

**DETERMINATION OF A DEVELOPMENT APPLICATION
PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979**

I, the Minister for Planning, determine the Development Application referred to in Schedule 1 - under Section 80 of the *Environmental Planning and Assessment Act 1979* - by granting consent to the application subject to the conditions set out in Schedule 2.

The reasons for imposing these conditions are to:

- (i) minimise any adverse environmental effects of the development;
- (ii) provide for the on-going environmental management of the development;
and
- (iii) provide for regular environmental monitoring and reporting on the performance of the development.

Andrew Refshauge MP
Deputy Premier
Minister for Planning
Minister for Aboriginal Affairs
Minister for Housing

Sydney 8 August 2002

File No. S01/00174

SCHEDULE 1

Application made by:	Bath, Stewart Associates Pty Ltd ("The Applicant")
To:	The Minister for Planning ("The Minister")
In respect of:	Lot A DP 433786 and Lot B DP 33786, Wattle Ridge, Ridley's Lane, West Wyalong in the Bland local government area.
For the following development:	The construction and operation of a poultry layer farm, grading floor and feed mill complex at West Wyalong in the Bland local government area.
Development Application:	DA 116-5-2002-i lodged with the Department of Planning on 1 May 2002, accompanied by an Environmental Impact Statement (EIS) prepared by Bath, Stewart Associates Pty Ltd (the Applicant), dated April 2002.
State Significant Development:	The proposed development is State Significant Development under <i>State Environmental Planning</i>

Policy No. 34 – Major Employment Generating Industrial Development (SEPP 34).

The proposal satisfies the criteria in Schedule 1 of SEPP 34 as it fits within the definition of ‘intensive livestock operations’ in paragraph (b) of Schedule 1 of the policy. Further, the proposal has an estimated capital investment of approximately \$21 million, and on completion will employ between 20 and 30 people on a full-time basis. The proposal therefore satisfies paragraph (a) of Schedule 1 of the policy, as it is an intensive livestock operation with a capital investment value in excess of \$20 million that will employ 20 or more persons on a full-time basis. The proposal therefore meets the criteria of SEPP 34.

BCA Classification:

Class 8 – Grading Floor and Feed Mill
Class 10a – Layer Farm

SCHEDULE 2

DEFINITIONS

The Act	The Environmental Planning and Assessment Act 1979.
The Applicant	Bath, Stewart Associates Pty Ltd.
Minister	The Minister for Planning.
Council	Bland Shire Council.
DA	Development Application.
The Department	The Department of Planning.
The Director-General	The Director-General of the Department of Planning, or her delegate.
DLWC	Department of Land and Water Conservation.
EMP	Environmental Management Plan.
EPA	Environment Protection Authority.
EIS	Environmental Impact Statement titled “Environmental Impact Statement, Layer Farm - Grading Floor – Feed Mill, Wattle Ridge, Ridley’s Lane, West Wyalong” (Volumes 1, 2, 3 & 4) – dated April 2002 and prepared by the Applicant.
RTA	Roads and Traffic Authority.

CONDITIONS OF DEVELOPMENT CONSENT

1. GENERAL

1.1 The Applicant shall carry out the development generally in accordance with:

- (a) Development Application No. DA-116-5-2002-i submitted with the Department of Planning on 1 May 2002;
- (b) Environmental Impact Statement (EIS), titled “Environmental Impact Statement, Layer Farm - Grading Floor – Feed Mill, Wattle Ridge, Ridley’s Lane, West Wyalong” (Volumes 1, 2, 3 & 4) – dated April 2002 and prepared by the Applicant;
- (c) additional information supplied by Applicant titled “Additional Information for EIS – Pace Farm Development at Wattle Ridge – West Wyalong” – dated 18 June 2002;

as amended by:

- (d) additional information supplied by the Applicant titled “Environmental Impact Statement Volume 5 – Amended Plans” – dated July 2002; and

- (e) these conditions.

If there is any inconsistency between the above, Schedule 2 conditions shall prevail.

- 1.2¹ The Applicant shall take all practicable measures to prevent or minimise harm to the environment during the construction, operation, and where relevant, decommissioning of the development.
- 1.3 No construction activities associated with the final four layer sheds (sheds 9, 10, 11 and 12) for the development shall take place until the Applicant has supplied the Department with written evidence of an agreement with Goldenfields Water County Council to indicate that an adequate supply of water can be guaranteed for the final four layer sheds.

