
Minutes of an ordinary meeting of the Development Support Special Committee held in the Council Chamber of the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 25 June 2012 commencing at 6.00pm

Members attendance

Cr Jan Bonde (Mayor)
Cr Garry Carpenter
Cr Philip Viney

Cr Shane Broad
Cr Tony van Rooyen
Ms Sandra Ayton

Members apologies

Cr Amanda Diprose

Employees attendance

Director Development & Regulatory Services (Mr Michael Stretton)
Land Use Planning Group Leader (Mr Ian Sansom)
Town Planner (Mr Thomas Reilly)

Employee apologies

Nil

Public attendance

Eight members of the public attended during the course of the meeting.

CONFIRMATION OF MINUTES OF THE COMMITTEE

38/2012 Confirmation of minutes

The Director Development & Regulatory Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 30 April 2012 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2005* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

- Cr van Rooyen moved and Cr Broad seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 30 April 2012 be confirmed.”

Carried unanimously

MAYOR’S COMMUNICATIONS

39/2012 Mayor’s communications

The Mayor reported as follows:

“Under the terms of appointment of the Development Support Special Committee, it acts in agreed circumstances as if it were the Council and, accordingly, as a planning authority under the *Land Use Planning and Approvals Act 1993*.

Members are reminded that the *Local Government (Meeting Procedures) Regulations 2005* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.

In the event that items listed for consideration are referred, under the terms of the Committee’s appointment, to the Council (e.g. any matter the Committee cannot determine unanimously), or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be referred to a meeting of the Council for a decision.”

- Cr Viney moved and Cr Carpenter seconded, “That the Mayor’s report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

40/2012 Pecuniary interest declarations

The Mayor reported as follows:

“Members are requested to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.”

The Land Use Planning Group Leader reported as follows:

“The *Local Government Act 1993* provides that a member must not participate at any meeting of a special committee in any discussion, nor vote on any matter, in respect of which the member has an interest or is aware or ought to be aware that a close associate has an interest.

Members are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a member must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

No interests were declared at this time.

ADJOURNMENT OF MEETING

41/2012 Adjournment of meeting

The Mayor reported as follows:

“In order to effectively consider the reports before this meeting of the Committee it is appropriate that I adjourn the meeting to enable the related documents to be workshopped prior to resumption of the meeting and formal resolution of the agenda items.”

The workshop having been concluded, the Mayor resumed the meeting.

DEPUTATIONS

42/2012 Deputations

The Director Development & Regulatory Services reported as follows:

“No requests for deputations to address the meeting or to make statements or deliver reports have been made.”

OPEN REPORTS

43/2012 Hydro-electric scheme at 209 Gaunts Road, Nietta – Application No. DA211224

The Director Development & Regulatory Services reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION No.:</i>	DA211224
<i>APPLICANT:</i>	Casey Miles
<i>LOCATION:</i>	209 Gaunts Road, Nietta
<i>ZONING:</i>	Rural Resource Zone
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Planning Scheme 2005</i> (the Planning Scheme)
<i>ADVERTISED:</i>	23 May 2012
<i>REPRESENTATIONS EXPIRY DATE:</i>	6 June 2012
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	11 June 2012 (extension granted until 16 July 2012)
<i>DECISION DUE:</i>	25 June 2012

PURPOSE

The purpose of this report is to consider an application for a hydro-electric scheme at Gaunts Road, Nietta (the hydro scheme) and also to consider one representation made in response to the application.

BACKGROUND

A copy of the application is provided at Annexure 1. Annexure 2 is a location plan.

DISCUSSION

The hydro scheme proposes to take water from an existing dam on the Castra Rivulet. The water then travels through an 800mm diameter pipeline approximately 120m downhill and approximately 1.5km in a north-easterly direction to a shed where a generator converts the water’s momentum into electricity. The water then passes into an open tailrace and back into the Castra Rivulet. The electricity is carried by above ground power lines in a westerly direction, across 209 Gaunts Road, to the Aurora maintained power grid on Castra Road (see Figure 1 below).

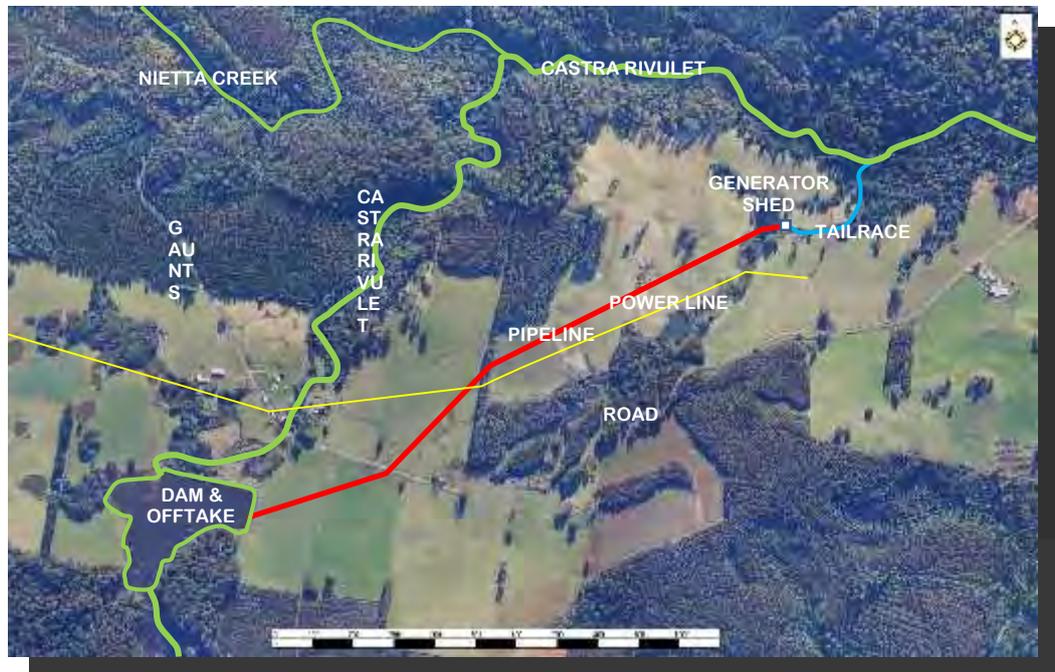


Figure 1 – Drawing prepared by the Town Planner from information in the application.

The application includes a number of documents, including:

- Statement of Impact of Proposed Development (the Statement of Impact);
- Environmental 20/30 low flow review and operational aquatic environment assessment (the Environmental Assessment);
- Water Licence Operational Environmental Management Plan (the Management Plan); and
- drawings and diagrams.

The Environmental Assessment is a hydrological review of the environmental low flow requirements and an assessment of the potential impacts on flow dependent aquatic values of the Castra Rivulet. It is not an assessment of the construction phase of the hydro scheme. The construction phase is addressed in the Statement of Impact and is considered in the assessment table below at 15.3.1.

The Environmental Assessment found that:

- . the length of the Castra Rivulet between the dam and the point where the tailrace enters the Castra Rivulet (the impacted reach) has a medium representative conservation value and is generally in a natural condition;
- . as an aquatic habitat, it is in excellent condition;
- . the impacted reach contains or is likely to contain a number of high conservation value, flow dependent aquatic and riparian species. Of particular note is the high likelihood of *Astacopsis gouldi* (giant freshwater crayfish) and various species of *Beddomeia* (freshwater Hydrobiid snails).

The Environmental Assessment is based on water extraction according to a 20/30 low flow rule. This rule requires an environmental low flow to be released from the dam down Castra Rivulet that equals the 20th percentile of summer flows (November to April) and 30th percentile of winter flows (May to October). If the dam inflows are less than these values, the environmental flow will be reduced to match the inflow. The 20th percentile flows are the minimum flows expected 80% of the time. The 30th percentile flows are the minimum flows expected 70% of the time.

Based on the 20/30 low flow rule, and without mitigation measures, the Environmental Assessment considers the impact of flow change to be as follows:

<i>Aquatic and Environmental Values</i>	<i>Impact Level</i>
Summer base flows	negligible
Winter high flows, freshes and floods	low adverse
Winter base flows and summer freshes and floods	medium adverse
Conservation of Freshwater Ecosystem Values	negligible
General aquatic habitat and river health	medium adverse
Sediment dynamics within the study reach	low adverse
Listed aquatic flora communities	negligible
Giant freshwater crayfish, freshwater <i>Beddomeia</i> snails, caddis fly, and platypus	low adverse
White bellied sea eagle	negligible
Translocation of the New Zealand mud snail	low adverse
General water quality	low adverse
Pools over summer	medium adverse

The Environmental Assessment discusses mitigation measures for those impacts assessed as medium adverse. These mitigation measures are explained in more detail in the Management Plan.

The hydro scheme also requires permits under the *Water Management Act 1999*, which is administered by the Department of Primary Industries, Parks, Water and the Environment (DPIPWE). DPIPWE has confirmed that the Environmental Assessment and the Management Plan are adequate to make an assessment and has issued a water licence. A copy of that licence is attached at Annexure 3.

The following table is an assessment of the relevant Scheme provisions:

Clause	Assessment and Comment
OBJECTIVES FOR PLANNING	
2.0 – Objectives for Planning	<p>Consistent.</p> <p>Consideration must be given to the Objectives for Planning. The proposal is consistent with the Objectives for Planning, particularly 2.1(h) – (j), which are that:</p> <ul style="list-style-type: none"> (h) Important flora and fauna habitats are to be protected from inappropriate use and development. (i) The environmental qualities of the coastal and river systems are to be protected. (j) Development of land and its use is to be carried out in a way so as to minimise environmental harm. <p>The Environmental Assessment concludes that the proposed hydro scheme will have no more than a low adverse impact on any of the above environmental matters provided the recommended mitigation measures in it and the Management Plan are undertaken and also provided that monitoring shows little or no change to those values.</p>

	<p>To ensure that the mitigation measures in these documents are implemented, the following conditions are recommended on the draft Permit at Annexure 5:</p> <ul style="list-style-type: none"> . Water must only be taken in accordance with the Nietta Mini Hydro – Water Licence Operational Environmental Management Plan – 25 May 2012, prepared by Entura Hydro Tasmania, and the Nietta Mini Hydro – Environmental 20/30 low flow review and operational aquatic environment assessment – 29 August 2011, prepared by Entura Hydro Tasmania. . Ongoing management and monitoring of the Nietta Mini Hydro Scheme must be in accordance with the Nietta Mini Hydro – Water License Operational Environmental Management Plan – 25 May 2012, prepared by Entura Hydro Tasmania, and the Nietta Mini Hydro – Environmental 20/30 low flow review and operational aquatic environment assessment – 29 August 2011, prepared by Entura Hydro Tasmania.
<p>ZONE STANDARDS (Rural Resource Zone)</p>	
<p>15.1 – Zone Purpose</p>	<p>Consistent.</p> <p>To be consistent with the purpose of the Zone, the hydro scheme must:</p> <ul style="list-style-type: none"> . not unreasonably impact upon the productive capacity of agricultural land by either physical obstruction or depriving agricultural uses of water for irrigation; . protect the ecological, cultural and landscape values of rural land, wetlands and watercourses. <p>The footprint of the proposed generator shed is a</p>

	<p>steep embankment beside a small creek through which the tailrace is intended to flow. While the space taken up by the shed and access could otherwise have been used for grazing, in context, the amount of land lost is not significant.</p> <p>The pipeline is buried 600mm underground. Typically, plough depths range from 100mm – 300mm. This leaves at least 300mm clearance above the pipe. There is potential for wind and water erosion to gradually expose the pipe so the depth will need to be monitored if ploughing is to occur. Therefore, the following condition is proposed on the draft Permit at Annexure 5:</p> <ul style="list-style-type: none"> . Where the pipeline crosses land suitable for cropping, the depth of the pipeline must remain at least 600mm underground. <p>Given the relatively small footprint and the depth of the pipeline, the loss of agricultural potential of the property is not significant.</p> <p>When assessing values, both intrinsic and inherent values should be considered. Intrinsic value refers to values for their own sake, regardless of their benefit to humans. This includes the value of ecosystems and the flora and fauna communities it supports. Inherent value is the value that an area holds for humans including aesthetics and utilisation of resources.</p> <p>The ecological and landscape values of the wetlands and watercourses are identified in the Environmental Assessment. The Castra Rivulet is generally in a natural condition and as an aquatic habitat, it is in excellent condition. The Rivulet ecology supports listed aquatic flora communities and listed fauna including the giant freshwater crayfish, freshwater <i>Beddomeia</i> snails, caddis fly, and platypus. The ecological values are high.</p> <p>To the south of the affected reach of the</p>
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	<p>Castra Rivulet is a plain in agricultural use. To the north is a steep embankment of plantation trees and native forest. The Castra Rivulet contains three waterfalls, each falling approximately 20m. As a landscape, the inherent values of the affected reach of the Castra Rivulet are high.</p> <p>Gaunts Road is accessed by turning east off Castra Road. From the turn-off, the road is bounded by a mixture of naturally occurring and plantation forests. After 2km, Gaunts Road opens out into an expansive plain. The cultural values of the area are mainly tied up in farming (supported by two residences (one at 209 and the other at 294 Gaunts Road). The surrounding land is extensively farmed with plantation trees, pastures and vegetable crops. An old abandoned saw mill exists to the east of the hydro scheme. As the area is actively engaged in utilisation of the available resources, it is not foreseeable that cultural values would be negatively impacted provided the impact of the hydro scheme remains at sustainable levels.</p>
STANDARDS FOR USE	
15.3.1 – Water quality	<p>Compliant.</p> <p>The provision requires that there be no liquid pollutants discharged a wetland or watercourse.</p> <p>The proposed Procedure for Control and Monitoring of Sediment and Erosion and Protection of the Environment contained in the Statement of Impact notes as follows:</p> <p style="padding-left: 40px;">“Concrete trucks will be required to ‘washout’ in skip bin provided. Any contaminated waste will be disposed off (sic) at approved tip sites and Tip Dockets made available to Council.”</p> <p style="padding-left: 40px;">“There will be a designated washout area for hand tools after use.”</p>

