



Operational Compliance Report

SSD 7704 MOD 3

Rushes Creek Poultry Production Farm

Reporting Period: 23 September 2022 – 7 September 2023

ProTen Tamworth Pty Ltd

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0.5 Draft for client review	20 September 2023	Anna Cochrane / Sam McDonald / Alexis Parmenter	Anna Cochrane	n/a
1.0 Final report	22 September 2023	Anna Cochrane / Sam McDonald / Alexis Parmenter	Stephen Shoesmith	Anna Cochrane

Basis of Report

This report has been prepared by SLR Consulting Australia (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with ProTen Tamworth Pty Ltd (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

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Acronyms and Abbreviations

Compliance PAR	Compliance Reporting Post Approval Requirements
DPE	Department of Planning and Environment
EPA	NSW Environmental Protection Authority
IEA	Independent Environmental Audit
LGA	Tamworth Local Government Area
ML	Megalitres
PIRMP	Pollution Incident Response Management Plan
PPU	Poultry Production Unit
RFI	Request for Further Information
Rushes Creek	Rushes Creek Poultry Production Unit



Executive Summary

SLR Consulting Australia (SLR) were engaged by ProTen Tamworth Pty Limited (ProTen) develop this Compliance Report for their Ruses Creek development. Ruses Creek is a poultry development that will house up to 3,051,000 birds at any one time when fully operational.

This Compliance Report has been developed in accordance with Condition C11 of SSD 7704 and the *Post Approval Requirements: Compliance Reporting* (Department of Planning and Environment 2020), (Compliance PAR). This Compliance Report covers the operational phase of the development from 23 September 2022 to 7 September.

SLR undertook a document review in conjunction with a site inspection to determine compliance at the Ruses Creek development. In preparing the compliance review, guidance was sought from DPE to confirm the scope and criteria for the review.

Of the 567 conditions and sub conditions within SSD 7703, 406 were assessed as relevant to the operation stage. Of those 346 (85.01%) were found to be compliant with SSD 7704 while 61 (14.99%) were found non-compliant (**Section 3**). A considerable number of non-compliances were already highlighted in the Independent Environmental Audit (IEA) undertaken by IEMA in January 2023 as required by Condition C13 of SSD 7704. As the IEA illustrated a considerable number of these related to the two borrow pits. ProTen are in the process of addressing the actions resulting from the IEA (refer **Appendix B**). The remaining non-compliances identified are generally noted as low risk. ProTen are committed to following up corrective actions to address the identified non-compliances and improve the development's future environmental compliance performance.

All recommendations to assist ProTen improve environmental compliance and performance are included in **Table 4**.



1.0 Introduction

1.1 Project Overview

ProTen Tamworth Pty Limited (ProTen) owns and operates the Ruses Creek Poultry Production Unit (Ruses Creek) located at 1582 Ruses Creek Road, Ruses Creek NSW 2346 in the Tamworth Local Government Area (LGA).

Development Consent SSD-MOD3 was granted 1 July 2022, and allows for the concurrent construction and operation of Stage 1 (Farm 2) of the Ruses Creek project while an alternative power supply solution is approved and installed. Construction of the project is staged, and once completed, operations will comprise 54 fully enclosed climate-controlled poultry sheds across four farms, where broiler birds are grown for the purpose of producing poultry meat (for human consumption), and associated support and servicing infrastructure. Each shed will house up to 56,500 birds, with an approved total site population of 3,051,000 birds at any one time.

1.2 Compliance Reporting Phase and Period

In accordance with *Post Approval Requirements: Compliance Reporting* (Department of Planning and Environment 2020), (Compliance PAR) a Compliance Report for Operations phase activities must be prepared and submitted to the Planning Secretary (Department of Planning and Environment, DPE) at an interval no greater than 52 weeks from the date of commencement of operation (annually).

Operations phase activities for Farm 2 at Ruses Creek commenced on 23 September 2022. Therefore, compliance reporting required by the Compliance PAR must be submitted to DPE no later than 22 September 2023.

Onsite compliance review activities, comprising site inspection, data validation and personnel interviews were conducted on 6 & 7 September 2023. On this basis, the compliance reporting period for this initial Operations phase Compliance Report is identified as between the first day of Operations through to the last day of onsite compliance review, i.e. 23 September 2022 to 7 September.

1.3 Compliance Reporting Scope and Criteria

In preparing the compliance review, guidance was sought from DPE to confirm the scope and criteria for the compliance review¹ should include review against the items specified in Condition A2 of the Consent where they apply to Operations Phase activities. Therefore, the review criteria are identified as follows:

- A2(a) - All Conditions of Consent that are applicable to **Operation** phase activities. (i.e. any Operations-only conditions; plus any conditions that may apply across Operations and one or more other development phases).
- A2(b) – Any written directions of the Planning Secretary.
- A2(c) – EIS, Response to Submissions, Supplementary Response to Submissions.
- A2(d) – Modification Assessments.

¹ Phone conversation 12:09pm Friday 8 Sep 2023 from Anna Cochrane, SLR to Joel Curran, DPE & follow up email sent same day “SSD-7704 Ruses Creek Poultry Farm - Compliance Reporting Criteria”



- A2(e) – Development Layout in Appendix 1.
- A2(f) - Appendix 2: Applicant’s Management & Mitigation Measures (Noting DPE’s advice confirming the error in this part of the consolidated Consent referring to mitigation measures in ‘0’ should be read as ‘Appendix 2’).

SLR also notes that the Applicant’s Management & Mitigation Measures are currently not attached directly to the Consolidated Consent and are as presented in Table 7 of the MOD1 Section 4.55(1A) Modification Report.

Actions arising from the January 2023 Independent Environmental Audit (IEA) of the development, which was completed by Integrated Environmental Management Australia Pty Ltd (IEMA), which is relevant to the Compliance Reporting period, have also been considered within the scope of the compliance review.

1.4 Compliance Status Descriptors

In alignment with the Compliance PARs, the terms used in this Compliance Report to describe compliance of the site with the relevant approval documentation are outlined in **Table 1**.

Table 1: Compliance Status Descriptors

Compliance Status Descriptor	Description
Compliant	The proponent has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with.
Non-compliant	The proponent has identified a non-compliance with one or more elements of the requirement.
Not Triggered	A requirement has an activation or timing trigger that had not been met at the phase of the development when the compliance assessment is undertaken, therefore an assessment of compliance is not relevant.
Note only	A statement or fact, where no assessment of compliance is required.

1.5 Project Activities During Compliance Reporting Period

During the reporting period the following activities occurred:

- Completion of construction of Sheds 9 to 18.
- Commencement of Operations of Sheds 1 to 18.
- Completion of construction of site amenities.
- Planting of tree line vegetation.
- Commencement of construction of wheel wash.
- Upgrade of Weather Station.
- Demolition of old residence on Lot 62 DP1276824.
- Collection of surface artefacts at three Aboriginal sites and installation of fencing around three additional Aboriginal sites for Stage 2 of the Rushes Creek Poultry Production Farm.
- Finishing earthworks of swales in between sheds for correct drainage.



1.6 Key Personnel

The names and contact details of the key personnel who are responsible for the environmental compliance management of the development are listed in **Table 2**.

Table 2: Key Personnel

Name	Role	Contact Details
Jae St Leon	Construction Site Supervisor (CCS)	Ph: 0476507171 Email: jaestl@proten.com.au
Kathryn Singh	ProTen Safety, Health, Environment & Quality Advisor (SHEQ Advisor)	Ph: 0434 550 789 Email: kates@proten.com.au
Graeme Attwell	ProTen Regional Operations Manager (ROM)	Ph: 0477048321 Email: graema@proten.com.au
Graham Kirby	Operations Manager NSW/QLD	Ph: 0438842455 Email: graham@proten.com.au

2.0 Previous Report Actions

Given this is the initial Compliance Report for Operations phase of the development, there are no related previous actions.

Progress against actions from the previous Independent Environmental Audit (IEA) completed by IEMA (January 2023), which is relevant to the Compliance Reporting period, are outlined in **Appendix B**.



3.0 Compliance Status Summary

Appendix A presents the detailed assessment of compliance against the conditions of the Development Consent.

A summary of compliance against the Development Consent conditions is presented in **Table 3** and **Figure 1**. Note that total number of conditions in **Table 3** is calculated based on the number of individual subsets to each condition, which aligns with the compliance reporting requirements at per Item 3, Section 3.1.6 of the Compliance PAR. **Table 4** sets out the compliance status summary for identified non-compliances with one or more subset of a compliance requirements of the Development Consent. Note that **Table 4** should be read in conjunction with the Action Status Summary table presented in **Appendix B**.

Table 3: Compliance Reporting Summary

Compliance Status	Project Approval SSD-7703 MOD3	Total	Percentage of total conditions	Percentage of assessed conditions
Compliant	346	346	61.02%	85.01%
Non-compliant	61	61	10.76%	14.99%
Not Triggered	148	148	26.10%	n/a
Note only	12	12	2.12%	n/a
Total conditions	567	567	100.00%	n/a
Total assessed conditions (excluding not triggered and notes)	407	407	71.78%	100.00%

Figure 1: Compliance Reporting Overview – Assessed Conditions

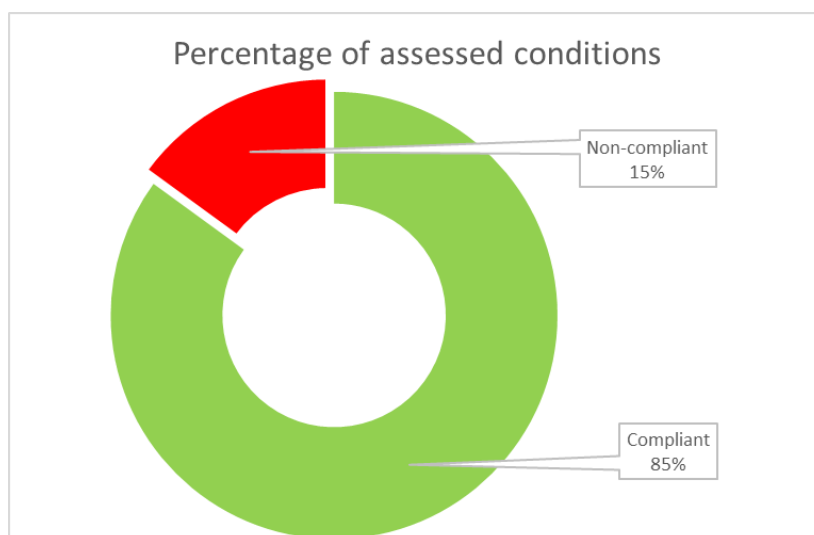


Table 4: Compliance Status Summary

Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
PART A - ADMINISTRATIVE CONDITIONS						
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT						
A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	All	<p>See previous IEA dated January 2021 'Based on findings and evidence from site as well as correspondence with authorities, this condition is non-compliant. The primary reasons for this are the activities undertaken outside of the approved activities (i.e. Borrow Pits 1 and 2) at Rushes Creek. By undertaking the clearing outside the approved footprint the site was not implementing measures to prevent material harm'.</p> <ul style="list-style-type: none"> •Letter from DPE to ProTen, Ref: INV-46299464, dated 14/10/2022, SHOW CAUSE - Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 •Enforceable Undertaking approved 12/7/2023. •Letter from DPE to ProTen - Rushes Creek Poultry Production Farm (SSD-7704) Secretary Direction - Southwest Borrow Pit, dated 1/6/23 •Email from DPE (Heidi Watters) to ProTen / SLR - RE: Secretary's Direction for remediation of unapproved South West Borrow Pit •DPE submission receipt dated 1 Sep 2023 for submission of remediation plan for south west borrow pit. <p>Non-compliance for clearing outside approved footprint for southwest & north Borrow Pits (raised previously by DPE). Management actions to address are ongoing, relevant evidence of progress and current work sighted.</p> <p>Southwest borrow pit - management to address non-compliance ongoing. DPE required remediation plan to submitted by 1 Sep 2023, plan submitted as required (evidence sighted). Waiting for DPE comment / approval of plan.</p> <p>North borrow pit - Not considered a designated development. MOD 5 being prepared in consultation with DPE to address.</p>	DPE	IEA finding response process Show Cause Enforceable Undertaking	Refer to actions at Action Status Table (in Appendix B), Condition A1
TERMS OF CONSENT						
A2	The development may only be carried out:	All				
A2a	In compliance with the conditions of this consent.	All	<p>See previous IEA evidence and findings (dated January 2023).</p> <ul style="list-style-type: none"> •Enforceable undertaking approved 12/7/2023. •DPE submission receipt dated 1 Sep 2023 for submission of remediation plan for south west borrow pit. •DPE submission receipt dated 19/4/2023 for submission of MOD 4. •Letter from DPE to ProTen, Rushes Creek Poultry Farm - Sub-Stage 1D Progress Report, dated 25 Nov 2022 <p>Noncompliance raised previously against Condition A2 in the IEA dated January 2023. Implementation status for required actions:</p> <ol style="list-style-type: none"> 1) OPEN - MOD 5 being developed. 2) CLOSED - Enforceable Undertaking approved & implemented. 3) OPEN - Pending approval of MOD 4, submission & approval of MOD 5, approval of alternative shed flooring (in MOD 4), dwellings changed from 8 to 7 and slab-on-ground from transportable (in MOD 7). Note the southwestern borrow pit will not be used for bird disposal due to the area being part of the river catchment. Remediation plan approved. 4) OPEN - Notifications for Stage 1 works provided to DPE (example of DPE response for Stage 1D notification sighted). Dates for future works monitored via weekly meeting, ongoing to be implemented via environmental compliance management system to be implemented (budget allocation approved, project to select and implement suitable software solution in progress). 	DPE	IEA finding response process Show Cause Enforceable Undertaking	Refer to actions at Action Status Table (in Appendix B), Condition A2



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
A2b	In accordance with all written directions of the Planning Secretary.	All	As above	As above	As above	As above
A2c	In accordance with the EIS, Response to Submissions and Supplementary Response to Submissions;	All	As above	As above	As above	As above
A2d	In accordance with the Modification	All	As above	As above	As above	As above
A2e	In accordance with the Development Layout in Appendix 1; and	All	As above	As above	As above	As above
A2f	In accordance with the management and mitigation measures in 0. (Verbal advice provided by DPE indicates '0' = Appendix 2 of the Consent)	All	As above	As above	As above	As above
EXTERNAL WALLS AND CLADDING FLAMMABILITY						
A39	The Applicant must provide a copy of the documentation given to the Certifier under condition A38 to the Planning Secretary within seven days after the Certifier accepts it.	Construction	Condition not relevant to Operations Phase activities. However, non-compliance against Condition A39 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. Therefore non-compliance against this condition is identified as relevant to the operational compliance reporting. IEA Finding: ProTen provided documents supplied to the Certifier for this IEA. Based on the evidence provided by site, it cannot be confirmed that the documents were also submitted to DPE within 7 days. As we are unable to confirm the timing of submission this is a non-compliance.	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition A39
ADVISORY NOTES						
AN1	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.	All	See previous IEA dated January 2023 ' <i>Evidence of ProTen applying for Modifications for SSD-7704, WALs, and pump site approval from NRAR at stages of planning. However, there are instances of works being undertaken outside of the approved activities under SSD-7704 (northern and southern Borrow Pits). Therefore, this is considered non-compliant as the site has not 'maintained' the conditions of consent relating to the approved disturbance footprint.</i> *Addendum Aboriginal Cultural Heritage Assessment Report - Water Storage Dams for the Rushes Creek Poultry Farm, August 2023. *Soil Water Management Plan v6.0, dated 27/3/23. Resubmitted to DPE 5 Sep 23, submission receipt sighted. *Biodiversity assessment - SLR Ref 631.30877.01200, dated 7 Aug 23, RE: Category 1 Exempt Land Assessment, 1582 Rushes Creek Road, Rushes Creek NSW 2346 *Aboriginal & soil water assessments undertaken, evidence sighted. Biodiversity assessment completed & submitted to Tamworth City Council - comments / approval pending. Borrow pits not used further - pending submission & approval of MOD 5 (in progress).	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition AN1
PART B - ENVIRONMENTAL CONDITIONS						
Air Quality Management Plan						
B6	The results of the Odour Monitoring Program required by condition B4 must be submitted to the EPA within two weeks of the carrying out of each odour survey.	Operation	*Email from ProTen to EPA, dated 13/1/2023 & 2/5/2023 submitting Feb 23 & April 23 reports Initial Oct 2022 was submitted to DPE instead of EPA. DPE provided a copy to EPA. The Oct 2022 report was sent by ProTen/SLR to EPA directly, however outside 2 week period required by Condition. Subsequent reports have been sent within 2 week timeline. Recommendation - include in environmental compliance management system to ensure timely submission to the correct interested party.	EPA DPE - New item raised in compliance review process	Nil	Include Odour Monitoring Program Reports in environmental compliance management system to ensure timely submission to the correct interested party.



