

JRPP No:	2010SYW087
DA No:	DA0807/10
PROPOSED DEVELOPMENT:	Construction and operation of a concrete batching plant Lot 24 DP1010188 40 Fairey Road, South Windsor NSW 2756
APPLICANT:	PGH Environmental Planning
REPORT BY:	Adam Sampson, Senior Town Planner, Hawkesbury City Council Colleen Haron, Senior Town Planner, Hawkesbury City Council

Assessment Report and Recommendation

Executive Summary

The applicant proposes the construction and operation of a concrete batching plant, with the construction of associated infrastructure to support the new plant. In addition to the proposed concrete batching operation, the applicant seeks to retain the existing waste recycling facility upon the site, however restrict the recycling portion of the operation to concrete products only.

The site will receive approximately 15,000 tonnes of crushed concrete and 65,000 tonnes of raw materials annually, and will produce between 36,000 and 86,000 tonnes of pre-mix concrete per year.

The operation and processes performed upon the site do not require an Environmental Protection Licence as they are not scheduled activities under the Protection of the Environment Operations Act, 1997.

The assessment of the proposal highlights the following relevant issues for consideration in the determination of the application:

- Noise
- Dust
- Environmental mitigation measures
- Visual impact of silos
- Analysis of alternatives

As the application is designated development, the applicant submitted an Environmental Impact Statement (EIS) following consultation with the Director General. The EIS contains the following expert reports:

- Traffic and parking assessment
- Air quality assessment
- Environmental noise assessment
- Surface water management plan
- Environmental management plan
- Waste management plan

This matter is being reported to the Joint Regional Planning Panel as the concrete batching plant is a designated development under Section 77A of the Environmental Planning and Assessment Act, 1979 with a capacity to produce more than 30,000 tonnes per annum of concrete.

The application was advertised from 9 December 2010 to 9 January 2011. Three (3) submissions of objection were received, raising the following concerns: Noise pollution, air pollution, human health, traffic, visual amenity and security.

The report concludes that the proposed development can be constructed and operated within acceptable environmental limits, subject to conditions recommended within the report.

Description of Proposal

The applicant proposes the construction and operation of a concrete batching plant, proposing to produce between 36,000 tonnes (15,000m³) and 86,400 tonnes (36,000m³) per annum of pre-mixed concrete. Ten (10) full time staff would be employed for the duration of the project at full production.

The concrete batching plant would receive aggregates (coarse and fine) as well as cement and recycled concrete, to be stored on-site in storage bins and a singular silo respectively. The batching plant would then combine these components to produce concrete prior to being loaded into agitator trucks for delivery. The proposed plant would primarily service customers in the greater Sydney area, particularly in Western Sydney.

The development will involve the construction of associated infrastructure, which includes the following works:

Five (5) aggregate storage bins (2 x 60 tonne, 2 x 90 tonne and 1 x 20 tonne), one 100 tonne capacity silo, aggregate weigh bins and conveyor, truck batching enclosure with dry dust extraction, slump stand with hinged platform, truck and car parking areas and truck turning circle, a vehicle maintenance building, batch office and amenities building, a batch plant control room, stormwater management system and sealing of the site with an impervious concrete pavement.

In addition to the proposed concrete batching operation, the applicant seeks to retain the existing waste recycling facility upon the site, however restrict the recycling portion of the operation to concrete products only. The operation will receive delivery of used concrete, concrete waste and blocks for external processing as a crushed product. External processing of recycled concrete will occur at waste processing premises at Clarendon or alternatively at Rouse Hill. The crushed product will be stored in a 90 tonne capacity storage bin for later inclusion as a recycled material into the processed concrete.

The waste recycling component of the facility comprises:

- ❖ delivery of used concrete blocks and concrete waste product,
- ❖ dispatch of concrete material to an approved external facility for crushing and

- ❖ receiving of up to 15,000 tonnes annually of crushed concrete and storage for reuse in the production of concrete.

The plant is proposed to operate generally between the hours of 6:30am to 4:30pm, Monday to Saturday. The delivery of materials will occur between the hours of 6:30am to 6:00pm Monday to Friday and 6:30am to 12 noon Saturday. At a production rate of 36,000m³/per year, the average daily truck movements would be approximately 60 (including dispatch of pre-mixed concrete and raw material delivery). There will also be up to 20 light vehicle movements per day.

The development proposes designated vehicle routes to state roads under the control of the Roads and Traffic Authority (RTA) to Macquarie Street via Argyle Street to the west and Hawkesbury Valley Way via Mileham Street to the North.

Description of the Site and Surrounds

The site is located on Fairey Road and is zoned 4(a) Industry General with a land area of 1705m². All surrounding land is zoned 4(a) Industry General with a mixture of industrial uses, with housing zoned land in the vicinity of the development to the east on the opposite side of the railway. The site is situated on the western side of Fairey Road, between Argyle Street and James Meehan Streets.

The development site has access to two state roads under the control of the Roads and Traffic Authority, being Macquarie Street to the West and Hawkesbury Valley Way to the North. The nearest residential receiver is approximately 108 metres east from the project site.

The subject land contains an existing industrial building constructed partially out of masonry and colorbond. A hardstand area for carparking lies within the front setback. The frontage of the site is secured with chain wire fencing, with security gates adjacent to the existing vehicular crossing. The site is predominantly sealed in concrete, with a small portion of the site gravel based. Vegetation is limited to small shrubs only.

Site Background

The development site has had three recent development consents issued, which include:

M0203/01 – Construction of an industrial factory unit and the ancillary filling of land issued on 29 March 2001.

M0382/01 – Use of premises as a waste recycling facility on 7 May 2001.

DA0532/09 – Additional driveway and construction of a new parking area on 20 January 2010.

At present, the site is currently still being used for the purposes of a waste recycling facility.

Relevant Policies, Procedures and Codes

State Environmental Planning Policy (Major Developments) 2005
State Environmental Planning Policy No. 33 – Hazardous and Offensive development
State Environmental Planning Policy No. 55 – Remediation of Land
Sydney Regional Environmental Plan No 20
Hawkesbury Local Environmental Plan 1989
Draft Hawkesbury Local Environmental Plan 2009
Hawkesbury Development Control Plan 2002
Section 94A Contribution Plan

Section 79C Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulations 2000

Section 77A of the Act defines designated development to be development that is declared designated development by an EPI or the Regulations.

Designated Development

Consideration has been given to Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (Regulations), which relates to designated development. Clause 14 – Concrete works, provides the criteria for concrete works, and an assessment of the proposal against this criteria shows that the activity is 'designated development' for the following reasons:

- ❖ The development will produce more than 30,000 tonnes of concrete per year (between 36,000 and 86,400 tonnes per year); and
- ❖ The development is located within 250m of a residential zone and dwellings not associated with the development.

