JOINT REGIONAL PLANNING PANEL

(Western Region)

JRPP No.	**JRPP Reference Number**
DA No.	**DA 2014-20**
Local Government Area	**Hay Shire Council**
Proposed Development	**Proposed Cotton Gin (Auscott Properties Ltd)**
Street Address	**Lot 21 DP756792, Cobb Highway, Hay NSW 2711**
Applicant/Owner	**Auscott Properties Ltd**
Number of Submissions	**None**
Regional Development Criteria (Schedule 4A of the Act)	**Yes**
List of All Relevant s79C(1)(a) Matters	**Attached Planning Assessment Report**
Recommendation	**Approval with Conditions**
Report by	**Daris Olsauskas IN2PLANNING PTY LTD and Brad Carmady BOSAKE ENVIRONMENTAL on behalf Hay Shire Council**

Assessment Report and Recommendation Cover Sheet

WESTERN JOINT REGIONAL PLANNING PANEL

PROPOSED COTTON GIN (AUSCOTT PROPERTIES LTD)

LOT 21 DP756792
COBB HIGHWAY
HAY NSW 2700

APPLICATION NO. DA2014-20

Submitted to: Western Joint Regional Planning Panel

Assessment Manager: Michael Ryan
Booth Associates

Assessment Officers: Daris Olsauskas
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Brad Carmady
Bosake Environmental Planning

On behalf of Hay Shire Council

21 May, 2014

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LIST OF ACRONOMYS AND ABBREVIATIONS

AEP	Annual Exceedance Probability
BCA	Building Code of Australia
CASA	Civil Aviation Safety Authority
CLM	Contaminated Land Management
DA	Development Application
dB	decibel
DCP	Development Control Plan
DGR	Director General's Regulations
DUAP	Department of Urban Affairs and Planning
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EPA Act 1979	Environmental Planning & Assessment Act 1979
NSW EPA	New South Wales Environmental Protection Authority
JRPP	Joint Regional Planning Panel
MIA	Murrumbidgee Irrigation Area
LEP	Local Environment Plan
NSWALC	NSW Aboriginal Land Council
NCC	National Construction Code
OEH	NSW Office of Environment and Heritage
OLS	Obstacle Limitation Surface
OEMP	Operational Environmental Management Plan
PANS-OPS	Procedures for Air Navigational Services-Aircraft Operations
PM	Particulate Matter
RFI	Request for Information
RFS	Rural Fire Services
RMS	NSW Roads and Maritime Services
ROW	Right of Way
SEPP	State Environmental Planning Policies
SWMP	Surface Water Management Plan
TRS	Travelling Stock Route

1.0 PURPOSE

The purpose of this report is to provide town planning assessment of the Development Application (DA) and Environmental Impact Statement (EIS) for a proposed cotton processing gin to be constructed south of Hay in NSW. The DA and EIS have been prepared by SMK Consultants on behalf of Auscott Properties Limited, who is the proponent for the development.

This assessment report has been prepared on behalf of Hay Shire Council. Council has sought external expertise to complete this assessment. This report incorporates technical comments from Council officers in respect of relevant engineering matters and building construction advice under the Building Code of Australia (BCA).

2.0 SUMMARY

The proposed development is a significant development proposal to support the processing of raw cotton. The proposal represents a major economic investment within the local area and region. The economic and social benefits of locating this facility within close proximity to Hay will have a direct benefit to that local community.

The environmental impacts associated with this proposal will occur during construction and operation of the facility, as well as with those works and activities required to support the development of this site.

These impacts have been fully explored and the assessments completed as part of this application have undergone review by relevant agencies. There is confidence that the development can proceed, subject to mitigation and environmental management arrangements. These arrangements are reflected in recommended conditions of approval Annexure 1.

Assessment Officer's Recommendation to WJRPP

A. That pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979) (as amended)* and Section 138 of the *Roads Act 1993* it is recommended that the consent, is granted subject to conditions as recommended in this report and included in Annexure 1.

B. Those agencies that made submission to the proposal, provided concurrence or General Terms of Approval be forwarded a copy of the Notice of Determination.

3.0 TOWN PLANNING REPORT

Application No.	DA 2014-020
Date Lodged	21 February, 2014
Development Proposal	Construction and operation of a Cotton Gin Facility to process up to 250,000 tonnes of raw seed cotton per annum
Property Address	Lot 21 DP756797 Cobb Highway, Hay
Legal Description	Lot 21 DP756797 Parish of Twynam and Abercrombie
Easements/ROWs	N/A
Applicant/Proponent's Name	Auscott Properties Limited
Landowner's Name	Auscott Properties Limited
Zone	RU1 Primary Production

4.0 INTRODUCTION

This report is an assessment of DA No. 2014-020 (as exhibited) having regard to those matters identified under Section 79C of the *Environmental Planning & Assessment Act 1979* (EPA Act 1979). A copy of the DA and supporting plans of the proposed development are included in Annexure 2.

5.0 BACKGROUND

DA No. 2014-020 was lodged with Hay Shire Council on 17 February, 2014 and registered with the Joint Regional Planning Panel (JRPP) on 19 February, 2014.

Council proceeded to:

- Refer the DA/EIS to NSW Road and Maritime Services (RMS) and the NSW Office of Environment and Heritage;
- Refer the DA/EIS to NSW Environment Protection Authority (EPA) as integrated development;
- Notify adjoining land owners;
- Publicly notified the proposal;
- Erect a sign advertising the development proposal at the commencement of the exhibition period; and
- Exhibit the DA and EIS from 19 February, 2014 to 22 April, 2014.

Preliminary review of the DA and supporting documentation identified a number of errors and deficiencies in the DA/EIS submitted to Council.

A draft Request for Information (RFI) was provided to the Proponent on 26 February, 2014 and formalised on 6 March, 2014. A copy of this initial RFI was also provided to relevant referral agencies.

This additional information was received by Council on 10 March, 2014. The revised documentation was also provided to referral agencies. The formal exhibition period was extended by Council until 22 April, 2014.

This report includes assessment of the following material received by Hay Shire Council during and post exhibition of the DA/EIS (in chronological order):

- Certification of the preparation of the EIS dated 17 March, 2014;
- Request for staging lodged with Hay Shire Council 18 March, 2014;
- Level 1 Air Quality Impact Assessment report dated 2 April, 2014 Letter of owner's consent from NSW Crown Lands dated 8 April, 2014;
- Addendum dated 7 May, 2014 containing an assessment of the proposal against the principles of ecologically sustainable development as set out in Schedule 2 Clause 7(1)(f) of the *Environmental Planning and Assessment Regulation 2000* and summary Dust Impact Assessment;
- Revised Operational Environmental Management Plan dated 7 May, 2014; and
- Level 2 Air Quality Assessment report dated 13 May, 2014.

Copies of these documents are attached in Annexure 3.

6.0 PROPOSAL IN DETAIL

The proposed development includes a number of specific components. These are summarised as follows:

1. The construction and operation of a cotton gin facility with the capacity to process up to 250,000 tonnes of raw seed cotton. This gin facility will be located within the boundaries of Lot 21 and will consist of the following buildings and associated works:

    - A cotton module storage yard for the storage of seed cotton modules (round bales) consisting of two cells. Cell 1 storing 1,020 modules on all-weather gravel construction, and Cell 2 storing 1,020 modules on formed soil rows;
    - A gin shed (120m long x 55m wide x 20m high) which will enclose all ginning equipment to produce the lint cotton. This will include a 14m wide awning and 44m long feeder bay;
    - A cotton seed storage shed (128m long x 40m wide x 20m high) to store a maximum of 20,000 tonnes of cotton seed removed by the ginning process;
    - A lint cotton bale storage shed and covered bale loading area (100m long x 38m wide);
    - A collection hopper for the temporary storage of cotton by-product;
    - A by-produce storage system including a collection hopper at the bin and by-product storage/mulching/composting area including construction of levee banks around this area;
    - An office and weighbridge (40m long) for the management and administration of the site;
    - Internal gravel roads, car and truck parking areas; and
    - A workshop area – gin site and machinery.

2. Ancillary development within and outside of Lot 21 includes:

    - Construction of landscaped areas within the site to screen the site, provide buffers between the gin activities and to facilitate wind dispersion across the site;
    - The construction of an on-site sewage disposal system for toilets and bathrooms within the facility;
    - The erection of signage at the front entrance of the gin site to identify and advertise the cotton gin, provide directions for contractors, provide general safety information and advice to visitors;
    - The construction of two on-site sediment ponds (30,000m^3 and 10,000m^3 capacity) and site drainage system for stormwater management;
    - The construction of a new partly sealed access road (40m) from the Cobb Highway to the site and new sealed intersection at the highway;
    - A 5km long service line extension and services corridor from the Hay Rice Storage facility for 33kV electricity supply and telecommunications. An underground data cable for high speed telecommunications will be extended from the Sturt Highway to the gin site;

- Water supply via on-site groundwater bore and extension of Council raw supply from the Hay Rice Storage facility;
- A 60,000L LPG gas storage tank;
- An on-site above-ground diesel storage tank with bunding;
- Disposal of mulched/composted waste by-product on adjoining agricultural land;
- On-site water storage tanks for firefighting purposes; and
- Security fencing and agricultural fencing of the site.

Figure 1: Cotton Gin Site Development Layout

3. Operational activities will include:

- Cotton gin processing;
- Truck and light vehicle movements during peak and off-peak gin operations;
- Internal road watering; and
- Mulching/composting and transportation of waste by-product.

The Proponent has requested that Council and the JRPP by letter dated 18 March, 2014 to consider a staged approval for the development being:

- **Stage 1** – Approval to commence civil works to undertake the earthworks, gravelling, erection of buildings and installation of cotton ginning equipment and services that are included in DA 2014-020; and
- **Stage 2** – Approval for operation of the cotton gin and ancillary activity on the site including receiving raw seed cotton, ginning and despatch of processed cotton products.

This request requires consideration in terms of how the development if approved is to proceed.

For the purposes of this assessment this request is not considered to be a formal modification of the proposal as a staged development under *Section 83B of the EPA Act 1979* as the Proponent has not indicated that it seeks to defer certain matters to separate subsequent DAs. The key issues raised in this request are related to future construction and production timeframes.

The staging of the proposal as submitted does not acknowledge the post determination obligations of the proponent to satisfy certain matters prior to, and whilst moving through the construction process. This involves a number of stages.

The current proposal is consistent with the planning principle associated with staging established by the NSW Land and Environment Court which states:

> *"the principle we have adopted is that in multi-stage applications the information provided with Stage 1 should respond to all those matters that are critical to the assessment of the proposal."*

Accordingly this report recommends conditional approval of the full proposal as presented to Council and the JRPP. It is considered there is sufficient information addressing the critical matters relating to the proposed development for conditional approval to be considered.

The recommended structure of the draft consent presented in this report acknowledges the accelerated timeframe sought by the Proponents as well as the various stages in a complex proposal of this size and scale.

The draft consent presented to the JRPP incorporates only the conditions in response to consultation with agencies including the RMS.

The General Terms of Approval provided by the NSW EPA are both identified within the draft consent and are included as an attachment to the draft consent.

6.1 Site Location

Lot 21 is located approximately 10km south of the Hay Township. It forms part of a larger existing agricultural holding used for dryland grazing operations. Lot 21 has an area of approximately 259ha.

Lot 21 is located on the western side of the Cobb Highway approximately 500m to 600m from the road. The site has informal access available through an adjoining Travelling Stock Route (TSR) that adjoins the Cobb Highway. This informal access is located approximately 1km to 2km south of the intersection of the Cobb Highway with the Jerilderie Road. The site is highly visible from the Cobb Highway and surrounding local area. Lot 21 is generally flat with a slight fall of <05m from the east to the western boundary.