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
Erosion and Sediment Control						
B18	Clean water diversions shall be constructed and stabilised prior to the commencement of earthworks at each PPU.	Construction	<p>Condition not relevant to Operations Phase activities. However, non-compliance against Condition B18 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. Therefore non-compliance against this condition is identified as relevant to the operational compliance reporting.</p> <p>IEA Finding: Clean water diversions present and stable at the time of the site inspection. Site erosion and sediment controls and design in CEMP and LRCE designs. Minimal evidence of stabilisation of drainage structures prior to earthworks was received. Therefore, unable to verify clean water diversions are constructed and stabilised prior to the commencement of earthworks. At the time of the site inspection the northern Borrow Pit contained water. By having the illegal borrow pit clean water has not been allowed to flow around the site as per the approved Farm 2 development layout. The site is therefore potentially collecting more water than it is approved. Hence this condition is considered non-compliant.</p>	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition B18
SOIL, WATER QUALITY AND HYDROLOGY						
Stormwater Management System						
B20	Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:	Operation	<p>See previous IEA (dated January 2023) evidence and findings ' ii) Based on evidence received, wastewater and recycled water is captured in a closed surface water management system. However, runoff from unapproved Borrow Pits are not included in the development design nor the Stormwater Management System for the site. Therefore, this is a non-compliance'.</p> <p>1) Silt fencing in place to reduce flow of runoff water north of the borrow pit - sighted during site inspection.</p> <p>2) Clean water diversion drain constructed during August 2022 to divert clean water away from north borrow pit, sighted on site plan, drain sighted during site inspection. Connection for site water to drain into retention dam has been constructed, sighted during site inspection. Water remains in northern borrow pit - MOD 5 to address conversion into water storage dam & compliance with this condition is in progress. MOD 4 pending approval will address southwest borrow pit.</p> <p>Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into water storage dam & update of Stormwater Management System to reflect as-built conditions will close compliance actions against this condition.</p>	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition B20
B20a	Be designed by a suitably qualified and experienced person(s);	Operation	As above	As above	As above	As above
B20b	Be generally in accordance with the conceptual design in the EIS and RtS;	Operation	As above	As above	As above	As above
B20c	Be in accordance with applicable Australian Standards;	Operation	As above	As above	As above	As above
B20d	Ensure that the system capacity has been designed in accordance with <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines;	Operation	As above	As above	As above	As above
B20f	Be Designed by such that:	Operation				
B20f (i)	All vegetated swales and other stormwater conveyances within the controlled drainage areas are underlain by a compacted clay layer of at least 300 mm thickness and with a permeability of less than 1 x 10 ⁻⁹ m/s, or other material	Operation	Non-compliant due to partial site drainage to unapproved borrow pits. Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into water storage dam & update of Stormwater Management System to reflect as-built conditions will close compliance actions against this condition.	As above	As above	As above



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
	providing an equivalent barrier to percolation;					
B20f (ii)	All wastewater, recycled (irrigation) and other contaminated runoff is captured in the closed surface water management system; and	Operation	As above	As above	As above	As above
B20f (iii)	No discharges are to occur from the detention dams for events up to the 1% AEP.	Operation	As above	As above	As above	As above
Water Management Plan						
B22	Prior to the commencement of operation, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by condition C5 and must:	Operation	<i>n/a – this subset of condition B22 is compliant – condition text provided for context to non-compliant subset conditions below.</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
B22c	Detail water use, metering, disposal and management on-site;	Operation	See previous IEA dated January 2023 ' <i>Non-compliance: The Northern Borrow Pit and Southern Borrow Pit are not included in the site water management designs and is outside the approved disturbance footprint. The Northern Borrow Pit contained water during site inspection, functioning as a dam. However, there was no evidence of ProTen using the water collected in the Northern Borrow Pit.</i> Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into waster storage dam & update of Stormwater Management System and update of Water Management Plan to reflect as-built conditions will close compliance actions against this condition.	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition B22
B22f	Detail the management of wastewater streams on-site;	Operation	As above	As above	As above	As above
B22g (i) (a)	Surface water flows and quality.	Operation	As above	As above	As above	As above
B22g (i) (b)	Surface water storage and use.	Operation	As above	As above	As above	As above
B22g (i) (c)	Sediment basin operation.	Operation	As above	As above	As above	As above
B22g (i) (d)	The surface water discharge point from the two main drainage lines on the site.	Operation	As above	As above	As above	As above
Construction Noise Limits						



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
B27	The development must be constructed to achieve the construction noise management levels detailed in the <i>Interim Construction Noise Guideline</i> (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in 0 of this consent.	Construction	<p>Condition not relevant to Operations Phase activities. However, non-compliance against Condition B27 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. Therefore non-compliance against this condition is identified as relevant to the operational compliance reporting.</p> <p>IEA Finding: There is no evidence of construction noise monitoring done by noise specialists during the construction stage of the IEA period. Therefore, construction noise cannot be verified as under 40 dB as outlined in Section 5.5 of the CEMP (with reference to the EIS). This is a non-compliance because construction noise levels could not be verified for this IEA. Auditors cannot confirm construction remained under 40 dB as no independent evidence (monitoring undertaken by noise specialists) of noise results from the construction phase could be provided. ProTen provided photos of hand-held noise level meters from 24 August 2022 when construction was occurring. However this was not undertaken by noise specialists. The scope of the Noise Validation Report noise monitoring did not include the assessment of construction noise against 40 dB. Based on evidence provided there were no construction-noise related complaints from the community. Toolbox talk records sighted during site inspection mention potentially noisy activities and demonstrate noise mitigation measures.</p>	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition B27
Operational Noise Limits						
B28	The Applicant must ensure that noise generated by operation of the development does not exceed 35 dB(A) LAeq(15 minute) at all times (day, evening and night) at all residential receivers.	Operation	<p>Compliance with noise limit validated for nighttime noise in Pro Ten Tamworth Pty Ltd, ProTen - Ruses Creek Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring, Summary Noise Report, SLR Ref No: 631.30722.00300-R01-v1.0-20221011.docx, October 2022. However, day and evening operational noise levels have not been verified via monitoring.</p> <p>Operational noise mitigation and management measures implemented via OEMP v0.1 August 2022, (Table 11) SLR dated 11/06/2021. Site inspection during the compliance review verified controls have been implemented in accordance with OEMP requirements for noise. No noisy operational activities noted during site inspection. No noise associated with site operations was noted at or near the site boundaries</p> <p>Given that noise mitigation and management measures have been implemented for operations activities, no noise complaints have been received for operations activities, and noise is included in site inspections, ProTen considers that no further action against this condition to implement ongoing monitoring and verification of compliance with Condition B28 is considered warranted at this time. ProTen indicated that they would consider noise monitoring in consultation with EPA in the future if noise complaints are received in relation to operational activities on the site.</p>	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition B28A.
ANIMAL WELFARE AND BIOSECURITY						
Emergency Disposal and Biosecurity						
B32	The Applicant must:	Operation				
B32b	Implement the most recent version of the Emergency Disposal and Biosecurity Protocol approved by the Planning Secretary for the duration of the development.	Operation	<p>Implemented via the OEMP. Sighted records and other evidence indicating implementation including signage, visitor & contractor induction, batch management & inspection records. Based on site interview, no mass mortality events during operation required implementation of emergency disposal procedures. At the time of the site inspection, the wheel wash required as a biosecurity control measure in Section 3.2.4 of the EDBS and Section 3.7 of ProTen's Biosecurity Manual had not yet been commissioned and was not in use. Therefore, this is identified as a non-compliance against this condition.</p> <p>Recommendation: Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity control zone as outlined in the OEMP and supporting plans.</p>	DPE - New item raised in compliance review process	Nil	Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity control zone as outlined in the OEMP and supporting plans.
ABORIGINAL HERITAGE						
Aboriginal Cultural Heritage Management Plan (ACHMP)						



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
B34b	Implement the most recent version of the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary for the duration of the development.	All	<p>Site inspection and discussions ACHMP Revision 3.3, dated 5 September 2022 OzArk Salvage Report for Stage 1 development, 27 July 2021 OzArk Salvage Report for Stage 2 development, August 2023 Not triggered during Stage 1 construction. Salvage report completed for Stage 1 & 2 prior to works commencing, included inspection, fencing & relocation of identified artefacts.</p> <p>ACHMP has been implemented for operations phase activities via the OEMP. Sighted evidence of implementation including induction information, salvage reports (from construction phase)s, marked areas of site containing known cultural finds identified during construction activities (to be permanently marked & fenced off).</p> <p>IEA Jan 2023 finding: Non-compliance: The Northern Borrow Pit and Southern Borrow Pit are not included in the site plans and are outside the approved disturbance footprint. Although, there has been no evidence of impact to heritage (noting locations in Figure 4-1 of ACHMP) the site is still outside approved clearance boundaries.</p>	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition B34.
HAZARDS AND RISK						
Further Requirements						
B42	The Applicant must store all chemicals, fuels and oils used on-site in accordance with:	All		DPE - New item raised in compliance Review process	Nil	Review site chemical storage arrangements including chemical segregation, bunding and SDS availability.
B42a	The requirements of all relevant Australian Standards; and	All	<p>Evidence of appropriate chemical storage was sighted during site inspection. All chemicals were stored on banded pallets within the designated chemical storage shed. A spill kit was located within the storage shed as well as a laminated dangerous goods segregation chart. SDS's were located within the site office approximately 50 metres from the chemical storage shed. These are available to all staff trained to use chemicals.</p> <p>Three tins of what appear to be paint thinner were located outside of the chemical storage shed on cardboard.</p> <p>Recommendation: Review site chemical storage arrangements including chemical segregation, bunding and SDS availability.</p>	As above	As above	As above
B42b	The NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook, if the chemicals are liquids.	All	As above	As above	As above	As above
Dangerous Goods						
B44	Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:	All	<p>IEA Jan 2023 Finding: During the site inspection there were a couple of instances of oil drums on the ground or hazardous substances or unidentified containers without bunds in construction storage areas (refer to Site Inspection Photos 20 and 24). Diesel generators and SCR systems are enclosed, rather than sitting on a banded concrete slab.</p> <p>Compliance Review Sept 2023: As at Condition B42a - three tins of what appear to be paint thinner, a dangerous good, were located outside of the chemical shed on cardboard.</p>	DPE - New item raised in compliance Review process	IEA finding response process	Refer to actions at Condition B42. Also refer to actions at Action Status Table (in Appendix B), Condition B44.
B44a	All relevant Australian Standards.	All	As above	As above	As above	As above



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
B44b	For liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and	All	As above	As above	As above	As above
B44c	The Environment Protection Manual for Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997).	All	As above	As above	As above	As above
Remediation						
B52	Within one month of the completion of the remediation works, the Applicant must submit a validation report/letter to the Planning Secretary, which has been prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.	Construction	Condition not relevant to Operations Phase activities. However, non-compliance against Condition B27 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. Therefore non-compliance against this condition is identified as relevant to the operational compliance reporting. IEA Finding: Evidence of the NSW EPA Site Audit Report and Site Audit Statement being lodged to the Major Project Portal on 10 March 2022. Therefore this is a non-compliance as the report was not submitted to DPE within one month of the completion of remediation works (29 October 2021).	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition B52.
VISUAL AMENITY						
Landscaping						
B53	The Applicant must:	All				
B53a	Establish a vegetation screen around the perimeter of each PPU a minimum width of 40 metres prior to the commencement of operation.	All	Vegetation screen was not fully established prior to operations commencing, as indicated in Jan 2023 IEA, therefore a non-compliance was identified against Condition B53a during the Jan 2023 IEA and is indicated for this initial Operations Phase Compliance Report. Vegetation screens have since been established around the perimeter of Farm 2 development, verified during site inspection. Plantings are monitored via site inspections, evidence sighted. Site Environmental Inspection Checklist, dated 17/2/2023. A qualified horticulturalist was engaged to advise on the plantings, and has been engaged to return to site and inspect and advise on current growth and establishment of the screening plantings.	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition B53.
PART C - ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING						
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN						
C4	The Applicant must:	Construction				
C4b	Carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.	Construction	Condition not relevant to Operations Phase activities. However, non-compliance against Condition B27 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. Therefore, non-compliance against this condition is identified as relevant to the operational compliance reporting. IEA Jan 2023 Finding: Erosion and sediment controls generally observed during site inspection. The mitigation measures outlined in the Erosion and Sediment Control Plan, CTMP, and CCP were used. Non-compliance: Disturbance outside of the approved disturbance footprint for the Northern Borrow Pit and Southern Borrow Pit occurred in the IEA audit period. See previous recommendations.	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition C4.
OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN						
C7	The Applicant must:	Operation				



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
C7a	Not commence operation until the OEMP is approved by the Planning Secretary; and	Operation	<p>Letter from DPE to ProTen, Ref: INV-46299464, dated 14/10/2022, SHOW CAUSE - Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 SLR response - Letter to DPE, Bird Placement - Additional Information to Non-Compliance Report Ruses Creek Poultry Production Farm - SSD 77047 Oct 22, ref 631.30877.02000-L01-20221007.docx ProTen letter to DPE, Show Cause: Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 - Response, dated 3/11/2022</p> <p>Birds were placed onsite on the morning of 23 Sept 2022, before written approval of the OEMP and associated plans was received during the afternoon of the same day, which is a non-compliance with Condition C7(a). Response actions include implementation of a compliance management system. Non-compliance was recorded and actions verified in Jan 2023 IEA.</p> <p>Progress towards implementation of compliance management system discussed during site visit. Internal budget has been approved for procurement of compliance management system. Product selection and procurement is underway.</p>	DPE	Show Cause Enforceable undertaking	Refer to actions at Action Status Table (in Appendix B), Condition C7.
C7b	Operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).	Operation	<p>At the time of the site inspection, the wheel wash, which is a required biosecurity control measure approved for the development and included in the OEMP, had not yet been commissioned, and was not in use. Therefore, this is identified as a non-compliance against this condition.</p> <p>Recommendation: Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity control zone as outlined in the OEMP and supporting plans.</p>	As above	As above	As above

