

JOINT REGIONAL PLANNING PANEL (Northern)

JRPP No	2014NTH018
DA Number	DA2015/069
Local Government Area	Richmond Valley Council
Proposed Development	Expansion of existing extractive industry from 30,000m ³ to 90,000m ³ per annum from two extraction sites totalling 21 ha for up to 25 years. Importation of certified clean fill to a maximum of 30,000m ³ per annum for rehabilitation.
Street Address	Bungawalbin Whiporie Road, Bungawalbin
Applicant/Owner	NJ and KA Newman
Number of Submissions	Four
Regional Development Criteria (Schedule 4A of the Act)	<p>The development falls within Schedule 4A of the Act Clause 8(a) Particular Designated Development being development for the purposes of extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.</p> <p>Clause 19 of Schedule 3 provides an Extractive Industry that obtain or process for sale, or reuse, more than 30,000 cubic metres, or that disturb a surface area greater than two hectares are declared to be Designated Development.</p>
List of All Relevant s79C(1)(a) Matters	<p>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</p> <p>State Environmental Planning Policy No. 44 – Koala Habitat Protection</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>State Environmental Planning Policy (Infrastructure) 2007</p> <p>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</p> <p>State Environmental Planning Policy (Rural Lands) 2008</p> <p>State Environmental Planning Policy (State and Regional Development) 2011</p> <p>Richmond Valley Local Environmental Plan 2012</p> <p>Richmond Valley Development Control Plan 2012</p>
List all documents submitted with this report for the	<p>Application and Environmental Impact Statement dated 26 September 2014</p> <p>Appendix 10 Community Consultation Report dated 18 July</p>

panel's consideration	<p>2014</p> <p>Additional Information dated 21 November 2014</p> <p>Submissions received during exhibition period</p> <p>NSW Roads and Maritime Services comments 20 November 2014</p> <p>NSW EPA General Terms of Approval 12 November 2014</p> <p>NSW Office of Environment & Heritage comments 11 November 2014</p> <p>Richmond Valley Council Local Traffic Committed comments</p> <p>Local Land Services comments dated 23 October 2014</p> <p>Department of Planning and Environment comments 30 October 2014</p> <p>Department of Primary Industry comments 23 October 2014</p> <p>Department of Trade and Investment comments 23 October 2014</p> <p>Additional Information dated 23 January 2015 – Revised Transport and Traffic & Noise Impact Assessment</p> <p>NSW Office of Water General Terms of Approval 20 January 2015</p> <p>NSW Office of Environment & Heritage further comments 17 February 2015</p> <p>NSW Roads and Maritime Services further comments 27 February 2015</p>
Recommendation	That Development Application DA2015/069 (JRPP reference No. 2014NTH018 be approved subject to conditions contained in Appendix A
Report by	Cherie Smith, Development Assessment Planner Richmond Valley Council

**Moonimbah Quarry Development Application Number DA2015/069
(JRPP Reference No. 2014NTH018)
Assessment Report and Recommendation Cover Sheet**

1. Executive Summary

1.1. Overview

Development Application DA2015/069 (JRPP Reference No. 2014NTH018) seeks consent for the expansion of an existing extractive industry from 30,000m³ to 90,000m³ per annum for up to 25 years, and the importation of clean fill up to 30,000m³ per annum.

The site contains a valuable sandstone resource anticipated to be in demand for the construction of the Pacific Highway upgrade project between Woolgoolga and Ballina.

Two extraction sites are identified (Pit B and Pit C) having a combined area of 21 hectares and total resource of 4.92 million tonnes. Blasting, crushing, screening and transportation activities are proposed.

The application is classified as Designated Development pursuant to Schedule 3 of the Environmental Planning and Assessment Regulation and Integrated Development pursuant to Clause 91 of the Environmental Planning and Assessment Act 1979.

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and the relevant environmental planning instruments which are discussed in detail in this report. The application is recommended for approval, recommended conditions of consent are attached to this report.

1.2. Reason for consideration by Joint Regional Planning Panel

The development application has been referred to the Joint Regional Planning Panel pursuant to Clause 8(a) Schedule 4A of the Environmental Planning and Assessment Act, 1979. The development is classified as Designated Development being an Extractive Industry that obtains or process for sale more than 30,000 cubic metres per annum or that will disturb a surface area greater than two hectares pursuant to Clause 19, Schedule 3 of the Environmental Planning and Assessment Regulation.

1.3. Location, History and Permissibility

The land to be developed is part of Lot 193 in Deposited Plan 755603 Boggy Creek Road, Bungawalbin. The site covers an area of approximated 520 hectares and is located upon the Moonimbah Ridge within the lower Richmond Valley.

The site has a long history of quarry activity with the Statement of Environmental Effects indicating Mining Leases existed as far back as possibly 1891. The currently operating quarry was approved pursuant to the former State Environmental Planning

Policy No 37 - Continued Mines and Extractive Industries under Development consent DA127/1995.

The site is zoned RU1 Rural Primary Production under Richmond Valley Local Environmental Plan 2012. Extractive Industries are permitted with Consent in the RU1 zone. The Importation of fill for rehabilitation works is permitted with consent as either environmental protection works or earthworks.

1.4. Integrated Development

The application is identified as Integrated Development requiring a licence under the Protection of the Environment Operations Act 1997 and an approval under the Water Management Act 2000. General Terms of Approval have been granted by both Integrated Development authorities and are provided within Appendix B and C.

1.5. Public Exhibition and Notification

The application was exhibited and notified in accordance with the requirements for Designated Development. Extensive neighbour and Government Agency notification was undertaken.

Four public submissions were received during the exhibition period. Comments from NSW Roads and Maritime Services, Office of Environmental and Heritage, Local Land Services, Department of Planning and Environment, Department of Primary Industries Fisheries and Agriculture, Richmond Valley Council Local Traffic Committee, and Trade and Investment Resources and Energy were received.

1.6. Recommendation

That development application DA2015/069 (JRPP Reference No. 2014NTH018) be approved subject to the conditions of consent contained within Appendix A.

Appendix A	Draft proposed Conditions of Consent
Appendix B	General Terms of Approval NSW Environmental Protection Authority
Appendix C	General Terms of Approval NSW Office of Water
Appendix D	Plans

2. Moonimba Quarry Development Proposal

Development Application DA2015/069 (JRPP Reference No. 2014NTH018) seeks consent for the expansion and of an Extractive Industry and importation of fill, upon Lot 193 DP 755603 Boggy Creek Road, Bungawalbin. The proposal involves the expansion both laterally and at depth to existing excavations and the importation of clean fill for rehabilitation of the quarry.

The application involves the following key components and activities;

- Extraction to a maximum output of 90,000m³ per annum;
- Excavation areas comprising two extraction sites Pit B (8 ha) and Pit C (13 ha) having a combined total resource of 4.92 million tonnes;
- Importation of certified Virgin Excavated Natural Material to a maximum 30,000m³ per annum for use in quarry rehabilitation works;
- Blasting, screening, crushing, stockpiling and transportation of extracted materials;
- Progressive vegetation removal totalling 9.5 hectares and progressive rehabilitation works;
- Operation for a maximum period of 25 years;
- Hours of operation being 7.00am to 6.00pm Monday to Friday and 8.00am to 12.00 noon Saturdays. No work is proposed on Sundays or Public Holidays.
- The haulage route identified from the site access includes Boggy Creek Road, Reardons Lane, Woodburn-Coraki Road to the Pacific Highway.
- Transportation being a maximum of 76 truck movements per day inclusive of both incoming and outgoing

2.1. Location

The development site lies on top of the Moonimba Ridge, located approximately 10km south west of Woodburn within the lower Richmond Valley (Figure 1). The Moonimba Ridge is a prominent formation within the locality rising to 188m at its southern end (Figure 2).



Figure 1: Regional Location

Source: EIS



Figure 2: Moonimba Ridge viewed from East

Source: EIS

Lot 193 occupies an area of 520 hectares covering most of the ridge top (Figure 3).. The site contains an existing quarry, dwelling house and internal gravel roadways. A communications tower and Trig Station occur to the far east of the site.



Figure 3: Lot 193 DP 755603

Source: EIS

The ridgeline is a Kangaroo Creek Sandstone formation covered extensively with native forests, with steep slopes on its eastern and south-eastern sides. Forested areas surround the site with two conservation reserves Yarringully Nature Reserve and Yarringully State Conservation Area to the west. The surrounding floodplains leading towards Richmond River and eastern lower slopes have been largely cleared for agricultural enterprise and rural dwellings.

2.2. Quarry Site and current operations

The quarry site is accessed from Boggy Creek Road and a connecting unnamed public road to the property entrance of Lot 193. Internally a gravel surface road passes the operators dwelling house and forks approximately three kilometres from the property entrance leading onto the two extraction sites. A vehicle track continues past Pit C providing access to the communications towers.

The proposed quarry site comprises two partially excavated areas lying generally central and slightly east on the land parcel. Pit B lies centrally and Pit C to the east. Both areas have been previously quarried however, presently quarrying operations are carried out solely within Pit B.

Currently quarrying advances in a series of shelves with the quarry face about 10 metres high (Figure 4). Excavated product is processed and stockpiled where necessary. Stormwater diversion drains and bunds direct overland flow outside the active quarry area. Water collecting within the quarry floor is directed to collection sumps and sediment ponds where it is either reused or released if suitable.



