

JR  
Your ref: SSD 13\_6281

12 November 2015

NSW Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Ms Sally Munk

Dear Sir/Madam

### **PROPOSED DENILIKUIN ETHANOL PLANT**

I am writing in response to your letter dated 8 October 2015 regarding the exhibition of the development application for the proposed Deniliquin Ethanol Plant at Lots 234, 272 and 273 DP756325 Barham Road, Deniliquin.

Council fully supports this project and have been working with the proponents for some time to assist in the lodgement of this development application. The project will deliver significant economic benefits to Deniliquin and Council is looking forward to the issuing of the development consent.

In relation to the EIS, Council staff have reviewed the document and make the following comments. Council's comments are mostly based around the servicing issues associated with the project.

#### **Zoning**

The EIS makes reference to the lots 234 and 272 being zoned SP2 Infrastructure (Sewerage Systems) under the LEP 2013 and that this land will need to be rezoned prior to the construction of the project. The lots are zoned RU1 Primary Production under the LEP 2013 and the use is permissible in the zone with consent.

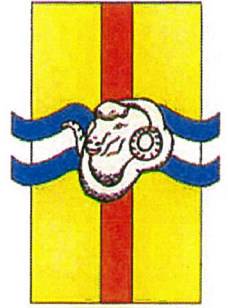
#### **Airspace Operations**

The land falls within the Limitations or Operations Surface for the Deniliquin Airport and is required to be referred to Airservices Australia and CASA.

#### **Water Supply**

While reticulated water is not currently available it is proposed to extend water to the site. Rainwater tanks are to be used to supply water to the offices and amenity buildings. The EIS states that 1.3 megalitres per day will be consumed on site.

Council requires a water management plan that models the impact of this consumption on town water supply. Modelling is to include the proposed reservoir to be built within the industrial area to the east of the subject site. This plan will need to be provided to Council with the construction certificate



**DENILIKUIN COUNCIL**  
Achievement through Action

All correspondence to be directed to the General Manager

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03 5898 3000

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as it will inform the design of the proposed extension. If Council is to construct the water main extension then the plan will need to be submitted prior to Council commencing the design phase.

Headworks charges are required to be applied to this development. Council will require details of the equivalent tenements based on the projected consumption to determine headworks.

Conditions are also to be imposed for the use of rainwater tanks to the offices and amenity buildings.

### **Sewer**

Reticulated sewer is not currently available but it is proposed to extend low pressure sewer to the site. It is proposed that the sewer is only to be connected to the amenities and offices. If sewer is not available to the site then it is proposed that the amenities and offices will be connected to an on-site sewage management system.

Headworks charges are required to be applied to this development. Council will require details of the equivalent tenements based on the projected consumption to determine headworks.

### **Roads and Access**

The EIS notes that Leetham Road (also referred to as Line Road) is sealed. This road is not sealed and the length of this road from its intersection with Barham Road and across the frontage of the site is required to be sealed. The intersection of Barham Road shall need to be upgraded to cater for increase in heavy vehicles. As there will be B-doubles exiting the site onto Leetham Road, the applicant will need to make application for the extension of the B-double route to cover this section of Leetham Road.

Council questions the need for two entry points off Barham Road into the site as this will extend the length of the turning lanes required along this section of Barham Road.

The EIS identifies that discussions will be held with Council regarding a maintenance agreement for roads used in relation to the proposed development. This will be required prior to an occupation certificate being issued.

### **Stormwater**

Conditions have been provided in relation to stormwater.

### **Conditions**

Schedule 1 is a list of proposed conditions. Council is aware that some conditions are not required to be placed on a development consent as they are part of legislated process ie need for a construction certificate. Council does usually place these conditions on development consents to ensure that proponents are aware of all requirements for their project.

Thank you for this opportunity to provide comment.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Julie Rogers, Manager Environmental Services on (03) 5898 3111.

Yours faithfully



**Des Bilske**  
**GENERAL MANAGER**

## SCHEDULE 1

### 1 GENERAL

#### 1.1 Construction Certificate – Building Work

An application for a construction certificate is to be submitted to Council or an accredited private certifier prior to any building work commencing. The construction certificate plans are to be consistent with the approved development consent and shall include detailed plans and specifications to demonstrate compliance with the provisions of the National Construction Code Volume 1 – Building Code of Australia 2015.

#### 1.2 Construction Certificate – Civil Works

An application for a construction certificate is to be submitted to Council prior to any civil work commencing. The construction certificate plans are to be consistent with the approved development consent and shall include detailed plans and specification to demonstrate compliance with Council's Development Manual and relevant Australian Standards.

The construction certificate for the civil works is to include the following:

- Design for the extension of the water main to the site. The design is to be accompanied by a water management plan modelling the impact on the town water supply of the proposed development.

