

JOINT REGIONAL PLANNING PANEL

(Western Region)

JRPP No	2014WES012
DA Number	DA161314
Local Government Area	Murrumbidgee
Proposed Development	Cotton Ginning Facility (Agricultural Produce Industry)
Street Address	DP 66, 112 & 114/750895 – 20762 Sturt Hwy, Carrathool
Applicant/Owner	PlanningMatters Development Services <i>obo</i> RivCott P/L
Number of Submissions	Nil (not including advice received in respect of agency referrals)
Regional Development Criteria (Schedule 4A of the Act)	Value of project > \$20 million
List of All Relevant s79C(1)(a)	<ul style="list-style-type: none"> List all of the relevant environmental planning instruments: s79C(1)(a)(i) Murrumbidgee Local Environmental Plan 2013 List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the

Matters	<p>consent authority: s79C(1)(a)(ii) Nil</p> <ul style="list-style-type: none"> List any relevant development control plan: s79C(1)(a)(iii) Nil List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) Nil List any coastal zone management plan: s79C(1)(a)(v) Nil List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, <p>Refer to attached Planning Assessment Report</p>
List all documents submitted with this report for the panel's consideration	<p>Environmental Impact Statement March 2014</p> <p>Revised Appendix J -Flora & Fauna Assessment</p> <p>The amended environmental impact statement Appendix K (Air Quality Assessment) dated April 2014</p> <p>The Air Quality Assessment - Carrathool Cotton Gin - Rivcott Limited dated 24 June 2014</p> <p>The additional information provided in the Pacific Environment Limited report titled "Final - Air Quality Assessment - Carrathool Cotton Gin - Rivcott Limited" provided to the EPA on 21 July 2014.</p>
Recommendation	That the JRPP Approve DA 161314 subject to given conditions
Report by	<p>Doug Burke Manager: Health, Building & Planning Murrumbidgee Shire Council</p>

Assessment Report and Recommendation Cover Sheet

RivCott Cotton Ginning Facility

Assessment Report

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1. Executive Summary

A development application (DA 161314) was received by Murrumbidgee Shire Council on the 19th March 2014. The application seeks approval for a development of a rural industry.

The application was referred to NSW Environmental Protection Authority, Roads & Maritime Services and the NSW Office of Environment & Heritage.

The application was publically exhibited in the local newspapers and adjacent landowners were notified in writing.

Appropriate signage was erected on the boundary fencing, easily accessible by the public, for the duration of the extended period of public exhibition.

An assessment of those matters required for consideration has been undertaken and it recommended that:

1. The Western Joint Regional Planning, as the Consent Authority, resolve to approve Development Application No. DA161314 pursuant to Section 80(1)(a) of the *Environmental planning and Assessment Act 1979* subject to conditions as recommended in this report.
2. Copies of the Notice of Determination be forwarded to those agencies that provided submissions on the proposal, concurrence or general terms of approval.

2. Introduction

Subject Property:	Lots 66, 112 & 114 in Deposited Plan 750895; Corner of the Sturt Highway and Gum Creek (Conargo) Road, Carrathool
Applicant:	PlanningMatters <i>obo</i> RivCott Pty Ltd
Consent Authority:	Murrumbidgee Shire Council
Proposed Development:	Cotton Ginning Facility (Agricultural Produce/Rural Industry)

The application has been assessed in accordance with the requirements of the *Environmental Planning & Assessment Act 1979* (the Act) and the associated regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Act and associated regulations;
- A site inspection was conducted and consideration has been given to the potential impacts upon all lands adjoining or located nearby.

The proposed development is classified Designated Development in terms of Schedule 3 of *Environmental Planning and Assessment Regulation 2000*. Designated development requires an Environmental impact Statement to be prepared and submitted with an application for approval.

As such, the proponent sought advice from the Director-General of the Office of Planning and Infrastructure on the preparation of an Environmental Impact Statement (EIS).

The Director General's requirements were that the proponent address identified key issues and consult with relevant government agencies, service providers and community groups.

The application was referred to the Roads and Maritime Service and the Environmental Protection Authority for review and comment.

External Referrals

Roads and Maritime Services (RMS)

The Application is regarded as being potentially 'Traffic Generating Development' and was referred to RMS under Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*. The proposal was considered by RMS and in a letter dated the 30th May 2014, RMS have advised that they have no objection to the proposed development and have provided conditions to be applied to any consent granted.

Environmental Protection Authority (EPA)

The application was referred to the EPA as the development was assessed to be Integrated Development for the purposes of Part 31 (1b) of Schedule 3 of the *Protection of the Environment Operations Act 2000*. The EPA has responsibilities for pollution control and environmental management under said Act.

The EPA have advised Council that they are able to issue their General Terms Of Approval in relation to the development, based upon the documentation submitted with the application, which are required to be incorporated into the consent, if approval is given for the proposal (unmodified).

Internal Referrals

The development application and relevant correspondence from the RMS was referred to Council's Community Infrastructure & Sustainability Department for consideration. On advice the following issues have been addressed in the draft schedule of conditions:

1. A section of Gum Creek Road is to be widened by the proponent and so constructed as to meet specified standards.
2. Any road works that entail removal of vegetation will require an environmental impact oversight.
3. The improvements made to the road will be appropriately marked so as to delineate different functions.

3. Site History

The subject site has historically been a lesser part of much larger properties since colonial occupation of the area began. The predominant land use for the immediate area was sheep and cattle grazing until the introduction of irrigated cropping in the early to mid twentieth century.

The site has been the subject of the following applications:

Development application N^o DA 061314 was lodged with Council on 5th November 2013 for the proposed subdivision of Lots 66, 112, & 114 of Deposited Plan 750895 to create 2 unique allotments. The application as assessed under

delegation and the applicant was advised of the approval on the 6th November 2013. A subdivision certificate was issued on the 28th June 2014.

