



Department of
Urban Affairs and Planning

Mr Mike Druce
Area Manager - Taree
CSR Limited
PO Box 312
TAREE NSW 2430

Dear Mr Druce

**Proposed Jandra Quarry extension - Pacific Highway, Possum Brush, Greater
Taree. DA 231-10-99**

The Minister for Urban Affairs and Planning, the Hon Andrew Refshauge MP, has granted consent to your Development Application for the proposed Jandra Quarry extension, subject to conditions. A copy of the development consent is attached for your information, pursuant to clause 68A of the *Environmental Planning and Assessment Regulation, 1994*.

The instrument of consent sets out the date on which the application was determined and the date on from which the consent operates.

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.

You may be aware that the Environment Protection and Biodiversity Conservation Act (EPBC Act) commences on 16 July 2000. You should ensure that you obtain any necessary approvals before commencing any work under this development consent.

If you have any questions, please contact Julia Seddon on (02) 9391 2191.

Yours sincerely

 12 APR 2000

Gordon Kirkby
Development and Infrastructure Assessment

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF A DEVELOPMENT APPLICATION
UNDER SECTION 80 OF THE ACT.

I, the Minister for Urban Affairs and Planning, under Section 80 of the Environmental Planning and Assessment Act, 1979 ("the Act") determine the development application ("the application") referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions generally is to minimise any adverse effects from the development, consistent with the objectives of the Act. These conditions are set out in detail in Schedule 2.



Andrew Refshauge MP
Deputy Premier
Minister for Urban Affairs and Planning
Minister for Aboriginal Affairs
Minister for Housing

Sydney, 30 MARCH 2000

File No. G92/00678

SCHEDULE 1

- Application made by: CSR Limited ("the Applicant").
- To: The Minister for Urban Affairs and Planning ("the Minister").
- In respect of: Lots 2, 11, 12, 13, 14 and 15 DP 790056 Parish of Beryan, Greater Taree City Council.
- For the following: The expansion of 'Jandra' Quarry for the extraction and processing of hardrock and associated facilities ("the development").
- Development Application: Integrated DA No. 231-10-99 lodged with the Department of Urban Affairs and Planning on 26 October 1999 accompanied by the "Jandra Quarry Extension Environmental Impact Statement" prepared by Environmental Resources Management Australia (ERM) dated October 1999.
- BCA Classification: Office Class 5, and Storage Shed Class 10a.
- 1) To ascertain the date upon which the consent becomes effective, refer to section 83 of the Act.

- 2) To ascertain the date upon which the consent is liable to lapse, refer to section 95 of the Act.
- 3) Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of notice.

SCHEDULE 2

Conditions of Development Consent

Abbreviations and Interpretation

The Department	Department of Urban Affairs and Planning
The Director-General	Director-General of the Department of Urban Affairs and Planning or delegate
Council	Greater Taree City Council
EPA	Environment Protection Authority
DLWC	Department of Land and Water Conservation
RTA	Roads and Traffic Authority
The Applicant	CSR Pty Limited
DA	development application
EIS	environmental impact statement
Subject Land	the land to which this consent applies
The Act	the Environmental Planning and Assessment Act, 1979, as amended
The Regulation	the Environmental Planning and Assessment Regulation, 1994, as amended
L _{A10}	noise level exceeded for 10% of the time
L _{A90}	noise level exceeded for 90% of the time
dBA	decibel
EMP	environmental management plan
BCA	Building Code of Australia
Operation	commencement of extraction under this consent

INTEGRATED DEVELOPMENT

Integrated development is development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals set out in the Act. The facility is integrated development, as it requires development consent and approval from the Environment Protection Authority under the Protection of the Environment Operations Act, 1997, the Department of Land and Water Conservation under the Rivers and Foreshores Improvement Act, 1948 and the Water Act 1912, National Parks and Wildlife Service under the National Parks and Wildlife Act 1974, and approval from the Roads and Traffic Authority under Section 138 of the Roads Act, 1993.

GENERAL

1. Development shall be carried out as described in:
 - (a) Development Application No. 231-10-99;
 - (b) the "Environmental Impact Statement" prepared by ERM Australia dated October, 1999; and
 - (d) the requirements of Schedule 2.
2. In the event of an inconsistency between this consent and DA 231-10-99 (and accompanying EIS), this consent shall prevail.
3. The Applicant shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures arising from reports submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.

