

<b>JRPP No.</b>	<b>Item 1 (2009NTH008)</b>
<b>DA No.</b>	<b>T6-09-319</b>
<b>Applicant:</b>	<b>Tropic Asphalt Pty Ltd c/- KHA Development Managers</b>
<b>Report By:</b>	<b>Director Sustainable Development Services – Kempsey Council</b>

## **Assessment Report and Recommendation**

### **SUMMARY:**

Reporting that an application has been received for an asphalt batching plant at 63 South Street, South Kempsey, for which objections have been received.

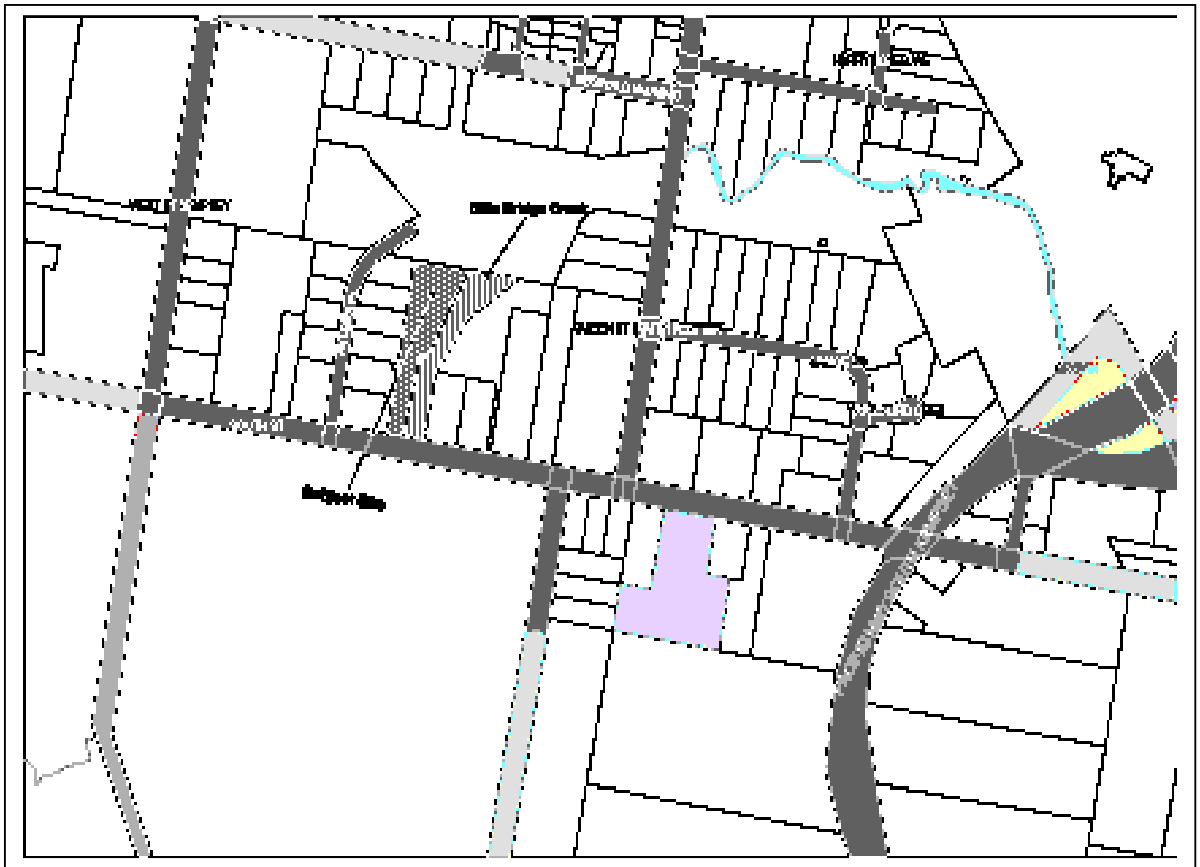
### **Executive Summary**

- The site is currently used as a landscape supply business, spray painting/ panel beating workshop and a dwelling. The site is situated within the South Kempsey Industrial Estate.
- The application seeks consent to construct an asphalt batching plant with associated office and laboratory facilities which will have the capacity to produce up to 100,000 tonnes per annum and to operate up to 7 days per week 24 hours per day.
- The proposal falls under the parameters of both Integrated Development (*Water Management Act 2000*) and Designated Development (produces over 30,000 tonnes per annum and is within 100 meters of a natural water course).
- The plant will take raw materials such as aggregates, sand, lime, RAP (recycled asphalt pavement), bitumen and heat mix to produce the asphalt product. All raw materials will be delivered to site by truck. Storage of all hydrocarbon-based products will be contained within bunded storage areas. The site will be split into two areas.
- Stormwater from the site is proposed to be treated prior to release into Gills Bridge Creek by the use of swales and bio retention areas. Stormwater from the plant area will be captured in a bunded area and drain in to a first flush tank to be treated. Additionally a spill control diversion system will be installed within the bunded area for containment in the event of a spill.
- It is recommended that this application be approved subject to conditions of consent.

### **Site description**

The property is located within South Kempsey Industrial Estate at 63 South Street, South Kempsey, adjacent to the Gills Bridge Creek and is 7,572m<sup>2</sup> in area. The site currently contains 3 sheds/workshops, a toilet block and a residence. The most southern shed/workshop will be retained and utilised as part of the proposed development.

The site is relatively flat and the area surrounding the proposed batching plant consists of mainly industrial land. Two primary schools are located 250 metres and 400 metres to the northeast of the site and the closest dwelling is approximately 300 metres to the north of the site. These areas are separated from the industrial area by a park which is approximately 6ha in area.



**Figure 1 – locality**



**Figure 2 – Aerial**

## Proposal

The application seeks consent to construct an asphalt batching plant with associated office and laboratory facilities which will have the capacity to produce up to 100,000 tonnes per annum and to operate up to 7 days per week 24 hours per day.

The plant will take raw materials such as aggregates, sand, lime, RAP (recycled asphalt pavement), bitumen and heat mix to produce the asphalt product. The batching plant consists of bitumen storage bins and pumping equipment, a screen deck, hot aggregate storage bins, weight hoppers and a mixer. Recycled Asphalt Product (RAP) is added to the aggregates in the plant along with other additives such as lime filler and recycled dust. The asphalt from the batch process is loaded directly into the trucks or may be placed in the storage bins for a period before loading into trucks.

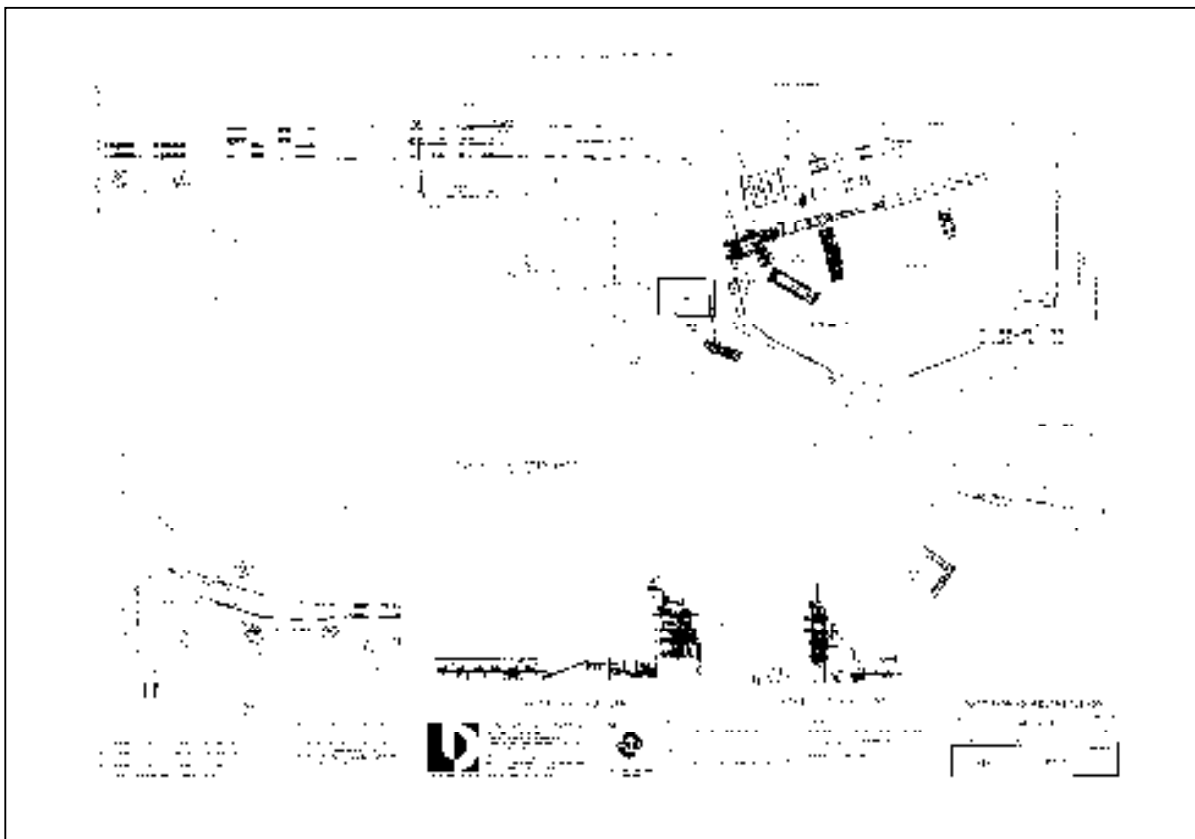
The plant is designed to operate intermittently throughout the day to produce a typical daily output of 200 tonnes, with a peak 8 hour output of 800 tonnes, a peak 24 hour output of 1200 tonnes and an annual average of 50,000 tonnes per annum with a peak of 100,000 tonnes per annum. Normal daily usage would require the plant to run for between 2 and 5 hours/ day. The site will be manned whilst in operation.

The plant will incorporate the following measures to reduce environmental impacts:

- Installation of dust suppression systems;
- Bitumen is received in enclosed tankers, transferred into the bitumen storage tanks via fully enclosed lines. Venting from this area utilises activated carbon filters;
- The heating and drying process utilise a modern bag-house to clean exhaust gases;
- Water sensitive urban design principals, swale drains and bio retention areas are incorporated into the stormwater management system.

All raw materials will be delivered to the site by truck and lime, bitumen, fuel and oil will be delivered by tanker. Storage of all hydrocarbon-based products will be contained within bunded storage areas. The site will be split into two areas: the first area will be the areas to the south of the site will contain the office, car parking areas, access driveway and landscaped area, the area to the north of the site includes the mixing tower, hydrocarbon storage area, aggregate storage bins and other plant equipment represents the second area. It is noted that the proposed mixing tower is to be a maximum of 19.9 meters in height. Council has no Building Height Policy that applies to industrial areas.

Stormwater from the plant area will be captured by a bunded area and drain to a first flush tank to be treated. Additionally a spill control diversion system will be installed in the bunded area for containment in the event of a spill.



**Figure 3 – site and elevations**

## Referrals

### Department of Planning

The Department of Planning has issued Director-General's Requirements for the proposed development in preparation for the Environmental Impact Statement (EIS). An EIS has been prepared which has been assessed and is considered by Council to adequately address the Director General's Requirements (See Appendix 1).

