road Design* (Austroads, 2021);
- (e) identify funding arrangements with TfNSW for any incremental rail crossing upgrades deemed necessary by the rail level crossing safety assessments as a result of the development; and
- (f) complete any incremental rail crossing upgrades prior to the commissioning of the mine and processing facility, or other timing as may be agreed with TfNSW.

Note: If there is a dispute between the relevant parties about the scope, timing or implementation of any rail level crossing upgrade works, then any party may refer the matter to the Planning Secretary for resolution.

28. In Schedule 3, Condition 45(a):
- before 'transport routes', insert 'approved';
 - replace 'and' after 'transport routes' with ','; and
 - after 'traffic types' insert 'and traffic numbers'.

29. In Schedule 3, after Condition 45(a), insert:

- (g) (a1) a program to monitor compliance with the approved transport routes, traffic types and traffic numbers associated with the development including the use of shuttle buses to demonstrate consistency with the EIS assumptions on construction and operational workforce travel to and from the site;
30. In Schedule 3, after Condition 45(d), in the last sub bullet point:
- delete ‘operate high capacity trucks’ and replace with ‘minimise the number of heavy vehicle movements required’; and
 - replace ‘;’ after ‘to and from the mine’ with ‘as far as practicable’.
31. In Schedule 3, after Condition 45(e), in the first bullet point, delete ‘and prioritise use of national, state and regional roads over local roads’
32. In Schedule 3, after Condition 46 insert:
- ‘46A The Applicant must submit an annual report to the satisfaction of the Planning Secretary on the results of the traffic monitoring required under the Traffic Management Plan. The report must include an updated traffic impact assessment if the monitoring shows that the transportation of the workforce to the site by shuttle bus has reduced below levels assumed in the EIS, and any measures to mitigate impacts of any increased traffic.
- Note: This report can be included in the Annual Review required under Condition 5 of Schedule 5.’*
33. Delete Schedule 3, Condition 50(c).
34. Delete Schedule 3, Condition 51.
35. In Schedule 3, Condition 55, replace ‘ The Applicant must rehabilitate the site to the satisfaction of the Secretary’, and replace with ‘The Applicant must rehabilitate areas within the site covered by any mining lease(s) issued under the Mining Act 1992 in accordance with the conditions imposed on the mining lease(s). All other areas within the site not covered by mining lease(s) issued under the Mining Act must be rehabilitated to the satisfaction of the Planning Secretary’. and after ‘described in the EIS’ insert ‘and the rehabilitation strategy required under condition 57’
36. In Schedule 3, Condition 55, Table 10, in the Objectives for ‘Surface Infrastructure’, insert after ‘Secretary’, ‘or Resources Regulator’.
37. Delete Schedule 3, Condition 56.
38. In Schedule 3, in the heading before Condition 57, replace ‘Management Plan’ with ‘Strategy’.
39. In Schedule 3, Condition 57:
- relace ‘Management Plan for the development’ with ‘Strategy for the site’;
 - in 57(a), insert ‘, Resources Regulator’ before ‘and relevant Councils’;
 - delete 57(g);
40. In Schedule 3, Condition 58, replace ‘Management Plan’ with ‘Strategy’.
41. In Schedule 3, after Condition 58, insert:
- Rehabilitation Management Plan**
59. The Applicant must prepare a Rehabilitation Management Plan for the mine and processing facility and limestone quarry in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992.
- Social Impact Management Plan**
60. Prior to carrying out any development under this consent after 6 May 2017, the Applicant must prepare a Social Impact Management Plan for the construction phase of the development to the satisfaction of the Planning Secretary. This plan must:
- (h) be prepared by a suitably qualified and experienced person/s approved by the Planning Secretary;
 - (i) be prepared in consultation with Lachlan Shire Council, Forbes Shire Council, Parkes Shire Council, the CCC, and local affected communities;
 - (j) identify both positive and negative social impacts resulting from the development during construction, both locally and regionally;

- (k) specify adaptive management and mitigation measures to avoid, minimise, and/or mitigate negative social impacts;
- (l) include a detailed description of the measures that would be implemented to;
 - mitigate impacts on housing availability and affordability;
 - mitigate impacts on services for the local community, particularly health and medical services;
 - promote workforce opportunities for local residents, including training initiatives in the skilled roles needed for the development;
- (m) include a program to monitor, review and report on the effectiveness of these measures.

61. The Applicant must implement the approved Social Impact Management Plan.

42. In Schedule 5, replace Condition 8 with:

- 8. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development) and set out the location and nature of the incident. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 6

43. In Schedule 5, Condition 10, insert before 10(a):

- (aa) be prepared in accordance with the relevant *Independent Audit Post Approval Requirements* (DPIE 2020) or its latest version;

44. In Schedule 5, Condition 10(c), delete 'and any other relevant approvals, EPL/s; and/or mining lease/s'.

45. In Appendix 1, in the Land Description for Fifield Bypass Road:

- delete Lot 8 DP 752111; and
- insert Lot 1 DP 1250340

46. In Appendix 1, in the Land Description for Gas Pipeline, insert Lots 4 and 5 DP 754021.

47. In Appendix 1, in the Land Description for Borefield/water pipeline, insert:

- Lot 1 DP 752077;
- Lot 1 DP 1144211;
- Lot 1 DP 1250340;
- Lot 28 DP 752111;
- Lot 8 DP 754021; and
- Lot 24 DP 752089

