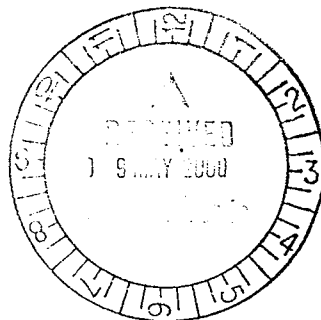


Appendix B – Authority Correspondence

Your Reference : S00/00635
Our Reference : 261708 A1

5 May 2000



Central West Region

Mr G Noonan
Director
Development and Infrastructure
Department of Urban Affairs and Planning
GPO Box 3927
SYDNEY NSW 2001

Dear Mr Noonan

I refer to your request for the Environment Protection Authority's (EPA) requirements for the environmental impact statement (EIS) in regard to the proposed Kaolin Mine at Clarence received by the EPA on 26 April 2000.

The EPA has considered the details of the proposal as provided by the Department of Urban Affairs and Planning (DUAP) and the Applicant at the Planning Focus Meeting held in respect of the development and has identified the information it requires to issue its general terms of approval in Attachment A. In summary, the EPA's key information requirements for the proposal are:

- noise and vibration impacts on residential receptors;
- dust impacts on residential areas;
- the management of wet weather run off;
- the construction and operation of the facility in relation to the neighbouring National Park; and
- preventing any part of the proposed facility from intruding into the National Park particularly stormwater run off from areas denuded of vegetation direct to the National Park.

Based upon the information provided to the EPA, the applicant will require an environment protection licence to carry out scheduled development work.

The applicant will need to make a separate application to the EPA to obtain this licence.

To assist the EPA in assessing the EIS it is requested that the EIS follow the format of the specific EIS requirements as outlined in Attachment A.

The EPA requests that the applicant provide 2 copies of the EIS when lodging its application with the EPA. These documents should be lodged at the Central West Regional Office, PO Box 1388, Bathurst, NSW, 2795.

If you have any queries regarding this matter please contact Terry Knowles on 02 6332 1838.

Yours sincerely

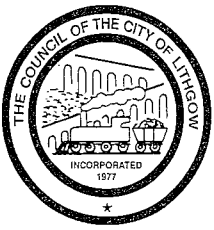


DARRYL CLIFT

Head Regional Operations Unit - Central West
for Director-General

cc Newnes Kaolin Pty Ltd
International Environmental Consultants Pty Ltd

File No:	S 00 00635	001
	G MOONARD	
	M FITZGERALD	



Council of the City of Lithgow

180 Mort Street, Lithgow, NSW, 2790. Telephone: (02) 6352 1077

Your Reference:
Our Reference: 21186:55390 MF:SRE
Contact: Environmental Services

23 March, 2000

International Environmental Consultants Pty Ltd
PO Box 555
BRIGHTON- Le-SANDS NSW 2216

Dear Sir/Madam

**RE: PLANNING FOCUS MEETING FOR A PROPOSED KAOLIN MINE AT
NEWNES JUNCTION**

Thankyou for allowing the opportunity to comment on your proposed Kaolin mine. Following the site inspection and discussions at Council Chambers, Council has identified a number of issues it would like to be discussed in any future Environmental Impact Statement. Issues to be examined should include:-

- 1) Will the Development Application incorporate access to the Clarence Colliery rail loop and will any infrastructure works be carried out on the railway line? Inclusion of these may protect the development from any future legal challenges.
- 2) A noise assessment (including both mining and loading facilities) and amenity impacts, should be undertaken on nearby residents.
- 3) Council would like to see possible scenarios for the rehabilitation of the site. This includes options for the use of the site upon completion of mining activities.
- 4) Discussions should be sought from the Gundungarra aboriginal group.
- 5) Demonstrate that resources on-site are proven to be economically viable and markets are established.

Please do not hesitate to contact Mr Mark Fowler in Council's Environmental and Planning Services Division should you require any additional information in relation to this matter.

