

Development Consent

Section 75J of the Environmental Planning and Assessment Act 1979

I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedules 2 to 5.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

The Hon Kristina Keneally MP
Minister for Planning

Sydney

16 June 2009

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application Number: MP05_0103B

Applicant: Gales Kingscliff Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

Site: Extraction Area:
Lot 21 DP1082482, Lot 51 DP1268405, part
Altona Road road reserve

Pipeline Routes:
Lots 1 and 3 DP828298, Lots 26C and 26D
DP10715, Lots 11 and 12 DP871753, Lot 1
DP1075645, Tweed Coast Road road reserve,
Crescent Steet road reserve, Lot 4 DP727425,
Road reserve between Lot 26D DP10715 and Lot
11 DP871753, Elrond Drive road reserve, Turnock
Street road reserve

Development: Cudgen Lakes Sand Quarry

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MP05_0103B-MOD-1	19 February 2016	Department	Addition of a 1 ha processing area south of Altona Road.
MP05_0103B-MOD-2	22 January 2019	Department	Consolidating the northern and southern extraction areas into a single extraction area and increasing the final lake batters.
MP05_0103B-MOD-4	15 April 2026	Department	Realignment of extraction pond, increased road haulage of quarry products and increased importation of fill material.

CONSOLIDATED CONSENT

DEFINITIONS

AHD	Australian Height Datum
Annual Review	The review required by condition 13 of Schedule 5
Applicant	Gales Kingscliff Pty Ltd, or any person carrying out any development to which this consent applies
ASSM	Acid sulfate soil material
CCC	Community Consultative Committee
Conditions of this consent	Conditions contained in Schedules 2 to 5 of this document
Construction	The demolition of buildings or works, carrying out of works and erection of buildings covered by this consent
Council	Tweed Shire Council
CPHR	NSW DCCEEW Conservation Programs Heritage and Regulation
Day	The period from 7:00am to 6:00pm on Monday to Saturday, and 8:00am to 6:00pm on Sundays and Public Holidays
Department	NSW Department of Planning, Housing and Infrastructure
EA	The Environmental Assessment titled <i>Environmental Assessment of the Cudgen Lakes Sand Extraction Project</i> , prepared by R.W. Corkery & Co Limited, dated May 2008 and the associated Response to Submissions titled Cudgen Lakes Sand Extraction Project Response to Public and Government Agency Submissions, prepared by R.W. Corkery & Co Limited, dated August 2008
EA (Mod 1)	The Environmental Assessment titled Environmental Assessment for the Modification of PA 05_0103, prepared by R.W. Corkery & Co Limited and dated December 2015, and associated Response to Submission titled Cudgen Lakes Sand Quarry – Response to Council Comments, dated January 2016
EA (Mod 2)	The Environmental Assessment titled Environmental Assessment for Modification No. 2 of PA 05_0103B, prepared by R. W. Corkery & Co Limited, and the associated Response to Submissions, dated September 2018
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
ENM	Excavated natural material, as defined in the POEO Act
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6:00pm to 10:00pm
Feasible	Means what is possible and practical in the circumstances

CONSOLIDATED CONSENT

Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: “material harm” is defined in this consent
Laden Trucks	Trucks transporting quarry products or materials to or from the site
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act, except where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this consent, where it is defined as the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$50,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the project
Modification 2	The modification as described in EA (Mod 2)
Modification 4	The modification as described in MR (Mod 4)
MR (Mod 4)	The Modification Report titled <i>Modification Report for the Cudgen Lakes Sand Quarry Modification 4</i> , prepared by R.W. Corkery and Co Limited and dated June 2025, the associated Submissions Report titled <i>Submissions Report for the Cudgen Lakes Sand Quarry Modification 4</i> , prepared by R.W. Corkery and Co Limited and dated December 2025 and the Applicant’s additional information responses in support of the modification application and included in Appendix A of the Department’s assessment report on Cudgen Lakes Sand Quarry Modification 4, dated March 2026
NCC	National Construction Code
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10:00pm to 7:00am on Monday to Saturday, and 10:00pm to 8:00am on Sundays or Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Operation	The carrying out of the approved purpose of the development upon completion of construction
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary)

CONSOLIDATED CONSENT

Project	The development described in the EA, EA (Mod 1), EA (Mod 2), and MR (Mod 4) including the works and activities comprising internal demolition, construction and public domain works, as modified by the conditions of this consent
Project layout	The plan at Appendix 1 of this consent
Public infrastructure	Linear and other infrastructure that provides services to the general public, such as roads, railways, water supply drainage, sewerage, gas supply, electricity, telecommunications, etc.
Quarrying operations	The extraction, processing, stockpiling and transportation of extractive materials carried out on the site and the associated removal, storage and/or emplacement of vegetation, topsoil and overburden
Quarry products	Includes all saleable quarry products, but excludes tailings, other wastes and rehabilitation material
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the project to a good condition, to ensure it is safe, stable and non-polluting
TfNSW	Transport for New South Wales
Shoulder	The period from 6:00am to 7:00am
Site	The land described in Schedule 1
Site establishment	Includes preparatory works for sand processing and dredging operations as described in the EA
Statement of commitments	The Applicant's commitments in Appendix 2
VENM	Virgin excavated natural material, as defined in the POEO Act
Water Group	Water Group within NSW DCCEEW

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance measures and criteria established under this [consent](#), the [Applicant](#) must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the project, and any rehabilitation required under this [consent](#).

TERMS OF CONSENT

2. The [Applicant](#), in acting on this [consent](#), must carry out the project in accordance with:
 - (a) the conditions of this [consent](#); and
 - (b) all written directions of the [Planning Secretary](#).
3. The [Applicant](#), in acting on this [consent](#), must carry out the project generally in accordance with the EA, EA (Mod 1), EA (Mod 2), [MR \(Mod 4\)](#) and project layout.
4. The conditions of this [consent](#) and directions of the [Planning Secretary](#) prevail to the extent of any inconsistency, ambiguity or conflict between them and a document referenced in condition 3 of this Schedule. In the event of an inconsistency, ambiguity or conflict between any of the documents referenced in condition 3 of this Schedule, the most recent document prevails.
5. Consistent with the requirements of this [consent](#), the [Planning Secretary](#) may make written directions to the [Applicant](#) in relation to:
 - (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this [consent](#), including those that are required to be, and have been, approved by the [Planning Secretary](#); and
 - (b) the implementation of any actions or measures contained in any such document referred to in (a) above.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of [consent](#) or direction of the [Planning Secretary](#), and a document, if it is not possible to comply with both the condition or direction, and the document.

LIMITS ON CONSENT

Quarrying Operations

6. The [Applicant](#) may carry out quarrying operations on the site until 31 December 2047.

Note: Under this [consent](#), the [Applicant](#) is required to rehabilitate the site and carry out additional requirements and undertakings to the satisfaction of the [Planning Secretary](#). Consequently, this [consent](#) will continue to apply in all respects other than the right to conduct quarrying operations until the rehabilitation of the site and those requirements and undertakings have been carried out to the standard required by the applicable conditions.
7. The [Applicant](#) must not undertake extraction of extractive materials to a depth greater than -20 metres AHD.
8. The [Applicant](#) must not extract more than 650,000 cubic metres of quarry products from the site in any financial year.

Quarry Product Transport

9. The [Applicant](#) must not transport more than 500,000 tonnes of quarry products from the site by road in any financial year.
10. The [Applicant](#) must not import more than 150,000 tonnes of VENM, ENM, or material that otherwise meets the requirements of an applicable Resource Recovery Order and Exemption that provides for the material to be received for processing or application to land, to the site in any financial year. The [Applicant](#) must ensure that all material imported to the site does not contain other waste which is not approved for importation.
11. Prior to the realignment of Altona Road, the [Applicant](#) must not dispatch more than 42 trucks per hour from the site in any hour during the hours specified in Table 1, of which not more than 30 trucks per hour may exit the site via the Eastern Access, and not more than 12 trucks per hour may exit the site via the Western Access, as shown in Appendix 1.

Note: The limit of 30 trucks per hour exiting the site via the Eastern Access is a combined total of trucks exiting the site for the transportation of quarry products and trucks exiting the site for filling operations approved under DA 22/0145.

12. Following the realignment of Altona Road, the Applicant must not dispatch more than 42 laden trucks from the site in any hour, during the hours specified in Table 1.

