

APPENDIX E

Existing Concrush Consent

ZH-311
FILE NO. D/2002/0558



CITY OF
Lake Macquarie

THE APPLICANT:

CONCRUSH PTY LTD
Attention: Kevin Thompson
53 Jenner Parade
HAMILTON SOUTH NSW 2303

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

(Section 80, Environmental Planning and Assessment Act 1979)

Development Application No. DC /02/00558/1N

DATE OF ENDORSEMENT OF CONSENT: 27-02-02

Notice is hereby given of Council's determination of your development application to develop the land described as:

LOT 2 DP 220347
21 Racecourse Road, TERALBA NSW 2284

Consent is granted to carry out the development of:

Concrete crushing, grinding and separating works

subject to the conditions stated below.

Attention is also drawn to the General Remarks and Important Advice stated below.

GENERAL REMARKS

THE LAND

The Land to which this Notice relates is specifically defined above. The development shall not be carried out on any other land.

THE DEVELOPMENT

The development to which this Notice relates is described in general terms above. The "APPROVED PLANS" attached to this Notice (as amended or annotated), together with any Conditions of consent, specify the manner in which the development shall be generally carried out. Any proposal to depart from the Approved Plans or the Conditions requires the approval of the Council.

www.lakemac.nsw.gov.au

Telephone: 02 4921 0333

126-138 Main Road Speers Point NSW 2284

Box 1906, Hunter Region Mail Centre NSW 2310

Facsimile: 02 4958 7257 Email: enquiries@lakemac.nsw.gov.au

CONDITIONS

COMMENCEMENT OF OCCUPATION OR USE

REASON: To ensure that the development is carried out in accordance with the Environmental Planning and Assessment Act, 1979, as amended.

1. Occupation of Premises for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with.

PRESCRIBED CONDITIONS

REASON: To ensure that all building work is carried out to the appropriate standards, Clause 98(1)(a)(b) of The Environmental Planning and Assessment Regulation 2000.

2. For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work: N/A
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

STORMWATER CONTROLS

REASON: To ensure that stormwater arising from the development is directed into the stormwater drainage system, and to mitigate any likely increase in the incidence of flooding as a consequence of the development.

3. Inter-allotment drainage easements shall be created where it is necessary for drainage lines to cross adjoining properties. It is the responsibility of the person carrying out the development to obtain the consent of affected landowners and to create the easement. N/A
4. A detailed stormwater drainage plan shall be prepared by a qualified professional Civil Engineer. Four (4) copies of the plan shall be submitted and a Construction Certificate obtained from Council or an Accredited Certifier registered under the Institution of Engineers Australia accreditation scheme. No drainage works shall commence prior to the issue of the Construction Certificate. All drainage works shall be carried out in accordance with the approved drainage plans and a Compliance Certificate shall be lodged with the Principal Certifying Authority prior to issue of the Occupation Certificate. —

5. All drainage is to be designed in accordance with "Australian Rainfall and Runoff 1987" and the LMCC guideline - "Minimum Site Drainage requirements for Developments" and shall conform to the specifications and standards contained in the NSW Department of Housing Construction Specifications (1989 Edition) and the Lake Macquarie City Council Addendum. ✓
6. All works which will come under the care and control of Council shall be in accordance with the plans issued with the Construction Certificate. Council shall be notified of the appointment of the Principal Certifying Authority and given 2 days notice of the commencement of works covered by the Construction Certificate. ✓

Prior to issue of the Occupation Certificate for the Buildings a Compliance Certificate covering the works identified in the Construction Certificate shall be submitted to the Principal Certifying Authority. The Principal Certifying Authority shall submit work-as-executed plans to Council for record purposes.

Council may carry out audit inspections of the work.

7. Stormwater shall be disposed of to the satisfaction of the Principal Certifying Authority. A disposal strategy is to be submitted to the Principal Certifying Authority prior to:
 - i) issue of Construction Certificate; or
 - ii) use of the site for the purpose of the approval.

PRECAUTIONS AGAINST RISK FROM LANDSLIP/SUBSIDENCE

REASON: To ensure that the risk to life and property from landslip or subsidence is minimised.

8. Filling on the site should be taken into account in the design of the foundations of the building and details submitted to the Principal Certifying Authority prior to issue of a Construction Certificate. 11/8

Where excavation occurs on the site, the soil shall be tested for the presence of Acid Sulphate and if detected, an Acid Sulphate Soil Management Plan shall be prepared and approved by the Principal Certifying Authority. Remediation of the affected soils shall only be carried out after approval of the Acid Sulphate Soil Management Plan.

