

# **ATTACHMENT B**

## **Council Public Meeting Agenda & Minutes**

## **Wallerawang Meeting**

**9 December 09**

### **Howard Pyrotechnics**

#### **Agenda**

##### **1. Introduction – Councillor Ray Thompson Deputy**

**Mayor.** To advise:

- a Development Application has been submitted by Howards & Sons Pyrotechnics for the redevelopment of the Wallerawang facility
- the purpose of the meeting is to determine if public concern requires Council to make a submission to the Joint Regional Planning Panel that will be determining the Development Application from Howards.

##### **2. Project outline by Christian Howard**

##### **3. Council Staff Presentation**

PowerPoint presentation on the Development Application and the approval process that applies to this application.

##### **4. Questions**

##### **5. Conclusion**

Determine what issues the public would like to include in any submission to the JRPP.

## **MINUTES**

### **PUBLIC MEETING 190/09DA- HOWARDS & SONS PYROTECHNICS- 9/12/2009**

#### **READ IN CONJUNCTION WITH AGENDA WHICH IS SUPPLIED AS ATTACHMENT B.**

Attendance: Cllr Thompson, Cllr Marshall, Cllr Hunter, Roger Bailey- General Manager LCC, Jim Nichols- Manager Development LCC, Gary Wallace- Team Leader Development, Jessica Heath- Trainee Planner, Ally Shelton- IT Manager LCC, 12 public members.

**1. Introduction- Councillor Ray Thompson Deputy Mayor:**

Apologies- for Mayor Neville Castle & Councillor Danaher & Councillor Fisher (gallery), and Andrew Muir- Manager Regional Services

- explained proceedings of the meeting
- meeting for redevelopment only

**2. Project Outline- Christian Howard- Applicant**

- earth mounding no longer required for 250kg max NEQ shed where manufacturing occurs
- all buildings are to be constructed, reconstructed or repaired
- all steel magazines will be replaced by concrete

**Resident**

Is there going to be no steel sheds or containers as before?

**Applicant**

Containers will be replaced by June 2013 and will no longer be there, only concrete with earth mounding with steel reinforced with roof of shed to blow off if there is an explosion.

- Electric fence installed for security as well as alarm and flashing lights in accordance with the Australian Standards
- Explosive licensing will be reduced from previous approval
- Old steel will all be replaced by concrete
- Now including earth mounding around all firework sheds
- Reduction of magazine from 4000 to 2000

**Resident**

How often is explosive storage amount for each shed checked?

**Applicant**

Work cover will check every six months

**Resident**

Is there security cameras covering the entirety of the property to catch and trespassers anywhere within the boundary fence?

**Applicant**

CCTV, and its only covers specific areas

Resident

No security workers or people at the site 24hours and the cameras don't cover the whole site, people could get inside the fencing and you would need some other deterrent.

Applicant

Security company we use advised that our security is above the standard with alarms, flashing lights, flood lights that come on with motion detectors

Resident

If there is no power do you have back up power?

Applicant

Batteries are a backup when there is a blackout.

Resident

I think we are restricted by the agenda in what the residents would like to raise today

Deputy Mayor

Ok if you have something off the agenda we may be able to address is at the end of the meeting

Resident

If I wanted to get into the fence I would dig underneath it, are you going to implement anything to stop people getting in that way? Also there was a security light flashing at the site for days and no one did anything.

Applicant

Yes that light is now fixed.

Resident

What about no one being there 24hours a day and the possibility of a terrorist getting to the site would be easy. Also if there is an explosion in one of the sheds that blow the roof off, where does it land? In our houses?

Applicant

The roof is designed to crumple and directly to the ground.

Resident

Looking at the model the earthworks is a smaller than the height of each shed

Applicant

Earth works will be level with the height of each shed

Resident

The storage of explosives is smaller than previously

Applicant

Yes

Resident

Why is there now more storage sheds on site than before

Applicant

The storage of explosive allowed in each shed has been reduced and hence we now need more sheds to accommodate

Residents

Have you started doing works off your own back before your approval and why?  
There is bunkers and sheds being but in place

Applicant

Those are removable buildings which were removed and replaced. So you want us to replace the steel magazines with concrete but your not going to let us do it?