Hours of Operation

13. The Applicant must comply with the operating hours set out in Table 1.

Table 1: Operating Hours

Activity	Permissible Hours
Site establishment, dry processing, product transport by road, VENM receipts, other quarrying operations not specified in this table	<ul style="list-style-type: none"> 7.00 am to 6.00 pm Monday to Friday 7.00 am to 1.00 pm Saturday At no time on Sundays or public holidays
Sand extraction by dredging and pumping to the processing plant, wet processing.	<ul style="list-style-type: none"> 7.00 am to 10.00 pm Monday to Friday 7.00 am to 4.00 pm Saturday At no time on Sundays or public holidays
Sand extraction by dredging and pumping to fill sites.	<ul style="list-style-type: none"> 7.00 am to 6.30 pm Monday to Friday 7.00 am to 1.00 pm Saturday At no time on Sundays or public holidays
Operation of dredge to fill pipeline with water or pipeline flushing	<ul style="list-style-type: none"> 6.30 am to 7.00 pm Monday to Friday 6.30 am to 1.30 pm Saturday At no time on Sundays or public holidays
Maintenance (if inaudible at neighbouring residences)	Any day

14. The following activities may be carried out outside the hours specified in condition 13 above:
- delivery or dispatch of materials as requested by Police or other public authorities; and
 - emergency work to avoid the loss of lives, property or to prevent environmental harm.

In such circumstances, the Applicant must notify the Planning Secretary and affected residents prior to undertaking the activities, or as soon as is practical thereafter.

STRUCTURAL ADEQUACY

15. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the NCC.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works; and
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

DEMOLITION

16. The Applicant must ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

17. Unless the Applicant and the applicable authority agree otherwise the Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

Note: This condition does not apply to damage to roads caused as a result of general road usage or as otherwise addressed by contributions required by condition 19 of Schedule 2.

OPERATION OF PLANT AND EQUIPMENT

18. The Applicant must ensure that all the plant and equipment used at the site, or to monitor the performance of the project is:
- maintained in a proper and efficient condition; and
 - operated in a proper and efficient manner.

CONTRIBUTIONS

19. In addition to the cost-sharing arrangements for the maintenance of Altona Road, as required by condition 28 of Schedule 3, the Applicant must make quarterly financial contributions to Council towards the maintenance of other roads used for the haulage of quarry products (as per condition 9) and importation of material (as per condition 10), where Council is the roads authority under the *Roads Act 1993*. The contributions must be determined in accordance with the Tweed Shire Council Section 7.11 Contribution Plan No. 32 – Developer Contributions for Heavy Haulage (including any update or revised version of this plan) for local roads within the local government area. These contributions may be varied by Council taking into account other relevant contributions or agreements.

COMPLIANCE

20. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the project.

PRODUCTION DATA

21. The Applicant must:
- from the commencement of quarrying operations provide annual quarry production data to [NSW Resources](#) using the standard form for that purpose; and
 - include a copy of this data in the Annual Review.

LIMITS OF EXTRACTION

22. The Applicant must ensure that the surveyed boundaries of the approved limits of extraction are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.

Note: The limit of extraction includes the area described in the documents listed in condition 3 of Schedule 2, and shown conceptually on the project layout plan in Appendix 1.

EXTRACTION WITHIN COMPENSATORY DCP BIODIVERSITY OFFSET PLANTING AREA

- 22A. Prior to extracting within the Compensatory DCP Biodiversity Offset Planting Area within Lot 51 DP1082482, shown as 'DCP Offset Planting Area' on Figure 3 in Appendix 1 of this consent, the Applicant must, in consultation with Council, either:
- provide an alternative compensatory offset planting area of equal size to the area shown on Figure 3 in Appendix 1; or
 - make other suitable equivalent offset arrangements within the Kingscliff Locality Area (as identified in Figure 1.3 of Tweed Development Control Plan Part B26 – Kingscliff); or
 - demonstrate that the offset planting area is no longer required; to the satisfaction of the Planning Secretary.

PIPELINE CORRIDOR

23. Prior to commencing work to install pipelines in the pipeline corridors (shown conceptually in Appendix 1), the Applicant must submit for the approval of the Planning Secretary:
- a survey plan of the route of the pipeline;
 - evidence that this route does not require native vegetation clearing;
 - evidence that the fill sites have approval for filling; and
 - in relation to the eastern pipeline:
 - evidence that any vegetation cleared from the eastern pipeline corridor following the date of this consent has been lawfully carried out in accordance with another approval;
 - details of proposed measures to protect vegetation during pipeline installation, operation and removal; and
 - details of measures, developed in consultation with CPHR, to provide opportunities for the Wallum Froglet to cross the eastern pipeline.
24. The Applicant must maintain the pipelines, ensuring that any leak or maintenance issues are detected and repaired to the satisfaction of the Planning Secretary.

PROCESSING AREAS

25. The Applicant must ensure that the office facilities for the processing areas:

- (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.

**SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS**

NOISE

Operational Noise Criteria

1. The **Applicant** must ensure that the noise generated by the project does not exceed the criteria in Table 2 at any residence on privately-owned land.

Table 2: Noise criteria dB(A)

Receiver	Day and Evening <i>L_{Aeq} (15 minute) dB(A)</i>	Shoulder <i>L_{Aeq} (15 minute) dB(A)</i>
Residences on privately owned land	47	44

Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Industrial Noise Policy*. Appendix 3 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

However, the noise criteria in Table 2 do not apply if the **Applicant** has an agreement with the relevant landowner to exceed the noise criteria, and the **Applicant** has advised the Department in writing of the terms of this agreement.

Cumulative Noise Criteria

2. The **Applicant** must take all reasonable and feasible measures to ensure that noise generated by the project combined with the noise generated by other industrial development does not exceed the following amenity criteria on any privately-owned land, to the satisfaction of the **Planning** Secretary:
 - (a) *L_{Aeq}* (11 hour) 50 dB(A) – Day;
 - (b) *L_{Aeq}* (4 hour) 45 dB(A) - Evening and
 - (c) *L_{Aeq}*(9 hour) 40 dB(A) - Night

Operating Conditions

3. The **Applicant** must:
 - (a) implement best practice management to minimise the construction, operational and road transportation noise of the project;
 - (b) minimise the noise impacts of the project during meteorological conditions when the noise criteria in this **consent** do not apply (see Appendix 3);
 - (c) carry out attended noise monitoring (at least every 3 months or as otherwise agreed by the **Planning** Secretary) to determine whether the project is complying with the operational noise criteria in Table 2 (see Appendix 3); and
 - (d) regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this **consent**, to the satisfaction of the **Planning** Secretary.

*Note: Monitoring under this **consent** is not required at all residences and the use of representative monitoring locations can be used to demonstrate compliance with criteria, if agreed to by the **Planning** Secretary.*

Noise Management Plan

4. The **Applicant** must prepare a Noise Management Plan for the project to the satisfaction of the **Planning** Secretary. This plan must:
 - (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the **Planning** Secretary;
 - (b) be submitted to the **Planning** Secretary for approval within three months of the determination of Modification 4;
 - (c) be prepared in consultation with the EPA;
 - (d) describe the measures to be implemented to ensure:
 - compliance with the noise criteria and operating conditions of this **consent**;
 - best practice management is being employed; and
 - the noise impacts of the project are minimised during meteorological conditions under which the noise criteria in this **consent** do not apply (see Appendix 3);
 - (e) describe the proposed noise management system; and
 - (f) include a monitoring program to be implemented to measure noise from the project against the noise criteria in Table 2, and which evaluates and reports on the effectiveness of the noise management system on site.

The [Applicant](#) must implement the Noise Management Plan as approved from time to time by the [Planning Secretary](#).

AIR QUALITY

Air Quality Impact Assessment Criteria

5. The [Applicant](#) must ensure that particulate matter emissions generated by the project do not cause exceedances of the criteria in Table 3 at any residence on privately-owned land.

Table 3: Air quality criteria

Pollutant	Averaging Period	Criterion	
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a,c} 25 µg/m ³	
	24-hour	^b 50 µg/m ³	
Particulate matter < 2.5 (PM _{2.5})	Annual	^{a, c} 8 µg/m ³	
	24-hour	^b 25 µg/m ³	
Total suspended particulates (TSP)	Annual	^{a,c} 90 µg/m ³	
^d Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes:

- a* Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources).
- b* Incremental impact (i.e. incremental increase in concentrations due to the project on its own).
- c* Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the [Planning Secretary](#).
- d* Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

Operating Conditions

6. The [Applicant](#) must:
- implement best management practice to minimise the dust emissions of the project, including routinely watering haul roads being used by heavy vehicles and equipment;
 - regularly assess meteorological and air quality monitoring data to guide the day-to-day planning of operations and implementation of air quality mitigation measures to ensure compliance with the relevant conditions of this [consent](#);
 - minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see Note c to Table 3 above);
 - monitor and report on compliance with the relevant air quality conditions in this [consent](#); and
 - minimise surface disturbance of the site, other than as permitted under this [consent](#), to the satisfaction of the [Planning Secretary](#).