Lot 21 contains no trees. Vegetation across the site is described in the EIS as shrubland which is generally characteristic of the non-irrigated Hay Plain local area. Improvements on Lot 21 consist of stock fencing, a temporary gateway and a stock watering point. Some works have been carried out on site for the establishment of survey of the southern boundaries of Lot 21.

The site is relatively remote, in terms of development, with the nearest adjoining development, being the Rosevale homestead located 4.8km to the east/southeast of the site on the Jerilderie Road. Hay airport terminal is 8.3km to the north and the Hay Rice Storage facility approximately 6km to the north/northeast.

6.2 Referrals

Hay Shire Council also referred the DA/EIS to NSW RMS and the NSW OEH.

The NSW RMS have a statutory concurrence role and is mainly concerned with the provision of safe access between the subject site and the public road network and the impact of the development on the safety and efficiency of the Classified Road Network. As the subject site has frontage and access to the Cobb Highway, which is a classified road, within a 110km/hour speed zone.

Council sought comments and advice from NSW OEH regarding biodiversity and archaeological findings.

The proponent independently referred the EIS to the Riverina Local Land Services and the NSW Aboriginal Land Council.

Responses from these agencies are included in Annexure 4 and each submission is addressed further within this report.

The proposed development has been identified as Integrated Development under *Section 91 of the EPA Act 1979*.

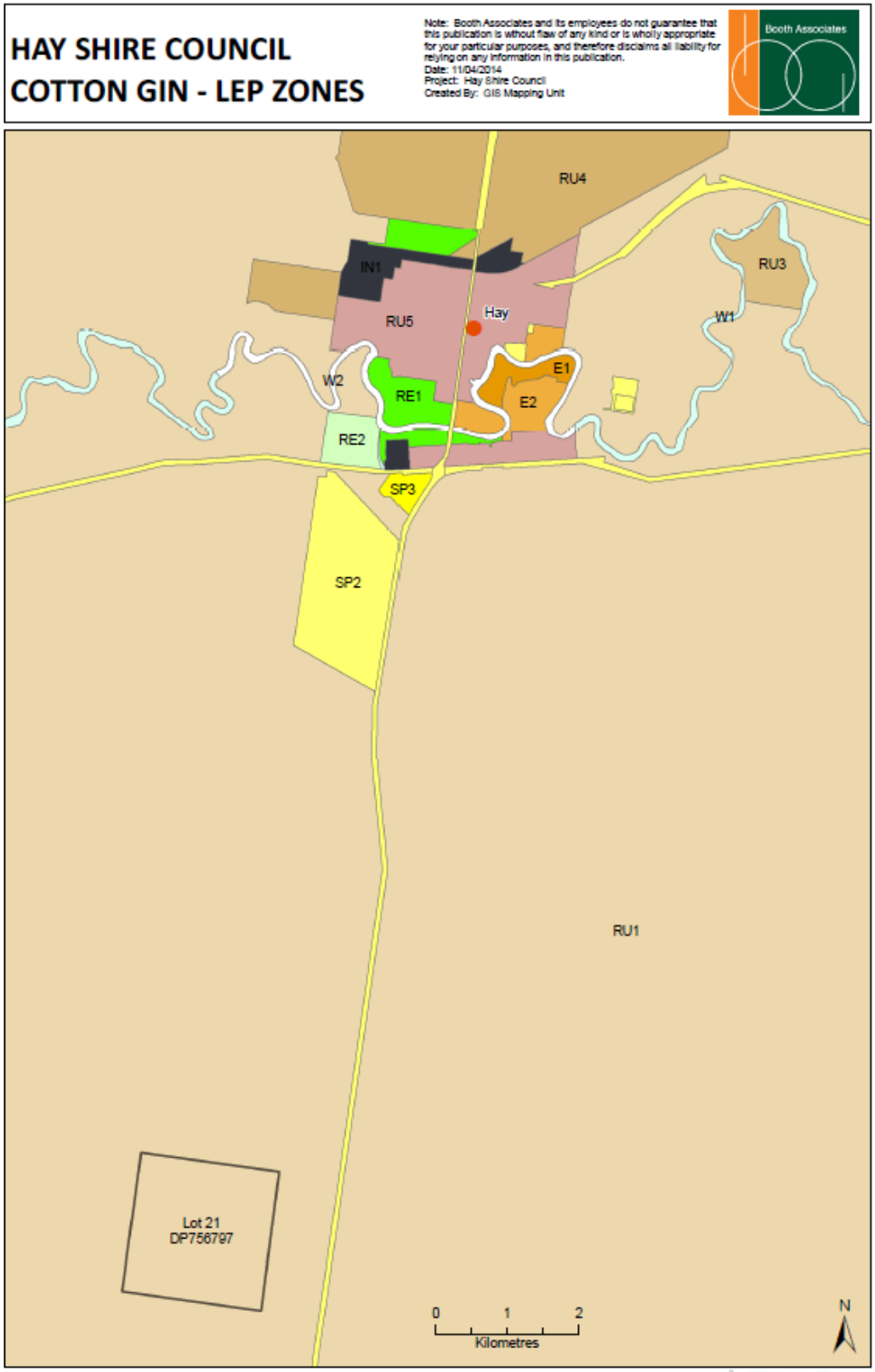
The DA/EIS was referred to the NSW EPA. The EIS specifically identifies that an Environmental Protection Licence under the *Protection of the Environment Operations Act 1997* is required for the operation of the proposed cotton gin.

The response and General Terms of Approval from the NSW EPA dated 19 May, 2014 is attached in Annexure 5.

Figure 2: **Locality Plan**

Figure 3: **Cotton Gin Site**

Figure 4: **Cotton Gin LEP Zones**



8.0 ASSESSMENT DETAILS

The proposed development has been assessed against the provisions and requirements of the following relevant planning controls affecting the proposal.

State Environmental Planning Policies (SEPPs)	The proposed development is assessed against the following relevant State Environmental Planning Policies. **SEPP Infrastructure 2007** SEPP Infrastructure replaces previous SEPP11 Generating Development which affects the proposal development. Referral to NSW Road and Maritime Services is required under Schedule 3 which identifies threshold for development adjoining classified roads. Schedule 3 identifies that industrial uses that cover an area of greater than 5,000m² are formally referred for concurrence of the NSW RMS. A Traffic Impact Statement has been submitted with the proposal for consideration and the proposed development has been referred to NSW RMS under Clause 104 of the SEPP. **SEPP (Major Development) 2005** SEPP Major Development 2005 identifies the operation of SEPP (State and Regional Development) 2011 under Clause 2(A) (2) in respect of the proposed development. **SEPP (State and Regional Development) 2011** Clause 20 of the SEPP identifies that regional development under Schedule 4A of the *EPA Act* 1979 that will be determined under Part 4 of the *EPA Act 1979* by the Southern Joint Regional Planning Panel. Schedule 4A of the EPA Act 1979 identifies the following Council development will be determined by the Joint Regional Planning Panel: 4. General development over $20 million. Development that has a capital investment value of more than $20 million. The proposed development exceeds the $20 million threshold and is to be determined by the Joint Regional Planning Panel.

SEPP 55 Remediation of Land

Clause 7 of SEPP 55 to the proposed development.

A consent authority must not consent to the carrying out of any development on land unless:

- It has considered whether the land is contaminated, and
- If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Table 1 of the *Contaminated Land Guidelines* supporting SEPP 55 identifies that the current use of the land for agriculture an activity that may cause contamination.

A separate site contamination preliminary assessment was completed and the findings of this assessment conclude:

The investigation indicated that the land utilised for livestock grazing on the property has some potential for contamination resulting from isolated application of various herbicides. No rubbish tips or areas of chemical or fuel spill were noted on Lot 21. The contamination could be described as a dispersed contamination, in that not all of the land would retain residues. The presence of these chemicals is considered normal farming practise for the control of weeds.

When considering the nature of the proposed use of the site it is considered that no further information or assessment of land contamination is required.

A preliminary search of the NSW CLM register indicated no information or notices under the *Contaminated Land Management Act 1997* relating to the land. Consultation with Council has not suggested that the land has any issues associated with historical contamination.

	SEPP 33 Hazardous and Offensive Development SEPP 33 defines potentially hazardous industry and potentially offensive industry and details the matters for consideration by consent authorities. The DUAP publication *Applying SEPP 33 – Hazardous and Offensive Development* Application Guidelines sets out the steps to determine if the policy applies to particular development applications and the requirements for assessing and identifying hazards within a development. The proposed development includes the installation of 60,000L LPG tank on the site and this marks the development as potentially hazardous. A Preliminary Risk Screening and Hazard Analysis, as required by the Director General Requirements, have been provided with the EIS. This is discussed further within this report. **Deemed State environmental Planning Policies** There are no Deemed SEPPs affecting this site.
Local Environmental Plan (LEP) (including draft LEPs)	Lot 21 is located within land affected by the Hay Local Environmental Plan 2011 gazetted on 9 December, 2011. This plan is consistent with the Standard Instrument LEP. **Aims of the Plan** The particular aims of the Plan are as follows: ***a. To protect, enhance and conserve agricultural lands and the contribution they make to the regional economy,*** ***b. To ensure that there is sufficient land to meet the employment needs of Hay,*** ***c. To encourage further urban growth of Hay, Booligal and Maude villages by ensuring there is a range of residential living opportunities,*** ***d. To ensure areas of high ecological value or significant land sensitivity are enhanced for future generations,*** ***e. To give priority to the protection, conservation and enhancement of areas and items of significance for Aboriginal and non-Aboriginal cultural heritage.***

	In considering which of the aims of the Plan are relevant to the proposed development the following are important to the consideration of the site: ▪ The development is to be carried out on land that is currently used as agricultural land and is zoned as RU1 Primary Production; ▪ The development has potential to be a substantial employment generator for the local community with significant multiplier effects; ▪ The need for the development to avoid impacting on any sensitive lands; and ▪ The protection of indigenous and non-indigenous cultural heritage. These matters are discussed further within this report. **Objectives of the Zone** The site has been identified within the RU1 Primary Production Zone. The objectives of this zone are: ▪ ***To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;*** ▪ ***To encourage diversity in primary industry enterprises and systems appropriate for the area;*** ▪ ***To minimise the fragmentation and alienation of resource lands; and*** ▪ ***To minimise conflict between land uses within this zone and land uses within adjoining zones.*** The objectives of the RU1 zone specifically recognise the importance of primary production and the need to support primary industries that are appropriate for the area. There are also fundamental requirements to avoid alienating land resources and reducing the land use conflicts where primary production industries are located near adjoining sensitive land uses. These issues are examined within this report as well as the relative importance of the proposed development to the expansion and development of the irrigated cotton industry. This includes the need to locate these types of facilities within strategic positions across western NSW. The proposal is considered to be consistent with the above zone objectives relevant to the site.

Land Use Definition

The proposed development is defined under the Hay LEP 2011 as:

> *"**Agricultural produce industry** – means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton, seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry."*

Agricultural produce industries are a form of rural industry and a rural industry is defined as:

> *"**Rural industry –** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:*
>
> *(a) agricultural produce industries,*
> *(b) livestock processing industries,*
> *(c) compositing facilities and works (including the production of mushroom substrate,*
> *(d) sawmill or log processing works,*
> *(e) stock and sale yards,*
> *(f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise."*

Permissibility of Proposed Development

The development of an agricultural produce industry is identified in Section 2.3(1) (c) of the Hay LEP 2011 as being development that may only be carried out with development consent.