48. In Appendix 2, replace figures 1 to 6, 8, 10 and 11 with the following images in numerical order:

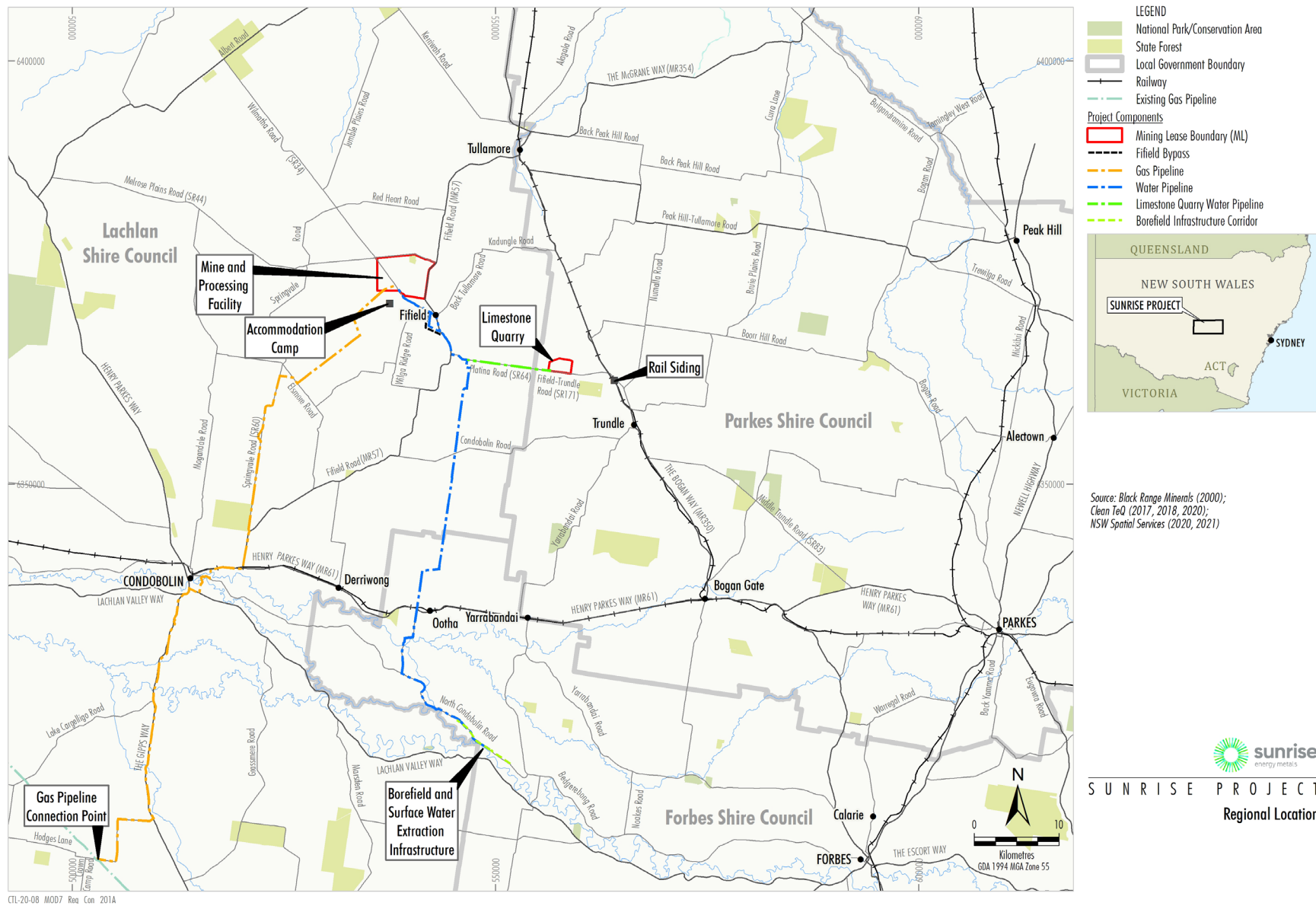


Figure 1: Development Components

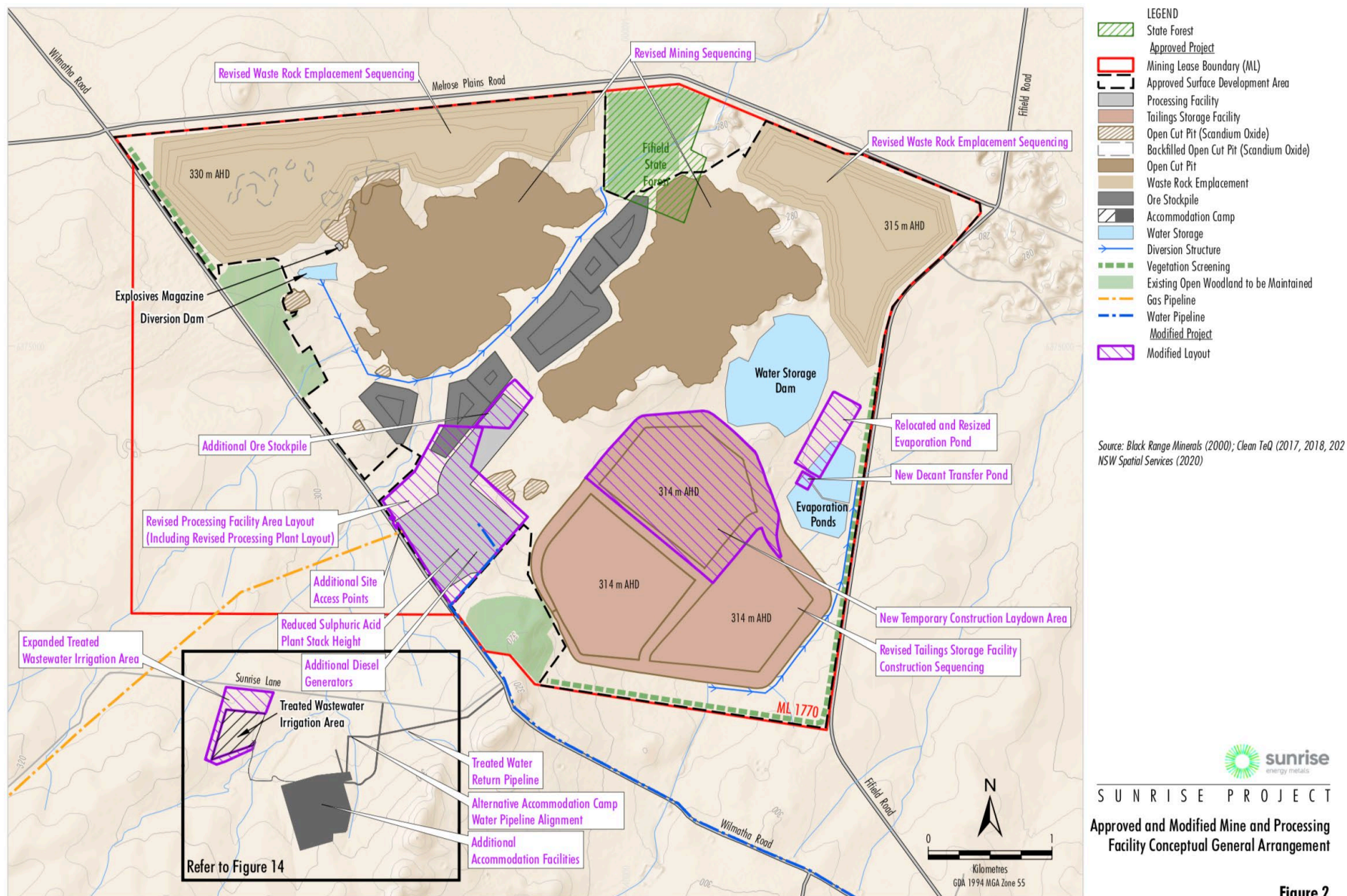


Figure 2: Mine and Processing Facility – General Layout

Figure 2

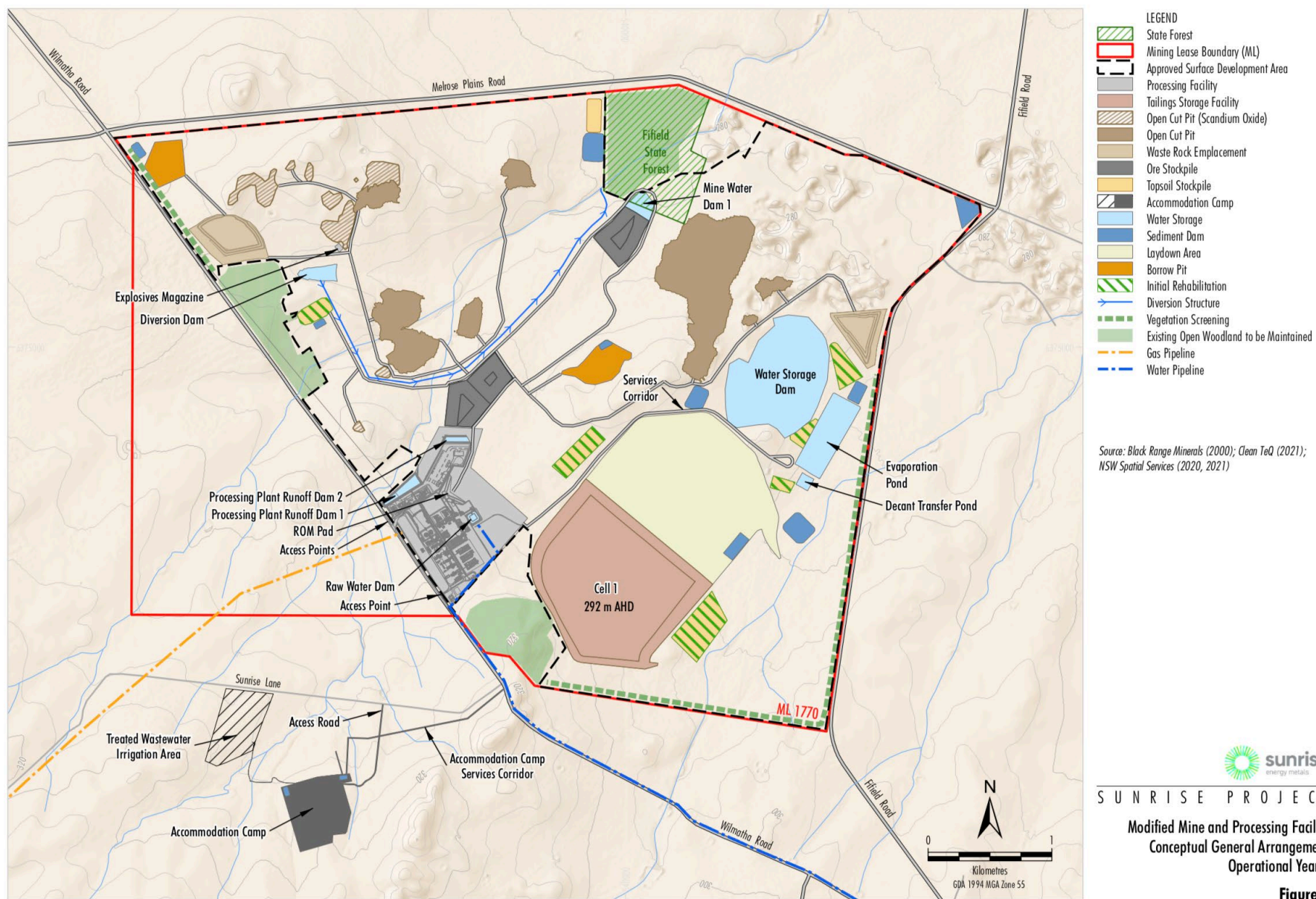


Figure 3: Mine and Processing Facility – Year 1

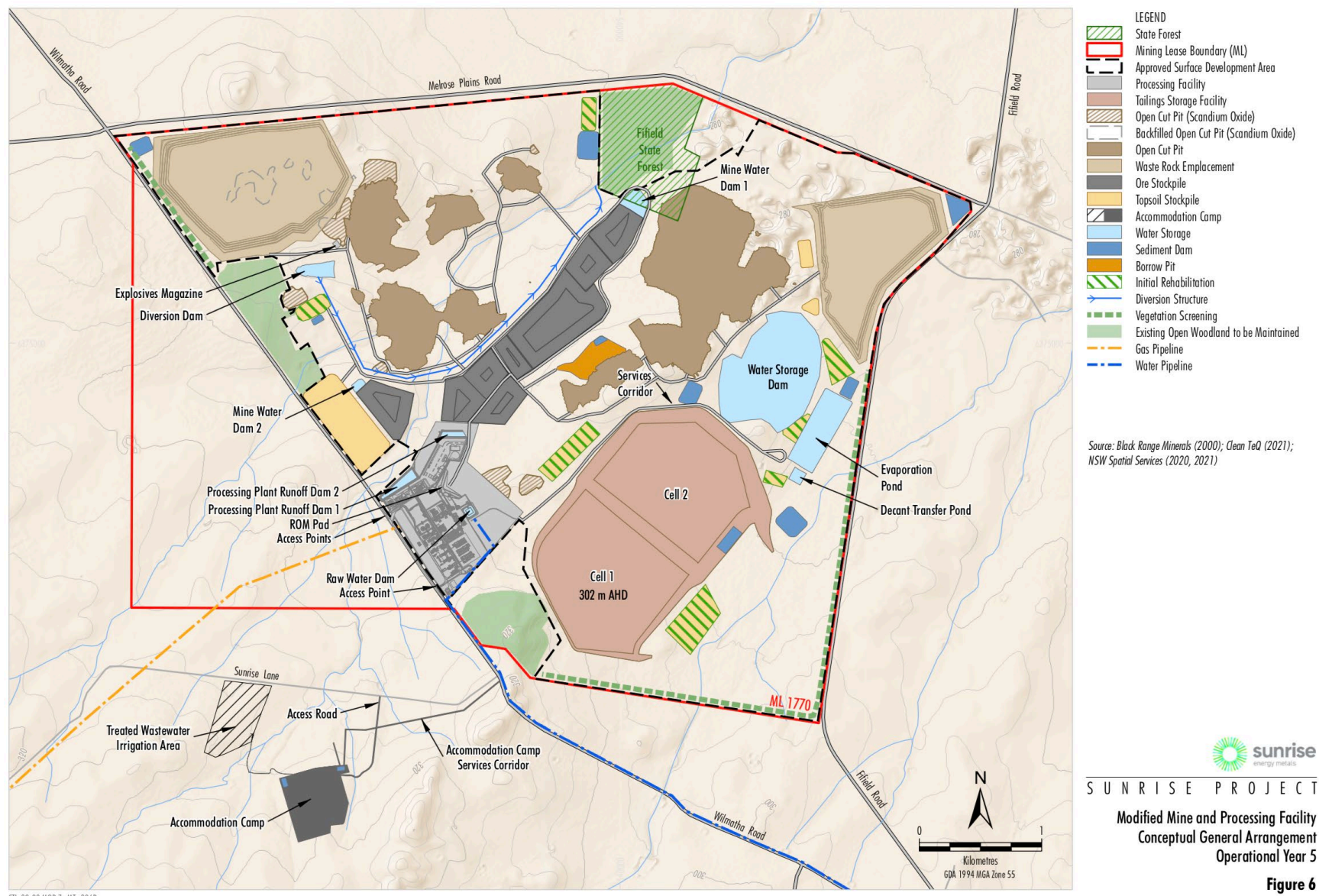


Figure 4: Mine and Processing Facility – Year 5

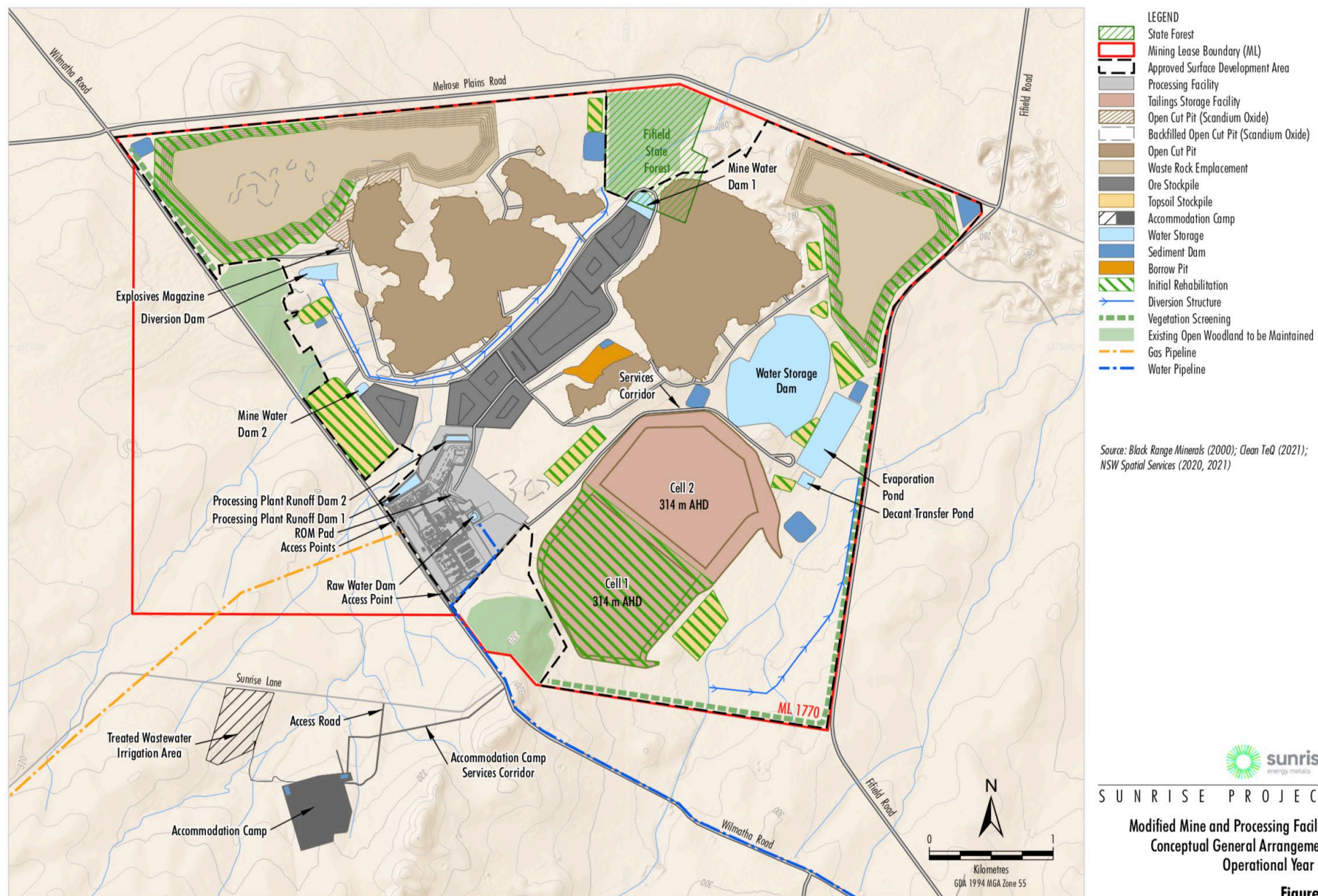


Figure 5: Mine and Processing Facility – Year 10

