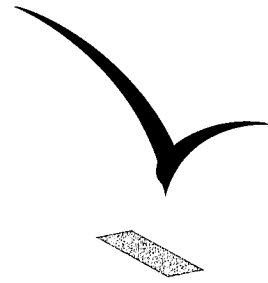


Appendix A – Director General’s Requirements



Department of
Urban Affairs and Planning

Development and Infrastructure
Assessment
Level 22, 1 Farrer Place
Sydney NSW 2000
GPO Box 3927
Sydney NSW 2001

Facsimile: 02 9391 2151

Ms Margot Jamieson
International Environmental Consultants
PO Box 555
BRIGHTON LE SANDS NSW 2216

Dear Ms Jamieson,

Proposed Kaolin Mine – EL 4192, Due North of Newnes Junction, Lithgow
Our reference: S00/00635 Pt 1

Thank you for your letter of 20 April 2000 seeking consultation with the Director-General for the preparation of an Environmental Impact Statement (EIS) for the above development. Attachment No. 1 outlines the statutory matters that must be included in any EIS under clauses 54 and 54A of the *Environmental Planning and Assessment Regulation 1994* (the Regulation). Under clause 55(1) of the Regulation, the Director-General requires the EIS to address the issues listed below. You should note however, that if the Development Application to which these requirements relate is not made within two years of the date of this letter, clause 55(7) of the Regulation requires you to consult further with the Director-General prior to lodging the application.

Specific Issues

- Details of impacts on the Blue Mountains National Park and Wollongambe Wilderness Reserve, including measures to be adopted to prevent 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.
- Details of the proposed location of the Kaolin/sand processing plant. Include an outline of the transport methods proposed to be used to transport kaolin/sand between the mine and processing plant, including the rail route and/or impacts on local and regional road networks, loading and unloading facilities and any upgrades that may need to be made to the Clarence rail loop.
- Details of any Native Title claims in relation to Crown Land.
- Details of cumulative environmental impacts.
- Consideration of objectives and relevant provisions of State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs), in particular SEPP 58 – Protecting Sydney's Water Supply and SEPP 11 - Traffic Generating Development.

- impact on flora and fauna, particularly critical habitats; threatened species, populations or ecological communities, or their habitats. The assessment should involve the following steps:
 - i) conduct baseline surveys, and consult relevant databases and listings by the Scientific Committee
 - ii) describe the types and condition of habitats in, and adjacent to, the land to be affected by the proposal
 - iii) prepare a list of species, populations or ecological communities, or their habitats, that may occur on the site, and conduct targeted surveys for these
 - iv) apply the "8 part test" (section 5A of the EP&A Act) to species, populations or ecological communities, or their habitats, that may be affected by the proposal. The EIS must justify any decision to not apply the test to all of the species, populations or ecological communities identified in step iii)
 - v) prepare a Species Impact Statement for any critical habitats, species, populations or ecological communities, or their habitats that are likely to be significantly affected by the proposal (note: An SIS must be prepared in accordance with any requirements of the Director-General of National Parks and Wildlife Service)
- Issues raised at the Planning Focus Meeting (copy of minutes are attached).

The Director-General also requires the following for all State Significant Development Applications:

- The applicant shall nominate a contact person (and telephone number) who will be made available to answer public enquiries about the proposal.
- The applicant shall consult with the community who are likely to be affected by the proposal. A report on who was consulted must be submitted with the DA, describing how the affected community was identified, consultation methods, and key issues raised by the community. This will enable the Department to assess if the approach taken was appropriate.
- The applicant shall consult with the local Council and advise the Department on the most appropriate newspapers circulating in the area affected by the proposal.

The EIS should address the detailed requirements of the Environment Protection Authority (EPA) (see attached EPA letter). The EPA requires two copies of the EIS when a development application is submitted. These documents should be lodged at the EPA's Bathurst Office.

The Department's EIS Guideline 'Extractive Industries – Quarries' and EIS Guideline 'Coal Mines and Associated Infrastructure' should also be consulted in the preparation of the EIS. The Extractive Industry Guideline is available for purchase from the Department's Information Centre, 1 Farrer Place, Sydney or by calling (02) 9391 2222. A copy of the Coal Mines and Associated Infrastructure Guideline is attached.

Where certain licences or approvals are required from bodies other than the consent authority for the proposal, the development is "integrated development" under the *Environmental Planning and Assessment Act 1979*. You identified a number of licences or approvals that you may need if you are granted development consent. If further integrated approvals are identified before the Development Application is lodged, you must conduct your own consultation with the relevant agencies to identify their requirements for the EIS.

When lodging your Development Application, you must lodge at least one copy of the Development Application and supporting documentation (including a fee of \$250) with each of the agencies from whom you need an integrated approval.


