



OBERON COUNCIL

PO BOX 84, OBERON NSW 2787
TELEPHONE (02) 63298100 FAX (02) 63298142
e-mail:council@oberon.nsw.gov.au

Contact: Dylan Furnell
Your Ref:
Our Ref: PO22-24 PO22-26 PO84-68

20 December 2019

Borg Plantations
C/- Sam Coles Borg Plantations
2 Wella Way
SOMERSBY NSW 2250

Dear Sir/Madam,

Application No: 10.2019.43.1
Development: Timber/Bark Processing and Landscape Supply Facility
Address: PLT: 33 DP: 1228591, Lot: 18 DP: 1249431, Lot: 34 DP:
1228591, 24 Endeavour Street OBERON, 68 Hawken Street
OBERON, 26 Endeavour Street OBERON

Subject to the attached conditions, Council is pleased to advise that your Development Application only has been approved. Enclosed are the relevant determinations and approved plans.

Please read the conditions carefully.

Please be advised that construction works cannot commence until such time as your Construction Certificate has been issued. The Construction Certificate cannot be issued until Council has received notification of compliance with Development Approval Conditions.

Should you have any queries, please do not hesitate to contact Council's Development Department for further clarification.

If you disagree with the decision or any of the conditions and cannot resolve the matter, you have the right of appeal to the Land and Environment Court.

Yours faithfully,

Dylan Furnell
Town Planner



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Notice of Determination of Development Application (Section 81(1)(a) - the *Environmental Planning and Assessment Act 1979*)

Development Application No.	10.2019.43.1	Responsible Officer	Dylan Furnell
Property File No	PO22-24 PO22-26 PO84-68	Related Files	
Applicant Details	Borg Plantations		
Name and Address	C/- Sam Coles Borg Plantations 2 Wella Way SOMERSBY NSW 2250		
Owner Details	Borg Group Pty Limited		
Name and Address	2 Wella Way SOMERSBY NSW 2250		
Subject Land Details	PLT: 33 DP: 1228591, Lot: 18 DP: 1249431, Lot: 34 DP: 1228591 Parish Oberon		
	24 Endeavour Street OBERON, 68 Hawken Street OBERON, 26 Endeavour Street OBERON		
	Parcel number 21137, 21434, 21138 Assessment No. 12384916, 12395395, 12376824		
Proposed Development	<u>TIMBER/BARK PROCESSING AND LANDSCAPE SUPPLY FACILITY</u>		
Determination	The consent is granted subject to the attached conditions		
Date of Determination	20 December 2019 (Western Regional Planning Panel)		
Consent to Operate from:	20 December 2019		
Consent to Lapse on (date)	20 December 2024		
Reasons for Consent	<ul style="list-style-type: none"> • The development is permissible within the Oberon Local Environmental Plan 2013. • The development is consistent with the controls of the Oberon Development Control Plan 2001 and the Oberon Local Environmental Plan 2013. • The Environmental Protection Authority NSW (EPA) and Roads and Maritime NSW (RMS) have both approved the development. • The Western Regional Planning Panel has approved the development with one (1) amended condition. 		
Public Consultation	<ul style="list-style-type: none"> • The development was notified to the public via letter, advertisement and site notice between the 25 July 2019 and 25 August 2019. One (1) submission was received with no objections received. 		
Signed	on behalf of the consent authority – OBERON COUNCIL		
Signature			
	<u>Shane Wilson</u> Planning and Development Director		



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IMPORTANT INFORMATION

Right of Appeal If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice

* *Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.*

Note 1 *Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.*

Note 2 *Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.*

Note 3 *Only those conditions prescribed in Part 7 of the Environmental Planning and Assessment Regulation 1994 that relate to the development for which consent has been granted are to be attached to this form.*

Note 4 *If development consent is granted to erect a temporary building, that consent must specify the date by which that temporary building is to be demolished. The temporary building must be demolished by the removal date specified in the consent. The removal date cannot be later than five years after the date the consent is granted, but can be less than 5 years if an earlier date is specified in the conditions of the consent.*





