



**NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

Environmental Planning and Assessment Act, 1979 (As Amended)

Cherie Smith - Development Assessment Officer
Telephone: (02) 6660 0300

To: Mr N J & Mrs KA Newman
Newmans Quarry & Landscaping Supplies Pty Ltd
235 Reardons Lane
CORAKI NSW 2471

Being the applicant in respect of: **Development Application No. DA2015.0069**

Extractive Industry to 90,000m³ per annum and Importation of Fill to 30,000m³ per annum

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, notice is hereby given of the determination by the Council, as Consent Authority, of the Development Application lodged **12 February 2015** relating to the land described as follows:

Lot 193 DP 755603 – Bungawalbin Whiporie Road, Bungawalbin

The Development Application has been determined by:

GRANTING OF CONSENT subject to the conditions specified in the notice.

This consent operates from **20 May 2015**

Lapses on **20 May 2020**

IMPORTANT NOTICE

**THIS IS A LEGAL DOCUMENT. ENSURE THAT YOU READ THE DOCUMENT CAREFULLY,
AND PARTICULARLY NOTE ALL ATTENDANT INSTRUCTIONS AND CONDITIONS**

DETAILS OF CONDITIONS

The conditions of consent are set out as follows:

1. In granting this development consent, Council requires:
 - All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
 - Any proposed use the land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plans, Plan of Management Cell Layout 01/03 Rev. 2 dated 29 August 2014, Plan of Management Importation Fill Cell Layout 02/03 Rev 2 dated 7 July 2014, Plan of Management Final Rehabilitation 03/03 Rev2 dated 7 July 2014, Environmental Impact Statement, and/or supporting documents (including additional information requested by Council) submitted with the application.

In the event of any inconsistency between conditions of this development consent and the approved plans and supporting documents, the condition of this development consent prevail.

A copy/copies of the approved plan is/are attached to this consent.

Reason: *To correctly describe what has been approved. (EPA Act Sec 79C)*

SURRENDER OF EXISTING CONSENT AND COMMENCEMENT OF THIS CONSENT

2. Operations under this consent shall not commence until the following conditions (a) - (d) are satisfied;
 - (a) The proponent surrenders Development Consent Notice DA 127/95 dated 19 February 1997 in accordance with Section 80A of the EP&A Act 1979 and in the manner prescribed by clause 97 of the EP&A Regulation 2000.
 - (b) The notice of surrender of consent shall be accompanied by;
 - i) a survey indicating the extent and surface levels of the extraction areas immediately prior to the date of surrender,
 - ii) an assessment of the total volume of material extracted under the consent
 - iii) an assessment of outstanding contributions payable under consent DA127/95, including sufficient documentation to establish the amount of material removed,
 - iv) a statutory declaration stating the information is a true and accurate record of extraction,
 - v) payment of the assessed amount, and
 - vi) details confirming rehabilitation works for all disturbed areas outside the extraction areas or roadways approved by this consent, is complete, and
 - (c) The proponent shall notify Council in writing of the proposed commencement date of operations under this consent
 - (d) The proponent shall provide to Council written certification from suitably qualified persons demonstrating that all consent conditions required to be satisfied prior to commencement of operations have been so satisfied.

Council will confirm upon review of the documentation related to condition 3(d) the date of commencement of the annual return period. The "annual return period" referred to in this consent means the 12 month period commencing at that date.

Reason: *To ensure only relevant Consents are valid for the subject land and protect the environment.*

APPROVAL LIMITS

3. The total amount of material extracted and transported in any annual return period shall not exceed 90,000m³. The total amount of imported material transported to the site in any annual return period shall not exceed 30,000m³.

Truck movements, inclusive of all incoming and outgoing trucks, in any one day period shall not exceed seventy six (76) truck movements (Monday - Friday) and twenty two (22) truck movements Saturdays.

This consent does not permit the combining of extractive volumes approved under DA127/95 with this consent. That is for any twelve month period the maximum extraction from the site shall not exceed 90,000m³.

Reason: *To correctly describe what has been approved. (EPA Act Sec 79C)*

HOURS OF OPERATION

4. Hours of operation shall be limited to the hours set out in the table to this condition subject to the following exception;
 - i) No truck movements shall occur on any school day, during the period that a school bus travels along the haulage route sections located on Boggy Creek Road and Reardons Lane.

The proponent shall consult with the bus company and Richmond Valley Council to determine the safe operational periods that the trucks may operate on Boggy Creek Road and Reardons Lane.

Quarry operations and Transportation	Monday to Friday Saturday	7am - 6pm 8am - 12pm
Blasting	Monday to Friday	9am - 3pm
No operations or transportation	Sundays or Public Holidays	

Reason: *To correctly describe what has been approved and protect the amenity of the area.*

TERM OF CONSENT

5. The period during which the extractive industry and transport activities may be carried out is limited to 25 years from the date of commencement notified under condition No. 3. This condition does not prevent the undertaking of rehabilitation works after the expiration of 25 years.

Reason: *To correctly describe what has been approved. (EPA Act Sec 79C)*

HAULAGE ROUTE

6. The haulage route shall be the sections of Roads as follows, excepting in the instance outlined in (a) and (b) below only;
- Boggy Creek Road from the site access road to Reardons Lane intersection
 - Reardons Lane from Boggy Creek Road to Woodburn Coraki Road intersection
 - Woodburn-Coraki Road from Reardons Lane to the Pacific Highway intersection at Woodburn.
- (a) Vehicles turning left on Woodburn-Coraki Road shall be permitted only where quantities of material turning left at Woodburn-Coraki Road are limited to a maximum of 30,000m³ or 65,000 tonnes per annual return period.
- (b) The 30,000m³ referred to in (a) above is not in addition to the 90,000m³ approved by this consent.
- (c) Accurate details must be kept and provided if requested to demonstrate compliance with this condition.