Environmental Impact Statement

In accordance with Section 78A(8) of the Act an environmental impact statement has been submitted. This statement is considered to be consistent with the requirements of Clauses 71, 72, 73 and Schedule 2 of the Regulations, which stipulates the information to be included within an environmental impact statement.

Notification

The application was publicly notified in accordance with Section 79 of the Act and Clauses 78, 79 & 80 of the Regulations, and referred to the relevant public authorities in accordance with Clause 77 of the Regulations.

In compliance with Clause 81 of the Regulations, all submissions were forwarded to the Director-General of the Department of Planning. The submissions were forwarded on 11 January 2011.

a. **The provisions (where applicable) of any:**

i. **Environmental Planning Instrument:**

State Environmental Planning Policy (Major Developments) 2005

The application is referred to the Joint Regional Planning Panel for determination in accordance with Clause 13B(1)(e) of this Policy as the development is identified as being 'designated development'.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP No. 33 Hazardous and Offensive development aims to identify proposed developments with the potential for significant off site impacts, in terms of risk and/or offence (odour, noise) etc. A development is defined as potentially hazardous and / or potentially offensive if, without mitigating measures in place, the development would have a significant risk and / or offensive impact on off site receptors. The following table lists the stored chemicals on site, including the volumes proposed.

Table 1 – Mixtures Identification and Classification

Name	Use	Quantity (litres)	Hazard Classification
Micro Air 940	Air entraining admixture for improving concrete	200	Non-hazardous substance Non-dangerous goods
Pozzolith 400Ri	Aqueous admixture solution for improving properties of concrete	2,000	Non-hazardous substance Non-dangerous goods
Pozzolith 599	Performance admixture for improving concrete	2,000	Non-hazardous substance Non-dangerous goods
BP Automotive Diesel Fuel	Fuel for vehicles	2,000	Hazardous substance (Class 3 PG III) Non dangerous goods.

The proposal involves the use of diesel fuel and would require the storage of approximately 2,000 litres, Class 3 C1 Combustible liquid, and small amounts of concrete additives at the time of mixing, which are non-hazardous substances. As the diesel fuel would not be stored adjacent to any other hazardous materials of the same class and is below the minimum quantities outlined in the Guidelines, Applying SEPP 33 Hazardous and Offensive development application guidelines does not require these to be considered further. Accordingly, the proposal is not considered to constitute a potentially hazardous or offensive development.

The operation and processes performed upon the site do not require an Environmental Protection Licence as they are not scheduled activities under the Protection of the Environment Operations Act, 1997.

State Environmental Planning Policy No. 55 - Remediation of Land

The land was previously used as a waste recycling facility. During this use, contamination of the land from waste materials resulted. The land was remediated to Councils satisfaction and it is considered that the land is not contaminated to such a degree as to prevent the future development of the land for an industrial use. Therefore the application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

**Sydney Regional Environmental Planning Policy No. 20 (No.2 – 1997)
– Hawkesbury – Nepean River (SREP No. 20)**

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

The proposal is consistent with the aims and objectives of SREP No. 20.

Hawkesbury Local Environmental Plan 1989

The following clauses of the Hawkesbury Local Environmental Plan 1989 were taken into consideration:

Clause 2 – Aims, objectives, etc

The proposed development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of Hawkesbury Local Environmental Plan 1989.

Clause 5 – Definitions

Clause 5 of Hawkesbury Local Environmental Plan 1989 provides definitions to define land use and development, including the definition of 'industry'.

'Industry' means:

- a) *any manufacturing process within the meaning of the Factories, Shops and Industries Act 1962, or*
- b) *the breaking up or dismantling of any good or any article for trade or sale or gain or as ancillary to any business,*

but in the Land Use Matrix at the end of clause 9 but does not include an extractive industry, home industry, light industry or rural industry.

The proposed use is considered to be 'industry' as defined within the Hawkesbury Local Environmental Plan 1989 and is a permissible land use within the 4(a) Industry General zone.

Clause 8 – Zones indicated on the map

The subject land is within the 4(a) Industry General zone.

Clause 9 – Carrying out of development

The proposed development is considered to be defined as ‘ industry ‘ and therefore is permissible with consent within the 4(a) Industry General zone.

Clause 9A – Zone objectives

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of development is consistent with the objectives of the zone.

The objectives of the 4(a) Industry General zone are:

- a) set aside certain land for the purposes of general industry within convenient distances of the urban centres of the City of Hawkesbury,
- b) allow commercial and retail development involving:
 - i) uses ancillary to the main use of the land within the zone,
 - ii) the display and sale of bulky goods, and
 - iii) the day-to-day needs of the occupants and employees of the surrounding industrial area, and
- c) ensure that industrial development creates areas which are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution.

It is considered that the proposal is consistent with the objectives of the zone.

Clause 18 – Provision of water, sewerage etc services

Services are available to the site. It is considered that available services are satisfactory for the development.

Clause 25 – Development of flood liable land

The subject land is partially impacted by flooding by the 1 in 100 year flood level of 17.3 metres AHD. Clause 25 of Hawkesbury Local Environmental Plan 1989 provides development standards for development proposed within land located in flood prone areas, which state:

- (2) *A building shall not be erected on any land lying at a level lower than 3 metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8).*
- (4) *Notwithstanding subclauses (2), (3), (10) and (11), a building that was lawfully situated on any land at 30 June 1997 may, with the consent of the Council, be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, if*

not more than 3 metres below the floor height standard for the land immediately before the commencement day.

- (5) The council shall, in the assessment of a development application, consider the flood liability of access to the land and, if the land is within a floodway, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this clause have been satisfied.*
- (7) Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.*

The subject property has land levels between approximately 16.7m AHD and 17.6m AHD. The 1 in 100 year flood level for the locality is approximately 17.3m AHD.

Upon the site an existing industrial factory building exists, which is proposed to be utilised as a vehicle maintenance building and an office, amenities and lunchroom facility. The existing floor levels of the building of 17.44 metres AHD and 17.58 metres AHD lie higher than the 1 in 100 year flood level of 17.3 metres AHD. Partial flood inundation of the site is experienced across the frontage of the site and up to a distance of 18 metres at the worst point into the site. Apart from plant infrastructure of the concrete batching plant and a covered awning extending from the building, the only additional building to be erected upon the site is a batching plant control room.

The batching plant control room will be located within a portion of the site having a level of approximately 17.1m AHD, however it is proposed to be elevated above the flood level of 17.3 metres AHD by concrete piers.

The development also proposes to install a 2000 litre diesel tank at the rear of the vehicle maintenance building, which is proposed to be bunded. The location of the tank and the surrounding bund lies at approximately 17.57 metres AHD. The location of the diesel tank and associated bund will not be impacted by floodwaters, thus no diesel fuel should enter the flood plain during the 1 in 100 year flood event.

