



Your reference: DA 2014-20
Our reference: EF13/5561; DOC14/21482-08
Contact: Jason Price 02 6969 0700

The General Manager
Hay Shire Council
PO Box 141
HAY NSW 2711

Attention: Jack Terblanche

Dear Mr Dwyer

Re Development Application No 2014-020

Thank you for your letter dated 21 February 2014 to the Environment Protection Authority (EPA) about the development application received by Hay Shire Council for the proposed cotton gin facility at Lot 21 DP 756797 Cobb Highway near Hay.

The EPA has responsibilities for pollution control and environmental management under the *Protection of the Environment Operations Act 1997*. Following a review of the information provided including the revised air quality impact assessment we are able to issue our General Terms of Approval (GTA's) for the proposed development.

The GTA's are provided in Attachment 'A' and relate to the development as proposed in the documents and information provided by council and the applicant. Attachment 'B' provides the mandatory conditions that apply to all Environment Protection Licences. Should council grant development consent for this proposal, we recommend that these conditions be incorporated into the consent.

In the event that the development is modified either by the applicant prior to the granting of the consent, or as a result of conditions imposed by council or the Western Joint Regional Planning Panel, we request that further consultation occurs with us about the proposed changes prior to the consent being issued. This will enable us to determine whether our GTA's are required to be modified as a result of any proposed alterations.

Should development consent be granted it will also be necessary for the proponent to make application to the EPA for an Environment Protection Licence to operate the cotton gin consistent with the development application for the proposal and our GTA's.

If you have any further enquiries about this matter please contact Jason Price by telephoning 02 6969 0700.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Wallett', with a stylized, cursive script.

19/5/14

DARREN WALLETT
Head, Griffith Unit
Environment Protection Authority

cc The Chief Executive Officer
Auscott Properties Limited
Suite 301
56 Pitt Street
SYDNEY NSW 2000

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Attachment 'A'

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application No 2014-20 submitted to Hay Shire Council about the 21 February 2014.
- The environmental impact statement titled 'Environmental Impact Statement for the Construction and Operation of the Hay Cotton Gin' dated March 2014 relating to the development.
- Addendum Environmental Impact Statement for the Construction and Operation of the Hay Cotton Gin, SMK Consultants, April 2014.
- Advitech (2014) Hay Cotton Gin Level 1 Air Quality Impact Assessment, Auscott Ltd, 2 April 2014.
- Modelling input files, email from Advitech (Dr Carl Fung) to NSW EPA (Mr Jason Price); and
- Pacific Environment Limited, Level 2 Air Quality Assessment - Hay Cotton Gin, 13 May 2014

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Discharges to air and water and applications to land

P1. Location of monitoring/discharge points

P1.1 The following points referred to in the table below are identified for the purposes of monitoring and /or setting 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 emissions monitoring	Discharge to Air	#1A Hot Air Pull <description of location with reference to map>
2	Air emissions monitoring	Discharge to Air	#2A Hot Air Pull <description of location with reference to map>
3	Air emissions monitoring	Discharge to Air	Pre-Cleaning and module dust<description of location with reference to map>

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4	Air emissions monitoring	Discharge to Air	Overflow <description of location with reference to map>
5	Air emissions monitoring	Discharge to Air	Trash House <description of location with reference to map>
6	Air emissions monitoring	Discharge to Air	Sentinel II 1A <description of location with reference to map>
7	Air emissions monitoring	Discharge to Air	Sentinel II 1B <description of location with reference to map>
8	Air emissions monitoring	Discharge to Air	Battery Condenser <description of location with reference to map>
9	Air emissions monitoring	Discharge to Air	Lint Cleaner Trash Mote A <description of location with reference to map>
10	Air emissions monitoring	Discharge to Air	Lint Cleaner Trash Mote B <description of location with reference to map>
11	Air emissions monitoring	Discharge to Air	Mote Cleaner Trash <description of location with reference to map>

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in connection with the carrying out of the development.

L2. Waste

L2.1 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 a licence under the Protection of the Environment Operations Act 1997.

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L2.3 There must be no incineration or burning of any waste at the premise.

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L3. Concentration limits

L3.1 For each monitoring/discharge point specified in the table below (by a point number), the applicant must not exceed the concentration limits specified for the pollutant in the table.

