

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

*Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979*

<b>Application Number</b>	<b>DA-103/2021</b>
<b>Applicant</b>	Mr Peter Taylor
<b>Land to be developed</b>	Lot 63 DP 753316, Lot 3 DP 1253229, Lot 4 DP 1253229, Lot 3 DP 753315, Lot 4 DP 753315, Lot 90 DP 753315, Lot 97 DP 753315, Lot 107 DP 753315, Lot 120 DP 753315, Lot 121 DP 753315, Lot 123 DP 753315, Lot 131 DP 753315, Lot 134 DP 753315, Lot 136 DP 753315, Lot 256 DP 753315, Part Lot 11 DP 753316, Lot 19 DP 753316, Part Lot 20 DP 753316, Lot 60 DP 753316, Lot 61 DP 753316, Lot 62 DP 753316, Lot 64 DP 753316, Lot 83 DP 753316, Lot 85 DP 753316, Lot 96 DP 753316, Lot 97 DP 753316, Lot 101 DP 753316, Lot 112 DP 753316, Lot 113 DP 753316, Lot 114 DP 753316, Lot 1 DP 42054, Lot 2 DP 42054, Lot 1 DP 63613, Lot 1 DP 113693, Lot 2 DP 113693, Lot 3 DP 113693, Lot 4 DP 113693, Lot 1 DP 113967, Lot 2 DP 113967, Lot 3 DP 113967, Lot 1 DP 135051, Lot 2 DP 135051, Lot 9 DP 579850, Lot 10 DP 579850  698 Woodstock Road, WOODSTOCK 2360
<b>Approved development</b>	Expansion of the existing 470 head cattle feedlot to a capacity of 2000 head including: <ul style="list-style-type: none"><li>• Changes to internal fencing;</li><li>• Re-arrangement of existing cattle pen layouts; and</li><li>• Upgrade of the existing effluent capture and management system.</li></ul>
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	25 May 2022
<b>Consent is to operate from</b>	Refer Deferred Commencement Conditions
<b>Consent will lapse on</b>	Five (5) years from the date it operates unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of Environmental Planning and Assessment Act 1979.

### CONDITIONS OF CONSENT

#### DEFERRED COMMENCEMENT CONDITIONS

1. This application has been approved on the basis of '**Deferred Commencement**' in accordance with Section 4.16 (3) of the *Environmental Planning and Assessment Act 1979*. Pursuant to clause 76 of the *Environmental Planning and Assessment Regulation 2021* the applicant has **60 months** from the date of this notice (that is by **22 May 2027**) to furnish Council with the evidence sufficient enough to satisfy Council as to the following:

- The Crown Roads adjacent to the eastern and western boundaries of Lot 63 DP 753316 and Lot 83 DP 753316 have been closed and purchased by the owner of Lot 63 DP 753316;

- The Crown Road adjacent to the northern boundary of Lot 83 DP 753316 has been closed and purchased by the owner of Lot 63 DP 753316;
- The Crown Road adjacent to the western boundary, and within, Lot 4 DP 1253229 has been closed and purchased by the owner of Lot 63 DP 753316;
- The Crown Road adjacent to the northern boundary of Lot 19 DP 753316 and Lot 4 DP 1253229 has been closed and purchased by the owner of Lot 63 DP 753316;
- The Crown Road within Lot 20 DP 753316 has been closed and purchased by the owner of Lot 63 DP 753316;
- The Crown Road adjacent to the western boundary of Lot 64 DP 753316 has been closed and purchased by the owner of Lot 63 DP 753316; and
- The Crown Roads adjacent to the northern and western boundaries of Lot 96 DP 753316 have been closed and purchased by the owner of Lot 63 DP 753316.

### GENERAL CONDITIONS

2. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979.

Consent is granted for the expansion of an existing 470 head cattle feedlot to 2,000 head at 698 Woodstock Road, Woodstock.

Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following documents:

Document Description	Date	Report No.	Version No.
<b>Environmental Impact Statement</b>			
Rivendell Feedlot	July 2021	19-306	1
<b>Additional Information</b>			
SMK Consultants Letter – re: Request for Further Information – DA-103/2021 – 698 Woodstock Road, Woodstock – Expansion of Rivendell Feedlot	16 November 2021	-	-
SMK Consultants Letter – Re: Rivendell Feedlot DA103 – 2021	20 January 2022	-	-
SMK Consultants Letter – Re: DA-103/2021 – Expansion of Cattle Feedlot – 698 Woodstock Road	7 April 2022	-	-

Any deviation will require the consent of Council.

3. Subject to the staging of the development in accordance with the conditions of this consent, the maximum head of cattle permitted within the cattle feedlot at any one point in time is 2,000.
4. The development is to be undertaken in the following stages:
- Stage 1:
    - Construction of all pens, drainage, ponds and infrastructure, to a Class 1 feedlot standard. Note; and
    - Operation of the feedlot at a maximum 470 head capacity.
  - Stage 2:
    - Upgrade the intersection of Woodstock Road and Gwydir Highway; and
    - Increase the operation of the feedlot to a maximum 2,000 head capacity.
5. The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 1** of this consent) and any subsequent Environmental Protection License (as amended), issued by the NSW Environment Protection Authority.
6. The applicant must comply with all relevant prescribed conditions as contained in the *Environmental Planning & Assessment Regulation 2000*.

## **STAGE 1 CONDITIONS**

### **Prior to Commencement – Stage 1**

7. Prior to the commencement of any works (including earthworks) a Construction Certificate must be issued in accordance with the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate, made to Council or an Accredited Certifier, must include plans and specifications demonstrating full compliance with the *Building Code of Australia* and associated standards.
8. Prior to issue of a Construction Certificate, a Heavy Vehicle Code of Conduct for traffic associated with the feedlot must be submitted to and approved by Council. The Code of Conduct must address at minimum:
  - A map of the primary haulage routes highlighting critical locations;
  - Safety initiatives for haulage through residential areas and/or school zones;
  - An induction process for vehicle operators and regular toolbox meetings;
  - A complaints resolution and disciplinary procedure; and
  - Community consultation measures for peak haulage periods.
9. Prior to issue of a Construction Certificate, a landscaping plan is to be submitted to and approved by Council detailing the eight (8) rows of native landscaping proposed within the Environmental Impact Statement.

### **During Construction – Stage 1**

10. The applicant will:
  - repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
11. Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the *Surveying and Spatial Information Act 2002*. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.
12. Should any aboriginal artefacts or places be discovered during excavation/construction, all works are to cease immediately. Heritage NSW is to be contacted immediately and any direction or requirements complied with.

### **Prior to Occupation / Commencement of Use – Stage 1**

13. Prior to occupation of the site and commencement of the feedlot use, an Occupation Certificate must be issued in accordance with the *Environmental Planning and Assessment Act 1979*.

*Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:*

- all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
  - any preconditions to the issue of the certificate required by a development consent have been met.
14. Prior to occupation of the site and commencement of the feedlot use, all landscaping is to be completed in accordance with the approved landscaping plan.

15. Prior to occupation of the site and commencement of the feedlot use, shade must be constructed over the hospital pen.
16. Prior to issue of an Occupation Certificate, documentary evidence must be provided to Council demonstrating compliance with the General Terms of Approval issued by the NSW Environment Protection Authority.

#### **Ongoing Use – Stage 1**

17. The maximum head of cattle permitted within the cattle feedlot at any one point in time is 470.
18. A Sec. 7.11 Contribution for the ongoing maintenance of the local road network is to be paid to Council every quarter, with payments to be made at the following times:
  - Financial quarter January to March – to be paid by **30 April** of that year;
  - Financial quarter April to June – to be paid by **31 July** of that year;
  - Financial quarter July to September – to be paid by **31 October** of that year; and
  - Financial quarter October to December – to be paid by **31 January** of the next year.

The current rate is \$1.225 per head and is subject to CPI adjustment each financial quarter.

The applicant is to provide Council with details of cattle processed through the feedlot during the financial quarter at the time a payment is made. If Council does not receive these details, the contribution will be levied on maximum processing of 470 head of cattle for that financial quarter.