Other Relevant Provisions

Clause 5.9AA Trees and Vegetation

Consent for the clearing of vegetation on the site will be required and is considered as part of this Development Application and EIS.

	Clause 5.10 Heritage Conservation Heritage assessments have been completed for the proposed gin site as well as the proposed service corridor route from the Hay Rice Shed. The outcomes of the completed assessments are discussed further within this report. **Clause 6.1 Earthworks** The proposed development includes a range of earthworks across the site. The matters identified in Clause 6.1 (3) (a) to (h) are further considered within this report. **Clause 6.2 Essential Services** Development consent must not be granted unless servicing arrangements necessary to support the development are in place. In the case of the proposed gin development there are a range of services that will be extended to the site from the Hay Rice Shed. Access to the site is proposed over adjoining Crown Land utilised as a Travelling Stock Route (TSR). Issues associated with services and road access are discussed further within this report.
	Clause 6.3 Airspace Operations The Hay Aerodrome is located approximately 8.3km to the north of the proposed development site. The Aerodrome is certified by the Civil Aviation Safety Authority (CASA) and operated by Hay Shire Council. The Aerodrome is located at an elevation of 93m and has two runways – one runway is sealed with asphalt and the other has a clay surface. There are two sets of invisible surfaces above the ground around the airport. The airspace above these surfaces forms the airport's protected airspace. These two surfaces are: ▪ Obstacle Limitation Surface (OLS); and ▪ Procedures for Air Navigational Services-Aircraft Operations (PANS-OPS) surface.

The OLS is generally the lowest surface and is designed to provide protection for aircraft flying into or out of the airport when the pilot is flying by sight.

The PANS-OPS surface is generally above the OLS and is designed to safeguard an aircraft from collision with obstacles when the aircraft's flight may be guided solely by instruments, in conditions of poor visibility.

Schedule 5 of the Council's Draft Development Control Plan 2011 identifies the Obstacle Limitation and PANS-OPS affecting the Hay Aerodrome.

The proposed development site is located outside the southern extent of the OLS and PANS-OPS for the aerodrome.

Council, as owner of the aerodrome, has confirmed in writing on 8 April, 2014 that the site is located outside the OLS and PANS-OPS for the aerodrome.

Clause 6.8 Flood Planning

The proposed development site has not been identified within current flood modelling for the Hay Shire. The assessment completed within the EIS also indicates that the site falls outside the Draft Floodplain Management Plan for the Murrumbidgee River. Flood impacts associated with the site are further discussed within this report.

Clause 6.9 Groundwater Vulnerability

The site has not been identified or mapped as having key groundwater systems or vulnerable groundwater resources. The impact on potential water quality and groundwater resources is further discussed in this report.

Clause 6.10 Terrestrial Biodiversity

The site has been identified and mapped as a sensitive area under Clause 6.10. The objectives of this Clause are to maintain terrestrial biodiversity by:

- ***Protecting native flora and fauna;***
- ***Protecting the ecological processes necessary for their continued existence; and***
- ***Encouraging the conservation and recovery of native flora and fauna and their habitats***.

	A separate assessment of the impacts of the proposal on local biodiversity has been undertaken with the EIS and this is further discussed in this report.
Development Control Plans	Hay Shire Council has no adopted Development Control Plans or other development policies that affect this proposed development. The Draft Hay Development Control Plan 2011 was placed on public exhibition from Wednesday, 16 May, 2012 until 13 June, 2012. This draft plan has not been formally adopted by Council; however consideration of the key matters in the draft DCP is warranted. **Plan Objectives** The objectives of the Plan represent the policy framework established to guide all future development within Hay Shire. ▪ ***To manage development such that it encourages orderly and sustainable growth whilst having regard to character, amenity, rural and agricultural productivity and environmental values associated with the Shire.*** ▪ ***To ensure that all development has regard to and reflects the principles of ecologically sustainable development.*** ▪ ***To provide a basis for assessing development applications.*** ▪ ***To provide certainty and confidence about the quality of development within the Shire.*** The current proposal is considered to be consistent with these plan objectives. **Rural Development Objectives** The Rural Development objectives relevant to the proposed development include: ▪ ***Protect the scenic values of the rural landscape and environment and encourage development to be unobtrusive and sympathetic to the surrounding rural setting.*** ▪ ***Maintain and enhance existing vegetation to provide buffers and landscaped visual relief within rural areas.***

	The response to the proposed development to these objectives is considered within this report. There are no specific development standards within the Draft DCP that affect the current proposal. The matters listed in the DCP reflect the application requirements and matters raised within the DGRs for the proposal. There is no specific planning or assessment guidelines specifically for agricultural produce industries issued by the Department of Planning and Infrastructure. The most relevant guidelines that identify agricultural production industries have been prepared by the NSW Department Primary Industries. These guidelines entitled *Preparing a development application for intensive agriculture* dated May 2006 provide some guidance to those matters considered relevant to a development of this type including: ▪ Site suitability; ▪ Relevant process and statutory approvals; ▪ Impacts on adjoining lands; ▪ Environmental impacts; and ▪ Information requirements for the DA/EIS. These matters have been addressed in some detail within the DGRs for the preparation of the DA/EIS for the proposed development is dealt with in this report. There are a number of *Development Assessment Guidelines* contained in the NSW Department of Planning and Infrastructure register that are relevant to the consideration of this proposal. These are detailed in the various relevant sections of this report.
Other Statutory Controls	**Roads Act 1993** The Cobb Highway is identified as a classified road and highway under Division 5 of the *Roads Act 1993*. Part 9 Section 138(1) and (2) identify the requirements regarding works impacting a classified road and that consent may not be given to those works except with the concurrence of the NSW RMS.

	NSW RMS has granted their concurrence to the proposed development and this is discussed further within this report. **Disability Discrimination Act 1992 (DD Act)** The *DD Act* applies to the provision of goods, services and facilities ie when a person wants goods or services from shops, pubs and places of entertainment, cafes, video shops, banks, lawyers, government departments, doctors, hospitals and so on. The *DD Act* prohibits providers of goods, services and facilities from discriminating against a person because of his or her disability. The *DD Act Guidelines* identify that: *"every area and facility open to the public should be open and available to people with a disability. They should expect to enter and make use of places used by the public if people without a disability can do so."* The *Disability (Access to Premises-Buildings) Standards 2010* produced by the Attorney General are applicable to those areas within the proposed development that are accessible to the public. A separate assessment of the proposed development in response to BCA requirements for disabled access has been completed. This assessment also references the *DD Act 1992* in respect of the intent of the legislation and the application to the development site. This assessment provides a number of recommendations relating to the design and construction of the development. These matters will be addressed within the Construction Certificate for the proposal.
Planning Agreements	There are no planning agreements affecting the proposed development.
Draft Environmental Planning Instruments	There are no draft environmental planning instruments affecting the proposed development.
Any prescribed matters in the Environmental Planning and Assessment Regulations 2000	The prescribed matters identified in Clause 189 of the *Environmental Planning and Assessment Regulations 2000* relate to the issue of maintenance, implementation and certification of fire safety measures relevant to the proposed development. The issue of fire safety measures has been considered within the preliminary BCA assessment completed for the site.

9.0 SECTION 79C OF EPA Act 1979

In addition to the assessment of statutory compliance above in this report *Section 79C of the EPA Act 1979* also sets out those matters critical to assessing the impact of the proposed development.

The following is a detailed assessment of those matters.

9.1 The Suitability of the Site for the Development

The site for the proposed development is located within the general rural area of the Hay Shire located to the south of the Hay Township.

There are no specific planning guidelines for this development type. The NSW Department of Primary Industries Guideline – *Preparing a development application for intensive agricultural industries 2006* (The Guideline) provides some guidance to important suitability considerations for a range of rural industries including practical, financial and environmental arrangements to support the proposal.

The Guideline lists a range of planning and environmental issues that are addressed within the DA/EIS and this report. In terms of specific suitability of this site the following additional matters are relevant:

9.2 Size and Shape of the Land

The Guideline suggests that the site needs to meet the needs of the development. The proposed cotton gin development is of a size and scale that requires substantial and unrestricted land area for functional and operational matters. The site forms part of a larger agricultural holding and the site is clearly of sufficient size to accommodate the proposed development and any future expansion of the facility.

9.3 Proximity to Neighbours

The Guideline suggest that buffering large scale developments from adjoining sensitive land uses is critical in terms of assistance to mitigate noise, dust and other emissions. The distances identified within the EIS reporting to adjoining sensitive development highlights the ability to buffer this site through the physical separation of the development from adjoining land uses.

9.4 Proximity to Raw Materials and Markets

The EIS provides some information around the strategic decision to locate a processing gin at Hay. The area of cotton in the Murrumbidgee was 6,700ha in 2003/04 and all of this cotton was grown around Hay and not in the Murrumbidgee Irrigation Area (MIA) near Griffith. During the 2011/12 season, due to increased river allocations and high prices, the area of cotton grown in the MIA increased to 35,000ha. In terms of industry an estimate of bale yields per ha (10 – 11 bales) this equates to approximately 350,000 bales. The site is within close proximity to one of the major cotton growing areas within the Riverina region.

9.5 Proximity to Existing Road Networks

The processing operation relies heavily on access to the existing heavy haulage road networks both for transportation of raw materials, but also the movement of finished products to transport hubs – eg rail sidings in Deniliquin and the Port of Melbourne.

9.6 Alternative Locations

The development of agricultural produce industries may in some cases be directed and adequately catered for within industrial zoned areas. The industrial zoned areas of Hay are located on the northern edge of the town and they support a range of existing agricultural and general service industries. These zoned lands are in close proximity to existing residential and commercial areas of the town. In evaluating alternative locations the existing industrial zoned areas are not large enough or in a location that would support a development of this scale without substantial impacts on the town.

In summary the current site would appear to be suitable to support the development as proposed.

9.7 Does the Proposal Fit in the Locality?

The site is located at the southern edge of the Hay Township and is located within the general landscape of the Hay Plains.

The Murrumbidgee River is the only physical feature that defines the southern edge of Hay Township. The Sturt Highway runs in a general east/west direction south of the river. Immediately adjoining the highway are a number of related service activities, including accommodation and service stations. The intersection of the Sturt and Cobb Highways is located within this area south of the river.

Along the Cobb Highway progressively south of Hay Township are the Shear Outback Tourism complex, the Hay Aerodrome and the Hay Rice Shed. The Hay Rice Shed is the closest development to the site of the proposed cotton gin.

The proposed cotton gin development is not dissimilar to the larger existing developments located along the Cobb Highway south of Hay.

It is acknowledged that the development will be of a scale and size that will significantly impact on the locality and landscape. However given the nature of the nearby developments the proposal is not considered to be inconsistent with development in the immediate locality. Mitigating the impacts on the immediate locality of developments of this scale and size is challenging. The scale, size and impacts on the landscape of the proposal are discussed further within this report.

10.0 THE LIKELY IMPACTS OF THAT DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY

10.1 Context and Setting

The development site is within the Riverina Plains landscapes in the region. There has been no formal assessment or study of these landscapes to identify the key landscape characteristics and appropriate ways to mitigate visual impacts of development within this landscape.

There is also limited assessment within the EIS on the type of visual impacts the current proposal will have in the locality.

In terms of assessing the development for the purposes of this report the visual impacts of the proposal are assessed giving consideration to the following:

- The current land use and character;
- The amount of change proposed by the development and the ability of landscape to absorb that change;
- The height and spread of the development in the landscape; and
- The distance of visual effect (distance between viewpoints and development.

