

PLANNING ASSESSMENT REPORT

Section 4.15

Environmental Planning and Assessment Act 1979

Application Number	DA 2020.114
Date Lodged	23 November 2021
Applicant	Kembul Pty Ltd, T/a AB Consulting Pty Ltd
Landowner	Allen Michael Bulmer and Kristina Lee Bulmer
Landowners consent	Yes
Address & Lot Description	1/1119615, 16/652789 and 60/751524 162A Sandy Flat Road, Sandy Flat
Description of development	Continued use of the subject land as a "Truck Depot" (Earthmoving)
Type of Development	Local
Estimated Cost of Works	\$80,000

INTRODUCTION

The development application seeks consent for continued use of the subject land as a truck depot (earthmoving).

The application includes:

- Completed Application form
- Statement of Environmental Effects
- Workshop Management Plan
- Site and Development Plans (Efficient Building Design Services)
- Traffic Management Plan
- Drivers Code of Conduct
- Response to Submissions

AB Contracting (NSW) is an earthmoving, quarry product supplies and transport company performing contracting work at various locations around Tenterfield Shire and adjoining LGAs. The proposed Sandy Flat Depot is a base for their operation and consists of a workshop/shed and surrounding gravel pads, parking area for light vehicles and proposed office and amenities buildings.

Proposed operating hours are 6am-7pm Monday to Friday and 6am-5pm Saturday. The business employs approximately 20 local people, some of which travel to and from the Depot daily.

Personnel based on the site will include 2-3 administration staff and a minimum of 2 workshop staff. All other workers will be field-based, commuting to and from the depot to various work sites, returning to the workshop to perform maintenance and repair work, re-fuelling etc as necessary or at the conclusion of their shift/job.

The proposal includes the construction of two small ancillary buildings and an internal access road back to Primrose Hill Road.

SUBJECT LAND

The subject land is located at 162A Sandy Flat Road, Sandy Flat. The subject land has an area of approximately 72.22ha and is located approximately 20km south of Tenterfield and 1km east of the New England Highway.

The land title description is:

- 1/1119615
- 16/652789
- 60/751524

The land has historically and is currently utilised for sheep/cattle grazing, cropping, residence and truck depot (earthmoving).

Locality Plan



Aerial Photo



Photo: Northern Side of Workshop



Photo: Southern Side of Workshop



Photo: Truck Hardstand Area (looking east)



Photo: Sediment Dam



Photo: View towards Primrose Hill Road access from hardstand



Photo: Bunded Diesel Fuel Tank



DEVELOPMENT DESCRIPTION

The proposal seeks development consent for the continued use of the site as a “truck depot”.

The proposal includes the following components:

- Use of the site as a truck depot (earthmoving).
- Construction of a new amenities and administration buildings.
- New internal driveway and access onto Primrose Hill Road.
- Planting of a landscaping screen along the entire northern section of the depot precinct.

Activities proposed at the site as per the submitted proposal include:

- Maintenance and repairs of earthmoving plant and associated equipment.
- Maintenance and repairs of light and heavy vehicles.
- Refuelling of vehicles.
- Parking of heavy vehicles and work utes.
- Central meeting point for travel to various work sites.
- Administration, training, meetings.

Hours of Operation

- 6am to 7pm Monday to Friday
- 6am to 5pm Saturdays
- Nil – Sunday and Public Holidays

Staff

The business employs up to 20 people. Personnel based on the site includes 2-3 administration staff and a minimum of 2 workshop staff. All other workers are field based, commuting to and from the Depot to various works sites, returning to the workshop to perform maintenance and repair work, re-fuelling etc as necessary at the conclusion of their shift.

Refer to the proposed site plan that depicts the location of the proposed developments.

ASSESSMENT UNDER SECTION 4.15 OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*

In determining a development application, a consent authority is to take into consideration such of the matters as are of relevance to the development in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The following section provides an evaluation of the relevant Section 4.15 Matters for consideration for DA 2020-114.

Designated Development

The proposed development is not designated development.

Integrated Development

The proposed development is not integrated development.

[s4.15(1)(a)] The provisions of any EPI, draft EPI; DCP; and the regulations

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55)

Under SEPP 55 a consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose*

Comments

A review of the NSW Environmental Protection Agency (EPA) Contaminated Land Record under s 58 of the Contaminated Land Management Act 1997 (CLM Act) and the list of NSW contaminated sites notified to the EPA under section 60 of CLM Act did not reveal any registered contaminated land sites within or surrounding the Site.

Pursuant to clause 7 of SEPP 55 there is no apparent reason to consider that land to be impacted by the Proposed Development (continued use of the site as a truck depot).

State Environmental Planning Policy (Infrastructure)

Under the Infrastructure SEPP (Schedule 3) there is no requirement to refer a “truck depot” to Transport for NSW in this instance. Accordingly, it is considered that the proposal not to be a major development, but rather a minor scale proposal.

The development is not located on a “classified road”. Primrose Hill Road is located further than 90m from the intersection of the New England Highway.

REGIONAL ENVIRONMENTAL PLAN

New England North West Regional Plan

The proposed development is consistent with the intent of the NENW Regional Plan which aims to support growing regional economies and associated services required for the communities across the region.

LOCAL ENVIRONMENTAL PLANS

Tenterfield Local Environmental Plan 2013

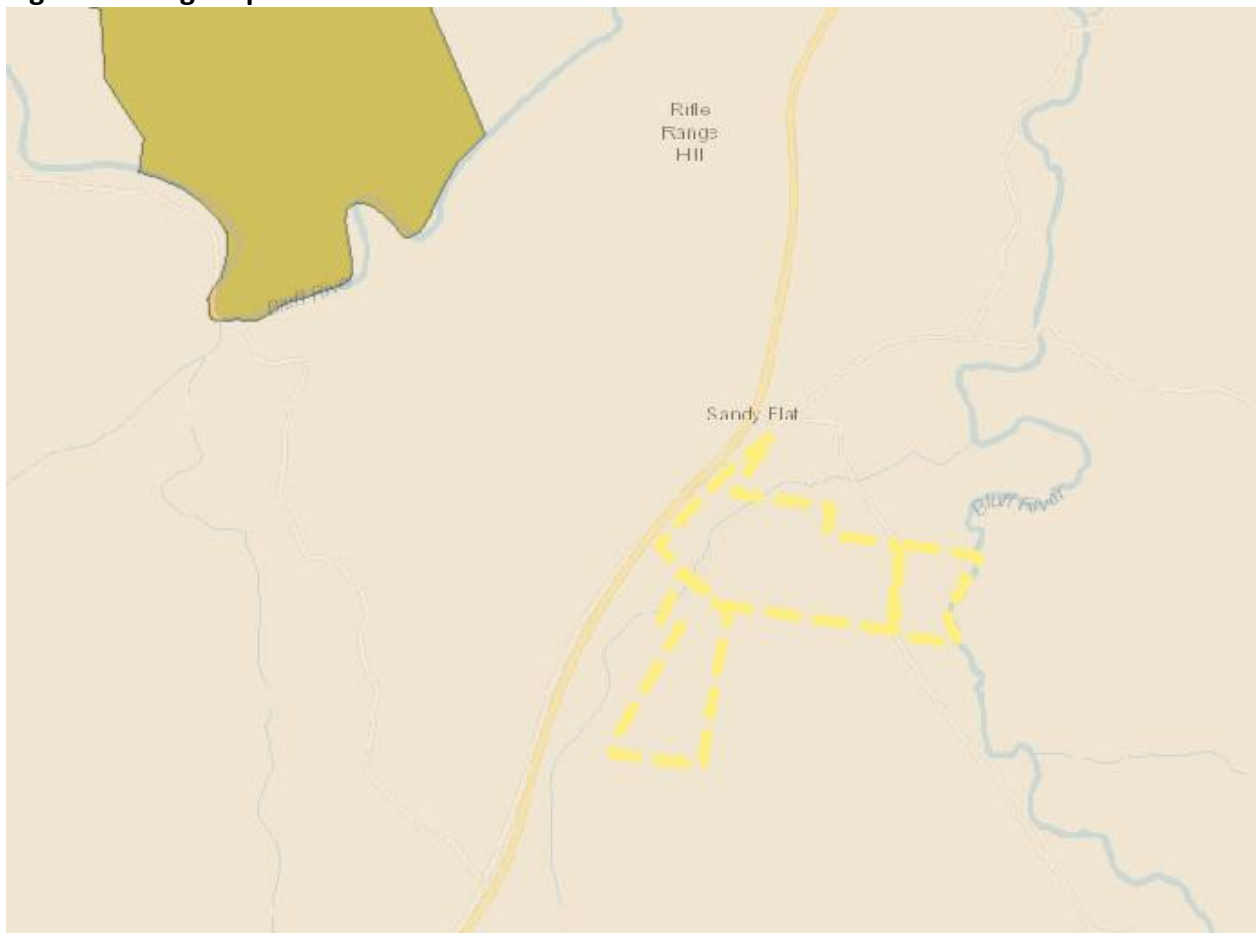
The applicable LEP is the *Tenterfield Local Environmental Plan 2013*, and the relevant provisions of the LEP are discussed as follows.

The subject land is zoned RU1 Primary Production under the provisions of the LEP. The proposal is permitted in the zone with development consent (truck depot).

Tenterfield LEP defines the use as:

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

Figure: Zoning Map



Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Building identification signs; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Intensive plant agriculture; Roads; Water supply systems

3 Permitted with consent

Aquaculture; Dwelling houses; Extractive industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; **Any other development not specified in item 2 or 4**

4 Prohibited

Nil

Following is an assessment of the objectives of the zone:

Objective	Comments
<ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. 	<p>The truck depot will only take up a small proportion of the subject land around the existing house and sheds. The remainder of the property will continue to be used for primary production purposes.</p>
<ul style="list-style-type: none"> • To encourage diversity in primary industry enterprises and systems appropriate for the area. 	<p>The proposal is not inconsistent with this objective. It is noted that the proposal provides earthmoving services to the surrounding rural locality.</p>
<ul style="list-style-type: none"> • To minimise the fragmentation and alienation of resource lands. 	<p>The proposal will not lead to further fragmentation and alienation of resource lands.</p>
<ul style="list-style-type: none"> • To minimise conflict between land uses within this zone and land uses within adjoining zones. 	<p>Whilst there are no adjoining urban zones that may be impacted upon, there is the potential for land use conflict with neighbouring land uses. It is considered that the measures proposed by the applicant in the response to submissions and revised application documents, that any potential conflicts will be minimised. The main changes to the proposal (from the original application) to minimise potential conflict includes:</p> <ul style="list-style-type: none"> • All traffic to be via Primrose Hill Road (and not Sandy Flat Road).

	<ul style="list-style-type: none"> • Bitumen sealing of Primrose Hill Road down to the proposed new access point. • Planting of a landscaping screen across the site to reduce visual impact of the site when viewed from the north. • Restriction on the hours of operation.
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6.4 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) stormwater drainage or on-site conservation,

(e) suitable vehicular access.

Comments

Water

Water for business use will be sourced from rainwater captured on the workshop roof, stored in a 22,500L capacity poly tank and reticulated via pressure pump. When rainwater is depleted in dry times, water will be purchased from the Town supply, trucked to site and pumped in to refill the tank.

Water for use at the amenities and office buildings will be stored in poly tanks next to those buildings and reticulated via pressure pumps.

Electricity

Is already connect to the site. The proposed building works are relatively minor, and no upgrading works considered necessary.

Disposal and management of sewage

The proposed amenities building will be equipped with an effluent holding tank as described on the Site Plan and submitted supporting information.

Section 68 approval under the *Local Government Act 1993* will be required for the installation and operation of the system.

The tank will need to be serviced regularly by a suitably qualified septic service according to the degree of use and the manufacturer's guidelines.

Stormwater

Sediment and erosion from rainwater from the gravel pad is controlled by drainage to an existing sediment pond as marked on the site plan.

Access

It is proposed that all traffic be rerouted from the existing access off Sandy Flat Road to a new access off Primrose Hill Road (via a new driveway across the site). Refer to the access section of this report for greater assessment of this proposal.

DCPs

Tenterfield Development Control Plan 2014

Tenterfield Development Control Plan 2014 (DCP) applies to the subject land and development proposal, with the following sections of relevance;

Chapter 2 - Notification Procedures

In accordance with the DCP, Council provided written notice of the proposed development to those persons owning adjoining and neighbouring land.

Fourteen (14) submissions were received during the notification period. These are considered in the submissions section of this report.

Otherwise, the Tenterfield Development Control Plan 2014 does not contain specific controls that are applicable to the proposed use of the land for a “truck depot”.

Environmental Planning and Assessment Regulation 2000

Clause 92 - Government Coastal Policy

Not applicable to the Tenterfield Local Government Area.

Clause 92 - Building Demolition

No demolition works are proposed.

Clauses 93 & 94 – Fire Safety Upgrades

Not applicable.

Clause 94A - Temporary Structures

Not relevant to the proposal.

Clause 95 – Deferred Commencement

Not relevant to the proposal.

Clause 96 – Ancillary aspects of development

Not relevant to the proposal.

Clause 97 – Modification or surrender of consent or existing use

Not relevant to the proposal.

Clause 97A – Fulfilment of BASIX commitments

Not relevant to the proposal.

[s4.15(1)(b)] Impacts of the Development

Context & Setting

The site has historically been utilised for farming and grazing uses and includes an ancillary dwelling. The owners have operated their truck depot from the site for some time as a home business. In recent times the use has increased and necessitating the requirement for development consent to operate..

The surrounding area is generally characterised by rural development and ancillary dwellings. The following setbacks distances apply from the truck depot to neighbouring dwellings (approximate):

102 Sandy Flat Road – 590m
89 Primrose Hill Road – 590m
1 Primrose Hill Road – 850m

The proposal is considered compatible with the surrounding area and will have (acceptable impact as outlined in this report (and imposition of appropriate conditions of consent) in regard to:

- Impacts on adjacent properties and land uses; and
- Interruptions of important views and vistas

The proposal is considered within the context of the locality and Council's current planning provisions.

Following review of the document “Living and working in rural Areas” prepared by NSW DPI, there are no identified buffer zone requirements applicable to the proposed truck depot. It is considered that the setbacks to neighbouring dwellings are acceptable from the truck depot. Through the mitigation measures proposed by the applicant and conditions of consent, impacts can be appropriately managed.

Access and Traffic

Access

Access to the site is currently obtained directly from Sandy Flat Road which is a gravel road in reasonable condition. It is proposed that access to the site be relocated to Primrose Hill Road with the construction of a new access point approximately 700m south of the Sandy Flat Road intersection. Currently, Primrose Hill Road is a gravel road of minimal construction standard.

It is proposed to construct an internal driveway from the depot site to this new proposed access point on Primrose Hill Road. All traffic associated with the development will utilise this new access.

It is recommended from Councils Engineering Department that the following road works be undertaken (subject to a Section 138 Approval under the *Roads Act 1993*):

Primrose Hill Road

- Construction of the upgraded sealed pavement along the access route, including the upgraded intersection of Sandy Flat Road and Primrose Hill Road, should result in a minimum depth of 250mm of approved basecourse gravel (Aus-spec standards or higher).
- Primrose Hill Road to be upgraded to a two lane bitumen sealed road with 6.0m wide seal on a 7.0m wide gravel formation. Consider the potential for widening towards the end of the road where sight distance is suitable for passing storage points. Drainage pipes at low points across the road within minimum pipe size of 450mm.
- The intersection of Sandy Flat Road and Primrose Hill Road shall be upgraded to an Austroads Basic Left Turn (BAL) Rural Tee Junction standard for a minor road with nominal entry lane widths similar to Primrose Hill Road sealed upgrade for 100m along each three legs of the intersection.
- The proposed access off Primrose Hill Road to the subject land to have a layout in accordance with the standard RMS Rural Road Access Drawings.
- A Review of Environmental Factors is to be prepared by a suitably qualified person and form part of the Section 138 application.
- Consultation with the relevant State Government Agency relating to any watercourse crossings.

Private Access Road

The private access road from the new access to the workshop area shall be constructed and maintained at the approved configuration and depth so that it continues to perform under heavy traffic without creating any dust or siltation runoff nuisance.

No native vegetation removal is required. The proposed crossing of Sandy Flat Creek will involve installation of a box culvert to minimise the impact to water flows.

The following condition of consent is proposed:

Prior to construction of the internal access road, the applicant is to contact the Natural Resource Access Regulator (NRAR) to determine if any approvals or licences are required to cross the intermittent water course located on the property. Any approvals required from NRAR are to be obtained prior to construction commencing on site.

Traffic Generation

The following information has been provided by the applicant relating to traffic generation from the development:

Typical daily vehicle movements will involve employees arriving at the Depot in private vehicles (utes or cars), parking at the Depot, then departing in a heavy vehicle or work ute and travelling to respective worksites for the day. In general, those heavy and light vehicles will then return to the Depot each afternoon. Employees will then depart and travel home in private vehicles.

The heavy vehicles will consist of tip truck and dog combinations (6), rigid trucks (3) and prime movers (2) with various heavy trailers including water tanker, low loader and

tipping trailers. Earthmoving plant will consist of dozers, excavators, grader, wheel loaders and rollers. The earthmoving plant will be based off-site and return to the Depot occasionally (approx. quarterly) for repairs and maintenance work via low loader transportation.

Below is a description of proposed average traffic volumes. These are approximate and will vary depending upon availability of work, distances travelled to and from jobs and number of employees engaged at each job site.

Min 2 Max 15 Light vehicles arriving at Depot 6.00am-7.30am weekdays, Min 0 Max 8 arriving 6.00am-9.00am Saturdays. Same numbers departing 3.00pm-7.00pm weekdays, 12.00pm-5.00pm Saturdays

Min 2 Max 8 Heavy vehicles departing Depot 6.30am-7.30am weekdays, Min 0 Max 8 departing 6.30am-9.00am Saturdays. Same numbers arriving back 3.00pm-6.30pm weekdays, 12.00pm-5.00pm Saturdays.

A peak of a combination of light and heavy vehicle movements may occur around 6.00-7.00am and 5.00-5.30pm depending upon workloads and what jobs are being undertaken. Light and heavy vehicle movements associated with the business are proposed to also occur sporadically during the day or may occur in small clusters.

Occasional and sporadic arrival and departure of oversize loads (i.e., low loader transporting heavy plant items) is estimated on average 2-3 times per week. Bulk diesel deliveries (usually a truck and dog combination) will occur approximately twice monthly. A semi-trailer with 20,000L water tanker is another combination proposed for use on a sporadic basis, perhaps twice per week if a number was having to be nominated. Waste collection services are estimated to have to frequent the site approximately once or twice per month (combination of waste oil collection, scrap steel collection, skip bin servicing and septic service).

Other business traffic may include parts suppliers twice weekly in a light vehicle or medium rigid truck, tyre fitter up to 3times weekly in a light vehicle and other very occasional (estimate once monthly) light vehicle traffic including sales representatives and consultants. Again, these numbers are per week or per month, not per day or per hour. Whilst this development is proposed to generate more traffic than any other enterprise in the immediate area, it is not a huge volume of traffic when taken into perspective. The development for which the Applicant seeks approval is a Local Development, not a State Significant Development and the business proposed is both permitted with consent and compatible with the objectives of the site's RU1- Primary Production zoning.

It is proposed to include a condition of consent that sets the maximum number of vehicle movements for the proposed development.

The proposed traffic impact management measures are as follows:

- Widening and sealing of Primrose Hill Road.
- Internal road to be constructed with dust suppressing properties (including a seal cover).

- Retention of existing vegetation.

To mitigate the potential risk of traffic disruption at the intersection of the New England Highway and Sandy Flat Road, it is proposed by way of a condition of consent for the applicant to amend their Traffic Management Plan by including an operational measure to ensure that heavy vehicles returning to the subject land are staggered (i.e. not in a convoy).

It is considered that the measures proposed are acceptable and appropriate conditions of consent can be included to control potential impacts.

Public Domain

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas (as per the proposal for right of carriageways over the driveways and carparking areas).

Utilities & Services

Water

Water for business use will be sourced from rainwater captured on the workshop roof, stored in a 22,500L capacity poly tank and reticulated via pressure pump. When rainwater is depleted in dry times, water will be purchased from the Town supply, trucked to site and pumped in to refill the tank.

Water for use at the amenities and office buildings will be stored in poly tanks next to those buildings and reticulated via pressure pumps.

Electricity

Is already connect to the site. The proposed building works are relatively minor, and no upgrading works considered necessary.

Disposal and management of sewage

The proposed amenities building will be equipped with an effluent holding tank as described on the Site Plan and submitted supporting information.

Section 68 approval under the *Local Government Act 1993* will be required for the installation and operation of the system.

The tank will need to be serviced regularly by a suitably qualified septic service according to the degree of use and the manufacturer's guidelines.

Stormwater

Sediment and erosion from rainwater from the gravel pad is controlled by drainage to an existing sediment pond as marked on the site plan.

Waste Management

Being a mechanical workshop, there is an element of waste associated with the daily functions of the truck depot

Waste oil is stored in a purpose built tank and is then disposed by an independent qualified service provider (the applicant has advised East Coast Oils is the current contractor).

The applicant proposes the following management measures:

- *The tank and surrounds will be inspected on a regular basis to check condition and capacity.*
- *Paints, grease and other environmentally sensitive containers and substances are disposed of as directed by manufacturer's instructions.*
- *Spill kits are stored in the workshop area in the event of any spillage incidents.*
- *General rubbish is stored in a 2m skip bin which is regularly serviced by qualified contractor, New England Waste.*

Heritage

There are no listed heritage items under the LEP on the subject land.

Air and microclimate

In terms of dust management, the applicant has provided significant mitigation measures as part of the revised proposal post responding to the submissions made. The main measure been the relocation of all traffic to Primrose Hill Road and the upgrading and bitumen sealing of this road.

The proposed new internal access road from Primrose Hill Road back to the workshop is to include a high quality road base that s unlikely to create significant dust generation. It is proposed to include a condition of consent that this internal road also include a bitumen seal to further reduce the potential dust impact.

The dust impacts concerning activity around the workshop area are considered minor due to the limited vehicle movements during the day, proposed landscaping screen and significant distance to neighbouring dwellings (which also includes the location of existing vegetation on site in between).

Soils

Appropriate erosion and sediment controls to be implemented prior to and during the period of construction of the amenities and office buildings.

Flora and Fauna

The proposal is not expected to create any adverse impacts on flora and fauna in the locality.

There are no known threatened species or critical habitat on the site of the proposed development.

No vegetation removal is required.

Noise and Vibration

Construction

There will be noise generated during the construction period but is not expected to adversely impact on any surrounding land uses. Council's standard condition regarding construction hours is recommended.

Operational

Traffic

The Applicant acknowledges this is an issue for other residents due to volume of light and heavy vehicles, frequency of travel and nature of road and proposed workshop activities.

As stated above, the majority of the traffic noise impacts will be significantly lessened by the use of Primrose Hill Road, rather than Sandy Flat Road. It is noted that there will already be traffic noise impacts in the locality due to the close proximity of the New England Highway to the west of the subject land.

The internal road will be required to be maintained to a suitable condition to minimise potential noise impacts (especially from corrugations).

The applicant has stated that engine breaking will not be permitted between the New England Highway and the proposed workshop site.

Workshop

Noise is generated by various proposed workshop activities and equipment including;

- Travel of light and heavy vehicles around the workshop including use of reverse alarms.
- Occasional loading, unloading and travel of heavy plant items around the workshop.
- Various repairs and maintenance tasks including but not limited to.
- Use of air and power tools including drill, impact driver, cut off saw, grinder.
- Use of welding equipment.

- Use of hand tools.
- Operation of forklift, compressor, generator, pressure cleaner, lathe, press.

The Workshop Management Plan has provided a number of noise mitigation measures.

It is proposed to restrict the hours of operation to:

- Monday to Friday 6am to 7pm
- Saturdays 6am to 5pm (operations generally between 8am and 12 pm)

It is considered that the hours of operation are acceptable.

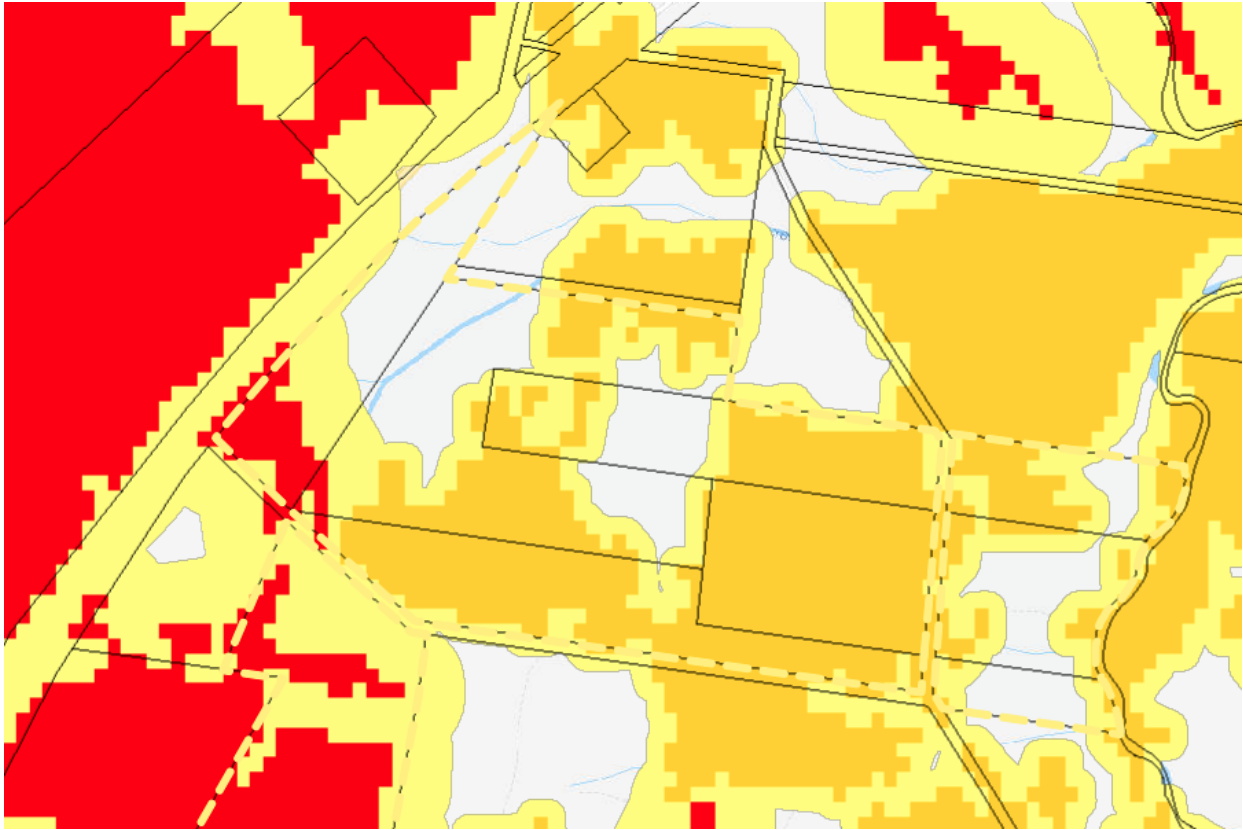
The applicant proposes to enclose part of the existing open workshop with a wall to create a solid barrier. Battery operated tools preferred over 240V driven electric tools where possible. It is proposed to impose a 10km/h speed impact around the site to reduce further noise impact.