4. Development Proposal

The proposed development is for a cotton ginning facility to be established on the subject land. It is intended that the facility will process *'up to 150,000 bales of lint cotton per annum, which equates to 150,000 tonnes of raw product.'*

The proponent's rationale supporting the proposed development is that:

'cotton farmers from the Riverina region of NSW... want to address the upcoming shortage of ginning facilities in southern NSW and have a greater control over their product's refinement.'

And,

'RivCott believe that their ginning facility will be one of the most viable in Australia because it will almost completely supplied by growers who can guarantee supply.'

The development of the proposed land use will entail the construction of;

Cotton Module Storage Yard

- Purpose: To store raw material prior to processing
- Location: South and west of the gin building
- Footprint: 34 x Module Storage Pads (90m x 240m) = Approx. 7.4 Ha
- Height: +/- ground level with surrounding drainage
- Construction: Improved (gravel enhanced), Unimproved (graded)

Gin Building X 1

- Purpose: To enclose and protect cotton processing machinery and the operators from the elements.
- Location: Centre of the complex
- Footprint: Approximately 4800m²
- Height: Approximately 15m
- Construction: Fully enclosed using Zincalume roof and Colorbond walls.
- Openings: The attached infeed area will have openings for receivables.

Bale buildings X 3

- Purpose: To store finished product before being transported offsite
- Location: North of the gin building
- Footprint: Approximately 6000m²
- Height: approximately 10m
- Construction: Zincalume roof and Colorbond clad walls
- Openings: North aspect

Amenities Building X 1

- Purpose: To provide a space for rest and ablutions
- Location: West of the gin building
- Footprint: Approximately 144m²
- Height: Approximately 4m
- Construction: Transportable building protected by Zincalume awning
- Openings: Open sided awning

Seed Building X 3

- Purpose: To receive and store cotton seed until transported offsite
- Location: South of the gin building
- Footprint: Fully enclosed area of approximately 2160m²
- Height: Ridge height of approximately 17m
- Construction: Zincalume roof and Colorbond clad walls
- Openings: The eastern and western aspects

Weighbridge Office X 1

- Purpose: To provide office space and rest amenities to staff/visitors
- Location: Adjacent to the weighbridge, east of the gin building
- Footprint: Approximately 116m²
- Height: Approximately 4m
- Construction: Zincalume roof and Colorbond clad walls
- Openings: As required for access and ventilation

Workshop X 1

- Purpose: To provide operational space for maintenance equipment
- Location: South of the gin building
- Footprint: Approximately 228m²
- Height: Approximately 7m
- Construction: Zincalume roof and Colorbond clad walls
- Openings: Sliding doors on the south facing side.

Oil Store

- Purpose: Storage of oil to service machinery
- Location: South-east of the gin building
- Footprint: Approximately 9m²
- Height: Approximately 2m
- Construction: Zincalume wall and roof cladding

Other infrastructure

Two above ground gas tanks with a capacity of 60,000 litres each and one above ground fuel tank with a capacity of 10,000 litres. The necessary safety criteria and accepted standards are to be reviewed prior to determining the final location.

5. Site Context

The property is located on the western junction of the Sturt Highway and Gum Creek Road between the towns of Hay and Darlington Point. The nearest place of population is Carrathool, a small hamlet situated approximately 7kms to the north and accessed by sealed road via the Carrathool Bridge spanning the Murrumbidgee River.



Site of Proposed Development (*GoogleMap*)

The site prior to European occupation would have been characteristic of the wooded grasslands endemic to the region. The site has been subject to heavy grazing by stock animals since the mid 1800's. The immediate area of the proposed footprint of the development has been land formed for irrigated cropping for a number of decades.

A commercial grain storage facility is located on the opposite corner of the junction with the Sturt Highway. The facility is run on a seasonal basis with temporary occupation only as needed.

Otherwise, the surrounding land use is typical of the south western Riverina region. Where land can be irrigated efficiently, crops are grown, and on the remainder, cattle and sheep are sustained on natural pasture.

Servicing these adjoining and near properties is a number of small single dwellings. Within 4 km of the proposed development there are six dwellings with the majority being situated to the north/north-west of the ginning facility site.

The nearest dwelling is located approximately 1.8 km directly to the north. It is not known whether all or any of the dwellings are currently occupied or capable of being occupied.

The application cites the benefits of the location for the proposed development as being:

- *Proximity to current and emerging markets.* Comment: It is understood from current market projections that raw cotton production in the south western region of NSW is increasing. The need to process it locally is paramount to maximise returns to the regional community.
- *Existing zoning.* Comment: The current land use zoning of the subject property under the *Murrumbidgee Local Environmental Plan 2012* (as at June 2014) is recognised as 'RU1 – Primary Production, land use zoning.
- *Access to arterial road network.* Comment: Located adjacent to a classified road (Sturt Highway) with suitable vehicular access onto an intersecting local road (Gum Creek Road).
- *Low amenity impacts including noise, air quality and visual impacts.* Comment: The nearest potential sensitive receptor (residence) is located approximately 1.8km from the development. Potential noise and air quality issues have been reviewed by the EPA. It is not envisaged that the development will detract from the existing visual amenity.
- *Low environmental impacts associated with regard to extent of disturbance required and other site features.* Comment: The majority of the subject site has previously been subject to clearance, grazing and land formation for irrigated cropping.

6. Regulation

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Pursuant to section 77A of the *Environmental Planning & Assessment Act 1979* (the Act) the proposal is identified as designated development as defined in Schedule 3 of the *Environmental Planning & Assessment Regulations 2000* (the Regulations) as being an 'Agricultural Produce Industry', that:

'process agricultural produce, including dairy products, seeds, fruit, vegetables or other plant material that crush, juice, grind, mill, gin, mix or separate more than 30,000 tonnes of agricultural produce per year'.

In accordance with section 79 and 79A of the Act the development application was publicly exhibited for a period of 30 days. This period was extended for a further consecutive 30 days due to the late inclusion of new material deemed intrinsic to a comprehensive understanding of all likely impacts of the proposal.

