

Ref: T6-09-319 LA 3200  
KJA

1 September 2011

TROPIC ASPHALT PTY LTD  
C/- KHA DEVELOPMENT MANAGERS  
PO BOX 6380  
MARCOOCHYDORE QLD 4558

Dear Sir/Madam

**DEVELOPMENT APPLICATION T6-09-319 (Rev 1)  
(LA 3200) LOT 45 DP245599 NO 63 SOUTH STREET, SOUTH KEMPSEY  
ASPHALT BATCHING PLANT**

Please find appended a Notice to Applicant of Modification 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 **Kate Alberry** on 6566 3200.

Yours faithfully



ROBERT PITT  
DIRECTOR  
SUSTAINABLE ENVIRONMENT

**PLEASE NOTE:**

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**NOTICE TO APPLICANT OF MODIFICATION OF A  
DEVELOPMENT CONSENT**

To Tropic Asphalt PTY LTD C/- KHA Development Managers, PO BOX 6380, Maroochydore QLD 4558, being the applicant in respect of Development Application No. T6-09-319 (LA3200), seeking to construct an Asphalt Batching Plant, refers.

Pursuant to Section

**96 (1) Minor modification**

of the Act, notice is hereby given of the modification of the consent issued in respect to the Development Application No, T6-09-319 relating to the land described as follows:

**Lot 45 DP245599 63 South Street Kempsey**

**Details of Amendment**

"Revised site plan, additional drainage detail, revised stormwater details, removal of conditions 9 (liquid trade waste) and removal of condition 14 (truck wash).

Condition 1 – modified to include revised plans

Condition 9 – deleted

Condition 14 – deleted

Condition 42 - Modified to reflect latest Controlled Activity approval

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
Stormwater Quality Assessment		-	Duke Environmental	19 Nov 2009
Bunding Details Sheet No. C01		A	Covey Associates Pty Ltd	Sept 2009
Preliminary Acid Sulphate Soil Assessment		-	KHA Development Managers	25 Sep 2009



Plan No./ Document	Supporting	Version	Prepared by	Dated
Environmental Impact Statement		-	KHA Development Managers	Sep 2009
Layout Plan – 1652/11 C02		5	Dennis Partners	11/04/11
Soil and Water Management Plan and Earthworks Plan – 1652/11 C07		1	Dennis Partners	11/01/011
Proposed New Asphalt Plant 1210910 LD01 to 1210910 LD02		C	Colon Birrell Landscape Architects	10/08/11
Landscape Plan 1210910 LP01 to 1210910 LP06		C	Colon Birrell Landscape Architects	10/08/11
Stormwater Management Plan			Duke Environmental	August 2011

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

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

## 2. Compliance with Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

## 3. Limits

The batching plant production is not to exceed 100,000 tonnes per year from the date an Occupation Certificate is issued (nominated date of commencement). The total quantities produced per annum are to be reported to Council on an annual basis within four (4) weeks from the nominated date of commencement.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE FOR BUILDING WORKS

## 4. Stormwater

The application for a Construction Certificate is to include plans and specifications that indicate disposal of stormwater in accordance with the Stormwater Management Plan and the addendum approved as part of this consent and must also include



details of maintenance and monitoring of all infrastructure. The following issues must be addressed in the plans and specifications:

- a) Runoff from the proposed sealed access road is to be treated via vegetated or grassed swales then discharged to a bio retention area for further treatment;
- b) Runoff from the car parking area is to discharge to a bio retention area for treatment;
- c) Runoff from the manufacturing area is to drain to a first flush diversion tank. This runoff is to be treated via a grease/oil separator before either being re-used on-site (toilet flushing, irrigation, dust suppression), or discharged to Council's sewer via liquid trade wastes;
- d) Runoff from neighbouring sites to the north and west is to be diverted around the site via swales and connected into existing Council infrastructure;
- e) Level spreader and scour protection devices shall be incorporated into the existing system before discharge of stormwater to the Creek; and
- f) Details of the design of the level spreader, scour protection devices as well as bio retention zones.

Stormwater overflow must not be directed in a concentrated flow onto any adjoining property.

The plans must be in compliance with Council's Adopted Engineering Standard.