10.1.1 Current Land Use and Character

The landscape setting for the proposed development is expansive, extending for large distances away from the site, to the east, south and west. The landscape setting is broken in some cases by distant clusters of trees, buildings and other agricultural structures. The landscape, given these expansive qualities, is not a scarce visual resource in the local area or region. The landscape is representative of the large areas of Central West NSW used for dryland and irrigated agriculture west of the Great Dividing Range.

10.1.2 Amount of Change

The amount of change the proposed development will have on the local landscape can be described as the level of contrast between the development and the existing visual environment.

This does not include the visibility of the site or whether a certain part of the site can be seen or not. The visual environment in the local area is based on a wide expansive view of the Hay Plains and there will be a significant level of contrast between the development and the visual environment.

There is limited flexibility in siting the large buildings required for the development however attention can be paid to reducing the contrasts on the visual environment through treatment of the external finishes of buildings, maintaining visual breaks between structures and integrating landscape design.

10.1.3 Height and Spread of the Development

The proposed cotton gin will consist of several buildings with the main gin building constructed to a height of approximately 20m. Building elevations have been included in Appendix 11 of the EIS. The buildings are to be constructed from colour bond sheeting designed to have low reflectivity.

In terms of height and spread of the proposed development these can be compared to the impacts of the Hay Rice Shed located to the north of the site along the Cobb Highway.

This shed complex is of a similar scale and size as the proposed cotton gin building.

Plate 1: View of Hay Rice Shed looking north from Cobb Highway

In assessing the height and spread of the proposed development when comparing the current proposal to the Hay Rice Shed the cotton gin will, like the Rice Shed, not extend fully across the visual horizon. The layout of the proposed development includes physical separation, of varying distances, between proposed buildings and varying building heights.

In contrast to the Hay Rice Shed complex the east west orientation of the main buildings of the cotton gin will contribute to widening the visual impacts of the site from the north and the south. Taking into account the future screening effects of vegetation that will be established within the site, this will assist to mitigate this impact.

10.1.4 Visual Impacts

There are three typical distances used to assess visual impact. These are referred to as the long distance views, medium distance views and close views.

The close views are in this case typically those within 500m of the site and include the immediate view of the site from the Cobb Highway and the Jerilderie Road. The distance of the site from the Cobb Highway will in fact be in excess of 500m and this will assist to reduce the immediate visual impacts of the development. The strategic placement of vegetation will also assist to mitigate these immediate visual impacts.

The long and medium distance views are more critical to this development. Again these views will be predominantly from the Cobb Highway and Jerilderie Road however the site may also be visible in the distance from the Sturt Highway and as identified in the EIS from the Hay Township.

Given the local topography the long and medium distance views are likely to be wider and retain the development site within the view horizon for longer. The use of vegetation to screen the development is less successful to address the long and medium distance views.

There are two matters that are important influences on the long and medium distance views in this landscape:

- Within the regional Hay Plains landscape the distances between landscape features (i.e. houses, sheds and existing trees) is substantial. This is due mainly to the size and extent of the properties within this region – for example the neighbouring “Mungadal” Station covers an area of 59,000ha; and
- The size and scale of agricultural enterprises means that farm buildings are also of a size and scale commensurate with these agricultural enterprises and areas. There are a number of local examples of this. A well-known example in NSW is the Big Wool Shed on “Reola” Station (160,000ha) near White Cliffs. This large complex when in operation houses a team of 30 shearers and over 2,500 sheep are shorn each day.

The cotton gin will dominate the long and medium distance views. In terms of mitigation of these impacts the use of non-reflective materials will assist to reduce the reflectivity of the building. Landscaping and revegetation of the site will assist to reduce some impacts and it is recommended that a landscape management plan be developed for the site.

NSW RMS has provided the following comments in respect of landscaping within the site.

> *"The submitted documentation refers to the establishment of a landscaping buffer within the subject site along a proportion of the frontage to the site to the Cobb Highway. Such landscaping is supported by Roads and Maritime to provide a visual buffer and minimise distraction to the passing motorist. Roads and Maritime would recommend a vegetated buffer at least 5m wide and planted with a variety of endemic species and growing to a mature height of up to 5m be established and maintained within the subject site."*

10.2 Access Transport and Traffic

The proposed development includes a variety of construction and operational transport activities which will result in a range of related traffic generation from the site.

The supporting infrastructure for transport is limited to roads and no new transport arrangements (eg rail or air) are proposed with the development.

A traffic assessment has been completed for the site associated with the operation of the site and the proposal has been referred to the NSW RMS for concurrence. As identified previously in the report the proposed development includes direct access to a classified road being the Cobb Highway.

10.2.1 Road Access from the Cobb Highway

Access to the proposed development site is proposed to involve construction of a new road and intersection from the Cobb Highway across an existing TSR to the boundaries of the site.

The boundary of the site is approximately 590m from the Cobb Highway.

A single access point will be constructed from the Cobb Highway. This access will be designed and constructed to specifications approved by Hay Shire Council and the RMS.

Traffic arrangements within the site include provision for weighbridge access for trucks, truck parking as well as access for normal light transport associated activities. In general terms access construction standards within the site will be compacted gravel surfaces.

The proposed access road from the Cobb Highway to the site is to be bitumen sealed.

NSW RMS has provided the following comments on the proposed intersection:

> *"The submitted documentation indicates that access to the proposed facility is to be via a new access driveway to the Cobb Highway through a Channelised Right Turn (CHR) and Auxiliary Left Turn (AUL) intersection treatment with light and heavy vehicles to be diverted to separated areas once within the subject site. Roads and Maritime requires that any access driveway and intersection with the Cobb Highway be designed and constructed so that any vehicles entering or exiting the subject site are not required to cross the centre line of the Cobb Highway in order to perform that manoeuvre. The Cobb Highway is a road train route therefore the intersection is to be designed and constructed for a B-Triple vehicle being the design vehicle."*

10.2.2 Consent for Access Across Adjoining TSR

The proponent has sought consent from the NSW Crown Land Service for the lodgement of the DA that affects the TSR.

Consent from NSW Crown Land Service was provided on the 8 April 2014. This consent is subject to 21 conditions (Annexure 3).

A response was also received from the NSW Aboriginal Land Council (NSWALC) on the 31 March, 2014 (Annexure 4).

This response highlights those issues associated with the site and adjoining TSR including a pending Native Title claim for the Crown Land.

The NSWALC has indicated in this response that they are prepared to provide conditional agreement to the issue of an easement for access. These conditions include not only the location and construction of the access but also the limitations for access via license restrictions and the mandatory requirements to negotiate employment agreements between the NSWALC and Auscott Properties Ltd within the gin complex.

It is considered that in response to both consent agreements that the proponent is obliged to provide written evidence prior to construction commencing that arrangements have been, or are being put into place. This has been identified as a draft condition of consent.

10.2.3 Construction Traffic

The Traffic Impact Assessment identifies that construction traffic to the site will include a range of heavy and light vehicles. Construction activities and traffic generated by the site will occur for an initial six month period. The main impacts of construction related traffic will be:

- The development is expected to require in the order of 75,000 tonne to 10,000 tonne of gravel material which will be delivered to the site over a three month period. The expected average rate of 700 tonne/day is equivalent to 60 to 80 heavy vehicle movements per day;

- Truck movements associated with the delivery of building modules and other materials. No indication has been provided on the number of heavy vehicle movements per day; and
- Light vehicle construction traffic.

During construction the temporary road access from the Cobb Highway would be constructed to gravel formation and an agreed Traffic Management Plan provided to Council and the RMS for approval.

Construction traffic is also likely to utilise the Cobb Highway, Sturt Highway and local and regional roads. The completed Traffic Impact Assessment provides little assessment of the impact of construction traffic on general road safety other than driver fatigue.

The local and regional road network consists of significant tourist, service and national freight routes.

Road safety issues are an important factor during construction particularly for construction traffic not familiar with the local and regional road network. It is considered reasonable to require the proponent to implement any agreed measures for road safety with the RMS and Council that may need to be incorporated within the wider road network during the construction period.

NSW RMS has provided the following comments in relation to construction traffic:

> *"The subject site is setback approximately 600 metres from the carriageway of the Cobb Highway due to the width of the travelling stock reserve running along the western side of the highway. Given the location of the subject site to the carriageway of the Cobb Highway and the prevailing winds measures are to be taken to control dust from the development site and the access track across the travelling stock reserve. To address this it is considered that the access track be sealed for at least the 100 metres from its intersection with the Cobb Highway. Further to this it may be appropriate to undertaken watering of the access driveway. It would be appropriate to require a management plan to be prepared to provide measures to suppress dust generation from the development site and the access road to the satisfaction of the Council and Roads and Maritime."*

NSW RMS has indicated in their response to the DA/EIS that they would require formal construction of the access road and intersection with the Cobb Highway prior to the commencement of construction activity within the development site.

In discussions with NSW RMS this has been adjusted and reflected in conditions of consent to enable access arrangements to be managed to the satisfaction of NSW RMS and Council during construction of the development.

10.2.4 Operational Traffic

The completed Traffic Impact Assessment addresses those traffic and transport related impacts associated with the operation of the gin facility.

The peak daily traffic volumes consisting of deliveries and despatches of cotton products are anticipated to consist of:

- 39 road trains hauling raw cotton to the site;
- 12 B-doubles hauling lint cotton from the site;
- 10 road trains hauling cotton seed from the site; and
- Approximately 30 staff vehicles.

The Traffic Impact Assessment identifies that truck traffic from the site will increase existing traffic volumes on the Cobb Highway by 16%.

The NSW RMS has provided the following comments on the operational traffic for the proposed development.

> *"The supporting documentation indicates that the daily traffic generation to the facility for the anticipated 100-120 day processing timeframe is in the order of 93 vehicles (186 movements). Of this 61 vehicles (122 movements) will be by a mix of articulated heavy vehicles. At the peak of production it is anticipated that the gin will increase the number of heavy vehicles using the Cobb Highway by about 70 percent.*
>
> *The proposed development requires the manoeuvring of large articulated vehicles on the subject site to access the weigh bridge and the loading/unloading areas. It is the requirement to access the weighbridge facility before and after unloading, particularly during high turnover periods that may cause queuing of vehicles. For road safety reasons the site is to be designed and managed to ensure that sufficient storage is available on site to accommodate vehicles without the need to queue onto the adjoining public road.*
>
> *From the information provided it appears that the weigh bridge is to be setback in excess of 600 metres from the Cobb Highway. It is considered that this distance will provide storage for vehicles accessing the weighbridge if the access driveway is constructed to provide two travel lanes.*
>
> *Given the location of the site in western NSW the majority of heavy vehicle movement to and from the site is anticipated to be Road Train configured vehicles however the submitted documentation acknowledges that any processed material to be transported to Victoria is to be via B-Double or semi-trailer configured vehicles due to the restriction on Road Trains entering Victoria and the subsequent issues with decoupling on the NSW side of the Murray River. This issue was highlighted to the proponent in pre-DA meetings with Roads and Maritime."*

10.2.5 Roads intersections in the locality

Council's Director of Technical Services advises that Jerilderie Road intersects the Cobb Highway approximately 2.1km north of the developments proposed driveway entry. Council at this stage has no program to upgrade this intersection to accommodate larger vehicle movements (such as road train or B-double configurations). Jerilderie Road is not road train or B-Double approved and cannot be used to service the proposed development.

10.3 Public Domain

The impacts of the proposed development on the public domain are limited. This is due in part to the location of the development, the nature of surrounding areas of public domain and the distance of the development site from key active public spaces within and surrounding the Hay Township.

