

JOINT REGIONAL PLANNING PANEL Northern Region

JRPP No	2015NTH004
DA Number	28/2013
Local Government Area	Gwydir Shire Council
Proposed Development	Increase the annual extraction limit from Runnymede Quarry to 300,000 tonnes.
Street Address	530 Gil Gil Creek Road, PALLAMALLAWA
Applicant/Owner	Johnstone Concrete and Quarries Pty Ltd
Number of Submissions	1
Regional Development Criteria (Schedule 4A of the Act)	Clause 8 Particular Designated Development Development for the purpose of an extractive industry, which meets the requirements for designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> - Yallaroí Local Environmental Plan 1991 • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) <ul style="list-style-type: none"> - Draft Gwydir Local Environmental Plan • List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> - Traffic Generating Development • List any relevant 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: s79C(1)(a)(iv) <ul style="list-style-type: none"> - N/A • List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> - N/A • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> - State Environmental Planning Policy 33 - State Environmental Planning Policy 34 - State Environmental Planning Policy 55, - State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007 - State Environmental Planning Policy (State and Regional

	Development) 2011
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Annexure I – Written Comment – SMK Consultants • Annexure II – Amended Schedule of Conditions
Recommendation	Approval with conditions
Report by	Director Development & Environmental Services

Supplement Report to the Assessment Report and Recommendation Cover Sheet

1. Background

The subject Development Application was referred to the Northern Joint Regional Planning Panel (Panel) for determination on 18 March 2015. The Panel deferred the determination of the Development Application to allow relevant parties to consider amended conditions.

Panel Decision:

The Panel voted unanimously that 'consideration of 2015NTH004 Gwydir Shire Council DA 28/2013: Runnymede Quarry, be deferred to allow consideration of a supplementary report to be prepared by Council incorporating amended conditions within 2 months.'
[Moved John Griffin, Seconded Cr John Coulton.]

2. Report

Amended conditions of consent were circulated to applicant's consultant, Mr Peter Taylor – SMK Consulting and the Chair of the Panel for discussion and comment.

SMK Consulting provided written comment (see Annexure 1) on the amended draft conditions on the 17 April 2015 and following further discussion and consultation with Council's Engineering Department final amended drafted conditions were sent to Peter Taylor, SMK Consulting and Mr Robert Smith, NSW Parks & Wildlife Service.

The main concern to the applicant was the extraction threshold limit of 125,000 tonnes which triggered the completion of the road upgrading works. Council has agreed to increase the trigger threshold to 300,000 tonnes.

The main changes to the draft conditions of consent include.

- Removal of unnecessary conditions
- Amendment of conditions to improve clarity
- Inclusion of tonnage prices in accordance with Council's Section 94 Plan

The inclusion of a calculated s94 road maintenance rate of 25.65 cents/tonne. This had initial resistance by the proponent, but the matter has been discussed and a further meeting held with the proponent to clarify the intent of a number of the draft conditions, these issues were discussed, minor changes made with agreement reached between the parties.

Discussion has also been held with the Office of Environment and Heritage, National Parks and Wildlife Service (OEH) regarding the draft conditions of consent addressing their issues with the access road and Gil Gil Creek Road alignment. Agreement has been reached regarding the survey of the roads and the quarry access road being added to Council's road network. However, OEH has advised that the access road from Gil Gil Creek Road through to the eastern boundary of the national park is land vested in fee simple in the Minister and is currently land not under the umbrella of the Roads Act 1993. For the *Roads Act 1993* to have any application the access road would need to be acquired by Council as a public road before s138 of the *Roads Act 1993* would apply.

Council and OEH have started the process of acquiring the land containing the access road, including a report to the May Council meeting which resolved

*Council Resolution:
Minute 191/15*

THAT the report is received and , subject to the approval of the Minister of the Environment, that Council take ownership of the quarry access road currently vested I the Minister for the Environment as a Council public road.

FURTHER that the Owner be responsible for all costs associated with transfer of this road to Council ownership including financial compensation for the land, survey plan development, LPI lodgement fees, valuation fees and any other costs or fees reasonably arising from the proposed transfer whether incurred by Council or the Office of Environment and Heritage.