Yours faithfully

for
Mr Stuart McPherson
GENERAL MANAGER



COUNCIL OF THE CITY OF LITHGOW

180 Mort Street, Lithgow, NSW, 2790. Telephone: (02) 6352 1077

NSW – First Learning City

Your Reference:

Our Reference:

Contact:

21186:55390 MF

Environmental Services

16 September, 2002

RECEIVED AM

PlanningNSW
GPO Box 3927
SYDNEY NSW 2001

19 SEP 2002

CCSU RECORDS
MANAGEMENT

Attention: Stacey Warren

Dear Madam

PROPOSED NEWNES KAOLIN MINE – FURTHER CONSULTATION FOR DIRECTOR-GENERAL'S REQUIREMENTS.

Thankyou for your letter dated 17th July 2002 regarding the above-mentioned matter. Please be advised that issues raised by Council at the last Planning Focus Meeting remain valid. However, since that time, there has been a considerable amount of public interest in the matter from both the local community and media. Due to its location, especially its close proximity to the Blue Mountains National Park and Newnes Junction, any application should include considerable consultation with the local community.

Key issues that would need to be addressed, but not limited to;

1. Assess the visual impact that this development will have on the surrounding area, including from the Blue Mountains National Park. The applicant should consider the cumulative visual impact of the development with other sand quarries and coal collieries located in the Newnes Junction and Clarence areas.
2. An assessment on the proposed means of access to the site for employees. Also, how will the development fit in with transport systems currently operating from Clarence Colliery, namely the rail loop.
3. Demonstrate what potential final land uses can be formulated for the site. How the site can be managed on completion of mining at the site, as well as security and safety issues.
4. Finally, any application should discuss the cumulative impacts the development will have on the surrounding environment, including cumulative impacts associated with other sand and mining activities in the surrounding area. Cumulative impacts that should be discussed include, noise, visual impact, ground and surface water and traffic.

INFP 11

19 SEP 2002

Address Correspondence to: General Manager, PO Box 19, Lithgow, 2790
Fax No.: (02) 6351 4259 • Email: glcc@lithgow.nsw.gov.au
Website: www.lithgow.com



Please do not hesitate to contact Mr M Fowler on 63 549954 in Council's Environmental and Planning Services Division should you require any additional information in relation to this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mr Rufus', with a long horizontal flourish extending to the right.

Mr Ian Rufus
PLANNING & DEVELOPMENT MANAGER

For

Mr Iain Stewart
GENERAL MANAGER

NSW Department of Land and Water Conservation

FAX

To:	Margot Jamieson IEC	From:	Matt Gray Catchment Manager Lithgow
Fax No:	95990338	Fax No:	(02) 6352 2326
Phone:		Phone:	(02) 6351 3842
Date:	5 June 2000	e-mail:	mgray@dlwc.nsw.gov.au
Pages (following cover sheet):	0	Time:	13:10



Coxs River Catchment (Lithgow), P.O. Box 95 Lithgow NSW 2790

 Routine Urgent Confidential**Subject: Proposed Kaolin Mine Project at Newnes Junction**

Dear Margot,

Further to our recent discussions regarding the above project, please find below this Department's comments to assist the proponent construct a suitable EIS.

1. The proponents should prepare a comprehensive Soil and Water Management Plan for the project. This plan should address all aspects of soil disturbance, storage and movement; retention of any mobilised sediments, and how they intend to deal with water flowing onto, through and off the site.
2. The above plan should also address the impact, if any, of the project on the significant groundwater resources of the area. A hydrogeological study should be undertaken to determine this.
3. The stages of rehabilitation and final landform should, of course, form a major part of any planning document

Regards

Matt Gray

Catchment Manager

LITHGOW

[Document2]



NSW DEPARTMENT OF MINERAL RESOURCES
Minerals and Energy House, 29-57 Christie Street
St Leonards, NSW 2065, Australia
P.O. Box 536 St Leonards 1590
Phone (02) 9901 8888 · Fax (02) 9901 8777
DX 3324 St Leonards · www.slnsw.gov.au/mineral_resources

Mr Robert Byrnes
Director
International Environmental Consultants
P O Box 555
BRIGHTON-LE-SANDS NSW 2216

Dear Robert

Re: Proposed Kaolin Mine at Newnes Junction

I refer to the Planning Focus held on 14 March 2000 for the above project. As a general guide, the topics listed on Attachment "A" may need to be covered in the EIS, in addition to any other matters relevant to the proposal in its local context.

