

Modification of Development Consent

Section 4.55(1A) 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
Resources Assessments

Sydney 21 April 2022

SCHEDULE 1

Development consent:	SSD_5012
For the following:	Atlas-Campaspe Mineral Sands Project
Applicant:	Tronox Mining Australia Limited
Consent Authority:	Minister for Planning
The Land:	See Appendix 1
Modification:	Modification to shuttle bus access routes

SCHEDULE 2

1. In the list of Definitions, delete the terms 'BCD', 'DoEE', 'DPIE Water' and 'RMS', including their definitions and insert the following in alphabetical order:

BCS	Biodiversity Conservation and Science Directorate within the Department
DAWE	Commonwealth Department of Agriculture, Water and Environment
DPE Water	The Water Group within the Department
Heritage NSW	Heritage NSW within the Department
MEG	Department of Regional NSW - Mining Energy and Geoscience
Shuttle bus access route	The route identified in Appendix 3B
TfNSW	Transport for NSW
2. In the definition of "Department", delete ", Industry &"
3. In the definition of EIS, insert the following after "October 2019":

"; and

 - MOD 2 – Modification Report titled 'Atlas-Campaspe Mineral Sands Project – Modification Report for the Workforce Shuttle Bus Modification' dated 30 November 2021 and additional information responses dated 8 February 2022 and 10 March 2022"
4. In the definition of "Heavy vehicle", after "*Classification System*", insert: ", with the exception of shuttle buses used to transport the workforce to and from the Mine"
5. Delete the definition of "Resources Regulator" and replace with "Resources Regulator within MEG"
6. In Schedules 2 and 3, delete all references to "RMS" and replace with "TfNSW"
7. In Schedules 2 and 3, delete all references to "BCD" and replace with "BCS", except in Schedule 2, condition 28(b)
8. In Schedules 2 and 3, delete all references to "DoEE" and replace with "DAWE"
9. In Schedules 2 and 3, delete all references to "DPIE Water" and replace with "DPE Water"
10. In Schedule 3, condition 1A, delete "traffic" and replace with "and shuttle buses"
11. In Schedule 3, condition 1A, insert "and shuttle bus access route" after "light vehicle access route"
12. In Schedule 3, condition 1A, Table 1A, insert the following row at the end of the table:

Upgrade the intersection of Marma Box Creek Road and Link Road	BSC
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13. In Schedule 3, condition 3A, insert "and shuttle bus access route" after "light vehicle access route"
14. In Schedule 3, condition 9(e), delete "and" before "light vehicle"
15. In Schedule 3, condition 9(e), insert "and shuttle bus access route;" after "light vehicle access route"
16. In Schedule 3, condition 9(f), insert "and workers" after "transporting materials"
17. In Schedule 3, condition 9(f), delete "heavy" and "haulage" in the first bullet point
18. In Schedule 3, condition 9(f), insert "and Appendix 3B" after "Appendix 3"
19. In Schedule 3, condition 9(f), insert "or shuttle bus route" after "haulage route" in the ninth bullet point

20. In Schedule 3, condition 28(b), delete “BCD” and replace with “Heritage NSW”
21. In Schedule 3, condition 32, delete “to the satisfaction of the Resources Regulator” and replace with “in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*”
22. In Schedule 3, condition 32, delete “EIS (and depicted conceptually in Appendix 5)” and replace with “documents listed in condition 2(a) of Schedule 2”
23. In Schedule 3, delete condition 34 and replace with:
- “34. The Applicant must prepare and implement a Rehabilitation Management Plan for the development in accordance with the conditions imposed on the mining lease(s) associated with the development under *the Mining Act 1992*. This plan must:
- (a) be prepared in consultation with the Department, BCS, MEG, DPE Water, WaterNSW, and the Councils;
 - (b) provide details of the hydrological design of the backfilled mine paths, including how the backfilled mine path to the Black Box Woodland in the disturbance area would be reinstated;
 - (c) provide details on a monitoring program for the reinstatement of surface water flows to the Black Box Woodland (see (e) above) and provide a report to BCS detailing data collected following rehabilitation;
 - (d) demonstrate the complete closure of artificial water points to reduce water sources for feral animals; and
 - (e) include details of radiation monitoring following rehabilitation to determine if radiation levels equivalent to the natural background radiation level are being achieved

Notes:

- *The Rehabilitation Management Plan should address all land impacted by the development, whether prior to or following the date of this consent.”*

34. In Schedule 5, delete conditions 6A, 6B and 7 and replace with:

“INCIDENT NOTIFICATION, REPORTING AND RESPONSE INCIDENT NOTIFICATION

Incident Notification, Reporting and Response

6. 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 project (including the application number and the name of the project if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 11.

