



Council Ref: BS:GB:AH:VH

31st October 2023

Craig Bagnall
c/- SEATA Holdings Pty Limited
PO Box 313
Charlestown NSW 2290

Dear Sir,

REGARDING: NOTICE OF DETERMINATION

Application:	DA 54/21-22 (PAN-174339)
Property Title:	Lot 3 DP1193185
Property Address:	West Furracabad Road, Glen Innes NSW
Proposal:	Pilot trial of Resource Recovery Facility. (Biomass and Carbon-Based Resources).

I wish to advise that Council has approved the above application subject to conditions as outlined in the attached prescribed Notice of Determination under the *Environmental Planning and Assessment Act 1979*.

Please read the Determination Notice carefully and observe / implement any conditions of consent as outlined in the Notice.

Failure to comply with the Determination Notice may render you liable to legal proceedings under the *Environmental Planning and Assessment Act 1979*.

For further information, please contact Council's Planning and Regulatory Services Department on (02) 6730 2350.

Yours faithfully,

Bernard Smith
GENERAL MANAGER



Glen Innes Severn Council

PO Box 61, GLEN INNES NSW 2370

Telephone: (02) 6730 2350

NOTICE OF DETERMINATION

Development Application

Issued under Section 4.18 of the *Environmental Planning and Assessment Act 1979*

Development Application Number: 54/21-22

APPLICANT NAME: SEATA Holdings Pty Limited
APPLICANT ADDRESS: PO Box 313, Charlestown NSW
OWNER NAME: John Winter
OWNER ADDRESS: 448-450 West Furracabad Road, Glen Innes NSW

LAND TO BE DEVELOPED

Property Address: West Furracabad Road, Glen Innes NSW
Property Title: Lot 3 DP1193185

PROPOSED DEVELOPMENT

Development Description: Pilot trial of Resource Recovery Facility.
(Biomass and Carbon-Based Resources).

DETERMINATION

- Consent granted unconditionally
- Consent granted subject to conditions described below
- Application refused

CONSENT TO OPERATE FROM
(SEE Note 1)

30th October 2023

CONSENT TO LAPSE ON

30th October 2026

Administrative Conditions

- Development consent is granted only to carrying out the development described in detail below:

- Operation of a three-year trial of a Resource Recovery Facility (Biochar Facility), the erection of two sheds (30x12 and 22.5x12), storage area, driveway, parking area and associated landscaping.**

The proposed development being carried out strictly in accordance with the details set out on the application form and any other information submitted with the application.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason: To ensure compliance with the development consent.

- The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent (Development Consent No. DA 54/21-22).

Plans Prepared by: SEATA Group

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Site Plan	Plan 1a	V2	11/09/2023
SEATA Statement of Environmental Effects	2021GISC	Rev0	December 2021
SEATA letter request for additional information – Integrated Development	-	-	31 January 2023
SEATA Response to EPA – additional information request	-	-	5 June 2023
SEATA response to GISC additional information request	-	-	12 September 2023
SEATA Site Water Balance and Management	-	Rev2	May 2023
SEATA Environmental Risk Assessment	-	1.2	December 2021
SEATA ESCP (broader view of local drainage)	-	-	Undated
SEATA Waste Management Plan	-	1.0	December 2021

Plans Prepared by: State Wide Sheds

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Elevations and Floor Plan 30.5x12.6	Proposed Shed 2	A	1/11/2021
Elevations and Floor Plan 22.5x12.6	Proposed Shed 3	B	11-1-21

Plans Prepared by: Roundhill Engineering Pty Ltd

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Equipment Performance Statement	-	-	2 June 2023

Other Documents:

Plan/Supporting Document(s)	Drawing No.	Revision	Dated
Noise Query Confirmation EMM Correspondence Including; Email from Katie Teyhan	-	-	15 May 2023
EPA Letter – DOC23/104343	DOC23/104343	-	September 2022
SEATA R&D Centre Noise Model	-	3	

In the event of any inconsistency between conditions of this development consent and the plans referred to above, the conditions of this development consent prevail. The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: To ensure compliance with the development consent.

3. Approval to the biochar facility and operation at the site is limited to a **three (3)** year period from the date of this Development Consent. To continue operations after the 3 years, a further development consent is required.

