

Modification of Development Consent

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

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Steve O'Donoghue
Director – Resource Assessments
NSW Department of Planning, Industry and Environment

Sydney 17 December 2019

SCHEDULE 1

The development consent (SSD 5012) for the Atlas-Campaspe Mineral Sands Project, granted by the Executive Director, as delegate of the Minister for Planning, on 6 June 2014.

SCHEDULE 2

1. In the list of DEFINITIONS, delete the following terms and their definitions: "ARTC", "DoE", "DPI", "Haulage route", "Incident", "Material harm to the environment", "NOW", "NSW Trade & Investment", "OEH", "TSC Act" and insert the following in alphabetical order:

ARTC	Australian Rail Track Corporation
BC Act	NSW <i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity and Conservation Division, within the Department
DoEE	Commonwealth Department of the Environment and Energy
DPIE Water	Water Group, within the Department
Heavy vehicle	A vehicle that is prescribed as 'heavy' in the <i>Austroads Vehicle Classification System</i>
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Light vehicle	A vehicle that is prescribed as 'light' in the <i>Austroads Vehicle Classification System</i>
Light vehicle access route	The route identified in Appendix 3A
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 reduce the impacts of the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
Road haulage route	The route identified in Appendix 3
Resources Regulator	Resources Regulator, within the Department

2. In the definition for "Applicant", delete "Cristal", and replace with "Tronox".

3. In the definition for “Department”, after “Planning”, insert “, Industry”.
4. In the definition for “EIS”, at the end of the definition, insert:

“, as modified by:

 - MOD 1 – Modification Report titled ‘*Atlas-Campaspe Mineral Sands Project – Optimisation Modification*’ dated July 2019 and Submissions Report dated October 2019”
5. In the definition for “Minister”, after “Planning”, insert “ and Public Spaces”.
6. Delete all references to “NSW Trade & Investment” and replace with “the Resources Regulator”, except in condition 34(c) of Schedule 3.
7. Delete all references to “OEH” and replace with “BCD”.
8. Delete all references to “DoE” and replace with “DoEE”.
9. Delete all references to “NOW” and replace with “DPIE Water”.
10. In condition 2 of Schedule 2:
 - delete “generally in accordance with the”;
 - before “EIS”, insert “generally in accordance with the”; and
 - before “conditions”, insert “in accordance with the”.
11. In condition 7 of Schedule 2, delete “450,000” and replace with “665,000”.
12. In condition 8 of Schedule 2,
 - insert “and MSP waste” after “concentrate”; and
 - insert “road” after “the”.
13. In condition 9 of Schedule 2:
 - delete “24” and replace with “35”; and
 - delete “48” and replace with “70”.
14. In condition 10(a) of Schedule 2, delete “6” and replace with “8”.
15. In condition 12 of Schedule 2:
 - delete conditions (a) and (b).
 - delete “shall:” and replace with “must provide to the Department a survey plan of the approved surface development area (including surface infrastructure and extraction limits).”
16. In the “Note” below condition 13 of Schedule 2:
 - delete “Note” and replace with “Notes”;
 - After “The” insert “approved”;
 - Delete “disturbance” and replace with “development”; and
 - after “Appendix 2.”, insert:
 - *The survey plan and associated boundary marking may be undertaken in stages (in accordance with condition 18 of this Schedule) commensurate with the progress of the mine plan.*
17. In condition 1 of Schedule 3, within Table 1, after “Ivanhoe rail facility access road”, insert “. The Ivanhoe Rail Facility access road must be sealed for at least the first 100 m from the intersection.”
18. After condition 1 of Schedule 3, insert a new condition 1A:

The road improvement and intersection works detailed in Table 1A must be completed to an acceptable standard, to the satisfaction of the applicable roads authority, before project-related light vehicle traffic may use the light vehicle access route. The Applicant must pay BSC for completing these works within 3 months of completion of construction, unless otherwise agreed with BSC.

Table 1A: Road upgrade works – light vehicle access route

Measures	Applicable Roads Authority
Widen Link Road (between the Atlas-Campaspe Mine access road and Marma Box Creek Road)	BSC
Seal at least the first 100 m of the surface of Boree Plains-Gol Gol Road from its intersection with Balranald-Ivanhoe Road	BSC, RMS

19. After condition 3 of Schedule 3, insert a new condition 3A:

The Applicant must pay BSC annual contributions for the maintenance of local roads along the light vehicle access route, generally in accordance with the terms specified in Appendix 7.

20. Within the “Notes” beneath condition 5 of Schedule 3, delete “In” and replace with “With the exception of condition 3A of this schedule, in”.

21. Delete condition 6 of Schedule 3 and replace with:

The Applicant shall ensure that light vehicles use only the following local roads to access the site:

- (a) those local roads that form part of the road haulage route;
- (b) those local roads that form part of the light vehicle access route, if conditions 1A and 3A of this schedule have been met; or
- (c) any local road during an emergency to avoid the loss of life, property and/or to prevent environmental harm.

22. Within the “Note” beneath condition 6 of Schedule 3, after “route”, insert “or the light vehicle access route”.

23. Within the heading “Stock Loses” in Schedule 3, delete “Loses” and replace with “Losses”.

24. In condition 7 of Schedule 3, delete “loses” and replace with “losses”.

25. In condition 8 of Schedule 3:

- delete “; and” and replace with “.”;
- after “basis;,” insert “and”;
- delete condition 8(c); and
- after condition 8(b), insert:

These records must be made publicly available on the Applicant’s website at the end of each calendar year.

26. In condition 9(e) of Schedule 3, after “route”, insert “and light vehicle access route”.

27. In condition 14(b) of Schedule 3:

- delete “(including”; and
- delete “)”.

28. In condition 19 of Schedule 3, within Table 5, delete “30” and replace with “25”.

29. In condition 28(d) of Schedule 3, delete “both”.

30. In condition 34(a) of Schedule 3, delete “DPI” and replace with “DRG”.

31. In condition 34(c) of Schedule 3, delete “Trade & Investment” and replace with “Government”.

32. In condition 4 of Schedule 5, delete “Proponent” and replace with “Applicant”.

33. Delete conditions 6 and 7 of Schedule 5, including the associated headings, and replace with:

COMPLIANCE

Incident Notification

- 6A. 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.