Figure 4: Quarry Face and Stockpile
Source: EIS



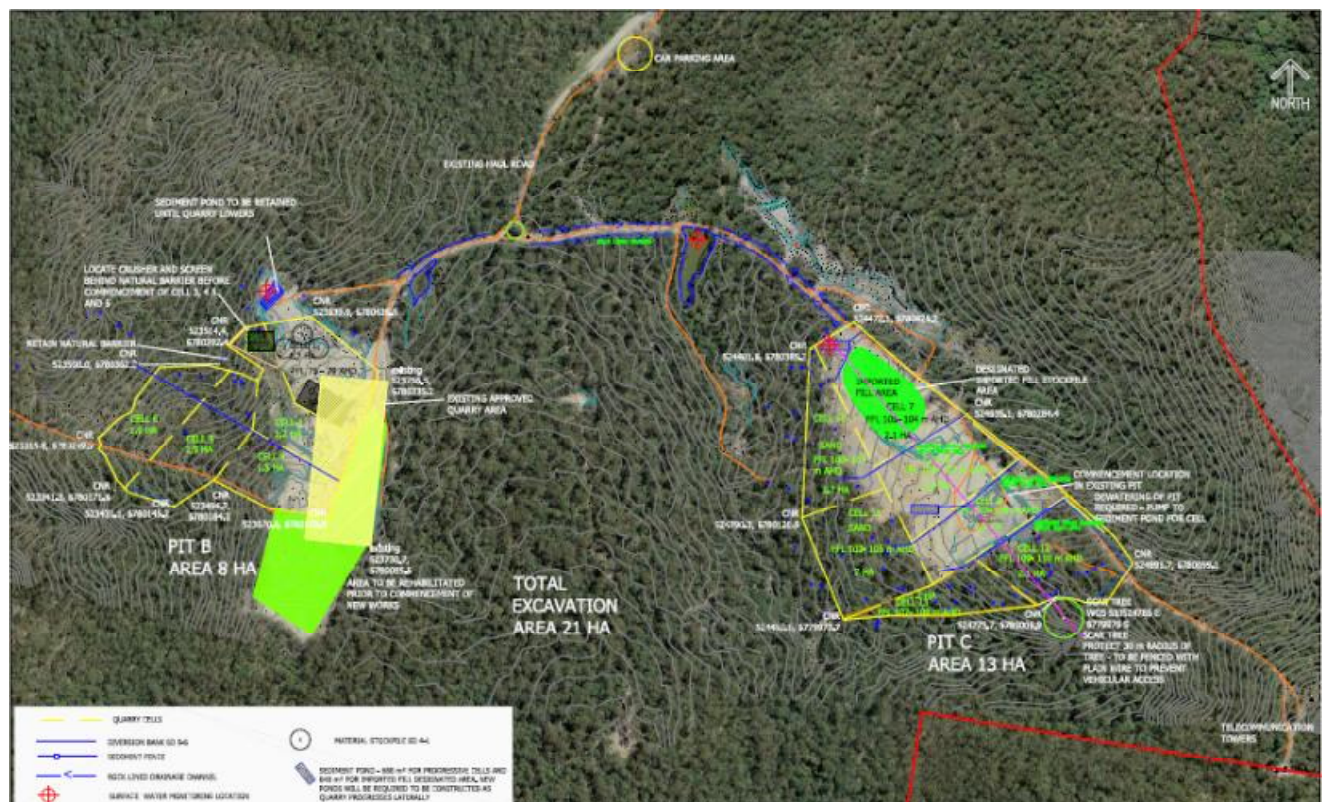
Figure 5: Sandstone products
Source: EIS

Products produced include road base, rock fill, rubble, aggregates, sand and loams. In addition dimensioned stone products such as flagging rock, paving and various sawn stone products are produced (Figures 4 & 5).

Hours of operation are 7.00am to 6.00pm Monday to Friday and 8.00am to 12.00 noon Saturdays.

Product is transported from the quarry site over the haulage route, being via Boggy Creek Road east to Reardons Lane and then north to Woodburn-Coraki Road. The bulk of product then turns east to the Pacific Highway, only small quantities are taken west along Woodburn-Coraki Road.

2.3. Proposed expansion of extraction and importation of fill



Source: EIS

The volume of the total resource is 2.4 million m³ or 4.92 million tonnes over a 25 year life span.

(a) Expansion of existing output

Consent is sought for a maximum volume of extracted material up to 90,000m³ (193,000 tonnes) per annum over a 25 year period. Both Pit B and C will be open at the same time and extraction will occur based on demand for the types and quantities of products which differ between the pits.

Expansion would be undertaken in stages with progressive opening and closing of cells in response to demand for various products. Thirteen cells are identified, 1-6 in Pit B and 7-13 in Pit C. Typical cell size range from 1.5 – 2.0 hectares. An outline of the proposed initial progression is provided below:

Pit B

- At commencement Cell 1 will operate with extraction, breaking, crushing and screening, mixing, stockpiling and dispatch of products.
- When maximum depth is achieved extraction will move to Cell 2.
- The crusher and screener will be relocated to Cell 2 prior to work commencing in Cell 3. Rehabilitation of Cell 1 will be completed before work begins in Cell 3.

Pit C

- At commencement Cells 7, 8 and 9 will become operational. Initially Cell 8 will be used for extraction and Cell 9 for processing, stockpiling and dispatch and Cell 7 for stockpiling of imported fill
- Over time the uses of these cells will change from one to another. (extraction, processing and stockpiling) as extraction moves back and forth at progressively lower depths. Cells will be rehabilitated prior to work commencing on any new cell.
- Cell 10 will be opened for extraction of surface sand. No stockpiling of sand is required and progressive rehabilitation can occur from the fill stockpile in Cell 7.

It is anticipated extraction, processing, storage and dispatch of materials will occur within one or two adjacent cells, however due to the unknown demand for product the applicant has identified it is not possible or appropriate to design at this stage the location of all aspects within each cell.

Rather it is suggested an annual management plan be submitted detailing the intended changes for the following year be submitted for approval of the Council. A condition is recommended to include annual Performance and Monitoring Reporting and updating of the Operational Plan of Management to show the intended work progression for each upcoming year.

(b) Importation of Fill

The Woolgoolga to Ballina Pacific Highway upgrade project is estimated to generate around 550,000 m³ of material that is unsuited to re-use within the project itself. The quarry proposes to import some of this material where it meets certification as Virgin Excavated Natural Material.

The quarry seeks approval to import a maximum of 30,000m³ per annum of fill material for the purpose of site rehabilitation works. The material will be stockpiled within the approved quarry area and used only in rehabilitation of the quarry.

The fill importation activity is dependent on contracts being obtained to take the material and will cease on completion of the highway upgrade

2.4. Operational Parameters

(a) Hours of Operation

The hours of operation are proposed at the following times.

Quarry operations and Transportation	Monday to Friday	7am – 6pm
	Saturday	8am – 12 pm
Blasting	Monday to Friday	9am – 3pm

No operations are to occur on Sundays or Public Holidays.

A condition of consent is recommended to restrict transportation on Reardons Lane and Boggy Creek Road during the School bus drop off and pick up times .

(b) Transport Activities

Transport operations are an integral part of the development and have the potential to impact other road users and land uses located along the haulage route. Transport movements were the primary source of concerns raised in submissions with issues being noise, dust and emissions, and traffic safety being raised. These are further discussed in Section 6

(c) Haulage Route

The haulage route is approximately 11km to the Pacific Highway intersection. Vehicles leaving the quarry travel along Boggy Creek Road turning right at Reardons Lane onto the intersection with Woodburn-Coraki Road. Most vehicles turn right and travel to the Pacific Highway only small numbers will turn left. Vehicles will turn either right or left onto the Pacific Highway.

The route passes sensitive receivers being numerous rural residential dwellings, a school and church located on Woodburn-Coraki Road, and the residential areas of Woodburn fronting the Pacific Highway. Vehicles will not travel through other residential streets within the Woodburn Village.

Upgrading of the public road network is required and is discussed in detail within Section 6.3 and conditions of consent recommended to address traffic related matters.

(d) Truck Movements

Delivery of quarry products will be by Truck and Truck and dog trailer combinations. A truck and dog trailer have a capacity of about 32 tonnes.

Volumes transported would be subject to demand with the Pacific Highway Upgrade anticipated to require deliveries in blocks of 2-3 weeks at a time. The proponent has identified a maximum of 76 truck movements per day inclusive of all incoming and outgoing movements would occur. This is equivalent to approximately 1,200 tonnes per day or 38 truck and dog loads outgoing.

At this restricted rate the hourly traffic generation is 8.4 vehicle movements per day. As the quarry will operate only four hours on Saturdays it is recommended to further limit truck movements to a maximum of 22 loads on Saturdays.

3. Legislative Requirements under the Environmental Planning and Assessment Act 1979

3.1. Consent Authority

The JRPP is the consent authority for an application being an Extractive Industry that is Designated Development pursuant to Schedule 4A.

3.2. Designated Development

Section 77A provides for development to be declared to be designated development by the regulations. Schedule 3 of the EPA Regulation identifies Extractive Industries that obtain or process for sale more than 30,000 cubic metres per annum or that will disturb a surface area greater than two hectares as designated development.

