

Council Reference: DA04/0162.02 DA04/0162 LN71064  
Your Reference:



11 August 2016

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Dear Sir/Madam

**Section 96 Application DA04/0162.02 - amendment to  
Development Consent DA04/0162 for expansion and  
amalgamation of existing quarries at Lot 28 DP 1079480;  
Pollards Road DULGUIGAN**

Reference is made to your application regarding the above. Please find enclosed Amended Consent DA04/0162. The consent has been amended as follows:

1. Delete Schedule B Condition 1 and replace it with Condition 1A which reads as follows to reflect the new plan:
  - 1A. The development shall be completed in accordance with the following:
    - a. Statement of Environmental Effects prepared by Jim Glazebrook & Associates Pty Ltd (JGA) dated February 2004,
    - b. Further information as per the JGA letter of 30 July 2004 as later amended by their letter of 8 October 2004
    - c. The approved "Rehabilitation and Environmental Management Plan" approved from time to time by Council's Director of Planning & Regulation

Except where varied by the approved S96 DA04/0162.02 application material specifically incorporating Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus

AND

Except where varied by the following conditions

2. Insert new condition in Schedule B after Condition 1A which is numbered 1.1 which reads as follows to reflect the NSW Office of Environment & Heritage requirement for BioBanking:
  - 1.1. Prior to the commencement of the quarry expansion (as approved by DA04/0162.02), the proponent must develop a biodiversity offset strategy to the written satisfaction of the Office of Environment and Heritage and the Tweed Shire Council. The strategy must quantify the biodiversity impacts of the quarry expansion using the BioBanking Assessment Methodology and identify the BioBanking biodiversity credit requirements required to offset the impacts of the proposal. The strategy must also identify the measures proposed to offset these impacts. If the measures include the securing of any identified offset site in perpetuity, then this strategy must identify a suitable mechanism to achieve this.

3. Insert new condition in Schedule B after Condition 1.1 which is numbered 1.2 which reads as follows to reflect the requirements for the REMP:
  - 1.2. Within 90 days of the issue of S96 DA04/0162.02 consent, the amended REMP prepared in accordance with those matters prescribed in new Attachment 1 forming part of this consent shall be submitted to and approved by Council. The amendments may be made as an attachment and/or addendum of the REMP. Where any conflict or inconsistency exists between the REMP and attachment and/or addendum (consistent with Attachment 1 of this consent) the provisions detailed in the later shall prevail.
4. Insert new condition in Schedule B after Condition 1.2 which is numbered 1.3 which reads as follows to reflect the requirements for the Restrictive Covenant:
  - 1.3. Within 90 days of the issue of S96 DA04/0162.02 consent a restrictive statutory covenant for conservation purposes in respect of the entire area described as 'Offset Area (15.08 ha)' shown on Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus shall be created under s. 88B of the Conveyancing Act 1919 for the benefit of the Tweed Shire Council on the terms specified below:
    - a. The area described as 'Offset Area (15.08 ha)' must be subject to a habitat restoration program undertaken in accordance with an approved REMP and managed as a natural area for conservation purposes in perpetuity.
    - b. The following activities are not permitted within the 'Offset Area (15.08 ha)':
      - i. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this consent;
      - ii. Erection of any fixtures or improvements, including buildings or structures;
      - iii. Construction of any trails or paths unless otherwise approved by the NSW Rural Fire Service (or equivalent state agency) and Council;
      - iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area;
      - v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the Offset Area; and
      - vi. Performance of any other acts which may have detrimental impact on the values of the Offset Area.

Burden: Part Lot 28 DP1079480. Benefit: Tweed Shire Council

5. Insert new condition in Schedule B after Condition 1.3 which is numbered 1.4 which reads as follows to reflect the requirements for the new boundary to be surveyed:
  - 1.4. Within 90 days of the issue of S96 DA04/0162.02 consent the following boundary lines as shown on Dwg. No. 1374.044 Rev. 6 Extraction

Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus shall be physically surveyed, clearly marked and delineated at regular intervals by a registered surveyor:

The 'Offset Area (15.08 ha)'; and

The 'Proposed Extraction Boundary (19 ha)'

6. Insert new condition in Schedule B after Condition 1.4 which is numbered 1.5 which reads as follows to reflect the requirements for separate approvals:
  - 1.5. The applicant is required to seek under a separate application to the NSW Local Land Services (or equivalent state consent authority), approval for the removal of native vegetation regulated under the *Native Vegetation Act 2003* where:
    - a. The native vegetation proposed to be removed occurs within the 'Proposed Extraction Boundary (19 ha)' shown on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* the 'plan' referred herein) yet not within the area identified on the plan as 'Approved Extraction Boundary (15.08 ha)' (pursuant to Condition 26A); and/or
    - b. Where clearing is proposed within the 'Approved Extraction Boundary (15.08 ha)' as shown on the plan and is to exceed 2 ha per annum.
7. Insert new condition in Schedule B after Condition 1.5 which is numbered 1.6 which reads as follows to reflect the requirements for an 88B Instrument until the BioBanking Agreement is in place:
  - 1.6. Upon entering into a BioBanking Agreement with the NSW Office of Environment and Heritage that involves securing in perpetuity the onsite Offset Area under the Threatened Species Conservation Act 1995, the Tweed Shire Council (as covenantee) will agree to revoke any 88B instrument (registered for conservation purposes under the Conveyancing Act 1919) that applies to that land.
8. Insert new condition in Schedule B after Condition 1.6 which is numbered 1.7 which reads as follows to reflect the requirements for a S68 Approval for onsite sewage management system:
  - 1.7. Within 90 days from the date of consent (DA04/0162.02) the applicant is required to lodge an application to operate any new onsite sewage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with a determination.
9. Insert new condition in Schedule B after Condition 1.7 which is numbered 1.8 which reads as follows to reflect the requirements for a S68 Approval for onsite sewage management system:
  - 1.8. In regard to DA04/0162.02 prior to the relocation of the amenities building the applicant is required to lodge an application to install/operate any new onsite sewage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with a determination. Any application shall be supported by design report prepared by a suitable qualified and experienced consultant.

