

General Terms of Approval - Issued



Notice No: 1505821

Special conditions

E1. Groundwater monitoring, trigger and response plan

E1.1 The proponent must prepare a groundwater monitoring, trigger and response plan. The plan must include (but need not be limited to):

- a) an analysis of existing groundwater data for the area that:
 - i) provides a description of each aquifer that is likely to be present below the site, its spatial extent, depth and hydrogeology, along with its vulnerability to impacts from irrigation and agricultural activities; and
 - ii) identifies the likely local and regional groundwater flow directions and flow rates for each relevant aquifer, as well as its specific characteristics;
- b) a groundwater monitoring protocol that is specifically designed to monitor the net impacts of deep drainage from the irrigation activities on the waste water utilisation areas on Whitebox Farm in the context of the proposed 50 hectares of interception plantings. The protocol must demonstrate that:
 - i) the proposed monitoring bores/piezometers are or will be positioned, constructed and screened to effectively sample all relevant aquifers at locations up and down any piezometric gradient (for each relevant aquifer) from the interception plantings, each of the waste water utilisation areas and any proposed water storages/ponds;
 - ii) the proposed monitoring bores/piezometers will enable any groundwater quality or level/pressure trends to be compared with background conditions at appropriate ambient monitoring locations that are not influenced by activities at Whitebox Farm; and
 - iii) that sufficient baseline groundwater data is or will be available for each monitoring location and relevant aquifer to enable any future groundwater quality or level/pressure trends to be identified and compared to contemporary ambient background data, and robust baseline monitoring data before irrigation can commence at the premises;
- c) a proposed groundwater monitoring data trend analysis protocol which will enable any deleterious trends to be identified and compared against contemporary background conditions;
- d) proposed groundwater level/pressure and quality trigger levels for all relevant monitoring parameters that may relate to site specific and/or contemporary local ambient trends to trigger a range of additional investigations, proposed mitigation or revised management actions; and
- e) clearly defined response actions (which might include additional investigations, mitigation measures or revised management actions) and timeframes for each of the triggers proposed in d) above.

The groundwater monitoring, trigger and response plan must be submitted (to the satisfaction of the EPA) to the EPA's Armidale office at least 1 month before irrigation commences at the premises.

E2. Environmental Audit

E2.1 The licensee must commission an independent environmental audit of the development following the triggering of condition U3. The audit must:

- be carried out by a suitably qualified, experienced independent audit team that contains an odour specialist whose appointment has been endorsed by EPA. The lead auditor must be accredited as a lead auditor through RABQSA;
- assess whether the project is complying with the conditions of these General Terms of Approval and the Environment Protection Licence for the premises;

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- assess whether the operation is being carried out in accordance with industry best practice and commitments made in the *Grain Products Australia - Environmental Impact Statement – Whitebox Farm Wastewater Reuse Scheme - Final (amended)* dated 25/1/2012; and
- recommend and prioritise measures or actions to improve the environmental performance of the premises.

An audit report must be submitted to the EPA's Armidale office within 4 months of triggering this condition. Any recommendations for additional mitigation measures to improve environmental performance may be required to be undertaken as part of a pollution reduction program which the EPA may subsequently apply to the licence.

E3. Noise Management and Impacts

E3.1 If in the opinion of an EPA authorised officer adverse noise impacts occur from operations at the premises than the licensee must:

- a) undertake targeted and/or routine noise monitoring (frequency and location to be approved in writing by the EPA prior to commencement of monitoring) to demonstrate compliance against the noise limits specified in condition L4.1; and
- b) develop reasonable and feasible noise mitigation measures and management strategies that can be implemented to achieve compliance with the noise limits specified in condition L4.1.

If condition E3.1 is triggered then the noise monitoring, investigations and development of noise mitigation measures will be incorporated into the licence as a formal Pollution Reduction Program.

Pollution studies and reduction programs

U1. Waste water odour and volatile solids reduction

U1.1 The proponent must, to the maximum extent that is reasonably and feasibly practicable, implement measures to reduce the odour associated with, and volatile solids load within the waste water from the Grain Products Australia Pty Limited Marius Street factory by 30 June 2015. The proponent must provide a report in writing to the EPA's Armidale office, detailing the measures that it has implemented in accordance with this condition by 30 June 2015 that includes performance data demonstrating the extent to which the odour associated with the waste water and the volatile solids load within the wastewater has been reduced.

