

JRPP No.	2009HCC008
DA No.	DA/1529/2009
Proposed Development	95-101 Stenhouse Drive, Cameron Park - Concrete Batching Plant
Applicant:	Lindsay & Dynan Pty Ltd
Report By:	Chris Dwyer (Lake Macquarie Council)

Assessment Report and Recommendation

Precise

It is proposed to erect a concrete batching plant producing concrete mix by combining cement, aggregate, sand, rock, and water. The batching plant building rises to some 18 metres above natural ground level and will produce up to 80,000m³ per annum. It is proposed to operate the plant 24 hours per day, 7 days per week.

The land is vacant, zoned 4(1) Industrial (Core) Zone. The use is permissible on the site as an 'Industry' defined under the Lake Macquarie Local Environmental Plan 2004.

The use is identified as Designated Development pursuant to the Environmental Planning and Assessment Regulation 2000.

It is also proposed to adjust the boundary of the existing lots. Not all of the land within existing lots 301 and 302 is required for the batching plant, and the residual land within Lot 302 is to be amalgamated with the remainder of existing Lot 303.

Location

The site is located in an existing industrial subdivision in close proximity to the Sydney-Newcastle F3 Freeway. The site is generally cleared and serviced for industrial uses. There are an increasing number of light industrial and industrial uses occupying land within the subdivision, with approximately 50% of allotments developed at the time of writing.

Surrounding development

To the north across Stenhouse Drive the main depot and associated administration building for the Daracon Group has been approved, although not constructed to date.

To the south lies vacant industrial land awaiting development. Adjoining the site to the west is a range of light industrial development in various stages of construction. To the east across Cameron Park Drive is Open Space represented by bushland, and further to the east approximately 1.1 kilometres away is the Northlakes residential subdivision which at the time of writing has been developed in stages, with the final stages closest to the site (approximately 350 metres away) not yet developed and remaining bushland.



Figure 1 – Location (partly extracted from EIS)



Figure 2 – Site Aerial Photograph

The site includes an easement for electricity purposes to the eastern boundary. Vehicle access and the main frontage of the development is off Stenhouse Drive. One boundary adjoins Cameron Park Drive to the south.

The development proposal acknowledges the easements affecting the land and does not encroach upon these areas. The development is not affected by, nor affects, easement restrictions on the land.

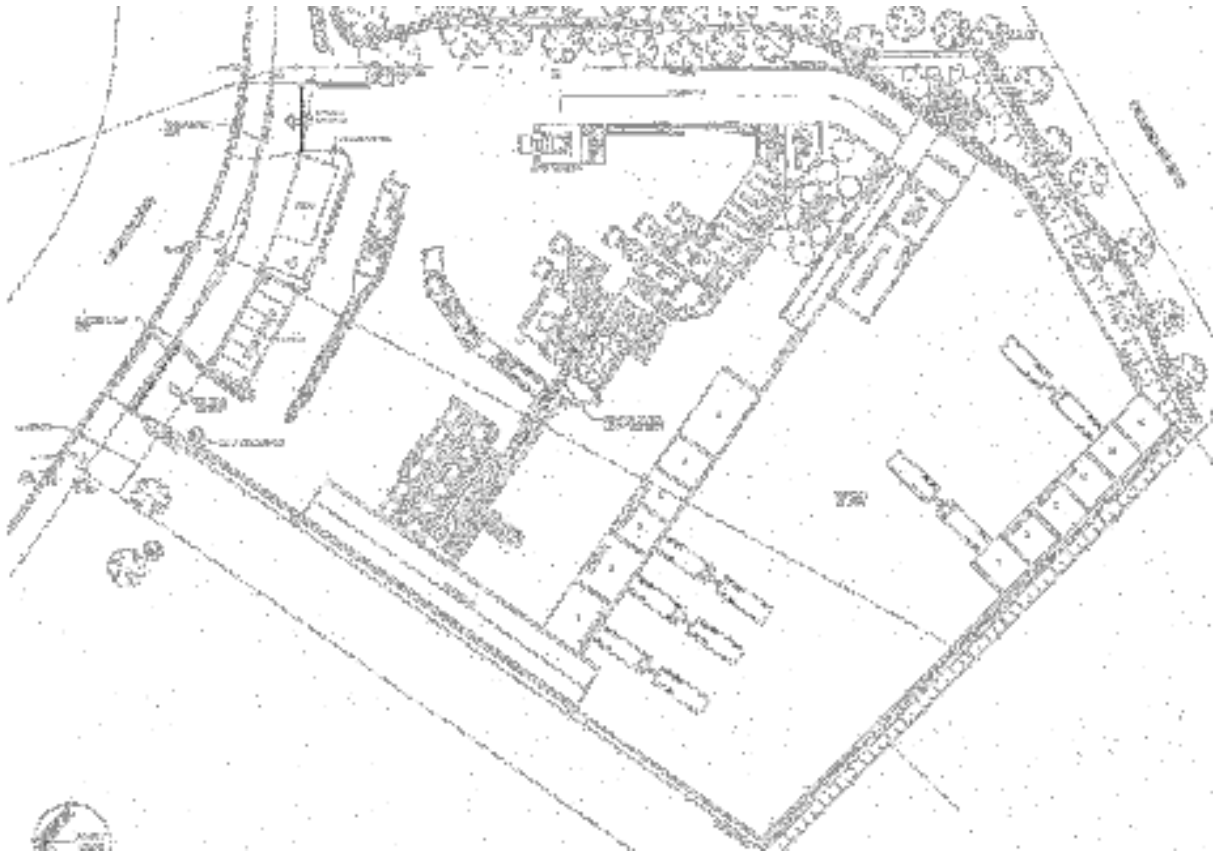


Figure 4 - Proposed Concrete Batching Plant Site Plan (for full plan, please refer to EIS)

The site has an area of 14,804m². The proposed plant has a footprint of approximately 9,561m² and includes truck access and internal driveways, bins for storage of raw materials (aggregate, sand, etc) to a rear, upper level.

At the front, lower level lies the batching plant itself consisting of a tower structure above hopper and loading facilities for cement trucks below. This front section of the site also includes truck parking, washout pits, above ground water storage tanks, feeder bins, truck wash bay and site office.

The Assessment

This report provides an assessment of the material presented in the application against all relevant State and local planning legislation and policy.

Section 79C: Potential Matters for Consideration

79C(1)(a)(i) the provisions of any Environment Planning Instrument (EPI)

State Environmental Planning Policy 33 Hazardous and Offensive Development

The applicant notes materials to be stored on the site do not breach the threshold for a preliminary contamination assessment. The material have been reviewed and this opinion is concurred with. SEPP 33 therefore does not apply to the proposal.

Lake Macquarie Local Environmental Plan 2004 (LMLEP)

Clause 16 Development Consent – matters for consideration

(a) Lifestyle 2020 Vision, Values and Aims

In considering this application Council must have regard to the following vision, values and aims of the Lifestyle 2020 Strategy as expressed in Part 2 of the LMLEP:

Vision

The vision for land to which this plan applies is described in the Lifestyle 2020 Strategy, which is available from the office of the Council.

Values

The 4 core values of that strategy are sustainability, equity, efficiency and liveability.

Aims

The aims of the Lifestyle 2020 Strategy are to:

- (a) provide the community with realistic expectations about the future development patterns for land in Lake Macquarie City, while retaining flexibility for land use decision making in the longer term, and*
- (b) reinforce and strengthen centres so that a wide range of commercial and community services may be provided in a timely and accessible manner, and*
- (c) provide local employment opportunities for residents and promote economic development consistent with the City's natural, locational and community resources, and*
- (d) guide the development of urban communities that are compact, distinct and diverse and include a range of housing types and activities, and*
- (e) achieve a strong sense of positive community identity, through the development of local communities that are safe and liveable and offer a diversity of uses, economic opportunities and ready access to services, and*
- (f) develop an attractive urban setting for the City which reflects its physical and natural environment, and visual character, and*
- (g) manage the City's natural environment so that its ecological functions and biological diversity are conserved and enhanced, and contribute to the City's overall well being, and*
- (h) manage the City's heritage and economic resources in a way that protects the value of these resources and enhances the City's character, and*
- (i) integrate land use with the efficient provision of public and private movement systems.*

The proposal provides a local employment opportunity and represents the economic development of Lake Macquarie within an appropriate industrial setting. The development, whilst industrial in nature and visible from public places including Stenhouse Drive and Cameron Park Drive, will not detract from the visual setting nor affect surrounding communities to a degree that will impact on the liveability or quality of life of residents in the locality. The proposal utilises land created specifically for industrial uses and, as indicated by this assessment, successfully integrates the use with the site with minimal environmental impact.