Air Quality Management Plan

7. The [Applicant](#) must prepare an Air Quality Management Plan for the project to the satisfaction of the [Planning Secretary](#). This plan must:
- be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the [Planning Secretary](#);
 - be prepared in consultation with the EPA;
 - be submitted to the [Planning Secretary](#) within three months of the determination of [Modification 4](#);
 - describe the measures to be implemented to ensure:
 - compliance with the air quality criteria and operating conditions of this [consent](#);
 - best practice management is being employed; and
 - the air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events;
 - describe the air quality management system in detail; and
 - include an air quality monitoring program that:
 - is capable of evaluating the performance of the project against the air quality criteria;
 - adequately supports the air quality management system; and
 - includes a protocol for determining any exceedances of the air quality criteria.

The **Applicant** must implement the Air Quality Management Plan as approved from time to time by the **Planning** Secretary.

Meteorological Monitoring

8. For the life of the project, the **Applicant** must ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* guideline.

Greenhouse Gas Emissions

9. The **Applicant** must implement all reasonable measures to minimise the release of greenhouse gas emissions from the site.

SOIL AND WATER

Water Supply

10. The **Applicant** must ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of operations under this **consent** to match its available water supply.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the **Applicant** is required to obtain all necessary water licences for the project.

Water Discharges

11. The **Applicant** must comply with the discharge limits in any EPL for the site, or with section 120 of the POEO Act.

Fines Management

12. The **Applicant** must ensure that:
 - (a) no potential acid sulfate soil is removed from the site, unless adequately neutralised in accordance with methods approved under the Soil and Water Management Plan (see condition 18 below);
 - (b) all excavated potential acid sulfate soil fines material is discharged into the dredge pond at a depth greater than 3 metres below the water surface as soon as possible to prevent oxidisation; and
 - (c) all fines are deposited to a final depth of at least 8 metres below the water surface, unless an alternative method(s) is approved by the EPA and the **Planning** Secretary.

Note: Acid sulfate soils are as defined in the NSW Acid Sulfate Soils Manual.

Dredge Pond Water Level

- 12A. The **Applicant** must not undertake dredging if the water level in the dredge pond(s) falls below -1.5m AHD.

Flood Management

13. All earthworks, including drainage and bunding works, must be contained wholly within the site.
14. The **Applicant** must cease dredging and processing activities not less than 24 hours prior to the commencement of overflow from any dredge pond. No dredging or processing may occur when the dredge ponds are overflowing.
15. The **Applicant** must ensure that the flood storage capacity of the site throughout all stages of the project is not less than the pre-project flood storage capacity, unless otherwise agreed by the **Planning** Secretary. Details of the available flood storage capacity must be reported in each Annual Review.

*Note: The **Planning** Secretary may agree to a reduction in the pre-existing flood storage capacity of the site in the event that separate development consent is granted for development on the site.*

16. The **Applicant** must ensure that the top of the earth bund around the extraction ponds does not exceed 1.8 metres AHD. Spillways must be provided at the eastern and western extents of each bund and must be a minimum of 50 metres wide and not exceed 1.3 metres AHD. Bunds and spillways must be suitably surfaced (for example grassed or rock lined) to avoid scour and erosion during storm and flood events.

17. The **Applicant** must ensure that the pad of the northern processing area does not exceed a height of 1.8 metres AHD and the pad of the southern processing area does not exceed a height of 3.2 metres AHD.

Soil and Water Management Plan

18. Within three months of the determination of **Modification 4**, unless otherwise agreed by the **Planning Secretary**, the **Applicant** must prepare a Soil and Water Management Plan for the project in consultation with EPA, Water NSW, **Water Group** and Council, to the satisfaction of the **Planning Secretary**. This plan must be prepared by a suitably qualified expert whose appointment has been approved by the **Planning Secretary**, and include:
- a Site Water Balance;
 - an Erosion and Sediment Control Plan;
 - a Surface Water Monitoring Program;
 - a Groundwater Monitoring Program; and
 - a Blue-green Algae Management Plan.

The **Applicant** must implement the plan as approved from time to time by the **Planning Secretary**.

19. The Site Water Balance must include details of:
- sources and security of water supply;
 - water use and management on site;
 - any off-site water transfers;
 - reporting procedures; and
 - measures to be implemented to minimise clean water use on site.
20. The Erosion and Sediment Control Plan must:
- be consistent with the relevant requirements of the Department of Housing's *Managing Urban Stormwater: Soil and Construction Manual*, the NSW Acid Sulfate Soil Advisory Committee's *Acid Sulfate Soil Manual*, and relevant Council codes, or most recent versions of these documents;
 - describe construction and operational activities that could cause soil erosion, sedimentation or generation of acid sulfate soils;
 - describe the location, function, and capacity of soil and water management and control structures during construction, stabilisation and operational stages;
 - describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
 - define procedures for managing the potential acid sulfate soils on the site;
 - define procedures for managing water releases from the site; and
 - define procedures for the maintenance of soil and water management structures on the site during the life of the project.
21. The Surface Water Monitoring Program must include:
- a detailed description of the surface water management system;
 - surface water impact assessment criteria;
 - a program to monitor bank and bed stability;
 - a program to monitor and manage pH in the dredge pond;
 - a program to monitor and report on adverse impacts of the project on surface water flows and quality, including any surface water discharges; and
 - a protocol for the investigation, notification and mitigation of identified exceedances of the surface water impact assessment criteria.
22. The Groundwater Monitoring Program must include:
- detailed baseline data on groundwater levels and quality, based on statistical analysis;
 - groundwater impact assessment criteria;
 - a program to monitor and report on adverse impacts of the project on groundwater flows and quality;
 - a program to monitor groundwater level effects on vegetation, and on groundwater supply to adjoining properties; and
 - a protocol for the investigation, notification and mitigation of identified exceedances of the groundwater impact assessment criteria.
23. The Blue-Green Algae Management Plan must:
- be consistent with extant guidelines for blue-green algae management including the National Health and Medical Research Council's *Guidelines for Managing Risks in Recreational Water*;
 - describe the measures that would be implemented to prevent and control the sources of algal blooms over the short, medium and long term;
 - include a detailed recovery plan that aims to reduce algae levels to meet the water quality completion criteria in the Rehabilitation Management Plan;
 - include reasonable and feasible measures to reduce nutrient levels in the pond/s over the short, medium and long term, and include interim water quality targets for nutrients based on continual improvement and established water quality objectives for the Tweed River catchment; and
 - define procedures for the management and notification of identified algal blooms.

Additional Groundwater Requirements

24. Within six months of the determination of [Modification 4](#), the [Applicant](#) must:
- review the site's existing groundwater monitoring data (including water quality data) and groundwater management and mitigation measures;
 - identify any additional monitoring, management or mitigation measures required to achieve the site's groundwater impact assessment criteria, as required under condition 22(c) of this Schedule; and
 - prepare an amended Groundwater Monitoring Program to reflect any additional measures, to the satisfaction of the [Planning](#) Secretary.
25. Prior to extracting beyond the previously-proposed realigned Altona [Road](#) (as shown in Figure 2 of the Department's Assessment Report for Modification 2), the [Applicant](#), following consultation with [Water Group](#), must:
- update the existing groundwater model for the project to address the consolidated extraction area as approved under Modification 2;
 - re-assess the potential groundwater impacts of the project; and
 - review and if necessary revise the Groundwater Monitoring Program and the groundwater management and mitigation measures for the project in response to the updated groundwater modelling;
- to the satisfaction of the [Planning](#) Secretary.

TRANSPORT

Site Access

26. The [Applicant](#) must ensure that all heavy vehicle access to and from the site is via the Tweed Coast Road/Crescent Street/Altona Road route [and, following the realignment of Altona Road, Tweed Coast Road/Altona Road](#). Heavy vehicles must not travel via Crescent Street through Cudgen Village, except for local deliveries to Cudgen Village.
27. [The Applicant must ensure adequate sight distances, in accordance with relevant Austroads Guidelines, are established and maintained for all vehicles entering and exiting the Site.](#)

Upgrade and maintenance of Altona Road

28. By 20 August 2019, the [Applicant](#) must enter into a cost sharing agreement with the owner of the Tweed Sand Quarry, in consultation with Council, for the maintenance of Altona Road between the site entrance and intersection with Crescent Street. This agreement must:
- provide for ongoing repairs and maintenance of the road;
 - apply to the existing or any future approved alignment of Altona Road; and
 - provide for proportionate and equitable contributions between the [Applicant](#) and the owner of the Tweed Sand Quarry (based on actual annual product road transport or other measure/s agreed by the parties).