In assessing the impacts on the public domain the NSW Land and Environment Court has developed a number of planning principles. While these principles only deal with public domain views the following are relevant to the current proposal:

- Any adjoining public spaces afforded with relevant view of the site;
- The extent of obstruction from the proposed development on each of the public domain viewpoints;
- The intensity of the use of the relevant public domains; and
- Any planning instrument that places importance on the particular view or the preservation of views in the area.

In consideration of the development having regard to these four matters:

- The public spaces that surround this development are mainly contained within the road reserve and adjoining TSR;
- These public areas have a low intensity of use and this is a relevant factor in assessing relevant impacts;
- This report has assessed the visual impacts of the proposed development from those locations. The proposed development, while dominating the immediate visual environment, will not significantly obstruct views; and
- There are no specific provisions within the Hay LEP 2011 relating to visual impacts affecting this site. Clause 6.4 of that Plan does highlight the issues of visual impacts; however these are associated with development of river front areas.

The impact of the development on the public domain is considered to be relatively low.

The EIS has assessed the impacts of the proposed development on the adjoining TSR having regard to the Development Assessment Guidelines – *Development and Crown Land Fact Sheet* prepared by the Land and Property Information Authority.

The key issues in that Fact Sheet include:

- Access;
- Boundary encroachments;
- Stormwater runoff;
- Erosion and sedimentation;
- Bushfire management;
- Flora and fauna;
- Visual impacts; and
- Open space values.

The EIS identifies that the adjoining TSR will be impacted through the construction of road access and extension of services from the Hay Rice Shed. The conditions attached to the consent to the DA/EIS from the Crown Land Service outline how these issues are to be addressed by the proponent prior to commencement of construction.

This report provides an assessment of the other related matters in response to the TSR forming part of the public domain around the development site.

10.4 Utilities

The existing development site is unserviced.

It is proposed to extend overhead electricity and Council water supply under limited delivery pressure. These services are to be contained within a service line 5km route from the Hay Rice Shed to the gin site. The site is also to be serviced with underground high speed internet cabling.

The proposed cotton gin will have a number of specific water requirements. These include:

- Provision for steam in the cleaning process (1L to 2L/second);
- Water used in the mulching process of cotton waste (quantity not specified);
- Fire-fighting supply (storage of 400,000L to 600,000L);

- Internal staff amenities (1,290L/day);
- Road watering (5ML to 10ML/year); and
- Re-vegetation and landscaping (not specified).

To supply water within the site it is proposed to use groundwater, reticulated and on-site storage water supplies.

Council's Director of Technical Services has advised that Council raw water reticulation system extends to the nearby Rice Mill and the developer will connect a service to that line.

The EIS indicates that groundwater extraction is proposed via a bore. Application for this bore license has been lodged with the NSW Office of Water for access to the Lower Murrumbidgee Deep Ground Water Source.

The EIS indicates that the total on-site water usage is expected to be 10ML/annum to 12ML/annum, however a site water balance has not been prepared to ensure bore water reliability can match water supply demands and that supply levels are adequate for fire-fighting storage. The EIS specifically identifies that the ground water aquifer to be used for water supply is currently declining.

It is recommended that a detailed site water balance be provided as a condition of approval to ensure the adequacy, reliability and security of water supplies for the development.

10.5 Heritage

The EIS includes two Archaeological Heritage Assessments. The Office of Environment and Heritage have advised that they have no objections to the proposed development.

One assessment has been prepared for the gin site and the second assessment for the proposed service route from the Hay Rice Shed to the site.

The Archaeological assessments were provided to the Hay Local Aboriginal Land Council, the Nari Nari Tribal Council of Hay and the Office of Environment and Heritage for comment.

No objections to the proposed gin development or service line route have been raised by the Hay Local Aboriginal Land Council or the Nari Nari Tribal Council of Hay.

The following is a summary of the findings of these assessments.

10.5.1 Gin Site

The assessment of the gin site identified that the development site is of low archaeological significance and no Aboriginal archaeological sites or artefacts were located within the site. The assessment did locate several sites being evidence of European heritage and while not identified as significant the assessment recommends the recording and conservation of these items as appropriate.

The assessment provides a number of recommendations regarding any Aboriginal artefacts that may be found during construction activities.

10.5.2 Service Line Route

The assessment of the service line route included a survey of a 30m wide proposed 5km route from the Hay Rice Shed to the gin site. Similar to the gin site the route was found to be of low archaeological significance however additional items of evidence of European heritage were also identified. Similarly these sites and artefacts were not considered to be of any major significance and the assessment recommends the methods for recording and/or conservation of these items as appropriate.

The assessment provides a number of recommendations regarding any Aboriginal artefacts that may be found during construction activities.

10.5.3 Other Land Resources

The site has not been identified as containing specific high quality mineral or related resources. There are no specific mapped mineral deposits identified within vicinity of the site. A review of the NSW 1:500,000 Metallogenic Map prepared by NSW Mineral Resources indicates that the site is within a large area of unconsolidated sediments with no specific identified mineral reserves.

The site chosen for the gin is presently part of the large property of "Mungadal" which covers approximately 59,000ha and includes an extensive grazing and irrigation enterprise. The cotton gin is to be built on a portion of the property which covers an area of approximately 259ha. This represents 0.4% reduction in available land to agriculture.

The site has been mapped by Council in the *Community and Settlement Sustainability Strategy August 2012* as being land suitable for grazing with occasional cultivation. Given the area of the proposed cotton gin site against the balance of the existing "Mungadal" holding this is not considered a significant loss of agricultural land in the Council area.

There are no other significant land resources that will be impacted by the proposed development.

10.6 Water Quality

The site has not been mapped as being within a known area of groundwater vulnerability, part of a wetland system or riparian lands.

In terms of water quality it is expected that the development will have a number of impacts. These include:

- Potential contamination of surface water from operational activities;
- Potential leachate from operational areas; and
- Potential leachate from composting activities.

The proposed development incorporates large retention basins within the site design to capture and manage all surface water flows generated within the site. These ponds will assist to mitigate likely off-site impacts of any potential contamination of surface waters. The design and function of these retention basins will need to separate stormwater from sources of potential contamination.

The proposed development proposes specific septic treatment facilities for the disposal of sewerage within the site. This system will need to meet Council's requirements for on-site disposal and this has been identified as a condition of approval.

There is no indication within the EIS or supporting documentation regarding leachate control and management within the proposed development site. In particular there is no assessment of leachate impacts for the proposed site mulching/composting facility.

In response to managing water quality the NSW EPA has provided Limit Conditions attached to the General Terms of Approval regarding the prohibition of any pollution of waters and potential leachate impacts under Section 120 of the *Protection of the Environment Operations Act 1997*.

10.7 Soils

The EIS identifies that the site:

> *"……. falls within an area of quaternary alluvial plains said to be relic floodplains. The land is generally flat with a gradual fall of 2 m to the west across the site. The area is well known for its scalded red brown soils and grey, red and brown cracking clays. The clays are evidence of the prior stream beds."*

These soil types are not subject to instability such as subsidence, slip or mass movement. However these soils are subject to normal erosion processes and a separate assessment of sediment control and management across the site has been completed for the EIS.

A *Surface Water Management Plan* (SWMP) to meet standard criteria for assessment of runoff, sedimentation management and potential discharge of runoff from within the site has been prepared in accordance with the Landcom document *Managing Urban Stormwater: Soils and Construction, Vol. 1, 4th eds.* (Landcom, 2004) (the "Blue Book").

The findings of the plan are:

- The site is within an area that has low erosion potential;
- The use of specific gravel types within the site will reduce the potential for sedimentation and have a quick settlement period; and
- The main sources and focus of drainage and sediment management are from roofed and gravel areas within the site.

The proposed development includes borrowing of site material for various construction purposes. These pits are proposed to be 30,000m³ and 10,000m³ in size. These borrow pits are to be designed within the development as the main sediment control ponds to address all site runoff. Engineering calculations indicate that these ponds will be more than sufficient to deal with 1% Annual Exceedance Probability (AEP) storm events and retain sufficient freeboard during these events. These ponds will also be utilised for secondary water supply within the site for dust control and landscape watering.

The EIS identifies that the clay soils on the site will pose some operational difficulties in wet weather for the operation of the gin including vehicle access across unconstructed road areas. The subsequent use of gravel surfaces will reduce the probability of vehicles breaking through the gravel sub-base. The EIS indicates that the proponent will monitor gin operations during extended wet periods and operations may cease for operational and practical safety reasons.

The risk assessment completed for the EIS indicates that the risks associated with these soil types in terms of soil erosion, sediment loss and dust are relatively low.

10.8 Air and Microclimate

The EIS identifies a number of impacts on the air and micro-climate associated with the development.

These include:

- Emissions from machinery including diesel fumes;
- Dust emissions from the gin processing; and
- Dust emissions from operational traffic within the site.

The wind data contained within the EIS indicates that the greater air flow across the site is from a southwest direction. This is more prevalent in the afternoon whereas the morning wind vectors vary from all directions.

In terms of the localised impacts of emissions and dust from operational vehicles in the site the EIS identifies the closest sensitive receptor from the proposed gin is located to the east-south east of the gin site on the property of Rosevale. The residence is approximately 4.8km from the gin building in a direction which receives <5% of the predominant wind flows for the area.

The EIS identifies that there are no other houses or public infrastructure is located within a 6km radius of the site. The closest northern receptor is at the Hay airport which is approximately 6.5km from the cotton gin. The closest residence in the direction of the prevalent south-westerly winds is located at a distance of approximately 9km from the proposed gin. These distances are considered significant in relation to dispersion of emissions and dust from operational machinery or dust generated by localised wind events.

A Level 1 Air Quality Assessment report dated 2 April, 2014 was prepared and a copy provided to Council and the NSW EPA.

The Level 1 assessment was reviewed for adequacy by the NSW Environment Protection Authority (NSW EPA) and a number of issues were identified, including:

- It was unclear if the proposed cyclones would comply with the POEO (Clean Air) Regulation standards of concentration;
- The air quality impacts from the proposal were unclear with significant variation reported in emission concentrations from the cyclones;
- Not all emissions sources were assessed and some emission controls were assumed to be 100% effective, which is unrealistic; and
- Input data, in particular meteorological data, was applied incorrectly.

NSW EPA requested a revised Level 2 air quality assessment for the proposal (additional report dated 13 May, 2014) , to be conducted in accordance with the NSW EPA document "*Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW*" (EPA, 2005).

The revised Level 2 assessment report concludes:

> *"Dispersion model predictions were completed for a worst case emissions scenario and demonstrate compliance with the relevant air quality standards for TSP, PM 10 and PM 2.5, at the nearby sensitive receptors. Cumulative impacts were also considered where appropriate, taking into account the cotton gin and existing background and found that the probability of the facility resulting in non-compliance of the air quality goal is very low. The estimated cyclone emission concentrations comply with the in-stack concentration limits of 50 mg/m³ prescribed under the Protection of the Environment Operations (Clean Air) Regulation 2010."*

In response to the revised Level 2 air quality assessment and revised addendum NSW EPA have provided General Terms of Approval with specific air quality monitoring points and air quality discharge limits.

10.9 Flora and Fauna

An assessment of the impacts of the proposed development on flora and fauna has been completed for the EIS. This report has found:

> *"Review of the habitat available on this gin site and habitats required by species, populations and communities listed in the table above has indicated that the potential for impact on these is limited. The clearing required by the proposal will be undertaken to the minimum extent necessary. It is proposed to retain and maintain areas not required for buildings or infrastructure in a natural state with minimal disturbance. Management may be necessary on occasions to reduce the risk of weed infestation and impacts from invasive species. The proposed development site is a small part of a large grazing property that will be fenced off and developed."*

The report concludes:

> *"In summary, the outcome of this assessment is that no further species assessment, such as a Species Impact study, is considered necessary to determine the potential impacts of this development."*

The EIS was referred to the Office of Environment and Heritage and the Riverina Local Land Services for comment.

