

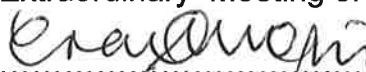
**GENERAL MANAGER'S REPORT TO THE EXTRAORDINARY  
COUNCIL MEETING TO BE HELD TUESDAY 30 JANUARY 2018**

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## ITEM FOR DECISION

**ITEM NO. 1 - DEVELOPMENT APPLICATION NO 08 – 17/18 - 3,883  
MEGALITRE WATER STORAGE DAM**  
**FILE: DA 08 – 17/18**  
**FROM: ASSISTANT GENERAL MANAGER, INFRASTRUCTURE AND  
ENVIRONMENT**

### Property Description

Applicant: Australian Food and Agricultural Company Ltd  
Property: Lots 35, 36 & 57, DP 750894, "Mulberrygong" Station, 22486 Sturt Highway, Carrathool  
Zoning: RU1 Primary Production  
Proposed Development: 3,883 Megalitre Water Storage Dam (staged)  
Consent Authority: Murrumbidgee Council  
Reason for Report: Designated Development

### Introduction and Background

Development Application 08-17/18 was received by Murrumbidgee Council on 30 August 2017 for a proposed 3,883 megalitre Water Storage Dam at Lots 35, 36 and 57, DP 750894, more commonly known as 'Mulberrygong Station', Sturt Highway, Carrathool.

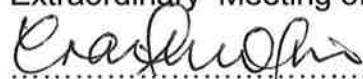
The application was exhibited by way of advertising in local papers and formal notification to neighbouring property owners from 6 September to 6 October 2017. During the exhibition period no public submissions were received.

As the application is classified as Designated Development under Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*, as it relates to an 'artificial waterbody' an Environmental Impact Statement (EIS) was prepared and the application was referred to a number of agencies for concurrence including the following agencies:

- NSW Department of Planning and Environment
- NSW Department of Industry – Lands & Forestry;
- NSW Environment Protection Authority;
- NSW Office of Environment and Heritage;
- NSW Roads & Maritime Services;
- Water NSW.

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## **Comment**

The EIS has been reviewed by both relevant agencies and by Council staff and is generally in accordance with the requirements of Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and the Secretary's Environmental Assessment Requirements No. 976 dated 28 September 2015.

## **Site and Surrounding Context Description**

The subject land is described as Lots 35, 36 and 57, DP 750894, 'Mulberrygong Station' and addressed as 22486 Sturt Highway, Carrathool. The subject land is located approximately 16km southwest of the township of Carrathool, 45km east of the township of Hay and 61km west from the township of Darlington Point (see *Figures 1 and 2*).

The subject land is rurally zoned and is comprised of three separate allotments. The topography of the land is generally flat and the property contains no trees and only introduced grasses and weed species. Historically, the land has been used for agricultural purposes (grazing) and is currently used for non-intensive livestock grazing.

Two unmade sections of Crown road reserve intersect with the subject land and are currently occupied by the proponent under Enclosure Permit (No. 37158). A separate application to close these roads has been lodged with Crown Lands.

To the north of the subject land is a Travelling Stock Reserve (TSR No. R71146) located south of the adjoining Sturt Highway and further north, approximately 3.2 kilometres from the subject land, is the Murrumbidgee River.

Land to the south of the subject land contains an irrigation channel and an access track, with land further south used for dryland agriculture. A small depression and quarry also exists to the south of the site to supply sand and gravel material for the property.