(b) Objectives of Zone

The land is zoned 4(1) Industrial (Core) zone (see Figure 5 below). The objectives of this zone are to:

- (a) provide land for a wide range of employment-generating industries, including manufacturing, processing, assembly, storage and distribution uses, and
- (b) provide land for a range of industrial uses that, because of their nature, require large areas of land or separation from more intensive forms of employment generating industries, and
- (c) ensure that industries are designed and located so as not to cause unacceptable environmental harm or adversely affect the amenity of the environment, including residential neighbourhoods, and
- (d) provide for sustainable water cycle management.

The proposal has been located in the industrial zone which provides serviced allotments of a size, shape and topography suited to the development. The design, location and management (including air and noise pollution mitigation methods) will result in minimised environmental impact and will not adversely affect amenity, including that of residential neighbourhoods.

Reuse of water is proposed as part of the works.

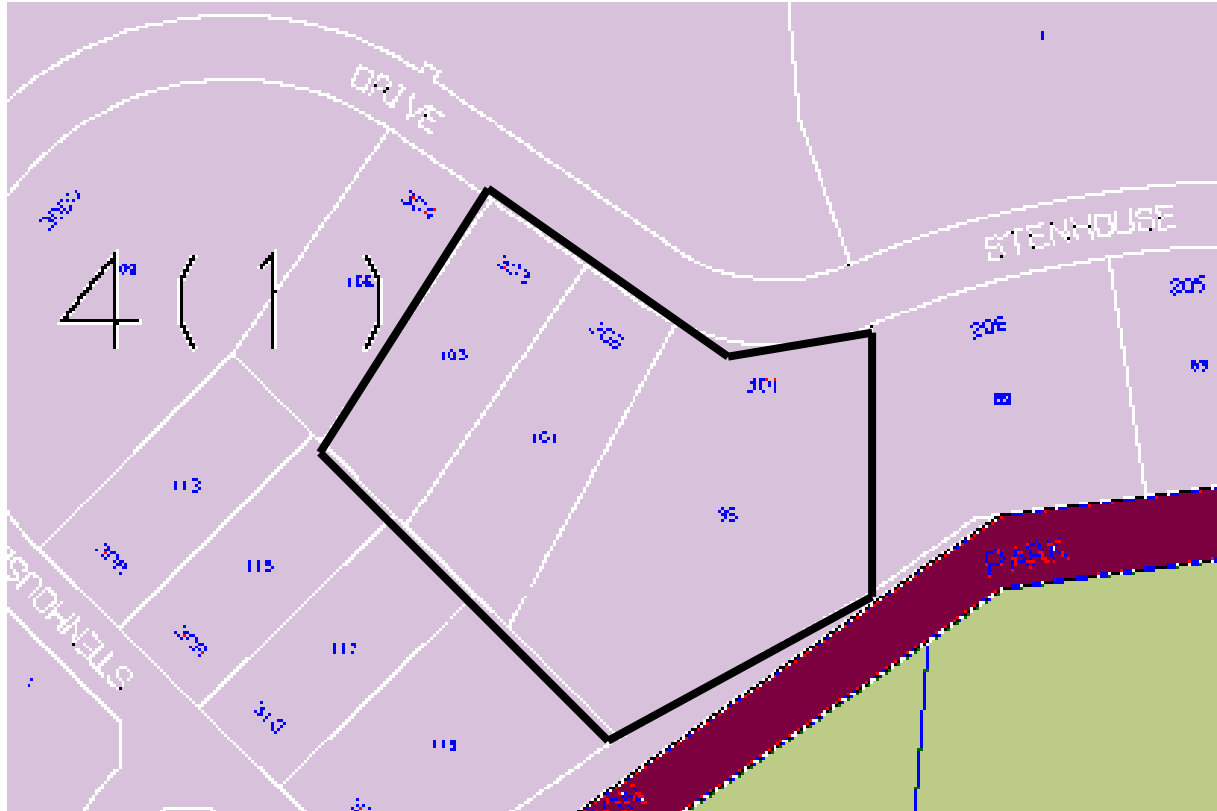


Figure 5 – Zoning of the land – LMLEP 2004

Clause 17 Provision of essential infrastructure

The site is made up of three existing approved and constructed industrial allotments fully serviced by essential infrastructure.

Clause 21 Development the subject of SEPP 1 application

Not applicable.

Clause 29 Building heights

Proposed Heights

The maximum height of the concrete batching plant above natural ground level is approximately 17 metres to 17.5 metres (reaching a maximum height of 95.990 metres RL from existing 78.5 – 79 metres RL). Following proposed cut on the site, the batching plant will reach a total height of approximately 20.5 metres from the new ground level.

The form of the highest element is four large 'silo' structures with filter units and a load bay dust extraction unit fitted to the top of the silos.

Surrounding buildings

Development within the immediate vicinity of the site includes industrial and light industrial buildings rising in height to approximately 12 metres in some instances. There exists an operating concrete batching plant (Redicrete) also in Stenhouse Drive to the north east, of similar design to the proposal.

Compatibility with surrounding buildings and site attributes

The proposed building is compatible with existing industrial and light industrial context of the locality.

Minimisation of the impact of the height of the building to existing residential suburbs to the west of the site (Seahampton) is achieved by the separation distance and setback to Seahampton and non-obtrusive colour of the silos. The visual impact of the development has been assessed as acceptable.

The development proposal is compatible with the site attributes including location and topography.

The site is contextually suited to the height of the building as proposed due to existing development's similar height and the reasonable expectation that intensive industrial developments (such as a concrete batching plant) will be located on the land.

The provision of the DCP in relation to building height have been considered at Section 79C(1)(a)(iii) - 4.1 of this report. The development's height has been assessed as acceptable against the relevant performance criteria of the DCP.

It is concluded that the building's height does not significantly adversely impact upon the site, or surrounding built environment. The proposed height is compatible with the site attributes and existing and proposed land uses on the site and with the heights of other buildings in the immediate vicinity and in the locality.

Clause 30 Control of pollution

The procedure for concrete batching involves the movement of large amounts of earth materials including sand, soil, aggregates, rock, and cement. These movements are undertaken by heavy machinery in the open air, into covered bins and conveyor systems, feeding to the batching plant, which is itself enclosed.

Council's Senior Environmental Officer advises that the measures undertaken to protect the environment from airborne pollutants are satisfactory. Such methods includes enclosing of sensitive areas of the handling and manufacturing process (e.g. storage bins, conveyor belts, batching plant) and dust extraction methods.

Consent is also sought for 24 hour operations, where noise is raised as a possible air pollution issue. The applicant has demonstrated that the works may continue 24 hours and still be within recommended acoustic levels at the nearest residence, however as a precautionary measure a condition of consent is proposed (if consent is granted) to review the 24 hour operation after 12 months.

Clause 31 Erosion and sediment control

The soil and water management plan lodged with the application has been assessed by Council's Erosion and Sediment Control Officer who advises that the plan is sufficient for the scope of works, and no additional erosion and sediment control measures are required in the plan.

A further inspection will be carried out on the commencement of works and at various stages throughout construction. The Erosion and Sediment Control Plan may need altering during construction.

Clause 32 Flood prone land

The land is not flood prone.

Clause 33 Bush fire considerations

The land is bush fire prone, however the industrial use of the land is not for a Special Fire Protection purpose and the application is not Integrated Development. In addition, the

proposal satisfies the provisions of Planning for Bushfire Protection as that document relates to industrial development and subdivision (boundary adjustment).

The application was referred to the NSW Rural Fire Service. The NSW Rural Fire Service advise that the proposal is satisfactory (pers. comm. RFS Gladesville).

Clause 34 Trees and native vegetation

The site is cleared and the proposal will not impact upon trees or native vegetation.

Clauses 35 - 42

Not applicable.

79C(1)(a)(ii) the provisions of any draft EPI

Not applicable.

79C(1)(a)(iii) the provisions of any Development Control Plan (DCP)

Development Control Plan No. 1 – Principles of Development

Section 1.8 – Development Notification Requirements

As required by the EPA Regulation 2000, relevant government departments were notified, being:

Department of Environment, Climate Change and Water;

Department of Planning;

Energy Australia;

Roads and Traffic Authority;

Rural Fire Service;

Transgrid;and

Mine Subsidence Board

Transgrid advised of no objections on 13 October 2009.

The Mine Subsidence Board General Terms of Approval were received on 13 October 2009.

The Department of Environment, Climate Change and Water advised of no comment on 20 October 2009.