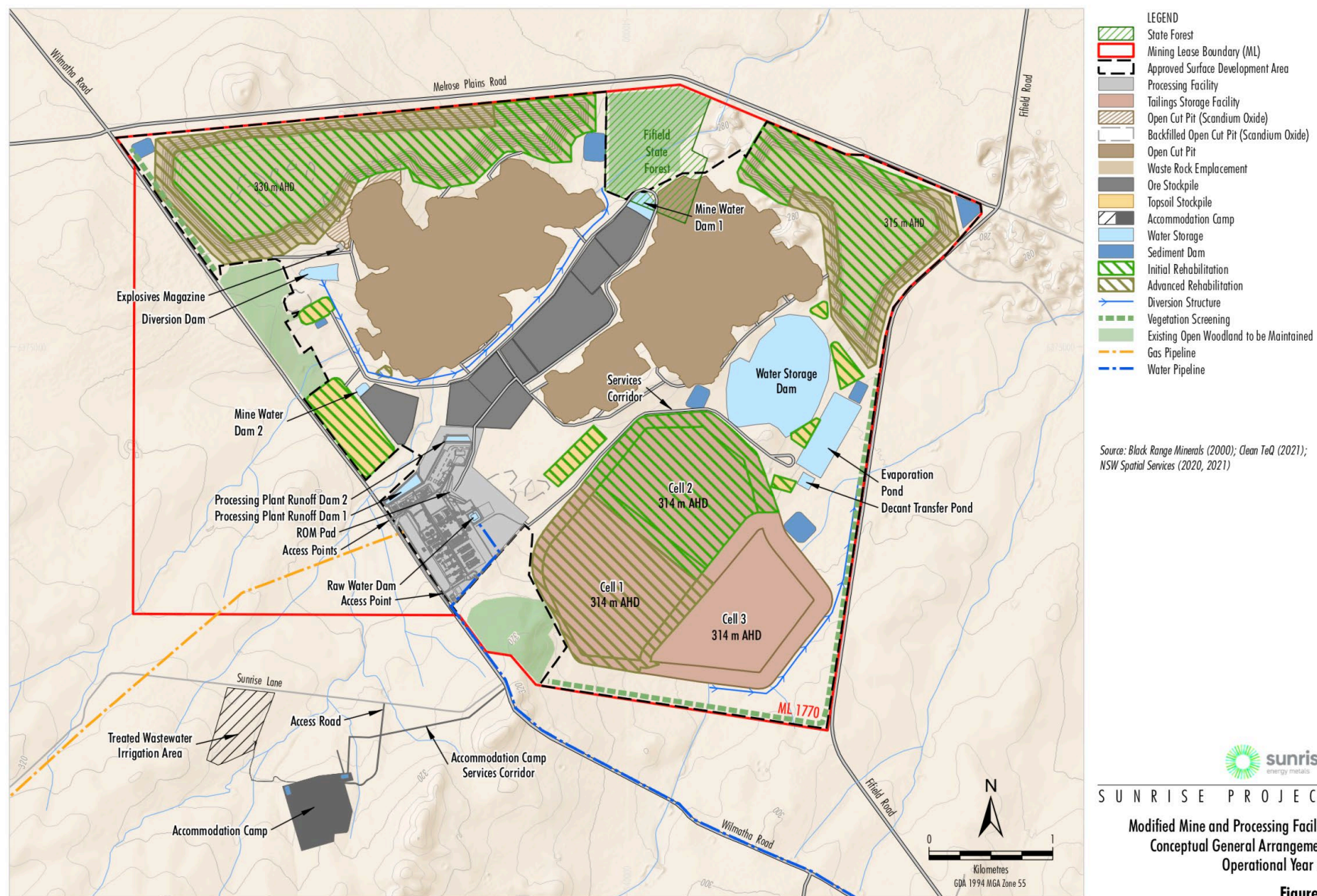


Figure 6: Mine and Processing Facility – Year 21

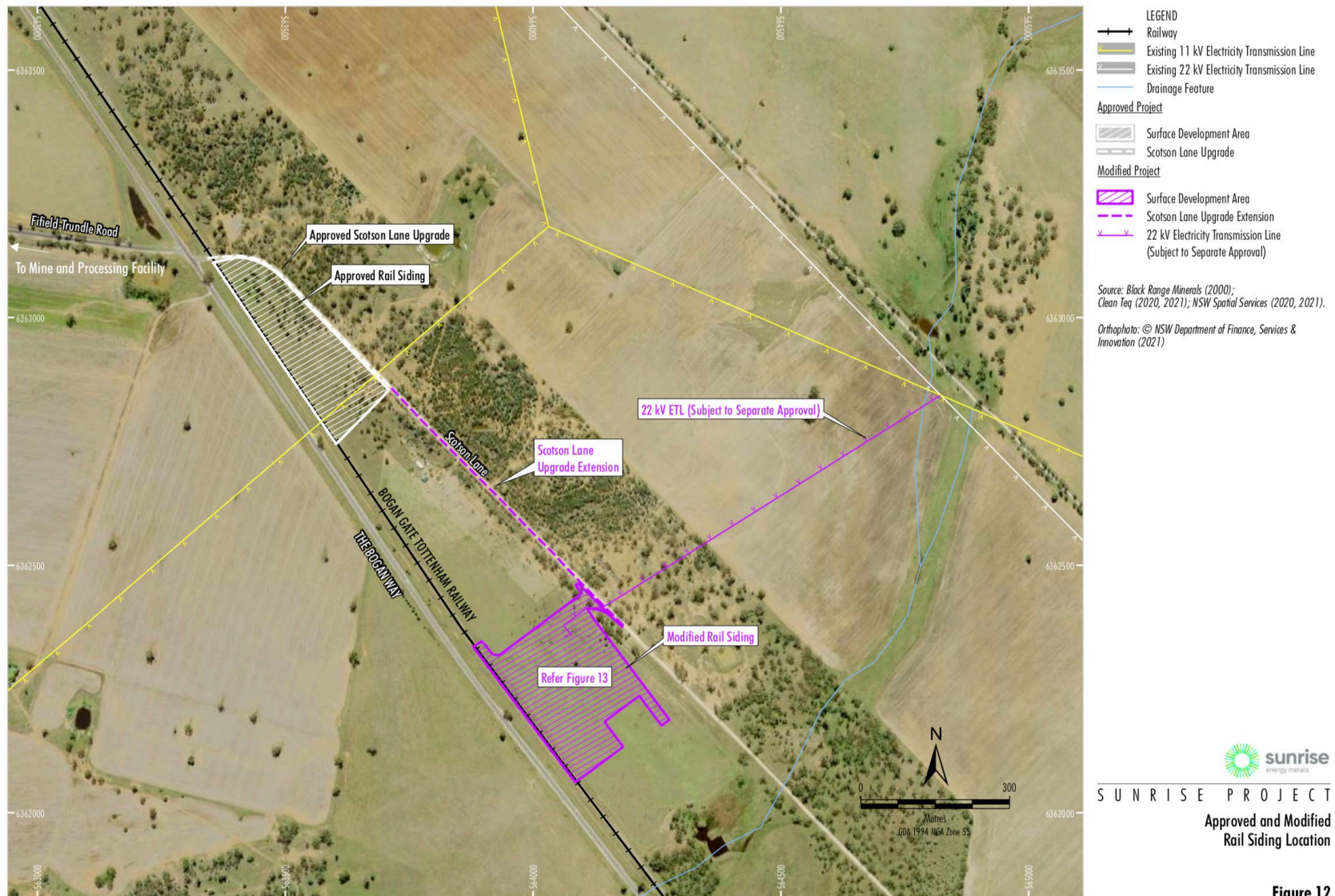


Figure 8A: Rail Siding Location

Figure 12

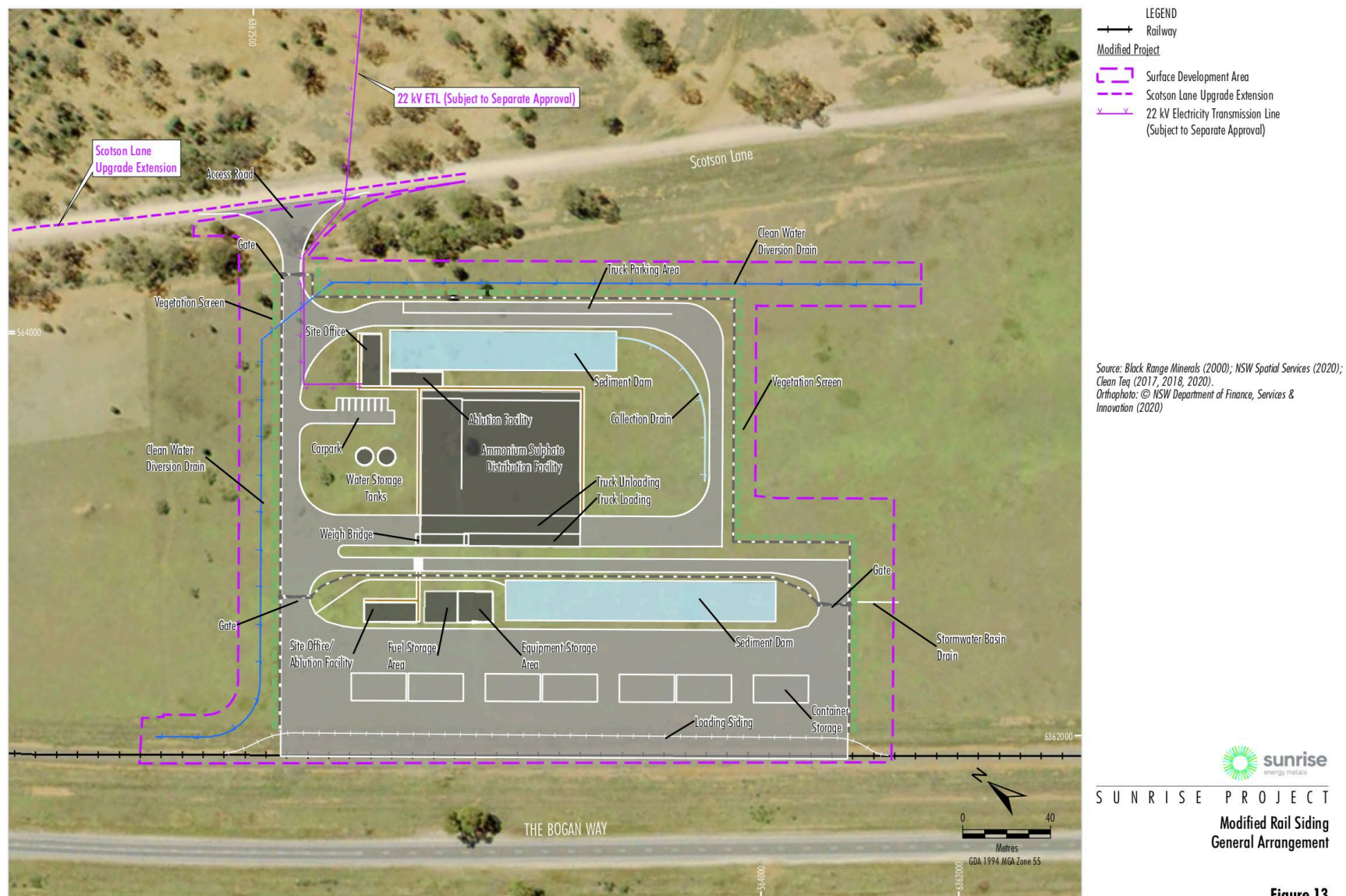


Figure 8B: Rail Siding Layout

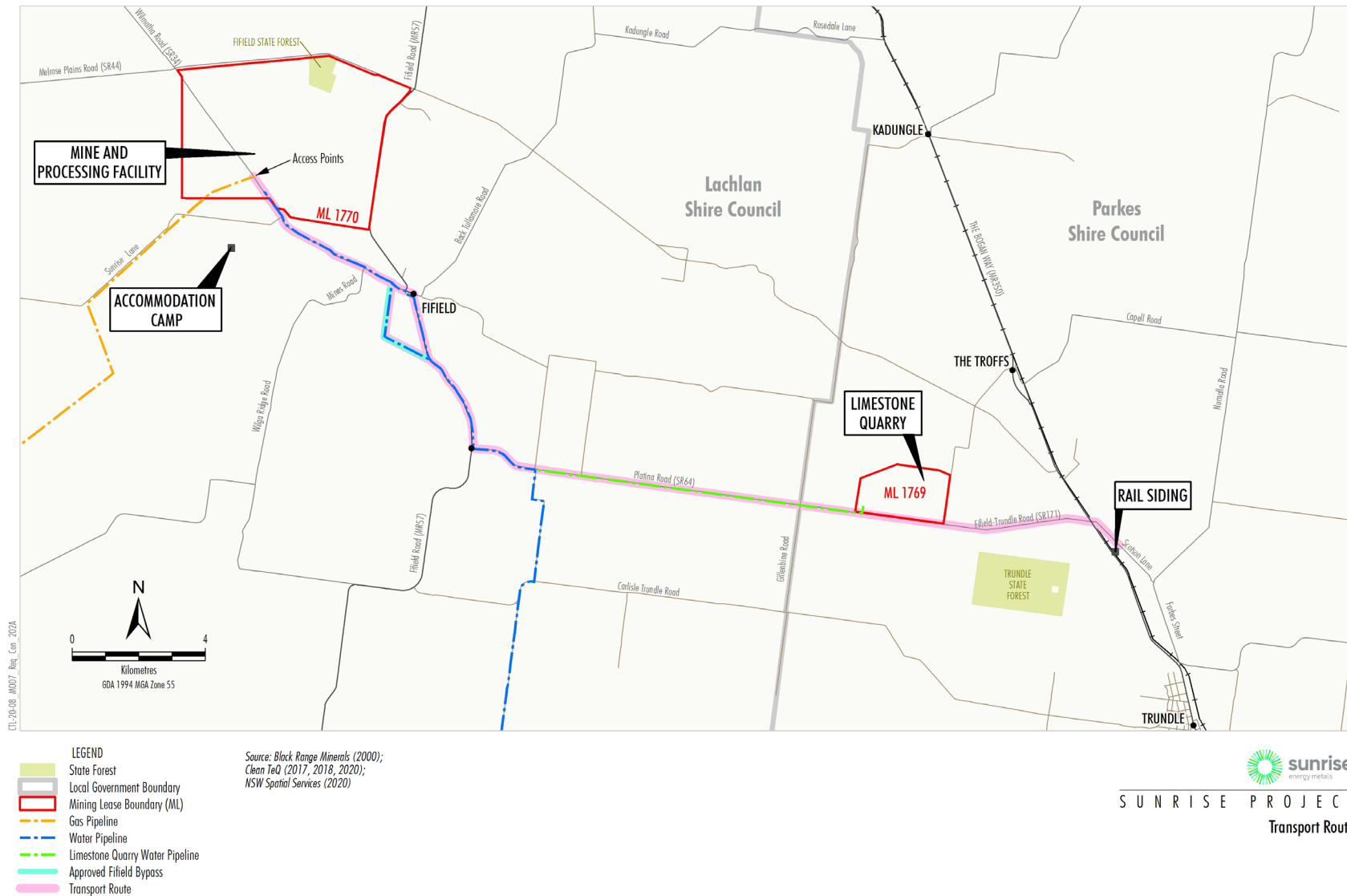


Figure 10: Transport Route

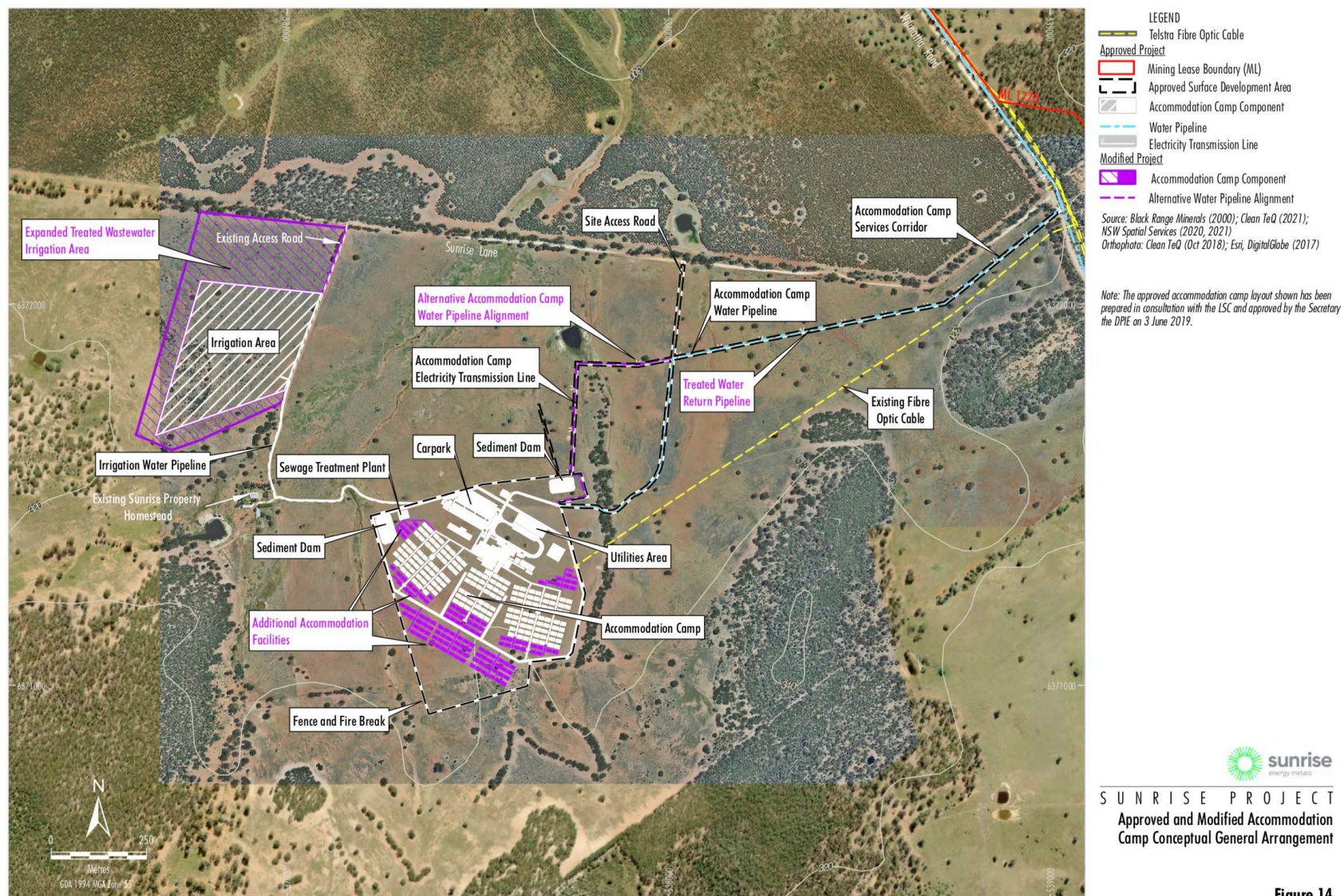


Figure 11: Accommodation Camp Layout

Figure 14

49. Delete the text and figure in Appendix 4, and replace with:

SENSITIVE RECEIVERS

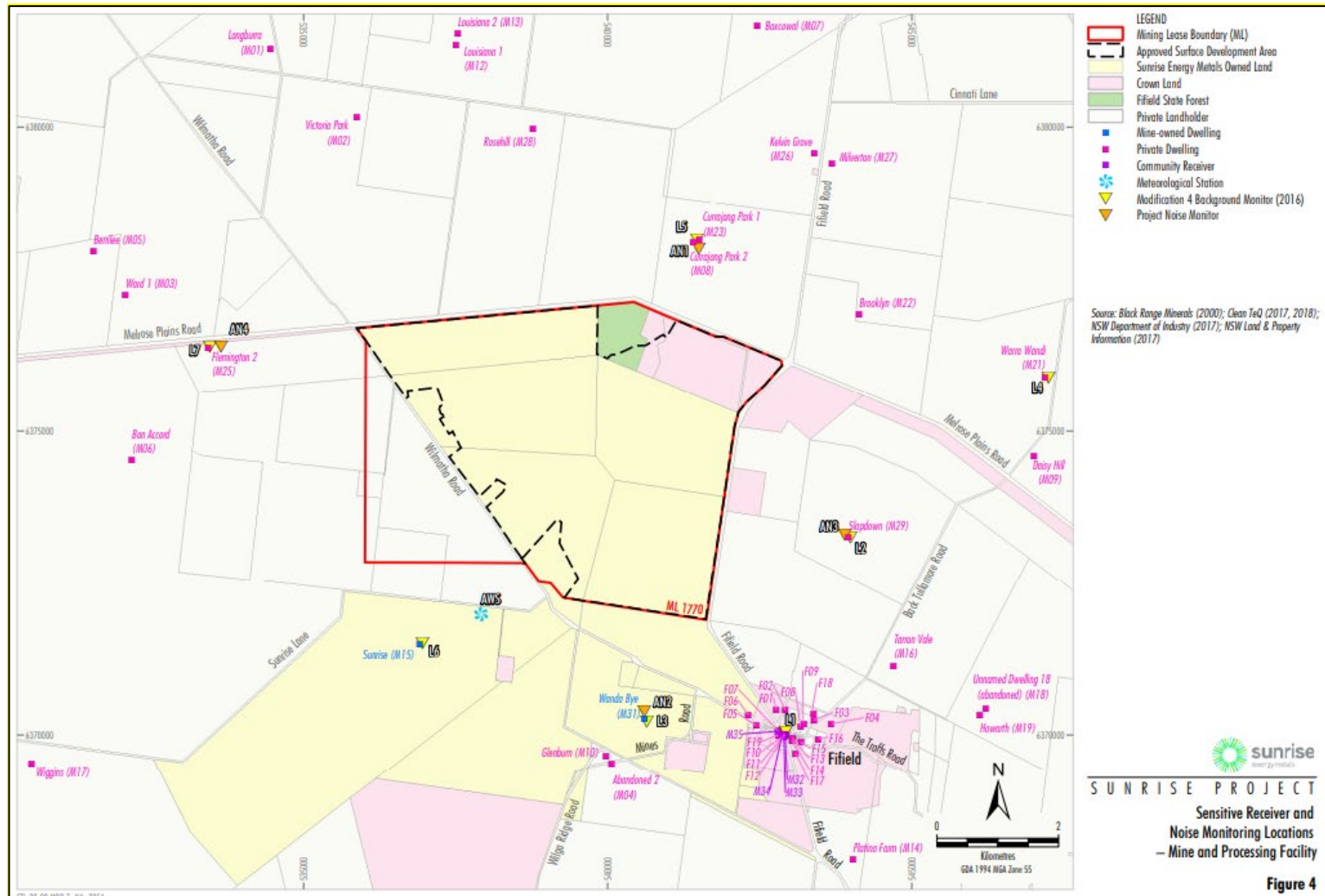