The proposed development exceeds both criteria.

3.3. Integrated Development Approvals

Section 91 identifies development that requires both consent and one or more approvals under certain legislation as Integrated Development. Before granting consent General Terms of Approval must be obtained and a consent must be consistent with those terms.

The proposed development requires the following approvals:

- An Environmental Protection Licence under Section 48 of Protection of the Environment Operations Act and
- A Controlled Activity Approval under section 91 of the Water Management Act 2000

Both agencies have provided their General Terms of Approval and they are included within the recommended consent conditions.

3.4. Public Participation

Section 79 identifies the public exhibition and notification requirements for Designated Development.

The development application was placed on Public Exhibition for thirty days being from 15 October to 14 November 2014. Written notification to land owners was undertaken and published notices appeared in a local newspaper on 15 October 2014 and 22 October 2014.

3.5. Evaluation

Section 79C(1) details matters the consent authority is to take into consideration in determining an application. Consideration of the matters is provided below.

(i) The provisions of any environmental planning instrument

The relevant environmental planning instruments are addressed in Sections 4 and 5.

(ii) any proposed instrument that is or has been the subject of public consultation

No proposed instruments are relevant to the application

(iii) any development control plan

Richmond Valley Council Development Control Plan 2012 applies to the land. There are no specific requirements for Extractive Industries under the Development Control Plan. Part H Environmental Sensitivity and Hazards provides for consideration of flooding, bushfire, acid sulphate soils and natural resources, these matters are considered throughout the EIS and this report.

Part I contains guidance on Noise Impacts, Heritage and Land use risk assessment matters, these are also adequately considered in the EIS and other sections of this report.

(iiia) any planning agreement or draft planning agreement

There are no planning agreements relating to the application.

(iv) the regulations

The proposed development is not inconsistent with the regulations.

(v) any coastal zone management plan

No coastal zone management plan applies to the land.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The likely impacts of the development are discussed in detail within Section 6

(c) the suitability of the site for the development,

The site is considered suitable for the purpose of an extractive industry.

(d) any submissions made in accordance with this Act or the regulations,

The application was notified and publicly exhibited with four submissions being received. Issues raised in the submissions are considered in detail within Section 7.

(e) the public interest.

Moonimba quarry proposes to increase extraction primarily to supply material required for the Pacific Highway upgrade project. The site has a long history of quarrying activities and the development is permissible with consent in the zone and complies with the relevant Environmental Planning Instruments.

The application has been referred to relevant government agencies for comments and recommendations, the development is not considered to be inconsistent with the public interest subject to operation in accordance with the Environmental Impact Statement, amending reports and recommended consent conditions.

4. Richmond Valley Council Local Environmental Plan 2012

4.1. Objectives of the zone

The site is zoned RU1 Primary Production, extractive industries are permissible with consent.

The zone objectives are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.

The development is considered consistent with the objectives as it does not impede primary production, cause fragmentation or increase public demands. It proposes mitigating measures to alleviate impacts and manage land use conflicts as detailed within the SEE, this report and as recommended consent conditions.

4.2. Essential Services

Clause 6.2 requires the consent authority consider that essential services are available or that adequate arrangements have been made.

Water supply for operational needs is available from onsite detention dams and creek. A controlled activity approval is required and general terms of approval issued by the Office of Water in relation to the creek. Potable water is to be made available for workers with supply at the operators dwelling house being proposed. Facilities for workers will be required with portable toilets indicated as being provided to the site by a contractor.

4.3. Earthworks

Clause 6.3 provides that earthworks for which consent is required will not detrimentally impact the environment, neighbouring uses, cultural or heritage items. The EIS addresses these matters and demonstrates the development will not have

detrimental impacts subject to mitigation and ongoing management. Conditions of consent are proposed to ensure any imported fill is uncontaminated and limited to quantities required only for rehabilitation works.

4.4. Terrestrial Biodiversity

Clause 6.6 aims to protect terrestrial biodiversity by requiring the consent authority consider likely impacts on ecological values, significant flora and fauna, habitat values, connectivity and any potential to diminish biodiversity.

The Flora and Fauna Assessment has been evaluated with assistance of the Office of Environment and Heritage. Identified impacts to terrestrial biodiversity are mitigated where possible however cannot be avoided.

To offset the impact a 68 hectare Biodiversity Offset is proposed within an identified 90 hectare area. The mechanism to secure the offset is undetermined with OEH and Councils preference to either a Biobanking Agreement or a Conservation Agreement and the applicants to an 88b Instrument. It is recommended further examination of the mechanism options is warranted and a condition of consent is proposed to restrict any clearing of vegetation on site until the mechanism is agreed.

Biodiversity impacts are discussed in detail within Section 6.4

4.5. Landslide Risk

Clause 6.7 aims to ensure development is suitable for the site and considers the geotechnical hazards. The parts of Lot 193 identified within the Landslide risk mapping are the properties eastern and southern boundary escarpment areas of the Moonimbah Ridge. All components of the proposed quarrying operation are carried out within land that is not within the mapped risk areas.

5. State Environmental Planning Policies

5.1. State Environmental Planning Policy No 33 – Hazardous and Offensive Development

Requires consideration of various guidelines where the operations of industries or storages of dangerous goods are considered potentially hazardous or offensive. The development being an extractive industry falls outside the definition of an industry as provided under the SEPP.

Irrespective the development does not propose storage of any dangerous goods, no fuels or chemicals will be held on the site. Explosives associated with blasting are brought to the site by licenced contractors only during the days blasting occurs. An Environmental Protection Licence will be required to be issued for the site.

5.2. State Environmental Planning Policy No 44 – Koala Protection

Koala Plans of Management are required for areas containing core Koala habitat. The Flora and Fauna assessment has identified the site as not being core Koala habitat.

5.3. State Environmental Planning Policy No 55 – Remediation of Land

Provides for consideration of whether land is contaminated and requires remediation of any contaminated land prior to being developed. The subject land is unlikely to be contaminated due to the historical use of the land for extractive industries and rural activities being grazing and timber harvesting. The proposed importation of fill is to be certified Virgin Excavated Natural Material and will therefore not result in any contamination of the site.

5.4. State Environmental Planning Policy (Infrastructure) 2007

Clause 104 requires referral to the Road and Maritime Services of traffic generating development specified in Schedule 3. Extractive Industries are not listed in the Schedule however the application was referred to the Roads and Maritime Services pursuant to State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007.

5.5. State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 2007

Extractive industries are permitted with consent in certain zones by the SEPP, and require consideration of a range of matters as detailed below.

Clause 12 Compatibility with other land uses

The site being located upon a very large parcel and located at the top of a ridgeline has very few nearby land uses. The wider surrounds are used for agriculture mainly grazing and cropping of sugar cane, and rural residential dwellings. The EIS has considered and implemented measures to avoid and minimise impacts upon adjoining land uses. Impacts related to transportation, being noise and traffic safety are the most likely incompatibilities with other land uses and are discussed in detail in Sections 6 and 7.

Clause 14: Natural resource management and environmental management

Key natural resource and environmental issues must be addressed including:

- Impacts on significant water resources including surface and groundwater - Referral to the Office of Water and Environmental Protection Authority have been undertaken. General Terms of Approval have been issued and include measures to protect and monitor impacts on water resources.
- Impacts on biodiversity.- the proposal requires clearing of vegetation and will have biodiversity impacts. Referral to the Department of Environmental and Heritage has been undertaken, and a Biodiversity Offset is proposed. Detailed consideration of impacts on biodiversity are further discussed in Section 6.4.
- Greenhouse gas emissions - Emissions are generated by on-site vehicles, blasting and transportation activities. Such emissions are to be minimised by use of fuel efficient equipment and vehicles and use of modern explosives. Additionally the quarry is located in close proximity to where the materials are required, being the Pacific Highway Upgrade corridor, therefore transportation is reduced.

Clause 15: Resource recovery

The resource recovery rate is considered to be efficient. There is considered to be little if any waste material from the development as virtually all extracted materials have a market demand. The importation of fill is an appropriate resource recovery and will assist in rehabilitation of the site.

Clause 16: Transport

Requires consideration of conditions in respect of roads and traffic safety and referral of the application to the Roads and Maritime Services. Detailed consideration of transport and traffic impacts has been undertaken in consultation with the Roads and Maritime Services and the Local Traffic Committee.

Conditions are recommended to undertake roadworks, limit haulage times including during school bus runs, restrict the number of trucks per day, implement a Transport Management Plan and Driver Code of Conduct and make a contribution towards road maintenance. Further discussion of transport impacts is made within Sections 6 and 7.

Clause 17: Rehabilitation

Requires ensuring rehabilitation of the land is considered and conditioned appropriately. Rehabilitation is proposed as an integral part of the application including the importation of clean fill exclusively rehabilitating the site.

Rehabilitation is proposed as an ongoing progressive activity with some of the previously quarried areas being rehabilitated prior to commencement. The Operational Plan of Management sets out the plans identifying the end use landform and requirements for works related to rehabilitation. Conditions of consent are recommended to manage the importation of fill and ongoing rehabilitation.