ACCESS AND PARKING

REASON: To ensure that sufficient access and parking facilities are provided to meet the expected demand generated by the proposed development.

9. All parking areas and accessways shall be constructed, sealed and drained in accordance with the standards contained within the Lake Macquarie City Council Car Parking Code, the NSW Department of Housing Construction Specifications (1989 Edition) and the Lake Macquarie City Council Addendum. (This Addendum is available from Council). The Applicant shall obtain permission from Council together with footpath levels to construct the driveway across the footpath. A Compliance Certificate shall be lodged with the Principal Certifying Authority prior to issue of the Occupation Certificate, stating that the work has been carried out in accordance with the above specified codes.

The access road shall be sealed for a distance of 15 metres west of the carparking area. The remaining section of the road shall be constructed as an all-weather access road.

Council may carry out audit inspections of the work.

Council shall be notified of the appointment of the Principal Certifying Authority and given two (2) days notice of the commencement of civil works covered by the Construction Certificate.

KERB AND GUTTERING, FOOTPATHS, ROAD SHOULDERS

REASON: To ensure that kerb and guttering, footpaths and road shoulders are upgraded (or reinstated) to a standard appropriate to the scale of the development.

10. Kerb and guttering, shoulder sealing and associated drainage works shall be constructed for a distance of eighty-six metres along the Racecourse Road frontage, together with tapers to the existing seal. Where works are to be undertaken on Council roads, a Construction Certificate shall be obtained from the Principal Certifying Authority.
11. Kerb and guttering, footpath, utility services or roadworks damaged as a result of construction work related to the development shall be re-instated to a satisfactory condition. Any disused gutter and footpath crossing shall be removed and replaced with full kerb to match adjoining kerb and the footpath area behind that kerb restored to the Principal Certifying Authority's satisfaction.
12. Full design plans for all work referred to above shall be submitted to Council or a Private Certifier for approval prior to the issue of a Construction Certificate. All work shall be designed to strictly comply with the requirements of Council's Subdivision Code and the NSW Department of Housing Construction Specification (1989 Edition) and the Lake Macquarie City Council Addendum (which is available from Council).

A Works as Executed Plan prepared by a Registered Surveyor, in accordance with the requirements of Lake Macquarie City Council, shall be submitted to Council prior to the issue of a Compliance Certificate.

ENVIRONMENTAL MANAGEMENT

REASON: To promote minimal disturbance, appropriate protection and improvement of the environment as required for the proposed development.

13. The Applicant shall prepare a Soil and Water Management Plan for the development in accordance with Council's Erosion and Sediment Control Policy (Appendix 'K' of Council's Subdivision Code) and the Department of Housing's manual - Managing Urban Stormwater, dated 1998. The Plan shall be prepared by a consultant qualified and experienced in the preparation of Erosion and Sediment Control Plans. The Plan shall be submitted and approved prior to the issue of a **Construction Certificate**.

Site works shall be carried out in accordance with the approved Plan and no work shall commence until the erosion and sediment control works specified in the Plan are in place and their placement has been approved by the Principal Certifying Authority.

Section 79C (1) (b), (c), (e)
Environmental Planning & Assessment Act 1979 (As Amended)

14. The Applicant shall construct silt traps and all necessary runoff diversion works and sediment trapping devices to prevent top soil, road base or other material from entering any drainage easements, drainage system, natural watercourses downstream of the site or Lake Macquarie during construction works. Plans and calculations for such erosion controls shall be submitted prior to the issue of a **Construction Certificate** and the works shall be completed as part of the initial construction work in the first stage of the development. Minor additional works may be approved by the Principal Certifying Authority during construction works.

Section 79C (1) (b), (c), (e)
Environmental Planning & Assessment Act 1979 (As Amended)

15. Trees and other vegetation may only be removed from the site of road, drainage and regrading works as approved in the Construction Certificate. An application shall be made to Council in accordance with Council's Tree Preservation Policy for the removal of any other trees. A copy of the Tree Preservation Policy is available from Council's Administration Offices.

All reasonable measures shall be undertaken to protect all other vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:-

- * clearly marking trees to remain
- * avoiding compaction of ground around trees to remain
- * clearly delineating the area of disturbance, and keeping all vehicles, construction materials and refuse within that area
- * limiting the number of access points.

