

ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

Approval in accordance with approved Plans and supporting information.

1. The development is carried out in accordance with the following approved plans and supporting information, as amended by conditions of this consent:

Plan Reference	Date	Details	Prepared
13-336-1-1	06/12/2013	Preliminary intersection design – schematic only	SMK Consultants
13/336-2	10/02/2014	Preliminary layout plan	SMK Consultants
13-339-VEG-2	03/03/2014	Plan showing layout of proposed cotton gin site	SMK Consultants
13-339-YARD-1	05/12/2013	Module Yard Concept Layout and Drainage	SMK Consultants
Unnamed	Undated	Machinery Flow Diagram	Auscott Pty Ltd
Unnamed	Undated	Various elevations of proposed gin building and associated structures	Unnamed
13-399-ROAD-3	07/03/2014	Typical section of Entrance Road	SMK Consultants

- Environmental Impact Statement for the Construction and Operation of the Hay Cotton Gin, Lot 21 in DP756797, Parish of Twynam and Abercrombie, County of Waradgeri, dated April 2014 prepared by SMK Consultants;
- Archaeological Heritage Assessment Auscott Cotton Gin Lot 21 DP756797, Cobb Highway, Hay NSW dated December 2013 prepared by Black Mountain Projects Pty Ltd;
- Archaeological Heritage Assessment Service Line Route to Auscott Cotton Gin Lot 21 DP756797, Cobb Highway, Hay NSW dated December 2013 prepared by Black Mountain Projects Pty Ltd;
- Flora and Fauna Survey Report dated February 2014 prepared by Peter Taylor, SMK Consultants;
- SEPP55 Contaminated Land Assessment for Proposed Construction of Hay Cotton Gin dated December 2013 prepared by SMK Consultants;
- Hay Cotton Gin Environmental Noise Impact Assessment dated 10 January 2014 prepared by Hushpak Engineering;
- Hay Cotton Gin Surface Water Management Plan dated January 2014 prepared by SMK Consultants;
- Hay Cotton Gin Traffic Impact Assessment dated January 2014 prepared by SMK Consultants;
- Addendum Environmental Impact Statement for the Construction and Operation of the Hay Cotton Gin dated 7 May, 2014 prepared by SMK Consultants;

- Hay Cotton Gin Level 1 Air Quality Impact Assessment dated 2 April 2014 prepared by Advitech
- Air Quality Assessment Hay Cotton Gin dated 13 May, 2014 prepared by Pacific Environment Limited; and
- Operation Environmental Management Plan Auscott Limited Hay Gin, Cobb Highway, Hay dated 7 May 2014.

REASON – *To ensure the development is carried out in accordance with the approved plans and supporting documents.*

2. The development is to be carried out in accordance with the NSW EPA General Terms of Approval dated 19 May, 2014 (Notice No 1520733) attached to this consent.

REASON – *To ensure the development is carried out in accordance with the statutory requirements of the Protection of the Environment Operations Act 1997.*

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

3. Section 17 of the draft *Operational Environmental Management Plan* (OEMP) dated 7 May 2014 is to be amended to specifically include the following information :
 - Construction timing and methods;
 - The process for implementation of the project's conditions of approval or consent; and
 - Key points of compliance with relevant environmental legislation and statutory conditions.

REASON – *To ensure recommended environmental management requirements are complied with.*

PRIOR TO COMMENCEMENT OF CONSTRUCTION

4. The Cobb Highway (HW21) is part of the State Road network. For works on the State Road network the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve.

The developer will be required to submit detailed design plans and all relevant additional information including cost estimates and pavement design details for the works, as may be required in the Works Authorisation Deed documentation, for each specific change to the state road network for assessment and approval by Roads and Maritime Services. However, the developer is encouraged to submit concept plans of the layout of the proposed works for checking by Roads and Maritime Services prior to undertaking the detailed design phase.

REASON – *To ensure adequate arrangements for parking, access and traffic.*

5. The intersection of the access driveway with the Cobb Highway (HW21) is to be located and the roadside maintained so as to provide the required Safe Intersection Sight Distance (SISD) in either direction in accordance with the Austroads Publications as amended by the supplements adopted by Roads and Maritime Services for the prevailing speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.