Residents

You haven't got approval yet you can't start constructing

Gary Wallace

Council will investigate the matter further

Deputy Mayor

We will now move onto Jim Nichols who will explain the approval process

**3. Jim Nichols**

- Outline of process of assessment
- Only 4 submissions made as part of public exhibition
- Comments from other authorities are received
- 79C assessment done by Council officers
- Report sent to JRPP for approval as it is designated development. It is a new process and time frames are unknown.
- JRPP is made of 3 members one selected by Department of Planning and two LCC representatives being Andrew Muir and Neville Castle and this is why they cannot be at this meeting

**4. Resident**

Are the residents submissions taken into account when it goes to the JRPP?

Jim Nichols

Yes definitely and further submissions from today's meeting will also be included as well as an official submission from Council if deemed necessary

Gary Wallace

Notification period may be extended.

Resident

Yes please really take into consideration the submissions from the public as it is really important.

Gary Wallace

Council must under legislation of 79C and public interest

Resident

When we say submissions what exactly is it?

Gary Wallace

Only four letters have been received by Council

Resident

Most people didn't put in submission due to the judge saying that the development would never get approved again after this has happened.

Resident

This meeting was poorly advertised if you did not buy the local paper as no letter box drop has been done or any other media.

Gary Wallace

Advertisement was done in Saturday and Thursday papers also letters sent to call for submissions.

Resident

Why has council allowed this development to happen in the area it is, why was it rezoned from agricultural all that time ago? Why were they allowed to come from Sydney to this area, they are very lucky there were no deaths or injuries with the accident

Roger Bailey

Applicant chooses the site and it is not relevant to this application as the site was chosen years ago.

Resident

What about the work already being carried out?

Gary Wallace

There are two sheds and rebuilding of dwelling that are approved on site already with the sheds to be used as a packaging facilities only. To do with the bunker that matter will be investigated

Resident

Will there be any testing on the site?

Applicant

We are not applying for any testing on site as we know it is a very sensitive matter and our testing is done offsite

Resident

Four Vietnam veterans have moved out in the area for peace and now one of them are gone

Resident

Is the packaging in the shed explosives?

Gary Wallace & Applicant

No there are no explosive substances involved

Resident

Values of blocks are now a lot less, with more people moving in on the area isn't it also now more of a danger?

Deputy Mayor

We do not know about the values are we are not a real estate agents nor do we have the knowledge

Resident

Does Council have a duty of care as your going to let this development happen?

Roger Bailey

The development application is approved by the JRPP not Council

Gary Wallace

The recommendation made by Council is not necessarily the one that will be approved or denied by the JRPP

Resident

Why have no Councillors come out to the properties when the explosion happened, we had no support, Member for Bathurst come out but it was just all smoke and mirrors

Deputy Mayor

Council apologises and I know I wasn't on the Council at the time

Resident

Insurance companies will not give any cover on our houses now due to the explosion. How am I suppose to secure my home from fire burglary or even another explosion if no insurance companies will even cover us because of our location?

Resident

Through no fault but our own insurance is now impossible and should be brought to the attention of Council and the JRPP

Resident

We are happy to have the jobs in the town but its affecting peoples lives

Deputy Mayor

The insurance company will need to investigate not Council

Resident

No amount of jobs is worth one person's life, families are in jeopardy. Its something that has happened in the past. Put yourselves in our shoes when the explosion happened.

Deputy Mayor

Its no different then to a petrol station in the middle of town were a terrorist can drive a car straight into the browser and blow it up. It is only because it has

happened that you are now concerned. It could happen anywhere, not just at the location it is now

Resident

But this is our homes

Residents

Why cant they move the development to an area that's no where near residents in the bush

Resident

People don't care until something happens and this has happened within close proximity to Wallerawang

Deputy Mayor

Procedures are now put in place to stop these incidents even happening again as in any development for example the mines. If you have a cave in and someone is injured or killed it doesn't close down never to open again, it puts more procedures in place to make it safer

Resident

Now we have a situation were no one was hurt but there is no reason why we cant go back to not having the fireworks factory there, we survived before without it there and it was quiet why cant we again? The Marrangaroo defence area was a great area for this development with bunkers in the side of the hill and relatively invisible to residents as it is in the bush. We are worried that it will happen again

#### **5. Deputy Major**

All your submissions have been taken down. We cannot say Yah or Nay to if the development will be approved

Resident

When will this go to Council?

