

Modification of Project Approval

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

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



Steve O'Donoghue
Director - Resource Assessments

Sydney

15 March 2024

SCHEDULE 1

Project approval: 07_0018 granted by the Director-General under delegation from the Minister for Planning on 31 January 2011.

For the following: Extension of the existing underground mine development and construction and use of a new air ventilation intake for the Rasp Project.

Applicant: Broken Hill Operations Pty Limited

Consent Authority: Minister for Planning and Public Spaces

Modification 11: Ventilation Intake and Underground Exploration

SCHEDULE 2

1. Table of Contents have been updated to reflect the revised section names and page numbers.
2. Delete all the references to “Department of Planning and Environment” and replace with “Department of Planning, Housing and Infrastructure”.
3. In the list of Definitions, delete the terms “Department”, “Minister”, and “Water Group”, including their definitions and insert the following in alphabetical order:

Department	Department of Planning, Housing and Infrastructure (DPHI)
Minister	Minister for Planning and Public Spaces, or delegate
Water Group	NSW Department of Climate Change, Energy, the Environment and Water – Water Group

4. In the list of definitions under the definition of “EA”, insert the following after the last dot point:

“

 - Modification application 07_0018 Mod 11 and accompanying Modification Report titled: *Rasp Mine Modification 11 Modification Report*, dated 27 July 2023, Submissions Report dated 26 October 2023, and additional information provided by the Proponent to support the modification application.”
5. In Schedule 2, condition 3, deleted all words and replace with the following:

“The conditions of this approval and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition 2(a). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2(a), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.”
6. In Schedule 3, replace all references to “DPE Water” with “Water Group”.
7. In Schedule 3, condition 15, Table 6.1:
 - after “Construction, excluding construction of the EEL”, insert “Mod 11 air ventilation intake via raise boring”;
 - and
 - after “All other activities, including construction of the EEL”, insert “Mod 11 air ventilation intake via raise boring.”.
8. In Schedule 3, condition 20(b):
 - after “and the capping and rehabilitation of TSF2;”, delete “and”; and
 - after “tailings harvesting routes as described in Modification 6”, insert the following:

“ and

 - address activities associated with the construction of the ventilation intake as described in Modification 11;”
9. In Schedule 3, after condition 34A, inset the following:

“Note: The Proponent must also prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992.”
10. In Schedule 3, delete “Rehabilitation Management Plan” heading.
11. In Schedule 3, condition 35, delete all words and insert “Deleted”.
12. In Schedule 4, delete the “REPORTING” heading and replace with “COMPLIANCE”.
13. In Schedule 4, delete the “Incident Notification, Reporting and Response” subheading.
14. In Schedule 4, delete all words in condition 5 and replace with the following:

“5. The Proponent must notify the Department and any other relevant agencies within 24 hours of becoming aware of an incident. The notification must be made via the Department’s Major Projects website and address details of the incident including:

 - (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an incident;
 - (c) a description of what immediate steps were taken in relation to the incident; and
 - (d) identifying a contact person for further communication regarding the incident.”
15. In Schedule 4, delete the “Non-Compliance Notification” subheading.

16. In Schedule 4, delete all words in condition 5A and replace with the following:

“5A. The Proponent must provide the Department with a subsequent incident report in accordance with Appendix 5.”