10. Insert new condition in Schedule B after Condition 1.8 which is numbered 1.9 which reads as follows to reflect the requirements for a S68 Approval for onsite sewage management system:
  - 1.9. If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the NSW Office of Environment & Heritage are to be notified immediately, in accordance with the provisions of the National Parks and Wildlife Act 1974.
11. Delete condition 26 in Schedule B and replace it with a new proposed Condition 26A which updates the conditions to reflect the new plan:
  - 26A. No work (excluding rehabilitation) shall be undertaken beyond the 'Proposed Extraction Boundary (19 ha)' as shown on Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus unless works are required by the NSW Rural Fire Service (or equivalent state agency) for bushfire hazard management and those works are concurrently approved by Council's General Manager or delegate.
12. Delete condition 27 in Schedule B (as noise barrier not required for adjoining site anymore) and replace it with a new proposed Conditions 27.1 and 27.2 which provides generic noise conditions leaving specific noise criteria to the NSW EPA:
  - 27.1. The LAeq, 15 min noise level emitted from the premises shall not exceed the adopted noise criteria of 37dB(A) during the approved operating hours at any affected residence as detailed in the Assessment of Noise and Dust Impacts prepared by MWA Environmental dated 17 November 2014.
  - 27.2. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant that assesses compliance with the adopted noise criteria detailed in the Assessment of Noise and Dust Impacts prepared MWA Environmental dated 17 November 2014. The NIS is to be submitted to the satisfaction of the General Manager or delegate and is to include recommendations for noise attenuation if required. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's Authorised Officer.
13. Delete condition 32 in Schedule B and replace it with a new proposed Condition 32A which updates the condition to reflect the current provisions surrounding Native Vegetation removal with the relevant State Agency:
  - 32A. Any proposal to clear native vegetation in excess of 2ha per annum within the area shown as 'Approved Extraction Boundary (15.08 ha)' on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* (the 'plan' referred herein) yet not within the expanded area shown on the plan as 'Proposed Extraction Boundary' (pursuant to Condition 1.5) is to be the subject of a separate application to the NSW Local Land Services (or equivalent state consent authority).
14. Delete condition 36 in Schedule B relating to hours of operation as this is licenced by NSW EPA and detailed in the General Terms of Approval by NSW EPA which form part of this consent.

15. Delete condition 41 in Schedule B relating to noise levels and blasting criteria as this is licenced by NSW EPA and detailed in the General Terms of Approval by NSW EPA which form part of this consent.
16. Insert After Condition 43) – The NSW EPA – GENERAL TERMS OF APPROVAL as follows:

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

*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;*
- *Statement of Environmental Effects - Section Amendment to DA04/0162 and attachments.*

*Discharges to Air and Water and Applications to Land*

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

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

*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.*

## L2. Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the tablets (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 tablets.

### L2.4 Water and/or Land Concentration Limits

#### DISCHARGE POINT 1 (Sediment Basin Discharge)

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

L2.5 The concentration limits in the above table do not apply to any discharge from the sediment basin (at Point 1) solely arising from rainfall measured at the premises exceeding 82.5 mm in total falling over any consecutive five day period.

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

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

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

L2.9 If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997,

*the applicant must provide the EPA with any amendments the applicant makes to the statistical correlation as a result of the ongoing verification required by Condition L2.8 before using the revised statistical correlation.*

### *L3. Waste*

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

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

### *L4. Noise limits*

*L4.1 Noise from the premises must not exceed an LAeq (15 minute) noise emission criterion of 37 dB(A) for the nearest residential receivers as identified in Statement of Environmental Effects - Drawing 1, except as expressly provided by these general terms of approval.*

*L4.2 Noise from the premises is to be measured at nearest residential receiver as identified in the Statement of Environmental Effects - Drawing 1, that does not have 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 30 C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or*
- Temperature inversion conditions greater than 30Cf100m.*

### *L5. Blasting*

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

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

- a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period;*

*and*

- b) 120 dB (Lin Peak) at any time,*

*at any point within 1 metre of any affected residential boundary or other noise sensitive location unless the location is owned by the licensee or is subject to*

*a private written agreement between the owner of the residence or noise sensitive location as to an alternative overpressure level.*

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

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

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

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

#### *L6. Hours of operation*

*L6.1 Activities covered by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, must only be carried out between the hours of 7:30 am and 6:00 pm Monday to Friday, and 8:00 am and 1:00 pm Saturday, and at no time on Sundays and Public Holidays.*

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

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

*L6.4 Heavy vehicles (including excavators, haul trucks, loader and water carts) and machinery [including screening plant, jaw crusher, feed bin, cone crusher, rock drill, water pump and generator (genset)] cannot be started, maintained, arrive or leave the site or operated outside of operating hours as detailed in L6.1 and at no time on Sundays and Public Holidays."*

#### *Operating conditions*

##### *01. Dust*

*01.1 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.*

##### *02. Processes and management*

*02.1 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.*



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

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

02.4 *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.*

02.5 *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.*

02.6 *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.*

02.7 *The applicant must endeavour to maximise the reuse of captured stormwater on the premises.*

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

02.9 *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.*

02.10 *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.*

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

#### *Monitoring and recording conditions*

##### *M1 Monitoring records*

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

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

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

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

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

**M2. Requirement to monitor concentration of pollutants discharged**

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

**POINT 1 Water and Land**

**Discharge point 1**

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

*< Special Frequency 1 > means sampling any discharge, whether controlled or otherwise, which has not occurred from rainfall exceeding 82.5 mm over any consecutive five day period.*

**M3. Testing methods - concentration limits.**

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

#### *M4. Environmental monitoring*

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

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

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

#### *M6. Other monitoring and recording condition*

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

#### *M7. Blast Monitoring*

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

#### *Reporting conditions*

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

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

#### *Special Conditions*

##### *E1. Noise and dust mitigation measures*

*E1.1 The applicant must implement all noise and dust mitigation measures recommended in the Statement of Environmental Effects - Attachment 6 - Assessment of noise and dust impacts of proposed modification of extraction boundary Tumbulgum Quarry Dulguigan, prepared by MWA Environmental dated 17 November 2014.*

*Noise mitigation measures to be implemented are to be found in section 2.3.2 of the aforementioned Statement of Environmental Effects attachment.*

*Dust mitigation measures to be implemented are to be found in section 3.4 of the aforementioned Statement of Environmental Effects attachment.*

*E1.2 The noise and dust mitigation measures outline in condition E1.1 must be completed prior to the commencement of quarrying activities.*

17. Insert (after GENERAL TERMS OF APPROVAL) ATTACHMENT 1 - CONDITIONS – REHABILITATION AND ENVIRONMENTAL MANAGEMENT PLAN (REMP) AMENDMENTS as follows:

ATTACHMENT 1

CONDITIONS – REHABILITATION AND ENVIRONMENTAL MANAGEMENT PLAN (REMP) AMENDMENTS

As referenced in Condition 1.2 of the s96 Consent DA04/0162.02

The applicant shall amend the existing approved REMP being *Rehabilitation & Environmental Management Plan for Reedy Creek Quarry at Dulguigan Road North Tumbulgum dated December 2004 prepared by Jim Glazebrook & Associates Pty Ltd* in accordance with all the amendment items detailed herein.