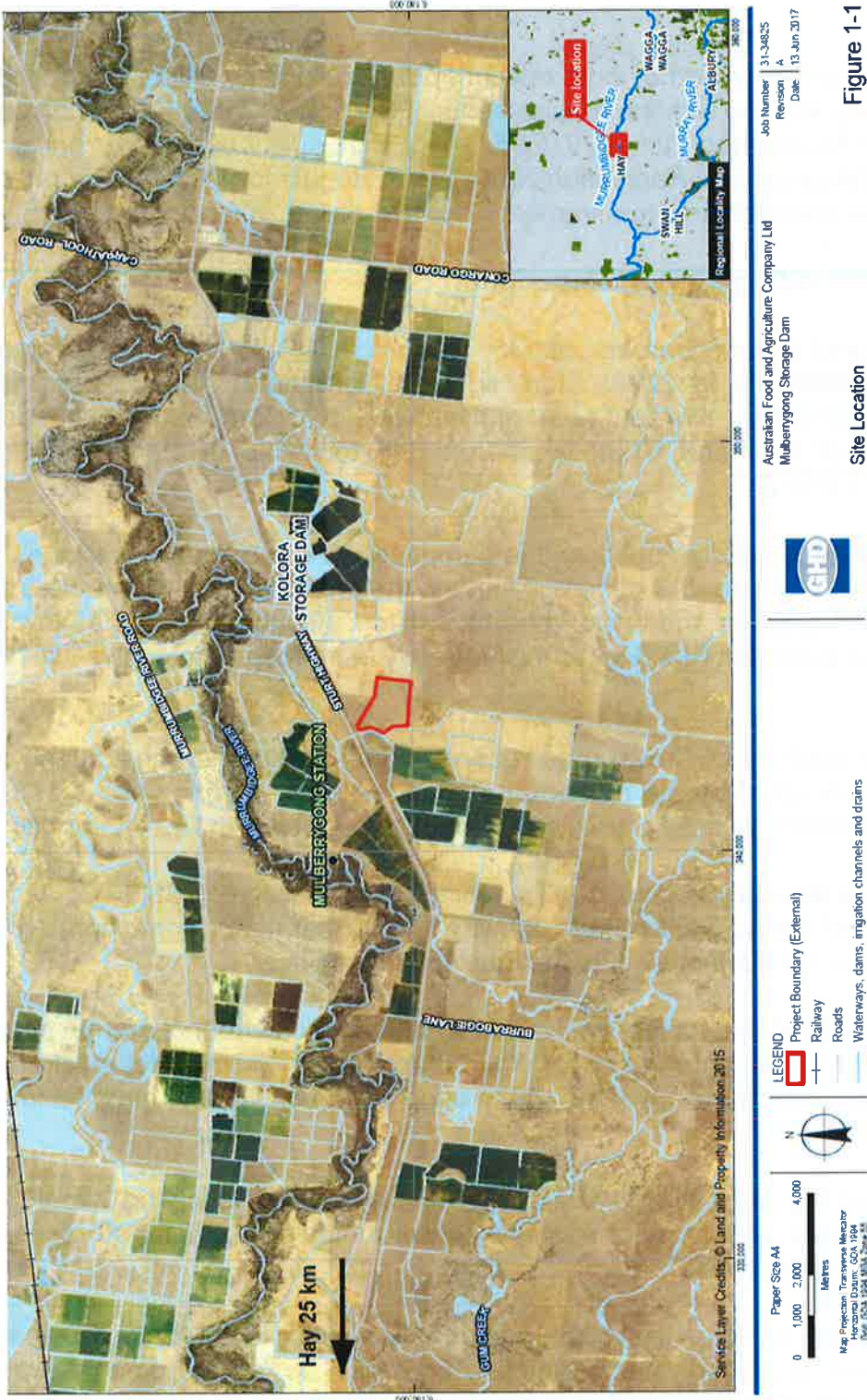
To the east of the subject land is an irrigation area and associated supply and drainage channels, whilst further east is a similar turkey's nest water storage dam known as 'Kolora Storage Dam'.

Land to the west of the subject land includes the main Mulberrygong irrigation supply channel, a groundwater production bore and associated diesel powered pump station, which is accessed from the Sturt Highway via an unmade track.

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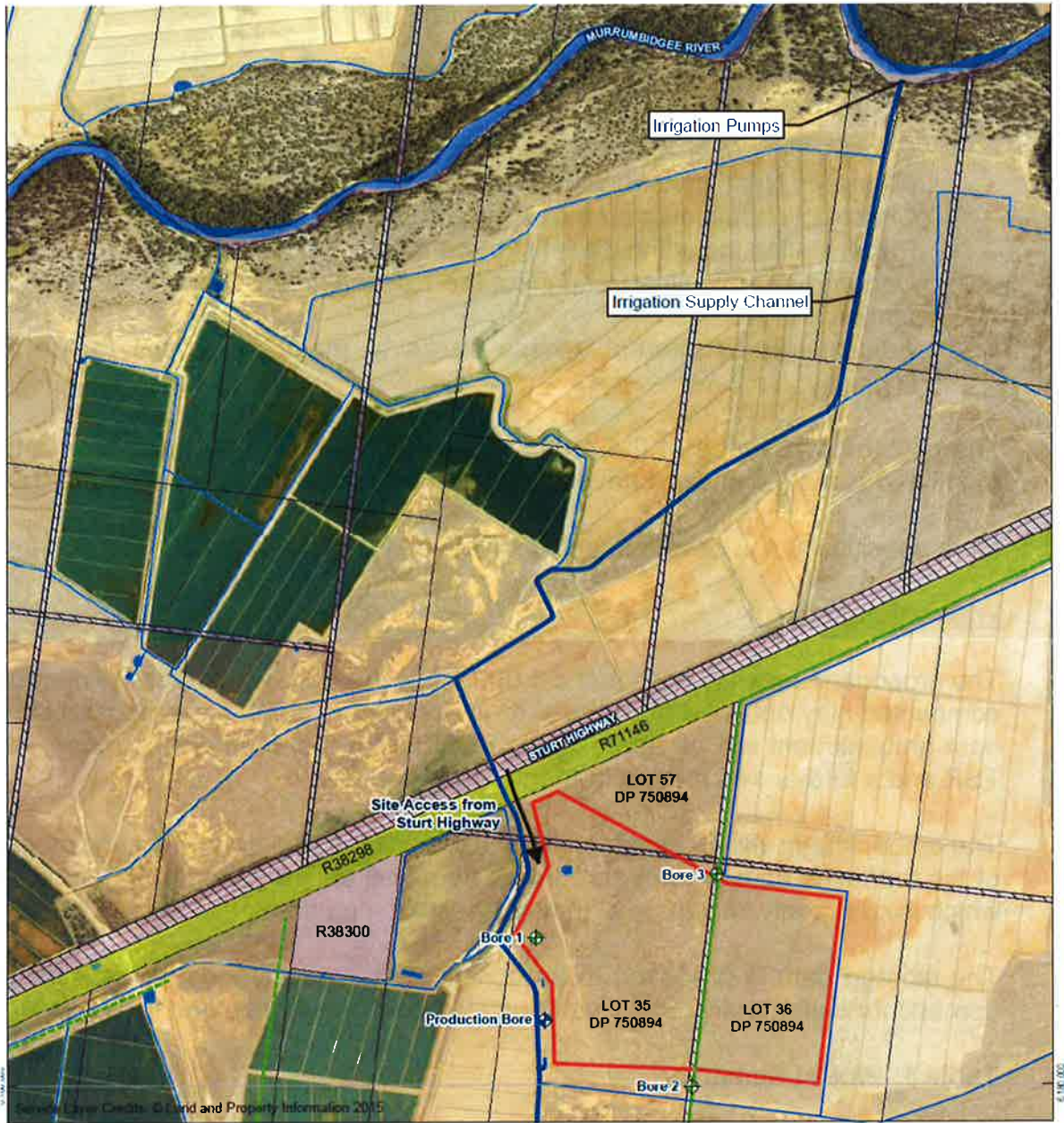