17. In Schedule 4, delete the “Regular Reporting” subheading and replace with “Non-Compliance Notification”.

18. In Schedule 4, condition 6, delete all words and replace with the following:

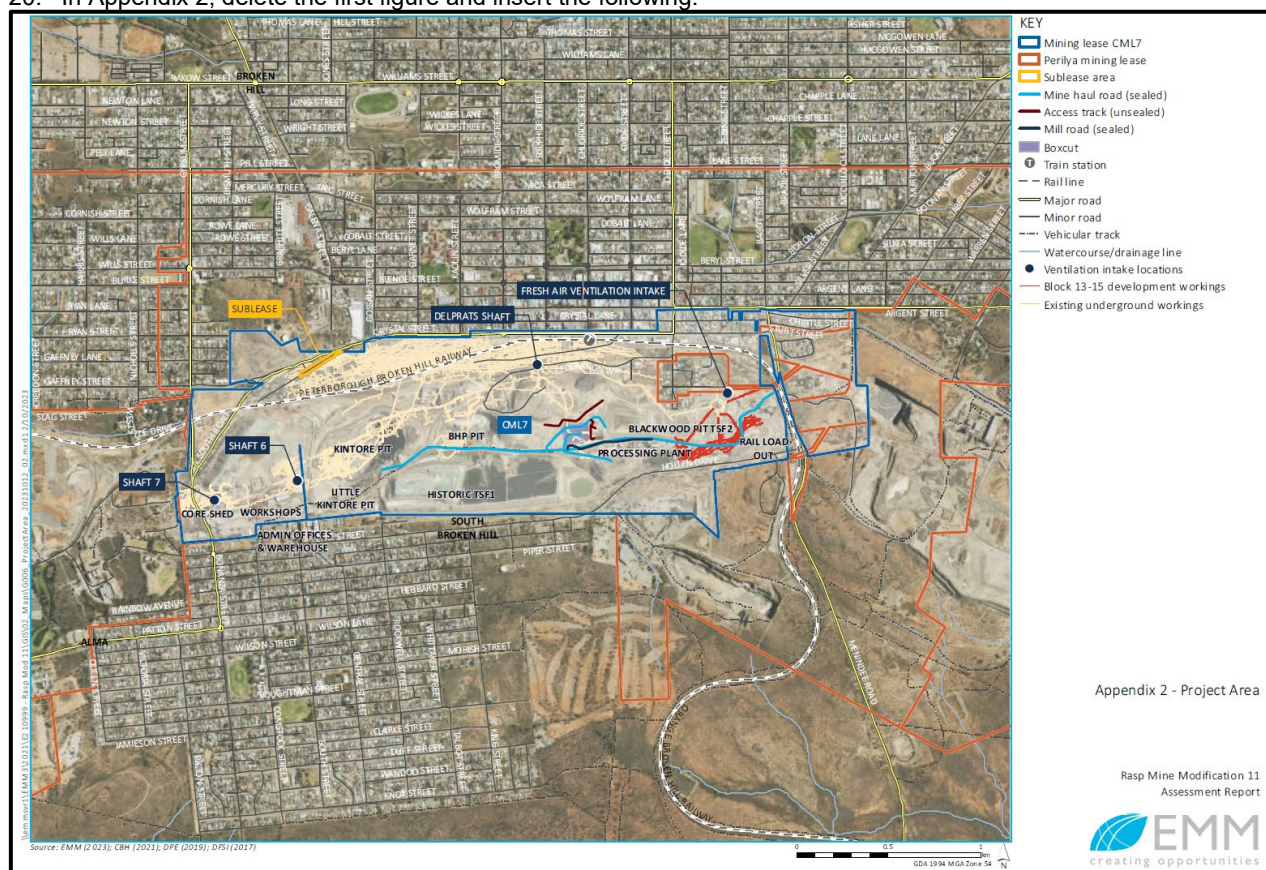
“Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the Department’s Major Projects Website. The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, 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.”

19. In Schedule 4, condition 8,

- delete “and” at the end of item (c); and
- at the end of item (d), insert the following:
- the following:
“; and
(e) be led by a suitably qualified, experienced, and independent auditor whose appointment has been endorsed by the Secretary.”