L3.2 Air discharge concentration limits

POINT 1

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m ³	50	Dry, 273K, 101.3kPa	1-hour

POINT 2

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m ³	20	Dry, 273K, 101.3kPa	1-hour

POINT 3

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m ³	40	Dry, 273K, 101.3kPa	1-hour

POINT 4

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m ³	30	Dry, 273K, 101.3kPa	1-hour

POINT 5

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m ³	50	Dry, 273K, 101.3kPa	1-hour

POINT 6

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m ³	20	Dry, 273K, 101.3kPa	1-hour

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POINT 7

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m ³	10	Dry, 273K, 101.3kPa	1-hour

POINT 8

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m ³	30	Dry, 273K, 101.3kPa	1-hour

POINT 9

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m ³	30	Dry, 273K, 101.3kPa	1-hour

POINT 10

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m ³	15	Dry, 273K, 101.3kPa	1-hour

POINT 11

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m ³	30	Dry, 273K, 101.3kPa	1-hour

L4. Hours of construction work

L4.1 All construction work at the premises must only be conducted between Monday to Friday 7.00am to 6.00pm and Saturdays between 8.30am and 1.00pm.

L4.2 The hours of construction specified in conditions L3.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L5. Processing limits

L5.1 The premise must not process more than 250 000 tonnes of raw cotton seed per annum.

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L6. Noise limits

L6.1 Noise from the premises must not exceed:
an LAeq (15 minute) noise emission criterion of 35 dB(A) at any time.

L6.2 Noise from the premises is to be measured at nearest sensitive receptor not related to the development to determine compliance with this condition.

Definition

LAeq (15 minute) is the equivalent continuous noise level - the level of noise equivalent to the energy average of noise levels occurring over a measurement period of 15 minutes.

Note: Noise measurement

For the purpose of noise measurement required for this condition, the LAeq noise level must be measured or computed at the nearest residential receiver not related to the development over a period of 15 minutes using "FAST" response on the sound level meter.

For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:

*1 metre from the facade of the residence for night time assessment;
at the residential boundary;
30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.*

Operating conditions

O1. Odour

O1.1 No condition of 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.

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O3. Removal of composted material

O3.1 If composted cotton trash material is removed from the premise, the licensee must record:

a) the date of removing the material;

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- b) the estimated weight of the material; and
- c) the location the material was deposited.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

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

in a legible form, or in a form that can readily be reduced to a legible form;

kept for at least 4 years after the monitoring or event to which they relate took place; and

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: the date(s) on which the sample was taken;

the time(s) at which the sample was collected;

the point at which the sample was taken; and

the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

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

M2.1 Air monitoring requirements

Points 1-11

Pollutant	Units of measure	Frequency	Sampling Method
Solid Particles (Total)	mg/m ³	Post commissioning	TM-15
Moisture	%	Post commissioning	TM-22
Molecular weight of stack gases	g/g.mol	Post commissioning	TM-23
Oxygen	%	Post commissioning	TM-25
Temperature	°C	Post commissioning	TM-2

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Velocity	m/s	Post commissioning	TM-2
Volumetric flow rate	m ³ /s	Post commissioning	TM-2
Selection of sampling positions	-	-	TM-1

M3. Requirement to monitor volume or mass

M3.1 For each discharge point or utilisation area specified below, the applicant must monitor:
 the volume of liquids discharged to water or applied to the area;
 the mass of solids applied to the area;
 the mass of pollutants emitted to the air,
 over the interval, at the frequency and using the method and units of measure, specified below.

Pollutant	Units of measure	Frequency	Sampling Method
To be determined (Cotton trash and mulching location)	Tonnes	Continuous	Estimate

M4. Testing methods - concentration limits

M4.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:
 any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), 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 2010* 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".

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Reporting conditions

R1. Annual returns

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable.

Special conditions

E1. Post commissioning air emission report

E1.1 By 1 August 2015 the licensee must submit a written report to the EPA detailing the results of post commissioning source emissions sampling and analysis undertaken in accordance with the requirements specified in condition M2.1. The report must assess compliance with the limit conditions specified in condition L3.2.

E2. Unsealed road management plan

E2.1 By 1 May 2015 the licensee must submit an Unsealed Road Air Quality Management Plan to the EPA. The report must include, as a minimum, the following regarding the proposed watering of haul roads to achieve 75% control of dust emissions:

- **Key performance indicators (KPI)** such as watering application rates, frequency and locations, soil moisture content benchmarks and upper limits of silt loading.
- **Monitoring method** to quantify source control effectiveness and enable direct comparison with units of measure relevant to each KPI.
- **Location, frequency and duration of monitoring** which must be relevant to each nominated KPI
- **Record keeping** to ensure they are kept up to date and accurate to allow auditing of EPL and management plan conditions
- **Response mechanisms**; and
- **Compliance reporting.**

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Attachment 'B' – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

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

- Composting
- Waste storage

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;
 - 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.

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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').

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.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA and other relevant authorities 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 can 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,

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

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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.