4. The Applicant shall comply with all relevant conditions prescribed in clause 78 of the Environmental Planning and Assessment Regulation 1994, as required by Section 80A (11) of the Act.

PRODUCTION LIMIT

5. The production and transportation of finished quarry products is limited to an average of 250,000 tonnes per annum.

DURATION

6. This consent operates for a period of 25 years from the date of this consent.

SURRENDER OF EXISTING CONSENT

7. Pursuant to Section 80A(5) of the Environmental Planning and Assessment Act 1979 the Applicant shall surrender the following consents immediately following the operation of this consent:
 - a). DA No. 91/391 issued by Taree City Council on 28 February 1992; and
 - b). DA No. 10512/1985 issued by the Land and Environment Court on 2 June 1986.

Note: the surrender of the above consents must be in Form 3, available from the Department

STRUCTURAL ADEQUACY

8. Detailed plans and specifications relating to the design and construction of all structural elements associated with the proposed development are to be submitted to the Principal Certifying Authority prior to the commencement of construction works. Such plans and specifications must be accompanied by certification provided by a practicing professional structural engineer or an accredited certifier certifying the structural adequacy of the proposed building design and compliance with the Building Code of Australia.

VERIFICATION OF CONSTRUCTION

9. Upon completion of building works and prior to the issue of an occupation certificate, a certificate/s prepared by a suitably qualified person or a compliance certificate/s issued by an accredited certifier, is to be submitted to the Principal Certifying Authority certifying that the following building components, where relevant, have been completed in accordance with approved plans and specifications:
 - (a) footings;
 - (b) concrete structures, including ground floor and any subsequent floors, and retaining walls and columns;
 - (c) framing and roof structure;
 - (d) fire protection coverings to building elements required to comply with the Building Code of Australia; and
 - (e) mechanical ventilation.

The certificate/s shall demonstrate at what stage of construction inspections were undertaken.

OBLIGATION TO PREVENT AND MINIMISE HARM TO THE ENVIRONMENT

10. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the development and operation of the quarry activities.

COMMISSIONING COMPLIANCE REPORTS

11. The Applicant shall submit for the approval of the Director-General a Conditions Compliance Report. The report shall be submitted 2 weeks prior to commencement of operations and shall demonstrate that all pre-commencement conditions of consent and other regulatory requirements have been complied with.

ENVIRONMENTAL MANAGEMENT PLAN/S

12. The Applicant shall prepare an Environmental Management Plan/s (EMP/s) covering the operational and rehabilitation phases of the development. The Plan/s shall include, but not be limited to:
 - a. Identification of all the statutory and other obligations which the applicant is required to fulfil including all consents, licences, approvals and consultation;
 - b. An outline of all the specific management objectives and strategies for all relevant environmental issues;
 - c. The requirements of condition No. 47 regarding flora and fauna management; and
 - d. Outline of procedures for monitoring, training and incident management.

The EMP shall be prepared to the satisfaction of the Director-General. The EMP shall be submitted to the Director-General at least two weeks before the commencement of operation works. An EMP report shall be submitted on an annual basis or at the discretion of the Director-General, for the approval of the Director-General.

INDEPENDENT ENVIRONMENTAL AUDIT

13. Twenty-four months after the commencement of operations, the Applicant shall make arrangements for and bear the total cost of an independent environmental audit for the development. The environmental audit is to be carried out by a duly qualified independent person or team to be approved and appointed by the Director-General. Further independent audits are to be conducted as directed by the Director-General.

The audit shall be undertaken to the requirements of the Director-General in consultation with relevant agencies and the Council, and cover all aspects of monitoring and environmental performance, and compliance with all conditions of this consent. The audit report shall be made available to the Director-General and the Council.

The Applicant shall comply with all reasonable requirements of the Director-General in respect of any measures arising from or recommended by the audit and within such time as the Director-General shall agree.