Reason: To correctly describe what has been approved, traffic safety and protect the amenity of the area. (EPA Act Sec 79C)

IMPORTATION OF FILL AND SITE REHABILITATION

7. Any fill imported to the site shall comprise of Virgin Excavated Natural Material (VENM) only and shall be sourced only from the NSW Roads and Maritime Services. The total amount of imported fill to the site in any annual return period shall not exceed 30,000m³ and is subject to the following;
- (a) Prior to importation of any fill an assessment including a calculation of the total quantity of fill required to complete rehabilitation works for the life of the quarry shall be submitted to Richmond Valley Council.
- (b) The maximum quantity of imported fill permitted over the life of consent under condition shall be 110% of the quantity determined under (a).
- (c) The quantity determined under (a) may be modified by Richmond Valley Council at any time, subject to evidence provided within the Performance and Environmental Management Report demonstrating the calculation of fill required for rehabilitation of the site requires amending.

Accurate details confirming the source, quantity and certification details for the fill shall be kept and provided as requested by Richmond Valley Council.

The imported fill shall be used only for rehabilitation works in association with this consent. The fill shall be either applied directly or stockpiled for use in future rehabilitation in accordance with this consent and the Operational Plan of Management.

Reason: To correctly what has been approved and protect the environment.

8. The proponent shall rehabilitate the site to the satisfaction of Richmond Valley Council. Rehabilitation shall be undertaken progressively, that is, as soon as reasonably practicable and generally as indicated in the Environmental Impact Statement and Operational Plan of Management.

All disturbed areas not falling within the areas identified as Pit B or Pit C or the roadways approved under this consent, shall be rehabilitated prior to commencement of works.

At the expiration of the consent under condition 5, the developer shall remove all equipment and facilities associated with the development from the land and provide a report to Richmond Valley Council detailing the completion of rehabilitation works for the site.

Reason: To ensure the site is rehabilitated and protect the environment.

MEANS TO WEIGH MATERIAL

9. The developer shall provide a suitable means to weigh all material hauled from the site. Details are to be submitted and approved by Richmond Valley Council prior to commencement of haulage. This consent does not authorise the construction of any weighbridge, if required further consent must be obtained.

Reason: To ensure quantities of extracted materials can be determined and managed.

PROVISION OF AMENITIES

10. Provision of adequate toilet facilities shall be established onsite by means of a temporary chemical closet or an approved on site effluent disposal system

Reason: To provide necessary facilities to service the development.

ECOLOGICAL MANAGEMENT

11. There shall be no vegetation removal until a Habitat Offset being a minimum of 68 hectares in area and a legally binding mechanism for the protection in perpetuity of the Habitat Offset is approved to the satisfaction of Richmond Valley Council. The Offset shall comprise vegetation representative of the impacted communities and be located generally within the 90 hectare area identified in Figure 3.1 Vegetation Plan submitted 4 March 2015.

Prior to approval of the Offset area the proponent shall engage a suitably qualified person to;

- (a) Undertake detailed assessment of the 90 hectare area to determine the location of the final 68 hectare area. The area shall provide habitat on a like for like basis proportional to the impacted vegetation communities.
- (b) The offset shall comprise a single contiguous area incorporating logical management and/or landscape boundaries that are easily identifiable and designed to minimise edge effects.
- (c) Investigate opportunities for securing the Habitat Offset. Preference shall be given to use of the BioBanking Scheme or alternatively a Conservation Agreement pursuant to the National Parks and Wildlife Act 1974.
- (d) Submit for approval of Richmond Valley Council details of the investigations referred to in (a) - (c)
- (e) Undertake any such recommendations or requirements in association with the approved method of securing the Habitat Offset

The offset shall remain in force in perpetuity and the final offset area and mechanism for securing the Habitat Offset shall be approved by Richmond Valley Council.

Reason: To compensate for loss of habitat and biodiversity resulting from the development.

12. Where quarry operations are proposed to commence prior to the provision of the Habitat Offset required under condition 11, the proponent shall:
- (a) Install a protective barrier between existing vegetation and all quarry operations, including a buffer sufficient to protect existing vegetation. The barrier shall be sufficient to prevent accidental incursions beyond the existing extent of quarry operations.
 - (b) Submit to Council a plan identifying the location of any barrier.
 - (c) Be responsible for ensuring all persons on the site are made aware of the boundary markers and that no works extend beyond the markers

Reason: To protect the environment and provide visual identification of the limits prior to finalising the Habitat Offset.

13. Subject to amendment by the conditions of this consent the proponent shall ensure all works and operation of the quarry is undertaken in accordance with Sections 5.6 Mitigation and 5.7 Rehabilitation of the Flora and Fauna Assessment prepared by Australian Wetlands Consulting Pty Ltd Revision B dated 19.09.2014.

Reason: To protect the environment.

IDENTIFICATION OF APPROVED QUARRY AREAS

14. The boundaries of the approved quarry footprint, as identified in the approved quarry plan shall be clearly marked on site **prior to commencement**. The developer shall ensure;
- (a) The location of boundaries is confirmed by survey and submitted to Richmond Valley Council prior to commencement
 - (b) The markers are easily identifiable and sufficiently durable,
 - (c) The markers remain in place for the life of the consent,
 - (d) All contractors and employees on the site are made aware of the quarry boundary and that no works extend beyond the markers.

Reason: To provide visual identification of the approved development area.