##### ***Advising***

*If Council is to construct the water main extension to the subject site, the Applicant is to submit the water management plan to Council prior to the commencement of the design work.*

- The design of the proposed low pressure sewerage mains prepared in accordance with Council's Low Pressure Sewerage Policy.
- The design of the carpark, manoeuvring area and access driveways. Drainage and pavement designs addressing vehicle loadings and any fill compaction requirements are to be prepared by a suitably qualified and experienced civil engineer (CPEng or NPER3 accredited). Calculations for the number of carparking spaces are to be detailed and based on Council requirements and turning circles are to be provided.
- Design and hydraulic calculations for the disposal of stormwater including the overflow from any rainwater tanks (to be disposed of to an on site detention dam designed in accordance with AS3500.3-2003 Stormwater Drainage).
- The design of roadworks proposed including turning lanes, road widening intersection treatments and road construction along Leetham Lane.

### **1.3 BCA Compliance**

The structure(s) are to comply with the relevant requirements of the Building Code of Australia.

## **2 PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **2.1 Road Opening Permit**

A road opening permit is to be obtained for any works being undertaken within the road reserve.

### **2.2 Headworks**

Payment to Council pursuant to Section 306 of the Water Management Act 2000 and the Council's 'Water and Sewer Demand Assessment Policy', 'Development Servicing Plan for the Deniliquin Sewerage Scheme' and 'Development Servicing Plan for the Deniliquin Water Supply Scheme' of headworks charges.

Determination of the number of equivalent tenements to be paid will be determined upon submission by the applicant of an estimation of the equivalent tenements for water consumption and volumes to be discharged to Council's sewer.

The headworks charges are those that apply at the date of issue of this consent. Rates are adjusted annually on 1 July. Contributions will only be accepted at the rate applying at the date of payment. Council's Technical Services should be contacted prior to payment to confirm the contribution amount.

If Council is to construct the water and sewer services to the subject site, headworks will be required to be paid prior to the commencement of any works.

### **2.3 Section 68 Approval**

An application for approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be lodged with Council.

#### ***Advising***

*The design of an on-site system larger than 5000 litres requires separate accreditation from NSW Health. The design capacity of any such tank shall be in accordance with NSW Health Septic Tank and Collection Well Accreditation Guideline (December 2001).*

## **3 PRIOR TO THE COMMENCEMENT OF ANY WORKS**

### **3.1 Notice of Work**

The plumber and drainer carrying out the work to connect to Council's sewer must lodge a 'Notice of Work' with Council a minimum of two days prior to commencement of work.

### **3.2 Appointment of PCA and Notice of Commencement**

The erection of the buildings the subject of this development consent MUST not be commenced until:

- (a) detailed plans/specifications of the building have been endorsed with a construction certificate by:
  - (i) the Council, or
  - (ii) an accredited certifier, and
- (b) the person having the benefit of the development consent:
  - (i) has appointed a principal certifying authority, and
  - (ii) has notified the Council of the appointment, and
- (c) the person having the benefit of the development consent has lodged a notice of commencement form with Council. This is to be lodged at least two days prior to commencing the building work.

### **3.3 Site Protection**

Prior to the commencement of works, the principal contractor is to ensure that the site has been appropriately protected and secured by a fence or hoarding to prevent access from the road and to prevent the possibility of any unauthorised access in accordance with WorkCover requirements.

### **3.4 Erosion and Sediment Control**

Appropriate erosion and sediment control measures are to be implemented to prevent any sediment from leaving the site, these measures are to be maintained during the construction phase and can only be removed once appropriate stabilisation has been completed.

### **3.5 Sign to be Erected on Building Site**

A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out:

- (i) Showing the name, address and telephone number of the principal certifying authority for the work, and
- (ii) Showing the name for the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work is being carried out, but must be removed when the work had been completed.

### **3.6 Toilet Facilities**

Toilet facilities are to be provided, at or in the vicinity of the work site on which building work is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

### **3.7 Traffic Management Plan**

The principal contractor is to provide a traffic management plan covering all works inside the public road reserve. The plan shall be certified by two suitably qualified persons and include all relevant speed zone authorisations and required signage.

**Advising****Dial Before You Dig**

*Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.*

**4 DURING CONSTRUCTION****4.1 Standard of Plumbing and Drainage Work**

All plumbing and drainage work shall be carried out in accordance with the requirements of AS3500 National Plumbing and Drainage Code, the Plumbing and Drainage Act 2011, the Plumbing and Drainage Regulation 2012 and the Local Government (General) Regulation 2005.

**4.2 Licensed Plumber**

All plumbing and drainage work is to be carried out by a NSW licensed plumber and drainer.