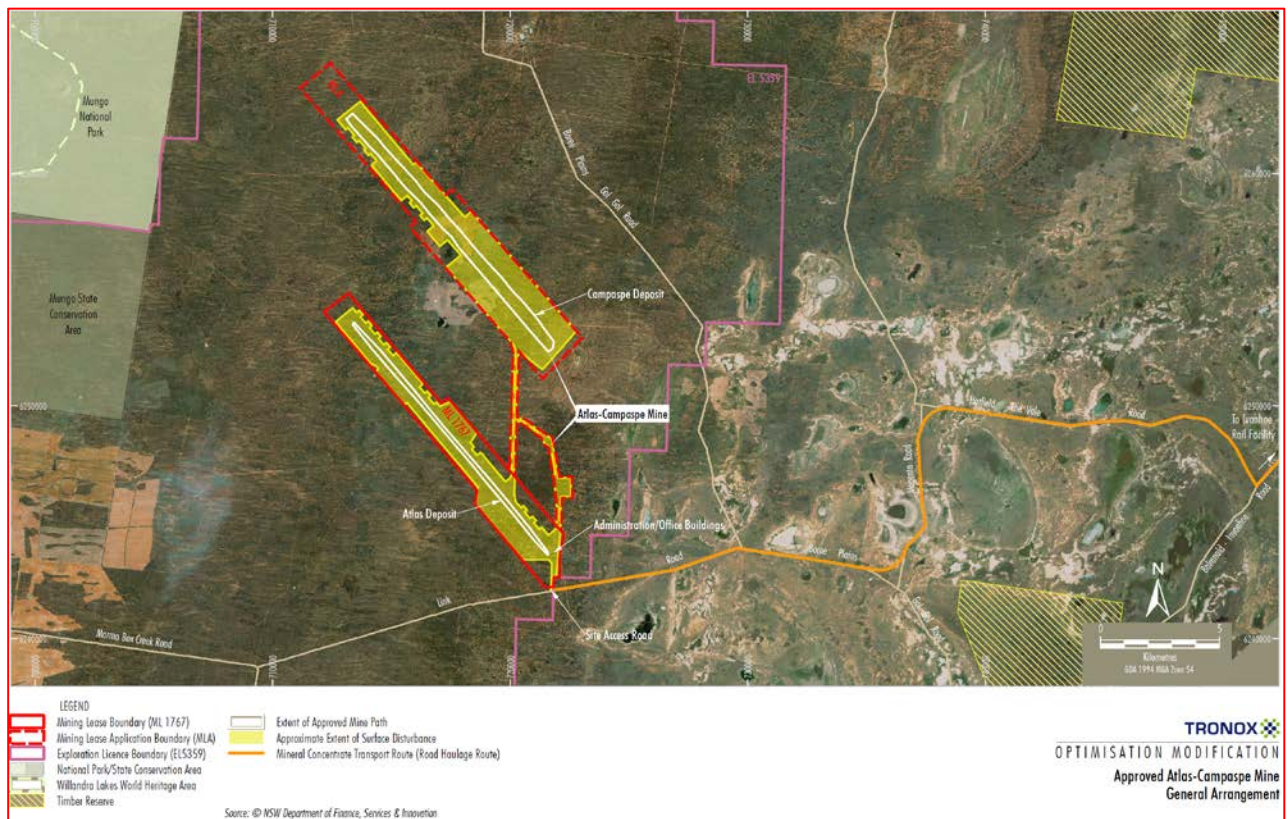
Non-Compliance Notification

- 6B. Within seven days of becoming aware of a non-compliance, the Applicant 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.

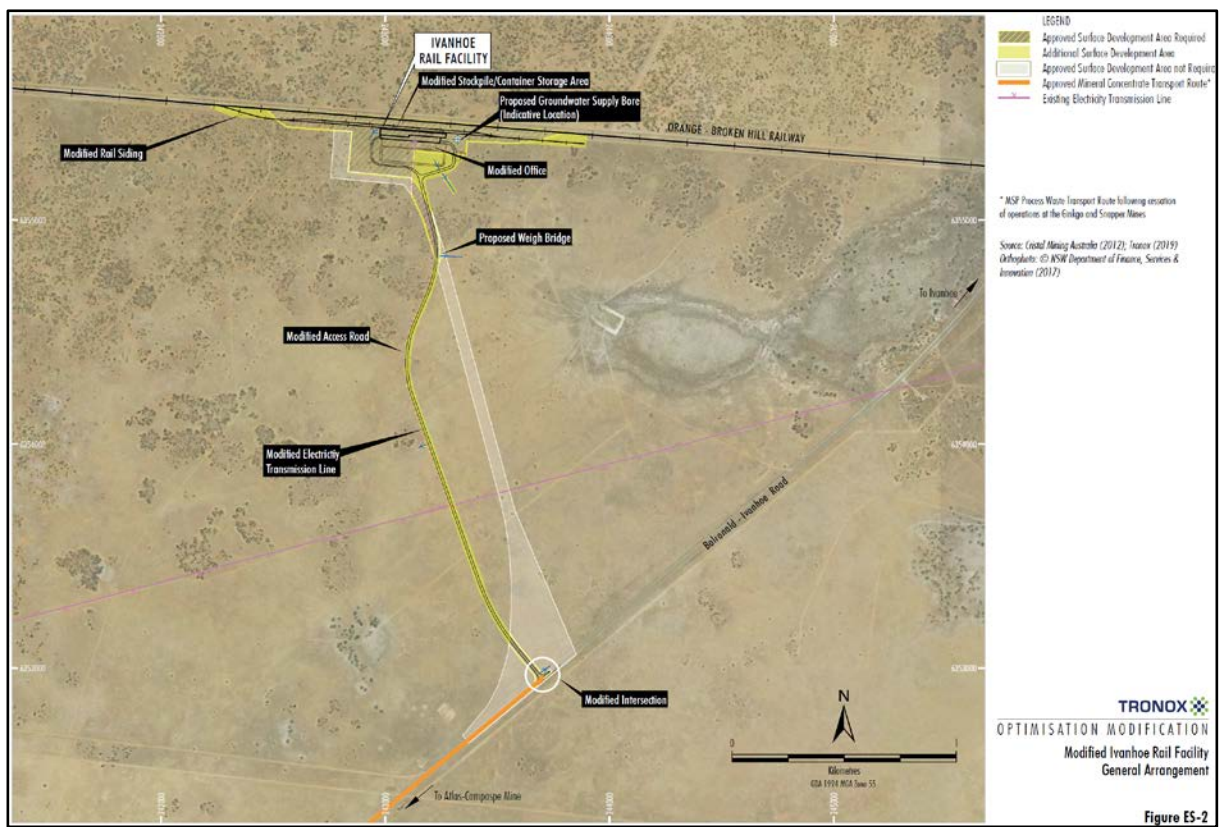
Note: *A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.*

