

Phones:
ALBION PARK
6-90-147-225
P.O. BOX 1, 2527



Council Chambers,
Albion Park, 2527 29th August, 1968.

~~XXX~~ Imperial Chemical Industries of Australia
& New Zealand Ltd.,
69 Macquarie Street,
SYDNEY. N.S.W.

Sir,

DEVELOPMENT APPLICATION No. 12/67

14,17,18 Pt. 16, Pt. Por. 19/20
Lots Sec. Street Estate Bassett Darley
Town Shellharbour Owner Imperial Chemical Industries of Australia
& New Zealand Ltd.

DESCRIPTION OF DEVELOPMENT:

Basalt quarry and ancillary and other purposes as set forth in the Company's
application lodged with the Council on the 3rd November, 1967.

THIS IS TO STATE that the above described application made by you has been APPROVED
by Council subject to the conditions set out as it is considered that in the present
zoning the proposal meets the requirements of the Illawarra Planning Scheme Ordinance.

The conditions outlined in the agreement between the Company and the Council
dated 21st August, 1968.

NOTE CAREFULLY:

This consent is valid only for twelve months from date hereon.

The approval relates only to consent necessary under Part XIIA (Town Planning) of the Local Government
Act. Separate approval is necessary before any buildings may be erected.

Your attention is directed to the provision of Section 342N (2) of Local Government Act regarding rights of
appeal.

MUNICIPALITY OF SHELLHARBOUR

C. S. King

TWENTY - FIRST

THIS DEED is made the ~~FOURTEENTH~~ day of ~~AUGUST~~ one thousand nine hundred and sixty eight ~~BETWEEN~~ IMPERIAL CHEMICAL INDUSTRIES OF AUSTRALIA AND NEW ZEALAND LIMITED, (Hereinafter called "the Company") ~~OF THE ONE PART AND THE~~ COUNCIL OF THE MUNICIPALITY OF SHELLHARBOUR (hereinafter called "the Council") of the other part

WHEREAS: The Company has made application to the Council as the responsible authority for consent under the provisions of the Illawarra Planning Scheme Ordinance (hereinafter called "the Ordinance") to develop the Company's land at Bass Point Shellharbour as a basalt quarry and for ancillary and other purposes as set forth in the Company's application lodged with the Council on the 3rd November, 1967 (hereinafter called "the development")

The Council advised the Company that though favouring the application, it was vitally concerned in the public interest with the preservation and development of the adjoining coastline

The Council and the Company having conferred at length and having considered in detail the open space zoning of the Company's land at present prescribed in the Ordinance, they have agreed that it is desirable in the public interest for further land to be allocated for public recreation in the north eastern section of the Company's land and for the suspension of the present open space provisions of the Ordinance in that portion of the South Eastern Extremity of the Company's land as is hatched green on the plan annexed hereto

The Company has undertaken immediately to vest in the Council those portions of the Company's land which it is now considered should be dedicated for public parks and recreation (hereinafter called "the park land") and has

undertaken in addition to contribute to the cost of construction of a tourist road (hereinafter called "the road"), within the park land.

In consideration of the above and the other covenants restrictions and undertakings herein set forth the Council has resolved to consent to the development

NOW THIS DEED WITNESSETH as follows:

1. "The Company" shall mean and include Imperial Chemical Industries of Australia and New Zealand Limited or its permitted assigns.

"The Council" shall mean and include the Council of the Municipality of Shellharbour its successors or assigns or other the person or persons firm corporation or authority charged or empowered at any time with town planning control in respect of the said development.

"The Act" means the Local Government Act 1919 as amended.

"The Ordinance" means the Illawarra Planning Ordinance.

2. The benefit of this consent is personal to the Company, and can not be assigned except with the prior written permission of the Council, which shall not be withheld if the Company shall previously have provided satisfactory evidence of the capacity of its successor to perform the provisions of this deed and to carry out the development, particularly having regard to the undesirable consequences of failure to restore and re-level the land in the manner which the Company has undertaken to do.

3. The Council hereby grants to the Company its consent to the development, subject to the working conditions set out in the Schedule hereto.

4. The Company will forthwith as soon as appropriate survey plans have been prepared approved and registered transfer to the Council the areas shaded dark green and light green on the plan annexed hereto, on the following conditions:

(a) All of the land shall be transferred free of cost, subject to the Council meeting all survey costs attributable to the land being transferred and the legal expenses of its own Solicitors.

(b) The land shaded light green, being zoned in the Illawarra Town Plan as "Open-Space - Public Parks and Recreation", shall be transferred to the Council in fee simple, subject only to the existing encumbrance on the Company's title which reserves a right of way 50 links wide so far as it may affect the subject land.

(c) The land shaded dark green, being zoned in the Illawarra Town Plan as "Non-Urban "B", shall be transferred by separate transfer to the Council in fee simple subject to the existing encumbrance on the Company's title as above described, and subject to the following covenant and reservation intended to be created by the relevant instrument of transfer, namely

(1) "And the transferee doth hereby for itself its successors and assigns or other the registered proprietors for the time being of the said land covenants with the transferor its successors and assigns

1. That the land hereby transferred shall not be used for any purposes other than for public recreational purposes and for the provision of a public road for access thereto.