The Roads and Traffic Authority advised that it has no objections on 30 November 2009.

Energy Australia advised it has no objections on 1 December 2009.

The NSW Rural Fire Service advise of no objections – (personal Communication RFS Gladesville)

At the time of writing the Department of Planning had not responded to the application.

An advertisement was placed in the Herald (Newcastle) on two occasions, and a sign was placed on the site. The exhibition period was 5 October 2009 to 6 November 2009.

Adjoining and adjacent neighbours were notified of the proposal as well as approximately 200 residences of the village of Seahampton. A total of 21 submissions were received, all objecting to the proposal. These objections are addressed at section 79C(1)(d) of this report.

Section 2.1 – Environmental Responsibility and Land Capability

2.1.1, 2.1.2, and 2.1.4

Council's Development Planner has reviewed the application, including engineering plans, landscape plans and environmental impact assessment, and advises as follows:

Where required the application has been assessed for compliance with ecological requirements / recommendations detailed in the LMCC LEP (2004), DCP 1, TSC Act (amended 2004), Lake Macquarie Flora and Fauna Survey Guideline (2001), Lake Macquarie *Tetratheca juncea* Management Plan (Payne 2001), Lake Macquarie Wetlands Management Study, Lake Macquarie Coastal Management Plan, SEPP 14, 19, 26 & 44, FM Act 1994 and EPBC Act 1999.

A stand of native vegetation exists on the site to the east of the proposed development works which was identified for retention in the Vegetation Management Plan prepared by EJE Architecture dated October 2003 submitted with the subdivision application. The information submitted with the application indicates these trees will not be disturbed as a result of the proposed development.

Only one threatened species was identified in the area under the Statement of Threatened Fauna and Flora prepared by Wildthing Environmental Consultants dated November 2000. This was the Little Bentwing Bat (*Miniopterus australis*) which roosts in caves and similar structures. No roosting sites are present on the subject site and hunting habitat is not to be disturbed.

The Development Planner advises that there is no objection to the development proceeding on ecological grounds subject to a condition requiring retention of native vegetation. This opinion is concurred with. A standard condition of consent will be placed on any consent issued requiring retention of native vegetation.

2.1.3 Scenic Values

Council's Landscape Architect advises that the Visual Impact Statement by Terras has been reviewed and it is agreed that the potential visual impact from the adjacent F3 and George Booth Drive is minimal to low, whilst the impact from Cameron Park Drive and other internal estate locations is moderate, and may be mitigated by proposed landscape work.

The most significant visual impact of the development is from the adjacent residential area, Seahampton. In Appendix Viewpoint 04 and 05 of the VIS, the visual impact is identified as Low, which is not concurred with. A visual impact of moderate is more appropriate. The use of non-reflective materials and colours of low visual prominence will lessen the impact. Council's Landscape Architect is concerned about the impact of the silos when viewed from Seahampton.

An example of a similar development is the Redicrete concrete batching plant located in the same street, Stenhouse Drive, to the north east of the development site (see Figures 6, 7 and 8 below). As can be seen from the street view, the height of the silos are similar to the proposed plant. The visual impact from Seahampton to these silos is not significant and mitigation measures including non-reflective and colour treatments assist in lowering the impact.

Given the close proximity of the two batching plants, cumulative impact of views from Seahampton has been considered. The two sites are separated by vegetation and other industrial buildings by a distance of approximately 520 metres. This distance may lessen when viewed from Seahampton due to oblique angles. Notwithstanding, the instance of two batching plants in the view is not significant due to the distance from Seahampton to the sites (between 1 and 1.5 kilometres) and the mitigation of vegetation between the sites.

The impact on the views from the village of Seahampton as a result of the development is not significant due to the design of the silos (paint colour and non-reflectivity), and the

separation distance from Seahampton to the site, making the silos visible in the background of the vista, and not the foreground of the view.



Figure 6 – Street view of existing Redicrete concrete batching plant, Stenhouse Drive



Figure 7 – Aerial view of Redicrete concrete batching plant, Stenhouse Drive



Figure 8 – Location of the existing and proposed concrete batching plants

2.1.5 Bushfire Risk

See comments at 'Clause 33' above.

2.1.6 - 2.1.8

Not applicable.

2.1.9 Sloping Land and Soils

There is significant cut to be undertaken on the site to enable a large flat area for truck manoeuvring and truck filling. To allow for this requirement, the deepest cut is approximately 5 metres, toward the rear (sought) of the site. The visual impact of the cut is mitigated to some degree by retaining to the boundary. The cut actually serves to improve the visual impact of the development due to the shielding effect and lowering of built form as viewed from public places.

Council's Chief Subdivision Engineer provides the following background and assessment of the cut on the site.

When the Cameron Park Industrial site was rezoned to an industrial zone, it was identified in the engineering investigations that the land had moderate slopes and was thus not ideal for an industrial use. Industrial uses require large flat areas to accommodate large buildings and associated car parking and access arrangements. During the rezoning assessment it was accepted that while the site was constrained by the slope of the land, the other positive aspects of the rezoning and particularly the location of the site adjacent to the F3 Freeway interchange and Newcastle Link Road were sufficiently compelling for the rezoning to proceed. It was always accepted by the officers involved in the rezoning assessment that future development would require substantial cut and fill.

In Stage 1 of the subdivision, no cutting or filling was undertaken as a part of the subdivision works, but most of the subsequent development applications required substantial retaining walls to accommodate the buildings and other associated development. Most of the earthworks and retaining walls for these developments were undertaken to a satisfactory standard and the resulting development outcome is acceptable.

In Stages 2 and 3 of the subdivision it was decided to undertake the majority of earthworks at the time of subdivision. It was expected that this would result in better control of the earthworks and would result in a more consistent landform over the site. As the final development outcomes could not be predicted at the time of subdivision, the site was generally regraded to provide a 5% slope across the lots. It was expected that individual developments on each lot would still require some cut and fill.

The extent of cut and fill proposed for DA/1529/2009 has been reviewed and is an acceptable outcome for the site, when considered in conjunction with the above information. A Geotechnical Report has been prepared for the site and it identifies that from a slope stability perspective the proposed earthworks are satisfactory. There are no negative engineering implications associated with the cut and fill.

The comments and conclusions from Council's Chief Subdivision Engineer are concurred with.

2.1.10 Acid Sulfate Soils

Not applicable.

2.1.11 Erosion Prevention and Sediment Control

See comments at section Clause 31 of this report, above.

2.1.12 Mine Subsidence

The Mine Subsidence Board approve of the proposal and provide General Terms of Approval to be added to any development consent issued.

2.1.13 Contaminated Land

The land is not known to be contaminated.

2.1.14 Energy Efficiency

Not applicable.

2.1.15 Noise and Vibration and 2.1.16 Air Quality and Odour

Given the proposed 24 hour operation of the site and the style of development, including the frequent movement of earth materials, noise and air pollution are possible significant impacts.

Council's Senior Environmental Officer has reviewed the information, submissions and applicants response to the submissions and makes the following comments:

Acoustic Assessment

Council has reviewed and relied on information contained in the acoustic assessment report from Hunter Acoustics dated 18 August 2009.

The assessment has shown that the operation of the proposed concrete plant at this location will be able to meet the noise criteria for daytime, evening and night time operations and will be unlikely to become a source of offensive or intrusive noise.

The applicant shall comply as outlined in the report with the project specific noise levels at the residential boundary at existing premises or residentially zoned land.

The acoustic consultant will need to be engaged by the developer to ensure the proper attenuation measures such as mechanical equipment, plant and acoustic suppression materials are installed within the plant.

Prior to the issue of the **Occupation Certificate**, Council requires certification from the consultant advising that the acoustic design has incorporated noise mitigation measures complying with the consultant's requirements and thus the relevant noise policies and standards.

Upon completion of works, a certificate shall be provided from the acoustic consultant with one (1) month after issue of the **Occupation Certificate** certifying that the works have been completed in accordance with their requirements & that the desired acoustic performance has been achieved.

Air Quality Assessment

The consultant has addressed the relevant issues associated with the proposed concrete plant in report from PAE Holmes dated 24 August 2009 (Job No: 3137) relating to the maintenance of air quality standards, which Council has reviewed and relied upon.

The consultant will need to be engaged by the developer to ensure the proposed air pollution control measures are installed in accordance with the recommendations.

Council will require certification from the consultant within one (1) month after issue of the **Occupation Certificate** relating to the control of air pollutants.

Following exhibition of the proposed concrete batching plant, submissions were received from the public specifically raising noise and dust emissions as concerns. The Senior Environmental Officer comments as follows:

The issues raised by the (Seahampton) residents have been previously addressed in the former DA approved for an existing concrete batching plant owned by Redicrete in the same subdivision.