19. The National Guidelines for Beef Cattle Feedlots in Australia is to be complied with at all times during the operation of the feedlot to ensure animal health and welfare.
20. All external lighting must:
  - comply with AS 4282–1997 Control of the obtrusive effects of outdoor lighting; and
  - be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
21. The operation of the feedlot, including all associated traffic, must comply with the approved Heavy Vehicle Code of Conduct.
22. All landscaping is to be maintained in a reasonable manner, in perpetuity.
23. A ten (10) metre asset protection zone must be maintained around feedlot pens and infrastructure in accordance with *Planning for Bush Fire Protection 2019*.

#### **STAGE 2 CONDITIONS**

##### **Prior to Increase of Cattle beyond 470 Head – Stage 2**

24. Prior to the number of cattle within the feedlot increasing beyond 470 head, the intersection of Woodstock Road and Gwydir Highway must be upgraded at the developer's expense, with basic-left-turn (BAL) and basic-right-turn (BAR) treatments based on a minimum Safe Intersection Sight Distance of 2.5 seconds and 100km/h speed environment. Prior to commencing the intersection of upgrade:
  - Detailed engineering survey and design of the intersection upgrade works are to be submitted to and approved by Council and Transport for NSW; and
  - The developer will be required to enter into a Works Authorisation Deed (WAD) from Transport for NSW or obtain other suitable approval under the *Roads Act 1993*.

## Ongoing Use – Stage 2

25. The maximum head of cattle permitted within the cattle feedlot at any one point in time is 2,000.
26. A Sec. 7.11 Contribution for the ongoing maintenance of the local road network is to be paid to Council every quarter, with payments to be made at the following times:
  - Financial quarter January to March – to be paid by **30 April** of that year;
  - Financial quarter April to June – to be paid by **31 July** of that year;
  - Financial quarter July to September – to be paid by **31 October** of that year; and
  - Financial quarter October to December – to be paid by **31 January** of the next year.

The current rate is \$1.225 per head and is subject to CPI adjustment each financial quarter.

The applicant is to provide Council with details of cattle processed through the feedlot during the financial quarter at the time a payment is made. If Council does not receive these details, the contribution will be levied on maximum processing of 2,000 head of cattle for that financial quarter.

27. The National Guidelines for Beef Cattle Feedlots in Australia is to be complied with at all times during the operation of the feedlot to ensure animal health and welfare.
28. All external lighting must:
  - comply with AS 4282–1997 Control of the obtrusive effects of outdoor lighting; and
  - be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
29. The operation of the feedlot, including all associated traffic, must comply with the approved Heavy Vehicle Code of Conduct.
30. Within five (5) years of completion of the upgrade to the intersection of Woodstock Road and Gwydir Highway, the applicant must complete the construction of shade structures over all feedlot pens.
31. All landscaping is to be maintained in a reasonable manner, in perpetuity.
32. A ten (10) metre asset protection zone must be maintained around feedlot pens and infrastructure in accordance with *Planning for Bush Fire Protection 2019*.

## ADVICE ONLY – STAGES 1 & 2

33. Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

## REASONS FOR CONDITIONS

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

## REASONS FOR APPROVAL

1. The site is zoned 'RU1 Primary Production' pursuant to the *Inverell Local Environmental Plan 2012*. The proposed development is characterised as a 'feedlot', being a type of 'intensive livestock agriculture', which is permissible with consent.
2. The applicant has submitted an Environmental Impact Statement for DA-103/2021, which has been prepared in accordance with Secretary Environmental Assessment Requirements issued by the NSW Department of Planning.
3. The development has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered to be consistent with the relevant State Environmental Planning Policies, *Inverell Local Environmental Plan 2012* and *Inverell Development Control Plan 2013*.
4. DA-103/2021 is 'Integrated Development' pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* with concurrence required and received from the NSW Environment Protection Authority.
5. On average, the feedlot expansion will result in one (1) additional B-Double movement per day on Woodstock Road which is not considered excessive. Woodstock is suitable for this minimal increase in traffic. The intersection of Woodstock Road and Gwydir Highway must be upgraded prior to increasing cattle numbers within the feedlot past 470 head.
6. The main feedlot complex will be within an impermeable Controlled Drainage Area, which will mitigate potential impacts on groundwater and surface water. The waste utilisation areas are suitable for use and subject to appropriate management will not result in excessive leaching of nutrients.
7. There is sufficient separation distance (minimum 2.16 kilometres) between the feedlots" Controlled Drainage Area" (i.e. pens, ponds) and the nearest sensitive receptor (dwelling), which is sufficient distance to mitigate odour impacts.
8. The site has existing "harvestable water rights" and a groundwater licence, which have sufficient capacity to service the feedlot.