2. That the land to which the benefit of this covenant is appurtenant is the whole of the land in Certificate of Title Volume 7281 Folio 169 other than the land hereby transferred.

3. That the land which is subject to the burden of this covenant is the land hereby transferred.

4. That this covenant may only be released varied or modified with the express consent in writing of the transferor its successors or assigns."

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(ii) "RESERVING unto the transferor its successors and assigns for the benefit of the adjoining land of the transferor namely lots and on Deposited Plan AN EASEMENT for the purpose of conveying materials in such manner at the risk of the transferor as it shall think fit over the strip of land 200 feet wide delineated on the sketch plan annexed hereto at a height of not less than 20 feet from the highest point of the ground or road surface and to construct and place over the said strip of land at the risk of the transferor such structures as the transferor may deem necessary for that purpose."

(d) The strip of land shaded dark green which divides the land being retained by the Company for wharfage purposes shall not be used for any other purpose than an access road.

(e) The site of the above easement is over the said strip of access road in order to connect with the land being retained by the Company for wharfage purposes which said land is shown on the annexed

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plan as being between the areas shaded dark green and light green.

(f) The Council will permit the structures over the road as abovementioned, in accordance with the provisions of Section 421 of the Local Government Act, without at any time requiring a charge or fee as provided by Section 171 of the Act; nevertheless such structures will require the prior approval of the Council under Part XI of the Act.

5. The Company will forthwith when called upon by the Council contribute materials and cash to a total value not in excess of sixty thousand dollars (\$60,000.00) for the construction of the road, such materials and cash to be contributed by the Company in such proportionate amounts as shall be mutually agreed upon PROVIDED that in the event of disagreement the Council shall not be entitled to a cash contribution in excess of thirty thousand dollars (\$30,000.00) PROVIDED FURTHER that no demand for materials shall be made by the Council until the Company has had a reasonable time to produce materials from its quarry. In arriving at the value of the contribution of materials, same shall be valued at a price not in excess of the ruling market price ex quarry.

within 12 months from the date of this deed
6. The Council will ~~forthwith~~ apply to the Minister for Local Government for the suspension of the provisions of the Ordinance affecting the land hatched green on the plan annexed hereto, being the land indicated in the recitals of this deed as desirable to be retained by the Company for the development. If the Council's

application is unsuccessful, the Council will be required by the Company to acquire the said land with full compensation as prescribed by Clause 18 of the Ordinance.

7. The Company will as soon as practicable after it is able to produce the necessary materials from its quarry, construct an access road for its purposes over its own property to meet Jamberoo Road at a point west of the Cemetery to be approved by the Council, such road to be sealed with bitumen seal to the satisfaction of the Council's Engineer for a minimum distance of 500 feet from the Jamberoo Road intersection. As soon as this road is constructed, and as soon as the tourist road abovementioned is constructed, the Council will proceed to close to the public, Bass Point Road between points G and H on the annexed plan. The Company undertakes that in the meantime pending completion of construction of the tourist road it will allow free access to the public along the existing track through the Company's property to Bass Point.

8. The Company will not conduct or continue its development except in accordance with the provisions of this deed and the conditions of consent in the Schedule hereto.

9. The Company will permit the Council without charge to use the swamp near Killalea Beach and adjacent to the area to be quarried as a garbage depot and will allow the Council and its contractors access for that purpose. The Company will supply ^{free} surplus filling to be used for covering the garbage. The

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Council will not use the swamp for the above purpose except with the prior approval of the Department of Public Health and in a manner which is not likely to create or constitute a nuisance.

10. The Legal Costs of and incidental to the preparation and engrossment of this deed shall be met by the Company.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their Common Seals.

THE COMMON SEAL of IMPERIAL CHEMICAL INDUSTRIES OF AUSTRALIA AND NEW ZEALAND LIMITED was hereunto affixed pursuant to a resolution of the Board of Directors in the presence of:

.....
Secretary

THE COMMON SEAL of THE COUNCIL OF THE MUNICIPALITY OF SHELLHARBOUR was hereunto affixed on the 29th day of AUGUST 1968 pursuant to a Resolution of the Council on the 21st day of AUGUST 1968.

.....
The Common Seal of Imperial Chemical Industries of Australia and New Zealand Limited was hereunto affixed by the authority of the Directors and a signature appears hereunder:

.....
Assistant Secretary

.....
Mayor

.....
Town Clerk

THE SCHEDULE REFERRED TO

The Development Consent is Subject to the Following Conditions:

1. SEPARATE BUILDING APPROVAL:

That it is acknowledged that the permission of Council as above recited is not a permission under Part XI of the Local Government Act and that no structure within the meaning of the said Part XI shall be placed upon the land or any part thereof unless and until the approval of the Council has been obtained thereto beforehand in accordance with the usual requirements of the said Part XI.

2. AMENITY OF THE AREA:

That the Company will not at any time conduct its operations on the said land or any part thereof in such a manner as to injure or to interfere with the amenity of the neighbourhood.

3. AIR POLLUTION CONTROL:

That the Company will not carry out any work in connection with the development until approval from the Under Secretary of the Department of Public Health is obtained in accordance with Section 16 of the Clean Air Act.

4. LICENCE UNDER THE CLEAN AIR ACT:

That the premises will be licensed as required under Part III of the Clean Air Act.