TRAFFIC MANAGEMENT

15. The proponent shall prepare and enforce a Truck Management Plan and Code of Conduct for drivers. The documents shall be submitted to and approved by Richmond Valley Council **prior to commencement of transport operations**.

The Management Plan must include but may not necessarily be limited to:

- A driver training and induction procedure. This shall include a requirement for drivers / contractors to sign a Code of Conduct acknowledgement that they agree to complying with the requirements and ongoing education about requirements.
- Complaint investigation procedure and procedure for dealing with non-compliant drivers.
- Method of monitoring truck speeds by the operator.
- Record keeping including any proposal to keep log books of truck journeys, complaints, monitoring carried out by quarry operator, and outcomes of investigations of any breaches and providing copies of such records to Council.
- Identification markings on trucks contracted to haul / work for the quarry.

- A Driver Code of Conduct that details the approved haulage route, operation hours for travel to and from the site, speeds, measures to reduce traffic noise, safe distances between trucks, traffic safety and courteousness, locations of sensitive receivers, identification and enforcement.

The proponent is responsible for managing speed limits of quarry trucks to ensure compliance with this condition. The proponent shall ensure all drivers adhere to the Code of Conduct, promptly address any complaints or community issues and shall take or implement any reasonable mitigation measures as required.

Reason: *To protect the amenity of the area, traffic safety, ensure management of truck speed limits and noise impacts from transport operations*

COMMUNITY RELATIONS

16. **Prior to commencement of operations** the proponent shall;

- (a) submit to Richmond Valley Council and include within the Operational Plan of Management the following, the name and contact details for a person with the responsibility and authority to respond to Council and/or members of the public in regard to complaints, compliance with this consent and any Plan or report associated with the development. This person must respond to community complaints promptly and effectively.
- (b) erect a sign at the entrance of the quarry with the phone number and permanent site contact details so that complaints concerning the operation of the quarry can be received and addressed in a timely manner. The sign must remain in place and contain accurate details at all times.

The proponent shall ensure the contact details provided above remain current at all times and are updated if any changes occur.

Reason: *To ensure the development responds to community concerns.*

CULTURAL HERITAGE

17. The proponent shall implement and ensure the development operates at all times in accordance with the Cultural Heritage Assessment prepared by Everick Heritage Consultants Pty Ltd dated September 2014 including the recommendations of Section 9.

If Aboriginal objects are identified during the proposed works and they cannot be avoided, all mitigation measures undertaken to manage impact will require an Aboriginal Heritage Impact Permit (AHIP). Any potential AHIP application will require evidence of consultation with the registered Aboriginal parties. Ongoing consultation for the life to the development is encouraged.

Reason: *To protect Cultural Heritage.*

PERFORMANCE REPORTING AND OPERATIONAL PLAN OF MANAGEMENT

18. (a) **Prior to commencement of operations** the Operational Plan of Management shall be amended where applicable to be consistent with this consent and any report, approval or plan associated with this consent and shall include any other additional matters as determined by Richmond Valley Council.

- (b) Within one month of the end of every annual reporting period, or other timing as may be agreed with Council, the proponent shall submit to Richmond Valley Council a Performance and Environmental Management Report. The Report must review the environmental performance of the development including:
- i) A description of the development that was carried out in the previous year, and the development that is proposed to be carried out over the next year including quarry production and transport data, details of proposed working cells, cells to be opened and or closed and rehabilitation works.
 - ii) A review of the Operational Plan of Management and a description of any proposed amendments to the current Operational Plan of Management.
 - iii) An assessment of rehabilitation works completed during the year against the Operational Plan of Management and review of the importation of fill. A fill balance calculation shall be undertaken to ensure sufficient soil is available for ongoing rehabilitation works over the life of the quarry.
 - iv) A comprehensive review of the monitoring results and complaints records of the development over the previous year, which includes a comparison of these results against the:
 - a) the relevant statutory requirements, limits or performance measures/criteria;
 - b) requirements of any plan or program required under this consent, including the Transport Management Plan and Code of Conduct
 - c) the monitoring results of previous years;
 - d) the relevant predictions in the EIS; and
 - e) a copy of the annual return submitted to the Environmental Protection Authority for the current year
 - v) A statement of compliance with each of the relevant conditions of this consent including identification of any non-compliance over the last year, and description what actions were taken and will continue be taken to ensure compliance. Identified actions shall be included in an amending Operational Plan of Management.
 - vi) Identification of any trends in the monitoring data over the life of the development.
 - vii) Identification of any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies.
 - viii) A description of measures that will be implemented over the next year to improve the environmental performance of the development.
 - ix) Monitoring and environmental reporting is to be completed by an independent and appropriately qualified person
- (c) Following submission of the Performance and Environmental Management Report and subject to approval by Richmond Valley Council, the Operational Plan of Management may be replaced with an amending Plan.

An Operational Plan of Management remains current until such time as an amending plan is approved by Richmond Valley Council.

Reason: *To monitor performance of the development and provide flexibility in the progressive working of cells over the life of the development.*

INFRASTRUCTURE

19. Any damage caused to public infrastructure (roads, footpaths, kerb and gutter, stormwater, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Executive Manager Infrastructure and Environment (and delegated staff). The repairs shall be carried out **prior to the commencement of operations of the quarry under this consent.**

Council shall be notified in writing, **prior to commencement of works**, of any existing damage to roads, stormwater drainage, kerb and gutter or footpaths.

Absence of notification signifies that no damage exists, and the applicant is therefore liable for the cost of reinstatement of any damage found at the completion of the works.

Reason: To protect the existing and future amenity of the locality and to formally record any pre-existing damage to existing assets.

20. Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Existing services/infrastructure that require reconstruction or adjusting to suit a development (water, sewerage, stormwater, road works, footpath, kerb and gutter, footpaths, etc.) is to be carried out at the developer's expense. Construction is to be in accordance with Council's standards, or the affected asset owners standards, and shall be completed **prior to the commencement of operations of the quarry under this consent.**

Reason: To protect existing services.

21. Works within any part of the road reserve which will impact on pedestrians or traffic flow (including temporary site fencing which restricts pedestrian access, temporary disruption to traffic, etc.) requires the preparation of a **Traffic Control Plan**. The Plan shall comply with the provisions of the Roads and Maritime Services (formerly RTA) document "**Traffic Control at Work Sites**" manual and shall be prepared by a person who is qualified, authorised and has passed an Roads and Maritime Services (formerly RTA) approved training course. The TCP designer's certification number is to appear on the Traffic Control Plans.

The Plan shall be submitted to and verified by Richmond Valley Council **prior to the commencement of works in the road reserve.**

Reason: To ensure works carried out in the road reserve are carried out in a safe environment.

22. Application (under Section 138 of the Roads Act) for approval to carry out any work within the road reserve shall be made to Council by any contractor proposing to carry out any such works prior to any such works commencing. This includes driveway crossings and aprons, water, sewerage, stormwater, road works, kerb and gutter, footpaths, etc. (Completion of Council's Application for Construction of Vehicular Accessway form and payment of the cost/bond satisfies the Section 138 requirement for crossings and aprons. Bond amounts are the rates applicable at the time of payment.)

The owner or contractor shall not undertake any work within the public road reserve without giving Council's Infrastructure and Environment Department **five (5) working days notice of proposed commencement**.

All contractors working on such areas are to have Public Liability Cover to a minimum value of \$10,000,000. A certificate of currency is to be forwarded to Council prior to the commencement of works.

Reason: To comply with Section 138 of the Roads Act 1993.

23. In accordance with Richmond Valley Council's Rural Road Numbering System, the developer shall place rural road number identification on a post at the Boggy Creek Road vehicular entry point to the quarry access road. **prior to the commencement of operations of the quarry under this consent.**

Reason: To provide visual identification of the access location for emergency services.

24. A defects liability bond (in cash or Bank Guarantee) shall be lodged with Council. The date of Practical Completion shall be the date upon which all engineering works are completed and the defects liability bond has been paid. The bond shall be based on 10% of the value of the works which will become Council's assets (Council's adopted Revenue Policy (Fees and Charges)), and will be held by Council for a period of 12 months from the date of Practical Completion. The defects liability bond will be refunded at the satisfactory completion of the maintenance period (12 months). The bond shall only be released by advice from Richmond Valley Council that both the defects liability period has been completed, and that the works have been completed and are satisfactory at the end of the defects liability period.

The bond shall be paid to Council **prior to the commencement of operations of the quarry under this consent.**

Reason: To provide adequate funds for the rectification of non-compliances, or failure to carry out maintenance during the maintenance period.

25. A Civil Engineering assessment fee shall be paid to Council, **prior to the issue of a Construction Certificate** for the civil works (roadworks, intersection etc) associated with this consent, for the assessment of plans, issue of a Construction Certificate, and inspection of civil works which will impact on or become Council's assets. Rates are as detailed in Council's Revenue Policy (Fees and Charges), with quantities assessed from approved plans detailing such civil works.

Reason: To ensure engineering works are designed and constructed to Council standards.

26. All building and construction work by private contractors in NSW, costing \$25,000 or more, is liable for the payment of the **Long Service Levy** to the Long Service Levy Payments Corporation. This is a State Government Levy and is subject to change. Construction work includes civil construction such as roads and bridges, pipelines, fuel gas and water storage and distribution infrastructure, sewerage drainage and treatment systems, retaining walls, electrical distribution infrastructure, etc. Confirmation of the

payment to the Corporation (Council is an agent) is to be submitted to Council **prior to the issue of the Construction Certificate**. (Payments through Council are to be made payable to Richmond Valley Council. Cheques payable to the Corporation cannot be accepted by Richmond Valley Council.)

Reason: To ensure the long service levy on private contractor constructed works is paid in accordance with State Government legislation.

27. A contribution under Section 94 (1)(b) of the Environmental Planning and Assessment Act 1979, amounting to \$1.10 per tonne (rate as @ 18/4/2015) of material transported to and from the site is to be paid to Richmond Valley Council. Contributions under this Plan shall be levied annually and based upon lodgement of annual returns itemising extraction/importation tonnages for the previous financial year. Rates provided are correct at the time of this consent and shall be payable at the rates applicable in Council's adopted Revenue Policy (Fees and Charges) at the date of payment. (The Section 94 Heavy Haulage Contributions will be allocated to the haul route roads of Boggy Creek Road, Reardons Lane and Woodburn Coraki Road.)

Reason: To provide funds for the road maintenance in accordance with Richmond Valley Council's Section 94 Heavy Haulage Contributions Plan 2013.

28. Plans showing all civil engineering works which will become Council's assets, eg roads, kerb and gutter, stormwater drainage, water, sewer, footpaths, etc., shall be submitted to Richmond Valley Council. Council approval of the plans is required **prior to the issue of the Construction Certificate** for the civil works (roadworks, intersection etc) associated with this consent. Such works shall be designed and documented in accordance with Council's Standards.

Reason: To Provide adequate services for the development.

