

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**NOTICE OF MODIFICATION TO DEVELOPMENT CONSENT GRANTED UNDER
SECTION 76(A)9 and 80 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979, PURSUANT TO SECTION 96(2) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

I, the Minister for Urban Affairs and Planning, under Section 96(2) of the Environmental Planning and Assessment Act, 1979, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2. I am satisfied that the development to which the development consent, as modified, will relate, is substantially the same development.

Andrew Refshauge MP
Minister for Urban Affairs and Planning

Sydney,

9 November 2001

File No: W92/01016

SCHEDULE 1

Development consent granted by the Minister for Urban Affairs and Planning on 26 November 1996 to a Development Application made by Shellharbour City Council to the Department of Urban Affairs and Planning for the construction of a 350 berth boatharbour/marina at South Shellharbour Beach, enhancing and enlarging a wetland at Shadforth, and the placement of treated contaminated landfill in engineered cells adjacent to a realigned quarry road.

SCHEDULE 2

The development consent is modified as follows:

SCHEDULE 1

PROPOSED DEVELOPMENT

Delete the words "treated contaminated landfill in engineered cells" and insert the words "acoustic barriers" after the words "the placement of". Remove the word "realigned".

SCHEDULE 2

Form of Development

Condition 1

Adjust the existing Condition 1 to become Condition 1(a).

Insert in Condition 1(a) before the words “and as may be modified by the following conditions” the following:

“and in accordance with the modification application made by Shellharbour City Council on 7 June 2001 with the accompanying Statement of Environmental Effects (SEE) prepared by LFA (pacific) Pty Limited dated May 2001 and the Supplementary Report “Assessment of Environmental Noise Impact of Quarry Haul Road” prepared by Acoustic Logic Consultancy Pty Ltd dated 4 June 2001.

Insert a new condition, Condition 1(b), to follow Condition 1(a) as follows:

“The Applicant shall not dispose of any contaminated landfill associated with the Shell Cove development until such time that the Applicant can demonstrate, to the satisfaction of the Minister for Urban Affairs and Planning, that the necessary development consent has been obtained.”

Engineered Cells

Condition 12

Delete Condition 12.

Environmental Management Plans (EMPs)

Condition 15 (a)

Delete the words “haul road landfill” and insert the words “acoustic barriers adjacent to the quarry haul road” after “wetland systems, and the”.

Condition 15 (c)

Delete the words “haul road landfill” and insert the words “acoustic barriers adjacent to the quarry haul road” after “wetland systems, and the”.

Condition 15 (d)

(v) Add the following:

- (v1) The Applicant shall undertake compliance noise monitoring within one month of completion of each stage of construction of the acoustic barriers along the Quarry Haul Road.
- (v2) The compliance noise monitoring required by Condition (v1) shall identify the 40 dB(A) L_{eq} and 45 dB(A) L_{eq} noise contours generated by quarry traffic on the Quarry Haul Road measured on the residential side of the

acoustic barriers. The acoustic report identifying the above noise contours shall be submitted to the Director-General prior to construction of residences within the areas defined by the above noise contours.

- (v3) No land is to be sold by the Applicant between the currently mapped 45 dB(A) L_{eq} (without the acoustic barriers) noise contour and the Quarry Haul Road until the relevant stage of construction of the acoustic barriers is completed.
- (v4) The Applicant shall apply restrictions on the title of residential lots adjacent to the Quarry Haul Road that fall within the 40 dB(A) L_{eq} and the 45 dB(A) L_{eq} noise contours following the completion of the relevant stage of the acoustic barriers. The restrictions on title will require that any dwelling constructed on the affected residential lots shall be required to install acoustic treatment to ensure that noise levels within residences adjacent to the Quarry haul Road do not exceed 40 dB(A) L_{eq} .
- (v5) The restrictions on title are to note that the identified lots that fall within the 40 dB(A) L_{eq} and 45 dB(A) L_{eq} noise contours are exposed to noise emanating from the Quarry Haul Road.
- (v6) The Applicant shall maintain the acoustic barriers to ensure that they continue to comply with the identified EPA noise criteria set out in Condition 15 (d) (v4) and the relevant building codes and standards.
- (v7) The Applicant shall undertake noise monitoring within the Killalea State Park adjacent to Killalea Lagoon following completion of construction of the acoustic barriers and report the results within the Noise Management Plan (Condition 15 (d) (v)).

Condition 15 (d) (vii)

After the word “timetabling;” add the following to the first “–” point “in particular, the date of completion of construction of stages of the acoustic barriers along the Quarry Haul Road is to be notified to the Director-General within two weeks of the completion of construction of each stage” .

Delete the following “–” points:

- “ – the design and construction of engineered cells to enable appropriate disposal of leachate and ventilation of gas;
- “ – specifications for the clay material to be used in the engineered cells and potential sources of supply;”

Condition 15 (d) (ix)

Delete the word “mounding” and insert the words “acoustic barriers”.

Add a new Condition 19 as follows:

Condition 19.

The acoustic barriers to the Quarry haul Road shall be constructed to include the following aesthetic treatments:

- a. A textured treatment shall be included in the acoustic barriers to the Quarry Haul Road to minimise the starkness of the concrete panels facing the residential areas;
 - b. Landscaping shall be undertaken adjacent to the acoustic barriers for a distance of 100m from the intersection of the Quarry Haul Road with Shellharbour Road to minimise visual impacts;
 - c. Landscaping shall be undertaken along the southern boundary of the Quarry Haul Road in areas where no acoustic barriers are proposed to minimise visual impacts from Killalea State Park; and
 - d. Landscaping areas shall be appropriately maintained for a period of six months or until establishment of the landscape."
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