

JRPP Number	2010NTH026
DA No.	DA32/2010
Proposed Development	Canz Flour Mill Narrabri, 135 Yarrie Lake Road, Narrabri
Applicant	Pars Ram Brothers (Australia) Pty Ltd
Report By	Warwick Stimson – Consultant Planner

Assessment Report and Recommendation

Owner	Boodana Pty Ltd ATF The Sudesh Trust
Lodgement Date	5 January 2010
Capital Investment Value	\$6 million
Land Zoning	4(a)(General Industrial)
Current use and Development	Vacant land

Executive Summary

Reason for Consideration by Joint Regional Planning Panel

The application has been referred to the Joint Regional Planning Panel pursuant to clause 13B(1) of *State Environmental Planning Policy (Major Development) 2005* as the proposed development is classified as designated development.

Brief Description of Proposal

The development application seeks consent for the construction of a flour mill with an annual through-put of between 60,000-80,000 tonnes of grain and legumes. As this tonnage exceeds 30,000 tonnes it is classified as designated development pursuant to Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. The development is also classified as *integrated development* with the concurrence of the NSW Department of Environment, Climate Change and Water being required.

Compliance with Planning Controls

The *Narrabri Local Environmental Plan No 2* (the LEP) is applicable to the subject site. The subject site is zoned 4(a)(General Industrial). The proposed use is defined as a *rural industry* under the *Environmental Planning and Assessment Model Provisions 1980* which is not listed as a use that is prohibited in the 4(a) zone. The use is therefore permissible with consent. It is considered that the proposed development is consistent with the aims and objectives of both the zone and the LEP.

Background

A planning focus meeting was held on site on 30 July 2009 and was attended by Narrabri Shire Council, NSW Department of Environment, Climate Change and Water, NSW Lands Department, the proponent and their consultants.

The Department of Planning issued Director-General's Requirements on 2 November 2009.

Council originally received the development application on 5 January 2010 that proposed not only the flour mill but a grain handling facility also. On 22 April 2010 Council received correspondence from the proponent requesting that the grain handling component of the proposal be withdrawn. This was agreed to by Council and a separate development application was lodged by the proponent and subsequently approved by Council on 15 July 2010 for that aspect of the operation.

Site Description

The subject site is currently known as 135 Yarrie Lake Road with the real property description being Lot 3 DP1012567. Being some 29,351m² in area, the site is generally flat in topography and can be accessed from a dirt road that extends south from its intersection with Yarrie Lake Road. The natural earth road is an unformed, unnamed track and is aligned within a registered trade stock route (TSR). The unformed road also provides vehicular access to the Canz flour mill on the southern side of the railway line and also IPS logistics. The site accommodates a dilapidated dwelling house but is otherwise vacant land.

Industrial uses, including rural industry, characterise land uses in the vicinity of the subject site. Vacant land to the west is envisaged as providing Narrabri with its future employment/industrial lands into the future.

Development Proposal

The application seeks consent for the development of a flour mill on the subject site with the following components and processes.

Project Quantities

It is proposed to process some 60,000 – 80,000 tonnes of wheat and legumes per year for the purposes of producing flour. It is proposed to package this product and export it to overseas markets.

Grain Delivery

It is proposed to deliver grain to the facility by truck between 7am and 6pm Monday to Saturday. Each delivery is expected to be some 50 tonnes per load. A weighbridge is proposed as part of this application and is proposed adjacent to the northern entrance.

Wheat for milling

Wheat is proposed to be unloaded through a grid into a hopper and then transferred into 1,000 tonne silos adjacent to the flour mill. Prior to being delivered to the mill, impurities are identified and removed. Moisture is then added to the grain.

Milling

Milling involves two processes including the break process that removes the bran coat by sieving and the reduction process that mills the grain to produce flour.

Drainage and Water Supply

Runoff from both the process and paved areas surrounding the mill is proposed to be directed to a detention pond where the sediment would settle. Collected water would then be used for dust control and landscape irrigation around the development. Water tanks are proposed to hold roof waters that would be used for both landscape irrigation and toilet flushing.

It is proposed to source water from the town reticulated water supply and it is considered that there is adequate water volumes and also pressure in order to service the development and would be no negative impacts arising from this.

Waste Management

Cleaning of the infrastructure is undertaken by vacuuming and is essentially a dry process. Liquid waste would result from the wash down of tanks and runoff and may contain some organic material but would be directed to the detention pond.

All solid waste would be disposed of appropriately to the Council waste facility.

Dust Control

As described above, dust generated from the external use of the site would be controlled through periodic watering. Dust created through the process of milling is essentially collected through aspirated air to bag filters.

Odour

The main sources of odour from the process would be from the exhaust points from the baghouse filters used to treat the aspirated air from the machinery areas. The Environmental Impact Statement states:

A review of available literature suggests that odour emissions from flour mills have a neutral hedonic tone, ie they are inoffensive and are not regarded as unpleasant. This conclusion is supported by the fact that flour mills operating in NSW are often located in urban areas, including Sydney, and are not specifically regulated for odour emissions associated with the flour production process.

Workforce and Hours of Operation

It is envisaged that 20-50 contractors would be employed on site during the construction phase of the development, while it is proposed to employ 5 people for each of the three daily shifts that are proposed.

Operating hours for the weighbridge are proposed to be 7am to 6pm Monday to Saturday however this may be extended at times of peak demand.

The flour mill is proposed to operate three shifts over a 22 hour period Monday to Friday and one 12 hour shift on Saturday. Cleaning and maintenance would occur during non-operational periods.

Traffic and Transport

It is proposed to receive primary product into the flour mill by road transport and utilise the rail siding within the Canz milling operation on the southern side of the railway line for dispatch of its product. It is proposed to truck the material to be dispatched to the Canz facility.

