

Council Reference: ILL17/0734 LN: 21410  
Your Reference: ILL18/0414



18 April 2018

Customer Service | 1300 292 872 | (02) 6670 2400

Mr Neville Singh  
617 Numinbah Road  
NORTH ARM 2484

[tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)  
[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)



PO Box 816  
Murwillumbah NSW2484

Please address all communications  
to the General Manager

ABN 90 178 732 496

Dear Mr Singh

**CONFIRMATION OF COMPLIANCE OF SINGHS QUARRY: PLAN  
MANAGEMENT & CONDITONS OF CONSENT AT LOT 2 DP 772166  
NO; 617 NUMINBAH ROAD NORTH ARM**

Council have received recent complaints that the conditions of the consent for your site are allegedly being breached. The following allegations/concerns have been raised to Council:-

- Water contamination - Sediment from the Quarry is running down the property and into the water stream which in turn in creating water pollution concerns;
- Lack of erosion and sedimentation control measures;
- Potential acid rock drainage.

Council have reviewed the Development Consent D96/0219 and DA96/0219.01 and it is now requested that you provide an updated Plan of Management to Council by Friday, 25<sup>th</sup> May 2018. After reviewing the Plan of Management, an onsite inspection will be required to be undertaken to ensure that compliance has been satisfied on the matter.

Attached is a copy of the most recent application DA06/0706.10 for your records and perusal. Please note condition 1, a-e.

A further concern has been brought to Council's attention in relation to clearing that took place in January 2016 on the Eastern side of your property. Council accept that the clearing is exempt under the Native Vegetation Management Act 2003, however while Agricultural Management Activities have taken place it has been observed that sediment control measures have been implemented around the cleared area and this is now causing environmental and scenic amenity impacts. In order to avoid sediment erosion impact you are hereby directed to implement sediment control measures around the cleared areas. This is to be undertaken by Friday, 25<sup>th</sup> May 2018.

Council request that you respond to this correspondence by **Friday, 25<sup>th</sup> May 2018**. Please note that Ms Zoe Nichols, Compliance Officer will be on annual leave from **26<sup>th</sup> April 2018 to the 18<sup>th</sup> May 2018** and it is requested that you should you have any queries in that timeframe that you contact Mr Mark Longbottom, Acting Team Leader of the Environmental Unit on (02) 6670 2776 or via email on [mlongbottom@tweed.nsw.gov.au](mailto:mlongbottom@tweed.nsw.gov.au)

You are further advised that if a response is not received from you by the above date Council may take further action under the Environmental Planning and Assessment Act 1979, as amended.

Should you have any further queries in relation to this matter please contact Council's Compliance Officer, as referenced.

Yours faithfully



**Zoe Nichols**  
**COMPLIANCE OFFICER**



16 September 2015

Customer Service | 1300 292 872 | (02) 6670 2400

Mr N Singh  
C/- Jim Glazebrook & Associates Pty Ltd  
PO Box 827  
MURWILLUMBAH NSW 2484

tsc@tweed.nsw.gov.au  
[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

Fax (02) 6670 2429  
PO Box 816  
Murwillumbah NSW 2484

Please address all communications  
to the General Manager

ABN: 90 178 732 496

Dear Sir/Madam

**Section 96 Application D96/0219.01 - amendment to  
Development Consent D96/0219 for a gravel quarry (Singhs) at  
Lot 2 DP 772166; No. 617 Numinbah Road NORTH ARM**

Reference is made to your application regarding the above. Please find enclosed Amended Consent D96/0219. The consent has been amended as follows:

**1. Delete Condition 16 and replace with the following Condition 16A:**

16A. Prior to commencement of any quarry operations the provision of adequate vehicular access to the site in accordance with plans submitted to and approved by Director Engineering Services, such plans to specifically include:-

