

EAGLE ENERGY

**INPUT INTO MODIFICATION OF
PART 3A APPROVAL**

FOUR ARROWS ETHANOL AND DAIRY PROJECT



Agribusiness and
Environmental Solutions

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INPUT INTO MODIFICATION OF PART 3A APPROVAL – FOUR ARROWS ETHANOL AND DAIRY PROJECT

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1.0 EXECUTIVE SUMMARY

The Four Arrows Ethanol and Dairy Project is an integrated ethanol plant and dairy development in south western NSW. The project is consistent with the objects of the *Environmental Planning & Assessment Act 1979* and the principles of ecologically sustainable development.

The project continues to be in the public interest as it will contribute to the market for ethanol blended fuels in NSW and will provide a renewable fuel source to meet growing fuel demands.

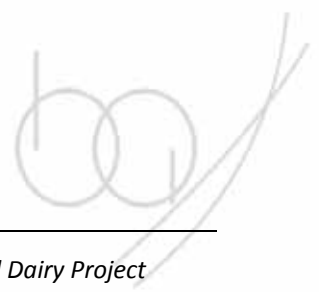
The project will also contribute to milk supplies to meet local and export demands. It also has the potential to generate significant socio-economic benefits for the Murrumbidgee region, including an initial capital investment value estimated at \$100 million, and the generation of up to 100 jobs during construction and operation.

Eagle Energy Pty Ltd seeks, as a priority, an extension of time of three (3) years to its existing project approval, due to lapse on the 1 October 2016. This extension of time will enable the company to re-commence its investment in the project and to commence works under the Minister's approval.

This modification seeks an extension to the lapse date of the consent as well as minor changes to the consent to reflect the proposed staging of the proposal.

Reasons the company is yet to commence the full project approval are outlined in this submission and broadly include the uncertainty around biofuel mandates, the need to test the viability of a smaller ethanol plant and changes in ownership structures.

There is also a need to modify the current project approval in response to the considerable lead in time to commence the full development of the site and to support the staging of the ethanol plant development that has commenced under separate approval. There are appropriate environmental measures and management practices in place to minimise any potential impacts (ie environmental, social or economic) associated with the staging of the ethanol plant within the project approval. The consistency between the project approval and existing Council development approvals for the ethanol plant within the site are examined in this submission.





2.0 INTRODUCTION

Booth Associates have been engaged by Eagle Energy Pty Ltd to prepare an application to seek an extension of time to a project approval for the Four Arrows Ethanol Plant and Dairy Project.

As part of preparing this application Eagle Energy Pty Ltd also seek the Minister's consideration to minor adjustments to the project approval to recognise the works commenced by the company in developing an ethanol plant within the site.

This submission is based on the original Environmental Assessment prepared for the project as well as specialist reports that were previously submitted to the then NSW Department of Planning. This assessment, subsequent reports addressing environmental management and statement of environmental commitments still reflect the proposed operations within the site.

Major impact assessments were completed under the Environmental Assessment that addressed air quality, noise, traffic, visual impacts, flora and fauna, indigenous heritage, non-indigenous heritage, hazards and risks, animal welfare, waste management, soils and water quality – both surface and groundwater.

The Statement of Commitments, which forms part of the project approval, includes 250 assurances attached to this approval. These assurances will be compiled and integrated into an Environmental Management Plan that will also deal with construction and operational management. This planning will include strategies and actions that will be undertaken, however also detail monitoring, auditing and mitigation measures to be implemented. The project is and continues to be justified on its ability to achieve the maintenance and enhancement of biophysical, economic and social aspects.

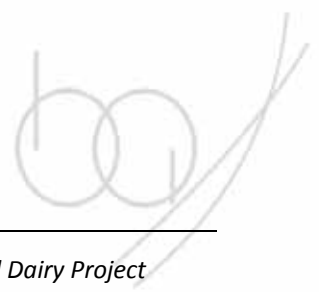
2.1 Details of the Applicant

The applicant for this submission is Eagle Energy Pty Ltd PO Box 137 Coleambally NSW 2707 and ABN 28 331 451 596).

Eagle Energy Pty Ltd represents five (5) Coleambally farming families.

The company was successful in applying to the Federal Government under a grant scheme called *The Private Irrigation Infrastructure Operators Program*.

As a condition of this grant Eagle Energy Pty Ltd is required to construct an ethanol plant in the Coleambally region.





2.2 The Site

The project site is comprised of almost 359 hectares of agricultural land, and is located off the Kidman Way approximately 7 kilometres to the north of Coleambally in the Murrumbidgee local government area (LGA).

The site comprises three land titles, being lots 78, 79 and 80 in DP 750896. Lots 79 and 80 were purchased by Eagle Energy Pty Ltd in 2011 from Four Arrows. Lot 78 continues to be separately owned by Margaret Sheppard who has provided landowner consent to this request for Part 3A modification (refer to Annexure 1).

Figure 1: Site Location





The site is situated within the Coleambally Irrigation Area, an area covering over 80,000 hectares, and is predominantly surrounded by agricultural land that is used for both cropping (eg rice, wheat, barley, oats etc) and grazing. However, there is a rural industrial complex - the Welsh Rice Sheds - located directly to the north of the site.

There are approximately 26 rural residences within a 5 kilometre radius of the site, with the closest residence being located about 200 metres south of the property boundary.

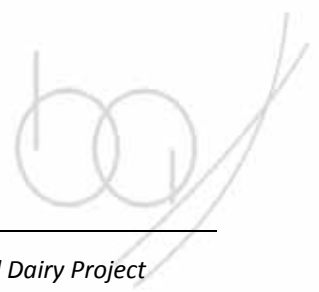
Nearby natural features include the Boona State Forest, which is approximately 500 metres to the east of the site, and the Bretts State Forest which is approximately 1.5 kilometres to the north-west of the site.

Key local and regional infrastructure in the surrounding area includes:

- The Kidman Way, some 800 kilometres of State road commencing at Jerilderie and traversing north to Bourke, where it joins the Mitchell Highway. The site is accessed from the Kidman Way;
- The Sturt Highway, a key east-west transport and freight corridor, linking Sydney and Adelaide;
- A 33kV electricity transmission line, running adjacent to the western boundary of the site, which connects to a 132kV substation that supplies the town of Coleambally with electricity;
- A water supply channel adjacent to the northern boundary of the site that forms part of the Coleambally irrigation network;
- A drainage channel (DC400) to the south of the site that drains into the Coleambally Outfall Drain and ultimately to Billabong Creek near Moulamein; and
- The Willbriggie Rail siding, which is located approximately 25 kilometres to the north of the site adjacent to the regional grain stores.