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CONDITIONS OF DEVELOPMENT APPROVAL NO 10.2019.43.1

DATE: 20 December 2019

DEVELOPMENT: Timber/Bark Processing and Landscape Supply Facility

ADDRESS: PLT: 33 DP: 1228591, Lot: 18 DP: 1249431, Lot: 34 DP:
1228591, 24 Endeavour Street OBERON, 68 Hawken Street
OBERON, 26 Endeavour Street OBERON

GENERAL

1.General terms of approval

The development shall be carried out in accordance with the approved stamped plans and supporting documents set out in the table below, except where modified by any conditions of this consent.

In the event of any inconsistency between conditions of this development consent and the approved plans and supporting documents, the conditions of this development consent prevail. If there is any inconsistency between the plans and documentation referred to in the table, the most recent document shall prevail to the extent of the inconsistency.

Document	Author	Date
Environmental Impact Statement including appendices A-N.	Jackson Environment and Planning Pty Ltd	2 April 2019
Revised Traffic Impact Study (app. F)	Barker Ryan Stewart	12 September 2019
Proposed Landscape Plan	BORG Construction	20 February 2019
Site Plan	BORG Construction	9 November 2018
Vehicle Movement Plan	BORG Construction	9 November 2018

Reason: To confirm and clarify the terms of Council's approval.

2.Processing limits

The total amount of material processed on the site in accordance with this consent shall not exceed 99,000 tonnes. The total annual extraction from the site shall not exceed 99,000 tonnes (measured from the date of commencement of this consent).

Reason: To ensure compliance with the application and approved plans and to confirm and clarify the terms of Council's approval.

3.Haulage Route

The haul route for trucks accessing the site and transporting materials to and from the site shall be in accordance with the approved plans and documentation.



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Reason: To confirm and clarify the terms of Council's approval.

4. Protection of amenity

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

Reason: To ensure the development does not unreasonably impact on the amenity of the surrounding area.

5. Business identification signage

A business identification sign is to be erected adjacent to the entrance gate of the subject site containing the name of the operator and the phone number, postal address and email address of the permanent site contact so that complaints or any other issues relating to operation of the facility can be received and addressed in a timely manner. The erection or installation of any other advertising signage is prohibited.

Reason: To provide relevant contact details to the public and restricts advertising.

PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS CONSENT

6. Notification of commencement

The applicant is to provide written notification to Council of the intended date of commencement of extractive operations under this consent no less than two (2) weeks prior to commencement.

Reason: To inform Council of commencement of operations.

7. Hours of Operation

The hours of operation of the extractive industry are limited to the hours specified in the following table.

Days	Hours
Construction activities	
Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday & Public Holiday	No works permitted
Operational activities	
Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday & Public Holiday	No works permitted



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Note: Deliveries of wood waste to the premises, sourced from the Oberon Timber Complex only are allowed Monday to Sunday (24 hrs). Machinery associated with the processing of bark/timber and landscaping supplies are not permitted to operate outside the hours specified for operational activities in the above table.

Reason: To ensure the operations of the development are consistent with the application and approved plans.