The proponent has calculated that some 1600 deliveries per year would occur, or an annual average daily traffic (AADT) figure of 10.3 heavy vehicle movements per day for a six day week.

Council provided data for Yarrie Lake Road providing capacity for an AADT figure of 415 with a heavy vehicle component of 62 (15%). Given both staff (light vehicle) and delivery (heavy vehicle) vehicle movements, an increase of 80 movements has been calculated as a result of this proposal which is well within the capacity of Yarrie Lake Road and surrounding network.

Original conditions of development consent that were imposed upon an adjoining development, IPS, required the procurement of the crown land (TSR) forming and sealing to a standard determined by Council. To date this has not been completed. It is noted that it would be envisaged that all road users would contribute to the cost of upgrade of the road in accordance with land size area in which the respective business owns using the corridor. The Department of Lands has advised that it is willing to sell the land to Council and negotiations are well advanced and contracts of sale have been prepared. Once settled, each respective land holder will be required to contribute to the upgrade in accordance with their conditions of development consent.

There is a clause in Narrabri Local Environment Plan Number 2 that requires access from the Canz and IPS developments to be from Yarrie Lake Road Narrabri.

Internally, traffic circulates in a one way direction, entering the site at its northern end, and exiting towards the southern end.

Site Development

Structures that are proposed to be built as part of this application include the large flour mill building and associated silos adjacent to the western boundary of the site. Ten silos in total and two 150,000 litre above ground water tanks are proposed to be constructed. The highest point of the proposed structures is the overhead walkways that rise 18.99m above ground level.

The remaining development on site has been approved in the separate development application described earlier in this report.

Referrals

The application was placed on exhibition between 18 January 2010 and 18 February 2010. It was notified to nine nearby and adjoining property owners as well as the Department of Planning. Being classed as *integrated development*, the proposal was referred to the NSW Department of Environment, Climate Change and Water for General Terms of Approval (GTA's) to be issued.

Council is in receipt of one submission that will be discussed later in this report.

Council received GTA's from the NSW Department of Environment, Climate Change and Water on 7 June 2010.

The application was also referred to Council's Engineering Works Section. No objection was raised subject to the imposition of standard conditions.

Environmental Planning and Assessment Act 1979

Section 23G – Environmental Planning and Assessment Act 1979

A regional panel is responsible for any of Council's functions as a consent authority that is conferred on it under an environmental planning instrument. In this instance, the Northern Region Joint Regional Planning Panel is the consent authority as conferred on it under *State Environmental Planning Policy (Major Development) 2005*.

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the *Environmental Planning and Assessment Act 1979* as they relate to the development. The following section of this report summarises the relevant matters for consideration and provides a planning response.

Section 79C(1)(a)(i) Any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy 33 – Hazardous and Offensive Development

A preliminary hazard analysis (PHA) undertaken by SMK Consultants and dated October 2009 accompanied the application. It concluded that the proposed use is neither hazardous nor offensive as described in the SEPP.

State Environmental Planning Policy 44 – Koala Habitat Protection

Clause 7 of the SEPP requires Council to be satisfied that the land is not a potential koala habitat. The subject site is void of any vegetation that would support a koala habitat and was previously used as a saw mill. A detailed investigation was therefore not considered necessary.

State Environmental Planning Policy 55 – Remediation of Land

Clause 7 of the SEPP requires Council to consider the issue of contamination prior to determining an application. Soil testing was undertaken on site and the results accompanied the application. The results concluded that the land is suitable for the proposed use.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP details the traffic generating developments that are required to be referred to the NSW Roads and Traffic Authority. The proposal does not reach the threshold floor area figures for a referral of the application to the Roads and Traffic Authority.

Local Environmental Plans

Narrabri Local Environmental Plan No 2

Clause 9 of LEP No. 2 contains the zone objectives and development control table.

1. *The objectives of a zone are set out in the Table to which this clause under the heading “Objectives of the zone” appearing in the matter relating to the zone.*
2. *Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:*
 - a. *Development may be carried out without development consent,*
 - b. *Development may be carried out only with development consent, and*
 - c. *Development is prohibited*
3. *Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.*

The site is zoned 4(a) (General Industrial). The objectives of the zone are as follows.

The objective is to provide land for industrial purposes with the exception of extractive industries. The location of offensive or hazardous industries requires the Council's consent. Their location should be dependent on more detailed study of particular environmental factors whenever the need arises. Retailing is limited to small shops and to those retail purposes which market goods manufactured or processed on the same site. Purposes which are prohibited are considered to be in conflict with the objective of the zone.

It is considered that the flour mill is consistent with the objectives of the zone. Moreover, the additional employment opportunities will provide a positive contribution to the Narrabri economy.

Section 79C(1)(a)(ii) Any draft environmental planning instrument that is or has been placed on public exhibition

There are no draft environmental planning instruments applicable to the proposal.

Section 79C(1)(a)(iii) Any development control plan

The following development control plans (DCP's) are applicable to the site and the proposed development.

Development Control Plan – Notification

The notification and exhibition process relating to this application has been detailed elsewhere in this report.

Development Control Plan – Parking Code

The proponent submits that some 32 car parking spaces are required as a result of the proposed development. 41 spaces are provided which substantially caters for the DCP requirement.

Section 79C(1)(a)(iia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

There are no planning agreements applicable to the subject site or proposal development.

Section 79C(1)(a)(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

The proposed development is considered *designated development* under schedule 3 of the Regulations. This is discussed throughout the report.

Section 79C(1)(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Context and Setting

Being located within an industrially zoned area of Narrabri and adjacent to the railway line and other similar land uses, the site is considered appropriate for the proposed use. There are no land uses in the locality that would be in conflict with the flour mill.

Traffic and Access

It is considered that there is sufficient capacity in the road network to accommodate vehicle movements generated from the flour mill.