The amendments may be made as an attachment and/or addendum of the REMP. Where any conflict or inconsistency exists between the REMP and attachment and/or addendum (consistent with Attachment 1 of this consent) the provisions detailed in the later shall prevail.

To be clear, the following amendments have been based on review of the contemporary draft REMP being *Rehabilitation and Environmental Management Plan (REMP 2015) Version 5.0 dated May 2015 prepared by Groundwork Plus* submitted on the 19 May 2015 as part of the application material for DA04/0162.02

1. Amendment Item 1 General Provisions

- a. All REMP components and reference to the quarry layout plan shall be consistent with and reflect the approved layout plan being *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus*
- b. Ensure consistency between any general provisions of the REMP and those stipulated in specific supplementary management plan sub-components described below
- c. Remove reference to:
  - i. NSW National Parks & Wildlife Service concurrence requirements
  - ii. Survey requirements of the ecotone line - Monitoring shall be focussed on the progress of restoration effort and health of threatened flora species in accordance with the Habitat Restoration Plan (HRP) sub-component of the REMP (pursuant to the relevant provisions detailed below)
- d. Section 3.10.4 Monitoring
  - i. The 'Monitoring Table' shall be modified to be consistent with the Vegetation Management Plan (VMP) and HRP sub-components of the REMP
  - ii. On-site *Endiandra muelleri ssp. bracteata* population monitoring shall be undertaken for the duration of quarry operations. Based on the monitoring an annual health status report shall be provided to Council's Natural Resource Management (NRM)

Unit every year for the 5 (five) year HRP monitoring period and 2 (two) years thereafter.

- e. Section 3.10.7 Corrective Action - This shall include consultation with Council's NRM Unit to ensure corrective actions are appropriate
- f. Provide an updated Environmental Monitoring Summary Table (similar to that included in the REMP 2004) based on the detail provided in the supplementary plans

## 2. Amendment Item 2 Vegetation and Fauna Management Plan

A Vegetation and Fauna Management Plan ('V&FMP') shall be prepared by a suitably qualified ecologist to be implemented during the construction and operational phase of the development. The V&FMP shall be included as a sub-component of the REMP and detail the following:

- a. Particulars and locations of vegetation to be removed and vegetation to be retained in order to facilitate the development
- b. Clearly identify the 'Proposed Extraction Boundary (19 ha)' (as shown on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* to ensure all necessary measures are implemented to:
  - i. Ensure works remain within the 'Proposed Extraction Boundary (19 ha)'
  - ii. Habitat beyond the 'Proposed Extraction Boundary (19 ha)' is afforded adequate protection during the construction and operational phase of quarry operations
- c. Details of all proposed infrastructure, site access and services
- d. Details of strategies and methods to be implemented to protect vegetation and habitat to be retained in accordance with the *Australian Standard AS 4970-2009 Protection of trees on development sites*
- e. Information on how the clearing will be undertaken including:
  - i. Whether the clearing will be undertaken in stages
  - ii. Special considerations for clearing (e.g. juvenile vegetation first)
  - iii. Time periods between clearing of staged areas (where applicable) or immature vegetation
  - iv. Direction of clearing
  - v. Details of erosion and sediment control measures to be employed prior to, or immediately following clearing activity
- f. Methods for the reuse of felled vegetation from the subject site (i.e. sensitively placing felled material where appropriate within retained areas to improve habitat values)
- g. Disposal methods for remaining debris after the above methods have been employed
- h. Identification of known and potential habitat trees (displaying values such as hollows, fissures, nests, drays, arboreal termitaria used as nests etc.) and description of fauna species known/likely to utilise habitat features
- i. Information on how trees are to be inspected for denning or nesting animals including constraints for inspecting trees (to provide

acceptable alternative methods) and summary of removal and relocation methods for each faunal group (including observed species and species likely to occur in the area to be disturbed)

- j. Considerations relating to time periods for when fauna is likely to be removed/flushed prior to clearing. Regard shall be given to nesting/roosting times when scheduling tree works
- k. Details of special equipment required (such as cameras, elevated platforms etc.)
- l. Identification of general locations that wildlife may be relocated/translocated to if required (based on habitat requirements and subject to any required licences/permits)
- m. Specify that all fauna management procedures shall be undertaken by a suitably qualified wildlife specialist who holds all necessary permits/licences issued by the NSW Department of Environment & Heritage (or equivalent agency at the time)
- n. Any long term fauna management requirements i.e. installation of nest boxes (where hollows are to be removed), removal of unnecessary barbed fencing or retrofitting to make fauna friendly
- o. Any other vegetation management measures as detailed in Section 5.0 of the *Further Ecological Assessment Tumbulgum Quarry, Dulguigan NSW dated 07 May 2015 prepared by BAMB Ecological Consultants*

### 3. Amendment Item 3 Long Term Voluntary Conservation Area Management Plan

A general long term Voluntary Conservation Area Management Plan (VCMP) sub- component for the area described as 'Offset Area (15.08 ha)' shown on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* shall be incorporated into the REMP detailing all management measures and monitoring to be undertaken within the Offset Area in perpetuity (under a secure statutory mechanism). The VCMP sub-component shall include (but not be limited to):