Due to the local road system in all directions leading away from the site being inundated by flood waters during the 1 in 100 year flood event, a flood evacuation plan will be required to be prepared prior to the operation of the use.

An assessment of the Development Application otherwise reveals that the proposal complies with the matters raised within the relevant clauses of Hawkesbury Local Environmental Plan 1989.

Clause 37A – Development on land identified on Acid Sulfate soils planning map

The land affected by the development falls within class 5 as identified on the Acids Sulphate Soils Planning Map. The proposed development does not include any works which are likely to lower the water table below 1

metre AHD on any adjacent class 1, 2, 3 or 4 land. Accordingly, no further investigations in respect to acid sulphate soils are required.

An assessment of the Development Application otherwise reveals that the proposal complies with the matters raised in the above clauses of Hawkesbury Local Environmental Plan 1989.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

Within Draft Hawkesbury Local Environmental Plan 2009, the subject site is zoned IN1 General Industrial. The subject development is defined as 'industry'. The subject development is considered to be consistent with the relevant provisions of Draft Hawkesbury Local Environmental Plan 2009, including the IN1 General Industrial zone objectives.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant provisions of this plan follows:

Part A Chapter 3 – Notification

Neighbours selected in the vicinity of the development were notified as per the requirements of this chapter. Three (3) submissions of objection were received. A response to each of the submissions is addressed later in this report

Part C Chapter 2 – Carparking and Access

The development provides provision for six (6) carspaces on site located at the south eastern corner of the site forward of the existing industrial building and for four (4) agitator truck spaces adjacent to the northern wall of the vehicle maintenance building during day time operations. As the six (6) carspaces will only be utilised for cars during day time operations, during periods of non-operation, this area will be utilised for the parking of four (4) agitator trucks.

The concrete agitator fleet consists of seven (7) trucks on a fulltime basis, comprising of six large (5.6m³ barrel) and 1 small truck (2m³ barrel). In addition, a front end loader will remain on site for the loading of front materials. Provision exists on site for the parking of the entire concrete agitator fleet.

No defined carparking rate for a concrete batching plant exists within Hawkesbury Development Control Plan 2002, apart from the carparking rate for industry, factory, warehouse and bulk stores which require four (4) spaces for all development up to 300m² of Gross Floor Area. In addition, the Roads and Traffic Authority's "Guide to Traffic Generating Developments" reveal no data on the carparking requirements of a concrete batching plant.

The proposed development seeks to retain an existing industrial building on site, which will be utilised as a vehicle maintenance building and an office, amenities and lunchroom, which will have a cumulative gross floor area of 132m². Based on Hawkesbury Development Control Plan Part C Chapter 2 – Carparking and Access requirements, the development is required to provide four (4) carspaces, however ten (10) staff are proposed to be employed by the development. This aspect has been considered by the traffic consultant, Traffic Solutions Pty Ltd who advise that the six (6) carspaces on site are considered to be more than sufficient for the day to day activities of this site. However, the six (6) spaces are configured so as to be stacked, providing three (3) spaces in front with three (3) behind. Stacked car parking is not supported in respect to the availability and useability of such spaces. Given that four (4) spaces are required in accordance with Hawkesbury Development Control Plan, and that these spaces can be easily accommodated on the site, a condition will be included in the Recommendation requiring the provision of four (4) spaces and the submission of a parking and access plan. The applicant has agreed to this approach.

The existing entry/exit driveway of the development is proposed to be widened to 9 metres in width to satisfy the requirements of AS2890.2 – 2002.

Part D Chapter 2 – Industrial Development

Element	Rules	Proposed	Complies
Building Setback	(b) On all other streets, buildings are to be setback 10 metres from the front property boundary. Consideration will be given to reducing the setback to 4 metres where the proposal demonstrates a high level of design and architectural treatment plus suitable landscaping. This setback can also apply to buildings that are projected at first floor level over car parking areas.	10 metres	Yes
	(d) The area between the street frontage and the minimum required building setback is to be reserved for landscaping and access. The provision of carparking spaces within this setback area will be considered provided the car spaces are not within 5m of the front boundary and are suitably screened by landscaping	Parking to be provided within existing approved carparking area.	Existing approved non-compliance
Relationship to adjacent development	(a) The applicant may be required to indicate how the industrial land could be developed and also show the location of landscaping, building and other site planning techniques with the aim of minimising impact of adjoining commercial, residential and/or rural uses	Doesn't adjoin residential, commercial or rural use	Yes
Building design and construction	(a) Building facades to street frontages are to be constructed predominantly of face brick, concrete panels or pre-coloured masonry blocks (not standard concrete blocks) or glazing. Partial use of pre-coloured metallic sheeting for the street façade will be considered where it enhances the architectural merit of the building.	Existing structure. No modification to façade.	NA
	(b) Front elevations provided with visual relief by	Existing structure.	NA

Element	Rules	Proposed	Complies
Fencing	varying the façade alignment, incorporating an entrance treatment, and/or orientating office facilities along the front façade. Roller shutters and loading docks should generally not be located on the principal street frontage.	No modification to façade.	
	(c) Walls separating factory units constructed in masonry where required by the Building Code of Australia, carried to the underside of the roof and sealed to Council's satisfaction. Sections of units may be partitioned with suitable materials.	Factory units are not proposed	NA
	(d) Where a lot contains a number of buildings, a colour scheme or design feature should be used to unify all buildings on the lot.	Only two detached buildings are proposed	NA
	(e) The maximum reflectivity index permissible for any external glazing is 20%.		N/A
	a) Fencing located behind the landscaped area only. Decorative open style fencing will be considered forward of the building line. (b) Prepainted solid material fencing is not acceptable	Existing chain wire mesh fence to be retained. Fence located along front boundary and is 8m in height.	NA
Open storage areas	(a) Open storage areas are to be screened from the road and adjoining land by screen walls or other approved measures. (b) Storage areas are to be located behind the building line	Storage bins located at the rear of the site and screened by the vehicle maintenance building. As above	Yes Yes
Environmental Issues	(a) An acoustic report prepared by a qualified acoustic consultant submitted prior to the approval of any noise generating development. The report shall include background noise measurements, suitable noise criteria, an assessment of noise and any noise control measures. (b) Any machinery or activity considered to create a noise nuisance adequately soundproofed in accordance with the provisions of the Protection of the Environment Operations Act 1997. (c) All chemical storage areas designed and maintained in accordance with Work Cover Authority guidelines (d) Liquid waste sampling points provided for each industrial development in an easily accessible location above ground. (e) All roofing provided with adequate gutter and down pipes connected to the roof water drainage. Down pipes discharging to an open grated surface inlet pit. (f) No industrial pollutants discharged to the stormwater and sewer without entering into a Trade Waste Agreement with either Council or Sydney Water.	An acoustic assessment has been prepared for the development. Separate comments are provided later within this report. A trade waste agreement is required to be obtained for the discharge of any wastes into the	Yes Yes Yes. Subject to mitigation measures. Yes Yes Yes Yes

