

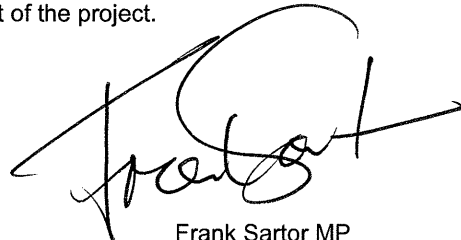
Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I approve the project referred to in schedule 1, subject to the conditions in schedules 2, 3 and 4.

These conditions are required to:

- prevent and/or minimise adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Frank Sartor MP
Minister for Planning

Sydney

12th Dec

2007

SCHEDULE 1

Application Number:	07_0031
Proponent:	Tropic Asphalt Pty Limited
Approval Authority:	Minister for Planning
Land:	Lots 14 and 15, DP1043561, Kennington Drive, Tomago
Project:	Asphalt plant and associated infrastructure

DEFINITIONS

BCA	Building Code of Australia
Council	Port Stephens Council
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or delegate
EA	Environmental Assessment titled <i>Environmental Assessment for Proposed Asphalt Plant at Lots 14 & 15 Kennington Drive, Tomago, NSW</i> , dated 3 August 2007, and prepared by Lindsay & Dynan Pty Limited
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence
Minister	Minister for Planning
Proponent	Tropic Asphalt Pty Limited, or its successors in title
Project	Construction and operation of an asphalt plant and associated infrastructure (see EA)
Site	Land referred to in schedule 1
$\mu\text{g}/\text{m}^3$	micrograms per cubic metre

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - a) EA;
 - b) site plans DA01(A), DA02(A), DA03(A), DA04(A), DA05(A) (refer to Appendix 1); and
 - c) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - a) any reports, plans or correspondence that are submitted by the Proponent in accordance with this approval; and
 - b) the implementation of any actions or measures contained in those reports, plans or correspondence submitted by the Proponent.

Limits of Approval

5. The Proponent shall not produce more than 150,000 tonnes of asphalt a year.

Structural Adequacy

6. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

Protection of Public Infrastructure

7. The Proponent shall:
 - a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Operation of Plant and Equipment

8. The Proponent shall ensure that all plant and equipment used at the site is:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Management Plans/Monitoring Programs

9. With the approval of the Director-General, the Applicant may prepare and submit any management plan or monitoring program required by this approval on a progressive basis.

Section 94 Contributions

10. Prior to the commencement of construction, the Proponent shall make suitable provisions for contributions in accordance with *Port Stephens Section 94A Development Contributions Plan*, in consultation with Council, and to the satisfaction of the Director-General.

Pre-Operation Compliance Audit

11. Prior to the commencement of operations, the Proponent shall submit work as executed plans to the Department for all the development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.
-

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

ODOUR

1. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the *Protection of the Environment Operations Act 1997*.

Note: Section 129 of the Protection of the Environment Operations Act, 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence at minimising odour.

AIR QUALITY

Air Quality Assessment Criteria

2. The Proponent shall ensure that the stack emissions from the project comply with the relevant standards of concentrations under the *Protection of the Environment Operations Act, 1997*.
3. The Proponent shall ensure that the dust emissions generated by the project do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 1, 2, and 3 at any sensitive receivers.

Table 1: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³

Table 2: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³

Table 3: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

Operating Conditions

4. The Proponent shall ensure that all road surfaces on site are paved and regularly cleaned.
5. Trucks entering and leaving the site that are carrying loads of dust-generating materials must have their loads covered at all times.

Air Quality Audit

6. Within 6 months of the commencement of operations, during a period in which the project is operating at normal capacity, the Proponent shall conduct an air quality audit of the project to the satisfaction of the DECC and Director-General. This audit shall:
- be undertaken by a suitability qualified and experienced person;
 - assess whether the project is complying with the relevant air quality assessment criteria in this approval; and
 - provide details of any complaints received on the air quality impacts of the project, and any action taken to respond to these complaints.

NOISE

Noise Impact Assessment Criteria

7. The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 4.

Table 4: Project Noise Limits (dB(A))

Day	Evening	Night	Location
(L _{Aeq} (15 minute))			
50.5	51.0	45.0	At any residence or other noise sensitive receiver

Notes:

- To determine compliance with noise level limits in the above table, noise from the project is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling where the dwelling is more than 30 metres from the boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- The noise emission limits identified in the above table apply under meteorological conditions of wind speeds of up to 3 m/s at 10 metres above ground level.

Operating Hours

8. Unless the Director-General agrees otherwise, the Proponent shall comply with the restrictions in Table 5.

Table 5: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation	All days	Any time

Note: Construction activities may be conducted outside the hours in Table 5 provided that the activities are not audible at any residence beyond the boundary of the site.

Noise Audit

9. Within 6 months of the commencement of operations during a period in which the project is operating at normal capacity, the Proponent shall conduct a Noise Audit of the project to the satisfaction of the DECC and Director-General. This audit shall:
- be undertaken by a suitability qualified and experienced person;
 - assess whether the project is complying with the relevant noise impact assessment criteria in this approval; and
 - provide details of any complaints received on the noise impacts of the project, and any action taken to respond to these complaints.

TRANSPORT

Vehicle Queuing

10. The Proponent shall ensure that the project does not result in any vehicles queuing on the public road network.

Parking

11. Vehicles associated with the project shall not park on local roads in the vicinity of the site at any time.
12. The Proponent shall ensure that the internal road network, driveways and parking associated with the project are designed, constructed and maintained in accordance with the latest versions of the Australian Standards AS 2890.1:2004, AS 2890.2:2002 and AUSTROADS.

WATER

Water Discharges

13. The Proponent shall only discharge water from the site in accordance with the DECC Environment Protection Licence, or in accordance with section 120 of the *Protection of the Environment Operations Act 1997*.

