

Newcastle City Council

NEW SOUTH WALES AUSTRALIA. City Administration Centre Wheeler Place NEWCASTLE Postal Address: PO Box 489 NEWCASTLE NSW 2300 Phone: (049) 29 9111 Fax: (049) 296157

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

NOTICE TO APPLICANT OF DETERMINATION OF 'DESIGNATED DEVELOPMENT' APPLICATION

To: The General Manager Of: Newcastle City Council PO Box 489 **NEWCASTLE NSW 2300**

Being the applicant in respect of: Development Application No. 506/92 for consent to:-

· Establish and operate a solid waste management facility.

Pursuant to Section 92 of the Act, notice is hereby given of the determination by the Council of Development Application No. 506/92 relating to the land described as follows:

Lot 3, DP 800035, No. 299 Minmi Road, Wallsend.

The Development Application has been determined by:

· granting of CONSENT subject to the conditions specified in Schedule 1, attached.

Endorsement of date of consent: 5th April 1993

Note:

- (1)
- (2)
- Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice. Section 98 of the Act confers upon an objector against 'designated development', who is dissatisfied with Council's decision to grant consent, the right of appeal to the Land and Environment Court against such decision within 28 days from the date of notification. Section 93 of the Environmental Planning and Assessment Act provides that, in the case of 'designated development' to which an objection has been made under Section 87, Council's consent shall become effective and operate from the expiration of 28 days from the date of consent endorsed upon the Notice of Determination, subject to there being no appeal made under (3) under Section 98 in the meantime.
- To ascertain the extent to which the consent is liable to lapse refer to Section 99 of the Act. (4)

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- The development shall be carried out in accordance with the EIS, the Management and Operational Plan and the Consultant's submission;
 Reason: To confirm the terms of consent, to safeguard the amenity of the locality and to prevent environmental pollution.
- 2. The Management and Operational Plan for the Development shall be the Management and Operational Plan as submitted to the Public Inquiry amended in accordance with the recommendation set out on page 68 of the Report of Commissioner K Cleland dated February 1993; Reason: To confirm and clarify the terms of consent.
- 3. Putrescible waste landfill shall be confined to the initial landfill area;
 - **Reason:** To confirm the terms of consent and to ensure that a comprehensive assessment of the environmental impact of the nominated "future landfill area" is undertaken having regard to the current technology and environmental protection standards prior to any extension of the putrescible waste landfill operation.
- The development shall receive only waste generated within the Council's local government area; Reason: To confirm and clarify the terms of consent.
- The slope of the face of long-term excavation works involved in the construction of any landfill cell shall not exceed 25°;
 Reason: To ensure slope stability within the landfill site.
- 6. The site shall be landscaped in accordance with Section 4.5 of the Engineering Consultant's submission and drawings 5119/18 and 5119/19 attached thereto and Appendix 3 thereto and:
 - (a) the species of trees shall be those suggested in the above drawings; and
 - (b) the trees shall be intensively maintained during the first two years of the life of the development.
 - **Reason:** To ensure that adequate and appropriate provision is made for landscaping of the site, to enhance the external appearance of the development and to add to the landscape quality of the locality.
- 7. Operation of the development shall not commence unless and until the applicant shall have:

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- 7.1 Obtained the certificate of the consultant that all pollution control and monitoring facilities specified in the EIS, the Management and Operational Plan and the Engineering Consultant's submission have been installed;
 - **Reason:** To confirm the terms of consent, to safeguard the amenity of the locality and to prevent environmental pollution.
- 7.2 Entered into a Trade Waste Agreement with the Hunter Water Corporation Limited for the discharge of leachate from the site into the Corporation's sewerage system;
 - **Reason:** To ensure satisfactory arrangements are made for the disposal of leachate from the site in an environmentally acceptable manner.
- 7.3 Obtained the approval in writing of the Environmental Protection Authority under Section 19 of the Clean Waters Act, 1970; **Reason:** To prevent environmental pollution and to ensure
 - observance of appropriate public health standards.
- 7.4 Obtained the approval in writing of the Department of Conservation and Land Management to a soil management plan for the development which embodies the techniques and principles of soil management as set out in the EIS;
 - **Reason:** To prevent sedimentation of natural water courses and control soil erosion of surrounding lands both private and public.
- 7.5 Obtained the issue by the Department of Water Resources of a licence under Part V of the Water Act, 1912.
 Reason: To confirm the necessity for compliance with the provisions of the said Act.
- 7.6 Obtained the approval of the Mine Subsidence Board and complied with any conditions imposed by the Board which are precedent to the commencement of operation of the development;
 - **Reason:** To ensure the structural stability of the development having regard to underground mine workings.
- 7.7 Constructed the following proposed roadworks:
 - (a) the roundabout at the intersection of Minmi Road and the site access road;
 - (b) the widening of Minmi Road between Anna Place and the roundabout; and
 - (c) the intersection improvements at the intersection of Longworth Avenue and Cowper Street.

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- **Reason:** To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic movement likely to be generated by the development.
- 8. In the course of operation of the development the applicant will:
 - 8.1 Comply with any conditions imposed by the Mine Subsidence Board relative to the continued operation of the development;
 - **Reason:** To ensure the structural stability of the proposed development having regard to underground mine workings.
 - 8.2 Comply with any requirements of Hunter Area Health Service and any other statutory authority having jurisdiction over the development;

Reason: To advise the necessity for compliance with the particular requirements of other relevant authorities.

8.3 Operate the development in accordance with all requirements of the Workcover Authority of New South Wales;

9. All washdown waters from the resident receival centre shall be collected and discharged directly into the leachate storage pond and the resident receival area shall be graded and drained to enable such collection;

Reason: To ensure that any leachate from garbage wastes collected within such areas does not contaminate the stormwater system.

10. All external materials used in the construction of buildings on the site shall be in minimum maintenance finishes and colours which harmonise with the bushland setting and full details thereof shall be specified in the Building Application;

Reason: To ensure that the development does not unreasonably detract from the existing character and appearance of the site.

11. All roof and concentrated surface water shall be collected and disposed of by appropriate means into the overall stormwater management system for the site and full details thereof shall be submitted with the Building Application;

Reason: To ensure that on-site stormwater run-off is properly collected and conveyed to an adequate drainage facility.

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Reason: To ensure compliance with appropriate workplace standards.

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12. The truck washing and wheel washing facilities shall be properly bunded and drained to a solids settlement pit and oil separation device before discharge into the leachate storage pond and hence to the sewerage system in accordance with the requirements of Hunter Water Corporation Limited;

Reason: To prevent environmental pollution and to ensure observance of appropriate public health standards.

- 13. Any washing of vehicles shall be carried out within the truck wash facility; **Reason:** To ensure that any washing of vehicles takes place within a properly constructed and drained facility and does not give rise to environmental pollution.
- 14. All fuel and oil proposed to be stored on the site shall be contained within a properly constructed bunded area graded to a "blind sump" so as to facilitate emptying and cleansing and full details thereof shall be submitted with the Building Application;

Reason: To prevent environmental pollution and to ensure observance of appropriate public health standards.

15. The development shall have adequate means of access for persons with disabilities and full details thereof shall be submitted with the Building Application;

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979 and the Building Code of Australia in relation to the provision of disabled persons access.

16. The development shall have adequate toilet facilities and wash hand basins for each sex in accordance with the provisions of the Building Code of Australia;

Reason: To ensure compliance with appropriate public health and hygiene standards.

17. The development shall have adequate separately accessible toilet facilities for the disabled in accordance with the requirements of the Building Code of Australia and full details thereof shall be submitted with the Building Application;

Reason: To ensure compliance with appropriate public health and hygiene standards.