5. COMPLIANCE WITH REQUIREMENTS:

That the Company shall not carry out the development except in accordance with:

(a) Any approval conditions imposed by the Under Secretary of the Department of Public Health pursuant to Section 16 of the Clean Air Act.

(b) Any approval conditions imposed by Council under Part XI of the Local Government Act.

(c) Any approval and conditions of approval of any Licence granted under Part III of the Clean Air Act.

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- (d) In conformity with the requirements of all Acts, Regulations, By-Laws and Ordinances and other statutes relating to the Development and in particular the Local Government Act and Ordinances thereunder and the Clean Air Act and Regulations thereunder.
- (e) In such a manner as not to create nuisance by vibrations, noise or emission of air impurities.

6. WASTE MATERIAL:

That the Company will not conduct the development in such a way as to pollute any water, watercourse or stream. All wastes from the development will not be disposed of in any way likely to create a nuisance or danger to health or in any manner other than that approved by Council.

7. THAT all machinery installed and/or operated by the Company on the said land shall be so designed and constructed as to create a minimum of noise arising therefrom.

8. THAT the Company will not conduct blasting operations on the said lands or any part thereof in such a manner as to cause damage to houses or other improvements on adjoining or adjacent lands.

9. BLASTING:

That the Company will not conduct blasting operations except in accordance with the requirements of the Mines Department and in such a manner as not to create any nuisance by way of noise, vibration or dust.

10. SCAR:

That the Company will take reasonable steps to minimise the effect of any scar which may be created on the said lands or any part thereof and in particular that the Company will plant and grow and maintain and from time to time when necessary replant three rows, each row 40' apart, of trees *Araucaria excelsa* (Norfolk Island Pine), each tree 40' apart. Such rows of trees to extend along the boundaries of

the area to be quarried.

11. CEASING OPERATIONS:

That if the Company shall cease operations upon the said lands and shall leave therein machinery, plant and/or equipment and material, which is or may be a hazard or eyesore and the Company shall fail to remove all or any such machinery, plant and/or equipment and material within a period of six months from the date of cessation of the Company's operations on the said lands and if at the time of ceasing operations the levelling of the site as described in the Interim Development Application has not been completed and the rock faces benched and covered with creepers the Council shall be at liberty and is expressly empowered and authorised (but only after the expiration of three months notice in writing to the Company of its intention so to do, and subject to all rights of the Company to sell, remove or otherwise dispose of all or any of such machinery, plant and/or equipment and material within such period of three months) to enter upon the said lands and to remove and/or destroy any such machinery, plant and/or equipment and to convert the same to its own use and/or to dispose of same and to carry out any work to remove any material necessary to minimise any unsightly scar and to restore the area as far as is possible to its natural state and to recover as a liquidated debt any net expense to which the Council may be put in/or about the carrying out of its powers hereunder. In this Clause the Company shall not be deemed to have ceased operations if it can be shown that operations have been suspended for a reasonable time for any purpose of the Company and the Company is able to supply reasonable evidence to recommence operations within a reasonable time under the circumstances.

12. JETTY:

The Company will submit full details and obtain the approval of Council of the jetty and overhead conveyor before construction commences.

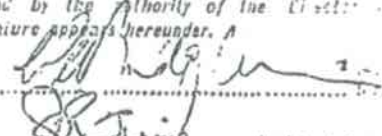
13. THAT it is agreed and acknowledged that the permission granted by the Council as above recited and set forth relates to the use of the said lands for the purpose of a basalt quarry as hereinbefore set forth and that the use of the said lands or any part thereof for any other purpose including any ancillary purpose (excepting always any one or more of the "associated activities" hereinbefore mentioned) shall be subject to the consent of the Council under Part XIII of the Act as well as under Part XII of the Act.

14. LEVELLING:

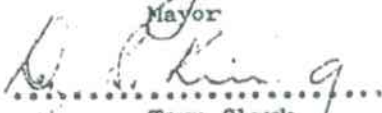
All land used for the development will be levelled according to Council's reasonable requirements in the manner proposed in the Annexure "A" to the Company's development application.

THE COMMON SEAL of IMPERIAL CHEMICAL INDUSTRIES OF AUSTRALIA AND NEW ZEALAND LIMITED was hereunto affixed pursuant to a resolution of the Board of Directors in the presence of:

.....
Secretary

.....
Director
The Common Seal of Imperial Chemical Industries of Australia and New Zealand Limited was affixed by the authority of the Director's signature appears hereunder. A

..... Assistant Secretary

THE COMMON SEAL of THE COUNCIL OF THE MUNICIPALITY OF SHELLHARBOUR was hereunto affixed on the 29th day of August 1968 pursuant to a Resolution of the Council on the 21st day of August 1968.

.....
Mayor

.....
Town Clerk

The Council of the Municipality of Shellharbour

Phone:
WARILLA 951251
P.O. BOX 21



Council Chambers, 16th August, 1973.
Warilla. 2523

Ref. No. BS/EM. 6997/09 H.411

Mr. The Manager,
South Coast Basalt Pty. Ltd.,
63, Grove Street,
ST. PETERS, 2044.

Sir,

DEVELOPMENT APPLICATION No. 98/73

2 of subdiv. of land in Bass Point Peninsula
Lot 4 Sec. Street Estate C. Dist.
Town Shellharbour Owner I.C.I. Australia Ltd.