Natural Hazards

The subject land is mapped as been bushfire prone land. The following measures are proposed by the applicant to reduce the risk of bushfire:

- *Maintenance of cleared area and gravel pads around the workshop to eliminate fire fuel load,*
- *Workshop to be equipped with two 4.5kg ABE fire extinguishers and two large fire blankets at all times,*
- *Water stored in 22,500L poly tank with pressure pump for use in firefighting, connected to 20m long, high pressure fire hose with reel and high pressure nozzle,*
- *Additional 60,000L + water stored in tanks on southern side of workshop can be used if required,*
- *Correct storage of flammable substances and educating staff on use of flammable substances,*
- *Training of staff in use of firefighting equipment,*
- *Control of regrowth and understorey grasses across the property through grazing, slashing and if necessary, spraying,*
- *Removal of fallen limbs and dead trees around the property to minimise fire fuel in surrounding paddocks.*

Figure: Bushfire Prone Land Map



Safety, Security and Crime Prevention

No additional measures are considered necessary as part of the proposal.

Social and Economic Impacts in the Locality

It is considered through the imposition of appropriate conditions of consent (and mitigation measures proposed by the application) that the likely social and economic impacts of the development within the locality are acceptable.

It is noted that the business employees approximately 20 staff members. The applicant has provided the following information in their “response to submissions”:

AB Contracting (NSW) has had at least 4 employees relocate to this area as a direct result of their employment with the business, and many more stay on in the area because the Applicant is able to sustain that employment. They live in the community, spend locally and have their children attend local schools.

The employment of approximately 20 people is not just supporting those people and their families, it has a significant flow-on effect on the town itself, as previously mentioned, through patronage of other local businesses, purchase of parts, tyres, fuel, computers, stationery etc.

In addition, local businesses are offering year after year to keep our local sporting clubs, teams and events going through donations and sponsorship. In the past 12 months, and in preceding years, AB Contracting (NSW), along with many local businesses that we in

turn patronise, has lent monetary support or donation of goods to the following organisations:

- *Tenterfield Campdraft Club Inc (annual prize donation for Juvenile Draft plus in 2020 donation of water and water cart - including operator- for ring conditioning, donation of cattle for running in the draft),*
- *Tenterfield Swimming Club Inc (donations for raffle, donation to purchase shade tent),*
- *Tenterfield Pony Club (donation of use of water cart),*
- *Tenterfield Show Society (annual sponsorship of Rodeo, donation of goods and services),*
- *Tenterfield Tigers Rugby League Club (sponsorship of jerseys in 2020 – now being used in 2021, sponsorship of training shirts in previous years), just to name a few.*

Construction

The proposal includes building and civil works as indicated on the development plans.

Any construction work will be undertaken in accordance with National Construction Code, Councils standard engineering guidelines and Councils conditions of consent.

Construction impacts are not anticipated to have an adverse impact on the locality. Works would occur during daytime hours, thus not impacting on the local amenity. The site would have temporary containment fencing erected and signage to warn and exclude the public from entering the site during the construction phase.

Erosion and sedimentation control measures would be developed and implemented during construction to minimise any erosion and sedimentation at the site. All disturbed areas rehabilitated as soon as practical

All waste generated during construction would be taken and disposed of at Council's Waste Disposal Facility.

All construction machinery would be fitted with appropriate muffling devices to limit noise generation during construction. The construction period would be for a limited period, and thus any impacts would be limited to that time frame.

Cumulative Impacts

The potential for additional traffic, noise, dust and visual impacts has been discussed elsewhere in this report. The proposal is not expected to generate any unsatisfactory ongoing negative cumulative impacts as outlined in the submitted application documents and plans and by the imposition of appropriate conditions of consent.

[S4.15(1)(c)] Suitability of the Site

Does the proposal fit in the locality?

- There are no constraints posed by surrounding development to render the proposal prohibitive;
- The proposal as outlined is complimentary to the surrounding land use pattern and zoning;
- It is considered that the proposal will not create any unmanageable access or transport concerns in the locality;
- No impact on public spaces will eventuate as a result of the proposal proceeding;
- The site is already connected to available services available to the site;
- Issues in relation to air quality and microclimate can be controlled by the imposition of conditions of consent; and
- There are no identified surrounding hazardous land uses or activities.

Are the site attributes conducive to development?

It is considered that the site is conducive to the proposal based on the following:

- The site is not affected by any natural hazards other than bushfire which has been addressed;
- There are no known heritage issues affecting the site;
- There is no known soil characteristics that would render the proposal prohibitive; and
- There are no flora and fauna considerations that will have an impact on the proposal.

[S4.15(1)(d)] Submissions

The application was notified in writing to owners in the vicinity of the proposed development and publicly advertised in Your Local News and on Council's website between 18 November 2020 and 8 December 2020 with 14 submissions received. The points made in each submission are summarised below.

Submission 1

- Narrow road, often corrugated that can be hazardous – large number of heavy vehicles.
- Dangerous with additional traffic generation.
- Owners have been operating without approval.
- This is a rural agricultural zone – this business is not complimentary.
- Impact on tourism industry.
- Potential future quarry and crushing plant – not relevant.
- Breaches of water and environmental laws – no evidence provided.
- Better located in an industrial site.
- B&B opposite the site impacted upon – dust impacts.
- Owners cut off water supply to the neighbours.
- Illegal works in the creek.
- Social impacts on the community.

Submission 2

- Noise.
- Dust.
- Traffic safety from trucks - safety of people walking and riding horses on the road.
- Damage to the road from the heavy vehicle traffic.
- Use of water – should be made available to farmers etc in times of drought.
- Unsociable hours of operation – local residents have paying guests and small children.

Submission 3

- Concern regarding the opening up of road access beside house to heavy vehicles + 20 employees – associated noise and dust issues would be unbearable.
- Impact on property valuation.
- Lots of noise day and night.
- Road surface is not sufficient to handle the proposed traffic loading.
- Negative amenity impact.

Submission 4

- Road is not sufficient to handle the heavy vehicles associated with the business.
- This enterprise does not conform to zoning and local bylaws – no justification provided as to how.
- Significant dust generation.
- Potential to affect property values.
- Commenced development without consent first been applied for.

Submission 5

- Without the necessary considerations taking place before it is implemented there can be significant risks to safety ,amenity , and competing livelihoods.
- Significant upgrade to the local roads to bitumen surface and sufficiently wide for 2 vehicles to safely pass.
- Roads in Sandy Flat are often in a condition with corrugations such that they are dangerous and damaging to vehicles with normal use let alone with the burden suggested in the DA.
- Dust impact.
- That there is a disassembled crushing plant on site which has further heightened concerns around amended DA's and future plans that could further impact noise, dust and traffic movements.
- With the regular truck movements of AB contracting plus the need on occasions to move in and out oversize heavy earth moving equipment this would be significantly higher risk than occasional B Doubles.
- Amenity impacts.

Submission 6

- Not in keeping with the local area.
- Causes significant noise, dust and visual pollution and safety issues on the road.
- Reduce property values.
- Environmental degradation potential.
- Inappropriate in a rural locality.
- Better in an industrial locality.
- Impacts on horse riders on Sandy Flat Road.

Submission 7

- Lifestyle and property values.
- Road is busy and dangerous – safety a big concern. Wear and tear on road.
- Dust from road usage.
- Prefer that vehicles enter and leave via Primrose Lane.

Submission 8

- This is a rural area not industrial – the business has expanded rapidly over the past 5 years to a point where vehicle movements, noise and other affects have made it out of character with the area.
- Better located in the Tenterfield Industrial estate – negates all issues.
- Reduced property values.
- The site is visual impact from the highway.
- Noise from the workshop, day/night/weekends.
- Vehicle movements operating outside of normal hours (night time and early morning).
- Road safety and road degradation.
- Dust creating health impacts.
- Dust impacting on solar power efficiency.
- Economic impact on local tourism.
- Reduced amenity of the area.
- Safety of children in and around the depot.
- Land and ground water contamination.
- Concerns with the proposed Traffic management plan.

Submission 9

- Would be better suited to the Tenterfield Industrial Estate.
- Noise impact.
- Dust impact.
- Visual impact.
- Impact on the tourism industry.
- The level of traffic generation is far greater than what the current road system can handle.
- Extraction of dam spoil and transport to Tenterfield.
- Out of character with the area.
- Dangerous conditions along Sandy Flat Road.
- Negative impact on property values.

- The potential for the whole property to be utilised for the proposed development. Needs to be more clearly defined.
- Potential for a quarry on the site.
- Utilising multiple access points.
- Hours of operation are too long and should be restricted. Consider the school bus times.
- Control of potential fuel spill.
- Environmental Impact Study is required.

Submission 10

- Business operating without approval.
- Created impacts on the creek system.
- Dust impacts.
- Noise impacts.
- Sandy Flat Road in poor condition.
- Better suited in an industrial location.

Submission 11

- Noise impact.
- Dust impact causing health impacts.
- Safety of Sandy Flat Road.
- Better suited to an industrial zone.
- Environmental Impact Study required.
- Use of Crown Road back to Primrose Hill Road.
- Water supply from dry farm dams.
- Negative impact on property values.
- Potential impact on Aboriginal heritage.
- Onsite safety impacts.
- Potential fire risk has not been addressed.
- Potential to utilise the whole of the property for the proposed development.
- Impact on tourism.

Submission 12

- Sandy Flat Road is inadequate to cater for the development.
- Dust impact.

Submission 13

- Tourism impact.
- Out of character with the area.
- Traffic impact on Sandy Flat Road – no business traffic should access this road.
- Noise impact (especially from hours of operation).
- Dust impact.
- Impact on property values.
- Better suited in an industrial estate.
- Suggested mitigations and controls are inadequate.
- Drivers code of conduct is not restrictive enough.

- Questions relating to potential for future quarry on the site.

Submission 14

- Should be located within an industrial zone.
- Noise impact.
- Dust Impact.
- Road safety impacts.
- Potential for a future quarry on the land.

Response to submissions

Each submission was provided to the applicant for review and comment. A response to submissions document was submitted along with revised plans and supporting documentation.

The relevant points raised in the submissions as outlined above have been summarised and the following responses are provided:

Traffic impacts

The applicant in their response to submissions, acknowledges that the increased traffic along Sandy Flat Road between the intersection with Bald Rock Rd and the entrance at 162A is a significant issue for other residents.

The revised Traffic Management Plan (January 2021) proposes that ALL inbound and outbound business traffic including light and heavy vehicles, service providers, suppliers, employees and any other associated traffic will use the proposed private internal road from the workshop to the property boundary and then the northern end of Primrose Hill Road on ALL occasions to access the New England Highway. This has been shown on the revised site plans.

It is noted that the proposal now does not propose any direct access to Sandy Flat Road associated with the truck depot. Business vehicles (light, heavy and oversize) may need to travel along Sandy Flat Road south of the subject land to client's properties, however they will first have to exit the property via the new access arrangement onto Primrose Hill Road.

In addition, the applicant has proposed to upgrade Primrose Hill Road to a bitumen seal standard back to the New England Highway in accordance with Councils requirements (a condition of consent to be imposed accordingly). This will have the impact of significantly reducing the traffic impact along Sandy Flat Road by relocating the traffic and further reducing the dust impact by the bitumen sealing of this road. The associated road noise impact will also be reduced (less corrugations etc that would normally be experienced by a gravel road if it is not regularly maintained).

A Traffic Management Plan has been prepared by the applicant and forms part of the Development Application.

Dust Impacts

The Applicant acknowledges this is an issue for other residents due to the volume of light and heavy vehicles, frequency of travel and nature of road on Sandy Flat Road.

As stated above, it is now proposed to move all business traffic to Primrose Hill Road which is proposed to be bitumen sealed (approximately 700m from the intersection of the New England Highway). It is considered that this will negate the majority of the potential dust impact.

The proposed new internal access road from Primrose Hill Road back to the workshop is proposed. It is proposed to include a condition of consent that this internal road also include a bitumen seal to further reduce the potential dust impact.

The dust impacts concerning activity around the workshop area are considered minor due to the limited vehicle movements during the day, proposed landscaping screen and significant distance to neighbouring dwellings (which also includes the location of existing vegetation in between).

Noise Impacts

Traffic

The Applicant acknowledges this is an issue for other residents due to volume of light and heavy vehicles, frequency of travel and nature of road and proposed workshop activities.

As stated above, the majority of the traffic noise impacts will be significantly lessened by the use of Primrose Hill Road, rather than Sandy Flat Road. It is noted that there will already be traffic noise impacts in the locality due to the close proximity of the New England Highway to the west of the subject land.

The internal road will be required to be maintained to a suitable condition to minimise potential noise impacts.

The applicant in their Traffic Management Plan has stated that engine breaking will not be permitted between the New England Highway and the proposed workshop site.

Workshop

Noise is generated by various proposed workshop activities and equipment including:

- Travel of light and heavy vehicles around the workshop including use of reverse alarms.
- Occasional loading, unloading and travel of heavy plant items around the workshop.
- Various repairs and maintenance tasks including but not limited to:
 - Use of air and power tools including drill, impact driver, cut off saw, grinder
 - Use of welding equipment
 - Use of hand tools
 - Operation of forklift, compressor, generator, pressure cleaner, lathe, press.

The Workshop Management Plan has provided a number of noise mitigation measures.

It is proposed to restrict the hours of operation to:

- Monday to Friday 6am to 7pm
- Saturdays 6am to 5pm (operations generally between 8am and 12 pm)

The applicant has provided the following justification for the proposed hours of operation:

- *Principal Contractor at Bolivia Hill Upgrade directs 6:30am start for pre-start meeting at 6:45am, finishes as late at 6pm, occasionally working Saturdays also with a 6:30am start,*
- *Rangers Valley Cattle Station requests 7am start: the feedlot is 45 min travel time from Sandy Flat. As a contractor, the Applicant often works in cohesion with Rangers Valley plant and operators so a common start time is important.*
- *Tenterfield Shire Council directs start times from 6:30am.*

In all cases, employees need to arrive at the workshop, meet up with their co-workers travelling to the same job, communicate with the Director and each other via short Toolbox meetings, organize tools and equipment needed and depart with enough time to arrive at the job for the directed start.

Directed finish times at job sites range from 4pm to 6pm. Workers and vehicles then need to return to the workshop, re-fuel, make any necessary repairs and organise for the following day. As with any business, plans can and do change at any time and the business and its workers need to adapt.

Saturday work is necessary for a number of reasons;

- To accommodate clients who work during the week,
- To provide service to Bolivia Hill Upgrade project that can be directed on Saturdays to help reduce the time frame to complete the work (Note same start time of 6:30am on site- this is the only reason for the proposed 6am Saturday start),
- To make necessary repairs and maintenance to plant and vehicles.

The Applicant acknowledges that heavy vehicle traffic did occur during the night in December 2020. These movements were due to the event of night shifts being conducted at the Bolivia Hill Upgrade under direction of the Principal Contractor. There were up to 3 trucks involved in night shift work but, for a short period, one truck was returning to the depot after completion of night shift so that it could leave from the depot for a different job during the day. There were also two occurrences of a truck having to return to the depot for repairs in the evening between 9pm and 10pm. Under proposed changes to hours of operation per the revised Traffic Management Plan (January 2021) there will be no business traffic movements occurring outside the set operating hours of 6am-7pm weekdays and 6am-5pm Saturdays.

Grain carting makes up a small proportion of the transport work for the business. These trucks were proposed to have been departing before sunrise in order to be on site by a requested pick up time from the farms, which are up to 3 hours travel away. Again, per

the revised Traffic Management Plan (January 2021), the Applicant will find a workaround so that no traffic occurs to or from the Depot at Sandy Flat outside the set proposed operating hours of 6am to 7pm weekdays and 6am-5pm Saturdays.

The Applicant has asked for exception to be made for Emergency Fire Work which is performed from time to time for the NSW RFS. This work can involve movements of heavy plant and water trucks, with light vehicles in support, at any time of the day, any day of the week, including Sundays and Public Holidays. Again, the Applicant has undertaken a strict assessment to qualify as a contractor to the RFS and continues to uphold numerous insurances and standards to retain qualification.

It is considered that the proposed hours of operation are acceptable.

The applicant proposes to enclose part of the existing open workshop with a wall to create a solid barrier. Battery operated tools preferred over 240V driven electric tools where possible. It is proposed to impose a 10km/h speed impact around the site to reduce further noise impact.

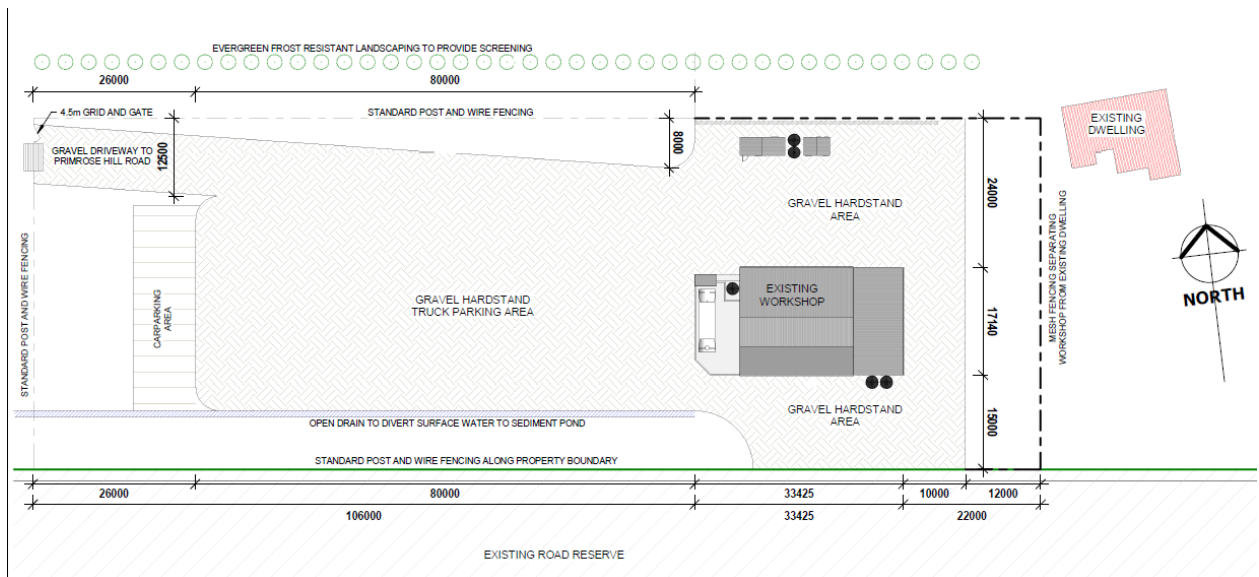
Visual Impacts

It is noted that there some visual impacts that have been created by the proposed development that have been highlighted by a number of objectors. The following photos highlight the potential visual impact (the first photo taken due north of the site on Sandy Flat Road and the second photo taken just south of the Primrose Hill Road/ Sandy Flat Road intersection).





The visual impact will be significantly reduced by the planting of an evergreen frost resistant landscaping screen to provide screening along the northern side of the site from the existing dwelling to the western side of the workshop precinct (see sketch below from indicative location). The screen is to be to a height of at least 10m and include a mixture of species to create a solid screen. A detailed landscaping plan to be prepared as part of a condition of consent.



Zoning is inappropriate for the use

Area is zoned RU1 Primary Production. There are no prohibited development types listed for the Zone RU1 – Primary Production within the *Tenterfield Local Environmental Plan 2013* (LEP).

It is noted that the proposed development is permitted with consent in the RU1 Primary Production zone. In determining the Development Application, the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been assessed with respect to the proposal (including an assessment of the proposal in accordance with the provisions and objectives of the LEP within this report).

The development is for the continued use of a truck depot, which is located within an agricultural property. The development does not involve any primary industry enterprise; however, the proposed enterprise will indirectly support primary industry enterprises in the area as the majority of existing clients are primary producers who engage the applicant for work such as dam construction, clearing fence lines, establishing or improving access tracks and roads, constructing gravel pads for farm infrastructure and delivery of fertilizer, gravel or rock for farm use, including erosion control.

The proposal is for a truck depot that is considered a ‘non-agricultural land use’ on a small section of the property. The remainder of the property will continue to be available for agricultural uses. The proposed development is therefore not considered to alienate resource lands. The amendment of the application to relocated all traffic movements to Primrose Hill Road will have a significant benefit in reducing potential impacts on the surrounding area.

Operating without approval

Council staff are aware of the lack of Development Consent for the activity currently being conducted on the site and have been in consultation with the property owner to have the deficiencies rectified in accordance with Council’s Enforcement Policy for Unlawful Activities, for a period of approximately 2 years. Council has sought to enforce the activity it regulates which in this instance is the land use subject to Development Application.

Council administrative staff are directed on how to approach regulating unlawful development within the Council area by the Enforcement Policy for Unlawful Activities.

The policy in force at the time Council received a complaint regarding activities under the current Development application, expressly requests staff to work with property owners to obtain the necessary approval for the activity so long as it is a lawful use. Under section 4.4 of the policy is the following statement that gives staff guidance in application:

“Could the unlawful activity be carried out lawfully if development consent or an exemption from development consent was sought?”

In these circumstances, Council will be less inclined to proceed with legal action especially if an owner actively and positively attempts to regularise the situation.

It is noted that the applicant has cooperated and has lodged a development application which is the subject of this report.

Potential for expansion across the owner's property

The subject land includes a number of lots, each of which needs to be identified in the development applicant if it includes any aspect of the proposed development (in this instance, buildings, parking areas and access routes).

The site plan indicates the buildings, workshop precinct area and internal access road that forms part of this development application. Any development proposed outside of this will be subject to a separate development application.

There has been several references for a future proposed quarry on the subject land. It is noted that the proposed does not include a quarry, so the objection point is irrelevant.

School bus route

The school bus does not run along Sandy Flat Road. The bus stop is located at the intersection of Sandy Flat Road and the New England Highway. Removing business traffic from the section of Sandy Flat Road as proposed will help those commuters who are concerned about possible encounters with heavy vehicles.

The bulk of the heavy vehicle traffic to and from the depot occurs outside school bus times.

Decline in Property values

There were a number of objections relating to the potential for the proposed development to have a negative impact on property values in the locality.

It is noted that potential devaluation of property is not considered a valid planning consideration.

Regardless, the objections have not provided any significant substantiating points to back up this assertion.

In the response to submissions the applicant has provided the following comments:

The Applicant is not aware of any evidence that property values have been negatively affected.

Notices of Valuation issued by the Valuer General for the property at 162A Sandy Flat Rd have achieved an increase of 19.7% between July 2013 and July 2016 and a further 15.5% from July 2016 to July 2019.

Market value of the property at 162A Sandy Flat Rd has observed an increase of 43% between purchase price in December 2009 and an independent, registered valuation undertaken in May 2019.

Recent sales in the area have been strong.

Environmental Impact Study not conducted

The applicant has submitted a Statement of Environmental Effects as part of the Development Application.

Under Schedule 3 of the *Environmental Planning & Assessment Regulation 2000*, this development is not designated development and, therefore, an EIS is not required.

Impacts on Tourism

It is considered that the proposal will have negligible impact on the Tenterfield tourism industry as the impacts are considered relatively localised.

It is noted that there are some bed and breakfast establishments in the Sandy Flat locality that may be potentially impacted upon by the proposed development. It is considered that the mitigation measures proposed by the proposal are considered acceptable in terms of reducing the impact on these operators. The most important change is the relocation of all business traffic from Sandy Flat Road to Primrose Hill Road (and bitumen sealing) – this will have the associated reduction in dust and noise impact. The proposed landscaping screens in time will reduce the visual impact of the site when viewed from Sandy Flat Road.

Relocate the business to an industrial estate

Several submissions indicated that the business would be better located within an industrial estate in Tenterfield. The point is irrelevant to the consideration of this Development Application as the development is proposed on this site and it must be assessed and considered in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (matters for consideration).

Onsite safety

The applicant has advised that they have in place a system of health, safety and environmental management plans, documents, statements and procedures. This has been in place for a number of years and is under constant review and development. The business now employs two administration staff to ensure compliance, safety auditing, accreditations, research and human resources are managed adequately and with an aim to monitoring and improving practice continually. We take the safety of our people (and our children) very seriously and resent any inference made otherwise.

[S4.15(1)(e)] The Public Interest

The proposed development has been considered in terms of the context and setting of the locality in previous sections to this report and has been notified to adjoining land owners. The proposed development (as modified following the notification period) and with the imposition of appropriate conditions of consent, is considered to have an acceptable impact on the locality.

There are no known policy statements from either Federal or State Government that are relevant to this proposal, nor any planning studies or strategies. There is no particularly relevant management plan, planning guideline or advisory document that is applicable to a development of this nature. Also, there are no covenants, easements, or agreements that affect the proposal.

Conclusion and Recommendation

It is considered that all relevant matters have been addressed, and/or conditions imposed to ensure that any potential impacts are minimised. It is considered that this report adequately addresses the impacts of the development in terms of suitability of the site, services and utilities, traffic, and the other areas identified above.

The development application has been assessed in accordance with the matters for consideration under section 4.15 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies, and is considered to comply with all relevant items. It is recommended that the development application be approved, subject to appropriate standard conditions and those otherwise identified in the assessment.

The development application proposes the use of the site and building works at the proposed truck depot at 162A Sandy Flat Road, Sandy Flat.

The application was supported by a Statement of Environmental Effects (and other supporting documents) and development plans prepared by the applicant which provide sufficient information to allow assessment of the proposal.

The proposed development has been assessed to be permissible under the RU1 Primary Production zone under the *Tenterfield Local Environmental Plan 2013*.

The development application was notified to adjoining land owners in accordance with the provisions of the DCP. There were 14 submissions received during the notification period.

Having considered the documentation supplied by the applicant (including the revised plans and documents following the notification period), the findings of a site inspection, it is assessed that the impacts of the proposal and the likely environmental interactions between the proposed development and the environment are such that Council should not refuse the development application. Accordingly, it is recommended that Development Application be approved subject to the following conditions.