LIQUID STORAGE

14. Liquid storage facilities are to be protected by appropriate bunding, which is to exceed 110% of the stored volume.

AIR QUALITY

15. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
16. The applicant shall implement the air quality controls identified in the EIS and take all practicable steps to manage the quarry's operations so that no exceedances occur of the ambient air quality goals for total suspended particulates (TSP) of $90\mu\text{g}/\text{m}^3$ (annual average) and the dust deposition goal of 4 grams/ m^3 /month (annual average) when measured at any monitoring location specified in the EIS.
17. Water sprays or dust filters, or a combination of both, must be operated to suppress dust emissions from crushers, screens and material transfer points at all times when material is being crushed and/or screened.
18. Material stockpiles and handling areas must be maintained, at all times, in a condition which minimises wind blown or traffic generated dust.
19. Unsealed trafficable areas must be maintained, at all times, in a condition which minimises the emissions of wind blown or traffic generated dust.
20. The dust collection system serving the drilling machines must be maintained in a proper and efficient working order at all times.
21. All conveyor structures and crushing and screening equipment must be cleaned of accumulated dust as required to prevent entrainment of dust in the wind. Compressed air blast is not to be used for this purpose.
22. All trucks carrying materials from the premises that are capable of generating wind blow dust must have the loads suitably contained within the truck and adequately covered or otherwise treated before leaving the premises to prevent wind blow dust.

Asphalt Plant

23. The asphalt plant must be operated to ensure that particulate emissions from the stack do not exceed a concentration of 0.25 grams per cubic metre.

WATER QUALITY

Pollution of waters:

24. Except as may be expressly provided in a licence issued by the EPA, the applicant must comply with Section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.

Stormwater/sediment control

25. A Soil and Water Management Plan (SWMP) must be prepared and implemented which describes the measures that will be employed to minimise soil erosion and the discharge of

sediment and other pollutants to lands and/or waters during (a) construction activities and (b) quarrying operations. The SWMP should be consistent with the requirements for such plans outlined in the Department of Housing's Managing Urban Stormwater: Soils and Construction. A summary of the SWMP is to be included in the EMP required by Condition 12.

26. A Stormwater Management Scheme (SWMS) must be developed and implemented to mitigate the impacts of stormwater runoff from the site following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook (available from the EPA). A summary of the SWMS is to be included in the EMP required by Condition 12.

WASTE

Receiving or Disposing of Waste

27. Except as expressly permitted in an Environmental Protection Licence or by the Waste Minimisation and Management Regulation 1996, waste must not be:
- (a) received at the premises for storage, treatment, processing, reprocessing or disposal;
 - or
 - (b) disposed of at the premises.

Hazardous and industrial waste

28. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment, including appropriate segregation for storage and separate disposal by a waste transporter licensed by the EPA.

NOISE

29. All work at the premises must only be conducted between 6.00am to 6.00pm Monday to Friday and 6.00am to 3.00pm Saturdays. No work will be undertaken on public holidays or Sundays. Ancillary operations such as refuelling, servicing and maintaining plant can be undertaken between 6.00am and 9.00pm Monday to Saturday.
30. Work may be conducted outside approved hours where:
- (a) the delivery of material is required outside the specified hours by police or other authorities for safety reasons; and/or
 - (b) the operation or personnel or equipment are endangered

and prior notification is provided to the EPA and affected residents where possible, or within a reasonable period in the case of emergency.

31. The approved hours may be varied with the prior written consent of the EPA only where it is satisfied that the amenity of the residents in the locality will not be adversely affected. If the approved hours are varied under this condition, the Applicant is to provide the Department with a copy of the EPA's written consent.

BLASTING

32. Blasting operations on the premises may only take place between 9.00am and 5.00pm Monday to Friday and 9.00am to 3.00pm Saturdays. No blasting is to be undertaken on Sundays or public holidays. The hours of operation of blasting may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives prior written consent to the variation. If the approved hours are varied under this condition, the Applicant is to provide the Department with a copy of the EPA's written consent.
33. Prior to any blasting, the Applicant shall notify all affected residents in writing of its intention to blast.
34. Ground vibration and overpressure caused by blasting must be measured for every blast in accordance with S3.3.3 of "Technical Basis for Guidelines to Minimise Annoyance Due To Blasting Overpressure and Ground Vibration" September 1990 published by the Australian and New Zealand Environment and Conservation Council (the ANZECC guideline).
35. The measurement of ground vibration and overpressure caused by blasting must be carried out using at least one (1) instrument operated by a suitably qualified person nominated by the licensee and approved in writing by the EPA.
36. Noise emanating from blasting operations must not exceed an over-pressure level 120dB (linear peak) at any time when measured at any noise sensitive location.
37. Noise emanating from blasting operations must not exceed an over-pressure level of 115dB (linear peak) for more than 5% of the total number of blasts when measured at any noise sensitive locations (such as residential premises, schools or hospitals).
38. Ground vibration caused by blasting operations must not exceed a peak particle velocity of 5mm/s for more than 5% of the total number of blasts carried out over any 12 month period, when measured at any point within one metre of any residential boundary or in or on any noise sensitive areas (such as residential premises, schools or hospitals).