- a. Description of the approved development including a plan showing the location of the Offset Area
- b. A description of how the document is to be read, including the purpose and intent of the Offset Area and general requirements at each phase of the development
- c. Schedule of prohibited activities within the Offset Area consistent with relevant conditions of the consent
- d. Detailed descriptions of the Offset Area including:
  - i. Topography
  - ii. Waterways, flow paths, gullies
  - iii. Vegetation communities and significant species
  - iv. Fauna habitat and significant species
  - v. Other significant features.
- e. Summary of requirements to be fulfilled by the proponent including:
  - i. Construction phase habitat protection requirements (vegetation and fauna management, sediment and erosion control)

- ii. Rehabilitation, including summaries of rehabilitation activities (based on the Habitat Restoration Plan sub-component)
- iii. Maintenance requirements including activities, timeframes and standards to be achieved following the five (5) year active establishment/maintenance phase
- iv. Monitoring details including baseline data/photographs; and
- v. Compliance/certification
- f. General information, including:
  - i. Duration of requirements / responsibilities;
  - ii. Checklists for Council to assess compliance with the VCMP sub-component (including remedial actions for non-compliance)

4. Amendment Item 4 Habitat Restoration Plan

A Habitat Restoration Plan ('HRP') shall be prepared as a sub-component of the REMP for the entire 'Offset Area (15.08 ha)' as shown on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus*

The HRP shall be prepared by a suitably qualified professional in accordance with Council's *Draft Habitat Restoration Plan Preparation Guideline dated February 2012* (attached) to include the following information (but not be limited to):

- a. An appraisal of the present condition of remnant and regrowth vegetation
- b. A plan overlaying an aerial photograph of the site which divides the area into appropriate management zones
- c. A management strategy for each of the zones, using a combined 'Assisted Natural Regeneration' and 'Reconstruction' approach
- d. A schedule of local native plant species (necessary to re-establish the pre-clear vegetation community) including Glossy Black Cockatoo (*Calyptorhynchus lathamii*) feed trees (i.e. *Allocasuarina littoralis* and *A. torulosa*). Planting density shall be prescribed at one (1) plant per two (2) square metres in areas where a 'reconstruction' approach is adopted.
- e. Where 'Assisted Natural Regeneration' is applied natural recruitment must exceed one (1) plant per metre square
- f. A program of works to be undertaken to remove invasive weed species (noxious and environmental weeds);
- g. A schedule of timing of proposed works and frequency of activities developed to achieve site capture and meet both the short and long term objectives of the Offset Area
- h. A schedule of activities not permitted within the Offset Area consistent with relevant conditions of the consent
- i. Requirement for a Section 132C Licence issued under the *National Parks and Wildlife Act 1974*
- j. Management of domestic farm/feral animals (if appropriate) and any fencing/signage requirements to restrict access and increase landholder/public awareness
- k. Nomination of key performance indicators/criteria for monitoring purposes

- l. An active maintenance, monitoring and reporting schedule with developer commitment for a period of not less than five (5) years
- m. An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of Council's General Manager or delegate for such changes.
- n. Incorporate threatened flora species monitoring and evaluation similar to that adopted in the REMP 2004

5. Amendment Item 5 Site Remediation Works

The applicant shall provide the following details in respect to progressive rehabilitation of internal quarry batters as shown on *Dwg. No. 1374.056 Rev.1* in *Rehabilitation Management Plan dated 05 May 2015 prepared by Groundwork Plus*:

- a. Clear schedule of timeframes for remediation activity and establishment and maintenance periods to achieve site capture and slope stabilisation
- b. Species list comprising 100% local native species suitable to the site and conditions
- c. Provide a 10 m x 10 m indicative planting palette showing one (1) plant per metre square.
- d. Provide details of performance criteria generally consistent with Council's *Draft Habitat Restoration Plan Preparation Guideline dated February 2012* requirements i.e. 90% success of planted stock, no environmental weed species present, growth of 1 m by year 3 and 1.5 m by year 5

For further information regarding this matter please contact Denise Galle on (02) 6670 2459.

Yours faithfully

**Denise Galle**  
Co-ordinator Development Assessment

Enc



**AMENDED CONSENT ISSUED 11/8/2016**

**NOTICE NO. DA04/0162**

**TWEED SHIRE COUNCIL**

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**  
**DEFERRED COMMENCEMENT**

To: Elesanar Pty Ltd  
C/-Jim Glazebrook & Associates Pty Ltd  
PO Box 827  
MURWILLUMBAH NSW 2484

Pursuant to Section 81(1)(a) of the Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **DA04/0162** relating to land described as:-

**Lot 1 DP 578307, Lot 2 DP 578307, Lot 3 DP 808395, Lot 9 DP 1063790, Dulguigan Road, Dulguigan**

to be developed in accordance with plans and details submitted for the purpose of –

**EXPANSION AND AMALGAMATION OF EXISTING QUARRIES**

The Development Application has been determined by the granting of a “deferred commencement” consent.

**"DEFERRED COMMENCEMENT"**

**This consent shall not operate** until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within six (6) months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

**SCHEDULE "A"**

**Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.**

1. A detailed quarry "Rehabilitation and Environmental Management Plan" as outlined in the Environmental Impact Statement and based on the existing Reedy Creek Quarry REMP, is to be submitted to and approved by the Director of Planning and Environment. This plan is to include, but is not limited to, the following:-
  - a. Measures proposed to address matters such as waste water management, stormwater quality and runoff management, controls, monitoring schedule to

discharge objectives, erosion and sediment control, fuel storage, noise vibration and amelioration, visual amenity, dust control, site rehabilitation including landscaping, archaeological finds, topsoil stockpiling, retention of significant vegetation, public safety, waste disposal and a time schedule for the implementation of these matters.

- b. Details of an on-site wheel wash or similar method of avoiding mud being tracked onto Dulguigan Road.
- c. Monitoring procedures, environmental goals and reporting procedures.
- d. The scale, frequency and design of blasting associated with quarrying activities.
- e. Details of notification procedures for events of a scale and nature which warrant notification to adjoining and/or affected residents.
- f. The method of ensuring that only trucks fitted with air bag suspension and residential grade mufflers are permitted to haul material from the quarry and how the driving speed of vehicles on Dulguigan Road is to be restricted to the satisfaction of the Director of Engineering and Operations Division.
- g. The method of ensuring that trucks do not arrive in the area prior to the commencement of operating hours.