The Environmental Impact Statement should cover the following issues which are relevant to this site:

- Resource definition and feasibility
- Markets
- Cumulative impact
- Noise impact on nearby residences
- Vegetation management plan
- If threatened species are present, the management options that would be undertaken
- Sediment and erosion controls. (1 in 50 year event designs, 1:5 batters on unconsolidated slopes)
- If fuel is to be stored on site, bunding designs need to be shown including emergency responses
- Mining plan and method
- Proposed depth of workings
- The relevant dust control methods including conveyor belt system
- Progressive rehabilitation plans including topsoil management
- Final landuse options and the reason for the final choice of landuse

It is also worthy of note that the company would be required to submit a Mining Operations Plan to the Department before commencement of activities. It may be useful to provide information in the EIS that also can be consistently transferred to the Mining Operations Plan.

The following points regarding title issues are submitted.

- A mining lease is required to mine for kaolin on Crown land.
- A licence may be required from the Department of Land and Water Conservation for the sand to be recovered from the same operation.
- Any lease application should cover both the pit area and any land to be used for infrastructure, including the land which the conveyor and road to the rail loop traverse (this will require consent pursuant to Section 59 of the Mining Act 1992 for that part which conflicts with Consolidated Coal Lease No.705).
- Pursuant to Section 61 of the Mining Act 1992 the Chief Inspector of Coal Mines must be satisfied that the proposed operations will have no adverse effect on coal mining operations.
- The proposed site partly affects Authorisation No. 307.
- The proponent should check that the residences at Newnes Junction do not fall within 200 metres of the lease application area otherwise consent pursuant to Section 62 of the Mining Act 1992 will be required.
- An historic search of the title to the land should be undertaken to determine if Native Title has been extinguished otherwise the Right to Negotiate provisions of the Native Title Act will need to be complied with prior to the grant of any lease.

It would be advisable for the proponent to survey and photograph the Newnes Junction houses prior to mining to ensure that if damage occurs as a result of mining, it can be clearly identified.

Yours sincerely



Denis Casey

Senior Project Officer, Resource Development

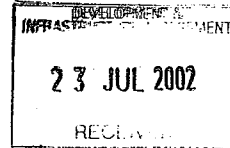




NSW DEPARTMENT OF MINERAL RESOURCES
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PO Box 536 St Leonards NSW 1590
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DX 3324 St Leonards
www.minerals.nsw.gov.au
ABN: 68 040 288 347

19 July 2002

Mr C Ritchie
Acting Senior Environmental Planner
Major Development Assessment
Planningsw
GPO Box 3927
SYDNEY NSW 2001



Dear Chris

Newnes Kaolin Mine

Thank you for your advice re the above. There are no changed circumstances, as far as the DMR is concerned, that would require any change to the Director-General's requirements.

Yours sincerely

Denis Casey
Assistant Director
Resource Development



**NSW
NATIONAL
PARKS AND
WILDLIFE
SERVICE**

Margot Jamieson
Senior Environmental Planner
International Environmental Consultants
PO Box 555
Brighton-Le-Sands
NSW 2216

Dear Ms Jamieson

Re: Proposed Kaolin Mine- Newnes Junction

Thank-you for your recent correspondence in which you consult with the National Parks & Wildlife Service (NPWS) regarding the preparation of an Environmental Impact Statement (EIS) for the above. The NPWS apologises for the delay in responding.

The NPWS understands that Newnes Kaolin Pty Ltd propose to develop a kaolin mine on the ridgeline between the existing Rocla Quarry and Clarence Colliery pit top adjacent to Newnes Junction. The proposed extraction area is bounded to the west by the colliery rail loop, Rocla Quarry to the south, a coal reject emplacement to the north and the Blue Mountains National Park to the east.

The NPWS has reviewed the information provided in the Planning Focus document. Please find attached a copy of the NPWS guidelines for 'Developments adjoining National Park'. The NPWS has insufficient information to make detailed comment on the proposal, however, provides the following specific comments to assist you in the preparation of the EIS.

