

2016NTH002 (DA2015 - 953.1)

Council Response to Applicant's Comments on Draft Proposed Conditions

A - General Matters

Condition A(4)

Agree with the suggested changes.

Condition A(10)

Disagree with the suggested changes. The trees in the 'Visual Buffer' are important in the management of the visual impacts of the development. Forestry activities adjoining the quarry would need to be carried out with appropriate care to ensure the protection of this vegetation. It is noted that there would be a security fence between the 'Visual Buffer' and the adjoining Forestry land that should assist in protection of the trees.

Condition A(12)(a)

Disagree with suggested deletion and amended wording for this condition. It is important that there is an appropriate hold point for the completion of progressive rehabilitation and that there is a financial disincentive (ceasing production) if the rehabilitation is not appropriately planned and carried out in a timely manner.

B - Prior to Issue of a Construction Certificate

Condition B(1)

Agree that this cannot be required as the water supply is not to be connected to a Council water main. The intention of the condition was to ensure that appropriate hydraulic plans are submitted, as details of the water supply will be relevant to consideration of the Section 68 application for associated on-site sewerage work.

We would agree to deletion of the words "water supply" if the following text was included in condition B(2):

9. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.

Condition B(11)

Agree with the suggested changes.

Condition B(13)

Disagree with deletion of this condition. It is considered necessary that any construction requirements to achieve the acceptable noise levels are confirmed prior to the building being constructed. It may not be possible to retro-fit the pump shed building at the Occupation Certificate stage.

Condition B(14)(e)

Disagree with the proposed amendment to this condition. The intention of the condition is to ensure that there is sufficient length of sealed surface to prevent the tracking of gravel onto the public road. The public road reserve does not extend far beyond the edge of the road pavement in Bago Road, and the Applicant's suggested wording would not achieve this objective. It is recommended that the current wording be retained.

C - Prior to any Work Commencing on Site

Condition C(2)

Disagree with the proposed amendment to this condition. The trees in the 'Visual Buffer' are important in the management of the visual impacts of the development and should be afforded the appropriate level of protection during construction.

This condition relates to the construction phase of the development and it is expected that construction work could be coordinated to avoid any conflict with forestry management activities in adjacent areas.

D - During Work

Condition D(4)

Agree with the suggested changes.

Condition D(5)

Disagree with the proposed amendment to this condition. Burning of vegetation waste is not considered good practice due to air quality impacts. It would be more appropriate for the vegetation waste to be wood-chipped and stockpiled for use in the future rehabilitation of the site. Staged removal of vegetation would limit the amount of vegetation waste that needs to be stockpiled for each stage.

Condition D(7)

The condition is not intended to relate to natural occurrences such as hail or wind storms. An alternative amendment to the condition to insert the words "caused by construction activities" after "Any damage" could be supported.

Condition D(8)

Disagree with this suggested change. Given the interest of the Forestry Corporation of NSW in the application it is not considered appropriate for their staff to be carrying out the required ecological checks. It is recommended that this be carried out by an independent party as proposed in the current condition.

Condition D(9)

Disagree with the proposed amendment to this condition for the same reason noted for Condition C(2).

Condition D(10)

Agree with the suggested changes.

Condition D(11)

Agree with the suggested changes.

E - Prior to Occupation or the Issue of an Occupation Certificate

Condition E(2)

Disagree with the proposed amendment to this condition. There is insufficient information at this stage for Council to be satisfied that a lease or licence agreement would achieve the desired outcome. The current wording of the condition would allow the Applicant to provide details of the type of arrangement suggested, and no additional wording is considered necessary.

Condition E(4)

Agree with the suggested changes.

Condition E(12)

Agree with the suggested changes.

F - Occupation of the Site

Condition F(10)

Agree with the suggested changes.

Condition F(11)

Disagree with the suggested changes to the wording of this condition. The use of “approximately” in the condition would make it difficult to enforce. The Applicant’s comments regarding difficulties in achieving exact geometries for the operational face of the quarry are noted.

An alternative objective based condition as follows could be appropriate:

“Extraction from the Stage 4 area shall proceed generally from north to south, with the operational face of the quarry being oriented such that it is not visible from any lawful dwelling.”

Condition F(13)

Disagree with the suggested changes to the wording of this condition. The impacts of the development have been modelled on the basis of a single crusher being used. It would be appropriate for a Section 96 application to be made for any increase in the number of crushers operating at the quarry. This would allow appropriate assessment of the additional impacts and further consultation with the community.

Condition F(15)

Agree with the suggested changes.