5.6. State Environmental Planning Policy Rural Lands 2008

The policy sets out eight Rural Planning Principles to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State. The subject land has limited agricultural productivity due to its topography and extensive vegetation cover, the proposed use as an extractive industry is a productive and related use of rural land. The quarry does not impede agricultural use of adjoining land, is designed and is to be managed to minimise land use conflict.

5.7. State Environmental Planning Policy (State and Regional Development) 2001

Clause 7 of Schedule 1 identifies that State significant development includes extractive industries that:

- extract more than 500,000 tonnes per year, or
- extracts from a total resource (the subject of the development application) of more than 5 million tonnes, or
- extracts from an environmentally sensitive area of State significance.

The proposed extraction rate of 90,000m³ being 193,000 tonnes per annum over a 25 period provides for a total resource of 4.92 million tonnes. The proposed development is not within an identified environmentally sensitive area and is therefore not State Significant.

6. The Likely Impacts of the Development

6.1. Noise

The EIS includes a Noise Impact Assessment addressing both onsite (operational) noise and noise generated by transportation activities. Revisions to the document have been undertaken in response to Councils requests for clarification and consideration of peak traffic movements.

Onsite operational noise has been assessed against the Industrial Noise Policy, while transport noise is assessed against the NSW Road Traffic Noise Guidelines. Impacts from blasting including vibration and overpressure is assessed under Australian Standard 2187.2 – 2006.

Under Schedule 1 of the Protection of the Environment Operations Act extractive industries that extract, process or store more than 30,000 tonnes per year of material are required to be licensed by the NSW Environment Protection Authority (EPA).

An EPA licence regulates air, noise, water and waste impacts from an activity or operation. Moonimba quarry is currently not licensed by the EPA. The current proposal to increase extraction to 90,000m³ (193,000 tonnes) means they will require a licence to be issued by the Environmental Protection Authority.

As a licenced premises all noise related activities at the quarry including operation of plant and equipment and blasting impacts will be regulated by the EPA. Importantly road traffic noise generated by quarry trucks once they leave the property boundary of the quarry is not regulated by the EPA and therefore Council has conditioned the approval to ensure ongoing management and compliance.

Operational Noise

Neighbouring residential receivers have been identified with the closest sensitive receivers being approximately one kilometre from the Western pit (Pit B) and approximately 800m from the Eastern pit (Pit C). Figure 7 shows the neighbouring dwelling locations.

Operational noise will be generated by the operation of machinery associated with winning material. Background noise monitoring indicates the rating background levels are close to or below 30dB(A) and in accordance with the intrusiveness criteria a project specific noise level of 35dB(A) $L_{Aeq15\text{ minute}}$ has been determined.

Noise sources were identified as being an excavator, loader, crusher and screening plant. Noise emissions for private haulage roads are also considered under the NSW Industrial Noise Policy criteria therefore transport on the private road is assessed as operational noise.



Figure 7: Residential receivers
Source: EIS

Modelling was undertaken for two scenarios (start and end of development) for both pits. In all instances modelled results were at or below the 35dB(A) requirement. Modelling results are shown in the following figures 8 – 11.