As identified in the Planning Focus report, the eastern boundary of the site is directly adjacent to Blue Mountains National Park. The site is located on a relatively steep slope which drains to the east directly into the National Park. The NPWS notes that the site is less than 2.5km from the boundary of the Wollemi Wilderness Area. The Wollemi Wilderness is the largest declared wilderness area in the state covering an area of 288 340ha. Impacts of existing mining activities in areas adjacent to the Wilderness Area have been identified as a key threat to wilderness values including associated vegetation disturbances, road construction, cliff collapse and adverse impacts on water quality.

43 Bridge Street
PO Box 1967
Hurstville NSW
2220 Australia
Tel: (02) 9585 6444
Fax: (02) 9585 6555
www.npws.nsw.gov.au

The NPWS notes that area identified for the proposed mining pit contains minor upper tributaries of the Wollangambe River which runs through the Wollemi Wilderness Area and joins the Colo River. Both rivers are regarded as having significant conservation value and have been identified as 'wild and scenic' rivers under section 61 of the *National Parks & Wildlife Act*. Both rivers also have high recreational useage. Catchment disturbance and pollution in these waterways from activities outside the Park can have serious impacts downstream on the rivers hydrology, habitat and recreational values.

Given the highly sensitive nature of the site and the high level of site disturbance associated with the proposed activity the potential impacts of this proposal on the National Park and on the Wilderness Area and high conservation value rivers therein are of concern to the NPWS.

Key areas of impact and concern that the NPWS considers would need to be comprehensively addressed in the EIS include:

- Impacts on existing native flora and fauna within the subject area
- The subject area is currently contains native vegetation contiguous with the adjacent National Park. A search of the NPWS ATLAS database indicates the following threatened flora and fauna species have previously been recorded in the surrounding area and should be considered in any development proposal:

Acacia bynoeana
Persoonia acerosa
Boronia deanei

Powerful Owl
Yellow-bellied Glider

- Noise and dust impacts on adjacent areas of the Park-particularly given the highly dispersable nature of kaolin
- Impacts on the existing groundwater system within the site and adjacent areas of National Park-including the location and impact on any perched groundwater tables and swamp areas within and adjacent to the site.
- Impacts on surface hydrology including impacts on exisiting flow volumes and water quality from the site to Wallangambe River, management of mine discharge, stormwater and sedimentation controls and mine water supply requirements.
- Visual impacts of the proposed activity on the adjacent National Park including Bald Trig from which the site is visible
- Direct impacts on NPWS boundary including adequacy and longterm management of proposed buffer zones
- Rehabilitation and longterm management of the site

The Planning Focus report indicates that the final proposed landuse is the creation of a 'lake' from surface water and pit seepage. Preliminary information indicates that the lake would be surrounded by revegetated benches ranging from a total height of 30 to 75m. The NPWS is concerned about the proposal to leave a water storage body on the site after mining activities have ceased.

Reasons for this include:


- Potential impacts on the adjacent National Park caused by this major permanent change to surface and groundwater hydrology
- Responsibility for the longterm management of such a water body including water quality and public safety
- Significant environmental implications for the National Park of any failure of water holding capacity

It is suggested in the report that the lake may offer potential for passive recreational facilities. The NPWS notes that any public use raises further questions regarding public access, safety and water quality.

The NPWS considers that should the proposal proceed the entire mining site should be revegetated progressively and immediately upon completion of mining. All water holding structures should be removed and contoured as part of the final landscape. Soil erosion and sedimentation control structures should be installed to minimise runoff from the site until complete revegetation has occurred. This work is considered essential to minimise long term impacts of sediment pollution and erosion on Blue Mountains National Park. The rehabilitation strategy should also include an ongoing monitoring strategy to monitor erosion and sedimentation control and impacts on water quality of rehabilitated mine areas.

If you have any questions regarding this advice please contact Jacqueline Breakspear, Conservation Planning Officer on (02) 9585 6675.