Non-Compliance Notification

7. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
8. A non-compliance notification must identify the project and the application number for it, set out the condition of approval that the project is non-compliant with, the way in which 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.
9. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Notification of Department

10. Prior to commencing the construction, operations, upgrading or decommissioning of the project or the cessation of operations, the Applicant must notify the Department via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.
11. If any of these phases of the project are to be staged, then the Applicant must notify the Department in writing prior to commencing the relevant stage, and clearly identify the project that would be carried out during the relevant stage.

Monitoring and Environmental Audits

12. Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.
13. For the purposes of this condition, as set out in the Act, “monitoring” means monitoring of the project to provide data on compliance with the approval or on the environmental impact of the project, and an “environmental audit” means a periodic or particular documented evaluation of the project to provide information on compliance with the approval or the environmental management or impact of the project.

AUDITING

14. Within 18 months of the commencement of construction, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development.
15. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
16. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
17. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 weeks’ notice (or timing) to the Applicant of the date upon which the audit must be commenced
18. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
 - (a) review and respond to each Independent Audit Report prepared under Condition 9 of Schedule 5 of this consent, or Condition 9C of Schedule 5 where notice is given by the Planning Secretary;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
19. Independent Audit Reports and the Applicant’s response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approvals Requirements (2020)* unless otherwise agreed by the Planning Secretary.
20. Notwithstanding the requirements of the *Independent Audit Post Approvals Requirements (2020)*, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary’s satisfaction that independent operational audits have demonstrated operational compliance.”
35. In Schedule 5, change condition number “10” to condition number “21”
36. In Appendix 3A, delete the figures and replace with the following:

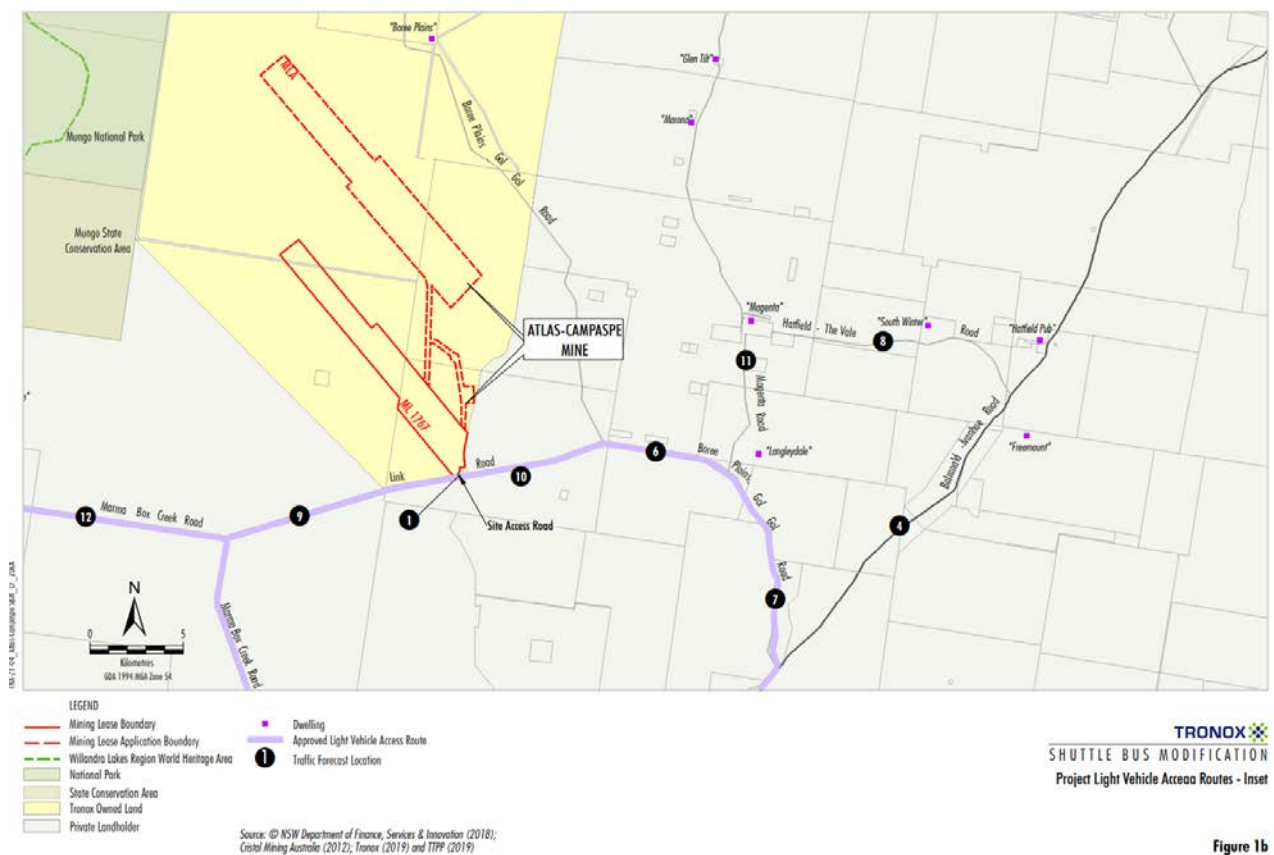
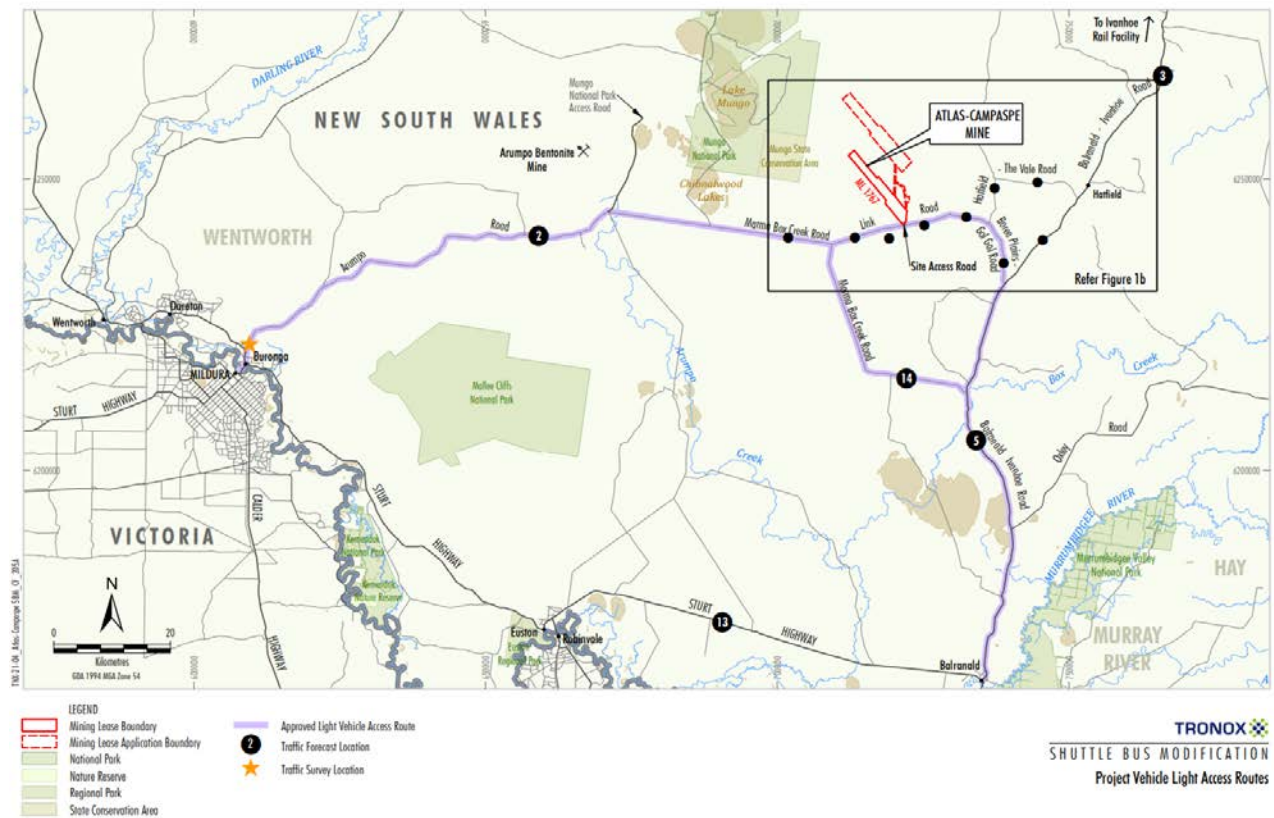
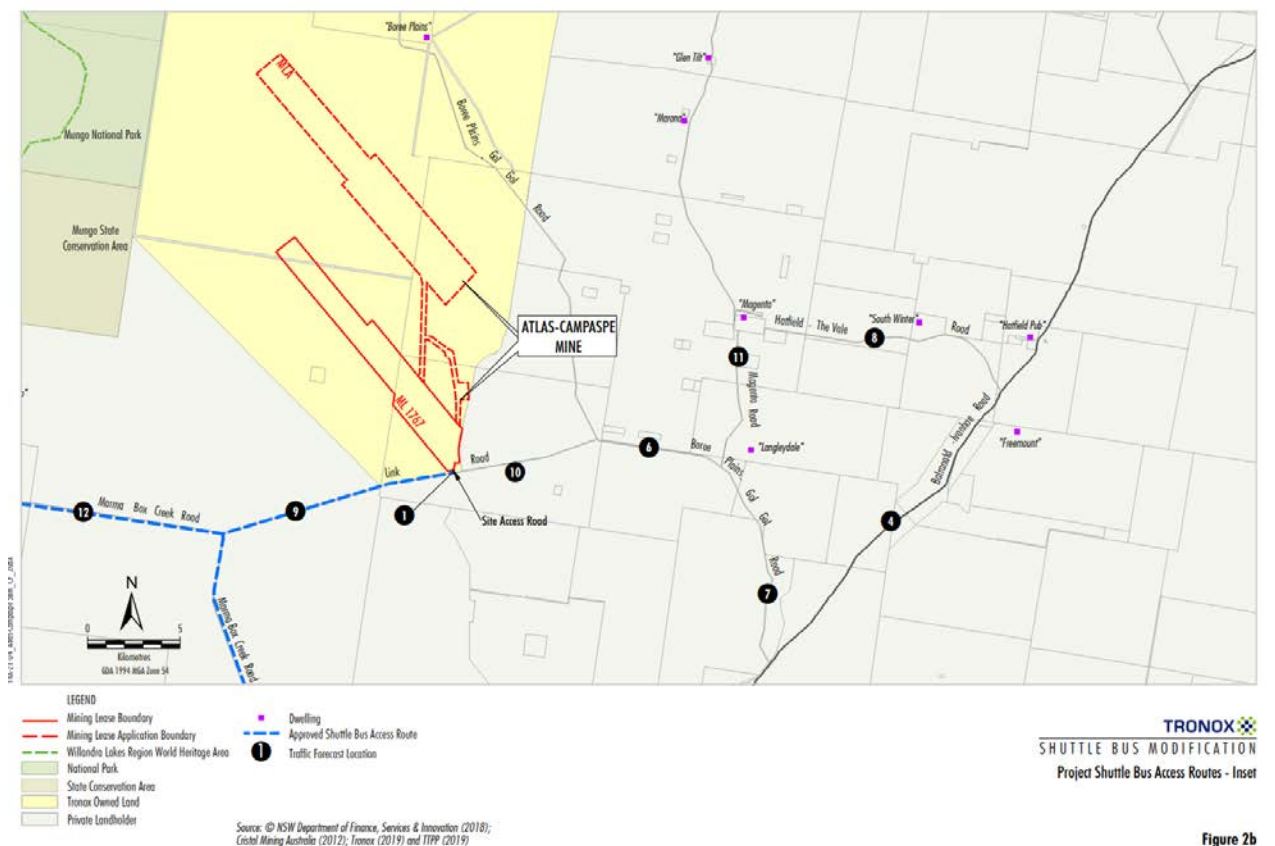