	<p><u>“Fuel and Chemical Spill</u></p> <p>Absorbent material such as granules shall be stored on the site for the clean up of minor spills and leaks.</p> <p>Material Safety Data Sheets for each chemical substance held on site shall be kept in a register in the proposed new extension.</p> <p><u>Plant Failure</u></p> <p>Spill kits are available in each plant item and light vehicle.</p> <p><u>Waste disposal</u></p> <p>Personal injury from waste material shall be dealt with using a first aid kit.</p> <p>Other wastes, such as, concrete may cause pollution incidents which shall be contained and reported to the Builder immediately who will advise on further action.</p> <p><u>Contaminated material</u></p> <p>If contaminated material is identified the area shall be cordoned off while investigation and remediation is done.</p> <p><u>Pollution of air or water</u></p> <p>Initial response to pollution events shall be to cease any construction activity that may be contributing to the situation and contain the source of pollution. The Builder must be notified immediately and will advise on further action.”</p> <p>Provided these commitments are fulfilled, the risk of liquid pollutants being discharged into a wetland or watercourse is minimal. Therefore, the following</p>
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	<p>condition is proposed on the draft Permit at Annexure 5:</p> <ul style="list-style-type: none"> . The actions contained in the proposed Procedure for Control and Monitoring of Sediment and Erosion and Protection of the Environment, contained in the Statement of Impact of Proposed Development, Revision 01 (04.02.2012) are to be implemented prior to works beginning on the site and must be maintained for the duration of the activity. <p>The <i>Environmental Management and Pollution Control Act 1994</i> also addresses pollution control. Therefore, the following condition from the Environmental Officer is proposed on the draft Permit at Annexure 5:</p> <ul style="list-style-type: none"> . The activity endorsed by this permit must be carried out in accordance with the requirements of the <i>Environmental Management and Pollution Control Act 1994</i>, and Regulations made thereunder.
DEVELOPMENT STANDARDS	
15.4.3 P5 – Utilities on prime agricultural land	<p>Not applicable.</p> <p>The provision applies to utilities on prime agricultural land. The hydro scheme is a utility but is not proposed on prime agricultural land, therefore the provision is not applicable.</p> <p>Prime agricultural land is Class 1, 2 or 3 land as classified by the Land Capability Handbook, KE Noble 1992, Department of Primary Industry, Tasmania. The DPIPWE land capability mapping indicates that the land on which the activity is located is Class 4.</p>
15.4.4 A2 – Maximum height	<p>Compliant.</p> <p>The provision requires that the generator shed not</p>

	<p>exceed 10m in height. The shed height is 5.3m. There are no other buildings.</p>
<p>15.4.4 A3 – Boundary setbacks</p>	<p>Compliant.</p> <p>The provision requires that the generator shed be at least 10m from Gaunts Road and the rear boundary and 3m from the side boundaries. The proposed setbacks are 280m from Gaunts Road, 200m from the rear boundary and 34m from the side boundary.</p>
<p>15.4.5 A1 – Access and services</p>	<p>Compliant.</p> <p>The provision requires adequate accesses and services.</p> <p>Access matters are addressed by the recommended draft Permit conditions of the Environmental Engineer.</p> <p>On-site stormwater absorption or disposal is achievable on the site.</p> <p>There is no need for an on-site wastewater management system.</p>
<p>15.4.6 A1 – Filling or draining wetlands and watercourses</p>	<p>Compliant.</p> <p>The provision requires that a wetland or watercourse must not be filled, drained or adversely affected.</p> <p>The hydro scheme draws water from the Castra Rivulet and returns it further downstream. Therefore it is not considered to be draining or filling a wetland or watercourse.</p>
<p>15.4.6 A2 – Effect on flow of wetlands and watercourses</p>	<p>Compliant.</p> <p>The provision requires that there be no adverse effect on the flow into or out of wetlands or watercourses.</p>

	<p>An adverse impact is considered to be the point where flow dependant aquatic and environmental values, including the flora and fauna within it are materially harmed. At this point the impact becomes adverse.</p> <p>The Environmental Assessment has concluded that the hydro scheme will have a low impact on each of the identified aquatic and environmental values. A low impact is described to be one that may only just be noticeable and one in which the viability of a species population will not be affected.</p> <p>This sort of impact is unlikely to be any more than negligible, and therefore it is not material environmental harm as prescribed by the <i>Environmental Management and Pollution Control Act 1994</i>.</p> <p>The conditions at 2.0 – Objectives for Planning in this assessment table aim to ensure that the flow rate through the hydro scheme does not pose an unreasonable risk to the health of the aquatic environment.</p>
<p>15.4.6 A3 – Erosion and sedimentation of wetlands and watercourses</p>	<p>Compliant.</p> <p>The provision requires that there be no adverse effect on a wetland or watercourse through increased erosion or sedimentation.</p> <p>The Management Plan proposes to address erosion and sedimentation through the following measures:</p> <ul style="list-style-type: none"> . Lining the perimeter of the existing man made paddock drainage culvert with rock rip rap as specified on drawing ‘Generator Shed Plan View’ and ‘Generator Shed and Tail Race Plan View’, attached. This will prevent scouring. . Installing an Energy Dissipater where water exits the Generator Shed into the paddock

	<p>drainage culvert as shown on drawing 'Generator Shed Plan View' and 'Generator Shed and Tail Race Plan View', attached. This will slow tailrace water velocity.</p> <ul style="list-style-type: none"> . Maintaining a settling pond in the tailrace/culvert before water converges with the Castra Rivulet. This pond will ensure sediment is allowed to fall out of tailrace water and will act as a filter prior to entry to Castra Rivulet. The settling pond will also ensure water velocity is controlled. <p>Some further measures proposed for the control of sedimentation and erosion in the Procedure for Control and Monitoring of Sediment and Erosion and Protection of the Environment include:</p> <ul style="list-style-type: none"> . Ceasing excavation and earthworks in wet weather. . Soils to be stockpiled and barriered with a sediment fence on the downstream side. . Hay bales where concentrated flows are expected. <p>Provided these actions are undertaken, the risk of silt entering the watercourses is minimal and considered adequate to address the requirement. Conditions addressing these matters are already proposed in the assessment table above at 2.0 – Objectives for Planning and 15.3.1 – Water quality.</p>
<p>15.4.6 A1 – Native vegetation along wetlands and watercourses</p>	<p>Compliant.</p> <p>The provision requires that there be no removal or destruction of native vegetation within 30m of the bank of a wetland or watercourse other than in accordance with the <i>Forest Practices Code 2000</i>.</p> <p>The Procedure for Control and Monitoring of Sediment and Erosion and Protection of the</p>

	<p>Environment contains the following statement:</p> <p>‘No clearing of any vegetation other than grass will be required for this project.’</p> <p>Judging by the location of the shed and pipeline in relation to the Castra Rivulet and other watercourses, this appears to be an accurate statement.</p>
<p>APPLICABLE SCHEDULES</p>	
<p>Car parking</p>	<p>Compliant.</p> <p>Utilities are required to have one car parking space per employee. Once the hydro scheme is established, the number of employees is unlikely to exceed one person. There is ample space for that person to park.</p>

CONSULTATION

In accordance with s.57(3) of the *Land Use Planning and Approvals Act 1993*:

- . a site notice was posted;
- . an advertisement was placed in the Public Notices section of ‘The Advocate’ newspaper;
- . adjoining owners were sent a letter advising of the application and inviting comment.

The application was referred to the Council’s Planning and Assessment Team. Any relevant comments received from the Planning and Assessment Team are included in this report.

One representation was received dated 5 June 2012, a copy of which is attached at Annexure 4. Each matter is addressed in the same order it is raised:

MATTER RAISED	RESPONSE
<p>A failsafe measure is required to ensure that the dam level does not go below</p>	<p>The agricultural potential of the representor’s land is dependent on access to water for irrigation and electricity generation from the Castra Rivulet. That access is dependent on the dam levels remaining</p>

75%.	<p>at 75% or greater.</p> <p>It is the applicant's responsibility to comply with the commitment in the Management Plan to maintain 75% minimum levels within the dam. However, if the applicant cannot comply due to inadequacy of the system for regulation of flow, then measures need to be taken to ensure compliance. Therefore, the following condition is recommended:</p> <ul style="list-style-type: none"> . Water may only be taken for the hydro scheme when the level in the dam exceeds 75%. <p>A note is proposed as follows:</p> <ul style="list-style-type: none"> . If, in practice, the system for flow regulation is found to be inadequate to ensure that water is only taken for the hydro scheme when the level in the dam exceeds 75%, measures must immediately be taken to rectify this matter.
State Government approvals are required for dam modifications.	<p>Currently in Tasmania, if a permit for the dam works is in force under the <i>Water Management Act 1999</i>, a permit under the <i>Land Use Planning and Approvals Act 1993</i> is not required. Therefore, it is recommended that a note be included on the draft Permit as follows:</p> <ul style="list-style-type: none"> . A permit under the <i>Water Management Act 1999</i> must be issued by the Department of Primary Industries, Parks, Water and the Environment prior to any dam works or upgrades occurring on the site.
The map headed 209 Gaunts Road, Nietta is not an accurate depiction of that address.	<p>This map was part of the application exhibited on the Council's website. It has been generated from the Council's records of the property. It mistakenly includes parts of 394 Gaunts Road as being part of 209 Gaunts Road. This is not considered to have caused any significant misunderstandings for any</p>

	person.
The application mistakenly refers to 394 Gaunts Road as being 374 Gaunts Road.	This is not considered to have caused any significant misunderstandings for any person and so no further action is necessary.
The lands agricultural capability is not recognised in the application.	The land at 209 and 394 Gaunts Road is considered to be viable and productive agricultural land. The question is whether the impact on the agricultural potential of that land is reasonable. This matter has been considered in the Assessment Table above at 15.1. It is considered that the agricultural potential of the land will not be unreasonably impacted by the hydro scheme.
Noise of generator causing disturbance to cattle.	<p>The Council's Environmental Health Officer has considered this matter and advised as follows:</p> <ul style="list-style-type: none"> . The levels and frequency of the noise from the hydro scheme is more akin to the noise levels associated with tractor usage which is a commonplace activity on Rural Resource zoned land. . Other successful hydro schemes have been and are in operation in the area of the proposed development. The Council has not received complaints about the operation of the existing hydro schemes or the use of machinery impacting on livestock in this area. . A noise level of 35dBa from the hydro scheme at the nearest boundary of 294 Gaunts Road is considered reasonable in the Rural Resource Zone. . If noise associated with the use is proven to be an environmental nuisance, the Council has powers to address such matters under provisions contained in the <i>Environmental Management and Pollution Control Act 1994</i>.

	On the basis of this advice, the <i>Environmental Management and Pollution Control Act 1994</i> condition above at 15.3.1 - Water quality adequately addresses this concern.
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IMPACT ON RESOURCES

This report has no impact on resources other than the usual resources in assessment of the application and preparation of a report. Additional resources required in the event of an appeal are unknown.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Shape of the Place

- . Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment.

The proposal is consistent with these strategies and key actions.

CONCLUSION

The application complies with all relevant Standards, Objectives, Purpose of Zone statements and any other requirements specified in the Planning Scheme.

RECOMMENDATION

It is recommended that the application be approved in accordance with the draft Permit at Annexure 5.’

The report is supported.”

The Director Development & Regulatory Services reported as follows:

“A copy of the Annexures referred to in the Town Planner’s report have been circulated to all Councillors.”

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- Cr Carpenter moved and Cr Viney seconded, "That the application for a hydro-electric scheme at 209 Gaunts Road, Nietta is approved subject to conditions and notes listed on the draft Permit at Annexure 5 (a copy being appended to and forming part of the minutes)."

Carried unanimously

44/2012 Dog kennel, variation to side setback at 30 Maskells Road, Ulverstone – Application No. DA211297

The Director Development & Regulatory Services reported as follows:

<i>DEVELOPMENT APPLICATION NO.:</i>	DA211297
<i>APPLICANT:</i>	Jerusha van Schie
<i>LOCATION:</i>	30 Maskells Road, Ulverstone
<i>ZONING:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	2 June 2012
<i>REPRESENTATIONS EXPIRY DATE:</i>	18 June 2012
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	5 July 2012
<i>DECISION DUE:</i>	25 June 2012

PURPOSE

The purpose of this report is to consider a retrospective development application for an addition to an outbuilding on the subject site which requires a variation to a side setback. Additionally, the report considers the merits of a representation which was received for the development application.

BACKGROUND

Annexure 1 is a copy of the application. Annexure 2 is a location plan.

The subject site includes a residential dwelling and outbuildings together with a commercial boarding kennel operation which has existed on the site since 1991 and has a planning approval which was issued by the former Ulverstone Council under the Ulverstone Planning Scheme 1969.

In addition to the existing commercial dog boarding operation on the site, in September 2004 a kennel licence was issued for the premises pursuant to Section 55(2) of the *Dog Control Act 2000* for the keeping of up to twelve (12) Siberian

Husky dogs. Under the Dog Control Act a premises includes, '...land or any part of any premises or land'. The kennel licence was issued to allow the property owner to store and breed dogs for show purposes and has been renewed annually since this time and remains current at the time of writing this report.

When the kennel licence was issued for the premises in 2004 the former Central Coast S.46 Planning Scheme No. 1 of 1993 was in effect and the property was zoned Conservation (PVO) – Private Open Space.

Under the former Scheme a kennel meant, '...any land used for the commercial operation of boarding kennels or for the breeding of dogs on a commercial basis...' and was a prohibited use in the Conservation (PVO) – Private Open Space Zone. However, at the time the Council determined that the kennel did not constitute a commercial operation and therefore that a planning application was not required.

The outbuilding which is the subject of the current development application received planning approval from the Council in October 2005 as a domestic workshop/store. The approval was conditional upon, '...the building being used only for garaging and storage purposes incidental to the residential use of the land'. The outbuilding was constructed in late 2005 and the addition occurred in late 2006 in order to house the Siberian Husky dogs which are the subject of the kennel licence.

The kennel licence which has been issued for the premises is not restricted to any particular outbuilding or area on the site. In order to issue a kennel licence the Council needs to be satisfied that:

- (a) adequate provisions for the health, welfare and adequate control of all dogs on the premises are provided or are likely to be provided; and
- (b) nuisances to any other persons is unlikely to occur; and
- (c) requirements under laws relating to public health and environmental protection are likely to be satisfied.