The Riverina Local Land Services have raised the following issues regarding the flora and fauna investigations for the site including:

- The limits to cultivation across the site;
- The timing of surveys that are outside the August/September period which is typical for survey work;
- The site may retain a secondary habitat function for the Plains Wanderer, a species of State and Commonwealth significance;
- Survey and reporting does not address impacts on threatened plants; and
- The impact of clearing the site needs to be considered in terms of the loss of vegetation within the wider landscape and connectivity of this site.

The OEH has however raised no objections to the proposed development or raised issue with the completed investigations. Response to the issues raised by the Riverina Local Land Services is addressed further in this report.

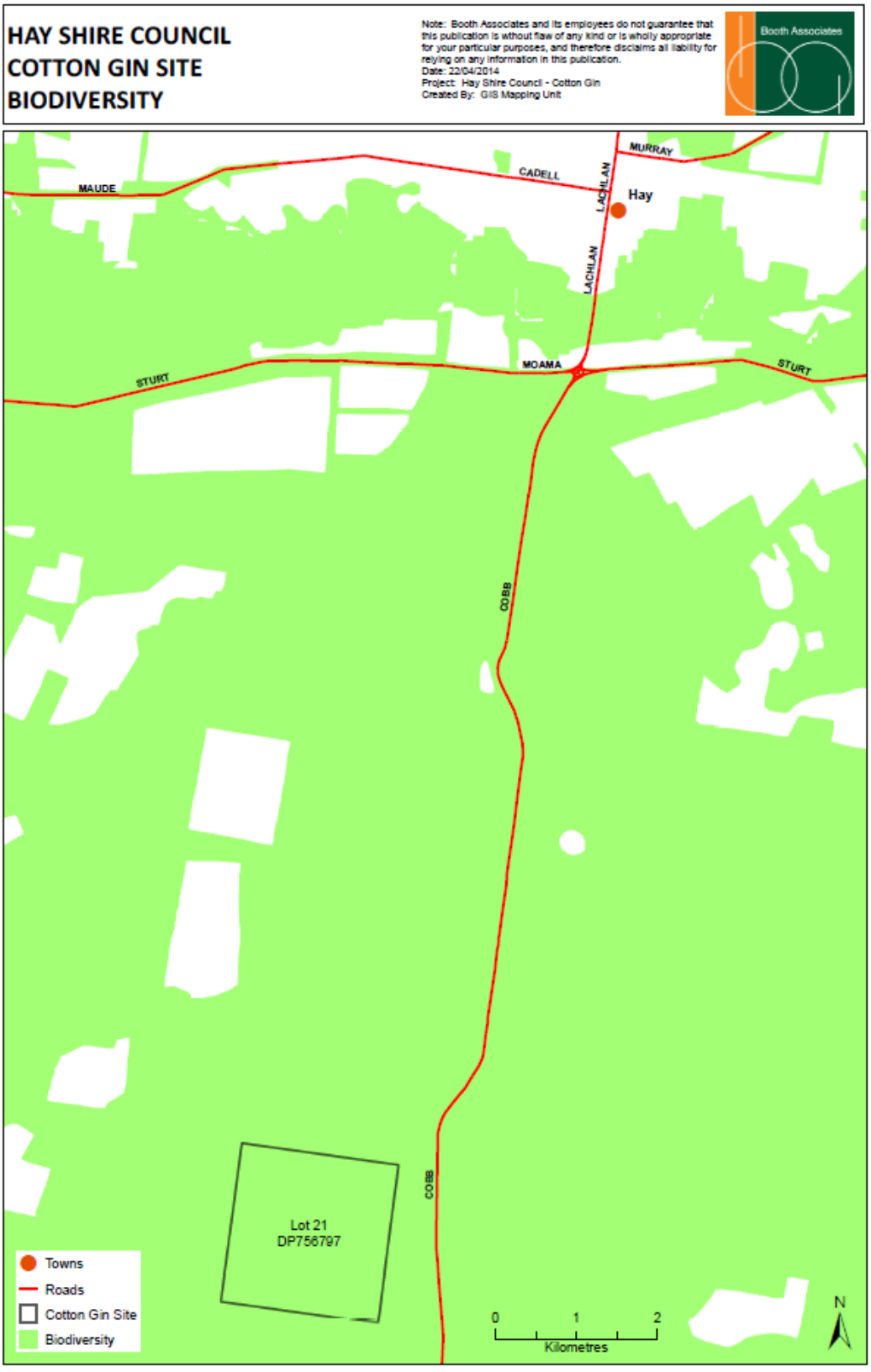
10.10 Biodiversity Impacts

The site has been identified as "Sensitive Area" on the Natural Resource Biodiversity Map (refer Figure 5 and Figure 6).

Clause 6.10 of the Hay LEP 2011 establishes a number of key considerations for the impact of development on local and regional biodiversity. The objectives of this clause are to maintain terrestrial biodiversity by protecting native fauna, protecting the ecological processes necessary for their continued existence and encouraging the conservation and recovery of native fauna and flora and their habitats. In assessing this proposal the matters in Clause 6.10 relate to:

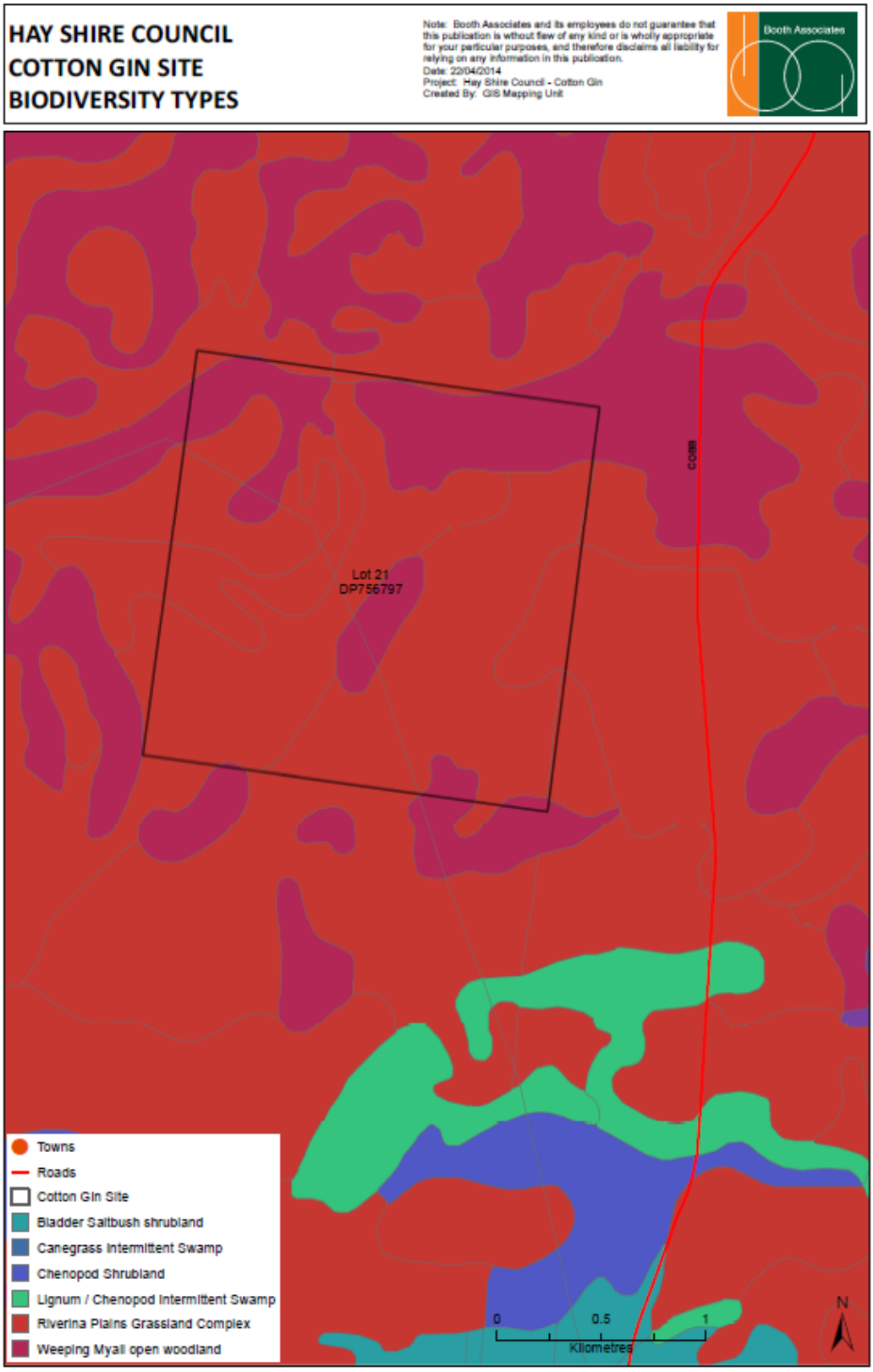
- The condition, ecological value and significance of the flora and fauna on the site;
- The importance of the vegetation on the site to the habitat and survival of native fauna;
- The potential to fragment, disturb or diminish the biodiversity structure, function and composition; and
- The habitat elements providing connectivity on the site.

Figure 5: **Biodiversity**



Source: Hay LEP 2011

Figure 6: Biodiversity Type



Source: Hay LEP 2011

In responding to these impacts the consent authority **must** be satisfied:

- The development is designed, sited and will be managed to avoid any significant adverse environmental impact; or
- If that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact; or
- If that impact cannot be minimised – the development will be managed to mitigate that impact.

10.10.1 Impacts within the Site

In response to the matters contained in Clause 6.10 and the biodiversity mapping of the site the completed environmental assessments for the site identify that the land exhibits generally low biodiversity value.

While there are issues in terms of the completeness and timing of these investigations the nature and extent of site disturbance associated with the development means that mitigation of any biodiversity impacts is the only viable option if the development proceeds.

As highlighted in the completed Flora and Fauna Assessment for the site:

> *"The proposed development would involve complete disturbance of approximately 27 percent of Lot 21. The remaining 190ha of land will be retained under management as an offset area of native vegetation.*
>
> *Some management would be needed to achieve a net environmental benefit to the success of retaining this 190ha area as an environmental offset for the clearing of the 70ha area. The aim of management would be to improve and protect this retained area to achieve a net gain in environmental value of this offset area……The principles will generally involve removal of grazing as a continuous impact, management of weed species when necessary and isolation of this area by ensuring activity on the development site does not intrude into the 190 Ha area."*

There have been views expressed regarding the management of non-disturbed areas within the site and their potential for conservation value. It is recommended that the proponent engages further with Council and the Riverina Local Land Services to examine the best options for conservation and management of these areas of the site. This has been included as a draft condition of consent.

10.10.2 Impacts outside the Site

The main impacts associated with local biodiversity are associated with works proposed within the TSR. This has been highlighted in Crown Lands Service owners consent response and Condition 11 of that consent requiring the proponent to liaise with NSW OEH regarding the impacts on the TSR. It is recommended that the proponent respond to these conditions and provide evidence of compliance prior to the approval to operate the development.

10.11 Waste

The proposed development includes a number of different waste generating activities and waste streams associated with the proposed cotton gin.

These are dealt with separately in this report based on the nature of the waste generating activity.

10.11.1 Construction Waste

During construction of the proposed cotton gin and facilities there will be a range of construction wastes generated. It is likely that these wastes will be dealt with through agreement with Council. Specific waste policies are identified within the EIS for the proponent's operations. It is recommended that written agreement with Council is finalised to accept construction waste from the site.