You should consult with Greater Lithgow Shire Council and take into account any comments Council may have in the preparation of the EIS. The EIS should also address other issues that emerge from consultations with relevant local, State and Commonwealth government authorities, service providers and community groups, in particular National Parks and Wildlife Service, Environment Protection Authority,

Department of Land and Water Conservation, Department of Mineral Resources, the Local Aboriginal Land Council and Local Aboriginal Tribal Council, Sydney Water Catchment Authority and Environment Australia.

Under the Commonwealth Environment Protection Biodiversity Conservation Act (EPBC Act) 1999, approval of the Commonwealth Minister for the Environment is required for actions that may have a significant impact on matters of National Environmental Significance, except in circumstances which are set out in the EPBC Act. Approval may also be required for certain actions on Commonwealth land. Approval from the Commonwealth is in addition to any approvals under NSW legislation. If you need approval under the Commonwealth Act, your EIS will be expected to assess the impacts on these matters.

Please contact David Fitzgibbon on (02) 9391 2344 if you require any further information regarding the Director-General's requirements for the EIS. For more information on the process for State Significant Development, please refer to the Department's Web site (www.duap.nsw.gov.au – look under "Projects and Services", "Development Assessment". For information on the EPBC Act, refer to Environment Australia's Web site (www.environment.gov.au).

Yours sincerely



Derek Mullins 18/5/2000
Assistant Director
Development and Infrastructure Assessment
As Delegate for the Director-General

Note: Matters of National Environmental Significance under the EPBC Act are:

- i) World Heritage properties
- ii) RAMSAR wetlands
- iii) threatened species or ecological communities listed in the EPBC Act
- iv) migratory species listed in the EPBC Act
- v) the environment in a Commonwealth marine area
- vi) nuclear actions

DEPARTMENT OF URBAN AFFAIRS AND PLANNING

Attachment No. 1

STATUTORY REQUIREMENTS FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT UNDER PART 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

In accordance with the *Environmental Planning and Assessment Act 1979* (the Act), an environmental impact statement (EIS) must meet the following requirements.

Content of EIS

Pursuant to Schedule 2 and clause 54A of the *Environmental Planning and Assessment Regulation 1994* (the Regulation), an EIS must include:

1. A summary of the environmental impact statement.
2. A statement of the objectives of the development or activity.
3. An analysis of any feasible alternatives to the carrying out of the development or activity, having regard to its objectives, including:
 - (a) the consequences of not carrying out the development or activity; and
 - (b) the reasons justifying the carrying out of the development or activity.
4. An analysis of the development or activity, including:
 - (a) a full description of the development or activity; and
 - (b) a general description of the environment likely to be affected by the development or activity, together with a detailed description of those aspects of the environment that are likely to be significantly affected; and
 - (c) the likely impact on the environment of the development or activity, having regard to:
 - (i) the nature and extent of the development or activity; and
 - (ii) the nature and extent of any building or work associated with the development or activity; and
 - (iii) the way in which any such building or work is to be designed, constructed and operated; and
 - (iv) any rehabilitation measures to be undertaken in connection with the development or activity; and
 - (d) a full description of the measures proposed to mitigate any adverse effects of the development or activity on the environment.
5. The reasons justifying the carrying out of the development or activity in the manner proposed, having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.
6. A compilation, (in a single section of the environmental impact statement) of the measures referred to in item 4(d).
7. A list of any approvals that must be obtained under any other Act or law before the development or activity may lawfully be carried out.
8. For the purposes of Schedule 2, the principles of **ecologically sustainable development** are as follows:
 - (a) The precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
 - (b) Inter-generational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
 - (c) Conservation of biological diversity and ecological integrity.
 - (d) Improved valuation and pricing of environmental resources.

Note

The matters to be included in item (4)(c) might include such of the following as are relevant to the development or activity:

- (a) the likelihood of soil contamination arising from the development or activity;
- (b) the impact of the development or activity on flora and fauna;
- (c) the likelihood of air, noise or water pollution arising from the development or activity;
- (d) the impact of the development or activity on the health of people in the neighbourhood of the development or activity;
- (e) any hazards arising from the development or activity;
- (f) the impact of the development or activity on traffic in the neighbourhood of the development or activity;

- (g) the effect of the development or activity on local climate;
- (h) the social and economic impact of the development or activity;
- (i) the visual impact of the development or activity on the scenic quality of land in the neighbourhood of the development or activity;
- (j) the effect of the development or activity on soil erosion and the silting up of rivers or lakes;
- (k) the effect of the development or activity on the cultural and heritage significance of the land.

An environmental impact statement referred to in Section 78A(8) of the Act shall be prepared in written form and shall be accompanied by a copy of Form 2 of the Regulation signed by the person who has prepared it.

Procedures for public exhibition of the EIS are set down in clauses 57 to 61 of the Regulation.

Attention is also drawn to clause 115 of the Regulation regarding false or misleading statements in EISs.

Note

If the development application to which the EIS relates is not exhibited within 2 years from the date of issue of the Director-General's requirements, under clause 55(7) of the Regulation the proponent is required to reconsult with the Director-General.