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18. The access road, driveways, parking areas, the residents' receival area and vehicular turning areas shall be constructed with a basecourse of adequate depth to suit design traffic and shall be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and shall be properly maintained and full details shall be indicated on plans submitted with the Building Application; Reason: To facilitate the use of vehicular access and parking facilities

and minimise any associated noise and dust nuisance.

 The parking bays shall be permanently marked out on the pavement surface and shall be clearly indicated by means of appropriate signs and/or pavement markings;
 Reason: To facilitate the orderly and efficient use of on-site parking.

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- Appropriate direction and information signs for drivers delivering waste to the residents' receival area shall be clearly displayed on the site;
 Reason: To facilitate the efficient operation of the development in the public interest.
- 21. Operation of the development shall not continue beyond the date being the 20th anniversary of the date upon which waste shall be first deposited on the Initial Landfill Area; **Reason:** To confirm and clarify the terms of consent.
- 22. The Council, having regard to visual effects, noise, odour and dust arising from the operation of the development, will review the operation of the development not earlier than 2 years and not later than 2 years and 9 months after the commencement of operations;
 - **Reason:** To confirm and clarify the terms of consent and to ensure the timely reconsideration by Council of the zoning of adjacent lands.
- 23. The Management and Operational Plan be amended in the following respects:
 - (a) (i) to directly link the varying hours of operation to the need to receive solid wastes from unforeseen emergencies.
 - (ii) to refer to a specific responsible Council officer rather than Council itself, following Council's approval of relevant guidelines for the nominated officer.
 - (iii) to require the facility operator to maintain a log of all variations in the hours of operation.

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- (iv) to make the log of all variations available for public inspection within seven days of receipt of a written request from a resident.
- (b) (i) to provide access for Council's street sweeping vehicle between 12 midnight and 7.00 am.
 - (ii) to provide access for Council's garbage trucks from 8.00 am on Saturdays, Sundays and Public Holidays.

Note: In the above conditions unless the context otherwise requires:

"Council" means the Council of the City of Newcastle.

"Development Application" means the development application No. 506/92 dated 28th September 1992 made by the Council as the applicant to the Council as the consent authority in respect of the development.

"Development" means the development proposed in the Development Application.

"Site" means the land referred to under the heading "1. Description of the Land" in the Development Application.

"Initial Landfill Area" means the area shown by that name in Figure 1.2 in the EIS.

"Non-putrescible Landfill Area" means the areas shown by the name "Temporary Non-putrescible Waste Areas" in figure 1.2 of the EIS.

"Applicant" means the applicant in the Development Application and includes its successors and assigns.

"EIS" means the Environmental Impact Statement dated 23rd September 1992 and the Appendices thereto prepared by Robert R. Hayward of the Consultant in support of the Development Application.

"Appendices" or "Appendix" means the appendices to the EIS or the relevantly numbered part thereof.

"Management and Operational Plan" means the Management and Operational Plan as submitted to the Public Inquiry.

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"Public Inquiry" means the public inquiry conducted by Commissioner Cleland of the Office of Commissioners of Inquiry for Environment and Planning in respect of the Development.

"Council's Submission" means the Council's submission to the Public Inquiry.

"Consultant" means Camp Scott Furphy Pty Ltd.

"Engineering Consultant's Submission" means the submission of the Consultant which forms part of the Council's submission.

"Condition" means these conditions of consent.

"Commencement of Operation" means the date of first placing of waste on the Initial Landfill Area.

Words in the singular include the plural and vice versa: references to authorities, institutes, associations and bodies whether statutory or otherwise shall in the event of any such authority, institute, association or body ceasing to exit or being reconstituted, renamed or replaced or the powers or functions thereof being transferred to any other authority, institute, association or body be deemed to refer respectively to the authority institute, association or body established or constituted either in lieu thereof or as nearly as may be succeeding to the powers or functions thereof or both.

Each condition shall be read and construed independently of every other condition and if any condition shall be void or unenforceable it shall be severable and the remaining conditions shall be read and construed and given effect accordingly.

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