## **SCHEDULE B**

**NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.**

### **GENERAL**

#### **1. DELETED**

- 1A. The development shall be completed in accordance with the following:
  - a. Statement of Environmental Effects prepared by Jim Glazebrook & Associates Pty Ltd (JGA) dated February 2004,
  - b. Further information as per the JGA letter of 30 July 2004 as later amended by their letter of 8 October 2004
  - c. The approved "Rehabilitation and Environmental Management Plan" approved from time to time by Council's Director of Planning & Regulation

Except where varied by the approved S96 DA04/0162.02 application material specifically incorporating Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus

AND

Except where varied by the following conditions.

- 1.1. Prior to the commencement of the quarry expansion (as approved by DA04/0162.02), the proponent must develop a biodiversity offset strategy to the written satisfaction of the Office of Environment and Heritage and the Tweed Shire Council. The strategy must quantify the biodiversity impacts of the quarry expansion using the BioBanking Assessment Methodology and identify the BioBanking biodiversity credit requirements required to offset the impacts of the proposal. The strategy must also identify the measures proposed to offset these impacts. If the measures include the securing of

any identified offset site in perpetuity, then this strategy must identify a suitable mechanism to achieve this.

- 1.2. Within 90 days of the issue of S96 DA04/0162.02 consent, the amended REMP prepared in accordance with those matters prescribed in new Attachment 1 forming part of this consent shall be submitted to and approved by Council. The amendments may be made as an attachment and/or addendum of the REMP. Where any conflict or inconsistency exists between the REMP and attachment and/or addendum (consistent with Attachment 1 of this consent) the provisions detailed in the later shall prevail.
- 1.3. Within 90 days of the issue of S96 DA04/0162.02 consent a restrictive statutory covenant for conservation purposes in respect of the entire area described as 'Offset Area (15.08 ha)' shown on Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus shall be created under s. 88B of the Conveyancing Act 1919 for the benefit of the Tweed Shire Council on the terms specified below:
  - a. The area described as 'Offset Area (15.08 ha)' must be subject to a habitat restoration program undertaken in accordance with an approved REMP and managed as a natural area for conservation purposes in perpetuity.
  - b. The following activities are not permitted within the 'Offset Area (15.08 ha)':
    - i. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this consent;
    - ii. Erection of any fixtures or improvements, including buildings or structures;
    - iii. Construction of any trails or paths unless otherwise approved by the NSW Rural Fire Service (or equivalent state agency) and Council;
    - iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area;
    - v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the Offset Area; and
    - vi. Performance of any other acts which may have detrimental impact on the values of the Offset Area.

Burden: Part Lot 28 DP1079480. Benefit: Tweed Shire Council.

- 1.4. Within 90 days of the issue of S96 DA04/0162.02 consent the following boundary lines as shown on Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus shall be physically surveyed, clearly marked and delineated at regular intervals by a registered surveyor:

The 'Offset Area (15.08 ha)'; and  
The 'Proposed Extraction Boundary (19 ha)'.

- 1.5. The applicant is required to seek under a separate application to the NSW Local Land Services (or equivalent state consent authority), approval for the removal of native vegetation regulated under the *Native Vegetation Act 2003* where:
  - a. The native vegetation proposed to be removed occurs within the 'Proposed Extraction Boundary (19 ha)' shown on *Dwg. No. 1374.044 Rev. 6 Extraction*

*Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* the 'plan' referred herein) yet not within the area identified on the plan as 'Approved Extraction Boundary (15.08 ha)' (pursuant to Condition 26A); and/or

- b. Where clearing is proposed within the 'Approved Extraction Boundary (15.08 ha)' as shown on the plan and is to exceed 2 ha per annum
- 1.6. Upon entering into a BioBanking Agreement with the NSW Office of Environment and Heritage that involves securing in perpetuity the onsite Offset Area under the Threatened Species Conservation Act 1995, the Tweed Shire Council (as covenantee) will agree to revoke any 88B instrument (registered for conservation purposes under the Conveyancing Act 1919) that applies to that land.
- 1.7. Within 90 days from the date of consent (DA04/0162.02) the applicant is required to lodge an application to operate any new onsite sewage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with a determination.
- 1.8. In regard to DA04/0162.02 prior to the relocation of the amenities building the applicant is required to lodge an application to install/operate any new onsite sewage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with a determination. Any application shall be supported by design report prepared by a suitable qualified and experienced consultant.
- 1.9. If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the NSW Office of Environment & Heritage are to be notified immediately, in accordance with the provisions of the National Parks and Wildlife Act 1974.
2. The maximum annual rate of extraction in any 12 month period is 200,000m<sup>3</sup>. The maximum average rate of extraction is 195,000m<sup>3</sup> over any 3 year period.
3. The average number of trucks departing the quarry is to be 40 vehicles per day, and all trucks are to be fitted with airbag suspension and residential grade mufflers.
4. Completion of outstanding works as shown on Council plans A1-248/11A and A1-248/13A as follows:
  - Completion of linemarking and signposting. In this regard the nominated W5-22B (truck) signs must be accompanied by W8-5B (distance plate) signs.
  - Construction of the 600mm dia pipe culvert across Dulguigan Road, including headwalls and associated works.
  - Provision of a headwall on the previously extended 450mm dia pipe culvert across Dulguigan Road.
  - You are further advised that the kerb and gutter works nominated on the above-mentioned plans are not required to be constructed.
5. The existing entries to both Pollard's and Sanderson's Quarries are to be physically closed to traffic by:
  - Removal of the existing gate and provision of earth mounding across the access driveway within the site, for both quarry entries.
  - Removal of associated signage at the entry point to Pollard's Quarry.

