

Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under the Instrument of Delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.

Chris Ritchie
Director
Industry Assessments

Sydney 30 NOVEMBER 2017

SCHEDULE 1

DA-318-12-2004-i granted by the former Minister for Planning on 9 August 2005 for the construction and operation of a flour and maize mill at 330 Picton Road, Lot 32 DP 731013, Maldon in the Wollondilly local government area.

SCHEDULE 2

This consent is modified as follows:

1. Delete the definitions for 'Department', 'DECC', 'Director-General' and 'DWE' and insert the following definitions in alphabetical order:

AWTS	Econocycle Aerated Wastewater Treatment System
Department	NSW Department of Planning and Environment
DEC Guideline	" <i>Environmental Guidelines: Use of Effluent by Irrigation</i> ", DEC 2004
DPI	NSW Department of Primary Industries
EPA	Environment Protection Authority
MOD 1	Mod 51-6-2007, prepared by KBR, dated 30 May 2007
MOD 2	DA-318-12-2004 MOD 2, prepared by KBR, dated 17 October 2007
MOD 3	DA-318-12-2004 MOD 3, the Environmental Assessment titled " <i>Review of wastewater treatment and effluent application to land</i> ", prepared by Lanfax Laboratories dated 31 July 2016 and the additional letter prepared by Lanfax Laboratories dated 4 November 2016
Secretary	Secretary of the Department, or nominee

2. Delete all references to 'Director-General' and replace with 'Secretary'.
3. Delete all references to 'DECC' and replace with 'EPA'.
4. Delete all references to 'DWE' and replace with 'DPI Water'.
5. Delete Condition 1.1 and replace with the following:
 - 1.1 The Applicant must carry out the development in accordance with:
 - a) Development Application DA-318-12-2004-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 23 December 2004;
 - b) the Environmental Impact Statement, *EIS For Grain Milling Facility, Picton Road, Maldon*, prepared by Kellogg Brown and Root Pty Ltd, dated 22 December 2004;
 - c) additional information relating to air quality, traffic, waste water, visual amenity impacts and responding to issues raised in submissions prepared by Kellogg Brown and Root Pty Ltd, including the Visual Assessment: Additional Information report prepared by Garry Stanley and dated March 2004, all submitted to the Department on 12 April 2005;
 - d) additional information relating to construction noise prepared by Heggies Australia and dated 28 April 2005;
 - e) *Aboriginal Heritage Assessment, Final Report for the Proposed Allied mills Flour Mill, Picton NSW*, prepared by Austral Archaeology Pty Ltd, dated May 2005, and submitted to the Department 2 June 2005;

- f) additional information relating to operational noise prepared by Heggies Australia and dated 10 June 2005;
- g) MOD 1;
- h) MOD 2;
- i) MOD 3; and
- j) the conditions of this consent.

6. Delete Condition 1.2 and replace with the following:

- 1.2 If there is any inconsistency between the plans and documentation listed under Condition 1.1 above, the most recent document prevails to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency.

7. Immediately after condition 1.9, insert new condition 1.10, as follows:

Structural Adequacy of Early Works

- 1.10 Within two months of the date of the approval of DA 318-12-2004-i MOD 3, the Applicant must:
- a) obtain and provide copies to the Secretary all necessary building certificate(s) from Council for any structures proposed as part of DA 318-12-2004-i MOD 3 that have been constructed or partially constructed prior to the approval of DA 318-12-2004-i MOD 3; and
 - b) ensure that all new structures, and any alterations or additions to existing structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.

8. Immediately after condition 5.5, insert new conditions 5.6, 5.7, 5.8 and 5.9 and headings, as follows:

Effluent Irrigation Area

- 5.6 When applying effluent to land, the Applicant must ensure:
- a) there is no surface water runoff beyond the irrigation area as identified in Figure 1 at **Appendix A** of this consent;
 - b) spray does not drift beyond the boundary of the site; and
 - c) the quantities of nutrients, salt, hydraulic load and organic material are effectively absorbed through plant or crop production or within the soil as outlined in MOD 3, and confirmed through annual soil monitoring (refer to condition 5.9).
- 5.7 Within two months of the approval of MOD 3, the Applicant must ensure the irrigation area identified in **Appendix A** of this consent is managed and maintained as follows:
- a) a diversion bank of no higher than 200 mm must be constructed between the road and the irrigation area to divert runoff away from the irrigation area and into the tree row;
 - b) any depressions capable of ponding water (such as natural depressions or wheel tracks) in the irrigation area must be regularly removed by levelling with top soil;
 - c) the irrigation area must be regularly mowed to a length of 100 mm; and
 - d) pasture or fodder crops must only be harvested when dry.

AWTS Maintenance and Monitoring Requirements

- 5.8 The Applicant must ensure the AWTS is serviced prior to any irrigation recommencing. The service report, together with records of those measurements are to be submitted to the Department prior to any irrigation recommencing and then on a quarterly basis. Before commencing each service, measurements are to be taken to demonstrate that the following target requirements have been met:
- a) faecal coliforms, or *E.coli* (thermotolerant coliforms) must be less than 100 colony forming units per 100 ml in the irrigation chamber;
 - b) dissolved oxygen in the irrigation chamber is more than 5 mg O₂/L at 20 degrees Celsius; and
 - c) free available chlorine in the irrigation chamber is between 0.01 and 2.0 mg/L.
- 5.9 Within two months of the determination of MOD 3, the Applicant must update and implement the Water Monitoring and Management Plan, as required by Condition 5.4 b), to the satisfaction of the Secretary, to include:
- a) an annual soil monitoring program for the irrigation area in accordance with the DEC Guideline; and
 - b) the management and monitoring requirements detailed in conditions 5.6 to 5.8 inclusive.

9. Immediately following Schedule 2, insert **Appendix A** as follows:

Appendix A



Figure 1: Wastewater irrigation area and location of diversion bank