It is the choice of the property owners where and how they house the dogs on the property in accordance with these requirements.

Under the terms of the kennel licence the dogs were able to be re-located to the subject outbuilding. Additionally, at the time the animals were re-located to the outbuilding in 2006, the keeping and breeding of Siberian Husky dogs on the property for show purposes did not constitute a kennel under the former Planning Scheme and therefore, the keeping of the dogs was and remains consistent with the domestic/residential use of the outbuilding. Accordingly, it is determined that the

conditions of the 2005 planning permit for the outbuilding have not been breached and further, that the outbuilding enjoys an existing use right for the keeping and breeding of up to 12 Siberian Husky dogs for show purposes.

Because the site and outbuilding enjoy an existing use right for the keeping and breeding of up to 12 Siberian Husky dogs for show purposes, a discretionary planning application is only required on the basis that the addition to the outbuilding does not meet the Scheme's permitted requirements for a side setback.

DISCUSSION

The following table is an assessment of the relevant Scheme provisions:

<i>CLAUSE</i>	<i>ASSESSMENT AND COMMENT</i>
2.0 Objectives for Planning 2.1(a)	Complies. The proposal would ensure that rural land is protected from inappropriate residential, industrial and commercial development and encourages the development of a range of housing types.
15.1 Zone purpose	Complies. The proposal is consistent with the purpose of the Rural Resource Zone to promote economic development compatible with agricultural activities and the landscape and ensure that houses and other non-agricultural use or development do not alienate agricultural land.
15.2.1 Use table	Complies. Residential use is permitted in the Rural Resource Zone.
15.3.1 Water quality	Not applicable. The outbuilding enjoys an existing use right for the keeping and breeding of up to 12 Siberian Husky dogs. Accordingly, the management of wastewater from the dogs housed in the outbuilding is a matter for the kennel licence

<i>CLAUSE</i>	<i>ASSESSMENT AND COMMENT</i>
	rather than the development application.
15.4.3 Protection of agricultural land	Not applicable. Residential use is not listed in this development standard, and in any event, the site is Class 4 which is not prime agricultural land.
15.4.4 A4	Complies. The outbuilding is located within the curtilage of the residential use.
15.4.4 A1 Building design and siting	Complies. The outbuilding addition is 2.5m in height which is less than the permitted 8m.
15.4.4 A3	Does not comply. Under the development standard buildings must be setback at least 10m from the frontage and rear and 3m from any other boundary. The outbuilding addition complies with all setback requirements with the exception of the side setback. The permitted side setback is 3m, however, the outbuilding addition is sited 0m from the southern boundary. Accordingly, the proposal must rely on Performance Criteria P15.4.4 P3.
15.4.4 P3	Complies. The outbuilding is located within the existing residential curtilage and provides for the efficient use of the lot. Additionally, by virtue of the low density of residential development in the locality (closest residences are 140m and 400m respectively) together with the adjacent rail line and industrial operation, the outbuilding addition provides sufficient separation from adjoining residential development and is in keeping with the

<i>CLAUSE</i>	<i>ASSESSMENT AND COMMENT</i>
	locality's open space character. The outbuilding is located no closer to the frontage than buildings of the lot or on adjoining properties and therefore compliance with the Performance Criteria is demonstrated.
15.4.4 A4	Complies. The addition has no walls and a laserlite roof which is adequately non-reflective.
15.4.5 Building access and services	Complies by condition. The proposal does not involve any changes to the existing access or wastewater arrangements. Requirements for the management of stormwater have been included as conditions on the Permit.
<i>RELEVANT SCHEDULES</i>	
S1.0 Application Requirements	Complies. Sufficient information has been provided as part of the application for assessment.

CONSULTATION

In accordance with s.57(3) of the *Land Use Planning and Approvals Act 1993*:

- . a site notice was posted;
- . letters to adjoining owners were sent;
- . an advertisement was placed in the Public Notices section of The Advocate newspaper.

One representation was received during the notification period.

The representation is contained in Annexure 3 and is summarised and responded to as follows:

MATTERS RAISED	RESPONSE
The proposal is in breach of	The planning assessment has determined that the

<p>conditions of the planning permit for the outbuilding</p>	<p>keeping and breeding of Siberian Husky dogs on the property for show purposes did not constitute a kennel under the former Planning Scheme and therefore the keeping of the dogs was, and remains consistent with the domestic/residential use of the outbuilding. Accordingly, it is determined that the conditions of the 2005 planning permit for the outbuilding have not been breached and further, that the outbuilding enjoys an existing use right for the keeping and breeding of up to 12 Siberian Husky dogs for show purposes.</p>
<p>The extension is illegal and built on misleading assurances</p>	<p>It is true that the extension has been constructed without the required planning, building and plumbing permits. The Council issued a Building Notice on the owner of the property in 2012 requiring that they either:</p> <ul style="list-style-type: none"> (a) receive planning, building and plumbing permits for the extension; or (b) demolish the extension. <p>At this stage the owner has elected to seek the required approvals.</p>
<p>The noise created by the animals housed in the shed is loud and offensive</p>	<p>The outbuilding enjoys an existing use right for the keeping and breeding of up to 12 Siberian Husky dogs for show purposes and therefore any issues relating to noise cannot be considered in the planning assessment.</p> <p>It is noted that the Council has not received any complaints concerning noise from barking dogs kept on the subject site since the kennel licence was issued in 2004. This said however, the current kennel licence for the premises is conditional upon it not causing a nuisance to any other persons and, accordingly, there are sufficient controls under the licence to adequately manage complaints concerning barking dogs on</p>

	the premises.
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Additionally, the application was referred to the Council's Planning and Assessment Team. Any relevant comments received from the Planning and Assessment Team are included in the recommendation of the application.

IMPACT ON RESOURCES

This report has no impact on resources other than the usual resources in assessment of the application and preparation of a report. Additional resources required in the event of an appeal are unknown.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Shape of the Place

- . Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment.

The proposal is consistent with these strategies and key actions.

CONCLUSION

It has been established that the site and outbuilding enjoys an existing use right for the keeping and breeding of up to 12 Siberian Husky dogs for show purposes. A discretionary planning application is required on the basis that the addition to the outbuilding does not meet the Scheme's permitted requirements for a side setback.

The proposed development adequately complies with the all the relevant development requirements of the Scheme and is recommended for approval.

RECOMMENDATION

It is recommended that the application is approved, with the conditions and notes listed on the draft Permit at Annexure 4."

The Director Development & Regulatory Services reported as follows:

"A copy of the Annexures referred to in the report having been circulated to all Councillors, a suggested resolution is submitted for consideration."

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- Cr Viney moved and Cr Broad seconded, “That the retrospective application for an addition to an outbuilding which requires a variation to a side setback at 30 Maskells Road, Ulverstone is approved, with the conditions and notes listed on the draft Permit at Annexure 4 (a copy being appended to and forming part of the minutes).”

Carried unanimously

**45/2012 Level 2 activity – Quarry at South Road (CT141821/1 and CT159955/2),
Ulverstone – Application No. DA211190**

The Director Development & Regulatory Services reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA211190
<i>APPLICANT:</i>	Pensea Investments P/L
<i>LOCATION:</i>	South Road, Ulverstone (CT141821/1 and CT159955/2)
<i>ZONING:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Planning Scheme)
<i>ADVERTISED:</i>	11 February 2012
<i>REPRESENTATIONS EXPIRY DATE:</i>	10 March 2012
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	Not applicable to applications for Level 2 activities
<i>DECISION DUE:</i>	25 June 2012

PURPOSE

The purpose of this report is to consider an application to increase the maximum extraction rate of an existing quarry at South Road, Ulverstone from 5,000m³ per year to 40,000m³ per year, and also to consider two representations made in response to the application.

BACKGROUND

The existing quarry application was considered and approved by the Council under delegated authority on 29 September 2008 (DEV2008.21). A copy of the current application is provided at Annexure 1. Annexure 2 is a location plan.

DISCUSSION

The existing and proposed quarry site involves land owned by the Crown and land owned by G & W Property Investments Pty Ltd. An aerial photograph of the site, taken January 2010, is below:



The following documents make up the application:

- Development Application to Central Coast Council, December 2011, by Environmental Service and Design (Development Application);
- Development Proposal and Environmental Management Plan, July 2011, by Environmental Service and Design (DPEMP);
- Development Proposal and Environmental Management Plan, Project Specific Guidelines, by the EPA;
- Architectural Acoustics Noise Control, by Pearu Terts;
- Bellingers Quarry, Environmental noise impact assessment (environmental noise modelling component), by Vipac;
- Bellingers Quarry, Blast Ground Vibration, Overpressure Modelling & Flyrock, by Engineering 2 Construction;

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- Traffic Impact Assessment, by RJK Consulting Engineers (TIA).

The Development Application describes the quarrying operations as follows:

“A range of products are produced from the quarry including road base, sub-base and general road making material... Life of the quarry at 40,000 cubic meters per year is 5 years.”

The extraction process is described in the Development Application as follows:

“The rock which is worked in the pit is partially weathered and is ripped by an excavator and bulldozer and where necessary is loaded into a mobile crusher/screening plant by the excavator. The excavator, bulldozer and mobile crusher/screening plant comprise the major items of equipment utilized at the site. Blasting is undertaken on a needs basis, and typically less than 5 times a year.”

Handling of extracted materials in the Development Application is described as follows:

“Processing of materials is undertaken in pit. The material is screened to about minus 100 mm to achieve a suitable road base, sub-base and general road making material. The floor of the pit is used to stockpile the crushed products. The lower area of the quarry...will be used for product stockpile surpluses. This area will be contained within the catchment of the storm water dams.”

As annual extraction rates exceed 5,000m³, the quarry is a Level 2 activity as defined by the *Environmental Management and Pollution Control Act 1994* (EMPCA). Therefore, the proposal is required to undergo an assessment by the Environment Protection Authority (EPA). The EPA has assessed the proposal and provided the Council with their conditions of approval on 4 June 2012. These conditions are at Annexure 3 of this report.

In accordance with Section 25(5) of EMPCA, these conditions must be contained in any permit granted by Council in respect of the activity. The Council must not include any other condition which is inconsistent with, or which extends the operation of, any condition required by the EPA.

The following table provides an assessment against the applicable Planning Scheme requirements:

CLAUSE	ASSESSMENT AND COMMENT
OBJECTIVES FOR PLANNING	
2.0 – Objectives for Planning	<p>Consistent.</p> <p>Consideration must be given to the Objectives for Planning. The proposal is consistent with the Objectives for Planning, particularly 2.1(g) – (l), which are that:</p> <ul style="list-style-type: none"> (g) The physical and biological quality of surface and groundwater is to be maintained and enhanced. (h) Important flora and fauna habitats are to be protected from inappropriate use and development. (i) The environmental qualities of the coastal and river systems are to be protected. (j) Development of land and its use is to be carried out in a way so as to minimise environmental harm. (k) Rural land is to be primarily used for resource development and conservation purposes. (l) Rural land is to be protected from inappropriate residential, industrial and commercial development. <p>The physical and biological quality of surface and groundwater and the environmental qualities of the coastal and river systems are addressed later in the assessment table at 15.3.1 – Water quality. In summary, it is considered that provided the actions in the DPEMP are undertaken, the potential for pollution of surface and groundwater and the</p>

	<p>potential for compromising the environmental qualities of the coastal and river systems is minimal.</p> <p>A site specific survey of flora and fauna was not undertaken by the applicant. However, it is apparent that the quarry is located within a native eucalypt forest, with mature species up to 40m in height. Clearing of native vegetation is limited to a small area on the eastern edge of the gravel reserve. There are no protected species or species of significance (flora or fauna) identified in the vicinity of the quarry by the Natural Values Atlas, managed by the Department of Primary Industries, Parks, Water and the Environment (DPIPWE).</p> <p>The potential for environmental harm is discussed later in the assessment table. In summary, it is considered that provided the actions in the DPEMP are undertaken, the potential for environmental harm from the operation is minimal.</p> <p>Given that the properties are in the Rural Resource Zone and that the proposal is appropriately extracting the available rural resources, it is considered that the application is consistent with the Objectives for Planning.</p>
<p>ZONE STANDARDS (RURAL RESOURCE ZONE)</p>	
<p>15.1 – Zone Purpose</p>	<p>Consistent.</p> <p>Consideration must be given to the Purpose of the Rural Resource Zone, which includes:</p> <ul style="list-style-type: none"> . To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries. . To promote economic development compatible with agricultural activities and the landscape.