Section 79C (1) (b), (c)

Environmental Planning & Assessment Act 1979 (As Amended)

16. The Applicant shall grass areas of the site disturbed by works so as to prevent erosion. All disturbed areas shall be revegetated as soon as practical, and no later than the times specified in Managing Urban Stormwater - 3rd Edition 1998 prepared by the NSW Department of Housing.

Kikuyu grass shall not be used in areas adjoining native bushland or in drainage lines or channels.

Section 79C (1) (b), (c), (e)

Environmental Planning & Assessment Act 1979 (As Amended)

17. All possible steps shall be taken to silence construction equipment and the operating noise level of plant and equipment shall not give rise to "offensive noise" as defined by the Noise Control Act.

The operating noise level of machinery, plant and equipment during construction site operations shall comply with Chapter 171 of the NSW EPA's Noise Control Manual.

Construction operations shall be confined between the hours of 7.00 am to 6.00 pm Monday to Friday and 8.00am to 1.00pm Saturday. If construction operations are inaudible within occupied residential properties then the work period may be extended on Saturdays to 7.00am to 1.00pm. No construction work shall take place on Sundays or Public Holidays.

Should it be necessary to use mechanical rock breakers or conduct blasting then these operations shall be confined between the hours of 9.00 am and 3.30 pm Monday to Friday (excluding any Public Holiday).

Noise Level Restrictions

- (i) Construction period of 4 weeks and under:-

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20dB(A).

- (ii) Construction period greater than 4 weeks:-

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10dB(A).

Section 79C (1) (b), (e)

Environmental Planning & Assessment Act 1979 (As Amended)

ROAD AND DRAINAGE

REASON: To ensure that all works are designed and constructed to comply with all relevant standards and are undertaken with appropriate supervision.

18. The Applicant shall arrange for all works to be designed in accordance with the following publications (as amended or updated), as applicable:-

- a) Australian Rainfall and Runoff, 1987.
- b) AUSTROADS Guide To Traffic Engineering Practice.
- c) Department of Housing Road Manual, 1987.
- d) City of Lake Macquarie Subdivision Code, 1990.
- e) Roads and Traffic Authority Road Design Guide.
- f) Roads and Traffic Authority Interim Guide To Signs and Markings.
- g) Managing Urban Stormwater - NSW Department of Housing, 1998.
- h) The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.

Where any inconsistency exists between these documents the Applicant shall verify in writing with Council, the relevant standard to be adopted.

Section 79C (1) (b), (c)

Environmental Planning & Assessment Act 1979 (As Amended)

19. Construction works in accordance with this development consent shall not commence until:-
- a. detailed engineering plans and specifications relating to the work have been endorsed with a **Construction Certificate** by :-
 - (i) Council, or
 - (ii) an accredited certifier registered under the Institution of Engineers Australia accreditation scheme, and
 - b. the person having the benefit of the development consent:-
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment, and
 - c. the person having the benefit of the development consent has given at least two (2) days notice to Council of the intention to commence subdivision works.

Section 81A (4)

Environmental Planning & Assessment Act 1979 (As Amended).

20. All construction works shall be undertaken in accordance with the requirements of the NSW Department of Housing Construction Specification 1989, Council's Subdivision Code and Managing Urban Stormwater - NSW Department of Housing. In the event of a discrepancy between these documents the requirements of the Subdivision Code shall apply.

Note:- Appendix E of Council's Subdivision Code consists of an addendum to the NSW Department of Housing Construction Manual.

Section 79C (1) (b), (c)

Environmental Planning & Assessment Act 1979 (As Amended)

21. The Applicant shall arrange for the design and construction of roads, accessways and footways, including drainage, in accordance with the provisions of the publications and standards identified in this consent.

No works shall commence on site prior to the issue of a **Construction Certificate**.

Section 79C (1) (b), (c), (e)

Environmental Planning & Assessment Act 1979 (As Amended)

22. The Applicant shall submit to Council, in writing, details of the proposed haulage routes to be used during construction works. These details must be submitted a minimum of seven days before the commencement of haulage operations. No haulage operations shall take place prior to the approval of the routes by Council. The haulage routes shall not be varied without the approval of Council.

The Applicant shall maintain and restore the haulage route roads, as near as possible, to their original condition.

Section 79C (1) (b), (e)

Environmental Planning & Assessment Act 1979 (As Amended)

23. The Applicant shall make good any damage or injury caused to a public road or associated structures including drains and kerb and gutter, caused as a consequence of the works. ✓

Section 79C (1) (b), (e)

Environmental Planning & Assessment Act 1979 (As Amended)

24. Construction works shall not commence until a meeting between the contractor and a representative of the Principal Certifying Authority (PCA) has taken place on site.

