

# Development Consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission (the Commission) of New South Wales, approves the Development Application referred to in Schedule A, subject to the conditions in Schedules B to D.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the Development.

Member of the Commission

Member of the Commission

Sydney

2016

File: 15/14416

### SCHEDULE A

**Application No.:**

SSD 7268

**Applicant:**

Capra Developments Pty Limited

**Consent Authority:**

Minister for Planning

**Land:**

Lot 17 DP 753546, Mitchell Highway, Bourke, and the Mitchell Highway road reserve between North Bourke and Lot 17 DP 753546

**Development:**

Construction and operation of a small stock abattoir

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## DEFINITIONS

Applicant, the	CAPRA Developments Pty Limited, or anyone else entitled to act on this consent
AUSTVETPLAN	Australian Veterinary Emergency Plan
BCA	Building Code of Australia
Blue Book	<i>Managing Urban Stormwater: Soils and Construction 2004</i>
Care Agreement	A Care Agreement with the OEHL under the <i>National Parks and Wildlife Act 1974</i> (NPW Act) to allow the transfer of Aboriginal objects to an Aboriginal person or Aboriginal organisation for safekeeping. The person or organisation must enter into a care agreement with OEHL
CEMP	Construction Environmental Management Plan
Certifying Authority	Means a person who is authorised by or under section 109D of the EPA&A Act to issue certificates
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent
Council	Bourke Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment and its successors
Development	The Development to which this consent applies, the scope of which is described in Schedule A, being for the construction and operation of a small stock abattoir
DPI	NSW Department of Primary Industries
Earthworks	The bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EEC	Endangered Ecological Community
EIS	Environmental Impact Statement titled, " <i>Bourke Small Stock Abattoir - SSD 7268</i> ," prepared by EMM Consulting, dated 3 March 2016
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Heavy vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement such as a shared associations in pastoral landscapes as well as associations linked with the mission period
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
ICNG	NSW Interim Construction Noise Guideline, DECC 2009
Incident	A set of circumstances that causes or threatens to cause material harm to the environment; and/or breaches or exceeds the limits or performance measures/criteria in this consent
INP	NSW Industrial Noise Policy, EPA 2000

Livestock	Goats, lambs and sheep only
Management and Mitigation Measures	The Management and Mitigation Measures at Appendix A of this consent
Minister	Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the Development prior to or during those impacts occurring
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Q-Fever	An infection caused by the bacterium <i>Coxiella burnetii</i>
RAPs	Registered Aboriginal Parties
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
RMS	Roads and Maritime Services
RTS	Response to Submissions titled, " <i>Bourke Small Stock Abattoir (SSD 7268), Response to Submissions</i> ," prepared by EMM Consulting, dated 28 June 2016, including the <i>RTS Addendum</i> , prepared by EMM Consulting, dated 7 July 2016
Secretary	Secretary of the Department of Planning and Environment, or nominee
Site	Land referred to in Schedule A

## SCHEDULE B – ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- B1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Development.

### TERMS OF CONSENT

- B2. The Applicant shall carry out the Development in accordance with the:
- (a) SSD 7268;
  - (b) EIS;
  - (c) RTS;
  - (d) Development layout plans and drawings in the EIS and RTS (see Appendix A); and
  - (e) the Management and Mitigation Measures (see Appendix B).
- B3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- B4. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
  - (b) the implementation of any actions or measures contained within these reports, plans or correspondence.

### LIMITS OF CONSENT

- B5. This consent lapses five years after the date from which it operates, unless the Development has physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under section 95 of the EP&A Act.

### Abattoir Operations

- B6. The Applicant shall ensure:
- (a) the Development site holds no more than a maximum population of 11,000 livestock at any one time;
  - (b) the Development processes no more than a maximum of 6,000 livestock per day;
  - (c) the stocking densities of the Development complies at all times with the standards detailed in the *National Animal Welfare Standards for Livestock Processing Establishments 2<sup>nd</sup> edition*, Meat and Livestock Australia, 2009; and
  - (d) the operation of the Development is consistent with the relevant best practice guidelines and standards including the *Australian Standard for Hygienic Production and Transportation of Meat and Meat Products for Human Consumption (AS 4696:2007)*.
- B7. This consent does not provide for the disposal of livestock processing waste by on-site composting. Livestock mortalities and livestock processing waste shall not be disposed of to land by burial or any other method at the site, for the life of the Development, unless otherwise permitted by a relevant authority during a bio-security/mass mortality emergency at the site as determined by Condition C6.

**Note:** Any proposal for on-site composting of livestock processing waste and/or livestock mortalities shall be the subject of a separate application under the EP&A Act.

### STAGED SUBMISSION OF PLANS AND PROGRAMS

- B8. With the approval of the Secretary, the Applicant may:
- (a) submit any strategy, plan or program required by this consent on a progressive basis; and/or
  - (b) combine any strategy, plan or program required by this consent.

- B9. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program shall clearly describe the specific stage to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program. A clear relationship between the strategy, plan or program that is to be combined shall be demonstrated.

## **EVIDENCE OF CONSULTATION**

- B10. Where consultation with any public authority is required by the conditions of this consent, the Applicant shall:
- (a) consult with the relevant public authority prior to submitting the required documentation to the Secretary or the certifying authority for approval, where required;
  - (b) submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent; and
  - (c) include the details of any outstanding issues raised by the relevant public authority and an explanation of disagreement between any public authority and the Applicant or any person acting on this development consent.

## **DISPUTE RESOLUTION**

- B11. In the event that a dispute arises between the Applicant and Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

## **STATUTORY REQUIREMENTS**

- B12. The Applicant shall ensure all licences, permits and approvals/ consents are obtained and kept up to date as required throughout the life of the Development. No condition of this consent removes the obligation of the Applicant to obtain, renew or comply with such licences, permits or approvals.

*Note: The Applicant is required to obtain the relevant license/approval from Council under section 68 of the Local Government Act 1993 prior to the commencement of construction for all domestic effluent disposal and management systems on-site.*

## **STRUCTURAL ADEQUACY AND CERTIFICATION**

- B13. The Applicant shall ensure all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the BCA.

*Note: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development.*

## **UTILITIES AND SERVICES**

- B14. Prior to the construction of any utility works associated with the Development, the Applicant shall obtain relevant approvals from service providers.