Reason: To ensure that Council is able to review the operation of the proposed use in terms of its impact on the amenity of the neighbourhood and require such to be discontinued or modified at a future date as may be appropriate.

Development Generally (under the Environmental Planning and Assessment Regulation 2021)

4. The proponent shall comply with the prescribed conditions of development approval under clauses 69, 70, 71, 72, 73, 74, 75 of the *Environmental Planning and Assessment Regulation 2021* as are of relevance to this development.

Reason: To meet the statutory requirements.

5. The proposed development is to be carried out strictly in accordance with the details set out on the application form and any other information submitted with the application.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new Development Application will have to be submitted to Council.

Reason: *To confirm and clarify the terms of Council's approval.*

6. Damage caused to Council infrastructure as a result of the building activities shall be rectified by the applicant at their full expense. The adjustment of any existing utility services or installation of new services is to be at the full cost of the developer.

Reason: *To ensure infrastructure is not damaged as a result of the development and because the nature of the proposed development may have an impact on the operation of the utility services.*

7. All building materials, painting or other external finishes are required be of natural tones with low reflective quality, or such other treatment as may be appropriate to ensure that the buildings are not intrusive in the residential setting.

Reason: *To maintain the amenity of the surrounding area and to comply with the Glen Innes Severn Development Control Plan 2014.*

Conditions to be Completed Prior to Issue of a Construction Certificate

8. As required by the *Environmental Protection Authority* prior to the issue of a Construction Certificate the Applicant must submit to Council an assessment of the potential for sleep disturbance from maximum noise level events in accordance with Section 2.5 of the *Noise Policy for Industry* (NPfI).

Reason: *To ensure the proposed development does not impact the amenity of the surrounding environment.*

9. In accordance with *Division 7.1* of the *EP&A Act*, the applicant shall pay the following *Section 7.12* monetary contributions towards provision or improvement of amenities and services:

- a. **\$3544** being 1% of the cost of carrying out the development as determined by the Council in accordance with the Environmental Planning and Assessment Act and Regulation.
- b. The contribution shall be paid in the form of EFTPOS, direct deposit or bank cheque, made out to Glen Innes Severn Council. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Notes:

- i. The contributions will be adjusted in accordance with the requirements of Glen Innes Severn Council's Section 94A Development Contributions Plan 2014.
- ii. All levies paid to Council are applied towards meeting the cost of provision or augmentation of new public facilities. The levy has been set at 1% of the estimated cost of development and applies to all land within the Glen Innes Severn Local Government Area.

Reason: *To comply with the requirements of Council's Section 94A contributions plan.*

10. The Applicant must apply for a Building Information Certificate for the buildings and structures that have been erected onsite without prior development consent, in particular sheds One and Four. The Building Information Certificate must be approved prior to the issue of any Construction Certificate.

Reason: To ensure the existing building and structures erected without are safe and suitable to remain.

Conditions to be Completed Prior to Works Commencing

11. No construction work is to commence until a Construction Certificate is issued for the proposed works. The works are to be constructed in accordance with the plans and specifications referred to in the Construction Certificate.

Reason: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards.

12. No construction work is to commence until a Principal Certifying Authority (PCA) has been appointed for the proposed works Critical Stage Inspections, being:

- 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.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulation 2021.

13. A Section 68 Local Approval must be lodged and approved prior to any plumbing or drainage works on the subject land.

Reason: To comply with the Local Government Act 1993.

14. For all construction activity within public roads (such as for stormwater, footpaths, kerb and gutter, tree removal etc.), the Applicant is to seek any necessary Council approvals for work in road reserves under the *Roads Act 1993*. The application must have been approved prior to the issue of a Construction Certificate.

Reason: To ensure pedestrian and vehicular safety during construction.

15. Effective and appropriate sediment and erosion control facilities must be installed during the initial stages of construction and maintained throughout the construction period until vegetation has been established over all disturbed areas. These works must be designed and installed in accordance with current industry and regulatory guidelines as well as Council's *Erosion and Sediment Control Policy*.

Note: Failure to take effective action may render the developer liable to prosecution under the *Protection of the Environment Operations Act 1997*.