2. COMPLIANCE

- 2.1 Prior to commencement of the operation of the development, the Applicant shall certify in writing, to the satisfaction of the Director-General, that it has complied with all the relevant conditions of this consent and/or any other statutory requirements for this development.
- 2.2 Throughout the life of the development, the Applicant must secure, renew, maintain, and comply with all the relevant statutory approvals applying to the development.
- 2.3 The Applicant shall ensure that all contractors and sub-contractors are aware of, and comply with, the conditions of this consent and other relevant approvals.

3. STRUCTURAL ADEQUACY

- 3.1 Prior to the commencement of any construction work associated with the development, the Applicant must obtain a construction certificate for the development from the Principal Certifying Authority.
- 3.2 Prior to the commencement of operations of the development, the Applicant must obtain an occupation certificate from the Principal Certifying Authority.
- 3.3 The development must be constructed in accordance with Australian Standard 1428 Designs and Mobility Part 1 to 4. All ramps associated with the development are to be constructed in accordance with Australian Standard 1428.1.

4. ENVIRONMENTAL MANAGEMENT PLANS

Construction Environmental Management Plan

- 4.1 The Applicant must prepare and implement a Construction Environmental Management Plan for the development. This plan should be prepared in consultation with Council and must:

¹ EPA General Term of Approval

- (a) Describe the proposed construction works;
- (b) Outline the proposed construction work program;
- (c) Identify all the relevant statutory requirements and conditions of consent that apply to the construction phase of the development;
- (d) Set standards and performance measures for each of the relevant environmental matters associated with the construction work;
- (e) Describe what actions and measures will be implemented to mitigate the potential impacts of the construction works, and to ensure that these works will comply with the relevant standards and performance measures;
- (f) Describe in detail what measures and procedures will be implemented to:
 - Manage construction traffic;
 - Mitigate any potential dust impacts;
 - Register and respond to complaints during the construction period;
 - Ensure the occupational health and safety of construction workers;
 - Respond to any emergencies; and
 - Respond to the discovery of any items of indigenous or non-indigenous heritage significance during site works;
- (g) Explain how the environmental performance of the construction works will be monitored, and what actions will be taken if any non-compliance is detected;
- (h) Describe the role, responsibility, authority, accountability, and reporting of key personnel involved in the construction of the development;
- (i) Include the following plans:
 - an Erosion and Sediment Control Plan;
 - a Stormwater Management Plan; and
 - a Landscape Management Plan.

No construction work on the development may occur before the Construction Environmental Management Plan has been approved by the Director-General.

Operation Environmental Management Plan

4.2 The Applicant must prepare and implement an Operation Environmental Management Plan for all future operations of the development. The plan should be prepared in consultation with Council and must:

- (a) Describe the proposed operations;
- (b) Identify all the relevant statutory requirements that apply to the operation of the development;
- (c) Set standards and performance measures for each of the relevant environmental matters associated with the operation of the development;
- (d) Describe what actions and measures will be implemented to mitigate the potential impacts of the development, and to ensure that the development meets these standards and performance measures;
- (e) Describe what measures and procedures will be implemented to:
 - Register and respond to complaints;
 - Ensure the operational health and safety of workers; and
 - Respond to potential emergencies;
- (f) Describe the role, responsibility, authority, and accountability of all the key personnel involved in the operation of the development;
- (g) Incorporate the Environmental Monitoring Program (see [Condition 6](#)); and

- (h) Include the following plans:
- a Waste Management Plan;
 - a Mass Bird Disposal Plan;
 - a Quarantine Protocol; and
 - a Landscape Management Plan.

The Operation Environmental Management Plan must be approved by the Director-General prior to the commencement of operations of the development.

5. ENVIRONMENTAL STANDARDS AND CONDITIONS

Construction activities

- 5.1 All construction activities associated with the development must only be conducted between the hours specified below unless otherwise agreed in writing by the Director-General, in consultation with the EPA:
- (a) Monday to Friday, 7.00am to 6.00pm;
 - (b) Saturday, 7.00am to 1.00pm; and
 - (c) No construction work is to take place on Sundays or Public Holidays.
- 5.2 Construction activities may be conducted outside the times specified in [Condition 5.1](#), if:
- (a) a delivery of material is required, outside the hours specified, by Police or another authority for safety reasons;
 - (b) emergency work is required to avoid the loss of lives, property and/or to prevent environmental harm;
 - (b) the operation or personnel or equipment is endangered; and
 - (c) prior notification is provided to the Council within a reasonable time limit.
- 5.3 Prior to the commencement of construction activities associated with the development, a sign must be erected on the site in a visible position stating that unauthorised entry to the site is not permitted and showing the name and 24-hour contact telephone number of the builder or another person responsible for the site.
- 5.4 During construction activities associated with the development, the Applicant shall provide on site amenities, including toilets, washing facilities and an adequate supply of clean fresh drinking water for workers in accordance with WorkCover NSW guidelines.
- 5.5 All water storage ponds are to be designed and constructed to the satisfaction of the Director-General in consultation with the DLWC.
- 5.6 All earthworks associated with the development, including any storages, are to be carried out to the satisfaction of the Director-General in consultation with the DLWC.