Bunding and Dangerous Goods Storage

14. The Proponent shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
 - a) all relevant Australian Standards;
 - b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c) the DECC's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

Soils and Water Management Plan

15. The Proponent shall prepare and implement a Soil and Water Management Plan for the project to the satisfaction of the Director-General. This plan must:
 - a) be prepared by a suitably qualified expert;
 - b) be submitted to the Director-General for approval prior to the commencement of construction;
 - c) include:
 - an Erosion and Sedimentation Control Plan for the construction works that has been prepared in accordance with Lancom's publication *Managing Urban Stormwater: Soils and Construction* (2004, or its latest version); and
 - a revised Stormwater Management Scheme for the site that has been prepared generally in accordance with the DECC's guidelines on *Managing Urban Stormwater*, and endorsed by Council.

WASTE MANAGEMENT

16. The Proponent shall ensure that all waste generated on site during the construction and operation of the project is classified in accordance with the Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Waste*, and disposed of to a facility that may accept the waste.
17. The Proponent shall implement all reasonable and feasible measures to minimise the waste generated by the project to the satisfaction of the Director-General.

SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT PLAN

18. The Proponent shall prepare and implement an Environmental Management Plan for the project to the satisfaction of the Director-General. This plan must:
- a) be submitted to the Director-General for approval prior to the commencement of construction;
 - b) provide the strategic context for environmental management of the project;
 - c) identify the statutory and other obligations that apply to the project;
 - d) describe in general how the environmental performance of the project would be monitored and managed during the project;
 - e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the construction, operation and environmental performance of the project;
 - receive, handle, respond to, and record any complaints that are received;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies;
 - f) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project; and
 - g) include a copy of the Soil and Water Management Plan (see schedule 3).

COMPLIANCE REPORTING

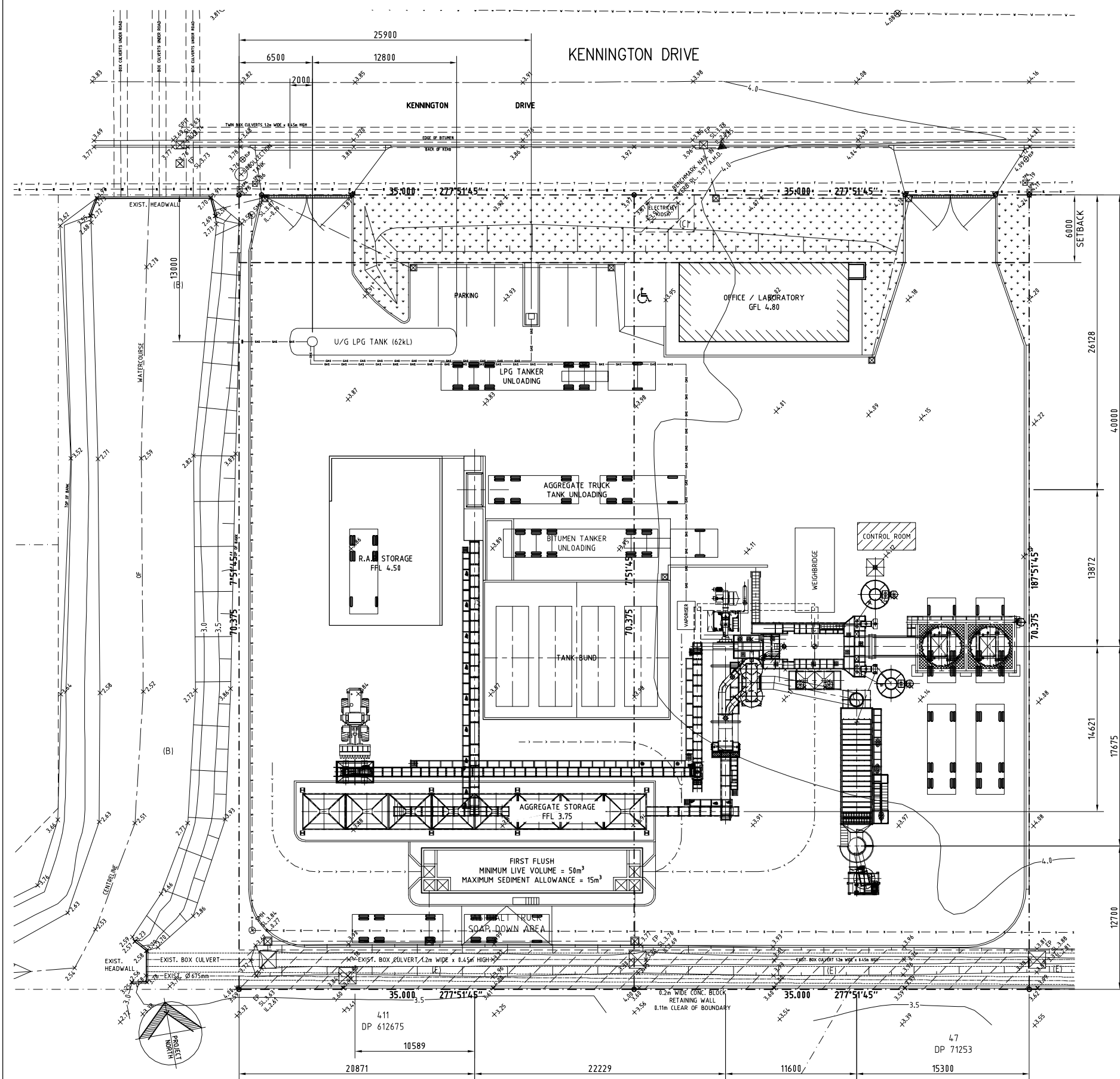
19. Prior to both the commencement of construction and operations, the Proponent shall certify in writing to the Director-General that it has complied with all relevant conditions of this approval.