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C9	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.	All	<p>Jan 2023 IEA finding: Non-compliance - Evidence received suggest ProTen reported non-compliances or incidents once prompted by authorities, rather than at the time of the incident. There is little evidence to indicate ProTen was aware that these issues were incidents or non-compliances. There is evidence of ProTen providing information when prompted by authorities (DPE and EPA).</p> <p>Compliance review: • <i>Review evidence as detailed in Compliance Checklist.</i></p> <p>3 incidents identified during Operational review period:</p> <p>Incident 1: Water discharge (uncontrolled, unlicensed) – Event date: 30/9/2022. EPA & DPE notified before event, notification & investigation reports sent to DPE as required & within required timeframes. DPE response – no further action.</p> <p>Incident 2: Water discharge (controlled, unlicensed) – Event date: 14/11/2022. EPA & DPE notified 21/11/2022. Notification within 7 days required by Condition C10, however not immediately as required by Condition C9, therefore is non-compliant. DPE issued RFI on 2/12/2022, response provided by ProTen 21/12/2022 within required timeframe.</p> <p>Incident 3: Water discharge (controlled, unlicensed) – Event date: 29/3/2023. EPA & DPE notified 5/4/2023. Notification within 7 days required by Condition C10, however not immediately as required by Condition C9, therefore is non-compliant. Incident report provided to DPE by ProTen on 27/4/2023. DPE response dated 8/5/2023. DPE issued RFI on 21/4/2023, response provided by ProTen 30/4/2023 within required timeframe.</p> <p>Recommendation: Follow up actions arising from Jan 2023 IEA audit and also refer to actions at AP3-1.</p>	DPE	IEA finding response process	<p>1. Refer to actions at Action Status Table (in Appendix B), Condition C9.</p> <p>2. Refer to actions at AP3-1.</p>
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Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
Non-Compliance Notification						
C10	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	All	See previous IEA dated January 2023 indicating that evidence suggests that ProTen reported non-compliances or incidents once prompted by authorities rather than at the time of the incident. This includes Operations Phase non-compliance relating to placement of birds prior to receipt of approval for the OEMP, as outlined at Condition C7(a), therefore a non-compliance for Operations phase is recorded against Condition C10.	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition C10.
Independent Audit						
C13	Independent auditing of the operation of the development must be carried out in accordance with the Independent Audit Post Approval Requirements (Department, 2020).	Operation	See previous IEA dated January 2023 'Non-compliance with the 2020 Guidelines for the Construction Phase Initial Audit timing/frequency. ProTen was required to engage an IEA within 12 weeks of commencement of construction. Construction commenced 30 September 2021. Therefore, an IEA should have been completed (site inspection component) by 31 March 2022'. Response actions (in IEA findings): 1) Audit schedule to be developed in consultation with DPE to consider frequency of construction and operational phase audits, provided to DPE. 2) Audit schedule to be included in compliance management system once system is implemented (budget approved, software selection in progress).	DPE	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition C13.
APPENDIX 1 - DEVELOPMENT LAYOUT PLANS						
Appendix 1	Development layout plans - Refer to figures in Consolidated Consent SSD-7704.	All	The Northern Borrow Pit and Southern Borrow Pits are not included in the approved site Development Plans and are outside the approved disturbance footprint. Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into a water storage dam and update of approved development layout plans to reflect as-built conditions will close compliance actions against this condition.	DPE - New item raised in compliance Review process	Nil	1) Follow up approval of MOD 4, & MOD 5. 2) Complete construction to convert northern borrow pit into a water storage dam. 3) Update approved development layout plans in Consent to reflect as-built conditions.
APPENDIX 2 - APPLICANT'S MANAGEMENT & MITIGATION MEASURES						
DEVELOPMENT OPERATION						
AP2-5	ProTen will implement all practicable measures to prevent or minimise any harm to the local environment and surrounding populace that may result from operation of the Development.	Operation	Evidence of development, implementation, monitoring and maintenance of environmental management plans and controls for operations phase activities indicates ProTen have implemented practicable measures to prevent or minimise harm to the surrounding populace that may result from operation of the Development. However, at the time of the site inspection, the wheel wash required as an operational biosecurity control measure had not yet been commissioned, and was not in use. Therefore, this is identified as a non-compliance against this condition. Recommendation: Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity control zone as outlined in the OEMP and supporting plans.	DPE - New item raised in compliance Review process	Nil	Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity control zone as outlined in the OEMP and supporting plans.
ODOUR						
Shed Operations During Shed Cleanout						



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
AP2-32	Where possible, litter handling will be avoided during adverse climatic conditions, such as times of cold air drainage during early morning or strong winds. The shed ventilation systems will not be used during litter removal.	Operation	Activities involving bedding material removal and replacement are performed during daylight hours. Extraction fans are required during litter removal due to equipment and personal safety requirements. Use of fans is limited to minimum required to safely perform litter removal tasks. Recommendation: Amend Measure AP2-32 to reflect need for extraction fan use during litter removal, and to reflect appropriate controls to prevent environmental harm.	DPE - New item raised in compliance Review process	Nil	Amend Measure AP2-32 to reflect need for extraction fan use during litter removal, and to reflect appropriate controls to prevent environmental harm.
Vegetation Screens						
AP2-34	Vegetation screens will be established and maintained around the perimeter of each PPU on a progressive basis as soon as practicable following bulk earthworks and construction at each PPU.	All	Verified during site inspection - vegetation screens have been established around Farm 2. However, vegetation screen was not fully established prior to operations commencing, as indicated in Jan 2023 IEA, therefore a non-compliance was identified against Condition B53a during the Jan 2023 IEA and is indicated for this initial Operations Phase Compliance Report. Vegetation screens have since been established around the perimeter of Farm 2 development, verified during site inspection. Plantings are monitored via site inspections, evidence sighted. Site Environmental Inspection Checklist, dated 17/2/2023. A qualified horticulturalist was engaged to advise on the plantings, and has been engaged to return to site and inspect and advise on current growth and establishment of the screening plantings. Recommendation: Continue monitoring and establishment of vegetation screens to comply with Condition B53a. Review compliance status in next Compliance Reporting cycle.	DPE - New item raised in compliance Review process	Nil	1) Continue monitoring and establishment of vegetation screens to comply with Condition B53a. 2) Review compliance status in next Compliance Reporting cycle.
PARTICULATE MATTER						
Vegetation Screens						
AP2-58	Vegetation screens will be established and maintained around the perimeter of each PPU on a progressive basis as soon as practicable following bulk earthworks and construction at each PPU.	All	Verified during site inspection - vegetation screens have been established around Farm 2. However, vegetation screen was not fully established prior to operations commencing, as indicated in Jan 2023 IEA, therefore a non-compliance was identified against Condition B53a during the Jan 2023 IEA and is indicated for this initial Operations Phase Compliance Report. Vegetation screens have since been established around the perimeter of Farm 2 development, verified during site inspection. Plantings are monitored via site inspections, evidence sighted. Site Environmental Inspection Checklist, dated 17/2/2023. A qualified horticulturalist was engaged to advise on the plantings, and has been engaged to return to site and inspect and advise on current growth and establishment of the screening plantings. Recommendation: Continue monitoring and establishment of vegetation screens to comply with Condition B53a. Review compliance status in next Compliance Reporting cycle.	DPE - New item raised in compliance Review process	Nil	Refer to actions at Measure AP2-34.
SURFACE WATER						
Development Design and Operation						
AP2-97	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation. Each system will be designed to capture the runoff from 200 mm of rainfall, which is equivalent to the depth of rainfall for a 1% AEP 72-hour event.	All	The Northern Borrow Pit and Southern Borrow Pits are not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them at the time of the site inspection, indicating that they may be capturing overland runoff. Recommendation: Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into a water storage dam and update of approved development layout plans to reflect as-built conditions will close compliance actions against this Measure.	DPE - New item raised in compliance Review process	Nil	Refer to actions at Appendix 1



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
AP2-106	The best management practices and mitigation measures outlined in Section 4.19 of the EIS will be implemented for the storage of chemicals and fuels.	Operation	<p>Statement of Attainment, Prepare and apply chemicals & Transport, handle & store chemicals., Jae StLeon, 4 April 2017 PRT-SOP-SHEQ-007 Chemical Management SOP, v4.4, 3/9/2020 PRT-WI-BRO-012 Triple Rinsing Drums, v2.0, 22/11/22</p> <p>Evidence of appropriate chemical storage was sighted during site inspection. All chemicals were stored on bunded pallets within the designated chemical storage shed. A spill kit was located within the storage shed as well as a laminated dangerous goods segregation chart. SDS's were located within the site office approximately 50 metres from the chemical storage shed. These are available to all staff trained to use chemicals.</p> <p>Three tins of what appear to be paint thinner were located outside of the chemical storage shed on cardboard.</p> <p>Recommendation: Review site chemical storage arrangements including chemical segregation, bunding and SDS availability.</p>	DPE - New item raised in compliance Review process	Nil	Refer to actions at Condition B42.
GROUNDWATER						
AP2-111	Each poultry shed will be fully enclosed and have concrete flooring.	All	<p>Letter from DPE to ProTen, REF: INV-46299464, dated 14/10/2022, SHOW CAUSE - Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 ProTen letter to DPE, Show Cause: Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 - Response, dated 3/11/2022</p> <p>Poultry sheds have been constructed with a part-bitumen floor, which is not in accordance with the approved project design.</p> <p>Recommendation: Approval of alternative shed flooring (in MOD 4) will address compliance with Measure AP2-111.</p>	DPE - New item raised in compliance Review process	Nil	Refer to actions at Measure AP2-34.
AP2-113	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation. Each system will be designed to capture the runoff from 200 mm of rainfall, which is equivalent to the depth of rainfall for a 1% AEP 72-hour event.	All	<p>The Northern Borrow Pit and Southern Borrow Pits are not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them at the time of the site inspection, indicating that they may be capturing overland runoff.</p> <p>Recommendation: Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into a water storage dam and update of approved development layout plans to reflect as-built conditions will close compliance actions against this Measure.</p>	DPE - New item raised in compliance Review process	Nil	Refer to actions at Measure AP2-34.
AP2-120	The best management practices and mitigation measures outlined in Section 4.19 of the EIS will be implemented for the storage of chemicals and fuels.	Operation	<p>Statement of Attainment, Prepare and apply chemicals & Transport, handle & store chemicals., Jae StLeon, 4 April 2017 PRT-SOP-SHEQ-007 Chemical Management SOP, v4.4, 3/9/2020 PRT-WI-BRO-012 Triple Rinsing Drums, v2.0, 22/11/22</p> <p>Evidence of appropriate chemical storage was sighted during site inspection. All chemicals were stored on bunded pallets within the designated chemical storage shed. A spill kit was located within the storage shed as well as a laminated dangerous goods segregation chart. SDS's were located within the site office approximately 50 metres from the chemical storage shed. These are available to all staff trained to use chemicals.</p> <p>Three tins of what appear to be paint thinner were located outside of the chemical storage shed on cardboard.</p> <p>Recommendation: Review site chemical storage arrangements including chemical segregation, bunding and SDS availability.</p>	DPE - New item raised in compliance Review process	Nil	Refer to actions at Condition B42.
BIODIVERSITY						
Operation						



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
AP2-130	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation.	Operation	The Northern Borrow Pit and Southern Borrow Pits are not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them at the time of the site inspection, indicating that they may be capturing overland runoff. Recommendation: Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into a water storage dam and update of approved development layout plans to reflect as-built conditions will close compliance actions against this Measure.	DPE - New item raised in compliance Review process	Nil	Refer to actions at Measure AP2-34.
AP2-138	A wheel wash facility will be installed on the access road to each PPU in order to minimise the risk of spread of plant pathogens and weeds.	Operation	At the time of the site inspection, the wheel wash required as an operational biosecurity control measure had not yet been commissioned and was not in use. Therefore, this is identified as a non-compliance against this condition. Recommendation: Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity control zone as outlined in the OEMP and supporting plans.	DPE - New item raised in compliance Review process	Nil	Refer to actions at Measure AP2-5.
HAZARD AND RISK						
AP2-170	Chemicals will be stored in the vented chemical store within the amenities and workshop building at each PPU.	All	Some chemical containers were observed during site inspection outside of vented chemical storage area, including three containers of what appear to be paint thinner on a sheet of cardboard outside the chemical storage area.	DPE - New item raised in compliance Review process	Nil	Refer to actions at Condition B42.
AP2-171	Copies of the SDSs for each chemical and fuel will be kept within the chemical store and/or office at each PPU.	All	SDS available at the site office. SDSs not observed within the chemical storage area. Recommendation: Review site chemical storage arrangements including bunding and SDS availability.	DPE - New item raised in compliance Review process	Nil	Refer to actions at Condition B42.
AP2-174	The chemical and fuel storage bunding will be constructed of material sufficiently impervious to the stored chemicals/fuel and be able to prevent the migration of any spillage or leakage to the surrounding environment. Where relevant, the bunding will comply with the relevant requirements of the following Australian Standards and will be approved by a structural engineer: · AS/NZS 1596:2014 The Storage and Handling of LP Gas, where applicable to the proposed LPG storage tanks; · AS 1940:2017 The Storage and Handling of Flammable and Combustible Liquids, where applicable to the proposed petrol and diesel storage tanks; · AS 2507:1998 The Storage and Handling of Agricultural and Veterinary Chemicals, where applicable to the proposed storage of chemicals comprising ADG Classes 3, 6.1, 8 and 9 and non-dangerous goods; and · AS 3780:2008 The Storage and Handling of Corrosive Substances, where applicable to the proposed storage of chemicals comprising ADG Class 8 substances.	All	Chemical storage area includes commercial portable bunded pallets, generally adequate and compliant with relevant standards. However, not all chemicals were appropriately stored in bunded areas, as observed during site inspection. Recommendation: Review site chemical storage arrangements including chemical segregation, bunding and SDS availability.	DPE - New item raised in compliance Review process	Nil	Refer to actions at Condition B42.
VISUAL AMENITY						
Vegetation Screens						