## **PROTECTION OF PUBLIC INFRASTRUCTURE**

- B15. Prior to the commencement of earthworks, the Applicant shall:
- (a) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (b) submit a copy of this report to the Secretary and relevant public authority.
- B16. The Applicant shall:
- (a) repair or pay the full costs associated with repairing any public infrastructure that is damaged by the Development; and
  - (b) relocate or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development.

## **COMPLIANCE**

- B17. The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- B18. The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

## SCHEDULE C – ENVIRONMENTAL PERFORMANCE

### AIR QUALITY AND ODOUR

#### Air Quality Discharges

- C1. The Applicant shall ensure the Development complies with all load limits, air quality criteria and air quality monitoring requirements as specified in the EPL for the site.

#### Odour

- C2. The Applicant shall ensure the Development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

#### Dust Management

- C3. The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the Development.
- C4. During construction and operation of the Development, the Applicant shall ensure that:
- (a) all vehicles on-site do not exceed a speed limit of 60 kilometres per hour;
  - (b) all loaded vehicles entering or leaving the site have their loads covered;
  - (c) all loaded vehicles leaving the site are cleaned of dirt, sand and other materials before they leave the site, to avoid tracking these materials on public roads; and
  - (d) all heavy vehicles do not use engine brakes.

### ANIMAL WELFARE AND BEST PRACTICE

- C5. The Applicant shall ensure the Development complies with the relevant requirements for the welfare of livestock, particularly health, housing, watering, feeding, handling and transport, including but not limited to those contained within the:
- (a) *National Animal Welfare Standards for Livestock Processing Establishments 2<sup>nd</sup> edition*, (Meat and Livestock Australia, 2009)
  - (b) *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock* (Animal Health Australia, 2012);
  - (c) *Australian Industry Welfare Standards and Guidelines - Goats* (Animal Health Australia, 2016);
  - (d) *Australian Animal Welfare Standards and Guidelines for Sheep* (Animal Health Australia, 2016);
  - (e) *Model Code of Practice for the Welfare of Animals: The Goat* (CSIRO, 1991);
  - (f) *Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments* (CSIRO, 2001); and
  - (g) any other relevant document that supersedes the above.

#### Emergency Disposal and Biosecurity

- C6. Prior to the commencement of operation, the Applicant shall prepare an **Emergency Disposal and Bio-security Protocol**, detailing the procedures for a biosecurity emergency including a mass mortality event, to the satisfaction of the Secretary. The protocol shall form part of the OEMP in Condition D3 and be prepared in accordance with Condition D5. The protocol shall:
- (a) be prepared in consultation with Council, EPA, DPI and other relevant public authorities;
  - (b) be consistent with the relevant AUSTVETPLAN manuals and supporting documents;
  - (c) describe the notification procedures;
  - (d) detail all transport routes to be used in a mass mortality event;
  - (e) detail any requirements to stage the mass disposal of dead livestock;
  - (f) detail the burial location(s) for the disposal of dead livestock, including plans and drawings;
  - (g) detail the measures to maintain quarantine control;
  - (h) detail measures to prevent ground water contamination; and
  - (i) detail the mass mortality disposal procedures and options, consistent with section 2.5.9 of the RTS.



## Disease Management

- C7. The Applicant shall ensure the following key Q-Fever controls are in place during the operation of the Development:
- (a) ensuring livestock is rested prior to transport to the Development site as detailed in Appendix A of this consent;
  - (b) a driver protocol is in place to ensure drivers transporting livestock to the Development site do not stop in built up areas when carrying livestock;
  - (c) the Meat Livestock Australia's guide "Is it Fit to Load?" is considered before livestock is transported to the Development site;
  - (d) implementation of an immunisation program for all abattoir workers;
  - (e) ensuring animal waste is removed from the Development in enclosed containers;
  - (f) ensuring the design (i.e. irrigation, ventilation, dust suppression, fencing) of the Development meets industry best practice for the control of disease as outlined in Appendix H of the EIS; and
  - (g) details of measures for continuous improvement in disease management to be reported in the annual review required under Condition D7.

## BIODIVERSITY

### Biodiversity Offset Strategy

- C8. Within 12 months of the operation of this development consent, the Applicant shall purchase and retire 2,068 Ecosystem Credits to offset the removal of 55.3 hectares of native vegetation as calculated in the Biodiversity Assessment Report, prepared by EMM (EIS, Appendix I).

The ecosystem credit shall be determined in accordance with the *Framework for Biodiversity Assessment* (OEH 2014) and the *NSW Biodiversity Offsets Policy for Major Projects* (OEH 2014).

- C9. Any proposed management activities shall be in addition to other obligations for conservation that are attached to the land such as actions being carried out under a Property Vegetation Plan.

**Note:** If the Applicant seeks a variation to the offset rules, the Applicant shall demonstrate that reasonable steps have been taken to find like-for-like offsets in accordance with Section 10.5.4.2 of the FBA and Appendix A of the OEH's *NSW Biodiversity Offsets Policy for Major Projects 2014*.

## TRAFFIC AND TRANSPORT

### Road Works and Site Access

- C10. Prior to the commencement of operation of the Development, the Applicant shall complete the private vehicular road access road connection to the Mitchell Highway to the satisfaction of the roads authority. The Applicant shall obtain approval for the works under Section 138 of the *Roads Act 1993*.
- C11. Prior to the commencement of operation of the Development, the private vehicular access road connection to the Mitchell Highway is to be constructed to the satisfaction of the RMS and is to include the following:
- (a) a Basic Right-Turn Treatment (BAR) as shown in Figure 7.5 Part 4A of the Austroads Guide to Road Design on the Mitchell Highway at its intersection with the vehicular access servicing the site;
  - (b) a Rural Auxillary Left Turn Treatment - Short Turn Lane [AUL(S)] on the Mitchell Highway generally in accordance with Figure 8.3 Part 4A of the Austroads Guide to Road Design and relevant RMS Supplements;
  - (c) the private vehicle access road at the approaching connection to the Mitchell Highway is to be wide enough to accommodate the simultaneous passing of turning road train vehicles. The access road is to be sealed a minimum of 60 m from the edge of the hold line; and
  - (d) Safe Intersection Site Distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant RMS Supplements shall be provided and maintained at the site access to the Mitchell Highway.

