

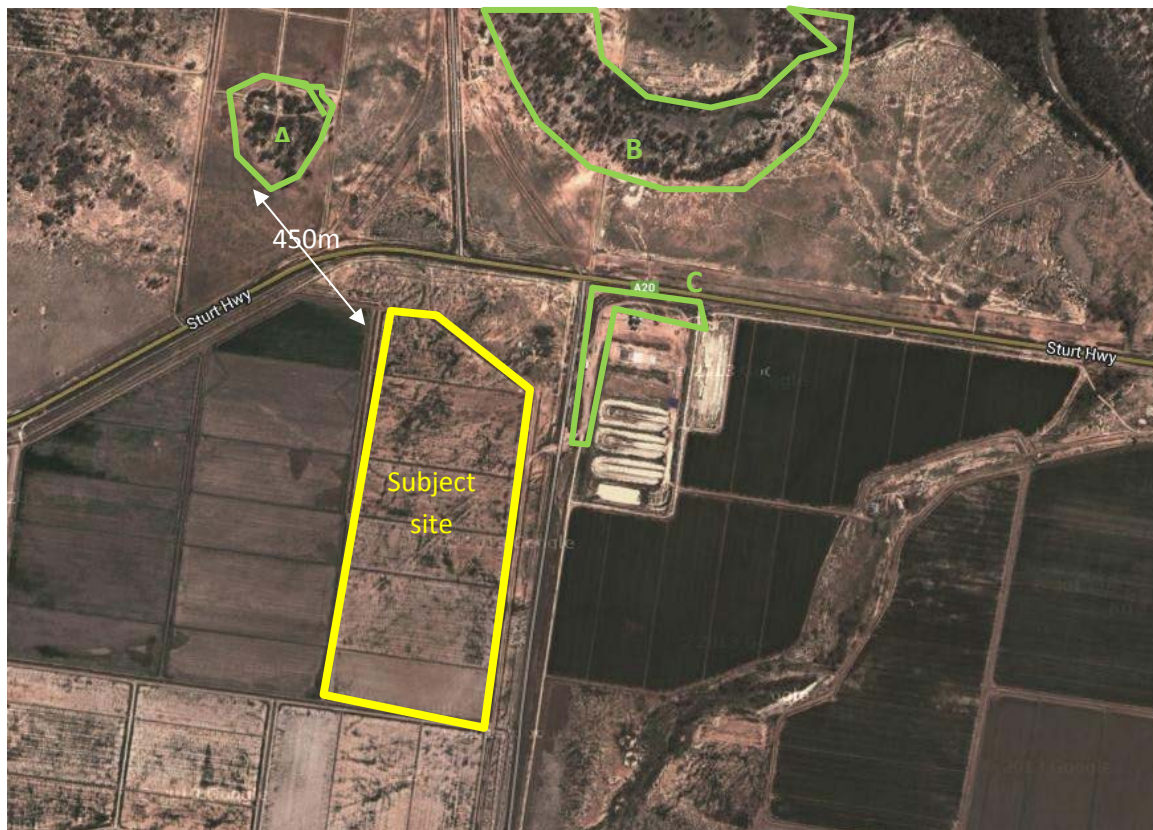
DA 161314 – RivCott (Rural Industry) - Supplementary Report

Introduction

The following issues were raised in correspondence received from the Regional Panels Secretariat on the 5th and 7th August 2014 querying aspects of the assessment report submitted to the WJRPP for a determination; and is responded to as follows:

Bushfire

A 'bushfire-prone area' is defined in the *Australian Standard 3959 – Construction of buildings in bush-fire prone areas*, as being an area that is subject to, or likely to be subject to, bushfire attack. These designated areas are nominally recorded on Council mapping resources. The subject site is not recognised as being a designated bushfire prone area on said resources.



Proposed Development Site (*Google2014Map*)

The subject site has been predominantly cleared for irrigated cropping; as have adjoining properties. There are small stands of remnant trees (Chenopod shrub and Weeping Myall) proposed to be retained on the site for reasons of preserving terrestrial biodiversity.

The nearest stands of significant woodland vegetation (bush) are outlined on the map/photograph above.

Area 'A' is a stand of eucalypts (Yellowbox) grouped within an area of approximately 2 ha located near on 450 m from the footprint of the proposed development. This grouping is further separated from other stands of significant vegetation by a factor of multiple 100 metres.

Area 'B' is characterised by a continuation of the Red Gum forests that dominate the banks of the Murrumbidgee River and the near reaches. If bushfires were to be an actuality in the immediate area, it is most probable that this particular site would present the source of that threat to the proposed development. Area 'B' is separated from the periphery of the development by a distance of >500m.

Area 'C' is represented by a small spread of endemic trees that have been planted/retained to provide a visual buffer between the development on that site (bulk grain storage) and any public viewpoints (Sturt Hwy and Conargo Road). It needs to be noted that, although this stand of trees is in relative proximity to the development, it is an isolated grouping.