- Provision of a table drain across the entry to Sanderson's Quarry, to further enforce the cessation of access.
6. Road improvement works are to be undertaken to provide an informal bus transfer area for school students at Brady Place, adjacent to Dulguigan Road. All pavement works required by this condition are to be provided with a two-coat hot bitumen flush seal, on a pavement approved by Council. All required works are to be completed within six months of the date of approval of the Rehabilitation and Environmental Management Plan. The required improvement works are:
    - The western return of the intersection of Dulguigan Road and Brady Place is to be widened and sealed.
    - The eastern shoulder of Brady Place, up to the existing seal of Dulguigan Road, is to be widened and sealed.
    - The existing roadside vegetation west of Brady Place is to be trimmed back to improve sight distance, subject to an assessment of the existing vegetation to determine whether any "Threatened Species" are involved.
  7. The provision of "Buses Entering" warning signs, erected approximately 200m in each direction from the above-mentioned transfer location.
  8. Provision of signs erected in the vicinity of the above-mentioned transfer location, and at other strategic points along Dulguigan Road, advising that school buses operate in the area, and their hours of operation. Prior to manufacturing the signs, the applicant is required to contact Council's signwriter regarding the actual wording for the signs.
  9. The provision of "Trucks Entering" warning signs , located either side of the access to the quarry.
  10. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
  11. Immediately upon completion of all above-mentioned road improvement and signage works, the applicant shall submit to Council a Works as Executed Plan endorsed by a Registered Surveyor. The plan shall cover all road improvement and signage works required by this consent, as well as the previously completed pavement widening and associated works on Dulguigan Road, in the vicinity of the Reedy Creek Quarry entry, covered by Council Plans A1-248/10 to A1-248/13.
  12. The site is to be consolidated into a single allotment under a single title. The consolidation is to include the extinguishment of the "Easement for Pipeline 3m wide" that currently burdens Lot 9 DP 1063790, or alternatively address why the easement should be retained or otherwise relocated.

The plan of consolidation is to be registered at Land and Property Information and a copy forwarded to Council, within six (6) months of approval of the REMP.
  13. No quarrying work or extraction is to occur below 5m AHD.

14. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities that may be affected by the required roadworks.
15. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Section 138 Roads Act approval. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
16. Erosion and Sediment Control During the Construction Phase of Development:
  - a. The Section 138 Roads Act application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

17. An application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

18. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of Council.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

19. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2002 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
20. With regard to the roadworks in Brady Place, construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.
21. With regard to the roadworks in Brady Place, all reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

- A. Short Term Period - 4 weeks.  
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.  
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
22. With regard to the roadworks in Brady Place, the use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
23. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the roadworks shall be repaired to the satisfaction of the Director of Engineering and Operations Division.
24. All required roadworks are to be completed within 6 months of approval of the R.E.M.P.
25. Consent DA98/174 and DA95/441 are to be surrendered within a month of approval of the REMP
26. **DELETED**
- 26A. No work (excluding rehabilitation) shall be undertaken beyond the 'Proposed Extraction Boundary (19 ha)' as shown on Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus unless works are required by the NSW Rural Fire Service (or equivalent state agency) for bushfire hazard management and those works are concurrently approved by Council's General Manager or delegate.
27. **DELETED**
- 27.1. The LAeq, 15 min noise level emitted from the premises shall not exceed the adopted noise criteria of 37dB(A) during the approved operating hours at any affected residence as detailed in the Assessment of Noise and Dust Impacts prepared by MWA Environmental dated 17 November 2014.
- 27.2. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant that assesses compliance with the adopted noise criteria detailed in the Assessment of Noise and Dust Impacts prepared MWA Environmental dated 17 November 2014. The NIS is to be submitted to the satisfaction of the General Manager or delegate and is to include recommendations for noise attenuation if required. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's Authorised Officer.
28. The front end loader and dozer are to be fitted with residential type low noise muffler systems.

29. Any screens and loading areas for the existing quarry are to be located to direct sound away from any affected residences and/or be located such as to maximise the effect of the ridge in separating Residences from the site.
30. Noise attenuation measures are to be in accordance with the REMP
31. Dust control measures are to be implemented as proposed in the REMP
32. **DELETED**
- 32A. Any proposal to clear native vegetation in excess of 2ha per annum within the area shown as 'Approved Extraction Boundary (15.08 ha)' on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* (the 'plan' referred herein) yet not within the expanded area shown on the plan as 'Proposed Extraction Boundary' (pursuant to Condition 1.5) is to be the subject of a separate application to the NSW Local Land Services (or equivalent state consent authority).
33. The extractive operation including proposed rehabilitation measures is to adhere to the formal Rehabilitation and Environmental Management Plan which is required to be submitted and approved.
34. Compliance with all requirements of the Department of Environment and Conservation, including the acquisition and any other necessary licences/approvals.
35. Any amendments or modification to the quarry management plan are to be approved by the Director of Development Services.
36. **DELETED**
37. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
38. The operators of the quarry are to carry out a review of the activities of the quarry, using the Rehabilitation and Environmental Management Plan, on an annual basis. The results of the reviews, including an assessment of the effectiveness of the dust and noise management, and the sediment erosion control system, are to be submitted to Council's Environment and Health Services for approval.
39. The burning of trees and other felled vegetation is not permitted unless carried out by a person with a separate approval to pit burn. Such burning is to be carried out in a specially constructed pit provided with an air curtain over the top.
40. The quarry and associated operations are not to cause a nuisance to residents or disruption to amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
41. **DELETED**
42. The proposed access tracks to comply with Planning for Bushfire Protection 2001 Section 4.3.3.
43. Advertising structures/signs to be the subject of a separate application where statutorily required.

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



*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;*
- *Statement of Environmental Effects - Section Amendment to DA04/0162 and attachments.*

*Discharges to Air and Water and Applications to Land*

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

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

*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.*

*L2. Concentration limits*

*L2.1 For each monitoring/discharge point or utilisation area specified in the tablets (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 tablets.*

*L2.4 Water and/or Land Concentration Limits*

*DISCHARGE POINT 1 (Sediment Basin Discharge)*

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

*L2.5 The concentration limits in the above table do not apply to any discharge from the sediment basin (at Point 1) solely arising from rainfall measured at the premises exceeding 82.5 mm in total falling over any consecutive five day period.*

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

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

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

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

### *L3. Waste*

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

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

### *L4. Noise limits*

*L4.1 Noise from the premises must not exceed an LAeq (15 minute) noise emission criterion of 37 dB(A) for the nearest residential receivers as identified in Statement of Environmental Effects - Drawing 1, except as expressly provided by these general terms of approval.*

*L4.2 Noise from the premises is to be measured at nearest residential receiver as identified in the Statement of Environmental Effects - Drawing 1, that does not have 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 30 C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or*
- Temperature inversion conditions greater than 30Cf100m.*