DESCRIPTION OF DEVELOPMENT:

Extension of quarrying operations below the 30 feet level within the
bounds of the existing quarry at Bass Point.

THIS IS TO STATE that the above described application made by you has been APPROVED by Council subject to the conditions set out as it is considered that in the present zoning the proposal meets the requirements of the Illawarra Planning Scheme Ordinance.

1. All conditions of previous development consents shall be complied with.
2. Groundwater catch drains shall be constructed to the satisfaction of Council so as to prevent surface water from areas outside the bounds of the quarry finding its way into the excavation.
3. Water ponded in the quarry shall be used in connection with operations conducted on the land so as to prevent a build-up of water in the base of the excavation.
4. Backfilling of the quarried areas shall be undertaken progressively to the satisfaction of Council. Such backfilling shall be effected so that the land is completely restored to the 50 feet contour, by the time quarrying operations are completed, and the extent of backfilling shall be reviewed by Council at six-monthly periods during the currency of the quarrying operations to determine whether the extent of backfilling is adequate.
5. Council reserves the right to require additional drainage works to be carried out should it consider such works are necessary.
6. The backfilling material to be described to Council and approved, together with the method of backfilling.

NOTE CAREFULLY:

This consent is valid only for twelve months from date hereon.
The approval relates only to consent necessary under Part XIA (Town Planning) of the Local Government Act. Separate approval is necessary before any buildings may be erected.
Your attention is directed to the Provisions of Section 342N and Section 342V(5) of the Local Government Act regarding rights of appeal to the Local Government Appeals Tribunal against the decision of Council.

MUNICIPALITY OF SHELLHARBOUR

DRS. A. KING

Council of the Municipality of Shellharbour

Phone:
WARILLA 951251
P.O. BOX 21



Council Chambers,
Warilla. 2523 23rd April, 1980

Ref. No.

Mr. The Manager,
South Coast Basalt Pty. Ltd.,
63 Grove Street,
ST. PETERS. N.S.W. 2044.

Sir,

CONSENT DEVELOPMENT APPLICATION No. 81/79

D.P. 570905
Lot 2 Sec. - Street - Estate - C. Dist.
Town - Owner I.C.I. Australia Limited.

DESCRIPTION OF DEVELOPMENT:

The varying of existing consents related to quarrying operations on the above-mentioned land to meet the recommendations as set out in the D.J. Dwyer Environmental Study of December, 1977.

THIS IS TO STATE that the above described application made by you has been APPROVED by Council ~~subject to the conditions set out as it is considered that in the present zoning the proposal meets the requirements of the Illawarra Planning Scheme Ordinance~~ on 16th January, 1980, subject to the following:-

This consent incorporates and continues the provisions of previous consents numbered 42/67, 103/71 and 98/73 set forth in appendix "A", "B" and "C" hereof, except insofar as they are deleted, varied or added to as herein set forth, which deletions, variations and additions shall supersede the previous relevant provisions and shall be effective from the date of this notice.

Condition 10 of the consent 42/67 Appendix "A" is varied by deleting therefrom the words "three rows...." to the end thereof and by substituting the following words namely "shrubs and/or trees of species to be approved by Council's Town Planner to be planted, maintained and renewed under his supervision along the boundaries of the area being quarried in such a manner and in such numbers as shall in the opinion of the Council provide a maximum screening against exposure of the quarry site to outside view.

Condition 4 of consent No. 98/73 (Appendix "C") is deleted and the following conditions are imposed:

- 4A. Planting areas outlined in drawing No. 6 of the Environmental Study of D.J. Dwyer & Associates Pty. Limited accompanying this application shall be forthwith put into effect by the applicant under the supervision of the Council's Town Planner using the plant species listed in Appendix "D" to the said study, a copy of which is annexed hereto as Appendix "D".

Cont'd....

NOTE CAREFULLY:

~~The approval relates only to consent necessary under Part XIIA (Town Planning) of the Local Government Act. Separate approval is necessary before any buildings may be erected.~~
Your attention is directed to the Provisions of Section 342N and Section 342V(5) of the Local Government Act regarding rights of appeal to the Local Government Appeals Tribunal against the decision of Council.

THE COUNCIL OF THE MUNICIPALITY OF SHELLHARBOUR

- 4B. The quarrying operation is to be restricted to the area outlined in the said drawing No. 6 of the said Environmental Study with quarry floor finished surface levels to be not less than RL 7.5m as shown diagrammatically in figure 4 of the said study.
- 4C. Restoration of the site of the quarrying operation shall be progressively undertaken in accordance with the profile shown in figure 3 of the said Environmental Study.

This consent imposes the following further conditions:

- A. An artificial wall shall be built of such materials and to such specification as shall be approved by the Council beforehand so as to screen and protect the view from and possible inroads of the adjoining coastal waters in that portion of the rim line of the land already quarried which is considered by the Council to be affected by such requirement.
- B. The planting of trees and shrubs shall be programmed and implemented by and at the cost of the applicant who shall submit any such program to the Council's Town Planner for his prior approval on behalf of the Council. The planted areas shall be maintained at all times with fencing adequate for the protection of the shrubs and trees therein.
- C. The jetty and associated facilities approved by consent 103/71 (Appendix "B" hereto) shall not be used for any other purpose than the loading and shipment of basalt material won from the applicant's adjacent quarry the subject of this application.
- D. Killalea Swamp shall be preserved as a Wildlife Habitat. The applicant will not commit or permit any action which would be likely to prejudice or endanger the retention of Killalea Swamp for the above-mentioned purpose.
- E. The applicant will not at any time exceed a maximum blasting level of 10 mm per second and a maximum noise level of 120 dbc at the nearest dwelling or at the edge of any buffer zone.