Roger Bailey

Monday night which is the 14<sup>th</sup>

Deputy Mayor

To conclude the main issues from residents are:

- Location of the development
- Security
- Impact on residents
- Insurance/ devalued land
- The development is inappropriate for the area
- Security of the development is not appropriate for the intended use
- The development should be removed from that area
- No certification that it will not happen again
- Public interest concerns over currently gaining insurance for properties and deviation of land from previous explosion

Thank you for you attendance and meeting is adjourned.



# **ATTACHMENT C**

General Terms of Approval  
NSW Office of Water



**Office  
of Water**

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

Our Reference	10 ERM2009/1161	File No:	
Site Address	581 Pipers Flat Road WALLERAWANG		
DA Number	190/09DACC		
LGA	Lithgow City 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 190/09DACC and provided by Council:</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) Erosion and Sediment Control Plan</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:</p> <p><a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx">http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx</a></p> <p>(i) Vegetation Management Plans</p> <p>(ii) Riparian Corridors</p> <p>(iii) In-stream works</p> <p>(iv) Outlet structures</p> <p>(v) Watercourse crossings</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>		

www.water.nsw.gov.au | NSW office of Water is a separate office within the Department of Environment, Climate Change and Water  
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Number	Condition
<b>Rehabilitation and maintenance</b>	
6	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.
7	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.
<b>Reporting requirements</b>	
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.
9 - 11	N/A
<b>Bridge, causeway, culverts, and crossing</b>	
12	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
13	The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.
<b>Disposal</b>	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
<b>Drainage and Stormwater</b>	
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.
<b>Erosion control</b>	
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.
<b>Excavation</b>	
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.
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
<b>Maintaining river</b>	
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

Number	Condition
21	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.
<b>River bed and bank protection</b>	
22	The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of width metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.
23	The consent holder must establish a riparian corridor along the Pipers Flat Creek or its tributaries in accordance with a plan approved by the NSW Office of Water.
<b>Plans, standards and guidelines</b>	
24 - 27	N/A
<b>END OF CONDITIONS</b>	

# **ATTACHMENT D**

## **Product Testing Schedule**



## Appendix - Product Testing

Product tested	Noise (Db)	DG Class	Burn Time (seconds)	Effect Height (m)	Frequency of Test (approximate values)	Complies with EPA Db level 115dB - (Lin Peak)
13mm Silver Jet	<115	1.4	1 sec	2-12m	Monthly	Yes
25mm gerb	<115	1.4	15-45sec	3-6m	Quarterly	Yes
10 sec 10mtr gerb	<110	1.4	10 sec	10m	Quarterly	Yes
10 sec 6mtr gerb	<115	1.4	10 sec	6m	Quarterly	Yes
40 sec 6mtr gerb	<115	1.4	10 sec	6m	Half-yearly	Yes
50mm fountain	0 (silent)	1.4	40-58sec	6-12m	Per Batch / monthly	Yes
75mm fountain	<50	1.4	40-58sec	6-12m	Per Batch / monthly	Yes
75mm gold fountain 40 sec	<50	1.4	40 sec	12m	Per Batch / every second month	Yes
75mm silver fountain 30 sec	<50	1.4	30 sec	12m	Per Batch / every second month	Yes
75mm silver fountain	<50	1.4	40 sec	12m	Per Batch / monthly	Yes
125mm fountain	<60	1.4	50sec	12m	Per Batch / every second month	Yes
125mm 60sec fountain	<60	1.4	60 sec	12m	Per Batch / every second month	Yes
13mm mine/comet	<100	1.4	instant	5-10m	Per Batch / quarterly	Yes
38mm mine/comet	<115	1.4	4-8sec	14m	Per Batch / quarterly	Yes
38mm silver titanium comet	<115	1.4	2-6sec	14m	Per Batch / quarterly	Yes
38mm silver glitter comet	<115	1.4	3-6sec	14m	Per Batch / quarterly	Yes
75mm confetti mortars	<90	1.4	instant	1-4m	Half-yearly	Yes
Powder Burn	0 (silent)	N/A	instant	ground	Quarterly	Yes
Powder Time test	0 (silent)	N/A	instant	ground	Per Batch	Yes
Whistling Gerbs	<115	1.4	1-10sec	1-4m	Yearly	Yes
Line Rockets	<115	1.4	4-6sec	ground	Half-yearly	Yes
Airburst	<115	1.4	instant	3m	Monthly	Yes
25mm flash pots	<115	1.4	0.5sec	4m	Per Batch	Yes
75mm flash pots	<115	1.4	instant	1m	Per Batch	Yes
Flares	<60	1.4	3-60sec	1-3m	Quarterly	Yes



