

COMMONWEALTH OF AUSTRALIA

*ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999*

DECISION TO APPROVE THE TAKING OF AN ACTION

Pursuant to section 133 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, VICKI JANE DICKMAN, Assistant Secretary, Environment Assessment Branch, a delegate for the purposes of section 133, approve the taking of the following action:

The proposed action to develop, operate and decommission an open pit mining operation to extract and primary crush friable sandstone, and associated works, at Newnes Junction, on the Newnes Plateau, approximately 10km east of Lithgow, NSW (EPBC Reference No. 2002/620) by Newnes Kaolin Pty Ltd subject to the conditions set out in ANNEXURE 1.

This approval has effect for:

sections 12 and 15A (World Heritage) of the *Environment Protection and Biodiversity Conservation Act 1999*

sections 18 and 18A (Listed threatened species and communities) of the *Environment Protection and Biodiversity Conservation Act 1999*

This approval has effect until 30 May 2031.

Dated this 22<sup>nd</sup> day of August 2006



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VICKI JANE DICKMAN  
ASSISTANT SECRETARY  
ENVIRONMENT ASSESSMENT BRANCH

## ANNEXURE 1

1. The person taking the action must submit for the Minister's approval a plan to identify and manage the 100 meter buffer zone between the construction site and the Greater Blue Mountains World Heritage area (GBM WHA). Construction may not commence until the plan is approved. The approved plan must be implemented.
2. The person taking the action must submit for the Minister's approval a plan to monitor and mitigate the impacts of water discharges on the GBM WHA. The plan must include:
  - a. the description of a water management system to retain on site at least a 1 in 500 years 72 hour storm event for all disturbed areas of the site at all stages in development;
  - b. a water quality program to monitor and control water releases from the site, such that water is treated and not released unless is at ANZECC Code Standards;
  - c. an incident reporting schedule to report any breach of the water management system with details of; immediate action to be taken; notification to the Department of the Environment and Heritage (DEH) within 24 hours; and a report to DEH with 7 days;
  - d. methods to minimise soil erosion;
  - e. the development and implementation of a monitoring program including performance criteria against which the effectiveness of this plan can be measured; and
  - f. a process to review and report on this plan.

Construction may not commence until the plan is approved. The approved plan must be implemented.

3. The person taking the action must submit for the Minister's approval a rehabilitation management plan that includes monitoring of performance of rehabilitation and a reporting schedule. Construction may not commence until the plan is approved. The approved plan must be implemented.
4. The person taking the action must submit for the Minister's approval, feral animal, weed, and sediment management plans that include monitoring of performance and a reporting schedule. Construction may not commence until these plans are approved. The approved plans must be implemented.
5. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.

6. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans, reports or strategies referred to in paragraphs 1, 2, 3 and 4, the person taking the action may submit for the Minister's approval a revised version of any such plan, report or strategy. If the Minister approves such a revised plan, report or strategy, that plan, report or strategy must be implemented in place of the plan, report or strategy originally approved.
7. If the Minister believes that it is necessary or desirable for the better protection of the World Heritage Area, the Minister may request that the person taking the action make specified revisions to the plans, reports or strategies approved pursuant to paragraphs 1, 2, 3 and 4 and submit the revised plan, report or strategy for the Minister's approval. The person taking the action must comply with any such request. The revised approved plan, report or strategy must be implemented.
8. If, at any time after 5 years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of the Newnes Kaolin Sand Mine, the Newnes Kaolin Sand Mine must not thereafter be commenced without the written agreement of the Minister.