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
AP2-180	Vegetation screens will be established and maintained around the perimeter of each PPU on a progressive basis as soon as practicable following bulk earthworks and construction at each PPU.	All	<p>Verified during site inspection - vegetation screens have been established around Farm 2. However, vegetation screen was not fully established prior to operations commencing, as indicated in Jan 2023 IEA, therefore a non-compliance was identified against Condition B53a during the Jan 2023 IEA and is indicated for this initial Operations Phase Compliance Report.</p> <p>Vegetation screens have since been established around the perimeter of Farm 2 development, verified during site inspection. Plantings are monitored via site inspections, evidence sighted. Site Environmental Inspection Checklist, dated 17/2/2023.</p> <p>A qualified horticulturalist was engaged to advise on the plantings, and has been engaged to return to site and inspect and advise on current growth and establishment of the screening plantings.</p> <p>Recommendation: Continue monitoring and establishment of vegetation screens to comply with Condition B53a. Review compliance status in next Compliance Reporting cycle.</p>	DPE - New item raised in compliance Review process	Nil	Refer to actions at Measure AP2-34.
APPENDIX 3 - INCIDENT NOTIFICATION & REPORTING REQUIREMENTS						
AP3-1	A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C9 or, having given such notification, subsequently forms the view that an incident has not occurred.	All	<p>Written incident notifications were not provided to the compliance@planning.nsw.gov.au email address, and in some cases were not provided within 7 days as required by Appendix 3, Item 1.</p> <p>Incident 1: •Email from Hugh Jones (SLR) on behalf of ProTen to DPE & EPA dated 30/9/2022 'Water Release Notification' The written incident notification was provided immediately that ProTen became aware of potential incident, however the notification was not emailed directly to individual DPE & EPA officers and was not emailed to the compliance@planning.nsw.gov.au email address as required by Appendix 3, Item 1.</p> <p>Incident 2: •Letter from ProTen to DPE, Notification - SSD 7704 Rushes Creek Poultry Production Complex, dated 31 October 2022 (incorrect date - letter was transmitted to DPE on 21/11/2022 per email acknowledgment received). •Email DPE 'Rushes Creek Poultry Production Farm - Post Approval Document Received - (SSD-7704-PA-40), dated Monday, 21 November 2022 4:11 PM from no reply@majorprojects.planning.nsw.gov.au to Kate Singh The written incident notification was provided within 7 days as required, however it was uploaded to the Major Projects Portal and not emailed to the compliance@planning.nsw.gov.au email address as required by Appendix 3, Item 1.</p> <p>Incident 3: •Email titled 'Rushes Creek Poultry Production Farm - Post Approval Document Received - (SSD-7704-PA-53)' dated 5/04/2023 from no reply@majorprojects.planning.nsw.gov.au to Kate Singh The Department of Planning and Environment (DPE) were provided an incident report from ProTen on 27 April 2023 in relation to the controlled unlicensed discharge event that occurred between 29 March to 5 April 2023. The written incident notification was not provided within 7 days as required and was uploaded to the Major Projects Portal and not emailed to the 'compliance@planning.nsw.gov.au email address as required by Appendix 3, Item 1.</p> <p>Recommendation: Review incident notification procedures and ensure they align with requirements of Condition C9 and Appendix 3.</p>	DPE - New item raised in compliance Review process	Nil	Review incident notification procedures and ensure they align with requirements of Condition C9 and Appendix 3.
AP3-2	Written notification of an incident must: a. identify the development and application number; b. provide details of the incident (date, time, location, a brief description of what	All	<p>Evidence indicates that written incident notifications provided did not always include all of the information required by Appendix 3, Condition 2 as required by Appendix 3, Item 1.</p> <p>Incident 1: • Email from Hugh Jones (SLR) on behalf of ProTen to DPE & EPA dated 30/9/2022 'Water</p>	DPE - New item raised in compliance Review process	Nil	Refer to actions at AP3-1.



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
	<p>occurred and why it is classified as an incident); c. identify how the incident was detected; d. identify when the applicant became aware of the incident; e. identify any actual or potential non-compliance with conditions of consent; f. describe what immediate steps were taken in relation to the incident; g. identify further action(s) that will be taken in relation to the incident; and h. identify a project contact for further communication regarding the incident.</p>		<p>Release Notification' The written incident notification provided did not include all of the information required by Appendix 3, Condition 2.</p> <p>Incident 2: • Letter from ProTen to DPE, Notification - SSD 7704 Rushes Creek Poultry Production Complex, dated 31 October 2022 (incorrect date - letter was transmitted to DPE on 21/11/2022 per email acknowledgment received). • Email DPE 'Rushes Creek Poultry Production Farm - Post Approval Document Received - (SSD-7704-PA-40), dated Monday, 21 The written incident notification provided was compliant with Appendix 3, Condition 2.</p> <p>Incident 3: Written incident notification not sighted during compliance review.</p> <p>Recommendation: Refer to actions at AP3-1.</p>			



4.0 Incidents

All incidents which occurred during the reporting period are summarised in **Table 5**. **Table 5** also summarises the proposed actions resulting from incident investigations and correspondence with the relevant regulatory agencies.

Table 5: Incidents

Incident	Incident Description	Action
Unlicensed discharge (Water Release No.1)	<p>On 5 October 2022, a controlled unlicensed discharge was initiated from a retention dam at Farm 2 at the Rushes Creek Poultry Farm.</p> <p>The controlled unlicensed discharge was essential to mitigate dam failure risks as the dam was nearing capacity and further rainfall events were predicted.</p> <p>The discharge commenced at 13:13 on 5 October 2022 and ceased at 15:00 on 12 October 2022. An estimated 15.6 megalitres (ML) was discharged during this period.</p>	<p>The NSW Environmental Protection Authority (EPA) and Department of Planning and Environment (DPE) was notified of a possible controlled unlicensed discharge prior to the event on 30 September 2022.</p> <p>In accordance with the approved Soil and Water Management Plan, dated September 2022 various actions were taken to minimise the potential harm to the environment.</p> <p>Additionally, on advice from the EPA, hay bales and overland flows were also used.</p> <p>An incident report was provided to DPE on 4 November 2022.</p> <p>The incident report outlined the actions undertaken following the discharge to mitigate harm to the environment.</p> <p>In addition to the actions implemented to date, the following corrective measures were planned:</p> <ul style="list-style-type: none"> • Meeting with DPE to discuss permissibility of options detailed in EPA's Letter (DOC22/943519), dated 26 October 2022, and determine an action plan as required under SSD 7704. • Consideration be given to redesigning the dam to include a constructed spillway. • Implementation of the Action Plan following engagement with DPE and EPA. <p>ProTen received a response from DPE on 13/01/2023 titled '<i>Rushes Creek Poultry Production Farm (SSD-7704) Incident Report - Water Discharge 5 October 2022</i>'. The DPE letter determined to record the breach with no further enforcement action.</p>
Unlicensed discharge (Water Release No.2)	<p>On 14 November 2022, a controlled unlicensed discharge was initiated from a retention dam at Farm 2 at the Rushes Creek Poultry Farm.</p> <p>The controlled unlicensed discharge was essential to mitigate dam failure risks as the dam was nearing capacity and further rainfall events were predicted.</p>	<p>The Department of Planning and Environment (DPE) was notified of a possible controlled unlicensed discharge on 21 November 2022.</p> <p>The NSW Environmental Protection Authority (EPA) was notified on Monday the 14 November 2022 as part of the Pollution Incident Response Management Plan (PIRMP) activation process.</p>



	<p>The discharge commenced at 09:01 on 14 November 2022 and ceased at 21:00 on 16 November 2022.</p> <p>An estimated 4.16 megalitres (ML) was discharged during this period.</p>	<p>In accordance with the approved Soil and Water Management Plan, dated September 2022 various actions were taken to minimise the potential harm to the environment.</p> <p>An incident report was provided to DPE on 21 November 2022.</p> <p>The incident report outlined the actions undertaken following the discharge to mitigate harm to the environment.</p> <p>ProTen received a Request for Further Information (RFI) from DPE on the 2 December 2022.</p> <p>A response to the RFI was provided to DPE on 21 December 2022.</p> <p>In addition to the actions implemented to date, the following corrective measures were planned:</p> <ul style="list-style-type: none"> • ProTen are undertaking undertook a review of the Soil and Water Management Plan to improve water management at the Ruses Creek complex. <p>ProTen received a response from DPE on 13/01/2023 titled '<i>Ruses Creek Poultry Production Farm (SSD-7704) Incident Report - Water Discharge 14 November 2022</i>'. The DPE letter determined to record the breach with no further enforcement action.</p>
<p>Unlicensed discharge (Water Release No.3)</p>	<p>On 29 March 2023, a controlled unlicensed discharge was initiated from a retention dam at Farm 2 at the Ruses Creek Poultry Farm.</p> <p>The controlled unlicensed discharge was essential to mitigate dam failure risks as the dam was nearing capacity and further rainfall events were predicted.</p> <p>The discharge commenced at 10:00am on 29 March 2023 and ran intermittently until 07:45am on 5 April 2023.</p> <p>An estimated 6.5016 megalitres (ML) was discharged during this period.</p>	<p>The Department of Planning and Environment (DPE) was notified of a possible controlled unlicensed discharge on 5 April 2023.</p> <p>The Department of Planning and Environment (DPE) were provided an incident report from ProTen on 5 April 2023 in relation to the controlled unlicensed discharge event on 5 April 2023.</p> <p>In accordance with the approved Soil and Water Management Plan, dated September 2022 various actions were taken to minimise the potential harm to the environment.</p> <p>ProTen received a Request for Further Information (RFI) from DPE on the 21 April 2023.</p> <p>A response to the RFI was provided to DPE on 30 April 2023.</p> <p>The incident report outlined the actions undertaken following the discharge to mitigate harm to the environment.</p> <p>In addition to the actions implemented to date, the following corrective measures were planned:</p>



		<ul style="list-style-type: none"> • Preliminary design plans are being undertaken for the dam to include a constructed spillway. • A modification application is being prepared to allow for a storage dam on site which will incorporate re-use of retention dam water. • Further engagement with agencies is proposed regarding modifications to SSD 7704. <p>ProTen received a response from DPE on 8/05/2023 titled '<i>Rushes Creek Poultry Production Farm (SSD-7704) 230329 Farm 2 detention dam water release</i>'. The DPE letter determined to record the breach with no further enforcement action.</p>
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5.0 Complaints

Table 6 shows no complaints were documented during the reporting period.

Table 6: Complaints

Total Number of Complaints Received	Number of Complainants	Complainant	Location of Complainant	Nature of Complaint	Mitigating Measure
0	0	NA	NA	NA	NA





Appendix A Compliance Table

Operational Compliance Report

SSD 7704 MOD 3
Rushes Creek Poultry Production Farm

ProTen Tamworth Pty Ltd

SLR Project No.: 630.030972.00000

22 September 2023

Post-Approval Compliance Report - 2023

Proponent Approval: ProTen Tamworth Poultry Production Unit
SSD-7704 MOD3

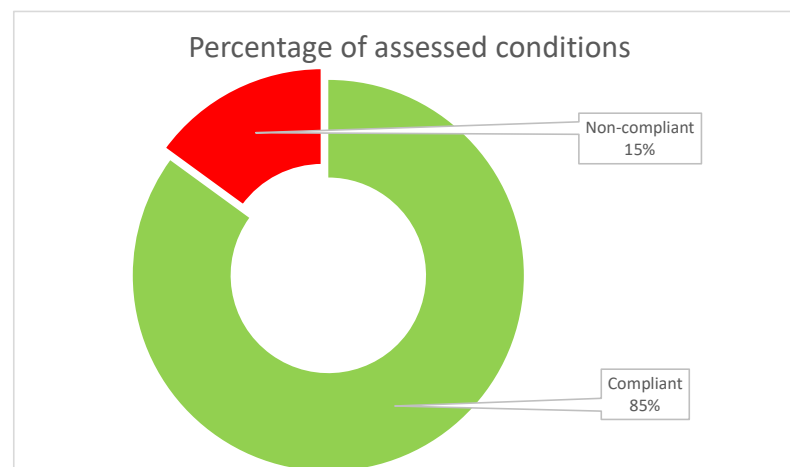
Approval Authority Reviewers: Department of Planning & Environment
Anna Cochrane
Samuel McDonald

Review Period: 23 September 2022 - 7 September 2023

Site Visit Dates: 6 & 7 September 2023

Proponent's Representatives:
Kathryn Singh
Jae St Leon
Graeme Atwell
Graham Kirby

Compliance Status	Project Approval SSD-7703 MOD3	Total	Percentage of total conditions	Percentage of assessed conditions
Compliant	346	346	61.02%	85.01%
Non-compliant	61	61	10.76%	14.99%
Not Triggered	148	148	26.10%	n/a
Note only	12	12	2.12%	n/a
Total conditions	567	567	100.00%	n/a
Total assessed conditions (excluding not triggered and notes)	407	407	71.78%	100.00%



Post-Approval Compliance Report - 2023

Proponent Approval: ProTen Tamworth Poultry Production Unit
SSD-7704 MOD3

Proponent's Representatives:
Kathryn Singh
Jae St Leon
Graeme Atwell
Graham Kirby

Approval Authority Reviewers: Department of Planning & Environment
Anna Cochrane
Samuel McDonald

Review Period: 23 September 2022 - 7 September 2023
Site Visit Dates: 6 & 7 September 2023

Compliant
Non-compliant
Not triggered
Note only

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
PART A - ADMINISTRATIVE CONDITIONS				
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT				
A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	All	See previous IEA dated January 2021 'Based on findings and evidence from site as well as correspondence with authorities, this condition is non-compliant. The primary reasons for this are the activities undertaken outside of the approved activities (i.e. Borrow Pits 1 and 2) at Rushes Creek. By undertaking the clearing outside the approved footprint the site was not implementing measures to prevent material harm'. <ul style="list-style-type: none"> Letter from DPE to ProTen, Ref: INV-46299464, dated 14/10/2022, SHOW CAUSE - Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 Enforceable Undertaking approved 12/7/2023. Letter from DPE to ProTen - Rushes Creek Poultry Production Farm (SSD-7704) Secretary Direction - Southwest Borrow Pit, dated 1/6/23 Email from DPE (Heidi Watters) to ProTen / SLR - RE: Secretary's Direction for remediation of unapproved South West Borrow Pit DPE submission receipt dated 1 Sep 2023 for submission of remediation plan for south west borrow pit. <p>Non-compliance for clearing outside approved footprint for southwest & north Borrow Pits (raised previously by DPE). Management actions to address are ongoing, relevant evidence of progress and current work sighted. Southwest borrow pit - management to address non-compliance ongoing. DPE required remediation plan to submitted by 1 Sep 2023, plan submitted as required (evidence sighted). Waiting for DPE comment / approval of plan. North borrow pit - Not considered a designated development. MOD 5 being prepared in consultation with DPE to address.</p>	Non-compliant
TERMS OF CONSENT				
A2	The development may only be carried out:	All		
A2a	In compliance with the conditions of this consent.	All	See previous IEA evidence and findings (dated January 2023). <ul style="list-style-type: none"> Enforceable undertaking approved 12/7/2023. DPE submission receipt dated 1 Sep 2023 for submission of remediation plan for south west borrow pit. DPE submission receipt dated 19/4/2023 for submission of MOD 4. Letter from DPE to ProTen, Rushes Creek Poultry Farm - Sub-Stage 1D Progress Report, dated 25 Nov 2022 <p>Noncompliance raised previously against Condition A2 in the IEA dated January 2023. Implementation status for required actions: 1) OPEN - MOD 5 being developed. 2) CLOSED - Enforceable Undertaking approved & implemented. 3) OPEN - Pending approval of MOD 4, submission & approval of MOD 5, approval of alternative shed flooring (in MOD 4), dwellings changed from 8 to 7 and slab-on-ground from transportable (in MOD 7). Note the southwestern borrow pit will not be used for bird disposal due to the area being part of the river catchment. Remediation plan approved. 4) OPEN - Notifications for Stage 1 works provided to DPE (example of DPE response for Stage 1D notification sighted). Dates for future works monitored via weekly meeting, ongoing to be implemented via environmental compliance management system to be implemented (budget allocation approved, project to select and implement suitable software solution in progress).</p>	Non-compliant
A2b	In accordance with all written directions of the Planning Secretary.	All	As above	Non-compliant
A2c	In accordance with the EIS, Response to Submissions and Supplementary Response to Submissions;	All	As above	Non-compliant
A2d	In accordance with the Modification	All	As above	Non-compliant
A2e	In accordance with the Development Layout in Appendix 1; and	All	As above	Non-compliant
A2f	In accordance with the management and mitigation measures in 0. (Verbal advice provided by DPE indicates '0' = Appendix 2 of the Consent)	All	As above	Non-compliant
A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:	All		