Compliance Reporting

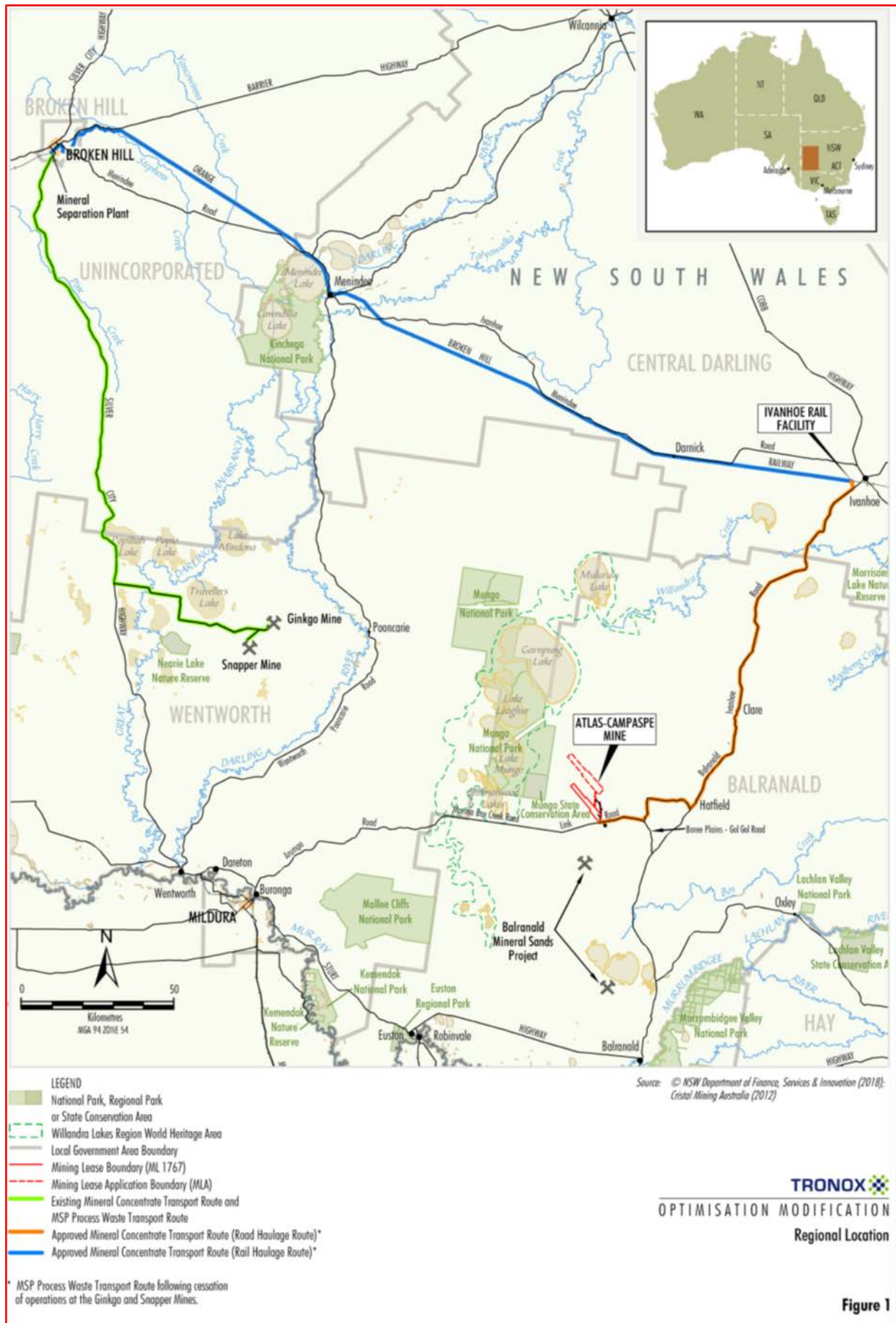
7. The Applicant must provide regular compliance reporting to the Department on the development in accordance with the relevant *Compliance Reporting* requirements (DPE 2018).
34. In condition 8 of Schedule 5, delete all words after 'The audit must:', including the note, and replace with:
- (a) be prepared 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 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.
35. Delete condition 9 of Schedule 5, and replace with:
9. 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.
- The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.
36. In Appendix 2, delete the figure marked "Figure 2-3" and replace with the following figure, in full page landscape orientation:



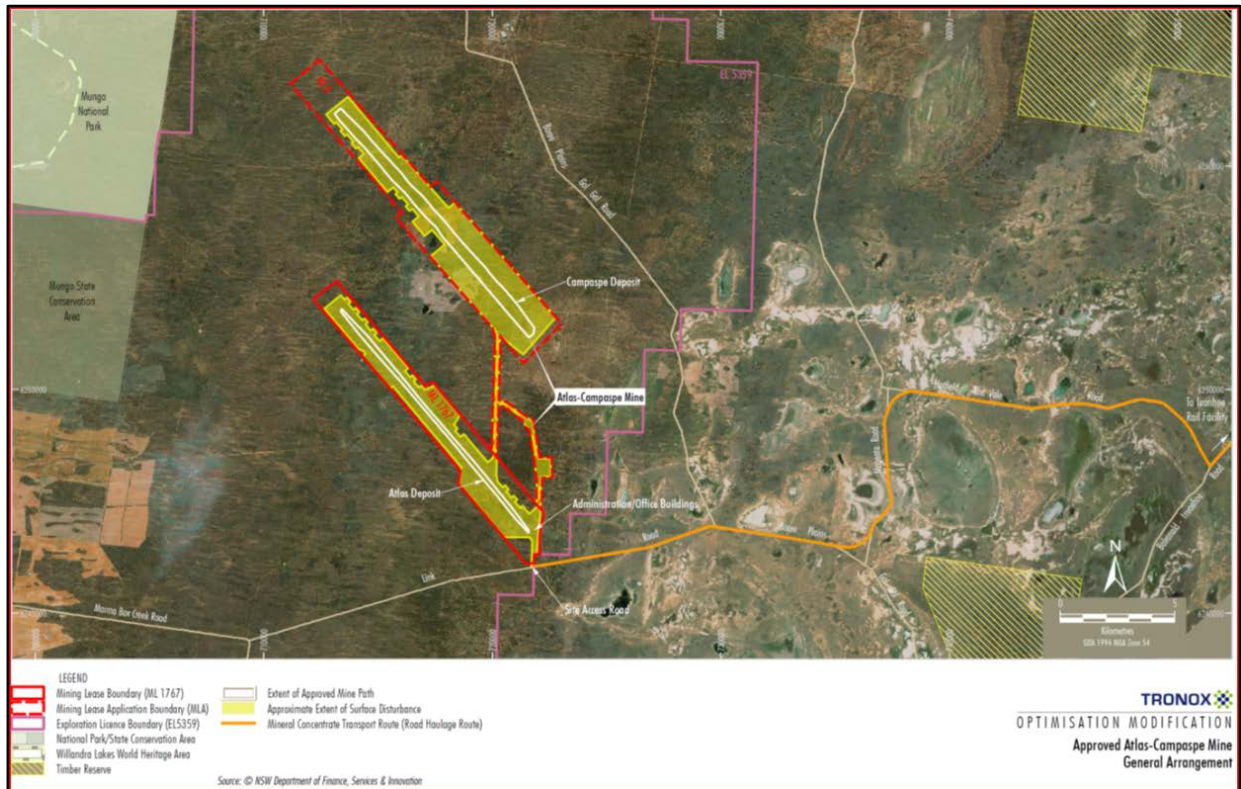
37. In Appendix 2, delete the figure marked “Figure 4-10” and replace with the following figure, in full page landscape orientation:



38. In Appendix 3, delete the figure marked “Figure ES-1” and replace with the following figure:

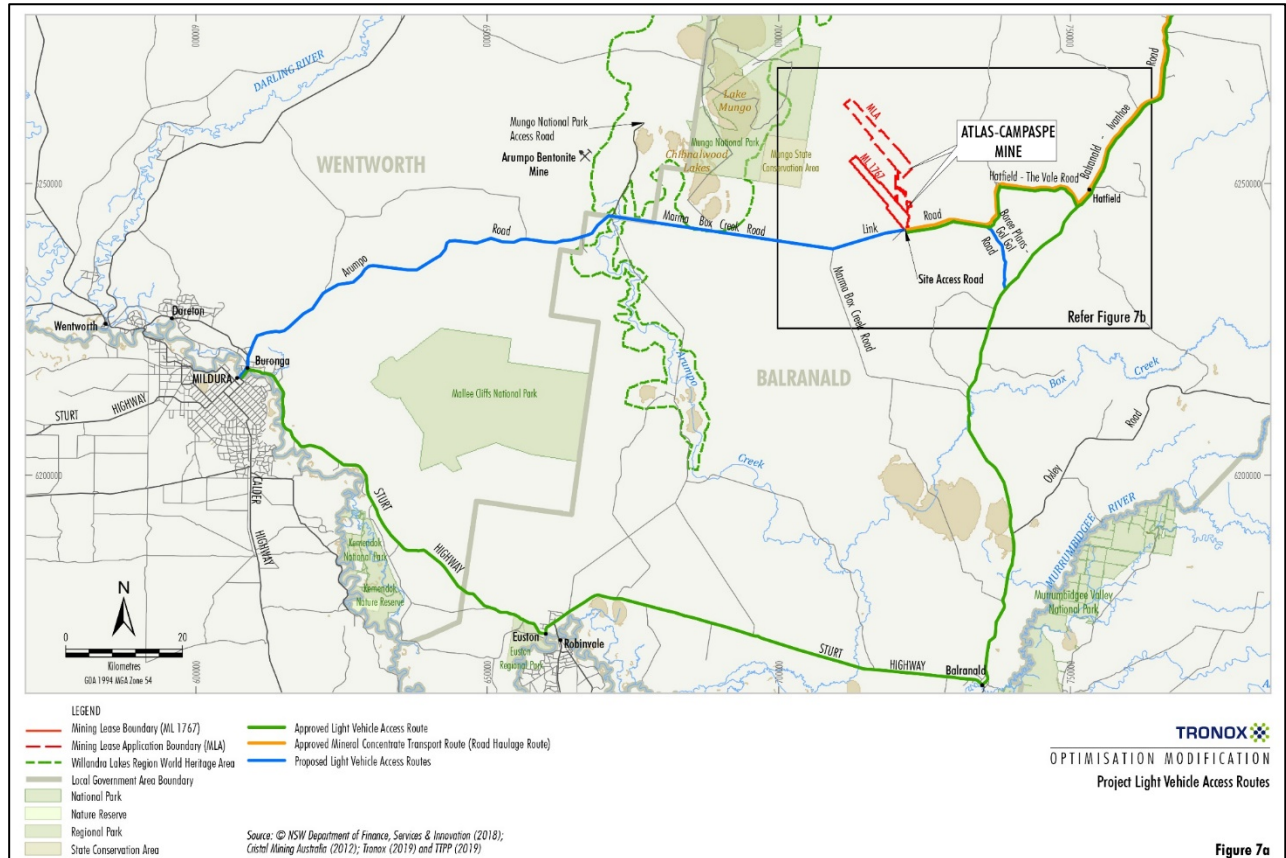


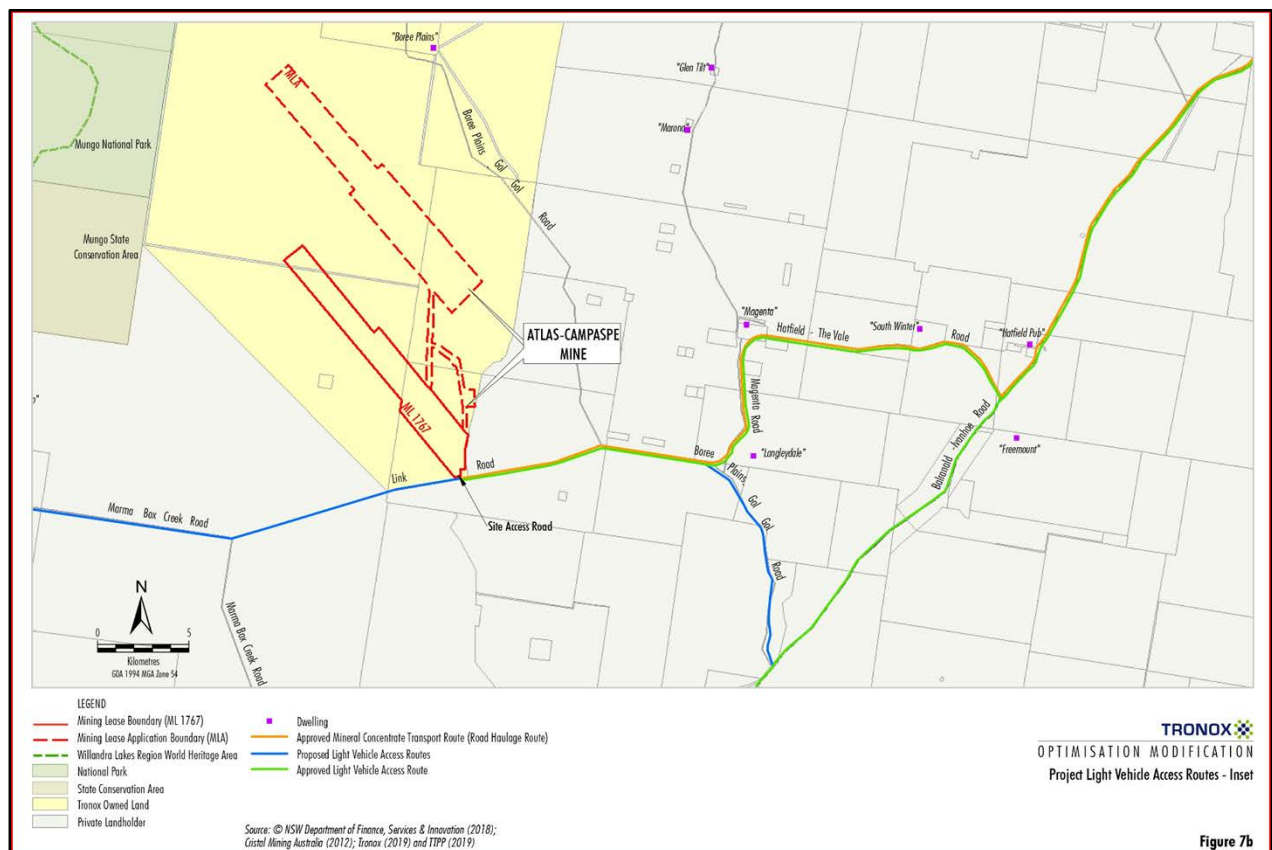
39. In Appendix 3, delete the figure marked “Figure ES-4” and replace with the following figure:



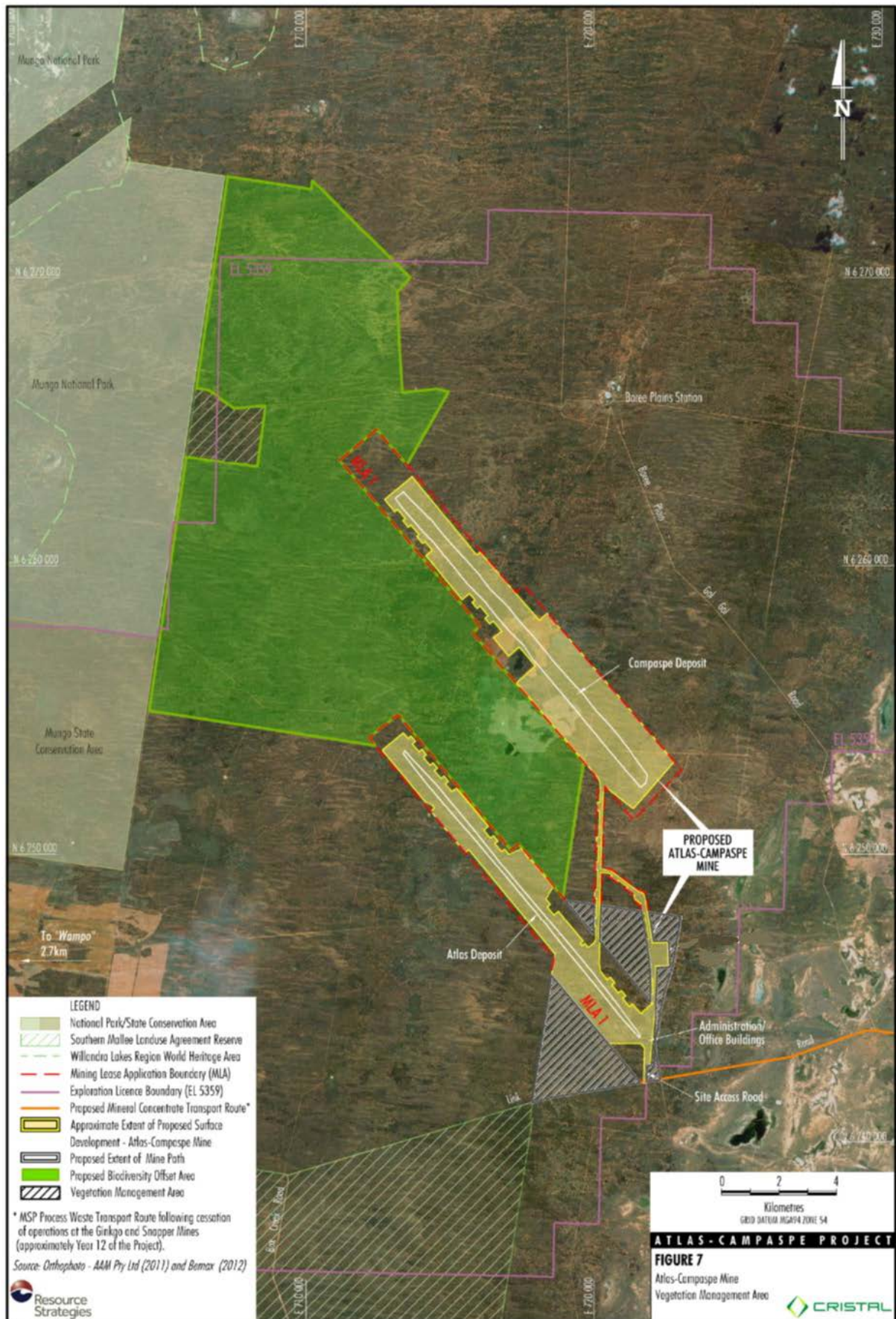
40. After Appendix 3, insert a new Appendix 3A, with figures oriented in full page landscape orientation:

APPENDIX 3A LIGHT VEHICLE ACCESS ROUTE

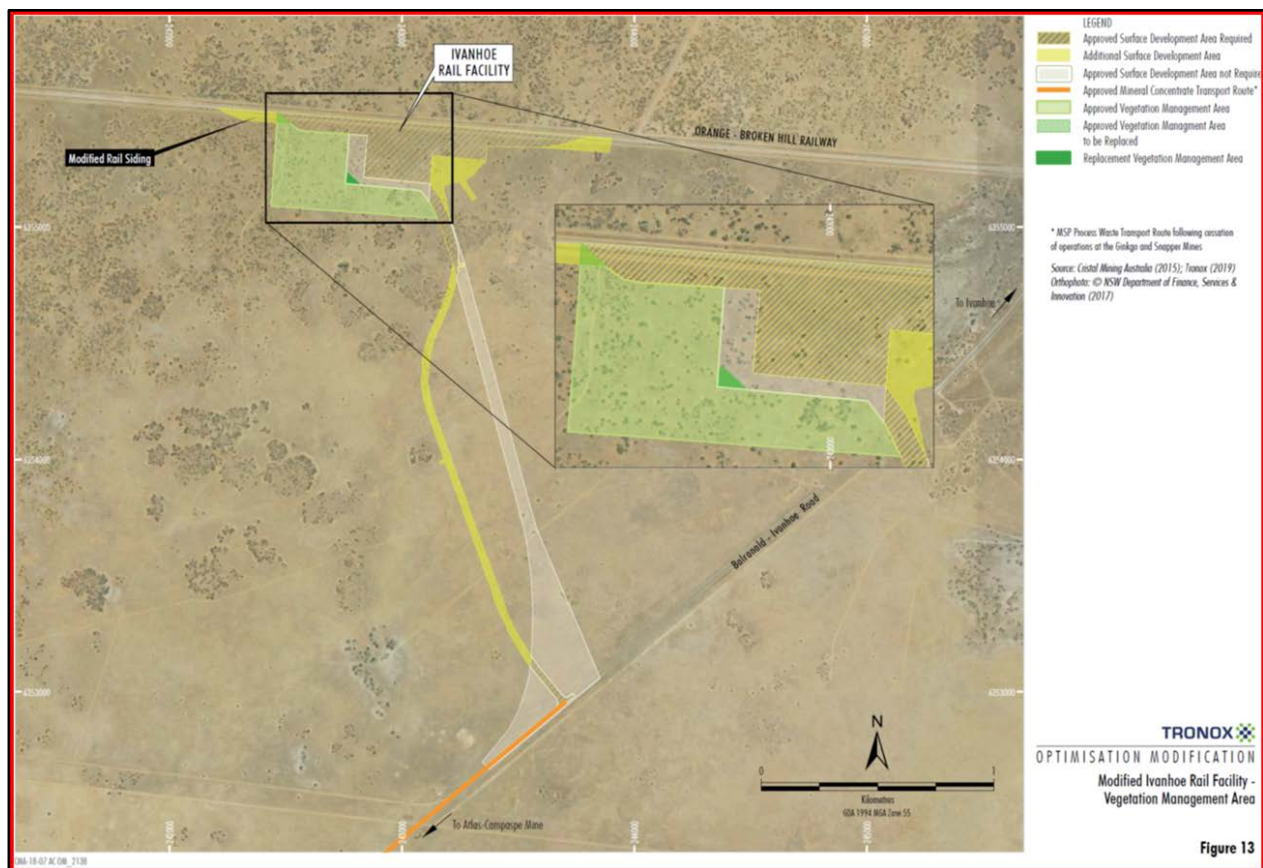




41. In Appendix 4, delete the figure marked “Figure 7” and replace with the following figure:



42. In Appendix 4, delete the figure marked "Figure 4-10" and replace with the following figure, in full page landscape orientation:



