

MINUTES OF THE WESTERN REGION PLANNING PANEL MEETING HELD AT BLAYNEY SHIRE COUNCIL ON MONDAY 11 JANUARY AT 11.00 AM

PRESENT: GABRIELLE KIBBLE (CHAIR)
RUTH FAGAN
GORDON KIRKBY
JOHN CLAGUE
HEATHER NICHOLLS

MARK GRAYSON (ALTERNATE - OBSERVER)

IN ATTENDANCE: PAUL O'BRIEN (BLAYNEY SHIRE COUNCIL)

APOLOGY: NIL

1. Declarations of Interest - Nil

2. Business Items

**ITEM 1 - 2009WES001 – Blayney Shire Council – 26/2010 79
Marshall's Lane, Blayney- Resource Recovery Facility**

3. Public Submission - NIL

4. Business Item Recommendations

**2009WES001 – Blayney Shire Council – 26/2010 79 Marshall's Lane,
Blayney- Resource Recovery Facility**

The Panel noted that the the subject site was inspected this morning and commended Council on the quality of the report.

Paul O'Brien from Blayney Shire Council confirmed that Council is satisfied that this is an appropriate site for this development and fully supports the recommendations.

Gabrielle Kibble confirmed that no public submissions were received.

The Applicant, Jock Germany from Environmental Treatment Solutions Pty Ltd, addressed the Panel on the proposed development.

It was agreed by the Panel that the following recommendation be approved.

RESOLVED:

1. That the Joint Regional Planning Panel grant consent to Development Application No.26/2010 for the proposed operation of a waste resource recovery facility at 79 Marshalls Lane, Blayney, subject to the conditions contained in the attached Schedule "A".

There being no further business, the meeting concluded at 11.15am.

Endorsed by

Gabrielle Kibble
Chair, Western Region Planning Panel
Date: 25 January 2010

Schedule “A”

Conditions Issued With Development Application No. 26/2010

1. The determination shall be regarded as being in accordance with the particulars and endorsed plans set out and described in Development Application No. 26/2010 registered in Council's records as of 24th September 2009 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent.

Note: Any amplification or variation of use that would cause the development to be determined as designated development in accordance with the specifications of Schedule 3 of the *Environment Planning and Assessment Regulation 2000* shall not be undertaken unless otherwise consented to by separate application.

GENERAL

REASON: To satisfy amenity and the public interest.

2. Noise generation arising from the development shall not be greater than 5dBA above background L₉₀ levels when measured at the closes receptor.
3. That the hours of noise generation be restricted to:-

Monday to Friday	6am to 8pm
Saturday	8am to 6pm
Sunday and Public Holidays	Nil
4. That no product is to be stored outside the main building except as required during loading and unloading activities.

STATUTORY

REASON: To comply with statutory requirements.

5. That all Certificates issued in relation to the development are to be submitted to Council.
6. That the building be maintained in accordance with the requirements of the Building Code of Australia.
7. Prior to commencement of operations all works and development is to be inspected and approved by Council officers.

SITE MANAGEMENT

REASON: To comply with Council's development standards, safe vehicle movements and access and to meet the public interest requirements.

8. The vehicle parking area is to be delineated to indicate a minimum of 8 vehicle spaces and 1 visitor parking space of minimum dimension 5.5 metres in length and 3 metres in width.

9. An accessible parking space together with accessible paths complying with AS 1428 Parts 1 & 4 is to be maintained within curtilage of the office building.
10. Access ramps together with accessible paths complying with AS 1428 Parts 1 & 4 are to be maintained for access to the office building.
11. The office building is to be accessible in public areas.

ENVIRONMENTAL

REASON: To comply with Council's statutory requirements and to manage environmental issues.

12. That the development is operated and licensed at all times in accordance with the Environment Protection Licence – Protection of the Environment Operations Act 1997 Notice No: 1105089 (attached), as amended from time to time.
13. No trade waste materials are to be discharged to the sewer unless otherwise formally approved by Council.

CONSTRUCTION

REASON: To comply with Council's policy and requirements.

14. That any damage to Council's footpath, road or other land being restored in accordance with Council's specifications. Contact Council's Works & Services Department.
15. That no materials or machinery to be stored or stacked on Council's footpath, nature strip or roadway.
16. That there be no burning of waste material, felled trees or other material on the site.

FIRE SAFETY

REASON: To ensure that the fire safety and structural capacity are satisfactory to meet the needs of the development.

17. The development is not to operate unless all fire safety measures required by development consent 153/2009 for the subject property are installed and maintained in accordance with the terms of that consent except where approved by Blayney Shire Council.

ACCESS

REASON: To comply with Council's policy and requirements for the provision of access.