MUNICIPALITY OF SHELLHARBOUR


.....
DES. S. KING

FILE COPY

Our Ref: SL DA 79/81 (am) (O Min)

16 JUN 1998

Your Ref:

Enquiries: Mr S Lawer

Telephone: (02) 4221 6144

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979, AS
AMENDEDNOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

TO: The Manager
Pioneer Concrete (NSW) Pty Ltd
Level 5, 75 George Street
PARRAMATTA 2150

PURSUANT to Section 102 of the Act, notice is hereby given of the determination by the consent authority of application to Amend Development Consent No. 79/81 relating to the land described as follows:

LOT 2, DP 570905, BASS POINT QUARRY, BOOLLWARROO PARADE,
SHELL COVE

and being development described as follows:

EXTENSION OF QUARRYING ACTIVITIES

as shown on the plans endorsed with Council's stamp and attached to
AMENDED DEVELOPMENT CONSENT NO. 79/81(am).

The Application for Amendment has been determined by the GRANTING
OF AMENDMENT OF CONSENT SUBJECT TO THE CONDITIONS
SPECIFIED IN THIS NOTICE.

The conditions of the consent are set out as follows:

1. This consent incorporates and continues the provisions of previous consents numbered 67/42, 71/103 and 73/98 set forth in appendix 'A', 'B' and 'C' hereof, except insofar as they are deleted, varied or added to as herein set forth, which deletions, variations and additions shall supersede the previous relevant provisions and shall be effective from the date of this notice.
2. Condition No. 10 of the consent 67/42 Appendix 'A' is varied by deleting therefrom the words 'three rows...' to the end thereof and by substituting the following words namely "shrubs and/or trees of species to be approved by Council's Town Planner to be planted, maintained and renewed under his supervision along the boundaries of the area being quarried in such a manner and in such numbers as shall in the opinion of the Council provide a maximum screening against exposure of the quarry site to outside view.

All communications

addressed to:

GENERAL MANAGER

P.O. Box 155 Shellharbour Square

Blackbutt 2529

Telephone: 02 4221 6111

Facsimile: 02 4221 6016

DX 26402 Shellharbour Square

ADMINISTRATION CENTRE:

Lamerton House, Lamerton Cres

Blackbutt 2529

COUNCIL MEETING CHAMBER

Cnr Shellharbour &

Lake Entrance Roads Warilla

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Pioneer Concrete (NSW) Pty Ltd
re: DA 79/81(am)

3. An artificial wall shall be built of such materials and to such specification as shall be approved by the Council beforehand so as to screen and protect the view from and possible inroads of the adjoining coastal waters in that portion of the rim line of the land already quarried which is considered by the Council to be affected by such requirement.
4. The planting of trees and shrubs shall be programmed and implemented by and at the cost of the applicant who shall submit any such program to the Council's Town Planner for his approval on behalf of Council. The planted areas shall be maintained at all times with fencing adequate for the protection of the shrubs and trees therein.
5. The jetty and associated facilities approved by Development Consent 71/103 shall not be used for any other purpose than the loading and shipment of basalt material won from the adjacent quarry the subject of this application.
6. Killalea Swamp shall be preserved as a Wildlife Habitat. The applicant will not commit or permit any action which would be likely to prejudice or endanger the retention of Killalea Swamp for the abovementioned purpose.
7. The applicant will not at any time exceed a maximum blasting level of 10mm per second and a maximum noise level of 120 dbc at the nearest dwelling or at the edge of any buffer zone.
8. Condition No's. 4A, 4B and 4C of Consent No. 73/98 are deleted and the following conditions are imposed:
 - 4D. This consent authorises the extraction of hard rock from the area outlined in the Statement of Environmental Effects prepared by R W Corkery & Co Pty Ltd dated October 1997.
 - 4E. Extraction of the material shall be carried out generally in accordance with the six (6) stages identified in the application.
 - 4F. During and upon ceasing quarrying the Company is obliged to rehabilitate the quarry area in accordance with these conditions and any future site rehabilitation plan approved by Council.
 - 4G. A Quarry Management Plan shall be submitted to Council. The Quarry Management Plan shall include the following:
 - a) A site rehabilitation plan, separate from the landscape plan, detailing the treatment of old access and haulage roads, old material stock piles and overburden stock piles (once removed) and old work sites which are no longer used.
 - b) A water management plan detailing measures to be implemented for control of sediment and run off to avoid the degradation of nearby waters. Details of the

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Pioneer Concrete (NSW) Pty Ltd
re: DA 79/81(am)

water monitoring program including sampling sites, frequency interval and what contaminants are being analysed shall be submitted on a quarterly basis.

The water monitoring program shall include monitoring of ground water to ascertain if the quarrying activities are having an impact on ground water quality, particularly in relation to the influx saline water. Should an adverse impact arise the source shall be identified and necessary controls/remedial measures shall be implemented to the satisfaction of the Environment Protection Authority and the Department of Land and Water Conservation.

