

Notice of Modification

Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.



Steve O'Donoghue
Director
Resource Assessments

Sydney 20 December

2019

SCHEDULE 1

The project approval (06_0295) for the Cadia East Project granted by the Minister for Planning on 6 January 2010.

SCHEDULE 2

1. Table of Contents have been updated to reflect the revised section names and page numbers.
2. Delete "Department of Planning & Environment" in the footnotes and insert:
"Department of Planning, Industry & Environment"
3. In the list of definitions, delete the definitions for 'Department', 'DI Water', 'Minister' and 'OEH' and insert the following in alphabetical order:

BCD	Biodiversity and Conservation Division within the Department
Department	Department of Planning, Industry and Environment (DPIE)
DPIE Water	Water Group within the Department
Minister	Minister for Planning and Public Spaces, or delegate
4. In the list of definition, in the definition of "EA" delete all words after "dated March 2018, and associated response to submissions;", and insert:
 - "Cadia Valley Operations, Cadia Hill Tailings Continuation Modification Statement of Environmental Effects, dated August 2018; and
 - Cadia Valley Operations, Cadia Hill Tailings Completion – Modification Report, dated September 2019."
5. In the list of definitions, insert the definition for 'Heritage NSW', 'Material Harm', 'Minimise', 'Mitigation', 'Non-compliance' and 'RR' in alphabetical order:

Heritage NSW	Heritage NSW, as delegate of the NSW Heritage Council
Material harm	Is harm that: <ul style="list-style-type: none">• involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minimise	Implement all reasonable and feasible mitigation measures to

Mitigation	reduce the impacts of the development Activities associated with reducing the impacts of the project prior to or during those impacts occurring
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
RR	Resources Regulator within the Department

6. In Schedule 3,
 - delete all references to 'Landscape Management Plan' and replace with 'Land and Biodiversity Management Plan'; and
 - delete all references to "DI Water" and replace with "DPIE Water".
7. In Schedule 3, condition 35, delete all words after 'stream health and groundwater impact assessment criteria' and replace with:
 - (b) a procedure for investigating monitoring and minimising leakage from the Cadia Hill open cut pit towards Cadiangullong creek;
 - (c) measures to mitigate and/or compensate potentially affected landowners in accordance with the compensatory water supply requirements in condition 24 above;
 - (d) a protocol for providing advance warning and water supply measures for landowners of privately-owned land that are predicted to exceed the surface or ground water impact assessment criteria at some stage during the project life;
 - (e) a protocol for investigating, evaluating and providing the baseflow offsets required under condition 25 above, including a detailed evaluation (in the initial plan) of offsets provided under previous consents for the project; and
 - (f) the procedures that would be followed if any significant unforeseen impacts on surface or ground water are detected during the project.
8. In Schedule 3,
 - condition 36(b), delete all words after 'including the', and insert 'RR, DRG, BCD, DPIE Water, Councils and the CCC';
 - condition 36, delete all words after 'including the post-mining landform and use;' and insert:
 - (e) define the rehabilitation objectives for the site, as well as the proposed completion criteria for this rehabilitation; and
 - (f) be prepared in accordance with any relevant RR guideline.
 - condition 37(b), delete 'Minister for Mineral Resources' and replace with 'RR; and
 - condition 38(b), after 'as far as is reasonable and feasible,' insert 'in consultation with the BCD,'.
9. In schedule 3, after condition 40, insert:

Retirement of Credits

- 40A. Within two years of commencing construction of the MOD 13 Southern Tailings Storage Facility buttressing, unless the Secretary agrees otherwise, the Proponent must retire biodiversity credits of a number and class identified in Tables 14.1 and 14.2 below. The retirement of credits must be carried out in accordance with the Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*, to the satisfaction of the Biodiversity Conservation Trust.

Table 14.1: Ecosystem Credit Requirements

Ecosystem Credits	Disturbance Area (hectares)	Credits Required
PCT266 - White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion	0.31	8

Table 14.2: Species Credit Requirements

Threatened Species	Disturbance Area (hectares)	Credits Required
Squirrel Glider - <i>Petaurus norfolcensis</i>	0.31	8
Small Purple-pea - <i>Swainsona recta</i>	0.31	8
Silky Swainson-pea - <i>Swainsona sericea</i>	0.31	8
Pink-tailed Legless Lizard - <i>Aprasia parapulchella</i>	0.31	8
Little Eagle - <i>Hieraaetus morphnoides</i>	0.31	6

Superb Parrot - <i>Polytelis swainsonii</i>	0.31	8
Total Credits	0.31	46

10. In Schedule 3, conditions 41(a) delete all words after '(a) be prepared in consultation with' and insert 'BCD, DPIE Water, RR and the Councils, and be submitted to the Secretary within 18 months of the date of this approval'.
11. In Schedule 3, condition 41, delete all words after 'that would be implemented to mitigate these risks;', and insert:
 - (vii) details of who would be responsible for monitoring, reviewing, and implementing the plan; and
 - (vii) a Threatened Species Management Protocol, which outlines management strategies to protect any threatened flora and fauna species during construction, operation and post-mining.
12. In Schedule 3, condition 42, delete 'OEH' and replace with 'BCD'.
13. In Schedule 3, condition 43, delete 'OEH' and replace with 'Heritage NSW'.
14. In Schedule 5, delete conditions 5 and 6, and replace with:

COMPLIANCE

Incident Notification

5. The Proponent must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

- 5B. Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be in writing and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

6. The Applicant must provide regular compliance reporting to the Department on the development in accordance with the relevant Compliance Reporting requirements (DPE 2018).
15. In Schedule 5, condition 7, delete all words after 'This audit must:', and replace with:
 - (a) be prepared in accordance with the relevant *Independent Audit Post Approval requirements* (DPE 2018);
 - (b) be led and conducted by a suitably qualified, experienced and independent team of experts and include experts in surface water, groundwater and any other fields specified by the Secretary, whose appointment has been endorsed by the Secretary;
 - (c) be carried out in consultation with the relevant agencies;
 - (d) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
 - (e) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.
8. Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations.

Cadia Valley Operations