43. In Appendix 6, delete “TSC” and replace with “BC Act”.

44. In Appendix 7, after the heading “BALRANALD SHIRE COUNCIL”, insert the following left-justified heading:

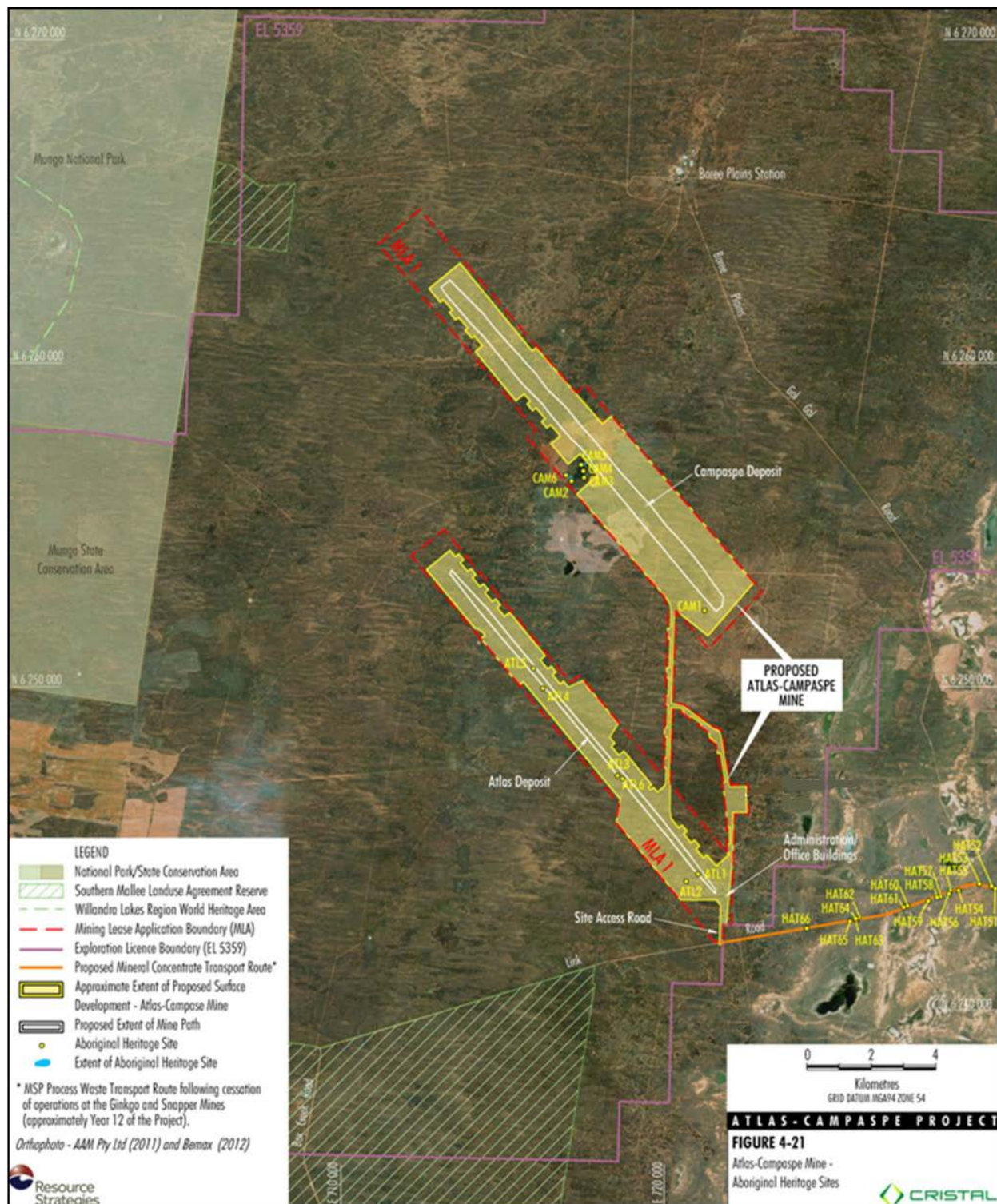
Haulage route contributions

45. In Appendix 7, after the “Notes”, insert:

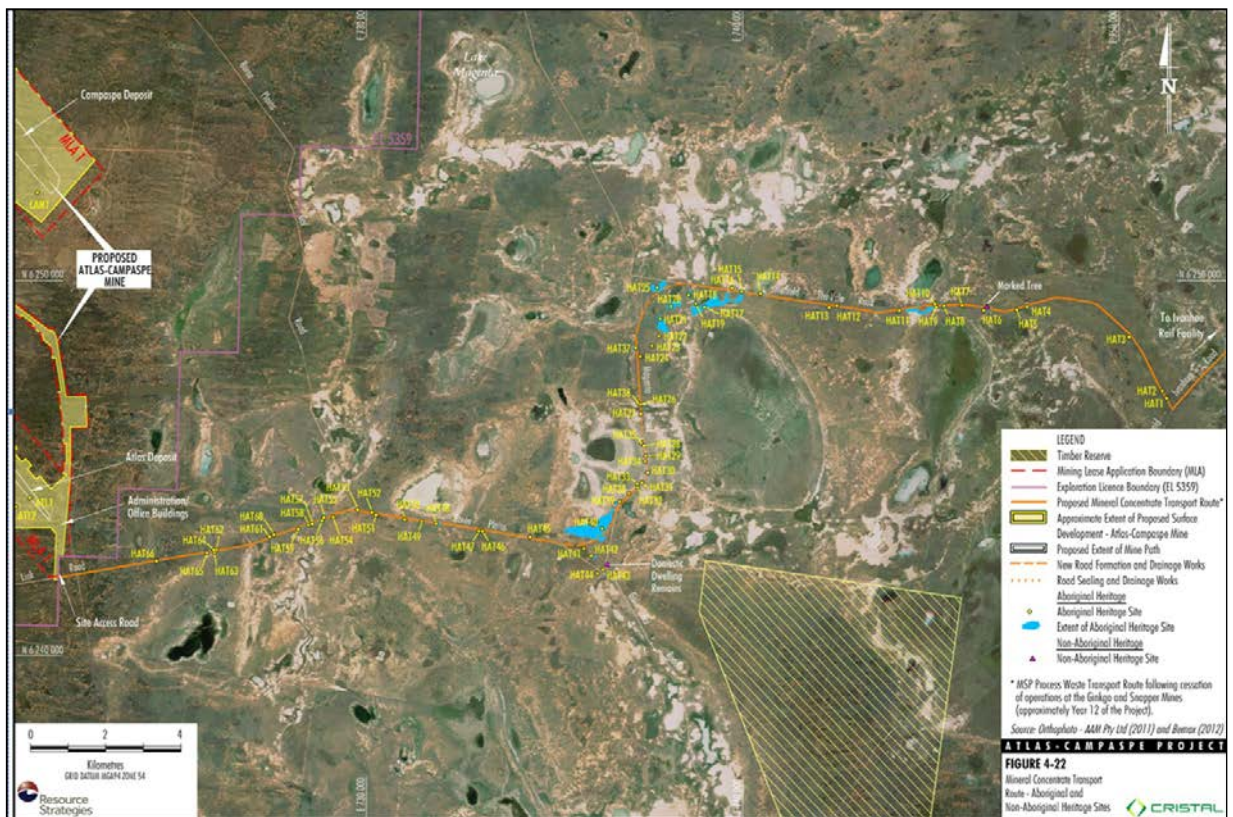
Light vehicle access route contributions

