

APPENDIX A - NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

1 GENERAL

Development being carried out generally in accordance with the Environmental Impact Statement dated May 2013 prepared by Ardill Payne & Partners and plans listed below,

Prepared by	Jon No	Drawing No	Issue	Date
Ardill Payne & Partners	6542	Fig 1		14/01/2013
Ardill Payne & Partners	6542	Fig 2		14/01/2013
Ardill Payne & Partners	6542	Fig 3		14/01/2013
Ardill Payne & Partners	6542	Fig 4		14/01/2013
Ardill Payne & Partners	6542	Fig 5		14/01/2013
Ardill Payne & Partners	6542	Fig 6		14/01/2013
Ardill Payne & Partners	6542	Stage 1		14/01/2013
Ardill Payne & Partners	6542	Stage 2		14/01/2013
Ardill Payne & Partners	6542	Stage 3		14/01/2013
Ardill Payne & Partners	6542	Stage 4	A	14/01/2013

except as modified by any condition in this consent.

2 Commencement of occupation or use

Use of the site for the purposes authorised by this consent shall not commence until all appropriate conditions of this consent have been complied with.

3 Total extraction

This consent authorises a total extraction of 610,000m³ at a maximum annual extraction rate of 80,000m³ and permits quarrying for not more than fifteen (15) years, whichever is achieved first.

4 Plan of Management

A Plan of Management (PoM) is to be prepared and reviewed every 5 years. The PoM and the revised PoM are to be submitted to and approved by Council.

5 Soil and Water Management Plan

The site is to be operated in accordance with the requirements contained within the Soil and Water Management Plan prepared by Ardill Payne and Partners dated March 2013 and the Groundwater Assessment prepared by Douglas Partners project 74778.00 dated March 2013.

6 Environmental Protection Authority

The development is to comply with the Environmental Protection Authority's General Terms of Approval issued 23 June 2013.

7 Permanent buildings

No fixed building, plant or machinery shall be erected or installed on the site without the prior approval of Council.

8 Potable water

An adequate supply of potable water is to be provided on site for workers and visitors. Worker's amenities shall be provided in accordance with the requirements of WorkCover NSW.

9 Destruction of trees or native vegetation

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

10 Aboriginal relics

Upon discovery of any Aboriginal relics within the meaning of the National Parks and Wildlife Act 1974, the operator shall immediately notify the Office of Environment and Heritage and the Jali Local Aboriginal Land Council and shall cease operations within the vicinity thereof until such time as the consent from the OEH is obtained for the destruction, removal or protection thereof and the quarry operator has complied with the direction of the OEH in that respect.

The quarry operator shall not knowingly or recklessly destroy, deface, or damage any Aboriginal relic or other item of archaeological significance within the extraction area without the prior written consent of the OEH.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development.

11 A Noise Management Plan

A Noise Management Plan is to be prepared by a suitable qualified and experienced noise consultant and submitted to Council for approval, prior to the issue of the Construction Certificate. In addition to the recommendations contained in Section 6 of the Environmental Noise Impact Assessment prepared by CRG Acoustical Consultants dated 5 March 2013, the Noise Management Plan is to include a provision for pumps to be treated in the same manner as that proposed for the generator.

12 Vegetation Management Plan

A Vegetation Management Plan for the protection of vegetation and habitat during works is to be submitted to and approved by Council prior to the issue of the Construction Certificate. The plan is to contain site and stage specific management and rehabilitation procedures. The plan should provide for the monitoring, successful establishment and development of any revegetation. An annual report is to be provided to Council.

13 Frog Monitoring Plan

A Frog Monitoring Plan is to be developed for the monitoring of threatened acid frogs, linked to groundwater and water discharge monitoring plans. The plan should aim to ensure the persistence of the acid frogs through an adaptive management framework and provide for annual reporting to Council. The plan should establish baseline surveys for acid frogs and their habitat and contain remedial measures, should it be observed that the frog population is in decline. The plan is to be submitted to and approved by Council prior to the issue of the Construction Certificate.

