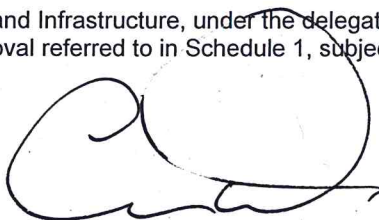


Notice of Modification

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

17 December

2012

SCHEDULE 1

The project approval (06_0184) for the Remediation of the Pasminco Cockle Creek Smelter Site, granted by the Director-General, as delegate of the Minister for Planning and Infrastructure, on 24 December 2007.

SCHEDULE 2

1. In the list of definitions insert:

Incitec	The remediation of the former Incitec site, under the approval (MP 08_0221) granted by the Deputy Director-General, as delegate of the Minister for Planning and Infrastructure, on 11 November 2010
MOD 4	The remediation of contaminated material from the Incitec site through emplacement in the PCCS containment cell constructed in accordance with the document titled "Environmental Assessment of the Combined Pasminco Cockle Creek Smelter Pty Ltd and Incitec Fertiliser Pty Ltd Remediation Project" prepared by WSP Environment and Energy and dated 2 October 2012
MSB	Mine Subsidence Board
PCCS	Pasminco Cockle Creek Smelter

2. In the list of definitions replace Project, the with the following:

Project, the	The remediation of the PCCS site and associated works the subject of Major Projects Application (06_0184), as modified by 06_0184 MOD 1, 06_0184 MOD 3 and 06_0184 MOD 4.
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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; and
- b) Environmental Assessment Report Pasminco Cockle Creek Smelter Site Remediation Project, prepared by Fitzwalter Group Pty Limited dated August 2006, and appendices; and
- 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: and
 - *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; and
- 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 Pasminco Cockle Creek Smelter Pty Ltd (Subject to Deed of Company Arrangement)* and dated 16 December 2011;
 - Letter from Golder Associates titled *Pasminco 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) modification application 06_0184 MOD 4, accompanied by documentation including:
 - 'Environmental Assessment of the Combined Pasminco Cockle Creek Smelter Pty Ltd and Incitec Fertiliser Pty Ltd Remediation Project' prepared by WSP Environment and Energy and dated 2 October 2012; and
 - Letter from WSP dated 6 November in response to submissions; and
- g) conditions of this approval.

Limits of approval

4. Replace the words 'five years' in condition 1.4 with 'eight years'.
5. Insert the words 'and MOD 4' following '06_0184 MOD 3' in condition 3.2 A).
6. Insert new condition 3.4A), following condition 3.4:
 - 3.4A) Prior to the commencement of MOD 4, comply with condition 3.4 by either:
 - (i) submitting revised MOD 4 design drawings to the MSB in accordance with the requirements of existing condition 3.4. These drawings shall be certified and shall be accompanied by a brief commentary on the mine subsidence design approach to the satisfaction of the MSB. Note "damage" in condition 3.4 refers to the structural or serviceable integrity; OR
 - (ii) a staged approach may be followed by submitting certified:
 - preliminary design drawings and commentary on the mine subsidence design approach to the satisfaction of the MSB; and, additionally:
 - final design drawings (as soon as they are available) to the satisfaction of the MSB.
7. Replace Condition 4.9 with the following:
 - 4.9 The Proponent shall ensure that the down-gradient collection trench(es) for the containment cell(s) are installed and operating in accordance with the EPL (5042).
8. Insert new condition 5.3A) following existing condition 5.3:
 - 5.3A) The Proponent shall prepare and implement a revised Groundwater Monitoring and Management Program for MOD 4 in accordance with the management plans required under existing conditions 5.3 and 7.4. The Program shall be submitted to the satisfaction of the EPA and Site Auditor prior to the commencement of MOD 4.
9. Insert new condition 7.3A) following existing condition 7.3:
 - 7.3A) The Proponent shall prepare and implement a revised Remediation Environmental Management Plan (REMP) to detail environmental management practices and procedures to be followed during works associated with MOD 4. As part of the revised REMP, the Proponent shall revise the sub-plans required under Condition 7.4 [with the exception of the Traffic and Transport Management Protocol and Groundwater (see condition 5.3A above)]. The revised plans shall be submitted to the EPA and Director-General prior to the commencement of MOD 4.