## COMMUNITY CONSULTATION

As a result of public exhibition of DA-103/2021, two (2) submissions were received. The matters raised by the submission makers were considered in a report to Civil and Environmental Services Committee on 11 May 2022.

## **RIGHT OF APPEAL**

If the applicant or an objector is dissatisfied with this decision, Division 8.3 of the *Environmental Planning and Assessment Act 1979* gives a right of appeal to the Land and Environment Court subject to the limitations contained in that Division.

You are also advised that Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that an applicant may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council



**ANTHONY ALLISTON**  
**MANAGER DEVELOPMENT SERVICES**

## General Terms of Approval - Issued

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Notice No: 1611696

Mr Paul Henry  
General Manager  
Inverell Shire Council  
PO Box 138  
INVERELL NSW 2360

Attention: Chris Faley

Notice Number 1611696

**Re: DA103/2021 - Proposed Cattle Feedlot - 698 Woodstock Road, Woodstock**

**Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979**

I refer to the development application and accompanying information provided for the proposed cattle feedlot at 698 Woodstock Road received by the Environment Protection Authority (EPA) on 28 July 2021.

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence.

The general terms of approval for this proposal are provided at **Attachment A**. If Inverell Shire Council grants development consent for this proposal these conditions should be incorporated into the consent. Mandatory environment protection licence conditions are also provided for your information at **Attachment B**.

Our general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.



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The following comments are provided for your consideration.

## **Effluent Reuse**

The EPA has noted that for the proposed effluent irrigation areas, no terminal pond locations or plans have been included in the Environmental Impact Statement. The EPA has recommended a condition of approval for this to be addressed prior to the Environment Protection Licence being issued.

## **Buffer Zones**

The EPA notes that Rivendell feedlot is dissected by Swan Brook which flows in the Macintyre River an estimated 20 kilometres to the west. The EIS states that recommended buffers to watercourses, drainage lines, public roads, property boundaries, and bores and wells be applied. A condition of approval is recommended below which considers potential environmental and public health impacts.

If you have any questions, or wish to discuss this matter further please contact Daniel Stokes on (02) 4908 6804.

Yours sincerely

.....  
**Rebecca Scrivener**  
**Head Regional Operations Unit**  
**Environment Protection Authority**

(by Delegation)

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## Attachment A - General Terms of Approval for DA103/2021 - Cattle Feedlot - 698 Woodstock Road, Woodstock

### 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 DA103/2021 submitted to Inverell Shire Council on 28 July 2021;
- any environmental impact statement "Rivendell" Feedlot Environmental Impact Statement, June 2021 relating to the development; and
- all additional documents supplied to the EPA in relation to the development up until 28 July 2021.

#### 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 and areas

EPA no.	Identification	Type of Monitoring Point	Type of Discharge Point	Description of Location
TBA		Surface water quality monitoring		Upstream of the feedlot surface water monitoring point at Swan Brook, location to be confirmed.
TBA		Surface water quality monitoring		Downstream of the feedlot surface water monitoring point at Swan Brook, location to be confirmed.
TBA		Soil quality monitoring		Effluent utilisation area identified in <i>Appendix 1 - Plan 10, Showing Effluent Irrigation Area.</i>
TBA		Soil quality monitoring		Utilisation area identified as cultivation paddocks in <i>Appendix 1 - Plan 11, Property Plan Showing Grazing Land uses on Rivendell.</i>
TBA		Effluent quality and	Effluent quality and	Holding pond location identified