If a cost sharing agreement cannot be reached or if there is any dispute regarding the finalisation of the terms of the cost sharing agreement, or its implementation, then either party may refer the matter to the [Planning](#) Secretary for resolution.

Upgrade of the Crescent Street and Tweed Coast Road Intersection

29. The [Applicant](#) must upgrade the intersection of Crescent Street and Tweed Coast Road. This upgrade must:
- provide for the construction of an acceleration lane of not less than 200 metres in length on Tweed Coast Road, northbound from the intersection, to the satisfaction of Council (as roads authority);
 - provide for channelised right turn treatment (line marking only) on Tweed Coast Road for vehicles turning right into Crescent Street;
 - be designed and constructed in accordance with Austroads Guidelines, Australian Standards and RMS Supplements; and
 - be funded by the [Applicant](#), or by a cost sharing agreement between the [Applicant](#) and the owner of the Tweed Sand Quarry, in consultation with Council;

If a cost sharing agreement cannot be reached or if there is any dispute regarding the finalisation of the terms of the cost sharing agreement, or its implementation, then either party may refer the matter to the [Planning](#) Secretary for resolution.

Note: The proposed road works on Tweed Coast Road (MR450) will be captured by Section 138 of the Roads Act 1993. Concept Design is to be submitted to Council for referral to TfNSW for concurrence under Section 138 of the Roads Act 1993.

Operating Conditions

30. The [Applicant](#) must:
- provide sufficient parking on the site for all project-related traffic and visitors, in accordance with any applicable Council parking code and ensure that no on street parking is undertaken;

- b. ensure that trucks do not enter the site prior to 7.00 am on any day;
- c. ensure that on-site parking and pedestrian facilities are adequately signposted;
- d. ensure that all laden trucks entering or exiting the site have their loads covered;
- e. ensure that all laden trucks exiting the site are cleaned of material that may fall from vehicles, before leaving the site;
- f. use its best endeavours to ensure that appropriate signage is displayed on all trucks used to transport quarry products from the project so they can be easily identified by road users; and
- g. keep accurate records of all laden truck movements to and from the site and publish a summary of these records on its website every month.

Transport Management Plan

31. The **Applicant** must prepare a Traffic Management Plan for the project to the satisfaction of the **Planning Secretary**. This plan must:
 - a. be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the **Planning Secretary**;
 - b. be prepared in consultation with **TfNSW**, and Council, and in accordance with the *RTA – Traffic Control at Worksites Manual*;
 - c. describe the processes in place for the management of truck movements entering and exiting the site;
 - d. prohibit trucks departing the site from turning right from Crescent Street to Tweed Coast Road;
 - e. include a Drivers' Code of Conduct that includes:
 - details of the safe and quiet driving practices that must be used by drivers travelling to and from the quarry;
 - a map of the primary haulage route;
 - safety initiatives for haulage through residential areas, school zones and along school bus routes;
 - an induction process for vehicle operators and regular toolbox meetings;
 - complaints resolution and disciplinary procedures; and
 - details of community consultation measures for peak haulage periods.
 - f. describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct;
 - g. include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users during road upgrade works; and
 - h. propose measures to minimise the transmission of dust and tracking of material onto the surface of public roads from vehicles leaving the quarry.

The **Applicant** must not dispatch any trucks from the site until the Traffic Management Plan is approved by the **Planning Secretary**.

The **Applicant** must implement the approved Traffic Management Plan as approved from time to time by the **Planning Secretary**.

REHABILITATION

Rehabilitation Objectives

32. The **Applicant** must rehabilitate the site to the satisfaction of the **Planning Secretary**. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the documents listed in condition 3 of Schedule 2, and comply with the objectives in Table 4.

Table 4: Rehabilitation Objectives

Feature	Objective
<i>All areas of the site affected by the project</i>	<ul style="list-style-type: none"> • Safe • Hydraulically and geotechnically stable, including the dredge pond margins (particularly where subject to regular wind and wave action) • Non-polluting • Fit for the intended post-extraction land use(s) • Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land • Land surface (except for Dredge Pond) restored to pre-existing ground level (except where changes to ground levels have been approved under a separate development application)
<i>Surface Infrastructure</i>	<ul style="list-style-type: none"> • Decommissioned and removed, unless otherwise agreed by the Planning Secretary
<i>Dredge Pond</i>	<ul style="list-style-type: none"> • Perimeter of dredge pond landscaped and vegetated using native tree and understorey species and, where necessary, non-invasive groundcover suitable for the final land use

	<ul style="list-style-type: none"> • Natural looking bank design with curved lake boundaries, with a variety of bank treatments (eg beaches, wetlands) providing a variety of habitats. • Minimise the extent and persistence of algae blooms • Water quality fit for the intended post-extraction land use(s)
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Progressive Rehabilitation

33. The **Applicant** must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

Rehabilitation Management Plan

34. The **Applicant** must prepare a Rehabilitation Management Plan for the project to the satisfaction of the **Planning** Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the **Planning** Secretary;
 - be prepared in consultation with Council, Water NSW, **Water Group** and **CPHR**;
 - be submitted to the **Planning** Secretary within three months of the determination of **Modification 4**, unless the **Planning** Secretary agrees otherwise;
 - describe how the rehabilitation of the site and pipeline corridors would achieve the objectives identified in Table 4;
 - describe the short, medium, and long term measures that would be implemented to:
 - rehabilitate and stabilise the site and pipeline corridors; and
 - manage the restored vegetation and wetland habitat established on the site;
 - include detailed performance and completion criteria for the rehabilitation and stabilisation of the site (including appropriate water quality criteria);
 - include a detailed description of the measures to be implemented to:
 - enhance existing vegetation and increase littoral and terrestrial habitat potential;
 - protect areas outside the disturbance areas, including vegetation adjoining pipelines;
 - manage impacts on fauna, including measures to enable Wallum Froglet to cross the eastern pipeline;
 - control terrestrial and aquatic weeds and pests;
 - control access; and
 - reduce the visual impacts of the project;
 - include a program to monitor, independently audit and report on the effectiveness of the measures in paragraph (g) above, and progress against the detailed performance and completion criteria in paragraph (f);
 - include a vegetation clearance protocol;
 - include a Long-Term Management Strategy, which:
 - defines the objectives and criteria for quarry closure and post-extraction management;
 - investigates options for the future use of the site;
 - describes the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and
 - describes how the performance of these measures would be monitored over time;
 - describe the potential risks to successful rehabilitation and/or revegetation, including a description of the contingency measures that would be implemented to mitigate these risks; and
 - detail who is responsible for monitoring, reviewing, and implementing the plan.

The **Applicant** must implement the approved Rehabilitation Management Plan as approved from time to time by the **Planning** Secretary.

Rehabilitation bond

35. Within 6 months of the approval of the Rehabilitation Management Plan, the **Applicant** must lodge a Rehabilitation Bond with the Department to ensure that the rehabilitation of the site is undertaken in accordance with the performance and completion criteria set out in the plan and the relevant conditions of **consent**. The sum of the bond must be an amount agreed to by the **Planning** Secretary and determined by:
- calculating the cost of rehabilitating all disturbed areas of the site, taking into account the likely surface disturbance over the next 3 years of quarrying operations; and
 - employing a suitably, independent and experienced person to verify the calculated costs.

The calculation of the Rehabilitation Bond must be submitted to the Department for approval at least 1 month prior to the lodgement of the bond

36. The Rehabilitation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:
- any update or revision to the Rehabilitation Management Plan;

- (b) the completion of an Independent Environmental Audit; or
- (c) in response to a request by the **Planning** Secretary.