INCIDENT REPORTING

20. Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.
21. Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that:
- a) describes the date, time, and nature of the exceedance/incident;
 - b) identifies the cause (or likely cause) of the exceedance/incident;
 - c) describes what action has been taken to date ; and
 - d) describes the proposed measures to address the exceedance/incident.
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APPENDIX 1 SITE PLANS

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SITE PLAN
(SCALE 1:200)

LEGEND

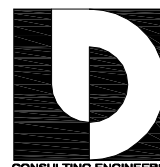
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- ▲ DENOTES EXISTING BENCH MARK
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- DENOTES EXISTING ELECTRICITY PILLAR
- DENOTES EXISTING LIGHT POST
- - - DENOTES EXISTING SEWER LINE
- DENOTES EXISTING SEWER MANHOLE

CONTRACTOR NOTE

1. THE POSITION OF ALL SERVICES SHOWN SHOULD BE REGARDED AS APPROXIMATE ONLY.
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE EXACT LOCATIONS AND INFORM ALL RELEVANT AUTHORITIES PRIOR TO ANY EXCAVATION.
3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE EXISTING FOOTINGS ARE NOT UNDERMINED.
4. DESIGN & INSTALLATION OF ANY TEMPORARY SHORING THAT MAY BE REQUIRED IS THE RESPONSIBILITY OF THE CONTRACTOR.
5. DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL OTHER SERVICE ENGINEERS DRAWINGS

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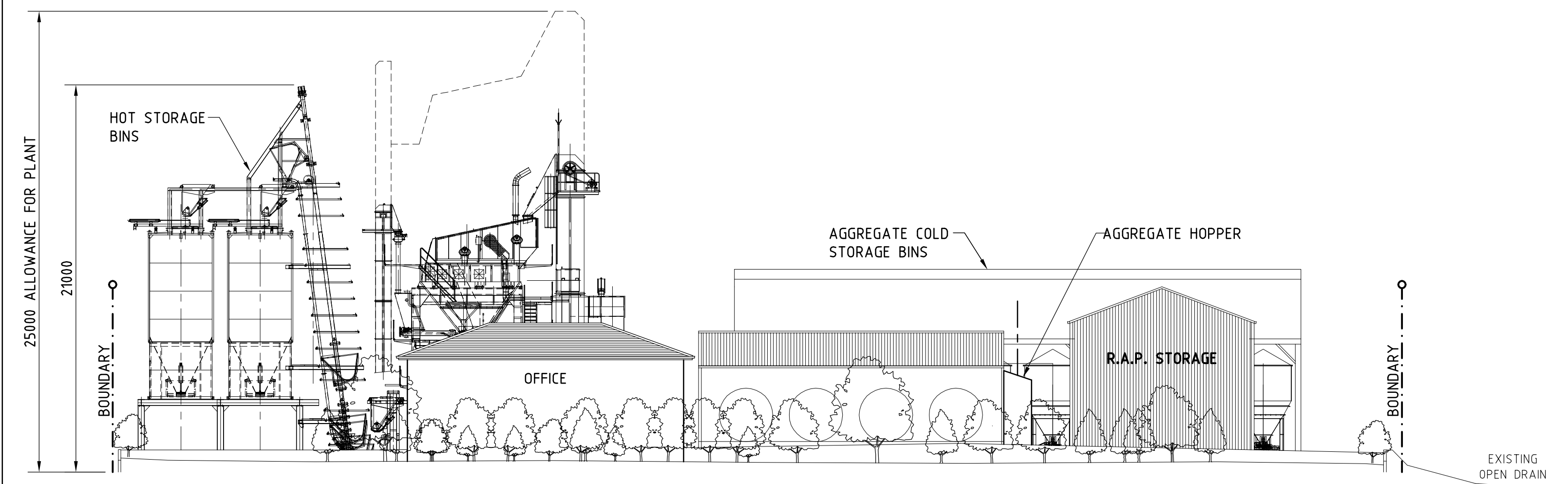
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TROPIC ASPHALT