	<ul style="list-style-type: none"> . To ensure that the productive capacity of agricultural land and mining is given priority. . To ensure that the ecological, cultural and landscape values of rural land are protected. . To ensure that water catchments and sub-surface waters are protected. <p>To summarise the Purpose of the Zone as it relates to this application, the Rural Resource Zone specifically provides opportunity for and gives priority to extractive industry provided the impact on ecological, cultural and landscape values is within reasonable limits.</p> <p><i>Ecological values</i></p> <p>As mentioned previously, there are no protected species or species of significance (flora or fauna) identified in the vicinity of the quarry by the Natural Values Atlas, managed by DPIPW. There is merit in taking precautions to maintain the ecological value of the dry eucalypt forest as a habitat for native species however, this must be balanced with express intent of the Zone to provide land for rural resource related activities. It is considered that the limited degree of clearing and the measures for rehabilitation adequately achieves this balance.</p> <p><i>Cultural values</i></p> <p>There are no known cultural values associated with this site.</p> <p><i>Landscape values</i></p> <p>The quarry is on the skyline as viewed from the Bass Highway and the Leven River. That skyline is an important aspect of the landscape values of the area. In relation to this matter, the Development Application provides as follows:</p>
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	<p>“While the location is potentially visible, topography and vegetation will present opportunities for effectively screening the quarry operations, except for short durations during the maturation of revegetation...</p> <p>...</p> <p>The value of the existing vegetation in the maintenance of skyline and viewing corridors has been recognised by the quarry operators. These matters have been addressed in the proposed management of the site over the lifetime of the quarry expansion and the associated rehabilitation.”</p> <p>To enable recovery of the ecological and landscape values, rehabilitation will be undertaken progressively throughout the quarry life. In addition, the DPEMP contains the following actions:</p> <p>“When quarrying has been completed:</p> <ul style="list-style-type: none"> . all equipment and any rubbish will be removed from the site. . all overburden stockpiles will be back-filled and spread on the final bench. . the final bench will be dressed with topsoil. . the final bench will be planted with local shrub and tree species. Topsoil may need to be imported to the mining lease for the purposes of closure rehabilitation. . stock will be excluded from rehabilitation area until the regrowth has advanced to a stage where
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	<p>browsing can be tolerated.</p> <ul style="list-style-type: none"> • routine weed control will be undertaken in the rehabilitation area as required. • the rehabilitation will be regularly monitored and remedial action taken as necessary. • the area will be left in a stable and non-polluting state. • revegetation must be established and effective, i.e., the revegetated area should be similar to the nearby areas of existing bush land.” <p>It is considered that the DPEMP contains reasonable measures to conserve ecological and landscape values. It is also considered that the EPA conditions are adequate to ensure that the activity is consistent with the purpose of the Zone.</p>
STANDARDS FOR USE	
15.3.1 – Water quality	<p>Compliant.</p> <p>The provision requires that there be no liquid pollutants discharged in the proximity of a wetland or watercourse.</p> <p>Advice in the DPEMP about potentially contaminating activities is as follows:</p> <p>“There is no evidence of sulfide minerals present in the quarry that could lead to the generation of acid quarry drainage and associated pollution. There are no hydrocarbons or chemicals stored on site, with mobile plant and equipment maintenance occurring offsite. A portable or chemical toilet will be provided on site if required.</p>

	<p>The principle contaminant of concern is suspended sediment created by mining and processing activities and subsequent erosion during rainfall events.</p> <p>...</p> <p>Secondary waste products will be generated including consumables such as OTR [off-the-road] tyres, lubricants, wood, paper and plastics from packaging. If not possible to recycle these materials then they will be disposed of offsite at appropriately licensed sites. No waste products will be stored on site.”</p> <p>Provided these actions are undertaken, the risk of liquid pollutants being discharged into the Leven River or other wetlands or watercourses is minimal. The EPA conditions are considered to be adequate to ensure that liquid pollutants are not discharged in the proximity of a wetland or watercourse.</p>
<p>DEVELOPMENT STANDARDS</p>	
<p>15.4.5 A1 – Access and services</p>	<p>Compliant.</p> <p>The provision requires adequate accesses and services.</p> <p>Access matters are considered in the TIA discussed later in this report. They are also addressed by the recommended draft Permit conditions from the Environmental Engineer.</p> <p>On-site stormwater absorption or disposal is achievable on the site.</p> <p>There is no need for an on-site wastewater management system. A portable or chemical toilet will be provided on-site if required. In relation to</p>

	<p>this, a condition is recommended on the draft Permit at Annexure 5 as follows:</p> <ul style="list-style-type: none"> Any portable toilet used on site must be appropriately pumped out and maintained by an approved waste management contractor.
15.4.6 A1 – Filling or draining wetlands and watercourses	<p>Compliant.</p> <p>The provision requires that a wetland or watercourse must not be filled, drained or adversely affected.</p> <p>There is nothing in the application indicating that there will be any filling or draining of the Leven River or any other wetland or watercourse.</p>
15.4.6 A2 – Effect on flow of wetlands and watercourses	<p>Compliant.</p> <p>The provision requires that there be no adverse effect on the flow into or out of wetlands or watercourses.</p> <p>It is not considered that the proposed activity will have any effect on flow of the Leven River or any other wetland or watercourse.</p>
15.4.6 A3 – Erosion and sedimentation of wetlands and watercourses	<p>Compliant.</p> <p>The provision requires that there be no adverse effects from increased erosion or sedimentation on a wetland or watercourse.</p> <p>The DPEMP contains the following actions designed to control erosion and sedimentation:</p> <p>“The site design and layout will be used to control and manage surface water runoff to ensure discharge water quality is managed and wherever practical reuse stormwater for quarry processing activities. The quarry will have a primary sediment trap installed on each bench (level) that is in operation. The primary sediment trap will be constructed to</p>

	<p>allow periodic maintenance by quarry equipment. Given the limited area available on the western side of the lease the stormwater will be redirected to suitable areas located in the east of the lease. Surface water will be directed to a culvert constructed on the inside of a planned haul road. The shared use of the haul road as a key drainage management feature will support ongoing maintenance of the drain.</p> <p>Stormwater collection ponds will be constructed on the lower area of the quarry at approximately 18mRL. The stormwater ponds will be designed to ensure that all operating activities and stockpile areas are contained. The design will also provide both storage of water for use by the quarry and trapping of suspended sediments.</p> <p>...</p> <p>The risk of uncontrolled erosion and solids discharges will be minimised by undertaking progressive rehabilitation. This includes the rehabilitation of the upper benches while activities are occurring at lower levels. The total area of disturbance will be limited to approximately 2.0ha, including all stockpile areas and associated infrastructure.”</p> <p>Provided these actions are undertaken, the control of sedimentation and erosion is considered to be adequate. In accordance with these actions, the following conditions are recommended:</p> <ul style="list-style-type: none"> . Sediment settlement ponds are to be periodically cleaned out to maintain their efficiency. Sediment removed during this periodic maintenance is to be securely stored such that sediment will not be transported off site by surface runoff.
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	<p>. The sediment settlement system must be inspected after each significant rainfall event and appropriate action must be taken to ensure the integrity of the system.</p> <p>Provided these actions are undertaken, the risk of erosion or sedimentation entering the watercourses is minimal and the requirement is satisfied.</p>
15.4.6 A1 – Native vegetation along wetlands and watercourses	<p>Compliant.</p> <p>The provision requires that there be no removal or destruction of native vegetation within 30m of the bank of a wetland or watercourse other than in accordance with the <i>Forest Practices Code 2000</i>.</p> <p>No part of the proposed activity is within 30m of the Leven River or any other wetland or watercourse.</p>
APPLICABLE SCHEDULES	
Schedule 2 – Road and Rail Line	<p>Complies.</p> <p>The purpose of the Road and Rail Line Schedule is to ensure that the access into and out of the quarry does not unreasonably impede the safety and efficiency of the affected parts of South Road and the Bass Highway.</p> <p>In relation to vehicle movements, the DPEMP provides as follows:</p> <p style="padding-left: 40px;">“...the major source of vehicle movement in and out of the site is going to be trucks going to get a load of gravel from the quarry ... There is expected to be 20 trucks entering and exiting the site per day up from the current rate of 12 trucks per day.”</p> <p>In relation to the adequacy of the existing access, the TIA provides as follows:</p>

	<p>“A traffic assessment for the impact of a proposed extension of the quarry operations at the intersection with South Road has found deficient safe intersection site distance by some 20 metres to the east and some 10 metres to the west. There were no notable traffic service issues with the increase [sic] use. As the intersection is an existing road junction intersection, some issues for further consideration include:</p> <ul style="list-style-type: none"> • Placement of additional signage to alert drivers of the access by the placement of type W29-AL with 150 metre marker (W8-5A (150). • Investigating the possibility of lowering the regulatory speed limited to 60 km/hr by extending it approximately 1 km from its present end position on South Road or alternatively creating a 70 km/hr buffer speed zone before the 80 km/hr hour zone is reached.” <p>The application, including the TIA, was reviewed by Mr Vili Siale of the Department of Infrastructure, Energy and Resources (DIER), who advised as follows:</p> <p>“DIER does not support the reduction of speed limit as a remedial action for substandard sight distance at the access to the proposed site. DIER agrees with the use of appropriate warning signs as suggested by the TIA but prefers the use of W5-26 ‘Watch For Turning Traffic’ rather than the W2-9 and W8-5(150) signs combination proposed by the TIA. This is due to the need to warn the through traffic along South Road of slow moving trucks in and out of the access. Finer details of this matter will be discussed in the regular DIER-Council</p>
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	<p>monthly traffic meeting in order to finalise the signage plan for this access. DIER will require to approve this final signage plan under the Roads and Jetties Act 1935 and the Traffic Act 1925 before the signs are installed.”</p> <p>Therefore, the following condition is proposed:</p> <ul style="list-style-type: none"> • W5-26 ‘Watch For Turning Traffic’ signage must be installed to the satisfaction of the Department of Infrastructure, Energy and Resources (DIER) prior to any increase in use of the access from the quarry onto South Road. DIER’s approval for the final signage plan is required before the signs are installed. <p>DIER also advised as follows:</p> <p>“DIER...is...not aware of any stability issue with this section of the Bass Highway batter. DIER is, therefore, satisfied that the small increase in traffic associated with this proposal is not likely to increase Bass Highway traffic exposure to safety issues such as rocks on the Highway pavement due to cut batter instability.</p> <p>Should the Highway batter stability subsequently become an issue for any reason, DIER will take all necessary action to ensure that the safety of traffic on the Bass Highway is not compromised. This may involve one or all of the following:</p> <ul style="list-style-type: none"> • Closure of the access road • Temporary closure of the Highway • Batter stability works • Other measures necessary to ensure Highway operation and safety is
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	<p style="text-align: center;">maintained.</p> <p>Maintenance of the access road, including ensuring the sealed surface does not fail and that stormwater drainage is appropriately captured and diverted away from the Highway batter, is the responsibility of the landowner/operator.”</p> <p>Therefore, the following condition is proposed:</p> <ul style="list-style-type: none"> . The landowner/operator must maintain the access road to ensure that the sealed surface does not fail and that stormwater drainage is appropriately captured and diverted away from the Highway batter. <p>Provided this signage is erected and the access road is adequately maintained, it is considered that the proposal will not unreasonably impede the safety and efficiency of the affected part of South Road and the Bass Highway. Therefore, the requirement is satisfied.</p>
<p>Schedule 3 – Attenuation</p>	<p>Complies.</p> <p>The purpose of the Attenuation Schedule is to minimise adverse environmental impacts from the quarry on sensitive uses or developments, such as houses. The environmental impacts of the quarry that would affect sensitive uses are noise and dust.</p> <p><i>Noise</i></p> <p>In relation to noise impacts, the DPEMP provides as follows:</p> <p>“The risk of noise emissions from the site are mitigated by its location, relief and hours of operation. The site is located on the southern side of ridge. All mining and processing activities happen below the</p>

	<p>ridgeline and line of site to adjacent residences (450m to the north west and 600m to the north east).</p> <p>The prevailing winds direction also mitigates noise transmission to the south and west across the Leven River and Golf Course areas. Operation of the site is also limited to hours stipulated under the quarry code of practice, which are; 0700 to 1800 hours Monday to Fridays.</p> <p>...</p> <p>Drill and blast activities are also undertaken infrequently. The proposed intensification of activities will result in an increase in the frequency of blasting to a maximum 6 blasts per year.</p> <p>...</p> <p>In addition to physical controls plant and equipment will be maintained to a standard that minimises the emission of engine and exhaust noises...transport operators will be instructed to avoid the use of exhaust brakes.”</p> <p>The EPA conditions address noise impacts in detail. Provided the conditions required by the EPA are complied with, the risk of noise becoming a nuisance is low.</p> <p><i>Dust</i></p> <p>In relation to dust, the DPEMP provides as follows:</p> <p>“Uncontrolled operation of the quarry and access roads has the potential to generate dust emissions visible from the southern and eastern sides of the quarry, and from the Leven River. Considering the prevailing wind direction (south and west) and location of</p>
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	<p>the quarry in the south west corner of the lease, the ability to emit significant quantities of dust across the lease boundary is limited.</p> <p>The nearest sensitive receptor is a residence located 450m to the North West. Again the nature of the prevailing winds, topography and vegetation make the ability to transfer dust limited.</p> <p>Dust emissions from haul roads are a potential source of nuisance and the site access has been relocated to maximize the available distance between the nearest residence and haulage activities.</p> <p>Avoidance and mitigation measures:</p> <ul style="list-style-type: none"> . The following measures are currently in use or to be implemented to reduce the risk of dust generation even though the product's physical characteristic is not prone to dusting: <ul style="list-style-type: none"> . Water suppression will be used where appropriate to maintain sufficient moisture content of quarry rock and products to limit dust emissions. . Stockpiles will be located on the protected leeward side of the quarry limiting the exposure to wind gusts. . On site speed limit of 20kph is to apply, and loads can be covered as necessary. . On-site water cart to be utilised as necessary, including wetting of road and loads.
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	<ul style="list-style-type: none"> • Maintenance of all roads to be kept up to date, including laying fresh gravel surfacing material as required. • Progressive rehabilitation of the quarry site to minimize the area of disturbance. • Preservation of native vegetation buffers surrounding the quarry.” <p>The EPA conditions address dust impacts in detail. Provided the conditions required by the EPA are complied with, the risk of dust becoming a nuisance is low.</p>
Schedule 11 – Car Parking	<p>Complies.</p> <p>The purpose of the Car Parking Schedule is to ensure that the quarry has adequate and suitably designed and constructed car parking.</p> <p>Extractive industries are required to have one car parking space per employee plus one visitor space. As there is ample space, a condition is recommended as follows:</p> <ul style="list-style-type: none"> • Car parking is to be provided: <ul style="list-style-type: none"> (a) on site at the rate of one per employee plus one visitor space; (b) in accordance with the relevant Australian Standard for access, dimensions and design of car parking spaces; (c) with paving material that provides all-weather access.

CONSULTATION

The application was referred to the Council's Planning and Assessment Team.

Any relevant comments received from the Planning and Assessment Team are included in this report.

In accordance with s.25 of the *Environmental Management and Pollution Control Act 1994*, the application was referred to the Environmental Protection Authority (EPA). Once the EPA was satisfied with the information contained in the application the following actions were taken:

- . a site notice was posted;
- . an advertisement was placed in the Public Notices section of 'The Advocate' newspaper;
- . adjoining owners were sent a letter advising of the application and inviting comment.

Two representations were received dated 6 March 2012 and 9 March 2012, copies of which are attached at Annexure 4. These representations were referred to the EPA.

The EPA then undertook an assessment against the requirements of EMPCA and gave consideration to the representations. This assessment and the EPA conditions of approval are provided at Annexure 3.