(Moved Cr Dick, seconded Cr Moore)

*Upon being put to the meeting, the motion was declared carried.
For the Motion were Councillors Dick, Egan, Coulton, Moore, Pankhurst and Smith Total (6).
Against the Motion was Nil Total (0).
Councillors Dixon, Doering and McDonald absent.*

3. Conclusion

This supplementary report addresses the reasons cited by the Panel for deferring consideration of this application. The proponent has made comment on the amended draft conditions with further discussion to resolve issues and reach an agreed outcome.

Recommended conditions of consent are attached that reference the agreed changes.

RECOMMENDATION

THAT the Joint Regional Planning Panel:

- Receive; consider the findings and recommendations of this report in relation to the proposal for the increased quarry extraction
- subject to the Conditions of Consent attached,

Further that the applicant is advised of Joint Regional Planning Panel decision and of their right to appeal to the Land and Environment Court within 12 months after the date of determination.

That the objectors are notified of Joint Regional Planning Panel's decision.

SMK

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17th April 2015

Gwydir Shire Council
Locked Bag 5
Bingara, NSW 2404

Attention: Glen Pereira
gpereira@gwydir.nsw.gov.au

Dear Glen,

Re: DA 28-2013 Expansion of Annual Limit to 300,000 Tonne at Runnymede Quarry

We received you emailed copy of the draft conditions for the expansion of the annual limit for Runnymede Quarry operated by Johnstone Concrete and Quarries, the Applicant. We have now reviewed the conditions with the applicant and wish to present the following comments.

Part A – General

Condition 6: Limits on Area

The 2010 plan that your condition refers to shows an aerial image of cleared land and a surveyed area (orange and yellow). We are assuming that the cleared land that you refer to in this condition extends to a fence line located to the east of the surveyed area. A copy of this plan is attached as annexure 1. An alternate 2012 plan showing more detail is presented in annexure 1 as an option to this older 2010 plan.

Condition 8 – Protection of Public Infrastructure

The term public infrastructure invokes concern that any works disturbed by the use of public facilities by the operator, including roads, needs to be repaired at full cost to the applicant/owner. This condition would appear to be extend beyond the agreement as outlined in the latter section Part C – conditions 4 and 5 which outlines the agreement for construction of road works by the applicant.

The issue is raised as to whether this condition 8 should be further clarified

Part C – During Works

Condition 4 – Transport and Traffic

4.1 Road Works

(b) "The section of Gil Gil road, extending from Mosquito Creek Causeway"

It is unclear which section of road this condition refers to. Could you please clarify this?

This condition also includes the comment "*The location of the existing road with respect to public road reserve boundaries is to be determined by survey.*" In relation to the survey and definition of this road, the intention is to use other precedents acceptable to the Lands Titles Office to define the road "as constructed where it is" by a centreline survey and a road width to be determined during the road design process. No separate survey is considered necessary to annex this road from the surrounding National Park as a formal road reserve. This information is provided by a Registered Surveyor within SMK

Consultants in relation to other dealings of roads that have not been defined by survey.

d) It is noted that some of the existing sections of Gil Gil creek road, mainly the first 350 m north from the Mosquito Creek causeway appear to be located on Lot 2 in DP596305 and therefore not within the road reserve or crown reserve area. It is assumed that the location of this road will not alter as it is an established road under the Roads Act 1993. The result of this development approval condition will therefore not require the applicant to relocate this road into the adjoining crown reserve area.

g) The applicant requests that this condition be altered to the original offer of 7-years to complete the design and construction of the bitumen sealed road section on Gil Gil creek road and the entrance road into Runnymede and to delete the production tonnage trigger. The proposed works will involve a considerable cost burden on the applicant and therefore spreading this cost over a 7-year period would be more economically feasible.

We wish to advise that the quarry may produce in the order of 150,000 tonne of quarry material to supply two government projects within the next 6-month period. (Narrabri Airport redevelopment, Newell Highway upgrade). The projects may occur as a result of that the gravel available from Runnymede is the only source of gravel in the region that meets the specifications required for these two projects. If this occurs, it would mean that the quarry would need to shut down at the completion of these government projects until all road works are completed. A shut down would mean that no aggregate supplies would be available to either the Gwydir Shire, Moree Plains Shire or for local development projects. Construction of the roads in accordance with this condition may take up to 6-months. On this basis, the imposition of a tonnage trigger in the condition is considered a significant economic burden with many financial impacts on the applicant as well as regional development. We therefore request that the tonnage trigger is removed from this condition.