That said, the access road is not sealed and obviously suffers from regular use of heavy vehicles. This is also the case for the intersection with Yarrie Lake Road. Negotiations have already commenced between Council and the proponent in relation to an appropriate contribution towards the upgrading of these roads and this is reflected in a condition of consent.

Public Domain

It is considered that the proposed development would have a negligible impact on the public domain of the locality. There will be some short term impacts arising as a result of the construction activities however these will be minor in the context of the area.

Services

The subject site is suitably serviced for the proposed use. Water will be available from the town supply and the proponent will be required to liaise with service providers prior to construction to confirm connection requirements for electricity, gas and telecommunications.

Erosion and Sediment Control

With the need to relocate soil around the site for earthworks, appropriate erosion and sediment control measures will be required for the site. Conditions of consent have been recommended accordingly.

Flora and Fauna

The proponent identified the potential for two endangered and eight vulnerable species may have been present in the Narrabri West area. A Seven Part Test was submitted with the application concluding that whilst the identified species may use the wider area, the subject site did not include habitats that would have been suitable for the species. A Species Impact Statement was therefore considered unnecessary.

Heritage

There are no matters of concern relating to heritage arising as a result of this application.

Air Quality

Since the proposed development is a scheduled item under the *Protection of the Environment Operations Act 1997*, statutory limits apply to the emissions of air pollutants and these are enforced through the licensing system that will apply to the operation. The proposal would not result in air quality that did not satisfy these requirements.

Local air quality may be affected through the generation of dust on site. It is proposed to water the dust down during times when dust levels rise. That said, trafficable areas are proposed to be sealed and internal vehicle speed minimised – both measures that minimise the generation of dust.

Noise and Vibration

Measured at another flour mill owned by the proponent, noise levels were generated from both mill equipment and truck movements. A noise assessment report was submitted with the application that concluded:

Any noise emission from the proposed facility to the nearest sensitive receiver should not exceed the Project Specific Noise Levels, Sleep Disturbance and Construction Noise limits as set out in this report.

Vipac recommends a Traffic Noise Assessment be conducted for the site once site-generated traffic volumes are known. The noise logging conducted for this report can be utilised as a basis for the traffic noise assessment.

A condition of consent has been recommended to reflect the advice received from the noise consultant.

Amenity Impacts

As described above, there will be short term amenity impacts through the construction period of the development. These however will be minor and appropriate conditions of consent will be incorporated in relation to minimising impacts on the surrounding area.

Safer by Design Principals

There are no aspects of the proposal that are inconsistent with the principles and strategies relating to crime prevention within the design of the estate. The site shall be secured with appropriate fencing and at the same time, the hours of operation will ensure that a good level of passive surveillance is provided over the locality.

Social and Economic Impact

It is considered that the proposed development would result in a positive influence on the Narrabri community. Increased employment opportunities, and additional economic multipliers for support businesses in the Shire would arise as a direct result.

Environmental Reporting and Licensing

The proposed use requires an Environmental Protection Licence to be issued by the Department of Environment, Climate Change and Water. For the purposes of this determination, the Department has issued its general terms of approval and these are included in the recommended conditions of consent.

Once issued the licence will require amongst other things, the proponent to report to the Department on matters relating to environmental monitoring, the occurrence of any incidents and require the maintenance of a complaints register.

Section 79C(c) The suitability of the site for the development,

Given the zoning of the site, the complementary nature of the proposal when considering existing dwellings to the south, and the minimal impacts arising as a result of the construction of the estate, the site is considered suitable for this development.

Section 79C(d) Any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Council's policy. One submission was received from an adjoining landowner raising concern over the potential overshadowing impacts of the silos on the site.

In response, the proponent provided a shadow diagram that demonstrated that shadows from the proposed building would intrude onto the adjoining land by 7.11m at 9am. By 10am the diagram shows that the shadow is cast fully within the boundary of the subject site. It is considered that this level of impact would not be detrimental to the use of the adjoining lands for any agricultural or other uses.

Section 79C(e) The public interest.

The benefits and opportunities of an additional industrial facility in Narrabri have been discussed in this report. Impacts arising as a result of the construction of the facility are considered minor and acceptable.

It is considered that the public interest would be served well through the approval of this application.

Conclusion

The application has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*. The assessment demonstrates that the proposal is satisfactory in terms of the matters for consideration, and the potential impacts on the existing locality.

It is therefore recommended that the proposal be granted approval subject to conditions.

SCHEDULE OF DEVELOPMENT CONSENT CONDITIONS

1. The determination shall be regarded as being in accordance with the particulars and information set out and described in Development Application No. 32/2010 registered in Council's records as of 5 January 2010 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.

Documents and Plans included in the consent subject to amendment by conditions of consent as prescribed within this schedule:

- i. Environmental Impact Statement dated September 2009 titled 'Development of an Agricultural Produce Industry (Flour Mill) at Narrabri West', and produced by SMK Consultants.
- ii. General Terms of Approval from Department of Environment, Climate Change and Water, Notice no, 1114954 (12 pages) and issued on 9 June 2010.

STATUTORY

2. Prior to the commencement of the proposed development, the proponent shall submit a formal application for a Construction Certificate, together with all prescribed fees, plans and specifications be submitted to and approved by Council, or alternatively a privately certified Construction Certificate be lodged with council no less than forty eight (48) hours prior to the commencement of the proposed development.

REASON: To comply with Council's statutory requirements.

3. The proponent shall notify Council, not less than forty eight (48) hours prior to the commencement of the work of:
 - date of commencement of the work.
 - name of the principle certifying authority for the issue of compliance, occupation and/or subdivision certificates.

REASON: To comply with Council's statutory requirements.

4. As Principal Certifying Authority (PCA), Council will require to inspect the various stages of construction as follows:
 - a. Strip footing/slab etc. when steel is laid prior to pouring concrete.
 - b. Internal and external drainage prior to covering (including septic tank absorption trenches).
 - c. Framework prior to lining internally.
 - d. Flashing of wet areas prior to tiling.
 - e. Stormwater drainage before covering.