## Signage

- C12. Size C Gateway Truck (crossing or entering) Signs (W5-22) with 300 metre distance plates are to be provided 300 metres either side of the site access. The signs are to be erected and visible during construction and operation of the Development.

## Works Authorisation Deed

- C13. Prior to the commencement of construction works on the Mitchell Highway, a Works Authorisation Deed (WAD) shall be executed between the Applicant and the RMS to enable the Applicant to undertake "private financing and construction" works on the Mitchell Highway.

*Note: 'Commencement of construction' includes both the vehicular access and water pipeline works*

## Road Occupancy Licence

- C14. Prior to the commencement of construction works on the Mitchell Highway, the Applicant shall contact the RMS Traffic Operations Coordinator to determine if a Road Occupancy Licence (ROL) is required. In the event a ROL is required, the Applicant shall obtain the ROL prior to works commencing within three metres of the travel lanes in the Mitchell Highway.

*Note: 'Commencement of construction' includes both the vehicular access and water pipeline works*

## Construction Traffic Management Plan

- C15. Prior to the commencement of construction, the Applicant shall prepare a **Construction Traffic Management Plan** for the Development. The plan shall form part of the CEMP required under Condition D1 and shall:
- (a) be prepared by a suitably qualified and experienced person/s in consultation with Council and the RMS;
  - (b) detail the management measures that would be implemented to ensure road safety, network efficiency and access during construction;
  - (c) contain a drivers code of conduct to:
    - (i) minimise the impacts of construction on the local and regional road network; and
    - (ii) minimise conflicts with other road users;
  - (d) detail heavy vehicle numbers, routes, site access and parking arrangements; and
  - (e) if necessary, detail procedures for notifying any nearby residents of any potential disruptions to routes.

## Operating Conditions

- C16. The Applicant shall ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the Development are constructed and maintained in accordance with the latest versions of AS 2890.1 and AS 2890.2;
  - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with AUSTROADS Guide to Road Design;
  - (c) the Development does not result in any vehicles queuing on the public road network;
  - (d) heavy vehicles and bins associated with the Development do not park or stand on local roads or footpaths in the vicinity of the site;
  - (e) all vehicles are wholly contained on site before being required to stop;
  - (f) all loading and unloading of materials is carried out on site; and
  - (g) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

## WASTE

### Waste Management

- C17. The Applicant shall ensure any liquid and non-liquid wastes generated on the site is classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste*, (EPA, 2014), or its latest revision.
- C18. Prior to the commencement of operation, the Applicant shall provide the Secretary and the EPA with documentary evidence, including a copy of any executed Waste Agreement(s), confirming it has secured a suitably licensed waste collection facility capable of lawfully receiving the relevant waste from the site with consideration to the POEO Act, *Protection of the Environment Operations (Waste) Regulation 2014* and the relevant development consents of receiver facilities.
- C19. All waste removed from the site shall only be directed to a waste management facility or premises lawfully permitted to accept the waste.

### Waste Management Plan

- C20. Prior to the commencement of operation, the Applicant shall prepare a **Waste Management Plan** (WMP) for the Development to the satisfaction of the Secretary. The WMP shall form part of the OEMP in Condition D3 and be prepared in accordance with Condition D5. The WMP shall:
- (a) be prepared in consultation with the EPA;
  - (b) detail the type and quantity of waste to be generated during construction and operation of the Development;
  - (c) describe the handling, storage and disposal of all waste streams generated on site, consistent with the POEO Act, *Protection of the Environment Operations (Waste) Regulation 2014* and the EPA's *Waste Classification Guideline*;
  - (d) detail the materials to be reused or recycled, either on or off site; and
  - (e) include the Management and Mitigation Measures included in Appendix A.
- C21. Waste generated outside the site shall not be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the POEO Act, if such a licence is required in relation to that waste.

## HAZARD AND RISK

### Dangerous goods

- C22. Dangerous goods, as defined by the *Australian Dangerous Goods Code*, shall be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards;
  - (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
  - (c) the *Environment Protection Manual for Authorised Officers: Bunding and Spill Management, technical bulletin* (Environment Protection Authority, 1997).

In the event of an inconsistency between the requirements listed from (a) to (c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

- C23. The quantities of dangerous goods stored and handled at the site shall be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* (Applying SEPP 33) at all times.

In this regard, the total quantity of ammonia to be stored/handled on the site shall be below 5 tonnes at all times.

**Note:** Should it be necessary to store/handle 5 tonnes or more of ammonia or quantities of other potentially hazardous materials above the threshold quantities listed in 'Applying SEPP 33', this will necessitate application for approval and further environmental assessment under Part 4 of the EP&A Act.

## NOISE

### Hours of Work

- C24. The Applicant shall comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Secretary.

Table 1: Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday	Nil
Operation	Monday – Sunday	24 hours

- C25. Works outside of the hours identified in Condition C24 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
  - (b) works agreed to in writing by the Secretary;
  - (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - (d) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

### Construction Noise Limits

- C26. The Development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the CEMP.
- C27. Where feasible and reasonable, operation noise mitigation measures shall be implemented at the start of construction (or at other times during construction) to minimise construction noise impacts.

### Operational Noise Limits

- C28. The Applicant shall ensure that noise generated by the operation of the Development does not exceed the noise limits in Table 2.

Table 2: Noise Limits (dB(A))

Location	Day $L_{Aeq}(15 \text{ minute})$	Evening $L_{Aeq}(15 \text{ minute})$	Night $L_{Aeq}(15 \text{ minute})$	Night $L_{A1}(1 \text{ minute})$
All residential receivers	35	35	35	45

**Note:** Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. Refer to the plan in Appendix D for the location of residential receivers.

## SOIL AND WATER

### Construction Soil and Water Management

- C29. Soil and water management measures consistent with *Managing Urban Stormwater - Soils and Construction Vol. 1* (Landcom, 2004) (the Blue Book) shall be employed during the construction

of the Development to minimise soil erosion and the discharge of sediment and other pollutants to land and/or waters.

### **Surface Water Discharge Limits**

- C30. The Applicant shall ensure that all licensed surface water discharges from the site comply with the discharge limits (volume and quality) set for the Development in any EPL or relevant provisions of the POEO Act.