29. Measures shall be put in place to control stormwater runoff for the road and intersection construction works. These control measures shall be in place **prior to the commencement of construction works** and shall prevent soil erosion and transport of sediments from the development site into either:

- adjoining land
- natural drainage courses
- constructed drainage systems, and
- waterways

The methods to be used shall be designed in accordance with the book '*Managing Urban Stormwater: Soils & Construction*' also known as '*the Blue Book*' published by NSW Landcom.

All control measures are to be maintained in an operational condition at all times during construction and until vegetation or permanent structures can satisfactorily control stormwater runoff. Control measures shall be regularly cleared of sediment and debris build-up, to ensure continued operation.

During construction works all motor fuels, oils and other chemicals are to be stored and used on site in a manner which ensures no contamination of stormwater. No incidents of visible pollution leaving the construction site. No litter placed in a position where it may be blown or washed off site.

***Reason:** To minimise erosion and sediment and associated impacts in accordance with the Protection of the Environment Operations Act, and to protect the capacity of downstream drainage networks (both constructed and natural)*

30. The developer shall construct the following road works in accordance with Council's Northern Rivers Development and Design Manual and the Northern Rivers Local Government Construction Manual and the Austroads Guide to Road Design Part 4A. All designs shall accommodate the swept paths of two opposing haulage trucks.

The developer shall be responsible for any costs, including maintenance, for a period of twelve months from the date of approval of completion of the work.

Design plans are to be submitted to and approved by Richmond Valley Council **prior to the issue of the Construction Certificate** for the civil works (roadworks, intersection etc) associated with this consent. (The approved design plans form the basis of the calculation of the Civil Assessment Fee.) Road works shall be completed to the satisfaction of Richmond Valley Council **prior to the commencement of operations of the quarry under this consent.**

1. Boggy Creek Road is to be constructed to a 6 metre two coat bitumen seal with 1 metre gravel shoulders from the quarry entrance road to Reardons Lane (i.e. between the sections of AC/open graded hotmix).
2. The Boggy Creek Road / quarry entrance road intersection is to be widened to accommodate entering and departing heavy vehicles (typically in accordance with Figure 13 of the Report) and shall be to the Austroads Guide to Road Design Part 4A Figure 8.2 Rural basic left turn treatment (BAL) standard as a minimum.
3. The Reardons Lane / Boggy Creek Road intersection shall be designed and constructed (typically in accordance with Figure 18 of the Report) to the Austroads Guide to Road Design Part 4A Figure 7.5 Rural Basic Right turn (BAR) standard. Additional widening on the left turn out of Boggy Creek Road will require construction in accordance with Austroads Guide to Road Design Part 4A Figure 8.2 Rural Basic Left turn treatment (BAL) standard.
4. The Boggy Creek Road / quarry entrance road intersection shall be sealed with AC/hotmix for heavy vehicle tyre drag control.
5. The Boggy Creek Road / quarry entrance road intersection shall have a median island painted in the quarry entrance road to delineate the entry and departing lanes.
6. Boggy Creek Road shall be sealed with AC/open graded hotmix for a length of 350 metres west from the centreline of Reardons Lane.
7. Subject to the approval by Richmond Valley Council of a submitted formal design, double barrier line marking BB shall be installed on Boggy Creek Road from the quarry entrance road to 100 metres east of the western boundary of Lot 4 DP 703004 (i.e. from the quarry entrance over the crest and through the S bends).
8. Subject to the approval by Richmond Valley Council of a submitted formal design, double barrier line marking shall be installed on Boggy Creek Road from the western boundary of Lot 2 DP 703004 to Reardons Lane (i.e. along the frontages of the 2 residences on Boggy Creek Road).

9. Subject to the approval by Richmond Valley Council of a submitted formal design, a dividing (separation) line S1 shall be line marked on Boggy Creek Road between the double barrier lines (i.e. from the S bends to the residences near Reardons Lane).
10. The Reardons Lane / Boggy Creek Road intersection shall be sealed with AC/hotmix for heavy vehicle tyre drag control.
11. Subject to the approval by Richmond Valley Council of a submitted formal design, advisory speed signs (ending in a "5") shall be placed on the Boggy Creek Road S bends.
12. Subject to the approval by Richmond Valley Council of a submitted formal design, hinged truck warning signs shall be placed at the Boggy Creek Road / quarry entrance road, and the Reardons Lane / Boggy Creek Road intersections. Such signs shall be displayed during haulage operations, and closed when no haulage is being undertaken.
13. Boggy Creek road culverts shall be extended to provide the full 8 metre wide pavement construction (6m seal plus 1m shoulders). Such extensions shall be completed prior to the construction of the road works over the culverts. (Roads and Maritime Services advises that the use of R9-233 "Narrow Lanes" is not appropriate.)
14. Subject to the approval by Richmond Valley Council of a submitted formal design, double barrier line marking BB shall be installed on Reardons Lane from Boggy Creek Road to Casuarina Drive - including the northern part of the Casuarina Drive intersection.
15. Subject to formal design approval by Richmond Valley Council, double barrier line marking BB shall be installed on Reardons Lane at the Woodburn Coraki Road intersection.
16. Subject to the approval by Richmond Valley Council of a submitted formal design, a dividing (separation) line S1 shall be line marked in Reardons Lane from the double barrier lines at the Casuarina Drive intersection to the double barrier lines at the Woodburn Coraki Road intersection.
17. Subject to the approval by Richmond Valley Council of a submitted formal design, a westbound deceleration lane shall be constructed on Woodburn Coraki Road for heavy vehicle turns into Reardons Lane.