The site also has local and regional strategic importance which reflected in the criteria and site selection process that was completed for the project. These include:

- The site is not only part of the Coleambally Irrigation Area; it is adjacent to the Murrumbidgee Irrigation Area, the Murray Irrigation Districts and the Victoria Irrigation Districts;
- Irrigation provides relatively stable grain production streams for the ethanol plant as well as forage supplies for the dairy development;
- Surrounding the irrigation districts are substantial areas of dryland farming also capable of meeting the supply of grain for ethanol production; and
- There are a number of intensive animal industries within operational distances that can utilise surplus distillers grain from the ethanol plant.





3.0 BACKGROUND

Four Arrows Ethanol Pty Ltd received approval under Part 3A of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* on the 21 December 2007 to establish a new ethanol plant and dairy on 359 hectares of agricultural land located on the Kidman Way, approximately 7 kilometres to the north of Coleambally.

The components of the project approval included:

- An Ethanol production facility and all necessary infrastructure – plant, workshop, truck wash down, grain storage, roadways, administration and visitors centre;
- An intensive free stall dairy and all necessary associated infrastructure with a milking capacity of 6,000 head – free stall sheds, dry pens, dairy, milk storage, maternity shed, cattle yards, feed/commodity shed;
- Cattle housing and all necessary infrastructure to maintain a supporting herd of 12,000 cattle;
- A total of 18,000 head of cattle to be housed on-site (6,000 milkers, 1,200 dry cows, 10,800 support herd);
- Waste management and effluent systems onsite with capacity to manage all wastes – sedimentation ponds, storm surge pondage, anaerobic ponds, aerobic ponds, manure storage, runoff storage, channels; and
- The disposal of effluent wasters and various organic waste from herd mortalities and culls offsite to surrounding agricultural lands.

The ethanol plant, as approved, is capable of producing 300 mega litres (ML) of ethanol a year and the dairy milking up to 18,000 head of cattle producing up to 77ML of milk a year.

In approving the project in 2007 the Minister was satisfied that the project offered significant social and economic benefits to the region, as it will:

- Produce ethanol and milk for domestic markets;
- Promote expansion of the renewable fuel industry in NSW;
- Attract a least \$100 million of capital investment to the area; and
- Create jobs for up to 100 people.

The Minister was the approval authority for the project.

There have been no on-site works in relation to the Part 3A Approval nor any progress made towards the preparation of detailed engineering and architectural plans for the full development of the site.

The applicants have been focussed on commencing Stage 1 of the ethanol plant development and meeting the conditions of the Development Approval issued by Murrumbidgee Shire Council.

In December 2012 the applicant sought consent for the construction of an ethanol plant within the site from Murrumbidgee Shire Council. This proposal was approved by Council on the 28 February 2013. Murrumbidgee Shire Council issued a Construction Certificate for the ethanol plant on 10 June, 2014. A copy of the Notice of Determination and Construction Certificate are included in Annexure 2.

This proposal was limited to the Stage 1 development of the ethanol plant and associated infrastructure. This proposal sought an upper limit to production from the ethanol plant to five and a half (5.5) mega litres per annum – approximately 2% of the total operating capacity of the ethanol plant under the project approval. The plant is planned and approved to operate 24 hours per day, seven days per week.

The Stage 1 ethanol plant was located on the north eastern corner of the land with a footprint of 200m x 150m for the main plant area. Included in this proposal were additional grain storage bunkers and water storage ponds. This included three tarpaulin covered bunkers with upper limit storage capacity of 25,000 tonnes.

Figure 2 is an aerial overlay of the Stage 1 ethanol plant within the site.

Figure 2: Location of Approved Stage 1 Ethanol Plant (source TFA Project Group 2012)





The main components of the plant included:

- A grain mill;
- Distillation system;
- Tanks;
- A boiler;
- A wastewater treatment system;
- Carbon dioxide scrubber; and
- Cooling tower.

The capital value of the proposal was estimated at \$6 million.

At the time of approval the operational workforce for the ethanol plant was estimated at ten employees with an anticipated construction workforce of 40 contractors during peak construction.

Construction of the plant commenced in 2012 with the fabrication of the ethanol plant in India and arrival of the plant components to the site in 2013.

The plant is designed for further expansion and changes with specific components of the plant over engineered to cater for this expansion. The current plant, when operational, will be capable of and processing 45 tonnes of grain per day.

To date the plant construction is approximately two-thirds complete and construction on the site has been halted.

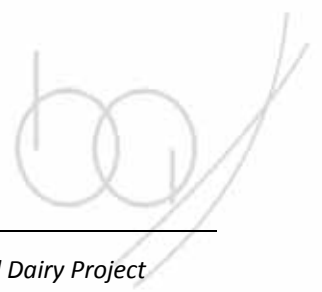
Other works on-site completed to date include establishment of site office/facilities and fencing of the site.

During construction the works were compliant with the general conditions of the Development Approval.

As construction is not yet complete, occupation certificates have not been sought from the Murrumbidgee Shire Council.

At this stage road access and intersection upgrades required by Roads and Maritime Services have not yet been addressed and constructed.

No license for the site has been issued by EPA and conditions relating to the operation of the ethanol plant are not yet relevant.





4.0 PROPOSED MODIFICATION

The applicant requests that the Minister, under *Clause 11A of Schedule 6A of the EP&A Act*, modify the current project approval to:

1. Extend the lapse date of the project approval for an additional three (3) years from the date of determination of the modification;
2. Alter Appendix 2 Conceptual Layout of the Project to facilitate for adjustments for Stage 1 and Stage 2 development of the ethanol plant within the site; and
3. Include an additional condition requiring the completion of Stage 1 of the proposed ethanol plant in Accordance with DA 121213 dated 28 February, 2013.

The reasons for the request for extension of the lapse date are outlined in Section 4.2 of this submission.

An assessment of the environmental impacts of the minor changes to the project is addressed in Section 4.3.

The condition referred to in (3) above is identified in Section 4.5 of this modification request.

4.1 Statutory and Planning Context

In 2011, the Minister repealed Part 3A of the EP&A Act and will no longer accept any new projects in the Part 3A assessment system.