Element	Rules	Proposed	Complies
	(g) The discharge of any pollutants into water courses as defined under the POE Act, controlled to the satisfaction of Council and EPA at all times.	sewer system. As above	Yes
	(h) Depending on the size, nature of use of the building, particular structures such as bund walls, oil or grit separators, neutralisers, drainage provisions and the like may be required.	Bunding provided	Yes

As detailed above, the development is consistent with the rules for industrial development as per Hawkesbury Development Control Plan 2002.

iiia. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:

There are no planning agreements or draft planning agreements applicable to the proposed development.

iv. Matters prescribed by the Regulations:

The development is not inconsistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

Context & Setting

The development is located within an existing 4 (a) Industry General zone, which is considered the most appropriate zoning for the proposed land use. The operation of a concrete batching plant is not considered to detract from the local context and setting, given the objectives of the zone and the existence of two other nearby concrete batching plants in the immediate locality. The subject land is surrounded to the north, south and west by factories used for a range of industrial purposes. Further to the east is a residential precinct approximately 100m or more away. It is considered that the proposed development is compatible with the adjoining industrial landuses and will have no unreasonable impacts on the amenity of the nearby residential area.

In respect to the singular silo proposed to be erected at the rear of the development, consideration has been made of the visual impact of the structure within the streetscape. The silo will measure approximately 19 metres in height and will be partially obscured by building elements forward of the silo structure and adjoining built elements. The silo will be located more than 100 metres from any nearby residence. The silo structure is considered not to be visually dominant owing to the narrowness of the

structure (3.35 metres), nor is it considered to be out of character within the immediate area as two other concrete batching plants with silo's of similar and/or greater in height are located within Fairey Road and Speedwell Place to the south of the proposed development.

It shall be noted that no prescriptive height measure exists within any Environmental Planning Instrument adopted by Hawkesbury City Council to regulate the height of industrial buildings and or ancillary structures.

Access, Transport & Traffic

A traffic and parking assessment, prepared by Traffic Solutions Pty Ltd, dated November 2010 was submitted in support of the application. The report examined the implications of the proposed development in respect to: potential traffic generation, impacts of the estimated traffic generation on the existing road network, proposed truck access driveway location, and compliance with the relevant Australian Standards, Council requirements and RTA codes.

The development proposes designated vehicle routes to state roads under the control of the RTA to Macquarie Street via Argyle Street to the west and Hawkesbury Valley Way via Mileham Street to the North. The results of the traffic modelling performed by Traffic Solutions Pty Ltd reveal that the roads and intersections to be utilised for the designated travel routes of Macquarie and Argyle Streets, Macquarie and Brabyn Streets and Mileham Street and Hawkesbury Valley Way currently operate at a very good level of service with minimal delays and spare capacity.

An estimation of the traffic generation based on the peak operation of the proposed development is reproduced below:

Table 1 : Estimated Traffic Generation of Proposal

Estimated daily and peak hour traffic generation		
Vehicle Types	Daily Vehicle Trips	Peak Hour AM Peak Hour 8:00am to 9:00am PM Peak hour 3:00pm to 4:00pm
Trucks	60 (30 in and out)	6 (3 in and out)
Cars	20 (10 in and out)	10
Total	80 (40 in and out)	16 (8 in and out)

Table 2 : Estimated daily truck traffic generation

Estimated daily truck traffic generation		
	Quantity / details	Average Daily Truck Trips
Receive:	7 Truck loads raw material per day (3 loads 20mm aggregate, 3 loads sand blend, 1 load cement), plus 1 load per month (add mixtures) and 15,000t of recycled concrete annually –	8 in 8 out plus 1 load per month (add mixtures).

	max 9 deliveries / week (33t loads)	
Dispatch:	44 large agitator movements per day	22 in and 22 out
Total daily trips		30 in and out

The application was referred to the RTA in accordance with Section 77 of the Environmental Planning and Assessment Regulation, 2000 for comment. In their letter of reply dated 11 January 2011, the RTA advised:

“The RTA has reviewed the submitted documentation and raises no objection to the development application.” No specific conditions of consent were recommended by the RTA to be imposed.

The existing entry/exit driveway of the development is proposed to be widened to 9 metres in width to satisfy the requirements of AS2890.2 – 2002.

The traffic and parking assessment prepared by Traffic Solutions Pty Ltd concluded that off street parking provided in the proposed development was considered sufficient for the day to day activities; the access driveway is suitably located and benefits from very good sight distances in both directions along Fairey Road; the immediate intersections from the development have a good level of service; the additional traffic demand on the intersection modelled as a consequence of the proposed development will only marginally alter the Degree of Saturation and Total Average Delays; and the proposal does not generate the need to install traffic calming devices in the surrounding road system.

Utilities

The immediate locality and existing site has previously been developed and sufficient utilities exist for the development to proceed. No further demand beyond the current supply of utilities is expected.

Heritage

The development site does not contain items of heritage significance, nor is it located adjacent or adjoining sites containing items of heritage significance.

Water

A Surface Water Management Plan was submitted in support of the application. This Plan provides for stormwater control, water harvesting and water quality control and is considered satisfactory in this respect. The application states *“To minimise and manage the risk of impacts on downstream waterways, the flows within the site would be separated and treated accordingly. This physical separation of process water and storm water, particularly in discharge water from the site would be achieved by:*

- *Diverting first flows to a first flush tank and then tot he storage tank.*
- *Capturing the first runoff from the site.*

- *Bunding all process areas and diversion of this water to first flush tanks.*

BRS advise that an estimated 98% of daily flows will be captured and used in the concrete manufacturing process, meaning that for the majority of the time there will be no water quality impacts on downstream waterways and pollutant loads significantly reduced. The implementation of the above controls will also reduce the use of mains water and control the water quality for the site in accordance with the ANZECC Guidelines.”