- c) A landscape plan. The plan shall include:
- i) A planting program including numbers, appropriate species, locations, times for planting, protective measures, watering guidelines, etc.
 - ii) The name and qualifications of the person preparing the plan (minimum qualifications Natural Resources/ Environmental Science) or otherwise agreed to by Council.
 - iii) Scale of the plan - 1:500, with appropriate sections at 1:100 unless otherwise agreed to by Council.
 - iv) Sectional elevations of understorey and over storey species and the gradient of slopes.

- d) The amount of material extracted from the site.

4H. An annual performance report shall be submitted to Council at the expiration of every 12 month period. The report shall include the following:

- a) The activities undertaken at the quarry during the previous twelve (12) months with respect to vegetation clearance, landscaping, rehabilitation and compliance with any Pollution Reduction Program in force.
- b) The activities planned for the ensuing twelve (12) months with respect to anticipated quarry advance locations shown at six (6) monthly intervals, landscaping, rehabilitation and compliance with any Pollution Reduction Program in force. Aerial photography should also be provided to indicate quarrying progress on an annual basis.

The above information shall be presented in the following format:

- i) Drawings to a suitable scale (e.g. 1 to 7500) clearly depicting all **existing** ground level RLs.
- ii) Drawings to a similar scale clearly depicting all **scheduled** ground level RLs for the ensuing twelve (12) months.
- iii) Drawings to a similar scale clearly depicting all areas where rehabilitation has

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Pioneer Concrete (NSW) Pty Ltd
re: DA 79/81(am)

been completed.

- iv) Drawings to a similar scale clearly depicting all areas **scheduled** for rehabilitation during the following twelve (12) months.
- 4I. The plant and processing area shall be relocated further south to the eastern extraction area of the quarry as soon as is economically feasible after the completion of Stage B of the proposal or as otherwise agreed to by Council in writing and the area rehabilitated to the satisfaction of Council.
- 4J. Prior to the commencement of Stages D, E and F, the Company shall consult with Council as to appropriate quarry limits and final rehabilitation ensuring that visual amenity is maintained from the adjacent Killalea State Recreation Area.
- 4K. Noise emissions from the quarry shall comply with the requirements of the EPA. Monitoring of noise shall be carried out by the company to ascertain if quarrying activities are having an impact on adjoining properties. Results should be provided to Council on a quarterly basis. Should an adverse impact arise the source shall be identified and necessary controls/ remedial measures shall be implemented to the satisfaction of the EPA.
- 4L. Blasting shall be carried out in accordance with Chapter 154- Noise Control Guideline, Blasting - EPA Noise Control Manual.
- 4M. A water tanker shall be maintained on site for the purpose of dust suppression.
- 4N. Levels of airborne dust on the site shall be maintained at a level acceptable to Council and the EPA at all times.
- 4O. Dust monitors shall be maintained in locations indicated in the Statement of Environmental Effects. Reports of results from the monitors shall be submitted to Council on a quarterly basis.

Endorsement of date of consent 16 JANUARY 1980

NOTES:

1. This Amended Development Consent supersedes the consent originally given and any subsequent amendment thereof.
2. To ascertain the date upon which the consent becomes effective, refer to Section 93 of the Act.
3. To ascertain the extent to which the consent is liable to lapse, refer to Section 99 of the Act.
4. Section 102(5) of the Act confers on an applicant who is dissatisfied with the

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Pioneer Concrete (NSW) Pty Ltd
re: DA 79/81(am)

determination of a consent authority a right of appeal to the Land and Environment Court exercisable within sixty (60) days after receipt of this notice.

5. Notwithstanding that this consent is issued under the Environmental Planning and Assessment Act, 1979, the provisions of a restrictive covenant, agreement, instrument or other statutory provision may prevent the development which is the subject of this consent. The applicant should seek independent legal advice in this regard prior to acting on the consent.
6. The plans and/or conditions of this consent are binding and may only be varied upon written request to Council under section 102 of the Environmental Planning and Assessment Act, 1979. The request shall be accompanied by the appropriate fee and no action shall be taken on the requested variation unless and until the written authorisation of Council is received by way of an amended consent.



G H Mitchell

MANAGER - DEVELOPMENT SERVICES

on behalf of B A Weir, General Manager

G:\TPL\CONSENT\79-81AM.WPD

11 May 2004



Mr G Colquhoun
Australand Holdings Ltd
PO Box A148
SHELLHARBOUR 2529

Development Application No. 947/2002
Lot 22, DP 1010797 & Lot 206, DP 857030, Boolwarroo
Parade, Shell Cove

Dear Mr Colquhoun

Reference is made to the "Deferred Commencement" Consent issued for the placement of clean fill on site to create a landscape mound, and the amended plans submitted by you to comply with Condition 1.

You are advised that the amended plans satisfy Condition 1. The consent is now operational.

Attached is the endorsed development consent and approved plans.

Please contact me on 4221 6111 if you need more information on this application.

Yours sincerely

Lisa Howard
Development Assessment Officer

All communications
addressed to:

GENERAL MANAGER

PO Box 155 Shellharbour Square

Shellharbour City Centre 2529

Telephone: 02 4221 6111

Facsimile: 02 4221 6016

DX 26402 Shellharbour Square

Email: records@shellharbour.nsw.gov.au

Web: www.shellharbour.nsw.gov.au

ADMINISTRATION CENTRE:

Lamerton House, Lamerton Cres.