At that time the residents concerns on potential air pollution issues were quite valid, so Council requested that the proponent carry out air pollution monitoring and test rainwater tanks in the Seahampton/West Wallsend Area.

This was carried out quarterly for several years, and some residents would be aware that extensive testing was conducted by environmental consultants. That study determined that there was no loss of drinking water quality or air pollution issues from the operation of the Redicrete Concrete Batching Plant.

Council undertook an environmental audit of the Redicrete Plant in or about 2007 and determined no evidence of fugitive emissions. Local industries in the immediate vicinity of the batching plant were also interviewed, and all stated that there had never been an issue with air, water or noise pollution since that plant had been in operation.

The proposed plant will be similarly designed and operated. Council's main concern is that, if the plant is to operate after 10.00pm, that it will not cause loss of amenity to nearby residents.

It is not proposed to request that the proponents of this plant embark on a costly extensive monitoring program without justification, and to date, there is none.

Following the above response, the submissions were also addressed by the applicant and an additional acoustic report lodged. Council's Senior Environmental Officer comments on the additional information as follows:

All submissions and comments from Hunter Acoustics have now been reviewed.

Night time hours are of obvious concern to the residents, however, the consultant has adequately addressed the individual residents submissions.

The subject raised by residents of potential noise from reversing alarms was also a concern of Council's, due to the high frequency of those alarms, but the applicant has advised Council that those alarms will be replaced by "quacker" type of lower frequency on both vehicles and fixed plant.

Inspections have been undertaken at the Daracon Quarry whilst the excavators have been operating and listened to the reversing "quacker" alarms. They are low frequency, more appropriate, and less likely to give rise to noise nuisance.

Previous comments on the issue of fugitive air emissions and potential dust deposition to the residential area still stand.

There is no evidence to suggest that tank water supplies are affected by fallout from the operation of the existing Redicrete plant at Cameron Park.

This is based on quarterly reports prepared by Advitech on behalf of Redicrete, which was part of the initial development consent conditions and focused on the monitoring of air quality and water sampling of some of the residential rainwater tanks.

The proposed Daracon plant is similar in design to the Redicrete plant. An environmental audit of the Redicrete plant has been undertaken and surrounding occupants of Stenhouse Drive have been interviewed. Of those interviewed, no one has observed fugitive emissions or have been affected by the operation of the plant.

Based on past histories, Council does not envisage any problems with fugitive emissions or pollution of domestic rainwater supplies from the design and operation of the Daracon batching plant.

From the above assessment it is concluded that the proposal will not result in significant air pollution in terms of dust nuisance. This opinion is based on similar previous development within the same industrial subdivision and is accepted. It should be noted that as there are no fugitive emissions recorded against the Redicrete Concrete Batching Plant, and no fugitive emissions are expected from the proposed plant, the cumulative impact of both plants operating concurrently will be negligible.

With regard to noise, 24 hour operations are also supported by Council's Senior Environmental Officer. However, due to the uncertainty of 24 hour operations for the lack of specific existing examples, and by application of the precautionary principle, 24 hour operations should be limited to a "trial period". As such, if consent is granted, the following condition should be included:

Hours of Operation and Trial Period

(a) Standard Hours of Operation

Following commencement of occupation, the concrete batching plant and associated traffic movements, loading and unloading shall operate only between the times stated as follows:

Monday to Saturday 7:00am to 6:00pm

Saturdays, Sundays and Public Holidays 8:00am to 6:00pm

(b) Extended Hours of Operation – Trial Period

Notwithstanding (a) above, the concrete batching plant and associated traffic movements, loading and unloading may operate 24 hours per day, 7 days per week for a trial period of not more than 12 months from the issue of the Occupation Certificate.

This condition is a reviewable condition pursuant to section 80A (10E) of the Environmental Planning and Assessment Act 1979.

(c) The consent authority may review the period stated in (b) above at any time.

- (d) *Any request to review this condition shall be accompanied by evidence demonstrating that the 24 hour operation of the concrete batching plant does not and will not impact upon any residential property to a level above the residential noise criteria (for all time periods) as identified in the relevant Australian Standard, by Lake Macquarie City Council and by the Department of Environment, Climate Change and Water. Such request will be renotified to adjoining and adjacent owners and nearby residential property owners.*

Managing Complaints

The applicant shall keep a legible record of all complaints made to any employee of the business in relation to noise arising from any activity associated with the 12 month trial period of extended operating hours.

The record must include details of the following:

- (a) The name and address of the complainant (if provided).*
- (b) The time and date the complaint was received.*
- (c) The nature of the complaint and the time and date the noise was heard.*
- (d) The name of the employee who received the complaint.*
- (e) Action taken to investigate the complaint, and summary of the results of the investigation.*
- (f) Indicate what was occurring at the time of the noise was heard if possible.*
- (g) Required remedial action, if required.*
- (h) Validation of the remedial action.*
- (i) Summary of feedback to the complainant.*
- (j) A permanent register of complaints should be held on the premises, which shall be reviewed monthly by staff to ensure all complaints are being responded to. All complaints received shall be reported to management and Council with initial action/investigation commencing within 24 hours. The complainant should also be notified of the results and actions arising from the investigation*

This record of complaints must be produced to any authorised officer of Council who requests to see it.

Wash Bays

The proposed wash bays must be suitably roofed and the floor bunded, graded and drained to suitable sump and oil separator connected to a storage tank for recycling. Any liquid waste being discharge to the sewer of the Hunter Water Corporation must be completed in accordance with the Corporation's requirements. Stormwater is prohibited from being discharged to the Corporation's sewer.

Prior to the issue of the **Construction Certificate** it will be necessary to submit details on the construction of the wash bay areas including bunding, drainage & the installation of the proposed oil/waste separator.

2.1.17 Building Waste Management

Not applicable.

Section 2.2 – 2.4

Not applicable.

Section 2.5 – Stormwater Management, Infrastructure and On-site Services

2.5.1 Essential Infrastructure

The site is fully serviced with essential infrastructure.

2.5.2 On-Site Wastewater Treatment

Not applicable.

2.5.3 Stormwater Management (Drainage System Design) and 2.5.4 On-Site Stormwater Harvesting (Source Controls)

Council's Chief Subdivision Engineer advises that a suitable Stormwater Management Plan by Lindsay Dynan Pty Ltd Drg. DA101 incorporating detention, water harvesting, water quality facilities and site discharge index requirements in accordance with DCP 1 has been provided. The plan is considered adequate to demonstrate compliance with DCP 1 and is supported.

Section 2.6 – Transport, Parking, Access and Servicing

2.6.1 Movement System

Not applicable.

2.6.2 Traffic Generating Development

Although not specifically identified as Traffic Generating Development under SEPP (Infrastructure) 2007, the application was referred to the RTA on 30 September 2009. The RTA advise of no objection to the proposal.

2.6.3 Road Design

Council's Chief Subdivision Engineer advises that Stenhouse Drive, which fronts the development site is a recently constructed industrial road 13 metres wide with sealed pavement and kerb and gutter. This street and surrounding public road system is adequate to support the development proposed.

2.6.4 - 2.6.5

Not applicable.

2.6.6 Vehicle Parking Provision

Parking spaces numbering six in addition to one disabled space is considered adequate for the development.

2.6.7 Car Parking Areas and Structures

Council's Chief Subdivision Engineer advises that the internal driveway and car parking area (including turning movements) appear adequate for the development and comply with DCP requirements including AS 2890.1.

2.6.8 Vehicle Access

Council's Chief Subdivision Engineer advises that the proposed access and sight distances to the proposed development from Stenhouse Drive are satisfactory.

2.6.9 Access to Bushfire Risk Areas

See comments at 'Clause 33' above.

2.6.10 Servicing Areas

Not applicable.

2.6.11 On-Site Bicycle Facilities

Although not specifically indicated on the plans, suitable areas for on-site bicycle facilities is available.

2.6.12 Non-Discriminatory Access and Use

Access to the development's site office is available to persons with a disability, from the allocated disabled space. However, due to the nature of the industry and needs of the batching plant and control room to be placed at a height commensurate with losing of concrete trucks, full access to the control room and associated industrial infrastructure is not available. It is reasonable to expect that in such circumstances full disabled access is not provided. The only method of access to the control room would be via a lift. The expense involved in providing this facility would not provide an equitable outcome and it is in this light that the design of the development is satisfactory.

Section 2.7 – Streetscape and the Public Realm

2.7.1 Streetscape and Local Character

The context of the site is one of transition from an undeveloped but recently established industrial subdivision of land, into a built industrial and light industrial suburb.