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
A3a	The content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and	All	See Previous IEA dated January 2023- all management plans. <ul style="list-style-type: none"> Letter from DPE to ProTen, REF: INV-46299464, dated 14/10/2022, SHOW CAUSE - Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 Enforceable Undertaking approved 12/7/2023. Letter from DPE to ProTen - Rushes Creek Poultry Production Farm (SSD-7704) Secretary Direction - Southwest Borrow Pit, dated 1/6/23 Email from DPE (Heidi Watters) to ProTen / SLR - RE: Secretary's Direction for remediation of unapproved South West Borrow Pit DPE submission receipt dated 1 Sep 2023 for submission of remediation plan for south west borrow pit. <p>Based on evidence provided ProTen has started to undertake actions to address DPE's Show Cause Notice.</p>	Compliant
A3b	The implementation of any actions or measures contained in any such document referred to in condition A3(a).	All	As above	Compliant
A4	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) A2(d) and A2(f). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), A2(d) and A2(f), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	All	Management plans & documents in Condition A2	Compliant
LIMITS OF CONSENT				
Lapsing				
A5	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 that date.	All	Construction commenced on Monday 30 September 2021. Operation commenced 23 September 2022.	Compliant
Farm Operations				
A20	The Applicant must ensure:	Operation		
A20a	The development does not exceed a maximum population of 3,051,000 broilers at any one time;	Operation	iLeader Batch Record Report for Rushes Creek Farm 2, batch 105 Placement Dockets - 19/1/2023 - (4 sheds placed), 20/1/23 (4 sheds), 23/1/23 (4 sheds), 24/1/2023 (3 sheds), 27/1/23 (1 shed), 26/1/23 (2 sheds), 31/1/23 (1 shed) Batch Verification Schedules (weekly), dated 6/2/23, 23/1/23, 30/1/23, 22/11/23 Daily Shed Check Cards, dated 11/1/2023 Tracked via iLeader reports (ProTen). Also tracked through MTEC - use data to determine bird pick up to stay within 34kg/m2 limit.	Compliant
A20b	The stocking densities of the development comply at all times with the RSPCA Standards (2013) specification for maximum stocking density of 34 kilograms per square metre;	Operation	As above	Compliant
A20c	The development is not populated with 3,051,000 broilers simultaneously at the commencement of each production cycle;	Operation	As above	Compliant
A20d	The maximum bird density within a shed, expressed as live bird weight, must not exceed 34 kilograms per square metre at any time;	Operation	iLeader Batch Record Report for Rushes Creek Farm 2, batch 105 Tracked via iLeader reports (ProTen). Also tracked through MTEC - use data to determine bird pick up to stay within 34kg/m2 limit.	Compliant
A20e	The maximum number of sheds to be populated per day is a maximum of 12 sheds.	Operation	Placement Dockets - 19/1/2023 - (4 sheds placed), 20/1/23 (4 sheds), 23/1/23 (4 sheds), 24/1/2023 (3 sheds), 27/1/23 (1 shed), 26/1/23 (2 sheds), 31/1/23 (1 shed) Baida Placement Program determines number of sheds, site operator experience, availability limits number of sheds that can be placed in a day.	Compliant
Farm Manager Accommodation				
A21	The residential dwellings for farm manager's accommodation as described in the EIS are only to be occupied by persons employed by the Applicant, their partner and dependants in conjunction with the operation of a poultry farm for the operational life of the development and shall not be occupied or let for any other purpose.	Operation	Previous IEA January 2023- site inspection and site communications, letter from SLR to DPE dated 7/10/2022 re; Dwelling- Additional Information to Non-Compliance Report, with Hunter Building Certifications and Construction Certificate (signed by Principal Certifier) attached. Housing occupied by Farm Manager and Assistant Farm Manager and their families in compliance with Condition.	Compliant
A22	The Applicant must obtain further approval from Council under section 68 of the Local Government Act 1993 for the installation of the farm manager accommodation.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Concurrent Construction and Operation of Stage 1 (Farm 2)				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
A22A	Concurrent construction and operation of Stage 1 (Farm 2) of the development is permitted but is limited to a maximum period of 10 months and must be carried out in accordance with the timetable detailed in Table A below, unless otherwise agreed with the Planning Secretary.	Operation	Construction commenced on Monday 30 September 2021. Operation commenced 23 September 2022. Verified in IEA January 2023- Letter from DPE dated 23/09/2022 regarding acknowledgement of Sub-Stage 1C Progress Report. Progress Report SSD 7704 Sub-Stage 1C from SLR on behalf of ProTen dated 26/08/2022. Hunter Buildings Certifications report. EME Letter to DPE, Delayed Community Information Session, dated 22/07/2021- letter references notification submitted to DPE on 19/07/2021. Supplied Weekly Report 23-27 September stock rates (Baiada Stock) . Notification of Stage 1 (Construction) Commencement as a letter to DPE from EME Advisory, dated July 2021. -Major projects portal email acknowledgement receipt of Stage 1 commencement of construction for the Rushes Creek Poultry Production Farm dated 21/07/2021.	Compliant
Use of Emergency Backup Diesel Generators				
A22B	The use of emergency backup diesel generators as the primary operational power supply for Stage 1 (Farm 2) of the development permitted but is limited to a maximum period of 12 months and subject to the following restrictions:	Operation	Operations commenced 23 Sep 2022. Extension for use of backup generators pending installation of permanent overhead supply by Essential Energy is included in MOD 4 application, pending decision by DPE.	Compliant
A22B (a)	The 12 month period commencing from the date of the commencement of operation of the first sub-stage of the development, being poultry sheds 1 – 8 (Sub-Stage 1C, as described in Table A in Condition A22A), notified to the Department under condition A23 of the consent.	Operation	As above	Compliant
A22B (b)	No more than two 440 kVA emergency backup diesel generators at Farm 2 and one 45 kVA emergency backup diesel generator at the Namoi River water supply pump operating at any one time during the 12 month period.	Operation	Site inspection - generators installed as per condition of Consent	Compliant
A22B (c)	Any diesel generator that operates for a period of more than 200 hours or more per year must comply with the nitrogen oxide emission limits specified in Schedule 4 of the Protection of the Environment Operations (Clean Air) Regulation 2021.	Operation	NOx scrubbers fitted to generators, generators monitor Nox levels, preset to alert if Nox outside present parameters that are set within required limit. Alarm goes to Site Manager & main PC. No alarms recorded.	Compliant
A22C	In the event an alternate primary operational power supply is not commissioned by the end of the 12 month period specified in condition A22B(a), the Applicant must completely destock all poultry sheds prior to the conclusion of the 12 month period and not place another batch of broilers in any shed at the development until one of the following has been satisfied:	Operation	As per Condition A22B. Sheds not destocked at time of site inspection (6&7 Sep 2023).	Compliant
A22C (a)	the originally planned reticulated electricity power supply via the extension of Essential Energy's overhead infrastructure from Manilla to the development site has been installed and commissioned, or	Operation	Included in MOD4 application - overhead reticulated electricity power supply scheduled to be installed during late 2023 by Essential Energy.	Compliant
A22C (b)	an alternate primary operational power supply (such as an off-grid solar/battery system) has been approved, installed and commissioned to the satisfaction of the Planning Secretary.	Operation	MOD 4 includes removal of alternative power supply due to scheduled installation of permanent overhead supply by Essential Energy, pending decision by DPE.	Compliant
	Note: Condition A22C(b) does not preclude the requirement for the Applicant to seek the appropriate approvals/consent for any alternate primary operational power supply for the development.	Operation	Noted	Note only
NOTIFICATION OF COMMENCEMENT				
A23	The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:	All		
A23a	Construction.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A23b	Operation.	Operation	Verified Jan 2023 IEA: Letter from ProTen to DPE dated 26 August 2022 notifying of commencement of operations to be 23 Sep 2022, which complies with 4 weeks timing requirement.	Compliant
A23c	Cessation of Operations.	Post-Operation	Condition not relevant to Operations Phase activities.	Not triggered
A24	If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	All	Condition not relevant to Operations Phase activities.	Not triggered
Concurrent Construction and Operation of Stage 1 (Farm 2)				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
A24A	Prior to the commencement of operation of Sub-Stages 1C, 1D and 1E (as described in condition A22A), the Applicant must notify the Planning Secretary of the commencement date of the relevant sub-stage, in accordance with condition A24, and provide a report on the progress of the proposed alternate primary operational power supply arrangements for the development to the satisfaction of the Planning Secretary.	Operation	Verified in January 2023 IEA - Refer to Condition A22A	Compliant
A24B	The Applicant must not commence operation of Sub-Stages 1C, 1D or 1E until the Planning Secretary has advised in writing it has approved the alternate primary operational power supply progress report submitted prior to the commencement of each relevant sub-stage, as required by condition A24A.	Operation	As above	Compliant
EVIDENCE OF CONSULTATION				
A25	Where conditions of this consent require consultation with an identified party, the Applicant must:	All		
A25a	Consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval.	All	Stage 1 - verified in Jan 2023 IEA. Stage 2 consultation will be carried out as part of approvals process. SEARS submitted to date.	Compliant
A25b	Provide details of the consultation undertaken including.	All	As above	Compliant
A25b (i)	The outcome of that consultation, matters resolved and unresolved;	All	As above	Compliant
A25b (ii)	Details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	All	As above	Compliant
STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS				
A26	With the approval of the Planning Secretary, the Applicant may:	All		
A26a	Prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development 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);	All	All management plans. Evidence sighted of management plans being updated as construction and operation progresses and of consultation / submission in emails / letters where required.	Compliant
A26b	Combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);	All	As above	Compliant
A26c	Update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).	All	As above	Compliant
A27	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	All	Based on evidence provided, not triggered	Not triggered
A28	If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.	All	Based on evidence provided, relevant documents have been updated and implemented as required at various stages.	Compliant
PROTECTION OF PUBLIC INFRASTRUCTURE				
A29	Before the commencement of construction, the Applicant must:	Construction		
A29a	Consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A30	Unless the Applicant and the applicable authority agree otherwise, the Applicant must:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A30a	Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A30b	Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
DEMOLITION				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
A31	All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
STRUCTURAL ADEQUACY				
A32	All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
	Note: <ul style="list-style-type: none"> • Under Part 6 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. 	Construction	Noted	Note only
SUBDIVISION				
A33	Prior to the issue of a Subdivision Certificate, detailed work-as-executed drawings shall be prepared and signed by a Registered Surveyor, which show the finished surface levels of the access road, internal roads, drainage and any areas of fill, carried out under this consent. The work-as-executed drawing must be submitted to the certifier and Council prior to the issue of a Subdivision Certificate.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A34	Prior to the issue of a Subdivision Certificate, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements, have been lodged for registration or registered at the Land Registry Services.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A35	Prior to the issue of a Subdivision Certificate, a certificate from an electricity and telecommunications provider must be submitted to the Certifier certifying that satisfactory service arrangements to the site have been established.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A36	The Applicant is required to undertake the subdivision to ensure that each farm and the associated manager's accommodation are wholly contained within its own allotment. Evidence of lodgement with the Land Titles Office is to be submitted to the Certifier prior to the issue of any Occupation Certificate for the development.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
EXTERNAL WALLS AND CLADDING FLAMMABILITY				
A37	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A38	Prior to the issue of:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A38a	Any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A38b	An Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A39	The Applicant must provide a copy of the documentation given to the Certifier under condition A38 to the Planning Secretary within seven days after the Certifier accepts it.	Construction	Condition not relevant to Operations Phase activities. However, non-compliance against Condition A39 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. Therefore non-compliance against this condition is identified as relevant to the operational compliance reporting. IEA Finding: ProTen provided documents supplied to the Certifier for this IEA. Based on the evidence provided by site, it cannot be confirmed that the documents were also submitted to DPE within 7 days. As we are unable to confirm the timing of submission this is a non-compliance.	Non-compliant
COMPLIANCE				
A40	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	All	Construction Induction Contractor Induction (Online Induct) PRT-P&P-HR-023 New Employee Induction Handbook Incident reporting requirements have been included in Construction, Contractor & Employee Induction materials. Copy of SSD 7704 to be contractors for Stage 2 construction.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
CONTRIBUTIONS TO COUNCIL				
A41	Before the issue of a construction certificate for any part of the development, a contribution under section 7.12 of the EP&A Act of \$579,580.00 (adjusted on a quarterly basis (from the date of this consent), to account for movements in the Australian Bureau of Statistics Consumer Price Index – Building Construction (NSW)), must be paid to Council in accordance with the Tamworth Regional Council Section 7.12 (formerly S94A) Development Contributions Plan 2013 to cater for the increased demand to community infrastructure. The amount payable to Council may be varied, subject to the approval of Council in writing.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
	Note: <i>The Tamworth Regional Council Section 7.12 (formerly 94A) Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours .</i>	Construction	Noted	Note only
OPERATION OF PLANT AND EQUIPMENT				
A42	All plant and equipment used on site, or to monitor the performance of the development, must be:	All		
A42a	Maintained in a proper and efficient condition: and	All	Verified in IEA - January 2023. Service checklists and inspection reports sighted during compliance review indicate ongoing proper inspection and maintenance: Site Buggy, Kubota (11/4/23) Generator service report (14/3/2023) Batch Verification Schedules (weekly), dated 6/2/23, 23/1/23, 30/1/23 Daily Shed Check Cards, dated 11/1/2023, 8/8/23 Service Reports, dated 7 Jun 2023, 29 May 2023 Service inspection reports and checklists sighted, issues identified fixed on the spot or managed for repair / maintenance by Site Manager. Site Manager raises POs. POs tracked as planned / unplanned maintenance budget, reviewed by Regional Management monthly.	Compliant
A42b	Operated in a proper and efficient manner.	All	As above	Compliant
UTILITIES AND SERVICES				
A43	Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
WORKS AS EXECUTED PLANS				
A44	Before the issue of the relevant Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
APPLICABILITY OF GUIDELINES				
A45	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	All	Noted and generally compliant. Sighted evidence of reference to applicable standards, guidelines in project documentation including management plans throughout the compliance review.	Compliant
A46	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	All	Evidence sighted through the compliance review indicating that management plans, strategies and documents are updated in a timely manner.	Compliant
ADVISORY NOTES				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AN1	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.	All	See previous IEA dated January 2023 'Evidence of ProTen applying for Modifications for SSD-7704, WALs, and pump site approval from NRAR at stages of planning. However, there are instances of works being undertaken outside of the approved activities under SSD-7704 (northern and southern Borrow Pits). Therefore, this is considered non-compliant as the site has not 'maintained' the conditions of consent relating to the approved disturbance footprint'. *Addendum Aboriginal Cultural Heritage Assessment Report - Water Storage Dams for the Rushes Creek Poultry Farm, August 2023. *Soil Water Management Plan v6.0, dated 27/3/23. Resubmitted to DPE 5 Sep 23, submission receipt sighted. *Biodiversity assessment - SLR Ref 631.30877.01200, dated 7 Aug 23, RE: Category 1 Exempt Land Assessment, 1582 Rushes Creek Road, Rushes Creek NSW 2346 *Aboriginal & soil water assessments undertaken, evidence sighted. Biodiversity assessment completed & submitted to Tamworth City Council - comments / approval pending. Borrow pits not used further - pending submission & approval of MOD 5 (in progress).	Non-compliant
PART B - ENVIRONMENTAL CONDITIONS				
AIR QUALITY				
Meteorological Monitoring				
B1	Prior to the commencement of any works on the site, and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating on the site that:	All	Installation verified in IEA January 2023. Met station upgraded following lightning strike April 2023. Verified in site inspection. Viewed real time and daily summaries of site meteorological results, spreadsheets dated 7 Sep 2023.	Compliant