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Major Development Assessment
Level 4, 20 Lee Street
SYDNEY NSW 2000

Mr Robert Byrnes
Director
International Environmental Consultants Pty Ltd
PO Box 555
BRIGHTON-LE-SANDS NSW 2216

Dear Robert,

Re: Proposed Newnes Kaolin Mine – Greater Lithgow Local Government Area
File Ref: S00/00635

I refer to your request for further consultation with our Director-General in respect to the requirements for the preparation of the Environmental Impact Statement (EIS) for the Newnes Kaolin project.

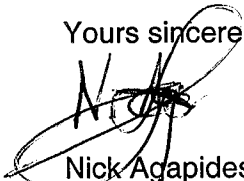
As you are aware, the Department previously issued Director-General's Requirements (DGRs) for the preparation of the EIS for this project on 18 May 2000. However, in accordance with Clause 73(6) of the *Environmental Planning and Assessment Act 2000*, as the Development Application (DA) and EIS were not lodged within two years of the date of these DGRs, you were required to reconsult the Department prior to lodging the application.

The Department has now had the opportunity to review these requirements and also to reconsult with other agencies that may have an interest in this project. Following this review and consultation, the Department is generally satisfied that the DGRs as previously issued adequately describe the matters to be addressed in the EIS, subject to the inclusion of the matters outlined in Attachment 1. Also attached is the correspondence provided by agencies following our request for their review of the original DGRs. It would be appreciated if you could ensure that all matters raised in the original correspondence are addressed along with those matters specified herein.

It is advised that you consult with the Department prior to the lodgement of the DA to establish the appropriate fees for the proposal and other administrative requirements.

Should you have any further queries regarding these requirements please contact Stacy Warren on 9762 8157.

Yours sincerely,

 4/3/03.

Nick Agapides
Manager

Mining and Extractive Industries
Major Development Assessment

ATTACHMENT NO.1 – ADDITIONAL MATTERS TO BE ADDRESSED IN THE EIS

1. Visual Impact - particular attention should be given to the visual impact of the proposal, including an assessment of the proposal from the Blue Mountains National Park, and the cumulative visual impact with other development located in the Newnes Junction and Clarence areas.
2. Access - an assessment of the proposed means of access to the site for employees and consideration of how the development will interact with the transport systems currently operating from the Clarence Rail loop.
3. Final land use - consideration of the final land use of the site, with attention to security and safety issues.
4. Environment Protection and Biodiversity Conservation Act 1999 – since the preparation of the original DGRs, Environment Australia has determined the proposal to be a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* due to potential impacts on the Blue Mountains World Heritage Area. It is noted that since the original DGRs were issued the Blue Mountains National Park and the Wollemi Wilderness Area have been declared part of the Blue Mountains World Heritage Area.

Environment Australia has also accredited the NSW assessment process. This means that even though the proposal requires Commonwealth approval, the assessment will generally be undertaken in accordance with the relevant provisions of Part 4 of the *NSW Environmental Planning and Assessment Act 1979* (the Act).

Environment Australia has indicated that the existing DGRs are adequate to address matters of Commonwealth significance. However it is requested that you provide detailed information on these matters as they relate to the Project in relevant sections throughout the EIS. You are advised to consult with Environment Australia on this matter should you require additional information on these requirements.

5. Flora and fauna - as previously advised the EIS should include a comprehensive assessment of potential direct and indirect impacts on flora and fauna and their habitats. This assessment should however be updated to address threatened species listed since the previous EIS requirements were issued and species which have since been recorded in the areas. These may include but not be limited to:
 - a. Blue Mountains water Skink; and
 - b. Bathurst Copper Butterfly.
6. Aboriginal cultural heritage assessment - in accordance with the attached NPWS guidelines: *General Guidelines for Impact Assessment* and the *Aboriginal Cultural Heritage and the Integrated Development Assessment Process*.
7. A greenhouse gas assessment - incorporating the following:
 - a. a quantitative model showing the tonnages of each greenhouse gas produced per year. These figures should be expressed as a percentage of the total national greenhouse gasses produced for that year;
 - b. a discussion of the types of greenhouse gases being emitted;
 - c. a discussion of the alternative options considered for:
 - * - the chosen fuel source used, and

- the technology adopted to reduce greenhouse gas emissions;
- d. justification for the chosen fuel source and technology in terms of greenhouse gas emissions.

8. Superseding legislation – please be aware that the *Environmental Planning and Assessment Regulation 1994* has now been superseded by the *Environmental Planning and Assessment Regulations 2000 (the Regulations)*. The current regulations have introduced a new fee structure for the lodgement of DAs. You are advised to consult with the Department prior to lodging the application to ascertain the correct fee for processing of this application.

As a guide, when you lodge a DA for the proposal, you must include:

- A cheque for the DA fee and advertising (see Clauses 246 & 252 of the Regulations), made payable to the Department;
- A cheque for \$715, made payable to the Department, for designated development;
- A cheque for \$250, made payable to each of the integrated approval bodies; and
- A cheque for \$110, made payable to the Department, for integrated development administration.