Reason: To prevent soil leaving the site and entering the stormwater system and to comply with the requirements of the Protection of the Environment Operations Act 1997 and protect the amenity of the local environment.

These measures shall be maintained throughout the course of construction and until all disturbed areas are restored by turfing, paving or revegetation.

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

Each toilet provided:

(a) must be a standard flushing toilet, and

(b) must be connected:

- (i) to a public sewer, or
- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

Reason: To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act 1979.

Conditions to be Undertaken During Construction

17. Construction, demolition and associated work shall be carried out only between the times stated as follows: -

Mondays to Fridays 7.00a.m. to 6.00p.m.

Saturdays 8.00a.m. to 1.00p.m.

Sundays & Public Holidays **No construction work to take place.**

Reason: To ensure that the environmental quality of adjoining land is not adversely affected, such as by the generation of excessive noise levels.

18. All building materials, plant and equipment is to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

Reason: To ensure pedestrian and vehicular access is not restricted in public places.

19. All vehicles servicing the site are to enter and leave the site in a forward direction.

Reason: to ensure traffic/pedestrian safety is maintained at all times during any construction work at the property.

Conditions to be Completed Prior to Occupation

20. Prior to the use of the premises for the purposes approved by this consent and prior to the issue of an Occupation Certificate a Building Certificate from the Council must be obtained for the hardstand, retaining walls and other structures that do not satisfy the Exempt provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Reason: To ensure the associated structure required for the proposed development have been inspected by Council prior to operation commencing.

21. Occupation or use of premises for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with and an Occupation Certificate has been issued.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979 and Council's terms of consent.

22. Prior to the use of the premises for the purposes approved by this consent and prior to the issue of an Occupation Certificate a satisfactory final inspection report from the Council must be received by the Principal Certifying Authority (PCA) verifying the associated onsite wastewater disposal system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.

Reason: To ensure the associated onsite wastewater disposal system has been supplied and installed in accordance with the approval prior to occupation.

23. Rural addressing street numbers, as allocated by Council Infrastructure Department, are to be fixed in a prominent position to the property within clear view of the road prior to occupation of the dwelling.

Reason: To ensure the property can be easily identified by the public and any emergency services.

Conditions to be Completed During Operation

24. All deliveries to and from the site must being undertaken during daylight hours and outside of school bus times.

Reason: To ensure deliveries are carried out in a safe matter for the road uses and the public.

Integrated General Terms of Approval Conditions

Administrative Conditions

A1. **Information supplied to the EPA**

Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- a) the development application DA 54/21-22 submitted to Glen Innes Severn Shire Council on 4 February 2022;
- b) any environmental impact statement titled, 'Statement of Environmental Effects - SEATA Clean Energy and Carbon Sequestration Research and Development Centre - Glen Innes NSW' (SoEE, SEATA Group, December 2021) and associated appendices relating to the development; and
- c) all additional documents supplied to the EPA in relation to the development, including:
 - i. Letter authored by SEATA dated 31 January 2023 addressed to Glen Innes Severn Council;
 - ii. Updated and varied plans and figures as listed on page 7 of the letter authored by SEATA dated 31 January 2023.
 - iii. Air Quality Impact Assessment – SEATA Research and Development Centre, 12 December 2022, Todoroski Air Sciences;
 - iv. SEATA R&D Centre Noise Model, September 2022, EMM;
 - iv. Water Balance Process Schematic, Rev. Nov 2022
 - v. Memorandum of Advice, 448 West Furracabad Rd, Glen Innes, 16 December 2022, Janet McKelvey Barrister – Martin Place Chambers;
 - vi. Additional information including Commercial In Confidence documents relating to process and water balance received by EPA on 7 June 2023.

A2. **Fit and Proper Person**

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 Section 83 of that Act.

Limit Conditions

L1. **Pollution of waters**

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.

L3. **Concentration limits**

1. For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.
2. To avoid any doubt, this condition does not authorise the discharge or emission.