Prepared by:

Anthony Daintith
Principal
Anthony Daintith Town Planning

DATE:

PROPOSED CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. General

The development shall be carried out in accordance with the details set out in the following documents and plans, except where modified by any conditions of development consent:

- Completed Application form
- Statement of Environmental Effects
- Workshop Management Plan
- Site and Development Plans (Efficient Building Design Services)
- Traffic Management Plan
- Drivers Code of Conduct
- Response to Submissions

2. Inconsistency between documents

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to in Condition 1, the conditions of this consent shall prevail to the extent of the inconsistency.

3. National Construction Code - Site Buildings

The building work must be carried out in accordance with the requirements of the National Construction Code. A reference to the National Construction Code is a reference to that Code as in force on the date the application for the Construction Certificate is made.

4. Erection of Signs

The applicant is to provide a clearly visible sign at the entrance to the site during construction stating:

- a) Unauthorised entry to the worksite is prohibited;
- b) Street number or lot number;
- c) Principal contractor's name and licence number;
- d) Principal contractor's contact telephone number/after-hours number;
- e) Identification of Principal Certifier, together with name, address & telephone number.

Advisory Note: Any such sign is to be maintained while the building work is being carried out.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

5. Construction Certificate

The applicant is to apply to Council or a Principal Certifier for a Construction Certificate prior to the carrying out of any relevant building works in accordance with this consent.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

6. Section 68 Local Government Act 1993 Approval

Approval is required from Council for any of the following activities pursuant to Section 68 of the Local Government Act 1993:

- Installation, alteration, or operation of an on-site waste water management system

Section 68 Approval must be obtained prior to the issue of a Construction Certificate for the development.

7. Section 138 Roads Act 1993 Approval

Where works are proposed within the road reserve (specifically installation of property vehicular access, the upgrade of Primrose Hill Road and the intersection upgrade of Primrose Hill Road and Sandy Flat Road), the applicant must obtain approval from Council (as the Roads Authority and/or as required under Section 138 of the *Roads Act 1993*) prior to the issue of the Construction Certificate.

The following details must be submitted to Council in order to obtain the Section 138 approval:

A copy of approved design plans related to the development and proposed works to be undertaken.

- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS17 42.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant I contractor undertaking the works.
- Approved works to be completed in accordance with the approval prior to the commencement of operations.
- A Review of Environmental Factors for the proposed road works is to be prepared by a suitably qualified person for submission with the application.

8. Engineering Plans – Road works

All Engineering works to be designed by a professional Engineer and carried out in accordance with Council's "Road Network Management Plan" and "Construction and Maintenance of Property Access from Councils Roads Policy", unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.

9. Archaeology

If Aboriginal cultural objects are uncovered due to the development activities, all works must stop in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the object(s). The site is to be registered in the AHIMS (managed by NSW Office of Environment & Heritage) and the management outcome for the site included in the information provided to the AHIMS.

If human remains are located during the project, all works must halt in the immediate area to prevent any further impact to the remains. The NSW Police, the Aboriginal community and NSW OE&H are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, OE&H should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by NSW OE&H. In the event that a criminal investigation ensues, works are not to resume in the designated area until approval in writing has been received from the NSW Police and NSW OE&H.

10. Erosion and Sediment Control Plan

The preparation of a detailed Erosion and Sediment Control Plan (ESCP) and accompanying specifications for both the construction phase of the work shall be submitted to and approved by the relevant certifying authority before the issue of a Construction Certificate for the development.

The approved ESCP controls shall be implemented, inspected and approved by the Certifier prior to the commencement of any site works and maintained for the life of the construction phase and until revegetation measures have taken hold.

Advisory Note: Failure to take effective action may render the applicant liable to prosecution under the NSW Protection of the Environment Operations Act.

11. Landscaping Plan

A Final Landscape Plan must be prepared for the proposed landscape screen identified on the approved site plan along the northern side of the workshop precinct.

Additionally, the landscape plan must detail:

- Name and number of species (with preference on the use of native varieties);
- Height of species at planting (the screen must achieve a height of at least 10m);

- Height and spread of species at maturity;
- Method of site preparation and maintenance, to ensure likely survival of plant stock;
- Monitoring program to detect and replace dead or unhealthy plant stock;
- Weed management;
- Proposal for landscaping/screening of the site in the event of drought conditions prevailing, which may inhibit the landscaping planting being undertaken from the outset;
- Proposal for ongoing maintenance/watering of plantings to ensure their survival during drought conditions.

Such plan is to be submitted to the satisfaction of the Council prior to the issue of a Construction Certificate.

12. Watercourse Crossings

Prior to construction of the internal access road, the applicant is to contact the Natural Resource Access Regulator (NRAR) to determine if any approvals or licences are required to cross the intermittent water course located on the property. Any approvals required from NRAR are to be obtained prior to construction commencing on site.

13. Traffic Management Plan Update

Prior to the issue of the Construction Certificate, the applicant is to update the Traffic Management Plan by the inclusion of an operational statement that heavy vehicles returning to the site travelling north along the New England Highway and turning right into Sandy Flat Road, are to be staggered to ensure that there is no queuing and disruption of traffic at this intersection.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

14. Commencement of Work & Appointment of Principal Certifier

The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building works and Appointment of Principal Certifier (PC).

DURING CONSTRUCTION

15. Approved Plans to be available on site

Approved plans, specifications, documentation and the consent shall be made available on site at all time during construction.

16. Hours of Construction Work

The hours of all construction work for the development are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1pm on Saturday, to maintain the amenity of the locality.

Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

Advisory Note: Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.

17. Erosion and Sediment Control Plan Compliance

All site works shall be carried out in accordance with the approved Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate qualification and experience in erosion and sediment control.

18. Dust Control

Effective dust control measures are to be maintained during the construction phase of the development to maintain public safety/amenity and prevent nuisance dust emissions from associated with construction traffic.

Advisory Note: Failure to take effective action may render the applicant liable to prosecution under the NSW *Protection of the Environment Operations Act 1997*.

19. Materials

Materials and their finishes/colours of any proposed site buildings related to the development are to be selected to blend with the surrounding landscape and are not to be reflective in nature, to ensure that they visually integrated with the surrounding environment.

20. Storage of building materials

No storage of building materials, soil or equipment is to occur on Council's property or roads. No unfenced, potentially dangerous activity or material to be located in close proximity to the road boundary adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.

21. Placement of Fill

Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) Guidelines on Earthworks for Commercial and Residential Developments. A suitably qualified consultant shall identify the source of the fill and certify that it is free from contamination.

22. Toilet Facilities

Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the Council.

Advisory Note: Council may consider a waterless composting toilet that is accredited with NSW Health.

23. Retention of Trees

Existing trees on the site are to be retained and protected from damage during work on the site to maintain the visual amenity of the locality.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

24. Occupation Certificate

Prior to the occupation or use of the site or any building, an Occupation Certificate is to be obtained, and where Council is not the Principal Certifier (PC), a copy is to be submitted to Council.

25. Section 68 Local Government Final

The applicant is to ensure that all works associated with the Section 68 Approval for this development are completed and inspected by Council prior to the issue of the Occupation Certificate.

26. Section 138 Roads Act Final

The applicant is to ensure that all works associated with the Section 138 Approval for this development are completed and inspected by Council prior to the issue of the Occupation Certificate.

27. Primrose Hill Road upgrade

Primrose Hill Road is to be upgraded to a Class B road as per Councils Engineering Guidelines prior to commencement of onsite construction or within 6 months of the date of this consent, whichever occurs first).

This will require the road for the length of existing gravel from the intersection of Sandy Flat Road and Primrose Hill Road to the point of entrance of the development site to be reconstructed to a two lane two way carriageway with a minimum pavement width of 7.0 metres and a minimum sealed width of 6.0 metres. The design speed for the road function will be a minimum 70 km/h.

Any culverts will need to be minimum 7.2m wide subject to the formation design and may need to be wider if the road formation needs to be in large fill

Construction of the upgraded sealed pavement along the access route, including the upgraded intersection of Sandy Flat Road and Primrose Hill Road, should result in a minimum depth of 250mm of approved basecourse gravel (Aus-spec standards or higher).

The intersection of Sandy Flat Road and Primrose Hill Road shall be upgraded to an Austroads Basic Left Turn (BAL) Rural Tee Junction standard for a minor road with nominal entry lane

widths similar to Primrose Hill Road sealed upgrade for 100m along each three legs of the intersection.

All works are to be completed within three (3) months of the date of consent.

28. Property Access

Access to the site off Primrose Hill Road is to be constructed in accordance with Councils Engineering Guidelines within three (3) months of the date of consent.

29. Private Access Road

The private access road shall be constructed and maintained at the approved configuration and depth so that it continues to perform under heavy traffic without creating any dust or siltation runoff nuisance. All works are to be completed within three (3) months of the date of consent.

30. Landscape Planting

Within 3 months of the date of this consent, the planting associated with the landscape screen (as approved under Condition 12 of this consent) must be undertaken in accordance with the approved plan, unless otherwise varied and agreed to by Council where drought conditions may inhibit this from occurring.

OPERATIONAL CONDITIONS

31. Amenity

The approved use on the site shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of noise, smoke, smell, vibration, gases, vapours, dust, particulate matter or other impurities from the premises.

32. Internal roads and parking

The applicant must ensure:

- The internal road are constructed as all-weather standard with dust suppressant properties;
- There is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
- All vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
- Vehicles leaving the site are in a clean condition and do not result in dirt being tracked onto the public road network.

33. Traffic Movements

Heavy vehicle movements to and from the subject land are restricted to sixteen (16) per day.

34. Visual Landscape Screen

The applicant must ensure the on-going monitoring of the health and performance of the visual plant screen during the life operation of the development. Plant stock must be replaced, whenever necessary, to ensure the screen continues to act as an effective visual barrier.

35. Outdoor Lighting

Any lighting used on site in connection with the development is to comply with AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

36. Harm to the environment

The applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the development, including weed control.

37. Hazardous Materials

The applicant must:

- a) Store and handle all dangerous or hazardous materials on site in accordance with AS1940-2004: The storage and handling of flammable and combustible liquids, or its latest version; and
- b) Minimise any spills of hazardous materials or hydrocarbons and clean up any spills as soon as possible after they occur.

38. Sandy Flat Road

Vehicular traffic associated with the depot is not permitted to direct access Sandy Flat Road (all vehicles to utilise the Primrose Hill Road access).

39. Complaints Register

The developer shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaint's register that includes records of nature, time and date of complaint, and the action taken to address complaint. The register shall be made available to Council upon request.

The developer shall notify all residents within a 2.0 kilometre distance of the boundary of the development site of the contact details and associated information.

Reason: To ensure amenity of area is maintained


40. Hours of Operation

The hours of operation are limited to the following:

Monday to Friday	6am to 7pm
Saturday	6am to 5pm
Sunday and Public Holidays	Nil




1 3D View



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2	Revision 2	12/11/2020	CG
1	Preliminary Design	15/10/2020	CG

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 162 Sandy Flat Road
 TENTERFIELD NSW 2372

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COVER PAGE			
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date	15/10/2020	4	000
drawn by	CG		
checked by	CG	Scale	

NOTE:
TILE LAYOUT IS INDICATIVE ONLY.
TILE SET OUT TO BE AGREED ON SITE
PRIOR TO COMMENCEMENT OF TILING.

SOIL CLASS
-

WIND CLASS
N3

2
300 1 : 4000

Site Plan

GENERAL NOTES:
ALL DIMENSIONS AND LEVELS SHALL BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF THE WORKS.

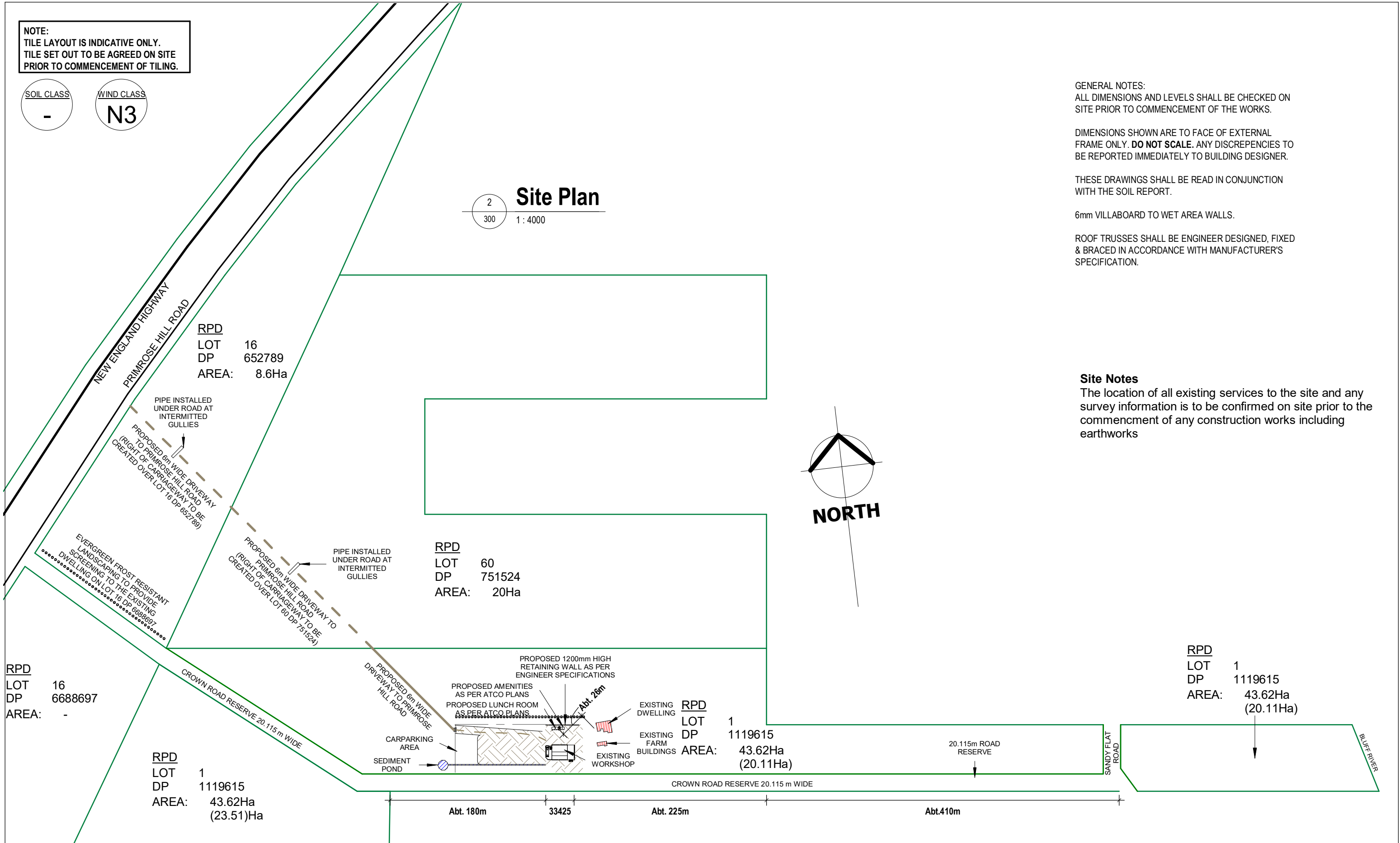
DIMENSIONS SHOWN ARE TO FACE OF EXTERNAL FRAME ONLY. **DO NOT SCALE.** ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO BUILDING DESIGNER.

THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE SOIL REPORT.

6mm VILLABOARD TO WET AREA WALLS.

ROOF TRUSSES SHALL BE ENGINEER DESIGNED, FIXED & BRACED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATION.

Site Notes
The location of all existing services to the site and any survey information is to be confirmed on site prior to the commencement of any construction works including earthworks



RPD LOT 16 DP 6688697 AREA: -

RPD LOT 1 DP 1119615 AREA: 43.62Ha (23.51)Ha

RPD LOT 60 DP 751524 AREA: 20Ha

EXISTING DWELLING RPD LOT 1 DP 1119615 AREA: 43.62Ha (20.11Ha)

RPD LOT 1 DP 1119615 AREA: 43.62Ha (20.11Ha)



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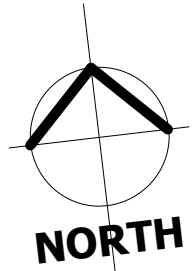
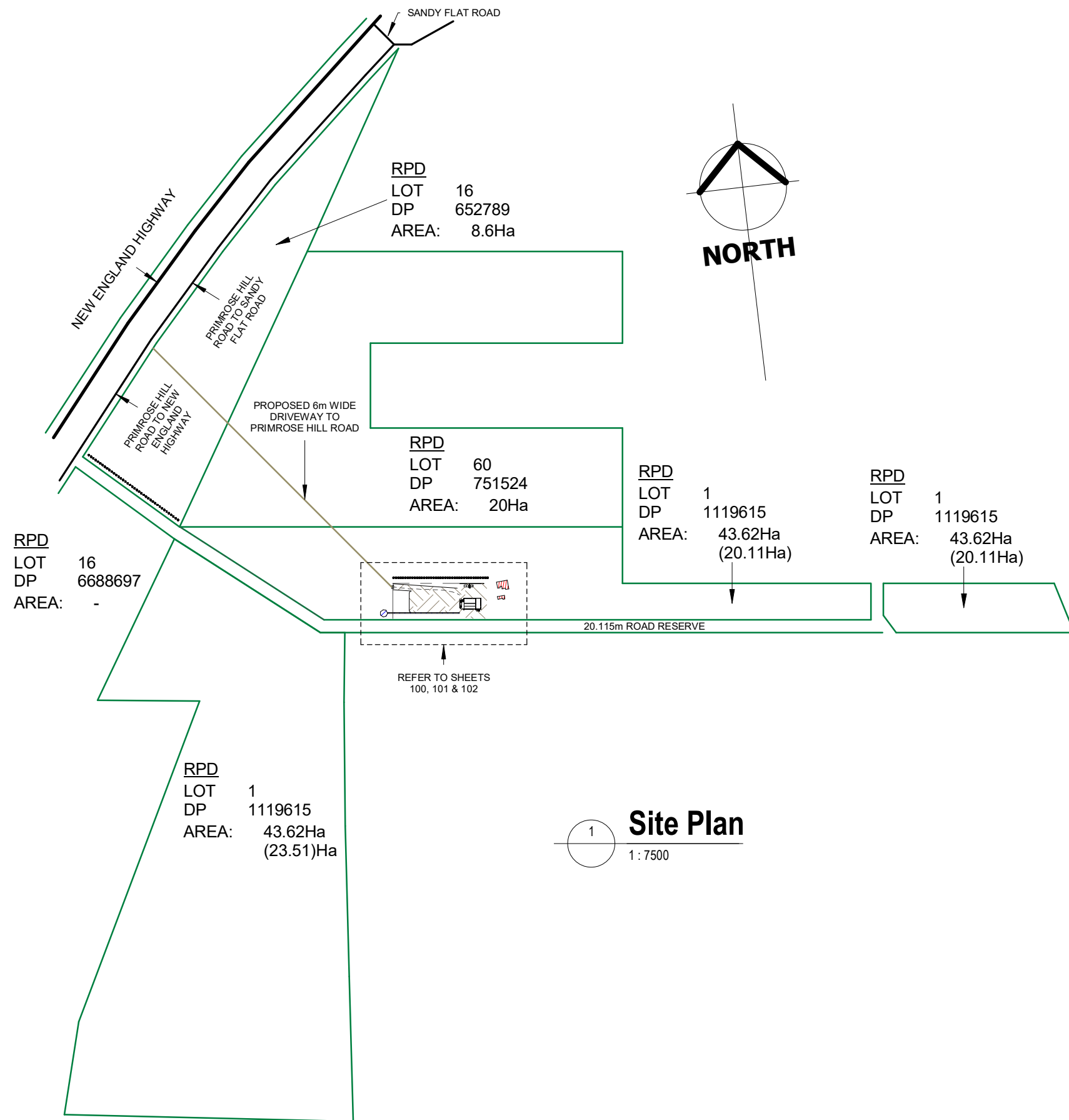
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SITE PLAN			
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checked by	CG	Scale	1 : 4000



1 **Site Plan**
1 : 7500

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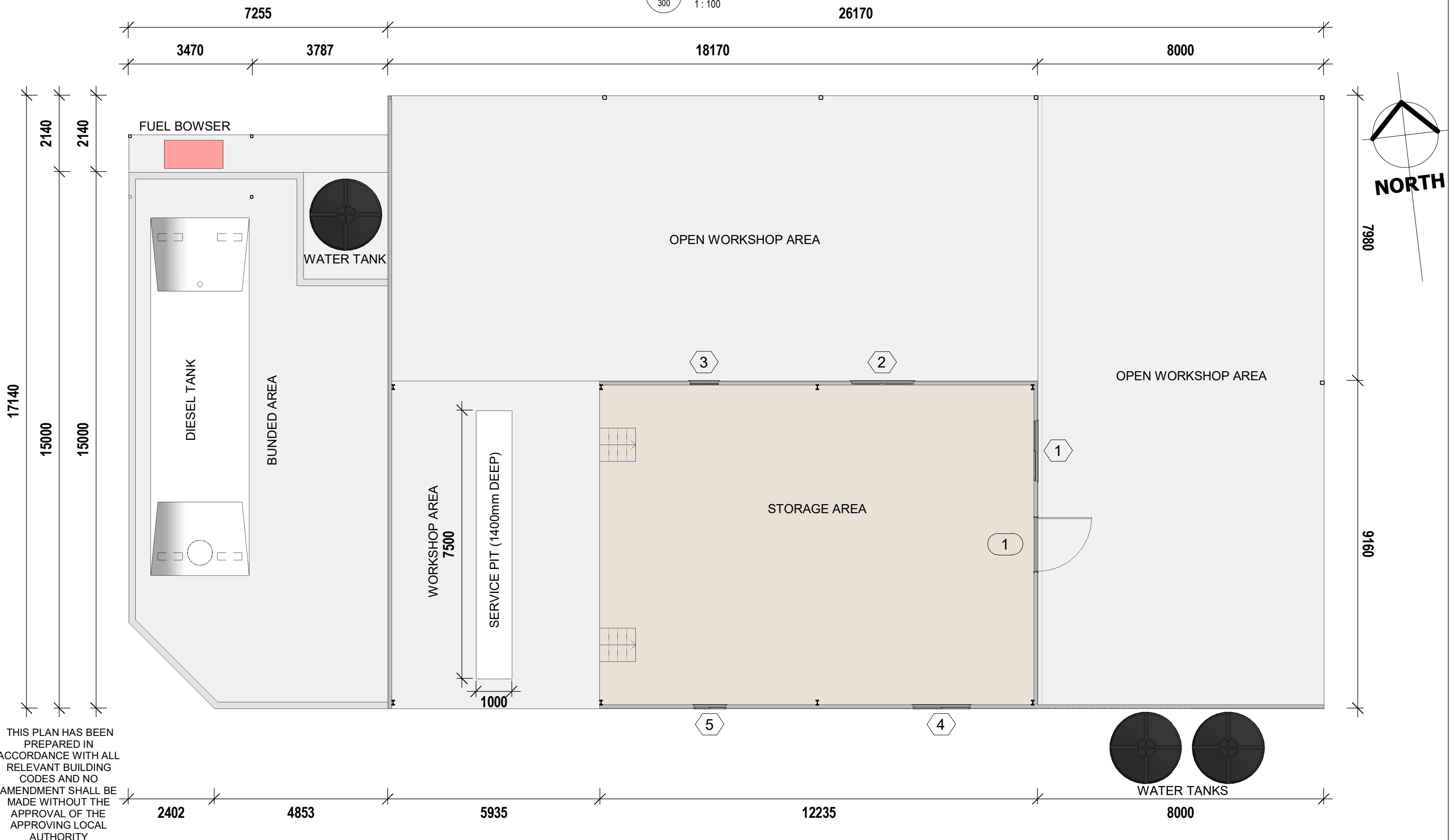
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SITE PLAN 2			
project number	20-101	revision	sheet
date	15/10/2020	4	002
drawn by	Author		
checked by	Checker	Scale	1 : 7500

1
300 1:100

B Floor Plan



THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH ALL RELEVANT BUILDING CODES AND NO AMENDMENT SHALL BE MADE WITHOUT THE APPROVAL OF THE APPROVING LOCAL AUTHORITY

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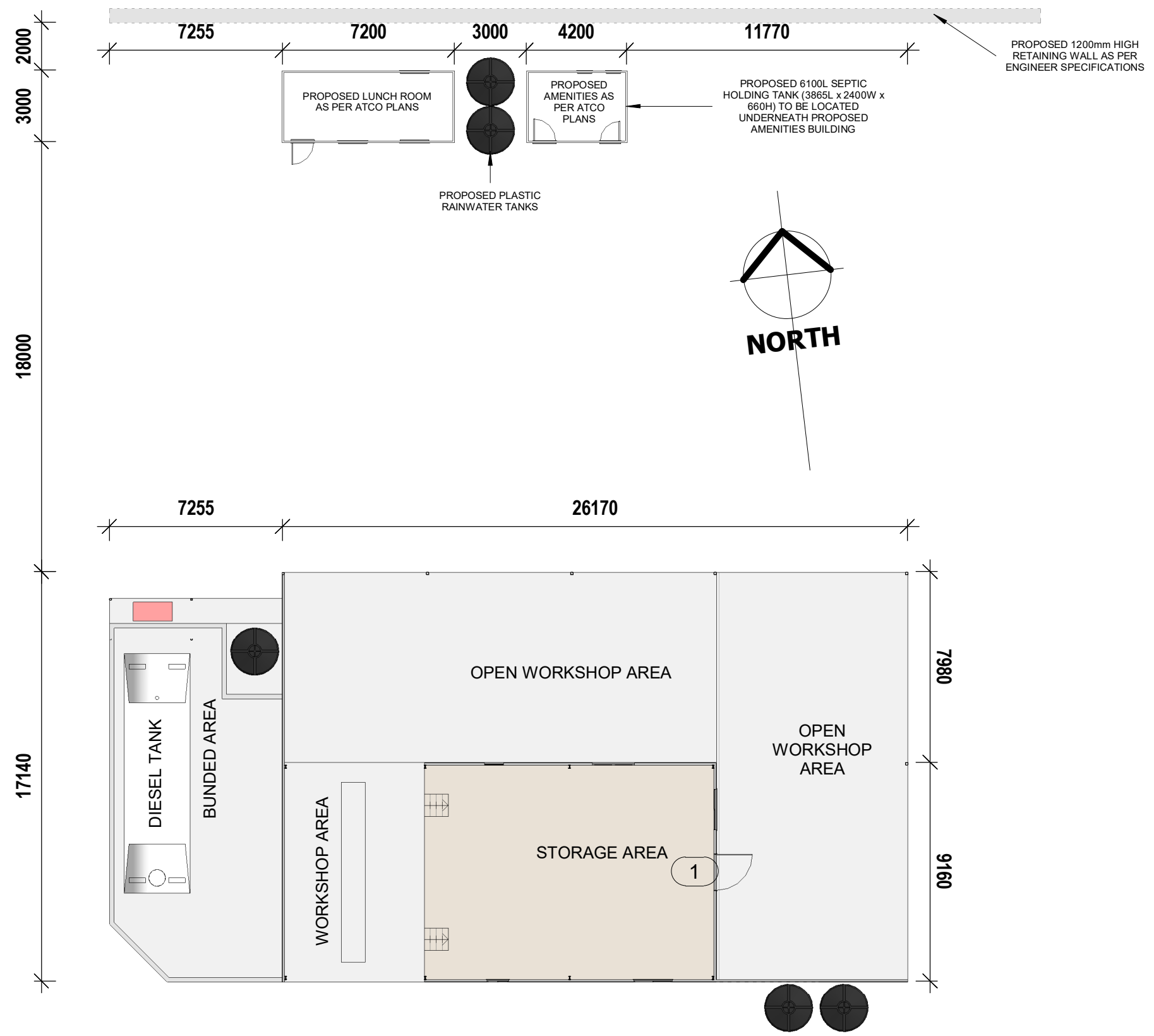
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FLOOR PLAN EXISTING WORKSHOP

project number	20-101	revision	4	sheet	100
date	15/10/2020	drawn by	CG	checked by	CG
		Scale	1 : 100		