Part 3A has been replaced by the State significant development and State significant infrastructure assessment systems, which commenced on 1 October 2011.

The Minister however can accept modifications to applications previously approved under Part 3A of the *EP&A Act*.

The proposal was classified as a major project under Part 3A of the *EP&A Act* because of the scale of both the ethanol plant and dairy, which triggered relevant criteria in the *State Environmental Planning Policy (Major Projects) 2005* being:

- The ethanol plant has a capital investment of more than \$30 million; and
- The dairy is an intensive livestock industry (ie dairy) that would employ more than 20 people.

The project approval is a *Transitional Part 3A Project* as defined by Clause 2 of Schedule 6A of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*.



Under Schedule 6A, Part 3A continues to apply to the project approval and Clause 11A of Schedule 6A of the *EPA Act 1979* permits the Minister to consider a request to extend the date on which the Part 3A approval lapses.

The project approval is not affected by the *Transitional Provisions contained in Part 1A of the Environmental Planning and Assessment Regulations 2000*, as the proponents intend to undertake and complete the project and not surrender the project approval under Section 8P of Part 1A.

An Environmental Assessment was prepared in October 2006 for the project.

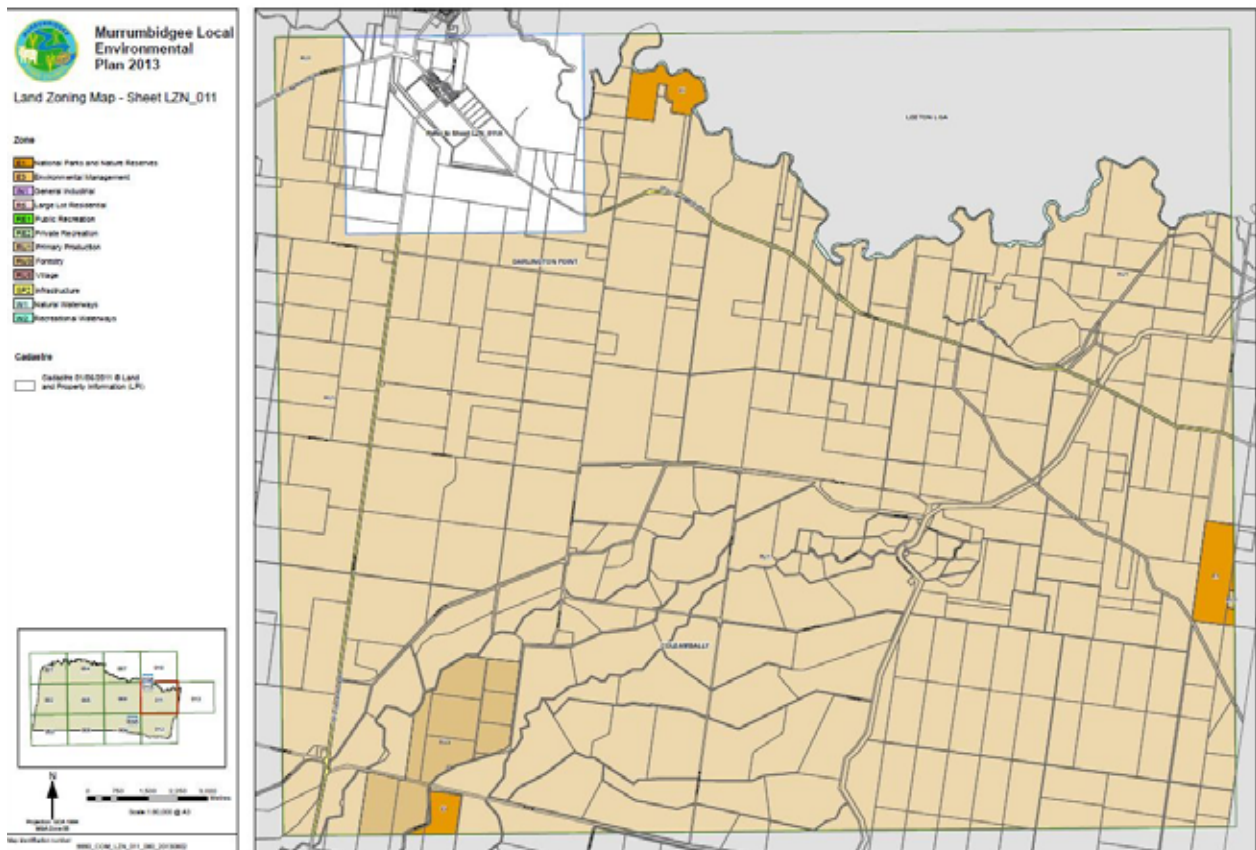
This addressed statutory requirements including Local, State and Commonwealth legislation affecting the project and the site. Given the nature of the proposed modification no additional impacts are anticipated.

The Environmental Assessment also addressed the statutory requirements of the now repealed Sections 75U and 75V of Part 3A.

At the time of Part 3A approval the site was zoned 1(a) (General Rural Zone) under the *Murrumbidgee Local Environmental Plan 1994*. Having regard to Section 8O of Part 1A the development for the purposes of a “rural industry” (ethanol plant) and “intensive livestock keeping establishment” (dairy) was permissible with development consent in this zone.

The site is currently zoned as RU1 Primary Production under the *Murrumbidgee Local Environmental Plan 2013* (Figure 3).

Figure 3: Current Zoning of the Project Site





Development for the purposes of a “rural industry” (ethanol plant) and “intensive livestock agriculture” (dairy) is permissible with development consent in this zone.

Consequently the Minister may approve the modification to the project approval.

4.2 Reasons for Request for Extension of Lapse Date

The Part 3A Approval was provided on 21st December 2007, less than 12 months before the onset of the global financial crisis (GFC). Fuel prices in 2007 were rising and there was an expectation the ethanol industry was set to grow significantly.

The *Biofuels Act, 2007* specified a minimum ethanol volume of 2% of all petrol sales which is known as the ethanol mandate. At the time of the introduction of this Act it was envisaged the ethanol mandate would increase to 10% over time. The mandate was increased to 4% in January 2010 and 6% in January 2011. When the development application for the ethanol plant was approved by Council the expectation remained the mandate would increase to 10%. The 6% mandate has never been met and the movement towards a 10% mandate has ceased.