The streetscape of the development relies heavily on landscaping to provide an acceptable streetscape, as the (front) administration building has no fenestration and little architectural merit.

The character of the development is consistent with the industrial land use zoning and although at the more functional or 'heavy' end of the industrial spectrum (as opposed to, for example, a high technology industry building of high architectural merit), the nature of concrete batching process necessitates a brutal industrial built outcome.

Landscaping assists with 'softening' the development from view from the street. Additional improvements to the front administration building could be made however it is considered that increasing the visual merit of this building, given the industrial development on the site behind it, would not benefit the overall streetscape and is not required. Reliance on landscaping is paramount to achieving an acceptable streetscape outcome.

2.7.2 Landscape

Council's Landscape Architect advises the following:

This development addresses the requirements from both DCP 1 and the Cameron Park Industrial Estate Landscape Design Control Manual (prepared by EJE Architecture, 2001).

The proposed plant schedule is mainly indigenous and acceptable for such development. However, the planting design along Cameron Park Drive needs to comply with the plant schedule in Cameron Park Industrial Estate Landscape Design Control Manual, to keep the streetscape character consistent in the entire Industrial Estate.

The large indigenous trees, such as *Eucalyptus maculata*, proposed along Stenhouse Drive and western boundary will be facilitative for lessening the impacts to Seahampton residential area. It is suggested increasing the landscape buffer along western boundary to a minimum 6m wide, so it will be sufficient space for double-rowed tree planting, and continue the tree planting to the end with appropriate species of a height to assist in softening.

The Design Control Manual requires supplementary understorey planting to existing bushland at a minimum of 1 plant per 9m². This needs to be implemented in the bushland near eastern boundary.

Trees in mass planting along the boundaries should remain 3 metres to 5 metres spacing to allow sufficient nutrient and moisture to all the trees, and solar access to the understorey

planting. The proposed tree planting in both Cameron Park Drive and Stenhouse Drive landscape buffer is too dense.

Generally the landscaping is acceptable in providing a screening effect and minimising the visual impact of the proposal. The western boundary of the site is limited in its capacity to cater for significant planting, however given the likely future industrial development on the adjoining allotment, it is unlikely that the full benefit of landscape screening will be realised on this elevation.

A condition of consent shall be included on any consent issued requiring a detailed landscape planting sheet addressing the concerns of the landscape architect in terms of compliance with the Cameron Park Industrial Estate Landscape Design Control Manual and the density of plantings.

2.7.3 - 2.7.4

Not applicable.

2.7.5 Light, Glare and Reflection

The design of the development and the proposed neutral colours of the batching plant towers indicate that reflection off the development will not cause nuisance.

As the proposal is for 24 hour works, lighting of the site is proposed. Experience indicates that lighting of industrial sites is able to be undertaken through directional posts and shades or 'hoods' resulting in minimal glare. Notwithstanding and for precautionary purposes, a specific condition of any consent issued shall require that no unacceptable glare be experienced by adjoining property, roadways or residential properties from lighting of the site.

2.7.6 Views

See comments at 2.1.3 above.

2.7.7 Signs

No signs are proposed as part of this application. The applicant should be required, through a condition of consent that a separate application is obtained for the erection of a sign.

2.7.8 Fences

Fencing of the site is proposed to an industrial security form. This design is consistent with existing fencing in the industrial estate. The entrance gates into the site are required to be setback to allow for trucks that are waiting for the gates to open, to do so without impeding traffic on Stenhouse Drive. The proposed fencing should be detailed on the landscape plan to demonstrate its integration with the proposed landscape plantings.

2.7.9 Safety and Security

The site will be fully secure and does not cause adverse impact with regard to the principles of Crime Prevention Through Environmental Design.

Section 3.1 - Lake, Waterway and Coastline Development

3.1.1 - 3.1.2

Not applicable.

Section 3.2 – Subdivision

3.2.1 - 3.2.4

Not applicable.

3.2.5 Boundary Adjustment

The boundary between Lots 302 and 303 is to be adjusted to allow for part of Lot 302 to be taken into Lot 303, as the total areas of Lot 301 and 302 are not required for this development. The boundary adjustment does not impact upon the size of any allotments and all resultant allotments remain at a size conducive to industrial development and consistent with the LMLEP 2004 minimum lot area requirement.

3.2.6 Subdivision - Existing Buildings Whether or not Including Land

Not applicable.

Sections 3.3, 3.4 and 3.5

Not applicable.

Section 3.6 – Industrial, Bulky Goods and Utility Installation Development

3.6.1 Environmental Performance

The nature of concrete manufacture relies heavily on energy, water and raw materials. The proposal provides for water reuse in the manufacturing process. Other energy saving methods are not readily available due to the nature of the manufacturing process.

3.6.2 Site Layout

The site layout is functional in design. The batching plant towers are located toward the centre of the site with surrounding loading and storage bins to the boundaries, along with retaining walls and some landscaping and fencing. The site layout is acceptable in the circumstances.

3.6.3 Building Design and Appearance

As noted at 'streetscape' above, the buildings are highly industrialised in appearance, nature and function. It would be unreasonable to require embellishment to the buildings to increase the architectural interest as it is not envisaged that any treatment would be seen as tokenistic and would not achieve the desired results. The industrial context of Cameron Park allows intrusive elements such as the concrete batching plant, subject to the imposition of relevant conditions of approval.

Sections 3.7 and 4

Not applicable.

79C(1)(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

Not applicable.

79C(1)(a)(iv) any matters prescribed by the regulations

The Regulation 2000 provides:

(1) *For the purposes of section 79C (1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*

(a) *in the case of a development application for the carrying out of development:*

- (i) *in a local government area referred to in the Table to this clause, and*
- (ii) *on land to which the Government Coastal Policy applies,*
the provisions of that Policy,

(b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

The Government Coastal Policy does not apply. The application is not for the demolition of a building.

79C(1)(b) the likely impacts of the development

The following matters were considered and, where applicable, have been addressed elsewhere in this report.

Context & Setting	Waste
Access, transport & traffic	Energy
Public domain	Noise & vibration
Utilities	Natural hazards
Heritage	Technological hazards
Other land resources	Safety, security & crime prevention
Water	Social impact on the locality
Soils	Economic impact on the locality
Air & microclimate	Site design & internal design
Flora & fauna	Construction

79C(1)(c) the suitability of the site for development

Does the proposal fit the locality?

The proposal is suited to the locality, subject to the imposition of appropriate conditions.

Are the site attributes conducive to development?

The site attributes are conducive to development.

79C(1)(d) any submissions made in accordance with this Act or the Regulations?

Public submissions:

A total of 21 submissions were received from the public. These are summarised in the table below:

	Address	Date of Correspondence
1	6 Fifth Street, Seahampton NSW 2286	-
2	6 Fifth Street, Seahampton NSW 2286	-
3	6 Fifth Street, Seahampton NSW 2286	-
4	46 Elizabeth Street, Holmesville, NSW 2286	2 November 2009
5	21 Fifth Street, Seahampton NSW 2286	2 November 2009
6	12 George Booth Drive, Seahampton NSW 2286	4 November 2009
7	11 Fifth Street, Seahampton NSW 2286	3 November 2009
8	3 Fourth Street, Seahampton NSW 2286	6 November 2009
9	Resident of Seahampton	5 November 2009
10	Resident of Seahampton	1 November 2009
11	15 George Booth Drive, Seahampton NSW 2286	6 November 2009
12	10 Fifth Street, Seahampton NSW 2286	6 November 2009

13	PO Box 122, West Wallsend NSW 2286	3 November 2009
14	10 Fifth Street, Seahampton NSW 2286	6 November 2009
15	8 Fifth Street, Seahampton NSW 2286	5 November 2009
16	8 George Booth Drive, Seahampton NSW 2286	8 October 2009
17	50 Fifth Street, Seahampton NSW 2286	30 October 2009
18	17 Fifth Street, Seahampton NSW 2286	5 November 2009
19	55 Earl Street, Holmesville NSW 2286	8 November 2009
20	7 Fifth Street, Seahampton NSW 2286	29 October 2009
21	46 Elizabeth Street, Holmesville, NSW 2286	8 January 2010

The submissions contained above vary in their objection to the proposal. Generally, noise, dust, and impact on water quality are the main issues raised.

Each submission has been considered by Council's Senior Environmental Officer and assessed against the environmental concerns raised.

It is concluded that air pollution from air borne particles and resultant effect on the quality of drinking water of residences in Seahampton will not be significant due to the dust mitigation measures to be employed on the site and within the manufacturing process, as well as anecdotal and empirical evidence from an existing operating concrete batching plant in the locality.