#### **5. Waste Management Plan required**

Prior to the issue of a Construction Certificate a Waste Management Plan is to be submitted to and approved by Council to ensure all waste is collected, stored and disposed of to the satisfaction of Council. The plan must incorporate measures to separate recyclable materials and describe the methods for collection of waste containers from the site.

#### **6. Geotechnical Report required – Engineering Works**

A certificate from a suitable qualified and practising Geotechnical Engineer is to be provided to the Principal Certifying Authority, certifying that:

- a) the design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate in accordance with the relevant Australian Standards;
- b) the civil engineering works will not be affected by landslip or subsidence either above or below the works;
- c) adequate drainage has been provided with appropriate considerations given to groundwater constraints.



**7. Sediment and erosion measures required**

The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins. The sediment and erosion control plan is to be designed in accordance with the requirements of the Landcom Blue Book, "Soils and Construction -Managing Urban Stormwater".

The sediment and erosion control plan is to be prepared by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The plans must be in compliance with Council's current Council's Adopted Engineering Standard. Such plans and specifications must be approved as part of the Construction Certificate.

**8. 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. This application is to include the installation of the proposed rainwater tank and any associated plumbing.

**9. Deleted**

**10. Consent required for works within the road reserve**

Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's Adopted Engineering Standard.

**11. Construction Traffic Management Plan**

Consent from Council must be obtained for a traffic management plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2*, and Australian Standard 1742.3 - 1985, *Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'*.

The plan must incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.



The traffic control plan must be prepared by an accredited person trained in the use of the current version of *RTA Traffic Control at Work Sites* manual (minimum certificate level Select & Modify).

### 12. Car parking plans required

The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent. The access, parking and manoeuvring for the site is to comply with the requirements of Council's Development Control Plan for Car Parking. Plans are to include, but not be limited to, the following items:

- a) pavement description;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) cross sections at appropriate intervals, with a maximum separation of 15 metres;
- f) drainage (pipes, pits, on-site detention, etc.);
- g) a physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways;
- h) Disabled space design and access paths to buildings in accordance with AS1428;
- i) turning paths; and
- k) linemarking and signs.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The plans must be in compliance with AS2890.1. Such plans and specifications must be approved as part of the Construction Certificate.

### 13. Driveway and access details required

The application for a Construction Certificate is to include plans and specification that indicate vehicular access from South Street to the site. Vehicular access must be in accordance with AS/NZS 2890.1-2004: *Parking facilities*, Part 1: Off-street car parking.1. Plans are to include the following items:

- a) pavement description (grades exceeding 15% must be sealed);
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) cross sections every 20 metres;
- f) drainage (open drains, pipes, etc.), including calculations and catchment details; and
- g) adequate compliant heavy vehicle access to and from the site.

The plans must be in compliance with Council's Adopted Engineering Standard.

### 14. Deleted



**15. Public liability insurance cover required prior to the issue of a Construction Certificate**

The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.

**16. Long Service Levy to be paid**

A Long Service Levy must be paid to the Long Service Payments Corporation prior to the issue of a Construction Certificate. This amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change.

These payments may be made at Council's Administration Office. Cheques are to be made payable Council.

**17. Landscaping plan required**

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Development Control Plan 36. The landscaping plan must indicate:

- a) location of trees identified for retention in the development application plans;
- b) proposed location for planted shrubs and trees;
- c) botanical name of shrubs and trees to be planted;
- d) location of grassed and paved areas;
- e) an effective physical barrier is to be provided around the plant, buildings and car parking/driveway areas to allow the landscaping on the site to integrate with the creek bank and the rehabilitation area; and
- f) the landscaping species is limited to the following list of koala food plants/trees:

Groundcover, Grasses & Shrubs  
*Lomandra longifolia* (Spiny-Headed Mat-Rush)  
*Lomandra hystrix* (Creek Mat-Rush)  
*Themeda australis* (Kangaroo grass)  
*Viola banksii* (Native Violet)  
*Dianella caerulea* (Blue Flax Lilly)  
*Cynodon dactylon* (Couch)  
*Doodia aspera* (Prickly Rasp Fern Prickley)  
*Blechnum cartilagineum* (Gristle fern)