1
300
B1 SITE LAYOUT
1 : 200



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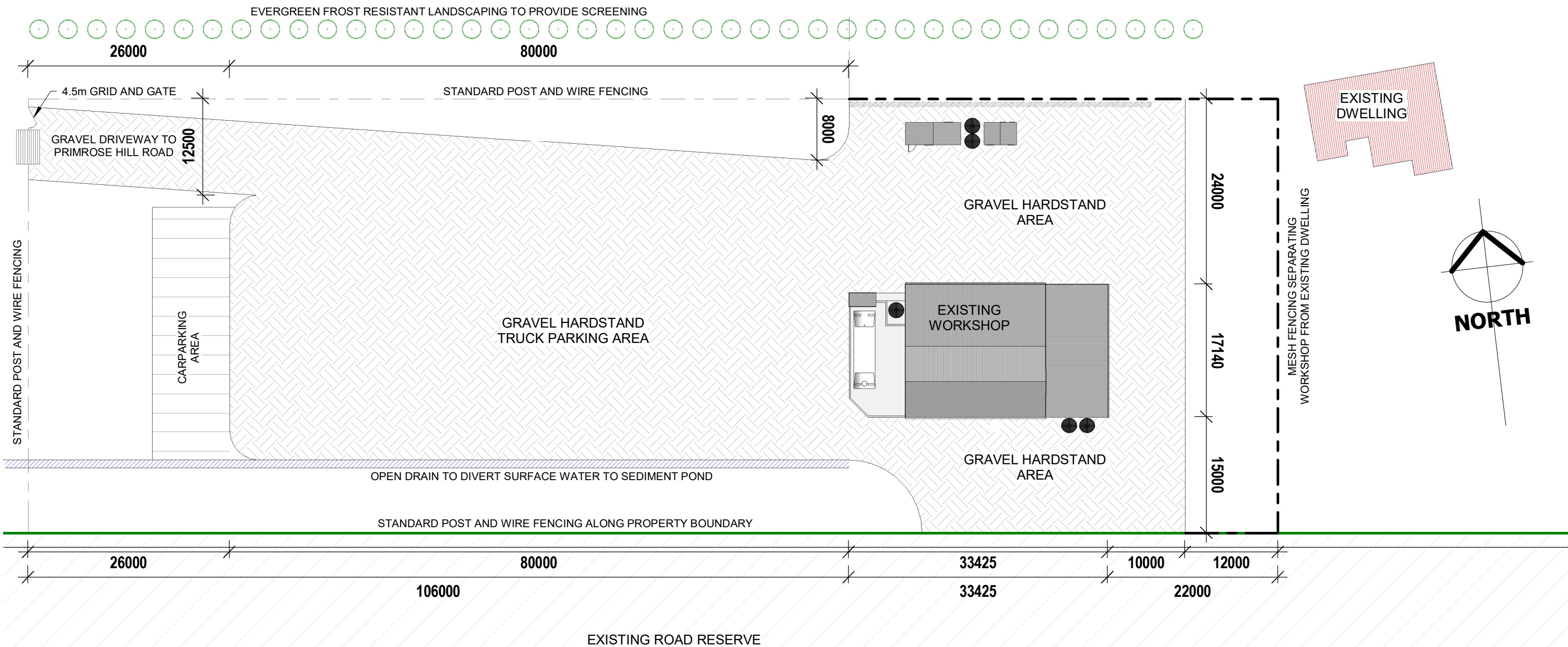


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SITE LAYOUT			
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B1 SITE LAYOUT 2



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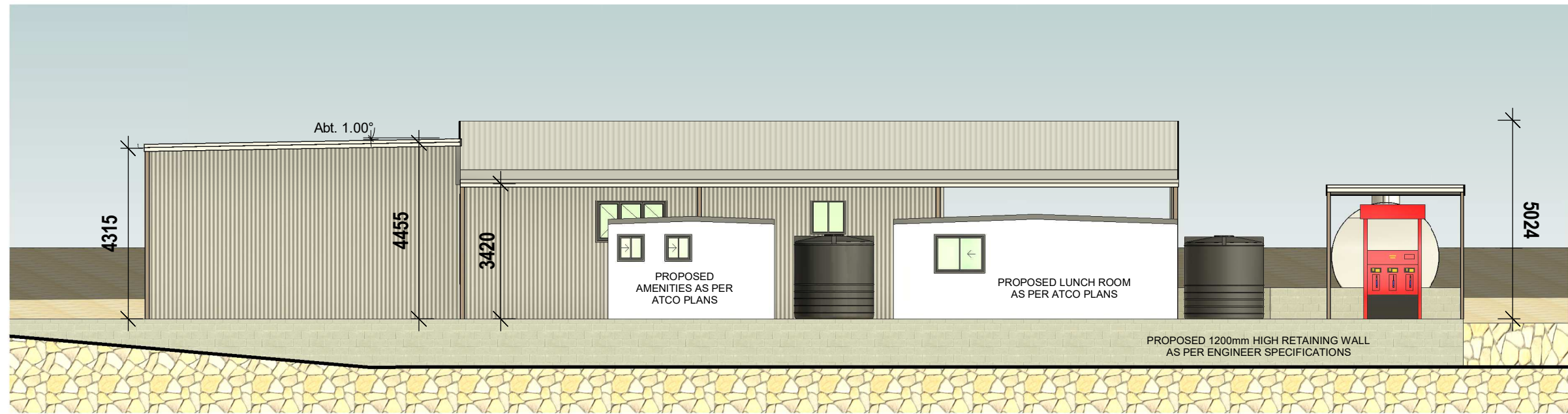


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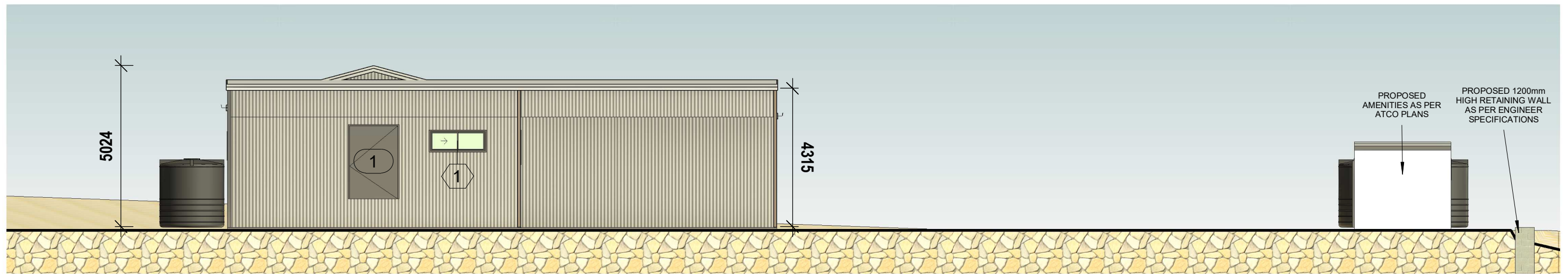
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SITE LAYOUT 2			
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date	15/10/2020	4	102
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1 **ELEVATION 1**
1 : 125



2 **ELEVATION 2**
1 : 125

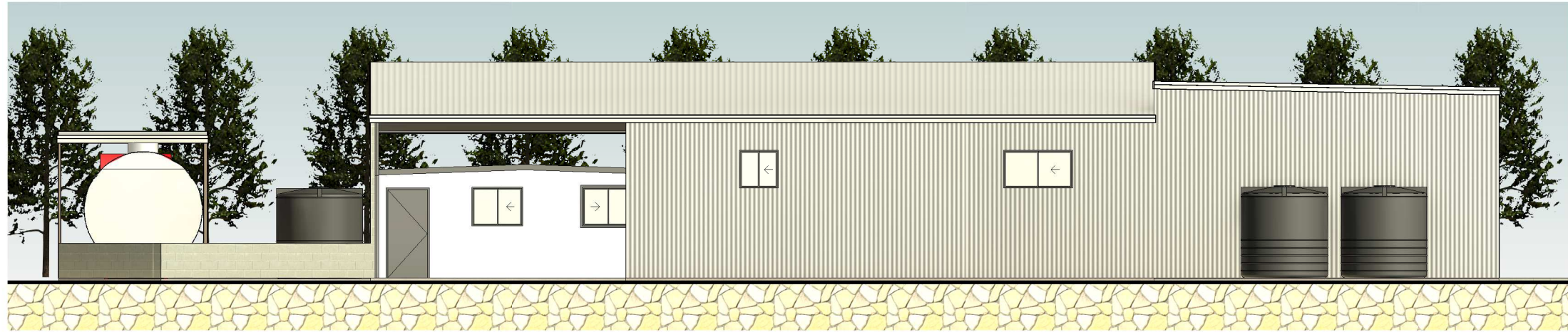


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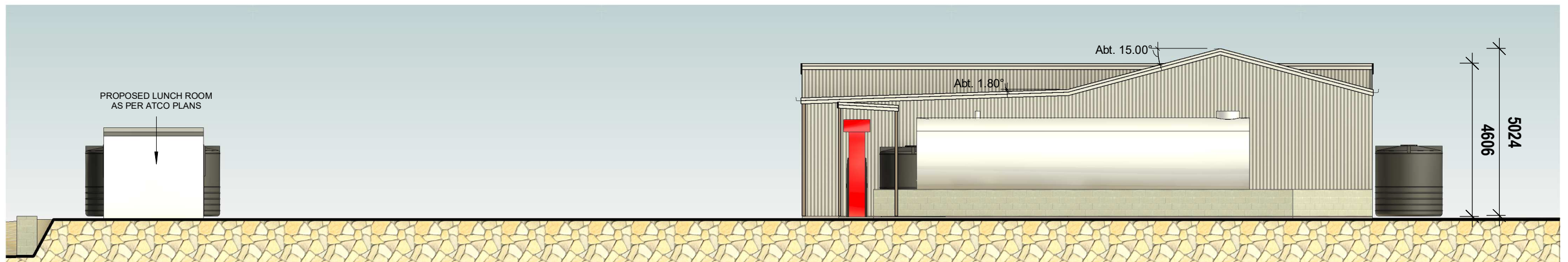
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ELEVATIONS 1 & 2			
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checked by	CG		



1 **ELEVATION 3**
1 : 125



2 **ELEVATION 4**
1 : 125



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ELEVATIONS 3 & 4

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checked by	CG				1 : 125

1. FALLS, SLIPS, TRIPS
a) WORKING AT HEIGHTS

DURING CONSTRUCTION

Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

DURING OPERATION OR MAINTENANCE

For houses or other low-rise buildings where scaffolding is appropriate:

Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation.

For buildings where scaffold, ladders, trestles are not appropriate:

Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

ANCHORAGE POINTS (Non-residential only)

Anchorage points for portable scaffold or fall arrest devices have been included in the design for use by maintenance workers. Any persons engaged to work on the building after completion of construction work should be informed about the anchorage points.

b) SLIPPERY OR UNEVEN SURFACES

FLOOR FINISHES Specified

If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

FLOOR FINISHES By Owner

If designer has not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 197:1999 and AS/NZ 4586:2004.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace. Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material, stray objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways. Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

2. FALLING OBJECTS

LOOSE MATERIALS OR SMALL OBJECTS

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below. 1. Prevent or restrict access to areas below where the work is being carried out. 2. Provide toeboards to scaffolding or work platforms. 3. Provide protective structure below the work area. 4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility. Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road:

Parking of vehicles or loading/unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas. **For building where onsite loading/unloading is restricted:** Construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas.

For all buildings:

Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

4. SERVICES

GENERAL

Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used.

Locations with underground power:

Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing.

Locations with overhead power lines:

Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass. All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur. Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.

THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

6. HAZARDOUS SUBSTANCES

ASBESTOS

For alterations to a building constructed prior to 1990:

If this existing building was constructed prior to:

1990 - it therefore may contain **asbestos**

1986 - it therefore is likely to contain **asbestos**

either in cladding material or in fire retardant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS

Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER

The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

VOLATILE ORGANIC COMPOUNDS

Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

SYNTHETIC MINERAL FIBRE

Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts or the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

TIMBER FLOORS

This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

7. CONFINED SPACES

EXCAVATION

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

ENCLOSED SPACES

For buildings with enclosed spaces where maintenance or other access may be required:

Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

SMALL SPACES

For buildings with small spaces where maintenance or other access may be required:

Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING

RESIDENTIAL BUILDINGS

This building has been designed as a residential building. If it, at a later date, it is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

NON-RESIDENTIAL BUILDINGS

For non-residential buildings where the end-use has not been identified:

This building has been designed to requirements of the classification identified on the drawings. The specific use of the building is not known at the time of the design and a further assessment of the workplace health and safety issues should be undertaken at the time of fit-out for the end-user.

For non-residential buildings where the end-use is known:

This building has been designed for the specific use as identified on the drawings. Where a change of use occurs at a later date a further assessment of the workplace health and safety issues should be undertaken.

10. OTHER HIGH RISK ACTIVITY

All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZ 3012 and all licensing requirements.

All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace. All work should be carried out in accordance with Code of Practice: Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies. All construction work should be carried out in accordance with Code of Practice: Managing Risks in Construction Work.

ADDITIONAL INFORMATION

- All paths of travel both during and after construction are to remain free of obstructions.

- all access to the site during construction is to remain limited to authorised personnel. who are to be made aware of this report.

- Future demolished to adhere to The Code of Practice for demolition work.

- Adequate ventilation is to be allowed for both during and after construction to prevent injury due to heat and/or air born contaminants.

- All components of the construction are comply with NCCA and all relevant Australian Standards and any additional future work is to be designed and carried out with reference to these.

- Positioning of noisy plant equipment both during and after construction must be carried out to prevent nuisance and/or injury to neighbouring properties.

- The Project Manager, Construction Manager, Builder and anyone in charge of the site/building both during and after construction must implement all safety requirements in compliance with this report, the NCCA and all relevant standards unless otherwise negotiated with the designer in writing. Any actions not in compliance become the responsibility of the person/persons who carried them out.

- All products selected by the owner and not approved in writing by the designer are the responsibility of the owner.



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A & T Bulmer

WHS NOTES			
project number	20-101	revision	sheet
date	15/10/2020	4	800
drawn by	CG		
checked by	CG	Scale	

Statement of Environmental Effects - REVISED JANUARY 2021

Applicant: Kembul Pty Ltd T/a AB Contracting (NSW)

Proposed Development: Depot for earthmoving/transport business and additional road access

Location: 162A Sandy Flat Rd, SANDY FLAT NSW 2372

Lot & DP: 1/1119615, 16/652789 and 60/751524

1. Context and Settings (Site Analysis)

The site is located approximately 20km south of Tenterfield and 1km east of the New England Highway. Access is via Sandy Flat Rd, an unsealed gravel road. Proposed access seeking approval through DA is via Primrose Hill Rd.

The site is currently under use as a residence, a small cattle operation and also a depot for an earthmoving enterprise. This enterprise has expanded quite rapidly over the past five (5) years to the point where vehicle movements, noise and other effects have made it out of character with the area. The business currently employs approximately 20 personnel, some of which travel to and from the depot daily. There are also regular movements of heavy vehicles to and from the site.

Personnel based on site include two administration staff and a full-time mechanic. All other workers are field-based, commuting to and from the Depot to various work sites and returning to the workshop to perform maintenance and repair work as necessary.

This Development Application is to formalise use of the site for the purpose of a business depot including workshop, office building and amenities, to apply for a new vehicular access and to mitigate impacts on neighbouring properties.

Refer to information in *Workshop Management Plan – Sandy Flat Depot & Transport Management Plan - Sandy Flat Depot* as well as *Response to Submissions DA2020.114*.

2. Transport, Traffic & Access

Local traffic movements are affected by the development as there is an increased volume of light and heavy vehicle movements to and from the site. The applicant proposes to establish a new access route via Primrose Hill Rd to help mitigate the effects of noise, dust and road degradation and to improve road safety. Refer to *Traffic Management Plan – Sandy Flat Depot*.

A *Driver's Code of Conduct* has been developed to ensure the applicant's commitment to preserving the safety and comfort of all road users and immediate residents.

3. Waste Disposal

Refer to *Workshop Management Plan – Sandy Flat Depot*

4. Social and Economic Impacts

a) *Amenity of surrounding residences*

Refer to information in *Workshop Management Plan – Sandy Flat Depot & Transport Management Plan - Sandy Flat Depot* as well as *Response to Submissions DA2020.114*

Overshadowing – No

Loss of privacy – No

Increased noise – Yes. Refer to information in *Workshop Management Plan – Sandy Flat Depot & Transport Management Plan - Sandy Flat Depot* as well as *Response to Submissions DA2020.114*

Vibration – No, nearby residences are too far away

b) *Economic consequences*

Employment of 15-20 people, all living in Tenterfield Shire

Use of local businesses as suppliers

Support of community events and organisations

Providing a service to our clients to assist their businesses to be more profitable, viable and efficient

Refer to information in *Workshop Management Plan – Sandy Flat Depot & Transport Management Plan - Sandy Flat Depot* as well as *Response to Submissions DA2020.114*

5. Environmental Impacts (Air, Soil, Water, Flora & Fauna)

(b) *Soil* – possibility of soil contamination from fuels and oils, weed and seed, other substances used at workshop.

These risks are controlled through the following measures:

- Diesel fuel storage in a bunded tank (bundling capacity 105%)
- Chemicals stored in sealed containers in accordance with manufacturers recommendations together with safety data sheets
- Use of oils are restricted to immediate workshop area, waste oil stored and disposed of by independent service provider
- Paints, grease and other substances disposed of as directed
- Spill kits

Refer to *Workshop Management Plan – Sandy Flat Depot* for further detail.

(c) *Erosion/sedimentation of water courses & (d) Excavation/Filling required*

The closest watercourse is Sandy Flat Creek which is ephemeral and bisects the property on the western side (approximately 500m from main depot). Bluff River is a permanent stream and constitutes the eastern most boundary of the property (approximately 950m from main depot).

The establishment of an additional gravel access road from Primrose Hill Rd to the depot will require earthworks including installation of a box culvert at the crossing of Sandy Flat Creek. This section of the creek is dry except during a flood event. The road will be constructed with diversion drains to avoid sedimentation of the watercourse. Erosion is not expected to be an issue during construction as the road will be completed during a period of anticipated dry weather.

Refer to information in *Transport Management Plan - Sandy Flat Depot* for further details.

(i) Fumes, steam, smoke, vapour, dust

The proposal involves increased engine emissions/fumes and dust. All vehicles and motors are serviced regularly according to a maintenance schedule and exhaust systems are fitted. Dust has been an issue.

Refer to information in *Workshop Management Plan – Sandy Flat Depot & Transport Management Plan - Sandy Flat Depot* as well as *Response to Submissions DA2020.114* for further details.

(ii) Removal of vegetation

The property is historically mostly cleared. Construction of the new access road will not involve removal of native vegetation.

(h) Natural hazards

Refer to the following Bushfire Assessment Report

Bushfire Assessment Report

Pursuant to clause 44 of the Rural Fire Regulation 2013 (NSW)

- (a) *a description (including the address) of the property on which the development the subject of the application is proposed to be carried out;*

162A Sandy Flat Road, Sandy Flat, via Tenterfield NSW 2372

- (b) *a classification of the vegetation on and surrounding the property (out to a distance of 140 metres from the boundaries of the property) in accordance with the system for classification of vegetation contained in Planning for Bush Fire Protection;*

Woodland, grassland

- (c) *an assessment of the slope of the land on and surrounding the property (out to a distance of 100 metres from the boundaries of the property);*

North – Grassland 0 – 5 degree downslope

East – Grassland 0 – 5 degree downslope

South – Woodland and grassland 0 – 5 degree upslope

West – Woodland and grassland 0 – 5 degree upslope

- (d) *identification of any significant environmental features on the property;*

Mapping recently obtained from the NSW Planning Portal shows the subject property as partially bushfire prone (see following map). Unfortunately this mapping is inaccurate, noting that it was last updated in 2004. In respect to the current condition of bush growth the mapped Category 2 vegetation is not present and the mapped Category 1 vegetation to the west has been thinned and cleared over time.

The remaining Category 1 vegetation is located approximately 370m from the closest building, the subject of this development application.

- (e) *the details of any threatened species, population or ecological community identified under the Threatened Species Conservation Act 1995 that is known to the applicant to exist on the property;*

Nil known

- (f) *the details and location of any Aboriginal object (within the meaning of the National Parks and Wildlife Act 1974) or Aboriginal place (within the meaning of that Act) that is known to the applicant to be situated on the property;*

Nil known

- (g) *a bush fire assessment for the proposed development (including the methodology used in the assessment) that addresses the following matters:*

- (i) *the extent to which the development is to provide for setbacks, including Asset Protection Zones;*

The following are the cleared areas surrounding asset buildings:

North – approximately 900 metres

East – approximately 2000 metres

South – approximately 50 metres

West – approximately 370 metres

The immediate APZ in a 50 metre radius is an area of compacted granite road base and mown grass.

- (ii) *the siting and adequacy of water supplies for fire fighting;*

There are rainwater tanks which are accessible for firefighting equipment. Refer to *Workshop Management Plan – Sandy Flat Depot* for more detail.

- (iii) *the capacity of public roads in the vicinity to handle increased volumes of traffic in the event of a bush fire emergency;*

Sandy Flat Road is sufficient for heavy vehicle traffic, including two-way access by large vehicles.

Primrose Hill Road is also sufficient for heavy vehicle traffic in the event of an emergency and will be more than sufficient following the proposed upgrade.

- (iv) *whether or not public roads in the vicinity that link with the fire trail network have two-way access;*

No fire trails in vicinity of development.

- (v) *the adequacy of arrangements for access to and egress from the development site for the purposes of an emergency response;*

The development is accessed via public roads as identified at (iii) above. Internal roads are to a standard for heavy vehicles, including semi-trailers as the development is for an earthworks company depot. The access roads are also all weather roads suitable for two-wheel drive vehicles.

This Development Application includes a request for approval of a new access to the property which will provide two ingress and egress routes.

- (vi) *the adequacy of bush fire maintenance plans and fire emergency procedures for the development site;*

A Bush Fire Emergency Management Plan has been prepared following the NSW RFS guidelines.

- (vii) *the construction standards to be used for building elements in the development;*

The bushfire attack level is "BAL-LOW" pursuant to Table A1.7 of the Planning for Bush Fire Protection 2019, as follows:

Minimal attack from radiant heat and flame due to the distance of the building from the vegetation, although some attack by burning debris is possible. There is insufficient threat to warrant specific construction requirements.

- (viii) *the adequacy of sprinkler systems and other fire protection measures to be incorporated into the development;*

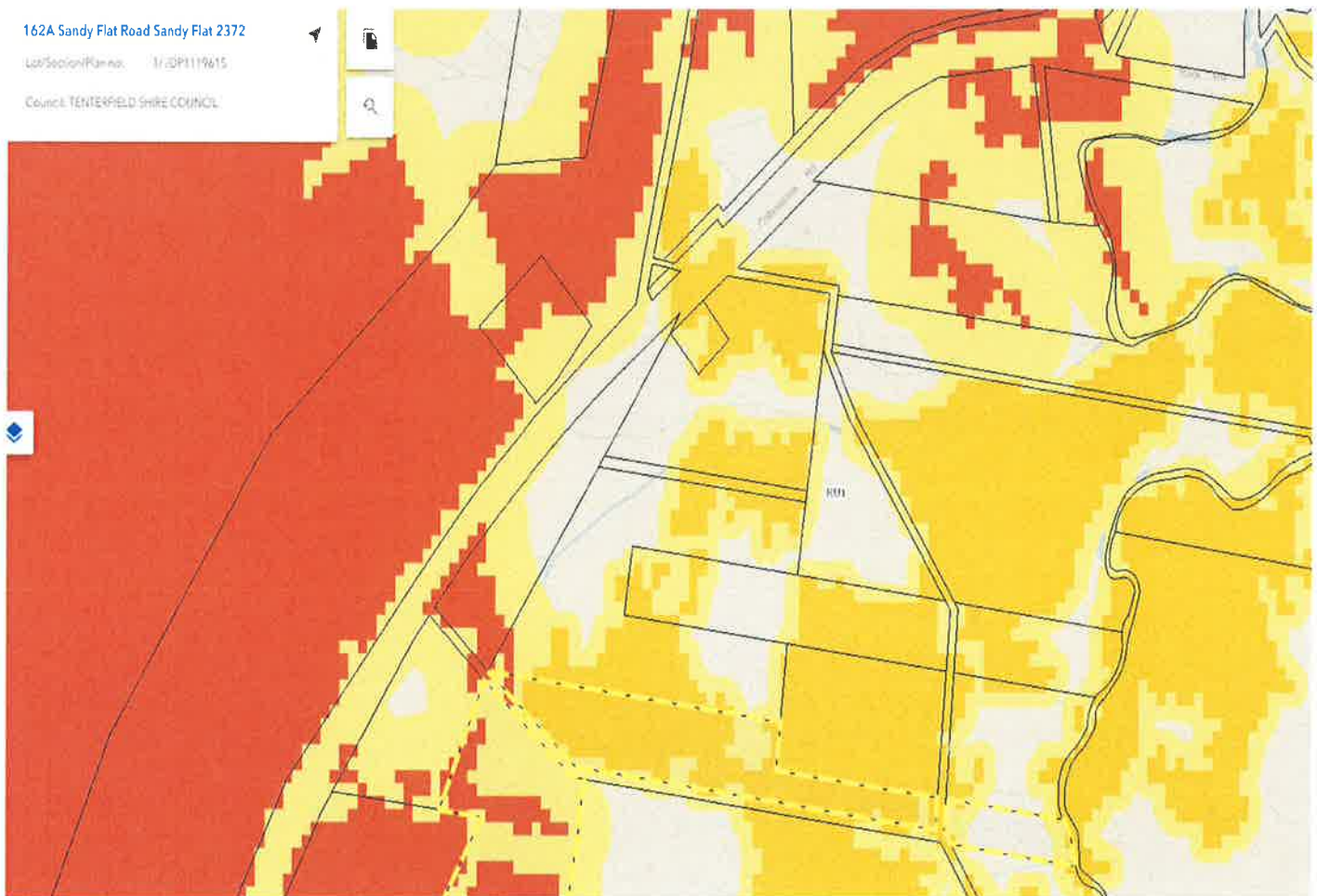
Fire protection measures are carried out in accordance with NSW RFS guidelines.