The Council is also required to give consideration to the representations. Each representation is considered below:

MATTER RAISED	RESPONSE
SUBMISSION 1	
<p>The quarry will impose restrictions on sensitive uses on the river front lots owned by the Ulverstone Golf Club</p>	<p>Both the existing and the proposed quarry create a 1km attenuation zone. New sensitive uses, such as houses or tourist accommodation within this 1km radius must demonstrate that they will not be subject to an unreasonable environmental impact.</p> <p>The closest lot to the proposed quarry that is owned by the Ulverstone Golf Club is approximately 290m away.</p> <p>In determining what is a reasonable environmental impact, the following must be considered:</p> <ul style="list-style-type: none"> . extractive industry is given priority in the Rural

	<p>Resource Zone;</p> <ul style="list-style-type: none"> • sensitive uses on the river front lots will be discretionary on account of them being discretionary uses in the Environmental Management Zone; • the lifespan of the quarry could be as little as five years at the full extraction rate. <p>Given the proposed restrictions on operating hours, the limit of six blasts per year, and the degree of buffering from natural vegetation, it is considered that the intensity of the impact as experienced by sensitive uses on the lots owned by the Golf Club is low.</p> <p>It is considered that sensitive uses could adequately mitigate against this impact using standard building practices such as brick construction, sound insulation, responsive building design and orientation.</p>
SUBMISSION 2	
Stability assessment required for the embankment between the quarry and the Bass Highway	DIER has accepted that the access road is sufficiently safe to carry the increased traffic. This matter is discussed in the assessment table above under Schedule 2 – Road and Rail Line.
Proposed speed limit reduction and cautionary signage is not supported	This matter is addressed in the assessment table above under Schedule 2 – Road and Rail Line. It is considered that these matters are adequately addressed by the proposed draft Permit conditions.

IMPACT ON RESOURCES

This report has no impact on resources other than the usual resources in assessment of the application and preparation of a report. Additional resources required in the event of an appeal are unknown.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Shape of the Place

- . Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment.

The proposal is consistent with these strategies and key actions.

CONCLUSION

The application complies with all relevant Standards, Objectives, Purpose of Zone statements and any other requirements specified in the Planning Scheme.

RECOMMENDATION

It is recommended that the application be approved in accordance with the draft Permit at Annexure 5.’

The report is supported.”

The Director Development & Regulatory Services reported as follows:

“A copy of the Annexures referred to in the Town Planner’s report having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

- Cr van Rooyen moved and Cr Viney seconded “That the application to increase the maximum extraction rate of an existing quarry at South Road, Ulverstone (CT141821/1 and CT159955/2) from 5,000m³ per year to 40,000m³ per year be approved in accordance with the draft Permit at Annexure 5 (a copy being appended to and forming part of the minutes).”

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 6.17pm.

CONFIRMED THIS DAY OF , 2012.

Chairperson

(ms:jar)

Appendices

- Minute No. 43/2012 - Draft Permit - Hydro-electric scheme at 209 Gaunts Road, Nietta
- Minute No 44/2012 - Draft Permit - Retrospective application for an addition to an outbuilding which requires a variation to a side setback at 30 Maskells Road, Ulverstone
- Minute No. 45/2012 - Draft Permit - Level 2 activity - increase the maximum extraction rate of an existing quarry at South Road, Ulverstone (CT141821/1 and CT159955/2) from 5,000m³ to 40,000m³ per year

QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* provides (in part) as follows:

- . A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

- . A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendation provided to the Development Support Special Committee within these minutes:

- (i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and

- (ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Sandra Ayton
GENERAL MANAGER

Appendices



I, LISA MACKRILL (name)
Executive Services Officer, do certify that this is the
1st page of 3 pages comprising the Planning
Permit granted at and referred to in the Minutes of
the Meeting of the Council numbered 43/2012
and held on the 25/06/2012.
[Signature] Dated 27/06/2012.
(signed)

PO Box 220
19 King Edward Street
Ulverstone Tasmania 7315
Tel (03) 6429 8900
Fax (03) 6425 1224
admin@centralcoast.tas.gov.au
www.centralcoast.tas.gov.au

PLANNING PERMIT

(DISCRETIONARY)

(SS7 Land Use Planning & Approvals Act 1993)

To: Mr C Miles
40 Radnor Road
GALSTON NSW 2159

Details of Planning Application:

Property Address: 209 Gaunts Road Permit No: **DA211224**
Nietta 7315
Development/Use: Hydro Electric Scheme (pipeline, generator, shed, tailrace and dam works)
Zone: Rural Resource Use Class:

Decision:

The Development Support Special Committee (DSSC), at its meeting held on 25/06/2012 (Minute No. 43/2012) made a decision on the above mentioned application.

The decision is reproduced as follows:

Approved with Conditions. Authorised by Development Support Special Committee (DSSC).

- 1 The development must be substantially in accordance with the application for this permit, unless modified by a condition of this permit.
- 2 Water must only be taken in accordance with the Nietta Mini Hydro, Water License Operational Environmental Management Plan - 25 May 2012, prepared by Entura Hydro Tasmania, and the Nietta Mini Hydro, Environmental 20/30 low flow review and operational aquatic environment assessment, 29 August 2011, prepared by Entura Hydro Tasmania.
- 3 Ongoing management and monitoring of the Nietta Mini Hydro Scheme must be in accordance with the Nietta Mini Hydro, Water License Operational Environmental Management Plan, 25 May 2012, prepared by Entura Hydro Tasmania, and the Nietta Mini Hydro, Environmental 20/30 low flow review and operational aquatic environment assessment, 29 August 2011, prepared by Entura Hydro Tasmania.
- 4 Where the pipeline crosses land suitable for cropping, the depth of the pipeline must remain at least 600mm underground.
- 5 The actions contained in the proposed Procedure for Control and Monitoring of Sediment and Erosion and Protection of the Environment, contained in the Statement of Impact of Proposed Development, Revision 01 (04.02.2012) are to be implemented prior to works beginning on the site and must be maintained for the duration of the activity.
- 6 Water may only be taken for the hydro scheme when the level in the dam exceeds 75%.
- 7 Submission of engineering design drawings and construction methodology for the pipeline crossing of Gaunts Road, to the Council's Engineering Services Department.
- 8 Construction is not to commence until the relevant design drawings and construction methodology for the pipeline crossing of Gaunts Road have been approved by the Council's Director Engineering Services.
- 9 Any works associated with existing roads, verges, stormwater infrastructure or other Council services will be undertaken by the Council, at the property owner's/developer's cost, unless alternative arrangements are approved by the Council's Director Engineering Services or his representative.

- 10 A Road Reserve Permit must be issued by the Council's Public Safety Officer, or his representative, prior to any works or activity being undertaken within the road reservation. Application forms are available from the Council's Engineering Services Department and a fee applies.
- 11 Any damage or disturbance to roads, verges, stormwater infrastructure or existing services must be rectified, noting that this work will be undertaken by the Council at the property owner's/developer's cost, unless alternative arrangements are approved by the Council's Director Engineering Services or his representative.
- 12 Any new access must be constructed in accordance with Standard Drawing SD-1009 Rural Roads - Typical Standard Access (copy enclosed).
- 13 The activity endorsed by this permit must be carried out in accordance with the requirements of the Environmental Management and Pollution Control Act 1994, and Regulations made thereunder.

Please note:

- 1 If, in practice, the system for flow regulation is found to be inadequate to ensure that water is only taken for the hydro scheme when the level in the dam exceeds 75%, measures must immediately be taken to rectify this matter.
- 2 A permit under the Water Management Act 1999 must be issued by the Department of Primary Industries, Parks, Water and the Environment prior to any dam works or upgrades occurring on the site.
- 3 A planning permit remains valid for two years. If the use or development has not substantially commenced within this period an extension may be granted if a request is made before this period expires. If the permit lapses, a new application must be made.
- 4 "Substantial commencement" is the submission and approval of a building permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 5 Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor.

If you wish to appeal against any of the permit conditions, you must lodge an appeal with the Resource Management and Planning Appeal Tribunal, GPO Box 2036, Hobart 7001 within 14 days from the date of this advice (refer s.61 of the Land Use Planning and Approvals Act 1993). The appeal must be in writing and lodged with the prescribed fee - please contact the Tribunal (ph 6233 6464) about procedures and further information regarding lodgement of an appeal.

Name:

Signed:

Date:

Tom Reilly

27 June 2012

Title:

Land Use Planning Acting Group Leader

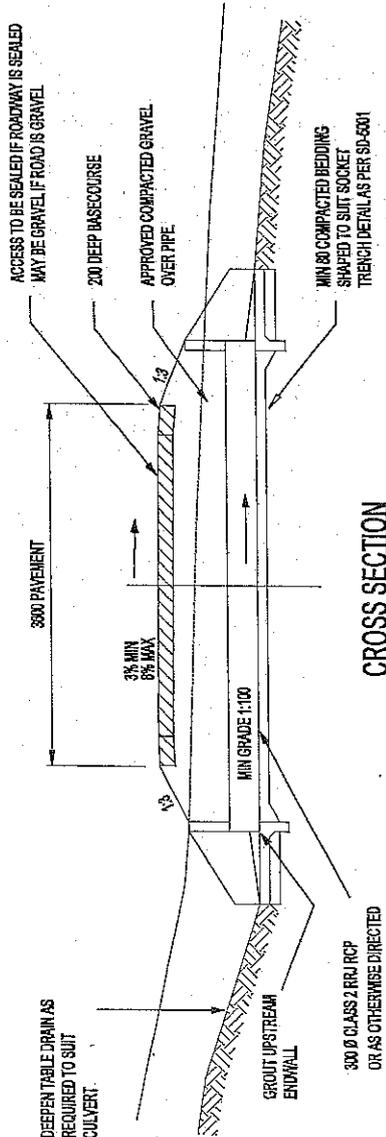
Permit No:

DA211224

<p>I, <u>LISA MACKELL</u> (name) Executive Services Officer, do certify that this is the <u>2nd</u> page of <u>3</u> pages comprising the Planning Permit granted at and referred to in the Minutes of the Meeting of the Council numbered <u>43/2012</u> and held on the <u>25/06/2012</u> <u>[Signature]</u> (signed) Dated <u>27/06/2012</u></p>

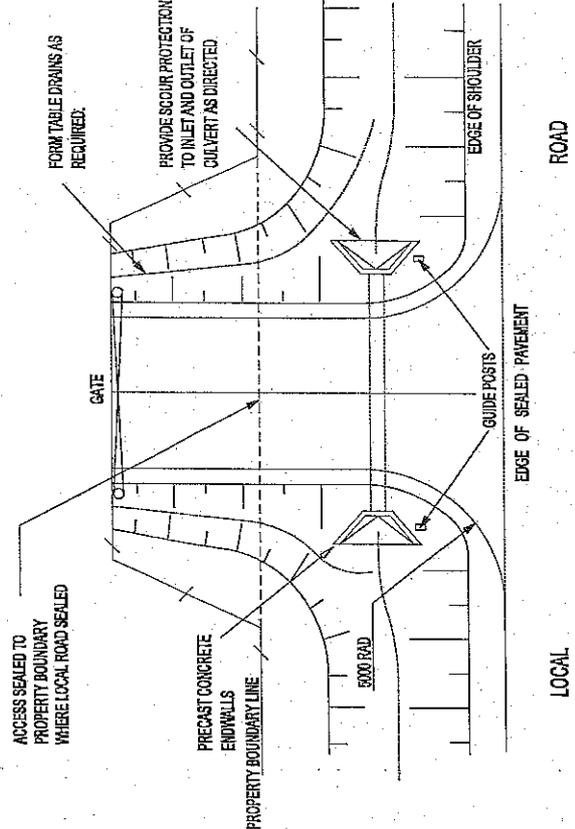
NOTES

1. ALL DIMENSIONS IN MILLIMETRES (mm) UNLESS NOTED
2. PRECAST ENDWALL TO BE WINGED TYPE OR OTHER APPROVED TYPE
3. SHALLOW DISH CROSSING MAY BE USED AS AN ALTERNATIVE
4. MIN CLEAR COVER OVER DRIVEWAY CULVERTS SHALL BE:
PIPE CLASS MIN COVER
-CLASS 2 600
-CLASS 3 400
-CLASS 4 300
5. INSTALL GUIDEPPOSTS AT CULVERT ENDS REFER SD-1010

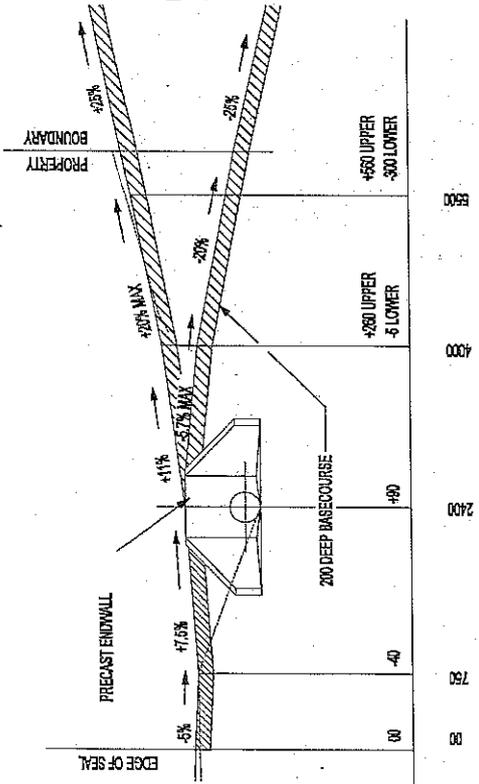


CROSS SECTION

1. ELISA MACKKILL
 Executive Services Officer, do certify that this is a true and correct copy of the drawings on page 2 of 2 pages comprising the Planning Permit granted at and referred to in the Minutes of the Meeting of the Council numbered 43/2012 and held on the 25/06/2012.
 (signed) [Signature] Dated 27/06/2012



PLAN



DRIVEWAY PROFILE

DRIVEWAY PROFILE SHOULD BE CHECKED FOR EACH LOCATION AND DESIGNED TO SUIT STANDARD VEHICLES

<p>INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALIA TASMANIA DIVISION</p>	<p>DRAWING TITLE TASMANIAN COUNCILS' SUBDIVISION STANDARD DRAWING RURAL ROADS - TYPICAL STANDARD ACCESS</p>	
	<p>SCALE NOT TO SCALE</p>	<p>VERSION 2 1 JANUARY 2007</p>
<p>INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALIA TASMANIA DIVISION Inc. - 2003 DISCLAIMER. The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.</p>		<p>DRAWING NO. SD-1009</p>



I, LISA MACKRILL (name)
Executive Services Officer, do certify that this is the
1st page of 2 pages comprising the Planning
Permit granted at and referred to in the Minutes of
the Meeting of the Council numbered 44/2012
and held on the 25/06/2012.
[Signature] Dated 27/06/2012
(signed)

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19 King Edward Street
Ulverstone Tasmania 7315
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Fax (03) 6425 1224
admin@centralcoast.tas.gov.au
www.centralcoast.tas.gov.au

PLANNING PERMIT

(DISCRETIONARY)

(S57 Land Use Planning & Approvals Act 1993)

To: Ms J van Schie
30 Maskells Road
ULVERSTONE TAS 7315

Details of Planning Application:

Property Address: 30 Maskells Road Ulverstone 7315 Permit No: **DA211297**
Development/Use: Outbuilding - dog kennel, variation to side setback
Zone: Rural Resource Use Class: Shed

Decision:

The Development Support Special Committee (DSSC), at its meeting held on 25/06/2012 (Minute No. 44/2012) made a decision on the above mentioned application.

