

MINUTES OF THE NORTHERN REGION PLANNING PANEL MEETING HELD AT THE TWEED SHIRE COUNCIL CHAMBERS, MURWILLUMBAH ON FRIDAY, 20 AUGUST 2010 AT 4:00 PM

PRESENT:

Garry West	Chair
Pamela Westing	Panel Member
Bruce Clarke	Panel Member
Robert Quirk	Panel Member
Dr Ned Wales	Panel Member

IN ATTENDANCE:

Rowena Michel	Development Assessment Coordinator, Tweed Shire Council
Denise Galle	Development Assessment Coordinator, Tweed Shire Council
Sandy Pimm	Specialist Planner/Ecologist
Lindsay McGavin	Manager, Development Assessment, Tweed Shire Council
Vince Connell	Director, Planning and Regulation, Tweed Shire Council
Janet Twohill	Acting Secretary, Planning and Regulation, Tweed Shire Council

APOLOGY: Dr John Griffin

The meeting commenced at 4.11pm. The Chair welcomed everyone to the meeting of the Panel.

1. Declarations of Interest

Nil

2. Business Item (DA 10/0133)

The Panel resolved to deal with business Item 2 first.

ITEM 2 - 2010NTH006 – Tweed Shire Council - DA10/0133 - Waste Management Facility, 35-37 Morton Street, Chinderah

Tweed Shire Council Development Assessment Coordinator, Denise Galle, gave an overview of the proposed development.

3. Public Submission

There were no public submissions

4. Business Item Recommendations (DA 10/0133)

Moved Dr Ned Wales, seconded Ms Pamela Westing,

That the Panel adopt the Council officer's recommendation to approve the proposal subject to the recommended conditions of consent, as they appear in attachment 1 below

MOTION CARRIED UNANIMOUSLY

5. Business Item (DA 09/0757)

ITEM 1 - 2009NTH011 – Tweed – Development Application DA09/0757 for Additions to Existing Manufactured Home Estate (Noble Lakeside Park) Including 45 New Manufactured Home Sites Construction of a Community Hall and Facilities and Extension of Internal Roads at Lot 193 DP 1014329 No. 39 Monarch Drive Kingscliff

Tweed Shire Council Development Assessment Coordinator, Rowena Michel, gave an overview of the proposed development.

6. Public Submissions

Dorothy Stephens	Addressed the panel against the item
Barry Cusack on behalf of John Mulligan	Addressed the panel against the item
Roma Newton	Addressed the panel against the item
Barbara Cusack	Addressed the panel against the item
Patricia Phillips	Addressed the panel against the item
Donald L Reid	Addressed the panel against the item
Jim Glazebrook, Town Planner of Jim Glazebrook & Associates Pty Ltd	Addressed the panel in favour of the item
Lucas Faulkner of Opus International Consultants (Australia) Pty Ltd	Addressed the panel in favour of the item
Keith L Noble, Managing Director of Baclon Pty Ltd	Addressed the panel in favour of the item

7. Business Item Recommendations (DA 09/0757)

Moved Mr Bruce Clarke, seconded Dr Ned Wales,

"That the Panel refuse the proposal subject to the reasons for refusal as detailed below."

Mr West adjourned the meeting to draw up reasons for refusal.

Mr West resumed the meeting at 6.43pm.

Mr West asked if Mr Clarke & Dr Wales would accept the following change to the motion:

That the Development Application DA09/0727 for Additions to Existing Manufactured Home Estate (Noble Lakeside Park) Including 45 New Manufactured Home Sites Construction of a Community Hall and Facilities and Extension of Internal Roads at Lot 193 DP 1014329 No. 39 Monarch Drive Kingscliff be refused for the following reasons:

1. In accordance with Section 79(c) (1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development is considered to have a detrimental impact on the natural and built environment and detrimental social and economic impacts in the locality as the development will result in:

- Loss of visual amenity for existing residents in the development because of loss of vegetation and change of view to urban environment;
 - Loss of amenity for existing residents due to loss of access to the nature walk;
 - Loss of amenity for existing residents due to increased noise from the proposed residences affecting the open space on the southern side of the lake;
 - Loss of visual amenity to adjoining properties due to the impact of the proposed fill, retaining walls and noise attenuation fencing;
 - The proposed community building will have a setback of only 20m to Tweed Coast Road and is therefore out of keeping with adjoining properties and other developments;
 - The impact of retaining walls. Council's design specifications specify that the maximum height of retaining walls & batters is 2.4m. The application is not in accordance with Council's specifications due to the excessive fill and height of retaining walls;
 - There is insufficient information to demonstrate that the development will not have a negative impact on flooding affecting neighbouring properties; and
 - The noise level impact assessment indicates noise from the adjacent trotting track will exceed background noise levels by 10dBa.
2. Pursuant to Section 79C(1)(C) of the Environmental Planning and Assessment Act 1979 the site is not considered suitable for the proposed development for the following reasons:
- The proposed development will have a negative impact on the natural environment as the site is of ecological significance as part of a regional wildlife corridor and in providing habitat for wading birds and other wetland species, a number of which are listed as threatened on the Schedules of the Threatened Species Conservation Act 1995 and all existing vegetation is proposed to be removed.
 - A geotechnical report addressing the potential impacts of the development has not been provided. It is uncertain if the site is suitable for the development.
 - The design of the internal road as a combined road and walkway will adversely affect the safety and amenity of all residents.
 - The development requires excessive fill and alteration to the natural landform and the proposed cantilevered buildings overshadowing the lake which demonstrates that the proposal is an overdevelopment of the site.

Mr Clarke & Dr Wales accepted the change.

MOTION CARRIED UNANIMOUSLY

The meeting concluded at 7:00 pm.



Garry West
Chair, Southern Region Planning Panel
27 August 2010

ATTACHMENT 1

DRAFT CONDITIONS OF CONSENT

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos WD10.8 Machine Fit Out Plan Issue Number A prepared by Lightwave Beyond Architecture and dated 26/05/2010, except where varied by the conditions of this consent.
[GEN0005]
2. No signage has been approved as part of this application. If statutorily required future signage must seek prior development approval from Tweed Shire Council. Any exempt or complying signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.
[GEN0075]
3. Council advises that the land is subject to inundation in a 1 in 100 year event to the Design Flood Level of 3.2m AHD. Development of the site is subject to the provisions of Council's Consolidated DCP Section A3 Development of Flood Liable Land.
[GEN0195]
4. Not more than 12 months after occupation of the building and commencement of processing of materials, or a lesser period where reasonable complaints regarding noise emissions have been received by Council, a noise impact report from a suitably qualified person shall be provided to Council which assesses noise emissions from operational processes and confirms that all noise levels comply with those specified in the Environmental Noise Impact Report, CRG December 2009. Any recommendations of that report shall be implemented to the satisfaction of the General Manager or his delegate within 30 days from the date of the report.
[GENNS01]
5. An Environmental Protection License in accordance with the provisions of the Protection of the Environment (Operations) Act, 1997 (POEO) shall be obtained prior to the commencement of operations.
[GENNS02]
6. Removal of any soil, concrete hard stand or demolition of the existing building shall not be commenced without the separate written consent of Council..
[GENNS03]
7. Prior to the commencement of operation of the facility an Operational Management Plan which includes management measures for all operational aspects of the facility shall be submitted to the satisfaction of the General Manager or his delegate. All activities shall comply with the approved Plan.
[GENNS04]
8. The developer shall provide twelve (12) parking spaces for staff and customers, including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.
[GENNS05]
9. To address flood compatibility the applicant is to ensure that:
 - (a) All building materials used below Council's Design Flood Level must not be susceptible to water damage.
 - (b) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
 - (c) The fit out accommodates adequate provision for the flood free storage for goods and equipment susceptible to water damage.
[GENNS05]

10. Stormwater management for the Waste Management facility must be in accordance with that approved under DA09/0635. [GENNS05]
11. All unloading, processing and loading for dispatch of recyclable materials to be undertaken indoors. [GENNS05]
12. Any pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges. [GENNS05]