8.EPA General Terms of Approval

- Except as expressly provided by these General terms of Approval (GTAs) or by any conditions of consent granted by Oberon Council or the conditions of an in-force environment protection licence issued by the Environmental Protection Authority, works and activities must be carried out in accordance with the proposal contained in:
 - Development Application 10.2019.43.1 submitted to Oberon Council, and
 - Any other additional information provided to council.
- Should any conflict exist between the above mentioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council or the conditions of an in-force environment protection licence issued by the EPA.
- An Environmental Management Plan must be prepared and implemented within 3 months of development consent being granted and prior to the commencement of any surface disturbance. The plan must include, but be limited to:
 - i. The identification and mitigation of potential impacts to surface water and soils. The plan must make reference to the requirements outlined in the document *"Managing Urban Stormwater: Soils and Construction (Landcom, 2004);*
 - ii. Air quality (dust) management measures;
 - iii. Waste handling measures. The EPA notes that a Waste Management Plan has already been prepared as part of the EIS. This plan should be reviewed to ensure that it reflects the operations as approved by Council; and
 - iv. Noise management measures.
- Hours of Operation
Construction Activities: Construction activities related to the Proposal must only be undertaken during the following hours:
 - 7 am to 6 pm, Monday to Friday;
 - 8 am to 1pm, Saturday; and
 - At no time on Sunday's or Public Holidays.Except where superseded by the condition above, construction activities must be undertaken in accordance with the "interim Construction Noise Guidelines" (DECC, 2009) or any revision.
Operational Activities: Operational activities related to the Proposal may only be undertaken during the following hours:
 - 7 am to 6 pm, Monday to Friday;
 - 8 am to 1 pm Saturday;
 - At no time on Sundays or Public Holidays; and
 - Deliveries of wood waste to the premises, sourced from the Oberon Timber Complex only, Monday to Sunday (24 Hours).
- An appropriately designed and sized wheel wash must be installed at the premises prior to the commencement of operations to minimise the potential for sediment to be tracked from the premises.
- Acoustic noise barriers must be constructed around the site. A 10m east bund must be constructed along the western, northern, eastern and part of the southern boundaries. A



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2.5m fence, fitted with shade cloth, must be constructed along the south-eastern boundary (as per Table 18.1 of EIS).

- Stockpiles of waste materials, organic material (including timber and mulch), processed products and landscaping supplies must be limited to 3 m in height.
- Trucks entering and leaving the premises that are carrying loads on public roads must be covered at all times, except during loading and unloading.
- The internal access road must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).
- All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms.
- The proponent must apply for and hold an in-force environment protection licence issued by the Environmental Protection Authority prior to the proponent carrying out any scheduled activities under the Protection of the Environment Operations Act 1997 as proposed.

9.RMS General Terms of Approval

- Quantity of material processed onsite is to be limited to a maximum of 99,000 tonnes per annum.
- The consent holder shall comply with all heavy vehicle access restrictions (as per the National Heavy Vehicle Regulator NHVR) and shall ensure that all heavy vehicles associated with the facility travel by the approved haul routes only, being:
 - Lowes Mount Road – Albion Street – Hawken Street
 - Great Western Highway – O'Connell Road – Albion Street – Hawken Street, and/or
 - Great Western Highway – Jenolan Caves Road – Duckmaloi Road – Albion Street – Hawken Street (noting that at the time of this consent, B-Doubles are restricted to 19m on parts of this route).
- The consent holder is to ensure that no more than 16 heavy vehicle movements occur between the Great Western Highway and the site during any hourly period. Electronic records of heavy vehicle arrival and departure times at site shall be maintained while ever the facility is operating and are to be provided to staff of any regulatory authority if requested.
- Retailing of products to the general public is not permitted at the site (unless approved under a separate DA Proposal or modification which has included assessment of the traffic impacts).
- The consent holder shall prepare and implement a driver code of conduct applicable to all heavy vehicles associated with the facility, with measures including (but not limited to):
 - Site inductions, toolbox meeting and disciplinary procedures to facilitate continuous improvement initiatives and incident awareness.
 - Truckloads are to be covered at all times when being transported to minimise dust and loss of material onto roads which may form a traffic hazard.
 - Restriction of heavy vehicle deliveries and departures so they occur outside of school us pick up / drop off times (both on rural roads and through towns) to minimise potential interactions between heavy vehicles and buses or children.
 - Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, prevent mobile phone use while driving, and promote adherence to posted speed limits.
 - Scheduling of heavy vehicle movement to minimise length of convoys / platoons.



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- Scheduling of transport and other mitigation measures for local climate conditions affecting safety of visibility (e.g. fog, wet weather).

10. Notification of commencement

The applicant is to provide written notification to Council of the intended date of commencement of the waste management facility under this consent no less than two (2) weeks prior to commencement.