REASON – To ensure adequate arrangements for parking, access and traffic.

6. The intersection of the proposed driveway with the Cobb Highway (HW21) shall be offset by a minimum distance of 200 metres along the centreline of the carriageway of the Cobb Highway from any existing driveway or intersection on either side of the road.

REASON – To ensure adequate arrangements for parking, access and traffic.

7. As the Cobb Highway (HW21) is an approved Road Train route the proposed intersection and access driveway is to be designed and constructed to accommodate the swept path of a B-Triple vehicle and with a minimum width to provide for two way movement from its intersection with the Cobb Highway to the location of the proposed weigh bridge within the development site. As a minimum the entrance from the Cobb Highway is to be line marked to separate the sweep path of vehicles entering and exiting the site however a splitter island or like structure may be appropriate. Associated directional marking and signage is to be installed and maintained in accordance with Australian Standards.

REASON – To ensure adequate arrangements for parking, access and traffic.

8. The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS2890.2-2002 “Off-street commercial vehicle facilities” and to Councils satisfaction. For road safety reasons, all vehicle access driveways, and the internal layout of the development, shall be designed to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.

REASON – To ensure adequate arrangements for parking, access and traffic.

9. A management plan to address construction activity access and parking is to be prepared prior to commencement of construction activity on the development site. Vehicular access for construction activity to the subject site from the Cobb Highway is to be provided to the satisfaction of the Council and Roads and Maritime Services prior to the commencement of construction activities on the development site.

REASON – To ensure adequate arrangements for parking, access and traffic.

10. Prior to works commencing within the road reserve the applicant must apply for and obtain approval under Section 138 of the *Roads Act, 1993* from the road authority (Council) and concurrence from Roads and Maritime Services. Any works within the road reserve require a Traffic Control Plan in accordance with the Traffic Control at *Work Sites Manual* adopted by Roads and Maritime Services.

REASON – *To ensure adequate arrangements for parking, access and traffic.*

11. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents. It should be noted that the relocation of any utility service within the road reserve will require concurrence from Roads and Maritime Services under section 138 of the *Roads Act, 1993* prior to commencement of works.

REASON – *To ensure adequate arrangements for parking, access and traffic.*

12. Any works associated with the proposed development shall be at no cost to the Roads and Maritime Services.

REASON – *To ensure adequate arrangements for parking, access and traffic.*

13. A Construction Certificate must be obtained prior to the commencement of any works on site.

REASON – *To comply with the EPA Act 1979.*

14. At least two days prior to commencement of works on-site, a notice of commencement is to be submitted to Council in accordance with the provisions of section 81(2)(c) of the *Environmental Planning & Assessment Act 1979*.

REASON – *To comply with the EPA Act 1979.*

15. A written waste agreement for the disposal of wastes at Council landfill or recycling facilities generated during construction and operation of the proposed Cotton Gin and facilities is to be prepared and approved by Hay Shire Council.

REASON – *To ensure management of wastes generated by the development.*

16. Written evidence is to be provided to Council confirming the proponent obtaining legal access to the site and compliance with the owner consent requirements identified by the NSW Aboriginal Land Council and the NSW Crown Lands Service regarding use of the Travelling Stock Reserve.

REASON – *To ensure adequate access to the site.*

17. A detailed site water balance is to be prepared and provided to Council that identifies a clear breakdown of proposed water use within the development. This site water balance is to clearly demonstrate the reliability of proposed bore water supply to meet the development water requirements. The site water balance is also to address water supply demands during construction and fire-fighting storage.

REASON – *To ensure adequate water supply to the site.*

18. All vehicle parking required to service the development is to be provided on-site. The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, parking bay dimensions and loading bays are to be in accordance with AS2890.1-2004 “Off-street car parking” and AS 2890.2-2002 “Off-street commercial vehicle facilities”.

REASON – *To ensure adequate on-site parking.*

DURING CONSTRUCTION

19. As a minimum the intersection of the access driveway with the Cobb Highway (HW21) is to be constructed to provide a sealed Channelised Right Turn (CHR) and Auxiliary Left Turn (AUL) treatment in accordance with the Austroads *Guide to Road Design* as amended by the supplements adopted by Roads and Maritime Services for the prevailing speed limit and to cater for B-Triple vehicle access to the site.