DUE DATE: 30 June 2015

U2. Complaints investigation and monitoring requirements

U2.1 If in the opinion of an EPA authorised officer the premises are likely to be causing or contributing to offensive odour then the licensee must, upon written notification from the EPA, commission an appropriately qualified and experienced consultant to undertake an independent assessment of odour and complaints including field investigation and discussion with complainants (identified on licensee's complaints line set up further to the mandatory condition shown in the attachment hereto).

The licensee must provide a copy of the consultant's brief to the EPA for approval prior to engagement of any consultant. The assessment scope must (at a minimum but not be limited to):

- include issue of odour diaries or logs to complainants to facilitate the detailed identification and characterisation of odour from the premises;

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- undertake a detailed analysis of available data such as complaints history and location, odour logs/ diaries, meteorological data, waste water irrigation operational parameters within 3 months of written advice from the EPA that condition U1 has been triggered;
- provide the consultant's report directly to the EPA's Armidale office within 3 months documenting the results of the complaints investigation and provide recommendations; and
- provide feedback on the investigation to the complainants.

U3. Investigation of offensive odour as a result of operations from the premises

U3.1 If in the opinion of an EPA authorised officer emissions of offensive odour have been released from the premises, this PRP must be implemented upon written request from the EPA. On triggering of this condition, the odour impact assessment will be included as a Pollution Reduction Program (PRP) on the licence.

U3.2 Within 6 months of the date of the written request as determined in condition U3.1, the Licensee must develop a program to investigate and implement works and/or management actions to ensure compliance with s129 of the POEO Act, and submit a report to the EPA Armidale office.

U3.3 The program must include the following as a minimum:

- a) Undertake community consultation with complainants and potentially affected sensitive receptors including advising of proposed investigations and actions;
- b) Undertake the environmental audit as specified under condition E2;
- c) Undertake a technical review of all identified odour mitigation options and the potential reduction (quantitatively evaluated) in odour impacts associated with each odour mitigation option;
- d) Undertake a cost/benefit analysis of all odour mitigation options; and
- e) Identify the most cost effective odour mitigation option(s) to enable compliance with s129 of the POEO Act.

U3.4 A formal report on the findings of U2.3 must be submitted to the EPA for approval. The report must present a time frame for implementing the most cost effective mitigation measure identified in U2.3 (e).

U3.5 Upon receiving written EPA agreement with the report at U3.4, the licensee must implement the necessary mitigation option at U2.3 (e) or other action approved by EPA.

U3.6 If following implementation of mitigation options identified at U3.3(e) or other actions approved by EPA, emissions of offensive odour continue to be released from the premises, further appropriate mitigation measures must be implemented by the licensee.

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Attachment – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- waste water irrigation; and
- waste water and nutrient utilisation through growing, harvesting and removing fodder crops and pastures grown on the wastewater utilisation areas

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

- This includes:
 - the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
 - must be maintained in a proper and efficient condition; and
 - must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

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.

- The record must include details of the following:
 - the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;

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the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant;
and

if no action was taken by the licensee, the reasons why no action was taken.

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

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

Telephone complaints line

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.

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.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a Statement of Compliance; and
 - 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

An Annual Return must be prepared in respect of each reporting, 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.*

- Where this licence is transferred from the licensee to a new licensee,
 - 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
 - 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.*

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

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Deadline for Annual Return

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

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

- The notification must specify:
 - the assessable pollutants for which the actual load could not be calculated; and
 - the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

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

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.

A person who has been given written approval to certify a Statement 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 this licence.

Notification of environmental harm

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

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

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

Written report

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,

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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.

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.

- The request may require a report which includes any or all of the following information:
 - the cause, time and duration of the event;
 - the type, volume and concentration of every pollutant discharged as a result of the event;
 - 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
 - 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;
 - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 - any other relevant matters.

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 conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.



General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference		90 ERM2011/1094	File No:	TAM6364624
Site Address		197 Marsden Park Road Calala 2340.		
DA Number		DA0145/2012		
LGA		Tamworth Regional Council		
Number	Condition			
Plans, standards and guidelines				
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA0145/2012 and provided by Council:</p> <ul style="list-style-type: none">(i) Site plan, map and/or surveys(ii) Structural design and specifications(iii) Works Schedule(iv) Erosion and Sediment Control Plan(v) Soil and Water Management Plan <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>			
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>			
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none">(i) Works Schedule(ii) Erosion and Sediment Control Plan(iii) Soil and Water Management Plan			
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</p> <ul style="list-style-type: none">(i) Laying pipes and cables in watercourses(ii) In-stream works			

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DA Number	DA0145/2012		
LGA	Tamworth Regional Council		
Number	Condition		
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.		
Rehabilitation and maintenance			
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.		
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.		
Reporting requirements			
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.		
Security deposits			
9	N/A		
Access-ways			
10	N/A		
11	N/A		
Bridge, causeway, culverts, and crossing			
12	N/A		
13	N/A		
Disposal			
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
Drainage and Stormwater			
15	N/A		
16	N/A		
Erosion control			
17	N/A		
Excavation			
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
19	The consent holder must ensure that any excavation does-not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.		