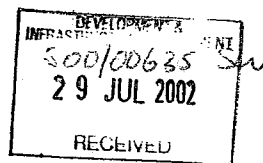
Yours sincerely

 18/08/00

Lou Ewins

A/Manager Conservation Programs & Planning Division

Central Directorate



**NSW
NATIONAL
PARKS AND
WILDLIFE
SERVICE**

ABN 30 841 387 271

Mr Chris Ritchie
Acting Senior Environmental Planner
Major Development Assessment
PlanningNSW
GPO Box 3927
SYDNEY NSW 2001

Our Ref.: SYZ 96/46
Your Ref.: S00/00635

Dear Chris

**RE: PROPOSED NEWNES KAOLIN MINE – FURTHER
CONSULTATION FOR DIRECTOR-GENERAL'S
REQUIREMENTS**

Thank you for your letter dated 11 July 2002 in which you consulted with the National Parks and Wildlife Service (NPWS) regarding the preparation of an Environmental Impact Assessment (EIS) for the above.

The NPWS has a statutory responsibility for the protection and care of native flora, native fauna and Aboriginal objects and places, and for the management of NPWS estate. Accordingly the NPWS has an interest in ensuring that potential impacts to these attributes are appropriately assessed.

The NPWS understands from your letter that there is no change to the proposal and that new requirements are being issued to supersede requirements issued on 15 May 2000 which have now expired.

The NPWS therefore refers you to its previous submission (see copy attached).

It is recommended that the matters referred to in the attached guidelines titled "General Guidelines for Impact Assessment" be addressed in the EIS. These guidelines also provide information on any approvals that may be relevant under the National Parks and Wildlife Act and a summary of the NPWS' databases.

It is requested that any EIS forwarded to the NPWS for comment state the reasons for the referral. The NPWS typically comments on EISs where there is a statutory concurrence or approval role for the NPWS, or where there is likely to be a threat to NPWS reserves or regionally significant conservation values. The attached guidelines may be used to assist in determining whether the EIS requires referral to the NPWS for comment, concurrence or an approval.

The following additional comments are made.

Conservation Programs
& Planning Division
Central Directorate
Level 6
43 Bridge Street
P.O. Box 1967
Hurstville NSW
2220 Australia
Tel: (02) 9585 6678
Fax: (02) 9585 6442
www.npws.nsw.gov.au

Commonwealth referral

PlanningNSW would be aware that the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* may be triggered if the proposal impacts on (1) a declared World Heritage property; (2) nationally listed threatened species and ecological communities; (3) listed migratory species. It is advised that the proponent be requested to consider whether referral to the Commonwealth Environment Minister is required.

The NPWS retains concern regarding the potential impacts of the proposal on the adjoining Blue Mountains National Park and Wollemi Wilderness Area (see previous submission), both of which have since been declared part of the Blue Mountains World Heritage Area.

Flora and fauna

The EIS should include comprehensive assessment of potential direct and indirect impacts on flora and fauna and their habitats, in particular threatened species. This assessment should be updated to address threatened species listed since the previous EIS requirements were issued and species which have since been recorded in the area. These may include but not be limited to:

- Blue Mountains Water Skink
- Bathurst Copper Butterfly

The indirect impacts of subsidence, particularly drainage of swamps which may be habitat for the Blue Mountains Water Skink should also be considered.

Aboriginal cultural heritage

The NPWS recommends that consultation with Aboriginal groups is inclusive ie more than one Aboriginal group may need to be consulted (refer to report prepared for Planning Focus Meeting, March 2000) as part of the assessment of significance of the area. Please refer to the attached guidelines for information on assessment methods. Also attached are NPWS guidelines for IDA referral should approval under the IDA process be required.

Please contact, Megan Phillips, A/ Conservation Planning Officer on (02) 9585-6007 if you have any questions concerning this matter.

Yours sincerely,



29/7/02

Lou Ewins

**Manager, Conservation Planning Unit
Central Conservation Programs and Planning Division**

258.5395 00/XX
Mr Wagg



www.rta.nsw.gov.au

**Roads and Traffic
Authority**
ABN 64 480 155 255

Western Region

51-55 Currajong Street
Parkes NSW 2870
Telephone (02) 6861 1444
Facsimile (02) 6861 1414
PO Box 334
Parkes NSW 2870
DX 20256 Parkes

Sen Environmental Planner
International Environmental Consultants Pty Ltd
PO Box 555
BRIGHTON-LE-SANDS NSW 2216

**Lithgow Council Area
Proposed Kaolin Mine
Newnes Junction, NSW**

Dear Sirs,

Attention Margot Jamieson

I refer to your letter dated 11th September 2000, and the accompanying details for the subject project and apologise for the delay of reply.

