

D2022-528 Part 1
Parcel 26717, 27007
TRSM:JF

28 January 2025



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	D2022-528 PAN-255998
Applicant	Regional Hardrock Pty Ltd t/a Regional Group 3 Hampden Avenue ORANGE NSW 2800
Description of development	Concrete works
Property	20L Sheraton Road DUBBO, 19L Sheraton Road DUBBO Lot: 211 DP: 1220433, Lot: 2101 DP: 1227782
Determination	Approved Consent Authority - Council
Date of determination	21 January 2025
Date from which the consent operates	21 January 2025
Date on which the consents lapses	21 January 2030
Independent Planning Commission public hearing	No hearing conducted
Approvals under the Local Government Act 1993 integrated with this consent	Nil

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.



All communications to: **CHIEF EXECUTIVE OFFICER**

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Reasons for approval

The following matters were taken into consideration in making this decision:

- The relevant matters listed in section 4.15 of the Act and any additional relevant matters in a statutory context, including Dubbo Regional Local Environmental Plan 2022 and Dubbo Development Control Plan 2013;
- The prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- The objects of the Act;
- All information submitted to Council during the assessment of the development application;
- The findings and recommendations in Council's Assessment Report; and
- The views of the community about the project.

Right of appeal/request of review of the determination

If you are dissatisfied with this determination:

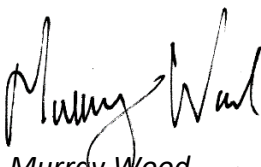
Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Murray Wood
Chief Executive Officer

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

Condition	
(1)	Production associated with the approved cement works shall be restricted to 50,000 tonnes annually. This figure includes both concrete products manufactured on site, and batched concrete. {Reason: To ensure the development is carried out in manner consistent with the proposal}
(2)	Where an inconsistency between a consent condition imposed under D20-542 and the subject consent is found, the condition imposed under D22-528 shall prevail. {Reason: To ensure the development operates in accordance with the most recent approval}
(3)	The development shall be undertaken generally in accordance with the Environmental Impact Statement except where modified by any of the conditions. {Reason: To ensure that the development is undertaken in accordance with that assessed}

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
(1)	The Applicant shall enter into a Planning Agreement with Dubbo Regional Council, consistent with the Letter of Offer to enter negotiations dated 28 October 2024 from Regional Hardrock Pty Ltd. {Reason: To ensure that the impact of the proposed development upon public road is adequately addressed}
(2)	<p>Prior to the increase in production of the concrete works commencing, an Operational Traffic Management Plan (OTMP) (consistent with the draft OTMP) and Code of Conduct for the transportation of materials and products on public roads shall be submitted to and approved by Council's Infrastructure Division. The Code of Conduct shall incorporate the following matters:</p> <ul style="list-style-type: none">• Details of transportation hours and vehicle types;• Procedure for the transport of hazardous materials; and• Requirement for drivers to operate vehicles in a safe, professional and courteous manner. <p>The Code of Conduct as approved shall be implemented for the life of the development. {Reason: To ensure appropriate traffic control measures are implemented}</p>

- (3) A Storz outlet and valve shall be provided at the bottom of the water tanks located at the entry to the concrete works compound to permit drafting connection by fire-fighting units. In this regard a 65 mm Storz outlet with gate or ball valve and blanking cap should be provided.
{Reason: Water supply for fire-fighting purposes}