Water

- 5.7² Except as may be expressly provided in any other condition of the licence provided by the EPA for the development, the Applicant must comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

Concentration limits

- 5.8³ For each of the monitoring /discharge points or utilisation areas specified in [Table 1](#), the concentration of a pollutant discharged from the development at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

Table 1: Concentration Limits

Pollutant	Units of Measure	100% Limit	Reference Conditions	Averaging Period
Solid particles	mg/m ³	50	Dry, 273 K, 101.3 kPa	As per test method

Noise

- 5.9⁴ Noise generated by the development must not exceed the noise limits presented in [Table 2](#), when measured at the locations identified in [Table 2](#).

Table 2: Noise Limits (dB(A))

Location	Day		Evening		Night		
	L _{Aeq} (15 minute)	L _{Aeq} (day)	L _{Aeq} (15 minute)	L _{Aeq} (evening)	L _{Aeq} (15 minute)	L _{Aeq} (night)	L _{A1} (1 minute)
Residence or other sensitive location most affected by noise from the premises	35	NA	35	NA	35	NA	45

Note: For the purpose of the limits presented in [Table 2](#):

- 'Day' is defined as the period from 7:00am to 6:00pm Monday to Saturday and 8:00am to 6:00pm on Sundays and Public Holidays;
- 'Evening' is defined as the period from 6:00pm to 10:00pm Monday to Sunday; and
- 'Night' is defined as the period from 10:00pm to 7:00am Monday to Saturday and 10:00pm to 8:00am on Sundays and Public Holidays.

The noise emission limits identified in [Table 2](#) apply under meteorological conditions of:

- Wind speeds up to 2m/s at 10m above ground level; and
- Temperature inversion conditions of up to 3 °C/100m.

*Noise from the development is to be measures at **the most affected point within 30m of the dwelling** to determine compliance with the L_{Aeq}(15 minute) noise limits in [Table 2](#).*

² EPA General Term of Approval

³ EPA General Term of Approval

⁴ EPA General Term of Approval

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. (See Chapter 11 of the NSW Industrial Noise Policy).

The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where acceptable.

Noise from the development is to be measured at 1m from the dwelling façade to determine compliance with the $L_{A1(1 \text{ minute})}$ noise limits in [Table 2](#).

Odour

- 5.10⁵ No condition within this consent for the development 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 Operation Act 1997, provides that a 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 environmental protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

Dust

- 5.11⁶ The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- 5.12 All activities occurring at the development must be carried out in a manner that will minimise emissions of dust.
- 5.13 All trafficable areas and vehicle manoeuvring areas on the development site must be maintained at all times in a condition that will minimise the generation or emission from the premises of wind blown or traffic generated dust.

Waste Management

- 5.14 The Applicant must prepare and implement a Waste Management Plan for the development. This plan must be prepared in consultation with Council and shall describe in detail all waste management procedures, including:
- the types and quantities of waste which will be generated at the site, including waste from residences, amenities blocks, the grading floor and feed mill, detention ponds, trenches and waste water systems;
 - how this waste will be stored on-site, transported, and disposed of off-site; and
 - management measures to sort, reuse or recycle materials.

The Waste Management Plan must be approved by the Director-General in consultation with Council prior to commissioning of the development.

⁵ EPA General Term of Approval

⁶ EPA General Term of Approval

After reviewing the Waste Management Plan, the Director-General may require the Applicant to address certain matters identified in the plan. The Applicant must comply with any reasonable requirements of the Director-General.

- 5.15⁷ The Applicant 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*.

Note: Condition 5.15 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 Operation s Act 1997.

- 5.16 All BioBins used for the composting of dead birds from the development are to be collected by an approved contractor at the end of each BioBin cycle and replaced with empty bins.

Disease Management

- 5.17⁸ The Applicant must prepare and maintain an Emergency Disposal Plan to address all issues associated with the outbreak of a disease during operations of the development. The Emergency Disposal Plan shall be prepared in accordance with the principles detailed in Section 7.1.10.1 of the EIS, and must be reviewed annually.

The Emergency Disposal Plan must be submitted for approval by the Director-General prior to the commencement of operations of the development.

After reviewing the Emergency Disposal Plan, the Director-General may require the Applicant to modify certain matters in the plan. The Applicant shall comply with any reasonable requirements of the Director-General.