Notes:

- *If the rehabilitation of the site area is completed (or partially completed) to the satisfaction of the **Planning** Secretary, then the **Planning** Secretary will release the bond (or relevant part of the bond). If the rehabilitation of the site is not completed to the satisfaction of the **Planning** Secretary, then the **Planning** Secretary will call in all or part of the bond, and arrange for the completion of the relevant works.*
- *If capital and other expenditure required by the Rehabilitation Management Plan is largely complete, the **Planning** Secretary may waive the requirement for lodgement of a bond in respect of the remaining expenditure.*

ABORIGINAL CULTURAL HERITAGE

Aboriginal Cultural Heritage Management Plan

37. The **Applicant** must prepare an Aboriginal Cultural Heritage Management Plan to the satisfaction of the **Planning** Secretary. This plan must:
- (a) be prepared in consultation with the relevant Aboriginal communities;
 - (b) be submitted to the **Planning** Secretary for approval prior to carrying out any development; and
 - (c) include a description of the:
 - Aboriginal cultural heritage induction protocol for employees;
 - process for Aboriginal inspection of excavations for the northern pipeline corridor;
 - measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during the project either within or beyond the area of disturbance; and
 - process for identifying a long-term storage location should Aboriginal relics be discovered within the project site requiring salvage.

The **Applicant** must implement the approved Aboriginal Cultural Heritage Management Plan as approved from time to time by the **Planning** Secretary.

VISUAL

38. The **Applicant** must establish and subsequently maintain the vegetation screen around the extraction area within 12 months of the date of this **consent**.

Note: The vegetation screen must be detailed in the Rehabilitation Management Plan required under condition 34 of Schedule 3.

39. The **Applicant** must implement all reasonable measures to minimise the visual and off-site lighting impacts of the project to the satisfaction of the **Planning** Secretary.

WASTE

40. The **Applicant** must:
- (a) manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of the EPA and Council;
 - (b) minimise the waste generated by the project;
 - (c) ensure that the waste generated by the project is appropriately stored, handled, and disposed of; and
 - (d) report on waste management and minimisation in the Annual Review,
- to the satisfaction of the **Planning** Secretary.

41. Except as expressly permitted in an EPL, the **Applicant** must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

LIQUID STORAGE

42. The **Applicant** must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.

DANGEROUS GOODS

43. The **Applicant** must ensure that the storage, handling, and transport of dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF EXCEEDANCES

1. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any criteria in Schedule 3 the **Applicant** must:
 - (a) notify the affected landowners and tenants in writing of the exceedance, and provide quarterly monitoring results, to each affected party until the project is again complying with the relevant criteria; and
 - (b) publish on its website the full details of the exceedance.

Any exceedance of any criteria in Schedule 3 is an incident that must be notified to the Department in accordance with conditions 9 to 12 of Schedule 5.

For any exceedance of the air quality criteria or air quality measures in Schedule 3, the **Applicant** must also provide to any affected land owners and tenants a copy of the fact sheet entitled "*Mine Dust and You*" (NSW Minerals Council, 2011).

INDEPENDENT REVIEW

2. If a landowner considers the project to be exceeding the relevant criteria in Schedule 3, they may ask the **Planning** Secretary in writing for an independent review of the impacts of the project on their land.

If the **Planning** Secretary is not satisfied that an independent review is warranted, the **Planning** Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.

If the **Planning** Secretary is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the **Planning** Secretary and the landowner, the **Applicant** must:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the **Planning** Secretary, to:
 - consult with the landowner to determine their concerns;
 - conduct monitoring to determine whether the project is complying with the relevant criteria in Schedule 3; and
 - if the project is not complying with that criteria, identify measures that could be implemented to ensure compliance with the relevant criteria;
- (b) give the **Planning** Secretary and landowner a copy of the independent review; and
- (c) comply with any written requests made by the **Planning** Secretary to implement any findings of the review.

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The **Applicant** must prepare an Environmental Management Strategy for the project to the satisfaction of the **Planning** Secretary. The strategy must:
 - (a) be submitted to the **Planning** Secretary for approval within three months of the determination of **Modification 4**;
 - (b) provide the strategic framework for environmental management of the project;
 - (c) identify the statutory approvals that apply to the project;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (e) describe the procedures to be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, record, handle and respond to complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies; and
 - (f) include:
 - reference to any strategies, plans and programs approved under the conditions of this **consent**; and
 - a clear plan depicting all the monitoring to be carried out under the conditions of this **consent**.

The **Applicant** must implement the Environmental Management Strategy as approved from time to time by the **Planning** Secretary.

Management Plan Requirements

2. The **Applicant** must ensure that the management plans required under this **consent** are prepared in accordance with any relevant guidelines, and include:
 - (a) a summary of relevant background or baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant **consent**, licence or lease conditions);
 - any relevant limits or performance measures/criteria; and
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the project; and
 - effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the project over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints; and
 - non-compliances with statutory requirements;
 - (h) a protocol for periodic review of the plan; and
 - (i) a document control table that includes version numbers, dates when the management plan was prepared and reviewed, names and positions of the person/s who prepared and reviewed the management plan, a description of any revisions made and the date of the **Planning** Secretary's approval.

*Note: The **Planning** Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*

Application of Existing Management Plans

3. The **Applicant** must continue to apply existing approved management plans, strategies or monitoring programs that have most recently been approved under this **consent**, until the approval of a similar plan, strategy or program following a modification to this **consent**.

Revision of Strategies, Plans & Programs

4. Within 3 months of:
 - (a) the submission of an incident report under condition 10 of this Schedule;
 - (b) the submission of an Annual Review under condition 13 of this Schedule;
 - (c) the submission of an Independent Environmental Audit under condition 14 of this Schedule; or
 - (d) the approval of any modification to the conditions of this consent.the Applicant must review the suitability of all strategies, plans and programs required under this consent. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Planning Secretary.

Note: This is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve the environmental performance of the project.

Staging, Combining and Updating Strategies, Plans or Programs

5. With the approval of the Planning Secretary, the Applicant may:
 - (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the project to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the project).

Evidence of Consultation

6. Where the conditions of this consent require consultation with an identified party, the Applicant must:
 - (a) consult with the relevant party prior to submitting the subject document; and
 - (b) provide details of the consultation undertaken, including:
 - the outcome of that consultation, matters resolved and unresolved; and
 - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed any unresolved matters.
7. However, if the Planning Secretary agrees, a strategy, plan or program may be prepared without consultation being undertaken with an identified party required under a condition of this consent.

COMMUNITY CONSULTATIVE COMMITTEE

8. The Applicant must operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Planning Secretary. The CCC must be operated in general accordance with the Department's *Community Consultative Committee Guideline: State Significant Projects (2023)*, for the duration of quarrying operations and for at least 6 months following the completion of quarrying operations.

Notes:

- *The CCC is an advisory committee.*
- *In accordance with the guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*

REPORTING AND AUDITING

Incident Notification

9. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
 - (a) Date, time and location,
 - (b) A brief description of what occurred and why it has been classified as an incident; and
 - (c) Identifying a contact person for further communication regarding the incident.
10. The Applicant must provide the Department with a subsequent incident report in accordance with the requirements set out in Appendix 4 (Incident Notification and Reporting Requirements).

Non-Compliance Notification

11. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), and set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

12. Deleted.

Annual Review

13. By the end of **March** each year, or other timing as may be agreed by the **Planning** Secretary, the **Applicant** must submit a report to the Department reviewing the environmental performance of the project, to the satisfaction of the **Planning** Secretary. This review must:
- (a) describe the project (including any rehabilitation) that was carried out in the previous financial year, and the project that is proposed to be carried out over the current financial year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the project over the previous financial year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - requirements of any plan or program required under this **consent**;
 - monitoring results of years prior; and
 - relevant predictions in the documents listed in condition 3 of Schedule 2;
 - (c) **identify any non-compliance or incident over the past calendar year**, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
 - (d) evaluate and report on:
 - the effectiveness of the noise and air quality management systems; and
 - compliance with the performance measures, criteria and operating conditions in this **consent**;
 - (e) identify any trends in the monitoring data over the life of the project;
 - (f) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
 - (g) describe what measures will be implemented over the current **calendar** year to improve the environmental performance of the project.

The **Applicant** must ensure that copies of the Annual Review are submitted to Council and are available to the CCC and any interested person upon request.