The application is required to be determined by the Joint Regional Planning Panel pursuant to Clause 3 of Schedule 4A of the Act as the Capital Investment Value of the proposed development exceeds \$20million.

In considering the Development Application, the matters listed in Section 79C of the *Environmental Planning and Assessment Act 1979* have been taken into consideration in the preparation of this report and are as follows:

Section 79C 'Matters for Consideration	Comments
Section 79C (1) – Provisions of any environmental planning instrument	<p>The following Environmental Planning Instruments are applicable:</p> <ul style="list-style-type: none">• State Environmental Planning Policy (Infrastructure) 2007• SEPP (Major Development) 2005• SEPP (State and Regional Development) 2011• SEPP 33 Hazardous and Offensive Development• SEPP 55 Remediation of Land• Murrumbidgee Local Environmental Plan 2013

Section 79C (1) – Provisions of any draft planning instrument	Not applicable
Section 79C (1) – any development control plan	Not applicable
Section 79C (1) – provisions of any planning agreement	Not applicable
Section 79C (1) – provisions of the regulations	Clause 98 of the EPA Regulations requires consideration of the <i>Building Code of Australia</i> . The matter can be addressed via a condition of consent compelling structural adequacy.
Section 79C (1) – any coastal zone management plan	Not applicable
Section 79C (1) – the likely impacts of the development including environmental, social and economic	<p>Having regard to its location and the overall assessment of the proposal as contained in this report the site will adequately accommodate the proposed works in that:</p> <ul style="list-style-type: none"> • The proposed development, as amended by the recommended conditions, will not create any unreasonable detrimental impacts on adjoining or nearby properties; • The proposal (as amended by the recommended conditions) is compatible with surrounding developments and adjacent developments do not pose any prohibitive constraints on the development proposal, • The proposed development complies with the relevant State

	<p>and Council's local planning controls and objectives,</p> <ul style="list-style-type: none"> • The subject site is not subject to any natural hazards that would prohibit the construction and operation of the development in the proposed form. • The proposal will result in positive social and economic benefits for the area by facilitating the opportunities for employment and regional growth.
Section 79C (1) – the suitability of the site for the development	<p>This site was chosen for reasons of ownership; its proximity to resources and the road network for suitable for transportation to market or port.</p> <p>The form of development is appropriate for the site and is in keeping with the existing character and nature of the area.</p>
Section 79C (1) – submissions made	<p>The application was exhibited for an extended period.</p> <p>Nil submissions received from the public.</p> <p>Submissions received from government entities in response to referrals have been dealt with in the body of the report.</p>
Section 79C (1) – the public interest	<p>The development once realised could provide economic and social benefits to the community through employment opportunities.</p> <p>It is not envisaged that the development would pose a likely risk to the public interest.</p>

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP (Infrastructure) 2007

Schedule 3 of the *SEPP (Infrastructure) 2007* identifies that industrial uses that cover an area of greater than 5,000m² are to be formally referred for concurrence of the NSW Roads and Maritime Services (RMS).

The application complete with a traffic assessment report was referred to the RMS on the 11th April 2014 and a formal and final response was received by Council on the 3rd June 2014.

SEPP (State and Regional Development) 2011

This Policy confers functions on joint regional planning panels to determine applications for development of a class or description included in Schedule 4A to the Act. The proposed development is deemed of such a class (general development >\$20 million) and has been referred to the Western Joint Regional Planning Panel for a determination.

SEPP 33 Hazardous and Offensive Development

This Policy applies if a proposal for an industrial development requires consent and it is either a potentially hazardous industry or potentially offensive industry. The Department of Planning has developed a checklist and a risk screening procedure to assist in determining whether a development proposal falls within the definition of potentially hazardous industry.

It has been ascertained from the *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* that the proposed LPG storage tanks to be installed as part of the development pose a hazard with a discernable risk. The Applicant is to locate the storage tanks in a manner and at a location to be determined on advice.

SEPP 55 Remediation of Land

In assessing an application for development of land, the consent authority is to consider 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

A search of the NSW Contaminated Lands Management register indicated no information or notices under the *Contaminated Land Management Act 1997* relating to the land.

Understanding the previous agrarian land uses, it would be probable that there would be some form and level of soil contamination from chemicals previously used to control weeds and pests. Such presumed contamination would not greatly impact upon the safe operation of a non-food processing facility provided appropriate precautions are taken.

STATE REGIONAL ENVIRONMENTAL PLANS (SREPs)

There are no SREPs applicable to the site.

LOCAL ENVIRONMENTAL PLAN (LEP)

The provisions of the *Murrumbidgee Local Environmental Plan 2013* (MLEP 2013) have been considered in the assessment of this Development Application DA 161314 and the following information is provided:

Relevant Clauses from the Murrumbidgee Local Environmental Plan 2013

Applicable Provisions	Comments
1.2 – Aims of Plan	<p>The aims of the MLEP 2013 are:</p> <ul style="list-style-type: none">To protect and conserve agricultural and horticultural land through the proper management, development of natural and man-made resources

	<ul style="list-style-type: none"> • To encourage a range of housing and employment, recreation and community facilities to meet the needs of existing and future residents of Murrumbidgee • To promote the efficient and equitable provision of public services, infrastructure and amenities. • To conserve the environmental heritage of the land to which this Plan applies. <p><u>Comment:</u> The development, as proposed, is not incompatible with the aims of the MLEP 2013</p>
<p>2.9 – Land Use Table</p>	<p>The subject site is zoned 'RU1- Primary Production' as located on MLEP mapLZN 001</p> <p>The proposed development is defined under the MLEP 2013 as:</p> <p><i>"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."</i></p> <p>Agricultural produce Industries are a form of 'rural industry' which is defined in the MLEP 2013 as:</p> <p><i>(a) agricultural produce industries, (b) livestock processing industries, (c) composting facilities and works (including the production of</i></p>