REASON – *To ensure adequate arrangements for parking, access and traffic.*

20. Suitable drainage treatment is to be implemented to retard any increased storm water run-off directly from the subject site on to the road reserve of the Cobb Highway (HW21). Any driveway to the Cobb Highway is to be designed, constructed and maintained to prevent water from proceeding onto the carriageway of the road. If a culvert is to be installed and is to be located within the clear zone of the Cobb Highway for the prevailing speed zone it is to be constructed with a traversable type headwall.

REASON – *To ensure adequate arrangements for parking, access and traffic.*

21. As a minimum the access driveway to the Cobb Highway (HW21) shall be constructed as a “Rural Property Access” type treatment in accordance with the Austroads *Guide to Road Design* as amended by the supplements adopted by Roads and Maritime Services and is to be constructed perpendicular (or at an angle of not less than 70 degrees) to the carriageway of the highway.

REASON – *To ensure adequate arrangements for parking, access and traffic.*

22. Before any water/sewer plumbing or drainage work is commenced, a Notice of Work (Now) is to be submitted to Council 48 hours prior to works commencing. On completion of work, the licensed plumber/drainer shall apply for an inspection (inspection fees apply) and a Certificate of Compliance (CoC) is to be submitted to Council. A sewer service diagram (SSD) must also be provided to Council upon completion of the drainage works.

REASON – *To ensure that the installation of plumbing and drainage work is in accordance with Australian Standards and the Plumbing Code of Australia.*

23. The applicant is to apply to Council for approval to install and operate an on-site wastewater treatment system. This system is to be a NSW Health Approved system. The location of this system is to be approved by Council. The application is to include details of the proposed system, distances from water bodies (i.e. river, farm dam), copy of the accreditation, appropriate unit sizing and details of the absorption system. A soil capability assessment is to be submitted with the application (excluding AWTS systems). The land application system is to be located at least 100m to permanent surface waters (e.g. river) and 40m to other waters (e.g. farm dam).

REASON – *To comply with the Local Government Act 1993*

24. All building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

REASON – *To comply with the Building Code of Australia.*

25. The developer will comply with any requirements or directions of the NSW Roads and Maritime Services during construction for any works that may affect the Cobb Highway.

REASON – *To comply with requirements of relevant state agencies.*

26. The developer will comply with those relevant conditions during construction work of the General Terms of Approval dated 19 May 2014 attached to this approval.

REASON – *To comply with requirements of NSW EPA.*

27. The unanticipated discovery of substantial or potentially significant relics should be reported immediately to the Hay Shire Council and the NSW Heritage Office.

REASON – *To ensure the heritage requirements are complied with.*

28. The identification of any Aboriginal artefacts, or deposits likely to contain Aboriginal artefacts, during the archaeological investigation or otherwise, will be reported to the Director General of the NSW Office of Environment and Heritage (National Parks & Wildlife Service) and the relevant permits should be obtained under Section 91 of the *National Parks and Wildlife Service Act 1974*.

REASON – *To ensure the heritage requirements are complied with.*

29. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification will be kept on the site at all times during construction and will be readily available for perusal by any officer of the Council or the PCA.

REASON – *To ensure compliance with relevant approvals.*

30. The developer is to prepare a detailed landscape management plan and report on the various options for conservation and management of the areas of the site that are to be retained for both conservation, revegetation and screening of the development. This landscape management plan and report are to be prepared in consultation with, and approved, by the Hay Shire Council, NSW RMS and the Riverina Local Land Services.

REASON – *To mitigate the impacts of the development.*

31. The developer is to ensure that erosion and siltation control measures are installed and maintained on the site for the entire length of the construction project. Erosion control measures are to include the placement of hay bales staked in the ground or the erection of geo fabric filter fencing at the bottom of all areas where cut and fill is carried out and within any existing drainage areas from those cut and fill areas. These control measures are to be in accordance with the requirements of the consent authority and best management practices as outlined in the NSW Department of Housing "*Soils and Construction, Managing Urban Stormwater 4th Edition, March 2004 the Blue Book*".