INDEPENDENT ENVIRONMENTAL AUDIT

14. **Independent Environmental Audits of the development must be conducted and carried out in accordance with the Independent Environmental Audit Post Approval Requirements (2020) or as updated from time to time and published on the Department's website.**

MONITORING AND ENVIRONMENTAL AUDITS

15. **Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.**

For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

- 15A. **Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at residences on privately-owned land or other locations listed in Schedule 2, providing that these representative monitoring locations are set out in the respective management plan/s.**

ACCESS TO INFORMATION

16. Within 1 month of the determination of **Modification 4**, and for the life of the project, the **Applicant** must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - the documents listed in conditions 2 and 3 of Schedule 2;
 - current statutory approvals for the project;
 - all approved strategies, plans and programs required under the conditions of this **consent**;
 - regular reporting on the environmental performance of the project in accordance with the reporting arrangements in any plans or programs approved under the conditions of this **consent**;
 - a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this **consent**, or any approved plans and programs;
 - a summary of the current stage and progress of the project;
 - contact details to enquire about the project or to make a complaint;
 - a complaints register, updated monthly;
 - the Annual Review's of the project;

- any Independent Environmental Audit as described in condition 14 above, and the Applicant's response to the recommendations in any audit; and
 - any other matter required by the Planning Secretary; and
- (b) keep this information up-to-date, to the satisfaction of the Planning Secretary.

APPENDIX 1 PROJECT LAYOUT PLANS

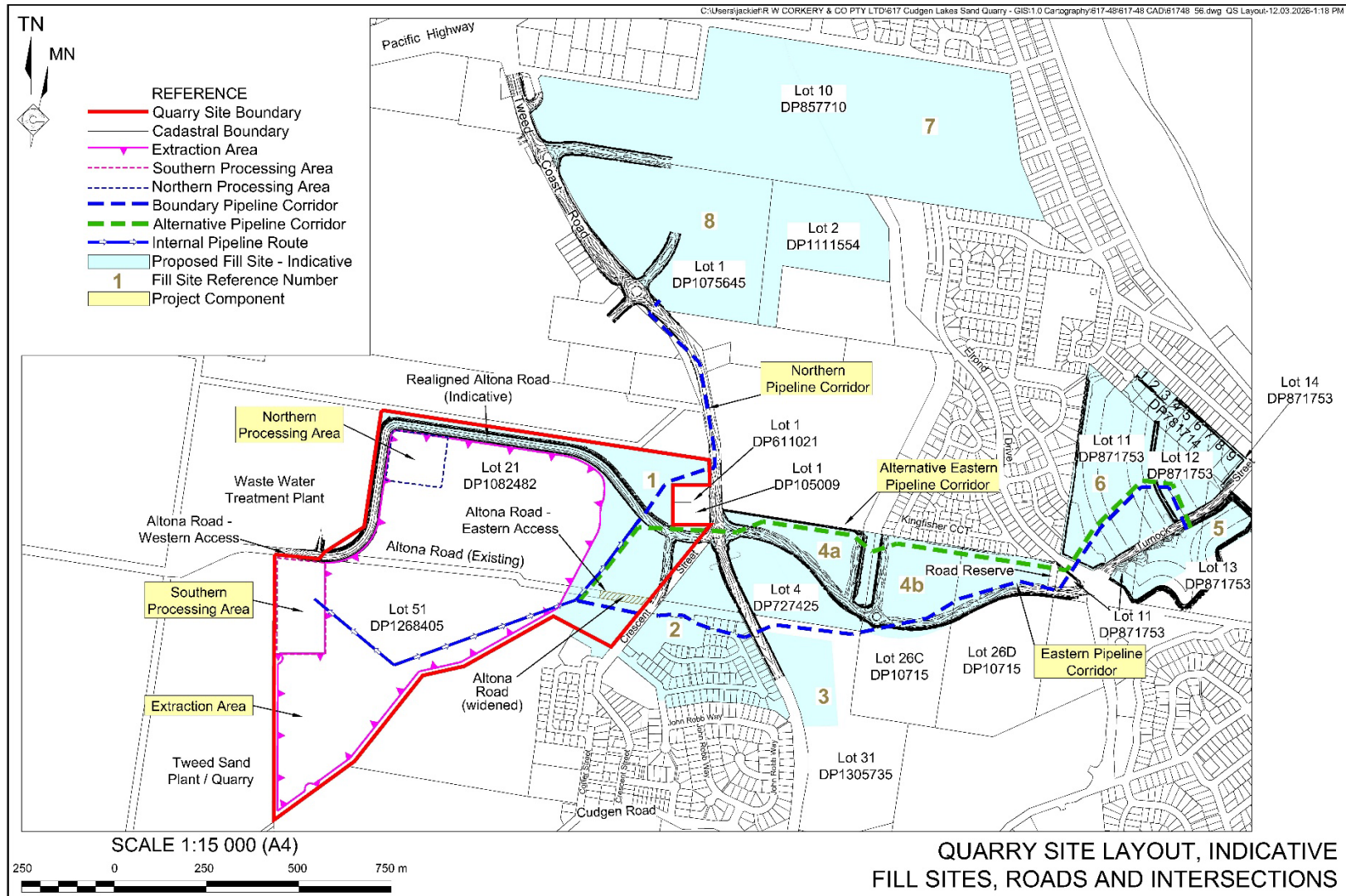


Figure 1 – Project Layout

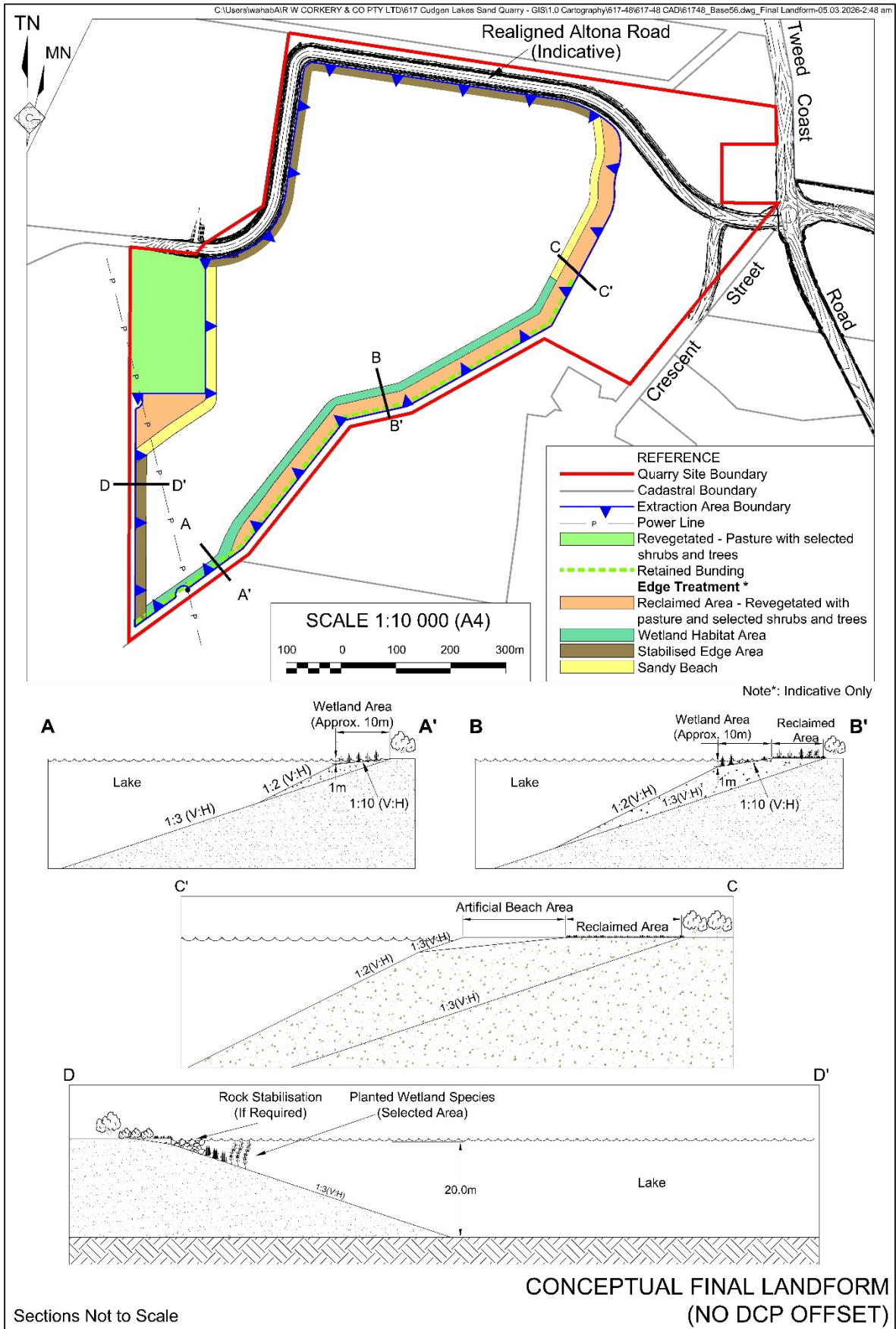


Figure 2 – Conceptual Final Landform (no DCP offset)