	<p><i>mushroom substrate,</i> <i>(d) sawmill or log processing works,</i> <i>(e) stock and sale yards,</i> <i>(f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise."</i></p> <p><u>Comment:</u> The development of an agricultural produce industry is identified in Section 2.8 (RU1 - Primary Production) of the MLEP 2013 as being development that may only be carried out with development consent.</p>
5.9 – Preservation of trees or vegetation	No trees or vegetation of significance are designated to be removed from the site during construction
5.10 - Heritage Conservation	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> To conserve the environmental heritage of Murrumbidgee <p><u>Comment:</u> The site is not listed in Schedule 5 –Environmental Heritage MLEP 2013</p> <ul style="list-style-type: none"> To conserve the heritage significance of heritage items and heritage conservation views, including associated fabric, settings and views <p><u>Comment:</u> There are no known heritage items in the near vicinity. The aspect from a public visual viewpoint (Sturt Hwy) would be of a rural industry with a backdrop of flat plains and minimum features of note.</p> <ul style="list-style-type: none"> To conserve archaeological sites <p><u>Comment:</u> Nil known</p>

	<ul style="list-style-type: none"> To conserve Aboriginal objects and Aboriginal places of heritage significance <p><u>Comment:</u> Given the paucity of aboriginal cultural items located during the cultural site survey (20/02/14) it is not regarded that a heritage conservation management plan is required.</p> <p>However, given that there are areas on the site that have not been subject to major instances of land forming, there is the potential for such areas to contain items of interest.</p> <p>The draft conditions require an Aboriginal Cultural Heritage Assessment be undertaken prior to disturbing the nominated areas.</p> <p>Works undertaken anywhere on the site are subject to stoppage if any cultural items are found. Cultural items found are to be reported.</p>
<p>6.1 - Earthworks</p>	<p>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of surrounding land.</p> <p><u>Comment:</u> The remaining natural landforms on the site are insignificant in the context of the surrounding area.</p> <p>The site will be graded so that drainage is directed to collection points within the property boundary. No additional surface water flow to adjoining properties will be</p>

	<p>permitted through this development proposal.</p> <p>OEH have assessed the EIS and have made recommendations as to how the project may proceed with minimal disturbance or destruction of hitherto unknown cultural relics.</p>
6.2 - Flood planning	<p>The objectives of this zone are as follows:</p> <ul style="list-style-type: none"> • To minimize the flood risk to life and property associated with the use of the land, • To allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, • To avoid significant adverse impacts on flood behavior and the environment <p><u>Comment:</u> The subject site is not recognised on Council's flood mapping for the area as being flood prone. It is regarded that the type of development proposed is compatible with the flood hazard of the land.</p>
6.3 Terrestrial Biodiversity	<p>The objective of this clause is to maintain terrestrial biodiversity by:</p> <ul style="list-style-type: none"> • Protecting native flora and fauna • Protecting the ecological processes necessary for their continued existence • Encouraging the conservation and recovery of native flora and fauna and their habitats <p><u>Comment:</u> MLEP 2013 map BIO 001 identified the area as being an area of note. The application was referred to OEH for review and comment.</p>

<p>6.9 Essential Services</p>	<p>The consent authority is to give consideration as to whether the following essential services are available if and when required:</p> <ul style="list-style-type: none"> • Water – An adequate water supply for processing and supporting activities could be sourced onsite from detaining rainfall or tapping accessible groundwater • Electricity – Mains power supply is available and accessible from the property boundary without requiring an easement • Sewage – During construction, the site will be serviced with temporary facilities. An approved onsite sewage management system will be required to treat waste water generated during normal operations. • Storm water – Rainfall that is not captured for use will be diverted by set drainage to detention basins. Any gain in the basins will be offset by evaporation, percolation or reuse. • Vehicular Access – The property has unfettered frontage onto a sealed local road providing suitable vehicular access.
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The objectives and provisions of MLEP 2013 have been considered in relation to the subject development application. The proposal is considered satisfactory in terms of the MLEP 2013.

The proposal has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* and the relevant provisions of the *Murrumbidgee Local Environmental Plan 2013*. The proposal is permissible in

the RU1 – Primary Production zone, and is considered to result in a development which is suitable in the context.

In response to agency submissions forwarded to the Office of Planning and Environment by Council on the 6th June 2014, the reply from the Office was that:

‘After reviewing the EIS and the government submissions, I have found no issues to alter my original opinion that there are no major issues of state or regional significance associated with this development. As such, I raise no objection continuing to finalise their assessment of the proposal...’

7. Issues & Discussion

The application and associated documents provided under the cover of the ‘RivCott- Environmental Impact Statement’ were formally referred to the Roads and Maritime Services, Environmental Protection Authority and the Office of Environment and Heritage for their review and comment.

The following issues were raised in subsequent responses from those government agencies.

Traffic Generation

The EIS was submitted to the Roads and Maritime Services (RMS) for their review and consideration. The response from the RMS cited a priority concern 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’*.

The Applicant recognises that *‘the majority, if not all vehicle movements will arrive via the Sturt Highway and leave the site via Gum Creek road and the Sturt Highway.’*, and have provided the following commitments:

- New access/egress points can be located a considered distance from the intersection of Gum Creek Road and the Sturt Highway
- Provision will be made for on-site stacking of heavy vehicles so as to mitigate congestion on Gum Creek Road.
- Provision will be made for adequate parking on-site
- Detailed drawings of Gum Creek Road widening and treatment will be submitted in conjunction with the Construction Certificate application.

Roads and Maritime Services has stated that they assessed the development application based on the documentation provided and would raise no objection to the development proposal subject to:

'the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved).'

Aboriginal Cultural Heritage

The application and associated documentation was submitted by Council to the Office of Environment and Heritage (OEH) for comment. Mr Peter Ewin, on behalf of the OEH responded with a request that:

'An Aboriginal Heritage Impact Permit (AHIP) is sought by the proponent prior to clearing of areas not already impacted by irrigation. Comment: During the site survey it was noted by the consultant that roughly 80% of the subject site had been previously disturbed by laser-levelled paddocks and irrigation channels. Also noted were 2 low density artefact scatter sites, one of which was located in the area north of the proposed gin facility footprint and the other to the south adjacent to a prior stream bed. Conditions have been drafted to minimise disturbance or destruction of artefacts.