REASON - *To mitigate the impacts of the development.*

32. The developer is to ensure that all builder' sheds, including temporary sanitary closets, must at all times be located wholly within the site; properly constructed and maintained to industry standards; securely anchored to the ground, and removed upon completion of the project.

REASON - *To ensure suitable and safe on-site facilities during construction.*

33. The Principal Certifying Authority (PCA) (ie Council or Private Certifier) is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the PCA via the notice under Section 81A of the *Environmental Planning and Assessment Act 1979*.

REASON – *To comply with the EPA Act 1979.*

34. The developer is to ensure that at all times all excavations and backfilling associated with the development is executed safely and in accordance with professional standards. The developer is to ensure that site excavations are properly guarded and protected at all times to prevent them from being a danger to life or property.

REASON – *To protect life and property during construction.*

35. Toilet facilities are to be provided within the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet and connected to either: an accredited sewage management facility or an approved chemical closet. The toilet facilities shall be provided on-site, prior to the commencement of any works.

REASON – *To ensure suitable and safe on-site facilities during construction.*

POST CONSTRUCTION

36. The proposed development shall provide and maintain sufficient area on the subject site to allow for the storage of all vehicles intending to access the site. At no time shall vehicles be required to queue onto the road reserve of the Cobb Highway (HW21).

REASON – *To ensure adequate access.*

37. Any damage or disturbance to the road reserve of the Cobb Highway (HW21) is to be restored to match surrounding landform in accordance with Council requirements. Following the construction of the new driveway all existing driveways or gates to the Cobb Highway are to be removed and the road reserve is to be restored to match the surrounding roadside in accordance with Council requirements.

REASON – *To comply with requirements of relevant state agencies.*

PRIOR TO OCCUPATION AND OPERATION OF THE DEVELOPMENT

38. The developer will make application to the NSW EPA for an Environment Protection License to operate the Cotton Gin consistent with the General Terms of Approval dated 19 May 2014.

REASON – *To comply with requirements of NSW EPA.*

39. A site audit is to be provided to Council that demonstrates that crime prevention and safety measures for the public and staff within the site include effective lighting of car parks and other public places and restricted public access to the site, internal areas or high-risk areas.

REASON – *To ensure public safety within the development.*

40. A Fire Safety Certificate will be furnished to the PCA (i.e. Council or Private Certifier) for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of the Occupation Certificate. As soon as practical after a Fire Safety Certificate is issued, the owner of the building to which it relates must:
- Provide a copy of the certificate (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades; and
 - Ensure further copy of the certificate (together with a copy of the current fire safety schedule) is prominently displayed in the building.
41. An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1997* have been complied with as well as all of the conditions of the Development Consent.

GENERAL CONDITIONS

42. The proposed development has been assessed under the provisions of the Building Code of Australia as:
- Class – 8; and
 - Rise – One.

REASON – *To comply with the Building Code of Australia.*

43. Water supply work or sewerage work that is plumbing and drainage work within the meaning of the Plumbing and *Drainage Act 2011* must comply with the Act and the regulations under the Act. Any water supply work or sewerage work that is not plumbing and drainage work under that Act, and any stormwater drainage work, must comply with the *Plumbing Code of Australia*.

REASON – *Council and Statutory requirement of Local Government (General) Regulation 2005.*

44. Internal vehicular manoeuvring aisles, parking areas and loading bays will be maintained clear of obstruction and used exclusively for the purposes of vehicle access, parking and loading and unloading respectively. This is to provide for the ease of circulation of vehicles within the development site. Under no circumstances are these areas be used for the storage of goods or waste receptacles or any other purpose.

REASON – *To ensure adequate on-site arrangements for parking and traffic.*

45. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

REASON – *To facilitate the development.*

46. The developer shall comply with any relevant prescribed conditions of development consent under the Environmental Planning and Assessment Regulation. The following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia; and
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out showing the name, address and telephone number of the principal certifying authority for the work, and showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

REASON – *To comply with the EPA Act 1979.*

47. This consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992*. It is the responsibility of the applicant to guarantee compliance with the requirements of the *Disability Discrimination Act 1992*.

REASON – *To comply with the EPA Act 1979.*