### Department of Climate Change and Water

The Office of Water has issued General Terms of Approval which will be incorporated into the conditions of consent (See Appendix 2).

### The Department of Environment and Climate Change Section 79C Evaluation

Matters for consideration Section 79C

- 79C (a)(i) the provisions of any environmental planning instrument

Environmental Planning Instruments	Clauses	Compliance
SEPP 33 – Hazardous and Offensive Development	Clauses 3 and 4 – Definitions	SEPP 33 has been addressed in the Statement of Environmental Effects. The proposal is neither classed as hazardous or offensive or potentially hazardous or potentially offensive industry.
SEPP - Infrastructure	Schedule 3 – Traffic Generating Development	Asphalt batching plants are not listed as a traffic

		generating development within this SEPP although a traffic impact analysis has been included with the application.
SEPP 44 – Koala Habitat Protection	<ul style="list-style-type: none"> <li>• Clause 6 – Land to which this Part applies</li> <li>• Schedule 2 – Feed tree species</li> </ul>	<p>The site is essentially cleared with some remaining trees at the front of the site.</p> <p>The site is less than 1 hectare and is not mapped as potential or core koala habitat. Although there is some evidence that koala's may use this area as access to the identified core koala habitat to the south. Koala food trees will form part of the landscape plan which will complement the current rehabilitation works being undertaken on the creek. Fencing of the landscaped area from the plant area is recommended to be a condition of consent.</p>
North Coast Regional Environmental Plan	Clause 47 provides that before granting consent for industrial development, the Council must take into consideration the principle that land used for such development should be located where it can be adequately serviced by the transport system and is accessible from urban areas.	The proposed site is within the existing South Kempsey Industrial Estate therefore it can be adequately serviced by the transport system and is accessible to urban areas.
Kempsey Local Environmental Plan	<p>Clause 9 – Zone Objectives</p> <p>The proposal fits the criteria for 'Light Industry' as defined in the Model Provisions 1980 as:</p> <p><i>'...means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise;'</i></p> <p>The site is within the Industrial Estate of South Kempsey and is within zone 4(a) (Industrial (General) Zone) under the Kempsey Local Environmental Plan 1987. The objective of this zone is:</p>	<p>The proposal is defined as 'Light Industry' under the Model Provisions 1980 and is permissible in the zone with development consent.</p> <p>This proposal is considered to be consistent with the zone objectives.</p>

	<p><i>'...to provide sufficient land for industrial and related purposes so as to maintain the predominance of industrial development at Kempsey.'</i></p> <p>Clause 9(3) of the KLEP provides that Council shall not grant consent to the proposal if it is of the opinion that the development is contrary to the zone objectives. The zone objectives are:</p> <p><i>'...to provide sufficient land for industrial and related purposes so as to maintain the predominance of industrial development at Kempsey. The proposal is considered to be consistent with the zone objectives as the proposed use is industrial.'</i></p> <p>Clause 3 (k) <i>'to ensure that non-residential development is sited to avoid or minimise conflict with the residential amenity of adjoining lot.'</i></p>	<p>The development is sited within an existing industrial subdivision.</p>
--	--	--

- 79C (a)(ii) the provisions of any draft environmental planning instrument

Although not subject to the provisions of any exhibited Draft LEP it is noted that the land will be zoned IN1 (General Industry) under the Standard KLEP and the proposal will be permissible with consent.

- 79C (a)(iii) any development control plan

<b>Applicable DCP's</b>	<b>Clauses</b>	<b>Compliance</b>
DCP 36 - Engineering Standards	C101 - General C211 - Control of Erosion and sediment C213 - Earthworks C220 - Stormwater Drainage General C223 - Drainage Structures C273 - Landscaping D11 - Water Reticulation	The requirements of DCP 36 are recommended to form part of the conditions of consent.

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

<b>Applicable Regulations</b>	<b>Clauses</b>	<b>Compliance</b>
EP&A Act Regulations	Clause 92 - NSW Coastal Policy	Not applicable
	Clause 92 - Demolition of a building	Requirements are recommended to form a

		condition of consent
	Clause 93 - Fire Safety and other considerations	BCA requirement
	Clause 94 - Fire Authority may require the building to be upgraded	BCA requirement
	Clause 94A - Fire Safety and other Considerations applying to the erection of temporary structures	BCA requirement

- 79C (b) the likely impacts

Likely impacts	Impact
Urban and Building Design	
- context and setting	The subject site forms part of the existing South Kempsey Industrial Estate. Therefore it is anticipated that the proposal is unlikely to cause any negative impact on the surrounding industrial developments in the area. The site is adjacent to Gills Bridge Creek and water sensitive urban design principals have been incorporated into stormwater management plan for the site. Koala food trees are proposed to be used within the landscaped areas which will be incorporated into the ongoing rehabilitation of the area.
- public domain	No impact
- heritage	The site is already predominantly cleared and disturbed and no items of heritage are listed or known on the site.
- site design and internal design	The design is sensitive to the adjacent creek and rehabilitation area. The building and use of the site is in keeping with surrounding land uses. Appropriate landscaping has been provided.
- construction	The construction appears to be typical of a batching plant. Environmental and safety measures will form part of the conditions of consent.
- utilities	All utilities will be connected - water, sewer, electricity and telephone
- ecological sustainable building design	Not applicable
Environmental Impacts	
- water	The site is connected to a reticulated water supply. The applicant has proposed water sensitive urban design principals in the Stormwater Management Plan for the site including a bunded area for the containment and treatment of contaminated water from any potential spill from plant area. The monitoring of this system will form part of the conditions of consent.
- soil	There is an area of unstable fill to the north of the site which will be redesigned and stabilised as part of the proposal. The site is not mapped as containing acid sulphate soil however an Acid Sulphate Soil assessment has been prepared for the site.
- air and micro-climate	This has been addressed in the Dust/ air quality section in this report.
- other land resources	The site is zoned for industrial uses and forms part

	of the water catchment for Gills Bridge Creek and the design of the water management system reflects this.
- flora and fauna	The site is predominantly cleared, there is no EEC or wetlands on the site or identified potential/core koala habitats. However, the creek is a potential koala corridor and there is identified core koala habitat to the south of the site, therefore additional landscaping has been provided to incorporate into the current rehabilitation projects on the creek and to provide additional koala food tress.
- waste	The site will generate some waste water however the treatment of this had been included in the design of the stormwater management system and is recommended to form part of the conditions of consent. The plant is proposing to use (recycled asphalt product) RAP which has the potential to reduce waste.
- energy	The proposal has not identified any energy saving devices or systems.
Hazards	
- noise and vibration	This has been addressed in the Noise section in this Report.
- natural hazards	The site is identified as Flood Prone and based on historical data the adopted 1 in 100 flood level and the site is 8 metres AHD. The application indicates that the lowest level where any work is to be undertaken is 9.5 AHD and the lowest floor level of any building is 9.8 AHD which complies with Council's Flood Policy. In relation to climate change, there is no information relating to the modelling of a climate change event to establish any additional flooding levels or storm surge for this area. Having regard to the distance from the sea (approximately 18.5 km) and to the Maria River (approximately 4.5 km) the increase in flooding due to sea level rise is unlikely to be significant. Having regard to the level of the land relative to the existing 1 in 100 flood level any increased impact associated with localised flooding as a result of increased storm intensity due to climate change is also likely to be insignificant. Having regard for the Draft NSW Coastal Guidelines – Adopting to Sea Level Rise issued by the Department of Planning the proposed site does not fall within the definition of a 'coastal area' being coastlines, beaches, coastal lakes, estuaries and the tidal reaches of coastal reaches.
- technological hazards	The site is in a bushfire prone area however a Bushfire Risk Assessment is not required for this type of development. The proposal has incorporated other measures to adequately deal with spills.
- safety, security and crime prevention (CPTED)	Security measures are in place with security fencing in place and the plant will be manned whilst in production. Additional measures such as security patrols and alarms will be incorporated into the management of the site.
Social and economic impacts	



- Social impact in the locality	The proposal is unlikely to cause a negative effect on the social composition of the area.
- economic impact in the locality	The proposal is likely to benefit the community by providing additional employment opportunities in the area.
Cumulative impacts	Unlikely to cause negative cumulative impacts in the area.
Other	

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

(b) the suitability of the site for the development	Suitability
- fit into the locality - site attributes conducive to development	The proposal is to be sited within an existing industrial area and therefore the batching plant fits into the locality. Measures have been incorporated into the design to ensure that there is unlikely to be a negative impact on the surrounding area.

- 79C (d) any submissions made in accordance with this Act or Regulations

(d) any submissions made	Matters raised
Two (2) submissions have been received from the public.  The issues raised are relevant to the development application and have been adequately addressed within the application and this report.	<ul style="list-style-type: none"> <li>• Flooding issues</li> <li>• Traffic</li> <li>• Noise and dust</li> <li>• Gills Bridge Creek Rehabilitation Plan</li> <li>• Flora and fauna</li> </ul>
One (1) submission has been made from a public authority	<ul style="list-style-type: none"> <li>• Department of Planning has issued general terms of approval</li> <li>• General Terms of Approval have been issued by the Office of Water and is recommended to form part of the conditions of consent.</li> </ul>

- 79C (e) the public interest

(e) the public interest	
- federal, state and local government interests	The applicant is required to obtain a Controlled Activity Approval under the <i>Water Management Act 2000</i> from the Department of Water and Energy - The Office of Water.
- Community interests	The proposal integrates economic and environmental goals within the design of the site.

## Public Participation

The proposal was advertised in accordance with the requirements for the *Environmental Planning & Assessment Act 1979* for designated and integrated development. One (1) submission was received within the exhibition period and one (1) submission was received after the exhibition period was closed both from the public, both submissions have been taken into account in this report (See Appendix 3). The issues raised in the submission are as follows:

Objection			Planning Comment	
1	Flooding		1	The proposal complies with Council's Flood Policy.
2	Truck movements		2	The traffic study concludes that there is minimal impact on the intersection with South Street and the Pacific Highway.
3	Noise and Dust		3	Reports conclude that the levels proposed are within the required thresholds.
4	Gills Bridge Rehabilitation Plan	Creek	4	This has been addressed by the way of amended plans for stormwater management.
5	Flora and fauna		5	There are no flora and fauna issues on the site.
6	KLEP		6	See assessment of 79C.

## Assessment – Key Issues

### Designated Development

The proposed development is a 'designated development' as it is proposed to obtain or process for sale, or reuse more than 30,000m<sup>3</sup> of extractive material per year in accordance with Schedule 3 of the *Environmental planning and Assessment Regulations 2000* (EP&A Regulations).

### Integrated Development

Due to changes to the *Protection of the Environment Operations Act 1997* asphalt batching plants are no longer Scheduled Activity under Schedule 1 and as such do not require an Environmental Protection Licence.

The site is located within 40 metres of Gills Bridge Creek and as such the proposal will require a Controlled Activity Approval (CAA) from the Office of Water.

### Access and Transport

A Traffic Impact Report has been completed which forms part of the application. Access to the property is via South Street which is a local collector road. The applicant has stated that the timing of many of the deliveries are random and may only be required monthly depending on production levels therefore the vehicle numbers are indicative only.

The RTA guidelines for Traffic Generating Developments do not specifically include reference to asphalt plants therefore the Report has analysed having regard to similar types of development.