MONITORING AND REPORTING

Monitoring Records

39. The results of any monitoring required must be recorded and retained as required by the EPA.
40. Reporting on the environmental performance of the proposal must be provided as required by the EPA.
41. All records required to be kept by the consent must be:
 - in a legible form, or in a form that can be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA or DUAP who asks to see them.
42. The following records must be kept in respect of any samples required to be collected:
 - the date(s) on which the sample was taken;

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

Requirement to Monitor Ambient Air Quality

43. Monitoring of dust deposition and the concentration of total suspended particulate matter in ambient air must be carried out as described in the EIS.

Requirement to Monitor Noise

44. The levels of noise emitted from the premises must be monitored annually for 72 hours at the locations identified in the EIS (Table 6.1, page 6.4), or as agreed by the EPA.

Requirement to Monitor Blasts

45. Monitoring of ground vibration and overpressure of all blasts must be undertaken at the locations identified in the EIS.

Note: conditions 15 – 44 are EPA General Terms of Approval

FLORA AND FAUNA

46. The proposed revegetation to supplement the wildlife corridor is to begin immediately upon the beginning of quarrying operations for Stage 1.
47. The boundary area of all proposed works shall be clearly fenced (using a structure that will stand for 20 years or more) so that no machinery or quarry works move beyond this boundary into the adjacent bushland and/or creeks.

Environmental Management Plan

48. Before the commencement of quarrying operations, the Applicant shall prepare a Flora and Fauna Management Plan as a component of the overall EMP. The Plan shall be prepared by a qualified ecologist in consultation with National Parks and Wildlife Service and Council and to the satisfaction of the Director-General. It shall address, but not be limited to, the following:
- (a) The principle of not encouraging fauna activity (ie habitat), towards roads and placing greater attention on further supplementing the main wildlife corridor to the east of the quarry.
 - (b) To protect water quality and frog habitat, clean water shall be diverted around the site and returned to the creek as soon as is practicable. All dirty water shall undergo treatment before release into the downstream catchment in accordance with the SWMP.
 - (c) The area physically proposed to be cleared containing *Allocasuarina torulosa* and *A. littoralis* shall be replanted within the proposed wildlife corridor or other areas in the subject land to supplement loss of foraging habitat for the Glossy Black Cockatoo. The replanted areas should also include species type and mix similar to that currently found on site and identified in the EIS.

Clearing of vegetation

- (d) where land is proposed to be cleared, in particular that land proposed for the site facilities area, efforts should be made to retain the large habitat trees within the context of the quarrying operations.
- (e) prior to clearing of vegetation, trees containing tree hollows, including stags, are to be identified and inspected by an appropriately qualified and experience ecologist for the presence any fauna utilising those hollows.
- (f) any threatened or protected species present will be removed/translocated using appropriate methods to areas at the discretion of the ecologist.
- (g) where hollow bearing limbs/stags have been identified they are to be salvaged and relocated to areas regenerated with native vegetation or existing areas of native vegetation, to augment faunal habitat.
- (h) clearing of vegetation is to occur during September, October, March, April or May to avoid summer breeding and winter hibernation of bats, wherever practicable. Inspection by an appropriately qualified and experienced ecologist should occur prior to any clearing outside the specified months.
- (i) limbs and trunks of trees that are not suitable for wood production are not to be burnt but relocated to areas regenerated with native endemic vegetation for the purposes of reconstructing habitat for ground fauna.