**4.3 Inspections – Plumbing and Drainage Work**

An inspection must be undertaken by Council prior to the covering of the works specified below:

- Sanitary plumbing and drainage
- Water supply plumbing
- Completion of all plumbing and drainage works

**Advising**

*Council requires a minimum 24 hours notice to undertake the inspection. You will need to quote your development application number and property description to ensure your inspection is confirmed.*

**4.4 Waste Bins for Construction**

On site waste bins are to be provided for waste materials generated during construction and a bin(s) with a tight fitting lid for food scraps. All waste is to be disposed of from the site to an EPA approved waste depot on a daily basis.

**4.5 Hours of Operation (Construction)**

The hours of operation for construction works on site shall be limited to the daylight hours, between 7am and 6pm Monday to Friday inclusive, 8am and 5pm Saturdays. No work shall be carried out on Sundays and Public Holidays without the prior written consent of the Council.



#### **4.6 Removal of Spoil**

Any spoil deposited on public roads during the cartage of materials from or to the site shall be removed on the same day. The cartage of spoil shall cease, as directed by Council, if the Council determines that excessive deposition of spoil onto the road is taking place.

#### **4.7 Excavation and Backfilling Safety**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

#### **4.8 Waste Disposal**

Any waste or excavated material removed from the site is to be taken to an EPA authorised site for disposal. No fill is to be deposited on other land without the prior consent of Council.

### **5 PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

#### **5.1 Occupation Certificate**

The use of the building is not to commence until such time as an occupation certificate is issued by the principal certifying authority for the work.

#### **5.2 Extension of Water Main**

Council's water main is to be extended to service the development including the installation of the required water meter/s.

#### **5.3 Works as Executed Drawings**

Works as executed plans are to be submitted as detailed below. The base for the works as executed plans shall be the approved construction drawings with the works as executed information to be shown in red.

The works as executed plans shall include but not be limited to, the following information:

Sewer	Manhole location
	Size, top level and invert levels for all pipes connected to the manhole
	Pipe sizes, material, grades, invert levels and connected manholes
Stormwater	Pit locations, sizes, construction, top level and invert levels for all pipes connected to the pit
	Pipe sizes, material grades, invert levels and connected pits
Water	Location of water connection to property and backflow prevention device
Detention basin/oversized rainwater tank	Location, invert levels, top water level for 1%AEP storm event
	Certification that the works have been carried out in accordance with the consent



Vehicle crossing	Location, dimensions and finished levels
Roadworks	Dimensions, finished levels, crossfalls, linemarking, depth of pavement

Works as executed plans shall be provided to Council utilising the following formats:

- Electronic pdf format signed and certified by a suitably qualified CPEng for all works as executed information; and
- Locations for existing Council infrastructure and infrastructure that Council shall have control of following the development are to be submitted in dwg format with locations to be consistent with the State Survey Grid (MGA Zone 55).

#### **5.4 Maintenance Bond**

A maintenance bond is to be lodged with Council which is five (5) per cent of the total contract price of the engineering works associated with the development or five hundred (500) dollars whichever is greater. The developer is to submit a copy of the successful quote/s for the works in order for Council to calculate the cost of the maintenance bond. Council has the right to review the submitted quotes if they do not appear to be a realistic value.

#### **5.5 Potable Water Supply for Drinking Water**

All taps to fittings for drinking water are to be connected to the Council mains water supply once connected to the site. Alternatively, if town mains water supply is not connected to the site the owners / operators of the site are to develop and implement a Quality Assurance Program in accordance with the NSW Private water Supply Guidelines.

#### **5.6 Low Pressure Sewer**

The owners of the property are to sign an owners maintenance agreement and obtain an owners manual outlining their responsibilities with regard to the low pressure sewer pump.

#### **5.7 Positive Covenants – Non Residential Low Pressure Sewer**

A positive covenant over the subject land is to be created stating the following:

- Any buildings erected on the subject land are to be connected to low pressure sewerage system.
- The registered proprietor must enter into a formal and ongoing maintenance agreement with the Deniliquin Council regarding the operation of the system.
- The registered proprietor will be responsible to pay for the power used by the pumping unit.
- Any buildings incorporating a liquid waste disposal system erected on the subject land are to be connected to the low pressure sewerage system, or such other system as required by Council after viewing any development application for the use of the land.
- The pumping unit associated fittings and the pipe from the unit to the sewer main will remain the property of the Deniliquin Council or its successors.

**5.8 Access to Disposal Area**

Vehicle access is to be excluded from any on-site effluent disposal area. A barrier to protect the system from vehicular access is to be installed and maintained if required.