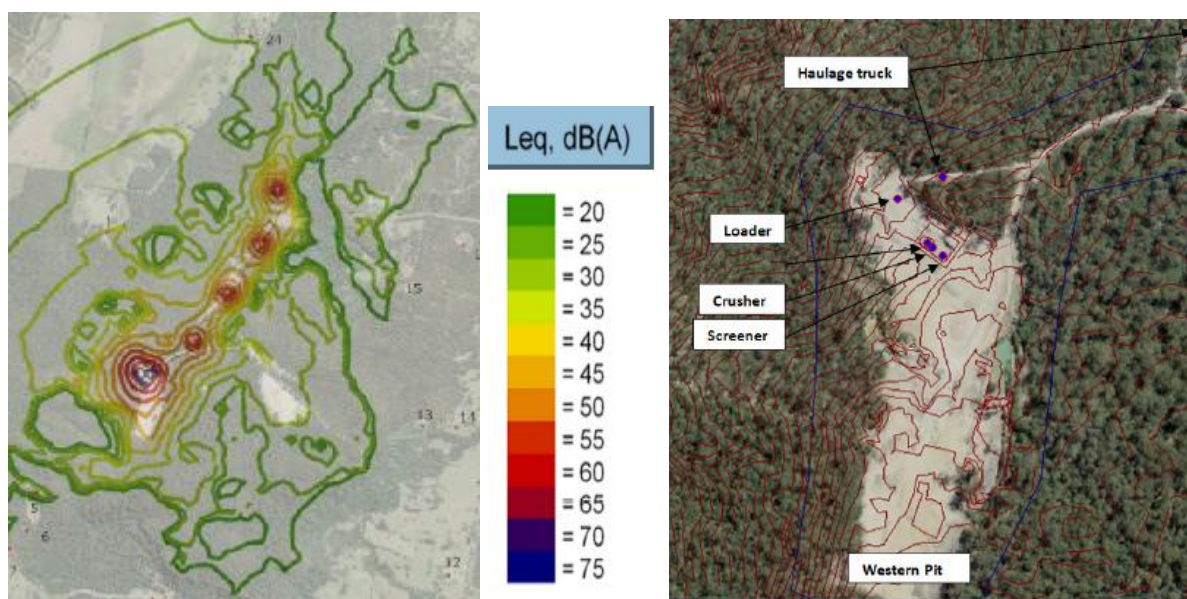


Figure 8: Western Pit Start of Development

Source: EIS

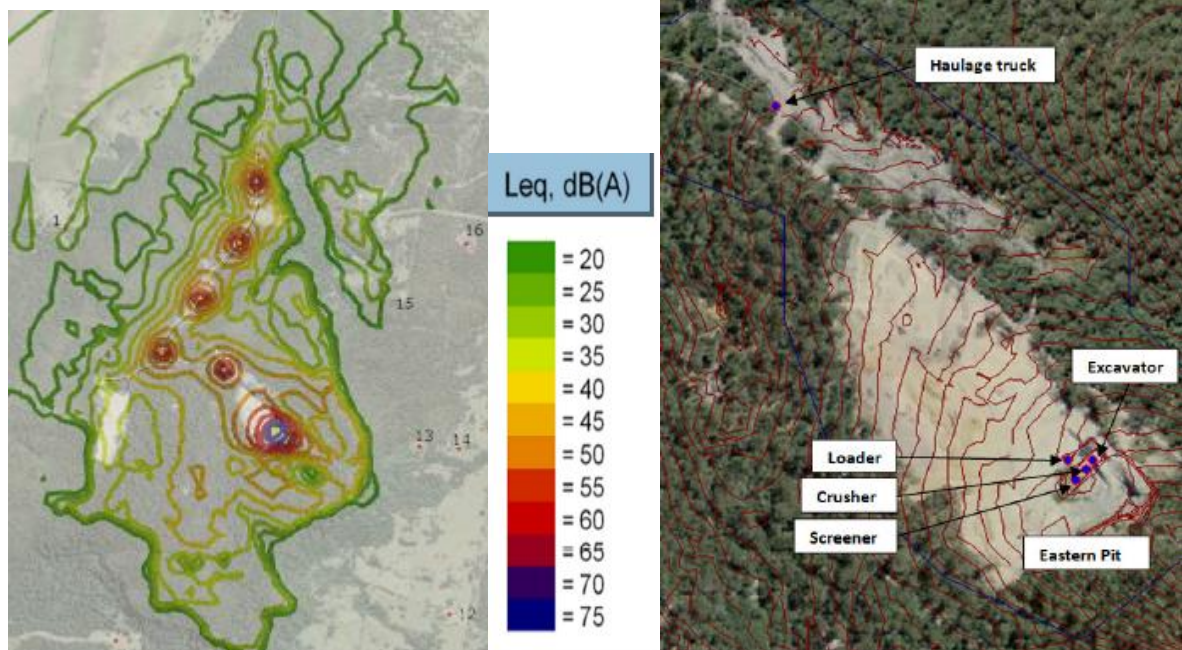


Figure 9: Eastern Pit Start of Development

Source: EIS

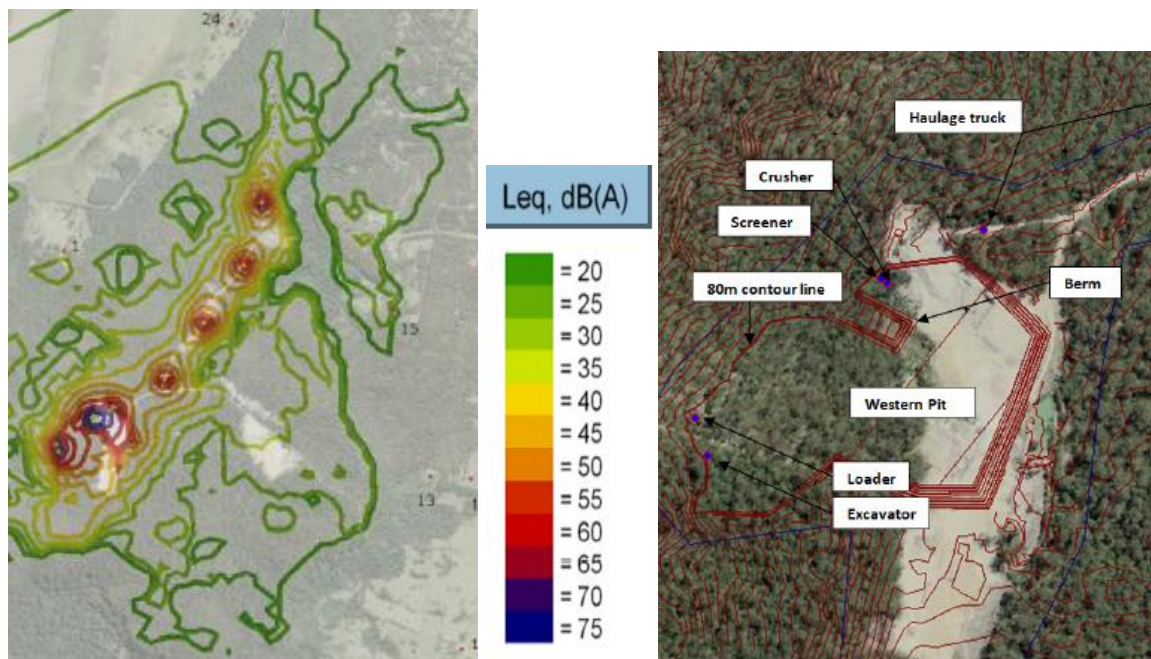


Figure 10 Western Pit End of Development

Source: EIS

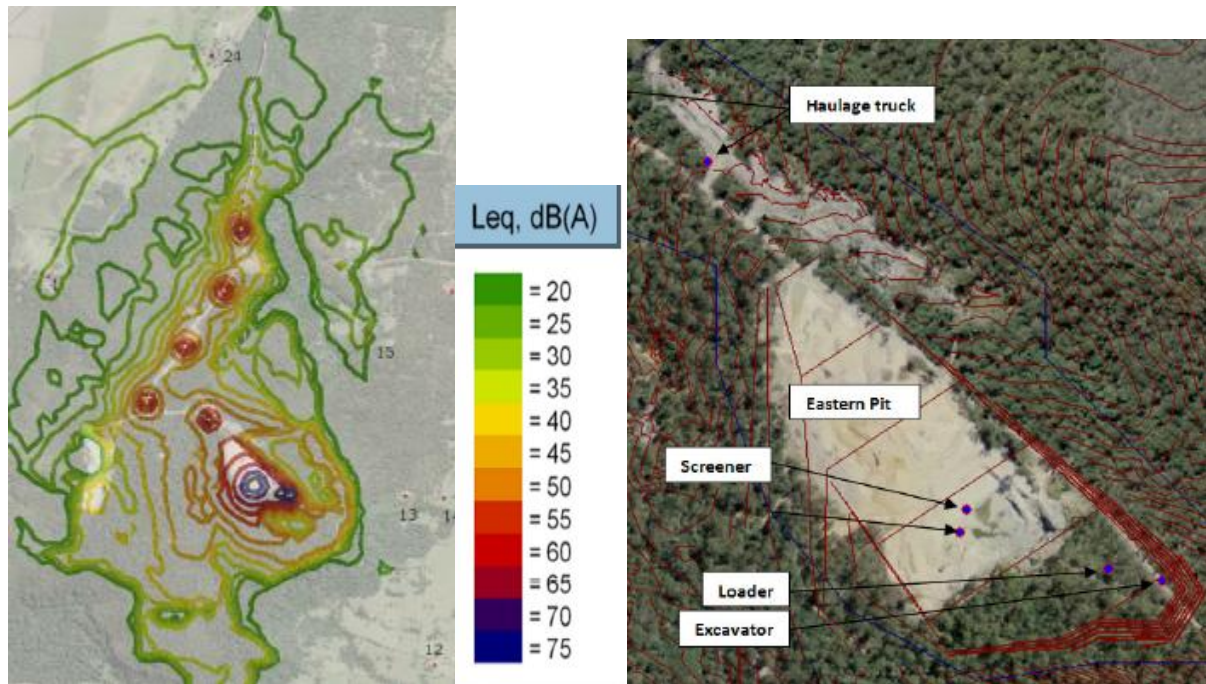


Figure 11 Eastern Pit End of Development

Source: EIS

Best management practices are recommended to keep all noise to a minimum. These are:

- Replace reverse beepers with broad-band beepers.
- Minimise the number of machines operating at any one time.
- Ensure operations occur during daylight hours.
- Excavations to occur in a method typical of the modelled scenarios.
- Excavations managed such that the excavated face protects emissions in the north-western, western and southern directions.
- The crusher and screener in the Western Pit to be located behind the berm.
- Noise reducing mufflers to machinery to dampen emissions.
- Regularly maintain equipment and machinery.

The NSW EPA has provided a number of conditions known as general terms of approval (GTA's) to control operational noise and transport noise on the internal quarry roads. The GTA's have been included in the proposed consent.

Blast Impact

Blasting is proposed to be undertaken at the site up to six times per year in order to extract the harder sandstone material. Blasting has the potential to impact surrounding areas through producing flyrock, ground vibration and airblast. Such impacts can cause human discomfort, damage to structures and services. More complaints generally result from airblast overpressure rather than vibrations.

Blasting criteria is set in accordance with Australian Standard 2187.2 – 2006 and impacts of ground vibration and airblast overpressure on nearby sensitive receivers have been assessed against this standard. Blasts are proposed to be limited to between the hours 9am to 3pm.

The Blast Impact Assessment identifies the blast parameters and provides predictions of ground vibration and airblast overpressure. The assessment has concluded that blasting can be undertaken at the site to ensure it does not exceed both the airblast overpressure level of 115 dB(L) or vibration level of 5mm/s as set by AS 2187.2 – 2006. Section 5.0 of the Blast Impact Assessment identifies a list of requirements to be undertaken for each blast at the site.

The Environmental Protection Authority have reviewed the documents and have provided their GTA's including conditions requiring compliance with relevant standards and that both the overpressure and vibrational impacts are monitored at the nearest receptor.

Transport Noise

NSW Road Noise Policy outlines the assessment criteria for particular road categories. The principal haulage route comprises the unnamed quarry access road, Boggy Creek Road, Reardons Lane and Woodburn-Coraki road to the Pacific Highway intersection.

The assessment criteria for a road being a principal haulage route is the rate applied to Arterial/sub-arterial roads. Therefore the daytime assessment criteria of 60dB(A) $L_{Aeq}(15 \text{ hour})$ applies to the haulage route.

Noise modelling undertaken demonstrates at peak truck movements exceedances of the applicable criterion occur at two locations, shown in Figure 12:

- Location 1 - Lot 3 DP 108129 on the western side of Reardons lane opposite Casurina Drive – 60.2 dB(A)
- Location 2 - Lot 3 DP 703004 on the corner of Boggy Creek Rd and Reardon Lane- 62.8 dB(A)



Figure 12 Most impacted dwellings by Road Traffic Noise

Source: EIS

In order to mitigate the exceedances the following measures are proposed.

- a) Reduced truck speeds of;
 - i. 60km p/h along Reardons Lane;
 - ii. 40km p/h on the eastern section of Boggy Creek Road (from Reardons Lane intersection back 344m west);
 - iii. 60km p/h on the mid section of Boggy Creek Road (from the end of the 40km section to the quarry access road);
- b) Sealing of Boggy Creek Road eastern section with open graded hotmix and then to the access road with two coat bitumen, and
- c) Construction of an acoustic wall along the northern boundary of Lot 1 DP703004 (the property located on the corner of Boggy Creek Road and Reardons Lane).

With mitigation modelling indicates the exceedances are reduced to 60.1 dB(A) at location 1 and 46.3 dB(A) at location 2. The mitigated modelling results are shown in Figure 13 below.