Reconstruction of native bushland - fauna habitat/corridor

- (j) establish long-term post-mining land use objectives over the site
- (k) establish principle goal of replacing each community type that currently exists on site that will be removed or reduced in area with communities of same or similar dominant species composition, notably Dry Open Forest and Moist Open Forest.
- (l) connect existing areas and future areas of revegetation to form a network of wildlife corridors throughout site and to adjoining lands to facilitate species recruitment through natural immigration.
- (m) utilise local endemic species or species naturally occurring in the region only.
- (n) method of revegetation to be at the discretion of the applicant.
- (o) rocks of varying sizes should be dispersed throughout the proposed revegetated areas to provide refuge and basking sites for herpetofauna.
- (p) artificial nest boxes for a range of arboreal fauna should be constructed and installed in a manner to facilitate native fauna usage.
- (q) *Allocasuarina torulosa* and *A. littoralis* shall be replanted within the proposed wildlife corridor to supplement loss of foraging habitat for the Glossy Black Cockatoo, the EMP should aim for no overall loss of Glossy Black Cockatoo foraging habitat.

Monitoring

- (r) The applicant shall establish an ongoing monitoring program of the existing and proposed revegetated areas to assess their floristical structure and diversity, resilience and robustness to disturbance, fauna species diversity and abundance and the effectiveness of reconstructed ecosystems in providing fauna habitat. The information obtained from the monitoring shall be used to guide future revegetation efforts on the quarry site and made available to NPWS, Council and the Director-General on request.
- (s) Those areas proposed to be quarried and those areas proposed to be reforested both by natural means and by direct seeding/planting shall be mapped so that the sequence of vegetation clearing, quarrying and regeneration is clearly understood. This includes any proposals for future quarrying of the site and land adjacent to the site.
- (t) During the life of the quarry and until the revegetated areas constitute viable ecosystems, the Applicant shall maintain the revegetated areas. Maintenance may include;

replanting failed or unsatisfactory areas
repairing erosion problems
fire management – fire suppression or fire encouragement*
pest and weed control*
control of feral animal populations*
maintain and repair fencing*
fertiliser application
watering plants in drier areas, especially in the establishment phase
application of lime or gypsum to control pH and improve soil structure.

A viable ecosystem is loosely defined as a reconstructed vegetation community being able to sustain itself with only those management efforts indicated by * being required as ongoing initiatives.

SOIL AND WATER MANAGEMENT PLAN

- 49. A Soil and Water Management Plan shall be prepared for the works subject to a Part 3 A Permit. Sediment control measures shall be provided for the duration of the works and until the site is stabilised.
- 50. Any stormwater discharge from the site shall not result in erosion or bank / bed instability.
- 51. No control structure materials shall be used that may pollute the watercourse.
- 52. Operations are to be conducted in such a way that there is no detrimental change in hydraulic behaviour, causing sedimentation, erosion, reduction in waterway or permanent diversion or pollution of the watercourse.
- 53. Any proposed detention basin/nutrient control pond within the site shall not result in erosion or bank/bed instability. Such structures should be developed in combination with revegetation strategies, based upon the use of local native endemic species.
- 54. No materials may be used which may create a risk to public safety.
- 55. Only materials that may endure for the design life of the work shall be used.
- 56. DLWC is to be notified 1 month in advance of the cessation of the operation. Work as executed survey plans will be required to be forwarded to DLWC within 1 month of completion.

Part 2 licence

Bywash Dam and Pump

57. The Applicant shall install metering device capable of measuring the daily extraction of water from the creek system.
58. Water abstracted shall not exceed 5 Megalitres per annum.
59. The level of the crest of the bywash shall be constructed at no higher than the height defined by the DLWC.
60. A plan of the dam, showing location, and measured heights of the dam structure shall be submitted to DLWC. The location of the dam, as shown on the plan, shall not be altered.
61. The work shall be constructed and maintained to ensure its safety and preclude the possibility of damage being occasioned by it.
62. The dam shall be constructed in accordance with specifications prepared by DLWC and an as executed report on the construction of the dam shall be submitted to DLWC for approval.