Small to Medium Trees  
*Syzygium smithii* (Common Lilly Pilly)  
*Tristanopsis laurina* (Water Gum)  
*Glochidion ferdinandi* (Cheese Tree)  
*Ficus coronata*, (Sandpaper Fig)  
*Alphitonia excelsa* (Red Ash)  
*Elaeocarpus reticulatus* (Blueberry Ash)  
*Melaleuca linariifolia* (Snow in Summer)  
*Melaleuca styphelioides* (Prickly-leaved Tea Tree)  
*Callistemon salignus* (White Bottlebrush)



*Allocasuarina littoralis* (Black She Oak)  
*Allocasuarina torulosa* (Forest Oak)

#### Larger Trees

*Eucalyptus microcorys* (Tallowwood)\*  
*Eucalyptus tereticornis* (Forest Red Gum)\*  
*Eucalyptus robusta* (Swamp Mahogany)\*  
*Eucalyptus propinqua* (Small Fruited Grey Gum)\*  
*Lophostemon Confertus* (Brush Box)  
*Syncarpia glomulifera* (Turpentine)  
*Toona ciliata* (Red Cedar)  
\*denotes preferred koala food tree

#### Vines & Scramblers

*Eustrephus latifolius* (Wombat Berry)  
*Pandorea Pandorena* (Wonga Vine)  
*Smilax species*

The plan is to be prepared by a suitably qualified landscape architect/architect/ecologist who has appropriate experience and competence in landscaping.

Such plans and specifications must be approved as part of the Construction Certificate.

### 18. Garbage storage area required

The application for a Construction Certificate is to include details indicating the construction of a garbage storage area on-site. The garbage storage area is to be designed and constructed so as to conceal its contents from view from public places and adjacent properties and is to be blended into the landscaping layout. The storage area is to be located so as to be readily accessible from within the site and serviceable by the waste collector from the adjoining road.

Specifically the garbage storage area is to contain the following design elements:

- a. Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest;
- b. Provided with a hose tape connected to the water supply;
- c. Paved with impervious material; and
- d. Graded and drained to the sewer system.

Such plans must be approved as part of the Construction Certificate.

### 19. Emergency Management Plan

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

- a. plant breakdown;
- b. spillage and cleanup procedures for all chemicals stored on the site; and



- c. flooding;
- d. bushfire;

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY BUILDING OR CONSTRUCTION WORK COMMENCING

**20. Plumbing Standards and requirements**

All Plumbing, Water Supply and Sewerage Works are to be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

The plumber must obtain a Plumbing Permit at least two (2) working days prior to commencing work in accordance with the Local Government Act and the NSW Code of Practice for Plumbing and Drainage. The proponent must ensure the plumber has obtained a Plumbing Permit prior to commencing work on the site.

**21. Trees to be protected**

Trees to be retained are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed:

- a. with a minimum height of 1.2 metres;
- b. outside the dripline of the tree;
- c. of steel star pickets at a maximum distance of 2 metres between pickets;
- d. using a minimum of 3 strands of steel wire;
- e. to enclose the tree; and
- f. with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter.

The fence is to be maintained for the duration of the site clearing, preparation and construction works.

**22. 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 standard flushing toilet connected to a public sewer.

**23. Approval under the *Water Management Act 2000* required.**

A Controlled Activity Approval under the *Water Management Act 2000* must be obtained from the Department Water and Energy – NSW Office of Water for all works with 40 metres of Gills Bridge Creek.

**24. Site construction sign required**

A sign or signs must be erected before the commencement of the work in a prominent position at the frontage to the site:

- a. showing the name, address and telephone number of the principal certifying authority for the work;



- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c. stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of one (1) m<sup>2</sup>.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION
--

**25. Construction times**

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:

- 6:00 am to 7:00 pm - 7 days a week.

**26. Limiting construction noise**

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

**27. Construction dust suppression**

All necessary works are to be undertaken to control dust pollution from the site.

These works must include, but are not limited to:

- a. restricting topsoil removal;
- b. regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;
- c. alter or cease construction work during periods of high wind;
- d. erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

**28. Builders rubbish to be contained on site**

All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.