**Figure 1 – Location of Subject Land**

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*Crabtree* General Manager ..... Mayor





**LEGEND**

Project Boundary (External)	Roads	Monitoring Bore
Road Corridor	Waterways, dams, irrigation channels and drains	Production Bore
Travelling Stock Reserve	Cadastre	
Crown Land	Internal Fence Line	

Paper Size A4  
 0 200 400 600 Metres  
 Map Projection: Transverse Mercator  
 Horizontal Datum: GDA 1984  
 Grid: GDA 1994 MGA Zone 55

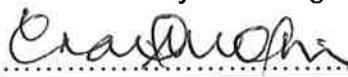
Australian Food and Agriculture Company Ltd  
 Mulberryong Storage Dam

Job Number 31-34825  
 Revision A  
 Date 13 Jun 2017

Existing site layout and context Figure 1-2

**Figure 2 – Existing Site Conditions**

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## Development Description

Works on site include:

- Construction of a 3,883ML (approx. 113.2 hectares) water storage dam ('Turkey's Nest' construction);
- Construction laydown area (3.7 hectares);
- Pump station including diesel storage tank;
- Underground pipeline to connect the existing water supply channel, pump station and storage;
- Adjustments to internal access tracks to maintain access to the Sturt Highway.

The construction period of the project is expected to take between two to three months to complete and will have a construction cost of approximately \$500,000.

More specifically, the development involves the following works:

### Water Storage Dam

The proponent seeks to construct a 5,000 megalitre (ML) water storage dam using compacted clay obtained from the site. At its closest point, the proposed storage dam embankment will be approximately 35m from the southern boundary of the TSR and a further 145 metres from the Sturt Highway.

The embankment will be constructed by excavating a ring around the inside centre of the proposed dam to form an earthen dam wall above the natural ground level, which is commonly known as a 'turkey's nest' or 'ring dam'.

The storage dam is proposed to be constructed in two stages to meet potential demand for water and existing water entitlements as summarised in **Table 1**.

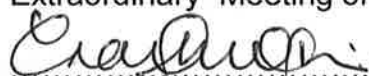
**Table 1: Project Summary**

Design Aspect	Stage 1	Stage 2
Capacity	2,313ML	3,883ML
Embankment Height	3.5m	5.0m
Maximum Water Depth (above ground level)	2.55m	4.05m
Water surface area (at full supply level)	100.4ha	93.2ha
Excavation volumes (specific to each stage)	266,000m <sup>3</sup>	261,800m <sup>3</sup>

The storage dam would generally be filled by supplementary (off-allocation) licensed pumping from the Murrumbidgee River in August each year (or when available) and would be emptied the following October/November for use on surrounding irrigation areas.