Reason: *To ensure an adequate road network in accordance with adopted standards.*

31. Upon completion of works to be vested in Council, **Work as Executed** drawings and plans in digital format shall be submitted to and approved by Richmond Valley Council **prior to the commencement of operations of the quarry under this consent.**

Reason: *To provide adequate records of services for the development.*

32. Inspection and Testing Plans covering all the necessary inspections and testing of the civil engineering works which will become Council's assets shall be submitted to and approved by Richmond Valley Council. The Inspection and Testing Plans shall be in accordance with the Northern Rivers Local Government Development and Design Manual and the Northern Rivers Local Government Construction Manual. Council approval of the Inspection and Testing Plan is required **prior to the commencement of any works that will become Council's assets.**

Reason: *To ensure engineering works are constructed to council standards.*

ENVIRONMENTAL HEALTH

33. The speed limit of quarry trucks hauling material from and returning to Moonimba quarry must be limited to that recommended in Section 9.2 of the report titled "Noise Impact Assessment Extension of Moonimba Quarry Bungawalbin" Report No. 06193_NIA_Rev D, published by Greg Alderson and Associates dated 12 February 2015.

Reason: To protect the amenity of sensitive land uses near trucking routes

34. An acoustic wall must be constructed along the northern boundary of Lot 1 DP703004 to Bogy Creek road to ensure road traffic noise is mitigated to an acceptable level. Design details and specifications of the wall must be submitted to and approved by Richmond Valley Council **prior to release of Construction Certificate**. The wall must be constructed in accordance with Councils approval prior to commencement of operation of the quarry. The design of the wall submitted to Council must include details of materials proposed to be used in its construction and the method / specifications of construction as well as ongoing management and maintenance of the wall to ensure it effectively mitigates noise. Road safety issues such as the clear zone must also be detailed.

Reason: To ensure noise from quarry trucks is mitigated to acceptable levels and that the design meets Council requirements.

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

General terms of approval for NSW Environment Protection Authority under Protection of the Environment Operations Act 1997

Administrative conditions

Note: Mandatory conditions for all general terms of approval

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

Development Application No.2015.069 submitted to Council on 30 September 2014 and attachments;

The environmental impact statement, Moonimba Quarry Expansion Bungawalbin NSW by John Thomas Newman.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Discharges to Air and Water and Applications to Land

P1. Location of monitoring/discharge points and areas

P1.1 The following utilisation areas referred to in the table below are identified in the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, for the purposes of the monitoring and/or setting of limits for any application of solids or liquids to the utilisation area.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
Sediment Basin Discharge	Water	Water	Overflow point of stormwater from quarry floor.

Limit conditions

L1. Pollution of waters

Note: Mandatory condition

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table/s (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.

L2.4 Water and/or Land Concentration Limits

DISCHARGE POINT 1 (Sediment Basin Discharge)

Pollutant	Units of measure	100 % concentration
Total Suspended Solids	mg/L	50.
pH	pH units	6.5 - 8.5
Oil and grease	mg/L	Nil

L2.5 The concentration limits in the above table do not apply to any discharge from the sediment basin (at Point 1) solely arising from rainfall measured at the premises exceeding 45.2 mm in total falling over any consecutive five day period.

L2.6 If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997, the applicant must develop a statistical correlation which identifies the relationship between NTU and TSS for water quality in the sediment basin/s in order to determine the NTU equivalent of 50 mg/L TSS prior to its use.

L2.7 If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997, the applicant must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NTU in place of TSS.

L2.8 If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997, the applicant must develop and implement a method to enable the ongoing verification of the relationship between NTU and TSS.

L2.9 If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997, the applicant must provide the EPA with any amendments the applicant makes to the statistical correlation as a result of the ongoing verification required by Condition L2.8 before using the revised statistical correlation.

L3. Waste

L3.1 The applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L4. Noise limits

L4.1 Noise from the premises must not exceed an LAeq (15 minute) noise emission criterion of 35 dB(A) for receivers 1, 4, 5 and 13 as identified in Noise Impact Assessment by Greg Alderson & Associate (Report No. 06193_NIA_Rev B), except as expressly provided by these general terms of approval.

L4.2 Noise from the premises is to be measured at residential receivers 1, 4, 5, 13 as identified in the Noise Impact Assessment by Greg Alderson & Associate (Report No. 06193_NIA_Rev B). This condition does not apply if written permission from the property owners for an exceedance of condition L4.1 has been provided to the EPA.

L4.3 The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:

- Wind Speeds greater than 3 metres/second at 10 metres above ground level; or
- Temperature inversion conditions up to 3° C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- Temperature inversion conditions greater than 3°C/100m.

L5. Blasting

L5.1 Blasting operations at the premises may only take place between 09:00 to 15:00 Monday to Friday. (Where compelling safety reasons exist, the Authority may permit a blast to occur outside the above mentioned hours. Prior written (or facsimile) notification of any such blast must be made to the Authority).

L5.2 The airblast overpressure level from blasting operations in or on the premises must not exceed:

- a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and
- b) 120 dB (Lin Peak) at any time,

at any point within 1 metre of any affected residential boundary or other noise sensitive location unless the location is owned by the licensee or is subject to a private written agreement between the owner of the residence or noise sensitive location as to an alternative overpressure level.

L5.3 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:

- a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and
- b) 10 mm/s at any time,

at any point within 1 metre of any affected residential boundary or other noise sensitive location unless the location is owned by the licensee or is subject to a private written agreement between the owner of the residence or noise sensitive location as to an alternative ground peak velocity level.

L5.4 All sensitive receivers are to be given at least 24 hours notice when blasting is to be undertaken.

L6. Hours of operation

L6.1 Activities covered by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, must only be carried out between the hours of 7:00 am and 6:00 pm Monday to Friday, and 8:00 am and 12:00 pm Saturday, and at no time on Sundays and Public Holidays.