**29. Maintenance of fencing to protect trees**

Fencing required to protect trees to be retained is to be maintained for the duration of the site clearing, preparation and construction works. During site works and construction all measures are to be taken to prevent damage to trees and other vegetation (including root systems) to be retained. Where any damage is caused to trees to be retained, remedial action must be carried out to the specifications of a tree surgeon.

No building materials or other items are to be placed or stored within the fenced off areas.

A qualified arborist experienced in tree management must be present on a full or part-time basis to advise on the maintenance of the trees for their protection for the duration of the project.

**30. Maintenance of sediment and erosion control measures in accordance with approved plan**

Sediment and erosion control measures in accordance with the approved Erosion and Sedimentation Control Plan must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

**31. Removal of asbestos**

All asbestos wastes associated with demolition/renovation works are to be disposed of in accordance with the requirements of the Workcover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Council requires 48 hours notice prior to disposal at Council's waste depot.

**32. Standards for demolition work**

All demolition works are to be undertaken in accordance with the provision of Australian Standard AS 2601-2001 *The Demolition of Structures*. Prior to demolition, all services are to be disconnected and capped off.

No work is to be commenced in regard to the demolition or removal of the building until such time as the appropriate fees for disconnection of water and sewerage services are paid to Council where such services are no longer required. The sewer drainage system is to be appropriately sealed to prevent ingress of water and debris into the Council's main. Arrangements are to be made with Council for the withdrawal of the garbage services and collection of the waste bins.

**33. Stormwater Management**

a. Prior to commencement of stormwater works:

- i) All erosion controls are to be in place.
- ii) Written notification of intention to commence works must be forwarded to the Council seven (7) days prior to work commencing. Notification is to include contact details of the supervising engineer and site contractor.
- iii) The developer and/or contractor must produce evidence to Council of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.
- iv) All public safety and traffic management plans are to be in place.



b. During construction of stormwater works:

- i) Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.
- ii) All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. Council is not held responsible for any negligence caused by the undertaking of the works.
- iii) All works to be constructed to at least the minimum requirements of Council's current AusSpec Design and Construction Manuals and Specifications.
- iv) A copy of the approved stormwater plans, details and specifications must remain at the site at all times.
- v) All on-site stormwater detention works are to be carried out under the supervision of a suitably qualified practising professional Engineer.
- vi) Inspections and/or tests are required as part of the works approval process. The inspections and/or tests must be in accordance with Council's current AusSpec Design and Construction Manuals and Specifications. Council's Development Engineer must be given 24 hours notice for the following inspections:
  - (1) Connection to Council's drainage infrastructure
  - (2) Connection to the kerb and gutter.
  - (3) Works across the footpath area.
  - (4) Underground detention tanks.

c. Upon completion of all stormwater works:

- i) The submission of works as executed drawings prior to a final inspection. The drawings are to be prepared by a suitably qualified engineer or registered surveyor.
- ii) The submission of a certificate of hydraulic/hydrological compliance prior to a final inspection. This certificate is to be prepared by a suitably qualified engineer and is to include details of any non-compliance with approved plans and specifications.
- iii) If this system includes provision of an underground storage tank, the submission to Council of a Certificate of Structural Adequacy for the completed on-site stormwater detention structure, prepared by a practising Structural Engineer, qualified for membership of The Institution of Engineers Australia is required.
- iv) A satisfactory final inspection for the stormwater works, which Council's Development Engineer must be given 24 hours notice for.

- d. All drainage works is to be installed by a suitably qualified person and in accordance with the requirements AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage.

### 34. Responsibilities under the National Parks and Wildlife Act 1974

All earthmoving contractors and operators must be instructed that, in the event of any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the



Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the National Parks and Wildlife Act 1974, as amended.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO OCCUPATION OF THE BUILDING
--

### 35. Environmental Plan of Management

Submission of an Environmental Plan of Management, which may be varied from time to time, depending on the results of monitoring prior to commencement of any works, to include of the following:-

#### Monitoring

The Environmental Plan of Management is to provide for monitoring in accordance with the following program to ensure compliance with all criteria prescribed by relevant conditions of this consent. The results of such monitoring shall form the basis of required performance criteria and are to be reported to Council as specified by this consent.