B1a	complies with the requirements in the latest version of EPA's <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> (DEC, 2007) (as may be updated or replaced from time to time); and	All	As above	Compliant
B1b	is capable of continuous real-time measurement of the following parameters: air temperature, wind direction, wind speed, solar radiation, rainfall and relative humidity and any other requirements specified in the EPL.	All	As above	Compliant
Dust Minimisation				
B2	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	All	Verified in January 2023 IEA. Site inspection indicated stockpiles generally covered with vegetation, no dust noted during light winds from exposed areas. No dust observed from exposed areas during light winds at time of site inspection. Water truck available onsite if required to wet down exposed areas. Roadways in good well-graded condition. Trucks entering and leaving site during site inspection were observed to have covered or enclosed loads. No dirt observed being tracked onto public roads. Public roads adjacent to the site were clean. Stockpiles and roadways not generating dust at time of site inspection. Water truck present onsite.	Compliant
B3	During construction, the Applicant must ensure that:	Construction		
B3a	Exposed surfaces and stockpiles are suppressed by regular watering.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B3b	All trucks entering or leaving the site with loads have their loads covered.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B3c	Trucks associated with the development do not track dirt onto the public road network.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B3d	Public roads used by these trucks are kept clean.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B3e	Land stabilisation works are carried out progressively on site to minimise exposed surfaces.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Air Quality Management Plan				
B4	Prior to the commencement of operation, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by condition C5. The AQMP must:	Operation	Previous IEA January 2023 - AQMP approval letter DPE 3/6/2022, OEMP including Air Quality Management Plan prepared by Astute, dated 1/6/2022. AQMP incorporated as Appendix C of the OEMP, v0.1 dated August 2022 and aligns with requirements of Condition B4.	Compliant
B4a	Be prepared by a suitably qualified and experienced person(s) in consultation with EPA.	Operation	As above	Compliant
B4b	Detail and rank all emissions from all sources of the development, including particulate emissions.	Operation	As above	Compliant
B4c	Describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators.	Operation	As above	Compliant
B4d	Identify the control measures that will be implemented for each emission source.	Operation	As above	Compliant
B4e	Nominate the following for each of the proposed controls.	Operation	As above	Compliant
B4e (i)	Key performance indicator.	Operation	As above	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B4e (ii)	Monitoring method.	Operation	As above	Compliant
B4e (iii)	Location, frequency and duration of monitoring.	Operation	As above	Compliant
B4e (iv)	Record keeping.	Operation	As above	Compliant
B4e (v)	Complaints register.	Operation	As above	Compliant
B4e (vi)	Response procedures.	Operation	As above	Compliant
B4e (vii)	Compliance monitoring.	Operation	As above	Compliant
B4f	Include an odour monitoring program which must:	Operation	As above	Compliant
B4f (i)	Be carried out by a suitably qualified and experienced person(s) approved in writing by the EPA;	Operation	As above	Compliant
B4f (ii)	Be carried out at least once per production cycle during the following periods, under odour enhancing meteorological and stocking conditions: a. 1 February – 30 May inclusive; and b. 1 September – 30 November;	Operation	As above	Compliant
B4f (iii)	Target times that present an increased risk of odour emissions that might impact surrounding sensitive receptors (i.e. periods of peak stocking density in the sheds on the farm, and periods when receptors are most likely to be home) and when meteorological conditions are most likely to transport odour emissions towards receptor locations; and	Operation	As above	Compliant
B4f (iv)	Be implemented for a period of at least two years from the commencement of operation, or as otherwise agreed to by the Planning Secretary.	Operation	As above	Compliant
B5	The Applicant must:	Operation		
B5a	Not commence operation until the Air Quality Management Plan required by condition B4 is approved by the Planning Secretary;	Operation	AQMP approved prior to operation, as outlined at Condition B4.	Compliant
B5b	Implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development; and	Operation	AQMP implemented via OEMP. Evidence of monitoring results sighted during compliance review, including: Astute Environmental Consulting Report, Rushes Creek Odour Surveys - October 2022, Job 22-176, date 11 Nov 2022 Astute Environmental Consulting Report, Rushes Creek Odour Surveys - February 2023, Job 22-176, date 10 March 2023 Astute Environmental Consulting Report, Rushes Creek Odour Surveys - April 2023, Job 22-176, date 26 April 2023	Compliant
B5c	Not cease the Odour Monitoring Program required by condition B4(f) without the approval of the Planning Secretary.	Operation	Odour monitoring has not ceased. 2 years is not completed yet.	Compliant
	Note: The odour monitoring program will be reviewed by the EPA at the completion of two years. At the completion of the review, the EPA will determine if it is appropriate for the program to continue, cease or if additional odour mitigation measures are required at the premises.	Operation	Noted	Note only
B6	The results of the Odour Monitoring Program required by condition B4 must be submitted to the EPA within two weeks of the carrying out of each odour survey.	Operation	*Email from ProTen to EPA, dated 13/1/2023 & 2/5/2023 submitting Feb 23 & April 23 reports Initial Oct 2022 was submitted to DPE instead of EPA. DPE provided a copy to EPA. The Oct 2022 report was sent by ProTen/SLR to EPA directly, however outside 2 week period required by Condition. Subsequent reports have been sent within 2 week timeline. Recommendation - include in environmental compliance management system to ensure timely submission to the correct interested party.	Non-compliant
B7	Should the Odour Monitoring Program required by condition B4 reveal that offensive odour is impacting surrounding sensitive receptors during normal operating conditions, the EPA may require the Applicant to implement odour mitigation technologies.	Operation	Monitoring results indicate offensive odours not impacting upon surrounding sensitive receptors during normal operating conditions. No odour complaints received during operational period.	Not triggered
Odour Management				
B8	The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).	All	Previous IEA January 2023, Complaints log, Site discussions and observations.	Compliant
B9	The development must be designed, constructed, operated and maintained in a manner that does not preclude the retrofit of air quality (including odour) emissions controls and management measures including, but not limited to, stacks to vertically exhaust emissions from the tunnel ventilation fans at height and odour abatement measures such as scrubbers.	All	Previous IEA January 2023, Site discussions and observations, complaints log	Compliant
TRAFFIC AND ACCESS				
Construction Traffic Management Plan				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B10	Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B10a	Be prepared by a suitably qualified and experienced person(s).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B10b	Be prepared in consultation with Council and Transport for NSW.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B10c	Detail the measures that are to be implemented to ensure road safety and network efficiency during construction	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B10d	Detail heavy vehicle routes, access and parking arrangements	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B10e	Include a Driver Code of Conduct to	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B10e (i)	Minimise the impacts of earthworks and construction on the local and regional road network.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B10e (ii)	Minimise conflicts with other road users.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B10e (iii)	Minimise road traffic noise.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B10e (iv)	Ensure truck drivers use specified routes.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B10f	Include a program to monitor the effectiveness of these measures;	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B10g	If necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B11	The Applicant must:	Construction		
B11a	Not commence construction until the Construction Traffic Management Plan required by condition B10 is approved by the Planning Secretary; and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B11b	Implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Parking				
B12	The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public streets.	All	Site Inspection - adequate onsite parking is provided	Compliant
Operating Conditions				
B13	The Applicant must ensure:	All		
B13a	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 version of <i>AS 2890.1:2004 Parking facilities Off-street car parking</i> (Standards Australia, 2004) and <i>AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities</i> (Standards Australia, 2002);	All	Construction requirements not applicable to Operations Phase activities. Operational controls implemented via OEMP v0.1 August 2022, including Driver Code of Conduct,. SLR dated 11/06/2021. Site inspection verified controls implemented in accordance with OEMP requirements for traffic. Sighted Driver Code of Conduct signed forms dated 6/12/22, 1/11/22, indicating communication of requirements to heavy vehicle drivers.	Compliant
B13b	The swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;	All	As above	Compliant
B13c	The development does not result in any vehicles queuing on the public road network.	All	As above	Compliant
B13d	Heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;	All	As above	Compliant
B13e	All vehicles are wholly contained on site before being required to stop;	All	As above	Compliant
B13f	All loading and unloading of materials is carried out on-site.	All	As above	Compliant
B13g	All trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network.	All	As above	Compliant
B13h	The proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.	All	As above	Compliant
B13i	The transportation of birds, feedstock and waste materials to and from the development are restricted to Ruses Creek Road from the Oxley Highway.	All	As above	Compliant
Operational Driver Code of Conduct				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B14	Prior to the commencement of operation, the Applicant must prepare a Driver Code of Conduct. The Driver Code of Conduct must form part of the OEMP required by condition C6 and be prepared in accordance with condition C1. The Code of Conduct should include but not limited to:	Operation	Driver Code Conduct that addresses requirements of Condition B14 has been incorporated and implemented into OEMP v0.1 August 2022. Verified in IEA Jan 2023. Sighted Driver Code of Conduct signed forms dated 6/12/22, 1/11/22, indicating communication of requirements to heavy vehicle drivers. Site inspection indicated vehicle traffic in alignment with Driver Code of Conduct & OEMP requirements.	Compliant
B14a	Map of the primary transport route/s highlighting critical locations;	Operation	As above	Compliant
B14b	Safety initiatives for transport through residential areas and/or school zones;	Operation	As above	Compliant
B14c	Measures to ensure vehicles used for the transportation of birds use the Oxley Highway and Rushes Creek Road only;	Operation	As above	Compliant
B14d	An induction process for vehicle operators and regular toolbox meetings;	Operation	As above	Compliant
B14e	A complaints resolution and disciplinary procedure;	Operation	As above	Compliant
B14f	A directive to drivers to slow down and provide right-of-way to any livestock and/or farm machinery on the transport routes; and	Operation	As above	Compliant
B14g	A directive to drivers to avoid the use of compression braking along Rushes Creek Road.	Operation	As above	Compliant
B15	The Applicant must:	Operation	As above	Compliant
B15a	Not commence operation until the Driver Code of Conduct required by condition B14 has been approved by the Planning Secretary; and	Operation	As above	Compliant
B15b	Implement the most recent version of the Driver Code of Conduct approved by the Planning Secretary for the duration of the development.	Operation	As above	Compliant
SOIL, WATER QUALITY AND HYDROLOGY				
Imported Soil				
B16	The Applicant must:			
B16a	Ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;	All	No imported soil or other site fill materials required for site operations.	Not triggered
B16b	Keep accurate records of the volume and type of fill to be used; and	All	As above	Not triggered
B16c	Make these records available to the Planning Secretary upon request.	All	As above	Not triggered
Erosion and Sediment Control				
B17	Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the <i>Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book</i> (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B18	Clean water diversions shall be constructed and stabilised prior to the commencement of earthworks at each PPU.	Construction	Condition not relevant to Operations Phase activities. However, non-compliance against Condition B18 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. Therefore non-compliance against this condition is identified as relevant to the operational compliance reporting. IEA Finding: Clean water diversions present and stable at the time of the site inspection. Site erosion and sediment controls and design in CEMP and LRCE designs. Minimal evidence of stabilisation of drainage structures prior to earthworks was received. Therefore, unable to verify clean water diversions are constructed and stabilised prior to the commencement of earthworks. At the time of the site inspection the northern Borrow Pit contained water. By having the illegal borrow pit clean water has not been allowed to flow around the site as per the approved Farm 2 development layout. The site is therefore potentially collecting more water than it is approved. Hence this condition is considered non-compliant.	Non-compliant
Discharge Limits				
B19	The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.	All	Verified in Jan 23 IEA. Site drainage separates clean stormwater from stormwater generated within the operational areas. Site sheds are managed to prevent runoff of wash waters or wastes outside the shed footprint, i.e. largely 'dry' processes used to remove spent bedding materials and minimal water used for washing and sanitising sheds to prevent runoff. Site inspection verified site drains in place, free of weed and debris and appear to be functioning as intended. No discharges resulting in pollution of water noted.	Compliant
Stormwater Management System				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B20	Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:	Operation	See previous IEA (dated January 2023) evidence and findings ' ii) Based on evidence received, wastewater and recycled water is captured in a closed surface water management system. However, runoff from unapproved Borrow Pits are not included in the development design nor the Stormwater Management System for the site. Therefore, this is a non-compliance'. 1) Silt fencing in place to reduce flow of runoff water north of the borrow pit - sighted during site inspection. 2) Clean water diversion drain constructed during August 2022 to divert clean water away from north borrow pit, sighted on site plan, drain sighted during site inspection. Connection for site water to drain into retention dam has been constructed, sighted during site inspection. Water remains in northern borrow pit - MOD 5 to address conversion into water storage dam & compliance with this condition is in progress. MOD 4 pending approval will address southwest borrow pit. Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into water storage dam & update of Stormwater Management System to reflect as-built conditions will close compliance actions against this condition.	Non-compliant
B20a	Be designed by a suitably qualified and experienced person(s);	Operation	As above	Non-compliant
B20b	Be generally in accordance with the conceptual design in the EIS and RtS;	Operation	As above	Non-compliant
B20c	Be in accordance with applicable Australian Standards;	Operation	As above	Non-compliant
B20d	Ensure that the system capacity has been designed in accordance with <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines;	Operation	As above	Non-compliant
B20e	Divert existing clean surface water around operational areas of the site and discharged into natural drainage lines in a manner that prevents scouring; and	Operation	Site drainage separates clean stormwater from stormwater generated within the operational areas. No scouring observed in association with site drainage structures during site inspection.	Compliant
B20f	Be Designed by such that:	Operation		
B20f (i)	All vegetated swales and other stormwater conveyances within the controlled drainage areas are underlain by a compacted clay layer of at least 300 mm thickness and with a permeability of less than 1 x 10 ⁻⁹ m/s, or other material providing an equivalent barrier to percolation;	Operation	Non-compliant due to partial site drainage to unapproved borrow pits. Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into water storage dam & update of Stormwater Management System to reflect as-built conditions will close compliance actions against this condition.	Non-compliant
B20f (ii)	All wastewater, recycled (irrigation) and other contaminated runoff is captured in the closed surface water management system; and	Operation	As above	Non-compliant
B20f (iii)	No discharges are to occur from the detention dams for events up to the 1% AEP.	Operation	As above	Non-compliant
Water Management				
B21	The detention dams at each PPU are to be inspected annually or following significant rainfall events, and desilted if required.	All	Site Environmental Inspection Checklist, dated 17/2/2023 Construction Work Site SHEQ Inspection Checklist, dated 8/12/2022 Detention dams are inspected as part of site environmental / SHEQ inspections. No evidence of silting in detention dam noted during site visit.	Compliant
Water Management Plan				
B22	Prior to the commencement of operation, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by condition C5 and must:	Operation	Soil Water Management Plan v6.0, dated 27/3/23. Resubmitted to DPE 5 Sep 23, submission receipt sighted. DPE approval sighted. SWMP implemented via the OEMP.	Compliant