Flora & Fauna

An assessment of significance was undertaken by consultants on behalf of the Applicant. In summary it was found that:

- One endangered ecological community, Weeping Myall (*Acacia pendula*), was represented in an area of the subject site not previously cleared for cropping.
- No threatened species were recorded during field surveys.
- There is limited habitat opportunity for endangered fauna.

It has been recommended by the consultant and the Riverina Local Land Services that a Property Vegetation Plan (PVP) be implemented before the development becomes operational. The PVP will identify those areas set aside for protection (including 4 ha of Weeping Myall); safeguarded with fencing stipulations, weed control and stock exclusion.

Air Quality

An assessment was undertaken by the Applicant to better understand the likely impacts on the air quality of sensitive receptors (dwellings) during operation of the development. The criteria for the assessment are health-based with set levels to protect recipients of emissions against adverse health effects.

The results of the modelling undertaken in the assessment (21/07/14) demonstrated to the satisfaction of the EPA that the cotton ginning facility as proposed will meet the set criteria.

Noise

The noise impact assessment by Reverb Acoustics on behalf of the Applicant offered the conclusion that the site is suitable for the intended purpose providing recommendations outlined in the report are incorporated into the design.

The recommendations include constructing an acoustic mound 2500mm above finished ground level along the north edge of the internal access road; motor vehicle speed restrictions onsite and minor building design and construction modifications.

The Environmental Protection Authority, as an approval authority, has recommended conditions to limit noise from the premises when the development is operational.

Waste

Commitments are given by the Applicant for the proper disposal of waste generated onsite during both the construction phase and the operational phase:

- The waste generated will be stored onsite in receptacles suitable for the purpose until transferred to an acceptable waste receiving facility by a waste contractor.
- Where possible solid waste will be recycled.
- Organic material generated by processing activities will be stored onsite and left to naturally decay.
- Decayed organic material will be reused onsite for landscaping purposes.
- Waste oil from plant will be collected and stored onsite in an area that is adequately roofed and bunded.
- Waste water from the amenities area will be treated and disposed of onsite in compliance with any approval given under section 68 of the *Local Government Act 1993*.

The Environmental Protection Authority, as an approval authority, has recommended conditions to limit waste by prohibiting waste generated offsite being received onsite.

8. Conclusion

The development/proposal is designated development and an EIS was submitted to identify all potential impacts. It is considered that the EIS (as amended) has been prepared in accordance with the Director General's requirements issued by the Department of Planning and Infrastructure and all relevant legislation for the assessment of the development and the identified impacts are assessed within this report.

The development application was processed and advertised in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the Regulations and Environmental Planning Instruments thereunder.

Based on the above Section 79C assessment, it is recommended to the Western Joint Regional Planning Board that the development application for a cotton ginning facility (Rural Industry) on the subject site be approved subject to given conditions.

9. Recommendation

In view of the preceding commentary, it is RECOMMENDED that:

1. The Western Joint Regional Planning, as the Consent Authority, resolve to approve Development Application No. DA161314 pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to conditions as recommended in this report.
2. Copies of the Notice of Determination be forwarded to those agencies that provided submissions on the proposal, concurrence or general terms of approval.

10. Draft Conditions of Consent

ADMINISTRATIVE CONDITIONS

MS 1 The development is to be carried in accordance with the listed reference documents and endorsed with Council's stamp, except where amended by other conditions of this consent. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this Consent shall prevail to the extent of any inconsistency.

Reference documentation is also listed:

Reference Documents	Author	Date Received
Environmental Impact Statement	Warwick Stimson	27 March 2014
Appendix K - Air Quality Assessment v.3	R. Kellaghan	21 July 2014
Appendix J – Flora & Fauna Assessment v.2	Damian Wall	12 June 2014
Response to OEH – management of Aboriginal cultural heritage	Damian Wall	12 June 2014

Reference plans are also listed:

Project/Sheet N ^o	Sheet Name	Project Issue Date
RC1213/AO1B	Site Plan Option 2	18/06 2014
RC1213/AO2	Gin Area Plan& Weighbridge Area Plan	27/12/2013
RC1213/AO3	Gin Building - Floor Plan	27/12/2013
RC1213/AO4	Gin Building - Elevations	27/12/2013
RC1213/AO5	Gin Building - Sections	27/12/2013
RC1213/AO6	Amenities Building – Floor Plan, Elevations & Roof plan	27/12/2013
RC1213/AO7	Weighbridge Office – Floor Plan, Elevations & Roof Plan	27/12/2013
RC1213/AO8	Bale Building 1 – Floor Plan, Elevations & Sections	27/12/2013
RC1213/AO9	Bale Buildings 2 & 3 – Floor Plan, Elevations & Sections	27/12/2013
RC1213/A10	Seed Buildings – Floor plan, Elevations & Sections	27/12/2013
RC1213/A11	Workshop – Floor Plan, Elevations & Sections	27/12/2013
RC1213/A12	Water Truck Shelter & Oil Shed – Floor Plan, Elevations & Sections	27/12/2013
RC1213/A13	Module Pad detail	27/12/2013

LIMITS OF CONSENT

MS 2 The Applicant shall not process/output/produce more than 150,000 bales of lint cotton at the site. Any further enlargement or expansion or intensification of the development will be subject to separate approval under the *Environmental Planning & Assessment Act 1979* (as amended) unless otherwise exempt from such under presiding legislation.

MS 3 Without further approval from Murrumbidgee Shire Council, in writing, this approval will lapse and have no force or effect unless the use or development permitted is substantially commenced within five years of the date of this permit.