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DA Number		DA0145/2012		
LGA		Tamworth Regional Council		
Number	Condition			
Maintaining river				
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.			
21	N/A			
River bed and bank protection				
22	N/A			
23	N/A			
Plans, standards and guidelines				
24	N/A			
25	N/A			
26	N/A			
27	N/A			
END OF CONDITIONS				

CONDITIONS OF CONSENT

Prior to Work Commencing

- 1) Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of work for the main business identification sign:
 - a. obtain a construction certificate from either Council or an accredited certifier;
 - b. appoint a Principal Certifying Authority (and advise Council of the appointment, if it is not the Council);
 - c. give at least 2 days notice to Council of the intention to commence work.
- 2) The applicant must obtain approval from the roads authority in accordance with Section 138 of the Roads Act 1993 to undertake works in the Road Reserves.
- 3) The applicant must obtain any appropriate lease or enter in an agreement with Tamworth Regional Council for the occupation and use of the Road Reserves.
- 4) Sediment and erosion control measures that will minimise damage to and avoid pollution of the environment must be installed prior to the commencement of any construction.
- 5) The contractors engaged on the construction of the pipeline must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to the commencement of work and upon request, during the progress of the work

Prior to Issuing an Approval under Section 138 of the Roads Act 1993

- 6) Road reserves for the entire length of the pipeline shall be established by a Registered Surveyor and a detailed identification survey of all features and service utilities within the road reserves shall be undertaken to determine the most practical alignment for the pipeline.
- 7) The detailed identification survey shall be used to develop Engineering plans prepared by a Chartered Professional Engineer or Registered Surveyor in accordance with Councils Engineering Design Guidelines for Subdivisions and Developments for the alignment, depth and construction of the pipeline within the Road Reserves and shall be submitted to Council for review.
- 8) A Construction Management Plan for the installation of the pipeline within road reserves shall be submitted to Council to review.
- 9) An Environment Management Plan for the installation of the pipeline within road reserves shall be submitted to Council to review.

General

- 10) Compliance is to be achieved at all times with the General Terms of Approval imposed by the Environment Protection Authority (Notice No: 1505821) under the Protection of the Environment Operations Act 1997, dated 16 May 2012 (copy attached).

- 11) Compliance is to be achieved at all times with the General Terms of Approval imposed by the Office of Water (Notice No: 90 ERM2011/1094) under the Water Management Act 2000 (copy attached).
- 12) To ensure the proposed works do not affect the existing trees located within the King George V Avenue road reserve, a qualified, practising Arborist must be present on site at all times during any works adjacent to or within the vicinity of any trees.
- 13) This approval does not grant consent for the removal, lopping or pruning of any trees located within the Council road reserve.
- 14) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 15) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.
- 16) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.

During Construction

- 17) Traffic Control in accordance with Australian Standards must be implemented and maintained for the protection of the workers and users of the road reserves.
- 18) Erosion and sediment control facilities shall be provided and maintained to avoid damage to and/or pollution of the environment during construction.
- 19) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday 7.00am to 5.00pm;

**Saturday 8.00am to 1.00pm if audible on other residential premises,
otherwise 7.00am to 5.00pm;**

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

The developer shall be responsible to instruct and control his sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above

Inspections

- 20) Inspection - It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning

and Assessment Act 1979. The owner may appoint either the Council or an accredited certifier to be the PCA.

Prior to Commencement of Operations

- 21) One A1 set of approved construction drawings shall be amended to show the "work-as-executed" and submitted to Council. The drawings shall be revision/version "W" and be certified by a Registered Surveyor or a Chartered Professional Civil Engineer. The plans must include Easting and Northing MGA (Zone 56) coordinates with AHD levels at all bends in the pipe and at no greater than 250m increments along straight sections of pipe within all Road Reserves.

A 'pdf' version of the "work-as-executed" plans shall also be submitted to ensure that adequate electronic records are maintained of private infrastructure in public road reserves.

An 'AutoCAD' file of the "work-as-executed" plans is required to upload into Council's Geographic information System