DURING CONSTRUCTION

13. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
Monday to Saturday from 7.00am to 6.00pm
No work to be carried out on Sundays or Public Holidays
The proponent is responsible to instruct and control subcontractors regarding hours of work. [DUR0205]
14. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.
 $L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.
 $L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence. [DUR0215]
15. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
 - Noise, water or air pollution
 - dust during filling operations and also from construction vehicles
 - material removed from the site by wind [DUR1005]
16. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
17. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to any use or occupation of the buildings. [DUR1875]
18. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the NSW Department of Environment and Climate Change. [DUR2215]

19. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate. [DUR2425]
20. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters. Such results shall be made available to Council's Environmental Health Officer(s) upon request. [DUR2435]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

21. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans. [POC0005]

USE

22. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like. [USE0125]
23. Except as may be expressly provided in a licence approval under the Protection of the Environment Operations Act 1997 (POEO) Act, the licence holder must comply with section 120 of the POEO Act 1997 prohibiting the pollution of waters. [USE0155]
24. The LAeq noise level emitted from the premises shall not exceed the background noise level (LAeq) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 6am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 6am weekdays and 12 midnight and 8am weekends. [USE0165]
25. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise. [USE0175]
26. Hours of operation of the business are restricted to the following hours: -
 * 6.00am to 6.00pm - Mondays to Fridays
 * Whilst general activities may occur between 6.00am to 6.00pm, processing and separation of materials is restricted to the hours 8.00am to 4.00pm.
 * No operations are to be carried out on Saturdays, Sundays or Public Holidays
 * All deliveries and pickups relating to the business are to occur within the approved hours [USE0185]
27. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises. [USE0225]
28. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer [USE0245]

29. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report, CRG December 2009, including all recommendations of that report. [USE0305]
30. All loading/unloading to take place within the boundary of the subject property. [USE0525]
31. The premises shall be maintained in a clean and tidy manner. [USE0965]
32. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW. [USE1035]
33. General waste shall be separated, suitably stored and disposed on a daily basis from the recycling facility to a licensed waste facility. All material processing shall occur internal to the building. [USENS01]
34. The processing of materials and cleaning of the facility shall be a 'dry' system and the activities shall not be permitted to generate a wastewater/leachate discharge from waste processing. [USENS02]
35. Activities shall not be permitted to create vibration which unreasonably impacts the amenity of any other premise. Where complaints are received which Council deems reasonable a vibration impact assessment shall be prepared by a suitably qualified person and submitted to Council. Recommendations of the report shall be implemented not more than 30 days from the date of that report. [USENS03]

GENERAL TERMS OF APPROVAL UNDER SECTIONS 43(b), 48 and 55 OF THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997 (Environment protection licence to authorise carrying out of scheduled activities at any premises)

Attachment A

ADMINISTRATIVE CONDITIONS

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:

- the development application DA10/0133 submitted to Tweed Shire Council and received by the DECCW on 12 April 2010.
- all additional documents supplied to the EPA in relation to the development, including
Document titled: "Environmental Impact Statement – Part 4 – EP&A Act, 1979 – Waste Management Facility – 35-37 Morton Street, Chinderah" prepared by PLANIT Consulting and dated January 2010

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.

LIMIT CONDITIONS

L1. Pollution of waters

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. Load limits

L2.1 Not applicable

L3. Concentration limits

L3.1 Not applicable

L4. Volume and mass limits

L4.1 Not applicable

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

Condition L5.1 does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
	Kardex (Recyclables (including paper, cardboard, plastics, glass, aluminium, iron & steel).	As defined in Schedule 1 of the POEO Act, as force from time to time.	Waste processing (non-thermal treatment)	Maximum of 75,000 tonnes of waste may be received per annum
NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Matters) Regulation 2009	As specified in each particular resource recovery exemption.	NA
NA		Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time		NA

L6. Noise limits

L6.1 Not applicable

OPERATING CONDITIONS

O1 Activities must be carried out in a competent manner

O1.1 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.

O1.2 The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.

O1.3 The premises must be maintained in a condition, which minimises or prevents the emission of dust from the premises.

O1.4 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 Maintenance of plant and equipment

O2.1 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.

