

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.



David Kitto
Director
Mining & Industry Projects

Sydney **5 NOVEMBER** 2010

SCHEDULE 1

The development consent (DA 329-7-2003), granted by the Minister for Planning for the Newnes Kaolin Mine on 14 March 2006.

SCHEDULE 2

1. In the "Definitions" section on page 3, delete the definitions of DECC, DEH, DNR, DPI, DWE and EIS, and insert in alphabetical order the following:

Application for Mod 1	The letter from Newnes Kaolin Pty Ltd, c/- Allens Arthur Robinson, dated 29 October 2010
DECCW	Department of Environment, Climate Change and Water
DEWHA	Department of the Environment, Water, Heritage and the Arts
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement – Multi-Commodity Sand Extraction and Kaolin Project for Supply of Construction Materials to the Sydney Region from Newnes Plateau</i> , dated May 2003 and Supplementary Report titled <i>Supplementary Information</i> , dated April 2005
I&I NSW	Industry and Investment NSW
NOW	NSW Office of Water

2. Delete all references to "DECC" and replace with "DECCW".
3. Delete all references to "DEH" and replace with "DEWHA"
4. Delete all references to "DPI", and replace with "I&I NSW".
5. Delete all references to "DNR", and replace with "NOW".
6. Delete conditions 2 and 3 of schedule 2 and insert the following:
 2. The Proponent shall carry out the development generally in accordance with the:
 - (a) EIS;
 - (b) application for Mod 1; and
 - (b) conditions of this approval.

Note: The general layout of the project is shown in Appendix 1.
 3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
7. In condition 18 of schedule 3, delete all words prior to 'This plan', and insert the following:

The Applicant shall prepare and implement a Water Management Plan for the development in consultation with NOW and to the satisfaction of the Director-General. This plan must be submitted to the Director-General for approval prior to carrying out any development.

8. In condition 23 of schedule 3, delete "Each year from the date of this consent," and replace with "Within 12 months of approval of the Water Management Plan, and annually thereafter,".
9. Prior to condition 1 of schedule 4, insert the following:
 - A1. By 15 November 2010, the Applicant shall notify the owners of the land listed in Table 1 of schedule 3 in writing that they have the right to require the Applicant to acquire their land at any stage during the project, in accordance with the provisions of Conditions 7–9 below.
10. In condition 5 of schedule 5, delete "Each year, following the date of this consent" and replace with "Within 12 months of the commencement of construction activities, and annually thereafter".
11. Delete the second condition 8 of Schedule 5 and insert the following:

ENVIRONMENTAL MANAGER

- 8A Prior to carrying out any development, the Applicant shall employ a suitably qualified and experienced Environmental Manager, whose appointment has been endorsed by the Director-General, for the duration of the development to oversee the environmental performance of the development and compliance with the conditions of this consent.
12. In condition 9 of schedule 5, delete "Within 3 months of the date of this consent, the Applicant shall establish" and replace with "At least 3 months prior to carrying out any development, the Applicant shall establish and hold the first meeting of".