The development has been perused.

There are no special conditions that need to be included within the Environmental Impact Statement.

However if any loads are required to leave the site and travel by the arterial road system to outside markets, as required by legislation the developer is to ensure that all loads leaving the site are to be covered to prevent lose materials from falling to the roadway.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R T Wagg', written in a cursive style.

R T Wagg
For
S B Warrell
Road Safety Traffic & Development Manager
Western Region
19th October 2000.



Department of the Environment and Heritage

Mr Chris Ritchie
Acting Senior Environmental Planner
Major Development Assessment
PlanningNSW
GPO Box 3927
SYDNEY NSW 2001

Accreditation of assessment process – Newnes Kaolin Mine
Your reference: S00/00635

I am writing in regard to your letter of 16 July 2002 outlining the State process and the requirement for the company to recommence the environment assessment process under the NSW *Environmental Planning and Assessment Act 1979* as the environmental impact statement had not been lodged in the required two year period. You also invited Environment Australia (EA) to comment on the Director-General's Requirements (DGRs) which were attached.

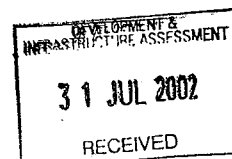
It is noted that this proposal is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and that EA will now be able to consider accreditation with the State, as a level of assessment, following lodgement of Preliminary Information.

EA has no detailed comment to make on the DGRs. We note that they are appropriate and are written in such a way that Commonwealth matters are likely to be properly addressed by the proponent, should accreditation of the NSW assessment process occur. However, in that event we may request that the proponent add some additional detail on the EPBC matters protected. These issues would fall under the broader topic headings in the DGRs.

Thank you for the opportunity to consider the DGRs.

Malcolm Forbes
Assistant Secretary,
Environment Assessment & Approvals Branch

26 July 2002





Department of the Environment and Heritage

Mr Chris Wilson
Director
Major Development Assessment Branch
Planning NSW
GPO Box 3927
SYDNEY NSW 2001

Dear Mr Wilson

**Newnes Kaolin Pty Limited – Newnes Kaolin Friable Sandstone Mine Project,
Newnes Junction near Lithgow, NSW (Reference: 2002/620)**

I am writing on behalf of the Minister for the Environment and Heritage,
the Hon David Kemp, MP, (the Minister) concerning the decision on assessment approach
for the assessment of the above action under Part 8 of the *Environment Protection and
Biodiversity Conservation Act 1999* (EPBC Act).

Section 91 of the EPBC Act states *inter alia* that, within 10 business days after making a
decision on the assessment approach, the Minister must give written notice of the decision to
the appropriate Minister of the State or Territory, if the action is to be taken in a State or self-
governing Territory, and a controlling provision applies.

On 20 April 2002 a delegate for the Minister made a decision that approval was required for
the above action. In July 2002 Preliminary Information for the action was received under
section 86 and following receipt of further requested information was accepted on
7 August 2002 for decision on the assessment approach under Part 8 of the EPBC Act.

The assessment approach for the action has now been considered under the EPBC Act and I
have decided, as a delegate for the Minister, that assessment by an accredited process must
be conducted, that is the Environmental Impact Statement being conducted under the New
South Wales *Environmental Planning and Assessment Act 1979*. One of the requirements of the
accredited assessment approach includes an undertaking that the New South Wales
assessment will meet Commonwealth requirements. These include all requirements set out
in Schedule 1 to the most recent draft of the bilateral agreement between the Commonwealth
and New South Wales. This includes the need for an assessment process which includes
open public review and publication of notices in a paper of national circulation.

Yours sincerely

Malcolm Forbes
Assistant Secretary
Environment Assessment & Approvals Branch

3 September 2002