TITLE
SITE PLAN

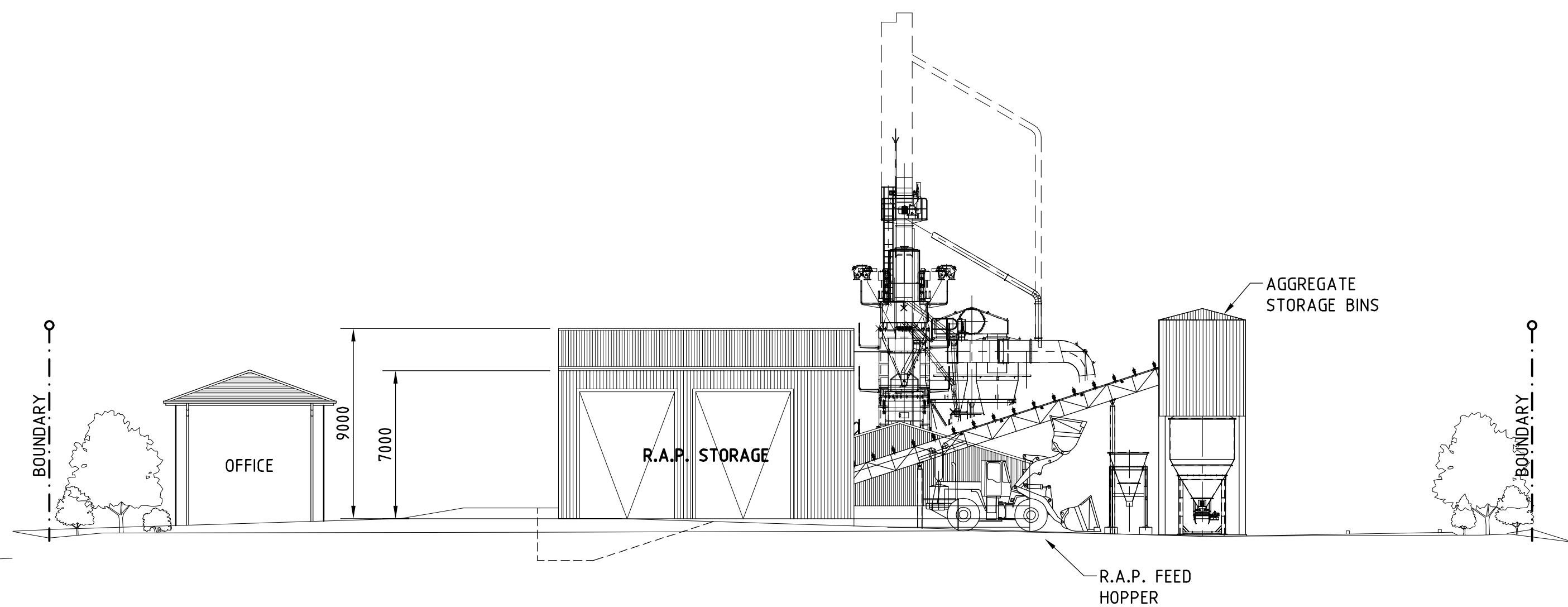
PROJECT
**PROPOSED ASPHALT PLANT
LOTS 14 & 15 KENNINGTON DRIVE
TOMAGO N.S.W.**

NOT FOR CONSTRUCTION

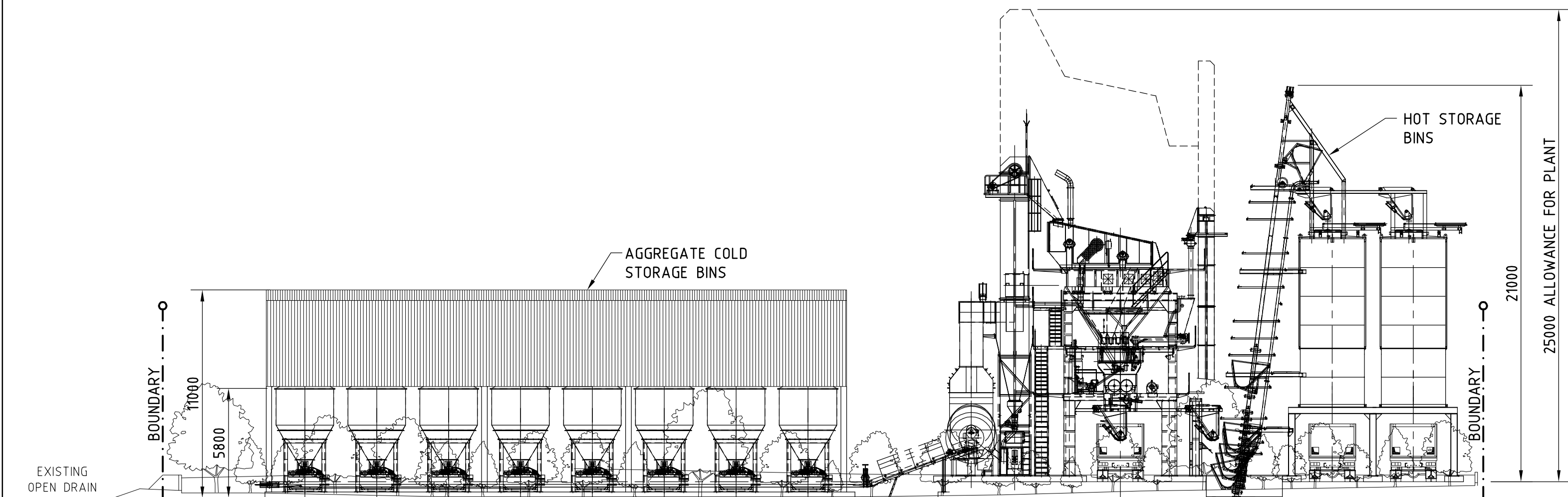
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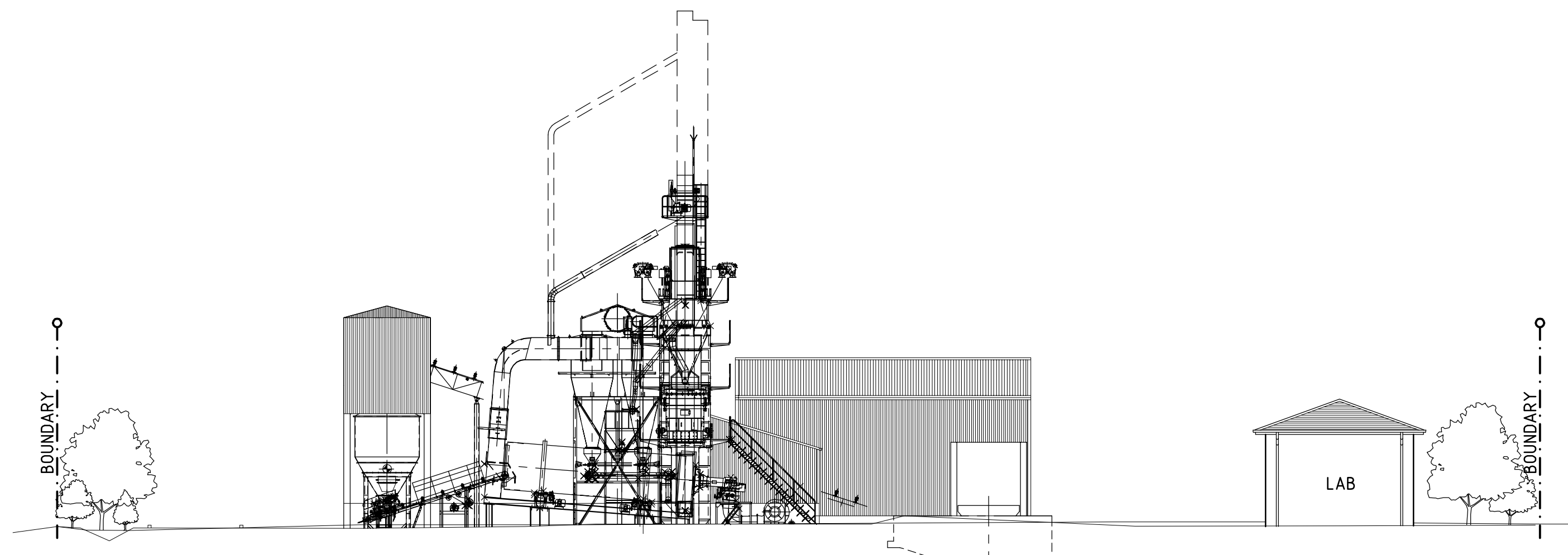
NORTH ELEVATION - VIEW FROM KENNINGTON DRIVE
(SCALE 1:200)