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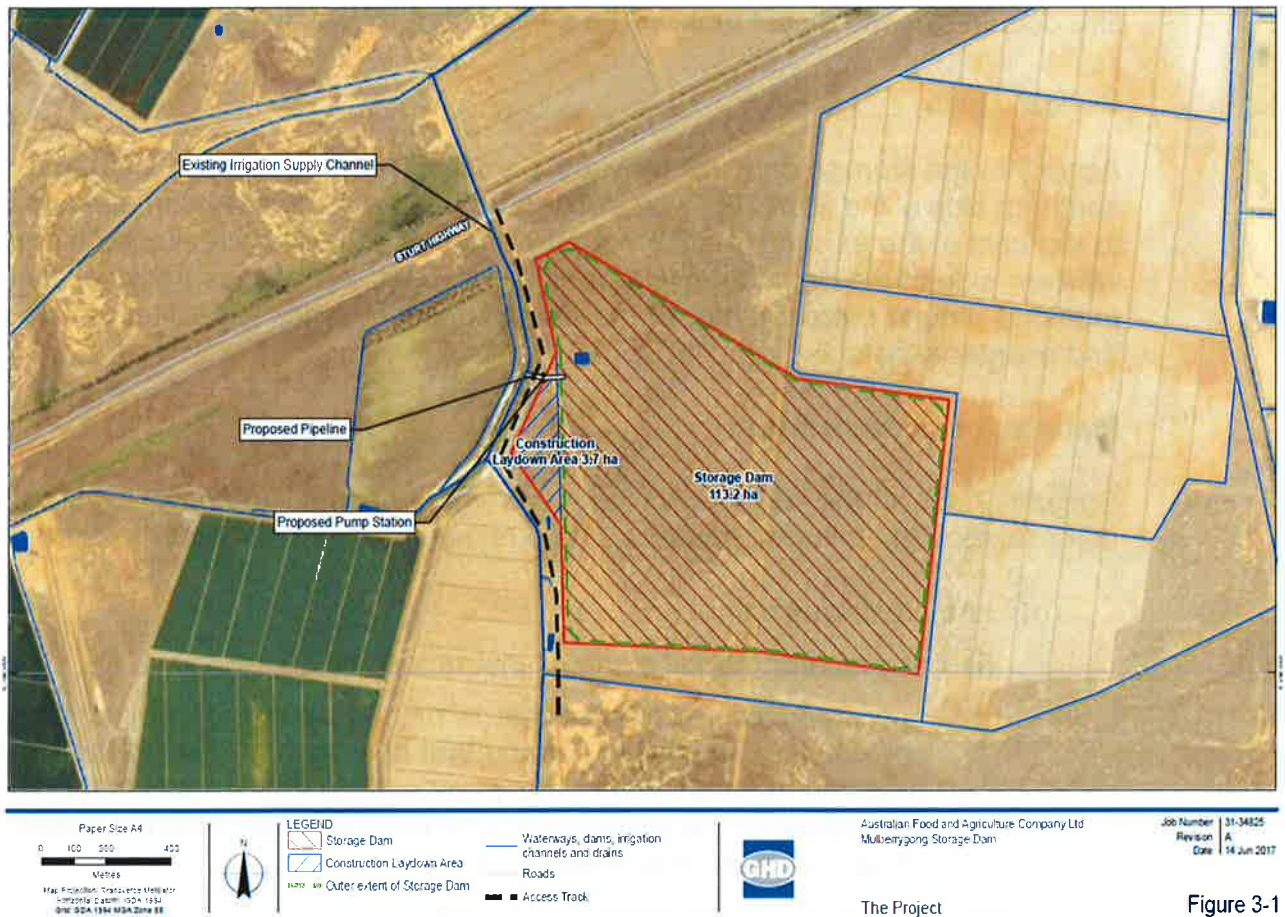


Water for the proposed storage dam would be delivered via an existing supply channel connected to existing pumps adjacent to the Murrumbidgee River and an inlet/outlet pipe would be integrated into the proposed embankment adjacent to the existing channel/pipeline, containing valves either side of the dam wall.

The water storage dam will be constructed in accordance with the Irrigation Australia (2007) *Guidelines for Ring Tank Storages* and in accordance with the recommendations of a geotechnical report undertaken for the project.

It is noted however that a 30 metre wide excavation buffer is proposed in the north-eastern corner of the water storage dam in order to avoid an Aboriginal artefact identified during site surveys.

A site plan showing the proposed works is provided in Figure 3 below.



**Figure 3 – Site plan of proposed water storage dam**

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*Craig Duffin* General Manager ..... Mayor

### Construction Laydown Area

A construction compound and laydown area is proposed on land between the storage dam and the existing irrigation water supply channel to the west of the site and would be used for the following purposes:

- Temporary structures including worker amenities such as toilets and break rooms;
- Parking of worker vehicles;
- Laydown area for the delivery of materials and equipment; and
- Fuel and chemical storage (trailer mounted).

### Pump Station and Underground Pipeline

A pump station is proposed to be constructed on the western side of the dam to pump water via an underground pipeline from the existing supply channel to the storage area. The pump station will comprise a diesel pump on a concrete slab, similar to an existing pump station on the adjoining lot to the west, and a 20,000 litre double skinned diesel tank will be constructed to supply the pump.

### Access Track

Access to the storage dam will be via the existing property access located on the southern side of the Sturt Highway. An access track already exists on-site and runs to the east of the existing irrigation supply channel and will be realigned along the western side of the dam in order to maintain access. An access track will also be provided around the perimeter of the embankment in order to facilitate inspection and maintenance activities.

### **Matters for Consideration**

Section 79C of the EP&A Act requires the consent authority to take into consideration the following matters where relevant to the proposed development:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iv) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

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- (v) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
  - (vi) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Those matters in Section 79C relevant to the proposal are addressed in the following sections.

As outlined above, the proposed water storage dam is classified as 'Development', pursuant to Section 77A of the EP&A Act and Schedule 3 of the EP&A Regulation as it relates to an 'artificial waterbody'.

The application is also classified as 'integrated development' under the provisions of Section 91 of the EP&A Act as it requires approval from Water NSW under Section 90 of the *Water Management Act 2000*. Following referral of the subject application to Water NSW, it is noted that this agency has advised Council via letter dated 21 December 2017 that it has granted its General Terms of Approval (GTA) for the proposed development.

