

Notice of Modification

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

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

Howard Reed

Howard Reed
Director
Resource Assessments

Sydney

19 February

2016

SCHEDULE 1

The project approval (05_0103) granted by the Minister for Planning, for the Cudgen Lakes Sand Extraction Project on 16 June 2009.

SCHEDULE 2

1. In Schedule 1, add the letter "B" after the project application number "05_0103" to read "05_0103B".
2. In the Table of Contents, under the words "Production Data" insert the words "Temporary Processing Area".
3. In the Table of Contents delete the words "PROJECT SITE" and replace with "PROJECT LAYOUT PLANS".
4. In the list of Definitions, delete the definitions for "AEMR", "Department", "Director-General", "DWE", "Project" and "RTA", and insert the following in alphabetical order:

Annual Report
Department
DPI – Water
MOD 1 EA

The report required by condition 5 of Schedule 5
Department of Planning and Environment
Department of Primary Industries - Water
Modification application 05_0103 MOD 1 and accompanying documents titled
Environmental Assessment for the Modification of PA 05_0103, prepared by R
W Corkery & Co Pty Limited and dated December 2015, including the
Response to Submissions dated January 2016
The development as described in the EA and MOD 1 EA
Roads and Maritime Services
Secretary of the Department, or nominee
Temporary Processing Area, as described in MOD 1 EA and depicted in
Figure 3 in Appendix 1

Project
RMS
Secretary
Temporary Processing Area

5. Delete all references to "AEMR" and replace with "Annual Report".
6. Delete all references to "Director-General" and replace with "Secretary".
7. Delete all references to "DWE" and replace with "DPI – Water".
8. Delete all references to "RTA" and replace with "RMS".
9. In Schedule 2, delete both conditions numbered "3" and replace with the following:
 3. The Proponent shall:
 - (a) carry out the project generally in accordance with the EA, MOD 1 EA and the Project Layout Plans; and
 - (b) comply with the conditions of this approval and the Statement of Commitments.

Notes:

- The Project Layout Plans are shown in Appendix 1.

- *The Statement of Commitments is reproduced in Appendix 2.*

3A. If there is any inconsistency between the documents in condition 3, the most recent documents shall prevail to the extent of the inconsistency. The conditions of this approval shall prevail over documents in condition 3(a) to the extent of any inconsistency.

10. In conditions 7 and 9 of Schedule 3:

- (a) delete the words "and implement" after the words "shall prepare"; and
- (b) at the end of the condition, insert the following:

The Proponent shall implement the approved monitoring program as approved from time to time by the Secretary.

11. After condition 18, insert the following:

18A. The Proponent shall ensure the pad of the temporary processing area does not exceed a height of 1.8 m AHD.

12. In conditions 19, 28 and 33 of Schedule 3:

- (a) delete the words "and implement" after the words "shall prepare"; and
- (b) at the end of the condition, insert the following:

The Proponent shall implement the approved management plan as approved from time to time by the Secretary.

13. In condition 36 of Schedule 3:

- (c) delete the words "and implement" after the words "shall prepare"; and
- (d) at the end of the condition, insert the following:

The Proponent shall implement the approved safety plan as approved from time to time by the Secretary.

14. After condition 48, insert the following:

TEMPORARY PROCESSING AREA

49. The Proponent shall ensure that the office facilities for the temporary processing area:

- (a) are designed with ventilation emanating from the side facing away from the Kingscliff Waste Water Treatment Plant; and
- (b) have air conditioning facilities installed prior to occupation.

15. In condition 1 of Schedule 5:

- (a) delete the words "and implement" after the words "shall prepare"; and
- (b) at the end of the condition, insert the following:

The Proponent shall implement the approved strategy as approved from time to time by the Secretary.