- 5.18 The Applicant must prepare and maintain a Quarantine Protocol to address issues associated with the maintenance of bio-security during operations of the development. The Quarantine Protocol shall be prepared in accordance with the principles detailed in Section 7.1.9 of the EIS.

The Quarantine Protocol must be submitted for approval by the Director-General prior to the commencement of operations of the development.

After reviewing the Quarantine Protocol, the Director-General in consultation may require the Applicant to modify certain matters in the protocol. The Applicant shall comply with any reasonable requirements of the Director-General.

Roads

- 5.19 The upgrade of Ridley's Lane and Ungarie Road (MR57 North) intersection, the widening and sealing of Ridley's Lane and intersection with the main site

⁷ EPA General Term of Approval

⁸ EPA General Term of Approval

entrance, and all internal roads, are to be designed to the specific requirements of Council and the RTA.

- 5.20 The Applicant shall dedicate any new road reserves created as a result of the development at no cost to Council.
- 5.21 The Applicant shall apply to Council for the closure of existing road reserves made redundant as a result of the development.
- 5.22 All traffic entering and leaving the development site shall use public roads being Ridley's Lane and Ungarie Road as identified in the EIS.
- 5.23 The Applicant shall provide adequate car parking and vehicle manoeuvring areas adjacent to the amenities block, grading floor, feed mill and residences in accordance with the requirements of the *Guide to Traffic Generating Development* prepared by the RTA, and Clause D3.5 of the Building Codes of Australia 1996.

Hazards

- 5.24 The risk reduction actions proposed in the "Actions" column of the Hazard identification session minutes provided in the EIS, shall be implemented prior to commencement of operations on the site. If the Applicant decides not to implement any action, or to postpone any action, justification together with alternative measures must be provided to the Department at least two weeks prior to the commencement of operation of the development and agreement obtained from the Department.
- 5.25 The installation, maintenance and operation of the LPG system shall be in accordance with industry best practice. As a minimum, AS 1596:2002 should be followed.
- 5.26 The Applicant shall ensure that the fuel storage tank/bunker is bunded and appropriately lined in accordance with the requirements of Australian Standard (AS) 1940 – *The Storage and Handling of Flammable and Combustible Liquids*.
- 5.27 Equipment and tanks (in particular, areas of grain dust presence) likely to be subject to the build up of static electric charges should be adequately bonded and earthed to minimise the occurrence of sparks. Adequate lightning protection for the development shall also be provided by the Applicant.
- 5.28 At least one month prior to the commencement of construction, or within such further period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the Director-General, a fire safety study as set out below. Construction, other than of preliminary works, shall not commence until approval has been given by the Director-General, and approval has also been given by the Commissioner of the NSW Fire Brigades.

A fire safety study for the proposed development. This study shall cover all aspects detailed in the Department of Urban Affairs and Planning's Hazardous Industry Planning Advisory Paper No. 2, "Fire Safety Study Guidelines" and the New South Wales Government's "Best Practice Guidelines for Contaminated Water Retention and Treatment Systems". The study shall also be submitted for approval to the NSW Fire Brigades.

- 5.29 No later than two months prior to the commencement of commissioning of the proposed development, or within such further period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the Director-General, a Safety Management System as set out below. Commissioning shall not commence until approval of the Safety Management System has been given by the Director-General.

A document setting out a comprehensive Safety Management System, covering all operations on site and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records shall be kept on-site and shall be available for inspection by the Director-General upon request. The Safety Management System shall be developed in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 9, "*Safety Management*".

The Safety Management System shall include the following:

- Procedures to ensure that the area under the LPG tanks are maintained such that any liquid spill will drain away from the tanks. The area shall also be maintained free of debris and other combustibles; and
- The maintenance procedures and testing frequency for the boiler safety systems.

- 5.30 Twelve months after the commencement of operations of the proposed development or within such further period as the Director-General may agree, the applicant shall carry out a comprehensive hazard audit of the proposed development and within one month of the audit submit a report to the Director-General. The audit shall be carried out at the applicant's expense by a duly qualified independent person or team approved by the Director-General prior to commencement of the audit. Further audits shall be carried out every three years or as determined by the Director-General and a report of each audit shall within a month of the audit be submitted to the Director-General. Hazard audits shall be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 5, "*Hazard Audit Guidelines*".

The audit shall include a review of the site emergency plan, site safety management system and a review of all entries made in the incident register since the previous audit.

The applicant shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures arising from the reports submitted in respect of conditions 5.24 to 5.28 inclusive, within such time as the Director-General may agree.