The decision is reproduced as follows:

Approved with Conditions. Authorised by Development Support Special Committee (DSSC).

- 1 The development must be substantially in accordance with the application for this permit, unless modified by a condition of this permit.
- 2 Any works associated with existing footpaths, kerb and channel, naturestrips, stormwater infrastructure or other Council services will be undertaken by the Council, at the property owners/developer's cost, unless alternative arrangements are approved by the Council's Director Engineering Services or his representative.
- 3 A Road Reserve Permit must be issued by the Council's Public Safety Officer, or his representative, prior to any works or activity being undertaken within the road reservation. Application forms are available from the Council's Engineering Services Department and a fee applies.
- 4 Any damage or disturbance to footpaths, kerb and channel, roads, naturestrips, stormwater infrastructure or existing services must be rectified, noting that this work will be undertaken by the Council at the property owner's/developer's cost, unless alternative arrangements are approved by the Council's Director Engineering Services, or his representative.
- 5 The activity endorsed by this permit must be carried out in accordance with the requirements of the Environmental Management and Pollution Control Act 1994, and Regulations made thereunder.

Please note:

- 1 A planning permit remains valid for two years. If the use or development has not substantially commenced within this period an extension may be granted if a request is made before this period expires. If the permit lapses, a new application must be made.
- 2 Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor.

If you wish to appeal against any of the permit conditions, you must lodge an appeal with the Resource Management and Planning Appeal Tribunal, GPO Box 2036, Hobart 7001 within 14 days from the date of this advice (refer s.61 of the Land Use Planning and Approvals Act 1993). The appeal must be in writing and lodged with the prescribed fee - please contact the Tribunal (ph 6233 6464) about procedures and further information regarding lodgement of an appeal.

Name:

Signed:

Date:

Tom Reilly

27 June 2012

Title:

Land Use Planning Acting Group Leader

Permit No:

DA211297

I, LISA MACKRILL..... (name)
Executive Services Officer, do certify that this is the
2nd page of 2 pages comprising the Planning
Permit granted at and referred to in the Minutes of
the Meeting of the Council numbered 44/2012
and held on the 25 / 06 / 2012.
[Signature].....
(signed) Dated 27 / 06 / 2012



I, LISA MACKRILL (name)
Executive Services Officer, do certify that this is the
1st. page of 20 pages comprising the Planning
Permit granted at and referred to in the Minutes of
the Meeting of the Council numbered 45/2012
and held on the 25/06/2012
(signed) [Signature] Dated 27/06/2012

PO Box 220
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www.centralcoast.tas.gov.au

PLANNING PERMIT

(DISCRETIONARY)

(S57 Land Use Planning & Approvals Act 1993)

To: Pensea Investments P/L
83 Olivers Road
ULVERSTONE TAS 7315

Details of Planning Application:

Property Address: South Road
Ulverstone 7315 Permit No: **DA211190**

Development/Use: Level 2 quarry

Zone: Rural Resource Use Class: Extractive industry

Decision:

The Development Support Special Committee (DSSC), at its meeting held on 25/06/2012 (Minute No. 45/2012) made a decision on the above mentioned application.

The decision is reproduced as follows:

Approved with Conditions. Authorised by Development Support Special Committee (DSSC).

- 1 The development must be substantially in accordance with the application for this permit, unless modified by a condition of this permit.
- 2 The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B from the Environment Protection Authority (enclosed), which the Board of the Environment Protection Authority (EPA) has required the planning authority to include in the permit, pursuant to section 25(5) of the Environmental Management and Pollution Control Act 1994.
- 3 Car parking is to be provided:
 - (a) on site at the rate of 1 per employee plus one visitor space;
 - (b) in accordance with the relevant Australian Standard for access, dimensions and design of car parking space;
 - (c) with paving material that provides all-weather access.
- 4 Any works associated with existing Council infrastructure or services will be undertaken by the Council, at the property owner's/developer's cost, unless alternative arrangements are approved by the Council's Director Engineering Services or his representative.
- 5 A Road Reserve Permit must be issued by the Council's Public Safety Officer, or his representative, prior to any works or activity being undertaken within the road reservation. Application forms are available from the Council's Engineering Services Department and a fee applies.
- 6 Any damage or disturbance to footpaths, kerb and channel, roads, naturestrips, stormwater infrastructure or existing services must be rectified, noting that this work will be undertaken by the Council at the property owner's/developer's cost, unless alternative arrangements are approved by the Council's Director Engineering Services, or his representative.
- 7 W5-26 'Watch For Turning Traffic' signage must be installed to the satisfaction of the Department of Infrastructure, Energy and Resources (DIER) prior to any increase in use of the access from the quarry onto South Road. DIER's approval for the final signage plan is required before the signs are installed.
- 8 The landowner/operator must maintain the access road to ensure that the sealed surface does not fail and that stormwater drainage is appropriately captured and diverted away from the Highway batter.

- 9 The owner/operator must inspect the stormwater control devices after each significant rainfall event and take appropriate action to ensure the integrity of the system.
- 10 Sediment settlement ponds are to be periodically cleaned out to maintain their efficiency. Sediment removed during this periodic maintenance is to be securely stored such that sediment will not be transported off site by surface run-off.
- 11 No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Leven River.
- 12 Any portable toilet used on site must be appropriately pumped out and maintained by an approved waste management contractor.

Please note:

- 1 A planning permit remains valid for two years. If the use or development has not substantially commenced within this period an extension may be granted if a request is made before this period expires. If the permit lapses, a new application must be made.

If you wish to appeal against any of the permit conditions, you must lodge an appeal with the Resource Management and Planning Appeal Tribunal, GPO Box 2036, Hobart 7001 within 14 days from the date of this advice (refer s.61 of the Land Use Planning and Approvals Act 1993). The appeal must be in writing and lodged with the prescribed fee - please contact the Tribunal (ph 6233 6464) about procedures and further information regarding lodgement of an appeal.

Name:

Signed:

Date:

Tom Reilly

DRAFT ONLY

Title:

Land Use Planning Acting Group Leader

Permit No:

DA211190

I, LISA MACKILL..... (name)
 Executive Services Officer, do certify that this is the
2nd page of 2.0 pages comprising the Planning
 Permit granted at and referred to in the Minutes of
 the Meeting of the Council numbered 45/2012
 and held on the 25 / 06 / 2012..
[Signature]..... Dated 27 / 06 / 2012..
 (signed)

PERMIT PART B
PERMIT CONDITIONS - ENVIRONMENTAL No. 8508

Issued under the *Environmental Management and Pollution Control Act 1994*

Applicant: PENSEA INVESTMENTS PTY LTD trading as G & W HARVESTING PTY LTD
ACN 088 375 928
C/- LAWSON HYLAND PTY LTD, LEVEL 1, 18 MOUNT ST
BURNIE TAS 7320

Activity: The operation of a quarry and materials handling activity (ACTIVITY TYPE: Crushing, grinding, milling or separating into different sizes (rocks, ores or minerals))
OFF SOUTH RD
ULVERSTONE TAS 7315

The above activity has been assessed as a level 2 activity under the *Environmental Management and Pollution Control Act 1994* under delegation from the Board of the Environment Protection Authority.

Acting under Section 25(5)(a)(i) of the EMPCA, the Board of the Environment Protection Authority has required that this Permit Part B be included in any Permit granted under the *Land Use Planning and Approvals Act 1993* with respect to the above activity.

Municipality: CENTRAL COAST
Permit Application Reference: DA211190
EPA file reference: 030449

Date conditions approved: _____

Signed: _____

DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

I, LISA MACKILL (name)
Executive Services Officer, do certify that this is the
3rd page of 20 pages comprising the Planning
Permit granted at and referred to in the Minutes of
the Meeting of the Council numbered 45/2012
and held on the 25 / 06 / 2012.
[Signature]
(signed) Dated 27 / 06 / 2012.

DEFINITIONS

Unless the contrary appears, words and expressions used in this Permit Part B have the meaning given to them in **Schedule 1** of this Permit and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Permit Part B, the EMPCA prevails to the extent of the inconsistency.

ENVIRONMENTAL CONDITIONS

The person responsible for the activity must comply with the conditions contained in **Schedule 2** of this Permit Part B.

INFORMATION

Attention is drawn to **Schedule 3**, which contains important additional information.

I, <u>LISA MAXWELL</u> (name)	
Executive Services Officer, do certify that this is the	
<u>4th</u> page of <u>20</u> pages comprising the Planning	
Permit granted at and referred to in the Minutes of	
the Meeting of the Council numbered <u>45/2012</u>	
and held on the <u>25/06/2012</u> ...	
<u>[Signature]</u>	Dated <u>27/06/2012</u>
(signed)	

I, LISA MACKELL (name)
 Executive Services Officer, do certify that this is the
 5th page of 20 pages comprising the Planning
 Permit granted at and referred to in the Minutes of
 the Meeting of the Council numbered 4512012
 and held on the 25/05/2012
 (signed) [Signature] Dated 27/06/2012

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Attachments

Attachment 1: The Land (modified: 25/05/2012 13:58)..... 1 page
 Attachment 2: Commitments (modified: 29/05/2012 16:48)..... 2 pages

I, LISA MACKELL..... (name)
 Executive Services Officer, do certify that this is the
6th page of 20 pages comprising the Planning
 Permit granted at and referred to in the Minutes of
 the Meeting of the Council numbered 45/2012
 and held on the 25 / 05 / 2012...
[Signature].....
 (signed) Dated 27 / 06 / 2012...

I, LISA MACKRILL (name)
 Executive Services Officer, do certify that this is the
 7th page of 20 pages comprising the Planning
 Permit granted at and referred to in the Minutes of
 the Meeting of the Council numbered 45/2012
 and held on the 25/06/2012.
 (Signed) [Signature] Dated 27/06/2012

Schedule 1:

In this Permit Part B:-

Aboriginal Relic has the meaning described in section 2(3) of the *Aboriginal Relics Act 1975*

Activity means any environmentally relevant activity (as defined in Section 3 of EMPCA) to which this document relates, and includes more than one such activity.

Authorized Officer means an authorized officer under section 20 of EMPCA

Best Practice Environmental Management or 'BPEM' has the meaning described in Section 4 of EMPCA

Control Location (Noise) means a location chosen to represent the general ambient sound without contribution from noise sources at the activity.

Director means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a person authorised in writing by the Director to exercise a power or function on the Director's behalf.

DPEMP means the document entitled *Development Proposal and Environmental Management Plan, G&W Harvesting Pty Ltd Intensification of Operations, Bellingers Quarry, off South Road, West Ulverstone, July 2011* prepared by Environmental Service and Design Pty Ltd, reviewed on 18 October 2011 by Environmental Service and Design Pty Ltd.

DRP means Decommissioning and Rehabilitation Plan

EMPCA means the *Environmental Management and Pollution Control Act 1994*

Environmental Harm and **Material Environmental Harm** and **Serious Environmental Harm** each have the meanings ascribed to them in Section 5 of EMPCA.

Environmental Nuisance and **Pollutant** each have the meanings ascribed to them in Section 3 of EMPCA.

Environmentally Hazardous Material means any substance or mixture of substances of a nature or held in quantities which present a reasonably foreseeable risk of causing serious or material environmental harm if released to the environment and includes fuels, oils, waste and chemicals.

Noise Sensitive Premises means residences and residential zones (whether occupied or not), schools, hospitals, caravan parks and similar land uses involving the presence of individual people for extended periods, except in the course of their employment or for recreation.

Person Responsible is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

Quarry Code Of Practice means the document of this title published by the Department of Primary Industries, Water and Environment and the Department of Infrastructure, Energy and Resources in June 1999, and includes any subsequent versions of this document.

[Signature]

Tasmanian Noise Measurement Procedures Manual means the Noise Measurement Procedures Manual dated July 2004 issued by the Director of Environmental Management in accordance with regulation 25 of the *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004* and includes any subsequent versions of the document.

The Land means the land on which the activity to which this document relates may be carried out, and includes: buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land. The Land falls within the area defined by mining lease 1707P/M as shown on the plan at Attachment 1.

Weed means a declared weed as defined in the *Weed Management Act 1999*.

I, <u>LISA MACKELL</u> (name)	
Executive Services Officer, do certify that this is the	
<u>8th</u> page of <u>20</u> pages comprising the Planning	
Permit granted at and referred to in the Minutes of	
the Meeting of the Council numbered <u>45/2012</u>	
and held on the <u>25th</u> / <u>06</u> / 2012..	
<u>[Signature]</u>	Dated <u>27</u> / <u>06</u> / 2012..
(signed)	

I, LISA MACKRELL (name)
 Executive Services Officer, do certify that this is the
 9th page of 20 pages comprising the Planning
 Permit granted at and referred to in the Minutes of
 the Meeting of the Council numbered 45/2012
 and held on the 25th 06 / 2012...