- f. Final - when building is completed and painted, in accordance with approved plans and specifications, **prior to occupation**.

It should be noted that if a stage requires a second inspection, due to work being incomplete or wrong, Council may require an additional fee to carry out the work.

REASON: To comply with Council's requirements.

5. Where Council is not the Principal Certifying Authority (PCA), Council will require copies of inspection reports for the following stages of construction as follows:

- a. Commencement.
- b. Flashing of wet areas.
- c. Stormwater drainage before covering.
- e. Final - when building is completed, in accordance with approved plans and specifications, **prior to occupation**.

It should be noted that if a stage requires a second inspection, due to work being incomplete or wrong, Council may require an additional fee to carry out the work.

REASON: To comply with Council's requirements.

6. Where Council is not the Principle Certifying Authority (PCA), the proponent or private certifier shall submit a construction certificate to Council prior to building works commencing on the subject allotment.

REASON: To comply with Council's statutory requirements.

7. Any use of the subject land shall not commence until all relevant conditions of consent have been met or unless other satisfactory arrangements have been made with Council.

REASON: To comply with Council's statutory requirements.

8. Where Council is not the Principle Certifying Authority an Occupation Certificate shall be submitted to Council when the building work has been completed and prior to the occupation of the building.

Notes:

- if the certificate is being issued by a private certifier, the certificate is to be lodged with Council not less than forty eight (48) hours to the occupation of the building/structure.

REASON: To comply with Council's statutory requirements.

9. Where Council is the Principle Certifying Authority, the proponent shall pay the prescribed fee to Council and satisfy all conditions of consent to obtain an occupational certificate prior to occupation of the building / structure.

REASON: To comply with Council's statutory requirements.

10. The building / structure shall be constructed in accordance with the requirements of the Building Code of Australia.

REASON: To comply with Council's statutory requirements.

11. The proponent shall erect signage in a prominent position on the site:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) 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
- (c) stating that unauthorised entry to the work site is prohibited.

REASON: To comply with Council's statutory requirements.

12. The building / structure shall comply with the requirements of the Commonwealth Disability Discrimination Act, 1992 and the NSW Anti-Discrimination Act 1977.

Note 1: The Disability Discrimination Act 1992 and the Anti-Discrimination Act 1977 provide that it is an offence to discriminate against a person in a number of different situations. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.

Note 2: Guidelines in respect of disabled access and produced by the Human Rights and Equal Opportunity Commission are available from the Commission or from Council's Environmental Services

Department. The Applicant should ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

REASON: To comply with Council's statutory requirements.

13. Protection of public places

1. If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place
 - (c) a hoarding or fence must be erected between the work site and the public place.
2. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
3. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
4. Any such hoarding, fence or awning is to be removed when the work has been completed.

REASON: To ensure that measures have been established to provide the protection of public places.

ACCESS

14. The proponent to make application to Council's Engineering Services for approval of the construction of a concrete kerb layback at the proposed access to the said allotment. The kerb layback shall be designed in accordance with Council's Design Specifications and shall be installed prior to occupation of the building / structure, at the proponent's expense.

REASON: To comply with Council's requirements.

15. The proponent shall make application to Council's Engineering Services for approval to remove all redundant kerb layback accesses to the said allotment and replace with uniform kerb and Gutter and shoulder seal to the Design Specifications of Council's Engineering Services. All work is to be carried out prior to occupation of the building / structure, at the proponent's expense.

REASON: To comply with Council's requirements

16. The proponent shall make application to Council's Engineering Services for a vehicle driveway surface, crossing the road reserve or part there-of (ie. footpath) in accordance with Council's Design Specifications. Any construction of, or re-instatement of, a kerb layback crossing will also require an application. The driveway surface shall be completed prior to occupation of the building / structure.

REASON: To comply with Council's requirements.

17. An access from the road shoulder to the property boundary shall be constructed to Council's Design Specifications Standard for a Rural Vehicular Crossing as determined by the access location, in consultation with Council's Engineering Services.

REASON: To comply with Council's requirements.

18. All internal driveways, parking and manoeuvring areas be constructed with a paved surface, either concrete, seal or commercial paver with parking bays and traffic flow directions to be clearly delineated.

REASON: To comply with Council's Development Control Plan Parking Code requirements.

19. Prior to the issue of a Construction Certificate the applicant is to submit to Council a Traffic Management Plan for the development outlining the proposed plan of management during construction and further post construction permanent traffic management.

REASON: To comply with Council's requirements.

GENERAL

20. All works associated with the implementation / construction of the proposed activity (Not operation of the proposal post occupational certificate), involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours of operation:

Monday to Friday	7am to 6pm
Saturday	8am to 5pm
Sunday	Nil

Advice: All noise generating activities are subject to the requirements of the protection of the Environment Operations Act 1997. This condition of consent does not relive the proponent including developers, contractors or their agents from the requirements under the relevant noise control legislation (POEO Act 1997).

REASON: Statutory Requirement

21. The hours of operation of the weighbridge component of the business / activity shall be restricted to:

Monday to Saturday 7am-6pm

Sunday nil

The hours of operation for internal operations as outlined in the application are restricted to:

Monday to Friday 24 hours

Saturday 7am-7pm

REASON: To comply with Council's requirements.

22. Temporary toilet facilities shall be provided on the said allotment prior to the commencement of any site or building work.

REASON: To comply with Council's requirements

23. As per the recommendations within the Noise Assessment Report, undertaken by Vipac Engineers and Scientists, dated 20 August 2009, a Traffic Noise Assessment shall be conducted for the development within three months from the commencement of operation. The noise logging conducted for the Noise Assessment Report may be utilized as a basis for the Traffic Noise Assessment.