- (1) Upgrading of the Numinbah Road/Harrys Road intersection to a modified BAR type intersection including;
  - i. Vegetation on the south side of Numinbah Road both east and west of Harrys Road be removed, and some minor earthworks on the west side to achieve an improvement in sight distance be implemented. Sight distance of 111m (5x22,22) minimum should be achieved for a driver on Harrys Road exiting on to Numinbah Road.
  - ii. The northern road shoulder of Numinbah Road is to be widened (unsealed) to enable a vehicle to pass a truck turning right into Harrys Road. The widened area is to be 2.5m wide for a length of 20m and taper lengths of 20m. All obstructions including letterboxes and road signage are to be removed from this widened area."
- (2) Permanently displayed signs indicating "Trucks entering" "W5-22(B) to be provided on each approach on Numinbah Road.
- (3) Harrys road to be sealed to a six metre standard for it's entire length.

For further information regarding this matter please contact David O'Connell on (02) 6670 2661.

Yours faithfully

**Colleen Forbes**  
Team Leader Development Assessment

Enc

**AMENDED CONSENT ISSUED 16/9/2015**

**NOTICE NO. 96/219  
(PF3780/3460 Pt2)**

**TWEED SHIRE COUNCIL**

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

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

To: Mr Neville Singh  
c/- Jim Glazebrook & Associates  
2 Mooball Street  
MURWILLUMBAH NSW 2484

Pursuant to Section 92 of the Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **96/219** relating to land described as:-

Lot 2 DP 772166 Numinbah Road, North Arm

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

**GRAVEL QUARRY (SINGHS)**

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:-

**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 twelve (12) 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 92 of the Environmental Planning and Assessment Act, 1979, subject to the conditions set out in Schedule "B".

**SCHEDULE "A"**

**Conditions imposed pursuant to Section 91AA Environmental Planning and Assessment Act, 1979**

1. A detailed quarry Plan of Management generally as outlined in the Environmental Impact Statement is to be submitted to and approved by the Director of Development Services. The Plan is to specifically address, but is not limited to the following:-
  - a. accurate survey maps prepared by a qualified surveyor indicating the exact location of the extractive industry and areas retained for conservation purposes;
  - b. all measures proposed to address matters pertaining to: waste water management and discharge, an event based water quality monitoring program, erosion control, drainage patterns of the site, fuel storage, noise vibration and dust control, progressive and final site rehabilitation, retention of on site vegetation, archaeological issues, top soil stockpiling, public safety, waste disposal.;
  - c. scale, frequency and design of blasting associated with quarrying activities including notification procedures to adjoining and/or affected residents.
  - d. details on blasting and drilling with such complying with the "Impacts of Blasting at the proposed Singh Quarry" report carried out by Blastronics Pty Ltd and dated May 1995.
  - e. limiting the speed of vehicles associated with the quarry, within the site and on the access route to 20 km/hour
  - e. a formal requirement to submit a report to Council, on a biannual basis, which addresses all components of the plan and demonstrates compliance with the approved management plan.
2. Full details of the proposed access route via adjacent Lot 1 DP 706328 Harrys Road, North Arm including the following:-
  - a. Engineering plans showing the location of the access route, proposed sealing, methods of maintenance, details of cut and fill operations, vegetation removal and any compensatory planting;
  - b. Documentary evidence demonstrating that a right of way has been created over the access route.

## **SCHEDULE "B"**

### **GENERAL**

1. The development shall be completed in general accordance with the Environmental Impact Statement prepared by Jim Glazebrook and Associates and an approved quarry Plan of Management approved from time to time by the Director, Development Services, except where varied by these conditions.
2. A maximum of 300,000 tonnes of material is to be removed from the site. The maximum amount of material to removed from the site in any 12 month period is 90,000 tonnes. The 12 month periods are to commence from the date of this consent

and written evidence is to be submitted to Council every three months indicating the amount of material extracted.

3. The extractive operation including proposed rehabilitation measures is to adhere to the formal plan of management which is required to be submitted and approved as per Schedule A of this consent.
4. 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.
5. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to release of any linen plan of subdivision and/or prior to occupation of the buildings.
6. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act.
7. Where the construction work is on or adjacent to public roads, parks and drainage reserves and the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (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.
8. Connection to Councils reticulated water system is not permitted.