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	volume monitoring, wet weather discharge	volume monitoring, wet weather discharge	in <i>Appendix 1 - Sheet 1, Site Plan Showing Preliminary Layout For Existing Pens.</i>
TBA	Discharge quality monitoring	Discharge quality monitoring of discharge utilised in irrigation area	Terminal ponds in irrigation area, locations to be confirmed.
TBA	Manure quality monitoring		Manure stockpile and composting area identified in <i>Appendix 1 - Sheet 1, Site Plan Showing Preliminary Layout For Existing Pens.</i>
TBA	Rainfall monitoring		Rainfall gauge located at feedlot complex

## 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 and in connection with the carrying out of the development.

### L2. Load limits

L2.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:

- liquids discharge to water; or
- solids or liquids applied to the area, must not exceed the volume/mass limits specified for that discharge point or area.

Point	Specified volume of runoff
Location(s) TBA	The runoff volume for the controlled drainage area draining to the effluent holding pond from a 1:20 year, 24 hour storm even, using volumetric runoff coefficients of 0.8 for the feedlot pens, roadways, and other hardstand area, and 0.4 for grassed areas within the controlled drainage areas.
Location(s) TBA	The runoff volume from 12 mm runoff generated from the drainage catchment area into each terminal storage (locations to be confirmed and plans provided).

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Note: Australian Rainfall and Runoff Data from the Australian Bureau of Meteorology for the premises is to be used to calculate the volume of runoff from a 1 in 20 year, 24 hour storm event.

## **L3. Waste**

**L3.1** 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.

**L3.2** 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.

## **L4 Hours of operation**

**L4.1** Construction work at the premises is permitted between the hours of 7am to 6pm Monday to Friday and Saturday 8am to 1pm, with no construction activity on Sunday and Public Holidays.

**L4.2** Activities at the premises, other than construction work, may only be carried on between 6am to 6pm, seven days per week.

**L4.3** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1 or L4.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L4.4** The hours of operation specified in conditions L4.1 and L4.2 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 Other Limit Conditions**

**L5.1** The total number of cattle accommodated with the feedlot pens on the premises, at any one time, must not exceed 2,000.

## **Operating conditions**

### **O1. Odour**

**O1.1** No condition identified a potentially offensive odour for the purposes of section 129 of the *Protection of the Environment Operations Act 1997*.

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

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## **02. Dust**

**02.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

**02.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

## **03. Effluent and Manure Application to Land**

**03.1** Effluent application must not occur in a manner that causes surface runoff.

**03.2** Spray from effluent application must not drift beyond the boundary of the premises.

**03.3** Livestock access to any effluent application area must be denied during irrigation and until the applied effluent has dried.

**03.4** The proponent must retain the utilisation area(s).

**03.5** At least 14 days prior to a utilisation area being rendered unavailable for use, the EPA must be advised in writing of this intention.

**03.6** The quantity of effluent/solids applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids.

**03.7** The proponent must not apply effluent or solid wastes (manure) within:

- a) 50 metres of Swan Brook; or
- b) 25 metres of any internal drainage line serviced by terminal ponds; or
- c) 50 metres of any internal drainage line that do not have terminal ponds; or
- d) 50 metres of any public roads; or
- e) 50 metres of any public space.

Note: Terminal ponds must be designed and maintained to capture the first 12 mm of runoff from utilisation areas.

## **04. Process and Management**

**04.1** The holding pond and sediment pond must be maintained to ensure that sedimentation does not reduce its capacity to a point whereby it is no longer capable of capturing the specific volume of runoff defined in condition L2.1.

**04.2** The feedlot pen surface must be maintained to prevent infiltration.

**04.3** Solids must be stored on an impermeable pad within the controlled drainage area.

**04.4** All effluent ponds must be underlain by a minimum of 300 mm of clay or other suitable compactable soil with an in-situ permeability of less than  $1 \times 10^{-9}$  m/s (0.1 mm/day), or by a synthetic liner providing an equivalent barrier.