- (h) *an assessment of the extent to which the proposed development conforms with or deviates from the standards, specific objectives, performance criteria and acceptable solutions set out in Chapters 5-8 of PBP; and*

- (i) identify any fire trails that exist on the property that are on the Register of Certified Fire Trails under RF Act s.620.*

This assessment demonstrates that the proposed development will be compliant with all aspects of Planning for Bushfire Protection 2019. The low bushfire attack level (BAL-LOW) is advantageous and the nature of the business carried out at the development means that machinery is available for preparation for and management of bushfires.

This Development is low impact in terms of the buildings. The construction of a new entrance to the property will assist in the event of a bushfire by providing another access to or exit from the property and will be to a standard suitable for firefighting vehicles.



Traffic Management Plan – *Sandy Flat Depot Proposal*

Site operated by Kembul Pty Ltd T/a AB Contracting (NSW)

ABN: 20 623 447 530

PURPOSE

AB Contracting (NSW) has established this Traffic Management Plan (TMP) as a part of its commitment to ensuring the safety of its employees and the public as well as the amenity of the area whilst using the local road network surrounding the proposed site at (#RAN to be assigned) Primrose Hill Rd, Sandy Flat.

The objectives of the Traffic Management Plan are:

- Description in full of the proposed business activities including traffic routes, habits and volumes,
- Managing traffic movements to ensure the safety of employees and all other road users,
- Minimising the impact of business-related traffic on neighbouring residents and road users and on the amenity of the area, including noise and dust abatement, and
- Ensuring business-related traffic complies with Local and State road authority requirements.

DESCRIPTION OF BUSINESS ACTIVITIES

AB Contracting (NSW) is an earthmoving, quarry product supplies and transport company performing contracting work at various locations around Tenterfield Shire and adjoining LGAs. The proposed Sandy Flat Depot is a central base for the operation and consists of a workshop/shed and surrounding gravel pads, parking area for light vehicles, an office building and ablution block.

Proposed operating hours are 6am-7pm Monday to Friday and 6am-5pm Saturday. The business employs approximately 20 local people, some of which travel to and from the Depot daily.

Activities proposed at the site will include:

- Maintenance and repairs of earthmoving plant and associated equipment
- Maintenance and repairs of light and heavy vehicles
- Refuelling of vehicles
- Parking of heavy vehicles and work utes
- Central meeting point for workers to travel to various work sites
- Administration, training, meetings

Personnel based on the site will include 2-3 administration staff and a minimum of 2 workshop staff. All other workers will be field-based, commuting to and from the Depot to various work sites, returning to the workshop to perform maintenance and repair work, re-fuelling etc as necessary or at the conclusion of their shift/job.

The proposed development is defined as a *depot*. The definition of a depot in the *Tenterfield Local Environmental Plan 2013* is “a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.”

The proposed depot is compatible with the objectives of the site’s RU1– Primary Production zoning and permissible with development consent, under the provisions of the *Tenterfield Local Environmental Plan 2013*.

This application seeks to obtain non-designated development approval for the upgrade and operation of the depot site. Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* lists the types of development and the associated thresholds which trigger designated development. Depots are not included in the development types listed in this schedule. The proposed development is therefore considered as local development.

DESCRIPTION OF ROADS

Road names, classes and management

The following roads are proposed for use by business traffic in the direct vicinity of the Depot for access to the workshop area: New England Highway, Primrose Hill Rd and Sandy Flat Rd (specified section joining New England Highway and Primrose Hill Rd only).

New England Highway is classified as a Highway (Previously State Highway) under the Roads Act 1993 and is a dual carriageway, sealed road with appropriate turning provisions at the intersection with Sandy Flat Rd that is proposed for access to the Depot. Managed by RMS.

Sandy Flat Rd is a Class C/Secondary Rural Road managed by Tenterfield Shire Council, inspected yearly and graded 12-18 monthly.

Primrose Hill Rd is a Class D/Local Access Road managed by Tenterfield Shire Council, inspected and graded 2 yearly.

Description of proposed upgrades to roads and intersections

The sections of Sandy Flat Rd and Primrose Hill Rd proposed for use are proposed by the Applicant for upgrade to sealed roads. Proposed road width will be 5m wide seal on a 7m wide pavement with storm water pipes of minimum width 450mm, installed in multiple locations, along with mitre drains to ensure correct and adequate drainage. Design of the upgrade section will be undertaken by the Applicant, in conjunction with a qualified consultant, and presented to Tenterfield Shire Council for comment. The upgrade will be designed and completed to the relevant road standards with the cost met in full by the Applicant. An upgrade to the intersection at Sandy Flat Rd and Primrose Hill Rd is also anticipated and will again have to be constructed to the relevant design and standard.

For the intersection between the internal access road and Primrose Hill Rd, the Austroads standards to be observed are for a Rural Property Access accommodating semi-trailers. (Refer to attached Guide to Road Design Part 4 - *Typical Rural Intersection Dimensions.pdf*) This has been confirmed verbally with Council’s engineering department.

The private access road from the entrance approximately 700m south along Primrose Hill Rd to the workshop area is being proposed as a well formed, all-weather gravel road to a minimum width of 6m and constructed of high-quality materials such as 150mm of DGS roadbase with a 20mm cap of 7mm blue metal. A spray seal will also be considered. Refer to *Site Plan* (Revision 4) drafted by Efficient Building Design Services (EBDS) for proposed location of this road. It will be constructed across cultivated land without requiring the clearing of any native vegetation. The proposed crossing of the ephemeral Sandy Flat Creek will involve installation of a box culvert to minimise the impact to water flows which may occur following prolonged heavy rain.

TRAFFIC ROUTES, HABITS AND VOLUMES

The proposed access to the Depot is via the sealed New England Highway, turning east onto Sandy Flat Rd for approximately 100m travel, then turning south onto Primrose Hill Rd and travelling approximately 700m to the proposed Depot entrance on the eastern side (left).

ALL light and heavy vehicle traffic associated with the proposed use will arrive and depart at this entrance then continue along the private access road to the workshop site.

Typical daily vehicle movements will involve employees arriving at the Depot in private vehicles (utes or cars), parking at the Depot, then departing in a heavy vehicle or work ute and travelling to respective worksites for the day. In general, those heavy and light vehicles will then return to the Depot each afternoon. Employees will then depart and travel home in private vehicles.

The heavy vehicles will consist of tip truck and dog combinations (6), rigid trucks (3) and prime movers (2) with various heavy trailers including water tanker, low loader and tipping trailers. Earthmoving plant will consist of dozers, excavators, grader, wheel loaders and rollers. The earthmoving plant will be based off-site and return to the Depot occasionally (approx. quarterly) for repairs and maintenance work via low loader transportation.

Below is a description of proposed average traffic volumes. These are approximate and will vary depending upon availability of work, distances travelled to and from jobs and number of employees engaged at each job site.

Min 2 Max 15 Light vehicles arriving at Depot 6.00am-7.30am weekdays, Min 0 Max 8 arriving 6.00am-9.00am Saturdays. Same numbers departing 3.00pm-7.00pm weekdays, 12.00pm-5.00pm Saturdays

Min 2 Max 8 Heavy vehicles departing Depot 6.30am-7.30am weekdays, Min 0 Max 8 departing 6.30am-9.00am Saturdays. Same numbers arriving back 3.00pm-6.30pm weekdays, 12.00pm-5.00pm Saturdays.

A peak of a combination of light and heavy vehicle movements may occur around 6.00-7.00am and 5.00-5.30pm depending upon workloads and what jobs are being undertaken. Light and heavy vehicle movements associated with the business are proposed to also occur sporadically during the day or may occur in small clusters.

Occasional and sporadic arrival and departure of oversize loads (ie low loader transporting heavy plant items) is estimated on average 2-3 times per week. Bulk diesel deliveries (usually a truck and dog combination) will occur approximately twice monthly. A semi-trailer with 20,000L water tanker is another combination proposed for use on a sporadic basis, perhaps twice per week if a number was having to be nominated. Waste collection services are estimated to have to frequent the site approximately once or twice per month (combination of waste oil collection, scrap steel collection, skip bin servicing and septic service).

Other business traffic may include parts suppliers twice weekly in a light vehicle or medium rigid truck, tyre fitter up to 3 times weekly in a light vehicle and other very occasional (estimate once monthly) light vehicle traffic including sales representatives and consultants. Again, these numbers are per week or per month, not per day or per hour. Whilst this development is proposed to generate more traffic than any other enterprise in the immediate area, it is not a huge volume of traffic when taken into perspective. The development for which the Applicant seeks approval is a Local Development, not a State Significant Development and the business proposed is both permitted with consent and compatible with the objectives of the site's RU1- Primary Production zoning.

With further respect to traffic volumes and habits the following points need to be brought to attention;

- Sandy Flat Rd is regularly used by other heavy vehicles not associated with the proposed development. These will continue to use the section of Sandy Flat Rd that is excluded for use by the proposed depot.

- Business vehicles (light, heavy and oversize) will need to use Sandy Flat Rd south of the 162A entrance on occasion to access the properties of clients on Sandy Flat Rd, Scotts Gully Rd, Mount Speribo Rd and Currs Rd as the business has a number of local clients in these localities. This is also the case for the short section of Sandy Flat Rd joining Primrose Hill Rd and Bald Rock Rd. These accesses are to be permitted as they would be for any other service provider or road user.
- The Applicant also provides service to the NSW Rural Fire Service with heavy plant and water carts with light vehicles in support, so requires access to any necessary fire ground.
- An associated entity of the Applicant operates a beef cattle enterprise on the site. The farming entity has 1-2 casual workers and occasional contractors who visit the farm to perform work, as is the case for many other properties in the area. There may also be cartage of livestock, hay, supplementary feed or other goods from time to time. These movements would be permissible on Sandy Flat Rd as they are for any other farm business along that route and should not be considered traffic related to the proposed business. This traffic may likely choose the proposed new access if coming to the workshop (which would be permissible by the owners) but livestock trucks would certainly still need to use the entrance at 162A to gain adequate access to the stock yards.

TRAFFIC IMPACT MANAGEMENT

Dust abatement

The proposed widening and sealing of the section of Primrose Hill Rd will eliminate dust from this section.

The private access road from Primrose Hill Rd to the workshop is proposed to be well-formed with high quality road base (DGS sub base gravel) and top-dressed with 20mm low dust pavement/capping material (7mm blue metal) which is unlikely to become airborne due to traffic movements. Blue metal is known for not producing dust when used in this application.

Extensive existing vegetation with a combined width of over 100m is present between the proposed development and the closest residence (350m to the south west of the access road) providing a significant buffer to any residual dust. Vegetation cover is also already present in many groves of trees, cattle camps and tree lines between the proposed access roads and the closest residence to the east/north east.

The residents of 1 Primrose Hill Rd, who stand to be the most impacted by the proposed access route as their residence is 50m from the Primrose Hill Rd/Sandy Flat Rd intersection, are in support of the application as a whole and are more than satisfied with the plan to upgrade the surfaces and intersection as described herein to mitigate dust issues.

Noise Mitigation

Change of route

The proposal to move 100% of the business traffic from Sandy Flat Rd to Primrose Hill Rd access will reduce the noise of traffic on the section of Sandy Flat Rd in question to such a degree that it will be no more intrusive than vehicular noise from the New England Highway. In addition, when an easterly wind is prevailing, there will be little to no traffic noise audible at the property 600m east of the proposed Depot site.

Road condition

A major contributing factor of the level of noise generated by vehicular traffic is road condition. With sealing of the section of Primrose Hill Rd proposed for business use, traffic noise will be minimized to the greatest extent possible. In addition, the surface condition of the private access road will be properly formed up using DGS sub base gravel and 7m blue metal and well maintained with adequate drainage retained to prevent damage due to erosion.

Terrain

The proposed route is of good gradient (mostly flat terrain), with little need for acceleration/deceleration so this will further minimise noise disturbance.

No Engine Braking

Engine braking will not be permitted between New England Highway and the proposed workshop site for travel in either direction. The gradient of both roads is favourable for this provision.

Hours of operation

Limited to 6am – 7pm Monday to Friday and 6am – 5pm Saturdays. The proposal of these hours of operation has been justified in the Applicant's *Response to Submissions* dated 3/2/2021.

It needs to be pointed out again that the business traffic is not running continually through the day. It is intermittent and highly variable. The numbers of vehicle movements cited in this plan under Traffic Volumes and Habits are stated as minimum and maximum. The maximum numbers are overstated, if anything, to ensure that the Applicant is painting a true picture of what is proposed and being fully transparent in the process.

Whilst the hours of operation requested are 6am-7pm weekdays and 6am-5pm Saturdays this does not mean that traffic and activities will occur the entirety of that time. This is simply a range of hours that the Applicant is proposing they be allowed to operate. Most of the day, there is no more traffic than any other local business and, as previously stated, the only current reason for the proposed 6am start on Saturdays is to allow the Contractor to continue servicing the Bolivia Hill Upgrade Project to the best of our ability. The suggestion that the business be permitted to operate until 5pm on Saturdays is only to ensure that all possible scenarios are covered. More usual hours of operation on a Saturday would be 8am-12pm and sometimes no work at all. This is a very important point.

Speed of travel

Speed for ALL business-related vehicles will be LIMITED TO 40km/h for the length of the access route to and from the New England Highway. 40km/h is a common speed limit for highly built-up areas so is deemed suitable for this proposed use. In combination with the traffic removed from Sandy Flat Rd and sealing/surface improvement, enforcing this speed limit through signage and disciplinary action will mean that traffic noise is no more significant than that from the New England Highway.

Vegetation

The travel of traffic noise will also be lessened by the natural barrier created by stands of trees between the private access road the closest residence to the west which is situated, at a minimum, 350m from the internal access road. Extensive vegetation (with a combined width of over 100m) is present between the proposed development and this residence which would provide a significant buffer and would minimise potential adverse impacts resulting from noise generation.

Proper vehicle maintenance

The Applicant prides itself on continually striving to maintain the fleet of vehicles in good operating condition and to repair any issues as soon as possible. This is one of the reasons we wish to operate on Saturdays – so that vehicles can be regularly checked and proper maintenance is performed weekly. Poorly maintained vehicles can result in unnecessary noise.

All vehicles are fitted with exhaust systems approved under relevant standards to minimise exhaust noise – this constitutes part of the thorough checks required on heavy vehicles before they are declared roadworthy and able to be road registered.

The business maintains an accreditation in Maintenance Management with the National Heavy Vehicle Regulator. This accreditation requires a strict regime of maintenance checks and systems which are subject to external, independent audit.

Existing Conditions

The residence on the west is located within 200m of the New England Highway, constituting a significant source of more frequent noise impacting this residence and most likely overshadowing the occasional traffic movements on the business access road.

This is the same for the Applicant's property and others surrounding. Depending upon the prevailing wind and weather conditions, traffic on the New England Highway is sometimes barely audible and other times sounds as if it is coming through your living room. It would be interesting to compare the traffic count on New England Highway with the numbers generated by this business, not to mention that the Highway traffic has no set operating hours.

So whilst traffic noise from the development is a valid issue, it is important to note that the proposed business is not the only source. In fact, with the traffic moved away from Sandy Flat Rd and the road improvements completed as proposed, residents may struggle to ascertain where the noise they can hear is coming from. With all these measures and factors taken into account, the Applicant does not believe that the noise from traffic movements will be significant enough to cause concern, especially if objective measurements were to be taken.

Once again, the residents of 1 Primrose Hill Rd are in support of the proposal as a whole and are more than satisfied with the plan to upgrade the surfaces and intersection as described herein to mitigate noise issues.

Safety

Choice of route

Primrose Hill Rd is classed as a Local Access Road and currently sees use by only one regular user and one occasional user. This is significant because whilst the proposed access will cause an increase in the traffic on a section of Primrose Hill Rd it will not affect a large number of present users.

Speed of travel

Speed for ALL business-related vehicles will be LIMITED TO 40km/h for the length of the access route from and to the New England Highway to aid reaction times and stopping distances.

Dust elimination

The elimination of dust from the travel route will improve visibility.

Experienced and careful operators

The Applicant is very proud to have on staff a number of experienced and careful operators. We certainly welcome feedback from any other road users as to driver behaviour that they consider inappropriate. We cannot take disciplinary action if we are not aware of the problem. The Applicant proposes to nominate a staff member independent of management to receive comments or grievances from residents and other road users regarding road safety and driver behaviour.

Any concerns can then be raised individually, if the driver can be identified, or at our regular safety meetings (at least monthly).

Driver communication

With a road pavement width of 7m on Primrose Hill Rd and intersections designed and constructed to the relevant standards, passing of two heavy vehicles is accommodated. However, should drivers need to communicate for safety reasons, this will be via UHF radio on channel 16.

School bus awareness

The bus stop is located at the intersection of Sandy Flat Rd and the New England Highway. Bus pick up at this point is 8:05am-8:15am and drop off is 3:35pm-3:45pm. It must be noted that the majority of the vehicle movements to and from the depot will occur before or after school bus times as proposed.

The Applicant is acutely aware of the bus schedule as they attend the bus stop on a daily basis with their own children. Over the past 3 years of this daily use, the Applicant has observed infrequent occasions when the school bus must share the intersection with a heavy vehicle and, when it has occurred, all drivers involved have been cautious and competent, including the bus driver. The intersection is that of a Highway with a 100km/h speed limit and a Secondary Rural Road. There is inherent danger at such an intersection at ANY locality. Users of the intersection, and users of the school bus stop located on the edge of the Highway, must be vigilant at all times, especially when the unpredictable nature of children is added to the risk. Heavy vehicle operators are professional drivers: they are on our roads every day. They are generally more aware of the risks and potential occurrences as they encounter them more frequently.

Once again, AB Contracting (NSW) assesses all potential employees including plant operators, heavy vehicle drivers, mechanics, other tradesmen and labourers, for competence, aptitude and ability to carry out their job safely. Any person not meeting the required capacity is not offered employment. We just cannot and will not take the risk. The Applicant will put forward the invitation again to the public to inform the nominated Safety Officer (as referred to in the Reporting section of this Plan) of any perceived action or inaction by its employees that put the public at unnecessary risk.

All drivers of AB Contracting (NSW) are aware of the school bus times (as these are already displayed on the dash of every business vehicle) and are instructed to exercise additional and absolute caution. The bus times are also included in the *Driver's Code of Conduct* so are brought to the attention of suppliers and other regular visitors to site in that instrument.

Excluding use by business traffic of the section of Sandy Flat Rd as proposed will help those commuters who are concerned about possible encounters with heavy vehicles on that road. There are currently no school bus commuters using Primrose Hill Rd and only one residence is using this section of the road for less than daily access to the New England Highway.

Road and intersection upgrades

The proposed upgrade of Primrose Hill Rd will facilitate more than adequate provision for safe passage of vehicles, sight distances and turning room as both the road and intersections will be designed and constructed to Austroads standards. Sealing the road eliminates the issues of loose surface and corrugations and presents a road surface that is far more durable and long-wearing than a gravel road. There can be no question that once upgrades are completed, the resulting road will be more than capable of withstanding the traffic proposed. In fact, the proposed upgrades are likely above the required standard for the volumes described herein. The Applicant has already undertaken a preliminary, general, on-site discussion with Council regarding the possible upgrade to ensure that the information contained herein is relevant and correct.

It needs to be remembered that the business traffic is not all day, every day as it may be with some larger scale developments. It is intermittent and highly variable with some small clusters. We are talking 2-4 trucks on average, not 20-40. Also worth repeating is that the proposed development is not in conflict with the surrounding land use and is compatible and consistent with the objectives of the RU1 - Primary Production Zone.

This is not a State Significant Development. It is a Local Development. An important Local Development will employ upward of 20 people. There are only a handful of private enterprise employers of this magnitude in Tenterfield and surrounding villages. We can operate this business and its associated traffic movements in a safe and low impact manner, aided to a huge degree to the proposed new access route along with road and intersection improvements.

Signage

It is proposed to install signage at both ends of the sealed section of Primrose Hill Rd to inform all road users of the likelihood of encountering heavy vehicles (See Figure 1). There will also be signage on the private access road to limit speed to 40km/h for business traffic. Speed for business traffic will also be limited to 40km/h on the section of Primrose Hill Rd and Sandy Flat Rd along the proposed access route to the New England Highway. This is included in the AB Contracting (NSW) *Driver's Code of Conduct*. It is a decision of Tenterfield Shire Council and the Traffic Committee as to whether signage for the 40km/h speed limit would be installed on Primrose Hill Rd. The Applicant would agree to this.

The Applicant proposes that a Give Way sign be installed at the upgraded intersection of Sandy Flat Rd and Primrose Hill Rd indicating that traffic travelling north on Primrose Hill Rd must Give Way to traffic travelling either direction on Sandy Flat Rd. Again, this will be up to Council to approve with reference to the relevant standards and designs and the Traffic Committee. The Applicant proposes to meet the cost of necessary signage on Primrose Hill Rd and the upgraded intersection.

Figure 1: Examples of signage proposed



Reporting

Any issues or concerns with the condition of a road along the access routes can be reported to the Operations Manager who will then raise the concern with the relevant authority.

The Applicant proposes to nominate a staff member independent of management to receive comments or grievances from residents and other road users regarding road safety and driver behaviour.

Members of the public are also able to submit concerns to the relevant authority independent of the proposed business.

Roads Contribution

The business operator will consult with Council regarding a contribution to local road upkeep on an ongoing basis. Considering the significant upgrades that are proposed, maintenance on these roads will be reduced to almost nil. Should Council make condition, the Applicant will maintain the section of public road proposed for access to the depot. The Applicant will fairly assume that Council would be amenable to the significant improvement to its asset, especially without having to wait for appropriate and adequate funding. The intersection joining Sandy Flat Rd and Primrose Hill Rd, especially where the old railway intersects the road, has long been an issue due to the rapidly degraded gravel surface. The proposed road upgrades are just another example of how business gives back to the community and betters the Shire for everyone – residents, tourists and visitors alike.

Driver's Code of Conduct

All drivers associated with the proposed business including employees, suppliers or delivery drivers and known visitors are to agree to and abide by the AB Contracting (NSW) *Driver's Code of Conduct* for (#RAN to be assigned) Primrose Hill Rd, Sandy Flat.



“WE MOVE THE EARTH FOR YOU”

Allen & Tina Bulmer

Kembul Pty Ltd T/a AB Contracting (NSW)



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contact@abcontractingnsw.com.au



“Terrica”
162 Sandy Flat Rd
SANDY FLAT
via TENTERFIELD NSW 2372

Dam construction, improvement & repair,
vegetation management, roads & fence lines,
creek crossings & weirs, general earthworks,
supply & delivery of gravel, rock, manure, lime
& gypsum

ABN: 20 623 447 530

3 February 2021

Mr Anthony Daintith
C/- Tenterfield Shire Council
PO Box 214
TENTERFIELD NSW 2372

Dear Anthony

Re: Response to Submissions and Revision of DA # 2020.114 – 162A Sandy Flat Rd

With regard to the DA described as 2020.114 lodged with Council in November 2020 for which neighbour submissions were received in December 2020, please find attached the response of the Applicant to these submissions.

The Applicant has undertaken revision of a number of aspects of the proposal and also wishes to submit the following documents for review by Council:

- Development Application – Revised January 2021
- Application to Carry Out Works Within a Road Reserve – Revised January 2021
- Site Plans by Efficient Building Design Services (Revision 4) – (3/2/2021)
- Statement of Environmental Effects – Revised January 2021
- Traffic Management Plan – Revised January 2021
- Workshop Management Plan – New document January 2021
- Driver’s Code of Conduct – Revised January 2021
- Plan Showing Boundary Marking and Fencing by Tenterfield Surveys

Should you require further information on any of the documents, please feel free to contact us at any time. We thank you for taking the time to consider this application and look forward to receiving feedback from Council.

Yours sincerely,

Allen Bulmer

Director – Kembul Pty Ltd

Tina Bulmer

Administration Manager

AB CONTRACTING (NSW)



Driver's Code of Conduct – *Sandy Flat Depot*

Site operated by Kembul Pty Ltd T/a AB Contracting (NSW)

ABN: 20 623 447 530

****This document is designed to be operational following the proposed road and intersection upgrades****

PURPOSE

This Driver's Code of Conduct (or 'the Code' as it may be called) has been developed to ensure the safe and considerate operation of all vehicles on Primrose Hill Road and the short section of Sandy Flat Rd joining with the New England Highway for the purpose of access to the Depot operated by Kembul Pty Ltd at # Primrose Hill Rd, Sandy Flat.

PROVISION OF THIS CODE

This Code will be provided to all drivers utilising the abovementioned roads in relation to the operation of AB Contracting (NSW). This includes employees of AB Contracting (NSW) as well as subcontractors and their employees or agents, suppliers and visitors. All such drivers must read the Code and sign the Drivers' Acknowledgement to show their understanding of and agreement to abide by the terms and conditions herein.

OPERATING HOURS

Allowable hours: 6am-7pm Monday to Friday and 6am-5pm Saturday. No business-associated travel permitted to or from the depot outside these hours.

Activities: Movement of light vehicles, heavy vehicles, plant and equipment to and from the Depot. Supply of goods such as fuel and parts and services including tyre fitting, mechanical repairs and other contractors.

