

Ref: T6-11-32 LA 9937
IS:KMP

18 April 2011

HOPKINS CONSULTANTS PTY LIMITED
C/- ANDREW LISTER
PO BOX 1556
PORT MACQUARIE NSW 2444

Dear Sir

**DEVELOPMENT APPLICATION T6-11-32
(LA9937) 49 YARRABEE ROAD Lot 1 DP710232 KUNDABUNG
INCREASE IN PRODUCTION VOLUME - EXISTING MOBILE BITUMEN
BATCHING PLANT**

Please find appended a Notice to Applicant of Determination of a Development Application.

It is strongly recommended that prior to commencing any work associated with this consent that you read the conditions carefully.

Should you have any further inquiries please contact Council's Area Planner – Ilija Susnja on 6566 3200.

Yours faithfully

Ilija Susnja
AREA PLANNER
SUSTAINABLE ENVIRONMENT

PLEASE NOTE:

When making enquiries concerning this application, please quote our reference number, which will enable us to expedite your enquiry.

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under the *Environmental Planning and Assessment Act 1979* Section 81 (1)(a)

DEVELOPMENT APPLICATION

Development Application Number: T6-11-32
Date lodged with Council 8 February 2011

LA 9937

Applicants Name:	HOPKINS CONSULTANTS PTY LIMITED C/- ANDREW LISTER
Applicants Address:	PO BOX 1556 PORT MACQUARIE NSW 2444
Builders Name:	UNKNOWN
Builders Address:	UNKNOWN
Owners Name:	BERNE CR & BERNE JA
Owners Address:	PO BOX 1860 PORT MACQUARIE NSW 2444
Land to be Developed - address:	Lot 1 DP710232 49 YARRABEE ROAD KUNDABUNG NSW 2441
Proposed Development:	INCREASE IN PRODUCTION VOLUME - EXISTING MOBILE BITUMEN BATCHING PLANT

Determination made on: (date)	18 April 2011
Determination:	Consent granted subject to conditions described below
Consent to operate from: (date)	18 April 2011
Consent to lapse on: (date)	18 April 2016

Has a Public Inquiry Pursuant to Section 119 of the Environmental Planning and Assessment Act 1979 been held:-
No
Have General Terms of Approval been granted by an Approval Body pursuant to Section 93 of the Environmental Planning and Assessment Act 1979:-
No

The following conditions have been imposed in accordance with the requirements of Section 80A of the *Environmental Planning and Assessment Act 1979* having regard to the relevant matters identified under Section 79C of the Act.

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./ Document	Supporting	Version	Prepared by	Dated
Environmental Impact Statement – Mobile Bitumen Batching Plant		-	Hopkins Consultants	February 2011
Drawing No. 6353-001-01, Sheet 1, Bitumen Pre-Mix Plant Site Location		-	Hopkins Consultants	29/06/2009

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

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

2. Limits

The batching plant production is not to exceed an average production volume of 150 tonnes per day measured over a calendar year. A maximum daily production volume of 900 tonnes per day is permitted for up to 33 days a year, or its equivalent, so that a total annual volume of 30,000 tonnes is not exceeded. The total quantities produced per annum are to be reported to Council on an annual basis.

3. Separate application required for advertising structures

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures, other than those permitted without consent by Council.

4. Erosion & sediment control - special measures required

Erosion and sedimentation controls are to be in place in accordance with the Development Control Plan (DCP) 36. Particular attention is to be given to the provision of the following sediment and erosion control measures:

- a. Temporary driveway from the edge of road to the building site;
- b. Temporary downpipes immediately that the roof has been erected; and
- c. Silt fence or sediment barrier.

Additionally the enclosed sign, to promote the awareness of the importance of maintenance of sediment and erosion controls, is to be clearly displayed on the most prominent sediment fence or erosion control device for the duration of the project.

Note: Council may impose on-the-spot fines of up to \$600 for non-compliance with this condition.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING OPERATION HOURS

5. Water and Sewerage Section 68 approval required

An approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained if required by the development.

6. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council.

7. 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.

8. 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.

9. Rural stormwater disposal

Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:

- a. clear of buildings and infrastructure;
- b. clear of effluent disposal areas;
- c. not concentrated so as to cause soil erosion;
- d. not directly to a watercourse; and
- e. not onto adjoining land.

THE FOLLOWING CONDITIONS ARE TO BE COMPLETED PRIOR TO THE NEW BATCHING LIMITS COMMENCING

10. Hazard, Fire and Emergency Management Plan

A Hazard and Risk Assessment for the bitumen batching plant is to be prepared. Using the results of the Hazard and Risk Assessment, an Emergency Management Plan and a Fire and Incident Plan are to be submitted to and approved by Council.

This plan must specifically address:

- a) spillage and cleanup procedures for all chemicals stored on the site, and

- b) fire management and containment measures in the event the onsite, above-ground, Liquid Petroleum Gas (LPG) tank is on fire; and
- c) fire management and containment measures in the event a bushfire threatens the onsite, above-ground, Liquid Petroleum Gas (LPG) tank.

These plans are to be prepared by a suitably qualified person/s and submitted to Council.

11. Environmental Management Plan

An Environmental Management Plan, prepared by a suitably qualified person, is to be submitted to and approved by Council. The Environmental Management Plan is to address, as a minimum, the following issues:

- a) Chemical storage:
 - Nature of chemicals to be stored on the site;
 - Volume of each chemical;
 - Storage on a sealed surface and bunded area, if required.
- b) Clean up procedures for asphalt/bitumen dropped on site;
- c) Clean up procedures for asphalt/bitumen dropped on internal and external roads; and
- d) Identification of substances/chemicals in waste water, quality of waste water leached to soil, clean-up and emergency response procedures for any overflow/spillage from storage tanks and hoses.

12. Stormwater Management Report

A Stormwater Management Report, taking into consideration the recommendations of the Stormwater Management Report for the existing quarry on the site, is to be submitted to Council. The Stormwater Management Report is to be prepared by a suitably qualified person. The Stormwater Management Report is to be approved by the Department of Environment, Climate Change & Water.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

13. Restricted hours of operation

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

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

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

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

14. Noise Limits

The development is to operate in a manner that the following noise limits are not exceeded, at any time, as measured from any dwelling or sensitive use not associated with the bitumen processing plant or the quarry located on the site.

Project Specific Noise Criteria	
Period	Project Specific Noise Criteria LAeq(15 min)
Morning shoulder	35 dBA
Day	35 dBA
Evening	35 dBA
Night	35 dBA

Road Traffic Noise Criteria	
Period	Road Traffic Noise Emission Criteria Leq(24 hours)
Day, evening and night	50 dBA

Sleep Disturbance Design Criteria	
Location	Sleep Disturbance Noise Emission Design Criteria (LA1(1 minute))
Night	45 dBA

15. Log Book

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

The noise complaints log book is to record the following information:

- Name, address and contact details of the complainant;
- Description of noise complaint (e.g. character and volume);
- Frequency and duration of complaint; and
- Meteorological conditions during complaint.

ADVICE

Country Energy

Excerpt from the Standard Form Customer Supply Contract (Effective 2 February 2004)

8 ACCESS AND YOUR OBLIGATIONS TOWARDS EQUIPMENT

8.1 ACCESS TO YOUR PREMISES

- (1) you must provide authorised officers with safe and unhindered access to the premises during reasonable daylight hours to:
 - (a) read meters
 - (b) inspect, test, adjust, repair or remove any of our equipment installed at the premise; or
 - (c) exercise any other rights or carry out any other duties set out in this contract or any laws

For more information please visit www.countryenergy.com.au/meteraccess

The complete *Service and Installation Rules of New South Wales October 2006* can be found by visiting the Publications page at www.deus.nsw.gov.au

Right of Appeal

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

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

Signature:

Robert Pitt
DIRECTOR
SUSTAINABLE ENVIRONMENT

Date:

18 April 2011