With regard to noise and the 24 hour operations, whilst it is concluded that the plant may operate on a 24 hour basis whilst still complying with the relevant industrial noise limits, this conclusion is based upon projected levels and not measured levels (unlike the dust issue, where empirical evidence is available). A precautionary approach to the operations should therefore be undertaken and a 'trial period' implemented. A condition of consent should therefore be imposed in this regard, if consent is issued.

Submissions from public authorities:

As required by the EPA Regulation 2000, relevant government departments were notified, being:

Department of Environment, Climate Change and Water;

Department of Planning;

Energy Australia;

Roads and Traffic Authority;

Rural Fire Service;

Transgrid;and

Mine Subsidence Board

Transgrid advised of no objections on 13 October 2009.

The Mine Subsidence Board General Terms of Approval were received on 13 October 2009.

The Department of Environment, Climate Change and Water advised of no comment on 20 October 2009.

The Roads and Traffic Authority advised that it has no objections on 30 November 2009.

Energy Australia advised it has no objections on 1 December 2009.

The NSW Rural Fire Service advise of no objections – (personal Communication RFS Gladesville)

At the time of writing the Department of Planning had not responded to the application.

79C(1)(e) the public interest

There are a significant number of objections to the proposal from the community (21). These objections are based on the apprehension that the environmental performance of the concrete batching plant in terms of dust and noise pollution will be unacceptable and impact upon the health and lives of residents.

The detailed EIS has been assessed by Council's Senior Environmental Officer and conclusions reached as to the impact of the development. With appropriate techniques, dust and noise may be minimised. A precautionary approach is recommended, however, with regard to the 24 hour operations.

The concrete batching plant will provide the community with needed employment and infrastructure to continue the industrial growth of Cameron Park, as encouraged by Lifestyle 2020 and LMLEP 2004. If this is undertaken with minimal environmental impact, the result will be positive for the community and the applicant/operator/owner.

Conclusion:

Based on the above assessment it is concluded that the erection and operation of a concrete batching plant at 95-103 Stenhouse Drive, Cameron Park will result in a minimal impact on the environment, if mitigation conditions are employed for the control of dust and noise.

Recommendation:

It is concluded that the application be approved, subject to the conditions contained in Appendix A to this report.

Chris Dwyer
Principal Development Planner
Lake Macquarie City Council

I have reviewed the above planning assessment report and concur with the recommendation.

John Andrews
Chief Development Planner
Lake Macquarie City Council

APPENDIX A – CONDITIONS

Reason for the Imposition of Conditions

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the Environmental Planning and Assessment Act 1979 (as amended) are achieved:

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land,
 - (iii) The protection, provision, and co-ordination of communication and utility services,
 - (iv) The provision of land for public purposes,
 - (v) The provision and co-ordination of community services and facilities, and
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats, and
 - (vii) Ecologically Sustainable Development, and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

1 Prescribed Conditions

- (a) The work must be carried out in accordance with the requirements of the Building Code of Australia.
- (b) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(i)	showing the name, address and telephone number of the Principal Certifying Authority for the work, and
(ii)	showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
(iii)	stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given the Council written notice of the following information:

(i)	in the case of work for which a principal contractor is required to be appointed:	
	a.	the name and licence number of the principal contractor, and
	b.	the name of the insurer by which the work is insured under Part 6 of that Act,
(ii)	in the case of work to be done by an owner-builder:	
	a.	the name of the owner-builder, and
	b.	if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (d) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e)

(i)	For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:	
	a.	protect and support the adjoining premises from possible damage from the excavation, and
	b.	where necessary, underpin the adjoining premises to prevent any such damage.
(ii)	The condition referred to in (e) (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.	

2 Approved Documentation

This development consent incorporates plans and documents referenced and stamped:

- (a) Development Consent No. DA/1529/2009
 (b) Plans Reference:

Design Drawings prepared by Lindsay & Dynan Pty Ltd; Project Ref No. 6222			
Drawing No.	Revision	Name of Plan	Date
DA101	B	Construction Notes, Drawing List & Site Key	23.09.09
DA102	B	Plant Layout	23.09.09

DA103	B	Site Elevations & Cross Sections	23.09.09
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Drainage Concept Drawing prepared by Lindsay & Dynan Pty Ltd; Project Ref No. 6222			
Drawing No.	Revision	Name of Plan	Date
DA104	B	Stormwater Drainage Concept Plan	23.09.09

Erosion and Sediment Control Drawings prepared by Lindsay & Dynan Pty Ltd; Project Ref No. 6222			
Drawing No.	Revision	Name of Plan	Date
DA106	A	Bulk earthworks / Erosion & Sediment Control Plan	23.09.09
DA107	A	Erosion & Sediment Control Details	23.09.09

Landscape Plans prepared by Daracon Group			
Drawing No.	Issue	Name of Plan	Date
42000-164-01	C	Landscape Plan	23.09.09
42000-164-02	C	Landscape Plan	23.09.09
42000-164-03	C	Landscape Plan	23.09.09

(c) Document Reference:

Document	Project No.	Author	Date
Environmental Impact Statement, including Appendices	00006222	Lindsay & Dynan Consulting Engineers	September 23, 2009

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) Any amendments in RED on the approved plans or documents;
- (ii) Any notes, markings, or stamps on approved plans or documents;
- (iii) Any conditions contained in this consent; and
- (iv) Any minor alterations to the development by the PCA limited to securing compliance with the Building Code of Australia and Australian Standards, that do not change the physical form of the approved development

3 Hours of Operation and Trial Period

(a) Standard Hours of Operation

Following commencement of occupation, the concrete batching plant and associated traffic movements, loading and unloading shall operate only between the times stated as follows:

Monday to Saturday 7:00am to 6:00pm

Saturdays, Sundays and Public Holidays 8:00am to 6:00pm

(b) Extended Hours of Operation – Trial Period

Notwithstanding (a) above, the concrete batching plant and associated traffic movements, loading and unloading may operate 24 hours per day, 7 days per week for a trial period of not more than 12 months from the issue of the Occupation Certificate.

This condition is a reviewable condition pursuant to section 80A (10E) of the Environmental Planning and Assessment Act 1979.

- (c) The consent authority may review the period stated in (b) above at any time.
- (d) Any request to review this condition shall be accompanied by evidence demonstrating that the 24 hour operation of the concrete batching plant does not and will not impact upon any residential property to a level above the residential noise criteria (for all time periods) as identified in the relevant Australian Standard, by Lake Macquarie City Council and by the Department of Environment, Climate Change and Water. Such request will be renotified to adjoining and adjacent owners and nearby residential property owners.

4 Complaints Management

The applicant must keep a legible record of all complaints made to any employee of the business in relation to noise arising from any activity associated with the 12 month trial period of extended operating hours.

The record must include details of the following:

- (a) The name and address of the complainant (if provided).
- (b) The time and date the complaint was received.
- (c) The nature of the complaint and the time and date the noise was heard.
- (d) The name of the employee who received the complaint.
- (e) Action taken to investigate the complaint, and summary of the results of the investigation.
- (f) Indicate what was occurring at the time of the noise was heard if possible.
- (g) Required remedial action, if required.
- (h) Validation of the remedial action.
- (i) Summary of feedback to the complainant.
- (j) A permanent register of complaints should be held on the premises, which shall be reviewed monthly by staff to ensure all complaints are being responded to. All complaints received shall be reported to management and Council with initial action/investigation commencing within 24 hours. The complainant should also be notified of the results and actions arising from the investigation. This record of complaints must be produced to any authorised officer of Council who requests to see it.

5 Construction Certificate

Prior to the commencement of work for the construction of the building and/or structures, a Construction Certificate shall be obtained.

A Construction Certificate is obtained by completing the approved form and submitting to Council or an accredited certifying authority for approval.

Note: If the application is approved by a certifying authority that is separate from Council, the Construction Certificate and other approved documents shall be lodged with Council a minimum two days prior to the commencement of work.

6 Occupation Certificate

Prior to the occupation and/or use of the building, an Occupation Certificate must be issued by the accredited certifier.

Where Council is the accredited certifier, an Occupation Certificate will be produced after a satisfactory completion inspection using the information contained in:

- (a) the Construction Certificate; and
- (b) using the information required in accordance with clause 149 of the Environmental Planning and Assessment Regulation 2000.

Where the Occupation Certificate has been issued by a certifying authority other than Council, a copy of the Occupation Certificate shall be submitted to Council with the supporting documentation within 2 days from the date of determination of the Occupation Certificate together with the document registration fee as set out in Council's Pricing Policy.