**The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations**

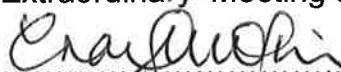
There are a number of current environmental planning instruments (EPI's) applicable to the application. EPI's include State Environmental Planning Policies (SEPP's) and Local Environmental Plans (LEP's). There are no relevant draft EPI's.

Relevant current EPI's are addressed as follows:

**State Environmental Planning Policies (SEPP's)**

**State Environmental Planning Policy (State and Regional Development) 2011** applies to State Significant Development. Although water storage or water treatment facilities are listed in this SEPP, it only applies to developments with a capital investment value (CIV) of more than \$30 million. As the proposed water storage dam only has a CIV of \$500,000, the provisions of this SEPP do not apply. **State Environmental Planning Policy (Rural Lands) 2008** applies to the subject land as it is zoned RU1 Primary Production under the *Murrumbidgee Local*

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*Environmental Plan 2013*. Following a review of the proposal, the proposed water storage dam is consistent with the requirements of this SEPP as it seeks to support existing agricultural activities in the area.

**State Environmental Planning Policy No. 55 – Remediation of Land** requires consideration of land contamination and seeks to reduce the risk of harm to human health or any other aspect of the environment. Information contained in Council's record system does not identify the property as being subject to land contamination, nor is there any known history of land contamination.

**Local Environmental Plans (LEPs)**

The subject land is zoned RU1 Primary Production under the *Murrumbidgee Local Environmental Plan 2013*.

Development for the purposes of a 'water supply system' is permitted with development consent.

The objectives of the RU1 Zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;
- To encourage diversity in primary industry enterprises and systems appropriate for the area;
- To minimise the fragmentation and alienation of resource lands;
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed development is consistent with these objectives as it will help support existing agricultural operations within the area and will not create any land use conflicts with any adjoining lands.

**Clause 6.3 – Terrestrial biodiversity**

Clause 6.3 of the LEP applies to subject land as it is identified as 'biodiversity' on the Terrestrial Biodiversity Map.

In response, a biodiversity assessment report has been prepared for the subject land. This report found that no flora or fauna species of conservation significance have been identified on the subject land given its disturbed nature, predominance of exotic vegetation and its current use for livestock grazing.

The application was also referred to the NSW Office of Environment and Heritage for assessment and review, and this authority granted their general support for the proposal.

**Development Control Plans (DCPs)**

There is no relevant Development Control Plan applicable to the subject land or development type.

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**Other matters prescribed by the Regulation**

There are a number of other Acts and Regulations specified in the EP&A Regulation that need to be considered as part of the assessment of the application including:

***Environment Protection and Biodiversity Conservation Act 1999*** (Commonwealth) seeks to provide for the protection of the environment, especially those matters that are of 'National Environmental Significance' (such as World Heritage Properties, RAMSAR wetlands etc).

Following a review of the subject land and proposed works, it is confirmed that the proposed development does not relate to a matter of National Environmental Significance.

***Native Title Act 1993*** seeks to recognise native title rights and sets down principles in relation to native title in Australia. As part of the preparation of the EIS, the applicant has undertaken a search of the Native Title Claims and Native Title Register, which has not identified any claims that would apply to the subject land.

***National Parks and Wildlife Act 1974*** seeks to ensure the management of National Parks and Aboriginal sites and objects in NSW. In accordance with the requirements of this Act, a due diligence assessment was undertaken with regards to aboriginal cultural heritage. As part of this assessment, an isolated Aboriginal heritage item (artefact) was identified within the footprint of the proposed dam.

So as to avoid harm to this item, the proposed dam has been redesigned to include a fenced 30m buffer area/exclusion zone. It is noted that this artefact will be periodically inundated by the water in the proposed dam, however period inundation is not considered to harm the object and a formal Aboriginal Heritage Impact Permit (AHIP) is not required in this instance.

This approach has been supported by the NSW Office of Environmental and Heritage (OEH).

***Threatened Species Conservation Act 1995*** requires an assessment of all endangered ecological communities, threatened populations and species listed under this Act that would be directly or indirectly affected by the proposed development.

In response, an ecological impact assessment, incorporating an Assessment of Significance has been undertaken as part of the EIS. The results of this assessment concluded that the project is likely to have minor ecological impacts, and no impacts on threatened species.

Again, the application was referred to NSW OEH who advised that it meets the relevant Environmental Assessment Requirements.

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**Crown Lands Act 1989** applies to the subject development as the land contains two Crown Road reserves. As outlined above, the proponent is currently seeking separate approval to close these roads, and in the interim Crown Lands have provided their consent as a relevant landowner.

**Water Management Act 2000** regulates the extraction and use of water, construction of works such as dams and weirs, and the carrying out of activities in or near water sources in NSW.

As outlined above, the proposed water storage dam is classified as 'integrated development' as it requires approval under this Act. Following assessment of the proposed application, Water NSW has issued their General Terms of Approval, which have been included as part of the conditions of development consent.

**Any planning agreement or coastal zone management plan that applies to the land**

No planning agreements have been entered into in accordance with Section 93F of the EP&A Act. There are also no coastal zone management plans applicable to the subject land.