REASON: To comply with Council's requirements.

24. Any damage caused to Council's infrastructure including but not limited to footpaths, roads, drainage, Kerb and Gutters, laybacks or other public land shall be restored in accordance with Council's Design Specifications at the full cost to the developer. Where a dispute arises over the person(s) responsible for the damage, Council shall reserve the right to carry out work to remedy such damage(s) at the proponents cost.

REASON: To comply with Council's requirements.

25. The proponent shall install suitable protection to ensure that damage to Council infrastructure does not occur during the construction phase of the development.

REASON: To comply with Council's requirements.

26. No materials or machinery to be used in the construction of the building shall be stored or stacked on Council's footpath, nature strip, public defined land or roadway.

REASON: To comply with Council's requirements.

27. During construction of the proposed building or structure no construction vehicles are to be parked on roads / rear lane ways as to restrict traffic flow and or access to allotments.

REASON: To comply with Council's requirements.

28. The proponent shall not burn waste material, felled trees or other material on the said land. All waste materials shall be directed to a Narrabri Local Government Area waste management or other approved facility.

REASON: To comply with Council's requirements.

29. The proponent shall provide at least forty-eight (48) hours notice be given to Council when any inspection is required.

REASON: To comply with Council's requirements.

ENGINEER'S DETAIL

30. That certification of the proposed work(s) be supplied by a qualified practising Structural or Civil Engineer at the completion of works, certifying that the work(s) have been carried out under their supervision and to their requirements.

REASON: To comply with Council's requirements.

31. The proponent shall provide engineers design details for the structure (slab/footings/steel frame) to Council by a suitably qualified and professional Engineer prior to the issue of a Construction Certificate.

REASON: To comply with Council's requirements.

DRAINAGE

32. The site shall be prepared so as to effectively divert surface water away from and around the building to the proposed detention basin in accordance with the application.

In this regard, Council may require permanent surface or subsoil drains or a combination of both, to all excavated areas and depressions and the invert of such drains shall be a minimum of 200mm below finished habitable floor level and shall have a minimum grade of 1:100 to the stormwater system or to a point satisfactory to Council's Officer.

REASON: To comply with Council's requirements to ensure the site/buildings are adequately protected from storm water.

33. A works as executed (WAE) drainage plan indicating the location of the drainage pipelines shall be submitted by the proponent or their agent at the time of installation of such pipes.

REASON: To comply with Council's requirements.

CLASS 2/9 BUILDINGS

34. The proponent shall provide a Fire Safety Certificate to indicate compliance with the Fire Safety Schedule.

REASON: To comply with the Building Code of Australia.

35. That at least once in each period of twelve months after a certificate is required to have been submitted to Council pursuant to Section E of the Building Code of Australia. The owner of the building shall submit to Council a further certificate with respect to each fire safety measure installed in the building.

REASON: To comply with the Building Code of Australia.

36. The building shall be provided with access and facilities for disabled persons in accordance with Part D3 and Part F2.4 of the Building Code of Australia, Australian Standard AS1428.1 Part 1: General Requirements for Access Buildings.

REASON: To comply with the Building Code of Australia.

37. An adequate hoarding, fence or other measure shall be provided on site to restrict access by the public to the building site (not for class 1, 10 or a building comprising 2 dwellings). Any location of such protective measures upon public land shall be subject to further approval of Council.

REASON: To comply with the Building Code of Australia to ensure the safety of persons.

ENVIRONMENTAL

38. The applicant shall install, prior to the commencement of construction, adequate sediment and soil erosion controls in accordance with the requirements of the Department of Environment, Climate Change and Water. All sediment is to be controlled on site including the transport of sediment from vehicular tyres and machinery.

REASON: To comply with Council's requirements.

ROAD INFRASTRUCTURE AND DRAINAGE

39. The proponent shall pay a contribution or lodge an appropriately secured bank guarantee for no less than 30% of the cost of the formation, construction, sealing and kerb and guttering of the proposed road from the Yarrie Lake Road intersection to the rail line south of allotment 7012 in DP 1061171. Costing shall be determined by Council in accordance with the proposed road design plans.

Advice: Reference is made to Development Application 22/2009 for IPS Logistics where a condition was imposed to form and seal an access road from Yarrie Lake Road, Narrabri, to the rail line south of Lot 7012 DP 4061171. Accordingly, based on the land areas of the two developments only, the contribution should be no less than 30% of the cost of such infrastructure.

REASON: To comply with Council's requirements.

40. Entrance and exit points to the allotment are to be constructed in accordance with Council's rural access policy

REASON: To comply with Council's requirements.

41. All stormwater generated on the allotment shall be disposed into the proposed storm water detention basin appropriately sized for a rainfall event of 1 in 20 year ARI. Stormwater from impervious surfaces shall not be allowed to impact or cause nuisance to neighbouring properties. Any overflow from the detention pond shall be directed to drainage lines/kerb and gutter within the proposed road corridor to the north-east of the allotment,

REASON: To comply with Council's requirements.

42. Fence line drainage to be directed to stormwater drainage lines within the proposed road drainage system at the northern boundary of the subject allotment.

REASON: To comply with Council's requirements.

PUBLIC AMENITY

43. Prior to the construction formation and sealing of the proposed road corridor within Lot 7012 DP 1061171, the access road from Yarrie Lake Road to the entrance of Lot 3 DP 1002567 is to remain watered at all times to prevent airborne dust nuisance to adjoining properties.

REASON: To comply with Council's requirements.

44. Prior to the construction and formation and sealing of the proposed road corridor within Lot 7012 DP 1061171, the access intersection of Lot 7012 to Yarrie Lake Road is to be graded to prevent the carting of rocks and debris onto Yarrie Lake Road from the unsealed section of Lot 7012.

REASON: To comply with Council's requirements.