Air & Micro-climate

Based from the activities of the subject site, the air quality consultant has identified that dust particle emissions from the site is the main concern. The air quality consultant has recommended the following mitigation measures to minimise the release of dust from the site:

- The floor level of the site would be made of concrete to minimise the potential for dust arising from traffic;
- Water sprays would be utilised to reduce the emissions from the dumping of aggregate into the ground bins. These bins would be fitted with wind shields;
- The silo would be installed with a dust collector. A typical dust collector efficiency value was incorporated into the calculations of the emission rates and the air dispersion modelling;
- The elevated storage bins would incorporate a three-wall enclosure and a roof to prevent dispersion of fugitive dust emissions during handling of material at this location;
- The bottom end of the elevated storage bins would act as a hopper. Side skirts would be installed to minimise the dust emissions from the weigh hopper loading activity;
- The conveyor belt would be enclosed in a design similar to a half cylindrical roof;
- Truck loading activities would be carried out in a loading dock which would have a 2 side wall enclosure, providing wind breaks and minimizing any potential fugitive dust emissions; and
- The loading dock also uses a set of water sprays to significantly reduce dust emissions.

As per the DECCW guidelines, “Approved methods for Modelling and Assessment in New South Wales“, dust emissions are assessed under 3 categories:

Total Suspended Particulates, Particulate Matter less than 10 µm (PM₁₀) and Dust Deposition. Each category needs to be assessed based on these limits by correlating with the relevant averaging times specified in the guidelines. The excerpt of the DECCW Guideline limit is reproduced below.

Table 1: DECCW Impact Assessment Criteria Applicable for the Proposed Development

Impact Assessment Criteria for PM ₁₀ , TSP and Deposited Dust		
Substances	Averaging Period	Impact Assessment Criteria
Fine Particulates (PM ₁₀)	24 hours	50 µg/m ³
	Annual	30 µg/m ³
Total Suspended Particulates	Annual	90 µg/m ³
Deposited Dust	Annual	2 g/m ² / month ⁵
		4 g/m ² / month ⁶
Notes ⁵ Criteria for the maximum increase in deposited dust levels		
⁶ Criteria for the maximum total deposited dust levels		

Table 2: Comparison between maximum impacts generated from the proposed operation

Comparison of maximum impact from the proposed operation to DECCW Guideline limits				
Substances	Averaging Period	Impact Assessment Criteria (µg/m³)	Maximum cumulative impact from the proposed operation (µg/m³)	Compliance (Yes / No)
Fine Particulates (PM ₁₀)	24 Hours	50	40	Yes
	Annual	30	17	Yes
Total Suspended Particulates	Annual	90	33	Yes
Substances	Averaging Period	Impact Assessment Criteria (g/m²/month)	Maximum Cumulative Impact from the Proposed Operation (g/m²/month)	Compliance (Yes / No)
Deposited Dust (Incremental)	Annual	2	0.6	Yes
Deposited Dust (Cumulative)	Annual	4	3	Yes

The results above conclude that air quality impacts based on the operations of the concrete batching plant would be within acceptable levels, with predicted levels below DECCW assessment criteria.

Flora & Fauna

The development does not require any vegetation to be removed. No flora or fauna species of endangered or ecological significance are evident on the subject land.

Waste

The operation will generate waste in the form of excess concrete being brought back to the concrete batching plant within agitator trucks and general waste produced by workers at the plant and during office administrative tasks. Due to the specialised nature of the operation of the plant to produce specific volumes of concrete for construction jobs, waste is generally minimised to prevent wastage. In the event of wastage or excess concrete being produced, trucks would return to site and later transfer the excess concrete for external processing and recycling at Clarendon or Rouse Hill for further reuse in the batching operation.

Noise & Vibration

Initially the applicant proposed that the delivery of raw and recycled materials to the development be carried out any time day or night. This was considered unsatisfactory in respect to noise impacts on the locality, in particular on nearby residential properties.

As a result, the applicant has modified the operational hours for the delivery of raw materials and recycled materials to the development to 6.30am to 6.00pm Monday to Friday and 6.30am to 12 noon Saturdays.

The acoustic report concludes that the development is able to satisfy the NSW Industrial Noise Policy, subject to mitigation measures to be implemented within the development. The application has been reviewed by Council's Environmental Health Officers, who advise that the acoustic report is satisfactory, subject to specific conditions of consent, including the recommendation that the north facing roller doors are to be closed during the wash down process.

Natural Hazards

As discussed earlier in the development site is partially inundated by the 1 in 100 year flood event. Partial flood inundation of the site is experienced across the frontage of the site and up to 18 metres at the worst point into the site. Apart from plant infrastructure of the concrete batching plant and a covered awning extending from the building, the only additional building to be erected upon the site is a batching plant control room.

The batching plant control room will be located within a portion of the site having a level of approximately 17.1m AHD, however it is proposed to be elevated above the flood level of 17.3 metres AHD by concrete piers.

Due to the local road system in all directions leading away from the site being inundated by flood waters during the 1 in 100 year flood event, a flood evacuation plan will be required to be prepared prior to the operation of the use.

Technological Hazards

No technological hazards are present in the locality.

Site Design and Internal Design

The development demonstrates that all vehicles can manoeuvre adequately within the site and when entering and exiting the site. The internal site design demonstrates that the development has the ability to satisfy AS2890.2 – 2002 and AS2890.1 – 2004.

Cumulative Impacts

The development demonstrates compliance in respect to noise and dust requirements stipulated by the Protection of the Environment Operations Act, 1997, Protection of Environment Operations (Clean Air) Regulation 2010, Department of Environment, Climate Change and Water Guidelines and the NSW Industrial Noise Policy. No lingering cumulative impacts are envisaged as a result of the proposed development.

c. Suitability of the site for the development:

The development is located within an existing 4 (a) Industry General zone, which is considered the most appropriate zoning for the proposed land use. The application demonstrates compliance in respect to noise and dust requirements stipulated by the Protection of the Environment Operations Act, 1997, Protection of Environment Operations (Clean Air) Regulation 2010, Department of Environment, Climate Change and Water Guidelines and the NSW Industrial Noise Policy.

The traffic implications of the development on site carparking, access arrangements, internal circulation and parking layout and the ability of the road network to be able to support the traffic generated by the development have been assessed and are considered satisfactory. Further in this respect, the RTA raises no objection to the development.

d. Any submissions made in accordance with the Act or the Regulations:

The application was advertised for the period 9 December 2010 to 9 January 2011. Three (3) submissions of objection were received, raising the following concerns: Noise pollution, air pollution, human health, traffic, visual amenity and security.

Noise pollution – Excessive noise generated from the concrete manufacturing process and heavy vehicle traffic

Applicant's response:

The noise report prepared by Benbow Environmental identifies that there are negligible exceedances of between 1db(A) – 2db(A). However, these could be addressed provided the north facing roller doors of the vehicle maintenance building remains closed during the wash down process. The evidence and results of the predictive noise modelling do not support the

argument that there will be excessive noise generated by either the plant or heavy vehicles associated with the use of the plant.