The Report estimates that based on approximately 200 tonnes of asphalt per day on an 8 hour shift there will be an average of:

- 6 small vehicle trips into and out of the site each day; and
- 8 heavy vehicle trips into and out of the site each day.

If the proposal operated on a 24 hour basis then the asphalt production is likely to generate:

- 12 small vehicle trips into and out of the site each day; and

- 16 heavy vehicle movements into and out of the site each day.

The sight distance at the entrance to the property and the intersection of South Street and the Pacific Highway are considered to be satisfactory. Vehicle access and turning as well as queuing are adequately addressed onsite by providing a circular driveway around the bunded area.

The Report indicates that from using SIDRA (operations of intersections controlled by traffic signals, signage and/or roundabouts) simulation of the driveway access and the South Street/Pacific Highway intersection indicates that the proposed development will have a negligible impact on the average delays for all vehicle movements or the operation of these intersections.

The proposal provides 15 car parking spaces onsite for staff and visitors which is considered adequate. The plant would normally operate with up to 6 employees at any one time.

### **Noise**

An acoustic assessment has been undertaken which concludes that the proposed batching plant will be able to meet the noise criteria as defined within the Industrial Noise Policy, EPA. Additionally, in the event that noise treatments are required, solutions are available which can be implemented without significant loss of production and without compromising the plant. Ongoing monitoring is recommended for a condition of consent.

### **Dust/ air quality**

Modelling and assessment has been undertaken in accordance with DECCW, 'Approved methods and guidelines for the modelling and assessment of air pollutants in NSW'. The site is relatively flat and the area surrounding the proposed batching plant consists of mainly industrial land. Two primary schools are located 250 metres and 400 metres to the northeast of the site and the closest dwelling is approximately 300 metres to the north of the site. These areas are separated from the industrial area by a park which is approximately 6ha in area.

The report concludes that based on the worst case scenario (metrological, existing air quality and other pollutants) the dust, odorous and toxic emissions has shown that all predicted concentrations are significantly below the DECCW Impact Assessment Criteria for the operations of the plant. Ongoing monitoring is recommended for a condition of consent.

### **Water Quality /stormwater**

Council requires as part of its adopted State of the Environment Report and the Gills Bridge Creek Rehabilitation Plan for developments in the catchment to incorporate water sensitive urban design principals, to ensure that the water quality of the site is improved and to ensure that the development will not lead to further degradation of the creek.

A Stormwater Quality Assessment has been carried out using the MUSIC method. The following methods to treat stormwater from the site have been used:

- Swales are proposed to divert clean water from neighbouring sites into Council's existing stormwater system into a level spreader which incorporates a scour protection system;
- Stormwater from the driveway will be redirected using swale drains into a bio-retention area;
- Stormwater from the carpark area will be redirected into a bio-retention area;
- Dirty runoff from the plant area (bunded area) is directed into a first flush collection pit, then through an oil/grease separator and into the storage tank. The dirty water will be either used as irrigation for the landscaped area or diverted into Council's sewer system through the liquid trade waste system.

It is noted water is not required in the asphalt process except for dust suppression in the aggregate storage areas.

The revised stormwater management plan appears to satisfy Council's requirements however further details are required including details of ongoing monitoring which are recommended to form a condition of consent (See Appendix 4).

**RECOMMENDATION IMPLICATIONS:**

- **Environmental**

**This application is being assessed against the Gills Bridge Creek Rehabilitation Plan.**

- **Social**

**Nil**

- **Economic (Financial)**

**Potential for increased local employment during construction and operations of the plant.**

- **Policy or Statutory**

**RECOMMENDATION:**

**That consent be granted subject to the following conditions:**

<b>PARAMETERS OF THIS CONSENT</b>
-----------------------------------

**1. Development is to be in accordance with approved plans**

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document		Version	Prepared by	Dated
Stormwater Assessment	Quality	-	Duke Environmental	19 Nov 2009
Bunding Details		-	Covey Associates Pty Ltd	Sept 2009
Preliminary Sulphate Assessment	Acid Soil	-	KHA Development Managers	25 Sep 2009
Environmental Statement	Impact	-	KHA Development Managers	Sep 2009

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**2. Compliance with Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

**3. Limits**

The batching plant production is not to exceed 100,000 tonnes per year from the date an Occupation Certificate is issued (nominated date of commencement). The total quantities produced per annum are to be reported to Council on an annual basis within four (4) weeks from the nominated date of commencement.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE FOR BUILDING WORKS**

**4. Stormwater**

The application for a Construction Certificate is to include plans and specifications that indicate disposal of stormwater in accordance with the Stormwater Management Plan and the addendum approved as part of this consent and must also include details of maintenance and monitoring of all infrastructure. The following issues must be addressed in the plans and specifications:

- a) Runoff from the proposed sealed access road is to be treated via vegetated or grassed swales then discharged to a bio retention area for further treatment;
- b) Runoff from the car parking area is to discharge to a bio retention area for treatment;
- c) Runoff from the manufacturing area is to drain to a first flush diversion tank. This runoff is to be treated via a grease/oil separator before either being re-used on-site (toilet flushing, irrigation, dust suppression), or discharged to Council's sewer via liquid trade wastes;
- d) Runoff from neighbouring sites to the north and west is to be diverted around the site via swales and connected into existing Council infrastructure;
- e) Level spreader and scour protection devices shall be incorporated into the existing system before discharge of stormwater to the Creek; and
- f) Details of the design of the level spreader, scour protection devices as well as bio retention zones.

Stormwater overflow must not be directed in a concentrated flow onto any adjoining property.

The plans must be in compliance with Council's Adopted Engineering Standard.

**5. Waste Management Plan required**

Prior to the issue of a Certificate a Waste Management Plan is to be submitted to and approved by Council to ensure all waste is collected, stored and disposed of to the satisfaction of Council. The plan must incorporate measures to separate recyclable materials and describe the methods for collection of waste containers from the site.

**6. Geotechnical Report required – Engineering Works**

A certificate from a suitable qualified and practising Geotechnical Engineer is to be provided to the Principal Certifying Authority, certifying that:

- a) the design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate in accordance with the relevant Australian Standards;
- b) the civil engineering works will not be affected by landslip or subsidence either above or below the works;
- c) adequate drainage has been provided with appropriate considerations given to groundwater constraints.

**7. Sediment and erosion measures required**

The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins. The sediment and erosion control plan is to be designed in accordance with the requirements of the Landcom Blue Book, "Soils and Construction -Managing Urban Stormwater".

The sediment and erosion control plan is to be prepared by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The plans must be in compliance with Council's current Council's Adopted Engineering Standard. Such plans and specifications must be approved as part of the Construction Certificate.

**8. Water and Sewerage Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained. This application is to include the installation of the proposed rainwater tank and any associated plumbing.

**9. Trade Waste Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 to discharge liquid trade waste into Council's sewer must be obtained.

**10. Consent required for works within the road reserve**

Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's Adopted Engineering Standard.

**11. Construction Traffic Management Plan**

Consent from Council must be obtained for a traffic management plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2*, and Australian Standard 1742.3 - 1985, *Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'*.

The plan must incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic control plan must be prepared by an accredited person trained in the use of the current version of *RTA Traffic Control at Work Sites* manual (minimum certificate level Select & Modify).

**12. Car parking plans required**

The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent. The access, parking and manoeuvring for the site is to comply with the requirements of Council's Development Control Plan for Car Parking. Plans are to include, but not be limited to, the following items:

- a) pavement description;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) cross sections at appropriate intervals, with a maximum separation of 15 metres;
- f) drainage (pipes, pits, on-site detention, etc.);
- g) a physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways;
- h) Disabled space design and access paths to buildings in accordance with AS1428;
- i) turning paths; and
- k) linemarking and signs.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The plans must be in compliance with AS2890.1. Such plans and specifications must be approved as part of the Construction Certificate.

### **13. Driveway and access details required**

The application for a Construction Certificate is to include plans and specification that indicate vehicular access from South Street to the site. Vehicular access must be in accordance with AS/NZS 2890.1-2004: *Parking facilities*, Part 1: Off-street car parking.1. Plans are to include the following items:

- a) pavement description (grades exceeding 15% must be sealed);
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) cross sections every 20 metres;
- f) drainage (open drains, pipes, etc.), including calculations and catchment details; and
- g) adequate compliant heavy vehicle access to and from the site.

The plans must be in compliance with Council's Adopted Engineering Standard.

### **14. Vehicle wash bay details required**

The application for a Construction Certificate is to include plans and specification that indicate a suitably located vehicle wash bay to service the proposed development. All water used in the car wash bay must drain to Council's sewer following treatment in an oil plate separator or other system as approved by Council.

Such plans and specifications must be approved as part of the Construction Certificate and an approval is to be obtained under Section 68 of the Local Government Act 1993 to *carry out sewerage work*.

### **15. Public liability insurance cover required prior to the issue of a Construction Certificate**

The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.

### **16. Long Service Levy to be paid**

A Long Service Levy must be paid to the Long Service Payments Corporation prior to the issue of a Construction Certificate. This amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change.

These payments may be made at Council's Administration Office. Cheques are to be made payable Council.

**17. Landscaping plan required**

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Development Control Plan 36. The landscaping plan must indicate:

- a) location of trees identified for retention in the development application plans;
- b) proposed location for planted shrubs and trees;
- c) botanical name of shrubs and trees to be planted;
- d) location of grassed and paved areas;
- e) an effective physical barrier is to be provided around the plant, buildings and car parking/driveway areas to allow the landscaping on the site to integrate with the creek bank and the rehabilitation area; and
- f) The landscaping species is limited to the following list of koala food plants/trees:

Groundcover, Grasses & Shrubs  
*Lomandra longifolia* (Spiny-Headed Mat-Rush)  
*Lomandra hystrix* (Creek Mat-Rush)  
*Themeda australis* (Kangaroo grass)  
*Viola banksii* (Native Violet)  
*Dianella caerulea* (Blue Flax Lilly)  
*Cynodon dactylon* (Couch)  
*Doodia aspera* (Prickly Rasp Fern Prickley)  
*Blechnum cartilagineum* (Gristle fern)

Small to Medium Trees

*Syzygium smithii* (Common Lilly Pilly)  
*Tristanopsis laurina* (Water Gum)  
*Glochidion ferdinandi* (Cheese Tree)  
*Ficus coronata*, (Sandpaper Fig)  
*Alphitonia excelsa* (Red Ash)  
*Elaeocarpus reticulatus* (Blueberry Ash)  
*Melaleuca linariifolia* (Snow in Summer)  
*Melaleuca stypheliodes* (Prickly-leaved Tea Tree)  
*Callistemon salignus* (White Bottlebrush)  
*Allocasuarina littoralis* (Black She Oak)  
*Allocasuarina torulosa* (Forest Oak)

Larger Trees

*Eucalyptus microcorys* (Tallowwood)\*  
*Eucalyptus tereticornis* (Forest Red Gum)\*  
*Eucalyptus robusta* (Swamp Mahogany)\*  
*Eucalyptus propinqua* (Small Fruited Grey Gum)\*  
*Lophostemon confertus* (Brush Box)  
*Syncarpia glomulifera* (Turpentine)  
*Toona ciliata* (Red Cedar)  
\*denotes preferred koala food tree

Vines & Scramblers

*Eustrephus latifolius* (Wombat Berry)  
*Pandorea pandorena* (Wonga Vine)  
*Smilax species*

The plan is to be prepared by a suitably qualified landscape architect/architect/ecologist who has appropriate experience and competence in landscaping.