16. In Appendix 1:

- (a) delete the words "Project Site" and replace with "Project Layout Plans"; and
- (b) immediately following the first figure, insert the title "Figure 1 – Application Areas";
- (c) Immediately following the second figure, insert the title "Figure 2 – "Extraction Site Layout";
- (d) after the second figure, insert the following:

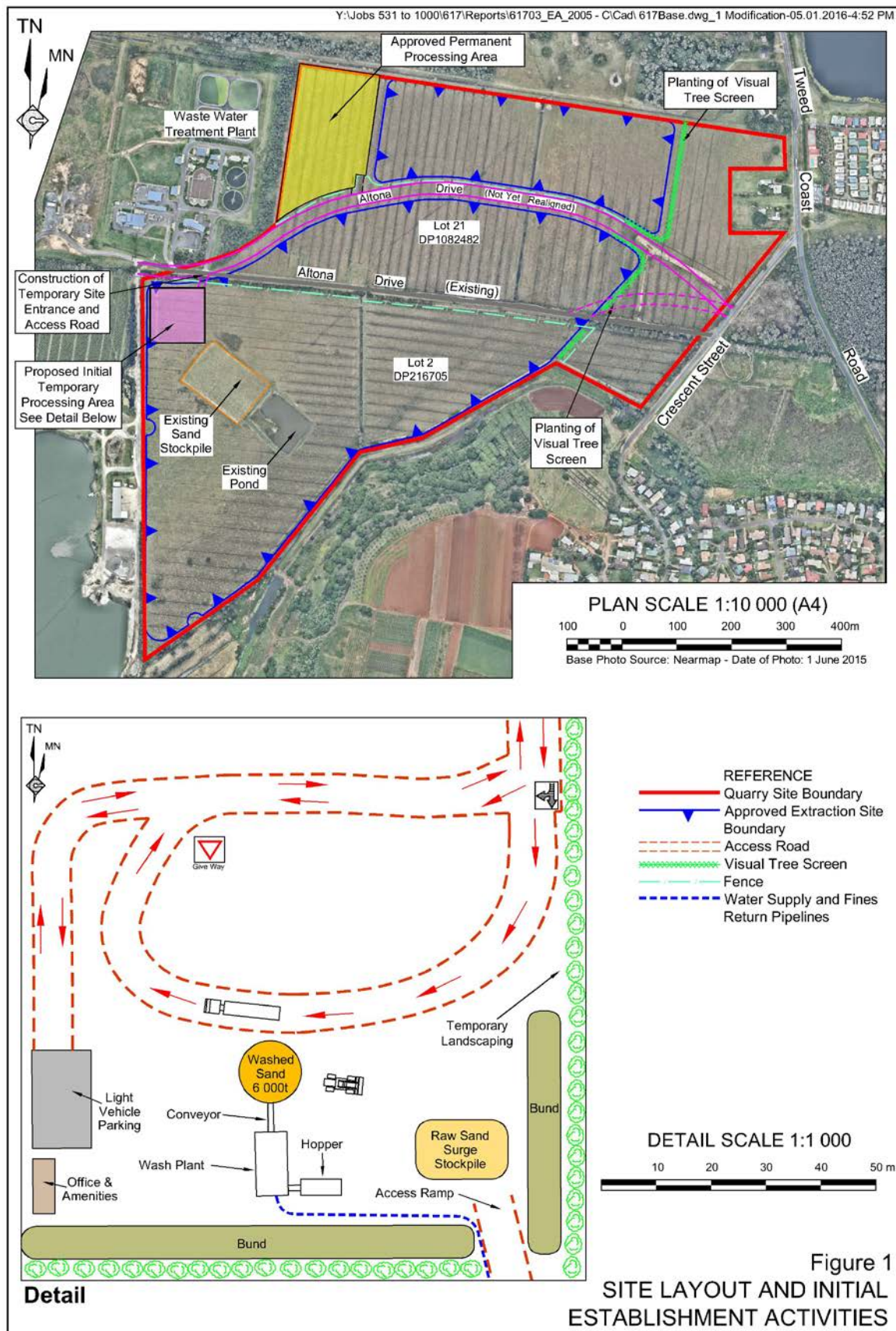


Figure 3 – Temporary Processing Area