Reason: To inform Council of commencement of operations.

11. Sediment and erosion control

Prior to the commencement of extractive operations, appropriate sediment and erosion controls are to be implemented and functional. The sediment and erosion control measures must remain in place and be functional during the life of the activity.

Reason: To protect the surrounding environment.

12. Operation of plant and equipment

The applicant is to ensure that all plant and equipment used on site is maintained in a proper and efficient condition, in a safe and working order; and operated in a proper and efficient manner.

Reason: To protect and minimise impacts on the surrounding environment.

13. Cultural heritage awareness

The applicant is to provide all plant operators that undertake initial ground disturbance within the site, with a cultural heritage induction to cover legislative requirements regarding Aboriginal cultural heritage, the importance of Aboriginal cultural heritage, the location of and protection measures applying to the site within the quarry, an introduction on how to identify Aboriginal objects and the procedure to be followed in the event that suspected Aboriginal material is uncovered within the site.

Reason: To ensure cultural heritage is understood and protected.

14. Cultural heritage management

If Aboriginal cultural objects or human remains are uncovered during extractive works, all works must cease in the immediate vicinity to prevent any further impacts on the object(s) or remains. Notification is to be made to the NSW Police, the Aboriginal community and the Office of Environment and Heritage as appropriate. Works are not to resume until written authorisation from the NSW Police and/or Office of Environment and Heritage is received.

Reason: To ensure appropriate action is taken upon discovery of Aboriginal cultural heritage items and/or human remains.

15. Complaints register

During the operational phases of the waste management facility activity, the applicant is to record details of all complaints received in a Complaints Register. The Register shall record, but not necessarily be limited to:

- (a) The date and time of the complaint;



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- (b) The means by which the complaint was made (telephone, mail or email);
- (c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) The nature of the complaint;
- (e) Any action(s) taken by the Applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the Applicant in relation to the complaint, the reason(s) for no action being taken.

The Complaints Register shall be made available for inspection by the Council upon request.

Reason: To ensure complaints in relation to the proposed development are appropriately addressed.

16.Limit of clearing and operations

No works, activities or vegetation clearing shall occur outside of the project site boundary identified within the approved Environmental Impact Statement.

Reason: To ensure the development is contained within the approved area of operations.

17.Toilet facilities

Toilet facilities are to be provided at the work site at all times at the rate of one closet for every 20 persons employed at the site. If temporary closet accommodation is proposed, each closet must:

- (a) be at least 1050 mm wide, 1350 mm long and 2100 mm high (measured internally),
- (b) have a hinged door capable of being fastened from both inside and outside,
- (c) have sufficient walls and a roof to ensure privacy, each constructed of material that is weatherproof,
- (d) have a floor constructed of a material that is rigid and impervious,
- (e) be provided with a suitable receptacle for, and an adequate supply of, deodorising or fly-repelling fluid, and
- (f) comply with any relevant requirements of the Building Code of Australia.

Reason: To ensure adequate facilities are provided for workers.

18.Documentation

A copy of the approved documents and plans relating to this consent are to be kept by the waste management facility operator at all times and shall be made available for inspection upon request by Council or an authorised government agency.

Reason: To ensure the relevant approval documents are available for inspection.

19.Developer Contributions Charges

The developer contributions charges applicable to the development are prescribed by the Oberon Development Contributions & Water Management Works Plan (Amendment) 2004 and the Oberon 2019/20 Fees and Charges. The development will be charged a rate of 4 x ET which equates to the following if paid prior to July 1 2020. The full charges are due prior to commencement of the operations of the proposed facility.

2019/20 1 x ET

2019/20 4 x ET



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Sewer Supply Headworks	\$10,880.38	\$43,521.52
Water Supply Headworks	\$2,650.67	\$10,602.68
Public Open Space	\$234.37	\$937.48
Community Facilities	\$234.37	\$937.48
Emergency Services	\$280.41	\$1,121.64
Storm Water Drainage	\$771.55	\$3,086.20
Urban Roads	\$2,999.03	\$11,996.12
TOTAL	\$18,050.98	\$72,203.92

Reason: To ensure that the development contributes to maintain and provide local infrastructure and services.