L6.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.1 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

Operating conditions

O1. Dust

O1.1 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

O2. Processes and management

O2.1 Sediment basins shall be treated, if required, to reduce the Total Suspended Solids level to the concentration limit of 50 mg/L provided by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, before being released to the environment. Treatment can be with gypsum or any other material that has been approved by the EPA.

O2.2 The applicant must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.

O2.3 The applicant must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.

O2.4 Where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any clearing or grubbing works within the catchment area of the sediment basin that may cause sediment to leave the site.

O2.5 The applicant must ensure the design storage capacity of the sediment basins installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.

O2.6 The applicant must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:

- a) the clear identification of each sediment basin and discharge point;
- b) the collection of representative samples of the water discharged from the sediment basin(s);
and
- c) access to sampling point(s) at all times by an authorised officer of the EPA.

O2.7 The applicant must endeavour to maximise the reuse of captured stormwater on the premises.

O2.8 Each sedimentation basin must have a marker (the "sediment basin marker") that identifies the upper level of the sediment storage zone.

O2.9 Whenever the level of liquid and other material in any sedimentation basin exceeds the level indicated by the sedimentation basin marker, the licensee must take all practical measures as soon as possible to reduce the level of liquid and other material in the sedimentation basin.

O2.10 The sediment basins must meet the design and operational standards of *Managing Urban Stormwater Soils and Construction: Volume 1 and Volume 2 E. Mines and quarries*. This document requires that at a minimum 85 percentile five-day rainfall event be used to determine basin sizing for quarries.

O2.11 All liquid chemicals, fuels and oils must be stored in tanks or containers inside suitable bund(s). Bund(s) are to be designed, constructed and maintained in accordance with AS1940-2004 Storage and Handling of Flammable and Combustible Liquids.

Monitoring and recording conditions

M1. Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, must be:

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;
- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 .The applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

POINT 1 Water and Land

Discharge point 1

Pollutant	Units of measure	Frequency
Total Suspended Solids	mg/L	Special Frequency 1.
pH	pH units	Special Frequency 1
Oil and grease	mg/L	Special Frequency 1

< *Special Frequency 1* > means sampling any discharge, whether controlled or otherwise, which has not occurred from rainfall exceeding 45.2 mm over any consecutive five day period.

M3. Testing methods - concentration limits.

M3.1 Subject to any express provision to the contrary of the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M4. Environmental monitoring

M4.1 The applicant is required to install and maintain a rainfall depth measuring device.

M4.2 Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day.

Note: The rainfall monitoring data collected in compliance with Condition M4.2 can be used to determine compliance with L2.4.

M6. Other monitoring and recording condition

M6.1 For the purposes of monitoring for compliance with the noise limit conditions of the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, (condition L4) noise emitted from the premises must be measured or computed at 30 metres from the nearest residential dwelling/s over a period of 15 minutes using the "FAST" response on the sound level meter. A modifying factor correction must be applied for tonal, impulsive, or intermittent noise in accordance with the document NSW Industrial Noise Policy (NSW EPA, January 2000).

M7. Blast Monitoring

M7.1 The time of blasting, the air-blast overpressure level from blasting operations and the ground vibration peak particle velocity from blasting operations must be measured at the nearest sensitive receiver for each blast.

Reporting conditions

Note: Mandatory condition to be used on all general terms of approvals

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Attachment B – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- Extractive
- Activities;
- and
- Crushing

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of
the following: the date and time of
the complaint;

the method by which the complaint was made;

any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;

the nature of the complaint;

the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and

if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made. The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- c) a Statement of Compliance; and
- d) a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below Where this licence is transferred from the licensee to a new licensee,

- a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555. The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and

- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g) any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

General terms of approval for Department of Primary Industries Office of Water under s91 of the Water Management Act 2000

Number	Condition
Plans, standards and guidelines	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2015.069 and provided by Council.</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Vegetation Management Plan</p>

Number	Condition
	(ii) Works Schedule (iii) Soil and Water Management Plan
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Riparian Corridors (iii) Outlet structures
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Rehabilitation and maintenance	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Security deposits	
9	N/A
Access-ways	
10	N/A
11	N/A
Bridge, causeway, culverts, and crossing	
12	N/A
13	N/A
Disposal	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan

Number	Condition
	approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
19	N/A
Maintaining river	
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
21	N/A
River bed and bank protection	
22	N/A
23	The consent holder must establish a riparian corridor along unnamed watercourse in accordance with a plan approved by the NSW Office of Water.
Plans, standards and guidelines	
24	N/A
25	N/A
26	N/A
27	N/A
END OF CONDITIONS	

**General terms of approval for Department of Primary Industries Office of Water
under Part 3 of the Water Management Act 2000**

Conditions

Standard

1. The general terms of approval (GTA) relate to the above development within the proposed development site.
2. The GTA do not constitute an approval under the *Water Management Act 2000 (WMA)*.
3. If the consent authority determines to grant consent, the GTA are to form part of the development consent.
4. Any amendments to the development application may void these GTA.
5. The approval holder must submit, to the NSW Office of Water (NOW) a completed application form for a water supply work approval under the *WMA* prior to the commencement of any development / works.
6. The approval application is required to accord with the GTA.