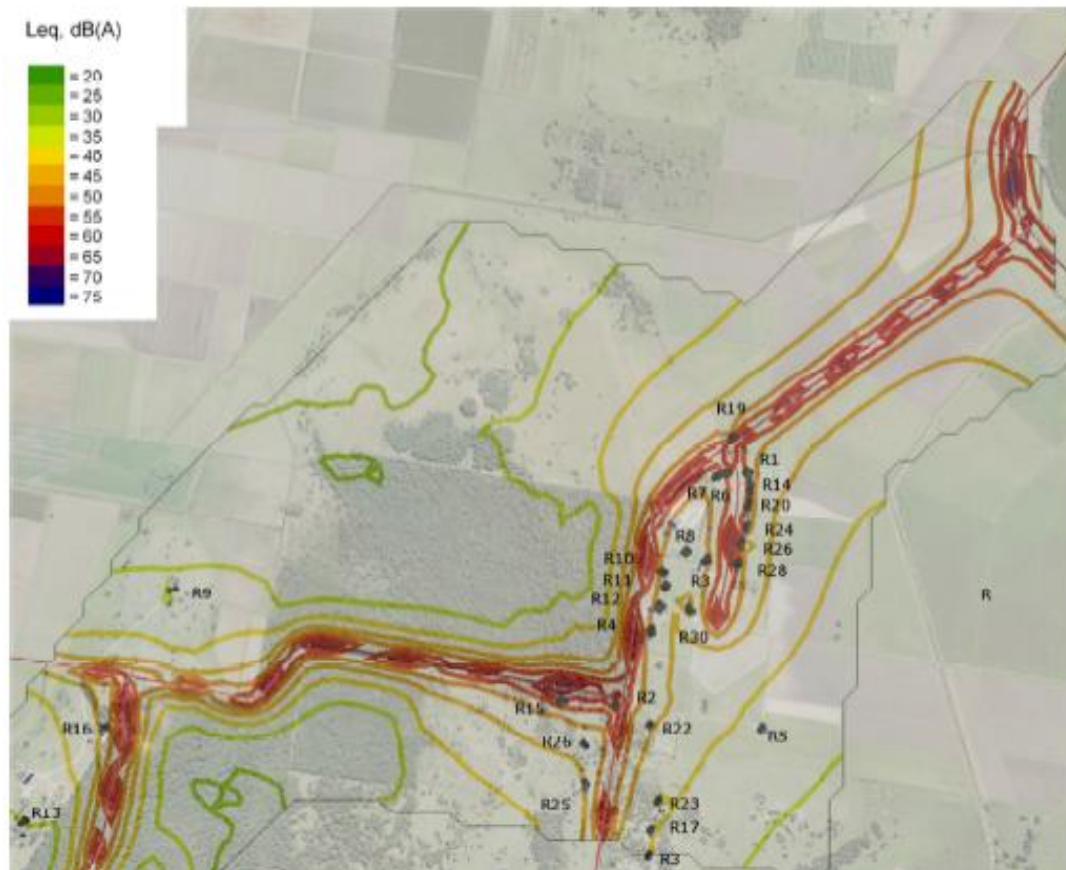


Figure 13: Mitigated traffic noise

Source: Noise Impact Assessment Rev D.

It is noted reduced truck speeds are essential to mitigate noise impacts. While the proponent has requested implementation of formal speed zones advice from the Local Traffic Committee and Roads and Maritime Services indicates this would not be approved if formal application were made currently.

In the absence of formal speed zones it will be necessary that truck speeds and driver behaviour be managed by the Quarry Operator. Conditions of consent are recommended to implement a Truck Management Plan and Driver Code of Conduct including the reduced speeds and complaints management process.

Considering the anticipated Rural Residential growth in the area it is possible a reduction in traffic speeds may be warranted at a time in the future. The proponent is encouraged to liaise with Council over the life of the development and seek a formal reduction at a later time.

6.2. Traffic Safety

The development proposes to generate up to 76 truck movements per day inclusive of both incoming and outgoing trucks along the haul route. The haulage route passes through a rural residential area, a Primary School and three intersections to reach the Pacific Highway intersection.

Truck movements have the potential to impact on traffic safety along this route. A Transport and Traffic Impact Assessment was submitted with the application and ongoing consultation with the RTA and Local Traffic Committee has been undertaken

Roadworks and upgrades as well as reduced truck speeds will all assist improve traffic safety. As discussed above the application does seek formal reduction of traffic speeds along Reardons Lane and Boggy Creek Road however this is currently not likely to be supported. Where formal reduced speeds cannot be attained it will be necessary for the quarry operator to manage driver behaviour on these roads. As such the applicant has proposed to manage truck speed as part of a Driver Code of Conduct.

Conditions of consent are recommended to address Road Safety including;

- Truck movements are to be within the approved operating hours Monday-Friday 7am - 6pm and Saturdays 8am-12pm with no work on Sundays or Public Holidays.
- Restriction of trucks along Boggy Creek Road and Reardons Lane during the school bus drop off and pick ups and the ability to extend this period if necessary to accommodate children walking to and from the bus stops.
- Total truck movements (incoming and outgoing) limited to 76 loads Monday-Friday and 22 loads Saturdays.
- Preparation of a Truck Management Plan and Driver Code of Conduct.

6.3. Road Upgrade and Maintenance

Road upgrades and ongoing maintenance are required to achieve a standard to ensure traffic safety and efficiency. Necessary road upgrades were identified in the Transport and Traffic Assessment, additionally in consultation with the Roads and Maritime Services it is determined the following measures are required to be undertaken:

- (a) A Section 94 contribution amounting to \$1.10 per tonne (rate as @ 18/4/2015) of material transported to and from the site.
- (b) Boggy Creek Rd upgrades;
 - 6m bitumen seal with 1m gravel shoulders.
 - A/C/open graded hotmix for a length of 350 metres west from the centreline of Reardons Lane to reduce noise impacts on dwellings.
 - Line marking being double barrier (BB) from the quarry entrance over the crest and through the S bends and along the frontages of the 2 residences on Boggy Creek Road.
 - Line Marking being dividing (separation) line S1 between the double barrier lines (i.e. from the S bends to the residences near Reardons Lane)

- Subject to formal design, advisory speed signs (ending in a “5”) placed on the S bends
 - Road culverts extended to provide the full 8 metre wide pavement construction (6m seal plus 1m shoulders).
- (c) Boggy Creek Rd/quarry entrance road intersection upgrades;
- widened to accommodate entering and departing heavy vehicles
 - sealed with AC/hotmix for heavy vehicle tyre drag control
 - a median island painted to delineate the entry and departing lanes.
 - hinged truck warning signs
- (d) Reardons Lane/Boggy Creek Rd intersection
- Upgraded to Rural Basic Right turn (BAR) standard for the right turn from Reardons Lane into Boggy Creek Road
 - Additional widening on the left turn out of Boggy Creek Road to Rural Basic Left turn treatment (BAL) standard
 - Sealed with AC/ hotmix for heavy vehicle tyre drag control and noise reduction
 - hinged truck warning signs
- (e) Reardons Lane
- Line marking being double barrier line marking (BB) from Boggy Creek Road to Casuarina Drive - including the northern part of the Casuarina Drive intersection and at the Woodburn Coraki Road intersection
 - Line marking being a dividing (separation) line S1 from the double barrier lines at the Casuarina Drive intersection to the double barrier lines at the Woodburn Coraki Road intersection.
- (f) Reardons Lane/Woodburn Coraki Road Intersection
- A westbound deceleration lane, Auxiliary left turn (AUL) on Woodburn Coraki Road for heavy vehicle turns into Reardons Lane,

Conditions of consent are recommended to address Road Safety including;

- Truck movements are to be within the approved operating hours Monday-Friday 7am - 6pm and Saturdays 8am-12pm with no work on Sundays or Public Holidays.
- Restriction of trucks along Boggy Creek Road and Reardons Lane during the school bus drop off and pick ups and the ability to extend this period if necessary to accommodate children walking to and from the bus stops.
- Total truck movements (incoming and outgoing) limited to 76 loads Monday-Friday and 22 loads Saturdays.
- Preparation of a Truck Management Plan and Driver Code of Conduct.

6.4. Ecological and Biodiversity Impacts

Expansion of the quarry footprint requires the clearing of about 9.5 hectares of native vegetation. A detailed Flora and Fauna assessment is provided with the EIS. Assistance from the Office of Environment and Heritage (OEH) has been obtained in reviewing the Flora and Fauna assessment and consideration of the Biodiversity Offset.

Lot 193 contains nine broad vegetation communities including one Endangered Ecological Community (EEC); Lowland Rainforest in the NSW North Coast and Sydney Basin bioregions. One threatened flora species listed under the Threatened Species Conservation Act 1995 was recorded within the EEC. The EEC is not located within proximity of the quarry site.

The quarry site comprises Blackbutt Pink Bloodwood and Smudge Apple Open forests. A number of threatened fauna species were recorded within or in close proximity to the quarry footprint. These species include the Brush-tailed Phascogale, Eastern Long Eared Bat, Glossy Black-Cockatoo, Greater Broad-nosed Bat, Grey-Headed Flying-Fox, Little Bent-Wing Bat, Masked own, Powerful Own, Red-Legged Pademelon and Squirrel Glider along with three possible additional bat species.

Potential impacts of the quarry expansion include loss of 9.5 hectares of native vegetation/habitat over the 25 year period, loss of 103 hollow bearing habitat trees, loss and fragmentation of forage, shelter and roost habitat for threatened species, potential injury or mortality to fauna due to site establishment and daily operation, disturbance from ongoing noise, potential for sediments to enter watercourses and introduction of weed species. Figure 14 shows the quarry impacts.

A number of mitigation measures designed to reduce ecologic impacts are outlined in section 5.6 of the Flora and Fauna Assessment. A consent condition is recommended to ensure implementation of all the recommendations. Additionally site rehabilitation and a biodiversity offset has been proposed.