VERMIN CONTROL

45. The proponent shall employ the services of a qualified and professional pest controller on a regular basis to control vermin. All work is to be carried out in accordance with the relevant Australian Standards.

REASON: To comply with Council's requirements.

46. Fumigation of bulk grain storage supplies is to be carried out in accordance with AS2476-2008 General Fumigation Procedures. Fumigation shall not take place on windy days and also when the wind is prevailing from a westerly/north-westerly/south-westerly direction.

REASON: To comply with Council's requirements.

47. Weed control is to be carried out in accordance with Australian Standards and chemicals utilized shall be stored in order to prevent intrusion into the stormwater drains and channels.

REASON: To comply with Council's requirements.

OPERATIONAL TRAFFIC CONTROL AND CONSTRUCTION TRAFFIC

48. Delivery vehicles to the proposed development are not to impede traffic flow to other properties which use the access road to the site. Adequate heavy vehicle parking/standing space shall be provided upon (TSR R9489; Lot 7012 DP 1061171) or along the internal service road in order to allow free flow of traffic. Vehicles are not permitted to queue along Yarrie Lake Road.

REASON: To comply with Council's requirements.

49. Vehicles are not to queue across the rail line adjacent to Lot 1392 DP 1029895. Approximately 20m clearance either side of the rail line shall be maintained at all times to promote both safety and visibility of oncoming trains and vehicular traffic.

REASON: To comply with Council's requirements.

50. Car parking and aisle width are to be designed in accordance with AS 2890 – Off Street Parking and are to be appropriately line marked and landscaped.

REASON: To comply with Council's requirements.

51. In accordance with DECCW guidelines, the proponent shall maintain an appropriate shake down device including grid or other coarse gravel surface for removal of silt and dirt from transport vehicles during construction. All soil material shall be maintained on site and further appropriate siltation fencing shall be in place for the duration of the construction works to prevent soil eroding into stormwater drains and natural gullies.

REASON: To comply with Council's requirements.

AIR QUALITY

52. The proponent shall ensure appropriate control and suppression of dust from the operation of the facility. All grain particulate matter is to be contained onsite and preventative measures are to be taken to ensure it is not released causing nuisance to adjoining properties.

REASON: To comply with Council's requirements.

53. The proponent shall comply with the requirements of the Protection of the Environment Operations Act 1997 at all times during operation particularly with respect to air and noise pollution.

REASON: To comply with Council's requirements.

54. Where a dust complaint has been substantiated by Council, the proponent shall conduct, at its own costs, dust monitoring to the satisfaction of Council by a qualified professional to ensure that no dust is being emitted outside the boundaries of the subject site.

REASON: To comply with Council's requirements.

COMPLAINTS REGISTER / HANDLING

55. The proponent shall establish a formal complaints register whereby any complaints regarding the operation are fielded and recorded. The proponent shall seek to resolve the complaints and record actions taken employed to resolve future complaints of similar nature. The proponent must advise the complainant of necessary actions taken to resolve the complaint.

REASON: To comply with Council's requirements.

56. The complaints register shall be made available to Council for inspection upon request.

REASON: To comply with Council's requirements.

LIABILITY

57. The applicant shall indemnify Council against any and all actions, suits and claims of whatsoever nature resulting in injury to person or persons or damage to property other than that owned by the applicant and providing a declaration to this effect to the satisfaction of Council and the applicant providing Council with proof of adequate public liability insurance coverage.

REASON: To comply with Council's requirement for insurance coverage against claims.

LANDSCAPING

58. A landscaping plan shall be submitted and approved by Council prior to issue of a Construction Certificate.

REASON: To comply with Council's requirements for the provision of landscaping.

59. The approved landscaping as illustrated on the landscaping plan shall be completed within 6 months of occupation of the development.

REASON: To comply with Council's requirements for the provision of landscaping.

ADVERTISING

60. The developer shall erect one only business identification sign at the vehicle entry point to the land. The sign shall identify the business name and contact number only and have a maximum area of 1.5 square metres. The sign is to be erected on the subject land and have a maximum height above ground of 1.8 metres.

REASON: To comply with Council's requirements.

61. All signs are to be maintained in good condition, and posts are to be painted regularly.

REASON: To comply with Council's requirements.

62. The proponent shall comply with the Australian Standards for Advertising Signage.

REASON: To comply with Council's requirements.

MISCELLANEOUS MATTERS

63. Construction or excavation shall not occur within 25 metres of a rail corridor. Where excavation closer than 25m is to occur, separate consent shall be required by the CEO of the relevant rail authority in accordance with State Environmental Planning Policy (Infrastructure).

64. Trains shall not be loaded on the mainline rail siding adjacent to the site (southern boundary) without the written consent of the CEO or their delegated officer of the relevant rail authority.

General Terms of Approval



**Environment,
Climate Change
& Water**

Notice No: 1114954

ADMINISTRATIVE CONDITIONS

A1 What the licence authorises and regulates

- A1.1 This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2.

Construction of Flour Mill and Grain Handling Facility and associated infrastructure

- A1.2 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity

Agricultural Processing

Fee Based Activity

Scale

General Agricultural Processing

More than 30,000 but not more
than 100,000 tonnes

- A1.3 The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.