## **05. Stormwater/sediment control - Construction and Operational Phase**

**05.1** An *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands

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and/or waters during construction activities. The *SWMP* should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

**O5.2** An *Soil and Water Management Plan* for the operational stage must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during feedlot operations. The *SWMP* should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

## **O6. Waste Management**

**O6.1** If solids are removed from the premises, the proponent must record:

- a) the date of removing the solids;
- b) the estimated weight of the solids removed; and
- c) the identity of the person removing the solids.

## **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:

**Surface water monitoring, Effluent Quality, Discharge Quality**

**Water and Land**

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Pollutant	Units of measure	Frequency	Sampling Method
Chloride	milligrams per litre	Special Frequency 1	Representative sample
Conductivity	micro siemens per litre	Special Frequency 1	In situ
Magnesium	milligrams per litre	Special Frequency 1	Representative sample
Nitrate	milligrams per litre	Special Frequency 1	Representative sample
Nitrogen (ammonia)	milligrams per litre	Special Frequency 1	Representative sample
Nitrogen (total)	milligrams per litre	Special Frequency 1	Representative sample
pH	pH	Special Frequency 1	In situ
Phosphorus (total)	milligrams per litre	Special Frequency 1	Representative sample
Potassium	milligrams per litre	Special Frequency 1	Representative sample
Reactive Phosphorus	milligrams per litre	Special Frequency 1	Representative sample
Sodium	milligrams per litre	Special Frequency 1	Representative sample
Sodium Adsorption Ratio	sodium adsorption ratio	Special Frequency 1	Representative sample
Total Kjeldahl Nitrogen	milligrams per litre	Special Frequency 1	Representative sample
Total Suspended Solids	milligrams per litre	Special Frequency 1	Representative sample

## Soil monitoring (Liquid waste utilisation area)

## Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
Aggregate stability	milligrams per kilogram	3 years	Special method 1
Available Phosphorous	milligrams per kilogram	Yearly	Special method 1
Cation exchange capacity	centimoles of positive charge per kilogram of soil	Yearly	Special method 1
Chloride	milligrams per kilogram	Yearly	Special method 1
Conductivity	micro siemens per centimetre	Yearly	Special method 1

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Exchangeable calcium	centimoles of positive charge per kilogram of soil	Yearly	Special method 1
Exchangeable potassium	centimoles of positive charge per kilogram of soil	Yearly	Special method 1
Exchangeable sodium	centimoles of positive charge per kilogram of soil	Yearly	Special method 1
Exchangeable sodium percentage	percentage	Yearly	Special method 1
Nitrate	milligrams per kilogram	Yearly	Special method 1
Nitrogen (total)	milligrams per kilogram	Yearly	Special method 1
pH	pH	Yearly	Special method 1
Phosphorus sorption capacity	kilograms per hectare	3 years	Special method 1

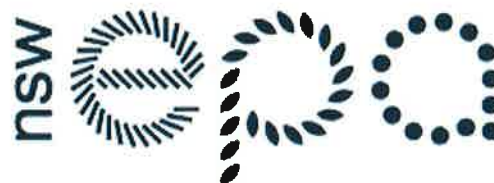
**Soil monitoring (Solid waste utilisation area)**

**Water and Land**

Pollutant	Units of measure	Frequency	Sampling Method
Aggregate stability	milligrams per kilogram	3 years	Special method 1
Available Phosphorous	milligrams per kilogram	Special Frequency 2	Special method 1
Cation exchange capacity	centimoles of positive charge per kilogram of soil	Special Frequency 2	Special method 1
Chloride	milligrams per kilogram	Special Frequency 2	Special method 1
Conductivity	micro siemens per centimetre	Special Frequency 2	Special method 1
Exchangeable calcium	centimoles of positive charge per kilogram of soil	Special Frequency 2	Special method 1
Exchangeable potassium	centimoles of positive charge per kilogram of soil	Special Frequency 2	Special method 1



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Exchangeable sodium	centimoles of positive charge per kilogram of soil	Special Frequency 2	Special method 1
Exchangeable sodium percentage	percentage	Special Frequency 2	Special method 1
Nitrate	milligrams per kilogram	Special Frequency 2	Special method 1
Nitrogen (total)	milligrams per kilogram	Special Frequency 2	Special method 1
pH	pH	Special Frequency 2	Special method 1
Phosphorus sorption capacity	kilograms per hectare	3 years	Special method 1

**M2.2 Special Frequency 1** means the collection of samples must occur within 24 hours of each overflow event from the holding pond(s), and/or terminal pond(s). Upstream and downstream sampling of Swan Brook must occur at least every six months.