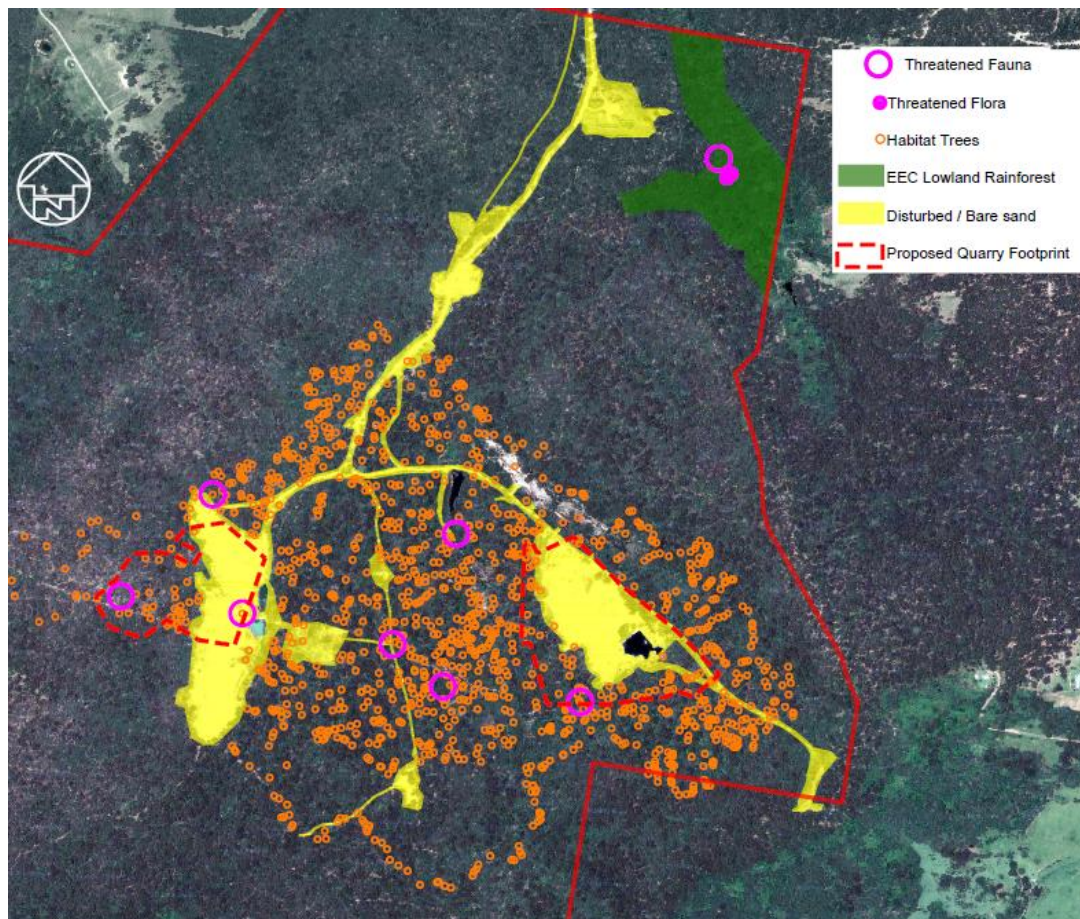


Figure 14: Ecological Impacts

Source: EIS Flora & Fauna Assessment

Assistance from OEH has been obtained in relation to the Biodiversity Offset. OEH have advised the proposed 69 hectare offset area appears adequate and would likely meet the BioBanking Assessment Methodology. The offset is recommended to be in one contiguous area, proportional to the impacted vegetation communities, with logical management and/or landscape boundaries that minimise edge effects, and located away from the quarry site.

In response the applicant has provided an amended Offset Plan (4 March 2015). The plan nominates a suitable 90 ha area on the basis that a final 68 hectares would be identified within it following further examination of the logical boundaries.

With regard to the legal mechanism for protection of the offset area, the applicant maintains a preference for a Section 88B Instrument under the Conveyancing Act 1999 while OEH's preferred option is the BioBanking Scheme. OEH do however suggest a Conservation Agreement could be considered as a better alternative to the Section 88B Instrument.

Council considers the Conservation Agreement would serve as an appropriate mechanism to secure the offset and recommend further examination be undertaken by way of a consent condition. It is also recommended clearing activities be restricted until such time as the offset is secured to the satisfaction of Richmond Valley Council in liaison with OEH.

6.5. Site Rehabilitation

Progressive rehabilitation works and ongoing maintenance is proposed over the life of the quarry. Rehabilitation details are included within the Operation Plan of Management and Soil and Water Management Plan. The proposed activities are:

- Prior to commencement rehabilitation of all areas not identified as Pit B or Pit C will occur.
- Importation of fill and storage will occur within the designated areas .
- As extraction in new areas commences any overburden and topsoil will where possible be used immediately for rehabilitation or otherwise stored and spread across the quarry floor and work face when the cell is completed.
- Progressive benching and covering of completed work faces to provide no more than 5-6 metre drops with 3m steps at 1:2 gradients
- Extensive planting using indigenous species with ongoing maintenance.
- Rehabilitated areas are to be fenced until cover is firmly established.

As rehabilitation is proposed prior to commencement existing overburden and topsoil stored from previously quarried areas will need to be utilised. Where existing stores are insufficient details of the source and quality of material will need to be submitted to Council. It is noted the current consent does not provide for the importation of fill.

If the proposed importation of fill from the Pacific Highway upgrade project is not available alternative arrangements must be made. It is recommended as part of the annual Performance and Environmental Management Report a balance calculation be undertaken to ensure quantities stockpiled will meet the following years demand including reserves for the lifespan of the quarry. If a shortfall is identified alternative arrangements must be detailed and approved by Richmond Valley Council.

6.6. Cultural Heritage

A Cultural Heritage Assessment considering both historic (non-indigenous) and Aboriginal cultural heritage is included in the EIS. The assessment advises one Aboriginal heritage site a Scar Tree, was identified within the quarry area and a further two known Aboriginal ceremonial places identified within 400m of the quarry site.

The identified Aboriginal Scarred Tree and area surrounding it has been excluded from the proposed area of operations and registered with OEH (AHIMS Site 13-1-0199). The Cultural Heritage Assessment makes six recommendations that are included within the recommended consent conditions.

The Office of Environment and Heritage have reviewed the Cultural Heritage Assessment and encourage consent conditions to reflect the intention of the recommendations, further they advise all Aboriginal objects including any not currently known are protected and an Aboriginal Heritage Impact Permit (AHIP) is required where impact cannot be avoided. Ongoing consultation with the registered Aboriginal parties for the life of the quarry is encouraged.

7. Issues Raised in Submissions

7.1. Air Quality Impacts from trucks diesel fumes and dust generated.

Road upgrade works proposed include the sealing of Boggy Creek Road from the Reardons Lane intersection to the quarry access road. This will result in improved air quality and alleviate dust nuisance issues. Vehicle emission standards are prescribed by the Australian Government Department of Infrastructure and Regional Development additionally individual Smoky Vehicles can be reported to the Environmental Protection Authority for further action.

7.2. Noise from transport operations

Comment: Increased heavy vehicle traffic has the potential to generate noise impacts along the haulage route. The NSW Road Traffic Noise Guidelines provides target levels and an assessment framework for developments generating additional traffic. The relevant criteria prescribes a daytime target level of 60dB(A) at residential receivers. No night time transportation is proposed or permitted as part of the development.

The Noise Impact Assessment submitted with the application predicts that road traffic noise, (subject to mitigation measures) meets the 60dB(A) target. The mitigation measures identified are:

- Reduced truck speeds of 60km p/h along Reardons Lane,
- 40km p/h on the eastern section of Boggy Creek Road (from Reardons Lane intersection back 344m west).
- 60km p/h on the mid section of Boggy Creek Road (from the end of the 40km section to the quarry access road).
- Sealing of Boggy Creek Road eastern section with open graded hotmix and then to the access road with two coat bitumen.
- Construction of an acoustic wall along the northern boundary of Lot 1 DP703004 (the property located on the corner of Boggy Creek Road and Reardons Lane)

Indications from NSW Roads and Traffic Authority are that the identified speed zones would not be approved if formal application were made. In the absence of formal speed zones it will be necessary that truck speeds and driver behaviour be managed by the Quarry Operator. Conditions of consent are recommended to implement a Truck Management Plan and Driver Code of Conduct including the reduced speeds and complaints management process.

7.3. Road Safety and Traffic Impacts

All submissions raised issues related to traffic generation, heavy vehicle movements and traffic safety.

Comment: The development proposes to generate up to 76 truck movements per day inclusive of both incoming and outgoing truck along the haul route. The route passes through rural residential areas and a school. Truck movements have the potential to impact on traffic safety along this route.

A Transport and Traffic Impact Assessment was submitted with the application and ongoing consultation with the RTA and Local Traffic Committee has been undertaken. Conditions of consent are recommended to address Road Safety including;

- Truck movements are to be within the approved operating hours Monday-Friday 7am - 6pm and Saturdays 8am-12pm with no work on Sundays or Public Holidays.
- Restriction of trucks along Boggy Creek Road and Readons Lane during the school bus drop off and pick ups and the ability to extend this period if necessary to accommodate children walking to and from the bus stops.
- Total truck movements (incoming and outgoing) limited to 76 loads Monday-Friday and 22 loads Saturdays.
- Preparation of a Truck Management Plan and Driver Code of Conduct.
- A Section 94 contribution amounting to \$1.10 per tonne (rate as @ 18/4/2015) of material transported to and from the site.
- Boggy Creek Rd upgrades;
 - 6m bitumen seal with 1m gravel shoulders.
 - A/C/open graded hotmix for a length of 350 metres west from the centreline of Reardons Lane to reduce noise impacts on dwellings.
 - Line marking being double barrier (BB) from the quarry entrance over the crest and through the S bends and along the frontages of the 2 residences on Boggy Creek Road.
 - Line Marking being dividing (separation) line S1 between the double barrier lines (i.e. from the S bends to the residences near Reardons Lane)
 - Subject to formal design, advisory speed signs (ending in a "5") placed on the S bends
 - Road culverts extended to provide the full 8 metre wide pavement construction (6m seal plus 1m shoulders).
- Boggy Creek Rd/quarry entrance road intersection upgrades;
 - widened to accommodate entering and departing heavy vehicles,
 - sealed with AC/hotmix for heavy vehicle tyre drag control,
 - a median island painted to delineate the entry and departing lanes,
 - hinged truck warning signs.
- Reardons Lane/Boggy Creek Rd intersection
 - Upgraded to Rural Basic Right turn (BAR) standard
 - Additional widening on the left turn out of Boggy Creek Road to Rural Basic Left turn treatment (BAL) standard.
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 - hinged truck warning signs

- Reardons Lane
 - Line marking being double barrier line marking (BB) from Boggy Creek Road to Casuarina Drive - including the northern part of the Casuarina Drive intersection and at the Woodburn Coraki Road intersection
 - Line marking being a dividing (separation) line S1 from the double barrier lines at the Casuarina Drive intersection to the double barrier lines at the Woodburn Coraki Road intersection.
- Reardons Lane/Woodburn Coraki Road Intersection
 - Subject formal design, a westbound deceleration lane, Auxiliary left turn (AUL) on Woodburn Coraki Road for heavy vehicle turns into Reardons Lane.