Shellharbour City Centre 2529

COUNCIL MEETING CHAMBER:

Cnr Shellharbour &

Lake Entrance Roads Warilla

14 MAY 2004

FILE COPY

**NOTICE OF DETERMINATION OF A DEVELOPMENT
APPLICATION**

*Issued under the Environmental Planning and Assessment Act
1979 Section 81 (1)(a)*



TO: Mr G Colquhoun
Australand Holdings Ltd
PO Box A148
SHELLHARBOUR 2529

Being the applicant of Development Application No. 947/2002 for consent
to the following development:

**PLACEMENT OF CLEAN FILL ON SITE TO CREATE A
LANDSCAPE MOUND**

**LOT 22, DP 1010797 & LOT 206, DP 857030, BOOLLWARROO
PARADE, SHELL COVE**

BUILDING CODE OF AUSTRALIA

BUILDING CLASSIFICATION: Not Applicable

14 MAY 2004

Determination date of consent.....

In accordance with Section 80 of the Act the Development Application has
been determined by the GRANTING OF CONSENT UNDER
ORDINARY MEETING OF COUNCIL SUBJECT TO THE
CONDITIONS DESCRIBED BELOW.

DEFERRED COMMENCEMENT CONDITION

1. This consent shall not operate until such time as the developer has,
to the satisfaction of the Council of the City of Shellharbour,
provided information and received subsequent approval to:
 - The redesign the western portion of the landscape mound so
that it does not encroach onto the Quarry Buffer Area (Lot
206, DP 857030), but is contained wholly within Lot 22, DP
1010797.

OPERATIONAL CONSENT CONDITIONS

CONSTRUCTION CERTIFICATE & PCA NOTIFICATION

2. Before any site works, building, demolition or use is
commenced, the person having the benefit of the development
consent must:

All communications

addressed to:

GENERAL MANAGER

PO Box 155 Shellharbour Square

Shellharbour City Centre 2529

Telephone: 02 4221 6111

Facsimile: 02 4221 6016

DX 26402 Shellharbour Square

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Lamerton House, Lamerton Cres.

Shellharbour City Centre 2529

COUNCIL MEETING CHAMBER:

Cnr Shellharbour &

Lake Entrance Roads Warilla



Development Application No. 947/2002

Lot 22, DP 1010797 & Lot 206, DP 857030, Boollwarroo Parade, Shell Cove

- a. Obtain a construction certificate from Shellharbour City Council or an Accredited Certifier (S81A); and
- b. Appoint a Principal Certifying Authority (S81A).

LEGISLATION

3. The landscape mound must be erected in strict conformity with the plans, specifications and conditions approved by Council and in compliance with the requirements of the Environmental Planning Instruments.

BUILDING COMPLETION

4. All conditions of consent must be complied with. The Principal Certifying Authority must issue a certificate verifying all conditions have been satisfied.
5. The applicant shall not dispose of any contaminated landfill associated with the Shell Cove development within the landscape mound.

EASEMENTS

6. No part of any work shall encroach onto any easement.

HOURS OF WORK DURING CONSTRUCTION

7. Any work must be carried out between 7.00am and 5.00pm, Monday to Friday and 7.00am and 1.00pm Saturdays. No work Sundays or Public Holidays. These hours can only be varied with the prior written consent of Council in consultation with the Environment Protection Authority.

General

8. The landscape mound must be designed in accordance with the 'Report on Geotechnical Investigation' by Douglas Partners (Dated August 2002, Project 25699A-3).
9. The shape and height of the mound must be in accordance with the Drawing Nos. 01104-601 Rev A to 01104-605 Rev A (inclusive) dated 17/9/01 and prepared by Development Consulting Pty Ltd. Neither Pioneer Construction Materials Pty Ltd nor any other body is permitted to add excavated material to the mound.
10. Drainage plans for the site prepared by a suitably qualified Engineer and in accordance with Council's Standards, must be submitted to the Principal Certifying Authority for approval with the Construction Certificate application. All drainage work must then be constructed in accordance with Council's construction standards and approved drawings at no cost to Council.

11. Engineering plan checking fees must be paid by the applicant prior to the release of the engineering plans. The fees payable must be that applicable at the time of engineering plan release.
12. Construction inspection fees must be paid by the applicant prior to the commencement of work on site. The fees payable must be that applicable at the time of commencement of work on site.
13. A site meeting with the Principal Certifying Authority, Department of Infrastructure, Planning and Natural Resources (DIPNR), the applicant and the contractor must be held not less than 7 days prior to the commencement of work on site.
14. A set of approved engineering plans must be kept on site at all times during the construction phase.

Drainage

15. A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The plan must be to the satisfaction of the Principal Certifying Authority and indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels, estimated flow rates, invert levels and sizes of all pipelines.

Note: Galvanized steel pipe, sewer grade UPVC pipe or "Corflow" spirally reinforced PVC pipe must be used from the property boundary to the kerb and gutter.