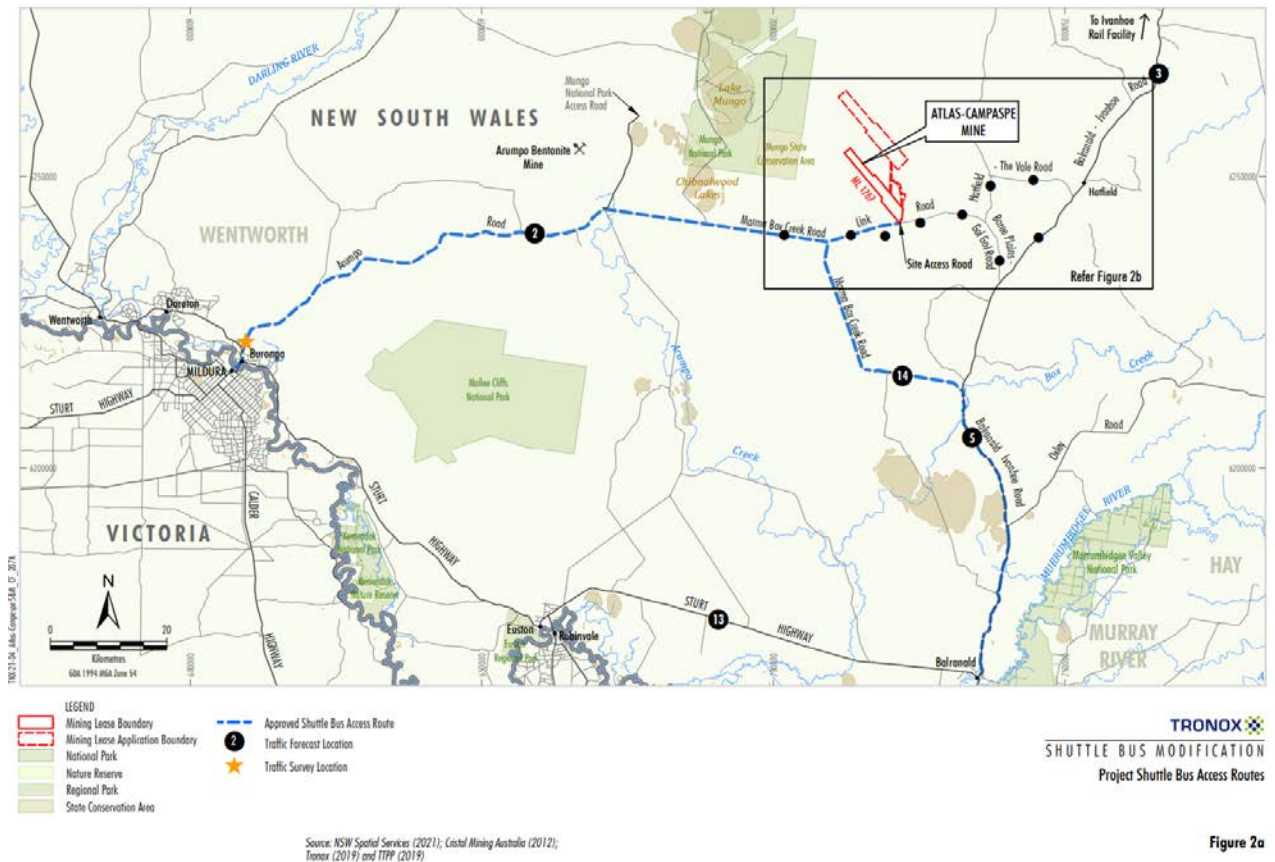


Figure 1b

37. After the end of Appendix 3A, insert:

APPENDIX 3B SHUTTLE BUS ACCESS ROUTE



38. In Appendix 7, insert “and shuttle bus access route” after “light vehicle access route” in each instance

**End of modification
(SSD 5012 MOD 2)**