O3 Leachate management

O3.1 Any liquid/leachate emanating from the handling, processing, or storage of waste must be collected and disposed of at a facility that can lawfully accept that liquid/leachate.

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 license 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 licensee 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: the date(s) on which the sample was taken;

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

M2. Requirement to monitor concentration of pollutants discharged

M2.1 Not applicable.

M3. Requirement to monitor volume or mass

M3.1 Not applicable

M4. Testing methods - concentration limits

M4.1 Not applicable

M5. Recording of pollution complaints

M5.1 The proponent 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.

M5.2 The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 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.

M6.2 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.

M6.3 This condition does not apply until 3 months after this condition takes effect.

REPORTING CONDITIONS

R1 Annual Return Documents

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.

What documents must an Annual Return contain?

R1.2 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- (a) a Statement of Compliance; and
- (b) 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

R1.3 An Annual Return must be prepared in respect of each reporting, except as provided below

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.

R1.4 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.

R1.5 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

R1.6 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').

Licensee must retain copy of Annual Return

R1.7 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

R1.8 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.

R1.9 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.

R2 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.

R2.1 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

R3 Written report

R3.1 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.

R3.2 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.

R3.3 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.

R3.4 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 TERMS OF APPROVAL UNDER THE WATER ACT 1912

General Conditions (all approvals)

The purposes of these conditions are to:

- Define certain terms used in other conditions
- Specify the need to obtain a license, permit or authority before commencing any works
- Specify that, in most cases an approval will only be issued to the occupier of the lands where the works are to be located (as required by the Water Act)
- Require existing approvals to be cancelled or let lapse when a license is issued (if applicable)
- Require the safe construction and operation of all works
- Require the use of appropriate soil conservation measures
- Limit vegetation destruction or removal to the minimum necessary
- Require the separate authorisation of clearing under the NVC Act
- Allow conditions to be imposed for management of fuel (petroleum)

In the following conditions relating to an approval under the Water Act 1912;

‘the department’ means the department administering the Water Act 1912;

‘approval’ means a license, permit, authority or approval under that Act;

‘river’ has the same meaning as in Section 5 of the Water Act 1912;

‘work’ means any structure, earthwork, plant or equipment authorised under the approval to be granted, as defined in Section 5 and 105 of the Water Act 1912;

‘controlled work’ means any earthwork, embankment or levee as defined in Section 165 of the Water Act 1912

Before commencing any works or using any existing works for the purpose of monitoring groundwater an approval under Part V of the Water Act 1912 must be obtained from the department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.

An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.

When the department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.

All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.

All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.

The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.

The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.

A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.

Conditions of water use (including irrigation)

The purpose of these conditions are to:

- Specify the purpose(s) for which the water may be used
- Specify the maximum rate that water may be taken from the water source
- Specify the limitations of when water may be taken from the water source
- Ensure proper management of tailwater drainage
- Ensure accessions to groundwater systems are restricted

The water extracted under the approval to be granted shall be used for the purpose of monitoring groundwater and for no other purpose. A proposed change in purpose will require a replacement license to be issued.

Conditions for bores and wells

See also 'general conditions' and 'conditions for water use'

The purpose of these conditions are to:

- Set a limited period bore construction
- Require the bore to be properly completed and sealed
- Require certain information to be provided on completion of the work, including a location plan
- Allow NOW access for inspection and testing
- Specify procedures if saline or polluted water found

Works for construction of bore must be completed with such period as specified by the department.

Within two months after the works are completed the department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.

Any water extracted by the works must not be discharged into any watercourse or groundwater if it would pollute that watercourse.

- (1) THE LICENSEE MUST ALLOW AUTHORISED OFFICERS OF THE DEPARTMENT OF WATER AND ENERGY, AND ITS AUTHORISED AGENTS REASONABLE ACCESS TO THE LICENSED WORKS WITH VEHICLES AND EQUIPMENT AT ANY TIME FOR THE PURPOSES OF:
 - INSPECTING THE SAID WORK
 - TAKING SAMPLES OF ANY WATER OR MATERIAL IN THE WORK AND TESTING THE SAMPLES.

The meeting concluded at 6.50pm

Garry West
Chair, Northern Region Planning Panel
<Date>