Though details of fire fighting equipment for the proposed development have not been expressly detailed in the EIS, the site plans give an indication of measures that may be applied to safeguard occupants and to allow for appropriate action to fight fire onsite and otherwise until outside help can be recruited to effectively intervene.

Provisions to fight fire onsite include the installation of:

- ✓ Water storage tanks with an overall capacity of 400,000 litres fitted with couplings compatible with RFS equipment. There are three RFS response groups for the area with the Carrathool unit equipped with two fire-fighting vehicles being located within 6 kilometres of the site.
- ✓ An electric pump with diesel backup to replenish the water tanks from groundwater via a bore.
- ✓ A water truck with a capacity of 18,000 litres will be kept onsite at all hours during operation of the facility. This vehicle, with the ability to refill from either the nominated water storage tanks or the stormwater detention basins, will be suitably equipped with fire fighting cannon and hose reels.

Other provisions to safeguard the occupants of buildings from the effects of fire (derived from whatever fire source feature) would normally be supplied in detail at the time of submitting a construction certificate application and would be a matter of consideration for the accredited certifier (Building Surveyor) to properly determine as to the proposed development's level of compliance with the *Building Code of Australia*.

It is understood from the development application and supporting documentation provided that the following measures will be incorporated in an application submitted under Part 4A:

- ✓ Adequate fire hydrants, hose reels and portable fire extinguishers
- ✓ 'Argus' fire detection and control system to be fitted into the ginning facility.
- ✓ Gin machinery will be operated and monitored by programmable logic controllers
- ✓ The buildings are to be constructed from materials with low fire hazard properties.
- ✓ Final positioning of the 2x 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 (Condition # MS 6).

In essence, it is established that there is a fire hazard inherent with any industrial development, whether from external factors (e.g., bushfire) or internal happenstance (e.g., overheated machinery). Cotton ginning facilities are not immune from such hazard or elevated risk.

It is noted that cotton ginning facilities in Australia have been subject to fire incidents within the last decade. A facility at Warren (NSW) and another at St George (QLD) were adversely affected by major fires. In both cases the ignition points were found to be the stored modules and bales. The proposed development provides for designated areas for suspect material to be isolated and controlled.

Stormwater

Stormwater received on hard surface areas (buildings, sealed internal roadways, etc) will be drained to nominated 'stormwater detention' areas. It is anticipated that any runoff from the site onto adjoining properties will not exceed pre-development flows. A draft condition (MS 6) requires the Applicant to provide Council with:

'Detailed design drawings and specifications relating to the site storm water management system prior to the commencement of construction.'

If the development is operated empathically with the draft conditions, it is doubtful that the detained stormwater would contain or transpose contaminants at a level that could harm the immediate environment or fetter offsite production. It should be noted that the development site and adjoining properties have been subject to chemical contamination commensurate with the type of crops historically propagated in the area.

Cultural Heritage

Aspects and issues of cultural heritage have been dealt with within the EIS submitted as part of the application that was reviewed concurrently by the Office of Environment and Heritage.

Conditions recommended by the Office, relating to identifying and investigating areas of prospective interest and mitigating potential damage to items of cultural heritage, have been appended to those draft conditions contained within the assessment report.

Road Access

Vehicular access to the site is planned to be via a local public road (Conargo/Gum Creek Road). This road is sealed for the full frontage of the subject site. The application has been reviewed by the RMS who in turn has given concurrence for the development proposal subject to conditions being applied with reference to the classified road (Sturt Hwy) intersection.

The reply from RMS has also recommended for Council's consideration draft conditions in relation to the local road. Council's technical officer has supported the appending of the recommended conditions with the proviso of further provisions being incorporated; pertaining to the improvement of a designated section of the local road to assuage potential traffic issues.

Please refer to draft conditions #MS 23-36.

Building Works

The Applicant has been advised on numerous occasions that 'building works' subject of the development application can only be carried out with appropriate approval. Subsequent and recent information provided to Council pertaining to possible illegal works being carried out warranted an investigation.

A site visit by Council established enough evidence to give sufficient reason to believe that the Applicant had actually undertaken development contrary to s.76A/B of the *Environmental Planning & Assessment Act 1979**. The CEO of RivCott was issued with notice to cease any works that could be construed as development without consent. Ensuing site visits has satisfied Council that no further works have been carried out onsite since the notice was given.

With regard to the perceived 'building works' already in place, dependent upon planning approval for the development given by the consent authority, it is understood that the accredited certifier engaged by the Applicant will be the responsible entity for ascertaining what can and cannot be certified under Part 4A of the Act and, under what circumstances that certification will be provided.

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- s.76A *'If an environmental planning instrument provides that specified development may not be carried out except with development consent; a person must not carry the development out on land to which the provision applies unless: development consent has been obtained and is in force.'*
- s.76B *'If an environmental planning instrument provides that: development cannot be carried out on land with or without consent, a person must not carry out the development on the land.'*