14 Fisheries NSW

Fisheries NSW requires adequate monitoring to be undertaken of two water quality measures in an appropriately designed testing regime of the water (23ML/yr) being extracted from the site and discharged to surface waters. The first parameter is the concentration of sulphides within the water to be discharged. The second parameter is the Oxygen Reduction Potential (ORP) of the water (measured in mV). These measures of chemical reactions in the release water serve as a measure of how much oxidation or reduction is taking place under given conditions. Results of the monitoring

are to be reported to Fisheries NSW. Details of an appropriate water quality testing regime for the above parameters are to be submitted to NSW Fisheries for their acceptance prior to the issue of the Construction Certificate.

15 Traffic

The following traffic management and access designs perimeters are to be complied with:

- A sign is to be erected on Newrybar Swamp Road opposite the site access point, directing all traffic exiting the site to turn right.
- The access road from the development site onto Newrybar Swamp Road is to be located where sight distances are maximized.
- The access road from Newrybar Swamp Road, to a point 75 metres beyond the property boundary is to be sealed.
- All gates erected on the access road shall be positioned, so as to permit the longest vehicle using the site to stand clear of the through road.

Details of the above are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

16 Property access

The design and construction of the access driveway shall be in accordance with AS 2890 and Standard Drawings R14 & R15 of the Northern Rivers Local Government Development Design and Construction Manuals. A swept path of the maximum design vehicle (truck and trailer) is to be included illustrating the suitability of the access driveway. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

17 Civil Inspection Fee, Civil Construction Certificate Fee & Construction Bond

Prior to the issue of a Civil Construction Certificate, a Civil Construction Certificate application is to be made as well as the following fees and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary from the time of consent till time of payment:

- Civil Construction Certificate Fee: Refer to Council's Schedule of Fees & Charges
- Civil Construction Bond: Equal to 5% of the estimated cost of civil works (Refer to Council's Schedule of Fees & Charges – minimum fee \$1,000)

The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets arising from private development work. The bond will be refunded upon completion of the intersection works should no such damage occur.

18 Flooding and Stormwater

Stormwater controls shall be provided on site in accordance with the Water Sensitive Design requirements of Council's Combined Development Control Plan Chapter 2 – Section 3.9 – Stormwater Management. This is to include the shaping of the quarry floor and the stockpile areas to drain to the sediment basins. Overland flow paths must be incorporated into the design directing overflows to the public drainage systems. Overland flow paths must not to be impeded by structures or landscaping. A Stormwater Management Plan and detailed design, prepared by a suitably qualified hydraulics consultant and/or Engineer, must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

19 Developer Contributions

Prior to issue of a Construction Certificate where building work is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979:

Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Contributions Plan 2008	23 October 2008
Ballina Shire Roads Contribution Plan 2010	25 February 2010
Ballina CBD Car Parking Contribution Plan	25 November 2004
Lennox Head Village Centre Car Parking Contribution Plan	12 February 2004
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

The Contribution amounts applicable at the time this consent is issued are as per Schedule 1 (**attached**).

20 Fuel storage area

An impermeable bunded on site storage area shall be provided to contain liquid fuel, contaminants and other possible pollutants. The construction of the bunded area must comply with the requirements specified in Australian Standard 1940-2004 "The Storage and Handling of Flammable and Combustible Liquids". Full written details and plans are to be provided to and approved by Council prior to the issue of the Construction Certificate.

21 Long service payment

In accordance with Section 109F of the EP & A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with or addressed prior to commencement of construction works relating to the approved development.

22 Traffic control

All traffic control shall be in accordance with the NSW Roads and Traffic Authority "Traffic Control at Works Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council prior to the commencement of construction.

23 Erosion and sediment control

To prevent the pollution of waterways, the applicant/developer is to ensure adequate sediment and erosion control measures are put in place prior to the commencement of works. This is to include:

- The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land;
- Buffer vegetation zones being retained on sites that adjoin, drainage systems and or watercourses;
- Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

24 Notice of commencement of civil works

Prior to the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy of their \$10M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.