Air: Point 2 (defined as the discharge stack from the combustion of generated syngas)

Pollutant	Units of measure	100 percentile Concentration limit	Reference Conditions	Oxygen correction	Averaging Period
Total Solid Particles	Milligrams per cubic metre	20	Dry, 273 K, 101.3 kPa	7%	1 hour or the minimum sampling period specified in the relevant test method, whichever is the greater.
Nitrogen Oxides (as NO ₂ equivalent)	Milligrams per cubic metre	250	Dry, 273 K, 101.3 kPa	7%	1 hour
Sulphur dioxide	Milligrams per cubic metre	100	Dry, 273 K, 101.3 kPa	7%	1 hour
Volatile organic compounds (as n-propane equivalent)	Milligrams per cubic metre	20	Dry, 273 K, 101.3 kPa	7%	1 hour
Type 1 and 2 substances in aggregate	Milligrams per cubic metre	0.3	Dry, 273 K, 101.3 kPa	7%	1 hour or the minimum sampling period specified in the relevant test method, whichever is the greater

Cadmium	Milligrams per cubic metre	0.02	Dry, 273 K, 101.3 kPa	7%	1 hour or the minimum sampling period specified in the relevant test method, whichever is the greater
Mercury	Milligrams per cubic metre	0.04	Dry, 273 K, 101.3 kPa	7%	1 hour or the minimum sampling period specified in the relevant test method, whichever is the greater

L5. Waste

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*.
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*.
3. The following wastes can be received at the premises for the purposes of thermal treatment trials:
 - i. biomass from agriculture and invasive native scrub also known as 'woody weeds';
 - ii. forestry and sawmilling residues;
 - iii. uncontaminated wood waste;
 - iv. source-separated green waste;
 - v. municipal biosolids.

L6. Noise limits

1. Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minutes)	L _{Aeq} (15 minutes)	L _{Aeq} (15 minutes)	L _{Amax}
284 West Furracabad Road Glen Innes (Lot 2, DP 774635)	40	35	35	52
560 West Furracabad Road Glen Innes (Lot 37, DP 3191)	40	35	35	52

305 West Furracabad Road Glen Innes (Lot 2, DP 589780)	40	35	35	52
Any other residential receiver	40	35	35	52

2. For the purposes of condition L6.1:

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- b) Evening means the period from 6pm to 10pm.
- c) Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

3. Noise-enhancing meteorological conditions:

- a) The noise limits set out in condition L6.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level; or Stability category F with wind speeds up to and including 2m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition L6.3(a), the noise limits that apply are the noise limits in condition L6.1 plus 5dB.

4. For the purpose of condition L6.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Glen Innes Airport AWS by the Bureau of Meteorology (Station ID 056243) or if onsite meteorological station is to be installed, data is to be collected from onsite station.
- b) Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017):

Use of sigma-theta data (section D1.4).

5. To assess compliance:

- a) with the $L_{Aeq}(15 \text{ minutes})$ or the L_{Amax} noise limits in condition L6.1 and L6.3, the noise measurement equipment must be located:
 - i. approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - ii. in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or where applicable,

- iii. in an area within 50 metres of the boundary of a National Park or Nature Reserve,
 - iv. at any other location identified in condition L6.1.
- b) with the $L_{Aeq}(15 \text{ minutes})$ or the L_{Amax} noise limits in condition L6.1 and L6.3, the noise measurement equipment must be located:
- i. at the reasonably most affected point at a location where there is no residence at the location; or,
 - ii. at the reasonably most affected point within an area at a location prescribed by condition L6.5 (a).
6. A non-compliance of conditions L6.1 and L6.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L6.5 (a) or L6.5 (b).

NOTE to L6.5 and L6.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

7. For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.
8. Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

Hours of Operation

9. Activities at the premises, may be carried out 24 hours a day, 7 days a week.
10. Heavy vehicle deliveries are limited to occur only between 7am-6pm weekdays and 8am-1pm Saturdays.
11. This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.9 or L6.10, 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.
12. The hours of operation specified in conditions L6.10 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.

Operating Conditions

O1. Odour

No condition on the licence identifies 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.

O2. Dust

1. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
2. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O4. Stormwater / Sediment Control

A Site Water Management Plan ('the Plan') must be prepared for the development and must be implemented. Implementation of the Plan must mitigate the impacts of stormwater run-off from and within the premises. The Plan should be consistent with the environmental assessment documents provided in support of DA 54/21-22 and guidance contained in *Managing Urban Stormwater: Council Handbook*, where relevant.