**The environmental, social and economic impacts**

The environmental, social and economic impacts of the development are addressed in detail by the EIS. Below is a summary of the key considerations:

Soils

A geotechnical assessment has been prepared for the site, and soil impacts during operation have been assessed as minimal and would be generally associated with disturbance during access around the site for monitoring and maintenance activities.

Erosion of the face of internal embankments via wave action will also be minimised by the proposed batters (1:8 above the fill supply level). The crest of the dam would have a cross fall of 1:10 into the storage dam in order to minimise scouring and rilling of the external side of the embankment.

No historic soil contamination on the site has been identified.

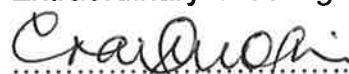
Hydrology and Groundwater

Surface Water

The subject land contains no natural waterways, with the closest permanent surface water source being the Murrumbidgee River located over 2.5km away. Accordingly, no adverse impacts are expected on the quality of surface water or drainage.

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### Flooding

The subject land is not classified as waterfront land, nor is it subject to flooding. The construction of the proposed water storage dam will not adversely impact the behaviour of floods or flooding conditions of the Murrumbidgee River or the adjoining floodplain up until the 1:100 year flood event.

### Groundwater

A groundwater assessment was undertaken as part of the preparation of the EIS. Groundwater levels and quality from two existing monitoring bores were measured at approximately 9 metres below the natural surface. Based on the sampling of the on-site monitoring bores, the impacts on groundwater have been assessed as low risk.

### Biodiversity

A biodiversity assessment was undertaken as part of the preparation of the EIS, which concluded that the vegetation within the study area is typical of a landscape dominated by agricultural land uses and activities over a long period of time.

Although a number of flora and fauna species were found to be present on-site, the proposed water storage dam will not adversely affect threatened species, populations or ecological communities, nor would it adversely affect any matters of National Environmental Significance.

### Aboriginal and Non-Aboriginal Heritage

#### Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment (due diligence assessment) was undertaken as part of the preparation of the EIS, in consultation with a representative from the Griffith Local Aboriginal Land Council.

As part of these investigations, an isolated flaked stone artefact was found in the north-eastern part of the proposed water storage dam. In response, the proponent proposes to protect the artefact *in situ* and has amended the original design of the proposed dam so as to incorporate a 30m wide fenced exclusion zone to ensure the ongoing protection of this artefact.

#### Non Aboriginal Heritage

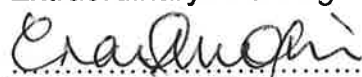
The proposed water storage dam will not adversely affect any identified items of non-Aboriginal heritage, as the closest item, being the 'Howlong Homestead', is located 8.8km to the north-east of the subject land.

#### Air Quality and Dust

A qualitative assessment of the air quality impacts of the proposed water storage dam has been undertaken and is considered appropriate in this instance, and mainly limited to dust generation during construction.

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In response, a number of mitigation measures have been proposed by the proponent and enforced via conditions of development consent to mitigate dust impacts during the construction phase of the project.

There will be no air quality impacts associated with the use and operation of the proposed water storage dam.

#### Noise and Vibrations

A qualitative assessment of noise impacts has been undertaken as part of the preparation of the EIS. For the majority of the construction period, the most noise intrusive machinery will be operated within the proposed earth embankment, which will act as an acoustic shield to surrounding lands. Where works are conducted outside of this embankment, the machinery that will need to be used would generate similar levels of noise to machinery that is typically used on agricultural properties in the area.

The operation of a diesel powered pump at the pump site would also result in some localised noise impacts for the one month period during which the storage is being filled each year. Nonetheless, the overall impacts of noise are considered appropriate given their short-term or intermittent nature and the large distance of the works from the nearest noise sensitive receptors.

#### Visual Impact

Views of the subject land are limited to the south of the Sturt Highway and the adjoining Travelling Stock Reserve (TSR). At its closest point, the proposed water storage dam will be 35m from the southern boundary of the TSR and 145m from the Sturt Highway. The nearest receptor (dwelling) not associated with the project is located 4.5km northwest of the site, where no view of the subject land is possible.

A number of similar turkey's nest dams already exist in the area adjacent to the Sturt Highway including a similar sized dam located only 3km to the northeast of the subject land, commonly known as the Kolora Storage Dam, and the construction of a proposed dam in a rural area is considered to be generally consistent with the context and setting of the area.


#### Traffic and Access

The subject land immediately adjoins south of the Sturt Highway, and would be accessed via an existing gravel access track adjoining the Highway. Construction traffic related to the project includes light vehicles for 5 to 12 contractors and employees, as well as the movement of heavy equipment at the beginning and end of the construction period.

Given the current location and design of the intersection, adequate sight distances and relatively small and temporary increases in traffic volumes, no significant impacts on the safety or amenity of highway users are anticipated. Furthermore, a number of mitigation measures, such as signage, have also been proposed to further reduce any potential impacts.

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The application was also referred to the NSW Roads & Maritime Services (RMS) as the relevant road authority, who did not raise any concerns or objections to the proposed traffic arrangements.

#### Waste Management

At present, the current use of the land for grazing purposes does not generate any substantial waste that would require specific management measures. Similarly, the proposed construction and operation of a water storage dam on-site will not create any adverse impact with regards to waste generation, as it is not a 'waste generating development' and is generally consistent with the *Waste Avoidance and Resource Recovery Act 2001*.