Note: conditions 48-61 are DLWC General Terms of Approval

ABORIGINAL HERITAGE

63. All work in the vicinity should cease immediately if an Aboriginal relic is uncovered and the Applicant shall contact National Parks and Wildlife Service immediately.
64. The Applicant shall make the opportunity available for appropriately experienced representatives of the Purfleet/Taree Local Aboriginal Land Council (LALC) and the Forster LALC to undertake monitoring during any excavation works and/or earth removal.
65. The Applicant shall make the opportunity available for appropriately experienced representatives of the Purfleet/Taree LALC and the Forster LALC to undertake salvage of any Aboriginal relics identified during excavation and/or earth works.
66. The Applicant shall provide to the NPWS Northern Aboriginal Heritage Unit a listing of any Aboriginal relics salvaged from the development area by a representative of the Purfleet/Taree Local Aboriginal Land Council (LALC) and the Forster LALC.

Note: Site J6 is to be conserved until the quarry extension impacts on this area, at which time a NPWS Consent to Destroy should be applied for. Sites J4 and J7 are to be protected from any damage and are not located near any quarry operations and are protected under the National Parks and Wildlife Act (1974) The Service also advises that the Aboriginal site referred to as J4 is also protected under the Heritage Act (1977).

Note: conditions 63 – 65 are NPWS General Terms of Approval

LIGHTING

67. Lighting on the site shall be directed in such a manner so as not to create a nuisance to surrounding properties.

ROAD WORKS

68. The applicant shall provide the intersection treatments as outlined in Section 6.6 of the EIS. The design must include a 2.0 metre shoulder throughout the length of the work. Detail design of the intersection treatments must be submitted for RTA approval prior to commencement of road works. The design of additional pavement areas must be accompanied by a geotechnical report on subgrade conditions and pavement design. All road works are to be at no expense to the RTA.
69. In the operation of the quarry, blasting shall be undertaken in a manner that ensures the continued safe operation of the Pacific Highway at all times. No flyrock or debris from drilling or blasting shall enter the Pacific Highway road reserve.
70. In accordance with S 138 of the Roads Act 1993, a Legal Agreement is required prior to the undertaking of any road works on the Pacific Highway (SH10). The Applicant shall provide the following to the satisfaction of the RTA:
- (a) Detailed plans and specifications of road works, Pavement Design (design to be compatible with the existing pavement) and Traffic Control Plan (TCP) for RTA approval.
 - (b) Performance bond in the form of a Bank Cheque or Bankers Guarantee to be held by the RTA for an amount specified by the RTA.
 - (c) Must effect and maintain during the course of the Agreement the following insurances in relation to the road works – Public and Products Liability Insurance Policy, Contract Works Insurance Policy, Workers Compensation Insurance Policy, and Comprehensive or third party property damage or motor vehicle Insurance Policy.

All costs associated with the RTA design review/approval and construction supervision shall be borne by the Applicant.

Note: condition 70 is a RTA General Term of Approval

DISPUTE RESOLUTION

71. In the event that the Applicant, Council or a government authority other than the Department cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Director-General or, if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.

ATTACHMENT 1

STANDARD CONDITIONS ON EPA POLLUTION CONTROL LICENCES

Pollution of waters

- S1. The licensee must not pollute waters except as expressly permitted by this licence. (That is, the defence in section 121(2) of the Protection of the Environment Operations Act 1997 is available only if the licensee pollutes waters as expressly permitted by this licence.)

In this condition, the terms "pollute" and "waters" have the same meaning as in the Protection of the Environment Operations Act 1997.

Activities must be carried out competently

- S2. All activities carried out on the premises must be carried out in a competent manner.

In this condition, "activities" includes:

- (a) the processing, handling, movement and storage of materials and substances; and
- (b) the treatment, storage and disposal of wastes (including solid and liquid wastes).

Maintenance of plant and equipment

- S3. All plant and equipment installed or used in or on the premises:

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

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

Testing methods

- S4. Any monitoring required by this licence must be carried out:

- (a) in accordance with any relevant testing methods set out in the New South Wales Clean Air (Plant and Equipment) Regulation 1997, the Clean Waters Regulations 1972 or the Noise Control Regulation 1975; or
- (b) in accordance with any method set out in any condition of this licence; or
- (c) if no compulsory method is set out in those Regulations or in this licence, in a manner approved by the EPA in writing before any tests are conducted.

Record of pollution complaints

- S5.1 The licensee must keep a legible record of all complaints received by the licensee or by any employee or agent of the licensee, in relation to pollution from or on the premises.