SAFETY ISSUES AND PROCEDURES

Road Feature	Hazards Presented	Safety Procedures/ Risk Controls
Sharing road with public users	Road users who may not be familiar with the area or with the requirements of heavy vehicles for width, stopping distances or blind spots. Including tourists and visitors.	All drivers must be careful, drive in a courteous manner, drive to the conditions of the road, keeping to the left at all times. Be mindful of design and construction of road. Limit speed to 40km/h
School bus stop located at intersection of New England Highway and Sandy Flat Rd	Vehicles parked near intersection awaiting school bus. Pedestrians, including children and adults. Extra vehicles travelling to intersection to meet school bus.	Wherever possible, avoid driving through the area at the below times. If unavoidable, drivers are to exercise additional and absolute

		caution at school bus times as follows: 8:05am – 8:15am 3:35pm-3:45pm Monday to Friday, during school terms.
Road is close to residence at 1 Primrose Hill Rd	Vehicle noise, local traffic, people on foot, children, pets. Driveway access for the residence is off the intersection.	Reduce speed well before the intersection. Remain vigilant. No engine braking. Limit speed.
Traffic entering and exiting from intersections of Sandy Flat Rd with Bald Rock Road and Primrose Hill Road, also New England Hwy	Intersections with Bald Rock Road and Primrose Hill Road and intersection of New England Hwy and Sandy Flat Rd are in close proximity to each other.	All drivers to be aware of the intersections, keep a look out ahead for other traffic, drive with caution and in a courteous manner. Obey "Give Way" signage. Limit speed.
Livestock and wildlife	Risk of collision	Adhere to speed limit of 40km/h on all access roads from NE Highway to Depot site. Drive carefully, avoid swerving or leaving the road at any time.

DRIVER BEHAVIOR

All drivers associated with AB Contracting (NSW) including employees, contractors, supplier and regular visitors are at all times required to:

- Comply with road rules and regulations
- Present fit for work - zero blood alcohol concentration (BAC) and not under the influence of drugs (illicit, prescription or other)
- If travelling in a light vehicle, give way to heavy vehicles at all times
- Adhere to speed limit – 40km/h for all vehicles from the workshop to the intersection with New England Highway
- Drive in a courteous and careful manner
- Maintain positive communication with other business drivers, operators and personnel – UHF radio if necessary

UHF RADIO COMMUNICATION

UHF communication is via channel 16.

Radio communication can assist in planning safe places to pass other traffic. With the proposed upgrades to the road and intersections, this will not really be necessary.

COMPLAINTS RESOLUTION & DISCIPLINARY PROCEDURE

This is an internal document relating to all drivers associated with the proposed business use of the abovementioned roads.

Any complaints or issues are to be directed to:

Safety Officer – to be appointed, staff member independent of management

Operations Manager – Allen Bulmer 0421 747 797

Similarly, any grievances raised by members of the public can to be reported immediately to the same or to the relevant public authority.

Any driver not complying with the conditions in this Code will be issued with a written warning. Repeat offences will be dealt with according to severity.

SAFETY INDUCTIONS & SITE MEETINGS

Prior to commencing work with AB Contracting (NSW) all workers must complete the mandatory site-specific induction. All drivers, operators and other personnel present on site are also required to attend meetings, regular or irregular, when they occur.

Further information on or assistance with this Code of Conduct may be obtained by contacting AB Contracting (NSW):

Allen Bulmer – Director & Operations Manager – 0421 747 797

Tina Bulmer - Administration - 0413 452 998

Driver's Code of Conduct – # Primrose Hill Road, Sandy Flat

(Depot operated by Kembul Pty Ltd T/a AB Contracting (NSW))

ABN: 20 623 447 530



----- DRIVER'S ACKNOWLEDGEMENT -----

All vehicle operators travelling to and from the Depot at # Primrose Hill Road, Sandy Flat, NSW, are required to sign this acknowledgement.

This includes employees of AB Contracting (NSW) as well as subcontractors and their employees or agents, suppliers and visitors to the site.

By signing this document, you acknowledge you have read and understood the *Driver's Code of Conduct* and agree to abide by its contents and conditions.

Driver's Name (Please print):

Employer:

Driver's Signature:

Date: _____

AB Contracting (NSW) Representative (Print Name):

Signature:

Date: _____

AB CONTRACTING (NSW)



Workshop Management Plan – *Sandy Flat Depot Proposal*

Site operated by Kembul Pty Ltd T/a AB Contracting (NSW)

ABN: 20 623 447 530

PURPOSE

AB Contracting (NSW) has established this Workshop Management Plan (WMP) as a part of its commitment to ensuring the safety of its employees and the public as well as the amenity of the area whilst using the proposed workshop and surrounding facilities on the site at (#RAN to be assigned) Primrose Hill Rd, Sandy Flat.

The objectives of the Workshop Management Plan are:

- Minimising the impacts (including noise and visual) of workshop activities on neighbouring residents and the amenity of the area;
- Maximising the safety of employees, contractors, suppliers and other visitors to the site;
- Ensuring waste and water are managed appropriately to minimise environmental impacts;
- Ensuring safe and appropriate storage and use of fuel, oil and chemicals;
- Implementing fire prevention and fire control strategies.

DESCRIPTION OF BUSINESS ACTIVITIES

AB Contracting (NSW) is an earthmoving, quarry product supplies and transport company performing contracting work at various locations around Tenterfield Shire and adjoining LGAs. The proposed Sandy Flat Depot is a central base for the operation and consists of a workshop/shed and surrounding gravel pads, parking area for light vehicles, an office building and ablution block.

Proposed operating hours are 6am-7pm Monday to Friday and 6am-5pm Saturday. The business employs approximately 20 local people, some of which travel to and from the Depot daily.

Activities proposed at the site will include:

- Maintenance and repairs of earthmoving plant and associated equipment
- Maintenance and repairs of light and heavy vehicles
- Refuelling of vehicles
- Parking of heavy vehicles and work utes
- Central meeting point for travel to various work sites
- Administration, training, meetings

Personnel based on the site will include 2-3 administration staff and a minimum of 2 workshop staff. All other workers will be field-based, commuting to and from the Depot to various work sites, returning to the workshop to perform maintenance and repair work, re-fuelling etc as necessary or at the conclusion of their shift/job.

Plans of the proposed workshop compound, associated facilities and surrounding features are shown on the *Site Plan* drafted by Efficient Building Design Services (EBDS) (Revision 4).

The proposed development is defined as a *depot*. The definition of a depot in the *Tenterfield Local Environmental Plan 2013* is "a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building."

The proposed depot is compatible with the objectives of the site's RU1– Primary Production zoning and permissible with development consent, under the provisions of the *Tenterfield Local Environmental Plan 2013*.

This application seeks to obtain non-designated development approval for the upgrade and operation of the depot site. Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* lists the types of development and the associated thresholds which trigger designated development. Depots are not included in the development types listed in this schedule. The proposed development is therefore considered as local development.

WORKSHOP IMPACT MANAGEMENT

For reference in this document to possible impacts to surrounding properties, the most immediate neighbours to the workshop area are described below:

Western neighbour (89 Primrose Hill Rd): 400m from furthestmost western point of laydown pad/parking area, separated from the proposed precinct by native vegetation that prevents any view of the dwelling from the laydown (See Photo 1).

Eastern neighbour (102 Sandy Flat Rd): 600m from the furthestmost eastern point of the workshop precinct, entirely separated from view of the proposed business area by the residence situated on the Applicant's property, groves of established trees and stock camps and the residents' own tree lines/boundary wind breaks.

Northern neighbour (1 Primrose Hill Rd): 800m from the northernmost point of the workshop area, separated by mostly open paddocks and partially obscured from view from the workshop by several groves of trees. No objections raised to the proposed development.

Southern neighbour (162B Sandy Flat Rd): no residence on the property. No objections raised to the proposed development.

Noise

The Applicant has taken consideration of the objections to workshop noise put forward by members of the community and has found the following information helpful in considering the probable significance of that noise.

Section 6 of the *Protection of the Environment Operations Act (POEO Act) 1997* makes local councils the Appropriate Regulatory Authority (ARA) for any premises/activities in their local government area other than those covered by the other ARAs as noted below;

EPA – ARA for:

- premises, and all activities carried on at those premises, on which scheduled activities are carried out that are listed in Schedule 1 to the POEO Act (these are generally large industrial sites)
*Note that none of the activities proposed at the workshop site are included in Part 1 of Schedule 1 to the POEO Act 1997.
- premises, and all activities carried on at those premises, to which an environment protection licence has been issued for the purpose of regulating water pollution
- activities conducted by state or public authorities

Other ARAs include Olympic Park Authority, Marine Parks Authority and RMS (which is the ARA for activities involving vessels).

Noise is generated by various proposed workshop activities and equipment including;

- Travel of light and heavy vehicles around the workshop including use of reverse alarms
- Occasional loading, unloading and travel of heavy plant items around the workshop
- Various repairs and maintenance tasks including but not limited to;
- Use of air and power tools including drill, impact driver, cut off saw, grinder
- Use of welding equipment
- Use of hand tools
- Operation of forklift, compressor, generator, pressure cleaner, lathe, press.

Having described these activities, and in reference to the *Noise Guide for Local Government*, the Applicant identifies the proposed workshop as being in the category of “Small factories and backyard workshops” – e.g. noise from plant and equipment, reversing alarms, public address systems, deliveries, garbage collection.

This noise source is noted as the responsibility of Council as the ARA. Assessment of any noise is undertaken via an Offensive Noise Test (2.1.4) or Assessment against any relevant council policy.

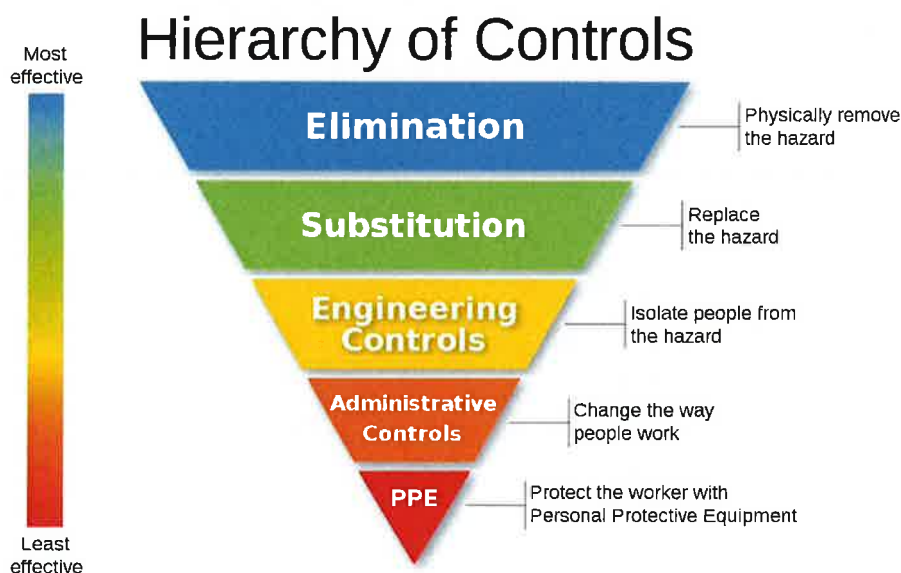
The suggested management or regulation of such noise is to negotiate implementation of reasonable and feasible best practices with the possibility also of issue of a Noise Control Notice (4.2.1) or Prevention Notice (4.2.4)

Further information referenced in the Noise Guide for Local Government includes *NSW Industrial Noise Policy* and the *Noise Control Regulation*.

According to the POEO Act, noise can be considered offensive in three ways;

- audibility
- duration
- inherently offensive characteristics

Noise is also an important safety consideration around and within the workshop area. The Hierarchy of Risk Control is often applied (see below) and the same method can be used to control noise emission from the workshop to the surrounding area. Controls may include – Elimination, Substitution, Engineering Controls, Administrative Controls and PPE.



With these things in mind and with reference to the above-mentioned legislation, regulations and publications, the proposed measures to reduce the impacts of workshop noise on surrounding residences have been reviewed and are included below.

Once again, the Applicant believes that a satisfactory outcome can be achieved for both the proposed use and the right to quiet enjoyment for the local residents.

Noise mitigation

Installation of walls

The Applicant proposes enclose part of the existing open workshop with a wall. This will not only create a solid barrier and help prevent transmission of the noise of power tools and maintenance activities, it will also create a barrier to wind. Blocking wind from the workshop will aid welding work and provide a more comfortable environment for workers, especially in cooler weather.

This measure is at the level of an engineering control.

Choice of tools and equipment

Battery operated tools are preferred over 240V driven electric tools as they are not only quieter in operation but are more convenient and fully portable.

On the same token, newer equipment is preferred to aged equipment which is generally more noisy.

Sharp cut off saw blades are used in preference to blunt ones as they are far more efficient, reducing audibility, duration and inherently offensive characteristics of the noise produced when cutting steel.

This is an example of substitution.

Set hours of operation

Hours of operation will be limited to 6am – 7pm Monday to Friday and 6am – 5pm Saturdays. No use of the premises for the proposed business will occur outside these hours. A detailed justification for the request for these hours is included in both the *Response to Submissions* dated 3/2/21 and the *Traffic Management Plan* (January 2021).

Prescribing definite hours of operation is reducing noise with an administrative control.

Note: the same workshop is used for the primary production business also based on the site. Normal farm operations including repairs and maintenance, re-fuelling, tractor use and use of other machinery may occur at other times as is permitted for any other farm business in the area.

Speed limit

Travel speed will be limited to 10km/h around the proximity of the workshop for both light and heavy vehicles. Note this will apply to all vehicles accessing the site including suppliers and visitors. Signage will be installed to remind all drivers and aid compliance and disciplinary measures.

Setting a speed limit is an administrative control.

Standard Operating Procedures (SOPs)

One concern brought to attention of the Applicant by a close resident is the “noise pollution” from “engine warm up” of each truck. The trucks and trailers proposed for use are all fitted with air operated braking systems. These systems require a short period of engine idling time (approximately 3 minutes) in order for sufficient air to accumulate in the system and allow the release of brakes and a subsequent move in any direction. NOTE: 3 minutes not 3 hours.

AB Contracting (NSW) has a Policies and Procedures Manual in process of being drafted. Air accumulation times will be listed as an SOP with direction for the driver to remain with the vehicle and proceed to move off as soon as air stored in the system is sufficient to allow brake release.

Other examples of SOPs that will assist in the abatement of noise at the workshop include;

Plant & Equipment Maintenance and Servicing – well maintained vehicles and equipment generate less noise,

Use of powered equipment – turn off when not in use eg compressor, pressure washer,

Travel around the workshop – speed limited to 10km/h, observe due diligence,

PPE – what to use, when to use, how to use,

Hours of operation – as described elsewhere, just to name a few.

Despite apparent public perception, AB Contracting (NSW) is a professional outfit that is constantly striving for improvement in all areas of the business. The development of SOPs as exemplified above is just one demonstration of these efforts. The use of SOPs represents a combination of elimination, substitution, engineering, administrative and PPE controls.

Vegetation

The travel of noise will also be lessened by the natural barrier created by stands of trees between the workshop and residences in the surrounding area. The Applicant will ensure maintenance of the existing tree lines. Additional trees/screening are proposed to be planted on the northern side of the workshop precinct which will contribute as a barrier for noise mitigation (Refer to *EBDS Site Plans*). Preferred species include Callistemon Bottle Brush and/or Leightons' Green conifers, depending upon availability.

Vegetation could be likened to a PPE level control for noise, but will aid in reducing any residual impact that cannot be reduced by all other levels of controls.

Visual impact

The applicant acknowledges that some residents/persons may find the sight of machinery offensive. Please note the following direct sight distances from the limited locations from which a view of the workshop and surrounding pad can be obtained.

New England Highway southbound from Rifle Range Hill to slip road at Sandy Flat turnoff – 1-1.5km

Sandy Flat Rd between intersection with Bald Rock Rd and first southbound turn – 980m approx.

Sandy Flat Rd between the road side trees south of 102 Sandy Flat Rd for a distance of approx. 300m along the road – 630m

Entrance to and adjoining boundary with 162B Sandy Flat Rd (southern neighbour) – 50m approx. There is no residence at this property and the owner has raised no objection to the development.

These are the best vantage points. In fact, anyone travelling along the roads would need to look up at just the right time to view the depot from these and any other positions. Again, with respect to the complaints, we are talking hundreds of metres to more than 1km – the significance of distance must be taken into account when assessing the degree of visual impact. Most of the other areas from which a clear view of the proposed workshop and pad can be obtained are on the Applicant's own property.

Both the relatively small scale of the development (remember it is Local Development, not Designated Development) and the distances to these above-mentioned vantage points both need to be considered alongside the vehemence of the suggestions that the depot will be a "blight on the landscape", a "degraded mess" and "visual pollution". The Applicant believes these to be exaggerations.

Native vegetation and undulations in the land prevent sight of the workshop from the surrounding positions outside the property boundary to a fair extent.

We will refer back to the description of the most immediate neighbours:

Western neighbour (89 Primrose Hill Rd): 400m from furthestmost western point of laydown pad/parking area, separated from the proposed precinct by native vegetation that prevents any view of the dwelling from the laydown.

Eastern neighbour (102 Sandy Flat Rd): 600m from the furthestmost eastern point of the workshop precinct, entirely separated from view of the proposed business area by the residence situated on the Applicant's property, groves of established trees and stock camps and the residents' own tree lines/boundary wind breaks.

Northern neighbour (1 Primrose Hill Rd): 800m from the northernmost point of the workshop area, separated by mostly open paddocks and partially obscured from view from the workshop by several groves of trees. No objections raised to the proposed development.

Southern neighbour (162B Sandy Flat Rd): no residence on the property. Almost complete view of the precinct. No objections raised to the proposed development.

While the Applicant does not necessarily agree with the extent of the visual impacts, this is being taken on board as a valid complaint and will be addressed through the following measures.

Maintenance of existing natural/paddock vegetation

The existing vegetation that is providing screening of the site will be retained. This is in the form of several large groves of mature trees, forming cattle camps, across the property plus some more heavily timbered areas, especially around the residence at 89 Primrose Hill Rd.

Proposed landscaping

The suggestion for a high, solid fence to block the depot from sight may be better replaced by plantings of fast-growing trees and shrubs to create screens. The applicant believes that this would improve the visual amenity more effectively than a solid fence. As seen on the *EBDS Site Plans*, landscaping with evergreen, frost resistant varieties of a species which will grow to a height of approximately 10 metres and of a habit broad and bushy enough to produce

an effective visual screen are proposed on the northern of the workshop precinct. Preferred species include Callistemon Bottle Brush and/or Leightons' Green conifers, depending upon availability.

Storage of stock metal and large machinery parts

The Applicant has on hand spare parts of various natures in order to be able to complete repairs and maintenance in a timely fashion and at low cost. These include lengths and plates of steel, cutting edges, spare wheels and tyres and other small equipment. These items will be stored in an orderly fashion in order to reduce any visual impact.

The surrounds of the workshop and depot will be regularly tidied and any unusable items disposed of appropriately (Note, this is already the case). In addition, the proposed landscaping on the northern boundary of the depot will provide more than adequate screening of the precinct from the view of users of Sandy Flat Road's northernmost section as well as the New England Highway southbound. Existing native vegetation screens the view from other sections of surrounding roads as does the natural slope of the land, particularly looking from Sandy Flat Rd in proximity to the entrance to 162A back up the hill to the depot.

Safety of workers, visitors and children

Safety on the site will be managed through implementation of the *AB Contracting (NSW) Health, Safety & Environment (HSE) Management Plan* and, within that, the *Site-Specific Safety Management Plan – Workshop*. These documents enforce the following site rules;

- All workers and visitors to the site must undergo the *Workshop General Site Induction* including location of first aid kits and firefighting equipment, location of power shut off point, emergency response procedures including emergency assembly area, service pit protocol, location of PPE and any applicable Standard Operating Procedures (SOPs)
- All vehicle travel limited to speed of 10km/h, with signage to be installed at various points
- No children permitted on site unless under direct adult supervision
- No Smoking in the workshop

Other features of the site to maximise safety of all persons;

- to be enclosed by fencing on all sides
- regular (at least monthly) on-site staff meetings to allow effective and positive communication between the principal and workers in relation to potential hazards
- establishment of an administration building at this site will create a central point for visitors to report to on arrival and allow monitoring of personnel for the purpose of safety and compliance with site rules.

Water management

Water for business use will be sourced from rainwater captured on the workshop roof, stored in a 22,500L capacity poly tank and reticulated via pressure pump. When rainwater is depleted in dry times, water will be purchased from the Town supply, trucked to site and pumped in to refill the tank.

Water for use at the ablution block and office will be stored in poly tanks next to those buildings and reticulated via pressure pumps.

Sediment and erosion from rainwater runoff from the gravel pad are controlled by drainage to an existing sediment pond as marked on EBDS *Site Plan*.

Fire prevention & firefighting provisions

The following measures are proposed to reduce the risk of fire;

- maintenance of cleared area and gravel pads around the workshop to eliminate fire fuel load,
- workshop to be equipped with two 4.5kg ABE fire extinguishers and two large fire blankets at all times,
- water stored in 22,500L poly tank with pressure pump for use in firefighting, connected to 20m long, high pressure fire hose with reel and high pressure nozzle,
- additional 60,000L + water stored in tanks on southern side of workshop can be used if required,
- correct storage of flammable substances and educating staff on use of flammable substances,
- training of staff in use of firefighting equipment,
- control of regrowth and understorey grasses across the property through grazing, slashing and if necessary, spraying,
- removal of fallen limbs and dead trees around the property to minimise fire fuel in surrounding paddocks.

Fuel storage

Diesel fuel will be stored in a 50,000L capacity steel tank. The core-filled concrete bunding is 105% of the tank capacity. The tank is also fitted with an anti-spill valve and correct breathers. The bunding area has a removable bung to release captured rainwater when necessary.

Dispensing of the fuel to vehicles is via an electric hi-flow pump which can be shut off independently of the hose/nozzle. The tank is also fitted with a gauge to enable monitoring of levels.

Fuel is delivered to the workshop via professional and qualified wholesalers who never fill the diesel tank above the safe fill level.

All workers are trained in the operation of the fuel system as set out in *Site-Specific Safety Management Plan – Workshop*.

A maximum of 80 litres of unleaded fuel will be stored at the workshop in purpose designed containers which are clearly marked in a dedicated ventilated area.

Chemical storage

Chemicals will be stored in sealed containers in accordance with manufacturers recommendations together with Safety Data Sheets. A register of all chemicals will be maintained. All workers will be well informed of storage practices and the location of Safety Data Sheets for reference.

Spills and protection of soils

All care will be taken to avoid spills of oil, fuel and chemicals however in the event of a spillage protocols are in place for the management of such incidents. Oil changes in vehicles and machinery will be conducted inside the purpose built workshop by qualified mechanics.

There will be two appropriate spill kits available at all times to absorb potential spills of fuel, oil or chemicals. All workers will be trained in the use of the spill kits as set out in the *Site-Specific Safety Management Plan – Workshop*.

Gravel pads around the site will be well compacted to reduce permeability.

Waste management

Being a mechanical workshop, there is an element of waste associated with the daily functions, however the environmental factors of same are taken very seriously.

Waste oil is stored in a purpose built tank and is then disposed by an independent qualified service provider, East Coast Oils. The tank and surrounds will be inspected on a regular basis to check condition and capacity.

Paints, grease and other environmentally sensitive containers and substances are disposed of as directed by manufacturer's instructions.

Spill kits are stored in the workshop area in the event of any spillage incidents.

General rubbish is stored in a 2m skip bin which is regularly serviced by qualified contractor, New England Waste.

Sewage management

The proposed ablution block will be equipped with an effluent holding tank as described in EBDS Site Plan. Approval from Tenterfield Shire Council to operate the sewage management system will be sought and obtained.

The tank will be serviced regularly by a suitably qualified septic service according to the degree of use and the manufacturer's guidelines.

Attached is an example of the type of system proposed to be installed.



Effluent Tank

The Merlin Waste Storage Tank (portable waste tank) has been engineer certified and meets the Australian Standards for a building mass of up to 7000Kgs plus 12 persons (6000L tank).

Our waste storage tanks are popular in remote building and constructions sites, mining camps, civil construction sites, special events, army camp locations, and just about anywhere that doesn't have a sewer connection. The tanks suit buildings up to 6m long by 3m wide.

4000L Waste Storage Tank

(3865mm x 2400mm x 660mmH)

Weight Capacity: 5000Kg + 8 people

Key Features

- Heavy duty steel frame construction able to withstand up to 7000Kgs plus 12 people.
- Large tank capacities – up to 6000L
- Special locator tab lifting points
- Towing hook on frame for easy positioning on site
- Easy to transport
- Built by Australians for Australian conditions.

Internal Features: Polyethylene tanks are lighter and will last longer than steel

- The tanks will not rust or break down over time.
- The tanks will not be affected by chemicals or human waste
- Two double clamped triple wall connector pipes join the tank pods – eliminating possible blockages
- Easy to pump

Options: “Interceptor” High level visual/audio alarm with optional water cut off solenoid, Camlock fitted pump spear, Sight Tube

Warnings are: Audio (buzzer), Visual (flashing LED), Water Shut Off Solenoid (Optional)





Accessories

Site Level Tube

Site Level Tube This simple tube set up screws into two moulded points on the end of the Formit Waste Tanks for an easy visual of the tank level.

Camlock Fitted Pump Spear

This 90 degree angle fitted pump spear make for easy emptying of the tank by the vacuum pumpers.



Merlin Spill Protection

Specially designed matting / liner that is placed under the effluent tank to protect against accidental spills or leaks.

If you are working in an environmentally sensitive area or would simply like the peace of mind that if a spill occurs you have protection then using a Merlin Spill protection system is the answer. Ultra tough liner designed to keep liquids contained and the environment /work area protected.

Available in a variety of sizes to suit different size waste tanks and applications. Easily transported, installed and can be packed up and reused at multiple sites. 100% RECYCLABLE

CHIEF EXECUTIVE OFFICER
TENTERFIELD SHIRE COUNCIL
OBJECTION TO DA 2020.114
162A SANDY FLAT RD

We have lived in this area for 10 years. We have a property in Currs Rd, but also own, in partnership with my daughter and her husband, another property in Sandy Flat Rd, and so are directly affected by this business as we often travel along Sandy Flat Rd. This is a narrow, often corrugated dirt road that can be hazardous under normal conditions, but has now become far more dangerous with very much increased heavy vehicle traffic. We would therefore like to register our strong objection to DA 2020.114. Everything about this application is outrageous. I should be writing 'this proposed business' and am appalled that the owners have been operating and rapidly growing their business for quite a while from this site, and are only now applying for approval! Every other business venture has to go through the proper channels and is subject to scrutiny and a decision then made as to whether their business is suitable or not to that particular zoning. This business is definitely not an appropriate business for this area. This is a rural agricultural zone and should stay that way. It is also an area of extraordinary beauty and surely council has a vested interest in preserving this. Tourism is a huge industry for Tenterfield and will only become bigger. It needs to be nurtured and encouraged as it has long term benefits for the whole shire. The owners of this proposed truck depot have long talked about their eventual aim to have a quarry and/or crushing plant on this site. While this DA is for the truck depot only, as one of many concerned locals, we fear it is just the first step to a bigger and far more damaging enterprise. And if the owners are given approval for this first step, I believe there will be no stopping them. They have already shown their blatant disregard for the regulations every other business has to abide by. They have also made very serious breaches to the water and environment laws, some of these have been reported, others not. We have had firsthand experience of one such breach.