Landscaping and Residual Land Management

- 5.31 The Applicant must prepare and implement a Landscape Management Plan for the development, in consultation with Council. This plan must:

- (a) Describe in detail how the development site will be landscaped, including the location and species of all planting;
- (b) Describe in detail the proposed future landform of the site;
- (c) Describe how the residual land surrounding the development site will be managed;
- (d) Explain how this landscaping will be managed and maintained over time; and
- (e) Incorporate the recommendation provided on page 13 of the document titled “Flora and Fauna Survey & Impact Assessment” dated February 2002, at Appendix 5 of the EIS.

The Landscape Management Plan must be submitted for approval by the Director-General prior to the commencement of any construction activities associated with the development.

After reviewing the Landscape Management Plan, the Director-General may require the Applicant to address certain matters identified in the plan. The Applicant must comply with any reasonable requirements of the Director-General.

Bush Fire Management

- 5.32 The Applicant shall prepare and implement a Bush Fire Management Plan for the development in consultation with Council. This plan should include details of consultation with local fire brigades and the NSW Rural Fire Service

The Bush Fire Management Plan must be submitted for approval by the Director-General prior to the commencement of any construction activities associated with the development.

After reviewing the Bush Fire Management Plan, the Director-General may require the Applicant to address certain matters identified in the plan. The Applicant must comply with any reasonable requirements of the Director-General.

Soil Erosion and Stormwater Management

- 5.33⁹ Prior to the commencement of any construction activities associated with the development, the Applicant must prepare an Erosion and Sediment Control Plan for the development in consultation with the DLWC. This document should describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The document should be prepared in accordance with the requirements outlined in “*Managing Urban Stormwater: Soils and Construction*” (available from the Department of Housing).

The Erosion and Sediment Control Plan must be submitted for approval by the Director-General prior to the commencement of any construction activities associated with the development.

⁹ EPA General Term of Approval

After reviewing the Erosion and Sediment Control Plan, the Director-General may require the Applicant to address certain matters identified in the plan. The Applicant must comply with any reasonable requirements of the Director-General.

- 5.34 Prior to the commencement of any construction activities associated with the development, the Applicant must prepare a detailed Stormwater Management Plan for the development in consultation with the DLWC. This document should be consistent with the Stormwater Management Plan for the catchment, to mitigate the impacts of stormwater runoff from the development and its operations. Where a Stormwater Management Plan has not yet been prepared for the catchment, the plan should be consistent with the guidance contained in “*Managing Urban Stormwater: Council Handbook*” (available from the EPA).

The Stormwater Management Plan must be submitted for approval by the Director-General prior to the commencement of any construction activities associated with the development.

After reviewing the Stormwater Management Plan, the Director-General may require the Applicant to address certain matters identified in the plan. The Applicant must comply with any reasonable requirements of the Director-General.

Effluent Utilisation Areas

- 5.35¹⁰ The quantity of effluent/solids applied to the utilisation area for the development must not exceed the capacity of the area to effectively utilise the effluent/solids.

Note: For the purposes of [Condition 5.35](#), ‘effectively utilise’ includes the use of the effluent/solids for pasture, crop or tree production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.

Lighting

- 5.36 The Applicant must ensure that any external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting must be the minimum level of illumination necessary.

Indigenous and non-indigenous heritage

- 5.37 Should any item of indigenous or non-indigenous heritage significance be uncovered during construction activities associated with the development, all work is to cease immediately and the National Parks and Wildlife Service and/or the Heritage Office contacted.

Sewerage Treatment Facility

- 5.38 The Applicant shall submit a separate application to Council for the installation of the sewerage treatment facility for the development. The disposal of treated sewage and sullage generated by the development shall be to the satisfaction of

¹⁰ EPA General Term of Approval

Council in accordance with the requirements of the Department of Health and the EPA.

Plant and equipment design parameters – Feed Mill and Standby Generators

5.39¹¹ The design parameters for the discharge point located at the Feed Mill Exhaust Stack (Point 1) must meet the following requirements:

- minimum stack height of 20 metres; and
- maximum stack diameter of 0.5 metres,

or as otherwise approved by the EPA in writing.

The Applicant must provide written confirmation that either these design parameters, or other design parameters (approved by the EPA in writing), will be met prior to the construction of the exhaust stack.

5.40¹² The Applicant must submit a report for approval of the EPA prior to the commencement of construction activities associated with the proposed development, which demonstrates that:

- all stacks will be designed in accordance with good engineering practices (see note below) in order to minimise the effects of stack tip downwash and building wake effects on ground-level air pollutant concentrations; and
- the stack diameters, stack heights and emission concentrations for each of the discharge points from the stand-by generators will be designed in such a manner as to ensure that the impact assessment criteria for NO₂, TSP and PM₁₀ in the document titled '*Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales*' are not exceeded at any location at or beyond the boundary of the premises.