10.11.2 Operational Wastes

The operation of the cotton gin will generate a by-product from the gin process.

The EIS and Cotton Australia (http://cottonaustralia.com.au/cotton-library/fact-sheets/cotton-fact-file-processing-exporting-and-marketing) identify that on average a cotton bale weighs 227kg – 228kg.

The EIS and Cotton Australia fact sheets identify that the make- up seed of cotton includes:

- Cotton seed representing 50% of seed cotton's weight;
- Cotton fibre representing 40% of seed cotton's weight; and
- Trash and moisture, represents the remaining 10% of seed cotton's weight and is made up of mostly leaves and sticks.

Based on the estimates provided in the EIS the gin will produce up to a maximum throughput of 250,000 bales of cotton per season.

In terms of the amount and types of operational waste, using the maximum production EIS estimates, generated by the gin these will be:

- Up to 71,000 tonnes of cotton seed; and
- Up to 11,500 tonnes of trash waste.

The EIS indicates that cotton seed will be stored within a constructed seed shed within the site and this seed will be sold in the region for animal feed. Truck movements to and from the site identified in the EIS and the traffic impact assessment includes the proposed removal of cotton seed from the site.

In respect of the trash by-product the EIS identifies:

> *"the by-product is collected in a separate external hopper bin and then transported to the composting area located in the northwest corner of the development site. The site is to be graded and then surrounded by a levee bank which will capture all runoff from this area which would then be used as part of the mulching process. The mulching process involves composting of the waste by-product by mixing it with water and turning it over on a regular basis to allow the products to break down in to an organic material which can be recycled on cultivation fields as a form of organic soil additive."*

There is limited detail in the EIS regarding the nature and duration of the mulching/composting process, environmental management, the transporting of the final composted material and the waste disposal regime associated with using the composted material on the adjoining property.

The NSW Department of Conservation and Environment have prepared *Environmental Guidelines Composting and Related Organics Processing Facilities* in September 2003. These guidelines are part of the *Development Assessment Guidelines* within the register maintained by the NSW Department of Planning and Infrastructure.

These guidelines cover the processing of putrescible and non-putrescible organics such as natural organic fibrous material and processed fibrous material.

The EIS does not address these guidelines in respect of the composting/mulching activities within the site.

Under Clauses 51 and 51A of the Protection of the *Environment Operations Waste Regulation 2005*, the NSW EPA has issued a series of general exemptions for commonly recovered, high-volume and well-characterised waste materials.

NSW EPA has identified certain controls within their General Terms of Approval regarding organic waste composting and disposal including requirements for:

- The movement of composted material; and
- Monitoring the composting and mulching location for movement of pollutants.

10.11.3 Site Waste

The gin operation will also generate a waste stream associated with any materials that may be imported into the site, wastes generated by staff and visitors to the site. The agreement for construction waste will need to extend to include ongoing arrangements for waste collection and disposal.

10.12 Noise and Vibration

The proposed development includes a number of noise generators both within and outside the development site. Noise generated from this development will include:

- Construction activities noise (short term); and
- Processing and operational noise (long term).

A separate noise assessment has been undertaken for the site and this assessment identifies the location and distance of important sensitive noise and examines the agreed parameters for noise limits established for the site by the NSW EPA.

Noise emissions for the site have been modelled based on the proposed site layout, under the worst local meteorological conditions and based on the predicted operational and processing activities. The noise assessment indicates that for processing and operational the noise generation impacts on adjoining sensitive receivers will comply with noise limits established for the site.

Overall construction of the site has been identified by the proponent as occurring over a six month period. The potential for noise impacts for construction were assessed as part of the site investigations for the proposed development.

These investigations determined that construction noise will be intermittent and construction noise criteria are based on the Relative Background Level (RBL) plus 10 dB which on this site equates to approximately 45 dBAeq at the nearest sensitive receiver.

From the calculations in the EIS the sound power level of construction activities (cumulative effects of all construction plant and equipment at the time) should not exceed an acoustic power level of 122 dBAeq to ensure the impact of construction at the nearest sensitive receiver is within acceptable levels. The EIS indicates that the noise is predicted to be consistent with general farming operations within the area and is unlikely to impact on the nearest sensitive receiver.

The EIS identifies that construction noise emissions will consist of emissions from earthwork machinery, cranes, generators and regular light vehicle traffic noise.

The EIS proposes construction hours from 6.30am to 6pm seven days a week.

These hours contrast from the standard construction work hours as recommended by the NSW *Interim Construction Noise Guideline* from 7.00am to 6.00pm, Monday to Friday, 8.00am to 1.00pm on Saturday and no work on Sundays or public holidays.

The NSW EPA have confirmed the construction times within the Guideline within their General Terms of Approval with the ability for the proponent to vary those times subject to mutual agreement.

The NSW EPA has also identified specific noise limits applying to the site.

The EIS indicates that the proposed hours of construction are considered acceptable given the site is in a relatively isolated rural area and factors such as potential receivers, isolation for specialised contractors, construction schedule and relative impact of specific parts of the project have been considered in the construction proposal.

While these noise impacts are likely to be short in duration the proposed extended construction hours and the probability of out of hours noise generating activities will occur on the site. Out of hours operations may include:

- The delivery of oversized plant or structures that police or other authorities determine require special arrangements to transport along public roads;
- Emergency work to avoid the loss of life or damage to property, or to prevent environmental harm;
- Maintenance and repair of public infrastructure where disruption to essential services and/or considerations of worker safety do not allow work within standard hours;
- Public infrastructure works that shorten the length of the project and are supported by the affected community; and
- Works where a proponent demonstrates and justifies a need to operate outside the recommended standard hours.

While the extended hours of construction activity may be supported by the NSW EPA based on the remoteness of the site it is still necessary to accommodate out of hours activities and manage construction noise.

Construction noise management has been identified in the *Draft Operational Environmental Management Plan* dated 7 May, 2014.

10.13 Natural Hazards

The site has not been identified or mapped as being Bushfire Prone Land by the NSW RFS.

An assessment of flood impacts affecting the site has been completed and as identified previously within this report the proposed development is unlikely to be impacted by modelled flooding or contribute to any additional flood flows into the Murrumbidgee River.

Despite the lack of flood modelling across the site a preliminary assessment of flood impacts has been completed for the site and this identifies that there are physical barriers both natural and manmade within the area south of Hay that protect the site from floodwaters.

These include:

- The Cobb Highway is currently constructed above natural ground level by 0.5m – 1.0m and forms a levee to the east of the site;
- The Sturt Highway located further to the north of the site may also provide a barrier during small to medium overbank flows from the Murrumbidgee River. Initial survey has indicated that the cotton gin site is approximately 1m higher than the Sturt Highway level in Hay; and
- The cotton gin and storage yard will be placed on the eastern half of the site at a height of approximately 1m above natural surface level. This level equates to an approximate height of RL.91.00. The EIS identifies that the highest recorded flood level at the Hay gauge on the Murrumbidgee River in 1974 was equivalent to RL.90.51.

The *Surface Water Management Plan* for the site identifies that for post development flows any localised flooding within the site will be managed within on-site retention.

10.14 Technical Hazards and Risks

There are a number of general hazards associated with major processing activities. These include processing hazards, biological hazards, external hazards and height/mechanical hazards. These key hazards and the associated risks have been identified within the EIS through a risk matrix assessment process. In general terms the technological hazards and risks to the environment, public health and safety and resources are identified as being low with the exception of the following key hazards identified within the site. These are:

- Chemical, physical and hazardous properties of dangerous goods and combustible liquids;
- Processing and transport, structures, plant , systems of work and activities involving these materials; and
- Physical location and arrangement of areas, structures and health and safety systems.

A preliminary risk assessment/screening and hazard analysis has been completed for the proposed development having regard to the requirements of SEPP33 Hazardous and Offensive Development.

10.15 Chemical Hazards

The EIS identifies that the development will include the installation of a 60,000L LPG tank. This tank will be located approximately 50m from all buildings to provide suitable buffer zone in the event of an emergency. This buffer zone is to be designed in accordance with Australian Standards for installation of the gas tank. The buffer zone is considered essential to minimise potential issues from this tank protection zone.

The EIS identifies that up to 10,000L of diesel fuel will be stored on site in a bulk above ground tank with suitable bunding. This fuel will be utilised by tractors and cotton handling equipment. The tank will be designed to meet appropriate standards. In the case of a spill or leak, the waste fuel would be captured within the bunded area and then dealt with through a recycling process to be adopted on the site for waste oils, including hydraulic oils from the cotton gin.

The impact of spillages and fire associated with chemicals used within the site are a significant risk issue. The installation of the LPG tank and fuel storage system within Australian Standards is mandatory. In responding to spillage and fire risks both have been addressed within the risk assessment as part of the EIS.

10.16 Processing and Associated Activities

As identified in the EIS there are no significant technological hazards associated with the cotton gin processing. Emissions associated with the processing activity and operational activities are addressed elsewhere within this report.

10.17 Physical Location, Health and Safety

The arrangement of the gin and associated storage processes are based on current practice and standards adopted within the cotton industry.

The potential impacts of a technology on the health, safety and well-being of the community and workers may be associated with injury, discomfort or death.

There are three main impacts that are likely to occur within the proposed development that need to be considered in the assessment of human health and safety:

- Communicable diseases – sanitary hygiene diseases;
- Injury – risk of accidents from traffic, explosions, falls, heat stress, operation of machinery, handling of physically hazardous wastes and resources, loss of hearing; and
- Exposure to hazardous chemicals – inhalation (eg air pollution), dermal contact, ingestion of contaminated food and water (eg pesticide residue) of hazardous chemicals.

Measures to address these risks include meeting Occupational Health and Safety standards and legislation within and outside the site and during operational activities. This is in addition to Auscott's operational Work Health and Safety Plan identified within the EIS.

10.18 Safety, Security and Crime Prevention

The EIS does not include a formal Crime Prevention by Design assessment. The proposed development is not identified in the *Crime prevention and the assessment of development applications Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979* prepared by DUAP in 2001 as a type of development requiring preparation of a formal assessment.

However consideration of the principles of crime prevention is still warranted in the design and layout of the development particularly given the remoteness of the location, the hours of operation and safety for the public and staff within the site. In this regard the design of the development should consider:

- Maintaining clear sightlines;
- Effective lighting of public places;
- Landscaping that makes places attractive, but does not provide offenders with a place to hide or entrap victims; and
- Restricted access to the site, internal areas or high-risk areas, for example the proposed staff car park or other rarely visited areas of the site.

It has been recommended that these matters are considered during the final construction of the development and it is recommended that a site audit be carried out prior to occupation of the development. This has been included in the recommended conditions of consent.

10.19 Social Impact on the Locality

No formal Social Impact Assessment has been prepared in support of the DA and EIS.

The EIS identifies that the proposed development will have minimal social impacts on the locality.

In examining the likely social impacts of the development in the locality Council's *Social and Community profile 2004 - 2009* highlights a number of significant social issues affecting the Hay Shire.

The following are some of the key considerations associated with the social impacts of the proposed development.

10.19.1 Population Decline

The Shire has experienced a significant decline in local population and 2006 and 2011 the population declined from 3,546 to 2,956. The 2014 population estimate for Hay LGA by the Riverina Regional Cities Group has increased to 3,039 and is forecast to fall to 2,988 by 2031.

The EIS highlights that Auscott staff moving to the Hay area will be housed locally and this may have a positive impact on the decline in population in general.