SURRENDER OF EXISTING DEVELOPMENT CONSENTS

- MS 4** Within 12 months of this Consent, the Applicant shall surrender all existing development consents for the site, apart from this Development Consent, in accordance with Clause 97 of the EP&A Regulation.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT AT WORK

- MS 5** Final positioning of the 2 x 60,000L LPG storage tanks is to be determined by the gas supplier prior to installation. Confirmation of the final location and compliance with the relevant Australian Standard/s is to be submitted to Council for approval prior to the issue of a construction certificate.
- MS 6** Detailed design drawings and specifications relating to the site storm water management system will be submitted to Council for approval prior to the commencement of construction.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- MS 7** The Applicant must obtain an approved Conservation Property Vegetation Plan (PVP) for the areas nominated on the map (Appendix A: Final Site Layout, *Assessment of Significance Report*, Red Gum Consulting, 11/06/2014) located within Appendix J – Flora and Fauna Assessment, of the EIS.
- MS 8** Prior to the issue of the Occupation Certificate, it has to be demonstrated to Council's satisfaction that the development has been constructed to meet the requirements detailed in Dot-Points 2, 3,6&7 under Section 4.1(Noise Control Recommendations) of the Noise Impact Assessment Report, prepared by Reverb Acoustics P/L (Report N^o 13-1741-R1) dated March 2014.
- MS 9** Council must be satisfied that any onsite sewage management system installed with approval under section 68 of the *Local Government Act 1993* is operationally compliant with said approval.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

MS 10 The premises is to be maintained so as to reduce the generation of waste, increase energy efficiency and minimize potential hazards onsite.

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

MS 11 The Applicant shall implement all reasonable and feasible measures to prevent and/or minimize any harm to the environment that may result from the construction, operation or decommissioning of the development.

STRUCTURAL ADEQUACY

MS 12 The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the *Building Code of Australia*.

Notes: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

OPERATION OF PLANT AND EQUIPMENT

MS 13 The Applicant shall ensure that all plant and equipment used for the Development is:

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

PEST, VERMIN & WEED CONTROL

MS 14 The Applicant shall:

(a) implement suitable measures to manage pests, vermin and declared noxious weeds on site; and

(b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

DISCHARGE LIMITS

MS 15 The Applicant shall ensure that all surface water discharges from the site comply with the discharge limits (volume and quality).

BUNDING

MS 16 The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Environmental Protection Manual: Technical Bulletin Bunding and Spill Management*.

EROSION AND SEDIMENT CONTROL

MS 17 During the construction of the development, the Applicant shall implement suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction Guideline, Vol. 1*. 4th edition Landcom 2004

WASTE MANAGEMENT

MS 18 The Applicant shall ensure that any waste generated on the site during construction is classified in accordance with the EPA's *Waste*

Classification Guidelines and disposed of to a facility that may lawfully accept the waste.

HERITAGE

MS 19 The Applicant shall cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered onsite. The NSW Police, the Aboriginal Community and the Office of Environment and Heritage (OEH) are to be notified. Works shall not resume in the designated area until Consent in writing from the NSW Police and/or the OEH has been obtained.

MS 19 The Applicant is to obtain an area based Aboriginal Heritage Permit (AHIP) prior to clearing those areas of the subject site not already impacted by irrigation land forming.

LIGHTING

MS 20 The Applicant shall ensure that the lighting associated with the Development:

- (a) complies with the latest version of *AS 4282(INT) - Control of Obtrusive Effects of Outdoor Lighting*; and
- (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

LANDSCAPING

MS 21 Landscaping will be undertaken as outlined in the application and supporting documentation, and maintained sufficiently to sustain vegetative growth and minimize fire risk.

MS 22 The landscaping buffer within the subject site along a proportion of the frontage to the site to the Sturt Highway and Gum Creek Road, as depicted on Site Plan Option 2, is to have an overall minimum width of 20 metres at the base and be planted with a variety of endemic species with growth ranging up to at least 15 metres mature height.

VEHICLE ACCESS

- MS 23** The intersection of the access driveway with Gum Creek Road 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 for the prevailing speed limit.
- MS 24** As a minimum the intersection of the access driveway with Gum Creek Road is to be constructed to provide a sealed Basic Right Turn (BAR) and Basic Left Turn (BAL) treatment in accordance with the *Austroads Guide to Road Design* for the prevailing speed limit and to cater for B-Triple vehicle access to the site.
- MS 25** As Gum Creek Road is an approved Road Train route the proposed intersection and access driveway shall 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 Gum Creek Road to the proposed weigh bridge within the development site. As a minimum the intersection and driveway 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.
- MS 26** As a minimum the access driveway shall be constructed as a “Rural Property Access” type treatment in accordance with the *Austroads Guide to Road Design* and be constructed perpendicular (or at an angle of not less than 70 degrees) to the carriageway of the highway.
- MS 27** As a minimum the access driveway shall be sealed from its intersection with Gum Creek Road to the property boundary. This is required to prevent the tracking of gravel onto the roadway. As a minimum the driveway within the subject property shall be constructed using an all weather surface and treated to minimise dust leaving the subject site. A management plan to provide measures to suppress dust generation from the development site and the access road shall be prepared and implemented.
- MS 28** The driveway and its intersection with Gum Creek Road shall be designed and constructed so that any vehicles entering or exiting the subject site

are not required to cross to the opposing travel lane of Gum Creek Road in order to perform the access or egress manoeuvre to the subject site.

MS 29 Any entry gate to the development site shall be located at least 40m from the edge of seal of the carriageway of Gum Creek Road or at the property boundary whichever is the greater. This is to allow for storage of long vehicles when gates are to be opened.

MS 30 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 AS 2890.1-2004 *“Off-street car parking”* and AS 2890.2-2002 *“Off-street commercial vehicle facilities”*.

MS 31 The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 *“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.

MS 32 Prior to any 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). 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.