The PCA may require up to seven days notice in writing prior to such meeting taking place. ✓

The notice shall also include the names of the contractor undertaking construction and the developer's supervising officer.

Section 79C (1) (b), (e)

Environmental Planning & Assessment Act 1979 (As Amended)

25. A works as executed plan plotted on film and signed by the Consulting Civil Engineer supervising the works or the Registered Surveyor in charge and certified by the Principal Certifying Authority, shall be lodged with Council. Where applicable a Registered Surveyor's Certificate certifying that all pipes have been laid within the easements shown on the Final Plan of Subdivision shall also be submitted. The works as executed plan shall in addition to construction details, show limits and depths of filling, locations of service conduits and street names. ✓

Section 79C (1) (b), (e)

Environmental Planning & Assessment Act 1979 (As Amended) ✓

26. The Applicant shall pay a Road Levy as a contribution towards the long term maintenance of the local road infrastructure. The levy shall be based on an annual payment to Council in the amount of 0.10 cents/tonne/km (inclusive of GST) for the distance outward from the development site to the junction of the local road network with the State Road (MR 217 at Booragul Roaundabout). The tonnage rate shall equate to the output production from the plant on an annual basis. The levy shall be payable by the 31 July each year for the previous financial year's output and may be reviewed by Council on an Annual basis by Council's Asset Management Department.

IMPORTANT ADVICE

DATE FROM WHICH CONSENT BECOMES EFFECTIVE

This consent is effective and operates from the date of consent, as endorsed above.

REVIEW OF DETERMINATION

A request for review of this determination may be made within twenty eight (28) days after the date of this Consent, as endorsed above. A fee of \$500.00 is applicable.

DATE FROM WHICH CONSENT LAPSES

If the development is not commenced within three (3) years from the date of endorsement, the consent will lapse. If commencement of the development is not made within that time an application may be made to the Council prior to the expiry of the consent for a one (1) year extension.

RIGHT OF APPEAL

An appeal may be made to the New South Wales Land and Environment Court within twelve (12) months of the date of this consent against any conditions of the consent.



ZENON HELINSKI
DEVELOPMENT ASSESSMENT & COMPLIANCE

28 SEP 2001

SEP 27 '01 03:00PM DEPT LAND WATER CONS

P.1/2

your ref: DA 02/558
our ref: ER 2949

RECEIVED BY FAX

27 SEP 2001

CORPORATE RECORDS

MANAGER
LAKE MACQUARIE CITY COUNCIL
BOX 1906
HUNTER REGION MAIL CENTRE 2310

DOC. No.	1884052
FILE No.	2/2002/0558
REC'D	27 SEP 2001 LMCC
REFER	P131
FILE WITH	



ATTENTION: MS M. McGAVIN

Thursday, 27 September 2001

Dear Sir

DA 02/558 - CONCRETE CRUSHING PLANT, LOT 2 DP 220347, 21 RACECOURSE ROAD, TERALBA

I refer to your letter dated 30 August 01 requesting the department's comments in regard to the above proposal and also to my letter to council dated 19/9/01. The department has now reviewed the matter and concluded the following further comment should be made in respect to acid sulfate soils.

A) POTENTIAL ACID SULFATE SOIL (PASS) DEPOSITS may occur in the area to be disturbed.

Council is advised that they should consult the 1:25,000 Acid Sulfate Soils Risk Map known as Wallsend that covers the proposed activity. This reference indicates that the area is part of the high probability area where potential acid sulfate soils are expected to occur at one metre below the ground surface.

The proposal as supplied indicates that no excavation is proposed, (except for the installation of an electricity pole) and boundary fencing. The disturbance of only one cubic metre of PASS material triggers the requirement of Council to have an appropriate testing and plan of management for PASS material.

It is recommended to Council that if the proponent on this site intended to landscape or construct a roadway on the area by the relocation or excavate of surface soil at depths greater than half a metre, then soil testing will be required to ensure that no PASS material is disturbed. Should such test prove the existence of PASS material then the proponent will be required to prepare and have approved by the Council an Acid Sulfate Soils Management Plan prior to undertaking any construction involving soil disturbance to avoid environmental risk. The soil testing and if necessary the Acid Sulfate Soils Management Plan should be consistent with the Acid Sulfate Soil Manual (1998) as published by the New South Wales Acid Sulfate Soil Management Advisory Committee.

B) EROSION AND SEDIMENT CONTROL

The proponent's statement that no erosion and sediment control is required during and after construction is not accepted as reasonable.