25 Vegetation works

The following vegetation works are to be undertaken prior to work commencing on site:

- Windbreaks and visual screening are to be established on both sides of the access road;
- A windbreak and visual screening is to be established to the west of the stockpile area;
- Revegetation and planting is to be undertaken in accordance with the approved VMP; and

DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with or addressed during the course of carrying out the construction works relating to the approved development.

26 Civil construction works

All civil construction works shall be undertaken in accordance with the minimum requirements of the Northern Rivers Local Government Development Construction Manuals.

27 Traffic Control

All traffic control during construction shall be in accordance with the Roads and Traffic Authority - Traffic Control at Work Sites Manual and the certified traffic control plan submitted to Council. At least one person at the site must be qualified to "Apply Traffic Control Plans" (Yellow Card).

28 Inspection (road and drainage)

Inspection and approval of the road and drainage works approved within the road reserve is required by Council's Engineer (Ph 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700 mm and replace with approved sand fill.

29 Damage to Council infrastructure

Damage to any utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted on telephone 6686 4444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

30 Erosion and sediment control

To prevent the pollution of waterways, the applicant/developer is to ensure the sediment and erosion controls put in place prior to construction commencing are maintained during the construction and operation phase of the project until the site has been stabilised by permanent vegetation cover or a hard surface.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

31 Vegetation management plan

All earthen mounds required to be constructed on site are to be constructed and vegetated in accordance with the provisions of the approved Vegetation Management Plan.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE/COMMENCEMENT OF QUARRY OPERATIONS

Unless otherwise stated all development and works referred to in other sections of this consent are to be completed together with the following conditions prior to commencement of quarry operation.

32 Plan of Management

A detailed Plan of Management for the operation of the quarry is to be prepared to the requirements and satisfaction of Council. Such plan is to be submitted to Council for approval prior to the commencement of quarry operations. The Plan shall report on all operational parameters of the quarry including, but not limited to, quarry development and monitoring thereof, progressive rehabilitation, acid sulfate soil management, control of pollutants and surface water effects. The Plan shall detail the full 15 year proposed life of the quarry with a total resource recovery of 610,000 cubic metres. The plan will be re-appraised by Council five (5) years after the consent has become effective, to ensure that there are no unforeseen environmental impacts or problems with the development and that the proponent is complying with the terms and conditions of the development consent.

33 Civil works

All civil works approved with the Construction Certificate under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be completed to the satisfaction of Council prior to the commencement of quarry operations. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals.

34 Property access (rural)

The sealed access road is to be completed in accordance with AS 2890 and Standard Drawings R14 & R15 of the Northern Rivers Local Government Development Design and Construction Manuals. All works are to be completed and approved by the Principal Certifying Authority prior to the commencement of quarry operations.

35 Driveway (internal)

The accessways beyond the 75 metres of bitumen seal are to be constructed of all-weather construction. All works are to be completed and approved by the Principal Certifying Authority prior to the commencement of quarry operations.

36 Maintenance bond

Prior to use, the following maintenance bond must be paid to Council which includes the amount of Goods and Services Tax payable. The bond is subject to review and may vary at the actual time of payment:

Civil Maintenance Bond: Equal to 5% of the estimated cost of the civil works (min \$1000)

A maintenance period of 12 months will apply from the date of commencement of quarry operations. The bond may be used by Council to maintain, repair or rectify works that are failing. The bond will be refunded upon completion of the 12 month period should no such failure occur.

37 Fuel storage area

The impermeable bunded fuel storage area is to be completed in accordance with the requirements of Australian Standard 1940-2004 "the Storage and Handling of Flammable and Combustible Liquids" and the details approved by Council prior to the commencement of quarry operations.

38 Stormwater

Prior to the commencement of quarry operations, certification must be provided to the Principal Certifying Authority that all stormwater works have been provided in accordance with the approved Construction Plan and the approved Stormwater Management Plan lodged with the Development Application. Overland flow paths must not be impeded through structures or landscaping and must direct stormwater flows to the existing drainage system and not onto adjoining properties. This certification is to be provided by a registered certified practicing Engineer competent in the field of stormwater design and familiar with all aspects of the project.

