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NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

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

Being the applicant of Development Application No. 0530/2018 for consent to the following development:

**INCREASE THE MAXIMUM PRODUCTION CAPACITY OF THE DUNMORE
CONCRETE BATCHING PLANT FROM 30,000 TONNES PER ANNUM (TPA) TO
150,000 TONNES PER ANNUM**

LOT: 1	DP: 213575
LOT: 2	DP: 224597
LOT: 4	DP: 227046
LOT: 3	DP: 1030504

36-38 TABBITTA ROAD, DUNMORE

Determination date of consent: 23 July 2019

Note: This Approval will lapse 5 years from the date of consent.

In accordance with section 80 of the Act the Development Application has been determined by the GRANTING OF CONSENT AT AN ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 23 JULY 2019, ITEM NO. 11.3.3, MINUTE NO. 139, SUBJECT TO THE CONDITIONS DESCRIBED BELOW.

This development consent has been divided into different parts according to where, during the development process, each condition may be most relevant. Some conditions may be appropriate to more than one part. All conditions must be complied with.



Grant Meredith
Group Manager City Development

On behalf of Carey McIntyre, General Manager

PART A – ADMINISTRATION CONDITIONS

Development in Accordance with Approved Plans and Documents

1. This development must be in accordance with the following except as modified by conditions of this consent.

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/Document Date
Dunmore Concrete Batching Plant Production Increase Environmental Impact Statement	RPS Manidis Roberts Pty Ltd	18142, Version 1.0b	September 2018
Dunmore Concrete Batching Plant Air Quality Impact Assessment	Wilkinson Murray	Report No. 18245, Version B	August 2018
Dunmore Concrete Batching Plant Noise & Vibration Impact Assessment	Wilkinson Murray	Report No. 18245, Version A	August 2018
Dunmore Concrete Plant Water Management Plan	Boral Resources (NSW) Pty Ltd	15003r02 V04	2018
Dunmore Concrete Batching Plant Proposed Increase to Production Operation Transport Impact Assessment	Boral Resources (NSW) Pty Ltd	Ref. N152690	23/08/18
Site Plan	RPS Australia East Pty Ltd	Job No. 18142, Issue A, Sheets 1 and 2	23/08/18

Consolidation and Surrender of Consents

2. This Notice of Determination supersedes the following consent:
- DA97/144 (am) – Concrete Batching Plant

The above consent shall be surrendered by the applicant prior to the commencement of operations involving the increase in the maximum production capacity of the Dunmore Concrete Batching Plant, or within 3 months from the date of determination of this consent, whichever comes first.

Operational Production

3. This consent is for the operation of the concrete batching plant with a maximum production of up to 150,000 tonnes per annum. No approval is given or implied for any production over this tonnage. In this regard, the development and operation of the concrete batching plant site, including any amelioration measures proposed relative to pollution control shall be carried out generally in accordance with the procedures set out in the Environmental Impact Statement dated September 2018 accompanying the development application.

Scope of Development

4. This consent does not authorise the erection of any buildings in addition to those previously approved.
5. This consent authorises sand being sourced from the Dunmore Sand and Soil Site (Lot 5 DP 1030504 and Lot 6 DP 611159) only. Should an alternative source of sand be required, a modification to this consent must be sought from Council.
6. This consent allows for the increase in heavy vehicle movements from, on average, 12 per hour to 17 per hour, with peak movements per hour remaining at 23 per hour.

Site Facilities and Landscaping

7. All parking areas, manoeuvring areas, and the access aisle shall be paved, drained and marked to Council's satisfaction.
8. All car parking spaces shall have minimum dimensions of 2.6m x 5.5m.
9. At all times the number of onsite parking bays provided shall be sufficient to cater for the parking demands of the development. In this regard, a minimum of five (5) spaces shall be provided for concrete delivery trucks and a minimum of four (4) spaces shall be provided for employee vehicles and visitor's car parking.
10. An adequate receptacle, shall be used to store all wastes pending disposal. Such receptacle shall be regularly emptied and no waste shall be allowed to lie or accumulate on the premises other than in the receptacle.
11. The vegetated bund wall surrounding the proposed development and existing vegetation on the southern boundary of the property shall be maintained in order to reduce the visual impact of the concrete batching plant. In this regard, any dead plant species shall be replaced to encourage regeneration.

Design & Visual Impact

12. The existing concrete batching plant shall at all times be maintained in materials and colours that are compatible with the amenity of the surrounding rural area.

General Requirements

13. The operation of the concrete batching plant shall at all times comply with any relevant guidelines/licence conditions as issued by the Environment Protection Authority. In this regard, Council shall be provided with copies of any licences issued.
14. Work shall be confined to the hours of 6.00am to 6.00pm Mondays to Fridays and 6.30am to 4.00pm Saturdays with no work being carried out on Sundays or Public Holidays.
15. Any requirements of SafeWork NSW shall be complied with at all times.
16. No trees on the subject land shall be removed or destroyed without the required approval from Council.
17. The consumption of water used in the concrete batching process shall be monitored by the company. In this regard, consumption figures indicating the amount of water used on the process shall be provided to Council on a quarterly basis.