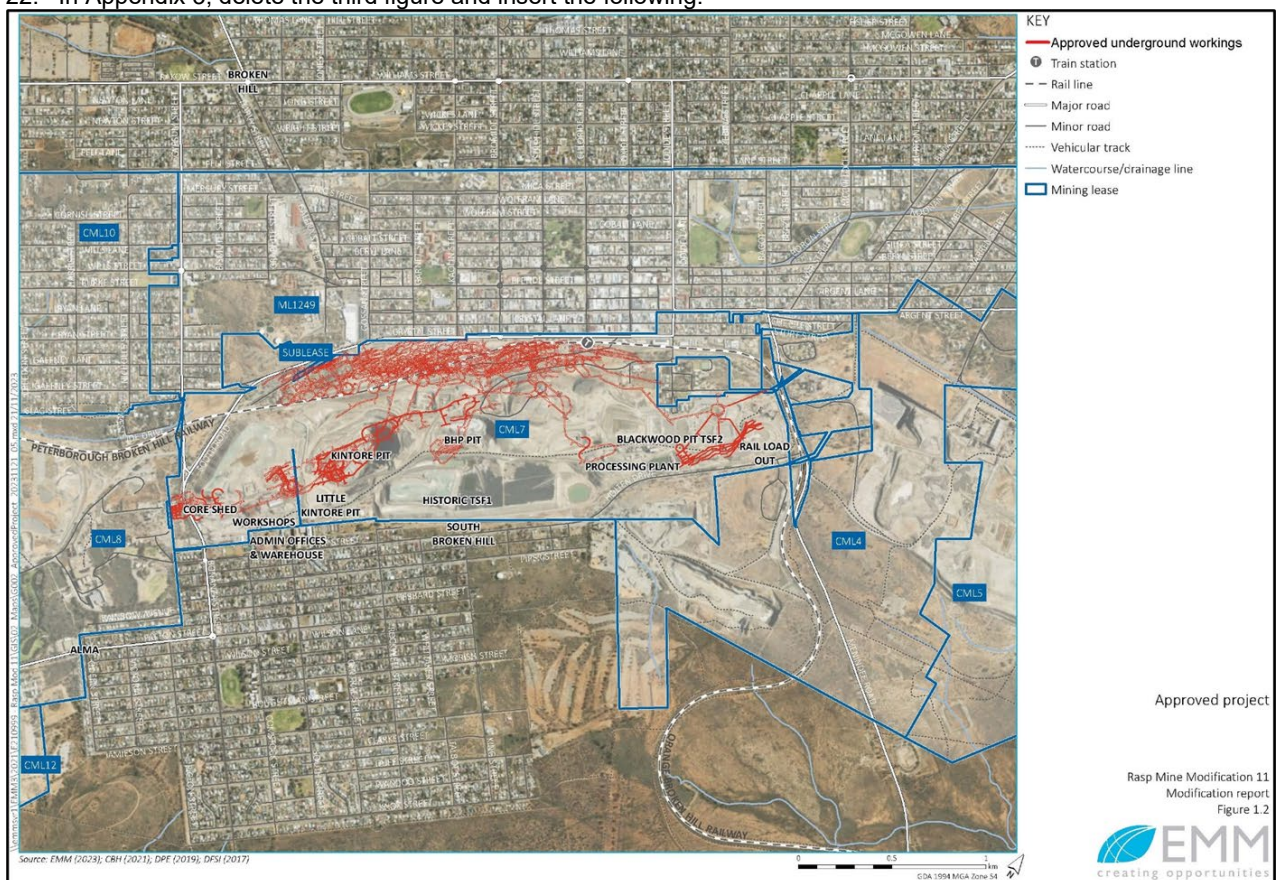
20. In Appendix 2, delete the first figure and insert the following:



21. In Appendix 3, delete the first figure and insert the following:



22. In Appendix 3, delete the third figure and insert the following:



23. In Appendix 5, delete all words and replace with the following:

“INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the Department’s Major Projects website.
2. The Proponent must provide notification as required under these requirements, even if the Proponent fails to give the notification required under condition 5 of Schedule 4 of this approval or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Secretary) of the Proponent making the immediate incident notification (in accordance with condition 5 of Schedule 4 of this approval), the Proponent is required to submit a subsequent incident report that:
 - a) identifies how the incident was detected;
 - b) identifies when the Proponent became aware of the incident;
 - c) identifies any actual or potential non-compliance with conditions of consent;
 - d) identifies further action(s) that will be taken in relation to the incident; and
 - e) a summary of the incident;
 - f) outcomes of an incident investigation, including identification of the cause of the incident;
 - g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - h) details of any communication with other stakeholders regarding the incident.

The Proponent must submit any further reports as directed by the Secretary.”

**End of modification
(MP07_0018-Mod-11)**