Alternatively, if Council wish to retain a tonnage trigger in this condition, we request that it is set at 300,000 tonne to reflect the purpose of the application.

Condition 5 - Road Maintenance Levy

a) Quarterly Returns

In respect of the request for submission of items listed under point (i) of this condition, the applicant wishes to raise the issue that the invoices referred to are considered as private information relating to their business transactions and privileged Client information. We therefore object to this request for submission of invoices as the information contained in these invoices would involve private and confidential dealings with third parties.

The Applicant will accept the submission of a quarterly return stating the tonnage removed from the quarry and payment of an agreed contribution. The return would be supported by a statutory declaration signed by a company director.

d) The information available to Council if required, would consist of weighbridge records. The applicant considers that other information such as invoices or contractual documents are considered confidential between the Client and JCQ.

It should be noted that all material leaving the quarry is weighed and recorded at the weighbridge office.

10. Bushfire Management

This condition refers to adopting a *Bushfire Management Plan* for the site. We assume that it will be suitable to include this plan within the Operational Environmental Management Plan and be prepared by the applicant.

Condition 6 – Access Road

We contacted National Parks and Wildlife Services (NPWS) at the completion of the JRPP meeting in Wyalda on the 18th of March. We are yet to receive application forms or a methodology to indicate the

process of this application as it appears that NPWS had assumed that the access road would be included as a Council Public road as a result of DA 28-2013. NPWS have verbally accepted Council's approach in the eventual control of the access road under the Roads Act 1993. In view of a lack of response from the relevant officers within NPWS, we feel some reluctance on behalf of NPWS to pursue an interim licence for the access road when they are fully aware of the eventual declaration of this access road under the Roads Act 1993.

It would be the applicant's preference that the control of the road by Council as outlined in this condition is established as a one step process as against requiring an interim NPWS Licence prior to Council control of this road.

It has been proven that control of the road by Council is a legally permissible process and therefore if possible, the applicant would prefer this to happen as outlined in Condition 4.1 Road Works, mainly "*The applicant is to submit an application under section 138 of the Roads Act 1993*" to undertake these works. Avoidance of a third party is expected to expedite the matter.

Part E – Post Commencement

2. Environmental Management. Monitoring and Report

i) It is assumed that Council will accept a copy of the annual return under the Environment Protection Licence as a suitable report to fulfil this condition.

Overall Comment

The applicant has considered the other conditions presented in the draft conditions. No other issues have been raised as a result of the other conditions and they are accepted.

We look forward to your comment on the matters raised above and we trust that this submission will be taken into consideration during the review of the conditions prior to finalisation and approval by the JRPP.

Yours faithfully,

Peter Taylor

Peter Taylor BSc MEIANZ CIAg LAA
Environment and Resource Consultant
SMK Consultants

Annexure 1:

**Plan 1 showing the Limits of the Cleared area to be quarried at Runnymede
under DA 28-2013**

Figure 1: Plan 1 dated May 2010 referred to in draft conditions

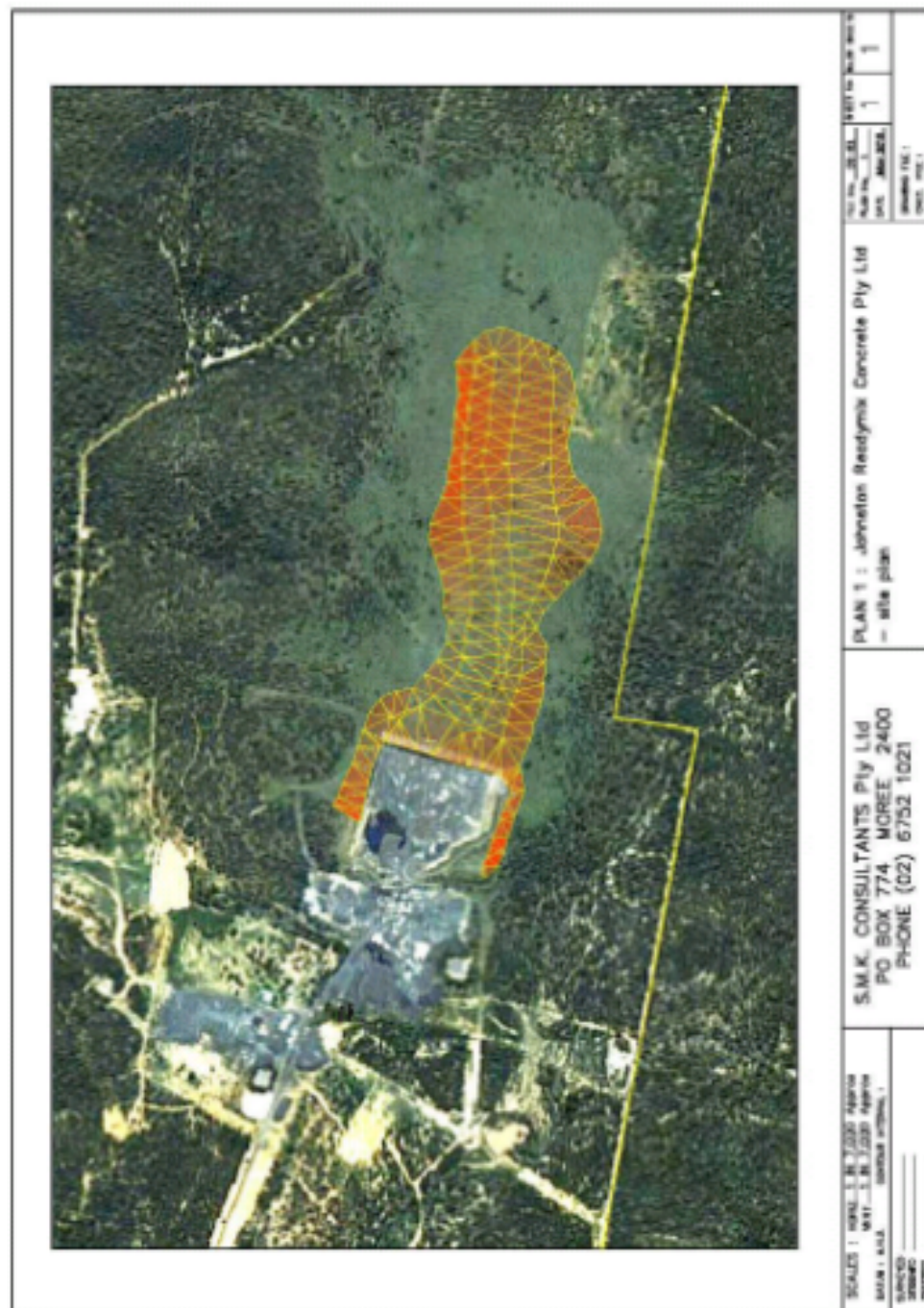
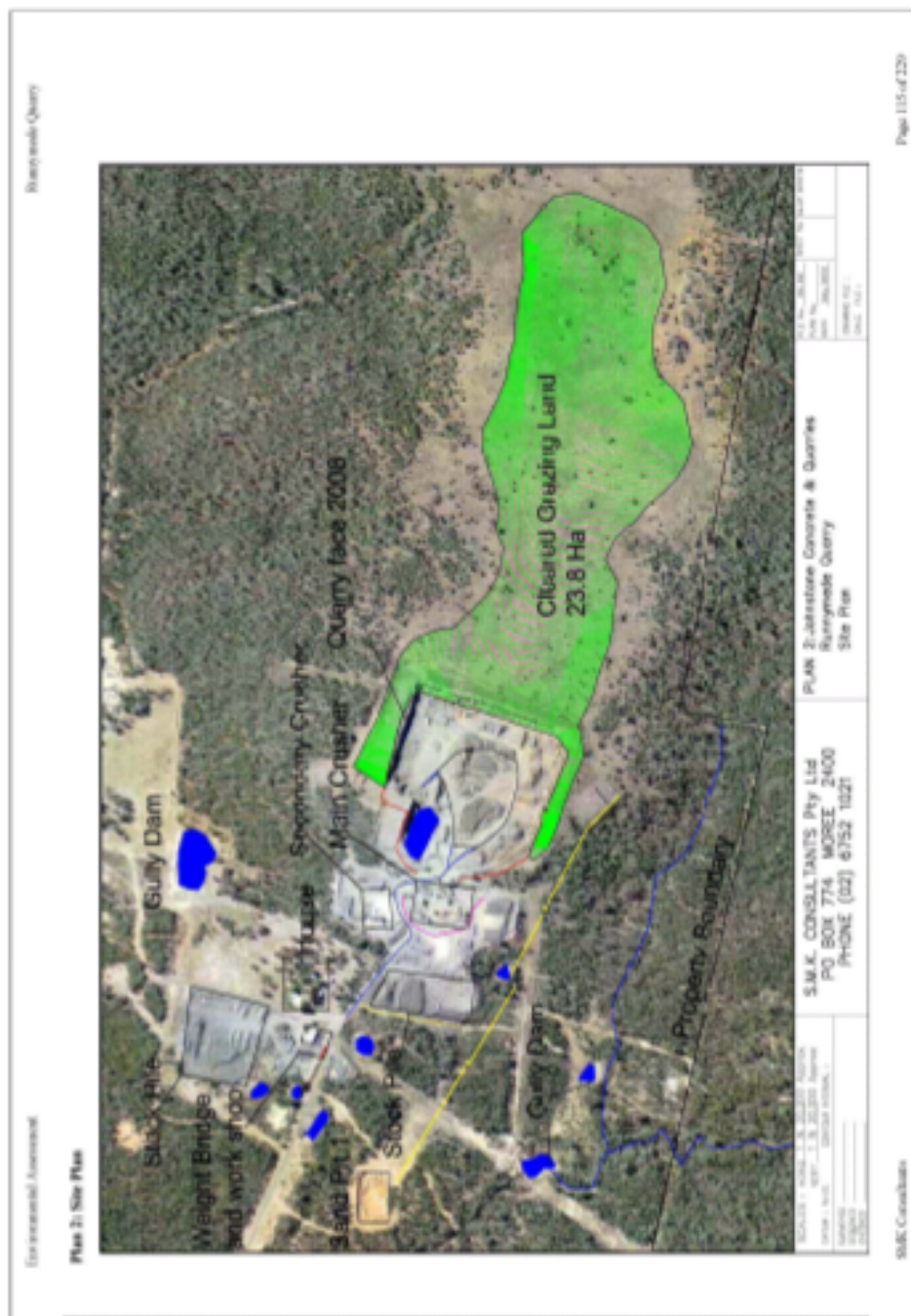