Note: The EPA refers to the following documents for determining good engineering practice stack height:

- USEPA, 1985, *Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulations)*, Revised EPA-450/4-80-023R. United States Environmental Protection Agency, Washington DC, USA;
- USEPA, 1995, *User's Guide to the Building Profile Input Program*, Revised February 1995, EPA-454/R-93-038. United States Environmental Protection Agency, Washington DC, USA; and
- USEPA, 1997, *Addendum to ISC3 User's Guide, The PRIME Plume Rise and Building Downwash Model*. United States Environmental Protection Agency, Washington DC, USA.

Plant and equipment design parameters – Pelletising Boiler Plant

5.41¹³ On completion of the detailed design, and prior to any construction activities associated with the pelletising plant boiler, the Applicant must:

¹¹ EPA General Term of Approval

¹² EPA General Term of Approval

¹³ EPA General Term of Approval

- carry out an air quality impact assessment in accordance with the requirements of document titled 'Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales'. This impact assessment must demonstrate that the boiler will be designed with appropriate stack diameters, stack heights and emission concentrations, to ensure that impact assessment criteria in 'Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales' will not be exceeded at or beyond the boundary of the premises; and
- submit a report on the air quality impact assessment to the EPA for approval.

6. ENVIRONMENTAL MONITORING

Environmental Monitoring Program

- 6.1 The Applicant shall develop and implement an environmental monitoring program for the development. The environmental monitoring program must be approved by the Director-General in consultation with the EPA, DLWC and Council prior to the commencement of operations of the development.

Location of monitoring/discharge points and areas

- 6.2¹⁴ Monitoring of air emissions shall take place in accordance with the requirements shown in [Table 3](#).

Note: The points referred to in [Table 3](#) are identified in the licence issued by the EPA for the development under the Protection of the Environment Operations Act 1997 for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

The number of discharge and monitoring points shown in [Table 3](#) may be varied by the EPA under the licence issued for the development.

Table 3: Air Monitoring

EPA Identification Number	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Air emissions monitoring	Discharge to air	Feed Mill exhaust stack
2	Air emissions monitoring	Discharge to air	Ventilation discharge from layer sheds

- 6.3¹⁵ The Applicant shall undertake monitoring of discharges to water and land from the development in accordance with the requirements shown in [Table 4](#).

Note: The utilisation areas shown in [Table 4](#) are identified in the licence provided issued by the EPA for the development under the Protection of the Environment Operations Act 1997 for the purpose of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

¹⁴ EPA General Term of Approval

¹⁵ EPA General Term of Approval

Table 4: Monitoring of Water and Land

EPA Identification Number	Type of Monitoring Point	Type of Discharge Point	Description of Location
3	Effluent quality monitoring Volume monitoring	Discharge to utilisation area	Discharge pipe to utilisation area
4	Soil monitoring		Soil monitoring points within the utilisation area

Monitoring of pollutants

6.4¹⁶ For each of the monitoring/discharge points or utilisation areas for the development specified by point number in [Tables 5, 6, 7 and 8](#), the Applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified. The Applicant must adopt the sampling methods, units of measure, and sample frequency specified in the tables.

Table 5: Air Monitoring

Point 1

Pollutant	Units of Measure	Frequency	Sample Method
Solid particles	Mg/m ³	Post commissioning, annually	TM-15
Parameter	Units of Measure	Frequency	Sampling Method
Dry gas density	Kg/m ³	Post commissioning, annually	TM-23
Moisture content in stack gases	%	Post commissioning, annually	TM-22
Molecular weight of stack gases	g/g mole	Post commissioning, annually	TM-23
Oxygen	%	Post commissioning, annually	TM-25
Temperature	K	Post commissioning, annually	TM-2
Velocity	m/s	Post commissioning, annually	TM-2
Volumetric flow rate	m ³ /s	Post commissioning, annually	TM-2
Other	Units of Measure	Frequency	Sampling Method
Selection of sampling positions	NA	Post commissioning, annually	TM-1

¹⁶ EPA General Term of Approval

Table 6: Air Monitoring**Point 2**

Pollutant	Units of Measure	Frequency	Sample Method
Solid particles	g/m ³	Post commissioning, annually	TM-15
PM ₁₀	mg/m ³	Post commissioning, annually	OM-5
Odour	OU	Post commissioning, annually	OM-7
Parameter	Units of Measure	Frequency	Sample Method
Dry gas density	kg/m ³	Post commissioning, annually	TM-23
Pollutant	Units of Measure	Frequency	Sampling Method
Moisture content in stack gases	%	Post commissioning, annually	TM-22
Molecular weight of stack gases	G/g mole	Post commissioning, annually	TM-23
Temperature	°C	Post commissioning, annually	TM-2
Velocity	m/s	Post commissioning, annually	TM-2
Volumetric flow rate	m ³ /s	Post commissioning, annually	TM-2
Other	Units of Measure	Frequency	Sampling Method
Selection of sampling positions	NA	NA	TM-1

Note: For the purpose of Table 6 above, monitoring must be carried out in accordance with the sampling method specified in the table or a method approved by the EPA in writing.