Such plans and specifications must be approved as part of the Construction Certificate.

**18. Garbage storage area required**

The application for a Construction Certificate is to include details indicating the construction of a garbage storage area on-site. The garbage storage area is to be designed and constructed so as to conceal its contents from view from public places and adjacent properties and is to be blended into the landscaping layout. The storage area is to be located so as to be readily accessible from within the site and serviceable by the waste collector from the adjoining road.

Specifically the garbage storage area is to contain the following design elements:

- a. Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest;
- b. Provided with a hose tape connected to the water supply;
- c. Paved with impervious material; and
- d. Graded and drained to the sewer system.

Such plans must be approved as part of the Construction Certificate.

**19. Emergency Management Plan**

An emergency management plan prepared by a suitably qualified person, duly endorsed by the NSW Fire Brigade prior to the commence of the use. This plan must specifically address:

- a. plant breakdown;
- b. spillage and cleanup procedures for all chemicals stored on the site; and
- c. flooding;
- d. bushfire;

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY BUILDING OR CONSTRUCTION WORK COMMENCING**

**20. Plumbing Standards and requirements**

All Plumbing, Water Supply and Sewerage Works are to be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

The plumber must obtain a Plumbing Permit at least two (2) working days prior to commencing work in accordance with the Local Government Act and the NSW Code of Practice for Plumbing and Drainage. The proponent must ensure the plumber has obtained a Plumbing Permit prior to commencing work on the site.

**21. Trees to be protected**

Trees to be retained are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed:

- a. with a minimum height of 1.2 metres;
- b. outside the dripline of the tree;
- c. of steel star pickets at a maximum distance of 2 metres between pickets;
- d. using a minimum of 3 strands of steel wire;
- e. to enclose the tree; and
- f. with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter.

The fence is to be maintained for the duration of the site clearing, preparation and construction works.

**22. Toilet facilities**

Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.

**23. Approval under the *Water Management Act 2000* required.**

A Controlled Activity Approval under the *Water Management Act 2000* must be obtained from the Department Water and Energy – NSW Office of Water for all works with 40 metres of Gills Bridge Creek.

**24. Site construction sign required**

A sign or signs must be erected before the commencement of the work in a prominent position at the frontage to the site:

- a. showing the name, address and telephone number of the principal certifying authority for the work;
- b. 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
- c. stating that unauthorised entry to the work site is prohibited.

The 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. No sign is to have an area in excess of one (1) m<sup>2</sup>.

<b>THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION</b>
---

**25. Construction times**

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:

- 6:00 am to 7:00 pm - 7 days a week.

**26. Limiting construction noise**

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

**27. Construction dust suppression**

All necessary works are to be undertaken to control dust pollution from the site.

These works must include, but are not limited to:

- a. restricting topsoil removal;
- b. regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;

- c. alter or cease construction work during periods of high wind;
- d. erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

**28. Builders rubbish to be contained on site**

All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

**29. Maintenance of fencing to protect trees**

Fencing required to protect trees to be retained is to be maintained for the duration of the site clearing, preparation and construction works. During site works and construction all measures are to be taken to prevent damage to trees and other vegetation (including root systems) to be retained. Where any damage is caused to trees to be retained, remedial action must be carried out to the specifications of a tree surgeon.

No building materials or other items are to be placed or stored within the fenced off areas.

A qualified arborist experienced in tree management must be present on a full or part-time basis to advise on the maintenance of the trees for their protection for the duration of the project.

**30. Maintenance of sediment and erosion control measures in accordance with approved plan**

Sediment and erosion control measures in accordance with the approved Erosion and Sedimentation Control Plan must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

**31. Removal of asbestos**

All asbestos wastes associated with demolition/renovation works are to be disposed of in accordance with the requirements of the Workcover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Council requires 48 hours notice prior to disposal at Council's waste depot.

**32. Standards for demolition work**

All demolition works are to be undertaken in accordance with the provision of Australian Standard AS 2601-2001 *The Demolition of Structures*. Prior to demolition, all services are to be disconnected and capped off.

No work is to be commenced in regard to the demolition or removal of the building until such time as the appropriate fees for disconnection of water and sewerage services are paid to Council where such services are no longer required. The sewer drainage system is to be appropriately sealed to prevent ingress of water and debris into the Council's main. Arrangements are to be made with Council for the withdrawal of the garbage services and collection of the waste bins.

**33. Stormwater Management**

- a. Prior to commencement of stormwater works:
  - i) All erosion controls are to be in place.
  - ii) Written notification of intention to commence works must be forwarded to the Council seven (7) days prior to work commencing. Notification is to include contact details of the supervising engineer and site contractor.

- iii) The developer and/or contractor must produce evidence to Council of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.
  - iv) All public safety and traffic management plans are to be in place.
- b. During construction of stormwater works:
  - i) Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.
  - ii) All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. Council is not held responsible for any negligence caused by the undertaking of the works.
  - iii) All works to be constructed to at least the minimum requirements of Council's current AusSpec Design and Construction Manuals and Specifications.
  - iv) A copy of the approved stormwater plans, details and specifications must remain at the site at all times.
  - v) All on-site stormwater detention works are to be carried out under the supervision of a suitably qualified practising professional Engineer.
  - vi) Inspections and/or tests are required as part of the works approval process. The inspections and/or tests must be in accordance with Council's current AusSpec Design and Construction Manuals and Specifications. Council's Development Engineer must be given 24 hours notice for the following inspections:
    - (1) Connection to Council's drainage infrastructure
    - (2) Connection to the kerb and gutter.
    - (3) Works across the footpath area.
    - (4) Underground detention tanks.
- c. Upon completion of all stormwater works:
  - i) The submission of works as executed drawings prior to a final inspection. The drawings are to be prepared by a suitably qualified engineer or registered surveyor.
  - ii) The submission of a certificate of hydraulic/hydrological compliance prior to a final inspection. This certificate is to be prepared by a suitably qualified engineer and is to include details of any non-compliance with approved plans and specifications.
  - iii) If this system includes provision of an underground storage tank, the submission to Council of a Certificate of Structural Adequacy for the completed on-site stormwater detention structure, prepared by a practising Structural Engineer, qualified for membership of The Institution of Engineers Australia is required.
  - iv) A satisfactory final inspection for the stormwater works, which Council's Development Engineer must be given 24 hours notice for.
- d. All drainage works is to be installed by a suitably qualified person and in accordance with the requirements AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage.

#### **34. Responsibilities under the National Parks and Wildlife Act 1974**

All earthmoving contractors and operators must be instructed that, in the event of any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed

of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the National Parks and Wildlife Act 1974, as amended.

<p style="text-align: center;"><b>THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO OCCUPATION OF THE BUILDING</b></p>
--

**35. Environmental Plan of Management**

Submission of an Environmental Plan of Management, which may be varied from time to time, depending on the results of monitoring prior to commencement of any works, to include of the following:-

**Monitoring**

The Environmental Plan of Management is to provide for monitoring in accordance with the following program to ensure compliance with all criteria prescribed by relevant conditions of this consent. The results of such monitoring shall form the basis of required performance criteria and are to be reported to Council as specified by this consent.

a) Noise

- i) The plant shall be constructed in accordance with Hunter Acoustic Report 18 August 2009 Lot 25 DP245599 South Street South Kempsey 6.11 modelling assumptions.
- ii) A validation report is to be provided within 90 days of the date of commission of the asphalt batching plant confirming that the noise levels at the following receivers comply with the Industrial Noise Policy:
  - Macleay College
  - South Kempsey Primary School
  - Albert & Reginald Word Street chiefly Place
- iii) If noise levels fail to meet the levels as set by the Industrial Noise Policy then appropriately designed acoustic treatments or engineering noise controls to equipment shall be implemented to ensure compliance with the industrial Noise Policy.
- iv) The validation report is to be carried out by a suitably qualified acoustic consultant. The results of monitoring are to be reported to Council within 90 days from the nominated date of commencement, except as requested by Kempsey Shire Council or DECCW following receipt of any complaints which, in the opinion of Council or DECCW, are justified.
- v) Reversing alarms or audible warning devices on loaders and other equipment are to be of broadband type and to have levels that do not exceed 85dB(A) when measured at a distance of 7 metres directly behind the rear of the equipment. Fit BBS-TEK Alarms – Medium and Light Duty Model 600-BBS087 or equivalent.

b) Dust

- i) Air quality sampling (volumetric) shall be undertaken for a period of six (6) months from the date of the plant commission to determine PM (10) levels. Should the levels not reflect the predicted levels further tests maybe requested i.e. criteria pollutants, toxic are pollutants and odorous air pollutants. The volumetric air sampling should be undertaken at the most sensitive receptor, South Kempsey Primary School.

- ii) The Plan of Management is to include the means proposed to monitor the effects of dust on adjoining residences so as to ensure that dust levels meet the criteria prescribed by relevant conditions of this consent.
- iii) The plan is to provide for placement of sufficient dust monitors on the subject land and adjoining allotments which contain dwellings (with the consent of owners).
- iv) Monitoring is to be carried out by a suitably qualified environmental consultant. The results of monitoring are to be submitted to Council on a quarterly basis for the first twelve (12) months from the nominated date of commencement and thereafter immediately following the anniversary of the nominated date of commencement.

c) Water Quality

- i) Details of the means of monitoring the quality of water leaving the site at the points of discharge.
- ii) Detail of the ongoing maintenance of the bio-retention areas and the treatment systems.

Monitoring shall be carried out in accordance with the relevant Australian Standard by a suitably qualified person. The results of monitoring shall be submitted to Council on a quarterly basis for the first twelve (12) months from the nominated date of commencement and thereafter immediately following the anniversary of the nominated date of commencement.

**Works to be completed**

All of the works shown on the plans and granted by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of an Occupation Certificate. \* (The bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Council's road/footpath reserve).

**36. Car parking areas to be completed and signs to be provided**

The car parking areas are to be constructed in accordance with the approved plans. Signs are to be erected clearly indicating the availability of off-street parking and the location of entry/exit points, visible from both the street and the subject site.

**THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES**

**37. Restricted hours of operation**

The hours of operation of the business are restricted to the times set out in the following table:-

Period	Start Time	Finish Time
Monday to Friday	6am	9pm
Saturday	6am	9pm
Sunday	6am	9pm
Public Holiday	6am	9pm

The operation of the plant is restricted 24 hours a day for a maximum of 90 days per calendar year.

It is noted that further noise reports may be required in the event of a complaint received either by Council or by DECCW.

**38. Recycled Asphalt Product**

The Recycled Asphalt Product (RAP) shall only be generated from recycled road pavement and any waste asphalt produced by the plant and shall not incorporate the recycling of bricks, concrete, any other building products or any contaminated materials in accordance with the Protection of the Environment Operations Act and Regulations as they apply to recycling asphalt.

**39. Signage**

A sign be erected at the front of the property (visible from a public place) which clearly states that in the event of complaint to contact the relevant company employee providing a name, telephone number and email address. The sign is to be legible and maintained at all times.

**40. Log Book**

In the event of any complaints being lodged with the company relating to the site or the operations of the plant, a log book must be kept clearly recording any information and reasons for the complaint. Additionally, the log book must be kept to record when the plant, operates for a 24 hour period. The log book must be made available to Council or DECCW at any time on request.

