

MINUTES OF THE NORTHERN REGION PLANNING PANEL MEETING HELD AT KEMPSEY SHIRE COUNCIL ON 14 OCTOBER 2010 AT 3.00PM

PRESENT:

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| Gary West | Chair |
| Pamela Westing | Panel Member |
| John Griffin | Panel Member |
| Greg Meyers | Panel Member |

IN ATTENDANCE

| | |
|----------------|-------------------------------------------------------------|
| Kate Alberry | Principal Area Planner, Kempsey Shire Council |
| Philip Carroll | Manager Planning & Natural Resources, Kempsey Shire Council |
| Shane Reinhold | Area Planner, Kempsey Shire Council |
| Karen Price | Minute Taker, Kempsey Shire Council |

APOLOGY: Cllr Rhonda Hoban

The meeting commenced at 2.55pm. The Chair welcomed everyone to the meeting of the Panel.

1. Declarations of Interest – Nil.

2. Business Items

ITEM 1 - 2010NTH013 – Kempsey – DA T6-08-255, - Sand Extraction, 118 Toorooka Road, Willawarrin

3. Public Submission –

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| Rupert Milne Home | Addressed the panel |
| Julie Farrell | Addressed the panel |
| Daniel Williams from GHD | Addressed the panel in favour of the application |

4. Business Item Recommendations

2010NTH013 – Kempsey – DA T6-08-255, - Sand Extraction, 118 Toorooka Road, Willawarrin

Moved Pamela Westing **seconded** Greg Meyers:

That the Panel adopt the Council officer's recommendation to approve the proposal subject to the recommended conditions of consent, with amendment to:

- Dot point 3 of page 1 of the Assessment Report should read "...5x2 ha Stages..."
- Condition 14 to be amended to read:

Restricted hours of operation

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

| Period | Start Time | Finish Time |
|------------------|------------|-------------|
| Monday to Friday | 7am | 5pm |
| Saturday | 7am | 1pm |
| Sunday | No work | |
| Public Holiday | No work | |

Additionally, heavy vehicle movements through the town of Willawarrin are restricted to outside peak school times of 8:00am to 9.30am and 2.30pm to 4.00pm on school days and that signage be erected at the exit point of the development site to reflect this information and the speed limits for the area for the information for truck drivers and other staff.

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

- Condition 16 to be amended to read:

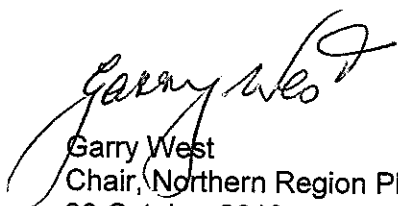
Log Book

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. The log book must be made available to Council or DECCW at any time on request.

The amended conditions of consent are contained in Attachment A to these minutes.

MOTION CARRIED UNANIMOUSLY

The meeting concluded at 3.45pm.



Garry West
Chair, Northern Region Planning Panel
20 October 2010

Attachment A

PARAMETERS OF THIS CONSENT

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 |
|---------------------------------------------------------------|------------|-------------|-------------|
| EIS - Eastland Sand and Gravel Environmental Impact Statement | Revision 1 | GHD | August 2010 |

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 maximum extraction is not to exceed 100,000m³ per year and 150,000m³ over a period of 10 years from the 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 ANY BUILDING OR CONSTRUCTION WORK COMMENCING

4. 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.

5. Public liability insurance cover required prior to works commencing

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.

6. Emergency Management Plan

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

- plant breakdown;
- flooding; and
- bushfire.

7. Roads

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 and are to include (but not be limited to) the following:

- a) The intersection of the internal road network and Toorooka Road must comply with the AustRoads Rural Road Design – A Guide to the Geometric Design of Rural Road 2005.
- b) Line marking and road signs are required and should be installed on Toorooka Road is required in accordance with AS 1742 – Manual Uniform traffic Control Devices and AS 1743 – Road signs – Specifically and any other relevant Australian Standard. The following is required at a minimum:
 - a. Truck entering warning signs be erected on Armidale Road on the northern approach to Toorooka Road intersection.
 - b. Road narrows or equivalent signs to be erected on the approaches to the cattle grid
 - c. Provide a painted centreline on the bend in Toorooka Road at the Factory Road intersection and relocate the give-way sign and associated yield line on the eastern approach further from the intersection
 - d. Provide a painted barrier line to prohibit overtaking on the section of Toorooka Road for a distance of approximately 250m from the proposed development access
- c) Provide an industrial standard concrete driveway with bitumen section adjoining road.