An erosion and sediment control plan should be required by Council to ensure that no sediment moves off site from site construction or the crushing operation over its life time of operation. Such a plan should detail how all run off flow from the site will be directed to a sediment control facility and that wind erosion dust will not affect environmental damage to adjoining lands, streams and lake.

General Overview:

The proposal if carried out as detailed should not cause disturbance of PASS, but does have the risk of sediment movement off site. Council should require an undertaking from the proponent

* that if any excavation occurs that disturbs more than of one cubic metre of soil at depths greater than half a metre below the current soil surface is undertaken only after prior soil testing for PASS material.

* that and erosion and sediment control plan be submitted for construction and operation of the site

I trust the above information is of assistance in regard to your consideration of this proposal. Should there be any further enquiry in this matter, please contact the Environmental Review Coordinator, at our Newcastle Office on 02 49209847.

Yours Faithfully

Lance Watt
Environmental Review Co-ordinator

your ref: DA 02/558
our ref: ER 2949

RECEIVED BY FAX

19 SEP 2001

CORPORATE RECORDS

MANAGER
LAKE MACQUARIE CITY COUNCIL
BOX 1906
HUNTER REGION MAIL CENTRE 2310



ATTENTION: MS M. McGAVIN

Wednesday, 19 September 2001

Dear Madam

**DA 02/558 - CONCRETE CRUSHING PLANT, LOT 2 DP 220347, 21 RACECOURSE
ROAD, TERALBA**

I refer to your letter dated 30 August 01 requesting the department's comments in regard to the above proposal. The department has now reviewed the matter and provides the following information on the principal issues.

STORMWATER

Stormwater should be managed in such a way as to reduce stormwater peak concentrations, by retarding or dispersing flows in detention basins and vegetated stormwater easements. The use of concrete culverts should be minimised unless specific reason for their use is indicated. This will reduce erosion hazards on local watercourses, and reduce pollutant loads in stormwater leaving the site.

Management of water quality leaving the site is critical in maintaining reasonable water quality in Cockle Creek and northern Lake Macquarie. The development must include adequate stormwater quality controls to minimise the impact on the creek system and the lake downstream. This will involve the construction of detention basins and gross pollutant traps on the site.

Detention basins should be constructed to retain runoff from a one in ten year, one hour storm event. Stormwater easements should be designed to pass one in ten year, one hour storm events without flooding adjacent properties. Vegetation should be maintained to allow the passage of stormwater, while allowing shrubs and trees to be installed on property boundaries fringing stormwater easements.

Gross pollutant traps should be installed to reduce litter and gross pollutants entering lakes and other waterbodies downstream. The property owners must agree to maintain gross pollutant traps which are installed. This will prevent stormwater backup on to properties and maintain good water quality control downstream.

I trust this information is of assistance in regard to the proposal. Should there be any further enquiry in this matter, please contact Fergus Hancock at our Muswellbrook office phone 065 42 1222