18. Council shall be furnished with the concrete batching plant's production figures on a quarterly basis to ensure compliance with Condition No. 3.
19. No development shall be carried out on the land, the subject of this consent, unless and until arrangements satisfactory to Sydney Water (Illawarra Branch) have been made. Refer to Condition No. 22.
20. Water management shall be in accordance with the approved Water Management Plan.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Not Applicable

PART C – PRIOR TO COMMENCEMENT OF WORKS

Not Applicable

PART D – DURING CONSTRUCTION WORKS

Not Applicable

PART E – PRIOR TO OCCUPATION (INCREASED OPERATION)

Environmental Protection Licence

21. Environmental Protection Licence (EPL) 77 – (Boral Resources Hard Rock Quarry) shall be amended to encompass the operation of the concrete batching plant. Such licence variation shall be approved by NSW EPA (a copy of which shall be supplied to Council along with all existing and updated operational and environmental management plans relating to the concrete batching plant) prior to the commencement of production at the concrete batching plant increasing to over 30,000 tonnes per annum.

The Company should confirm that all *POEO Act* scheduled activities (and associated scale) are correctly recorded in the EPL in relation to the concrete batching plant. The *POEO Act* and *EPA Guide to Licensing* should be consulted for further information.

The development must comply with the *Protection of the Environment Operations (POEO) Act 1997* and any associated regulations at all times. Including the preparation and testing of Pollution Incident Response Plans (PIRMPs) and the publication of monitoring data required under the Environmental Protection Licence.

Air Quality

22. Prior to production at the concrete batching plant increasing to over 30,000 tonnes per annum, an Air Quality Management Plan must be prepared by a suitably qualified air quality professional to address the proposed increased production. The plan must recommend control measures and procedures required to meet criteria set out in the NSW EPA (2017) *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* for the following parameters:
 - Total Suspended Particulates (TSP);
 - Particulate Matter (PM10 and PM2.5); and,
 - Deposited Dust (DD).

Management actions included within the plan must include measures regarding air quality as listed in Table 28 of the *Dunmore Concrete Batching Plant Production Increase Environmental Impact Statement* (RPS 2018), including but not limited to:

- Paved areas must be kept clean;
- Water carts must be used on all unpaved roads;
- Agitators must continue to be loaded in a semi-enclosed area with curtains around the vehicle;
- Cement and other admixtures must be kept in a closed system, fitted with dust extraction; and
- Aggregate bins and stockpiles must be well bunded.
- Excess aggregate must be stored in aggregate storage bins, enclosed on three sides to control airborne dust;
- The filter vent pipes within the storage silos must be maintained so that the cleaned conveying air is disposed of at one metre above ground level; and,
- Any dust generated by the dry materials being batched into the transit mixed must be suppressed by water sprays.

Waste Management

23. Prior to production at the plant increasing to over 30,000 tonnes per annum a Waste Management Plan must be prepared in accordance with the EPA (2014) *Waste Classification Guidelines (Part 1)* and the NSW EPA (2012) *Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (DEC 2012)*. Management actions included within the plan must include all measures regarding waste management as listed in Table 28 of the *Dunmore Concrete Batching Plant Production Increase Environmental Impact Statement* (RPS 2018).

The Waste Management Plan must also include:

- details of the bunding of additive containers;
- details of the disposal of solids from the wash out bays & waste concrete not recycled back into the system.

PART F – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not Applicable

PART G – AFTER ISSUE OF SUBDIVISION CERTIFICATE

Not Applicable

PART H – APPROVALS FROM OTHER AGENCIES

24. Sydney Water



Attachment 1

Sydney Water Servicing

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

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>



Attachment 2

Requirements for **Business Customers for Commercial and Industrial Property Developments.**

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>



Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost-effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:

<http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure that the development does not conflict with the public interest.

Advisory Notes – General

Failure to Comply with Consent

Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice being issued against the owner/applicant/builder. Substantially greater penalties may be imposed by the Court for non-compliance.

Lapsing of Development Consent

In accordance with Part 4, Division 4.9, section 4.53 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses five years after the approval date unless building, engineering or construction work relating to the building has physically commenced.

Right to Appeal

If you are dissatisfied with this decision, Part 8, Division 8.3, section 8.7 of the *Environmental Planning & Assessment Act 1979* gives you the right to appeal to the Land & Environment Court within six months after the date on which you receive this notice.

Review of Determination

If you are dissatisfied with this decision, Part 8, Division 8.2 of the *Environmental Planning & Assessment Act 1979* provides that you may request Council to review its determination. The request cannot be made after the time limit for making of an appeal under section 97 expires.

Division 8.2 of the *Environmental Planning & Assessment Act 1979* does not apply to:

- a. a determination to issue or refuse to issue a complying development certificate
- b. a determination in respect of designated development
- c. a determination in respect of integrated development
- d. a determination made by the Council under Division 4 in respect of an application made by the Crown.

To Vary Development Consent

The plans and/or conditions of this consent are binding and may only be varied upon application to Council under section 4.55 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee shall accompany the application and no action shall be taken on the requested variation unless and until the written authorisation of Council is received by way of an amended consent.

END OF NOTICE