



Please Quote  
Council Ref:

**PF4030/215 PT1 96/248 - 1200**

{DLTP3}

Your Ref No:

For Enquiries  
Please Contact:

**Kellie Tunsted**

Telephone Direct:

**(02) 6672 0400**

4300

AM

20 October 1997

L20A12

**Action Sands Pty Ltd  
PO Box 179  
OXENFORD QLD 4210**

Dear Sir,

**Sand Stockpiling at Lot 5 and 6 DP 565926 Pacific Highway, Chinderah**

I refer to your Development Application regarding the above, and enclose herewith Development Consent No. 96/248 .

Yours faithfully

**Garry Smith**  
Manager Development Control

Enc



**TWEED SHIRE COUNCIL**

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

**NOTICE TO APPLICANT OF APPROVAL OF A DEVELOPMENT  
APPLICATION**

To: Action Sands Pty Ltd  
PO Box 179  
OXENFORD QLD 4210

Pursuant to Section 92 of the Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **96/248** relating to land described as:-

Lot 5 and 6 DP 565926  
Pacific Highway  
Chinderah NSW 2487

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

**PROPOSED SAND STOCKPILES**

The Development Application has been determined by the granting of consent subject to the conditions set out in this notice.

The conditions of consent are as follows:-

**General**

1. The development shall be completed generally in accordance with the Environmental Impact Statement prepared by Martin Findlater & Associates dated 11 June 1996 and Drawing No 95024-01 REV A prepared by Martin Findlater & Associates dated 10 June 1996, accept where varied by these conditions.
2. The storage and supply of any material that is not solely a result of the dredging operations associated with development consent 91/281 or as a result of site preparation works as a result of this consent is prohibited. The storage of landscape materials that are the result of mixing with materials that need to be imported to the site is prohibited. This does not involve material that is required to treat the material stockpiled on site to comply with condition 10(iv).
3. The development shall be completed within 20 years of the commencement of works associated with development consent 91/281.
4. Following completion of the operations, the site is to be rehabilitated including the replacement of topsoil to the satisfaction of the Director, Development Services.

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5. The bund wall is to be constructed to a height of RL 5.0m AHD and is to be grassed and landscaped prior to any stockpiling occurring on the site. The maximum height of the stockpiled material shall not exceed RL 5.0m AHD.
6. Compliance with all requirements of the Environment Protection Authority.
7. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property. All associated costs to be borne by the applicant.
8. Prior to the commencement of any work on site, Lots 5 & 6 DP 565926 are to be amalgamated into one (1) lot under the one (1) title. The plan of subdivision is to be registered with the Lands Title Office prior to the commencement of any work on the site.
9. Landscaping is to be carried out in accordance with the submitted landscaping plans maintained to the satisfaction of the Director, Development Services.
10. Compliance with all requirements of Council's Environment and Community Services Division, specifically including the following matters:
  - (i) All of the mitigating measures and safeguards contained within the Environmental Impact Statement are to be implemented in full by the operators of the facility.
  - (ii) All runoff from the proposed operation is to be collected and directed to stockpile irrigation or to the main pond via drains.
  - (iii) Prior to any material leaving the site the material is to be sampled and tested for Net Acid Generating Potential (NGAP) and electrical conductivity in relation to pH at a rate of one (1) sample per 1000m<sup>3</sup>. This does not include the material sold as "brickies loam" for the sole purpose of mixing with cement to create mortar.
  - (iv) Material is not to leave this site unless sampled in accordance with Condition 10(iii) and demonstrated to be within the following limits.
    - \* NGAP < 0kg H<sub>2</sub> SO<sub>4</sub>/m<sup>3</sup>
    - \* Electrical Conductivity < 3.0mS/cm in 1:5 soil to water suspension.
    - \* pH > 5.5 in 1:5 soil to water suspension.
  - (v) Further testing of the existing "brickies" loam stockpiled on site is to be carried out if it is used for a purpose other than to mix with cement to create mortar.
  - (vi) All records of sampling are to be retained for inspection and investigation by Council's Environment and Health Services Unit upon request.
  - (vii) The site is to be engineered and maintained to avoid water standing for extended periods of time.
  - (viii) The site is to be engineered and maintained to avoid water standing for extended periods of time. This does not apply to the pond required for irrigation purposes.
  - (ix) If routine inspection by Councils entomological unit finds any mosquito breeding on site, control with larvicide will be carried out with all costs being borne by the owner.



- (x) All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
- (xi) The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
- (xii) Upon commencement of work on the proposed main stockpile, an irrigation/sprinkler system is to be installed on top of the stockpile and along the unsealed haulage roads within the site, to the satisfaction of the Director, Environment and Community Services.
- (xiii) The irrigation system is to be capable to provide sufficient dampening of the entire stockpile and haulage roads during periods of traffic and/or high speed winds. The use of the bucket to dampen the roads is only to be used as an additional method.
- (xiv) During periods of high speed wind resulting in complaints from residents which Council deem to be reasonable, the stockpiles of other materials are to be covered so as to minimise the movement of dust and other particulates off site.

11. Compliance with all requirements of Development Consent 91/281.

12. Pursuant to Section 94 Plan No. 4 (TRCP) payment of a road maintenance contribution of 2.9 cents per tonne of material removed from the site by road vehicle as a contribution towards the cost of maintaining the road network in the locality. This contribution to be increased annually at a rate equivalent to the New South Wales CPI rate of increase.


Such payment to be made on a monthly basis, or such other period acceptable to the Director, Corporate Services and to include documentary evidence relating to the quantity of material removed.

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.

Dated 20TH day of OCTOBER 1997



**DR JOHN GRIFFIN**  
GENERAL MANAGER

(N.B. Refer to Notes attached to this Notice) per .....  .....