A2 Premises to which this licence applies

- A2.1 The licence applies to the following premises:

Premises Details

**Pars Ram Brothers (Australia) Flour Mill and Grain
Receival Terminal**

135 Yarrie Lake Road

NARRABRI WEST

NSW 2390

Lot 3 DP 1012567

General Terms of Approval



**Environment,
Climate Change
& Water**

Notice No: 1114954

A3 Other activities

A3.1

A4 Information supplied to the EPA

A4.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- (a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- (b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

1.2 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- "Environmental Impact Statement for the Development of an Agricultural Produce Industry (Flour Mill) at Narrabri West, Lot 3 DP 1012567, Pars Ram Brothers (Australia) Pty. Ltd, Sep 2009"
- "Statement of Environmental Effects for a Proposed Grain Receival Terminal, Administration Building and Warehouse, Lot 3 DP 10102567, Pars Ram Brothers (Australia) Pty. Ltd., Dec 2009" and
- "Response to Information Request from NSW Department of Environment Climate Change and Water, Proposed Pars Ram Brothers (Australia) Pty Ltd Flour Mill, Feb 2010,"

2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

Air

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Air quality monitoring	Discharge to air	Various air discharge points from bag house filters across premises. Locations to be finalised and incorporated into the licence with final detailed design and details provided with licence application.
2	Air quality monitoring	Discharge to air	Discharge from gas boiler on premises. Location to be finalised and incorporated into the licence with final detailed design and details provided with licence application.

General Terms of Approval



Environment,
Climate Change
& Water

Notice No: 1114954

- P1.2 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to water from the point.

Water and Land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
3	Discharge water quality monitoring	Discharge to waters	Discharge point(s) from premises Location to be finalised and incorporated into the licence with final detailed design and details provided with licence application.

- P1.3 Not applicable.

3 LIMIT CONDITIONS

L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

L2 Load limits

- L2.1 Not applicable.
L2.2 Not applicable.

L3 Concentration limits

- L3.1 For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L3.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L3.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table.

Air

POINT 1

Pollutant	Units of measure	100 percentile concentration limit
Solid Particles	milligrams per cubic metre	20

General Terms of Approval



**Environment,
Climate Change
& Water**

Notice No: 1114954

POINT 2

Pollutant	Units of measure	100 percentile concentration limit
Nitrogen dioxide (NO ₂) or Nitric Oxide (NO) or both as NO ₂ equivalent	milligrams per cubic metre	350

Note: The 100 percentile concentration limit is the requirement for Group 6 activity or plant defined under Schedule 4: Standards of concentration for scheduled premises, Protection of the Environment (Clean Air) Regulation 2002.

- L3.4 For the purposes of the above table, compliance with limit conditions must be determined under the relevant reference conditions as defined in Schedule 5, Test Methods, averaging periods and reference conditions for scheduled premises.

L4 Volume and mass limits

- .1 Not applicable.

L5 Waste

- L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.
- L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

L6 Noise Limits

- L6.1 Noise from the premises must not exceed:
- (a) an $L_{Aeq(15 \text{ minute})}$ noise emission criterion of 37dB(A) during day time periods
 - (b) an $L_{Aeq(15 \text{ minute})}$ noise emission criterion of 35dB(A) during evening and night time periods; and
 - (c) an $L_{A1(1 \text{ minute})}$ noise emission criterion of 45dB(A) at night.

L6.2 Definitions

L_{Aeq} means the equivalent continuous noise level – the level of noise equivalent to the energy-average of noise levels occurring over a measurement period.

$L_{A1(1 \text{ minute})}$ is the A-weighted sound pressure level that is exceeded for 1 per cent of the time over a 1 minute measurement period.

Daytime is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and public holidays.

Evening is defined as the period from 6pm to 10pm.

Night is defined as the period from 10pm to 7am Mondays to Saturday and 10pm to 8am Sundays and Public Holidays.

Notes

To determine compliance with the L_{Aeq} (15 minute) noise limits, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30m of a dwelling where the dwelling is more than 30m from the boundary, over a period of 15 minutes using "FAST" response on the sound level meter.

General Terms of Approval



Environment,
Climate Change
& Water

Notice No: 1114954

To determine compliance with $L_{A1(1 \text{ minute})}$ noise limits, noise from the project is to be measured at 1 metre from the dwelling façade.

Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Policy).

The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

L6.3 The noise emission limits identified in this licence apply under all meteorological conditions except:

- (a) during rain and wind speeds (at 10m height) greater than 3m/s; and
- (b) under "non-significant weather conditions".

Note: Field meteorological indicators for non-significant weather conditions are described in the NSW Industrial Noise Policy, Chapter 5 and Appendix E in relation to wind and temperature inversions.

L6.4 The noise limits set by condition L6.1 of the licence do not apply where a current legally binding agreement exists between the licensee and the occupant of a residential property that:

- a) agrees to an alternative noise limit for that property; or
- b) provides an alternative means of compensation to address noise impacts from the premises.

A copy of any agreement must be provided to the EPA before the licensee can take advantage of the agreement.

L7 Potentially offensive odour

L7.1 No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note :Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

L8 Hours of Operation

L8.1 All construction work at the premise must only be conducted between 7:00am and 6:00pm Monday to Friday, 8:00am and 1:00pm Saturday and at no time on Sunday or Public Holidays.

L8.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L8.1, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible or within a reasonable period in the case of emergency.

L8.3 Entry, exit and the unloading and loading of trucks and rail wagons on the premises can only be conducted between 7:00 am and 6:00 pm Monday to Saturday and at no time on Sunday or Public Holidays.

L8.4 The hours of operation specified in condition L8.1 and L8.3 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality of the premise will not be adversely affected.

L9 Production limits

L9.1 The total annual throughput of agricultural produce into the premises (Flour Mill and Grain Receival terminal) must not exceed 80,000 tonnes per year (based on licensed reporting period).

General Terms of Approval



Notice No: 1114954

4 OPERATING CONDITIONS

O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

- (a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- (b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- (a) must be maintained in a proper and efficient condition; and
- (b) must be operated in a proper and efficient manner.

O3 Dust

O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O3.2 The plant must be maintained in a condition which minimises or prevents the emission of dust from the plant.

O3.3 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

O3.4 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

5 MONITORING AND RECORDING CONDITIONS

1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

M1.2 All records required to be kept by this licence must be:

- (a) in a legible form, or in a form that can readily be reduced to a legible form;
- (b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- (c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

- (a) the date(s) on which the sample was taken;
- (b) the time(s) at which the sample was collected;
- (c) the point at which the sample was taken; and
- (d) the name of the person who collected the sample.