Works

7. The approval holder must not take water using any work specified on this approval unless in compliance with the conditions of the access licence under which water is being taken.
8. The approval holder must install, maintain and operate any device(s) for measuring the volume of water extracted by the approved works in accordance with any manufacturer's specifications or, where given, in accordance with any written direction from NOW.
9. The approval holder must provide a certificate issued by the manufacturer or other such competent, qualified person certifying the accuracy of device or devices used for measuring the volume of water extracted by the approved works, in accordance with any written direction from NOW.
10. The approval holder must within two (2) months of completing construction of any work permitted by this approval and in a form approved by NOW, provide the department with the following:
 - the location of the authorised work on the lot and deposited plan preferably using GPS references, and
 - details of the work (including the size, dimensions and capacity of the work).
11. The approval holder must provide NOW with a report detailing the quantity of water taken through the approved work and recorded by the approved measuring device.
12. The approval holder must inform NOW within seven (7) days if the device(s) used for measuring the volume of water taken from the approved work ceases to record water usage accurately. In such cases, the approval holder must notify the department of:
 - the duration of the failure of the measuring device, and;
 - the total hours that the work was operated while the measuring device was not functioning.
13. The approval holder must not take water using works on this approval under a:
 - domestic and stock access licence;

Conditions

- local water utility access licence, or;
 - major utility access licence,
- unless it is in accordance with a water supply order approved by State Water not less than 2 days prior to when the water is to be taken.

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act, 1979 are to be complied with:

- (i) A Construction Certificate is to be obtained from the Consent Authority or an Accredited Certifier in accordance with Section 81A(2)(a) of the Act.
- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance With Section 81A(2)(b) of the Act.
- (iii) Council is to be given at least two (2) days notice of the persons intention to commence building works, in accordance with Section 81A(2)(c) of the Act.

NOTE 2: The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue of any relevant documentary evidence or certificates.

NOTE 3: In accordance with Clause 98(1) of the Environmental Planning and Assessment Regulation, it is a condition of Development Consent for development that involves any building work, that the work must be carried out in accordance with the requirements of the Building Code of Australia.

NOTE 4: If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

NB: GST means any tax levy charge or impost under the authority of any GST law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means a New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

NOTE 5: This development approval does not guarantee compliance with the Disability Discrimination Act and the developer should therefore investigate their liability under the Act. Council can assist developers by directing them to Parts 2, 3 and 4 of the Australian Standard 1428 – Design for Access and Mobility (Part 1 is mandatory in the BCA).

NOTE 6: The granting of the development consent does not negate the owner/applicant's obligations under Part 6 of the *National Parks and Wildlife Act 1974*, where it is declared an offence to harm, or desecrate, an Aboriginal object or declared Aboriginal Place. The Office of Environment and Heritage's *Due Diligence Code of Practice* should be used to determine

whether harm is likely, and whether consent in the form of an Aboriginal Heritage Impact Permit (AHIP) is required.

NOTE 7: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

NOTE 8: Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact : Telstra's Network Integrity Team on Phone Number 1800 810 443.

PRESCRIBED CONDITIONS OF DEVELOPMENT CONSENT

Under the provisions of Clause 98 of the Environmental Planning and Assessment Regulation for the purposes of Section 80A(11) of the Environmental Planning and Assessment Act the following conditions are Prescribed Conditions:

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: *Required by Clause 98 of the Regulation.*

2. Any Development that requires building work, subdivision work or demolition work a sign must be erected on the development site in a prominent position before the commencement of any work showing:
 - a) Name, address and telephone number of the Principal certifying Authority for the work.
 - b) Name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours.
 - c) Stating that unauthorised entry to the work site is prohibited.

NOTE: The sign must be of rigid and durable material and maintained on the site until work has been completed. The sign must be easily read by anyone in any public road or public place adjacent to the site.

Reason: *To ensure compliance with Section 80A(11) of the Environmental Planning and Assessment Act, 1979 and Clauses 98A and 227A of the Accompanying Regulation.*

3. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with Section 80A(11) of the Environmental Planning and Assessment Act, 1979 and Clauses 98E of the Accompanying Regulation.

DATE FROM WHICH CONSENT OPERATES

Section 83 of the Environmental Planning and Assessment Act provides that the consent shall become effective and operate from the date endorsed upon the notice, **except** in the case of designated development to which objections have been lodged, when the consent shall become effective 28 days after the consent is issued.

Where an appeal is lodged, either by the applicant or an objector in respect of designated development, the consent shall remain in deferment and not become effective until the appeal has been determined. The consent shall be void if, on appeal, the development is refused.

COMPLIANCE

The development shall be carried out in accordance with the application, and "approved plans" as may be attached to this consent, and as amended by the foregoing conditions. **All conditions** shall be complied with prior to occupation of the development and, where appropriate, during the operating life of the development.

REVIEW OF DETERMINATION

Under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979, an applicant may request the Council to review a determination of the application. The request for a review must be made within six (6) months after the date of the determination.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Where an appeal is made in the case of a designated development, each person who objected is required to be given notice of the appeal, and will have the right to be heard at that hearing.

Except in the case of designated development, there is no provision within the Act for a third party (objector) to appeal against the consent issued by the Council.

LAPSING OF CONSENT

Section 95 of the Environmental Planning and Assessment Act provides that a development consent lapses five years after the date from which it operates. Therefore, this consent lapses five years from the date of operation of this consent **UNLESS**:

- building, engineering, or construction work relating to this development is commenced on the land within the period of operation of the consent, or

- if no such works are required, the use of the premises commences within the period of operation of the consent.

MODIFICATION OF CONSENTS

Under the provisions of Section 96 of the Environmental Planning and Assessment Act an applicant may apply to Council for modification of the consent.

NOTICE TO COMPLETE

Where development has been commenced, but the work not completed, Section 121B provides that the Council may issue an order requiring completion of the work within a specified time, being not less than twelve months.

For and on behalf of Richmond Valley Council.



Paul Radnidge
Manager Assessment, Environment and Regulation

per: Cherie Smith

Encl.

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