Construction of the ethanol plant commenced in 2013 and continued throughout 2014. The profitability of the ethanol plant is largely dictated by fuel prices. Fuel prices dropped significantly in late 2014 and are now below pre-GFC levels. See the following graph of historic oil prices in \$US/barrel.



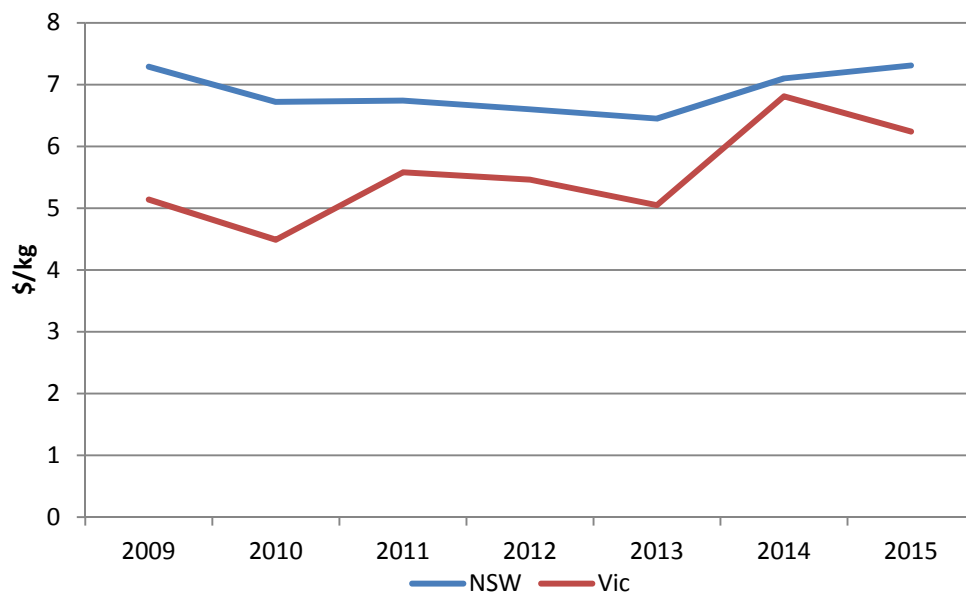
Source: <http://www.macrotrends.net/1369/crude-oil-price-history-chart>





Given movement away from the 10% fuel mandate and low fuel prices the project proponents made the decision to put construction of the ethanol plant on hold whilst they reviewed their business model and economic circumstances.

In 2014 and 2015 the dairy industry was booming and the option to integrate the ethanol plant with the dairy was revisited by the project proponents. Opportunities to progress integration did not materialise. A graph of historic milk prices shows prices rising over time. The dairy industry is currently suffering a significant price bust instigated by a price drop to less than \$5/kg in May 2016 by Murray Goulburn, the largest dairy processor in the nation.

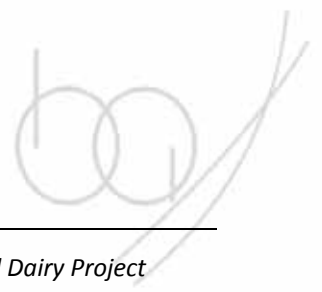


Source: <http://www.dairyaustralia.com.au/Markets-and-statistics/Prices/Farmgate-Prices.aspx>

All industries are cyclical and the project proponents are seeking a partner to invest in the dairy and/or ethanol plant. The timeframes are uncertain as they are subject to fuel and dairy prices, the ethanol mandate, availability of capital and investors' appetite for these industries and this site.

The reasons for seeking an extension of three (3) years for the project approval for the site are to generally align with:

- The existing timeframe for project development – for example the planning for the site by Eagle Energy Pty Ltd commenced in 2011 with construction commenced in 2013 and stopped in 2014;
- Industry pricing cycles which as demonstrated above vary between six (6) to eight (8) years; and
- Sourcing future specialised components and expertise that may be manufactured or located outside Australia.





4.3 Minor Modifications to Project Approval

The applicant seeks to incorporate minor modifications to the project approval as summarised below. These modifications have been identified and discussed with the Department of Planning and Environment.

The details of the modification request are to:

- Amend *Appendix 2 Conceptual Layout of the Project* of the Project Approval to incorporate the amended site plan (refer to Annexure 3 of this submission), included in this request for modification, to identify the new position for the ethanol plant; and
- Insert a new Condition 41 in *Schedule 3 Specific Environmental Conditions* to read:

STAGING

41. *The development of the ethanol plant is to be undertaken in two (2) separate stages. Stage 1 is to be completed in accordance with Development Application Determination No 121123 dated 28 February 2013. All conditions of Stage 1 are to be completed and certified by Murrumbidgee Council prior to commencement of Stage 2 expansion of the ethanol plant under this project approval.*

4.4 Justification for Minor Modification Request

The following provide a summary of the applicant's justification to support the minor modifications as proposed.

4.4.1 Minimal Environmental Impact

The key issues associated with the project identified by the Minister included odour, groundwater contamination, hazards and waste management. These key issues were previously assessed having regard to the objects of the *EP&A Act*, and the principles of ecologically sustainable development.

The proposed modification is limited to:

- Re-positioning the ethanol plant within the existing site further south from the approved position. This adjustment subsequently relocates the approved grain storage areas further north; and
- Staging of the development of the ethanol plant.

The current project approval still requires the proponents to fully address and manage the environmental impacts of the proposed development. The key outcome of the project approval is and continues to be to ensure that the project does not generate offensive noise or odours beyond the boundary of the site.



The re-positioning of the ethanol plant will result in a small increase in separation distance from the nearest receptor to the north, and a subsequent small decrease in separation distance to the next nearest receptors to the south.

These small changes are not considered to alter the Preferred Project Report Supplementary Document (October 2007) regarding air quality impacts that accompanied the approved proposal.

Other impacts associated with air emissions, soils and water, hazards and risks, traffic, waste, greenhouse gases will remain unchanged from the original proposal. The proposed staging of the ethanol plant is consistent with the Department's Environmental Assessment of the project which recommended a staged approach to the proposal and verification of emissions from the ethanol plant.

Staging of the ethanol plant as sought will enable this verification to occur prior to expansion to the full capacity plant.