MS 33 The Applicant shall ensure that:

- a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the Development are constructed and maintained in accordance with the latest versions of AS 2890.1 and AS 2890.2;
- b) the swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, is in accordance with AUSTROADS;
- c) the Development does not result in any vehicles queuing on the public road network;

- d) heavy vehicles and bins associated with the Development do not park or stand on local roads or footpaths in the vicinity of the site;
- e) all vehicles are wholly contained on site before being required to stop;
- f) all loading and unloading of materials is carried out on site; and
- g) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

MS 34 Reconstruct the road from the Sturt Highway with a 9.6m formation and a 7.6m wide seal (Total Length = 600m) and designed to Austroads Guide to Road design which will need to be approved by the Director of Community Infrastructure & Sustainability prior to construction. The seal is to be a two coat seal design and installed as per the RMS Guide to QA Specification – Sprayed Bitumen Surfacing (with Cutback Bitumen) NR106 E1/R1. Traffic Management is to comply with RMS Traffic Control at Work Site Manual Version 4.0, 2010 and also Australian Standard 1742, 2009 Manual Uniform Control devices.

MS 35 A Review of Environmental Factor (REF) would need to be carried out to remove the trees so that the road can be widened. The REF will need to include the following items of Cultural Heritage Clearance Survey and Environmental Flora and Fauna Survey. The REF will also address the Environmental Protection and Soil and Water Management as per RMS General Specifications G36 E4/R2 Environmental Protection and G38 E2/R0 Soil and Water Management

MS 36 Road to be line marked and Pavement Marked to RMS Specifications (edge lines, centre lines, hold lines, BAL, BAR line work, Guide Posting, Signposting and Raised Pavement Marking) The RMS Specification for these requirements are R131 E4/R1 Guide Posts, R141 E6/R6 Reflective Raised Pavement Markers, and R143 E4/R3 Signposting

ENVIRONMENTAL REPORTING

MS 37 Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant shall notify the Murrumbidgee Shire Council and any other relevant agencies of the incident.

MS 38 Within 7 days of the detection of the incident, the Applicant shall provide the Murrumbidgee Shire Council and any relevant agencies with a detailed report on the incident.

CONDITIONS REQUIRED BY AN EXTERNAL AUTHORITY

NSW Roads and Maritime Service

The following conditions are required to be incorporated into the approval by the NSW Roads and Maritime Service (RMS).

- RMS 1** Vehicular access directly to the development site from the road reserve of the Sturt Highway (HW14) is denied. Any existing driveways or gates to the Sturt Highway are to be removed and the road reserve is to be restored to match the surrounding roadside in accordance with Council requirements. Any damage or disturbance to the road reserve of the Sturt Highway is to be restored to match surrounding landform in accordance with Council requirements.
- RMS 2** 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 Sturt Highway (HW14).
- RMS 3** 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 from the road reserve of the Sturt Highway for construction related activity is denied. Appropriate signage and fencing is to be installed and maintained to effect this requirement for the duration of the construction works.
- RMS 4** Due to current vehicle restrictions in Victoria any processed goods leaving the development with an intended destination in Victoria shall be transported by B-double vehicles or smaller.
- RMS 5** Suitable drainage treatment is to be implemented to retard any increased storm water run-off directly from the subject site to the road reserve of the Sturt Highway (HW14).
- RMS 6** The intersection of the Sturt Highway (HW14) with Gum Creek Road shall be constructed as an Auxiliary Right Turn (AUR) and Auxiliary Left Turn (AUL) intersection treatment within the Sturt Highway (HW14). The design and construction of the intersection treatment shall be in accordance with the Austroads Guide to Road Design as amended by the Roads and Maritime Services supplements for the prevailing speed limit and be designed for heavy articulated vehicles to 36.5 metres in length.

The pavement standards are to be in accordance with the requirements of Roads and Maritime Services for the proposed turning traffic.

An audit of the existing intersection treatment as constructed is to be undertaken by an appropriately qualified person to assess the compliance of the existing intersection as constructed with the intersection treatment as required and the integrity of the existing pavement and raised concrete swept path treatments including kerb and gutter to cater to the expected turning traffic volumes and the through traffic along the Sturt Highway. Should the intersection not comply with these requirements the intersection and pavement treatment is to be designed and constructed as to comply with the adopted standards.

RMS 7 Works within the road reserve of the Sturt Highway (HW14) requires concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.

RMS 8 Any works associated with the proposed development shall be at no cost to Roads and Maritime Services.

RMS 9 Should the audit ascertain that works are required to be undertaken then the following additional requirements will apply;

- a) The Sturt Highway (HW14) 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 applicant is to contact the Land Use Manager for the South West Region on Ph. 02 6938 1111 for further detail.
- b) 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.

NSW Environmental Protection Authority

The following conditions (General Terms of Approval - EPA Attachment 'A' and EPA Attachment 'B') are required to be incorporated into the approval by the NSW Environmental Protection Authority (EPA) as an approval authority under section 91 of the *Environmental Planning & Assessment Act 1979*.

EPA Attachment 'A'

ADMINISTRATIVE CONDITIONS

A1. Information supplied to the EPA

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

- the development application No 161314 submitted to Murrumbidgee Shire Council on 19 March 2014;
- the environmental impact statement titled 'Proposed Agricultural Produce Industry (Cotton Ginning Facility)' dated March 2014 relating to the development;
- the amended environmental impact statement Appendix K (Air Quality Assessment) dated April 2014,
- the Air Quality Assessment - Carrathool Cotton Gin - Rivcott Limited dated 24 June 2014, and
- the additional information provided in the Pacific Environment Limited report titled "Final - Air Quality Assessment - Carrathool Cotton Gin - Rivcott Limited" provided to the EPA on 21 July 2014.

