

Please Quote
Council Ref: D95/0193.01 PF0450/250

13194

Your Ref No:

For Enquiries
Please Contact: Ruth Ormella

Telephone Direct (02) 6670 2451

s96notice.dot

1 July 2004

Tweed Shire Council
C/-Northpoint Planning
PO Box 1623
KINGSCLIFF NSW 2487

Dear Sir/Madam

Section 96 Application D95/0193.01 - amendment to development consent D95/0193 for the continuing use of Bartletts Quarry and the expansion of the landfill site at Lot 5 DP 221825, Lot 1 DP 590220, Bartletts Road Eviron

I refer to your application regarding the above and enclose herewith Amended Consent D95/0193.

The consent has been amended as follows: -

- Under DEFERRED COMMENCEMENT the sentence stating Such evidence is to be provided in 54 months has been amended to read 110 months.

Yours faithfully

Garry Smith
Manager Development Assessment

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AMENDED CONSENT ISSUED 01/07/2004

**NOTICE NO. 95/193
(PF0450/250 Pt1)**

TWEED SHIRE COUNCIL

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF APPROVAL OF A DEVELOPMENT APPLICATION

To: Tweed Shire Council
PO Box 816
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. **95/193** relating to land described as -

Lot 1 DP 590220 and Lot 5 DP 221825
Bartletts Road
Parish of Condong

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

**CONTINUING USE OF BARTLETTS QUARRY AND THE EXPANSION OF THE
LANDFILL SITE**

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 **110** 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 operable 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 of the Environmental
Planning and Assessment Act, 1979 as amended**

1. The preparation and submission of an amended Plan of Management for the quarry and the landfill to the satisfaction of the Director Development Services, the Environment Protection Authority and the Department of Land and Water Conservation. The additional matters that are to be contained in the Plan of Management include:-

- (i) A requirement that all recommended methods of noise attenuation as contained in the Noise Impact Statement prepared by MK Clarke and Associates Pty Ltd dated 29 November 1994 are to be complied with.
 - (ii) A surface gas monitoring system for methane and odours.
 - (iii) A requirement that the ameliorative actions recommended in Section 6(d) of the Flora and Fauna Assessment prepared by James Warren dated January 1995 are to be complied with.
 - (iv) A commitment to the use of *Endiandra globosa* and *Acacia bakeri* in the rehabilitation of the site,
 - (v) The standard forms for recording of waste data.
 - (vi) A detailed soil erosion and sedimentation and a concept plan for rehabilitation is to be submitted.
 - (vii) The design of the leachate storage dam and the proposed irrigation system. The design must detail the leachate system, stormwater control within the landfill area and means of preventing water logging of waste filled areas where the quarry is excavated near to or below the level of the neighbouring flood plain before any excavation is undertaken below the current base level of Bartlett's quarry.
 - (viii) The design of proposed surface water diversion works. The design is to comply with the New South Wales Department of Housing's document "Soil and Water for Urban Development".
 - (ix) The matters raised in Schedule "B" to this approval.
2. A Pollution Control Approval pursuant to the Clean Waters Act 1970 is to be obtained from the Environment Protection Authority.

SCHEDULE "B"

1. The development is to be completed generally in accordance with the Environmental Impact Statement prepared by Ecotech International Pty Ltd dated February 1995 and the Plan(s) of Management, approved from time to time, except where varied by these conditions.
2. The maximum annual extraction rate of road material to be removed from the site is 100,000 tonnes. Council is to keep a written record of the material removed every 3 months.
3. The maximum area of land that can be cleared in any 12 month period is 2 hectares. The twelve monthly periods commence on the date that the consent becomes operable.
4. Compliance with all requirements of Council's Environment and Community Services Division, specifically including the following:-
 - (i) The Plan of Management is to be implemented by the operators of the quarry and the procedures set out in the Plan are to be followed accordingly.
 - (ii) The management of stormwater is to be implemented as set out in the Plan of Management. In addition to the proposed collection of stormwater, an irrigation

system is to be installed so that surface runoff can be used to irrigate the internal haulage roads within the perimeter berm to minimise dust problems.

- (iii) The hours of operations as set out in the Plan of Management are to be adhered to. Variations may occur in cases of emergency.
 - (iv) 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.
 - (v) The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required by the Environmental Protection Authority prior to any burning.
 - (vi) The operator of the quarry is to carry out a review of the activities of the quarry on a bi-annual basis. The results of the reviews are to be submitted to Council's Environment and Health Services Unit for assessment
 - (vii) The performance of the stormwater and leachate system are to be continually reviewed during the operation of the landfill. Routine water quality testing as setout in the Plan of Management is to be carried out and the results are to be assessed by Council's Environment and Health Services Unit.
 - (viii) Liquid wastes are not to be disposed of at the site.
 - (ix) Noise levels associated with operations shall not exceed Environmental Protection Authority recommended planning limits at the nearest affected residence.
5. Compliance with all requirements of Council's Engineering Services Division, specifically including the following:-
- (i) Payment of a road maintenance contribution levy of 2.5 cents per tonne of material removed from the site by road transport per kilometres travelled from the Quarry to the site of delivery (2.5c/tonne/km) as a contribution towards the cost of maintaining the local road network. This levy will be increased annually at a rate equivalent to the New South Wales CPI rate of increase.

The levy payment is to be made on a quarterly basis (3 months) and must include suitable documentary evidence relating to the quantity of material removed and the distance hauled.
 - (ii) The intersections of Leddays Creek Road and Bartletts Road with the Pacific Highway are to be upgraded to Austroads Type C and B standards respectively for left and right turns. A detailed design is to be prepared by Tweed Shire Council and the owner/applicant is required to construct both intersections in accordance with the Plans within 12 months of the date of the consent becoming operable.
 - (iii) A give way sign is to be installed on the Quarry/Dog Pound Road where it meets the entry to the landfill site.
 - (iv) A give way sign and holding sign is to be installed around the outside curve at Leddays Creek Road and Bartletts Road.

6. Compliance with all soil conservation and rehabilitation works contained in the Plan of Management.
7. Where the construction work is on or adjacent to public roads or parks the contractor must provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual of 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. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing a nuisance to neighbouring properties.
9. A detailed rehabilitation plan is to be submitted and approved by the Director Development Services prior to the ceasing of operation of the quarry and landfill sites.
10. All amendments or modifications to the Plan of Management for the quarry operations will be assessed in accordance with the provisions of the Environmental Planning and Assessment Act and determined accordingly by Council.
11. (i) Proposed amendments or modifications to the Plan of Management for the landfill which also require amendment of licences or authorities issued by the Environmental Protection Agency will require the consent of the Environmental Protection Agency only.
(ii) Amendments to the Plan of Management other than those described in point (i) above will be assessed in accordance with the provisions of the Environmental Planning and Assessment Act.

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 **10TH** day of **SEPTEMBER 1996**

DR JOHN GRIFFIN
GENERAL MANAGER

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

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