7 Disposal of Excess Fill and Advice of Haulage Routes

Any excess fill arising from the proposed development shall be deposited at a Council approved site. Notification and prior arrangement to this Council approved site may be required prior to any fill being deposited. The details of the composition and volume of the fill and the site of disposal are to be forwarded to Council prior to issue of any Construction Certificate.

Haulage routes of proposed disposal of excess fill are to be lodged with and approved by Council prior to any excess fill leaving the site.

8 Importation of Fill

Prior to the importation of any fill onto the site, such material shall be validated from a contamination perspective to ensure the imported fill is suitable for the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage.

All fill imported onto the site is to be validated by the following methods during remediation or earthmoving works.

- (a) Documentation from a suitably qualified person (geotech engineer or occupational hygienist), which certifies that the material is not contaminated based upon analysis of the material or the known past history of the site where the material is obtained; and /or
- (b) Sampling and analysis of the fill material should be conducted in accordance with the *EPA Sampling Design Guidelines (1995)* to ensure that the material is not contaminated.

Excavation and Retaining

Wherever the soil conditions so require, a retaining wall or other approved methods of preventing movement of the soil shall be provided and adequate provision made for drainage.

No additional excavation/fill is to occur outside the area as shown on the approved plans, except with prior development consent or where the excavation/fill complies with the provisions for exempt development of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

No fill or retaining walls shall be located within any drainage easement located upon the subject property.

Retaining walls and associated drainage works are to be located wholly within the subject property boundaries and to be connected to the existing stormwater system on the subject property.

10 Filling

The applicant shall arrange for all fill to be placed in accordance with the standards specified in Table 5.1 of AS 3798 "Guidelines on Earthworks for Commercial and Residential Developments".

No additional fill shall be placed outside the area as shown on the approved plans, except with prior development consent or where the filling complies with the provisions for exempt development of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

No fill or retaining walls shall be located within any drainage easement located upon the subject property.

11 Retention of Native Vegetation

All native vegetation on the site shall be retained and protected unless it has been identified for removal on the approved plans or documentation.

Trees or native vegetation on the site that are in close proximity to the approved buildings (i.e. within 0 to 5 metres of the approved building) may also be removed provided they have not been identified for specific retention in any of the approved plans or documentation.

All reasonable measures shall be undertaken to protect all other native vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:

- installing exclusion fencing (eg; No Go tape, helicopter tape or orange mesh) around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Exclusion fencing is to be installed prior to commencement of works and maintained in good working order for the duration of works. The applicant shall notify Council when exclusion fencing has been installed.
- prohibiting compaction and the placement of fill within 5 metres of trees and native vegetation that are to be retained;
- keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- limiting the number of access points;
- Salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- Notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

12 Category 3 Landscaping

All landscaping shall be permanently maintained in a good condition in accordance with Council's Development Control Plan No. 1 – Section 2.7.2 Landscape for Category 3 Landscaping.

Landscaping shall comply with the provisions of the Cameron Park Industrial Estate Landscape Design Control Manual (EJE Architecture, 2001). In addition, the following shall be implemented:

- Supplementary understorey planting to existing bushland of minimum 1 plant per 9m². This shall be implemented in the bushland near the eastern boundary of the site.
- Trees in mass planting along the boundaries shall be planted at 3 – 5 metre spacing to allow sufficient nutrient and moisture to all the trees, and solar access to the understorey planting. The proposed tree planting in both the Cameron Park Drive and Stenhouse Drive landscape buffer is too dense.
- Fencing detail consisting of materials and colours to compliment the development.

A revised landscape detail schedule addressing the Design control Manual and the above specific points, shall be lodged with and approved by Council prior to works commencing.

At the completion of landscape works the landscape consultant must submit to Council a Landscape Completion Report that establishes satisfactory completion of the landscaping works inclusive of the fencing detail approved by this consent.

All landscape works shall be carried out by members of the Landscape Contractors Association of Australia and implemented under the full supervision of the landscape consultant responsible for the design. An approved consultant shall be employed for the duration of the work until the final landscape works report is received by Council.

13 Advertising Structures and Signs

Separate development consent shall be obtained prior to the erection of any advertising structures or signs on the site.

14 Consolidation of Lots

Lots 301 and 302 DP1089554 shall be consolidated into one allotment, following the proposed boundary adjustment between Lots 302 and 303 DP1089554.

The final plan of consolidation shall be approved prior to the issue of the Occupation Certificate, and shall be registered at the Land and Property Management Authority.

15 Construction Site Safety Fencing

Construction site safety fencing shall be provided around the construction area to prevent unauthorised access to the construction site.

16 Lighting

Lighting of the land shall be designed so as to ensure there is no unacceptable glare onto adjoining properties, roadways or residential premises. The design of the lighting shall comply with the relevant Australian Standard.

17 Entrance Gates

Fencing entrance gates to the site from Stenhouse Drive shall be recessed / setback to allow for the largest vehicle servicing the site to park/idle whilst waiting for gates to open without obstructing traffic movement in Stenhouse Drive. The provision, maintenance and operation of the gates are to be considered in the resolution of the landscape plan.

18 Building Waste

Suitable provision for the containment of building waste materials generated by the building process, shall be provided within the boundaries of the building site prior to any construction work being commenced above natural or excavated ground level, as follows:-

- (a) Such containment measures are to be either by means of a screened area of silt stop fabric or shade cloth, having dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin;
- (b) The provision of a suitable enclosure or bin shall be maintained for the term of the construction to the completion of the project;
- (c) The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

19 Road Openings

The applicant is hereby given permission to open a road/footpath for the installation of all water services, cables or mains. Upon completion of the work, the applicant shall return the surface to a safe condition.

All precautions must be taken to protect the public while work is in progress.

Prior to carrying out an opening, please contact Council's Customer Service Centre on 4921 0333 to advise when the works will be carried out.

20 Unobstructed Footpath Access

Throughout the construction of the development, Council's footpath is to be kept clear of any materials, refuse, skip bins or the like to allow unobstructed access by pedestrians.

Where it is not possible to store materials, refuse, skip bins or the like on the site, it will be necessary to make an application to Council to erect barricades and the like, to provide safe pedestrian access.

21 Site Amenities

Throughout the course of building operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be installed as follows:

- (i) In a sewered area, connect the temporary builder's service to the Hunter Water Corporation's sewerage system in accordance with such authority's requirements prior to commencing building operations.
- (ii) Where the connection of the builder's toilet to the Hunter Water Corporation's sewer is impractical, an application to approve the use of a chemical closet is to be made to Council accompanied with the appropriate fee for approval.

22 Erosion and Sediment Controls

Prior to the commencement of work, erosion and sediment control barriers shall be installed in accordance with Council's Guidelines for Erosion and Sediment Control from Building Sites as follows:

- (a) Silt fence consisting of driven pickets at 3m maximum centres, Geotextile filter fabric securely attached to the pickets with the base of the fabric buried a minimum 150mm below undisturbed ground surface and/or straw bales fixed in a 100mm deep trench and held in position with stakes driven 600mm into the ground.
- (b) The site entrance/exit shall be constructed at a minimum width of 3 metres with a surface of compacted chitter, gravel or a sealed surface. A diversion drain shall be installed to minimise runoff via the access to the road.
- (c) Provision of a blue metal filled groin adjacent to the kerb inlet. The groin shall be 900 mm long by 200 mm diameter to be filled with 10-18 mm blue or crushed rock.
- (d) Material stock pile area (eg. sand or soil) shall be contained with a silt fence of driven pickets at 3 metre maximum centres and Geotextile filter fabric buried a minimum 150 mm below undisturbed ground surface.

These controls are to be effectively maintained throughout the building phase. Failure to comply with these requirements may lead to Council instituting legal proceedings under the Protection of the Environment Operations Act 1997. Should any soil or sediment escape from the building site (for example from vehicle tyres) it is to be cleaned off the roadway or gutter immediately to ensure it can not enter the drainage system. Any nearby drainage pit must be protected with blue metal sausages.

23 Dust Suppression

During the extraction, removal, and transportation stage of material, the applicant shall ensure that airborne dust does not leave the site. This may require the watering of the material to prevent the generation of wind-blown dust particles.

If evidence is received or obtained by Council that airborne dust from the site has affected the amenity of any surrounding or nearby properties (including properties in the village of Seahampton), then dust suppression methods (such as watering of the material using water trucks) must be implemented to the satisfaction of Council in order to negate the affect of airborne dust affecting the amenity of adjoining properties.