The Applicant must make annual contributions to BSC towards the maintenance of the local roads on the light vehicle access route within the Balranald LGA, generally in accordance with the following procedure:

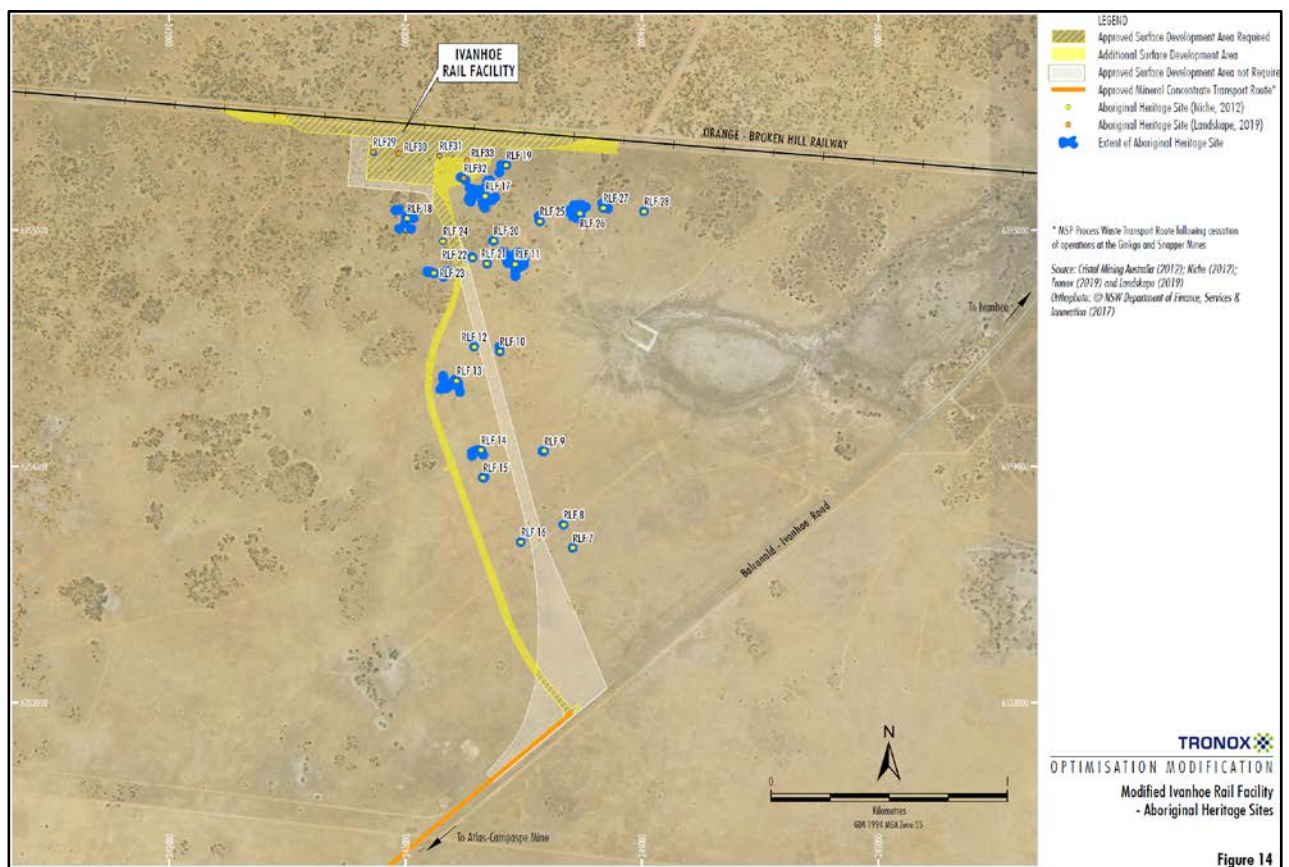
1. BSC and the Applicant will jointly determine and document:
 - a. the proportion of total traffic using the light vehicle access route that is Project-related; and
 - b. the required maintenance standard for the light vehicle access route.
 2. As soon as practicable after the end of each financial year, BSC will provide to the Applicant:
 - a. a detailed schedule of maintenance costs incurred in achieving the agreed maintenance standard on the light vehicle access route in the prior financial year;
 - b. a statement of the amount claimed from the Applicant to contribute to these maintenance costs, including the calculation methodology; and
 - c. a schedule of anticipated maintenance works on the light vehicle access route for the following financial year, and its estimated cost.
 3. In the event of any disagreement as to the scope or cost of road maintenance works, the matter shall be referred for independent determination to a suitably qualified and experienced engineer that is acceptable to both parties, whose decision shall be final and binding.
46. The Applicant will pay BSC the determined amount within 60 days of the invoice being issued.
47. In Appendix 10, delete the figure marked “Figure 4-21” and replace with the following figure:



48. In Appendix 10, delete the figure marked "Figure 4-22" and replace with the following figure, in full page landscape orientation:



49. In Appendix 10, delete the figure marked “Figure 4-23” and replace with the following figure, in a landscape orientation:



End of modification
(SSD 5012 MOD 1)