### **Stormwater**

- C31. The Applicant shall design, construct, operate and maintain all stormwater and water storage facilities on site with the internal surfaces equivalent to, or better than, a clay liner of permeability  $1 \times 10^{-9} \text{ ms}^{-1}$  or less and a thickness of no less than 900mm, or an equivalent alternative.

### **Bunding**

- C32. The irrigation area, four process wastewater treatment ponds, mass-burial area and the manure stockpiling area shall be bunded to prevent clean stormwater run-off from entering these areas.

### **Groundwater**

- C33. The groundwater bores for the Development shall be constructed in accordance with the *Minimum Construction Requirements for Water Bores in Australia, Third Edition, February 2012*, (National Uniform Drillers Licensing Committee, 2012) to a minimum depth of 20 metres below ground level.

## **WASTEWATER**

### **Irrigation Area**

- C34. The Applicant shall ensure the quantity and quality of wastewater applied to the irrigation area shall not exceed the capacity of that area to effectively utilise the wastewater. This includes the use of the wastewater for pasture or crop production, and the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material from the wastewater.

### **Design**

- C35. Prior to the commencement of operation, the Applicant shall prepare and implement a **Wastewater Management Plan (WWMP)** for the Development to the satisfaction of the Secretary. The WWMP shall:
- (a) be developed in consultation with the EPA;
  - (b) include a summary of the management of wastewater streams on-site, as detailed in the EIS and RTS;
  - (c) detail the controls to minimise manure being flushed from stockyards to effluent treatment systems;
  - (d) include final details on pond specifications such as liners and leak detection systems;
  - (e) detail the retention periods for each pond and measures to prevent sludge build up;
  - (f) provide evidence that wet weather effluent storage capacity is adequate to prevent effluent discharge in 90 percent of years based on water balance modelling, for high strength effluent, as detailed in the *Environmental Guidelines – Use of Effluent by Irrigation* (EPA, 2004);
  - (g) ensure the wastewater treatment system is maintained to avoid odour generation including ensuring crust formation on the anaerobic ponds and controlling irrigation droplet size; and
  - (h) include details on bunding around ponds and the fate of first-flush stormwater collected inside the bund area and in sediment basins after a rainfall event.

## Monitoring

- C36. The Applicant shall undertake a commissioning stage monitoring program in consultation with the EPA for the wastewater treatment system, including details on the effluent volume and quality.
- C37. The Applicant shall undertake a soil and water monitoring program during operation of the Development, in consultation with the EPA and as may be included in the EPL for the Development, for irrigation water (volume and quality), soils, groundwater and crops based on risk factors that aim to detect when specific water quality, soil or crop sustainability trigger values are nearing or have exceeded, trigger values.

## Irrigation Management

- C38. Prior to the commencement of operation, the Applicant shall update the **Irrigation Management Plan (IMP)** (referred to Appendix K of the EIS) to the satisfaction of the Secretary. The IMP shall form part of the OEMP in Condition D3 and be prepared in accordance with Condition D5. The IMP shall be prepared in consultation with the EPA and shall include:
- (a) a detailed soil report prepared by a suitably qualified expert for the range of site limitations including salinity, sodicity, low permeability and low phosphorus sorption capacity;
  - (b) identification of baseline soil monitoring sites to allow comparison between impacted and non-impacted sites;
  - (c) management and mitigation measures available for any potential site limitations for irrigation; and
  - (d) clearly defined management actions that are to be implemented when approaching or exceeding agreed sustainability trigger values.

*Note: Potential sustainability trigger values can be found in Resource Manual of Development of indicators of Sustainability for Effluent Reuse in the Intensive Livestock Industries: Piggeries and Cattle Feedlots. Project No. 1816, Australian Pork Limited, May 2003.*

## SURFACE WATER AND GROUNDWATER

### Water Management Plan

- C39. Prior to the commencement of operation, the Applicant shall prepare a **Water Management Plan (WMP)** to the satisfaction of the Secretary. The WMP shall form part of the OEMP in Condition D3 and be prepared in accordance with Condition D5. The WMP shall:
- (a) be prepared in consultation with the DPI, Council and the EPA;
  - (b) detail water use, metering, disposal and management on-site;
  - (c) detail the number and location of piezometers on-site;
  - (d) include contingency measures in the event of inadequate water supply being available to meet all water demands;
  - (e) contain a **Surface Water Management Plan**, including:
    - (i) a program to manage and monitor:
      - surface water flows and quality;
      - surface water storage and use; and
      - stormwater retention pond;
    - (ii) sediment and erosion control plans;
  - (f) contain a **Groundwater Management Plan**, including:
    - (i) a minimum of nine months baseline data on groundwater levels and quality;
    - (ii) a program to monitor groundwater levels and quality including details on:
      - the number, design and location for the monitoring bores;
      - timelines for establishment and sampling regime(s) for the monitoring bores;
      - monitoring frequency and suites of analytes to be monitored;
      - reporting requirements for the sampling results;
    - (iii) verify the Development meets the minimal impact considerations in the *NSW Aquifer Interference Policy*;
    - (iv) groundwater impact assessment criteria, including how trigger levels for investigating any potentially adverse groundwater impacts will be established; and

- (v) a protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.

## **VISUAL AMENITY**

### **External Lighting**

- C40. The Applicant shall ensure the lighting associated with the Development:
- (a) complies with the latest version of AS 4282 (INT) - *Control of Obtrusive Effects of Outdoor Lighting*; and
  - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## **HERITAGE**

### **Aboriginal Site Cards**

- C41. Prior to the commencement of construction, the Applicant shall prepare Aboriginal site cards to be registered with the OEH for all Aboriginal sites discovered during the site surveys.

### **Protection of Aboriginal Heritage Items**

- C42. Prior to the commencement of construction and prior to any ground works within the irrigation area, the Applicant shall undertake Aboriginal heritage pre-clearance surveys within the irrigation area in accordance with the survey methodology outlined in the EIS.

### **Unexpected Finds Protocol**

- C43. If any archaeological relics are uncovered during the course of construction of the Development, then all works shall stop immediately in that area and the OEH Heritage Branch contacted.

***Note:** Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further work can continue in that area.*

- C44. If any Aboriginal objects are uncovered during work, excavation or disturbance of the work area, work must stop immediately and the Regional Operations Group of the OEH, Council and the RAPs are to be consulted.