BEFORE BUILDING WORK COMMENCES

Condition
nil

DURING BUILDING WORK

Condition
nil

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition
nil

OCCUPATION AND ONGOING USE

Condition
<p>(1) Sheraton Road will remain as the primary haulage route for the concrete works development proposed at 20L Sheraton Road, until an alternative haulage route has been determined by Council and constructed.</p> <p>Truck access to and from the concrete works is prohibited on Sheraton Road between the Mitchell Highway and Boundary Road during the 40kmph school zone time periods between 8.00am to 9.30am and 2.00pm to 4.00pm on gazetted school days. During the 40kmph school zone time periods between 8.00am to 9.30am and 2.00pm to 4.00pm concrete work trucks will be permitted to use Wheelers Lane between the Mitchell Highway and Boundary Road and Boundary Road between Wheelers Lane and the concrete works, until such a time that an alternative haulage route has been determined and constructed by Council.</p> <p>Note: A “No Trucks” restriction during the 40kmph school zone time periods between 8.00am to 9.30am and 2.00pm to 4.00pm on gazetted school days is to be signposted on Sheraton Road between the Mitchell Highway and Boundary Road within 3 months of the date of determination.</p> <p>{Reason: To preserve the school road safety environment and minimise the impact on the structural integrity of councils road assets}</p>

- (2) No vehicles larger than a 'Semi Trailer' 19.0 m in length (utilising the Austroads design templates) are permitted to access the subject land and development proposal except the delivery of cement/fly ash delivery truck, chemical admixtures delivery truck.

Note: An application to be made to Council's Senior Traffic & Transport Engineer for approval of B-double delivery including the upgrade of the existing vehicular access off Sheraton Road.

{Reason: To restrict access to appropriately sized vehicles}

- (3) All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.

{Reason: To provide safety for the travelling public}

- (4) All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary.

{Reason: To not create adverse traffic conditions}

- (5) The operation of the premises must be conducted in a manner which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997* (PEO Act 1997).

{Reason: To ensure the development does not pollute natural water courses}

- (6) The Applicant shall notify Council and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the facility immediately after the Applicant becomes aware of the incident. Within seven (7) days of the date of this incident, the Proponent shall provide Council, the EPA and any other relevant agencies with a detailed report on the incident.

{Reason: Legislative requirement to ensure compliance with Protection of the Environment Operations Act.}

- (7) All lighting on the site must emit light in a downward direction and not cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity or surrounding area by light overspill. The emission of lighting shall not exceed 1,000,000 lumens and must comply with the Australian Standard AS 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting.

{Reason: To limit light pollution to neighbouring property and for the preservation of the 'Dark Skies' region surrounding the Siding Spring Observatory}

- (8) Chemicals required for the operation of the concrete works shall be stored in suitable containers which are located within a sealed, bunded and roofed area. This bunded area must be capable of containing 25% of the total volume stored plus the volume of the largest container.

Note: Recycling of the containers with an approved contractor should be considered.
{Reason: To prevent the pollution of the environment}

- (9) Any re-fuelling on site is to occur within a bunded area. Any fuel spills are to be managed in accordance with the Australian Standards and in compliance with State Environmental Planning Policy (Resilience and Hazards) 2021.
{Reason: To prevent the contamination of the environment}

- (10) The development shall be operated in accordance with the recommendations as detailed in Chapter 8 of the Noise Impact Assessment dated 18 January 2024.

Any physical works required to address the conclusions of the report (i.e.: barrier around hopper and agitator bin, and earth mound) shall be completed prior to the increase in production of concrete over 30,000tpa.

{Reason: To ensure the development is operated in manner than does not adversely impact neighbouring properties in relation to noise generation}

NOTES

- (1) The activity must not be carried out in an environmentally unsatisfactory manner where:
- It contravenes, or is likely to contravene the *Protection of the Environment Operations Act 1997*, or
 - It causes, or is likely to cause a pollution incident, or
 - It prevents to control or minimise pollution, or the emission of any noise or the generation of waste, or
 - It is not carried on in accordance with good environmental practice.
- (2) Water sampling results of any surface water discharges, the effectiveness of the water management system and surface water flows and quality in local watercourses are to be made available to Council upon request.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](#). The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time of the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certificates Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Dubbo Regional Council.

Court means the Land and Environmental Court of NSW.

EPA means NSW Environmental Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means that the certifier appointed as the principal certifier for the building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Regional planning panel means Western Joint Regional Planning Panel.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections of easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision work certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.