**41. Loading and unloading not to occur on the street**

The loading and unloading bay must be available at all times for the loading and unloading of goods for the development. All loading and unloading is to take place within the curtilage of the premises.

Access to the site for deliveries is to be confined to between 7.00 am and 7.00 pm daily. In this regard, a sign clearly indicating the delivery times is to be displayed at the entry to the development.

**42. General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000**

The Following Conditions have been imposed through the Integrated Development provisions of the Environmental Planning and Assessment Act 1979, by the NSW Office of Water:-

**Plans, standards and guidelines**

- a. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to T6-09-319 and provided by Council:

- (i) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- b. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

- c. The consent holder must prepare or commission the preparation of:

- (i) Vegetation Management Plan
  - (ii) Works Schedule

- (iii) Soil and Water Management Plan
- d. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at [www.water.nsw.gov.au](http://www.water.nsw.gov.au)
  - (i) Vegetation Management Plans
  - (ii) Riparian Corridors
  - a. Outlet structures
- e. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

### **Rehabilitation and maintenance**

- a. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
- b. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
- c. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
- d. The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

### **Drainage and Stormwater**

- a. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
- b. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

### **Erosion control**

- a. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

### **Excavation**

- a. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.



**River bed and bank protection**

- a. The consent holder must establish a riparian corridor along the Gills Bridge Creek in accordance with a plan approved by the NSW Office of Water.

**Plans, standards and guidelines**

- a. The consent holder must comply with the requirements of the approved Vegetation Management Plan (VMP) to the extent that it relates to the carrying out of any controlled activity at 63 South Street, SOUTH KEMPSEY.
- b. The consent holder must not disturb the rehabilitation activities required by the approved Vegetation Management Plan (VMP)

**Right of Appeal**

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

You are further advised that pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979, a request may be made to review a determination at any time within 12 months of the date of notification. This right of review does not apply in respect to designated development, integrated development or an application by the Crown.

Signature:

ROBERT PITT  
DIRECTOR  
SUSTAINABLE DEVELOPMENT SERVICES

Date: 26 November 2009



NSW GOVERNMENT  
Department of Planning

Manufacturing & Rural Industries  
Major Development Assessment

Phone: (02) 9228 6467

Fax: (02) 9228 6466

Email: [Jonathan.cleary@planning.nsw.gov.au](mailto:Jonathan.cleary@planning.nsw.gov.au)

Level 3, Room 304

GPO Box 39

SYDNEY NSW 2001

RECEIVED  
07 AUG 2009

Our ref: S09/01358

Mr Tim Lindsay-Brown  
Lindsay & Dynan Pty Ltd  
5 Newton Street  
BROADMEADOW NSW 2292

BY: \_\_\_\_\_

Dear Mr Lindsay-Brown

**Director-General's Requirements  
Mobile Asphalt Plant, South Kempsey  
DGR ID No: 452**

I refer to your request for the Director-General's requirements for the preparation of an Environmental Impact Statement (EIS) for the erection and operation of a Mobile Asphalt Plant in the Kempsey Shire local government area.

**Statutory Issues**

Attachment No. 1 outlines the statutory matters that must be included in any EIS under clauses 71 and 72 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation).

**Specific Issues**

Under clause 73(1) of the EP&A Regulation, the Director-General requires the EIS to address the following specific issues:

1. **Description of the Proposal:** The EIS must include a full description of the proposal, clearly identifying the site, the proposed works (including any rehabilitation works) and the duration and intensity of construction and operation.
2. **Justification for the Proposal:** The EIS must include a detailed justification of the proposal.
3. **Environmental Planning Instruments:** The EIS must assess the proposal against the relevant provisions of *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*, *Kempsey Local Environmental Plan 1987* and relevant development control plans and section 94 plans.
4. **Key Issues:** The EIS must assess the following potential impacts of the proposal during construction and operation, and describe what measures would be implemented to avoid, minimise, mitigate, offset, manage and/or offset these potential impacts:
  - **air quality** - including odour, dust and greenhouse gas emissions in accordance with relevant Department of Environment and Climate Change guidelines. This assessment must consider any potential impacts on nearby private receptors;
  - **noise** - during construction, operation and traffic. This assessment must consider any potential impact on nearby private receptors;
  - **hazards and risks** - in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*;
  - **soils and water** - including impacts on surface water, stormwater management, ground water, and details on water requirements, water supply, wastewater management, soil contamination and subsidence;
  - **waste management** - including:
    - identification of the quantity and type of waste (including any dangerous goods) that would be handled/stored/disposed of at the facility; and
    - a description of how this waste would be stored and handled on site, and transported to and from the site;
  - **traffic and transport**; and
  - **fire and incident management** - including technical information on the environmental protection equipment to be installed on the premises such as dust and noise controls, spill cleanup equipment and fire management and containment measures.

5. **Environmental Monitoring and Management:** The EIS must describe in detail how the environmental performance of the proposal would be monitored and managed over time.

### Guidelines

It is recommended that during the preparation of the EIS you consult the Departments EIS Guideline Bitumen Works. The Guideline is available for purchase from the Departments Information Centre, 23-33 Bridge Street, Sydney or by calling 1300 305 695.

### Integrated Developments

Under section 91 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) the development is "integrated development" if it requires certain approvals in addition to development consent before it may be carried out.

In your Form A, you indicated that your proposal will require an approval under the *Protection of the Environment Operations Act 1997* (POEO Act). The Department has consulted with the Department of Environment and Climate Change (DECC). The DECC has advised that due to changes to the POEO Act that came into effect on 1 July, mobile asphalt plants such as this are no longer Scheduled Premises and thus does not require an Environmental Protection Licence. Subsequently, the Department has consulted with the Department of Water and Energy (DWE). The DWE was not able to provide its requirement for your EIS. Therefore you are advised to consult with the DWE directly for its requirements for your EIS.

If other integrated approvals are identified before the Development Application (DA) is lodged, you must conduct your own consultation with the relevant agencies, and address their requirements in the EIS.

### Consultation

During the preparation of the EIS, you should consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult surrounding landowners and occupiers that are likely to be impacted by the proposal. Details of the consultations carried out and issues raised must be included in the EIS.

### The Commonwealth Environment Protection and Biodiversity Conservation Act

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then it will require an additional approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). These approvals are in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Department of the Environment, Water, Heritage and the Arts in Canberra ((02) 6274 1111 or [www.environment.gov.au](http://www.environment.gov.au)).

### Administration

You should note that if the development application to which these requirements relate is not made within two years of the date of this letter, you must re-consult with the Director-General prior to lodging the application.

### Enquiries

If you have any enquiries about the above, please contact Jonathan Cleary on (02) 9228 6467.

Yours sincerely



3/8/09.

Chris Ritchie

Manager – Industry

Major Development Assessment

As delegate of the Director-General

## ATTACHMENT No. 1 – MANDATORY ISSUES FOR ALL ENVIRONMENTAL IMPACT STATEMENTS

1. a statement containing the following information:
    - a) the name, address and professional qualifications of the person by whom the Environmental Impact Statement is prepared;
    - b) the name and address of the person by whom the development application was made;
    - c) the address of the land in respect of which the development application was made;
    - d) a description of the development to which the Environmental Impact Statement relates;
    - e) an assessment by the person by whom the Environmental Impact Statement is prepared of the environmental impact of the development to which the Statement relates, dealing with the matters referred to in clause 72 of the *Environmental Planning and Assessment Regulation 2000*;
    - f) a declaration by the person by whom the Environmental Impact Statement is prepared to the effect that:
      - i) the Environmental Impact Statement has been prepared in accordance with clauses 72 and 73 of the *Environmental Planning and Assessment Regulation 2000*;
      - ii) the Environmental Impact Statement contains all available information that is relevant to the environmental assessment of the development to which the Statement relates;
      - iii) that the information contained in the statement is neither false nor misleading;
  2. a summary of the environmental impact statement;
  3. a statement of the objectives of the development;
  4. an analysis of any feasible alternatives to the carrying out of the development, having regard to its objectives, including the consequences of not carrying out the development;
  5. an analysis of the development, including:
    - a) a full description of the development;
    - b) a general description of the environment likely to be affected by the development, together with a detailed description of those aspects of the environment that are likely to be significantly affected;
    - c) the likely impact on the environment of the development;
    - d) a full description of the measures proposed to mitigate any adverse effects of the development on the environment;
    - e) a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out.
  6. a compilation (in a single section of the Environmental Impact Statement) of the measures referred to in point 5d) above;
  7. the reasons justifying the carrying out of the development in the manner proposed, having regard to biophysical, economic and social considerations, including the following principles of ecologically sustainable development:
    - a) the **precautionary principle**, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, decisions should be guided by:
      - i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment;
      - ii) an assessment of the risk-weighted consequences of various options;
    - b) **inter-generational equity**, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations;
    - c) **conservation of biological diversity and ecological integrity**, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration;
    - d) **improved valuation, pricing and incentive mechanisms**, namely, that environmental factors should be included in the valuation of assets and services, such as:
      - i) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement;
      - ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste;
      - iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.
-

## **ATTACHMENT No. 2 – ADVICE ON THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR A PRE-MIX BITUMEN WORKS**

Pre-mix bitumen works have prompted considerable public controversy in the past since, among other things, they affect visual amenity, generate heavy vehicle movements, have potential for smell and fire hazard, require the handling and storage of raw materials which may raise dust and cause disturbance through noise. This is the prime reason for designation of pre-mix bitumen works under the Environmental Planning and Assessment Act, 1979.

The purpose of this paper is to outline various issues relevant to the preparation and consideration of an EIS for pre-mix bitumen works. It is intended to assist the preparation of the EIS. It is the applicant's responsibility to identify and address, as fully as possible, the matters relevant to the specific development proposal in complying with the statutory requirements for EIS preparation (see Attachment No 1).

The matters nominated in this paper are not intended as a comprehensive identification of all issues which may arise in respect of a pre-mix bitumen works. Some of the issues nominated may not be relevant to a specific proposal. On the other hand, there may be other issues, not included, that are appropriate for consideration in the EIS.

Information provided should be clear, succinct and objective and where appropriate be supported by maps, plants, diagrams or other descriptive details. The purpose of the EIS is to enable member of the public, the consent authority (usually the Council) and the Department of Planning to properly understand the environmental consequences of the proposed development.

### **1. Description of the proposal.**

The description of the proposal should provide general background information on the location and extent of the works, existing and proposed, an indication of adjacent developments, and details of the site, land tenure, zonings and relevant forward planning proposals and any other land use constraints.

The extent to which the supply of raw materials and access to markets for the finished product has determined the location of the plant in preference to alternative sites should be stated and any regional strategy for determining the location of these developments should be indicated.

This section should provide specific information on the nature, intend and form of the development. It should, as far as possible, include such details as the processes involved, wastes created and landscaping. A description should also be provided of associated operations such as the transport of materials.

Particular details that may be relevant include:

- characteristics and economic significance of the product.
- plans of operation.
- any proposals for future expansion, including staging and timing.
- capacity of plant now and in the future.
- sources and quantities of raw materials.
- type of machinery and equipment to be used.
- expected life of the operation of the plant.
- number of persons to be employed.
- hours of operation.
- means of storage of asphalt, solvent and additives and details of necessary stockpiling.
- access arrangements - truck routes, truck numbers, parking, etc.
- site drainage and erosion controls.
- water supply requirements.