### **Aboriginal Cultural Heritage Management Plan**

- C45. Prior to the commencement of operation, the Applicant shall prepare an **Aboriginal Cultural Heritage Management Plan** (ACHMP) to the satisfaction of the Secretary. The ACHMP shall form part of the OEMP in Condition D3 and be prepared in accordance with Condition D5 and shall:
- (a) be prepared in consultation with the OEH and Registered Aboriginal Parties (RAPs) identified in the EIS;
  - (b) include a clear long-term management plan for artefacts collected from the site;
  - (c) determine whether a Care Agreement is required;
  - (d) describe the management actions for the surveyed Aboriginal sites during construction and operation;
  - (e) incorporate any additional sites found during the survey of the irrigation area; and
  - (f) describe the management actions for the remnant Gurri tree/s located on the site and the replacement Gurri trees required by Condition C46 of this development consent.

### **Gurri Tree Removal and Compensatory Planting**

- C46. Prior to the commencement of operation, the Applicant shall compensate for the removal of one Gurri tree through:

- (a) the purchase of 12 Gurri trees and funding of the necessary resources for planting the trees, soil and fertiliser, drip line irrigation and maintenance; and
- (b) ensuring the trees are planted in locations that enable continued access to the Aboriginal community for educational and cultural usage, following consultation with the Registered Aboriginal Parties (RAPs) identified in the EIS.

Documentation of consultation with the RAPs including the final location(s) of the trees shall be included in the ACHMP required by Condition C45 and provided to the Secretary prior to the commencement of operation.

**Note:** *The Applicant is not responsible for the trees after the actions required by this condition have been completed.*



## SCHEDULE D – ENVIRONMENTAL MANAGEMENT AND REPORTING

### ENVIRONMENTAL MANAGEMENT

#### Construction Environmental Management Plan

- D1. The Applicant shall prepare a **Construction Environmental Management Plan (CEMP)** to the satisfaction of the Secretary. The CEMP shall:
- (a) be prepared by a suitably qualified and experienced person in consultation with Council;
  - (b) be approved by the Secretary prior to the commencement of construction;
  - (c) outline all environmental management practices and procedures to be followed during earthworks and construction, including:
    - (i) dust management;
    - (ii) traffic management as required by Condition C15;
    - (iii) noise management;
    - (iv) construction soil and water management as required by Condition C29; and
    - (v) community consultation and complaints handling;
  - (d) describe all activities to be undertaken on the site during earthworks and construction, including a clear indication of construction stages;
  - (e) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts; and
  - (f) describe of the roles and responsibilities of all relevant employees involved in earthworks and construction.
- D2. The Applicant shall carry out the construction of the Development in accordance with the CEMP approved by the Secretary (and as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

#### Operational Environmental Management Plan

- D3. The Applicant shall prepare an **Operational Environmental Management Plan (OEMP)** for the Development to the satisfaction of the Secretary. The OEMP shall:
- (a) be submitted to the Secretary for approval prior to the commencement of operation;
  - (b) be consistent with the relevant best practice guidelines and standards including those described in Conditions B6(d) and C5;
  - (c) be prepared by a suitably qualified and experienced expert;
  - (d) provide the strategic framework for environmental management of the Development;
  - (e) identify the statutory approvals that apply to the Development;
  - (f) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development;
  - (g) describe the procedures that would be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the Development;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise;
    - (iv) respond to any non-compliance;
    - (v) respond to emergencies; and
  - (h) include the following environmental management plans:
    - (i) Emergency Disposal and Bio-security Protocol as required by Condition C6;
    - (ii) Waste as required by Condition C20;
    - (iii) Wastewater as required by Condition C35;
    - (iv) Irrigation as required by Condition C38;
    - (v) Water as required by Condition C39; and
    - (vi) Aboriginal Cultural Heritage as required by Condition C45.
- D4. The Applicant shall operate the Development in accordance with the OEMP approved by the Secretary (and as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

## MANAGEMENT PLAN REQUIREMENTS

- D5. The Applicant shall ensure that the environmental management plans required under Condition D3 of this consent are prepared by a suitably qualified person or persons in accordance with best practice and include:
- (a) detailed baseline data;
  - (b) a description of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures/criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Development or any management measures;
  - (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the Development;
    - (ii) effectiveness of any management measures (see (c) above);
  - (e) a contingency plan to manage any unpredicted impacts and their consequences;
  - (f) a program to investigate and implement ways to improve the environmental performance of the Development over time;
  - (g) a protocol for managing and reporting any:
    - (i) incidents;
    - (ii) complaints;
    - (iii) non-compliances with statutory requirements; and
    - (iv) exceedances of the impact assessment criteria and/or performance criteria; and
  - (h) a protocol for periodic review of the plan.

## Revision of Strategies, Plans and Programs

- D6. Within 3 months of:
- (a) an annual review submitted under Condition D7;
  - (b) an incident report submitted under Condition D8;
  - (c) an audit submitted under Condition D11; or
  - (d) the approval of a modification to the development consent,

the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.

**Note:** This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Development.

## ANNUAL REVIEW

- D7. Each year, unless otherwise agreed by the Secretary, the Applicant shall review the environmental performance of the Development to the satisfaction of the Secretary. This review shall:
- (a) describe the Development that was carried out during the reporting period, and the Development that is proposed to be carried out over the next reporting period;
  - (b) include a comprehensive review of the monitoring results and complaints records of the Development over the previous reporting period, which includes a comparison of these results against the:
    - (i) the relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this consent;
    - (iii) the monitoring results of previous years; and
    - (iv) the relevant predictions in the EIS;
  - (c) identify any non-compliance over the previous reporting period, and describe what actions were (or are being) taken to ensure compliance;
  - (d) identify any trends in the monitoring data over the life of the Development;

- (e) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and
- (f) describe what measures will be implemented over the next reporting period to improve the environmental performance of the Development.

## REPORTING

### Incident Reporting

- D8. Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant shall notify the Secretary and any other relevant agencies of the incident.

Within seven (7) days of the detection of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

### Regular Reporting

- D9. The Applicant shall provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

### Access to Information

- D10. The Applicant shall make the following information publicly available on its website and keep the information up to date:
- (a) the EIS;
  - (b) current statutory approvals for the Development;
  - (c) approved strategies, plans or programs;
  - (d) a complaints register, updated on an annual basis; and
  - (e) any other matter required by the Secretary.