Yours Faithfully

Lance Watt
Environmental Review Co-ordinator

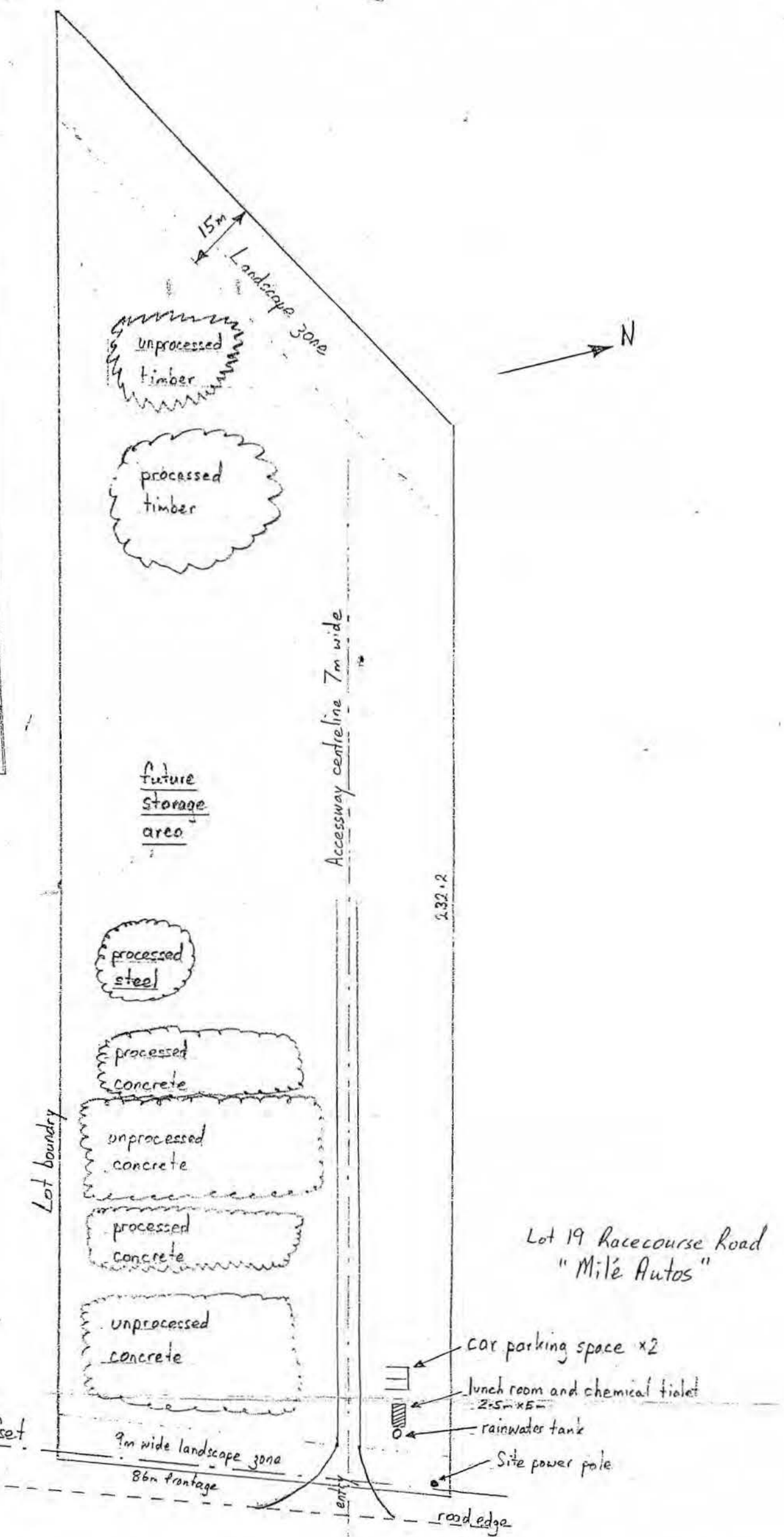
DOC. No.	188/1457
FILE No.	2/2002/0558
REC'D	19 SEP 2001 LMCC
REFER	EH 311 DAe
FILE WITH	

WATER CORPORATION LTD
Macquarie Customer Centre
 100-110 of Sewermain
 100-110 adjacent to sewer S65 form 100-110
 100-110 boundaries subject to alterations
 100-110 available
 100-110 on 50 Application taken and fee paid
 100-110 of the plans to HWC unnecessary
 The following applications have been ticked,
 100-110 HWC and make the
 relevant 100-110 and pay the applicable fee(s)
APPLICATIONS
☐ Water/sewer not yet available for connection
☐ Water connection ☐ Pre-laid
☐ Sewer connection (Council approved plans required)
☐ Sewer Service Access Charge
☐ Hydraulic Drawings (plans required)
☐ Trade Waste
☐ Pressure Sewer Connection
☐ Disconnection of Sewer ☐ Return Water Meter
☐ Systems Charge Applicable
☒ Other No water or sewer
 Customer No: S-100-110
 Checked by: OK Date: 20.8.01

MINE SUBSIDENCE BOARD
 This building application has been approved by the Mine Subsidence Board subject to ground levels, floor levels & brickwork heights, as shown on plan being accurate & to improvements being erected on footing designed to comply with A.S. 2870. 1 or other relevant Australian Standards.
 The approvals valid for two (2) years from the date stated, & covers only that work shown on the plans and any conditions of approval attached.
 FOR MINE SUBSIDENCE BOARD: **22 AUG 2001**