Figure 12: Residences surrounding the mine and processing facility

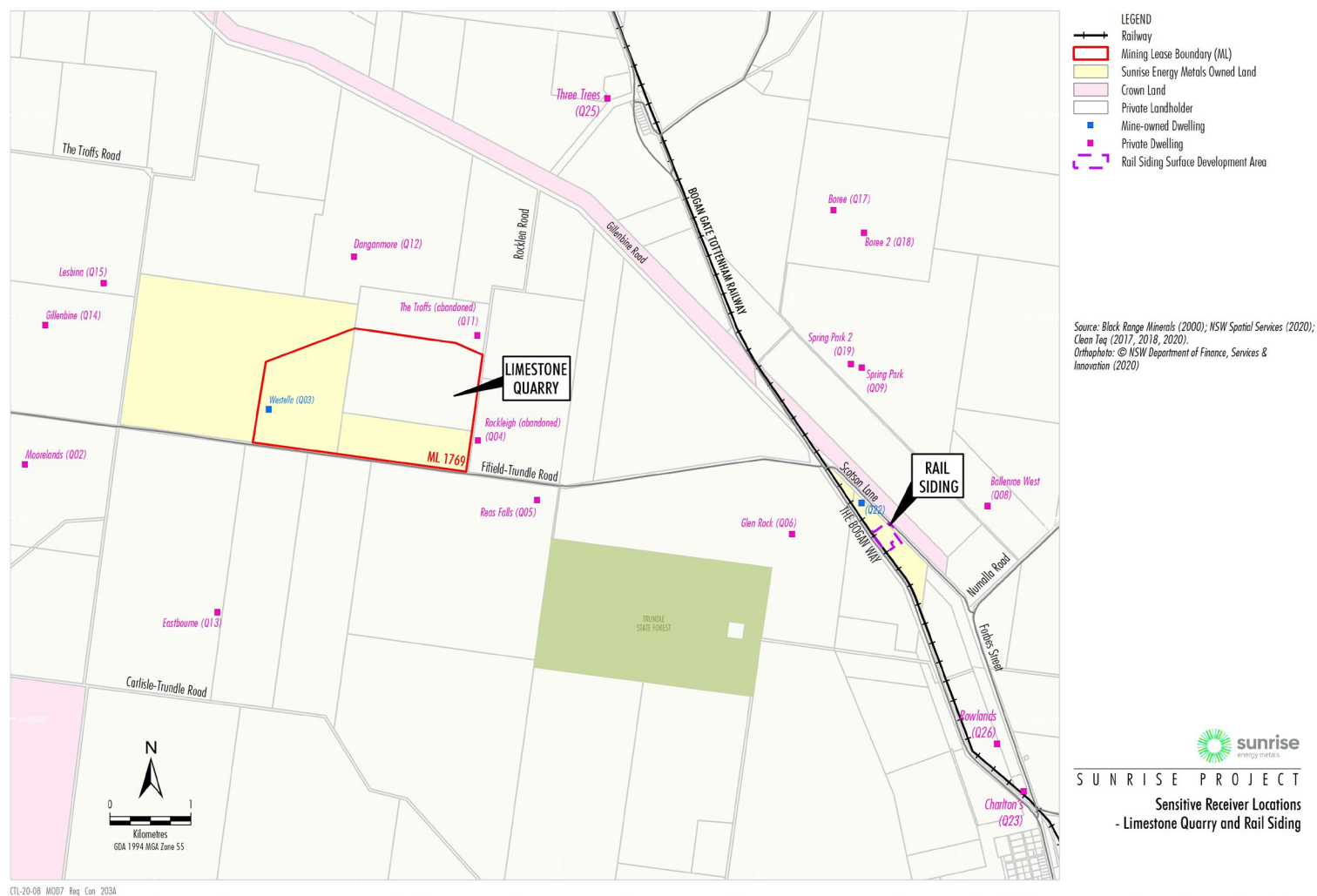


Figure 13: Residences surrounding the limestone quarry and rail siding

50. In Appendix 5, in the list of 'intersection upgrades required - prior to commissioning of the mine processing facility':

- in (a), delete '[SR64]';
- in (c), insert '[MR57]' after 'Fifield Road';
- in (e), insert '[MR61]' after 'Henry Parkes Way' and insert '[SR83]' after 'Middle Trundle Road';
- in (f), insert '[MR61]' after 'Henry Parkes Way', and insert '[SR350]' after 'The Bogan Way';