#### Land Use

As outlined above, the subject land is currently used for the grazing of sheep, and given the low levels of rainfall in the area has a generally low carrying capacity. The alternate use of the site will not have an adverse impact on the current carrying capacity of the site as it will only reduce the area of grazing on the larger Mulberrygong Station of approximately 0.28%. In fact, the proposed water storage dam is expected to have a positive impact on the agricultural productivity and livestock carrying capacity of the property due to increased water availability.

#### Hazards and Risks

##### Bushfire

The subject land is not mapped as being bushfire prone and contains no trees or other significant vegetation. Notwithstanding, construction works associated with the project have the potential to increase the fire risk due to hot works, equipment or vehicles being used in long grass, construction workers smoking or the storage of combustible materials and liquids on-site.

Nonetheless, due to the lack of significant vegetation on-site, the project is unlikely to pose a significant bushfire risk and will be managed by implementing appropriate bushfire mitigation measures.

##### Dam Break

A preliminary dam break has been prepared for the project as part of consultation with the NSW Dam Safety Committee. This report concluded that the storage consequence category was 'low'.

##### Socio-Economic

The project is expected to employ around 12 construction personnel during peak construction period, which will be largely sourced from Hay and surrounding towns. This increase in employment will benefit the region for the estimated 2-3 month construction period. Construction of the project is not expected to result in any short or long term amenity impacts to adjoining landowners or road users.

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Similarly, the operation and use of the storage dam will allow a more productive use of the adjoining agricultural land and will not cause any disturbance to the amenity of surrounding landowners.

#### Cumulative Impacts

The proposed development will not have an adverse cumulative impact, as it seeks to support existing agricultural activities within the area via the construction of a large water storage dam. Whilst it is acknowledged that a similar sized dam does exist to the east, given the nature and design of the dam, the overall impacts are considered low and appropriate in this instance.

#### **The suitability of the site for development**

The site is considered to be generally suitable for the proposed development as it will not create any environmental or social impacts and the geotechnical report has confirmed that the site is suitable for the construction of the water storage dam. Conditions will be imposed to ensure that the structure is constructed to have minimal impact on the surrounding environment.

#### **Submissions received**

No public submissions were received during the public exhibition period.

The application was also referred to a number of Government agencies for review and/or concurrence.

A summary of these responses is provided below:

- *Department of Planning and Environment* – no submission received;
- *Department of Industry (Crown Lands and Water Division)* – concurrence granted. Conditions imposed regarding the ongoing protection of Crown Lands.
- *NSW Environment Protection Authority* – concurrence granted. No conditions imposed.
- *NSW Office of Environment and Heritage* – concurrence granted following the submission of additional information addressing matters of threatened species and population surveys. Conditions imposed regarding Aboriginal Heritage.
- *NSW Roads and Maritime Service* – concurrence granted. Condition recommended regarding the limiting of dust generation on surrounding roads.
- *Water NSW* – concurrence granted. Conditions imposed regarding the need to obtain a new or amended water supply work(s) approval.

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.....Mayor



## The public interest

The proposed water storage dam is generally in the public interest as it will not adversely affect adjoining lands as it is setback over 100 metres from the adjoining Sturt Highway, and will support existing agricultural activities in the area.

## Conclusion

The proposed 3,883ML water storage dam complies with the objectives of the *Murrumbidgee Local Environmental Plan 2013* and Section 79C of the Environmental Planning and Assessment Act 1979 and is therefore recommended for approval.

## RECOMMENDATION

That Development Consent be granted to Development Application No. 08-17/18 for a 3,883ML water storage dam on Lots 35, 36 and 57, DP 750894, 'Mulberrygong Station', 22486 Sturt Highway, Carrathool dated 13 July 2017 and described in details accompanying the Development Application and accompanying Environmental Impact Statement under *Section 80(1) of the Environmental Planning and Assessment Act, 1979*, and subject to the following conditions:

### General

1. The development shall take place in accordance with the plans, documentation and Environmental Impact Statement submitted with the application received on 30/08/2017, and further information received on 06/12/2017. A copy of these are held by Council as Plan No. DA08 – 17/18.

Reason: To clarify the extent of the consent.

2. Prior to commencement of any works, the plant operator and/or principal contractor is to be provided with a copy of this consent and Plan No DA08 – 17/18 and made fully aware of the provisions therein. A copy is to be held on site during works and all buffer areas and the exclusion area for the identified Aboriginal Heritage artefact to be retained are to be clearly marked prior to the commencement of operations.

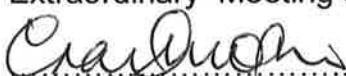
Reason: To ensure on site activity is in accordance with the conditions of consent.

3. Earthworks are to be wholly contained within the property/site. It is the responsibility of the landowner and/or the principal contractor to ensure compliance with the condition.

Reason: To ensure that the development does not encroach onto neighbouring lots.