39 Vegetation

Following the partial removal of the earth mound bordering Newrybar Swamp Road, the sides of the cut are to be revegetated in accordance with the provisions of the Vegetation Management Plan prior to the commencement of quarry operations.

CONDITIONS OF USE DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

40 Extraction rate

The annual rate of extraction shall not exceed 80,000 cubic metres. Details of the actual extraction rates are to be submitted to Council on a quarterly basis (3 monthly). Prior formal development consent is to be obtained from Council for any proposed extraction in excess of this amount.

41 Landscaping to accord with plan

All landscaping shall be permanently maintained in a good condition in accordance with the intent of the landscaping plan.

42 Access

Vehicular entry to and exit from the site shall be in a forward direction at all times.

43 Contributions

A contribution shall be paid for any material exported from the site in accordance with the Ballina Shire Heavy Haulage Contributions Plan current at the time of payment. The payments are to be paid on a quarterly basis within one month of the end of the quarter. The quarters shall comprise 1 January – 31 March, 1 April – 30 June, 1 July – 30 September, 1 October – 31 December unless otherwise notified by Council. NOTE: at the time of consent this requires a payment of 0.345c per tonne of material hauled from the site. The levy is to be increased annually in accordance with the Consumer Price Index for Sydney.

44 Remittance form

A “remittance form” as issued by Council shall be submitted to Council for each quarter either accompanying the required payment or as a “nil” return. The information required includes the applicable quarter, quantities of material, tonnage rate, contribution payment and the like and be certified by a company officer.

45 Cover stockpiles

Any stockpile of sand which is to stand undisturbed on the site for more than one week is to be covered with an appropriate cover or treated with other appropriate measures such as watering to prevent sand from being blown from the site.

46 Dust control measures

Dust control measures must be implemented at all times in traffic areas, processing and loading areas and on stockpiles.

47 Sand on road

Any sand which falls on Newrybar Swamp Road from trucks servicing the site is to be swept and collected from the roadway. The sand is not to be hosed onto the adjoining road reserve.

48 Noise

The site and quarry operations is to be conducted at all times in accordance with the approved Noise Management Plan

49 Acoustic assessment

Immediately upon completion of the acoustic barrier and commencement of quarrying activities on the site, an acoustic assessment is to be carried out by a suitably qualified acoustical consultant to certify that the barriers are achieving the noise reduction and therefore not resulting in undue loss of acoustic amenity to residences in the vicinity of the site. A copy of this assessment and certification is to be provided to Council for ratification.

50 Environmental management system

The Acid Sulfate Soil Management Plan (ASSMP) is to include provisions for an independent review mechanism by a person or persons suitably qualified and experienced in the field of acid sulfate soil management to conduct an environmental audit of the ASSMP. This review is to occur on an annual basis with a copy of the audit being made available to Council's Development and Environmental Health Group within 30 days of completion each year.

51 Mosquito breeding

The proponent is to ensure that any water body on the site does not become a mosquito breeding site either during or upon completion of extraction operations. Care with what is planted around and within the water bodies will have a bearing on the viability of these insects. Advice is available from the Medical Entimology Unit at Westmead Hospital, Sydney.

52 Control works

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.

53 Trucks leaving the site

Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

54 Sand extraction plan

No sand extraction is to occur outside the area shown on the proposed final stage extraction plan, prepared by Ardill Payne and Partners dated 14/01/2013 and numbered Job No 6542 Drawing Fig 2.

55 Telephone complaints line

The operator must notify adjoining property owners and occupants and erect a sign clearly visible from the roadway. The notice and sign must contain information advising that any complaints relating to the operation of the quarry including truck movements, should be made to the nominated telephone number. The operator must log all complaints in a log book, including actions taken in relation to the complaint. The log book must be provided to Council's Development and Environmental Heath Group on an annual basis.

