

# 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.



David Kitto  
Director Mining & Industry Projects

Sydney

18 OCTOBER

2010

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### SCHEDULE 1

The project approval (06\_0168) granted by the Minister for Planning for the Snapper Mineral Sands Project on 28 August 2007.

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### SCHEDULE 2

1. Delete the definitions for AEMR, DECC, DPI and DWE and insert, in alphabetical order, the following:

Annual Review	The review required by condition 5 of schedule 4
DECCW	Department of Environment, Climate Change and Water
Feasible	Feasible relates to engineering considerations and what is practical to build
I&I NSW	Department of Industry and Investment, trading as Industry & Investment NSW
NOW	NSW Office of Water
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements

2. Delete all references to "AEMR" and replace with "Annual Review".
3. Delete all references to "DECC" and replace with "DECCW".
4. Delete all references to "DPI" and replace with "I&I NSW".
5. Delete all references to "DWE" and replace with "NOW".
6. In condition 2(d) of schedule 2 delete all words after "November 2009;" and insert the following:
- (e) 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; and
  - (f) conditions of this consent.
7. Delete condition 3 of schedule 2 and insert the following:
- 3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
8. Delete conditions 5 and 6 of schedule 2 and insert the following:
- 5. The Proponent may undertake mining operations on the site until 10 July 2026.

*Note: Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Director-General and I&I NSW. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been properly rehabilitated.*

6. The Proponent shall not:
  - (a) extract more than 9.1 million tonnes of ore from the site in a calendar year;
  - (b) produce more than 621,000 tonnes of mineral concentrate from ore extracted from the site per calendar year; and
  - (c) transport more than 735,000 tonnes of mineral concentrate from the site and the Ginkgo Mine combined in a calendar year.
9. In condition 7A of schedule 2:
  - (a) delete "2" and "2010" and insert, respectively "4" and "2011, unless otherwise agreed by the Director-General"; and
  - (b) after the words "tonnes of" insert "unprocessed".
10. After condition 8 of schedule 2 insert the following:

*Note: The conditions of this approval require certain strategies, plans, and programs to be prepared for the project. They also require these documents to be reviewed and audited on a regular basis to ensure they remain effective. However, in some instances, it will not be necessary or practicable to prepare these documents for the whole project at any one time; particularly as these documents are intended to be dynamic and improved over time. Consequently, the documents may be prepared and implemented on a progressive basis. In doing this however, the Proponent will need to demonstrate that it has suitable documents in place to manage the existing operations of the project.*
11. Delete condition 17(d) of schedule 3.
12. After condition 24 of schedule 3 insert the following:

24A. The Proponent may transport mineral concentrate between the Snapper Mine and the Ginkgo Mine, limited to a maximum of 4 vehicle movements per hour.
13. Delete conditions 5 and 6 of schedule 4 and insert the following:

#### **ANNUAL REVIEW**

5. By the end of December 2011, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:
  - (a) describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the:
    - relevant statutory requirements, limits or performance measures/criteria;
    - monitoring results of previous years; and
    - relevant predictions in the EA;
  - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
  - (d) identify any trends in the monitoring data over the life of the project;
  - (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
  - (f) describe what measures will be implemented over the next year to improve the environmental performance of the project.

#### **INDEPENDENT ENVIRONMENTAL AUDIT**

6. By the end of December 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
  - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
  - (b) include consultation with the relevant agencies;
  - (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);

- (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
- (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

*Note: This audit team must include experts in any field specified by the Director-General.*

14. Delete condition 8 of schedule 4 and insert the following:

**REVISION OF STRATEGIES, PLANS AND PROGRAMS**

8. Within 3 months of:
- (a) submitting an annual review under condition 5 above;
  - (b) submitting an incident report under condition 4 above;
  - (c) submitting an audit report under condition 6 above; or
  - (d) any modification to the conditions of this approval;
- the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General.

*Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.*

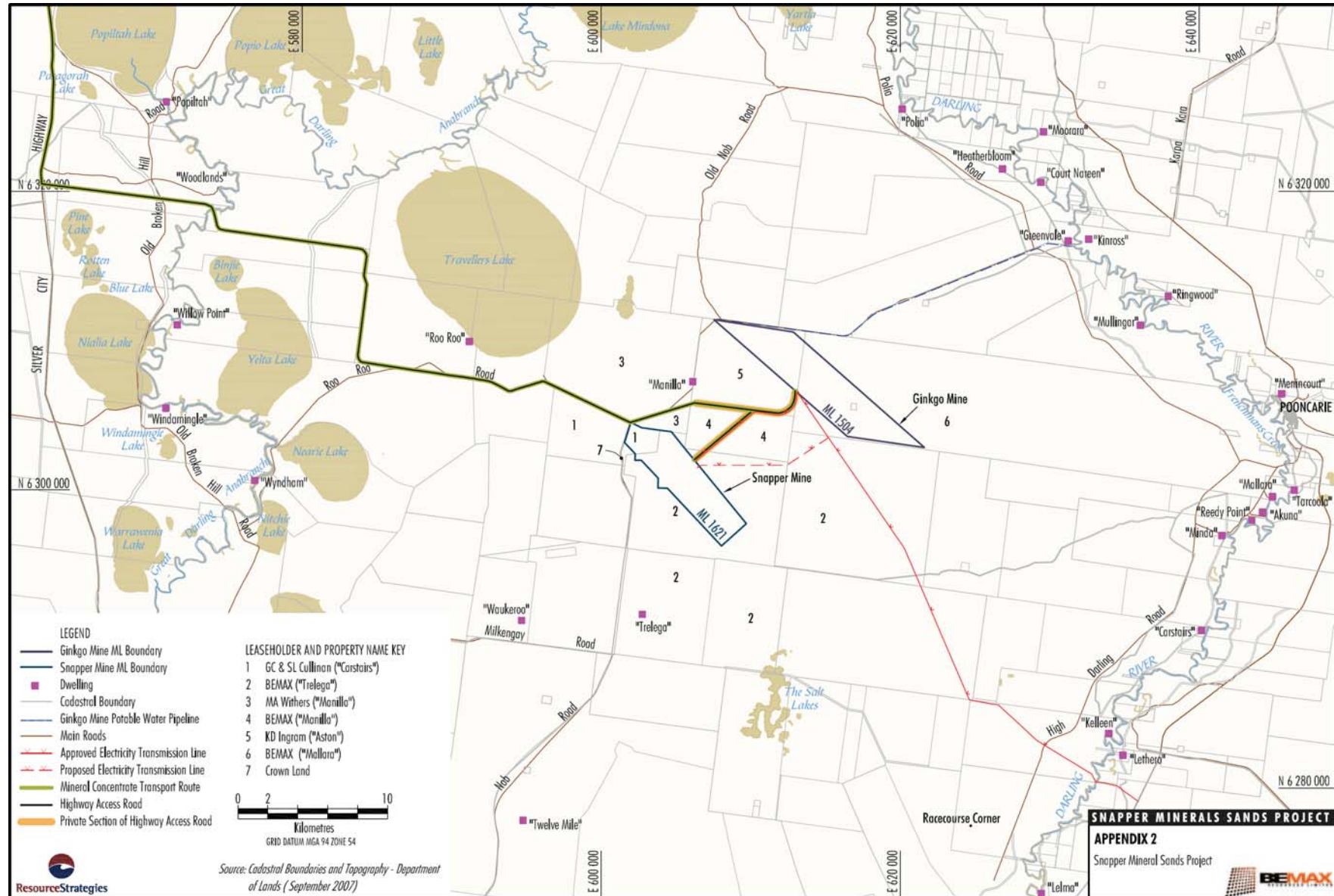
15. In SOC 4 in Appendix 4:

- (a) delete "Appendix 2" where first occurring and insert "Appendix 3"; and
- (b) delete the table in SOC4(a) and replace with the following:

<b>Area</b>	<b>Description</b>	<b>Size (ha)</b>
Offset Areas in Appendix 3	Enhancement of existing areas of native vegetation communities through natural regeneration and management for conservation.	5,471
<b>Total Minimum Area Conserved</b>		<b>5,471</b>