A2 Fit and Proper Person

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

DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND

P1. Location of monitoring/discharge points

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

Air

EPA Identificat ion no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Air emissions monitoring	Discharge to Air	#1A Pull <description of location with reference to map>
2	Air emissions monitoring	Discharge to Air	#2A Hot Air Pull <description of location with reference to map>
3	Air emissions monitoring	Discharge to Air	3A Hot Air Pull <description of location with reference to map>
4	Air emissions monitoring	Discharge to Air	A OFLO <description of location with reference to map>
5	Air emissions monitoring	Discharge to Air	Feed dust <description of location with reference to map>
6	Air emissions monitoring	Discharge to Air	1A LC <description of location with reference to map>
7	Air emissions monitoring	Discharge to Air	1B LC <description of location with reference to map>
8	Air emissions monitoring	Discharge to Air	A Batt Con <description of location with reference to map>
9	Air emissions monitoring	Discharge to Air	A Mote <description of location with reference to map>
10	Air emissions monitoring	Discharge to Air	B Mote <description of location with reference to map>

LIMIT CONDITIONS

L1. Pollution of waters

L.1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in connection with the carrying out of the development.

L2. Waste

- L2.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- L2.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L3. Hours of construction work

- L3.1** All construction work at the premises must only be conducted between Monday to Friday 7.00am to 6.00pm and Saturdays between 8.00 am and 1.00 pm.
- L3.2** The hours of construction specified in conditions L3.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L4. Processing limits

- L4.1** The premise must not process more than 150 000 tonnes of raw cotton per annum.

L5. Concentration limits

- L5.1** For each monitoring/discharge point specified in the table below (by a point number), the applicant must not exceed the concentration limits specified for the pollutant in the table.

- L5.2** Air discharge concentration limits.

POINT 1

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

POINT 2

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m3	25	Dry, 273K, 101.3kPa	1-hour

POINT 3

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m3	10	Dry, 273K, 101.3kPa	1-hour

POINT 4

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m3	20	Dry, 273K, 101.3kPa	1-hour

POINT 5

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m3	45	Dry, 273K, 101.3kPa	1-hour

POINT 6

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m3	40	Dry, 273K, 101.3kPa	1-hour

POINT 7

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m3	40	Dry, 273K, 101.3kPa	1-hour

POINT 8

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m3	15	Dry, 273K, 101.3kPa	1-hour

POINT 9

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Solid Particles (Total)	mg/m3	45	Dry, 273K, 101.3kPa	1-hour

POINT 10

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

L6. Noise limits

L6.1 Noise from the premises must not exceed:

- an LAeq (15 minute) noise emission criterion of 35 dB(A) at any time.

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

L6.3 The noise limits set out in condition L6.1 apply under all meteorological conditions except for the following:

- Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- Stability category G temperature inversion conditions.

Definition

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

Note: Noise measurement

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

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

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

OPERATING CONDITIONS

O1. Odour

- O1.1** No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

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

O2. Dust

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

O3. Noise

- O3.1** An acoustic barrier constructed to a height of 2500 millimetres must be installed immediately adjacent to the north edge of the access road, as depicted in Appendix B (Site Plan) of the Noise Impact Assessment prepared by Reverb Acoustics dated March 2014.
- O3.2** A foil faced building blanket at least 30 millimetres thick must be installed on the underside of the Fan Bank awning.
- O3.3** A speed limit of 25 kilometres per hour must be imposed on all access roads.

MONITORING AND RECORDING CONDITIONS

M1 Monitoring records

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

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

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

M1.3 The following records must be kept in respect of any samples required to be collected:

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

M2. REQUIREMENT TO MONITOR CONCENTRATION OF POLLUTANTS DISCHARGED

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

M2.1 Air monitoring requirements

Points 1-10

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

Oxygen	%	Post commissioning	TM-25
Temperature	°C	Post commissioning	TM-2
Velocity	m/s	Post commissioning	TM-2
Volumetric flow rate	m ³ /s	Post commissioning	TM-2
Selection of sampling positions	-	-	TM-1

M3. REQUIREMENT TO MONITOR VOLUME OR MASS

M3.1 For each discharge point or utilisation area specified below, the applicant must monitor:

- the volume of liquids discharged to water or applied to the area;
- the mass of solids applied to the area;
- the mass of pollutants emitted to the air,
- over the interval, at the frequency and using the method and units of measure, specified below.

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

M4. TESTING METHODS - CONCENTRATION LIMITS

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

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

by the EPA for the purposes of that testing prior to the testing taking place.'

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

REPORTING CONDITIONS

R1. Annual returns

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

SPECIAL CONDITIONS

E1. Post commissioning air emission report

E1.1 By 1 September 2015 the licensee must submit a written report to the EPA detailing the results of post commissioning source emissions sampling and analysis undertaken in accordance with the requirements specified in condition M2.1. The report must assess compliance with the limit conditions specified in condition L5.2.

E2. Unsealed Road Management Plan

E2.1 By 1 March 2015 the licensee must submit an Unsealed Road Air Quality Management Plan to the EPA. The report must include the following information about the proposed watering of haul roads to achieve 75% control of dust emissions:

- **Key performance indicators** (KPI) including watering application rates, frequency, locations, soil moisture content benchmarks and upper limits of silt loading for unsealed roads.

- **Monitoring method** to quantify source control effectiveness and to enable direct comparison with units of measure relevant to each KPI.
- **Location, frequency and duration of monitoring** which must be relevant to each nominated KPI.
- **Record keeping** to ensure monitoring information kept, to enable compliance reporting and for auditing purposes.
- **Response mechanisms** to address potential problems and ensure contingency measures are in place.

EPA Attachment 'B' – Mandatory Conditions for all EPA licences

ADMINISTRATIVE CONDITIONS

Other activities

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

- Waste storage

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

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

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

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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

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

Telephone complaints line

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

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

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

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

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

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

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below:

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

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

- the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

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

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

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

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

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

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

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

Notification of environmental harm

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

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

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

Written report

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

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant,

and the event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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

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

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

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

GENERAL CONDITIONS

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

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

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

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

11. REASONS FOR CONDITIONS

1. To ensure compliance with the *Environmental Planning and Assessment Act 1979*.
2. To ensure that the development is completed in accordance with conditions of consent and approved plans.
3. To minimize environmental impact and impact upon public assets, degradation of natural resources, and to enhance amenity.
4. To provide for a quality environment, safe and efficient movement of people and to ensure public safety and interest.
5. As required by approval authorities to be incorporated in the conditions of approval.