#### a) Noise

- i) The plant shall be constructed in accordance with Hunter Acoustic Report 18 August 2009 Lot 25 DP245599 South Street South Kempsey 6.11 modelling assumptions.
- ii) A validation report is to be provided within 90 days of the date of commission of the asphalt batching plant confirming that the noise levels at the following receivers comply with the Industrial Noise Policy:
  - Macleay College
  - South Kempsey Primary School
  - Albert & Reginald Ward Street and Chifley Place
- iii) If noise levels fail to meet the levels as set by the Industrial Noise Policy then appropriately designed acoustic treatments or engineering noise controls to equipment shall be implemented to ensure compliance with the Industrial Noise Policy.
- iv) The validation report is to be carried out by a suitably qualified acoustic consultant. The results of monitoring are to be reported to Council within 90 days from the nominated date of commencement, except as requested by Kempsey Shire Council or DECCW following receipt of any complaints which, in the opinion of Council or DECCW, are justified.
- v) Reversing alarms or audible warning devices on loaders and other equipment are to be of broadband type and to have levels that do not exceed 85dB(A) when measured at a distance of 7 metres directly behind



the rear of the equipment. Fit BBS-TEK Alarms – Medium and Light Duty Model 600-BBS087 or equivalent.

b) Dust

- i) Air quality sampling (volumetric) shall be undertaken for a period of six (6) months from the date of the plant commission to determine PM (10) levels. Should the levels not reflect the predicted levels further tests maybe requested i.e. criteria pollutants, toxic air pollutants and odorous air pollutants. The volumetric air sampling should be undertaken at the most sensitive receptor, South Kempsey Primary School.
- ii) The Plan of Management is to include the means proposed to monitor the effects of dust on adjoining residences so as to ensure that dust levels meet the criteria prescribed by relevant conditions of this consent.
- iii) The plan is to provide for placement of sufficient dust monitors on the subject land and adjoining allotments which contain dwellings (with the consent of owners).
- iv) Monitoring is to be carried out by a suitably qualified environmental consultant. The results of monitoring are to be submitted to Council on a quarterly basis for the first twelve (12) months from the nominated date of commencement and thereafter immediately following the anniversary of the nominated date of commencement.

c) Water Quality

- i) Details of the means of monitoring the quality of water leaving the site at the points of discharge.
- ii) Detail of the ongoing maintenance of the bio-retention areas and the treatment systems.

Monitoring shall be carried out in accordance with the relevant Australian Standard by a suitably qualified person. The results of monitoring shall be submitted to Council on a quarterly basis for the first twelve (12) months from the nominated date of commencement and thereafter immediately following the anniversary of the nominated date of commencement.

**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.

**36. 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.



THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

**37. 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

Notwithstanding the above the operation of the plant is permitted to operate 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.

**38. Recycled Asphalt Product**

The Recycled Asphalt Product (RAP) shall only be generated from recycled road pavement and any waste asphalt produced by the plant and shall not incorporate the recycling of bricks, concrete, any other building products or any contaminated materials in accordance with the Protection of the Environment Operations Act and Regulations as they apply to recycling asphalt.

**39. Signage**

A sign be erected at the front of the property (visible from a public place) which clearly states that in the event of complaint to contact the relevant company employee providing a name, telephone number and email address. The sign is to be legible and maintained at all times.

**40. 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 or DECCW at any time on request.

**41. Loading and unloading not to occur on the street**

The loading and unloading bay must be available at all times for the loading and unloading of goods for the development. All loading and unloading is to take place within the curtilage of the premises.

Access to the site for deliveries is to be confined to between 7.00 am and 7.00 pm daily. In this regard, a sign clearly indicating the delivery times is to be displayed at the entry to the development.

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

All works are to be carried out in accordance with Controlled Activity Approval: 30 ERM2009/1197 approved 9 May 2011



## ADVICE

You are advised that this consent can not be acted upon until the expiry of the 28 day appeal period under the *EP&A Act Regulations 2000* has lapsed.

## 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.

An objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development) either unconditionally or subject to conditions may, within 28 days after the date on which notice of the determination was given in accordance with the regulations, and in accordance with rules of court, appeal to the Court.

Signature:



ROBERT PITT  
DIRECTOR  
SUSTAINABLE DEVELOPMENT SERVICES

Date:

1 September 2011