Figure 2: Alternate plan showing more detail of quarry to show extent of cleared land to be quarried



Annexure 2 - Amended Schedule of Conditions

PART A - GENERAL

1. Obligation to Minimise Harm to the Environment

The Applicant/Owner/Operator shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the operation and/or rehabilitation of the development.

2. Scope of Approval

1. The Applicant/Owner shall carry out the development generally in accordance with:
 - a) DA No 28/2013;
 - b) Conditions of this consent; and
 - c) The following documents & plans

Item	Council's Stamp No/Date	Drawing/Job No	Drawn by	Dated
Environmental Impact Statement	28/2013 TBA	Booklet called Environmental Impact Statement Proposed Increase In Annual Production From Runnymede Quarry	SMK Consultants	July 2013
Addendum	28/2013 TBA	Booklet called Addendum - Additional Information Development Application 28/2013 Increase In Annual Production From Runnymede Quarry	SMK Consultants	May 2014
Addendum II	28/2013 TBA	Booklet called Addendum II - Additional Information Development Application 28/2013 Increase In Annual Production From Runnymede Quarry	SMK Consultants	Sept 2014

2. If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.

3. Surrender of Existing Development Consent

The owner shall, in writing, surrender all previous development consents which relate to extractive industries on the subject land.

This consent does not operate until previous consents are surrendered in accordance with the Environment Protection and Assessment Act, 1979 and Environment Protection and Assessment Regulation 2000.

4. The Applicant/Owner/Operator shall comply with any reasonable requirement/s of the Council or authorised Officer of Council arising from the Council's assessment of:
 - a) Any reports, plans or correspondence that are submitted by the Applicant/Owner in accordance with this consent; and
 - b) The implementation of any actions or measures contained in these reports, plans or correspondence.