Internal Access Road

Detailed Engineering Plans prepared by an appropriately qualified person are to be submitted to and endorsed by Council providing for construction of the internal haul access road from the intersection of Toorooka Road (Carrai Road) to the quarry site within the subject property, incorporating, but not limited to the following: -

- a) Provide a section of two lane access road with a dust free wearing surface 30m inside the boundary. The minimum wearing surface treatment is to be a two coat bitumen seal in accordance with the requirements of DCP 36. If a gate is to be installed it should be set back to provide sufficient area for a truck to wait at the gate without obstructing through traffic on Toorooka Road
- b) Provision of a truck shakedown area to remove excess material from trucks entering Council's road network.
- c) Submission of a separate Sediment and Erosion Control Plan for the proposed roadwork for the construction consistent with the requirements contained in *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004* (Landcom).

All works are to be carried out in accordance with such plans, as endorsed by Council, prior to commencement of extraction activities.

A water tanker or trailer is to be provided to ensure all manoeuvring areas are to be kept damp at all times, so as to minimise potential for dust.

A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.

8. Toilet facilities

Prior to operation of the Extractive Industry a Section 68 application is to be submitted to Council. The Section 68 application is to include details of how effluent generated by staff at the quarry is to be collected, treated and disposed of on-site.

9. 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) m².

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| THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO OPERATIONS COMMENCING |
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10. 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.

11. 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.

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| THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES |
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12. 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.

13. Section 94 Contributions

Payment of a cash contribution at the rate of \$1.70 per cubic metre for 2010/2011 (indexed) of extracted material from the Quarry site towards the upgrading and maintenance of Council's Rural Road Network has been determined in accordance with

the current Section 94 Local Roads and Traffic Infrastructure Developer Contribution Plan plus 6% for Section 94 Developer Contribution Plan: Project Administration subject to the following provisions: -

- a) Payment is to be made within 30 days of Council's notification of the amount of the contribution payable for the specified period;
- b) Submission of a return 12 months from the date of this consent and thereafter within each 12 month period, containing sufficient documentation to establish the amount of material removed from the quarry in cubic metres. The return is to be accompanied by a Statutory Declaration stating that all the information is true and accurate record of extraction within the relevant period; and
- c) Council may require survey evidence to justify the extracted materials stated in returns, this will be at council's discretion and the operator will be notified in writing if survey is required.

14. Restricted hours of operation

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

| Period | Start Time | Finish Time |
|------------------|------------|-------------|
| Monday to Friday | 7am | 5pm |
| Saturday | 7am | 1pm |
| Sunday | No work | |
| Public Holiday | No work | |

Additionally, heavy vehicle movements through the town of Willawarrin are restricted to outside peak school times of 8:00am to 9.30am and 2.30pm to 4.00pm on school days and that signage be erected at the exit point of the development site to reflect this information and the speed limits for the area for the information for truck drivers and other staff.

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

15. 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.

16. 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. The log book must be made available to Council or DECCW at any time on request.

17. 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.

The following conditions have been imposed by the Department of Environment and Climate Change - NSW Office of Water

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:-

18. 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 T6-08-255 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 – Extraction and Rehabilitation Management Plan
- (iii) Erosion and Sediment Control Plan
- (iv) 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.dwe.nsw.gov.au/water_trade/rights_controlled.shtml

- (i) Vegetation Management Plans
- (ii) Riparian Corridors

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.

19. 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.

20. Reporting requirements

- a. 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.

21. Security deposits

- a. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.

22. Disposal

- a. 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.

23. 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.

24. Excavation

- a. 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.

25. Maintaining river

- a. 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.

26. 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 TOOROOKA.
- b. The consent holder must not disturb the rehabilitation activities required by the approved Vegetation Management Plan.

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:

KEN WARD
ACTING DIRECTOR
SUSTAINABLE ENVIRONMENT

Date:

5 October 2010