- S5.2 The record must include details of the following:

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

S5.3 The record of each complaint must be kept for at least 2 year after the complaint was received.

S5.4 The records must be produced to any officer of the EPA who asks to see them.

Records

S6.1 The results of any monitoring required by this licence must be recorded.

S6.2 All records required to be kept by this licence must be kept in legible form or in a form that can readily be reduced to a legible form.

S6.3 The records must be kept for at least 3 years after the monitoring or event to which they relate took place.

S6.4 The records must be produced in a legible form to any officer of the EPA who asks to see them.

Reporting of environmental harm

S7.1 If anything happens on the premises that has caused, is causing or is likely to cause harm to the environment, whether the harm occurs on or off the premises, the licensee must report the event to the EPA as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.

S7.2 The event must be reported by telephoning:

- (a) the regional office of the EPA on the phone number specified on the front of this licence, if the event is reported during office hours;
- (b) the after hours telephone number specified on the front of this licence, if after office hours;
- (c) in the event that an EPA officer cannot be contacted at either of those numbers, the EPA's "Pollution Line" service on 131 555.

S7.3 This condition does not apply when the harm caused or likely to be caused to the environment is expressly permitted by this licence.

Written report

S8.1 The EPA may make a written request that the licensee prepare a written report of any event on the premises that, in the opinion of the EPA, has caused, is causing or is likely to cause harm to the environment, whether the harm occurs on or off the premises.

S8.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within 21 days of the request, or within such shorter time as may be specified in the request.

S8.3 The report must include the following information:

- (a) all details known to the licensee of the cause, time and duration of the event;
- (b) all details known to the licensee of the type, volume and concentration of every pollutant released as a result of the event;
- (c) the name, address and telephone number of every employee or agent of the licensee who witnessed the event;
- (d) the name, address and telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

- (e) details of any remedial action taken by the licensee or any other person in relation to the event;
- (f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event.

S8.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

Certificate of compliance

S9.1 The licensee must supply the following particulars to the EPA, and must provide a certificate to the EPA, certifying that those particulars are correct:

Monitoring conditions

- (a) whether all monitoring required by this licence has been carried out;
- (b) if all the monitoring has not been carried out, what monitoring has not been carried out and the reasons why the monitoring has not been carried out;
- (c) whether all the monitoring data required to be reported to the EPA by this licence has been reported to the EPA;
- (d) whether all that monitoring data was reported within the time specified by this licence;
- (e) if all the monitoring data has not been reported to the EPA, or has not been reported within the time specified, the reasons why the monitoring data has not been so reported;
- (f) whether all the monitoring data reported to the EPA was derived from monitoring carried out in accordance with this licence;
- (g) if any of the monitoring data reported to the EPA was not derived from monitoring carried out in accordance with this licence, what monitoring data was not so derived and the reasons why the monitoring data was not so derived;

Compliance with conditions

- (h) whether every condition of this licence has been complied with;
- (i) if one or more conditions have not been complied with, in relation to each such condition:
 - (i) the nature of the non-compliance; and
 - (ii) the reasons for that non-compliance; and
 - (iii) any action taken to prevent, control or mitigate the non-compliance; and
 - (iv) any action that has been or will be taken to prevent a recurrence of the non-compliance.

S9.2 The certificate must be in the form entitled "Pollution Control Act 1970 – Certificate of Compliance" available from any office of the EPA.

S9.3 The certificate must be provided to the EPA no later than 6 weeks after the date of expiry of this licence.

S9.4 If this licence is a renewed licence, the certificate required by any previous licence held by the licensee must be provided to the EPA no later than 6 weeks after the date of expiry of the previous licence.

S9.5 If the licensee is a natural person, the certificate must be signed by the licensee.

S9.6 If the licensee is a corporation, the certificate may, as an alternative to the affixing of the corporate seal, be signed:

- (a) by the chief executive officer of the corporation; or
- (b) by any other person approved by the EPA in writing.

NOTE: The certificate must not be completed or signed before the licence expires, as you must report you compliance with licence conditions for the entire licence period.

Licence must be kept at premises

S10.1 A copy of this licence must be kept at the premises.

S10.2 The licence must be produced to any officer of the EPA who asks to see it.

S10.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

Responsible employees

S11.1 This condition does not apply if the licensee is a natural person who conducts the operation by himself or herself.