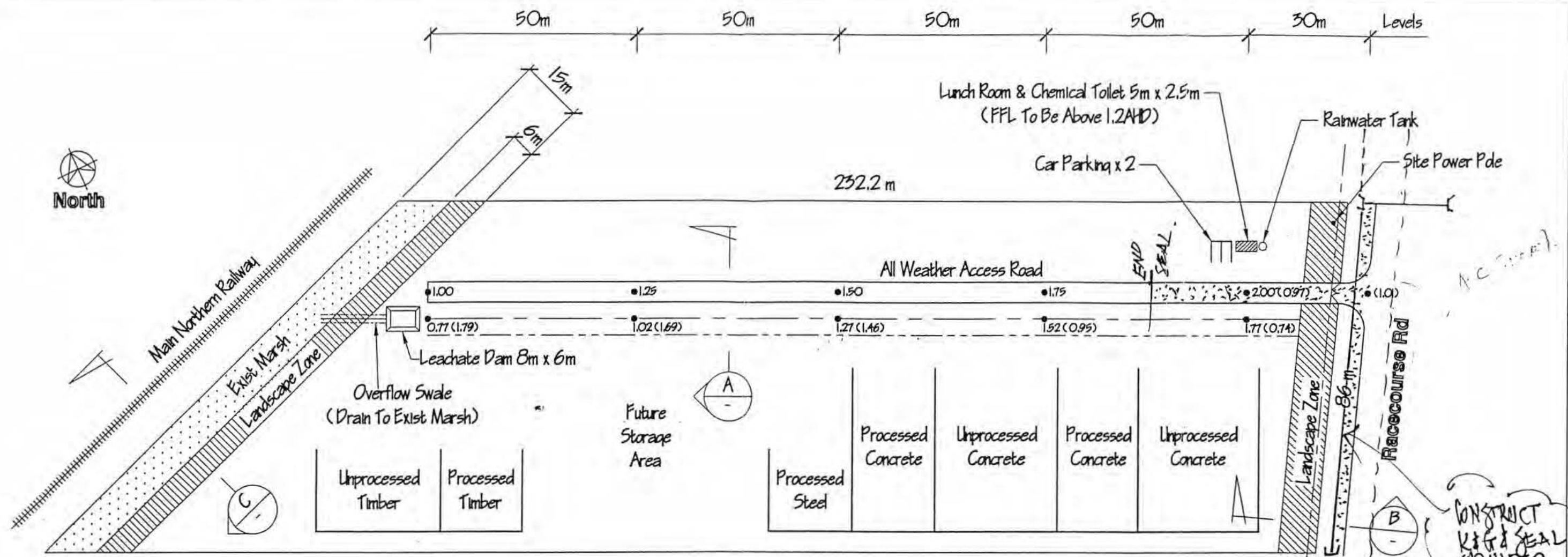
Cockle Creek 40m offset

LAKELAND CITY COUNCIL
 Approved plans for
 DEVELOPMENT CONSENT No. 9002/0058
 DATE OF APPROVAL 27/02/02
 Delegated
 Officer [Signature]