EAST ELEVATION
(SCALE 1:200)



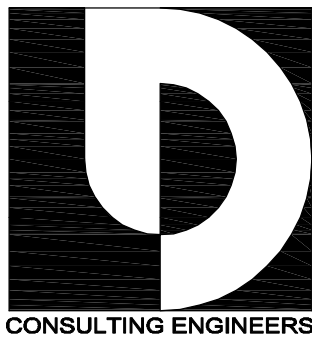
SOUTH ELEVATION
(SCALE 1:200)



WEST ELEVATION
(SCALE 1:200)

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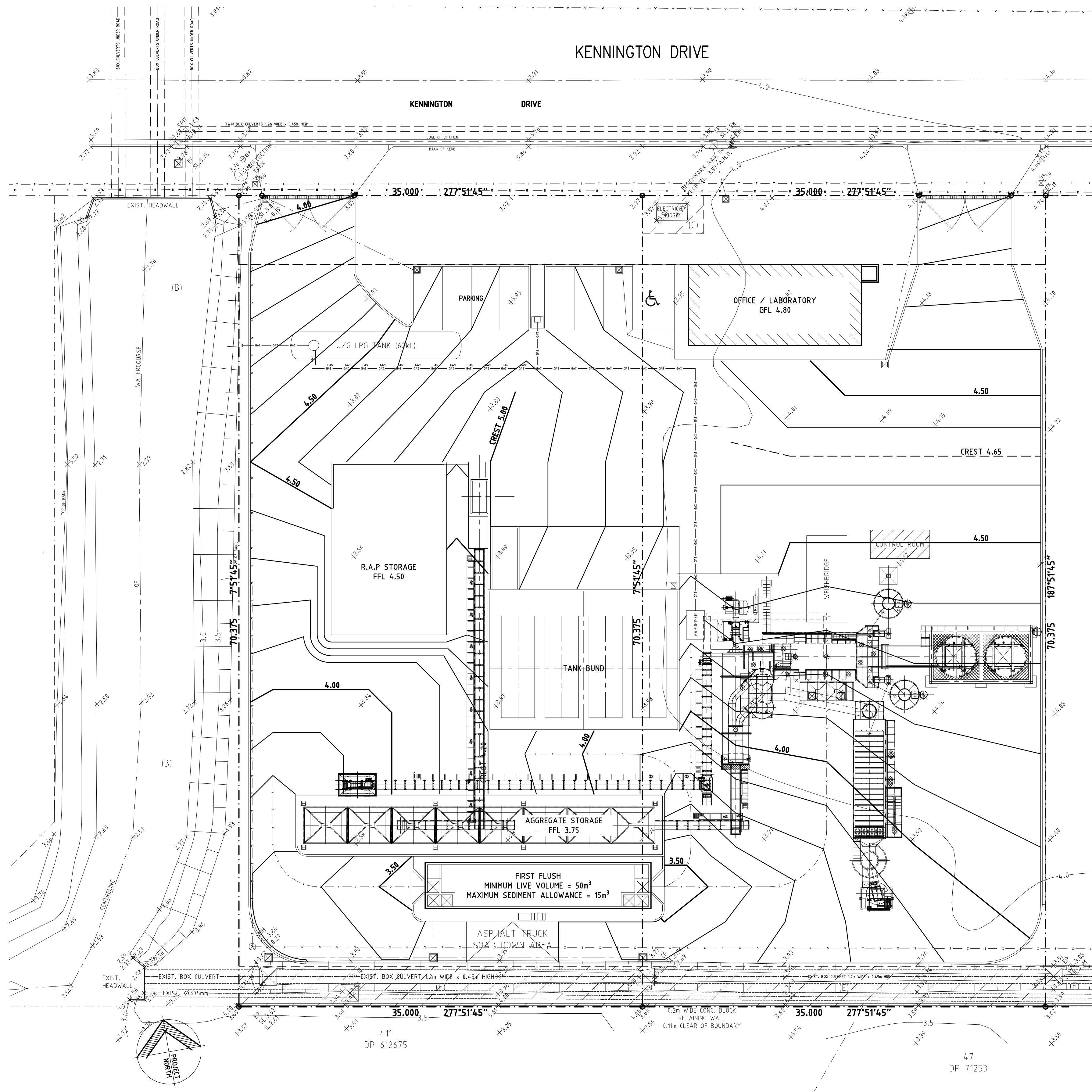
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SITE ELEVATIONS

PROJECT
**PROPOSED ASPHALT PLANT
LOTS 14 & 15 KENNINGTON DRIVE
TOMAGO N.S.W.**

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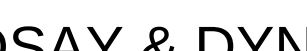