#### **FURTHER APPROVALS**

9. Compliance with all requirements of the Environmental Protection Authority, including the acquisition of a Pollution Control license and any other necessary licences.
10. Any amendments or modification to the quarry management plan are to be approved by Director Development Services.
11. Compliance with all requirements of the Department Land and Water Conservation.
12. Any proposed advertising structure or sign to be the subject of a separate approval from Council where statutorily required.

#### **CONTRIBUTIONS**

13. Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan prior to release of the linen plan of subdivision or approved building plans. These charges will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates applicable in the relevant Section 94 current at the time of the payment.

- a. Tweed Road Contribution Plan:  
S94 Plan No. 4 (Version 4.0)

**\$3,412.50 PER ANNUM**

The contribution to be paid at the end of each financial year and in the first year is to be calculated on a pro rata basis calculated from the date of consent

The amount will be increased annually at a rate equivalent to the NSW CPI.

## **ENGINEERING**

14. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
15. No vehicles associated with quarry activities are permitted to utilise the existing residential access of Numinbah Road. All vehicles associated with quarry activities are only permitted to access Numinbah Road via Harrys Road which is to be accessed through the right of carriageway to be created over adjacent land to the west known as 1 DP 706328.
16. **DELETED**
- 16A. Prior to commencement of any quarry operations the provision of adequate vehicular access to the site in accordance with plans submitted to and approved by Director Engineering Services, such plans to specifically include:-
- (1) Upgrading of the Numinbah Road/Harrys Road intersection to a modified BAR type intersection including;
    - i. Vegetation on the south side of Numinbah Road both east and west of Harrys Road be removed, and some minor earthworks on the west side to achieve an improvement in sight distance be implemented. Sight distance of 111m (5x22.22) minimum should be achieved for a driver on Harrys Road exiting on to Numinbah Road.
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  - (2) Permanently displayed signs indicating "Trucks entering" W5-22(B) to be provided on each approach on Numinbah Road.
  - (3) Harrys road to be sealed to a six metre standard for it's entire length.

**ENVIRONMENT PROTECTION**

17. The hours of operation are restricted to 7.00 am to 5.00 pm weekdays and 7.00 am to 12.00 noon on Saturdays.
18. Implementation of the ameliorative measures outlined in section 5.2 of the Flora and Faunal Survey prepared by James Warren submitted with the application and dated January 1993.
19. Noise levels (including blasting and hours thereof) associated with quarrying operations to comply with Environment Protection Authority planning guideline limits. Blasting hours are strictly limited to between 9.00 am to 3.00 pm Monday to Friday and 9.00 am to 12.00 noon on Saturday.
20. Implementation of all noise management measures as outlined within the Noise Impact Statement prepared by Peter Jelliffe submitted with the application and dated August 1995.

In the event of complaints from residents in the area relating to noise from quarry activities, which Council deem to be reasonable, the applicant is to carry out an acoustic assessment and appropriate attenuation works to ensure noise levels from the quarry do not exceed 5dB(A) above the background level as measured at the nearest affected residence. The acoustic assessment and details of attenuation works shall be included within the Plan of Management.

21. All vehicles which haul material from the site are to provide adequate covering of loads.
22. 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.
23. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
24. 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.
25. The use to be conducted so as not to in the opinion of Council cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
26. The applicant is to provide details of settling ponds and the method of discharging the return water from the site. No work is to commence until the scheme is approved by the Director, Engineering Services.
27. Erosion and sedimentation control measures shall be implemented to the satisfaction of the Director Development Services during construction phase in accordance with the publication, "(Draft) Managing Urban Stormwater, EPA, 1993 (3 volumes)".

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 **24TH** day of **JULY 1998**

**DR JOHN GRIFFIN**  
GENERAL MANAGER

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