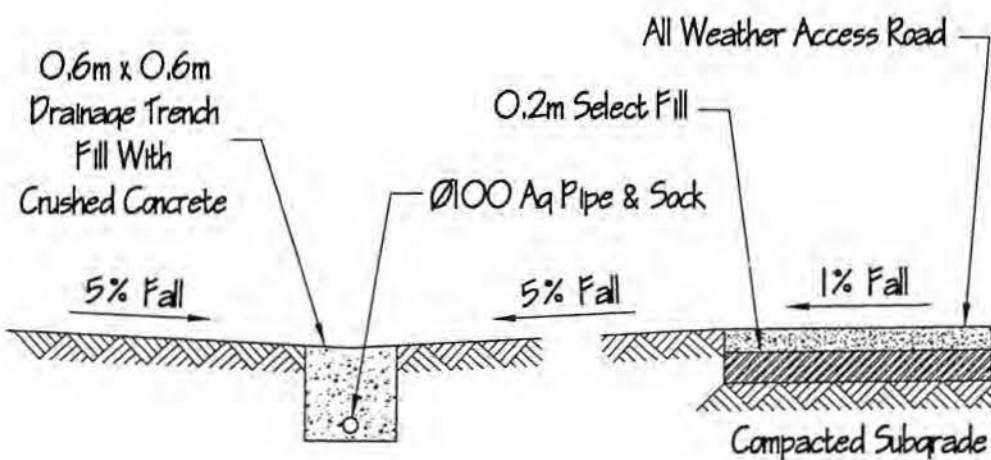


Concrush Site Layout Scale 1:1000

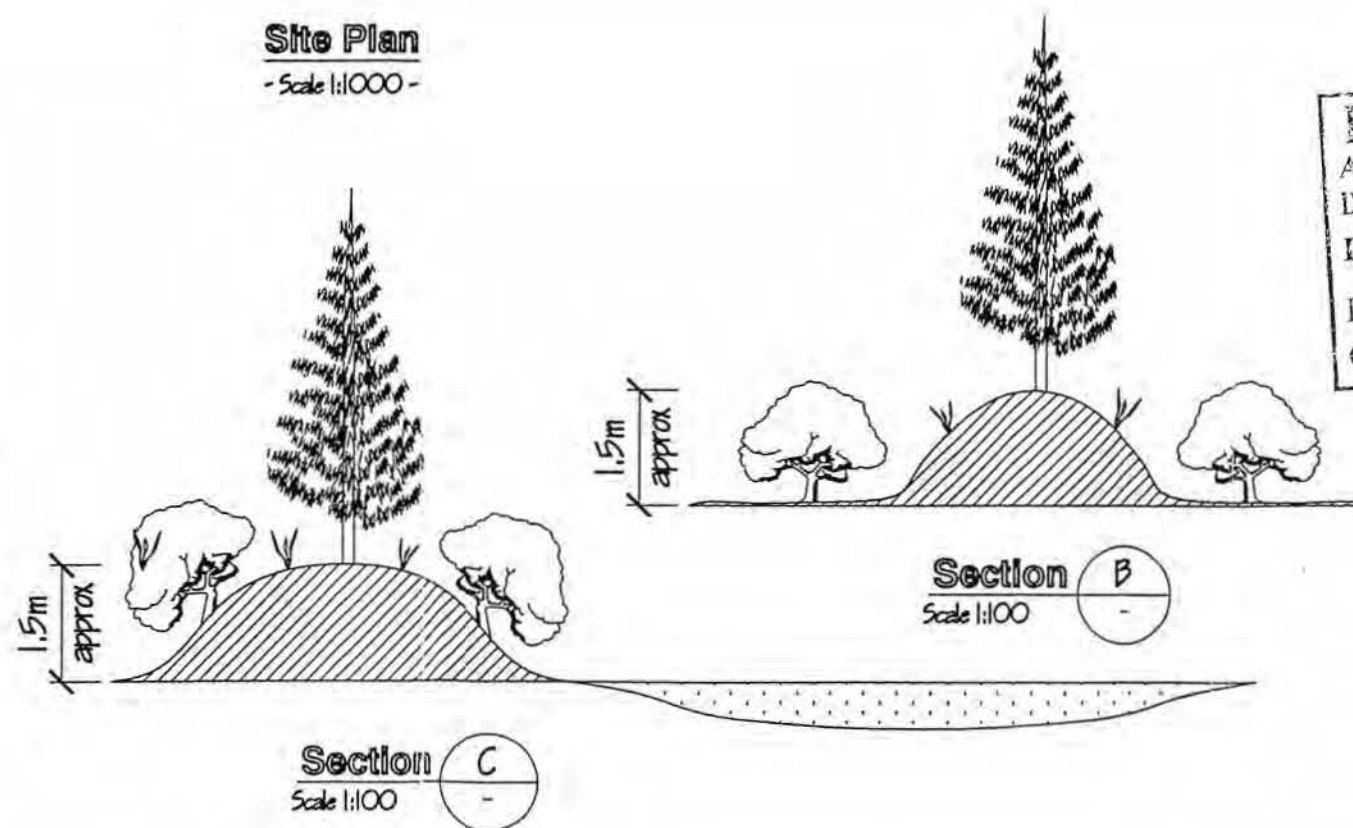
Drawn: K. Thompson
 26.7.2001



Site Plan
- Scale 1:1000 -



Section A
Scale 1:50



Section B
Scale 1:100

Section C
Scale 1:100

LAKE MACQUARIE CITY COUNCIL
Approved plans for
DEVELOPMENT CONSENT NO. 2002, 0558
DATE OF APPROVAL 27/02/02
Delegated Officer: [Signature]
Key: [Signature]

• Design RL (AHD)
() Existing RL (AHD)

Landscaping Notes

1. *Casuarina Cunninghamiana* (River Oak)
To Be Planted @ 4m Spacings
2. Remaining Area To Be Planted With
Selected Native Tube Stock
@ 1m (max) Spacings

No.	DETAILS OF REVISION	NAME	DATE

CLIENT: **CONCRUSH PTY LTD**
PROJECT: **PROPOSED CRUSHING, GRINDING & SEPARATING WORKS AT 21 RACECOURSE RD, TERALBA**
TITLE: **SITE LAYOUT**

DRAWN: G.R.C.	DATE: 12-10-01
CHECKED: [Signature]	DATE: -
SCALE: 1:1000	
DRAWING No.: 102-01	REV: A