### **2. Description of the Environment.**

This should provide details of the environment in the vicinity of the development site and also of aspects of the environment likely to be affected by any facet of the proposal. In this regard, physical, natural, social, archaeological and economic aspects of the environment should be described to the extent necessary for assessments of the environmental impact of the proposed development.

### **3. Analysis of Environmental Impacts.**

Environmental impacts usually associated with pre-mix bitumen works are listed below. Where relevant to the specific proposal these should be addressed in the EIS, taking into account the adequacy of safeguards proposed to minimise them.

- Likely noise disturbance caused by the operations, including transport operations, on nearby residences.
- Other impacts of trucking movements, including access across railways and on to highways.
- Potential for air pollution, including odours, organic vapours and particulate matter.
- Water management: including water requirements and the effects on the existing water supply system; proposals for separating clean and contaminated runoff before discharge; water treatment; quality and quantity of effluent for disposal.
- Treatment and disposal of waste material.
- Effects on the visual environment.

In addition, any potential for fire hazard or risks to public safety and any proposals to monitor and reduce environmental impacts should be included.

#### **4. Contact with relevant Government Authorities.**

In preparing the EIS, it is suggested that authorities, such as those listed below, should be consulted and their comments taken into account in the EIS.

- The Department of Environment and Climate Change (formerly Environment Protection Authority) in regard to air, water and noise impacts and relevant pollution control legislation requirements;
- The Heritage Office (now part of the Department of Planning) if the proposal is likely to affect any place or building having heritage significance for the State;
- the Department of Environment and Climate Change (formerly National Parks and Wildlife Service) if Aboriginal places or relics are likely to be affected;
- Department of Primary Industries should be contacted if prime agricultural land may be affected by the proposal.
- NSW Fisheries if areas of significant fish habitat will be affected.
- Department of Water and Energy or The Department of Environment and Climate Change if the proposal may have implications for soil erosion, or will disturb acid sulphate soils, or on water bodies subject to the legislative responsibilities of these agencies.

It is the responsibility of the person preparing the EIS to determine those Departments relevant to the proposed development.

It is the responsibility of the person preparing the EIS to determine those Departments relevant to the proposed development.

#### **5. Offensive or Hazardous Industries**

Finally, it should be noted that noxious, offensive or hazardous industries may be prohibited developments under the planning instrument. This should be clarified with the Council before proceeding with any EIS.



## Office of Water

The General Manager  
Kempsey Shire Council  
PO Box 78  
West Kempsey NSW 2440

Contact: Glen Poolman  
Phone: 02 6641 6521  
Fax: 02 6641 6642  
Email: [glen.poolman@dnr.nsw.gov.au](mailto:glen.poolman@dnr.nsw.gov.au)

Our ref: 30 ERM2009/1197  
Our file: 9047804-1  
Your ref: T6-09-319

Attention: Katherine Alberry

24 November 2009

Dear Ms Alberry

**Re: Integrated Development Referral – General Terms of Approval  
T6-09-319 - Asphalt Batching Plant,  
63 South St, SOUTH KEMPSEY**

I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property and our telephone conversation today. Attached, please find the Department's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the *Water Management Act 2000* (WMA), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPAA) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the Department requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Department should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (ie in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the Department will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.
- The Department should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The Department requests notification of any legal challenge to the consent.

Under Section 91A(6) of the EPAA, Council must provide the Department with a copy of any determination/s including refusals.

Department of  
**Environment, Climate Change and Water NSW**



As a controlled activity (ie the 'works') cannot commence before the applicant obtains a Controlled Activity Approval, the Department recommends that the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council".

**The attached GTA are not the Controlled Activity Approval.** The applicant must apply (to the Department) for a Controlled Activity Approval after consent has been issued by Council but before the commencement of any 'works'.

Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the Department receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the Department's website [www.water.nsw.gov.au](http://www.water.nsw.gov.au)

The Department requests that Council provide a copy of this letter to the applicant.

Yours Sincerely

Glen Poolman

**NSW Office of Water**  
Licensing North





# General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference		30 ERM2009/1197	File No:	9047804-1
Site Address		63 South St, SOUTH KEMPSEY		
DA Number		T6-09-319		
LGA		Kempsey Shire Council		
Number	Condition			
Plans, standards and guidelines				
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to T6-09-319 and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>			
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>			
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Vegetation Management Plan</p> <p>(ii) Works Schedule</p> <p>(iii) Soil and Water Management Plan</p>			
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at <a href="http://www.water.nsw.gov.au">www.water.nsw.gov.au</a></p> <p>(i) Vegetation Management Plans</p> <p>(ii) Riparian Corridors</p> <p>(iii) Outlet structures</p>			
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>			
Rehabilitation and maintenance				
6	<p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.</p>			
7	<p>The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.</p>			

Our Reference	30 ERM2009/1197	File No:	9047804-1
Site Address	63 South St, SOUTH KEMPSEY		
DA Number	T6-09-319		
LGA	Kempsey Shire Council		
Number	Condition		
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.		
14	The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
Drainage and Stormwater			
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.		
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.		
Erosion control			
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.		
Excavation			
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
River bed and bank protection			
23	The consent holder must establish a riparian corridor along the Gills Bridge Creek in accordance with a plan approved by the NSW Office of Water.		
Plans, standards and guidelines			
24	The consent holder must comply with the requirements of the approved Vegetation Management Plan (VMP) to the extent that it relates to the carrying out of any controlled activity at 63 South St, SOUTH KEMPSEY.		
27	The consent holder must not disturb the rehabilitation activities required by the approved Vegetation Management Plan (VMP		
END OF CONDITIONS			

20<sup>th</sup> November 2009  
Our Ref: 090906T  
Council Ref: T6-09-210 LA 3200

Kempsey Shire Council  
PO Box 78  
WEST KEMPSEY NSW 2440

ATTENTION: Ms Katherine Alberry – Principal Area Planner

Dear Katherine

**DEVELOPMENT APPLICATION T6-09-319  
LA 3200 LOT 45 DP245599 63 SOUTH STREET, SOUTH KEMPSEY  
ASPHALT BATCHING PLAN**

I refer to Council's correspondence dated 5<sup>th</sup> November 2009 and your email dated 9<sup>th</sup> November 2009 requesting additional information in respect of the abovementioned application. Please find below our response to the issues raised:

**Stormwater Quality Treatment**

The applicant's stormwater consultant, Duke Environmental, has consulted with the Council officers in respect of the Draft Stormwater Management Strategy for Gills Bridge Creek, and an addendum to the proposed Stormwater Management Plan has been prepared and is included at Attachment A. We suggest that the treatment and discharge of stormwater from the subject site be conditioned to comply with the Stormwater Management Plan submitted with the Environmental Impact Statement and the attached Addendum.

**Fill Site Conditions**

We understand there is an area in the north eastern section of the subject site that has been filled by the previous land owner. It is proposed that this area will be trimmed and compacted where needed to support structural elements for the plant. Where not sealed for vehicle maneuvering, storage bins or plant area the site will be landscaped as indicated in the submitted proposal plans. We suggest that the treatment of uncompacted fill (having regard to the proposed site layout) can be conditioned as part of any approval.

**Bushfire Risk Assessment**

We have consulted with a bushfire consultant and he has indicated that there is no requirement for a bushfire assessment given the nature of the proposal and the subject site. This has been confirmed by Council.

**Bunding Details**

It is proposed that the provision of bunding will be provided in accordance with relevant environmental and dangerous goods guidelines. A plan showing the bunding details including elevations, cross sections and materials is being prepared and will be forwarded to your office shortly.

PLANNING | SURVEYING | URBAN DESIGN | PROJECT MANAGEMENT

**Moreton Bay**

18/42 King Street, Caboolture Qld 4510  
PO Box 1712, Caboolture Qld 4510  
p | 07 5495 5318 f | 07 5495 5317

**Sunshine Coast**

Suite 1, Corner Surf Road & Gardak Street  
Alexandra Headland Qld 4572  
PO BOX 6380, Maroochydore BC Qld 4558  
p | 07 5443 2844 f | 07 5443 7146

**North Queensland**

61-73 Sturt Street, Townsville Qld 4810  
PO Box 5027, Townsville Qld 4810  
p | 07 4721 3066 f | 07 4721 3088

**Landscaping**

We understand the objectives of the Gills Bridge Creek Rehabilitation Project and confirm that the applicant's proposed mitigation measures outlined in the Environmental Impact Statement (refer pg 40) is to remove all environmental weeds from the subject site, and use locally indigenous tree and shrub species in landscaped areas. We confirm the applicant's intent to use the species listed in Council's correspondence dated 5<sup>th</sup> November 2009, to complement and enhance the revegetation works currently being undertaken. We suggest the use of the identified landscaping species can be conditioned as part of any approval.

Should you have any questions with respect to the above, please do not hesitate to contact me direct.

Yours faithfully

**KHA DEVELOPMENT MANAGERS**

A large, stylized handwritten signature in black ink, appearing to read 'Glen Wright', is written over the printed name and title.

Glen Wright  
**DIRECTOR**

**ATTACHMENT A**

---

**STORMWATER QUALITY ASSESSMENT**  
**Prepared by Duke Environmental**

Our Reference: AE0925SMP

19 November 2009

Tropic Asphalt  
c/- KHA Development Managers  
PO Box 6380  
MAROOCHYDORE BC QLD 4558

Attention: Glen Wright

Dear Glen

**STORMWATER QUALITY ASSESSMENT  
DEVELOPMENT APPLICATION T6-09-319  
PROPOSED ASPHALT PLANT, LOT 44 ON DP245599,  
63 SOUTH STREET, KEMPSEY.**

## **1.0 INTRODUCTION**

This report has been prepared as an Addendum to our report "Stormwater Management Plan", Ref AA0925SMP, dated September 2009, and in response to Item b of a letter from Kempsey Council, dated 5 November 2009. This report assesses quality of stormwater runoff from the proposed development.

## **2.0 STORMWATER QUALITY TREATMENT**

### **2.1 Stormwater Quality Treatment**

With reference to Item b of Kempsey Council's letter, dated 5 November 2009, treatment of stormwater from the site is to be addressed in respect of the provisions of the Draft Stormwater Management Strategy for Gills Bridge Creek. As the draft strategy was not available to the public at the time of submission of this letter, we consulted with Council. We propose the following stormwater treatment processes.

We consider that the South-East Queensland Healthy Waterways guidelines follows industry best practice in terms of water quality management and achievement of water quality targets.

Further, the model for urban stormwater improvement conceptualisation (MUSIC) has been used to model on-site catchments in order to appropriately design water quality improvement devices (SQIDS), and to demonstrate that load based reduction targets have been achieved.

**Duke Environmental**  
Environmental Management Consultants

Building A, Suite 2, Level 1  
6 Innovation Parkway  
BIRTINYA QLD 4575  
PO Box 78  
WURTULLA QLD 4575  
P 07 5493 3322 F 07 5493 3422 E [de@dukenviro.com.au](mailto:de@dukenviro.com.au)  
Powerful Owl Qld Pty Ltd T/A Duke Environmental ABN 53 111 368 944

Table 2.1 below details Healthy Waterways targets, and the reductions achieved on-site with the adoption of the SQIDS as detailed on Duke Environmental Drawing DE0925/01A. It is to be noted that the Healthy Waterways load based reductions have been achieved. Refer to Attachment A for copy of MUSIC schematic and results.