7.4. Boggy Creek Road Status

One submission advised Boggy Creek Road is not a reserved road and suggested the reserved road was located upon Crown Land to the north.

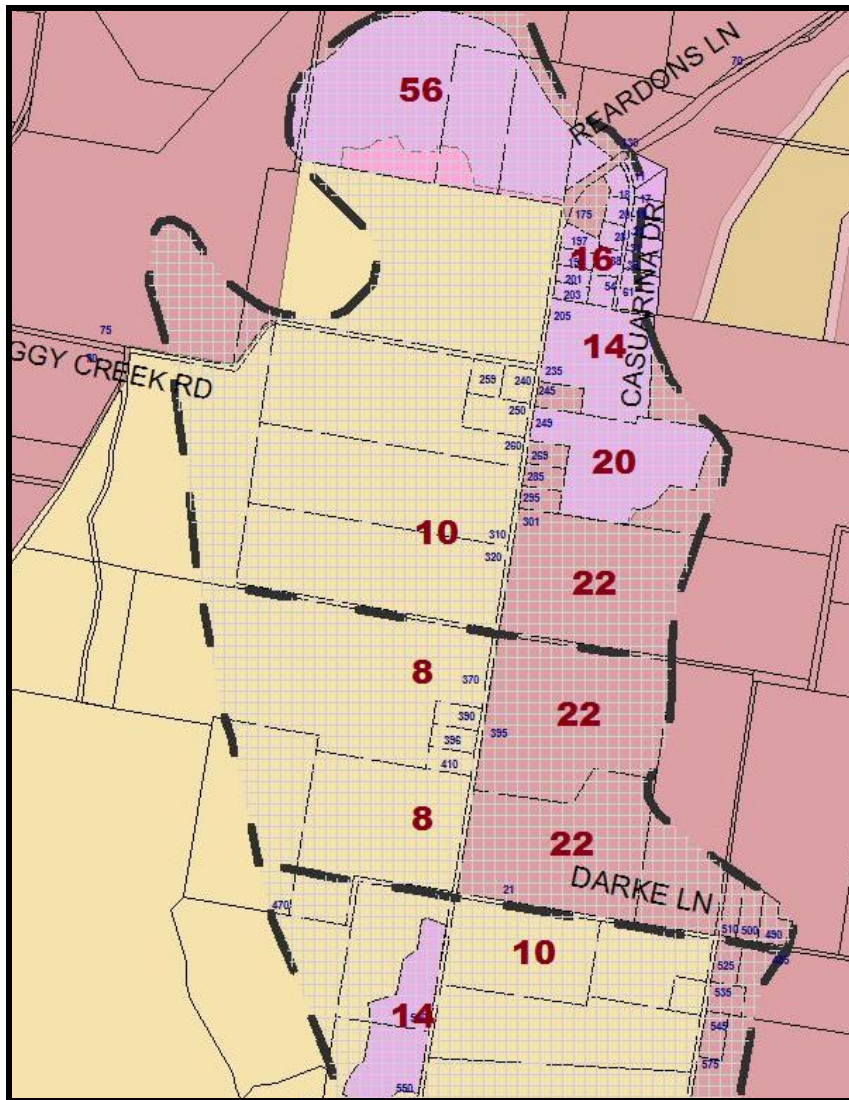
Comment: Deposited Plan 1136189 shows Lot 1 as land to be acquired for the purpose of Road. Richmond Valley Council is the landowner and maintains Boggy Creek Road.

7.5. Future Rural Residential Land Development

Richmond River Rural Residential Strategy 1999 has identified land in proximity to the quarry and its haulage route as having potential for consideration for the purposes of Rural Residential development. Land rezonings have progressed based upon the Strategy as shown below in Figure 15.

The estimated total number of possible lots based on the Strategy is around 200. Councils Strategic Planner has advised the uptake of these 200 lots is possible over the 25 year time frame of operation of the quarry.

An application for 20 lots was approved in 2014 and another for 14 lots is currently being assessed within proximity of the Boggy Creek Road intersection. Impacts upon future rural residential dwelling is expected to be the same as impacts upon existing dwellings along the haulage route. These being predominately truck noise and road safety issues.



Hatched areas are identified in Richmond River Rural Residential Strategy.

Light purple areas are completed rezonings.

Red indicates the anticipated lot yields.

Figure 15: Potential Rural Residential Land areas

The impact of road traffic noise from the quarry on undeveloped land has not been assessed, however the impact on a number of other lots facing Reardons Lane and Boggy Creek road has been assessed. Subject to recommended mitigation measures being imposed such as speed limits and road sealing works, road traffic noise criteria complies on all lots fronting Reardons Lane. Therefore it is reasonable to expect that noise levels will also comply on undeveloped land and enable construction of dwellings.

8. Conclusion and Recommendations

The Moonimba quarry is identified as a locally significant resource and the increased extraction is primarily required to meet anticipated demand associated with the Pacific Highway upgrade between Woolgoolga and Ballina. The Environmental Impact Statement and additional information submitted has addressed the relevant legislation, planning instruments and considered the likely impacts of the development.

Consultation with the public and relevant State Government agencies has been undertaken. The recommendations and issues raised have been addressed and form part of the recommended conditions of consent where applicable.

It is considered the proposed development complies with legislative requirements, avoids adverse impacts where possible and mitigates against such impacts where feasible.

It is recommended that Development Application DA2015/069 (JRPP reference No. 2014NTH018 be approved subject to conditions contained in the Draft Schedule.

Appendix A – Proposed Consent Conditions

Appendix A is attached as a separate document.

Appendix B – General Terms of Approval issued by the Environmental Protection Authority

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1525709

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

L.1.1 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.

General Terms of Approval - Issued



Notice No: 1525709

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.

General Terms of Approval - Issued



Notice No: 1525709

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

General Terms of Approval - Issued



Notice No: 1525709

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.

General Terms of Approval - Issued



Notice No: 1525709

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;

General Terms of Approval - Issued



Notice No: 1525709

- 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

General Terms of Approval - Issued



Notice No: 1525709

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.

General Terms of Approval - Issued



Notice No: 1525709

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;

General Terms of Approval - Issued



Notice No: 1525709

- 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

General Terms of Approval - Issued



Notice No: 1525709

- 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.

General Terms of Approval - Issued



Notice No: 1525709

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.

Appendix C – General Terms of Approval issued by the Department of Primary Industries Office of Water

General Terms of Approval for work requiring a controlled activity approval under s91 of the Water Management Act 2000

Our Reference: 30 ERM2014/0949 **File No:** 9058715
Site Address: Bungawalbin-Whiporie Road, Bungawalbin
DA Number: DA2015.069
LGA: Richmond Valley Council

Number	Condition
Plans, standards and guidelines	
1	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. 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.
2	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.
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (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	

www.water.nsw.gov.au

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 170912

Our Reference: 30 ERM2014/0949 **File No:** 9058715
Site Address: Bungawalbin-Whiporie Road, Bungawalbin
DA Number: DA2015.069
LGA: Richmond Valley Council

Number	Condition
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 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.

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Our Reference: 30 ERM2014/0949 **File No:** 9058715
Site Address: Bungawalbin-Whiporie Road, Bungawalbin
DA Number: DA2015.069
LGA: Richmond Valley Council

Number	Condition
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 work requiring a Water Supply Work Approval
under Part 3 of the Water Management Act 2000

File No: 9058715

30ERM2014/0949
Bungawalbin-Whiporie Road,
Bungawalbin
DA2015.069
Richmond Valley Council

Conditions
<p>Standard</p> <ol style="list-style-type: none">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 <i>Water Management Act 2000 (WMA)</i>.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 <i>WMA</i> prior to the commencement of any development / works.6. The approval application is required to accord with the GTA.

www.water.nsw.gov.au

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30ERM2014/0949

Bungawlbins-Whiporie Road,
Bungawalbin

DA2015.069

Richmond Valley Council

Conditions

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;
 - 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.

Appendix D – Proposed Development Plans