Comment: Initially the applicant proposed that the delivery of raw and recycled materials to the development be carried out any time day or night. This was considered unsatisfactory in respect to noise impacts on the locality, in particular on nearby residential properties. As a result, the applicant has modified the operational hours for the delivery of raw materials and recycled materials to the development to 6.30am to 6.00pm Monday to Friday and 6.30am to 12 noon Saturdays. These hours are considered satisfactory with respect to acceptable noise and traffic impacts on nearby residential properties.

Conditions are proposed to ensure the activity operates in accordance with the Management Plan, which has incorporated the recommendations within the noise report, including the requirement for the north facing rollers door to remain closed during the wash down process.

Air pollution – Fine cement dust in the air and settling on my property, swimming pool and vehicles

Applicant's response:

The dust report prepared by Benbow Environmental assessed the likely dust emissions from the plant. Dust emissions are grouped into three (3) categories; Total Suspended Particulates (TSP), Particulate Matter less than 10µm (PM₁₀); and dust deposition. As detailed in comments made in respect to air and micro-climate contained earlier within this report, the maximum cumulative impacts of these categories do not exceed the nominated levels. There is no evidence that cement dust will in fact settle on the objector's property as described, and assuming that it did occur, then it would be at a level that is considered within acceptable thresholds.

Comment: Agreed.

Human health – Health issues relating to concrete inhalation

Applicant's response:

As discussed above, the dust report prepared by Benbow Environmental concludes that the proposal has minimal dust impacts and will not cause any adverse health impacts as the dispersal of dust and other particulates is below DECCW Guidelines, which are based on health limits for reputable health research government bodies such as the World Health Organisation.

Comment: Agreed.

Traffic – Large increase in nearby traffic of heavy vehicles going to and from the site

Applicant's response:

The traffic report prepared by Traffic Solutions and submitted with the application, undertook an analysis of vehicle movements both to and from the site. It estimated that traffic generation of the proposed development will be 80 vehicle trips per day (40 in and out) with 16 vehicle trips during peak hour (8 in and out). This includes both staff and heavy vehicles.

It is noted that the key surrounding intersections had very good levels of service. The modelling concluded that there will be an additional 6 heavy vehicle trips per hour. This represents a 3.8% increase in traffic which is considered to be insignificant.

Comment: Agreed.

Traffic – Dangerous position for trucks entering and leaving the premises which is too close to the railway crossing

Applicant's response:

The Traffic and Parking Assessment Report has assessed that there are good sight distances along Faurey Road on both approaches to the site: namely 124.3 metres to the north (railway line); and >150 metres to the south. This is compared to the minimum required distance of 83 metres (60km/hr) and 97 metres (70km/hr)

Comment: Agreed.

Traffic – Heavy vehicles ruining the roads more than what they already are around the Hawkesbury

Applicant's response:

The generalised nature of this comment makes it difficult to respond in any specific manner however the vehicle trips likely to be generated by the proposal represents only a 3.8% increase in heavy vehicle trips which is considered to be minor.

Comment: Agreed.

Visual amenity – Unsightly view of 20 metre high 100 tonne storage silo

Applicant's response:

We undertook a visual analysis of the proposed development. Any view of the silo will be filtered as a result of surrounding buildings both within the industrial area and surrounding residential area thus reducing its bulk and scale. Although it is approximately 19 metres in height it has a diameter of only 3.35 metres and will be finished in a grey or similar colour. The site does not adjoin any residential property and the form and shape of the silo is consistent with the type of structures found within the industrial area and consequently we do not consider this issue to be significant.

Comment: Agreed, as discussed in this report.

Security – Security concern as a result of the silo height and proximity to my property

Applicant's response:

The development site is entirely enclosed and will be fully secure. There is restricted access to the silo, which will prevent unauthorised access to the structure, thus eliminating any security risk to adjoining properties due to scaling.

Comment: Agreed.

The applicant's response is considered satisfactory in addressing the issues raised. The submissions raised specific concerns in relation to traffic, noise and dust. In respect to the issues raised the development demonstrates compliance in respect to noise and dust requirements stipulated by the Protection of the Environment Operations Act, 1997, Protection of Environment Operations (Clean Air) Regulation 2010, Department of Environment, Climate Change and Water Guidelines and the NSW Industrial Noise Policy.

Department of Defence

The application was referred to the Department of Defence for comment. In their letter of reply dated 21 December 2010, the Department of Defence advised:

"Defence has reviewed the documentation and can advise that it has no additional comments to make at this time."

Roads and Traffic Authority (RTA)

The application was referred to the RTA in accordance with Section 77 of the Environmental Planning and Assessment Regulation, 2000 for comment. In their letter of reply dated 11 January 2011, the RTA advised:

"The RTA has reviewed the submitted documentation and raises no objection to the development application."

No specific conditions of consent were recommended by the RTA to be imposed.

Department of Environment, Climate Change and Water (DECCW)

The application was referred to DECCW in accordance with Section 77 of the Environmental Planning and Assessment Regulation, 2000 for comment. In their letter of reply dated 13 December 2010, DECCW advised:

"Based on the information provided, an Environment Protection Licence is not required under the provisions of the Protection of the Environment Operations Act 1997 (POEO Act). DECCW will however, be the appropriate Regulatory Authority under the POEO Act for the operation of the concrete batching plant if approved."

No specific conditions of consent were recommended by DECCW to be imposed.

e. The Public Interest:

The development is located within an existing 4 (a) Industry General zone, which is considered the most appropriate zoning for the proposed land use. The application demonstrates compliance in respect to noise and dust requirements stipulated by the Protection of the Environment Operations Act, 1997, Protection of Environment Operations (Clean Air) Regulation 2010, Department of Environment, Climate Change and Water Guidelines and the NSW Industrial Noise Policy.

Conclusion:

The traffic implications of the development on site carparking, access arrangements, internal circulation and parking layout and the ability of the road network to be able to support the traffic generated by the development have been assessed and are considered satisfactory. Further in this respect, the RTA raises no objection to the development.

It is considered that the proposed development could be constructed and operated within acceptable environmental limits, and that it would provide economic benefits to the local community. Conditions have been imposed to ensure that such impacts are adequately mitigated and appropriately managed during construction and operation of the development.

Having regard to the relevant planning considerations, it is concluded that it would be not against the public interest to approve the proposed development.

Developer Contributions

Section 94A Development Contribution Plan

A contribution plan applies to the land under Section 94A of the Environmental Planning and Assessment Act, 1979 and requires a levy of 1% to be imposed on development. The following developer contributions apply to this development - \$3900. Accordingly, a condition of consent is required to be imposed in this regard.