## Appendix - Product Testing

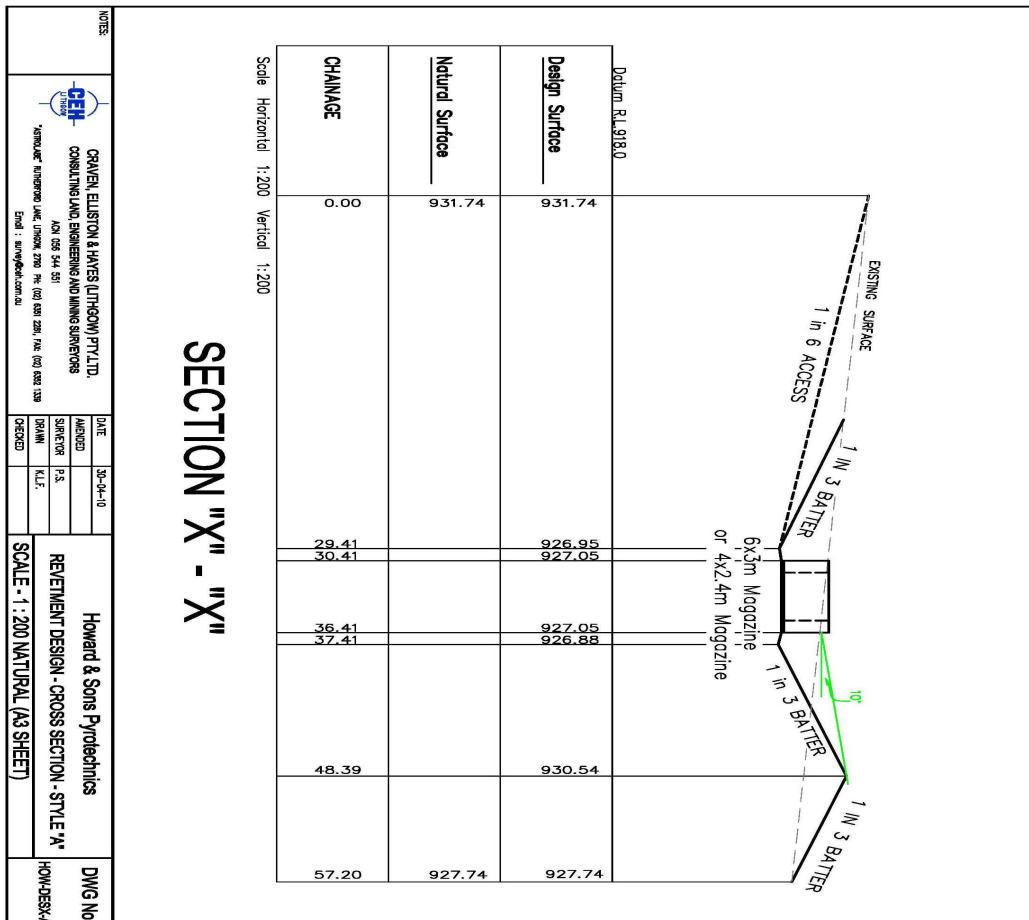
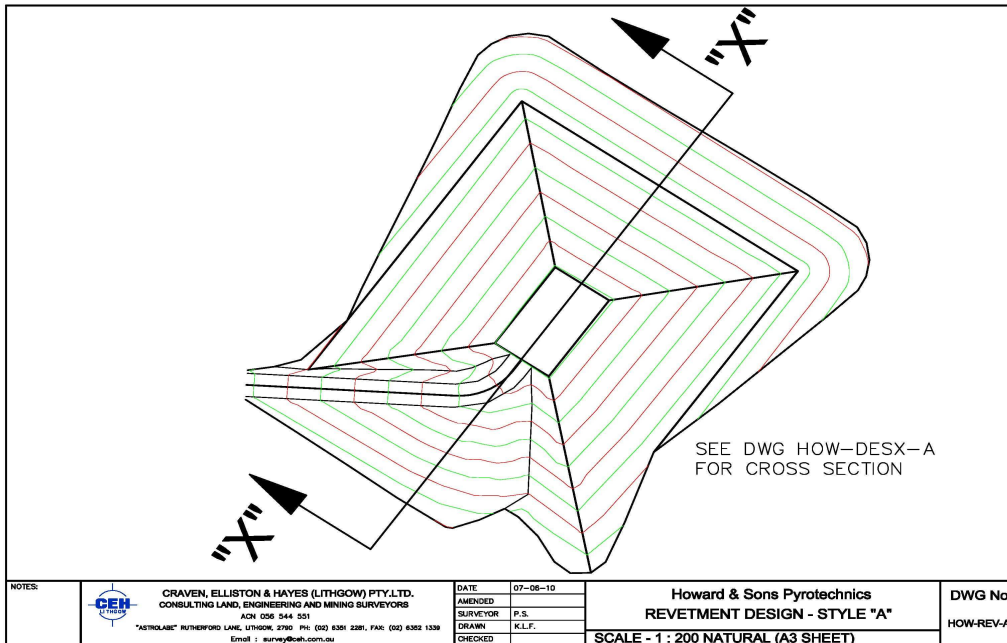
Product tested	Noise (Db)	DG Class	Burn Time (seconds)	Effect Height (m)	Frequency of Test (approximate values)	Complies with EPA Db level 115dB - (Lin Peak)
Smokes	<60	1.4	3-60sec	varies	Every second month	Yes
Maroons 1/4	<115	1.3	instant	ground	Quarterly	Yes
Maroons 1/2	<115	1.3	instant	ground	Quarterly	Yes
Maroons 1	<115	1.3	instant	ground	Half-yearly	Yes
Maroons 2	<115	1.3	instant	ground	Half-yearly	Yes
Maroons 3	<115	1.3	instant	ground	Half-yearly	Yes
25mm Percussion Pots	<90	1.4	instant	2m	Quarterly	Yes
75mm Percussion Pots	<90	1.4	instant	2-3m	Quarterly	Yes
Railway Track Signals	125dB	1.4S	instant	ground	Per Batch	No - have a licence variation for testing