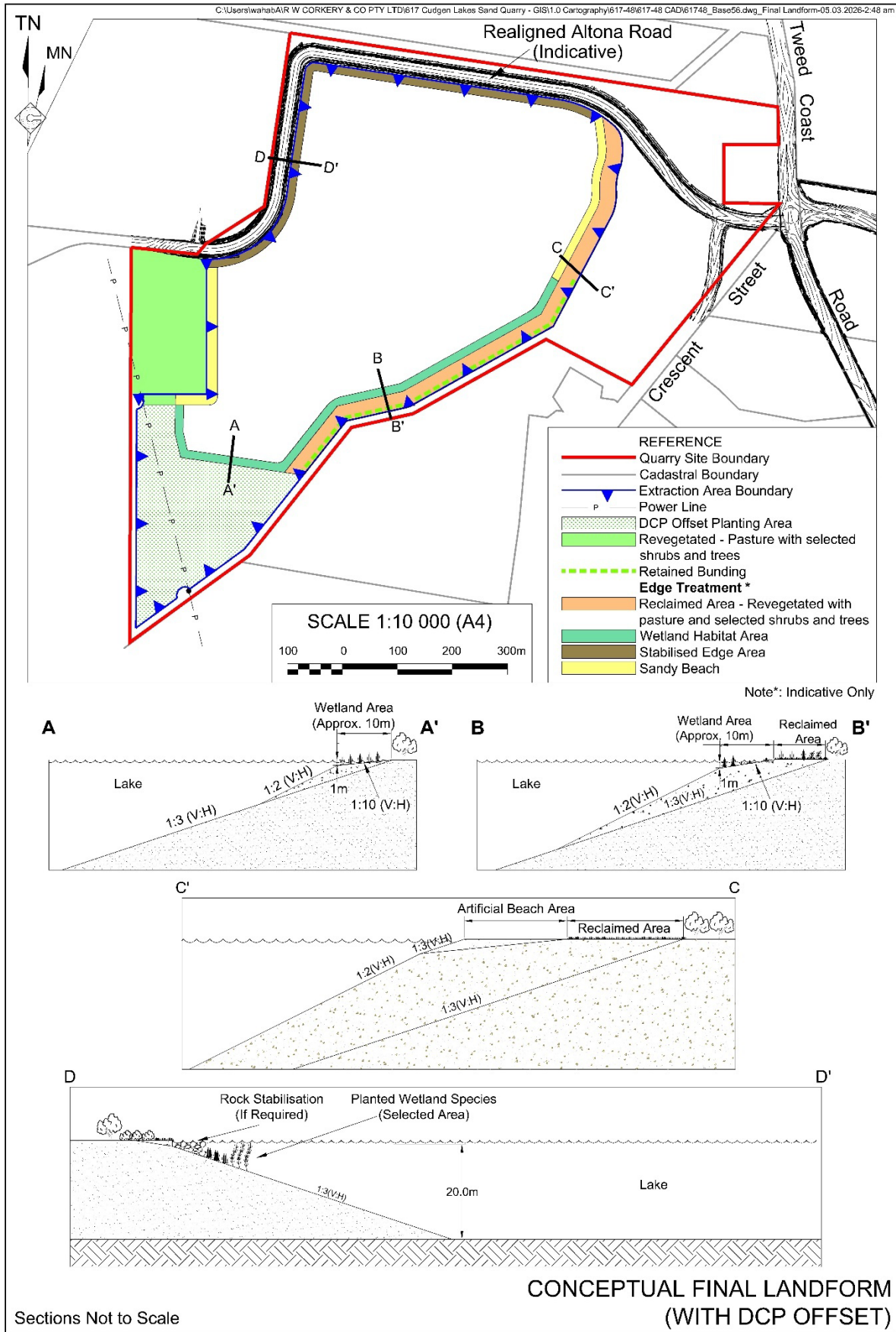


Figure 3 – Conceptual Final Landform (with DCP offset)

**APPENDIX 2
STATEMENT OF COMMITMENTS**

Desired Outcome	Action	Timing
1. Sand Extraction and Processing		
Final extraction boundaries remain stable.	1.1 Ensure terminal extraction batters are formed no steeper than 1:3 (V:H) (excludes stabilised backfilled final landform batters).	Continuous.
2. Waste Management		
Minimisation of general waste creation and maximisation recycling wherever possible.	2.1 Dispose all recyclables and general waste in appropriate waste receptacles.	As required.
Minimisation of the potential risk of environmental impact due to waste creation, storage and / or disposal.	2.2 Use non-saleable oversize materials for final landform creation / return to the extraction area.	As required.
	2.3 Intern any oversize materials suspected of being acid generating so they settle beneath at least 8m of water.	As required.
3. Rehabilitation		
The creation of a stable final landform, available for the proposed future use(s) of recreation and nature conservation.	3.1 Progressively backfill selected finalised sections of the extraction pond to create suitable edge treatments, such as wetland areas and sandy beach areas.	When suitable backfill and backfill areas are available
	3.2 Stabilise all earthworks and disturbed areas no longer required for Quarry-related activities in order to minimise erosion and sedimentation, dust lift-off and to reduce visual intrusion.	As areas become available.
	3.3 Cross-rip all unsealed roads and remove all buildings and structures not required for the final land use.	Following completion of operations.
4. Flooding and Drainage		
Minimisation of potential flooding impacts upon the Quarry operations and surrounding land users and property.	4.1 Construct and maintain shallow spillways (approximate elevation 1.3m AHD) within the bunds surrounding the extraction pond at the eastern and western extents of the bunding.	Continuous whilst bunding in place.
	4.2 Remove sections of bunding once floodwaters have peaked to allow floodwaters trapped behind the bunds to drain freely to the western drainage channel as the flood recedes.	During/post flood event.
	4.3 Maintain drainage paths outside of the bunded and filled areas to allow floodwaters to drain freely.	Continuously.
	4.4 Prepare a flood evacuation plan to ensure that personnel respond appropriately to a warning of an imminent Tweed River overbank flood.	Prior to commencement of operations.
	4.5 Realign the western drainage channel within the Altona Road reserve to provide an equivalent or more efficient drain.	During realignment of Altona Road.
5. Groundwater		
Minimisation of potential groundwater quality or quantity impacts upon surrounding groundwater users (including groundwater-dependent ecosystems).	5.1 Groundwater management and monitoring is to be undertaken in accordance with the approved Soil and Water Management Plan	Ongoing during operations

Desired Outcome	Action	Timing
6. Surface Water		
Prevention of discharge of dirty, acidic or otherwise contaminated water from the Quarry Site.	6.1 Surface water management and monitoring is to be undertaken in accordance with the approved Soil and Water Management Plan	Ongoing during operations
7. Acid Sulfate Soils and Sediments, Soil Contamination and Agricultural Suitability		
Minimisation of ASSM acidification and adequate treatment and storage of these materials.	7.1 Convey return water (from both the wash plant and fill sites) in a manner which ensures fines / silts remain in suspension and do not settle in the return pipelines or are otherwise flushed from the pipeline. If a pipeline is not used, undertake sluicing in a manner that ensures turbulent flow and sufficient velocity to prevent the deposition of fines material within the drainage line.	Ongoing during processing and hydraulic transportation of fill sand.
	7.2 Do not extract residual clay material from the base of the sand resource.	Ongoing during extraction.
	7.3 Manage all ASSM in accordance with the approved Soil and Water Management Plan	Ongoing during operations.
The level of documentation for managing and reporting matters relating to Potentially Acid Sulfate Soils and Sediments is comprehensive and appropriately maintained.	7.4 Retain records of monitoring together with the application rates of the alkaline amendment used as neutralising agents. Provide these records to statutory authorities upon request.	Ongoing.
	7.5 Ensure verification of neutralising agent application volumes and verification results are available.	Prior to burial of ASSM that has acidified.
	7.6 Ensure that the ASSM management procedures outlined within the approved Soil and Water Management Plan are implemented	Ongoing during receipt of ASSM
	7.7 Retain documentation for each truck load of imported material in accordance with the management procedures outlined in the approved Soil and Water Management Plan	Ongoing during receipt of imported materials
Prevention of any off-site impacts as a result of acidification of ASSM or water.	7.8 Collect and analyse samples of ASSM that is to be recovered through excavation (i.e. not dredged) and is not to be washed using a hydrocyclone (or similar) in accordance with the management procedures outlined within the approved Soil and Water Management Plan	Ongoing during excavation of ASSM that is not to be washed
	7.9 Treat any ASSM excavated on site in accordance with the management procedures outlined within the approved Soil and Water Management Plan	Ongoing during excavation of ASSM
	7.10 Complete the validation sampling of treated material in accordance with the approved Soil and Water Management Plan	Following treatment and prior to sale of any product containing treated ASSM
	7.11 Ensure all surface water and runoff from the extraction and processing area drains or is pumped into the extraction pond.	Ongoing during operations