This business may employ about 25 people, but relocating the business to a proper site is not going to affect the employees. Most of those employed, probably drive from town and would no doubt benefit from a relocation to the industrial estate. We have no objection to people expanding their businesses as long as it is not impacting, so terribly, the people nearby. A tourist B&B business directly opposite is being severely impacted and they have also suffered degradation to their grazing paddocks caused by the constant covering of dust. They have had their water supply from the creek cut off by this operator, with his illegal water harvesting, using heavy machinery to create a water hole they can pump from. For 3 weeks they were carting water from this man-made water hole. They did the same thing to our property in Sandy Flat, illegally digging a large hole in the creek with an excavator on the property upstream, thereby cutting off the water supply to my daughter and to all the other properties downstream. These people really don't care about others around them or for the laws put in place to protect everybody.

They are one of the wealthiest families in the district and would have no trouble getting the backing to move their business to a property in the correct location.

This truck depot has already caused so much grief to its nearest neighbours and if the intention to open a quarry or crushing plant on that site is true, it is nothing short of environmental and social vandalism. Not sure where the water to run such a venture would come from but sadly we know they are capable of breaking whatever regulations they need to. In this area we all know the family in question and in the past have been supportive of them, but their ruthless devotion to their own advancement at the expense of everyone in their way is splitting this community and changing many people's opinion of them.

There is a place for this type of business and it is in the industrial estate in town. There is no plausible reason why this family should be given special dispensation from obeying the regulations the rest of us do. They themselves are moving to their newly acquired grazing block, leaving behind the degraded mess they have made at Sandy Flat. I mean, who would want to live in a truck depot and possibly a quarry further down the track. This was a quiet dirt road in a lovely pastoral area, with a strong community spirit. But now, the dust, the noise, the narrow road with a huge number of heavy vehicles as well as increased light traffic, the blatant water harvesting from the creek, all this caused by one business, has left most of us despairing.

I sincerely hope that council will carefully consider all the repercussions of this business continuing in its present location. The enormous health, environmental, social and commercial impacts that our community is experiencing have to be taken seriously. The owners have already been operating without approval, and breaking the rules whenever it suits them. Their DA is just a token, an afterthought. Why have these rules if they can be so easily ignored and any transgressions so easily overlooked. Rushing through a DA so that everything appears above board is not the answer. I am not suggesting that this is what council will do, but if council has only just been made aware of the situation, I hope it has the courage to take a stand.

Kind Regards

7th December 2020

To the
Planning Officer
Tenterfield Shire Council
PO Box 214
Tenterfield NSW 2372

**Objection to Development Application by Kembul Pty Ltd,
trading as AB Contracting (NSW), for earthmoving and
additional road access on Lot 1/DP 1119615, Lot 16/DP 652789
and Lots 19,60 and 61/DP 751524 at 162A Sandy Flat Road,
Sandy Flat, NSW 2372**

Dear Madam / Sir

I recently purchase part of the property wishing to retire in this area and
persue my hobbies.

As a resident I do use the Sandy Flats Road. To my annoyance I notice a well established
business using the Sandy Flats Road with heavy vehicles every day to the degree that I
feel insecure competeting with this type of heavy vehicle traffic. The road is not made
for this type of traffic.

The establishment of this type of enterprice does NOT conform to zoning and local by-
laws, so I understand.

Significant dust fallout is created affecting, depending on the wind direct and indirect
neighbouring properties.

Combined with the above stated security issues this has the potentail to affect property
values.

Further, the propriator created facts ignoring zoning and by-laws. It would send the
wrong message to the community if someone would granted approval after the event so
to speak having ignored to persue the propper channels before starting the business.

On the above grounds alone, I object to the Development Application by Kembul Pty Ltd

Sincerely yours

To: Council <Council@tenterfield.nsw.gov.au>
Subject: Objection to AB contracting DA - Sandy Flat.

Corporate

Dear Sir / Madam,

I am not writing to object to the DA in principal but rather in the interests of many neighbours who have expressed to me their significant concerns should the DA be approved. Without the necessary considerations taking place before it is implemented there can be significant risks to safety ,amenity , and competing livelihoods.

I previously lived in Bald Rock Road Sandy Flat and now I am a resident of _____ We have been fortunate to have had recently the _____ surfaced which has made a significant difference to safety and drivability after having had numerous near incidents . Rumours abound that this work has been completed in preparation for a mining development ,time will tell but at least if that is to occur we will be in a much better position to accept the increased stress that it will put on surrounding properties and safety of amenity.

The reason I mention this is that the DA in question at Sandy Flat would not be viable for local residents without a significant upgrade to the local roads to bitumen surface and sufficiently wide for 2 vehicles to safely pass. The roads in Sandy Flat are often in a condition with corrugations such that they are dangerous and damaging to vehicles with normal use let alone with the burden suggested in the DA. Dust is also a problem with heavy use. In order to approve this DA there should be a firm commitment either by council, the applicant or jointly to upgrade the current roads to a standard sufficient to service safely the additional traffic flow. I have also been made aware that there is a disassembled crushing plant on site which has further heightened concerns around amended DA's and future plans that could further impact noise,dust and traffic movements.

Whilst a resident of Bald Rock Road we on several occasions approached both council, the RTA and Railways with regards to two further matters a Rail Link stop and access on irregular occasions for B Double transports to transport cattle and fodder.

The Rail Link bus stop was not granted on the basis of safety for the bus ,being a heavy vehicle , to turn across oncoming traffic and merge into traffic in a " fast traffic zone". Surely if that was a concern on a twice daily basis then the movement of this number of heavy vehicles must cause a very real safety risk at the Sandy Flat turn off which is also a school bus stop.

The same concern was raised although slightly differently for B Double access with the added problem of the feeder roads themselves being deemed unsuitable because of width and surface to handle heavy vehicles of that nature. With the regular truck movements of AB contracting plus the need on occasions to move in and out oversize heavy earth moving equipment this would be significantly higher risk than occasional B Doubles.

AB contracting is undoubtedly a valuable corporate resident within Tenterfield Shire area and must be given every opportunity to expand and prosper. This cant be at the expense of community safety and near neighbour amenity. I am sure finding a solution that can accomodate all parties needs would be and should be supported by both shire rate payers, neighbours and the applicant. The choice really is to either upgrade the existing infrastructure pre - approving the DA to a point it can service the site or alternatively negotiate a transition plan to a different more appropriate site .

A pre requisite to this or similar DA's must be -a proper assessment of the area of both the development and surrounding area and the safety, amenity and environmental impact -a robust parish community consultation programme

- traffic management plan and environmental plan and installation of community infrastructure pre approval and work commencement on the site where the land use is significantly different to existing use.

I am and re state my support for development within the shire with the caveat that it is not to the detriment of other landholders and residents who are impacted. In this instance I have heard from several of my former neighbours at Sandy Flat that in its current form this development has and will greatly impact their right to quite enjoyment of their existing properties and they have requested after my consideration if I would add weight to their objections. Having lived within the area I believe this would be the case in its current form.

Yours Sincerely

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and Lots 19,60 and 61/DP 751524 at 162A Sandy Flat Road,
Sandy Flat, NSW 2372**

I wish to raise my objection to this proposed development, which is not in keeping with the local area, and causes significant noise, dust and visual pollution, and safety issues to nearby residents, local visitors and road users.

It is my belief that this application, if approved, would reduce property values in the area, and cause further harm and environmental degradation to the locality of Sandy Flat and its community.

With surrounding properties zoned rural, it is inappropriate to allow this type of business to operate in the vicinity. There is inadequate infrastructure to support this development, ie conditions of the road.

The best place for such a business is to relocate to the Industrial Area of Tenterfield, which has all the facilities that such a growing business would need, and this would benefit both the applicants and the local residents currently impacted.

I no longer ride my horse along Sandy Flat Road to visit friends for fear of an altercation with an articulated truck.

Chief Executive
Tenterfield Shire Council

Re: Development Application
162 A Sandy Flat Rd
Tenterfield, NSW

As residents of the Sandy Flat community for over 11 years, we wish to object to the D.A. application. Our objections are based on several issues, which are outlined below.

Areas of Concern

1. *Lifestyle and Property Values*

We, along with other Sandy Flat residents moved here to escape the city and be part of a quiet rural farming community. The development and expansion of the trucking depot at 162A Sandy Flat has changed the rural feel and the unique community spirit of this area. We believe the area will not be as attractive to new buyers and property values will drop. If the road was as busy and dangerous as it is now, we certainly would not have settled here.

There is some concern that approval of this D.A. application will mean the council will be obliged to approve all applications in the future.

2. *Safety*

The safety on Sandy Flat Rd is a real concern. It is not a matter of if, but when, a serious accident occurs. No matter how careful all drivers are, or how many forms are signed, the road is simply not built for the increased usage caused by the heavy vehicles maintained from 162A. Also, the degeneration of the road increases risk of accidents, not to mention wear and tear on our vehicles.

3. *Dust*

Dust from road usage, a good percentage accessing the truck depot, is a major concern – especially for the three properties close to the road between the highway and 162A. The increased movement of vehicles is becoming a nightmare for the properties involved. We are grateful that our property is far enough away.

After discussions with Allan Bulmer of AB Contracting, we have been assured that all traffic entering and leaving the depot would be via Primrose Lane.

If this is implemented as assured, this would address the safety and dust concerns.

In conclusion, approval of such a large enterprise in this rural community will have a negative impact on those who chose this lifestyle prior to the depot expansion.

We hope the matter can be worked through and a satisfactory conclusion for all parties can be agreed on.

7th December 2020

Planning Officer
Tenterfield Shire Council
PO Box 214
Tenterfield NSW 2372

**Objection to Development Application by Kembul Pty Ltd,
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additional road access on Lot 1/DP 1119615, Lot 16/DP 652789
and Lots 19,60 and 61/DP 751524 at 162A Sandy Flat Road,
Sandy Flat, NSW 2372**

We wish to raise a strong objection to this proposed DA. This is in addition to our complaint and objection sent to council dated 3rd September 2020 (attached).

We are an immediate neighbour of the applicant and only about a kilometre from the business, and their traffic passes directly in front of our entrance gate.

We encourage people with ambition in expanding their business, as this brings growth to the shire, employment and services, but the suitable place for such a large business is the Industrial Area of Tenterfield, as is every other large haulage company in the shire. This will also provide room for the business to grow. This is a solution that meets the needs of all concerned.

As currently operating, this business causes unacceptable noise levels, dust levels, visual impact and harm to our B&B accommodation business, as well as to us and our property value.

Tenterfield Council has made a large effort to encourage tourism in the shire, and this business is detracting from that aim and causing reputational damage due to its location.

The level of traffic on the road is well beyond what it was ever designed for, and represents a danger to other road users, and a nuisance to all those further up the road in accessing the New England Highway.

Council has been well aware of this unregulated operation for a long period of time, such as unlicensed extraction of dam spoil and transport to Tenterfield Showgrounds with the full knowledge of the mayor. Such implicit encouragement of the business operation from this location should have no sway over the consideration of this DA.

As such, we contest the application being submitted as a way of “formalising” the current unregulated operation. Just because the business is operating at such a size and impact, and that infrastructure has already been established without approval, should not mean it receives any more favourable treatment in its assessment. The application should be treated as if it were a greenfield site.

Our submission is that this DA be **refused**, on the following grounds.

- The current development and business is unsuited to the area, farms, tourism and small business and negatively impacts upon them. This area is not zoned “industrial”, and yet this business has grown to the size of an industrial operation.
- The applicant admits as such in their own application: “This enterprise has expanded quite rapidly over the last 5 years to the point where vehicle movements, noise and other effects have made it out of character with the area”.
- The trucking business has grown to the extent it is impacting significantly on near neighbours and others who use the road. Our Bed and Breakfast business (“Donegal Farmstay”) is impacted as raised in our previous objection by the noise, dust, unsightliness and increased danger on Sandy Flat Road. Our paying guests have commented on the noise and dust (apart from the impact on us), and we are no longer able to suggest

walks along Sandy Flat Road. One of our guests commented that they thought there was a busy jet airstrip operating nearby.

- The increased traffic possess a danger and risk to other road users right along Sandy Flat Road, who all use Sandy Flat Road for access and school runs to the bus pick up point on the NE Highway. We used to ride horses along Sandy Flat Road, but no longer feel safe to do so. This road is barely able to accommodate two passing cars, let alone large trucks, and there is no signage to warn of truck movements (despite requests to council).
- The applicant states that the business employs 20-25 people, some of whom travel to and from the depot daily. The only people living on site are the owners, so almost all people who work in the business travel to and fro daily. As stated in our previous submission, during our traffic monitor, this business accounted for 63 movements past our front gate in one day (74% of the total traffic), including 14 heavy truck movements (93% of the total). Virtually none of this traffic existed 2 years ago.
- This business is likely to grow further, and the effects on the surrounding area will worsen.
- Having such a business develop in the area reduces the values of all our properties. Should we ever decide to sell in the future, having a busy trucking depot next door makes this a less attractive area, not something that was a factor before. If the DA were approved in whatever form, we would be seeking compensation for reduced property value and seeking reimbursement for the cost of the valuation.
- This application is for every lot on the property, no just those where the current depot is located. If this application is approved for all lots, their whole property could be open to industrialisation. This needs to be more clearly and tightly defined.

Prohibition of quarrying operations on site

The applicant states in their description of business activities that they are a quarry product supply company. The applicant has told us in the past they intend to establish a quarry on site. **This is strenuously objected to.**

The applicant should be prohibited from establishing any quarry or extraction operation on site, and should be prohibited from establishing any quarry products processing activities on site. The effect on amenity value of neighbouring properties as well as dust and noise and water use would be even more severe.

Detailed Objections

While we submit that the DA should be refused outright, we also wish to submit detailed objections to many parts of the application.

The submission is so loosely written that if accepted the applicants could continue their current unacceptable operation with little change. We cannot rely on the good word of the applicant to do the right thing. Previous experience has shown that they have never consulted close neighbours on their business expansion, or dam excavations, or illegal water extraction practices, and when challenged on these issues, they have been argumentative and obstructive. Thus conditions need to be clear and enforceable.

- The suggested mitigations and controls are totally inadequate to address the hazards identified in the DA.
- The applicant seeks to minimise and portray staffing levels on depot site as admins and one mechanic. This is irrelevant to the disturbance level of trucks and light vehicles traveling to and from the site.
- The applicant proposes additional access to the depot from Primrose Hill Road. Sandy Flat Road is unsuited as an access road for the depot as stated above and in our previous objection. It is too narrow in many places even to allow light vehicles to pass each other, has poor edging, and has a surface not suited to constant heavy vehicle use, leading to the

“potholes etc” that the applicant alludes to, rapid degradation and corrugation.

- Any new purpose built access road from Primrose Hill Road should be the ONLY access used by the business traffic, returning Sandy Flat Road to its designed traffic capacity. We should note however that this will impact the neighbour in front of whom this new road will pass, so that it merely moves the noise and dust and amenity loss from one place to another. Further, as the noise of truck movements can often be heard as far as the New England Highway, it is not a real solution to this problem.
- Sandy Flat Road is used by parents taking their children to meet the school bus at the New England Highway and trucks and other traffic from the business pose a risk to them.
- Sandy Flat Road was previously used for walking and horse riding by us and our B&B guests. This is not possible with the dangers from truck movements at any speed
- Description of how the new access road(s) are to be constructed is insufficient for what would be required. A business of this size and scale (likely to increase) must have a double track bitumen sealed road built for any access roads, to mitigate dust, noise and wear and tear, as well as boggy conditions on Primrose Hill Road (as stated in the traffic management plan) for all-weather use. The applicant states in the section on watercourse impacts that the road will only take “a few days” to build. This indicates the proposed road will be of insufficient quality to sustained long term use for a growing business and will not mitigate the dust and noise issue in any meaningful way, especially for the property owner of which it passes in front. Primrose Hill Road is itself not suited to truck use, and would need significant improvement as a main access (see photo)
- Roads need to be of sufficient size to allow easy access for emergency and bushfire vehicles.
- Waste Disposal provision highlights the additional traffic of fuel trucks, waste trucks etc. that come to site.

- Hours of operation: The traffic movements and depot impact on us and our B&B business. No business activity that creates noise and dust should be permitted before 8am. The phrase “no work outside hours if it can possibly be avoided” is too vague, and needs to be stipulated to be **NOT** outside these hours. Currently, truck movements outside these hours are regular and not exceptional. The applicant is confused about their end of operation times. In one place it is shown as 6pm, another 7pm. This should not be past 6pm
- Hours of Operation: School Bus times should be curfewed from operation of trucks. This is the practice for other truck operations that conflict with school bus times in other shires. A particular danger occurs where parents wait with children at the Junction of the NE Highway on one side of the road by the Bolivia/Sandy Flat RFS shed and the bus stops in the layby on the other side. Trucks can drive on the road between them and present a danger.
- Environmental Impacts: Soil. Any diesel fuel bunding should be concrete as the depot site is built on sandy soil, and any leakage may seep through easily to the water table if soil bunds and foundations are built of similar material. Similar protection should be accorded to oils and chemicals. The person responsible for directing the disposal of paints and grease etc. is unclear and needs to be specified.
- Environmental Impacts: Noise and Visual: The applicant fails to include any meaningful control for this. The site should be surrounded by a high noise-reducing fence, which would also reduce visual impact from surrounding roads. The fence should also be a security fence to restrict access as part of a safety management system.
- Environmental Impacts: Dust. Applicant notes that it has been difficult to mitigate dust on access roads due to the recent drought, with tight restrictions on water use and poor availability. They suggest that recent rain has lessened the problem

We have a significant objection to this, as although there may have been some more recent rain, water is still scarce. Further, dry times will inevitably return. Using water carts to keep dust down is not an acceptable control.

We have already, objected along with other neighbours, to the applicant's expansion of farm dams and establishment of new dams to harvest water. NSW Natural Resources Access Regulator has already served notice on the applicant for illegal extraction of water and taking off site, and the regulator is still investigating the legality of this dam construction. This may not be directly in the scope of this DA, but the applicant need to show where they will legally access sufficient water to control dust etc., if this is their proposed control. Use from these questionable dams further impacts us as downstream property holders. Their current water extraction licence does not permit industrial use.

- Driver's Code of conduct. The listing of the hazards and road features is testament to the poor quality of the road for this purpose. The listed controls mitigate some of the risk, but not sufficiently.

In particular the feature of the road as being "gravel", identifies loose surface, corrugations, potholes and rocks as being a hazard. The increased level of movements of trucks and light vehicle from the business has caused all these issues to significantly worsen. The applicant has been reluctant to improve the damage done to the road in the past unless objections have been made to council. This is also covered in the traffic management plan. The applicant states that two vehicles can pass at most points. The reality is that this applies only to light vehicles, and only in some places. Currently heavy vehicles need other vehicles to pull over and stop to pass.

- Driver's Code of conduct: Speed limits. 50km/h is too fast, even for a normal vehicle. Trucks sometimes reach this speed now, but most often cause the danger, noise and dust nuisance at lower speeds. This speed limit therefore represents a bogus control. Trucks and Light Vehicles from the business should be limited to 20km/h, as well as employees going to and from

work. Speeds of light vehicles and employee's vehicles have often been observed traveling at over 80km/h.

- Driver's Code of conduct: The applicant is relying on UHF radios to mitigate risk, but most normal road users do not have UHF or would know the channel.
- Driver's Code of conduct: The grievance procedure is internal only. There is no method of showing how the public would know to whom to complain. There must be a complaints process external to the business. There is no definitive compliance mechanism for repeat offences as it is all at the discretion of the owner. Formal records and a formal escalation process need to be clear. Similarly drug and alcohol breaches state they "may" be subject to dismissal but only at the discretion of the employer. This should be mandatory.
- It will fall upon neighbours to monitor compliance to conditions imposed, so a clear documented complaints procedure involving an outside agency needs to be established. There is no doubt this would be regularly used.
- Traffic Management Plan: Again the applicant states intent to direct more traffic along the new Primrose Hill Access where practical. This must be stipulated as being the only access to the site.
- Traffic Management Plan: The applicant states most heavy vehicles arrive and depart the depot unloaded. This is, however, when they are noisiest.
- Traffic Management Plan: Fuel trucks, tyre fitters and outside contractors frequently add to traffic movements, adding to the estimated flows. This we noted in our own survey in our previous objection.
- Traffic Management Plan: Dust Abatement. The applicant states they intend to maintain roads in good condition. Past experience suggest they are have a poor record of doing this. Even now the road has again become corrugated after they graded it following our complaints in September, but there is

no sign of their taking action to improve this, without a further complaint.

The sealing option should be mandatory (not "if viable"), along the entire length of the used roads, to control dust and noise, and maintain surface conditions. It should be noted that dust impacts surrounding grasslands, and noise can be heard from heavy vehicles especially during poor road conditions from the depot right through to the NE Highway

- Traffic Management Plan: Exhaust Braking. The applicant states this is not necessary, but this should be prohibited. Currently the fuel truck is heard to use exhaust braking when servicing the depot.
- Traffic Management Plan: Signage: The applicant states they "aim" to consult with council on signage. Currently there is no signage whatsoever to warn other vehicles of the heavy vehicle movements, despite our complaints to council of the danger. Extensive instillation of warning signage must be mandated. This is an immediate issue especially for road users who may not be aware of the increased danger. Council as well as the applicant may be liable for a lack of duty of care if not rectified, especially after being notified and warned. (See photo for illustration of lack of any kind of signage at junction of Sandy Flat Road/Baldrock Road).
- Traffic Management Plan: Reporting. The applicant states they "may" raise concerns raised with them regarding the condition of the road with the relevant authority. This should be mandated to ensure enforceable action, and be part of a larger reporting/notification system as outlined above.
- Traffic Management Plan: Road Conditions: The applicant states they "aim to" consult with council regarding a contribution to road upkeep on an ongoing basis. This should be mandatory and transparent to third party enquiry.
- No mention is made in the DA of the establishment of rigorous safety systems at the business, which is concerning. For instance, recently a dual tyre and axel broke away from their float on the NE Highway (picture attached). A transparent

system and process should be outline and established to ensure all road users are not impacted by such failures.

- No mention is made of any environmental impact study being, or proposed, to be conducted. This should be essential for a business of this size and disturbance to the area.

We have worked hard all our lives to build our dream home in the lovely Sandy Flat area and it makes us sick to be pushed into having to fight for our peace and quiet and to save our investment. The owners of AB contracting seem to have no regard for anyone but themselves, leaving us no option but to take this matter to the highest levels to have it stopped. We are all paying the price as a community for the council letting this develop, and continue, for far too long already without acting.





VIEW OF DEPT FROM PALMSE HILL RD.

QUINCY SAND PIT ROAD, DARTMOUTH COLLEGE, NH



PAUSED AT THE MOUNTAIN PRUNOSE HILL ROAD.



'DUEL' TYPE DECKING AT RCAF, N.E. HAMM, 2/12/20.



Chief Executive
Tenterfield Shire Council
247 Rouse St
Tenterfield NSW 2372

RE: Development Application – Kembul Pty Ltd T/as AB Contracting (NSW)

162A Sandy Flat Rd
Sandy Flat NSW 2372

Dear Sir/Madam,

I refer to the above application and would like to submit our objection to the development.

This 'Truck Depot' should not continue to operate at Sandy Flat!

This area is not zoned 'Industrial'. It is zoned 'Rural' and 'Rural Residential'

We agree with the applicant, 'This enterprise has expanded quite rapidly over the past five (5) years to the point where vehicle movements, noise and other affects have made it out of character with the area'

We live in an idyllic location and have done for the past 22 years, long before this development emerged. We have raised 2 children and now raising 2 grandchildren here. We may be regarded as small and insignificant, but we have put our heart & soul into our little place.

Good on Allen & Tina for starting a business and employing locals. The best way for the council to foster this enterprise would be to entice them to move to the substantially vacant industrial estate in Tenterfield. This would allow for future expansion and continued employment of locals. A win for all parties involved!

Sandy Flat is made up of predominately cattle and sheep operations, which have little to no impact on the surrounding area.

In fact, I am not aware of any other industrial operation, of any nature, between Tenterfield and Deepwater!

In short, A 'Truck Depot' belongs in an industrial estate designed for such enterprises.

A Development Application CAN NOT address the adverse effects of this development on surrounding properties. Namely:

- Reduced property values.
- A blight on the landscape! Not only can the 'depot' be seen from surrounding properties but is also easily visible from the New England Highway.
- Noise at the workshop. Droning and banging throughout the day and into the evening and weekends. Also, vehicles around the workshop with no mufflers.
- Noise from traffic clusters to and from depot disturbing the rural ambiance
- Noise from heavy vehicle movements resulting in Broken sleep between 3 and 6am
- Substantial noise pollution from engine warm up of each truck, then rumbling 4 to 5mins through to the highway.
- Road safety issues for general public, locals, families to and from school bus stop and tourist traffic (often inexperienced on country roads)
- Road is of unsuitable width and surface quality for the nature and volume of traffic generated by the depot
- It is no longer safe or desirable to take an early morning walk or riding of horses.
- Road degradation, ie; Corrugation and severe rutting
- Increased dust drift from the road contributing to health issues ranging from bronchial congestion, asthma and more long-term chronic conditions such as silicosis.
- Increased dust drift impacting solar power efficiency of our stand-alone power system
- Increased dust settles on everything both inside and outside the house and garden.
- Economic impact on local tourism
- Reduced amenity of the area
- Safety of children in and around the depot
- Future negative impacts on the environment, namely land and ground water contamination.

Surely relocating the truck depot to the council's industrial estate negates all these current and future issues!

This Development Application is a very 'loose' document, with terms like 'It is the Intent of the business operator' and 'If it can be possibly and practically avoided', also 'possibly sealing some sections, if viable' and 'Occasional and sporadic'

It has been written in such a way that there would be very few enforceable restrictions to the operation!

I suppose we will have to take on the role of monitor. Not a position we want to be in, as it only compounds our frustration!

I refer to the proposed Traffic Management Plan: trucks regularly travel over 50km/hr particularly when unladen, requiring the use of exhaust brakes to slow down for the causeway. Will we have to provide evidence of this? Will vehicle movements outside of operating hours need to be documented by us? Will we be required to gather evidence of workshop noise? And the list goes on!

Relocating the truck depot to the council's industrial estate negates these issues also.

Just because they are already operating a Truck Depot at 162A Sandy Flat Road, does not justify the depot remaining at this address.

Now to deal with the Development Application itself.

Drivers Code of Conduct

A Code of Conduct for drivers, whilst a noble gesture, cannot compensate for the fact that Sandy Flat Rd is not of a suitable standard for sustained heavy traffic volumes.