56 Rehabilitation

At the completion of the extraction process, the site shall be rehabilitated in accordance with the Plan of Management. All rehabilitation work shall be completed in accordance with the Rehabilitation Plan submitted with the development application. Rehabilitation works are to be completed within one calendar year after cessation of extraction activities. The operator of the quarry is to notify Council within one month of work ceasing of the cessation date of quarry activities and the commencement date of rehabilitation works.

57 Loading & unloading

All loading and unloading of trucks is to be carried out off-street and wholly within the site.

58 Vegetation protection

Native vegetation to the east of the quarry (Scribbly Gum, Swamp Mahogany and wet heath) is to be fenced with star pickets and high visibility mesh fencing along the entire southern boundary of the access road where a bund is to be constructed. The bund will be designed to prohibit the discharge of water and vehicular access into the native vegetation area.

59 Frog monitoring

Frogs are to be monitored in accordance with the approved Frog Monitoring Plan.

60 **EPA General Terms of Approval Conditions**

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 2013/162 to Ballina Shire Council and the Environmental Impact Statement *Extractive industry (sand quarry) Lot 32 DP 1151612, Newrybar Swamp Road, Lennox Head for Ballina Sands Pty Ltd, May 2013* prepared by Ardill Payne as supplied to the EPA on 3 June 2013.

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

P1.1 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
BS — Discharge point 1	Water	Water	Overflow point at sediment basin of BS quarry

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 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

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 82.5 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 41 dB(A), except as expressly provided by these general terms of approval:

L4.2 Noise from the premises is to be measured at the most affected residential receiver who has not given written permission for an exceedance of condition L4.1 to determine compliance with this condition.

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 30C/100m.

L5. Blasting

L5.1 No Blasting operations are permitted at the premises.

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 1:00 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.

L6.3 The hours of operation specified in condition L6.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

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.

O1.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

02 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 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 AS 1940-2004 Storage and Handling of Flammable and Combustible Liquids.

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 82.5 mm over any consecutive five day period.

POINT 2

Groundwater Bores

Pollutant	Units of Measure	Frequency
pH	pH units	annually
Electrical and Conductivity	Siemens per metre (S.m ⁻¹)	annually
Cations Calcium Magnesium Sodium Total Iron Arsenic Aluminium	mg/L	annually
Anions Bicarbonate Sulphate	mg/L	annually

Chloride		
Total Dissolve Solids	mg/L	annually

The location of the four Groundwater Bores is to be in accordance with the diagram shown in the Douglas and Partners Groundwater report, listed as Appendix L of the Environmental Impact Statement *Extractive industry (sand quarry) Lot 32 DP 1151612, Newrybar Swamp Road, Lennox Head for Ballina Sands Pty Ltd, May 2013* prepared by Ardill Payne.

M2.2

Monitoring piezometers

The applicant must monitor the standing water levels in the excavation and the monitoring piezometers prior to excavation commencing. The piezometers locations are shown in the Douglas and Partners Groundwater report, listed as Appendix L of the Environmental Impact Statement *Extractive industry (sand quarry) Lot 32 DP 1151612, Newrybar Swamp Road, Lennox Head for Ballina Sands Pty Ltd, May 2013* prepared by Ardill Payne.

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).

Reporting conditions

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.

Mandatory Operating conditions

Other activities

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

- Extractive Activities.

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- 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:

- must be maintained in a proper and efficient condition; and
- 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:

- a Statement of Compliance; and
- 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.

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.

Where this licence is transferred from the licensee to a new licensee, 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 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 in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or 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').

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 immediately 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: the cause, time and duration of the event;

- the type, volume and concentration of every pollutant discharged as a result of the event;
- 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
- 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;

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- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 - 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 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.

SCHEDULE 1

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Rural Roads 2010	5202	equivalent residential allotment	\$10,874.00	0.8682	\$9,440.81
Roads Administration 2010	5203	equivalent residential allotment	\$165.00	0.8682	\$143.25
TOTAL					\$9,584.06