Desired Outcome	Action	Timing
Demonstration that adverse impacts arising from potential ASSM are not evident on site.	7.12 Undertake monitoring in accordance with the approved Soil and Water Management Plan	Ongoing during operations
Appropriate procedures are in place to manage any departures from nominated procedures or criteria.	7.13 Implement the response measures outlined within the approved Soil and Water Management Plan in the event that validation or monitoring criteria are exceeded.	Ongoing during operations
	7.14 Undertake the following as soon as possible after becoming aware that any waste/material accepted at the premises is not an approved material: <ul style="list-style-type: none"> Notify the EPA in writing Remove the material/waste from the premises and dispose of at a suitably licensed facility, or as otherwise directed by the EPA. Implement a procedure to audit all further incoming loads from that waste origin site prior to accepting any further waste, until such time as the results of such audits demonstrate that the waste origin site's screening and assessment procedures have been corrected to prevent further mis-classification of waste. 	In the event waste material not approved to be accepted onto the site is brought onto site.
	7.15 Introduce hydrated lime at the appropriate rate if the extraction pond water quality fails accepted levels and ensure target pH level of 6.5 is not 'overshot' leading to severely alkaline conditions (pH>9.0).	In the event the pH of the dredge pond falls below trigger action response criteria in accordance with the approved Soil and Water Management Plan
8. Flora and Fauna		
Minimisation of short and long term impacts on flora within the Quarry Site and pipeline corridors.	8.1 Progressively rehabilitate completed works within the Quarry Site to maximise cover of native vegetation in appropriate areas and minimise opportunities for erosion and weed invasion.	As areas become available for rehabilitation.
	8.2 Define and clearly mark vegetation for retention to ensure that native vegetation clearing is confined only to those areas required.	Prior to placement of the pipeline within the eastern pipeline corridor.
	8.3 Control noxious weeds on the Quarry Site.	Ongoing.
	8.4 Place pipelines within pipeline corridors so as to avoid the need to clear trees or shrubs wherever possible.	During placement of pipes.
Establishment of native vegetation with ecological and conservation value.	8.5 Establish native vegetation in accordance with the approved Rehabilitation Management plan	During rehabilitation and landscaping activities.

Desired Outcome	Action	Timing
	8.6 Undertake replacement planting of the same tree species within the same area in the event that trees are required to be removed for the laying of the pipelines, or otherwise in accordance with consent conditions.	In the event trees are required to be removed within the pipeline corridor
9. Aquatic Ecology		
Minimisation of short and long term impacts on aquatic ecology within and surrounding the Quarry Site.	9.1 Create wetlands along finalised sections of the extraction pond in accordance with the approved Rehabilitation Management Plan.	Ongoing
	9.2 Undertake water quality monitoring in accordance with the approved Soil and Water Management Plan	Ongoing
10. Traffic and Transport		
Vehicle movements related to the Project do not have undue effects on traffic flow and accident rates on the surrounding road network.	10.1 No vehicles permitted to turn right from Crescent Street to Tweed Coast Road. (Note: Light vehicles travelling south from the Quarry Site would be directed to travel on Crescent Street/Cudgen Road	Continuous or until suitable upgrade or reconfiguration of the intersection
	10.2 No heavy vehicles to turn right from Altona Road to Crescent Street	Continuous or until suitable upgrade or reconfiguration of Altona Road / Crescent Street / Tweed Coast Road intersection
	10.3 Weigh all product trucks using an on-site weighbridge or other suitable weigh system and ensure all TfNSW weight restrictions are adhered to	Ongoing during product despatch
	10.4 Inform all truck drivers and staff of road rules, speed restrictions and considerate driving practices	Ongoing
Vehicle movements related to the Project do not have undue effects on traffic flow and accident rates on the surrounding road network.	10.5 Ensure all drivers are aware of all relevant operational hours	Ongoing
	10.6 Undertake mechanical road sweeping of Altona Road and site access roads	As required for Quarry-related mud/sand tracking.
	10.7 Cover all product loads to reduce dust lift off	Continuous during product despatch.
	10.8 Realign Altona Road in accordance with DA 05/1450 (or other applicable development consent)	Prior to sand extraction encroaching into the existing alignment of Altona Road
	10.9 Implement appropriate management controls including the use of warning signs and manual traffic control during the laying of pipelines adjacent to Tweed Coast Road and during the underboring of the road crossings.	As required during works within the public road reserves.
	10.10 Establish a telephone complaints line to enable any traffic-related incidents, unsafe operation or general concern to be reported. Investigate all complaints and act decisively on substantiated incidents.	Ongoing during site establishment and operations.
	10.11 Implement a truck driver's code of conduct required to be signed by all Company employed truck drivers or drivers contracted by the Company. The code will outline each truck	Ongoing during product despatch / importation of materials

Desired Outcome	Action	Timing
	driver's responsibility and the process to be undertaken in the event of a complaint.	
11. Noise		
All activities are undertaken in such a manner as to reduce the noise level generated, minimise impacts on surrounding landholders and/or residents and ensure noise levels remain below relevant EPA criteria.	11.1 Implement noise management controls in accordance with the approved Noise Management Plan	Ongoing
	11.2 Undertake noise monitoring in accordance with the approved Noise Management Plan	Ongoing
12. Air Quality		
Site activities are undertaken without exceeding DECC air quality criteria or adversely impacting on surrounding receivers.	12.1 Implement air quality management controls in accordance with the approved Air Quality Management Plan	Ongoing
	12.2 Undertake air quality monitoring in accordance with the approved Air Quality Management Plan	Ongoing
13. Aboriginal Heritage		
Site activities are undertaken without impacting upon any known Aboriginal heritage items.	13.1 Invite Aboriginal stakeholders to observe during the burying of the pipelines within the northern pipeline corridor.	During installation of northern pipeline
	13.2 Stop works at and adjacent to any Aboriginal sites or relics, if found.	During site establishment, construction or operational works
	13.3 Contact the regional archaeologist of the Coffs Harbour Heritage Office and relevant Aboriginal Stakeholders if any Aboriginal sites or relics found.	During site establishment, construction or operational works
	13.4 Receive authorisation from Heritage NSW and Tweed Byron LALC prior to proceeding with any works in the vicinity of any identified Aboriginal sites or relics, if found.	During site establishment, construction or operational works
	13.5 Complete inductions and training in accordance with the approved Aboriginal Cultural Heritage Management Plan	Ongoing as required
	13.6 Undertake consultation with Aboriginal representatives in relation to the ongoing management of identified items of Aboriginal heritage, if found.	In the event items of Aboriginal heritage are identified within the Quarry Site
14. Visibility		
Reduced visual amenity impacts upon surrounding landholders and the local community.	14.1 Construct a 2m high bund on the eastern and southern perimeter of the processing area and plant with native shrub species.	During construction of the processing area.
	14.2 Progressively rehabilitate the Quarry Site such that non-vegetated areas are minimised.	As areas become available.
	14.3 Maintain the Quarry Site in a clean and tidy condition at all times.	Continuous.
	14.4 Position and direct floodlights or other lighting to minimise light emissions, with lighting not required at any given time not used.	Ongoing.

**APPENDIX 3
NOISE COMPLIANCE ASSESSMENT**

Applicable Meteorological Conditions

1. The noise criteria in Table 2 are to apply under all meteorological conditions except the following:
 - (a) wind speeds greater than 3 m/s at 10 m above ground level; or
 - (b) temperature inversion conditions between 1.5°C and 3°C/100 m and wind speed greater than 2 m/s at 10 m above ground level; or
 - (c) temperature inversion conditions greater than 3°C/100 m.

APPENDIX 4
INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition D7 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition D7), the Applicant is required to submit a subsequent incident report that:
 - (a) identifies how the incident was detected;
 - (b) identifies when the Applicant became aware of the incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the incident;
 - (e) includes a summary of the incident;
 - (f) specifies the outcomes of an incident investigation, including identification of the cause of the incident;
 - (g) details the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (h) details any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.