# **ATTACHMENT E**

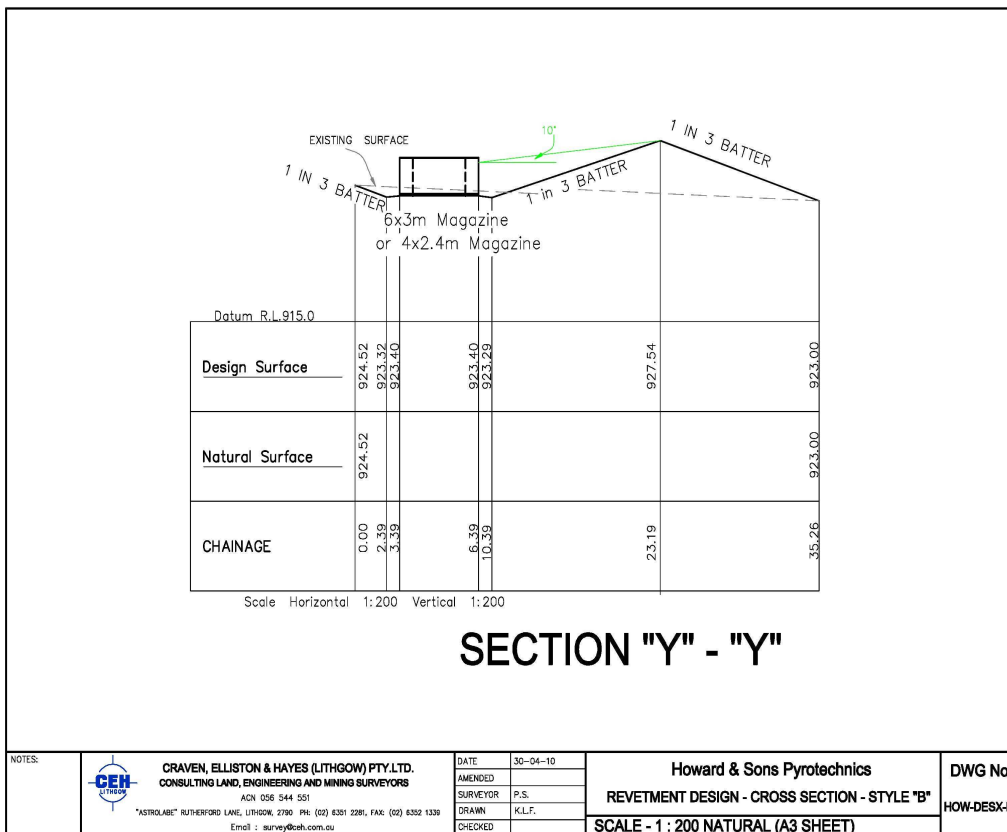
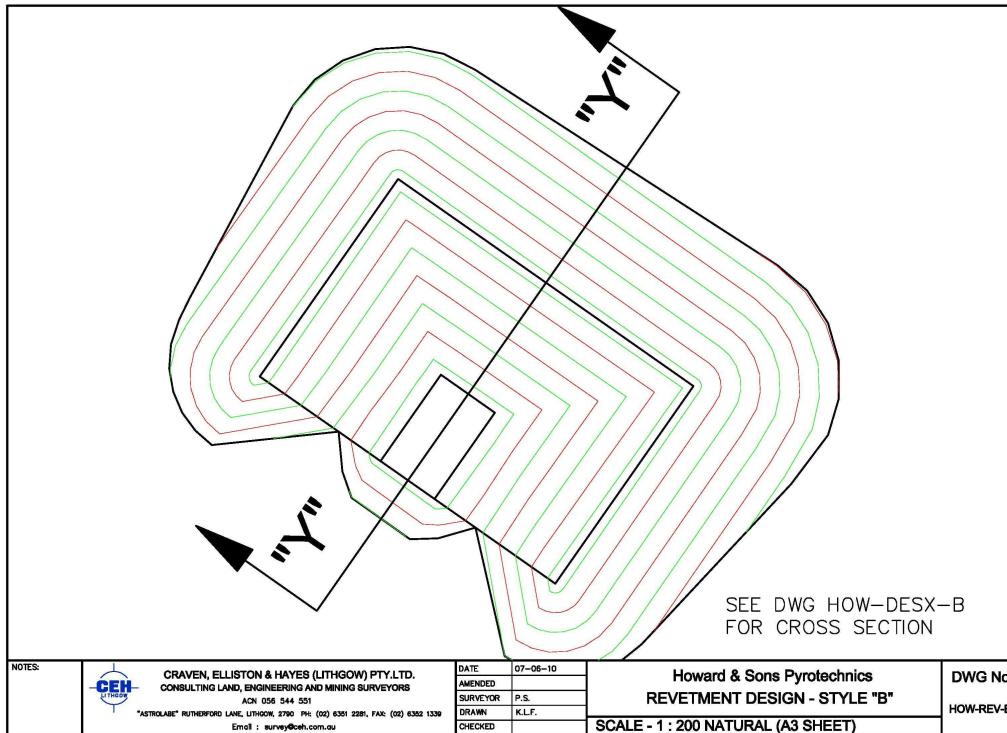
## **Revetment Design**



# REVETMENT STYLE A



# REVETMENT STYLE B



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