Monitoring and Recording Conditions

M1. Monitoring Records

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.
2. All records required to be kept by the licence must be:
 - i. in a legible form, or in a form that can readily be reduced to a legible form;
 - ii. kept for at least 4 years after the monitoring or event to which they relate took place; and
 - iii. produced in a legible form to any authorised officer of the EPA who asks to see them.
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:
 - i. the time(s) at which the sample was collected;
 - ii. the point at which the sample was taken; and
 - iii. the name of the person who collected the sample.

M2. Requirement to Monitor Concentration of Pollutants Discharged

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:

Air: Point 1 (discharge stack from the combustion of LPG)

Pollutant	Units of measure	Frequency	Sampling Method
Selection of sampling positions	-	-	TM-1
Nitrogen Oxides (as NO ₂ equivalent)	milligrams per cubic metre	Special Frequency 2	TM-11

Air: Point 2 (defined as the discharge stack from the combustion of generated syngas)

Pollutant	Units of measure	Frequency	Sampling Method
Selection of sampling positions	-	-	TM-1
Temperature	Degrees Celsius	Special frequency 1	TM-2
Moisture	percent	Special frequency 1	TM-22
Oxygen	percent	Special frequency 1	TM-25
Volumetric flowrate	Cubic metres per second	Special frequency 1	TM-2
Total Solid Particles	milligrams per cubic metre	Special frequency 1	TM-15
Nitrogen Oxides (as NO ₂ equivalent)	milligrams per cubic metre	Special frequency 1	TM-11
Sulphur dioxide	milligrams per cubic metre	Special frequency 1	TM-4
Volatile organic compounds (as n-propane equivalent)	milligrams per cubic metre	Special frequency 1	TM-34
Type 1 and 2 substances in aggregate	milligrams per cubic metre	Special frequency 1	TM12, TM-13 & TM-14
Cadmium	milligrams per cubic metre	Special frequency 1	TM12, TM-13 & TM-14
Mercury	milligrams per cubic metre	Special frequency 1	TM12, TM-13 & TM-14

2. Special Frequency 1 means a minimum of two (2) rounds of post commissioning monitoring during the first six (6) months the premises is operating and every 12 months of operating time thereafter, unless otherwise directed by the EPA.
3. Special frequency 2 means a minimum of 2 rounds of post commissioning monitoring during the first 3 months the premises is operating

M4. Testing Methods – Concentration Limits

Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations (POEO) Act 1997*, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

- a. any methodology which is required by or under the *POEO Act 1997* to be used for the testing of the concentration of the pollutant; or
- b. if no such requirement is imposed by or under the *POEO Act 1997*, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- c. if no such requirement is imposed by or under the *POEO Act 1997* or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: *The Protection of the Environment Operations (Clean Air) Regulation 2022* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication “*Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*”.

M5. Requirement to Monitor Noise

1. Attended noise monitoring must be undertaken in accordance with Condition L6.5 and must:

- a) occur at each location specified in Condition L6.1;
- b) occur **<quarterly, bi-annually or annually>** in a reporting period;
- c) occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:
 - 1.5 hours during the day;
 - 30 minutes during the evening; and
 - 1 hour during the night.
- d) occur for **three consecutive operating days**.

NOTE - the time frames identified in M5.1b), c) and d) can be subject to further negotiation during development of environment protection licence, given trials are to be run on a campaign basis and the premises will not be operating 365 days a year. The purpose of this condition is to determine compliance with L6 conditions and therefore monitoring is to align with plant operations.

NOTE - EPA agrees that noise monitoring can occur on an annual basis, noting the first round of monitoring will occur following shortly after commissioning.

NOTE - The EPA notes conditions in an EPL must not be inconsistent with conditions of a project or development approval for a period of five years following the determination, and as such, requests these conditions remain as drafted in our GTAs to enable flexibility when drafting the EPL, should consent be granted.

NOTE - The EPA supports the proposal that the noise monitoring period in M5.1c) be identified as one 15 - minute sampling period per night of monitoring at each noise monitoring location and will consider the need, or not, for condition M5.1d) to be included in the EPL at the time of drafting the EPL, should consent be granted.

