

MINUTES OF THE HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL MEETING HELD AT LAKE MACQUARIE CITY COUNCIL ON THURSDAY, 4 MARCH 2010 AT 5:30 PM

PRESENT: Garry Fielding (Chair)
Jason Perica . (Deputy Chair)
Cr Barry Johnston
Kara Krason

IN ATTENDANCE

Chris Dwyer	Principal Development Planner, LMCC
Chris Baker	Senior Environmental Officer, LMCC
Greg Field	Chief Subdivision Engineer, LMCC
Stephen Brown	Manager Development Assessment & Compliance, LMCC
John Andrews	Chief Development Planner, LMCC
Louise Wilson	Operational Team Leader, LMCC

APOLOGY: Peter Rees – Panel Member
Kay Fraser – Alternate Panel Member

The meeting commenced at 5:30pm. The Chair welcomed everyone to the meeting of the Panel.

1. Declarations of Interest - Nil

2. Business Items

ITEM 1 - ***JRPP 2009HCC008 Lake Macquarie DA 1529/2009 - Concrete Batching Plant, 95-101 Stenhouse Drive, Cameron Park***

3. Public Submissions

Bernard Griffin	Addressed the panel against the item
Graham Pritchard	Addressed the panel against the item
Brian Adamthwaite	Addressed the panel against the item (twice)
Anne Andrews	Addressed the panel against the item
Merv Lindsay	Applicant/Consulting Engineer – Addressed the panel in favour of the item
Chris Pike	Project Manager, Daracon – Addressed the panel in favour of the item
Ray Tumney	Hunter Acoustics – Addressed the panel in favour of the item
Cynthia Isley	Pae Holmes – Addressed the panel in favour of the item

4. Business Item Recommendations

JRPP 2009HCC008 Lake Macquarie DA 1529/2009 - Concrete Batching Plant, 95-101 Stenhouse Drive, Cameron Park

The Hunter and Central Coast Joint Regional Planning Panel unanimously adopted the Council officer's recommendation (as contained in the updated memorandum to members dated 4 March 2010) to approve the proposal, subject to the recommended conditions of consent and with the following amended conditions:

2A Maximum Production

The Concrete Batching Plant shall not produce more than 80,000m³ of concrete per annum.

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

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.

(c) Any extension or alteration to the period referred to in (b) above must be applied for as a separate application to the Consent Authority. Any subsequent application 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. The application shall also provide an audit of compliance with all development consent conditions. Such application will be renotified to adjoining and adjacent owners and nearby residential property owners.

3A Environmental Management Plan

Prior to the issue of any Construction Certificate, an Environmental Management Plan (EMP) prepared by a suitably qualified and experienced environmental consultant, shall be lodged with and approved by Council.

The EMP shall address the strategies and methodologies required to ensure that the environment is not adversely impacted by fugitive emissions from the development, and shall address due diligence strategies to address failure of the plant. The EMP shall also address proposed methods of random sampling of Seahampton residential water tank, prior to construction and after start of operation (eg after 10 months)

The EMP shall also address all issues identified in Section 8 of the EIS prepared by Lindsay and Dynan Pty Ltd dated September 23, 2009.

Prior to its approval by Council, the EMP shall be notified to adjoining and adjacent neighbours including residents of Seahampton. Council shall consider any submissions in its determination of the EMP.

4 Complaints Management

The applicant shall keep a legible record of all complaints made to any employee of the business in relation to any issue arising from any activity associated with the Concrete Batching Plant for the life of the development.

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.*

4A Traffic Management Plan

A traffic management plan shall be submitted for any truck movements from 8pm to 6am daily, to outline methods to ensure minimal impacts through and adjoining residential streets.

7 Disposal of Excess Fill and Advice of Haulage Routes

All efforts to allow reuse of the excess fill shall be explored. If reuse is not possible, 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.

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, unless an automatic system is implemented to ensure no blocking of the street by vehicles. The provision, maintenance and operation of the gates are to be considered in the resolution of the landscape plan.

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.

26A Noise – Trucks

All trucks visiting or within the site shall be fitted with reversing “quackers” in accordance the acoustic consultant’s supplementary report (Hunter Acoustics, dated 2 December 2009).

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. In this regard, the following shall apply:

The dB(A) Leq 15 minute received noise level:

Daytime criteria 47

Evening criteria 45

Night time criteria 40

Sleep Arousal Criteria 52 dB(A) L1 (one minute)

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.

44 Hunter Water

The applicant shall gain a Compliance Certificate under Section 50 of the Hunter Water Act 1991 prior to the issue of any Construction Certificate.

MOTION CARRIED

The meeting concluded at 8:14 pm.

Garry Fielding



Chair, Hunter & Central Coast Joint Regional Planning Panel

Date: 10th March 2010