#### *L5. Blasting*

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

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

- a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period;*

*and*

- b) 120 dB (Lin Peak) at any time,*

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

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

- a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and*

- b) 10 mm/s at any time,*

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

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

#### *L6. Hours of operation*

*L6.1 Activities covered by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, must only be carried out between the hours of 7:30 am and 6:00 pm Monday to Friday, and 8:00 am and 1:00 pm Saturday, and at no time on Sundays and Public Holidays.*

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

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

*L6.4 Heavy vehicles (including excavators, haul trucks, loader and water carts) and machinery [including screening plant, jaw crusher, feed bin, cone crusher, rock drill, water pump and generator (genset)] cannot be started, maintained, arrive or leave the site or operated outside of operating hours as detailed in L6.1 and at no time on Sundays and Public Holidays."*

#### *Operating conditions*

##### *01. Dust*

*01.1 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.*

##### *02. Processes and management*

*02.1 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.*

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

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

*02.4 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.*

*02.5 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.*

*02.6 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.*

*02.7 The applicant must endeavour to maximise the reuse of captured stormwater on the premises.*

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

*02.9 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.*

*02.10 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.*

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

#### *Monitoring and recording conditions*

##### *M1 Monitoring records*

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

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

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

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

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

##### *M2. Requirement to monitor concentration of pollutants discharged*

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

*POINT 1 Water and Land  
 Discharge point 1*

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

*< Special Frequency 1 > means sampling any discharge, whether controlled or otherwise, which has not occurred from rainfall exceeding 82.5 mm over any consecutive five day period.*

*M3. Testing methods - concentration limits.*

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

*M4. Environmental monitoring*

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

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

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

*M6. Other monitoring and recording condition*

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

*M7. Blast Monitoring*

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

*Reporting conditions*

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

*R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must*

report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

### *Special Conditions*

#### *E1. Noise and dust mitigation measures*

*E1.1 The applicant must implement all noise and dust mitigation measures recommended in the Statement of Environmental Effects - Attachment 6 -Assessment of noise and dust impacts of proposed modification of extraction boundary Tumbulgum Quarry Dulguigan, prepared by MWA Environmental dated 17 November 2014.*

*Noise mitigation measures to be implemented are to be found in section 2.3.2 of the aforementioned Statement of Environmental Effects attachment.*

*Dust mitigation measures to be implemented are to be found in section 3.4 of the aforementioned Statement of Environmental Effects attachment.*

*E1.2 The noise and dust mitigation measures outline in condition E1.1 must be completed prior to the commencement of quarrying activities.*

### ATTACHMENT 1

#### CONDITIONS – REHABILITATION AND ENVIRONMENTAL MANAGEMENT PLAN (REMP) AMENDMENTS

As referenced in Condition 1.2 of the s96 Consent DA04/0162.02

The applicant shall amend the existing approved REMP being *Rehabilitation & Environmental Management Plan for Reedy Creek Quarry at Dulguigan Road North Tumbulgum dated December 2004 prepared by Jim Glazebook & Associates Pty Ltd* in accordance with all the amendment items detailed herein.

The amendments may be made as an attachment and/or addendum of the REMP. Where any conflict or inconsistency exists between the REMP and attachment and/or addendum (consistent with Attachment 1 of this consent) the provisions detailed in the later shall prevail.

To be clear, the following amendments have been based on review of the contemporary draft REMP being *Rehabilitation and Environmental Management Plan (REMP 2015) Version 5.0 dated May 2015 prepared by Groundwork Plus* submitted on the 19 May 2015 as part of the application material for DA04/0162.02

#### 1. Amendment Item 1 General Provisions

- a. All REMP components and reference to the quarry layout plan shall be consistent with and reflect the approved layout plan being *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus*
- b. Ensure consistency between any general provisions of the REMP and those stipulated in specific supplementary management plan sub-components described below
- c. Remove reference to:
  - i. NSW National Parks & Wildlife Service concurrence requirements

- ii. Survey requirements of the ecotone line - Monitoring shall be focussed on the progress of restoration effort and health of threatened flora species in accordance with the Habitat Restoration Plan (HRP) sub-component of the REMP (pursuant to the relevant provisions detailed below)
  - d. Section 3.10.4 Monitoring
    - i. The 'Monitoring Table' shall be modified to be consistent with the Vegetation Management Plan (VMP) and HRP sub-components of the REMP
    - ii. On-site *Endiandra muelleri ssp. bracteata* population monitoring shall be undertaken for the duration of quarry operations. Based on the monitoring an annual health status report shall be provided to Council's Natural Resource Management (NRM) Unit every year for the 5 (five) year HRP monitoring period and 2 (two) years thereafter.
  - e. Section 3.10.7 Corrective Action - This shall include consultation with Council's NRM Unit to ensure corrective actions are appropriate
  - f. Provide an updated Environmental Monitoring Summary Table (similar to that included in the REMP 2004) based on the detail provided in the supplementary plans
2. Amendment Item 2 Vegetation and Fauna Management Plan

A Vegetation and Fauna Management Plan ('V&FMP') shall be prepared by a suitably qualified ecologist to be implemented during the construction and operational phase of the development. The V&FMP shall be included as a sub-component of the REMP and detail the following:

- a. Particulars and locations of vegetation to be removed and vegetation to be retained in order to facilitate the development
- b. Clearly identify the 'Proposed Extraction Boundary (19 ha)' (as shown on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* to ensure all necessary measures are implemented to:
  - i. Ensure works remain within the 'Proposed Extraction Boundary (19 ha)'
  - ii. Habitat beyond the 'Proposed Extraction Boundary (19 ha)' is afforded adequate protection during the construction and operational phase of quarry operations
- c. Details of all proposed infrastructure, site access and services
- d. Details of strategies and methods to be implemented to protect vegetation and habitat to be retained in accordance with the *Australian Standard AS 4970-2009 Protection of trees on development sites*
- e. Information on how the clearing will be undertaken including:
  - i. Whether the clearing will be undertaken in stages
  - ii. Special considerations for clearing (e.g. juvenile vegetation first)
  - iii. Time periods between clearing of staged areas (where applicable) or immature vegetation
  - iv. Direction of clearing
  - v. Details of erosion and sediment control measures to be employed prior to, or immediately following clearing activity