16. A satisfactory Work as Executed Plan and documentation must be submitted to Council by a Registered Surveyor, upon completion of all works and prior to release of any bonds. As a minimum the Work as Executed Plan must show:
 - a. The extent, depth and final levels of filling together with certification by a geotechnical engineer that the filling has been performed in accordance with the plans and specifications.
 - b. All deviations from the approved Civil Engineering Plans.

Sediment Control and Water Quality Control

17. The developer must submit a "Soil and Water Management Plan" for the site which has been endorsed by the Catchment Manager, Wollongong, Department of Infrastructure, Planning and Natural Resources (DIPNR) and the Environment Protection Authority. The plans must generally be prepared in accordance with the Department of Housing's publication "Managing Urban Stormwater - Soils and Construction (1998)" and the former Department of CALM's publication "Urban Erosion and Sediment Control". A copy of the Soil and Water Management plan, endorsed by the Catchment Manager, Wollongong, DIPNR, must be lodged prior to the release of the Construction Certificate. The Soil and Water Management Plan must include:

Development Application No. 947/2002

Lot 22, DP 1010797 & Lot 206, DP 857030, Boolwarroo Parade, Shell Cove

- a. A programme for the progressive stabilisation of the site;
 - b. A programme for the treatment/flocculation of temporary sediment ponds including time frames and proposed chemical dosage;
 - c. Specific measures to control dust generated as a result of construction activities on site.
18. Temporary sediment ponds must be fenced where the batter slope exceeds a slope of 1 vertical to 5 horizontal.
19. The developer must lodge a bond in the amount of \$25,000 to ensure compliance with erosion and sediment control measures incorporated in the approved Soil and Water Management Plan. This bond must be in the form of an irrevocable bank guarantee made out in favour of Council, and must operate as follows:
- a. The bond must be submitted to Council prior to the release of the construction certificate for the development
 - b. The bond must be held by Council until the completion of all engineering works.
 - c. Should Council advise the developer that maintenance work is required on the erosion and sediment control measures, remedial work must be substantially commenced within forty-eight hours from the time of advice. Failure to comply with this direction will give Council the right to employ an appropriate contractor, to undertake such measures as deemed necessary and fund these works from the bond guarantee.

Geotechnical

20. All site filling must be performed under Level 1 Geotechnical supervision in accordance with AS 3798-1996 or subsequent amendments, unless otherwise agreed in writing by Council.
21. A Geotechnical Engineer's report must be submitted to the Principal Certifying Authority upon completion of each bench. The report must be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and must include the certification of compaction densities and the stability of all filling.

Landscaping

22. The applicant must submit a detailed landscape plan and specifications to Council for approval. Landscaping is to be completed to Council's satisfaction prior to the release of any bonds. The landscaping plans and the civil design plans must be designed and assessed concurrently and neither approved in isolation.

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Lot 22, DP 1010797 & Lot 206, DP 857030, Boollwarroo Parade, Shell Cove

23. Prior to release of the construction certificate, the developer must lodge a bank guarantee of \$12,000 with Council. The deposit must be held by Council to ensure the completion of the landscaping work and also to cover any defects, which may arise during a maintenance period. This maintenance period will cover a six month period commencing from the date upon which notification is issued by the Principal Certifying Authority that the landscaping works have been completed. It is the responsibility of the developer to notify the Principal Certifying Authority for a reinspection at the conclusion of the maintenance period.
24. Prior to the release of the construction certificate, the developer must lodge with Council, an administration and inspection fee totalling \$220, which includes GST, for the purpose of the landscape inspection following completion of the maintenance period referred to in Condition No. 23.
25. The landscaping of the mound shall be maintained on a regular basis to eradicate the spread of *Bitou bush* and *Blackberry*.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure that the development does not conflict with the public interest.

SUPPLEMENTARY ADVICE

1. This development consent is subject to the prescribed conditions under Part 7 of the *Environmental Planning & Assessment Regulation 1998*.
2. Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice of \$600 being issued against the owner/applicant/builder.

3. INSPECTIONS DURING CONSTRUCTION

Notify the Principal Certifying Authority in advance – 48 hours in writing or 24 hours by phone, to inspect the following where applicable:

- i. placement of piers or foundation before placing footings;
- ii. steel reinforcing before pouring concrete;
- iii. the dampcourse level, antcapping and floor timbers before the floor is laid;
- iv. framework of structure before flooring, lining or cladding is fixed;
- v. the completed building prior to use or occupation.

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Lot 22, DP 1010797 & Lot 206, DP 857030, Boolwarroo Parade, Shell Cove

NOTES:

1. In accordance with Section 95 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses five years after the approval date unless building, engineering or construction work relating to the building has physically commenced.

2. **Right of Appeal**

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning & Assessment Act 1979*, gives you the right to appeal to the Land & Environment Court within 12 months after the date on which you receive this notice

Section 97 of the *Environmental Planning & Assessment Act 1979* does not apply to the determination of a Development Application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

3. The plans and/or conditions of this consent are binding and may only be varied upon **application** to Council under Section 96 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee shall accompany the application and no action shall be taken on the requested variation **unless and until the written** authorisation of Council is received by way of an amended consent.

4. **Prescribed Payment System Tax Obligations**

You may have a taxation obligation under the Prescribed Payment System. For more information, contact the Australian Taxation Office on telephone 132866.



Graham Mitchell
Manager, Development Services

On behalf of Brian A Weir, General Manager