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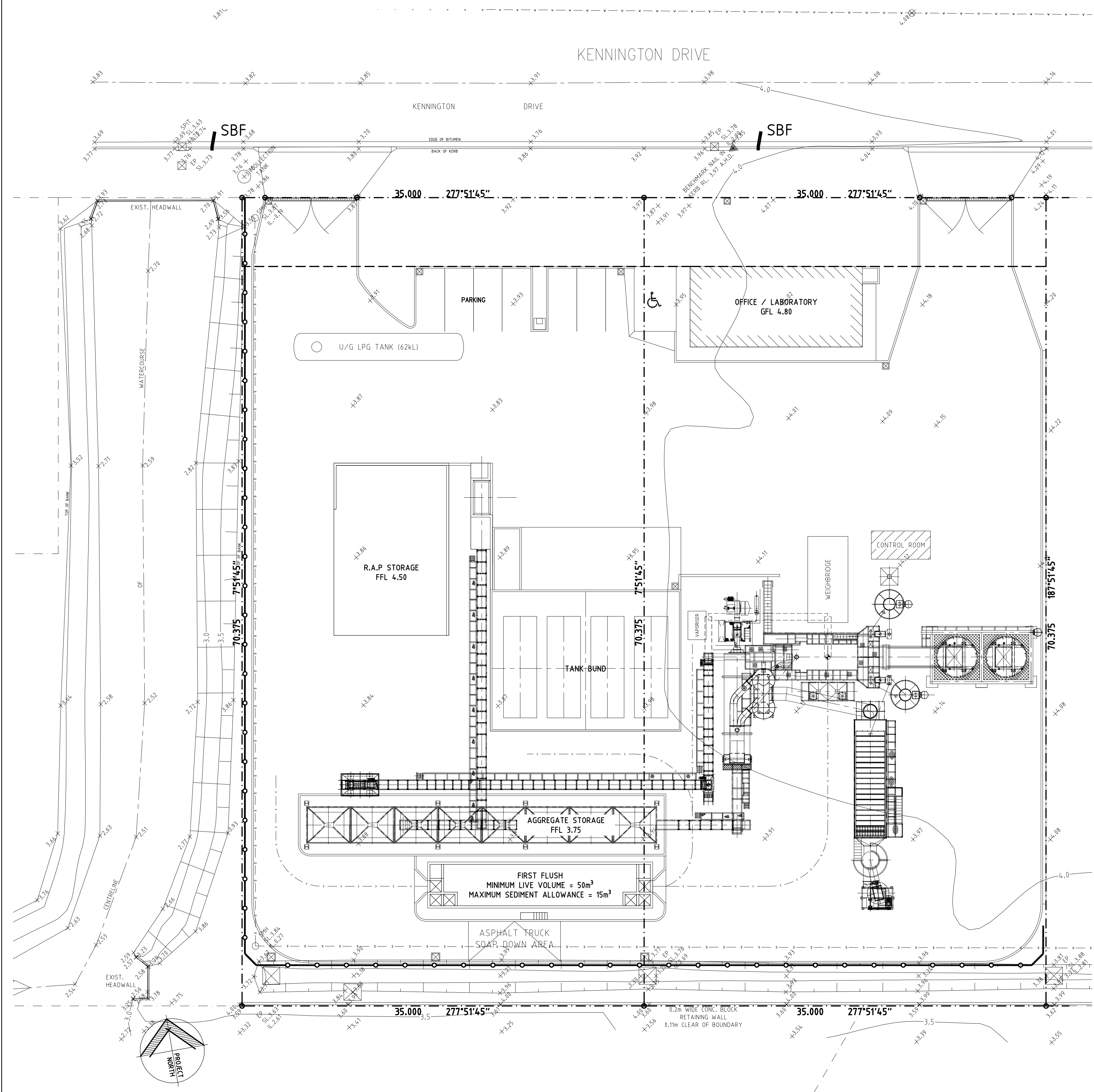
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CONCEPT DRAINAGE PLAN
(SCALE 1:200)