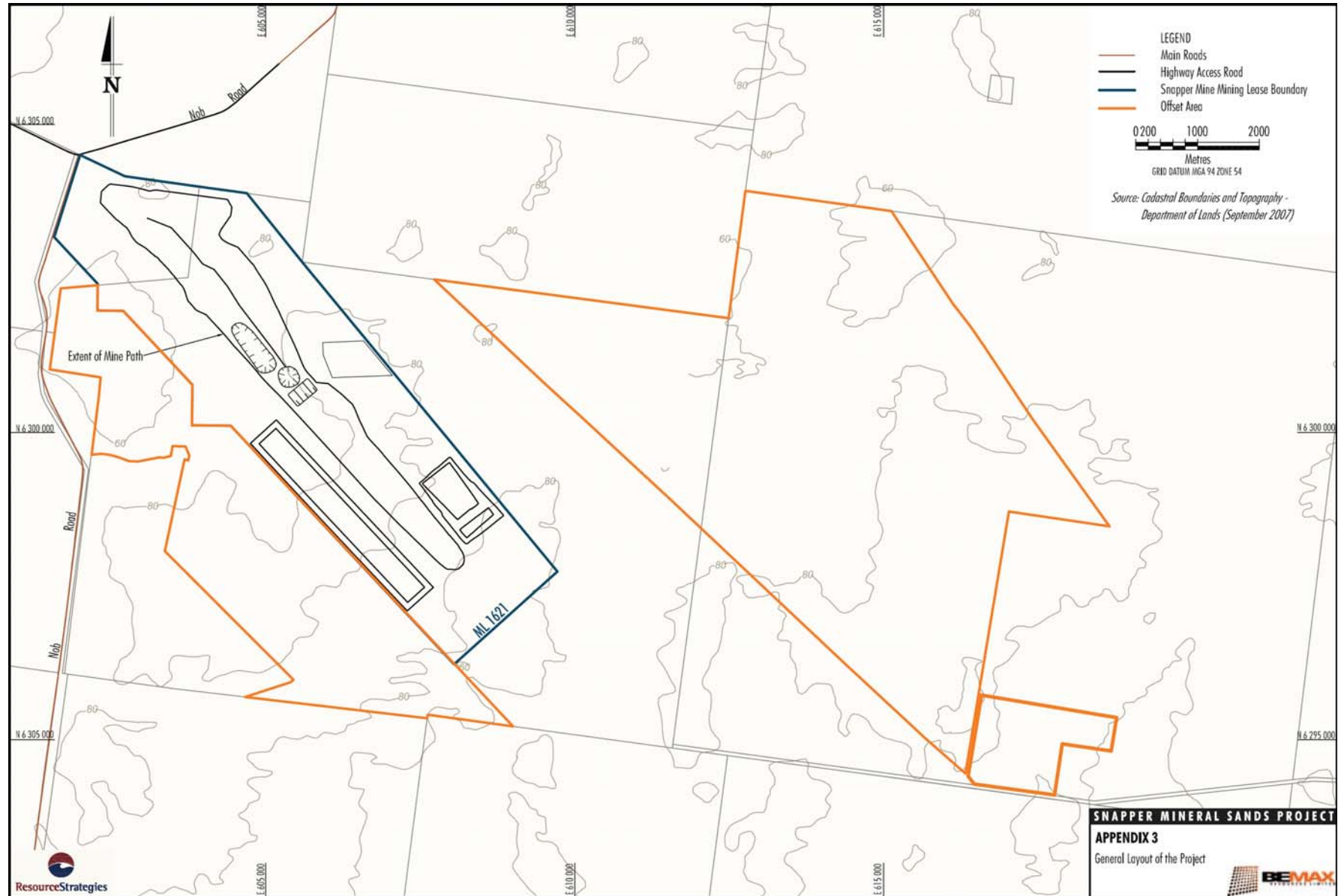
16. Delete Appendix 2, Appendix 3, Appendix 5 and Appendix 6 and replace with the following:

## APPENDIX 2 SNAPPER MINERAL SANDS PROJECT

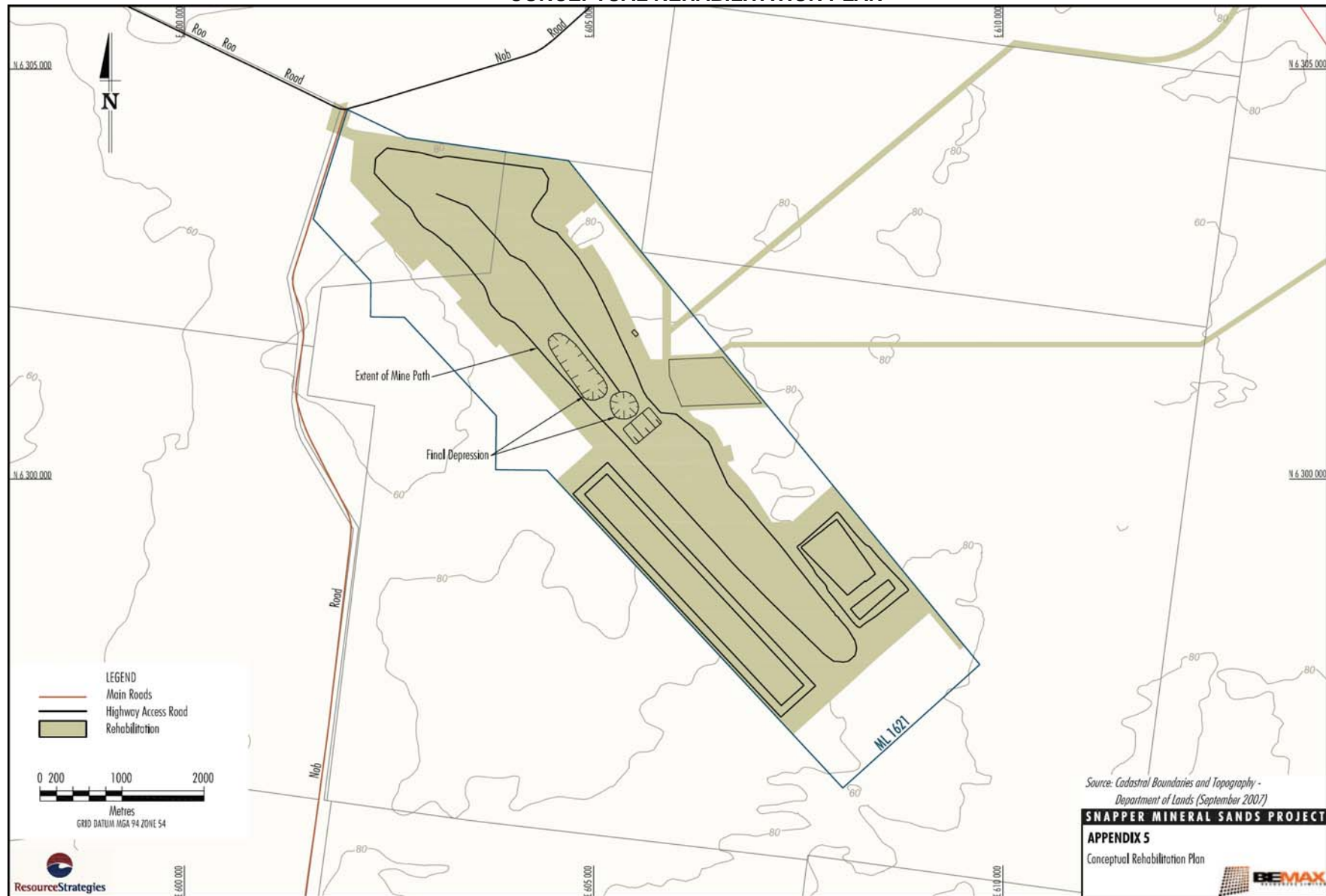




## APPENDIX 3 GENERAL LAYOUT



## APPENDIX 5 CONCEPTUAL REHABILITATION PLAN



## APPENDIX 6 CULTURAL HERITAGE SITES