Allowable Hours

- 7am to 6pm Monday to Friday and 7am to 12pm Saturday would be more reasonable with an exclusion of heavy vehicles from Sandy Flat Road for a short period either side of school bus stop times.

Safety Issues and Procedures

- ALL Road Features and Hazards Presented reinforce the argument Sandy Flat Rd is completely inadequate for truck depot traffic and the use of this road is dangerous for all road users.

A new road west of the depot (built to an appropriate standard) and Primrose Hill Rd (upgraded to an appropriate standard) should be the ONLY access to and from the depot for ALL traffic (light and heavy)related to the depot including service vehicles accessing the depot. The neighbour to the west of the depot would need to be compensated given the close proximity of his front yard to the proposed road, or preferably no depot at all!

Driver Behaviour

- 'Speed limits – 50km/hr max.' This limit is not adhered to now. 30 km/hr max. would be more appropriate for the safety of all. If only access to depot is via Primrose Hill Rd then driver behaviour is less critical as they would almost have exclusive use of the road. (only one person uses this road that I am aware of)

Complaints Resolution & Disciplinary Procedure

- Completely at the discretion of their employer and/or site operator. Their 'employer' could be themselves if they are contracted to, not employed by AB Contracting.

TRAFFIC MANAGEMENT PLAN

Purpose

- Managing traffic movements to ensure the safety of employees and all other road users. I believe this could be possible if the only access to and from depot was via Primrose Hill Rd.
- Minimising the impact of business-related traffic on neighbouring residents and road users and the amenity of the area. Again, only access via Primrose Hill Rd or not at all.

Description of Roads

- Two vehicles can pass at most points. Incorrect. Even light vehicles cannot pass at most points. We are constantly giving way to heavy vehicles for our own safety and courtesy to these large vehicles which can't move over. Visibility is limited on curves and crests leading to reduced road safety. Has council considered its liability if DA is approved and there is a serious accident?

Traffic Routes, Habits and Volumes

- It is the intent of the business operator to direct as much heavy vehicle traffic along the Primrose Hill Rd route as is possible and practical. We feel ALL traffic relating to the depot – light and heavy, repair and fuel – should access via Primrose Hill Rd.
In fact, the truck depot should be completely enclosed by fencing with access gates only to the west road leading to Primrose Hill Rd. This would mean this road would be built as a high quality, all weather road – taking all issues away from Sandy Flat Rd. The fence should be high enough to provide safety to the occupants of the residence (particularly children), solid – to provide a visual barrier - may also work as a partial noise barrier.

Traffic Volume

- Typical daily movements. Using the applicants figures – say 12 light vehicles arrive, 6 heavy vehicles depart, 5 business vehicles depart?, 2 heavy vehicles return for service, 1 service vehicle arrives, 2 heavy vehicles depart, 1 service vehicle departs, 2 business vehicles arrive, 2 business vehicles depart, 6 heavy vehicles arrive, 5 business vehicles arrive, 12 light vehicles depart.
A total of 56 vehicle movements a day!!

This volume of traffic (even allowing for variability) is completely unacceptable on Sandy Flat Rd.

TRAFFIC IMPACT MANAGEMENT

Dust Abatement

- 'Engagement of a water cart to wet down road surfaces during dry periods' It is dry 90% of the year. Wetting down reduces the dust for approximately 6 hours, is the intention to wet down the road each day?
- 'Speed restriction of 50km/hr for heavy vehicles' All vehicles produce dust. The sheer number of vehicle movements maintains a constant dusting of neighbouring properties. No vehicles to and from the depot would reduce dust!
- 'sealing of short sections of gravel road along the access routes, if viable' Firstly, the council may feel its not 'viable' therefore no sealed section. Secondly, would not be required if no traffic to and from depot.

Noise Mitigation

Exhaust Braking

- Speed restriction not adhered to often requiring use of exhaust brakes when approaching the causeway from the south.

Hours of Operation

We object to the wording 'no traffic occurs between 7pm and 5.30am, with very rare exceptions'. We refer to our observations from recent days:

Thursday 19th November 9.45pm

Friday 20th November 3.50am, 4.13am, 4.20am, 4.59am, 5.38am and 5.50am

Wednesday 25th November 3.00am and 3.12am

Thursday 26th November 4.17am

Wednesday 2nd December 3.45am, 9.50pm

Thursday 3rd December 10.45pm

Note we were away 7 days of this 14 day period, these were the days we were home.

Note also this period was in the window for submissions to the DA.

How rare is rare? These 'exceptions' are unacceptable.

In conclusion: **No truck depot at Sandy Flat**

If community safety and the amenity of the area are to be taken seriously, relocation of the truck depot is the only solution!

Our issue is not with Allen and Tina, our issue is with the depot itself - no matter who is operating it. Whether Allen and Tina move or if the business is sold in the future, we would be left the problem itself – the truck depot!

It is great for the Tenterfield Shire to have enterprising young business operators employing locals and injecting money into the local economy. This can still be the case with the relocation of the truck depot to the appropriate location - Tenterfield Industrial Estate.

We chose to live at Sandy Flat over 20yrs ago. We chose it for its beauty and quiet rural lifestyle away from the hustle and bustle of more populated areas. 102 Sandy Flat Rd. had everything on our wish list; north facing, gentle sloping block, a creek for water, space for the kids to grow, some bushland in a quiet neighbourhood not too far from Tenterfield.

It was the frog's song that sold me. This was to be our forever home.

We have forged friendships and strong community bonds here over the years. Raising our kids and now our grandchildren, 102 Sandy Flat Rd has been our own 'Slice of Heaven'.

Accommodating all our needs and our dreams, our place of RETREAT from the pressures and worries of the world.

I don't lose myself in screen time pursuits, instead I find solace in the natural world.

The beauty of the landscape stretched out before me.

The chorus of frogs and birds, chirping of crickets and bleating of sheep in the distance.

The scent of Eucalypt on the breeze.

The calm serenity in the stillness of the early morn.

Much of this has been lost.

Business at 162A Sandy Flat Rd has brought with it an affront to my senses. Smashing the tranquillity of my backyard haven.

Gone are early morning walks.

Gone is the peace and quiet.

What's left is drowned out by rumbling motors.

Fractured by the clanging and bashing of steel on steel.

Obscured by clouds of dust and ugly big trucks.

The community is divided and stress levels are high.

I object to this DA being granted!

I demand to be compensated if it is!

Thankyou,

7.12.2020

Chief Executive

Tenterfield Shire Council

247 Rouse Street

Tenterfield

Objection to DA for Truck Depot and Office 162A Sandy Flat Road Tenterfield

I am writing to you to voice my very strong objection to the DA for truck depot and office at 162A Sandy Flat Rd, Tenterfield.

First of all, I would like to know why this business has been allowed to operate from its current premises without any DA approval. This is an agricultural zone not industrial! The scale of this operation has grown exponentially to an unacceptable size, to the point that it is affecting not only the immediate neighbours but the whole Sandy Flat community and beyond. This is a close-knit community that prides itself on the beautiful location and productivity of our properties. No wonder it is such a tightly held area. But this monster of a business has not only divided our community but has caused serious health and well-being concerns for us all. We have had first-hand experience with the blatant disregard this family has for rules and regulations that are put in place to protect the environment and the people living here. They have on a number of occasions gouged huge holes in the creek effectively stopping all water to downstream neighbours. In our case it was 18 months before a trickle made its way down to our place. As operators of heavy equipment, they should be enforcing, not breaking the restrictions placed on everybody for the protection of our countryside. Already they have degraded the air quality, the landscape, dust levels and noise pollution are at unacceptable levels and there has been a huge increase in heavy vehicles with the subsequent decline in condition of our road. Their unofficial attempt to maintain the road is a public liability issue and in truth just a token gesture to hopefully stop the locals from complaining. This was a quiet country back road where people walk, ride, drive their kids to the bus stop, etc and we should not

have to do battle with a fleet of trucks. There are tourist destinations within a stone's throw of this business and people do not come to an area to visit a truck depot. For goodness sake! This business needs to be relocated to a suitable location which is definitely NOT 162A Sandy Flat Rd!

The jobs of the 25 employees would not be affected by a relocation, I imagine most live in town anyway. The owners are obviously hoping to avoid the set up costs of moving to an appropriately zoned site. Their systematic and rapid degradation of this beautiful area shows total contempt. Of course, they themselves intend moving to another of their family's properties so won't have to endure the destruction they have created.

Regards,

Attention Tamai Davidson

Dear Tamai

I have had a quick read of the above and wish to make the following comments.

The amount of vehicles traveling on Sandy Flat Road is more than the road can handle and more than the council can maintain the road.

In May 2019 we watched Council spend 2 days or more grading and watering Primrose Hill road which there was nothing wrong with whilst Sandy Flat road had severe corrugations most notably from the highway to the to this property of the proposed development. It was causing damage to vehicles that were driven over the severe corrugations. Sandy Flat road should have been done first starting from the Highway and it should have been urgent priority.

If council has allowed and known about the increased traffic along this road for sometime there fore the maintenance of the road should be increased.

'f an alternative access is to be made from Primrose Hill road it needs to be sooner rather than later as the noise and dust that blows over Greenacres particularly with a westerly wind blowing has been unacceptable for a while. When is the Primrose Hill access supposed to be operational.? It should be operational before this application is approved.

Robertsons Lane has not been graded for sometime. It was always graded at least once a year. Please advise the last date Robertsons Lane was graded ? As I don't think it has been graded for 2 years approx. We pay our rates and the grading of the road is the only thing we get from Council in return.

When is Robertsons Lane going to be graded ?

Notes of Objection to DA Lot 16, DP 652789, Lot 1 -Dp1119615, Lot 19,60,& 61 - DP751525- 162A Sandy Flat Road, Tenterfield, 2372

29/11/20

Primary Objection

- Development and Business is unsuited to the area, farms, tourism and small business and negatively impacts upon them.
- Applicant admits as such in their own application "This enterprise has expanded quite rapidly over the last 5 years to the point where vehicle movements, noise and other effects have made it out of character with the area"
- The trucking business has grown to the extent it is impacting significantly on neighbours and other who use the road. Our Bed and Breakfast business is impacted as raised in previous objection by the noise, dust and increased danger on Sandy Flat Road, and the increased traffic possess a danger and risk to other road users right along Sandy Flat Road, who all use Sandy Flat Road for access and school runs to the bus pick up point on the NE Highway.
- This business is likely to grow further, and effects on surround area will worsen.
- Having such a business develop in the area reduces the values of all our properties. Should we ever decide to sell in the future, having a busy trucking depot next door makes this a less attractive area, not something that was a factor before.
- We do not object to people with ambition in expanding their business, but the suitable place for such a business to be based is the Industrial Area of Tenterfield, as is every other large haulage company in the shire. This will also provide room for business to grow

Secondary Objections

- Suggested mitigations and controls are inadequate to address the hazards identified in the DA
- Application states that business employs 20-25 people, some of whom travel to and from the depot daily. The only people living on site are the owners, so almost all people who work in the business travel to and fro daily. (Owner likely to live off site in future as well, newly bought property).

- Application seeks to diminish staffing levels on depot site to admins and one mechanic. This is irrelevant to the disturbance level of trucks and Light Vehicles traveling to and from the site.
- Applicant proposes additional access to depot from Primrose Hill Road. Sandy Flat Road is unsuited as an access road for the depot as stated in our previous objection. It is too narrow in many places even to allow light vehicles to pass each other, has poor edging, and has a surface not suited to constant heavy vehicle use, leading to the “potholes etc” that applicant alludes to, rapid degradation and corrugation. In our recent traffic survey 73% of the Light vehicle and 93% of the Heavy Vehicle traffic past our front gate on Sandy Flat Road was from the depot, virtually none of this traffic existed 2 years ago.
- Any new purpose built access road from Primrose Hill Road should be the ONLY access used by the business traffic, returning Sandy Flat Road to its designed traffic capacity. We should note however that this will impact the neighbour in front of whom this new road will pass, so that it merely moves the noise and dust and amenity loss from one place to another.
- Sandy Flat Road was previously used for walking and horse riding by us and our B and B guests. This is not possible with the dangers from truck movements at any speed
- Description of how the new access road(s) are to be constructed is insufficient for what would be required. A business of this size and scale and likely to increase must have a double track bitumen style road built for any access roads, to mitigate dust, noise and wear and tear, as well as boggy conditions on Primrose Hill Road (as stated in traffic management plan) for all weather use. The applicant states in section on water course impacts that the road will only take “a few days” to build. This indicates the proposed road will be of insufficient quality to sustained long term use for a growing business and will not mitigate the dust and noise issue in any meaningful way, especially for the property owner of which it passes in front.
- Roads need to be of sufficient size to allow easy access for emergency and bushfire vehicles.
- Waste Disposal provision highlights the additional traffic of fuel trucks, waste trucks etc that come to site.
- Hours of operation: Movements and depot impact on our lifestyle and B and B business. No business activity that creates noise and dust should be permitted before 8.30am. The phrase

“no work outside hours if it can possibly be avoided” is too vague, needs to be stipulated to not outside these hours.

Applicant is confused about their end of operation times. In one place it is shown as 6pm, another 7pm. Should not be past 6pm

- Economic Consequences. We are supportive of any business that provides employment and economic growth the shire. However, our objection is to the suitability of this business in this location. It is much better located in an industrial area with room to grow further.
- Environmental Impacts: soil. Any diesel fuel bunding should be concrete as the depot site is built on sandy soil, and any leakage may seep through easily to the water table if soil bunds and foundations are used. Similar protection should be accorded to oils and chemicals. Paints Grease etc. disposed of as directed by: whom?
- Environmental Impacts: Dust. Applicant notes that it has been difficult to mitigate dust on access roads due to the recent drought, with tight restrictions on water use on poor availability. They suggest that recent rain has lessened the problem

We have a significant objection to this, as although there may have been some more recent rain, water is still scarce. Further, dry times will inevitably return. Using water carts to keep dust down is not an acceptable control.

We have already objected along with other neighbours to the applicant's expansion of farm dams and establishment of new dams to harvest water. NSW Natural Resources Access Regulator has already served notice on the applicant for illegal extraction of water and taking off site, and the regulator is still investigating the legality of this dam construction. This may not be directly in the scope of this DA, but applicant need to show where they will legally access sufficient water to control dust etc if this is their proposed control. Use from these questionable dams further impacts us as downstream property holders.

- Bushfire Assessment Report: is it sufficient to state “Nil known” to questions as to threatened species impact and aboriginal

artefact impact? Should not an environmental impact study be conducted?

- Driver's Code of conduct. The listing of the hazards and road features is testament to the poor quality of the road for this purpose. The listed controls may mitigate some of the risk, but do not eliminate them.

In particular the feature of the road as being "gravel", identifies loose surface, corrugations, potholes and rocks as being a hazard. The actual increased level of movements of trucks and Light Vehicle from the business has caused all these issues to significantly worsen. Applicant has been reluctant to improve the damage done to the road in the past unless objections have been made to council. This is also covered in the traffic management plan. Applicant states that 2 vehicles can pass at most points. Reality is that this applies only to Light vehicles. Currently passing heavy vehicles needs other vehicles to pull over at most points.

- Driver's Code of conduct: Speed limits. 50km/h is too fast, even for a normal vehicle. Trucks and Light Vehicles from the business should be limited to 20km/h, as well as employees going to and from work. Speeds of employee's vehicles have often been observed traveling at over 80km/h. Due to dust, noise and danger to other road users
- Driver's Code of conduct: Applicant is relying on UHF radios to mitigate risk, but most normal road users do not have UHF or would know the channel.
- Driver's Code of conduct: Grievance procedure is internal only. How do the public know who to complain to? There should be a complaints process external to the business. There is no definitive compliance mechanism for repeat offences as it is all at the discretion of the owner. Formal records and a formal escalation process need to be clear. Similarly drug and alcohol breaches state they "may" be subject to dismissal but only at the discretion of the employer. This should be mandatory
- Prohibition of quarrying operations on site. Applicant states in their description of business activities that they are a quarry product supply company. Applicant has told us in the past they intend to establish a quarry on site. This is strenuously objected to. Applicant should be prohibited from establishing any quarry or extraction operation on site, and should be prohibited from establishing any quarry products processing activities on site. The effect on amenity value of neighbouring

property as well as dust and noise and water use would be even more severe.

- Traffic Management Plan: Again the applicant states an intent to direct more traffic along the new Primrose Hill Access where practical. This must be stipulated.
- Traffic Management Plan: Applicant states most heavy vehicles arrive and depart the depot unloaded. This is when they are noisiest.
- Traffic Management Plan: Fuel trucks, tyre fitters and outside contractors frequently add to traffic movements, adding to estimated flows. As we noted in our own survey in our previous objection.
- Traffic Management Plan: Dust Abatement. Applicant states they intent to maintain roads in good condition. Past experience suggest they have a poor record of doing this. Traffic should not be shared and should be removed from Sandy Flat Road. Applicant provides no method to legally supply water when we have dry times. Speed restrictions should be 20 km/h. Sealing option should be mandatory (not "if viable"), along entire length of used roads, to control dust and noise. It should be noted that dust impacts surrounding grasslands, and noise can be heard from heavy vehicles especially during poor road conditions from the depot right through the NE Highway
- Traffic Management Plan: Exhaust Braking. Applicant states this is not necessary, but this should be prohibited. Currently the fuel truck is heard to use exhaust braking when servicing the depot.
- Traffic Management Plan: Signage: Applicant states they "aim" to consult with council on signage. Currently there is no signage whatsoever to warn other vehicles of the heavy vehicle movements, despite our complaints to council of the danger. Extensive instillation of warning signage must be mandated.
- Traffic Management Plan: Reporting. Applicant states they "may" raise concerns raised with them regarding the condition of the road with the relevant authority. This should mandated to ensure enforceable action.
- Traffic Management Plan: Road Conditions: Applicant states they "aim to" consult with council regarding a contribution to road upkeep on an ongoing basis. This should be mandatory and transparent to third party enquiry.

- Finally I would like to say, that there has been enough land destruction, with the fires and drought, all industry must be in an industrial estate, not spread across the land, where there is little or no monitoring regulation. Why do we need another quarry? It's time we start to respect our land and the people who live on it.

Chief Executive
Tenterfield Shire Council
247 Rouse Street
Tenterfield

Objection to DA for Truck Depot and Office 162A Sandy Flat Road Tenterfield

I have been a resident at Bolivia the adjoining area to Sandy Flat, for 9 years and rate payer for 8 of those years.

I frequently travel on the Sandy Flat Road and am absolutely amazed that Tenterfield Council has allowed a business of the size and type, that has been created on the above property to not only operate, but grow to the degree it has, without proper supervision and censure. It is very obvious from the highway and really dangerous from the traffic and dust it has created, that it is not a suitable business for the 'Historic Area of Sandy Flat'! Which I believe is zoned for rural agriculture.

This business should be in a properly zoned industrial area like all the other trucking business have to be. A smart business owner would have done this already to protect the investment in sheds etc they have already outlaid.

My objection is based on the grounds of noise, dust, misuse of the road causing dangerous conditions for local farmers and gross misuse of the zoning of a quiet rural area.

How can the council sit by and allow long term residents homes and livelihoods to be trashed in this way?

How can you sit by and allow these people to use their own equipment and water trucks to grade a public road? Without I might add, any proper signage or safety in place? I am not even allowed to fix a puddle on my road, lest it be a public liability issue.

It is well known that this is just the first step to establishing a quarry on this land. The owners have even arranged their lives to leave the area and get themselves and their children out of the mess they have made, only to leave

the rest of the residents with their children to deal with the environmental disaster they have created.

How can the council allow this situation to go on to the degree that the local community, many who have supported this family in the past, is now split in two over an issue that should never have gone this far? These people should have been fined and issued with a stop and desist letter, as I was for just having more than one container on my property, in an area where it did not impact anyone else's life. In fact the council inspector at the time found it OK to sneak up to my difficult to access property and photograph without my permission. ????? What is going on here??? Are our councillors just too pally with the owners of this property to take proper action???? Do we need to bring in outsider action to have our local laws upheld?

I have heard it said that this business just seemed to grow over night.....come on.....that is just ridiculous! Does the council road work department turn up to work one day and find that they suddenly own 6 big trucks and a fleet of earthmoving equipment that they didn't remember planning to buy??? I don't think so! I think that the owners of this business think that they are above your laws and if you back down now on something of this magnitude you will just prove them right.

I recently thought of buying a property in Sandy Flat, but declined because of this business. Are you prepared to reduce the rates of all the surrounding areas as the property values decline because of this hazardous operation? Because that's where it's heading.

I am all for employment in the area, but, it's not OK to have workers exposed to the hazards of big trucks on unsafe roads either.

As far as I am concerned, this is a no brainer. Just look at the zoning and move this business to its proper place. It is your responsibility as our council to protect the farming land and its people in your shire. You can't possibly do that, without moving this business.

I trust that you will take the right and necessary action in this matter.

Yours Sincerely

Afternoon Kylie,

Thank you for your telephone call this morning and thanks for taking the time to answer these important questions re Bulmer's DA on my adjoining property Terrica.

1/ There have been several recent developments carried out on this property which would appear to require a DA at least, ie.grid installed across a public access road without a gate to allow stock access, house redevelopment, truck shed and workshop building,dam building and soil extraction on Sandy Flat Creek, private quarries and the clearing of a crown road.

Some of these activities would probably require State Government approval also.

1/ The current DA appears to have taken around 8 years to be submitted while the business continues to operate. Could you please explain?

2/ The supplied map shows the depot operating on its current site listing all lot numbers of the property. Will this depot cover all 280 acres of the property?

3/ Have the local aboriginal community or their representatives been contacted about this DA as Sandy Flat has a strong cultural significance to these people and significant damage may already have been done by clearing crown land without proper study or even inspections being done?

4/ If the road, which is known locally as Petries Road, is fully opened again as is suggested in the DA, will this become a fully operational council road as this road has been used in the past?

I have only supplied the questions which will affect my submission most and thank you for the answers you gave over the phone and noted when we spoke earlier today.

Yours faithfully,

Objection to development application (DA) by Kembul Pty Ltd trading as AB Contracting (NSW) for earthmoving business and additional road access on Lot 1/DP 1119615, Lot 16/ DP 652789 and Lots 19, 60, and 61 DP 751524 at 162A Sandy Flat Road, Sandy Flat 2372.

I wish to lodge my objection to this DA for an earthmoving business, already operational without the necessary Council approvals, creating an adverse environmental impact especially excessive noise all hours of day and night to interfere with the peaceful enjoyment of owners or occupiers of nearby properties.

Dust clouds created by AB Contracting (NSW) vehicles is causing severe respiratory health issues. There is also a roadway safety risk to the local community with such a regular volume of light and heavy commercial vehicles.

The DA proposes industrial operations (whether that be light or heavy) on land zoned RU1 by Tenterfield Shire Council for primary production with no reference to light or heavy industrial operations.

It seems this proposal would be better suited to the Industrial Estate located in Tenterfield in which Tenterfield Shire Council has heavily invested with community and environmental safety duly addressed.

A notable exclusion from the DA (as provided by TSC) is an Environmental Impact Assessment which is needed for this development application to be adequately considered and allow a systematic examination of unintended consequences of the proposed development project.

1/ proposed road works.

The access road known locally between Sandy Flat and Primrose Hill Roads is a council /crown road depending whether you ask the council or the lands dept. If it is a council road, access is denied to public use by lack of gates and fencing. If it is a crown road why have various sections been cleared without the required State Government inspections and approvals ?

The western section, which runs close (app 130 mtrs) to a residence and crosses Sandy Flat Creek which is a class 3 water course with associated riparian zone, would cause massive dust and erosion problems for both these people, and myself who is also a neighbour and uses Primrose Hill Road regularly.

This road has still not been repaired from the damage done by water trucks illegally taking water from Sandy Flat Creek over a year ago.

2/ The DA talks about their water supply coming from farm dams but most of these have been dry for some time and they have no other water access as their small Bluff River licence is for specific agricultural crop irrigation NOT for industrial purposes.

The dam in Sandy Flat Creek also has very specific agricultural conditions which they have already breached resulting in serious problems for the environment and their neighbours including a private Conservation Area.

They also state that Sandy Flat Creek is 500 m from their workshop but it is about 100m from one of their quarry sites and machinery storage areas.

3/ The noise and dust problem has been growing exponentially as their business has grown compounded by a lack of action by TSC.

The recent action of TSC allowing them to dry grade Sandy Flat Road was at least some improvement to the surface but increased dust even more and the lack of warning signs may well have resulted in injury or worse.

Even though my house is about 1 km away the noise of trucks and machinery running all hours is very loud with the use of exhaust brakes and crashing over grids only adding to the noise. High speed runs past my house and on into the hills presumably to test repairs, only adds to the danger that this business poses on narrow poorly maintained roads. The assurance that they will only operate at certain hours unless they decide otherwise, is also not very reassuring.

I would like to add that property values and the possibility for subdivision for myself and others has been seriously affected and will only get worse if the greenlight is given for the "unlawful" development up to date and for future expansion of this business.

4/ I do not understand why threatened species or aboriginal history is covered by a bushfire assessment but if you don't look you won't find any.

Terrica has a history of aboriginal occupation as confirmed by the large collection of artifacts such as stone axe heads and grinding implements etc collected by the previous owners. The presence of endangered koalas, quolls, gliders and other rare/endangered native species have also been noted.

Just a mile to the south of Terrica is an Aboriginal ceremonial Bora Ground (one of two) used in initiation ceremonies and associated tree scars, identified by a National Park (NSW) marker.

Adjoining Terrica is a private conservation area of 40ha, registered with NSW Government along the depleted Sandy Flat Creek to successfully retain habitat for native flora and fauna, timber and grasses.

5/ The DA states that the closest houses are about 500 mtrs away, YET their closest neighbour is about 200 mtrs from the work site and their own house is only 20 mtrs from the shed complex with no security fence to stop access by either the public or their own children.

This is a disgraceful safety situation which should have been addressed before the business was allowed to operate. The DA makes no mention of safety fencing around the site and more alarmingly no fencing around the residence where young children are living with their parents.

The DA also suggests that chemicals are stored unsecured and make no reference to fire control around sheds, workshop or other buildings.

6/ Sandy Flat village is a growing community offering quality lifestyle in a stunning natural environment but with the intrusion of an industrial space people are less interested in living near what has become a dusty noisy industrial site with several people delaying building or trying to sell existing land.

Although TSC Chief Corporate Officer Kylie Smith assured me that the existing Lot 1 was the main area for development she did not say the other five lots (all 280 acres) of the farm would NOT at some future time be part of the industrial complex.

Tourism in the locality has also suffered, as horse riding in the area has all but disappeared and the motorcycle trail rides have been noticeably reduced and speaking to some riders they are very concerned about fast trucks appearing out of the dust.

.....