B22a	Be prepared by a suitably qualified and experienced person(s).	Operation	Soil Water Management Plan was prepared by specialist consultant	Compliant
B22b	Be prepared in consultation with the Department's Water Group and the Natural Resources Access Regulator;	Operation	SEMP included consultation as required.	Compliant
B22c	Detail water use, metering, disposal and management on-site;	Operation	See previous IEA dated January 2023 'Non-compliance: The Northern Borrow Pit and Southern Borrow Pit are not included in the site water management designs and is outside the approved disturbance footprint. The Northern Borrow Pit contained water during site inspection, functioning as a dam. However, there was no evidence of ProTen using the water collected in the Northern Borrow Pit'. Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into waster storage dam & update of Stormwater Management System and update of Water Management Plan to reflect as-built conditions will close compliance actions against this condition.	Non-compliant
B22d	Detail the number and location of piezometers on-site.	Operation	Included in SWMP.	Compliant
B22e	Detail the water licence requirements for the development;	Operation	Included in SWMP.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B22f	Detail the management of wastewater streams on-site;	Operation	As per Condition B22c	Non-compliant
B22g	Contain a Surface Water Management Plan including.	Operation	Included in SWMP.	Compliant
B22g (i)	A program to monitor.	Operation	Included in SWMP.	Compliant
B22g (i) (a)	Surface water flows and quality.	Operation	As per Condition B22c	Non-compliant
B22g (i) (b)	Surface water storage and use.	Operation	As per Condition B22c	Non-compliant
B22g (i) (c)	Sediment basin operation.	Operation	As per Condition B22c	Non-compliant
B22g (i) (d)	The surface water discharge point from the two main drainage lines on the site.	Operation	As per Condition B22c	Non-compliant
B22g (ii)	A trigger action and response plan (TARP) program to investigate potential adverse surface water impacts, including where surface water quality parameters exceed the Australian and New Zealand Environment Conservation Council (ANZECC) guidelines;	Operation	Included in SWMP.	Compliant
B22g (iii)	A protocol for the investigation and mitigation where the surface water impact assessment criteria has been exceeded; and	Operation	Included in SWMP.	Compliant
B22h	Contain a Groundwater Management Plan, including.	Operation	Included in SWMP.	Compliant
B22h (i)	Baseline data on groundwater levels and quality;	Operation	Included in SWMP.	Compliant
B22h (ii)	A program to monitor groundwater levels and quality (including nutrients and pathogens);	Operation	Included in SWMP.	Compliant
B22h (iii)	Groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and	Operation	Included in SWMP.	Compliant
B22h (iv)	A protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.	Operation	Included in SWMP.	Compliant
B22i	Contain a contingency plan for the operational water supply for the facility during extreme weather events such as heat wave or drought.	Operation	Included in SWMP.	Compliant
B23	The Applicant must:			
B23a	Not commence operation until the Water Management Plan required by condition B22 is approved by the Planning Secretary; and	Operation	As per Condition B22	Compliant
B23b	Implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.	Operation	As per Condition B22	Compliant
Potable Water				
B24	Prior to the commencement of operation, the Applicant must prepare a quality assurance program (or drinking water management system) in accordance with the 'NSW Private Water Supply Guidelines' (NSW Health 2016).	Operation	Verified in Jan 23 IEA. For potable supply, the site continues to rely on potable water service provider to adhere to the NSW Private Water Supply Guidelines and the NSW Guidelines for Water Carters. Evidence of site health and safety QA sighted - Water Supply Quality Assurance Program, QA Dwellings untreated rainwater dated 31/8/22, QA Amenities, untreated rainwater dated 6/12/22	Compliant
NOISE				
Hours of Work				
B25	The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.	All	Operations allowed 24 hours as per Consolidated Consent. Operational controls implemented via Operational Environmental Management Plan, dated 23/8/2022. Sighted personnel sign-in / sign-out records providing overview of working hours onsite. Rushes Creek sign in/out log spreadsheet Nov-Dec 2021, Mar-May 2022.	Compliant
B26	Works outside of the hours identified in condition B25 may be undertaken in the following circumstances:	All	As above	Compliant
B26a	Works that are inaudible at the nearest sensitive receivers;	All	As above	Compliant
B26b	For the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or	All	Not required	Not triggered
B26c	Where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.	All	Not required	Not triggered
Construction Noise Limits				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B27	The development must be constructed to achieve the construction noise management levels detailed in the <i>Interim Construction Noise Guideline</i> (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in 0 of this consent.	Construction	Condition not relevant to Operations Phase activities. However, non-compliance against Condition B27 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. Therefore non-compliance against this condition is identified as relevant to the operational compliance reporting. IEA Finding: There is no evidence of construction noise monitoring done by noise specialists during the construction stage of the IEA period. Therefore, construction noise cannot be verified as under 40 dB as outlined in Section 5.5 of the CEMP (with reference to the EIS). This is a non-compliance because construction noise levels could not be verified for this IEA. Auditors cannot confirm construction remained under 40 dB as no independent evidence (monitoring undertaken by noise specialists) of noise results from the construction phase could be provided. ProTen provided photos of hand-held noise level meters from 24 August 2022 when construction was occurring. However this was not undertaken by noise specialists. The scope of the Noise Validation Report noise monitoring did not include the assessment of construction noise against 40 dB. Based on evidence provided there were no construction-noise related complaints from the community. Toolbox talk records sighted during site inspection mention potentially noisy activities and demonstrate noise mitigation measures.	Non-compliant
Operational Noise Limits				
B28	The Applicant must ensure that noise generated by operation of the development does not exceed 35 dB(A) LAeq(15 minute) at all times (day, evening and night) at all residential receivers.	Operation	Compliance with noise limit validated for nighttime noise in Pro Ten Tamworth Pty Ltd, ProTen - Rushes Creek Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring, Summary Noise Report, SLR Ref No: 631.30722.00300-R01-v1.0-20221011.docx, October 2022. However, day and evening operational noise levels have not been verified via monitoring. Operational noise mitigation and management measures implemented via OEMP v0.1 August 2022, (Table 11) SLR dated 11/06/2021. Site inspection during the compliance review verified controls have been implemented in accordance with OEMP requirements for noise. No noisy operational activities noted during site inspection. No noise associated with site operations was noted at or near the site boundaries Given that noise mitigation and management measures have been implemented for operations activities, no noise complaints have been received for operations activities, and noise is included in site inspections, ProTen considers that no further action against this condition to implement ongoing monitoring and verification of compliance with Condition B28 is considered warranted at this time. ProTen indicated that they would consider noise monitoring in consultation with EPA in the future if noise complaints are received in relation to operational activities on the site.	Non-compliant
	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 Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 1 for the location of residential sensitive receivers.	Operation		Note only
Concurrent Construction and Operation Noise Limits				
B28A	The Applicant must ensure that noise generated during concurrent construction and operation of Stage 1 (Farm 2) of the development does not exceed 40 dB(A) LAeq(15 minute) at all times (day, evening and night) at all residential receivers.	All	Non-compliance against Condition B28A was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. Therefore non-compliance against this condition is identified as relevant to the operational compliance reporting. IEA Finding: Post IEA, as per Condition B28, validation assessment for night time noise was carried out during period of concurrent activities.	Compliant
Noise Validation Monitoring				
B28B	Within the first month of Stage 1 (Farm 2) operations commencing, the Applicant must carry out noise validation monitoring. Monitoring must be carried out in accordance with the requirements of the Environment Protection Authority and the EPL, and within the following parameters:	Operation	Pro Ten Tamworth Pty Ltd, ProTen - Rushes Creek Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring, Summary Noise Report, SLR Ref No: 631.30722.00300-R01-v1.0-20221011.docx, October 2022 Letter from DPE to ProTen, 19/10/22 - Rushes Creek Poultry Production Farm (SSD-7704), B28B - Noise Validation Report Noise validation report submitted to DPE as required, DPE response sighted.	Compliant
B28B (a)	At receptors R24 and R25 as identified in Appendix 1 of this consent.	Operation	As above	Compliant
B28B (b)	Within 10 days of operations commencing at Farm 2 while concurrently operating one 440 kVA diesel generator at Farm 2;	Operation	As above	Compliant
B28B (c)	Within 10 days of the commencement of operation of two 440 kVA diesel generators at Farm 2 concurrent with Farm 2 operations; and	Operation	As above	Compliant
B28B (d)	During the night period as defined in the Noise Policy for Industry (EPA, 2017) for a minimum of one hour during the night.	Operation	As above	Compliant
Road Traffic Noise				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B29	Prior to the commencement of construction, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.	All	Driver Code Conduct that addresses requirements of Condition B29 has been incorporated and implemented into OEMP v0.1 August 2022. Verified in IEA Jan 2023. Sighted Driver Code of Conduct signed forms dated 6/12/22, 1/11/22, indicating communication of requirements to heavy vehicle drivers. Site inspection indicated vehicle traffic in alignment with Driver Code of Conduct & OEMP requirements.	Compliant
ANIMAL WELFARE AND BIOSECURITY				
Animal Welfare				
B30	The Applicant must 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 latest version of:	All	Baida Animal Welfare Policy Baida National Animal Welfare Standard RSPCA Approved Farming Scheme - Meat Chicken Assessment Report, Assessment ID 28149, dated 21 Feb 23. All management plans. RSPCA Report shows that the facility was compliant with RSPCA requirements. Baida animal welfare requirements align with applicable standards and requirements. Facility complies with Baida Animal Welfare & RSPCA requirements as conditions of contract. Baida Pre-Placement Report - confirms litter depth is appropriate, dated 16 May 2023 Batch Verification Schedules (weekly), dated 6/2/23, 23/1/23, 30/1/23 Daily Shed Check Cards, dated 11/1/2023, 8/8/23 PRT-SOP-BRO-021 Litter Management for Poultry Shedding, v1.5, 28/4/2020 PRT-WI-BRO-015 Work Instruction - Levelling Bedding Material Service Reports, dated 7 Jun 2023, 29 May 2023 Site Environmental Inspection Checklist, dated 17/2/2023 Construction Work Site SHEQ Inspection Checklist, dated 8/12/2022 Site inspections and monitoring as evidenced by records sighted, and during site inspection during compliance review indicate animal welfare requirements are effectively implemented and monitored for site operations. Birds appeared to be healthy, sheds were cleaned, not odorous, water and food supplies were freely available and well managed. Loading and transport of birds appeared to be as per relevant requirements.	Compliant
B30a	RSPCA Approved Farming Scheme Standards – Meat Chickens (RSPCA Australia 2013) (RSPCA Standards).	All	As above	Compliant
B30b	National Animal Welfare Standards for Livestock Processing Establishments 2nd edition (Meat and Livestock Australia, 2009);	All	As above	Compliant
B30c	Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock (Animal Health Australia, 2012);	All	As above	Compliant
B30d	National Animal Welfare Standards for the Chicken Meat Industry (Barnett et al. 2008).	All	As above	Compliant
B30e	NSW DPI Best Practice Management for Meat Chicken Production in NSW – Manual 2 (2012);	All	As above	Compliant
B30f	National Farm Biosecurity Manual for Chicken Growers (ACMF, 2000);	All	As above	Compliant
B30g	Model Code of Practice for the Welfare of Animals – Domestic Poultry, 4th Edition (PISC, 2002);	All	As above	Compliant
B30h	Model Code of Practice for the Welfare of Animals, Land Transport of Poultry (PISC, 2006); and	All	As above	Compliant
B30i	Any other relevant document that supersedes the above.	All	As above	Compliant
Emergency Disposal and Biosecurity				
B31	Prior to the commencement of operation, the Applicant must 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 Planning Secretary. The protocol must form part of the OEMP required by condition C5 and must:	Operation	Emergency Disposal and Biosecurity Strategy (EDBS) SLR dated 15/09/2022, version 1.1. Has been incorporated and implemented into OEMP v0.1 August 2022.	Compliant
B31a	Be prepared in consultation with Council, EPA, DPI and other relevant public authorities;	Operation	EDBS development included consultation with Biosecurity and Food Safety Unit of the Department of Primary Industries (DPI), EPA, and Tamworth Regional Council.	Compliant
B31b	Be consistent with the relevant AUSTVETPLAN manuals and supporting documents;	Operation	EDBS has been prepared to in consideration of relevant AUSTVETPLAN Manuals: • Australian Veterinary Emergency Plan, AUSVETPLAN, Operational Manual, Destruction of Animals (Animal Health Australia [AHA] 2015a) • Australian Veterinary Emergency Plan, AUSVETPLAN, Operational Manual, Disposal (AHA 2015b)	Compliant
B31c	Describe the notification procedures;	Operation	Notification procedures are described in Section 4.1 of the EDBS	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B31d	Detail all transport routes to be used in a mass mortality event;	Operation	Approved heavy vehicle transport routes are shown in Figure 3 of the EDBS	Compliant
B31e	Detail any requirements to stage the mass disposal of dead livestock;	Operation	Described in Section 4.7 of the EDBS	Compliant
B31f	Detail the burial location(s) for the disposal of dead livestock, including plans and drawings;	Operation	Described in Section 4.6 of the EDBS	Compliant
B31g	Detail the measures to maintain quarantine control.	Operation	Described in Section 4.4 of the EDBS	Compliant
B31h	Detail measures to prevent ground water contamination.	Operation	Described in Section 4.6 of the EDBS	Compliant
B31i	Detail the mass mortality disposal procedures and options.	Operation	Described in Section 4 of the EDBS	Compliant
B32	The Applicant must:	Operation		
B32a	Not commence operation until the Emergency Disposal and Biosecurity Protocol required by condition B31 is approved by the Planning Secretary; and	Operation	DPE Approval letter dated 23/9/2022. Operations commenced on 23/9/2022.	Compliant
B32b	Implement the most recent version of the Emergency Disposal and Biosecurity Protocol approved by the Planning Secretary for the duration of the development.	Operation	Implemented via the OEMP. Sighted records and other evidence indicating implementation including signage, visitor & contractor induction, batch management & inspection records. Based on site interview, no mass mortality events during operation required implementation of emergency disposal procedures. At the time of the site inspection, the wheel wash required as a biosecurity control measure in Section 3.2.4 of the EDBS and Section 3.7 of ProTen's Biosecurity Manual had not yet been commissioned and was not in use. Therefore, this is identified as a non-compliance against this condition. Recommendation: Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity control zone as outlined in the OEMP and supporting plans.	Non-compliant
ABORIGINAL HERITAGE				
Aboriginal Cultural Heritage Management Plan (ACHMP)				
B33	Before the commencement of any clearing or construction works, the Applicant must prepare an ACHMP for the development. The plan must form part of the CEMP required by condition C2 and must:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B33a	Be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties and EES;	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B33b	Be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development;	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B33c	Describe the management actions for all Aboriginal sites within the development site;	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B33d	Describe the measures to salvage the artefacts in Happy Hills-IF3, Bondah-IF1, Bondah-IF2, Bondah-IF7, Bondah-IF8, Happy Hills-OS3 and Bondah-OS11, including mapping, analysis and collection, and protect them in perpetuity.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B34	The Applicant must:	All		
B34a	Not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary; and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B34b	Implement the most recent version of the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary for the duration of the development.	All	Site inspection and discussions ACHMP Revision 3.3, dated 5 September 2022 OzArk Salvage Report for Stage 1 development, 27 July 2021 OzArk Salvage Report for Stage 2 development, August 2023 Not triggered during Stage 1 construction. Salvage report completed for Stage 1 & 2 prior to works commencing, included inspection, fencing & relocation of identified artefacts. ACHMP has been implemented for operations phase activities via the OEMP. Sighted evidence of implementation including induction information, salvage reports (from construction phase)s, marked areas of site containing known cultural finds identified during construction activities (to be permanently marked & fenced off). IEA Jan 2023 finding: Non-compliance: The Northern Borrow Pit and Southern Borrow Pit are not included in the site plans and are outside the approved disturbance footprint. Although, there has been no evidence of impact to heritage (noting locations in Figure 4-1 of ACHMP) the site is still outside approved clearance boundaries.	Non-compliant
Unexpected Finds Protocol				
B35	If any item or object of Aboriginal heritage significance is identified on site:	All		