20.Materials on Roadway

Materials from the operations of the development (such as bark chips, silt, etc) are not to be tracked off the site onto the roadway.

REASON: So that materials remain on the site and are not deposited in the kerb and gutter which could lead to water pollution of nearby watercourses.

21.External lighting not to cause a nuisance

Any exterior lighting associated with the development shall be designed and installed so that no light will be cast onto any adjoining property.

Reason: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land.

22.Number of car parking spaces

A total of five (9) off-street car parking spaces with at least one (1) accessible space is to be provided to the development as specified within the EIS. The car parking spaces are to have minimum dimensions as specified by the Australian Standard.

Reason:- to ensure there is sufficient car parking for the development.

23.Signs for visitor and employee parking

Suitable signs shall be erected within the property indicating the location of visitor and employee parking.

Reason:- to delineate the spaces suitable for visitor and employee parking.

24.Vehicles related to the development to be parked on the development site

All company and/or commercial vehicles associated with the use of the premises shall be parked within the confines of the site at all times.

Reason:- to ensure the use of the premises does not impact onto the street and affect surrounding development.



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25. Vehicles to be on the subject land and not footpaths or roadways

All vehicles being serviced, repaired, or stored must be contained within the subject property and not on adjacent footpaths or roadways.

Reason:- to ensure vehicles associated with the use are contained within the subject property.

26. Vehicles driven in forward direction

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

Reason:- to preserve and enhance the safe operation of the car parking area.

27. Loading and unloading of vehicles

All vehicles being loaded and unloaded must stand wholly within the property.

Reason:- to contain all vehicle movements associated with the use within the subject property.

28. Submission of a Construction Certificate

Site works are not to commence until such time as Council has received a construction certificate for the proposed works. Council or an Accredited Certifier may issue construction certificates.

Note: Only the person who appointed the PCA may be the applicant for the Construction Certificate.

Reason:- To comply with the requirements of Section 81A of the Environmental Planning and Assessment Act.

29. Application for Drainage Works

Prior to the undertaking of any sewer or storm water drainage work an approval for these works under section 68 of the Local Government Act 1993 must be obtained.

Reason:- To ensure that the sewer and storm water drainage works involving Council infrastructure are to Councils satisfaction.

30. Do not discharge trade waste without approval

Trade waste material is not to be discharged into the sewer drainage pipelines or stormwater drainage systems, without first obtaining written approval from Council (Note:- this may necessitate the installation of an approved trade waste system including approved tanks, pits, sumps and arrestors).

Reason:- to prevent damage to Council's Wastewater Treatment Works and subsequent pollution of the Fish River and to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended.



PRESCRIBED CONDITIONS OF CONSENT

The following conditions are known as "Prescribed Conditions" and are required by the Environmental Planning and Assessment Regulation 2000 to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council's Development Department who will be happy to advise you as to whether or not the conditions are relevant to your consent.

1. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

Reason:- So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulation 2000.

2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Reason:- So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulation 2000.

3. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
- in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Reason:- So that the development complies with the requirements imposed under Clause 98B of the Environmental Planning and Assessment Regulation 2000.

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- showing the name, address and telephone number of the principal certifying authority for the work, and
- showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- stating that unauthorised entry to the work site is prohibited.



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Any such sign is to be maintained while the building work is being carried out and must be removed when the work has been completed.

Note: This condition does not apply to building work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:- So that the development complies with the requirements imposed under Clause 98A of the Environmental Planning and Assessment Regulation 2000.

5. Any development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- i. protect and support the adjoining premises from possible damage from the excavation, and
 - ii. where necessary, underpin the adjoining premises to prevent any such damage.

NOTE: The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason:- So that the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulation 2000.