**5.9 Access (Hard Sealed)**

Access to the site is to be provided in accordance with Council's Development Manual and is to include the sealing of the access driveway from the edge of the road seal/driveway crossover to the front boundary. The driveway is to have a profile conforming to Council's Standard Drawing DC-SD1 outlined in Council's Development Manual and AS 2890.

**5.10 Carparking**

The carpark is to be constructed, linemarked and identified on the subject site.

**5.11 Carparking for Disabled**

Provide at least one (1) carparking space per 100 carparking spaces or part thereof on-site for people with disabilities. The carpark shall be designed in accordance with AS 2890.6 – 2009 Parking facilities Off street parking for people with disabilities.

**5.12 Road Construction – Leetham Road**

Leetham Road from its intersection with Barham Road and along the frontage of the subject site and extending a distance of 20m past the south eastern boundary of the subject site is to be constructed including a full road seal and drainage in accordance with the specifications outlined in Council's Development Manual.

**5.13 Fire Safety Schedule and Certificates**

The essential fire safety measures as determined by the principal certifying authority upon assessment of the construction certificate are to be installed in or on the site of the proposed buildings to comply with the requirements of the National Construction Code Volume 1 – Building Code of Australia 2015.

Prior to the issue of the occupation certificate the owner must cause the principal certifying authority and the NSW Fire and Rescue to be given a fire safety certificate in relation to each essential fire safety measure. The fire safety certificate is to state in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated:

a that the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so, and

b that at the date of assessment of the measure was found to be capable of functioning to at least the minimum standard required by the schedule attached to the construction certificate.

**Advising**

*The owner is responsible for the maintenance of the essential fire safety measure for the life of the structure. Annual fire safety statements must be submitted to Council within each 12 month period from the date of the initial fire safety statement certifying the*

*maintenance standard of the essential fire safety measure installed on the property.*

**5.14 Source of Fill – Statutory Declaration**

A statutory declaration is to be provided to Council from the applicant stating where the soil used for the filling of the land (if any fill is required to be brought onto the site) has been sourced from and that the soil used is clean fill.

**5.15 Access for Disabled**

Access for people with disabilities is to be provided from the accessible carparks required on site to and within the buildings on site that are required to be accessible in accordance with Part D3 of the Building Code of Australia and AS1428.1-2009 Design for Access and Mobility.

**5.16 Stormwater Disposal**

All stormwater from the roof of the proposed buildings and all hardstand areas including the overflow from any rainwater tanks shall be disposed of to an on site detention dam designed in accordance with AS3500.3-2003 Stormwater Drainage.

**5.17 Certificate of Compliance**

Upon completion of all plumbing and drainage work to connect to Council's sewer a certificate of compliance and a works as executed plan shall be lodged with Council by the licensed plumber and drainer responsible for the work.

**5.18 Damage to Council Infrastructure**

Any damage to road surfaces, infrastructure or landscaping outside of the property boundary that is a result of the proposed work, must be reinstated at total cost to the person having the benefit of the consent and to the satisfaction of Deniliquin Council.

**5.19 Backflow Prevention**

A back flow prevention device is to be installed in accordance with the Australian Plumbing and Drainage Code AS3500 and Council Policy in order to prevent any process water / recycled water or tank water syphoning back to Council's water mains.

**5.20 Public Utilities**

Adjustments to public utilities necessitated by the development shall be completed and in accordance with the requirements of the relevant authority and at no cost to Council.

**5.21 Entry/Exit Signs**

Entry and exit signs are to be erected within the property boundaries clearly identifying each driveway to the users of the site.

**5.22 Sewer Extension**

The sewer line is to be extended including the installation of a low pressure sewer unit to the site.

**5.23 Roadworks**

Intersection treatments, road widening and turning lanes are to be constructed in accordance with the approved plans and specifications.

**5.24 Maintenance Agreement - Roads**

The proponent is to enter into an agreement with Council for the maintenance of roads impacted as a result of this development.

**6 PRIOR TO THE COMMENCEMENT OF THE USE**

**6.1 Satisfy Conditions of Approval**

Use of the site for the proposed development shall not take place until all conditions required prior to the commencement of work for this approval have been satisfied.

**7 OPERATIONAL CONDITIONS**

**7.1 Exclusion of Trade Waste from Disposal to Sewer**

Wastewater to be disposed of to Council's sewer via the proposed low pressure sewer system shall be limited to kitchen, toilet, shower and hand wash basic waste fixtures. No trade waste fittings or laboratory sinks or the like are to be connected to Council's sewer main unless a trade waste approval is obtained from Council.

**7.2 Vehicle Loading/Unloading**

All vehicles being loaded and/or unloaded are to stand wholly within the site.

**7.3 B-Double or Road Train Access – Leetham Road**

Approval is to be obtained from Council for the use of Leetham Road by B double trucks or road trains.