**M2.3 Special Frequency 2** means the collection of samples must occur prior to solid waste application, and at least once every two years.

**M2.4 Special Method 1** means that for each paddock/management unit within the utilisation areas, representative composite samples must be taken of topsoils and sub-soils.

### M3. Weather monitoring

**M3.1** At the point specified in the table below, the proponent must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The proponent must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

**POINT TBA**

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm	Continuous	24 hour	AM-4

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Note: The weather monitoring requirements may be upgraded to include a weather station subject to verified odour complaints as a result of operations at the feedlot premises.

## **M4. Requirements to monitor volume or mass**

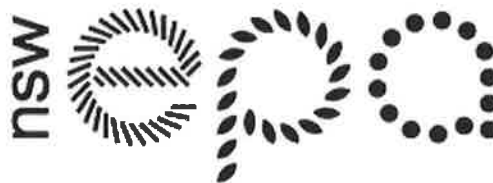
M4.1 For each discharge point or utilisation area specified below, the proponent must monitor:

- i. the volume of liquids discharge to water or applied to the area;
- ii. the mass of solids applied to the area;
- iii. the mass of pollutants emitted to the air; and
- iv. over the interval, at the frequency and using the method and units of measure, specified below.

Point	Frequency	Units of Measure	Sampling Method
Solid waste utilised on-site	Yearly	kilograms per hectare	Special Method 3
Liquid waste applied to utilisation area	Yearly	megalitres	By calculation (volume flow or pump capacity multiplied by operating time)
Liquid waste applied to utilisation area	Yearly	kilograms per hectare	Special Method 4

M4.3 For the purposes of the table above **Special Method 3** means:

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- manure (dry matter) and nutrient (Total Phosphorus, Total Nitrogen and Potassium) applied to each management unit of the Manure Utilisation Area; and
- crop yield (dry matter ) and nutrients removed (Total Phosphorus, Total Nitrogen and Potassium) for each management unit of the Manure Utilisation Area.

**M4.4** For the purposes of the table above **Special Method 4** means:

- manure (dry matter) and nutrient (Total Phosphorus, Total Nitrogen and Potassium) applied to each management unit of the Effluent Utilisation Area; and
- crop yield (dry matter ) and nutrients removed (Total Phosphorus, Total Nitrogen and Potassium) for each management unit of the Effluent Utilisation Area.

## **M5. Testing methods - concentration limits**

**M5.1** Monitoring for the concentration of a pollutant emitted to waters or applied to a utilisation area required by the relevant condition must be done in accordance with:

- the Approved Methods Publication; or
- if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the *Protection of the Environment Operations Act 1997* in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

## **Reporting conditions**

*Note: Mandatory condition to be used on all general terms of approvals*

**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.

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## Attachment – Mandatory Conditions for all EPA licences

### Administrative conditions

#### Other activities

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- **Livestock intensive activities**

### Operating conditions

#### Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. 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:

- a. must be maintained in a proper and efficient condition; and
- b. 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;

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- 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.

## 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
- b. 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

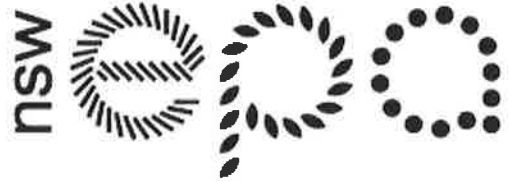
*Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee,

- a. 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
- b. 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.*

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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

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

### ***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').

### ***Notification where actual load can not be calculated***

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

### ***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 immediately 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.

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## **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:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. 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;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. 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.