Schedule 2: Conditions Dated 27 / 06 / 2012.

Maximum Quantities

Q1 Regulatory limits

- 1 The activity must not exceed the following limits:
 - 1.1 40,000 cubic metres/year of rocks, ores or minerals processed. (Annual fees are derived from this figure.)

General

G1 Access to and awareness of conditions and associated documents

A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work on The Land, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

G2 Incident response

If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.

G3 No changes without approval

- 1 The following changes, if they may cause or increase the emission of a pollutant which may cause material or serious environmental harm or environmental nuisance, must only take place in relation to the activity if such changes have been approved in writing by the EPA Board following its assessment of an application for a permit under the *Land Use Planning and Approvals Act 1993*, or approved in writing by the Director:
 - 1.1 a change to a process used in the course of carrying out the activity; or
 - 1.2 the construction, installation, alteration or removal of any structure or equipment used in the course of carrying out the activity; or
 - 1.3 a change in the quantity or characteristics of materials used in the course of carrying out the activity.

G4 Commitments

The activity must be carried out in accordance with the commitments contained in Attachment 2 unless otherwise specified in these conditions or unless otherwise approved in writing by the Director.

G5 Complaints register

- 1 A public complaints register must be maintained and made available for inspection by an Authorized Officer upon request. The public complaints register must, as a minimum, record the following detail in relation to each complaint received in which it is alleged that environmental harm (including an environmental nuisance) has been caused by the activity:
 - 1.1 the time at which the complaint was received;
 - 1.2 contact details for the complainant (except where the complainant requests anonymity);
 - 1.3 the subject-matter of the complaint;

- 1.4 any investigations undertaken with regard to the complaint; and
 - 1.5 the manner in which the complaint was resolved, including any mitigation measures implemented.
- 2 Complaint records must be maintained for a period of at least 3 years.

G6 Quarry Code of Practice

Unless otherwise required by these conditions or required in writing by the Director, the activity (or activities) undertaken on The Land must comply with the Acceptable Standards provisions of the *Quarry Code of Practice*.

Atmospheric

A1 Covering of vehicles

Vehicles carrying loads containing material which may blow or spill must be equipped with effective control measures to prevent the escape of the materials from the vehicles when they leave The Land or travel on public roads. Effective control measures may include tarpaulins and load dampening.

A2 Control of dust emissions

Dust emissions from The Land must be controlled to the extent necessary to prevent environmental nuisance.

Blasting

B1 Blasting times

Blasting on The Land must take place only between the hours of 1000 hours and 1600 hours Monday to Friday. Blasting must not take place on Saturdays, Sundays or public holidays unless prior written approval of the Director has been obtained.

B2 Blasting - noise and vibration limits

- 1 Blasting on The Land must be carried out in accordance with blasting best practice environmental management (BPEM) principles, and must be carried out such that, when measured at the curtilage of any residence (or other noise sensitive premises) in other occupation or ownership, airblast overpressure and ground vibration comply with the following:
 - 1.1 for 95% of blasts, airblast overpressure must not exceed 115dB (Lin Peak);
 - 1.2 airblast overpressure must not exceed 120dB (Lin Peak);
 - 1.3 for 95% of blasts ground vibration must not exceed 5mm/sec peak particle velocity; and
 - 1.4 ground vibration must not exceed 10mm/sec peak particle velocity.
- 2 All measurements of airblast overpressure and peak particle velocity must be carried out in accordance with the methods set down in *Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration*, Australian and New Zealand Environment Council, September 1990.

B3 Blast monitoring

- 1 Blast ground vibration and overpressure monitoring must be conducted for each blast on The Land.
- 2 The following records must be kept for each blast on The Land for a period of at least 2 years:
 - 2.1 details of the blast design:.....

blast design:..... <u>LISA MACKELL</u> (name) Executive Services Officer, do certify that this is the 10 th page of <u>20</u> pages comprising the Planning Permit granted at and referred to in the Minutes of the Meeting of the Council numbered <u>45/2012</u> and held on the <u>25/06/2012</u> AUTHORITY <u>[Signature]</u> (signed) <u>27/06/2012</u> Dated <u>27/06/2012</u>

- 2.2 identification of the blast monitoring location or locations, the location of the blast and the location of noise sensitive premises;
- 2.3 details of blast monitoring equipment and method; and
- 2.4 the measured ground vibration peak particle velocity and air blast overpressure level.

3 Blast monitoring records must be provided to the Director upon request.

B4 Blast reporting

A blast report must be provided to the Director for the first blast conducted on The Land within 1 month of that blast occurring. The report must include the blast records required to be kept by these conditions and an interpretation of the results with reference to the limits required by these conditions.

B5 Reporting of exceedences of noise and vibration limits

Unless otherwise approved in writing by the Director, in the event that the measured ground vibration caused by a blast exceeds 5 mm/sec peak particle velocity and/or the measured air blast over pressure exceeds 115 dB(Lin Peak), the Director must be notified within 24 hours of the blast.

Decommissioning And Rehabilitation

DC1 Notification of cessation

Within 30 days of becoming aware of any event or decision which is likely to give rise to the permanent cessation of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to cease or has ceased.

DC2 DRP requirements

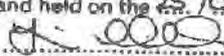
Unless otherwise approved in writing by the Director, a draft Decommissioning and Rehabilitation Plan (DRP) for the activity must be submitted for approval to the Director within 30 days of the Director being notified of the planned cessation of the activity or by a date specified in writing by the Director. The DRP must be prepared in accordance with any guidelines provided by the Director.

DC3 Rehabilitation following cessation

- 1 Following permanent cessation of the activity, and unless otherwise approved in writing by the Director, The Land must be rehabilitated including:
 - 1.1 stabilisation of any land surfaces that may be subject to erosion;
 - 1.2 removal or mitigation of all environmental hazards or land contamination, that might pose an on-going risk of causing environmental harm; and
 - 1.3 decommissioning of any equipment that has not been sold.
- 2 Where a Decommissioning and Rehabilitation Plan (DRP) has been approved by the Director, rehabilitation must be carried out in accordance with that plan.

DC4 Stockpiling of surface soil

Prior to commencement of extractive activities on any portion of The Land all surface soils must be removed and stockpiled for later use in rehabilitation of The Land. Topsoil must be kept separate from other overburden and protected from erosion or other disturbance.

I, LISA MACKELL (name)
 Executive Services Officer, do certify that this is the
11th page of 20 pages comprising the Planning
 Permit granted at and referred to in the Minutes of
 the Meeting of the Council numbered A-5/2012
 and held on the 25.09.12.

 Director, Environment and Protection Authority Dated 27.06.2012

DC5 Progressive rehabilitation

Worked out or disused sections of The Land must be rehabilitated concurrently with extractive activities on other sections of The Land. Progressive rehabilitation must be carried out in accordance with the relevant provisions of the *Quarry Code of Practice*, unless otherwise approved in writing by the Director. The maximum disturbed area of land which may remain, at any time, without rehabilitation is 2.0 hectares.

DC6 Temporary suspension of activity

- 1 Within 30 days of becoming aware of any event or decision which is likely to give rise to the temporary suspension of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to suspend or has suspended.
- 2 During temporary suspension of the activity:
 - 2.1 The Land must be managed and monitored by the person responsible for the activity to ensure that emissions from The Land do not cause serious environmental harm, material environmental harm or environmental nuisance; and
 - 2.2 If required by the Director, the person responsible must prepare and implement a Care and Maintenance Plan to the satisfaction of the Director.
- 3 Unless otherwise approved in writing by the Director, if the activity on The Land has substantially ceased for 2 years or more, rehabilitation of The Land must be carried out in accordance with the requirements of these conditions as if the activity has permanently ceased.

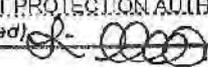
Effluent Disposal

E1 Perimeter drains

- 1 Perimeter cut-off drains must be constructed at strategic locations on The Land to prevent surface run-off from entering the area used or disturbed in carrying out the activity. All reasonable measures must be implemented to ensure that sediment transported along these drains remains on The Land. Such measures may include provision of strategically located sediment fences, appropriately sized and maintained sediment settling ponds, vegetated swales, detention basins and other measures designed and operated in accordance with the principles of Water Sensitive Urban Design.
- 2 Drains must have sufficient capacity to contain run-off that could reasonably be expected to arise during a 1 in 20 year rainfall event. Maintenance activities must be undertaken regularly to ensure that this capacity does not diminish.

E2 Stormwater

- 1 Polluted stormwater that will be discharged from The Land must be collected and treated prior to discharge to the extent necessary to prevent serious or material environmental harm, or environmental nuisance.
- 2 Notwithstanding the above, all stormwater that is discharged from The Land must not carry pollutants such as sediment, oil and grease in quantities or concentrations that are likely to degrade the visual quality of any receiving waters outside the Land.
- 3 All reasonable measures must be implemented to ensure that solids entrained in stormwater are retained on The Land. Such measures may include appropriately sized and maintained sediment settling ponds or detention basins.

I, LISA MACKELL..... (name)
 Executive Services Officer, do certify that this is the
12th page of 20... pages comprising the Planning
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 and held on the 25/06/2012..
 ..signed)  Dated 27/06/2012..

DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY...



- 4 JUN 2012

I, LISA MACKELL (name)
 Executive Services Officer, do certify that this is the
 13th page of 20 pages comprising the Planning
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 and held on the 25/06/2012.
 (signed) [Signature] Dated 27/06/2012

E3 Design and maintenance of settling ponds

- 1 Sediment settling ponds must be designed and maintained to the satisfaction of the Director and in accordance with the following requirements:
 - 1.1 ponds must be designed to successfully mitigate reasonably foreseeable sediment loss which would result from a 1 in 20 year storm event;
 - 1.2 discharge from ponds must occur via a stable spillway that is not subject to erosion;
 - 1.3 all pond walls must be stable and treated with topsoil and vegetated or otherwise treated in such a manner as to prevent erosion; and
 - 1.4 sediment settling ponds must be periodically cleaned out to ensure that the pond design capacity is maintained. Sediment removed during this cleaning must be securely deposited such that sediment will not be transported off The Land by surface run-off.

Hazardous Substances**III Storage and handling of hazardous materials**

Unless otherwise approved in writing by the Director, environmentally hazardous material held on The Land, including chemicals, fuels and oils, must be located within impervious bunded areas or spill trays which are designed to contain at least 110% of the total volume of material.

H2 Spill kits

Spill kits appropriate for the types and volumes of materials handled on The Land must be kept in appropriate locations to assist with the containment of spilt environmentally hazardous materials.

Noise Control**N1 Operating hours**

- 1 Unless otherwise approved by the Director, activities associated with the extraction of rock, gravel, sand, clay or minerals, and loading of product, and screening/crushing must not be undertaken outside the hours of 0700 hours to 1900 hours on weekdays and 0800 hours to 1600 hours on Saturdays.
- 2 Notwithstanding the above paragraph, activities must not be carried out on Sundays and public holidays that are observed Statewide (Easter Tuesday excepted).

N2 Noise emission limits

- 1 Noise emissions from the activity when measured at any noise sensitive premises in other ownership and expressed as the equivalent continuous A-weighted sound pressure level must not exceed:
 - 1.1 50 dB(A) between 0800 hours and 1800 hours (Day time); and
 - 1.2 45 dB(A) between 1800 hours and 2200 hours (Evening time); and
 - 1.3 40 dB(A) between 2200 hours and 0800 hours (Night time).
- 2 Where the combined level of noise from the activity and the normal ambient noise exceeds the noise levels stated above, this condition will not be considered to be breached unless the noise emissions from the activity are audible and exceed the ambient noise levels by at least 5 dB(A).
- 3 The time interval over which noise levels are averaged must be 10 minutes or an alternative time interval specified in writing by the Director.

- 4 Measured noise levels must be adjusted for tonality, impulsiveness, modulation and low frequency in accordance with the Tasmanian Noise Measurement Procedures Manual.
- 5 All methods of measurement must be in accordance with the Tasmanian Noise Measurement Procedures Manual.

N3 Noise survey requirements

- 1 Unless otherwise approved by the Director, a noise survey must be carried out:
 - 1.1 within 90 days from the date on which these conditions take effect; and
 - 1.2 within six (6) months from the date of any notification under these conditions of a change to the activity which is likely to substantially alter the character or increase the volume of the noise emitted from The Land; and
 - 1.3 at such other times as may reasonably be required by the Director.

N4 Noise survey methodology and reporting requirements

- 1 Prior to undertaking a noise survey as required by these conditions, a proposed noise survey methodology must be submitted to the Director for approval.
- 2 Without limitation, the survey methodology must address the following:
 - 2.1 measurements must be carried out at day, evening and night times (where applicable) at each location; and
 - 2.2 measurement locations, and the number thereof, must be specified, with one location established as a control location (noise).
- 3 Measurements and data recorded during the survey must include:
 - 3.1 subjective descriptions of the sound at each location.
 - 3.2 details of meteorological conditions relevant to the propagation of noise.
 - 3.3 the equivalent continuous (L_{eq}) and L_{1} , L_{5} , L_{50} , L_{90} and L_{99} A-weighted sound pressure levels measured over a period of 10 minutes or an alternative time interval specified by the Director;
 - 3.4 one-third octave spectra over suitably representative periods of not less than 1 minute; and
 - 3.5 narrow-band spectra over suitably representative periods of not less than 1 minute.
- 4 A noise survey report must be forwarded to the Director within 30 days from the date on which the noise survey is completed
- 5 The noise survey report must include the following:
 - 5.1 the results and interpretation of the measurements required by these conditions;
 - 5.2 a map of the area surrounding the activity with the boundary of The Land; measurement locations, and noise sensitive premises clearly marked on the map;
 - 5.3 any other information that will assist with interpreting the results and whether the activity is in compliance with these conditions and EMPCA; and
 - 5.4 recommendations of appropriate mitigation measures to manage any noise problems identified by the noise survey.

Operations

OP1 Weed and plant hygiene management

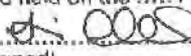
- 1 Weeds on The Land must managed in accordance with the *G & W Harvesting - Bellingers Quarry, Weed Management Plan*, included as Appendix 2 of the DPMP, to minimise the risk of weeds being spread through the transport of products from The Land.