4.4.2 Ethanol Plant Environmental and Operational Management

The proposed modification to the project approval includes staging of the ethanol plant development. This is consistent with the previous decision by the Department regarding the staging of the dairy component of the project. In considering staging of the proposal the applicant considers that there is substantial overlap in environmental and operational management conditions addressing Stage 1 and Stage 2 of the ethanol plant development. This excludes the Statement of Commitments that bind the proponents in the project approval.

The Table 1 highlights the relevant environmental management and operating conditions addressing the key issues identified by the Minister. These conditions apply to the ethanol plant under the Council approval 5.5ML per annum (Stage 1) and similar conditions under the Project approval 300ML per annum (Stage 2).

Table 1: Ethanol Plant Environmental Management/Operating Conditions

Condition	DA 212213 Ethanol Plant – Stage 1 only	Condition	Project approval (MA 06_0020) Stage 2 expansion
Limits of approval			
EPA Condition L5.1	Processing limit of 5.5 mega litres per annum	Schedule 2 – Condition 2, 3 and 4	Processing limit of 300 mega litres per annum
EPA L5.2	Processing limit of 16,500 tonnes of agricultural produce per annum		Processing limit of 725,000 tonnes of agricultural produce per annum
BCA compliance			
Council Condition 13	Occupation certificate prior to operation	Schedule 1 - Condition 10	Compliance with BCA including certification under Part 4A
EPA licencing			
EPA Condition A2-1	EPA licence for ethanol plant	Schedule 3 – Condition 23,24 and 25	Pre and post commissioning of ethanol plant
Water quality			
EPA Condition P1.1	Establishing and monitoring discharge points for waste water quality/volume and groundwater	Schedule 3 – Condition 17	Water quality monitoring program
EPA Condition P1.2	Waste water management plan	Schedule 3 – Conditions 13, 14 and 15	Waste water management plan and site water balance



Condition	DA 212213 Ethanol Plant – Stage 1 only	Condition	Project approval (MA 06_0020) Stage 2 expansion
Waste management			
EPA Conditions O4.1 – O4.3	Solid waste disposal and management conditions	Schedule 2 – Condition 6	Solid waste management plan
		Schedule 3 – Condition 18 and 19	Waste management plan
Noise			
EPA Conditions L3.1 and L4.1	Operating and construction noise limits	Schedule 3 – Condition 20 and 21	Construction and operating noise limits
Roads and traffic			
RMS Conditions 1 – 17	Traffic access and intersection conditions	Schedule 3 – Condition 28, 29 and 30	Traffic, access and intersection requirements
Air quality			
EPA Condition U1.1	Odour management plan to be prepared	Schedule 3 – Condition 5 and 6	Air quality criteria and management
		Schedule 3 – Condition 8, 9 and 10	Air quality and odour management plan/ ethanol plant verification report

From Table 1 there are clear overlaps in environmental and operational management conditions under both approvals for the site.

This provides a high level of confidence that staging of the ethanol plant development will not reduce the environmental and operational management benchmarks that must be achieved.

While certain conditions relating to Stage 1 of the ethanol plant remain incomplete those matters are still required to be addressed prior to commissioning the plant. Any further expansion of the ethanol plant will be captured by the Project Approval conditions.

4.4.3 State and Federal Economic Development Opportunities

As identified in this submission the Private Irrigation Infrastructure Operators Program was one of the major elements of the [Inter-Governmental Agreement on Murray–Darling Basin Reform](#).

The Murray–Darling Basin (the Basin) is an area of national environmental, economic and social significance. The Basin contains Australia’s three longest rivers—the Darling, the Murray and the Murrumbidgee—as well as nationally and internationally significant environmental assets, such as wetlands, billabongs and floodplains. It covers one-seventh of Australia extending across four states—Queensland, New South Wales, Victoria, South Australia—and the Australian Capital Territory.

The Basin is an important resource for rural communities and contributes substantially to Australia’s economy. Irrigated agriculture accounts for over 80 per cent of the Basin’s consumptive water use contributing to an agricultural industry worth more than \$9 billion per year.



To underpin reforms in the Basin, the Australian Government provided \$5.8 billion to fund 40 different projects, programs and initiatives ranging in size from \$1.2 million to \$1 billion, both within and outside the Basin. This investment was to be principally directed towards projects that secure a long-term future for irrigation communities and deliver value for money.

The Coleambally Irrigation Co-operative Limited received \$52m in three rounds of funding to undertake water efficiencies within the region. These efficiencies were seen to directly link to the development of supporting infrastructure such as the Four Arrow Dairy and Ethanol project. This was highlighted by the CEO of the Co-operative in its 2014 Annual Report:

“As I look to the future, it’s very apparent that the face of agriculture within the CIA and the Murrumbidgee is changing – there are new cotton gins under construction; SunRice has signalled very clearly that it is looking for increased rice production; two ethanol plants nearing completion; and corporate investors are becoming increasingly interested in our region. All of this says to me that the future of our area is looking increasingly secure. None of this can be taken for granted because as we find ourselves looking at growth, other irrigation districts are reducing in scale. I’m confident though that CICL is well positioned to take advantage of new opportunities.”

IPART’s report in May 2015 *Ethanol mandate Options to increase the uptake of ethanol blended petrol* highlights the contribution of Stage 1 of the ethanol plant in NSW. Below is an extract from that report.

Table 3.1 Australian ethanol production capacity (ML) 2014 to 2020

	Location	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Manildra	Nowra, NSW	300	300	300	300	300	300	300
Wilmar	Sarina, QLD	60	60	60	60	60	60	60
Dalby	Dalby, QLD	90	90	90	90	90	90	90
Total existing		450	450	450	450	450	450	450
NQBE ^a	Ingham, QLD	N/A	N/A	N/A	30	60	60	60
BIA ^b	Junee, NSW	N/A	N/A	N/A	115	230	230	230
Dongmun Greentec	Deniliquin, NSW	N/A	N/A	N/A	N/A	55	110	110
Eagle Energy	Coleambally, NSW	N/A	5	5	5	5	5	5
Total planned		0	5	5	150	350	405	405
Total		450	455	455	600	800	855	855

^a North Queensland Bio-Energy.

^b Biodiesel Industries Australia.

Source: APAC Biofuel Consultants, *Australian Biofuels 2014-15*, p 32.



4.5 Ecologically Sustainable Development Considerations

As part of the reasons and justifications for the proposed modifications, it is considered appropriate to address the Ecologically Sustainable Development Principles. These considerations are outlined below.