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4. Under the provisions of Section 94A of the *Environmental Planning and Assessment Act*, Council requires the payment of a monetary contribution towards the provision of public services and amenities as provided for in the *Murrumbidgee Council S94A Development Contributions Plan 2017*. The contribution has been assessed, as of the date of this consent as follows:

**Section 94A:** \$5,000.00 (being 1% of the estimated cost of development)

Contributions are due prior to any works commencing on-site and will be calculated or recalculated at the rate applicable under the plan current at the time of payment. A copy of the *Murrumbidgee Council S94A Development Contributions Plan 2017* is available for inspection at Council offices or by visiting Council's website: [www.murrumbidgee.nsw.gov.au](http://www.murrumbidgee.nsw.gov.au)

Reason: To ensure that the development contributes towards the provision of public services and amenities.

5. A Construction Environmental Management Plan (CEMP) (inclusive of an Erosion and Sediment Control Plan) shall be prepared for the site outlining all environmental safeguards and mitigation measures to be adopted. The CEMP shall include, as a minimum, the following:

- Roles of specific staff;
- Reporting requirements;
- Monitoring requirements;
- Environmental targets and objectives;
- Auditing and review timetables;
- Emergency response requirements;
- Details of training and inductions required;
- Complaint response procedures;
- Adaptive management mechanisms to encourage continuous improvement; and
- Environmental safeguards and mitigation measures as outlined in Section 7.2 of the EIS.

A copy of this plan shall be submitted and approved by Council prior to any works commencing on-site.

Reason: To ensure that appropriate management and mitigation measures are adopted prior to and during the construction phase of the project.

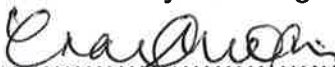
### **Water NSW (General Terms of Approval)**

6. General

- A. This General Terms of Approval (GTA) only applies to the proposed water supply work(s) described in the plans and associated documents

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found in Schedule 1, relating to Development Application DA08-17/18 provided by Council to WaterNSW.

- B. Any amendments or modifications to the proposed water supply work(s) may render the GTA invalid. If the proposed water supply work(s) is amended or modified, WaterNSW, Leeton Office, must be notified in writing to determine if any variations to the GTA will be required.
7. Before constructing or carrying out any proposed water supply work(s), an application must be submitted to WaterNSW, and obtained, for a new or amended water supply work(s) approval under the *Water Management Act 2000*.
  8. The application for a water supply work(s) approval must include the document(s) listed in Schedule 1.
  9. Any water management work(s) must comply with the conditions of the rules of the Water Sharing Plan where the works are to be constructed and used.
  10. Any water supply work used for conveying or diverting water must be constructed to allow the free passage of floodwaters flowing to or from a river or lake.
  11. Any pipes conveying water from the water supply work(s) must be laid below ground.

#### **Schedule 1**

The plans and associated documentation listed in this schedule are referred to in General Terms of Approval (GTA) issued by WaterNSW for integrated development associated with DA08-17/18 as provided by Council.

- Australian Food and Agriculture Company Ltd, Environmental Impact Statement for Mulberrygong Water Storage Dam, dated July 2017, prepared by GHD Pty Ltd.
- Australian Food and Agriculture Company Ltd, Appendices to Environmental Impact Statement for Mulberrygong Water Storage Dam, dated July 2017, prepared by GHD Pty Ltd.

**Please note:** the above General Terms of Approval do not constitute an approval under the *Water Management Act 2000*. The Development Consent holder must apply to WaterNSW for a Water Supply Work approval after consent has been issued by Council and before the commencement of any work or activity.

Reason: To ensure compliance with the requirements of WaterNSW.

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**Department of Industry, Crown Lands and Water Division**

12. Irrespective of any Development Consent or approval given by other public authorities, any work or occupation of Crown Land cannot commence without a current tenure from the Department of Industry, Crown Lands and Water Division authorising such work or occupation.
13. No development drainage, overflow or contaminated waste (contaminated runoff or septic) shall impact negatively on the Crown Land or waterway.
14. No materials are permitted to be dumped or stored on Crown Land, roads or waterways.
15. The development is conducted with minimal environmental disturbance to the Crown Land and is to avoid the removal or damage of any native trees located within the subject Crown Lands or waterways.
16. Public access on the Crown Land and waterways is retained and not restricted on and along the Crown Land and waterways.
17. Appropriate pollution control measures shall be provided for the duration of the works. Such measures are not to be located on Crown Lands or waterways.
18. Measures should be taken by the applicant to ensure that the works do not contribute to the spread of noxious weeds.
19. The proposed works are required to be notified to NTSCORP Limited (the Native Title Service Provider for Aboriginal Traditional Owners in New South Wales) prior to works/activities commencing.


Reason: To ensure compliance with the requirements of NSW Department of Industry, Crown Lands and Water Division.

**NSW Office of Environment and Heritage**

20. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
  - Not further harm the object;
  - Immediately cease all work at the particular location;
  - Secure the area to avoid further harm to the Aboriginal object;
  - Notify OEH as soon as practical on 131555, providing any details of the Aboriginal object and its location; and
  - Not recommence any work at the particular location unless authorized in writing by OEH.

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In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.

Reason: To ensure compliance with the requirements of NSW Office of Environment and Heritage.

**Advice to Applicant**

- 21. It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact Murrumbidgee Council if there is any difficulty in understanding or complying with any of the above conditions.