18. That a concrete layback gutter crossing and full width concrete driveway be installed at the exit of Gerty Street between gutter and property boundary to Council's specification be constructed at full cost to the applicant.

DRAINAGE

REASON: To comply with Council's requirements to ensure the site / building are adequately protected from storm water.

19. That the applicant install suitable stormwater measures to ensure that no soil / sediment makes its way to Gerty Street or Marshalls Lane.
20. That the dam should not be allowed to overflow into the stormwater system or the dam should be drained on site and filled.

LANDSCAPING

REASON: To comply with Council's policy for the provision of landscaping.

21. That a detailed landscaping plan be submitted for approval by Council and installed prior to the operation of all works.

ENVIRONMENTAL

REASON: To ensure public safety.

22. That the site must be cleaned up to ensure that all zinc alloy, fibrefrax and other waste material is removed from the yard area.
23. That all waste material in the treatment tanks and waste tanks must be removed to an appropriate waste facility or appropriately treated on site.
24. That the sump under the shed should be sealed or filled with sand or other inert material.

SECTION 94 CONTRIBUTIONS

REASON: To comply with Council's policy for a contribution towards headworks.

25. That the applicant contribute \$2,612.00 towards headworks. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made. The cost of the applicable headworks during the 2009/2010 financial year is as follows:-

BSC1	Blayney Streets	\$1,855.00
BSC7	Open Space	\$254.00
BSC10	Community Facilities	\$503.00
TOTAL		\$2,612.00

26. Payment is to made prior to the operation of all works and the final inspection undertaken by Council officers.

PRE – COMMISSIONING

27. No later than two months prior to the commencement of commissioning of the proposed development, or within such further period as the Director General and Council may agree, the applicant shall submit for the approval of the Director General and Council documentation describing the following plans and systems. Commissioning shall not commence until approval has been given by the Director General and Council.

(a) Transport of Hazardous Materials

Arrangements covering the transport of hazardous material including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the proposed development. The routes shall be selected in accordance with the Department of Planning 'Draft Route Selection' Guidelines. Suitable routes identified in the study shall be used except where departures are necessary for local deliveries or emergencies.

(b) Emergency Plan

A comprehensive Emergency Plan and detailed emergency procedure for the proposed development. This plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan shall be in accordance with the Department of Planning' Hazardous Industry Planning Advisory Paper No. 1, 'Industry Emergency Planning Guidelines'.

(c) Safety Management System

A document setting out a comprehensive Safety Management System, covering all on – site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring the adherence to the procedures. Records shall be kept on site and shall be available for inspection by the Director General and Council upon request. The Safety Management Systems shall be developed in accordance with the Department of Planning' Hazardous Industry Planning Advisory Paper No.9, 'Safety Management'.

PRE START UP

28. Pre – Start up Compliance Report

One month prior to the commencement of operation of the development, the Applicant shall submit to the Director General and Council, a report detailing compliance with condition 27, including:

- (a) dates of study/plans/system submission, approval, commencement of construction and commissioning;
- (b) actions taken or proposed to implement recommendations made in the studies/plans/systems; and
- (c) response to each requirement imposed by the Director General and Council under condition 32.

POST – START UP

29. Post Start up Compliance Report

Three months after the commencement of operation of the development, the applicant shall submit to the Director General and Council, a report verifying that:

- (a) transport routes specified under condition 27 are being allowed;
- (b) the Emergency Plan required under condition 27 is effectively in place and that at least one emergency exercise has been conducted; and
- (c) the Safety Management System required under condition 27 has been fully implemented and that records required by the system are being kept.

ONGOING

30. Incident Report

Within 24 hours of any incident or potential incident with actual or potential significant off site impact on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. The report must be submitted to the Director General and Council no later than 14 days after the incident or potential incident.

The applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the independent Hazards Auditor, the Director General and Council.

31. Hazard Audit

Twelve months after the commencement of operations of the proposed development or within such further period as the Director General and Council may agree, the applicant shall carry out a comprehensive Hazard Audit of the proposed development and within one month of the audit submit a report to the Director General and Council.

The audit shall be carried out at the applicants expense by a duly qualified independent person or team approved by the Director General and Council prior to commencement of the audit. Further audits shall be carried out every three years or as determined by the Director General and Council and a report of each audit shall within a month of the audit be submitted to the Director General and Council. Hazard Audits shall be carried out in accordance with the Department of Planning' Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'.

The audit shall include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit.

The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the applicant intends to defer the implementation of a recommendation, justification must be included.

32. Further Requirements

The applicant shall comply with all reasonable requirements of the Director General and Council in respect of the implementation of any measures arising from the reports submitted in respect of conditions 27 – 31 inclusive, within such time as the Director General and Council may agree, the applicant shall carry out comprehensive Hazard Audit or the proposed development and within one month of the audit submit a report to the Director General and Council.