The concept of sustainable development came to prominence at the World Commission on Environment and Development (1987), in the report entitled *Our Common Future*, which defined sustainable development as: *Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.*

For the purposes of this modification request, the relevant definition of ecologically sustainable development (ESD) is that in section 6(2) of the *Protection of the Environment Administration Act, 1991*, which is the definition adopted by the EP&A Act. This definition states:

“Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) the precautionary principle – namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) an assessment of the risk-weighted consequences of various options.*
- (b) inter-generational equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) conservation of biological diversity and ecological integrity – namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) improved valuation, pricing and incentive mechanisms – namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) polluter pays – that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*



The project design planning and assessment of the ethanol plant has been carried out applying the principles of ESD, through:

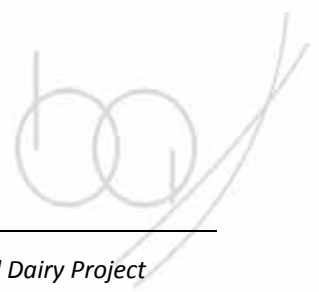
- Incorporation of environmental considerations and the results of the impact assessments in decision-making processes;
- Adoption of high standards for environmental performance; and
- The economic benefits to the community arising from the proposed modifications.

Section 5 of the EP&A Act describes the objects of the EP&A Act as follows:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed modifications are considered to be generally consistent with the objects of the EP&A Act, because they:

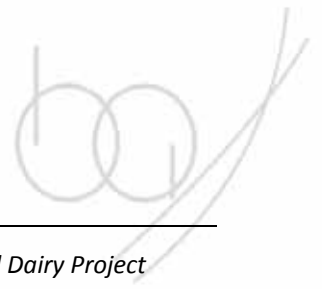
- Retain control measures to minimise potential amenity impacts associated with the project;
- Provides for the economic use and development of land;
- Supports the local and regional economy;





- Retains the range of agreed measures for the protection of the environment; and
- Incorporates relevant ESD considerations.

As such, it is considered that the modifications would result in positive rather than negative environmental consequences in comparison to the currently approved activities and their locations.





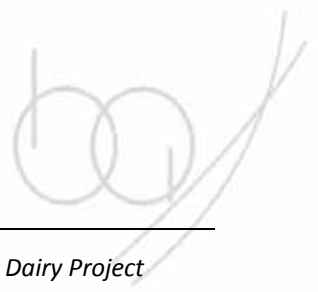
5.0 CONCLUSION

The Four Arrows Integrated Ethanol and Dairy plant was approved in December 2007. The project was never commenced by Four Arrows and the site was subsequently sold to Eagle Energy Pty Ltd in 2011.

In 2014 Eagle Energy commenced construction of an ethanol plant on the site which was approved under a Development Application and Construction Certificate issued by Murrumbidgee Shire Council.

The Part 3A Approval for the integrated ethanol plant and dairy facility expires on 1 October, 2016. Eagle Energy seeks an extension of the lapse state by three years as well, a minor modification of the Part 3A Approval site layout; and incorporation of the Development Approval from Murrumbidgee Shire Council and the Part 3A approval issued by the Minister. This reflects the previous views expressed by the Department regarding the staged construction of the project.

This submission has concluded that the proposed project has merit and the proposed modifications will not result in any adverse environmental (or other) outcomes.



Annexure 1

Letter of Authority from Landowner

Margaret Sheppard,
Farm 108,
COLEAMBALLY NSW 2707
27 September, 2016.

The Secretary,
Department of Planning & Environment,
GPO Box 39,
SYDNEY NSW 2001

Attention: S. Munk – Principal Environment Planner Industry Assessments

Dear Sally,

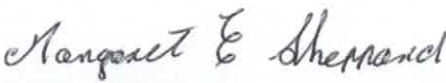
Re: Eagle Energy

I am the owner of Lot 78 DP750896 located on the corner of Kidman Way and Ercildoune Road. This parcel of land is one of the portions approved in December 2007 for the Four Arrows integrated ethanol and dairy facility under Part 3A of the *Environmental Planning Assessment Act, 1979*.

I understand Eagle Energy the current owners of the adjacent Lots 79 and 80 have sought modification of the Part 3A approval to extend the lapse date and relocate the ethanol plant.

I have no objection to the proposed modifications.

Yours sincerely


Margaret Sheppard

Annexure 2

Development Application Approval and Construction Certificate

MURRUMBIDGEE SHIRE COUNCIL



Form 4

**Notice of determination
of a development application**
issued under the *Environmental Planning and
Assessment Act 1979* Section 81(1)(a)

development application N°

DA 121213

development application

applicant name

Eagle Energy P/L

applicant address

PO Box 301 Albion QLD 4010

land to be developed: address

Lots 87 & 80, of DP 750896

proposed development

Rural Industry (Construction of ethanol
plant & ancillary works)

**Building Code of Australia
building classification**

Class 8 (light industry)

determination

made on (date)

28th February 2013

determination

Conditional approval

consent to operate from (date)

28th February 2013 (refer to note 1)

consent to lapse on (date)

27th February 2018

details of conditions

Refer to Attachment 'A'

(including section 94 conditions)

(refer to note 2)

reasons for conditions/refusal

Refer to Attachment 'A'

other approvals

Section 68, Part C — Operate a system of
sewage management (s.68A)-

list *Local Government Act 1993*
approvals granted under s 78A(5)
integrated as part of the consent

MURRUMBIDGEE SHIRE COUNCIL

right of appeal

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice

**section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.*

signed

on behalf of the consent authority

signature

name



date

DW Burke
28th February 2013

Note 1

where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.

Note 2

clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.

DA 121213
Attachment 'A' (Part A)
General Conditions

The following conditions apply to the development approval issued under s.81 (1)(a) of the *Environmental Planning and Approvals Act 1979*. It is the responsibility of the applicant, as beneficiary of this approval, to ensure that all conditions herein are complied with.

1. The use and development shall be in accordance with the approved development plans and documents submitted in support of the application (reference number DA 121213), except as modified by the conditions below.
2. In the event of any inconsistency between the conditions of this consent and the documents accompanying the applications, the conditions of consent will prevail.
3. The work must be carried out in accordance with the requirements of the *Building Code of Australia* (cl 98, *EP&A Regulations*),
4. Prior to construction, a sign must be erected in a prominent position on any site on which building work is being carried out (cl 98, *EP&A Regulations*),:
 - (a) Showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) Stating that unauthorised entry to the work site is prohibited.
5. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
6. To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the principal certifying authority, the principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out (cl 162A, *EP&A Regulations*).