S11.2 The licensee must authorise at least two of the licensee's senior employees or agents:

- (a) to speak on behalf of the licensee; and
- (b) to provide any information or document required under this licence.

S11.3 The licensee must authorise those persons, and inform the EPA of the names and telephone numbers of those authorised persons, within 14 days of the date of this licence coming into force.

S11.4 If this licence is a renewed licence, and the licensee has previously authorised persons and informed the EPA of their names and addresses, the licensee is not required to again inform the EPA if those people continue to be authorised and their telephone numbers have not changed.

S11.5 The licensee must inform the EPA of any change in the information provided under this condition within 14 days of the change.

S11.6 Any person authorised by the licensee must be readily contactable on the person's nominated telephone number during regular working hours.

ATTACHMENT 2

STANDARD CONDITIONS OF THE DEPARTMENT OF LAND AND WATER CONSERVATION

PART 3A PERMIT - General Conditions

- 1.1 The work to which these general terms of approval apply is not to commence until such time as a formal Permit under Part 3A of the RFI Act has been issued from DLWC.
- 1.2 Any Permit subsequently granted is not transferable to any other person or company and does not allow operations at any other site. The location and nature of any works under this Permit application shall not be altered.
- 1.3 Any Permit subsequently granted does not give the holder the right to occupy any land without the owners' consent nor does it relieve the holder of any obligation which may exist to also obtain permission from Local Government or any other Authorities who may have some form of control over the site of the work and / or the activity proposed.
- 1.4 Operations shall not damage or interfere in any way with:
- vegetation outside the area of operation,
 - the stability of adjacent or nearby creek bank or bed, or
 - the quality of water in the watercourse.
- 1.5 All soil and / or vegetation material to be removed from the area of operation shall be disposed of to an appropriate site where it cannot be swept back into the watercourse.
- 1.6 If in the opinion of a DLWC officer any work is being carried out in such a manner as it may damage or detrimentally affect the watercourse / lake / river / creek / wetland, or damage or interfere in any way with any work, the operation on that section of the watercourse / lake / river / creek or wetland shall cease upon oral or written direction of such officer.
- 1.7 If the Permit conditions have been breached the Permit holder shall restore the site to the satisfaction of DLWC. If necessary works are not completed then the Permit holder shall pay a fee prescribed by DLWC for the initial breach and all subsequent inspections.
- 1.8 The progressive rehabilitation of the area to the satisfaction of DLWC is the responsibility of the Permit holder and owner or occupier of the land.
- 1.9 The Permit holder and the owner and occupier of the land are responsible for any excavation or soil removal undertaken by any other person at this site.
- 1.10 These general terms of approval are issued with the proviso that operations shall be carried out on freehold land.

PART 2 LICENCE - General Conditions

- 1.1 The work to which these general terms of approval apply is not to commence until such time as a licence under Part 2 of the Water Act has been issued from DLWC.
- 1.2 The licence is issued to the owner of the property listed above. The licence shall be transferred to another property only under the conditions of transfer defined by the DLWC. The location and nature of any works under this licence application shall not be altered.
- 1.3 Any licence subsequently granted does not give the holder the right to occupy any land without the owners' consent nor does it relieve the holder of any obligation which may exist to also obtain permission from Local Government or any other Authorities who may have some form of control over the site of the work and / or the activity proposed.
- 1.4 Operations shall not damage or interfere in any way with:
- vegetation outside the area of operation,
 - the stability of adjacent or nearby streams, or
 - the quality of water in the stream or watercourse.
- 1.5 All soil and / or vegetation material to be removed from the area of operation shall be disposed of to an appropriate site where it cannot be swept back into the lake.

- 1.6 If in the opinion of a DLWC officer any work is being carried out in such a manner as it may damage or detrimentally affect lake, or damage or interfere in any way with any work, the operation on that section of the lake shall cease.
- 1.7 The progressive rehabilitation of the area to the satisfaction of DLWC is the responsibility of the licence holder and owner or occupier of the land.
- 1.9 The licence holder and the owner and occupier of the land are responsible for any excavation or soil removal undertaken by any other person at this site.
- These general terms of approval are issued with the proviso that operations shall be carried out on freehold land. Should the operations be on Crown Land, this licence is rendered null and void.