General Terms of Approval



Environment,
Climate Change
& Water

Notice No: 1114954

M2 Requirement to monitor concentration of pollutants discharged

- M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Air

POINT 1 (Air discharge points – dust collection system, various)

Pollutant	Units of measure	Frequency	Sampling Method
PM10	mg/m3	Special Frequency 1	OM-5
Solid Particles (Total)	mg/m3	Special Frequency 1	TM-15

POINT 2 (Air discharge point boiler)

Pollutant	Units of measure	Frequency	Sampling Method
Nitrogen dioxide (NO2) or nitric oxide	mg/m3	Special Frequency 1	TM-11

POINT 3 (Water discharge quality monitoring)

Pollutant	Units of measure	Frequency	Sampling Method
Total suspended solids	mg/L	Special Frequency 2	Grab sample
Conductivity	uS/cm	Special Frequency 2	Grab sample
Biochemical oxygen demand	mg/L	Special Frequency 2	Grab sample
Total nitrogen	mg/L	Special Frequency 2	Grab sample
Phosphorus (total)	mg/L	Special Frequency 2	Grab sample
Ph	pH	Special Frequency 2	Grab sample

For the purposes of the table(s) above Special Frequency 1 means the collection of samples from air discharge points if requested by EPA to assess compliance against the Protection of the Environment Operations (Clean Air) Regulation 2002.

For the purposes of the table(s) above Special Frequency 2 means the collection of samples in accordance with a stormwater management and monitoring plan developed as part of requirements under condition E1.

M3 Testing methods - concentration limits

- M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or

General Terms of Approval



Environment,
Climate Change
& Water

Notice No: 1114954

- (b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
- (c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Protection of the Environment Operations (Clean Air) Regulation 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M3.2 Not applicable.

M4 Recording of pollution complaints

M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M4.2 The record must include details of the following:

- (a) the date and time of the complaint;
- (b) the method by which the complaint was made;
- (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the licensee, the reasons why no action was taken.

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M5.3 Conditions M5.1 and M5.2 do not apply until 3 months after

- (a) the date of the issue of this licence or
- (b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

M6 Requirement to monitor volume or mass

M6.1 Not applicable

General Terms of Approval



Environment,
Climate Change
& Water

Notice No: 1114954

6 REPORTING CONDITIONS

R1 Annual return documents

What documents must an Annual Return contain?

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- (a) a Statement of Compliance; and
- (b) a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee,

- (a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- (b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

- (a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- (b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

Deadline for Annual Return

R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

R1.6 Not applicable.

Licensee must retain copy of Annual Return

R1.7 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

General Terms of Approval



**Environment,
Climate Change
& Water**

Notice No: 1114954

R1.8 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R1.9 A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.

R2 Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

.1 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

.3 The request may require a report which includes any or all of the following information:

- (a) the cause, time and duration of the event;
- (b) the type, volume and concentration of every pollutant discharged as a result of the event;
- (c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- (d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- (e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- (f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- (g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General Terms of Approval



Environment,
Climate Change
& Water

Notice No: 1114954

GENERAL CONDITIONS

G1 Copy of licence kept at the premises

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

POLLUTION STUDIES AND REDUCTION PROGRAMS

Not Applicable

SPECIAL CONDITIONS

E1 Stormwater Management and Monitoring Plan

- E1.1 Prior to construction activities occurring an erosion and sediment control plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and discharge of sediment and other pollutants to lands and/or waters during construction activities.
- E1.2 The ESCP should be prepared in accordance with the publication "Managing Urban Stormwater: Soils and Construction (Landcom, 2004)"
- E1.3 As part of the Environment Protection Licence application, the licensee must submit to the EPA Armidale a detailed stormwater management plan. The plan must include details of design capacity to capture first flush runoff from areas potentially contaminated with organic matter from materials handling of agricultural produce and management of sediment from disturbed areas during operational stages (where relevant).

Details on proposed management actions to reduce pollutant load in the controlled drainage area of the premises must be included. The plan must also include a monitoring program to be implemented to demonstrate that discharges from the premises comply with s120 of the Protection of the Environment Operations Act.

E2 Air discharge points

- E2.1 As part of the Environment Protection Licence application, the proponent must submit details of the proposed dust collection system and air discharge points for all activities at the premises. This must include details of air collection and treatment systems for grain receival facility and materials handling (including conveyor systems and silo air exchange points), flour milling operations and materials handling systems.

In particular, for any air collection and treatment systems to be installed, the proponent must provide a verification statement from the supplier of the equipment that air discharges from the installed equipment will meet the standards of concentration for scheduled premises: general activities and plant defined in Schedule 4 of the Protection of the Environment (Clean Air) Regulation 2002 and also defined in condition L3.3.

Note: The EPA may require validation testing of air control equipment as per requirements specified in condition M2.

General Terms of Approval



Environment,
Climate Change
& Water

Notice No: 1114954

E3 Noise Monitoring – Validation and Complaints

- E3.1 Prior to commencement of operations, the licensee must submit a noise management and monitoring plan that includes proposed noise validation monitoring to be undertaken by an appropriately experience acoustic consultant. The noise validation monitoring must be undertaken under a range of climatic conditions including inversion conditions during the night time period to demonstrate compliance with the noise limits specified in condition L6.1. The noise monitoring plan must also include a complaints management protocol that includes noise monitoring and investigation process to assess compliance with noise limits.
- E3.2 The EPA will include requirements for formal noise validation monitoring and triggers for complaints based noise monitoring in the licence following review of the noise management and monitoring plan.
- E3.3 If the noise monitoring indicates exceedance of noise limits at sensitive receptors the licensee will be required to undertake noise mitigation measures to achieve compliance with the noise limits specified in condition L6.1.