5. Limits on Production

To confirm and clarify the terms of this approval, consent is given for the following;

- a. The Applicant/Owner shall not extract and/or transport more than 300,000 tonnes of material, including hard rock, gravel, fines and sand from the development site in any year.
- b. This consent expires 40 years from the date of consent or when 5,000,000 tonnes of material has been extracted, which ever occurs first.
- c. The Applicant shall not import material, other than additive type products, onto the site.
- d. The Applicant shall notify the Council, within three (3) months of the end of the calendar year, the total quantity of material quarried and provide details of final output in terms of product.

6. Limits on Area

The Applicant/Owner shall not develop/extract material from outside the currently cleared areas as detailed in Plan 2 dated May 2012 (Appendix 2 – Environmental Impact Statement - Addendum, Additional information, May 2014 SMK Consultants).

7. To confirm and clarify the terms used in this approval, the following definitions are provided:

- *Extraction Operations* means the removal of overburden, the extraction, processing, handling, storage of extracted material onsite and the transportation of extracted material off site in relation to this consent.

8. General Terms of Approval – Environment Protection Authority

The development shall be carried out in accordance with the General Terms of Approval issued by the Environment Protection Authority, attached in Annexure A to this consent.

9. Conditions of Approval – Office of Water

The development shall be carried out in accordance with the General Terms of Approval issued by the Office of Water, attached in Annexure A to this consent.

PART A – HEALTH

There are no relevant conditions for this section.

PART A - BUILDING

There are no relevant conditions for this section.

PART B – PRIOR TO COMMENCEMENT OF WORKS

1. Environmental Management Strategy

- 1 The Applicant/Owner shall prepare and implement an Environmental Management Strategy for the development. This strategy must:
 - a) Provide the overall strategic context for environmental management of the development, including for the environmental monitoring program and the various management plans required by this development consent;
 - b) Identify the statutory requirements that apply to the development;
 - c) Describe in general how the environmental performance of the development would be monitored and managed;
 - d) Describe the detailed procedures that would be implemented to:
 - Keep the local community and relevant agencies informed about the operation and environmental performances of the development;
 - Receive, handle, respond to, and record complaints;
 - Resolve any disputes that may arise during the course of the development;
 - Respond to any non-compliance;
 - Manage cumulative impacts; and
 - Respond to emergencies; and
 - e) Describe the roles, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.
- 2 The Applicant/Owner shall not carry out any development at the development site before Council has approved the strategy referred to in Condition B1.1.
- 3 Within 14 days of receiving Council approval for the environmental management strategy, the Applicant/Owner shall;
 - a) Send copies of the approved environmental management strategy to the relevant agencies, and
 - b) Ensure the approved environmental management strategy is publicly available.

2. Traffic Management Plan and Truck Driver Code of Practice

Prior to commencement of quarry operations, the applicant shall submit a 'Traffic Management Plan and Truck Driver Code of Practice' for assessment and approval by Council. The plan shall document:

- a. The road maintenance program;
 - b. Surrounding environment, existing conditions and road safety;
 - c. Existing private property driveways and farm access points;
 - d. Dust suppression methods including water supply management, monitoring, reporting, source, licencing and drought;
 - e. Noise suppression methods including monitoring and reporting;
 - f. Road inspection activities to be implemented for the life of the quarry;
 - g. Approved haulage routes highlighting specific locations for consideration such as school zones, school bus routes, residential areas or potential risk locations (including map);
 - h. Induction process for staff and sub contractors outlining clear expectations and consequences for any breach of the code; and
 - i. Instruction on all operational and safety requirements related to the quarry operations.
3. The quarry is to operate in accordance with the approved Traffic Management Plan and Truck Driver Code of Practice.

PART C – DURING OPERATIONS

1. Operation of Plant and Equipment

The Applicant/Owner shall ensure that all plant and equipment at the site, haulage vehicles, or used in connection with the development are:

- a) Maintained in a state of sound mechanical repair; and
- b) Operated in a proper and efficient manner

3. Bunding and Spill Management

The Applicant/Owner shall store and handle all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with;

- a) All relevant Australian Standards; and
- b) The EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed in a) and b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

4. Transport & Traffic

4.1 Road Works

Design plans and documentation for the following works are required to be assessed and approved by Council. The applicant is to submit an application under section 138 of the Roads Act 1993. The works shall then be constructed by the applicant and approved by Council before undertaking the works.