**Table 2.1 – Annual Load Based Reductions**

<b>Pollutant Type</b>	<b>Healthy Waterways</b>	<b>Achieved on-site</b>
Suspended Solids	80%	94.7%
Total Phosphorus	60%	79.4%
Total Nitrogen	45%	46.6%
Gross Pollutants	90%	100%

## **2.2 Catchment Modelling**

The following strategy was followed for water quality modelling of discreet catchments within the subject site.

- Runoff from the proposed sealed access road is to be treated via vegetated or grassed swales before discharge to a bioretention basin for further treatment.
- Runoff from the car parking area is to discharge to a bioretention basin for treatment.
- Runoff from the manufacturing area drains to a first flush diversion tank. This runoff is treated via a grease/oil separator before either being re-used on-site (toilet flushing, irrigation, dust suppression), or discharged to Council sewer via tradewaste. This is considered adequate water quality treatment, and therefore has not been included in the MUSIC model.
- Landscaped areas are considered not to require treatment and also function as buffer strips for treating runoff from the site.
- Runoff from the existing shed roof is considered to be relatively clean and therefore requires no further treatment.
- Runoff from neighbouring sites to the north and west is diverted around the site via swales.
- SQIDS are generally designed to accept the 3 month stormwater runoff. Flows greater than this are discharged via a high flow bypass.

## **3.0 RECOMMENDATIONS**

Detailed design of the SQIDS is to be in accordance with Duke Environmental Drawing DE0925/01A.



#### 4.0 CONCLUSIONS

With reference to Table 2.1 above, it is to be noted that the Healthy Waterways load based reductions have been achieved. Thus, with the installation of the recommended SQIDS, we consider that industry best practice stormwater quality improvement has been achieved.

#### 5.0 LIMITATIONS OF THIS REPORT

This study has been tailored to investigate issues in the context of the proposal, and at the area of interest, being Lot 44 on DP245599, 63 South Street, Kempsey, NSW.

Individual sub-catchments situated above, and below the area of interest, may have different hydrological / hydraulic influences. Hence, the information contained in this report is not to be used outside of the subject area.

Where applicable, and due to their latent nature, subsurface conditions and/or water quality monitoring results may vary significantly across the site and/or temporally in comparison to those described herein. We consider that the study accurately reflects the conditions for the area of interest, at the time the study was undertaken. The results of this study should be reviewed if catchment / proposal conditions change in the future.

Notwithstanding the above, this report has been undertaken for the specific purposes of Asphalt Consulting and Testing Pty Ltd, as detailed in our correspondence to them, and is solely for the use of Asphalt Consulting and Testing Pty Ltd.

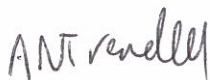
This report is only to be used in full, and may not be used to support objectives other than those set out herein, except where written approval, with comments, are provided by Duke Environmental.

Duke Environmental accept no responsibility for the accuracy of information supplied to them by second and third parties.

#### 6.0 CLOSURE

Please feel free to contact Alister Trendell at our office if you have any questions regarding the project.

Yours faithfully,



**Alister Trendell**  
BEng(Hons)  
Environmental Engineer  
for Duke Environmental



**Paula Duke**  
MEngSc BAppSc(Chem) PGDipEd CEnvP MEIANZ  
Director  
for Duke Environmental



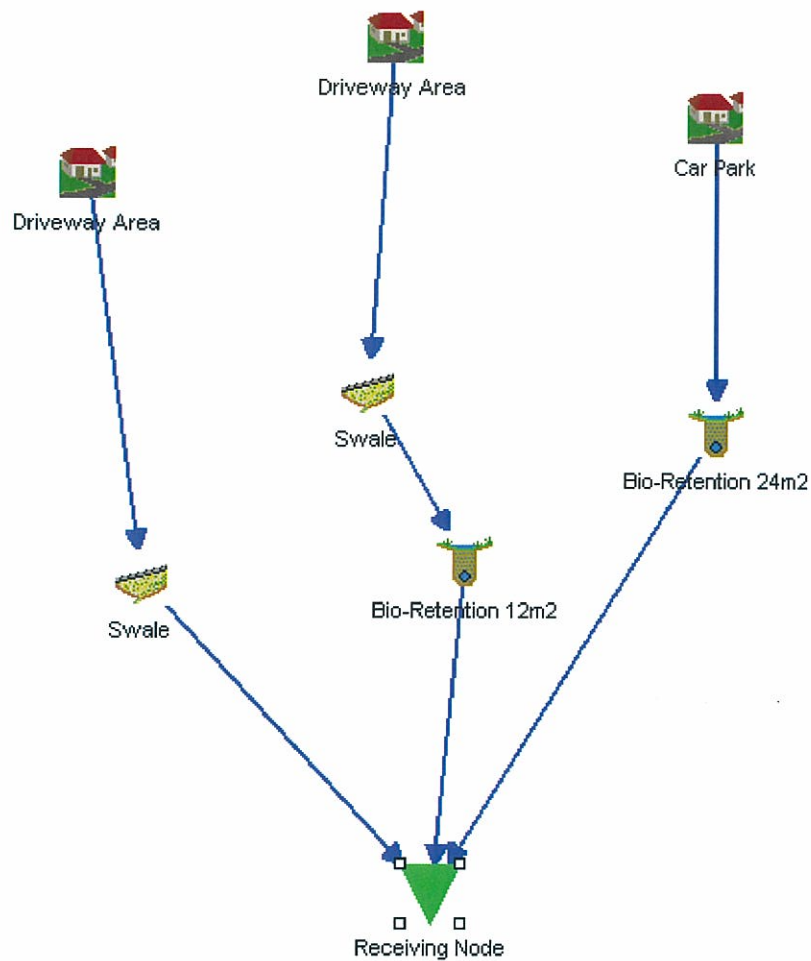
Attachment A: Duke Environmental Drawing DE0925/01A  
Emails from Council, dated 17/11/09 and 19/11/09  
MUSIC model schematic and results



**ATTACHMENT**

**A**

# **DRAWINGS, EMAILS, MUSIC SCHEMATIC**



Treatment Train Effectiveness - Receiving Node			
	Sources	Residual Load	% Reduction
Flow (ML/yr)	1.17	1.17	0.0
Total Suspended Solids (kg/yr)	265	14.1	94.7
Total Phosphorus (kg/yr)	0.511	0.105	79.4
Total Nitrogen (kg/yr)	2.47	1.32	46.6
Gross Pollutants (kg/yr)	27.3	0.00	100.0

## Alister Trendell

---

**From:** Kate Alberry [Kate.Alberry@kempsey.nsw.gov.au]  
**Sent:** Thursday, 19 November 2009 11:32 AM  
**To:** Alister Trendell  
**Subject:** RE: Asphalt Plant - WSUD

Hi Alister

Generally the concept plan appears to meet standards required for the site. This can now become a condition of consent to request further details at Construction Certificate stage.

Thanks for you assistance.

Regards  
Kate

*Kate Alberry*

*Principal Area Planner*

---

*Kempsey Shire Council*

*PO BOX 78  
WEST KEMPSEY 2440  
Ph 02 6566 3200  
Fax 02 6566 3245*

*Info for Kempsey Shire Council Records*

*Contact:  
Company:  
Postal address:  
Council reference No :*

---

**From:** Alister Trendell [mailto:alister@dukenviro.com.au]  
**Sent:** Thursday, 19 November 2009 12:19 PM  
**To:** Kate Alberry  
**Cc:** Paula Duke  
**Subject:** Asphalt Plant - WSUD

Kate,

Attached is a draft SMP drawing detailing WSUD for the new sealed access road and carpark. The WSUD devices have been designed and sized using the MUSIC model to reach industry standard water quality targets. i.e percentage reduction of 80% suspended solids, 60% phosphorous and 45% Nitrogen.

As discussed, we consider the following applies to the remaining catchments within the site in regards to water quality treatment.

- Landscaped area – does not require treatment.
- Manufacturing area – enclosed by bunding and treated via a first flush tank which removes the polluted runoff via re-use and tradewaste. This represents adequate water quality treatment.

19/11/2009



- Existing metal shed – The shed is existing, and pollutant levels from roof runoff are generally low. Therefore we do not consider this runoff requires treatment.

In addition, we will show the level spreader at the outlet to the existing outlet and make this the discharge point.

Please reply via email that our approach to water quality treatment as detailed, meets council expectations and requirements (or similar wording), so that we can progress in this direction.

**Regards,**

**Alister Trendell**

BEng (Hons)

**Environmental/Hydraulic Engineer**



P: 0754 933 322  
F: 0754 933 422  
E: [alister@dukenviro.com.au](mailto:alister@dukenviro.com.au)  
W: [dukenviro.com.au](http://dukenviro.com.au)

This email and any attached files are intended for the named recipient(s) only. If you have received this message in error inform the sender immediately and delete all copies of this email and any attachments from your computer system and network. Unless otherwise stated, the views expressed in this email and/or attachments may not reflect the views of Duke Environmental. Duke Environmental accepts no responsibility for possible viruses associated with this email and attached files.

---

**Attention:**

This message may contain privileged and confidential information intended only for the use of the addressee named above. If you are not the intended recipient of this message, you must not disseminate, copy or take any action in reliance on it. If you have received this message in error, please notify Kempsey Shire Council immediately. Any views expressed in this message are those of the individual sender, except where the sender specifically states them to be the views of Kempsey Shire Council and is authorized to do so.

This email has been scanned by NetIQ MailMarshal however the sender cannot guarantee that this email or any attachment to it is free of computer viruses or other conditions which may damage or interfere with data, hardware or software with which it might be used. It is sent on the strict condition that the user carries out and relies on its own procedures for ensuring that its use will not interfere with the recipients systems and the recipient assumes all risk of use and absolves the sender of all responsibility for any consequence of its use.

---

## Alister Trendell

---

**From:** Kate Alberry [Kate.Alberry@kempsey.nsw.gov.au]  
**Sent:** Tuesday, 17 November 2009 12:02 PM  
**To:** alister@dukenviro.com.au  
**Cc:** ~Records  
**Subject:** FW: Scan Data from SDS

**Attachments:** img-Y17104433-0001.pdf



img-Y17104433-0001.pdf (24 KB)...

Hi Alister

Following out conversation regarding the Stormwater from the Batching Plan site, attached is a page out of a Stormwater Management Plan for a similar type of development in the South Kempsey Industrial Estate.

It is generally understood that Council generally requires site surface runoff and water quality to be maintained at the same levels as those for an undeveloped site.

It is acknowledged that Council does not have specific stormwater objectives for industrial land, however general stormwater management objectives as set out in AUS-SPEC-1 D07 - Stormwater Management should be adopted (Council's DCP 36).

The general aims of any stormwater management plan will therefore be to maintain or improve the water treatment that occurs on the site.

Additionally Council is required as part of its adopted State of the Environment Report and the Gills Creek Rehabilitation Plan to undertake water sensitive urban design principals and to ensure that the water quality in this site is improved and does not lead to further degradation of the creek. As part of the proposed development Council is required to ensure that this is achieved and the attached document uses accepted water industry guidelines to adequately address any quality issues.

Please contact me if you have any questions relating to the above.