Table 7: Monitoring of Water and Land**Point 3**

Pollutant	Units of Measure	Frequency	Sampling Method
PH	PH	Special Frequency 1	Grab Sample
Conductivity	US/cm	Special Frequency 1	Grab Sample
Biochemical Oxygen Demand	mg/L	Special Frequency 1	Grab Sample
Total Suspended Solids	mg/L	Special Frequency 1	Grab Sample
Oil and Grease	mg/L	Special Frequency 1	Grab Sample
Total Kjeldahl Nitrogen (TKN)	mg/L	Special Frequency 1	Grab Sample
Ammonia	mg/L	Special Frequency 1	Grab Sample
Nitrates	mg/L	Special Frequency 1	Grab Sample
Total Phosphorus	mg/L	Special Frequency 1	Grab Sample

Sodium	mg/L	Special Frequency 1	Grab Sample
Potassium	mg/L	Special Frequency 1	Grab Sample
Calcium	mg/L	Special Frequency 1	Grab Sample
Magnesium	mg/L	Special Frequency 1	Grab Sample
Sodium Absorption Ration (SAR)	SAR	Special Frequency 1	Grab Sample

Note: For the purposes of Table 7, 'Special Frequency 1' means twice annually, at the completion of shed washdown activities.

Table 8: Monitoring of Water and Land

Point 4

Pollutant	Units of Measure	Frequency	Sampling Method
Available Phosphorus	mg/kg	Special Frequency 2	Composite Sample
Cation Exchange Capacity	Cmol(+)/kg	Special Frequency 2	Composite Sample
Conductivity	US/cm	Special Frequency 2	Composite Sample
Exchangeable Sodium Percentage (ESP)	%	Special Frequency 2	Composite Sample
Exchangeable Calcium	Cmol(+)/kg	Special Frequency 2	Composite Sample
Exchangeable Aluminium	Cmol(+)/kg	Special Frequency 2	Composite Sample
Exchangeable Magnesium	Cmol(+)/kg	Special Frequency 2	Composite Sample
Exchangeable Potassium	Cmol(+)/kg	Special Frequency 2	Composite Sample
Exchangeable Sodium	Cmol(+)/kg	Special Frequency 2	Composite Sample
Nitrate	mg/kg	Special Frequency 2	Composite Sample
Organic Carbon	%	Special Frequency 2	Composite Sample
Phosphorus Sorption Capacity	mg/kg	Special Frequency 2	Composite Sample
Total Nitrogen	mg/kg	Special Frequency 2	Composite Sample
Total Phosphorus	mg/kg	Special Frequency 2	Composite Sample
pH	pH	Special Frequency 2	Composite Sample

Note: For the purpose of Table 8 above, 'Special Frequency 2' means annual sampling of the topsoil and once sampling once every three years for deep profile samples. Topsoil samples must be taken from the top 100mm of the soil profile and the deep profile samples must be taken from a depth of 700mm to 1000mm of the soil profile.

Monitoring of volume and mass

6.5¹⁷ For each of the discharge points or utilisation areas for the development specified below, the Applicant shall monitor:

- the volume of liquids discharged to water or applied to the utilisation area;
- the mass of solids applied to the area; and

¹⁷ EPA General Term of Approval

- the mass of pollutants emitted to the air,

at the frequency and using the method and units of measure specified in [Table 9](#).

Table 9: Monitoring of Volume and Mass

Point	Frequency	Units of Measure	Sampling Method
Effluent Utilisation Area	Daily	kL/day	No method specified

Testing methods – Concentration limits

6.6¹⁸ Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area as required by the conditions of the licence issued by the EPA under the *Protection of the Environment Operations Act 1997*, must be carried out in accordance with:

- the Approved Methods Publication; or
- a method approved in writing by the EPA, prior to the commencement of monitoring, if there is no methodology required by the Approved Methods Publication or by the conditions specified in the licence issued by the EPA under the *Protection of the Environment Operations Act 1997*, or the relevant load calculation protocol.