DIRECTOR, ENVIRONMENT

<p>USA MACKELL (name) Executive Services Officer, do certify that this is the 14th page of 20... pages comprising the Planning permit granted at and referred to in the Minutes of the Meeting of the Council numbered 451/2012 and held on the 25th of 2012. [Signature] signed) Dated 27/06/2012</p>

4 JUN 2012

- 2 The activity must be managed in accordance with the *G & W Harvesting - Bellingers Quarry, Phytophthora Management Plan*, included as Appendix 3 of the DPEMP to minimise the risk of *Phytophthora cinnamomi* being introduced to The Land.

I, LISA MACKELL..... (name)
Executive Services Officer, do certify that this is the
~~15th~~ page of 20 pages comprising the Planning
Permit granted at and referred to in the Minutes of
the Meeting of the Council numbered 45/2012
and held on the 25 / 06 / 2012..

(signed) Dated 27 / 06 / 2012..



Schedule 3:

1. <u>LISA MACKRELL</u> (name)
Executive Services Officer, do certify that this is the
<u>11th</u> page of <u>32</u> pages comprising the Planning
Permit granted at and referred to in the Minutes of
the Meeting of the Council numbered <u>45/2012</u>
and held on the <u>25/06/2012</u>
<u>[Signature]</u>
Dated <u>27/06/2012</u>

Legal Obligations**LO1 Notification of incidents under section 32 of EMPCA**

- 1 A person responsible for an activity that is not a level 2 activity or a level 3 activity must notify the relevant Council, as soon as reasonably practicable but not later than 24 hours, after becoming aware of the release of a pollutant occurring as the result of any incident in relation to that activity, including an emergency, accident or malfunction, if this release causes or may cause an environmental nuisance.
- 2 A person responsible for an activity that is a level 2 activity or a level 3 activity must notify the Director, as soon as reasonably practicable but not later than 24 hours, after becoming aware of the release of a pollutant occurring as a result of any incident in relation to that activity, including an emergency, accident or malfunction, if this release causes or may cause an environmental nuisance.
- 3 A person responsible for an environmentally relevant activity must notify the Director, as soon as reasonably practicable but not later than 24 hours, after becoming aware of the release of a pollutant occurring as a result of any incident in relation to that activity, including an emergency, accident or malfunction, if this release causes or may cause serious or material environmental harm.
- 4 The Director can be notified by telephoning 1800 005 171 (a 24-hour emergency telephone number).
- 5 This notification can be faxed to the Director on 62 333 800, or delivered by hand.
- 6 Any notification given by a person in compliance with this section is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of the making of a false or misleading statement).
- 7 A person is required to notify the relevant Council or the Director of an incident despite the fact that to do so might incriminate the person or make the person liable to a penalty.
- 8 Any notification referred to in subsection (1), (2) or (3) must include details of the incident, its nature, the circumstances in which it occurred and any action that has been taken to deal with it.
- 9 For the purposes of subsections (1), (2) and (3):
 - 9.1 a person is not required to notify the relevant Council of an incident if the person has reasonable grounds for believing that the incident has already come to the notice of the Council
 - 9.2 a person is not required to notify the Director of an incident if the person has reasonable grounds for believing that the incident has already come to the notice of the Director;

LO2 EMPCA

The activity must be conducted in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and Regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

LO3 Storage and handling of Dangerous Goods and Dangerous Substances

- 1 The storage, handling and transport of dangerous goods and dangerous substances must comply with the requirements of relevant State Acts any regulations thereunder, including:



- 1.1 *Dangerous Goods (Road and Rail Transport) Act 2010;*
- 1.2 *Dangerous Goods (Road and Rail Transport) Regulations 2010;*
- 1.3 *Dangerous Substances (Safe Handling) Act 2005;*
- 1.4 *Dangerous Substances (Safe Handling) Regulations 2009;*
- 1.5 *Workplace Health and Safety Act 1995;* and
- 1.6 *Workplace Health and Safety Regulations 1998.*

LO4 Aboriginal relics requirements

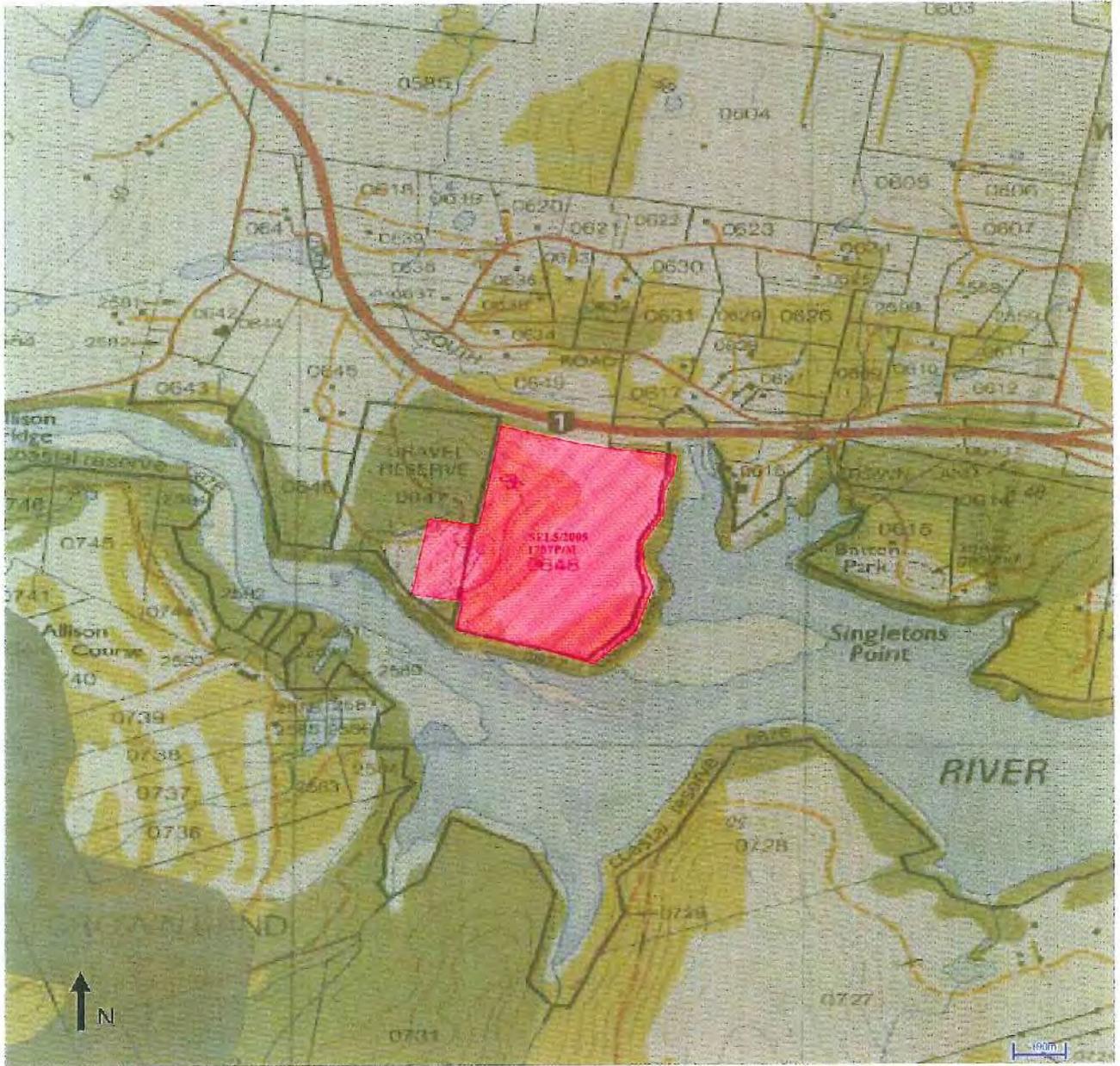
- 1 The *Aboriginal Relics Act 1975*, provides legislative protection to Aboriginal heritage sites in Tasmania regardless of site type, condition, size or land tenure. Section 14(1) of the Act states that; Except as otherwise provided in this Act, no person shall, otherwise than in accordance with the terms of a permit granted by the Minister on the recommendation of the Director:
 - 1.1 destroy, damage, deface, conceal or otherwise interfere with a relic;
 - 1.2 make a copy or replica of a carving or engraving that is a relic by rubbing, tracing, casting or other means that involve direct contact with the carving or engraving;
 - 1.3 remove a relic from the place where it is found or abandoned;
 - 1.4 sell or offer or expose for sale, exchange, or otherwise dispose of a relic or any other object that so nearly resembles a relic as to be likely to deceive or be capable of being mistaken for a relic;
 - 1.5 take a relic, or permit a relic to be taken, out of this State; or
 - 1.6 cause an excavation to be made or any other work to be carried out on Crown land for the purpose of searching for a relic.
- 2 If a relic is suspected and/or identified during works then works must cease immediately and the Tasmanian Aboriginal Land and Sea Council and the Aboriginal Heritage Office be contacted for advice before work can continue. In the event that damage to an Aboriginal heritage site is unavoidable a permit under section 14 of the *Aboriginal Relics Act 1975* must be applied for. The Minister may refuse an application for a permit, where the characteristics of the relics are considered to warrant their preservation.
- 3 Anyone finding an Aboriginal relic is required under section 10 of the Act to report that finding as soon as practicable to the Director of National Parks and Wildlife or an authorized officer under the *Aboriginal Relics Act 1975*. It is sufficient to report the finding of a relic to Aboriginal Heritage Tasmania to fulfil the requirements of section 10 of the Act.

LO5 Change of responsibility

If the person who is or was responsible for the activity ceases to be responsible for the activity, they must notify the Director in accordance with Section 45 of the EMPCA.

I, <u>LISA MACKELL</u> (name)	
Executive Services Officer, do certify that this is the <u>17th</u> page of <u>20</u> pages comprising the Planning Permit granted at and referred to in the Minutes of the Meeting of the Council numbered <u>4.5/2012</u> and held on the <u>25/06/2012</u> .	
<u>[Signature]</u> (signed)	Dated <u>27/06/2012</u>

Attachment 1: The Land
(Mining lease 1707P/M shown as the shaded area)



LISA MACKILL (name)
Executive Services Officer, do certify that this is the
184 page of 20 pages comprising the Planning
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.....
(signed) Dated 27 / 06 / 2012

- 4 JUL 2012

Attachment 2: Commitments

Subject	Commitment	Forecast completion & Who is responsible.
1. Noise / Vibration	Implement and follow the Blast Management Plan. The contracted blast company will enforce the exclusion zone of 300m for the site, including the river area.	Ongoing Annual Report Greg Templar
2. Dust	Implement effective dust control strategies throughout the site including use of a water cart on traffic areas, water sprays on processing equipment whenever necessary.	Ongoing Greg Templar
3. Surface water	Maintain surface water ponds capable of managing a 1:20 year rainfall event. Meeting discharge quality requirements.	Ongoing Greg Templar
4. Noise	Hours of operation 0700 to 1900 hours, Mondays to Fridays and 0800 to 1600 hours Saturdays. There is no operation on Sundays and Public Holidays.	Complete Greg Templar
5. Noise / Vibration	Noise and blast pressure will be monitored during each blast, initial modeling will be confirmed.	At each blast event Annual Report Greg Templar
6. Noise / Vibration	During drilling the drill head will be shrouded.	Ongoing Greg Templar
7. Noise	An environmental noise survey will be conducted annually from the point of increased production, with modeling of significant planned changes. This will be reviewed after three years.	Ongoing Annual Report Greg Templar
8. Noise	An assessment of backing alarms on-site; potential low frequency tonal emission from the Crushing and Screening Plant; and sound power spectra of the drill rig will be undertaken.	30/12/2011 Annual Report Greg Templar
9. Waste Management	Remove of all putrescible waste from site for proper disposal	Ongoing Greg Templar
10. Waste Management	All scrap metal or other recyclable materials will be stored on site until sufficient quantities are available to warrant collection for recycle.	Ongoing Greg Templar

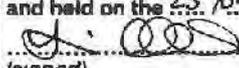
I, LISA MACKELL..... (name)
 Executive Services Officer, do certify that this is the
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 and held on the 25/06/2012.

 (signed) Dated 27/06/2012

- 4 JUN 2012

Commitments (cont.)

11. Oil Spill Kit	A spill kit and temporary portable bunds will be present at all time on site where diesel powered and hydraulic equipment is being used.	Ongoing Greg Templar
12. Weed Management	Management of weeds in line with the site weed management plan and goals will be undertaken.	Ongoing Every 6 Months From issue of permit Greg Templar
13. Phytophthora Management	Minimize the risk of diseases by employing good hygiene management in line with the Phytophthora Management Plan.	Ongoing Annual Report Greg Templar
14. Visual Impact	Implement the visual Impact Management Plan.	Ongoing Annual Report Greg Templar
15. Fire Management	Undertaking periodic review of fire management activities with the Tasmanian Fire Service, following the fire management plan.	Ongoing Annual Report Greg Templar
16. Complaints	Maintain a register of all complaints and incidents related to the operation including haulage along South Road.	Ongoing Annual Report Greg Templar
17. Traffic Impact	Placement of additional signage to alert drivers of the access by the placement of type W29-AL with 150 metre marker (W8-5A (150)).	Prior to increased production Greg Templar
18. Monitoring and Review	Monitoring and review of performance will be undertaken on an annual basis for the first 3 years, with the aim of extending the period of review subject to satisfactory performance.	Ongoing Annual Report Greg Templar
19. Rehabilitation.	Rehabilitation will be undertaken progressively throughout the mine life.	Ongoing Annual Report Greg Templar
20. Rehabilitation.	Use the overburden and topsoil to rehabilitate worked out areas.	Ongoing Greg Templar
21. SUPPLEMENT	Operations will follow to the Mining Plan.	Ongoing Greg Templar
22. SUPPLEMENT	Sealing or shooting (low dusting material) the access haul road for the first 200 meters will occur upon issue of the permit.	Prior to increased production Greg Templar

I, LISA MACKAY (name)
Executive Services Officer, do certify that this is the
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and held on the 25.06. / 20.12.

(signed) Dated 27. / 06. / 20.12.



- 4 JUN 2012