Regards

Kate

Kate Alberry  
Principal Area Planner

-----  
Kempsey Shire Council  
PO BOX 78  
WEST KEMPSEY 2440  
Ph 02 6566 3200  
Fax 02 6566 3245

Info for Kempsey Shire Council Records

Contact:  
Company:  
Postal address:  
Council reference No :T6-09-319

-----Original Message-----

From: DocuCentre-III 3007 [mailto:xerox@kempsey.nsw.gov.au]  
Sent: Tuesday, 17 November 2009 11:45 AM  
To: Kate Alberry  
Subject: Scan Data from SDS

Number of Images: 1  
Attachment File Type: PDF

Device Name: DocuCentre-III 3007  
Device Location: SDS

#####  
Attention:

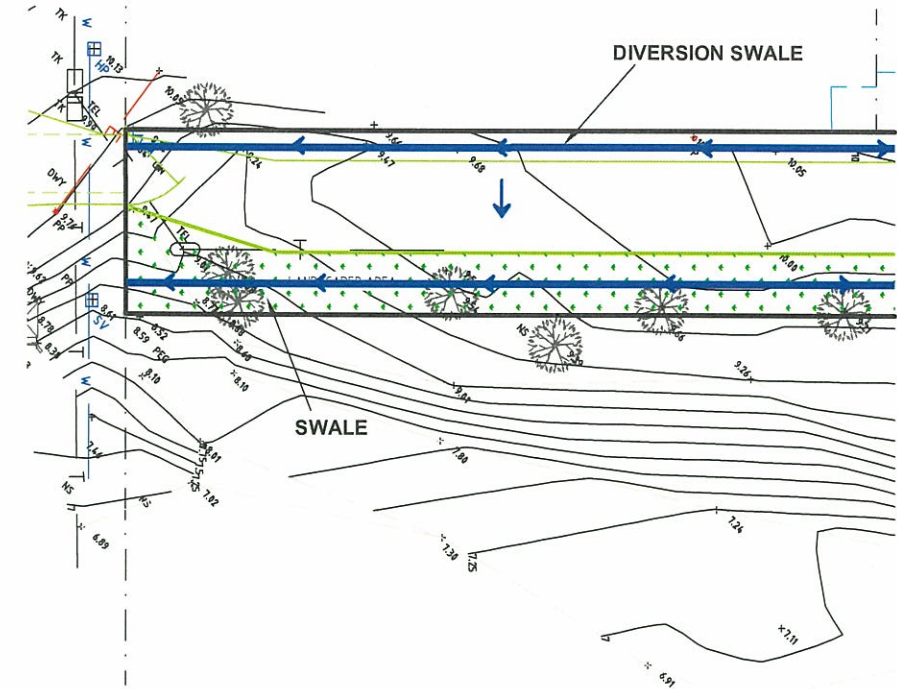
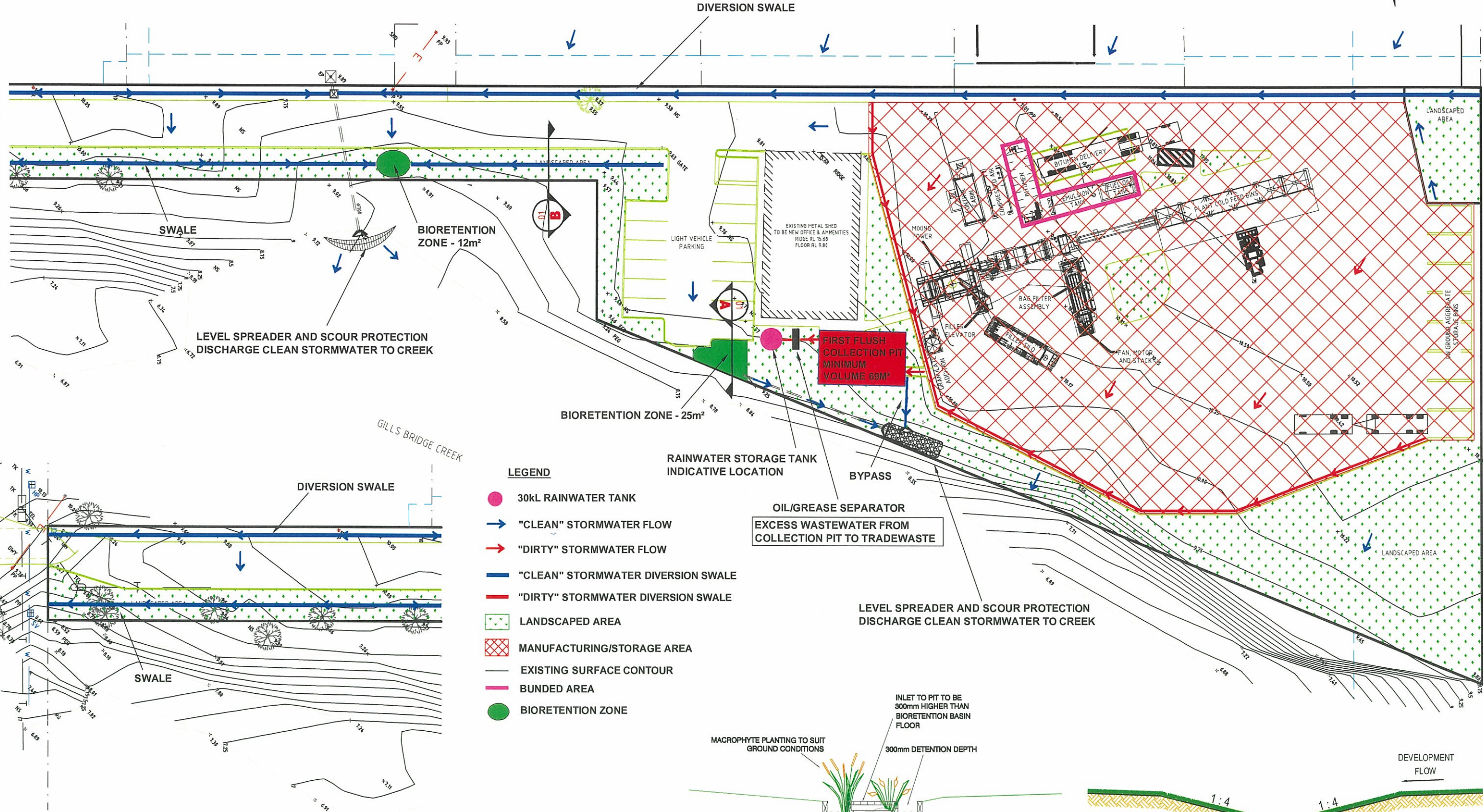
This message may contain privileged and confidential information intended only for the use of the addressee named above. If you are not the intended recipient of this message, you must not disseminate, copy or take any action in reliance on it. If you have received this message in error, please notify Kempsey Shire Council immediately. Any views expressed in this message are those of the individual sender, except where the sender specifically states them to be the views of Kempsey Shire Council and is authorized to do so.

This email has been scanned by NetIQ MailMarshal however the sender cannot guarantee that this email or any attachment to it is free of computer viruses or other conditions which may damage or interfere with data, hardware or software with which it might be used. It is sent on the strict condition that the user carries out and relies on its own procedures for ensuring that its use will not interfere with the recipients systems and the recipient assumes all risk of use and absolves the sender of all responsibility for any consequence of its use.  
#####





REFER BELOW FOR CONTINUATION

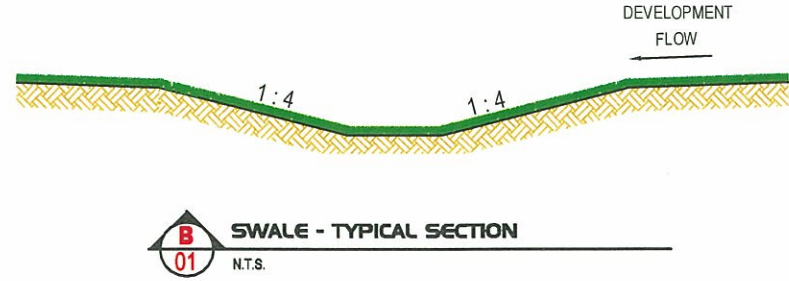
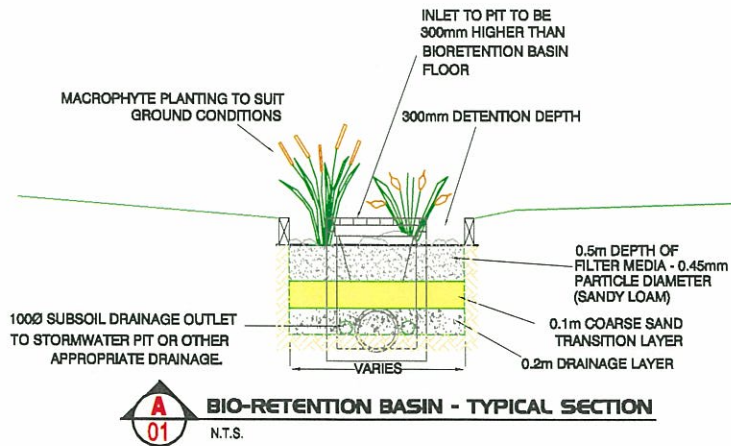


NOT FOR CONSTRUCTION



**NOTE:**  
1. PROPOSED STORMWATER INFRASTRUCTURE SHOWN IS INDICATIVE ONLY AND IS SUBJECT TO CHANGE AT DETAILED DESIGN PHASE.  
2. HYDRAULIC DESIGN OF STORMWATER INFRASTRUCTURE BY PROJECT CONSULTING ENGINEER.

- LEGEND**
- 30kL RAINWATER TANK
  - "CLEAN" STORMWATER FLOW
  - "DIRTY" STORMWATER FLOW
  - "CLEAN" STORMWATER DIVERSION SWALE
  - "DIRTY" STORMWATER DIVERSION SWALE
  - LANDSCAPED AREA
  - MANUFACTURING/STORAGE AREA
  - EXISTING SURFACE CONTOUR
  - BUNDED AREA
  - BIORETENTION ZONE



NOTE: Indicative only. Dimensions to be specified by civil contractor.

No	Date	Amendment	<div>Design: A.T.</div> <div>Drawn: A.T.</div> <div>Date: 18-09-09</div> <div>Checked: P.D.</div>	APPROVED	<div>DOCUMENT STATUS</div> <div>FOR APPROVAL</div> <div>(Not for Construction)</div>	<div><div><div>07 5493 3322</div><div>07 5493 3422</div><div>de@dukenviro.com.au</div></div><div>PO Box 78 Wurtulla 4575</div><div>Powerful Owl Qld Pty Ltd</div><div>T/A Duke Environmental</div><div>ABN 53 111 369 944</div></div> <div><div><div><div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div></div></div><div><div>Duke</div><div>Environmental</div></div><div>Environmental &amp; Engineering Management Consultants</div><div>THIS PLAN IS COPYRIGHT PROTECTED BY DUKE ENVIRONMENTAL</div></div></div>	CLIENT: ASPHALT CONSULTING AND TESTING PTY LTD			
A	19-11-09	Additional water treatment devices added		DATE: .....			Survey By: -	PROJECT: PROPOSED ASPHALT PLANT		
							Datum: A.H.D.	SIZE A3	AT: LOT 44 ON DP245599 63 SOUTH STREET, KEMPSEY	Sheet 1 of 1
									DRAWING No: DE0925-01A	
							TITLE: STORMWATER MANAGEMENT PLAN			