Attachment 'A' - Conditions

(Continued)

Required inspections:

- a) After excavation for, and prior to the placement of, any footings, and
 - b) Prior to pouring any in-situ reinforced concrete building element, and
 - c) Prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) Prior to covering waterproofing in any wet areas, and
 - e) Prior to covering any stormwater drainage connections, and
 - f) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
7. Ablution facilities must be made available to all people engaged/contracted in the construction of the development (*reasons of public health*).
 8. The approved plumbing/drainage works are to be undertaken in compliance with the National Plumbing Code and in accordance with the *Australian Standard AS3500 – Plumbing & Drainage (s.7 Plumbing & Drainage Act 2011)*.
 9. An application for approval to install or construct a sewage management facility on any premises must be accompanied by the documents specified in Clause 26 of the *Local Government (General) Regulation 2005*
 10. The person who carries out the activity must provide to Council a diagram of any drains installed in accordance with the approval. Such a diagram must show the level of the drains in relation to the sewer management facility and the finished ground level, and the distances from the drains to the nearest boundaries of, and buildings on, the premises. (*cl.23 Local Government (General) Regulation 2005*)
 11. No alterations or changes are to be made to the work as approved or as required by the conditions of this consent without the prior consent of Council. (*Local Government Regulation r.16*)
 12. Prior to the habitation of the building, an occupation certificate must be obtained from the principal certifying authority (s.109 [M] *EP&A Act*).
 13. An occupation certificate will not be issued unless any preconditions to the issue of the certificate that are specified in this development consent have been met (s.109 [H] *EP&A Act*).

DA 121213

Attachment 'A' (Part B)

Roads & Maritime Services (Concurrence Authority)
Conditions

1. The driveway access to the Kidman Way (MR321) 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 as amended by the supplements adopted by Roads and Maritime Services for the prevailing speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
2. The intersection of the proposed driveway with the Kidman Way (MR321) shall be offset by a minimum distance of 50 metres along the centreline of the carriageway of the Kidman Way from any existing driveway or intersection on either side of the road.
3. As a minimum the intersection of the driveway with the Kidman Way (MR321) 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 as amended by the supplements adopted by Roads and Maritime Services for the prevailing speed limit and to cater for B-Triple vehicle access for the site.
4. The driveway to the Kidman Way (MR321) shall be constructed as a "Rural Property Access" type treatment in accordance with the Austroads Guide to Road Design as amended by the RMS supplements and is to be constructed perpendicular (or at an angle of not less than 70 degrees) to the carriageway.
5. As Kidman Way (MR321) is an approved Road Train route the proposed intersection and driveway is to 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. As a minimum the entrance from the Kidman Way 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.
6. The driveway shall be sealed from the edge of seal of the carriageway to the entry gate or the property boundary whichever is the greater. This is required to prevent deterioration of the road shoulder and 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.
7. Any entry gate to the site shall be located at least 40m from the edge of seal of the carriageway or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.

DA 121213

Attachment 'A' (Part B)

Roads & Maritime Services (Concurrence Authority)

Conditions (*continued*)

8. 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"*.
9. 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.
10. A management plan to address construction activity access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from the road reserve of the Kidman Way (MR321). Appropriate signage and fencing is to be installed and maintained to effect this requirement.
11. Suitable drainage treatment is to be implemented to retard any increased storm water run-off directly from the subject site on to the road reserve of the Kidman Way (MR321). Any driveway to the Kidman Way is to be designed, constructed and maintained to prevent water from proceeding onto the carriageway of the road. If a culvert is to be installed and is to be located within the clear zone of the Kidman Way for the prevailing speed zone it is to be constructed with a traversable type headwall.
12. Any damage or disturbance to the road reserve of the Kidman Way (MR321) is to be restored to match surrounding landform in accordance with Council requirements. Following the construction of the new driveway all existing driveways or gates to the Kidman Way are to be removed and the road reserve is to be restored to match the surrounding roadside in accordance with Council requirements.
13. The Kidman Way (MR321) 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.

DA 121213

Attachment 'A' (Part B)

Roads & Maritime Services (Concurrence Authority)

Conditions (*continued*)

14. 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 (RMS). However, the developer is encouraged to submit concept plans of the layout of the proposed works for checking by Roads and Maritime Services (RMS) prior to undertaking the detailed design phase.
15. Prior to 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) and concurrence from Roads and Maritime Services. 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.
16. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents. It should be noted that the relocation of any utility service within the road reserve will require concurrence from Roads and Maritime Services under section 138 of the Roads Act, 1993 prior to commencement of works.
17. Any works associated with the proposed development shall be at no cost to the Roads and Maritime Services (RMS)

DA 121213
Attachment 'A' (Part C)
Environmental Protection Authority (Concurrence
Authority) Conditions

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. 12/1213 submitted to Murrumbidgee Shire Council on 10 December 2012; and
- ☐ the statement of environmental effects titled 'Development Application for Ethanol Plant - Kidman Way Coleambally' and dated 6 December 2012.

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

Points	Type of monitoring point	Type of discharge point	Description of location
To be determined	Waste water quality	Monitoring	To be approved by EPA
To be determined	Waste water volume	Discharge and monitoring	To be approved by EPA
To be determined	Groundwater quality	Discharge and monitoring	To be approved by EPA

P1.2 The applicant must develop a waste water management plan that identifies all monitoring and discharge points and incorporates details about proposed waste water and groundwater quality monitoring. The plan must be submitted to the EPA for approval one month after development consent is given.

Limit conditions

L1. Pollution of waters

L1.1 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.

General Terms of Approval - Issued

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. Noise limits

L3.1 Noise from the premises must not exceed:
an LAeq (15 minute) noise emission criterion of 35 dB(A) at any time.

L3.2 Noise from the premises is to be measured at nearest sensitive receptor not related to the development to determine compliance with this condition.

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.*

L3.3 The noise emission limits identified in **L3.1** apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of rainfall or temperature inversions as described in the *Industrial Noise Policy (2000)*.

L4. Hours of construction work

L4.1 All construction work at the premises must only be conducted between Monday to Friday 7.00am to 6.00pm and Saturdays between 8.00am and 1.00pm.

L4.2 The hours of construction specified in conditions L4.1 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.