- in (g), insert 'and' after '[SR34]'; and
- after (g), insert:
; and
(h) Wilmatha Road [SR34] and the three mine and processing facility access roads

51. In Appendix 5, in the 'further road and intersection upgrades' row:

- insert "Potential" before 'Further road and intersection upgrades';
- delete the text after 'further road and intersection upgrades', and replace with 'subject to the outcomes of the road safety audits required by the VPA (Appendix 3) – to be conducted consistent with the timing in the VPA';
- in (e), delete 'and Melrose Plains Road [SR44]' and replace with 'the mine and processing facility access roads';
- replace (f) with: (f) Fifield Road [MR57] (between Red Heart Road [SR41] and the Lachlan Shire boundary);
- replace (k) with: (k) Fifield Road [MR57] (between the Parkes Shire Boundary [MR61] and The Bogan Way [MR350]);
- replace (l) with: (l) The Bogan Way [MR350] (between Fifield Road [MR57] and The McGrane Way [MR354]);
- insert after (l):
; and
(m) The McGrane Way [MR354] (between The Bogan Way [MR354] and the Parkes Shire boundary);

52. In Appendix 5, before the 'road upgrades - prior to commissioning of the accommodation camp' row, insert a new row as follows:

3A. Road upgrades – prior to limestone haulage by third party suppliers	(b) Forbes Street improvement works, in accordance with the Pedestrian Access Review (GTA Consultants, 2018).
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53. In Appendix 5, after the 'intersection upgrades – prior to commissioning of the accommodation camp' row, insert the following row into the table :

6. Road and intersection upgrades – prior to the commissioning of the rail siding	(c) The Bogan Way [MR350] / Scotson Lane; and (d) Scotson Lane (between The Bogan Way [MR350] and the rail siding access road).
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54. After Appendix 5, insert:

APPENDIX 6
INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C7 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary, relevant councils, and any other relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident

End of modification

(DA374-11-00 MOD 7)