**Note:** This condition does not require any confidential information to be made available to the public.

## AUDITING

### Independent Environmental Audit

- D11. Within 2 years of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Development. This audit shall:
- (a) be conducted by a suitably qualified, experienced and independent team of experts, including wastewater management, whose appointment has been endorsed by the Secretary;
  - (b) include consultation with the relevant agencies;
  - (c) assess the environmental performance of the Development and assess whether it is complying with the requirements in this consent, and any other relevant approvals, relevant EPL(s) (including any assessment, plan or program required under these approvals);
  - (d) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
  - (e) recommend measures or actions to improve the environmental performance of the Development, and/or any strategy, plan or program required under these consents.

**Note:** The audit team must be led by a suitably qualified auditor, and include relevant experts in any other fields specified by the Secretary.

- D12. Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

## APPENDIX A: MANAGEMENT AND MITIGATION MEASURES (Source: EIS and RTS)

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### Commitment

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#### Air Quality and Odour

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##### Construction

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Construction activities will be managed so that the works are conducted in a manner that minimises the generation of air emissions. Construction contractors will undertake regular environmental inspections of their works and worksite which will include;

- visual inspection of dust generation;
  - inspection of the erosion and sediment controls;
  - ensuring vehicles entering/exit the site are covered to prevent escape of materials during transport; and
  - ensure the Mitchell Highway in the vicinity of the site is kept free of soil, and soil tracking onto the road network is prevented.
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##### Operation

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- Stock holding yards will be regularly cleaned.
  - Potential odour-generating material will be removed from site in accordance with operational procedures.
  - Waste will be transported off site in enclosed systems.
  - The wastewater treatment system will be maintained to avoid odour generation in accordance with operational procedures, including crust formation on the anaerobic ponds
  - Irrigation droplet size will be controlled by preventing excessively high pressure in the system design, so as to minimise spray drift.
  - Spill management will include immediate clean-up of any spill/leakage in accordance with operational procedures.
  - Boilers will be installed and operated in accordance with manufacturer's instructions, including regular maintenance and tuning to minimise pollutant emissions and to optimise the fuel efficiency.
  - Unsealed access roads will be constructed and maintained so as to minimise wheel generated dust.
  - An odour complaint logbook will be maintained on site. In the event of a complaint, an investigation of any unusual odour sources within the site boundary will occur and appropriate action taken to mitigate these sources.
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### Traffic

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##### Construction

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- A construction traffic management plan will be prepared and implemented prior to the commencement of construction activities.
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##### Operation

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- Approximately 150 car parks will be provided on site. Car parking areas will have appropriate dimensions to accommodate the required number and size of the vehicles using the car park.
  - The site access intersection with the Mitchell Highway will be designed to comply with the relevant Austroads intersection traffic capacity and safety design standards.
  - The new intersection into the project site on the Mitchell Highway will include a dedicated auxiliary left turn lane that will allow following traffic to pass a left turning vehicle. The AUL(s) treatment will be consistent with that provided in Figure 8.3 of Part 4A of Austroads Guide to Road Design.
  - Internal pedestrian linkages will be included in the design of the on-site car park to direct employees to the staff entrances to the abattoir.
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### Health

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- Livestock will be sourced from suppliers, including properties and depots where standard operating procedures include that prior to transport, animals are rested to "empty out" to reduce urination and defecation during transport, and where screening of heavily pregnant does from transport occurs.
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### **Commitment**

- All waste to be removed from site will be transported off site in enclosed containers and disposed of at an appropriately licensed facility.
- The abattoir will be fenced (1.8m high man proof fencing) as shown in the detailed site plans in Appendix A of the Response to Submissions Report, and access to the site will be controlled by a security gatehouse and boom gate.
- Onsite procedures will be implemented in accordance with industry standards in relation to provision of appropriate PPE and good hygiene practice.
- A Q fever vaccination program will be implemented to ensure all employees are vaccinated appropriately.
- Contract truck drivers will be encouraged to come directly to the site when carrying loaded trucks of livestock to avoid stopping in Bourke or North Bourke.

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### **Biodiversity**

- Felling of hollow-bearing trees in the disturbance footprint will follow a two-stage clearing protocol, where surrounding non-hollow vegetation is cleared 24 hours prior to the hollow trees to allow fauna time to move.
- A biodiversity offset strategy will be prepared in consultation with OEH, DP&E and DPI-Lands within 12 months of project approval, and will involve:
  - Identifying if suitable credits are available on the market to meet offset requirements.
  - Finding potential offset sites with the biodiversity values required to compensate for the project's impacts, including possibly within the project site and CAPRA landholdings.
  - In the absence of suitable offset credits or properties, applying the variation criteria rules of the FBA and finding suitable offsets to meet the requirements.
- Weeds will be managed within the project site in accordance with relevant DPI – Lands best practice guidelines.
- The PVP which applies to the broader property of 'Artesia' (of which the project site forms a small part) will be amended to exclude the project site.

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### **Heritage**

- An Aboriginal Heritage Management Plan will be prepared in consultation with OEH and the RAPs prior to construction commencing.
- Surface collection of known Aboriginal objects within the disturbance footprint of the project will be undertaken prior to construction works commencing. All areas within the disturbance footprint (as shown in the layout plan in Appendix A of the Response to Submissions report) that were not surveyed as part of the heritage assessment completed for the EIS will be surveyed, and surface collection of any artefacts found, prior to the commencement of construction activities in conjunction with the surface collection program for the site.
- A keeping place (designated secure area) will be established within the offices on site to store all Aboriginal stone artefacts collected from the project site. A selection of these artefacts will be put on display. All associated reports and records will be stored in close proximity to the artefacts in a bound hard copy and digital form. All materials will be held in a locked cabinet (both those objects on display and those in storage).
- The identified Gurri tree (wild orange tree – *Capparis mitchellii*) will be avoided during construction of the site access road. Other Gurri trees identified within the project site will be managed in accordance with the approved Aboriginal Heritage Management Plan and in consultation with the RAPs.