10.19.2 Unemployment

From the 2011 ABS Community Profile 1,352 people were reported being in the labour force in the week before Census night in Hay (A) (Local Government Areas) and of these:

- 60.4% were employed full time;
- 28.6% were employed part-time; and
- 3.6% were unemployed.

Of those employed people 15.1% worked in sheep, beef cattle and grain farming, while other major industries of employment included:

- 6.5% School Education;
- 5.7% State Government administration:
- 4.0% accommodation; and
- 3.9% Local Government administration.

It is unclear whether the local labour force will be sufficient to support the cotton gin development and operation. These issues are further examined in the assessment of economic impacts.

10.20 Impacts on the Built Environment

10.20.1 Site Design and Internal Design

The site layout plans for the development provided indicate that the majority of the processing activities within the new gin and associated structures will occur within the south eastern part of the development site. The major external works include the construction of the module pads as well as the by-product compost yard.

The internal design of the complex is based on the production and operational functions associated with the loading, unloading and movement of raw and waste materials within the site.

The development plans are unclear regarding the position of the buildings in respect of distances from property boundaries and the extent of site landscaping.

10.20.2 Construction

The proposed construction activities are described in the EIS in terms of the timing and staging of works. The critical initial work for the development is obtaining road access to the site from the Cobb Highway and then the physical construction of module pads and building pads within the site.

The EIS does not contain a detailed or consolidated Construction Method Statement that describes in detail the methods that will be implemented at a specific site to minimise a range of impacts from the works. It is recommended that as a condition of consent that this method statement be produced in a consolidated format to ensure that not only the timing and staging of construction is understood but the management of impacts from those activities. This needs to be provided with the Environmental Management Plan (EMP) for the site.

A Preliminary BCA Compliance Report has been undertaken for Council and the Essential Design Criteria is identified in the following information extracted from that assessment:

- Building Use — Cotton gin (gin, workshop. Office and amenities);
- Classification — 8
- Floor area and volume — 4,828m² and 68,261m
- Rise in storeys — Rise in storeys of one
- Effective height — <12.0m
- Importance level — 2

- Wind region — Wind region A1
- Terrain Category — Terrain Category 2
- Climate Zone — Climate Zone 4
- Type of Construction — Large isolated
- Relevant BCA — Volume One BCA 2013
- Fire Engineering — N/A
- Maximum Occupant Loan — TBA

10.21 Economic Impacts

No formal economic impact assessment has been provided with the DA or EIS.

The economic benefits of the current proposal have been identified in the EIS as significant to the region:

> *".....construction of a local cotton gin will reduce transport distances for local cotton producers. The cotton gin will also provide a new source of employment for permanent and seasonal staff in addition to service providers such as tradesman. The commercial facilities in Hay are expected to benefit as a result of the potential increase in spending within the local area as a result of the additional employment."*

The benefits of facilities like the proposed gin have also been identified as ones that will pass onto the local communities in particular Hay with flow on effects including accommodation and retail service requirements. The EIS concludes that overall economic impact may be minor; however such minor effects can assist in stabilising the local economy in relation to retaining services in town such as Hay.

As identified in Section 79C the assessment of economic impacts is not limited to the positive benefits but must examine the other impacts associated with the development proposal. These impacts are broken into the following three categories for assessment.

10.22 Impacts on Tourism

Council's *Economic Development Strategy 2011* identifies tourism as a significant economic activity within the Shire:

> *"In 2007, Tourism Australia estimated that the Shire attracted in the order of 79,000 domestic overnight visitors, with these visitors staying overnight in the Shire were estimated to spend in the order of $9.2 million in the LGA. According to Tourism Australia there are in the order of 114 businesses in Hay Shire that provide services to visitors. The main attractions of the Shire are Shear Outback which is an iconic attraction for the region, the Murrumbidgee River, four museums, Long Paddock sculptures, National Parks and the Hay Plains."*

The Cobb Highway follows part of the network of stock routes that became known as "The Long Paddock" – a historic web of tracks and trails linking stock-breeding areas of inland NSW and Queensland with emerging markets in Victoria.

The Long Paddock Touring Route was identified as a finalist in the 2011 Inland Tourism Awards and the promotion of the route is co-ordinated by the Long Paddock non-for-profit committee consisting of Murray, Deniliquin, Hay, Conargo and Central Darling Shires. This organisation produces a guide for this touring route and a prospectus that highlights the significance of this route:

- *"Over the past two years, 43,000 guides have been requested and distributed to over 110 Visitor Information Centres in NSW, Victoria, South Australia and Queensland;*
- *Over 3,000 guides were given out at the Melbourne and Adelaide Camping and Caravan shows in 2010 and 2011;*
- *Over 2,400 guides have been downloaded from The Long Paddock website in the past 12 months; and*
- *25,863 visits were made in the past 12 months to our accommodations and attractions web pages which promote our advertisers' businesses."*

The development as proposed is located within the beginning of the Hay Plains and is within the Long Paddock Touring Route. The Archaeological Heritage Assessment confirms the relative significance of the gin site and proposed service route in terms of the previous agricultural history of the local area and its relationship to the Long Paddock.

The Long Paddock is characterised by the physical nature of the Hay Plains and the types of agriculture that was common to this area being dry land grazing and the movement of stock. The proposed development contrasts with the physical characteristics of the Long Paddock.

However, Council has identified that it seeks to continue to develop its local tourism. The recent development of specific museums acknowledging the local heritage and the history of agriculture is part of the local tourism product.

In terms of the history and relationship of the proposed development to the cotton industry in the local area and region the Cotton Catchment Communities Group project *Target Lead New Growers* 2012 identifies that:

> *"Cotton was first grown in the Riverina in the 1960's. A cotton gin was established at Darlington Point in 1964 and the CSIRO conducted a cotton breeding program for many years at Griffith. Cotton was the first row crop grown on Ravensworth Station at Hay and Kooba Station at Darlington Point. The cotton industry did not continue to expand mainly due to the lack of true short season varieties and seasonal rains during autumn which would have been detrimental for cotton harvest."*

The report further identifies:

> *"Cotton returned to Southern NSW in the mid-eighties (1986/87 - 325ha) when it was grown at Hillston by the Maillor family who continue to grow cotton today. The growing of cotton was confined to the Lachlan River valley at Hillston and then expanded into the Murrumbidgee valley in 1999 with a trial area of 400ha at Twynam's property Gundaline Station, whilst also being trialled at Lake Marimley north of Balranald at the same time. Up until the last two years with the large increases in the Tabbita, Griffith, Whitton and Coleambally districts the maximum area for the southern region was approximately 16,000ha in 2000/01. The largest area previously for the Murrumbidgee was 6700ha in 2003/04 yet all of this cotton was grown around Hay and not in the Murrumbidgee Area (MIA) nearer Griffith. This compared to approximately 6000ha for the Lachlan valley for the same season. This season (2011/12) due to increased river allocations and high prices the combined area for the Lachlan and the Murrumbidgee was 50,000ha."*

Without exploring in full the heritage of cotton it is clear that there is a wider relationship of the development and the development of the cotton industry in the local area and region. This development may also provide a significant opportunity to the local and regional tourism market. At a regional level the visitor economy in agri-tourism has been identified as an opportunity within the Regional Development Australia *Riverina Regional Plan 2013-2016.*

10.23 Impacts on Changes in Agricultural Industries

Council's *Economic Development Strategy* also highlights that the Shire's main income has always been reliant on agriculture and the downturn in the agricultural industry and the on-going drought since 2002 has impacted on employment and income within the local area.

Council has identified in their Strategy the need to encourage value add to agriculture including the feasibility of establishing a plant or factory that will value-add to the agricultural industry.

The Strategy does nominate vegetable packing sheds or forming partnerships with major suppliers for pre-packaged goods.

At a regional level the Riverina RDA *Riverina Regional Plan 2013-2016* also highlights the need to value add and support the long term viability and expansion of agriculture in the region.

This coincides with the need to establish a long-term strategy to diversify the industry structure of the regional economy. In this case new agricultural industries will be additional to existing activities and need not involve a trade-off that involves the reduction of existing activities.
The RDA identifies that the development of the cotton industry within the region as one of the key export opportunities supported by data from the Port of Melbourne has indicated the international trade from the Riverina in 2012 – 2013 with approximately 120,000 containers exported from the Riverina with agriculture representing 54% of the content of these containers with 13% of that being cotton.

10.24 Employment Impacts

As identified in the assessment of social impacts of the proposed development the EIS identifies that:

> *"the proposed gin will employ 12 permanent Gin staff in addition to 8 office staff for marketing and logistical management. Approximately half of these staff would require prior experience in ginning cotton. The remaining positions would be offered locally if staff is available. All permanent staff would require accommodation in Hay. During the cotton ginning season, an additional 15 staff or more would be required to operate the gin. For maximum production, the staff would be required from April through the early October. These staff would work 12-hour rotating shifts during this period and would require local accommodation."*

It is clear from the EIS that there will be some local opportunities for employment.

The Roth 2010 report for the cotton industry entitled *Economic, Environmental and Social Sustainability Indicators of the Australian Cotton Industry* identifies a number of factors that affect the cotton industry and employment in that industry:

- There is a major gap in employment data, which is not well quantified either for farms or the local service industries – the report specifically recommends that employment figures need to be better quantified both on-farm, in the service industries and the value chain; and
- The drought also significantly reduced employment in the cotton industry by between 30% to 60%.

From this report it is evident that there is limited information of the value adding of agricultural production industries, particularly cotton, in local and regional areas across Australia. Furthermore the proposed Gin is a reasonably specialised production activity and forms part of the proponent's wider business activities that produces and processes and exports cotton. As a grower and processor of cotton the proponent is also impacted by changes affecting the cotton industry.

There will be short term employment opportunities during construction of the gin complex and associated infrastructure. It is unknown whether those jobs will be sourced locally or regionally. The NSWALC have identified the need for the proponent Auscott to enter into agreements and arrangements to support local Aboriginal employment within the proposed cotton gin.

10.25 Cumulative Impacts

The cumulative impacts of this development require the establishment of a practical framework for managing environmental performance within and outside the site. The EIS refers to Environmental Protection Licenses as being the process for Environmental Management within the site.

An *Operational Environmental Management Plan* (OEMP) dated 7 May 2014 has been submitted in support of the development application. This OEMP has established base line environmental management required during the development and operation of the site.

It has been recommended in this report that the proponent prepares amendments to Section 17 of the OEMP which reflects the post approval timing for the construction of this development. This should be submitted to Council and the NSW RMS for consideration and approval prior to the release of the construction certificate.

It is acknowledged that the OEMP has been developed as an ongoing management process however is essential to the co-ordination of the environmental management activities identified above is dealt with in a logical and timely manner.

11.0 DEVELOPMENT CONTRIBUTIONS

There is no development contribution plan relevant to the proposed development type. In discussions with Council's General Manager there are no proposals by Council to levy any contribution requirements on the proposed cotton gin.

11.1 Ecological Sustainable Development

The EIS addendum addresses the requirements of Ecologically Sustainable Development as required under the *Environmental Planning and Assessment Regulation 2000* Schedule 2 Clause 7 sub-clause 1(f) and sub-clause 4.

11.2 Any Submissions made in Accordance with the EPA Act 1979 or the Regulations

11.2.1 The Public Interest

The current proposal is not contrary to the public interest as outlined in this assessment report.

11.2.2 Public Submissions

The proposed development and EIS was advertised and notified to adjoining owners for comment. Council received no submissions to the proposed development

12.0 CONCLUSION

It is considered that the proposed development generally complies with the relevant provisions of Section 79C of the Act, LEP, REP, DCPs, Codes and Policies.