- f. Methods for the reuse of felled vegetation from the subject site (i.e. sensitively placing felled material where appropriate within retained areas to improve habitat values)
  - g. Disposal methods for remaining debris after the above methods have been employed
  - h. Identification of known and potential habitat trees (displaying values such as hollows, fissures, nests, drays, arboreal termitaria used as nests etc.) and description of fauna species known/likely to utilise habitat features
  - i. Information on how trees are to be inspected for denning or nesting animals including constraints for inspecting trees (to provide acceptable alternative methods) and summary of removal and relocation methods for each faunal group (including observed species and species likely to occur in the area to be disturbed)
  - j. Considerations relating to time periods for when fauna is likely to be removed/flushed prior to clearing. Regard shall be given to nesting/roosting times when scheduling tree works
  - k. Details of special equipment required (such as cameras, elevated platforms etc.)
  - l. Identification of general locations that wildlife may be relocated/translocated to if required (based on habitat requirements and subject to any required licences/permits)
  - m. Specify that all fauna management procedures shall be undertaken by a suitably qualified wildlife specialist who holds all necessary permits/licences issued by the NSW Department of Environment & Heritage (or equivalent agency at the time)
  - n. Any long term fauna management requirements i.e. installation of nest boxes (where hollows are to be removed), removal of unnecessary barbed fencing or retrofitting to make fauna friendly
  - o. Any other vegetation management measures as detailed in Section 5.0 of the *Further Ecological Assessment Tumbulgum Quarry, Dulguigan NSW dated 07 May 2015 prepared by BAMM Ecological Consultants*
3. Amendment Item 3 Long Term Voluntary Conservation Area Management Plan
- A general long term Voluntary Conservation Area Management Plan (VCMP) sub- component for the area described as 'Offset Area (15.08 ha)' shown on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* shall be incorporated into the REMP detailing all management measures and monitoring to be undertaken within the Offset Area in perpetuity (under a secure statutory mechanism). The VCMP sub-component shall include (but not be limited to):
- a. Description of the approved development including a plan showing the location of the Offset Area
  - b. A description of how the document is to be read, including the purpose and intent of the Offset Area and general requirements at each phase of the development
  - c. Schedule of prohibited activities within the Offset Area consistent with relevant conditions of the consent
  - d. Detailed descriptions of the Offset Area including:
    - i. Topography
    - ii. Waterways, flow paths, gullies

- iii. Vegetation communities and significant species
- iv. Fauna habitat and significant species
- v. Other significant features.
- e. Summary of requirements to be fulfilled by the proponent including:
  - i. Construction phase habitat protection requirements (vegetation and fauna management, sediment and erosion control)
  - ii. Rehabilitation, including summaries of rehabilitation activities (based on the Habitat Restoration Plan sub-component)
  - iii. Maintenance requirements including activities, timeframes and standards to be achieved following the five (5) year active establishment/maintenance phase
  - iv. Monitoring details including baseline data/photographs; and
  - v. Compliance/certification
- f. General information, including:
  - i. Duration of requirements / responsibilities;
  - ii. Checklists for Council to assess compliance with the VCMP sub-component (including remedial actions for non-compliance)

#### 4. Amendment Item 4 Habitat Restoration Plan

A Habitat Restoration Plan ('HRP') shall be prepared as a sub-component of the REMP for the entire 'Offset Area (15.08 ha)' as shown on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus*

The HRP shall be prepared by a suitably qualified professional in accordance with Council's *Draft Habitat Restoration Plan Preparation Guideline dated February 2012* (attached) to include the following information (but not be limited to):

- a. An appraisal of the present condition of remnant and regrowth vegetation
- b. A plan overlaying an aerial photograph of the site which divides the area into appropriate management zones
- c. A management strategy for each of the zones, using a combined 'Assisted Natural Regeneration' and 'Reconstruction' approach
- d. A schedule of local native plant species (necessary to re-establish the pre-clear vegetation community) including Glossy Black Cockatoo (*Calyptorhynchus lathami*) feed trees (i.e. *Allocasuarina littoralis* and *A. torulosa*). Planting density shall be prescribed at one (1) plant per two (2) square metres in areas where a 'reconstruction' approach is adopted.
- e. Where 'Assisted Natural Regeneration' is applied natural recruitment must exceed one (1) plant per metre square
- f. A program of works to be undertaken to remove invasive weed species (noxious and environmental weeds);
- g. A schedule of timing of proposed works and frequency of activities developed to achieve site capture and meet both the short and long term objectives of the Offset Area
- h. A schedule of activities not permitted within the Offset Area consistent with relevant conditions of the consent
- i. Requirement for a Section 132C Licence issued under the *National Parks and Wildlife Act 1974*

- j. Management of domestic farm/feral animals (if appropriate) and any fencing/signage requirements to restrict access and increase landholder/public awareness
  - k. Nomination of key performance indicators/criteria for monitoring purposes
  - l. An active maintenance, monitoring and reporting schedule with developer commitment for a period of not less than five (5) years
  - m. An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of Council's General Manager or delegate for such changes.
  - n. Incorporate threatened flora species monitoring and evaluation similar to that adopted in the REMP 2004
5. Amendment Item 5 Site Remediation Works

The applicant shall provide the following details in respect to progressive rehabilitation of internal quarry batters as shown on *Dwg. No. 1374.056 Rev. 1 in Rehabilitation Management Plan dated 05 May 2015 prepared by Groundwork Plus*:

- a. Clear schedule of timeframes for remediation activity and establishment and maintenance periods to achieve site capture and slope stabilisation
- b. Species list comprising 100% local native species suitable to the site and conditions
- c. Provide a 10 m x 10 m indicative planting palette showing one (1) plant per metre square.
- d. Provide details of performance criteria generally consistent with Council's *Draft Habitat Restoration Plan Preparation Guideline dated February 2012* requirements i.e. 90% success of planted stock, no environmental weed species present, growth of 1 m by year 3 and 1.5 m by year 5

The reasons for the imposition of conditions are to minimise any adverse impact the development may cause and to give effect to the objectives of the Environmental Planning and Assessment Act, 1979.

The application was determined on: **3 November 2004**  
The consent to lapse 5 years from the date this consent becomes operative unless commenced prior to that date.

### **RIGHT OF APPEAL**

If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

### **Signed on behalf of the Tweed Shire Council**

Garry Smith, Manager Development Assessment  
4 November 2004