- 2. Subject to any express provision to the contrary in this licence, measurement and analysis of noise required by this licence must be done in accordance with the Approved Methods for the Measurement and Analysis of Environmental Noise in NSW.

Reporting Conditions

R1. 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.

R2. **Noise Monitoring Report**

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the noise monitoring required by condition M5.1. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L6.1 and L6.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L6.1 and L6.3.

R3. **Air Emission Verification Report**

Within 3 months of completing the post commissioning monitoring as required by this licence, the licensee must provide the EPA with an Air Emissions Verification Report ('The Report'). The Report must:

- a) Include all analytical results and test reports for the post commissioning testing requirements under condition M2.
- b) Describe the operating conditions during the time post commissioning monitoring was undertaken, including but not limited to:
 1. Material feedstocks and quantities processed
 2. Plant operating parameters
- c) Include a demonstration that the post commissioning monitoring is representative of plant performance covering the range of feedstock compositions and quantities.
- d) Include a comparison of the test results against any emission limits contained in this licence
- e) Include a comparison of emission rates derived from post commissioning monitoring with the emission rates adopted in the air quality impact assessment submitted for development approval
- f) Where a comparison in (e) indicates emission rates from post commissioning monitoring are greater than those adopted in the air quality impact assessment, a revised air quality impact assessment conducted in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* must be provided.

Additions to Definition of Terms of the Licence

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- Noise – 'sound pressure levels' for the purposes of conditions L6.1 to L6.8.
- LAeq (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15-minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).

LAFmax – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 *Electroacoustics - Sound level meters - Part 1: Specifications* set to 'A' frequency weighting and fast time weighting

Mandatory Conditions for all EPA Licences

Operating Conditions

Activities must be carried out in a Competent Manner

Licensed activities must be carried out in a competent manner.

This includes:

1. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
2. 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.

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.*

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’).

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.

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.

Public Notification

Reasons for Conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Reasons for Approval

The development satisfies the relevant aims, objectives and provisions of both the *Glen Innes Severn LEP 2012* and *Glen Innes Severn DCP 2014*.

Community Consultation

The application was required to be notified in accordance with Table 2.1 of the *Glen Innes Severn DCP 2014*.

Advisory Note

- a) A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display/erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under *State Environmental Planning Policy (Codes SEPP) 2008* for exempt development.
- b) ***Dial Before You Dig***

Underground assets may exist in the area that is subject to your application. In the interests of health and safety, and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- c) ***Telecommunications Act 1997 (Commonwealth)***

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

Other Approvals

Local Government Act 1993 Approvals granted under Section 78A(5)

Nil

Right of Review

In accordance with the provisions of Section 8.2 of the *Environmental Planning and Assessment Act 1979*, an Applicant may request Council to review the determination that has been made in respect of a development application other than:

- a) a determination to issue or refuse to issue a complying development certificate, or
- b) a determination in respect of designated development, or
- c) a determination in respect of integrated development, or
- d) a determination made by the council under Division 4 in respect of an application by the Crown.

In requesting a review, the Applicant may make amendments to the development described in the original application, provided that the development, as amended, is substantially the same development as the development described in the original application.

Any request for review of the determination under the provisions of Section 8.2 of the *Environmental Planning and Assessment Act 1979* would need to be made within 6 months after the date on which the Applicant received the Council's Notice of determination of the development application because the Council has no power to conduct a review after that time. The prescribed fee must be paid in connection with an application for a review.

Right of Appeal

If you are dissatisfied with this decision (including a determination on a review under Section 8.2), Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months:

- a) after the date on which you receive this notice, or
- b) the date on which that application is taken to have been determined

The *Environmental Planning & Assessment Act 1979*, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development) either unconditionally or subject to conditions, the objector may, within twenty eight (28) days after the date on which the notice of the determination was given in accordance with the regulations, and in accordance with rules of court, appeal to the Court.

SIGNED:



Bernard Smith

GENERAL MANAGER

On behalf of the consent authority

Date: 30th October 2023

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 89 of the Regulation contains additional particulars to be included in a notice of determination where a condition under Sections 7.11 & 7.12 of the Environmental Planning and Assessment Act 1979 has been imposed.