24 Dial Before You Dig

Prior to commencement of work the developer shall contact the free national community service "Dial before you Dig" on 1100 or by fax on 1200652077 regarding the location of underground services in order to prevent injury, personal liability and even death.



25 Noise - Commercial and Industrial/Home Occupation

The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the worst affected residential premises shall comply with the more stringent of the intrusive or amenity criteria calculated in accordance with the NSW Department Environment and Climate Change (DECC) Industrial Noise Policy, which is also applied to commercial premises. For assessing amenity criteria, the area

shall be categorised in accordance with the guidelines outlined in Chapter 2 of the policy.

26 Noise - Construction Sites

The operating noise level of machinery, plant and equipment when measured at the boundary of the worst affected residential premises during construction operations (including excavation) shall comply with the following:

- (i) Construction period of 4 weeks and under.

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the L90 background level by more than 20 dBA.

- (ii) Construction period greater than 4 weeks and not exceeding 26 weeks.

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the L90 background level by more than 10 dBA.

Time Restrictions

- Monday to Friday, 7.00am to 6.00pm.
- Saturday, 7.00am to 1.00pm if inaudible on residential premises, otherwise: 8.00am to 1.00pm.
- No construction work to take place on Sundays or Public Holidays.

Silencing

All possible steps should be taken to silence construction site equipment. It is particularly important that silenced equipment should be used on works where 24 hour operations are necessary.

If the construction period is in excess of 26 weeks, the applicant is to provide Council with a Site Management Plan prepared with the assistance of a recognised acoustic consultant, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise to neighbourhood. If the applicant is unable to achieve this performance standard, Council may impose further time restrictions during which construction may proceed.

27 Construction Site Vibration

Vibration from construction site operations on surrounding land shall comply with AS2670.1 – 2001 and/or Chapter 174 of the NSW Department of Environment, Climate Change and Water (DECCW) Noise Control Manual.

28 Acoustic Assessment Report

The applicant shall comply as outlined in the Hunter Acoustic report dated 18 August 2009 with the project specific noise levels at the residential boundary at existing premises or residentially zoned land.

An acoustic consultant shall be engaged by the developer to ensure the proper attenuation measures such as mechanical equipment, plant and acoustic suppression materials are installed within the plant.

Prior to the issue of the Occupation Certificate, Council requires certification from the consultant advising that the acoustic design has incorporated noise mitigation measures complying with the consultant's requirements and thus the relevant noise policies and standards.

Upon completion of works, a certificate shall be provided to Council from the acoustic consultant with one (1) month after issue of the Occupation Certificate certifying that the works have been completed in accordance with their requirements and that the desired acoustic performance has been achieved.

29 Air Quality Assessment

A consultant shall be engaged by the developer to ensure the proposed air pollution control measures are installed and maintained for the life of the development in accordance with the recommendations of the PAE Holmes report dated 24 August 2009 (Job No: 3137).

Certification from the consultant shall be lodged with Council within one (1) month after issue of the Occupation Certificate relating to the control of air pollutants and as deemed necessary by Council for the life of the development.

30 Hazardous or Offensive Storage

The development shall not operate as a hazardous storage establishment or offensive storage establishment as defined by State Environmental Planning Policy 33 – Hazardous and Offensive Development, being:

***hazardous storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality:*

- (a) to human health, life or property, or
- (b) to the biophysical environment.

***offensive storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.*

31 Bund Spillage Areas

All work storage areas where spillages are likely to occur are to be suitably banded in accordance with the NSW Department of Environment, Climate Change and Water (DECCW) Environment Protection Manual – “Bunding and Spill Management”.

32 Control Liquid Gaseous Emissions

Any liquid or gaseous wastes or emissions shall be properly controlled and disposed of in accordance with the requirements of the Department of Environment, Climate Change and Water (DECCW), the Hunter Water Corporation and Lake Macquarie City Council.

33 Emissions

There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

34 Segregation of Drainage

Prior to the issue of any Construction Certificate, details are to be submitted to Council demonstrating the segregation of drainage areas subject to contamination from fuel oil, grease or fuel spills. The methods for preventing contaminants discharging from the site into the stormwater system are to be provided and maintained for the life of the development.

35 Liquid Wastes

Prior to the issue of any Construction Certificate details shall be submitted to Council regarding the collection and disposal of liquid wastes arising from the operations. Details are to include segregation of drainage areas subject to likely contamination, and the methods for preventing contaminants discharging from the site into the stormwater system.

36 Degreasing and Steam Cleaning

Any washing, degreasing or steam cleaning of vehicles, plant, engines, mechanical equipment or parts shall be carried out within an approved, wash bay or vessel and shall not be carried out elsewhere on the site.

37 Stormwater Runoff

All surface stormwater run-off from trafficable areas subject to contamination shall be disposed of by means which do not pollute waters. The applicant is to provide detailed plans prior to issue of the first Construction Certificate specifying control methods to prevent pollutants from leaving the site with stormwater run-off.

38 Wash Bays

The proposed wash bays shall be suitably roofed and the floor bunded, graded and drained to suitable sump and oil separator connected to a storage tank for recycling. Any liquid waste being discharged to the sewer of the Hunter Water Corporation must be completed in accordance with the Corporation's requirements. Stormwater is prohibited from being discharged to the Corporation's sewer.

Prior to the issue of the first Construction Certificate, details on the construction of the wash bay areas including bunding, drainage and the installation of the proposed oil/waste separator shall be lodge with Council.

39 Stormwater Disposal

Stormwater Detention and Harvesting

The applicant shall include stormwater plans and supporting calculations for the development with the Construction Certificate application generally in accordance with the stormwater plan prepared by Lindsay and Dynan Pty Ltd, Drawing No. DA101, dated 23 September 2009 and in accordance with the following:-

- The diversion drain and level spreader located in the area marked (AC) in DP 1089554, shall be located so that no trees are damaged or removed. All disturbed areas shall be revegetated with native plants.
- Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels,

- Detention storage shall be calculated and designed in accordance with “Australian Rainfall and Runoff 1987” and the Lake Macquarie City Council guideline – “Handbook for Drainage Design Criteria” and shall conform to the specifications and standards contained in the LMCC Engineering Guidelines.
- Stormwater harvesting measures shall be constructed and maintained in accordance with clause 2.5.4 of DCP 1 (and supporting guidelines). Stormwater drainage plans shall include details of the harvesting system (eg. rainwater tank and pump details plus reticulation diagrams).

All drainage works shall be carried out in accordance with the approved plans. A Works As Executed Plan that shows that the works comply with the Construction Certificate Drainage Plans shall be provided to the Principal Certifying Authority before the issue of any Occupation Certificate.

The Works as Executed Plan shall be endorsed by a Registered Surveyor or the Designing Engineer.

40 Geotechnical Report Compliance

The applicant shall comply with the recommendations of the Geotechnical Report No. GS507-001/0 prepared by Geotech Solutions Pty Ltd dated 9 September 2009. Any works proposed to be undertaken in relation to the application shall embody all the relevant recommendations of the Geotechnical Consultants. All construction plans shall be endorsed by and carry the original signatures of the Geotechnical Consultants (i.e. not photocopies) prior to the issue of the first Construction Certificate.

41 Parking Areas and Access Ways

All parking areas and access ways shall be constructed, sealed and drained in accordance with the standards nominated in Lake Macquarie City Council’s Development Control Plan No. 1 and the associated Engineering Guidelines.

Under no circumstances are the designated parking areas and access ways to be used for storage of any items or equipment.

42 Fix Damage Caused by Construction Works

The Applicant shall make good any damage or injury caused to a public road or associated structures including drains, kerb and gutter and utility services caused as a consequence of the development works. Any disused gutter and footpath crossing shall be removed and replaced with full kerb to match adjoining kerb to the satisfaction of the Principal Certifying Authority.

43 General Terms of Approval – Mine Subsidence Board

The following conditions are imposed by the Mine Subsidence Board as General Terms of Approval for the issue of an approval under Section 15 of the Mine Subsidence Compensation Act 1961:

- 1 The final drawings, to be submitted prior to commencement of construction, contain a certification by a qualified structural engineer that the improvements have been designed to cater for the following mine subsidence parameters, and any damage would be slight, localised and readily repairable:
 - (a) Maximum ground strains of ± 2 mm/m.
 - (b) Maximum tilt of 3mm/m.
- 2 On completion of all building work, a certification is required by a qualified structural engineer to the effect that all improvements have been constructed in compliance with the plans approved by the Board.

- 3** The number, size and boundaries of lots being substantially as shown on the approved plan.
- 4** Notification being made to the Board of any changes to lot numbering and of the registered DP number.