RECOMMENDATION:

That development application DA0807/10 at Lot 24 DP 1010188, 40 Fairey Road SOUTH WINDSOR NSW 2756 for construction of a concrete batching plant be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall be modified in the following manner:
 - (a) The batching plant control room shall have a minimum floor level of no less than 17.3 metres AHD. All Construction Certificate Plans shall be consistent with this requirement.
 - (b) The awning over the batching control room is not to be attached to the adjoining building as indicated in Elevation B. Details are to be submitted with the Construction Certificate application demonstrating independent support.
3. The development shall be designed and operated in accordance with the environmental noise assessment report, prepared by Benbow Environmental, report number 110132, dated October 2010 and with additional information provided by Benbow Environmental, reference 110133, Addendum v2, dated 8 March 2011, regarding acoustic and dust assessments for 40 Fairey Road, Lot 24, DP 1010188.
4. The development shall be designed and operated in accordance with the air quality assessment report, prepared by Benbow Environmental, report number 110133, dated October 2010 and with additional information provided by Benbow Environmental, reference 110133, Addendum v2, dated 8 March 2011, regarding acoustic and dust assessments for 40 Fairey Road, Lot 24, DP 1010188.
5. The development shall be designed and operated in accordance with the traffic and assessment report, prepared by Traffic Solutions Pty Ltd, report number 10.11.001, dated October 2010 and with additional information provided by Traffic Solutions Pty Ltd, dated 10 March 2011.
6. The development shall be designed and operated in accordance with the surface water management plan, prepared by Barker Ryan Stewart, project No. 20100125, Rev B, dated 4 November 2010.
7. The development shall be operated in accordance with the waste management plan, prepared by PGH Environmental Planning, dated 3 November 2010.
8. Development must be operated in accordance with the Plan of Management, prepared by PGH Environmental Planning and dated 3 March 2011.
9. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
10. The approved use shall not commence until all conditions of this Development Consent have been complied with.

11. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
12. The development shall comply with the provisions of the Building Code of Australia at all times.
13. The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the project.
14. The proponent shall not produce more than 86,400 tonnes of concrete per annum at the development.
15. The proponent shall not receive or transport for external processing more than 15,000 tonnes of recycled concrete material per annum or store at any one time more than 90 tonnes of recycled concrete material at the development.
16. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.

Prior to Issue of Construction Certificate

17. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

18. Construction of the access, car park and drainage are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Principal Certifying Authority.

Four (4) car parking spaces shall be provided to the development and these spaces are to be shown on the plans for approval. It is advised that a stacked parking arrangement is not supported. One of these spaces is to be provided as a disabled parking space. All car parking and manoeuvring shall comply with the relevant Australian Standards.

19. Payment of a Construction Certificate checking fee of \$499 and a Compliance Certificate inspection fee of \$772 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2011. Fees required if an Accredited Certifier is used will be provided on request.
20. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (2002) by an appropriately qualified person shall be submitted to Council.

21. Pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$3900 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

22. All buildings and structures shall be finished in colours that blend in with the surrounding area and are of low reflective quality. A schedule of external colours and finishes shall be submitted for approval prior to the issue of the Construction Certificate.
23. Access to the lunchroom and facilities for people with disabilities shall be provided in accordance with the requirements of Parts D3 and F2.4 of the BCA. The door to the WC shall open outwards or be fitted with suitable hinges to allow for emergency access into the WC or the door to open out.
24. A Trade Waste Agreement must be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer.
25. Details demonstrating compliance with the relevant parts of the following sections of the Building Code of Australia are to be submitted with the Construction Certificate application:
- Section B – Structural Provisions
 - Section C – Fire Resistance
 - Section D – Access and Egress
 - Section E – Services and Equipment

Prior to Commencement of Works

26. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
27. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
28. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the *Environmental Planning and Assessment Act, 1979*.

29. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
30. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
31. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
32. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
33. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriate stamped the plans before the issue of any Construction Certificate; or
 - If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.
34. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
 35. Prior to the commencement of construction for the development, the Applicant shall ensure that the following are available for community complaints for the life of the development (including construction and operation):
 - a) A telephone number on which complaints about operations on the site may be registered;
 - b) A postal address to which written complaints may be sent; and

- c) An email address to which electronic complaints may be transmitted, should the Applicant have email capabilities.

The Applicant shall ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. These details shall also be provided on the Applicant's internet site, should one exist.

36. The applicant shall record details of all complaints received through the means listed under condition 37 of this consent in an up to date Complaints Register. The Register shall record, but not necessarily be limited to:

- a) The date and time, where relevant, of the complaint;
- b) The means by which the complaint was made (telephone, mail or email);
- c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) The nature of the complaint;
- e) Any action(s) taken by the Applicant in relation to the complaint, including any follow up contact with the complainant; and
- f) If no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by Council upon request.

During Construction

- 37. No excavated material, including soil, shall be removed from the site.
- 38. A bund wall shall be provided around the site in order to help direct runoff away from the process operations. Design details are to be submitted to and approved by Council.
- 39. The site shall be secured to prevent the depositing of any unauthorised material.
- 40. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
- 41. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 42. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage of any material from the truck onto the road.

43. Four (4) off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
44. A turning bay is to be provided to allow vehicles to manoeuvre and leave the site in a forward direction.
45. Disabled parking shall be provided in accordance with AS2890.1-1993.
46. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
47. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
48. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
49. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
50. Council records indicate that the building site is at a level of approximately 17.1 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
51. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage; and
 - (b) if necessary, must underpin and support the building in an approved manner; and
 - (c) must, at least 7 (seven) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land,

give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

52. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
53. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
54. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
55. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site in accordance with the Concept Drainage Design Plan (No 10125E1).
56. Water quality control devices shall be constructed at the point of discharge of stormwater from the site.
57. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
58. A heavy duty layback and footway vehicular crossing 9m wide shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
59. Bunding is to be designed and installed in accordance with:
 - (a) Department of Environment and Conservation Guidelines – Technical BU Bunding and Spill Management.
 - (b) Department of Environment and Conservation Guidelines “Surface water management on the covered forecourt areas of service station “
 - (c) Australian Standard 1940-1993. The storage and handling of flammable and combustible liquids; and
 - (d) Australian Standard/New Zealand Standard 4681:2000 The storage and handling of Class 9 (miscellaneous) dangerous goods and articles.

60. The development site shall be entirely sealed with an impervious concrete surface (with the exception of the existing front landscaped area)
61. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.