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### **Water resources**

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#### **Construction**

- Effective temporary erosion and sediment control structures, such as hay bales and silt fencing, will be used to prevent soil loss and sediment-laden runoff from leaving the project site.
  - All clean surface water from upslope of construction areas will be diverted around areas of disturbance where required.
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**Commitment**

- Areas disturbed as part of construction activities that are not part of the final footprint of the project will be promptly revegetated.
- Temporary erosion and sediment control structures used during construction will be regularly inspected and maintained.
- Two groundwater monitoring bores will be drilled at the commencement of construction works within the project site to intercept the water table in the Upper Darling Alluvial Groundwater Source, to a minimum depth of 20 m below ground level, to establish groundwater levels and baseline groundwater quality.

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**Operation**

- An assessment of the impact of the project against the minimal impact considerations in the Aquifer Interference Policy will be undertaken once sufficient baseline data is obtained, and prior to irrigation commencing.
- A 15 m wide vegetative buffer zone consisting of grasses, shrubs and trees will be maintained immediately downslope of the irrigation area to slow down and capture any runoff that occurs from the irrigation area.
- The wastewater treatment ponds will be lined so as to prevent any seepage occurring.
- Storage areas for all liquids will be appropriately bunded.
- Spill kits including absorbing materials will be provided nearby handling and storage areas.
- Water use will be minimised through regular inspections of pipes and connections to ensure there is minimal leakage occurring, use of high impact, low flow nozzles where high pressure is required, dry collection of manure, dry cleaning of equipment prior to wash down; and prioritising the order of washdown procedures eg stands, walls and then the floor.

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**Waste, wastewater and irrigation**

- Waste produced by the abattoir will be transported offsite by licensed contractors and disposed of at facilities appropriately licensed to accept such waste. Waste will not be disposed of at the Bourke Shire Council landfill unless an appropriate upgrade of the facility occurs.
- A pit for the on-site burial of carcasses in the unlikely event of a mass mortality will be constructed, as per the design and layout shown in the plans attached in Appendix A of the Response to Submissions report. This pit will be lined with an EPDM synthetic rubber liner with a permeability of  $2.233 \times 10^{-11}$ , and in the event carcasses are disposed of there, the pit will be capped with approximately 1 m of cover.
- Manure collected from the holding yards will be composted in the designated area as shown in the plans included in Appendix A of the Response to Submissions report. The area will be lined with the same impervious rubber membrane that will be used to line the wastewater treatment ponds and mass disposal area, over which 600 mm of compacted base material will be placed to protect the liner.
- Treated effluent will be irrigated over 38 ha as per the findings of the on-site irrigation study (Envirowest 2016).
- Monitoring of vegetation will be undertaken on an annual basis and will involve visual assessments of crop species and bare areas to provide an indication of the presence of soil toxicities and soil degradation.
- A site specific irrigation management plan will be developed for the abattoir in consultation with the EPA prior to irrigation commencing, and will include:
  - a detailed monitoring program for:
    - i) pre-irrigation (baseline) monitoring;
    - ii) commissioning monitoring; and
    - iii) ongoing monitoring during irrigation.
  - contingencies in irrigation management to be implemented if the effluent quality determined during commissioning monitoring differs from that predicted. In this instance nutrient and salt balances will be recalculated, and the planned management of effluent irrigation adjusted accordingly;
  - management and mitigation measures for the range of potential site limitations for irrigation, including saline soils, sodic soils, and low phosphorus sorption capacity;

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**Commitment**

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- wet weather overflow management measures;
- the procedures for emptying the standing pond and irrigation pond prior to a major storm event, including responsibilities for management of these ponds;
- the size of the areas to be planted with summer and winter crops;
- site specific monitoring triggers for action and specific actions for key risk factors will also be identified as follows:
  - i) the salinity, major ions and sodium absorption rate (SAR) of effluent;
  - ii) salinity and exchangeable sodium percentage of soil at depths;
  - iii) permeability and water logging measures; and
  - iv) measures to account for yield reductions due to salinity and sodicity.
- design and management of the bund and sediment dam to be constructed to capture runoff from the irrigation area.
- Soil samples will be taken during construction works and further analysed to confirm the phosphorus absorption rates in comparison to the 4,500 kg/ha derived in the irrigation study prepared as part of the EIS.

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**Greenhouse gas**

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- Regular checks of seals on all refrigerated areas will be undertaken as part of routine site maintenance.
- Where possible, high efficiency lighting will be used.
- The option of installing solar panels at the abattoir will be assessed and determined within three years of commencement of operations.

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**Socio-economic**

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CAPRA's approach to employment will adopt the following principles:

- a preference for local employment wherever possible; and
  - encourage local contractors to tender for work, both during the construction and operations phases. Selection of suppliers will be based on merit, assessed capability and competitive dynamics.
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**NSW Government  
Department of Planning and Environment**