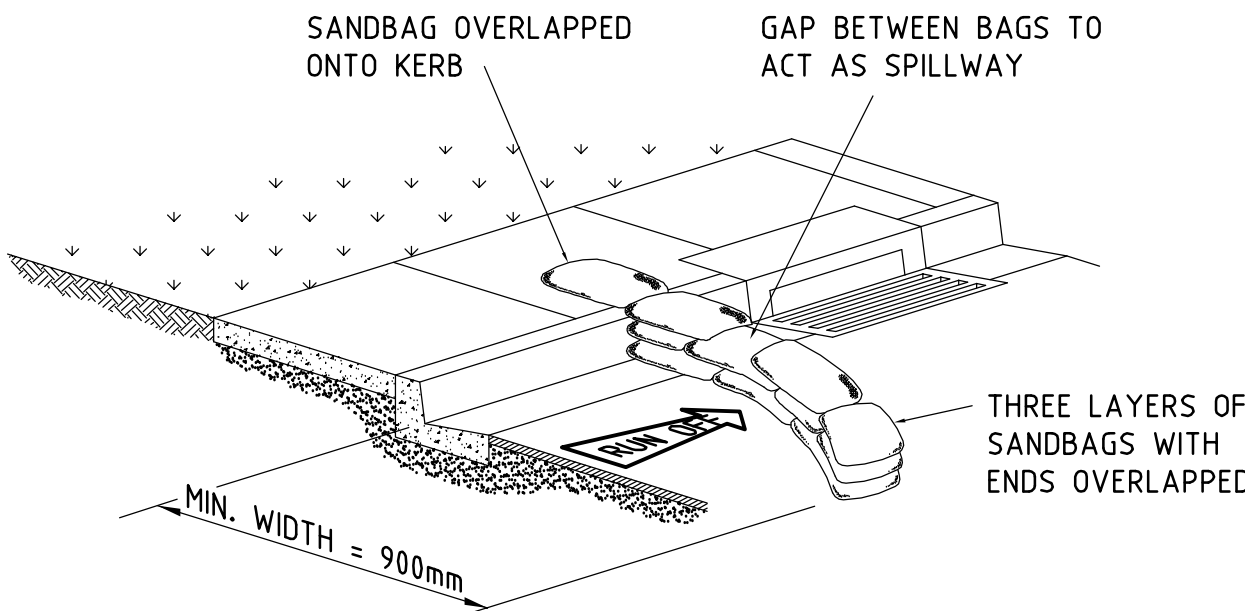
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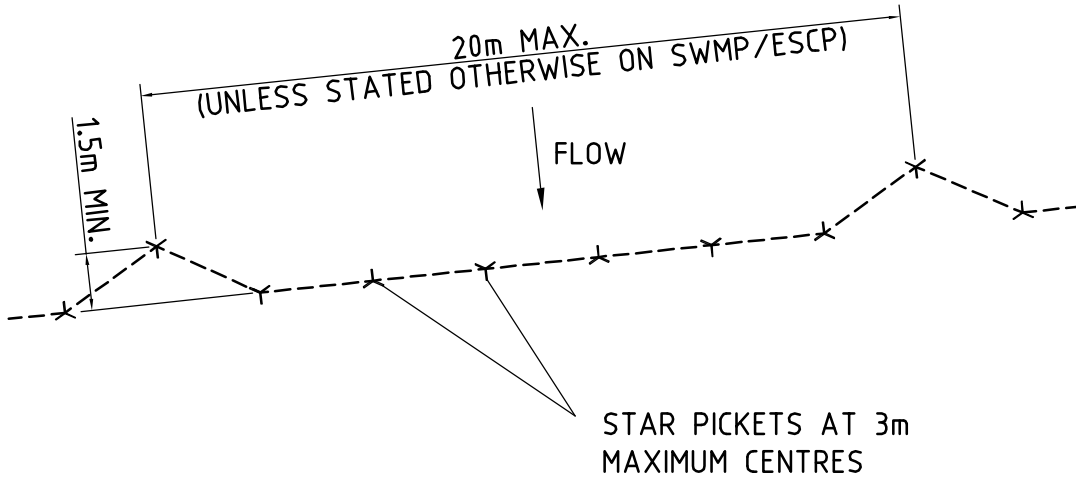
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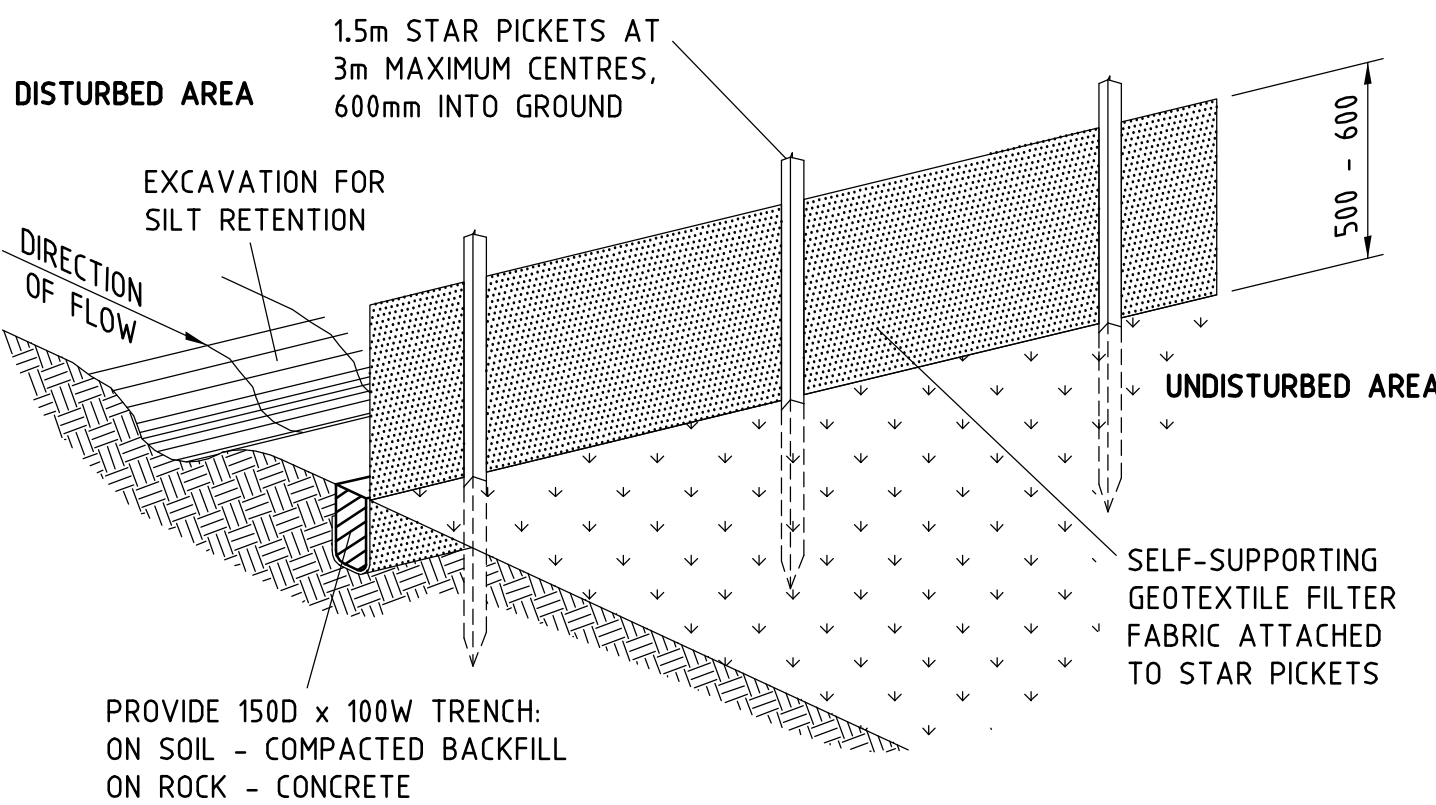
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	DENOTES EXISTING ELECTRICITY PILLAR
	DENOTES EXISTING LIGHT POST
	DENOTES EXISTING SEWER MANHOLE
	DENOTES SANDBAG KERB INLET SEDIMENT TRAP
	DENOTES SILT FENCE



SAND BAG KERB INLET SEDIMENT TRAP
(NOT TO SCALE)