Waste water monitoring

6.7¹⁹ The Applicant must:

- monitor the combined wastewater stream generated by the layer farm and grading floor at Point 3 using the parameters listed in Table 1, Section 7.2.3 of the EIS. The monitoring must be undertaken every 3 months for the first 12 months of operation of the layer farm and grading floor; and
- submit a report to the EPA which compare the wastewater quality with wastewater characteristics predicted in Table 1, Section 7.2.3 of the EIS. The report must nominate any mitigation and/or management strategies, if necessary, to ensure that the irrigation of this effluent is sustainable.

Layer sheds ventilation monitoring

6.8²⁰ The Applicant shall develop a methodology in order to obtain representative air emissions data from the layer sheds ventilation discharges, with the purpose of conducting ongoing monitoring of these emissions. This methodology must be developed in accordance with the requirements of the document titled '*Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales*'. The Applicant must then provide a report to the EPA for approval,

¹⁸ EPA General Term of Approval

¹⁹ EPA General Term of Approval

²⁰ EPA General Term of Approval

describing the proposed methodology, two calendar months prior to stocking of the layer sheds.

7. ANNUAL ENVIRONMENTAL MANAGEMENT REPORT

- 7.1 Twelve months after commencement of operations, and annually thereafter for the duration of the development on the anniversary of the date of consent, the Applicant shall submit an Annual Environmental Management Report to the Director-General and Council. This report shall:
- (a) provide an overview of the operation of the development for the previous year;
 - (b) identify all the statutory requirements the development is to comply with;
 - (c) review the environmental performance of the development to determine whether it is complying with this consent and the statutory requirements;
 - (d) identify all the occasions during the previous year when there has been non-compliance; where non-compliance is occurring, describe what actions are (or will be) taken to ensure compliance, who will be responsible for carrying out these actions, and when these actions will be implemented;
 - (e) include a summary of any complaints made about the development, and indicate what actions were taken (or are being taken) to address these complaints; and
 - (f) include the detailed reporting from the Environmental Monitoring Program and identify any trends in the monitoring over the life of the development.

After reviewing the Annual Environmental Management Report, the Director-General may require the Applicant to address certain matters identified in the Report. The Applicant shall comply with any reasonable requirements of the Director-General.

8. INDEPENDENT ENVIRONMENTAL AUDIT

- 8.1 One year after the commencement of operations, and every four years thereafter, unless the Director-General directs otherwise, the Applicant shall commission, and pay the full cost of, an Independent Environmental Audit. The Independent Environmental Audit shall:

- (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;
- (b) assess the environmental performance of the development, based on the environmental monitoring program ([see Condition 6](#)); and
- (c) recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.

On its completion, the Applicant shall submit a copy of the audit report to the Director-General. After reviewing the report, the Director-General may require the Applicant to address certain matters identified in the Report. The Applicant shall comply with any reasonable requirements of the Director-General.

9. ENVIRONMENTAL OFFICER

9.1 The Applicant shall employ a suitably qualified and experienced Environmental Officer(s) throughout the life of the development, whose appointment is acceptable to the Director-General. The Officer(s) will:

- (a) be responsible for the preparation of the Construction Environmental Management Plan and the Operation Environmental Management Plan ([see Conditions 4.1 and 4.2](#));
- (b) be responsible for considering and advising on matters specified in the conditions of this consent and advising on compliance with such matters;
- (c) be responsible for receiving and responding to complaints in accordance with [Condition 10](#); and
- (d) facilitate an induction and training program for all persons involved with the construction and operation of the development.

The Applicant shall notify the Director-General of the name and contact details of the Environmental Officer(s) upon appointment and any changes to that appointment.

10. COMPLAINTS PROCEDURE

10.1 Prior to the commencement of construction activities associated with the development, the Applicant shall arrange for:

- (a) a toll free number for the purpose of receiving any complaints from members of the public; and
- (b) a postal address where written complaints can be lodged.

10.2 The Applicant must notify the public of the telephone number and postal address via an advertisement in the appropriate local newspaper prior to commencement of construction works. The telephone number and postal address shall be displayed near the entrance to the development site, in a position visible from the nearest public road.

- 10.3 The Applicant shall report to the Director-General as part of the Annual Environmental Management Report ([see Condition 7](#)), all complaints received and actions taken to resolve or mitigate the issues raised in the complaints.

11. DISPUTE RESOLUTION

- 11.1 If the Applicant, Council, and/or any NSW Government agency, other than the Department, cannot agree on any aspect of this consent, the matter may be referred by any of these parties to the Director-General, or if necessary, the Minister, whose determination on the dispute shall be binding on all parties.