Prior to Issue of the Occupation Certificate

62. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

63. A flood warning sign of durable material shall be permanently fixed in a prominent location within the site. The sign shall advise occupants that the site may be subject to inundation during times of flood.
64. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.
65. A Plan of Management for the stormwater harvesting and on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
66. The owner shall enter a positive covenant with Council which provides the following:
 - (a) The registered proprietors will at all times maintain, repair and keep the surface stormwater recycling and on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and

- (c) Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

67. Works-As-Executed drawings for the surface water and On Site Detention Stormwater Systems which indicate the following shall be submitted to and approved by Council:
- (a) Invert levels of tanks, pits and pipes
 - (b) Surface levels of pits and surrounding ground levels
 - (c) Levels of surrounding kerb
 - (d) Floor levels of buildings
 - (e) Top of kerb levels at the front of the lot; and
 - (f) Extent of inundation
68. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed works in relation to property boundaries

Use of the Development

69. No internal or external alterations shall be carried out without prior approval of the Joint Regional Planning Panel.
70. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
71. Operating hours of the concrete batching plant, including the arrival and dispatch of concrete trucks for the delivery of concrete shall be limited to 6.30am to 4.30pm Mondays to Saturdays.
72. Delivery of raw materials and recycled materials shall only occur between the hours of 6.30am to 6.00pm Monday to Friday and 6.30am to 12 noon Saturdays.
73. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage of any material from the truck onto the road.
74. The washing and cleaning of vehicles shall be undertaken in accordance with the surface water management plan, prepared by Barker Ryan Stewart, project No. 20100125, Rev B, dated 4 November 2010.
75. No advertising signs or structures shall be erected, displayed or affixed on any building, silo structure or land without prior approval.

76. The development shall be limited to the area shown on the submitted plans.
77. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
78. All work and the storage of goods or materials shall be confined within the building or aggregate storage bins.
79. All vehicles being loaded or unloaded shall stand entirely within the property.
80. All waste materials shall be regularly removed from the property.
81. Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997.
82. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act, 1997.
83. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act, 1997.
84. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity, where material harm to the environment is caused or threatened.
85. The proponent shall ensure that all plant and equipment used at the site is:
 - a) Maintained in a proper and efficient condition; and
 - b) Operated in a proper and efficient manner
86. Within 6 months of the commencement of operations, during a period in which the project is operating at normal capacity, the proponent shall conduct a Noise audit of the project to the satisfaction of DECCW and Council. The audit shall:
 - a) Be undertaken by a suitably qualified and experience person;
 - b) Assess whether the project is complying with the relevant noise impact assessment criteria in this approval; and
 - c) Provide details of any complaints received on the noise impacts of the project, and any action taken to respond to these complaints.
87. Within 6 months of the commencement of operations, during a period in which the project is operating at normal capacity, the proponent shall

conduct an air quality audit of the project to the satisfaction of DECCW and Council. The audit shall:

- a) Be undertaken by a suitably qualified and experience person;
 - b) Assess whether the project is complying with the relevant air quality assessment criteria in this approval; and
 - c) Provide details of any complaints received on the air quality impacts of the project, and any action taken to respond to these complaints.
88. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.
89. All trafficable areas and vehicle manoeuvring areas on the site shall be maintained in a condition that will minimise the generation or emission of wind blown or traffic generated dust from the site at all times.
90. All external lighting associated with the development shall be mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding properties or roadways. The lighting must be the minimum level of illumination necessary and shall comply with AS 4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting.
91. Within 12 months of operation of the development, and after each subsequent year, the Applicant shall submit an Annual Environmental Management Report which:
- a) Includes a detailed summary of all complaints received during the past year;
 - b) Includes a detailed summary of monitoring results for the past year and an assessment of these monitoring results against the relevant impact assessment criteria;
 - c) Identify any non-compliances during the previous year; and
 - d) Describe what actions are being taken to ensure compliance.
92. The proponent shall ensure that all waste generated on site during the construction and operation of the project is classified in accordance with the Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid waste, and disposed of to a facility that may accept the waste.
93. The largest vehicle permitted to enter the site is restricted to a 19 metre truck and dog. B Double vehicles are prohibited from entering or accessing the site.

Advisory Notes

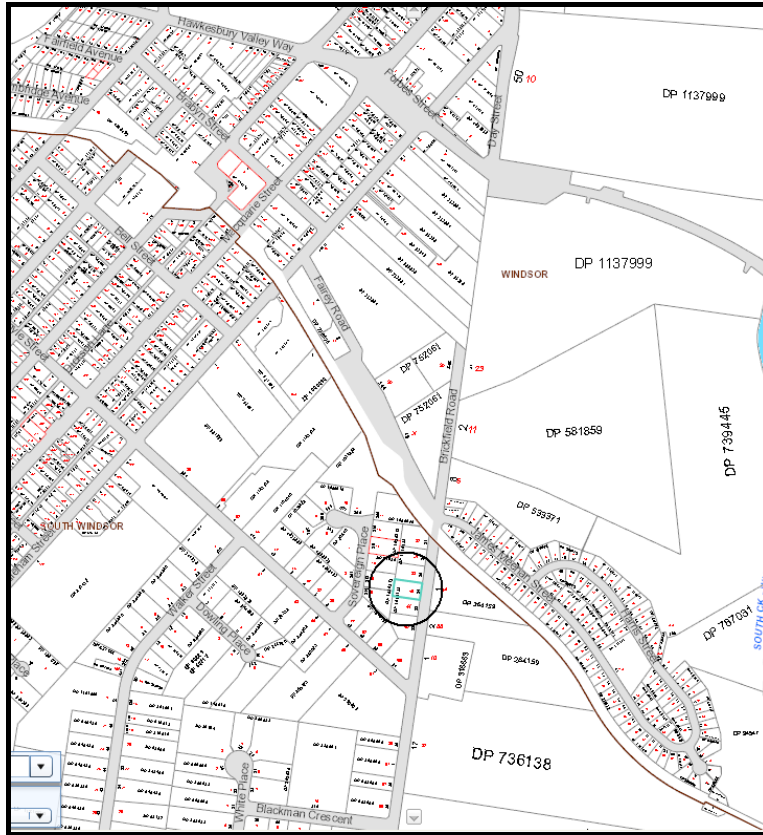
*** *The applicant is advised to make detailed inquiries as to whether approval by the Australian Government Minister for the Environment and Heritage is necessary under the Environment Protection and Biodiversity Conservation Act 1999.*

- *** *The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.*
- *** *The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.*
- *** *Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.*
- *** *The applicant is advised to consult with:*
- (a) Water and Sewer provider*
 - (b) Electricity provider*
 - (c) Natural Gas provider*
 - (d) Telecommunications carrier*
 - (e) Road authority*
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.*
- *** *The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.*
- *** *The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.*
- *** *This consent does not include permission to crush or grind aggregates at this site.*

ATTACHMENTS:

- AT 1** – Locality Plan and Aerial Photo
AT 2 – Site & Elevation Plan

Attachment 1
Locality Plan and Aerial Photo
Lot 24 DP 1010188, 40 Fairey Road, South Windsor



Attachment 2 **Site & Elevation Plan** **Lot 24 DP 1010188, 40 Fairey Road, South Windsor**