- a) The road section that provides access to the quarry site from the existing Council maintained Gil Gil Creek Road section, is to be constructed as a 7m wide sealed carriageway with 0.5m wide shoulders (minimum). Stormwater drainage culvert road crossings are to provide a minimum 1 in 5 year Average Recurrence Interval (ARI) immunity against flood and drainage flows. The location of the existing road with respect to the public road reserve boundaries is to be determined by "a centre line" survey.
- b) The section of Gil Gil Creek Road, extending north from the Mosquito Creek causeway, is to be constructed as a 8m wide sealed carriageway with minimum 0.5m wide shoulders. Cross-road drainage culvert crossings are to provide a minimum 1 in 5 year Average Recurrence Interval (ARI) immunity against flood and drainage flows. The location of the existing road with respect to the public road reserve boundaries is to be determined by "a centre line" survey.
- c) Certification from the supervising professional engineer or registered land surveyor, that all works have been constructed in accordance with the Council approved plans and specifications are required.
- d) The Applicant/Owner shall ensure that all the road works associated with the development in the road reserve comply with current RMS and Austroads Design Standards, and the RMS's Quality Assurance Specifications.
- e) The Applicant/Owner shall bear all the costs associated with the design, road reserve realignment, survey, construction, maintenance, and removal of any development in the road reserve and the current Gil Gil Creek Road alignment.
- f) To ensure all works are completed in accordance with the appropriate specifications and approved plans compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
 - Pre-construction meeting
 - After setout (prior to any excavation)
 - Laying and compaction of subgrade
 - Compaction of roadbase or placing reinforcement for concrete works
 - During sealing of pavements
 - Final – all disturbed areas revegetated.

- Final inspection of completed development.
- g) These works shall be completed within 10 years from the date of this consent.

4.2 Operating Conditions

- a) The Applicant/Owner shall ensure that all vehicles, before they are allowed to leave the site, are cleaned of materials that may fall on the road.
- b) The Applicant/Owner shall ensure that trucks entering and leaving the site that are carrying loads are covered at all times, except during loading and unloading.
- c) All vehicles shall leave the site in a forward direction.
- d) The haulage route for all heavy vehicle movements shall be restricted towards the south of the quarry along Gil Gil Creek Road and west along Mosquito Creek Road.
- e) Haulage of material is allowed for local Shire road maintenance and other works less than <100 tonnes without Council notification and for material >100 tonnes and < 500 tonnes per project with the prior approval of Council is required for haulage north along Gil Gil Creek Road and east along Mosquito Creek Road.

5. Road Maintenance Levy - Section 94 Plan – Traffic Generating Development

From the date of Commencement of the development consent the developer shall pay a cash contribution to Council at the rate determined under Councils Development Control Plan – Traffic Generating Development (indexed as described below), currently 25.65 cents per tonne, of material extracted and transported from the quarry development in accordance with the following:

- a. Payment of quarterly contributions are to be accompanied by the submission of quarterly returns to Council specifying the amount of material in tonnes extracted and transported within each quarter. The quarterly returns and contribution are to be submitted to Council within 21 days from the end of each quarter. The return is to take the form of a Statutory Declaration given by the developer (or if the developer is a Corporation, by a Director of that Corporation) and is to include:-
 - i) Copies of Company records relating to the amount extracted
 - ii) Records of the weights recorded at the weigh bridge, or by any other approved method for weighing the material
 - iii) Payment of the required contribution.

Quarterly declarations/returns are to be audited annually and a copy of the auditor's verification provided to Council within 60 days from the end of each 12 month period.

- b. Any payments received after the specified periods shall accrue interest at a daily rate equivalent to 10% per annum, or equivalent to Council's current interest rate for late payment of annual Council rates, whichever is the lesser, unless prior agreement reached with Council

- c. The contribution rate shall be subject to indexation in accordance with the “BITRE Road Construction and Maintenance Price”, as published by the Australian Bureau of Statistics or other approved system of indexation as may be adopted by Council from time to time.
- d. Council shall have the right to request and inspect all relevant records detailed above at any time, subject to prior written notice being provided by Council.

6. Access Road

The proponent shall enter into a license agreement with the NSW National Parks and Wildlife Service for the continued use of the access road through the Bullala National Park from the Gil Gil Creek Road the property boundary until such time as the Council takes control of the road under the Roads Act 1993.