PLAN

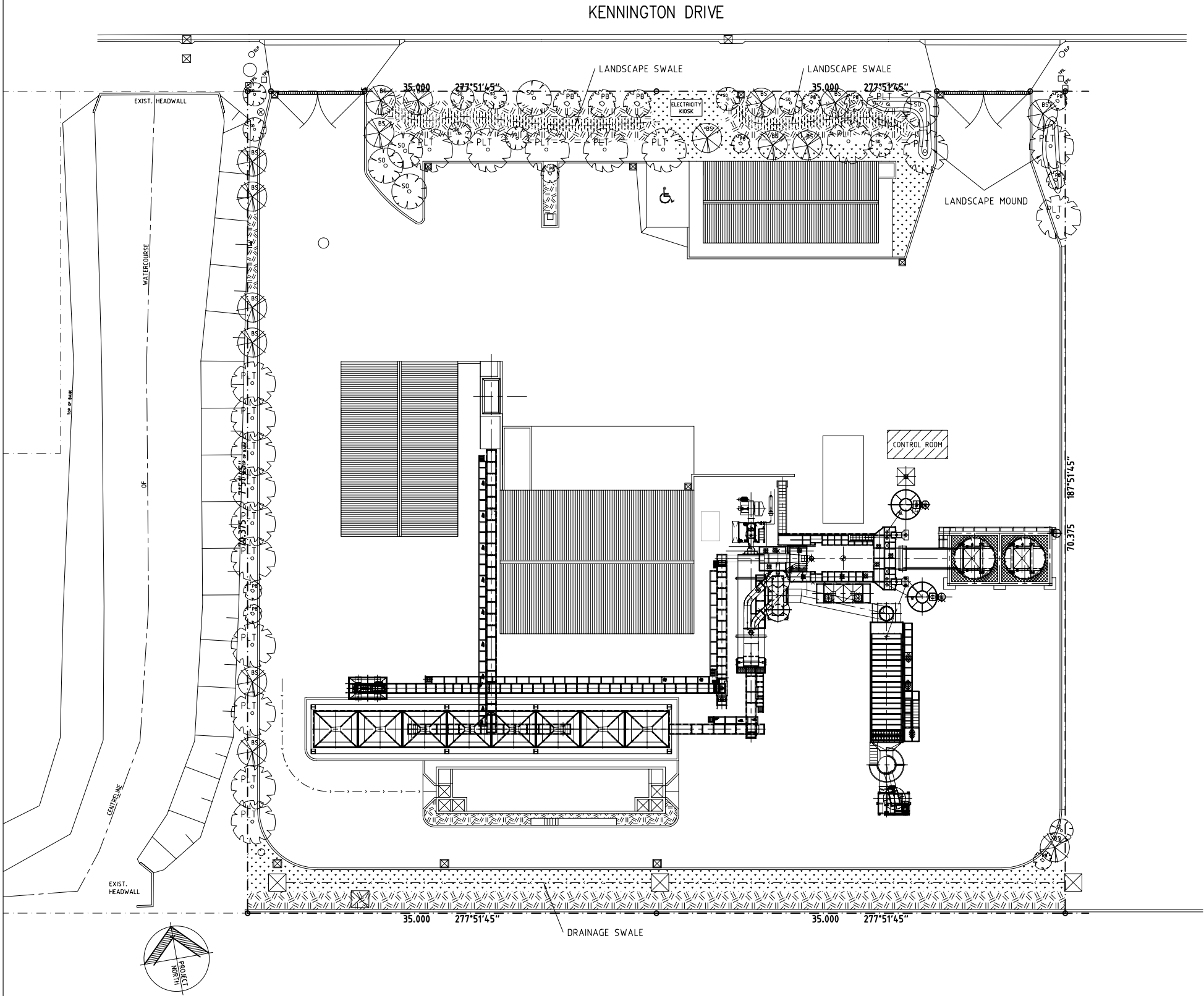


TYPICAL SILT FENCE DETAILS
DENOTED ON PLAN

SEDIMENT & EROSION CONTROL PLAN
(SCALE 1:200)

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										6511	DA04	A	



LANDSCAPE PLAN
(SCALE 1:200)

LANDSCAPE SCHEDULE				
	BOTANICAL NAME	COMMON NAME	SPACINGS	SIZE
TREES	CASUARINA GLAUCA	SWAMP OAK	3m	6L
	ALLOCASUARINA LITTORALIS	BLACK SHE-OAK	3m	6L
	MELALEUCA QUINQUINERVIA	PAPERBARK	5m	6L
	MELELEUCA STYPHELOIDES	PRICKLY-LEAVED TEA-TREE	5m	6L
REEDS (SWALE CENTRE)	LOMANDRA LONGIFOLIA	SPINY HEADED MAT-RUSH	2/m ²	
REEDS (SWALE SIDES)	CAREX APRESSA	TALL SEDGE	10/m ²	
	JUNCUS KRAUSSII	SEA RUSH	2/m ²	
NATIVE GRASS/GROUND COVER	GAHNIA SIEBERIANA	RED FRUITED SAW SEDGE	1/m ²	
	DIANELLA CULTIVAR	BLUE FLAX LILY	3/m ²	
	THERMADA AUSTRALIS	KANGAROO GRASS	3/m ²	

L E G E N D	
	DENOTES REEDS (SWALE CENTRE)
	DENOTES REEDS (SWALE SIDES)
	DENOTES TURFED AREA
	DENOTES NEW SWAMP OAK TREE REFER TO LANDSCAPE SCHEDULE
	DENOTES NEW BLACK SHE-OAK TREE REFER TO LANDSCAPE SCHEDULE
	DENOTES NEW PAPER BARK TREE REFER TO LANDSCAPE SCHEDULE
	DENOTES NEW PRICKLY-LEAVED TEA TREE REFER TO LANDSCAPE SCHEDULE

- NOTES
- L1. ALLOW TO MULCH ALL PLANTER BEDS
 - L2. PROVIDE H5 TREATED EDGEBOARD BETWEEN TURF AND PLANTER BEDS / BOUNDARY
 - L3. MASS PLANT NATIVE GRASSES / GROUND COVERS TO PLANTER BEDS

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CLIENT
TROPIC ASPHALT

TITLE
LANDSCAPE PLAN

PROJECT
**PROPOSED ASPHALT PLANT
LOTS 14 & 15 KENNINGTON DRIVE
TOMAGO N.S.W.**

DRAWN N.I.	DESIGNED M.L.	CHECKED	SHEET SIZE A1
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PROJECT No. 6511		DRAWING No. DA05	REVISION A