L5. Processing limits

L5.1 The premise must not produce more than 5.5 mega litres of ethanol per annum.

General Terms of Approval - Issued

L5.2 The premise must not process more than 16,500 tonnes of agricultural produce per annum.

L6. Waste water treatment ponds

L6.1 All new and re-constructed waste water treatment, storage and terminal ponds must have a minimum base and wall permeability of 1×10^{-9} metres per second over a base and wall thickness of 600 millimetres or be lined with an impermeable high density polyethylene liner.

L6.2 All waste water terminal/tailwater ponds must be designed, constructed and maintained to accommodate the stormwater runoff volume from the waste water utilisation areas generated in a 1 in 20 year, 24 hour average recurring interval rainfall event using a volumetric runoff coefficient of 0.8.

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. Incineration or open burning

O3.1 There must be no incineration or open burning of any materials on the premise, except as specifically authorised by the EPA.

O4. Solid waste disposal

O4.1 All solid waste generated from the ethanol plant (including the wet distillers grain) must be housed in a covered concrete bunker.

O4.2 The solid waste must only be stored for a maximum of three days, after which it must be removed off site and disposed to a facility that can lawfully receive the waste.

O4.3 Solid waste cannot be applied to land at the premise.

O5. Evaporation ponds

O5.1 The waste water evaporation ponds must be located as far as practicable from the nearest residential receiver.

General Terms of Approval - Issued

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:

Water and land

Water quality

Pollutant	Units of measure	Frequency	Sampling Method
pH	pH	Quarterly	Representative
Biochemical Oxygen Demand	mg/L	Quarterly	Representative
Electrical Conductivity	uS/cm	Quarterly	Representative
Total dissolved Solids	mg/L	Quarterly	Representative
Total suspended Solids	mg/L	Quarterly	Representative

General Terms of Approval - Issued

Groundwater quality

Pollutant	Units of measure	Frequency	Sampling Method
pH	pH	Quarterly	In situ
Electrical Conductivity	uS/cm	Quarterly	In situ
Nitrogen	mg/kg	Yearly	Representative
Phosphorus	mg/kg	Yearly	Representative
Potassium	mg/kg	Yearly	Representative
Sodium	mg/kg	Yearly	Representative
Depth	metres	Quarterly	Inspection

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; at the frequency and using the method and units of measure, specified below.

Points	Units of measure	Frequency	Sampling Method
To be determined	Kilolitres per week	Continuous	In line instrumentation

M4. Monitoring Report

M4.1 The licensee must supply with the Annual Return a report, which provides:

- a) an analysis and interpretation of monitoring results; and
- b) actions to correct identified adverse trends.

M5. Disposal of solid waste at the premises

M5.1 If solid waste (wet distillers grain or sludge) is removed from the premise, the following records must be made and kept;

- a) date of removing the solids
- b) estimated weight
- c) name of the person transporting the solids
- d) receiving location of the solids

General Terms of Approval - Issued

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. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Pollution studies and reduction programs

U1. Odour reduction works

U1.1 Works described in the table below must be completed by the nominated date.

Ethanol plant

Stage	Works required	Date of completion
1	<p>An odour development plan must be prepared to minimise odour impacts from the ethanol plant.</p> <p>The plan must include, but is not limited to, measures to reduce odour from;</p> <ul style="list-style-type: none"><input type="checkbox"/> The ethanol tank<input type="checkbox"/> The ethanol load out gantry, and<input type="checkbox"/> The transport of yeast and mash. <p>The plan must be submitted to the Head, Griffith Unit, for approval.</p>	To be determined by EPA
2	<p>Any works or actions identified in the approved odour development plan must be implemented.</p>	To be determined by EPA

General Terms of Approval - Issued

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:
Storage of waste.

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.

General Terms of Approval - Issued

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.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA's Pollution 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, an 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

General Terms of Approval - Issued

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 licences. 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.

General Terms of Approval - Issued

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.

DA 121213
Attachment 'A' (Part D)
Advisory Notes

1. This consent/approval relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing building or structures or land uses within the property boundaries or within Council's road reserve.
2. Failure to comply with the relevant provisions of the *Environmental Planning & Assessment Act 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices under the summary offences provisions of the above legislation or legal action through the Land & Environment Court, again pursuant to the above legislation.
3. Should any of the determination not be acceptable, you are entitled to request reconsideration under s.82A of the *Environmental Planning & Assessment Act 1979* (as amended). Such request to Council must be made in writing, together with the appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
4. If you are not satisfied with this decision, s.97 of the *Environmental Planning & Assessment Act 1979* (as amended), gives you the right of appeal to the Land & Environment Court within 6 months of the endorsement of this Consent.
5. The proponent is advised that it is an offence to harm Aboriginal objects without the written consent of the Director General (Office of Environment & Heritage) or her delegate. If any Aboriginal artefacts are encountered during works, activities in that area must cease immediately and the Office of Environment & Heritage contacted for further advice.



Murrumbidgee Shire Council

Construction Certificate

Certificate Number
CC 111314

Issued under the *Environmental Planning and Assessment Act 1979*
Sections 109C (1) (b), 81A (2) and 81A (4)

Application

Development Application Number

DA 111314

Applicant

name
postal address

Eagle Energy P/L
PO Box 137 Coleambally NSW 2707

Owner

name
postal address

Murrumbidgee Shire Council
PO Box 5, Darlington Point

Builder

(known) to be completed in the
case of proposed residential
building work

name
contractor licence no/permit no in
case of owner builder

To be advised

To be advised

Proposal

type of work
B.C.A. classification

Distillation facility
8

Subject land

address
lot and DP numbers
area of site (m²)

226 Kidman Way, Coleambally
Lots 79/80 in DP 750896
2520,000

Value of work

\$220,000

Development consent date:

13th February 2013

Accredited Certifier

B.P.B. 1867

Douglas Burke

Date of endorsement: 10/06/14

DW Burke
Director Environmental Services

Annexure 3

Revised Site Plan

EAGLE ENERGY SITE PLAN

Note: Booth Associates and its employees do not guarantee that this publication is without flaw of any kind or is wholly appropriate for your particular purposes, and therefore disclaims all liability for relying on any information in this publication.

Date: 15/09/2016

Project: Eagle Energy

Created By: GIS Mapping Administrator



Source: Esri, DigitalGlobe, GeoEye, I-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community