7. Waste Management

Except as expressly permitted by Council, the Applicant/Owner shall not cause, permit or allow any waste generated outside the development site to be received at the development site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the development site to be disposed of at the development site.

8. Visual Impact

The Applicant/Owner shall carry out the development in a way that prevents and/or minimises the visual impacts of the development.

9. Lighting Emissions

- 1 The Applicant/Owner shall take all practicable measures to prevent and/or minimise any off-site lighting impacts including light spill and prevent contribution to sky glow from the development.
- 2 All external lighting associated with the development shall comply with *Australian Standard AS4282(INR) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

10. Bushfire Management

The Applicant/Owner shall:

- a) Ensure that the development is suitably equipped to respond to any fires on-site.
- b) Assist the Rural Fire Service and emergency services as much as possible if there is a fire on-site.

The developer is to manage bushfire risks by preparing and adopting a Bushfire Management Plan for the site.

11. Greenhouse Gas Management

The developer shall:

- a. Implement measures to reduce the consumption of fuel through optimisation of operational activities and logistics, the use of more efficient plant and vehicles and a fuel management strategy, and
- b. Investigate opportunities for the use of biodiesel and implement any recommendations as a result of the investigation.

PART D – PRIOR TO COMMENCEMENT

1. Compliance with Conditions

The increased use of the approved development shall not commence until such time as all conditions of this development consent have been complied with, failure to comply may make the applicant/developer liable to legal proceedings.

PART E – POST COMMENCEMENT

1. Site Rehabilitation

At cessation of the quarry operation or expiration of the consent the owner/operator shall remove all buildings and facilities associated with the development from the land and rehabilitate the site in accordance with the Environmental Impact Statement.

2. Environmental Management, Monitoring, Auditing and Report.

i Annual Reporting

The Applicant/Owner shall submit an Annual Environmental Management Report to the Council and the relevant agencies. This report must:

- a) Identify the standards and performance measures that apply to the development;
- b) Include a detailed summary of the complaints received during the past year, and over time compare this to the complaints received in previous years since the development commenced;
- c) Include a detailed summary of the monitoring results on the development during the past year;
- d) Include a detailed analysis of these monitoring results against the relevant:
 - Impact assessment criteria;
 - Monitoring results from previous years; and
 - Predictions in the SEE

- e) Identify any trends in the performance of the development shown by monitoring over the life of the development;
- e) Identify any non-compliance during the previous year; and
- f) Describe what actions were, or are being taken to ensure compliance.

ii Complaints Procedure

Throughout the life of the development, the Applicant/Owner shall ensure that the following contacts are available for community complaints;

- a) A telephone number on which complaints about the development 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.

The telephone number, the postal address and the email address shall be advertised in at least one appropriate local newspaper prior to the commencement of work at the development site. These details shall also be provided on the Applicant/Owner's internet site.

iii Complaints Register

The Applicant/Owner shall record details of all complaints received in a 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/Owner in relation to the complaint, including any follow-up contact with the complainant;
- f) If no action was taken by the Applicant/Owner in relation to the complaint, the reason(s) for no action being taken; and
- g) A sign shall be erected at the site boundary giving contact details.

The Complaints Register shall be made available for inspection by the Council or the Environmental Services Manager upon request. The Applicant/Owner shall also make summaries of the Register, without details of the complainants, available for public inspection.

PART F – OTHER APPROVALS

There are no other approvals issued with this consent.

REASONS FOR CONDITIONS:

The above conditions have been imposed:-

- (a) to ensure compliance with the terms of the Environmental Planning Instrument and/or Development Control Plan;
- (b) having regard to Council's duties of consideration under *Section 79C(1) of the Environmental Planning and Assessment Act, 1979 (as amended)* as well as Section 80A of the Act which authorises the imposing of consent conditions.
- (c) to protect the existing and likely future amenity of the locality;
- (d) prevent, minimise, and/or offset adverse environmental impacts;
- (e) set standards and performance measures for acceptable environmental performance;
- (f) require regular monitoring and reporting;
- (g) to protect the structure from bushfire and comply with Planning for Bushfire Protection 2006.
- (h) provide for the on-going environmental management of the development;
- (i) having regard to the circumstances of the case and the public interest; and
- (j) to ensure compliance with the *Building Code of Australia* and referenced standards.