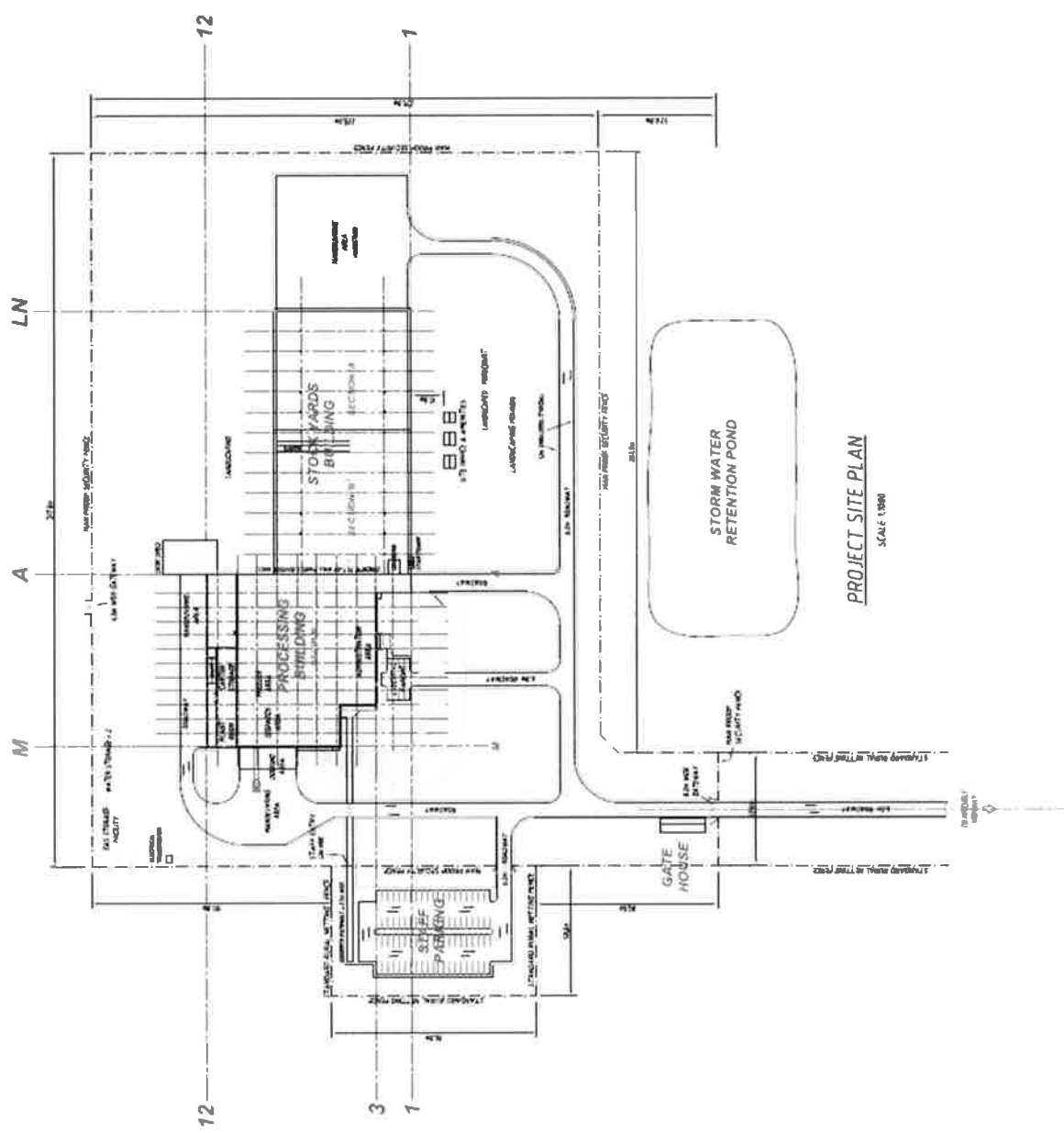


Figure 3: Detailed Layout



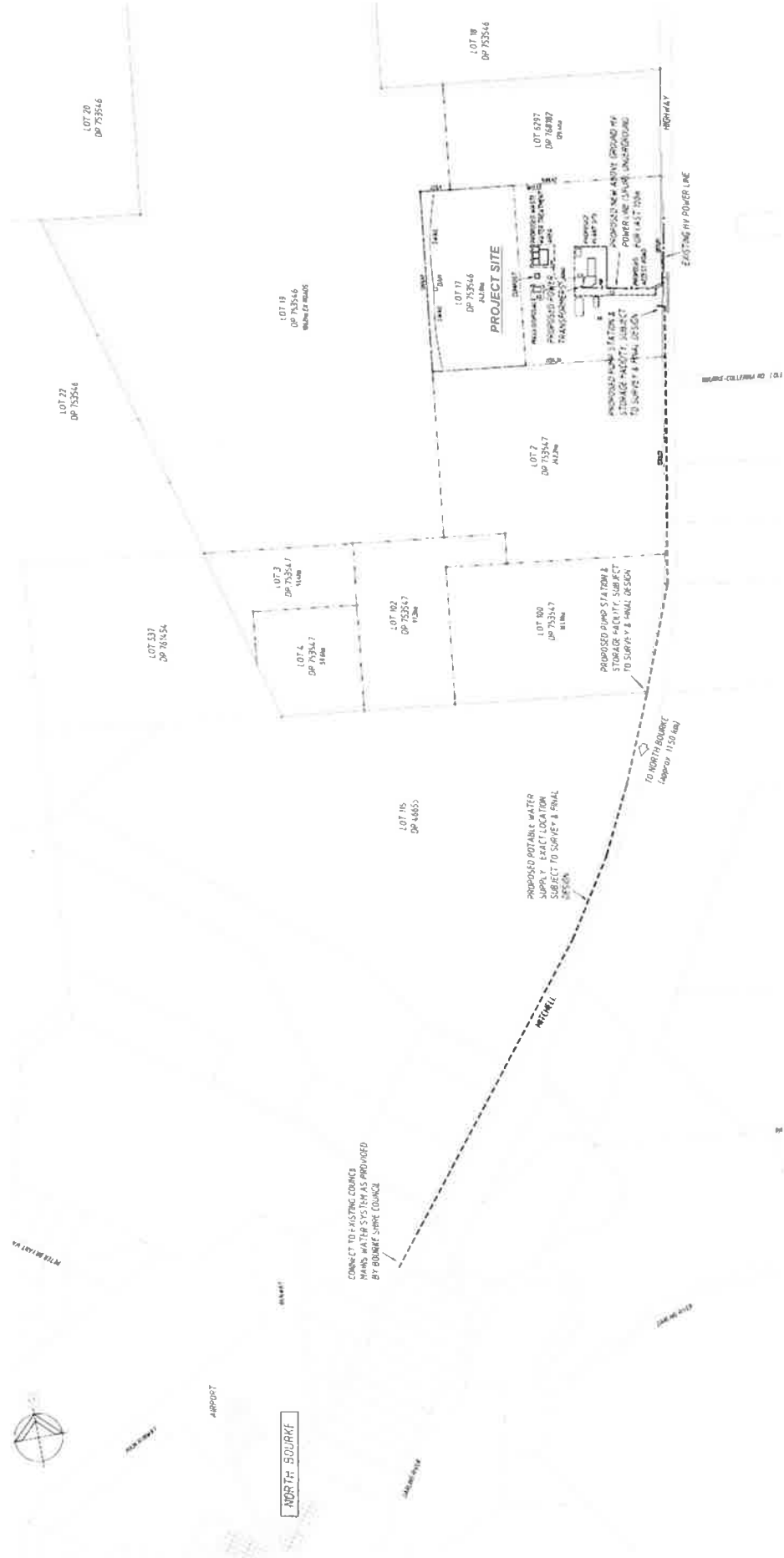


Figure 5: Reticulated water and electricity mains connections