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B35a	All work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;	All	Communicated to personnel via site inductions and monitored via site inspections. Evidence sighted including Site Environmental Inspection Checklist dated 17/2/2023. Site interviews and discussions indicate that no unexpected items of Aboriginal cultural heritage significance have been identified at the site in association with operations phase activities Sighted marked areas of known finds associated with construction phase activities, temporary fencing to be replaced with permanent fencing around these areas.	Compliant
B35b	A 10 m wide buffer area around the suspected item or object must be cordoned off; and	All	As above	Compliant
B35c	The Heritage Division of DPC must be contacted immediately.	All	As above	Compliant
B36	Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the <i>National Parks and Wildlife Act 1974</i> .	All	As above	Compliant
BIODIVERSITY				
B37	Prior to any clearing or construction works, the Applicant must purchase and retire 29 White Box grassy woodlands – derived grassland (PCT 1383) credits to offset the removal/ disturbance of 1.17 hectares of White Box grassy woodlands – derived grassland at the site. The ecosystem credits must be retired in accordance with the requirements of EES's Biodiversity Offsets Scheme and the Biodiversity Conservation Act 2016.	Construction	Email from DPIE to ProTen dated 1 Sep 2021, communication regarding B37, B38, B39 conditions fulfilled SSD-7704-PA-14 NSW OEH Biodiversity Banking Credits Retirement Report, Credit Owner ID - 728, Credit owners ProTen Tamworth Pty Ltd - confirmation that biodiversity credits have been paid	Compliant
B38	The requirement to retire ecosystem credits (see condition B37) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits, as calculated by the EES Group's Biodiversity Offsets Payment Calculator.	Construction	As above	Compliant
B39	The Applicant must provide the Planning Secretary with evidence that:	Construction	As above	Compliant
B39a	The retirement of ecosystem credits has been completed (see condition B37); or	Construction	As above	Compliant
B39b	A payment has been made to the Biodiversity Conservation Fund (see condition B38), prior to undertaking any clearing of native vegetation or activities that have the potential to impact upon this native vegetation.	Construction	As above	Compliant
HAZARDS AND RISK				
Pre-construction				
B40	At least one month prior to the commencement of construction of the development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit for the approval of the Planning Secretary the studies set out under subsections (a) to (b) below (the pre-construction studies). Construction, other than of preliminary works, must not commence until approval has been given by the Planning Secretary.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B40a	A Fire Safety Study for the development. This study must cover the relevant aspects of the Department's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines' and the New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems (NSW HMPCC, 1994). The study must meet the requirements of Fire and Rescue NSW.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B40b	A Final Hazard Analysis of the development, prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Pre-commissioning				
B41	Prior to commissioning of the development, or within such further period as the Planning Secretary may agree, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development. The plan must be prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'.	Operation	An Emergency Plan has been developed and implemented via the OEMP. Included as Appendix J of the OEMP and details emergency procedures relevant to operations phase activities. References Fire Safety Study Rev 2, 3 April 2023, Project number 12545704, GHD Pty Ltd, which was prepared in accordance with Advisory Paper No 1 as required by Condition B41.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
Further Requirements				
B42	The Applicant must store all chemicals, fuels and oils used on-site in accordance with:	All		
B42a	The requirements of all relevant Australian Standards; and	All	Evidence of appropriate chemical storage was sighted during site inspection. All chemicals were stored on banded pallets within the designated chemical storage shed. A spill kit was located within the storage shed as well as a laminated dangerous goods segregation chart. SDS's were located within the site office approximately 50 metres from the chemical storage shed. These are available to all staff trained to use chemicals. Three tins of what appear to be paint thinner were located outside of the chemical storage shed on cardboard. Recommendation: Review site chemical storage arrangements including chemical segregation, bunding and SDS availability.	Non-compliant
B42b	The NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook, if the chemicals are liquids.	All	As above	Non-compliant
B43	In the event of an inconsistency between the requirements B42(a) and B42(b), the most stringent requirement must prevail to the extent of the inconsistency.	All	Note only	Note only
Dangerous Goods				
B44	Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:	All	IEA Jan 2023 Finding: During the site inspection there were a couple of instances of oil drums on the ground or hazardous substances or unidentified containers without bunds in construction storage areas (refer to Site Inspection Photos 20 and 24). Diesel generators and SCR systems are enclosed, rather than sitting on a banded concrete slab. Compliance Review Sept 2023: As at Condition B42a - three tins of what appear to be paint thinner, a dangerous good, were located outside of the chemical shed on cardboard.	Non-compliant
B44a	All relevant Australian Standards.	All	As above	Non-compliant
B44b	For liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and	All	As above	Non-compliant
B44c	The Environment Protection Manual for Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997).	All	As above	Non-compliant
B45	<i>In the event of an inconsistency between the requirements B44(a) to B44(c), the most stringent requirement must prevail to the extent of the inconsistency.</i>	All	Note only	Note only
WASTE MANAGEMENT				
Pests, Vermin and Noxious Weed Management				
B46	The Applicant must:	All		
B46a	Implement suitable measures to manage pests, vermin and declared noxious weeds on the site;	All	OEMP - includes pest & weed management measures Chemical Application and Storage Report, batch 3, dated 10/1/23 to 18/2/23 showing rat bait applications Chemical Application and Storage Report, batch 3, dated 1/2/23 to 18/1/23 showing insecticide applications Rodent Control Form, batch 106, dated 10/1/23 to 18/2/23 Site Environmental Inspection Checklist, , batch 106, 17/2/23 Workplace Inspection Checklist, batch 106, 17/2/23 Site Inspection	Compliant
B46b	Inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area.	All	As above	Compliant
	Note: <i>For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.</i>	All	Note only	Note only
Composting of Mortalities Onsite				
B47	Composted mortalities cannot be disposed off-site until a Specific Resource Recovery Exemption is granted by the EPA for birds composted at the site.	Operation	Mortalities are not composted onsite, Verified during site inspection.	Not triggered
	Note: <i>The general manure composting resource recovery exemption does not permit the inclusion of animal waste.</i>	Operation	Note only	Note only
Waste Management				
B48	The Applicant shall not stockpile, store or utilise spent bedding material in any way within the development., other than for the composing of birds.	Operation	Spent bedding is not stored onsite - loaded directly into trucks and transported offsite for disposal. Verified during site inspection.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B49	Broiler mortalities shall not be disposed of to land by burial or any other methods at the site, for the life of the development, unless otherwise permitted by a relevant authority during a bio-security emergency at the site.	Operation	Mortalities are disposed offsite. Verified during site inspection.	Compliant
CONTAMINATION				
Unexpected Finds				
B50	Prior to the commencement of earthworks, the Applicant must revise the unexpected contamination procedure in consultation with the Site Auditor to ensure that potentially contaminated material (including the Sheep Holding Shed) is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C2 and must ensure appropriate management of any material identified as contaminated.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Site Auditor				
B50A	Prior to the commencement of earthworks for the development on site, the Applicant must engage a Site Auditor accredited under the <i>Contaminated Land Management Act 1997</i> NSW Site Auditor Scheme.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Remediation				
B51	The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the <i>Contaminated Land Management Act 1997</i> .	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B52	Within one month of the completion of the remediation works, the Applicant must submit a validation report/letter to the Planning Secretary, which has been prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.	Construction	Condition not relevant to Operations Phase activities. However, non-compliance against Condition B27 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. Therefore non-compliance against this condition is identified as relevant to the operational compliance reporting. IEA Finding: Evidence of the NSW EPA Site Audit Report and Site Audit Statement being lodged to the Major Project Portal on 10 March 2022. Therefore this is a non-compliance as the report was not submitted to DPE within one month of the completion of remediation works (29 October 2021).	Non-compliant
B52A	Within six months of the completion of the remediation works and prior to the commencement of operation, the Applicant must obtain from the Site Auditor, a Site Audit Statement and a Site Audit Report. The reports must be prepared in accordance with the relevant guidelines under the CLM Act and must confirm:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B52A (a)	The remedial works approved under this consent have been completed in accordance with the remediation objectives listed in the Remedial Action Plan; and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B52A (b)	The site is suitable for its intended use.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B52A additional	A copy of the final Site Audit Statement and Site Audit Report must be provided to the Planning Secretary and the EPA.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Long Term Environmental Management Plan				
B52B	The Long Term Environmental Management Plan (LTEMP) for the development must be submitted for consideration and approval by the Site Auditor, prior to the finalisation of the Site Audit Statement and Site Audit Report. The LTEMP is to:	All	Sage Environmental Services "NSW EPA Site Audit Report Rushes Creek Poultry Production Farm AL005" report, dated 9/03/2022 - includes consideration of the LTEMP. LTEMP submitted and approved by the Site Auditor prior to completion of the Site Audit Report and Site Audit Statement.	Compliant
B52B (a)	Address all environmental impacts of the development's construction and operational phases.	All	Considered in Section 1.4 of the LTEMP	Compliant
B52B (b)	Recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s).	All	Considered in Section 7 of the LTEMP	Compliant
B52B (c)	Include a surveyed drawing prepared by a registered surveyor clearly identifying the location and depth of any remaining on-site contamination.	All		Compliant
B52B (d)	Incorporate a program for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant environmental standards.	All	Considered in Section 8 of the LTEMP	Compliant
B52B (e)	Mechanisms to report results to the Planning Secretary and the EPA.	All		Compliant
B52C	Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:	All		Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B52C (a)	Implement the approved LTEMP;	All	Implemented via Appendix K of the OEMP.	Compliant
B52C (b)	Provide evidence to the Planning Secretary the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the EP&A Act, for the development.	All	Verified in Jan 2023 IEA.	Compliant
VISUAL AMENITY				
Landscaping				
B53	The Applicant must:	All		
B53a	Establish a vegetation screen around the perimeter of each PPU a minimum width of 40 metres prior to the commencement of operation.	All	Vegetation screen was not fully established prior to operations commencing, as indicated in Jan 2023 IEA, therefore a non-compliance was identified against Condition B53a during the Jan 2023 IEA and is indicated for this initial Operations Phase Compliance Report. Vegetation screens have since been established around the perimeter of Farm 2 development, verified during site inspection. Plantings are monitored via site inspections, evidence sighted. Site Environmental Inspection Checklist, dated 17/2/2023. A qualified horticulturalist was engaged to advise on the plantings, and has been engaged to return to site and inspect and advise on current growth and establishment of the screening plantings.	Non-compliant
B53b	Maintain the vegetation screens on the site for the life of the development.	All	Vegetation screens maintained, verified in site inspection.	Compliant
Lighting				
B54	The Applicant must ensure the lighting associated with the development:	All		
B54a	Complies with the latest version of AS 4282-1997 - <i>Control of the obtrusive effects of outdoor lighting</i> (Standards Australia, 1997); and	All	Verified during Jan 2023 IEA. No changes to site lighting since IEA.	Compliant
B54b	Is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.	All	Site inspection - external lighting appeared to be mounted and screened in a manner to avoided a nuisance to surrounding properties and roads. Complaints log - no complaints related to site lighting received.	Compliant
COMMUNITY ENGAGEMENT				
B55	The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified in Appendix 2, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.	All	Construction - Stage 1 consultation verified in Jan 2023 IEA. Stage 2 consultation will be undertaken as part of approvals process. Operational consultation and complaints management procedures are implemented via Community Consultation Plan (CCP), incorporated as Appendix L of the OEMP. Complaints log reviewed - No complaints related to operations received.	Compliant
Community Consultation Plan				
B56	The Applicant must prepare a Community Consultation Plan for the development, to the satisfaction of the Planning Secretary. The Plan must:	All	Community Consultation Plan (CCP) for operations phase activities is implemented via the OEMP, DPE approvals provided as required. Will be updated prior to Stage 2 construction works.	Compliant
B56a	Be approved by the Planning Secretary prior to the commencement of site preparation works;	All	Condition not relevant to Operations Phase activities.	Not triggered
B56b	Be implemented for the life of the development, or as otherwise agreed by the Planning Secretary;	All	Community Consultation Plan (CCP) for operations phase activities is implemented via the OEMP, included as Appendix L of the OEMP.	Compliant
B56c	Assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the development;	All	In Section 2.1 & 2.2 of the CCP.	Compliant
B56d	Detail the mechanisms for regularly consulting with.	All	In Section 4 of the CCP.	Compliant
B456d (i)	The local community.	All	In Section 4 of the CCP.	Compliant
B56d (ii)	Nearby sensitive receivers identified in Appendix 2.	All	In Section 4 of the CCP.	Compliant
B56d (iii)	Relevant Regulatory Authorities.	All	In Section 4 of the CCP.	Compliant
B56d (iv)	Registered Aboriginal Parties.	All	In Section 4 of the CCP.	Compliant
B56d (v)	Other interested stakeholders.	All	In Section 4 of the CCP.	Compliant
	Throughout the development, such as holding regular meetings to inform the community of the progress of the development and report on environmental monitoring results;	All	In Section 4 of the CCP.	Compliant
B56e	Include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and	All	In Appendix C of the CCP	Compliant
B56f	Include a complaints procedure for recording, responding to and managing complaints, including:	All	In Section 5 of the CCP	Compliant
B56f (i)	Email, toll-free telephone number and postal address for receiving complaints;	All	Operations Phase contacts in Table 3 of the CCP.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B56f (ii)	Advertising the contact details for complaints prior to and during operation, via the local newspaper and through on-site signage;	All	In Section 5.3 of the CCP Evidence of onsite signage and newspaper notices of operations commencement sighted. Newspaper Notice - The Land 1/9/2022 Newspaper Notice - Manilla Express 30/8/2022	Compliant
B56f (iii)	A complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and	All	In Section 5.4 of the CCP. Complaints log sighted. No complaints related to site operations received at the time of site inspection.	Compliant
B56f (iv)	Procedures to resolve any disputes that may arise during the course of the development.	All	In Section 5.6 of the CCP	Compliant
B57	The Applicant must:			
B57a	Not commence construction until the Community Consultation Plan is approved by the Planning Secretary;	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B57b	Implement the approved Community Consultation Plan for the duration of the development.	All	CCP has been implemented for operations phase activities. Evidence sighted during site inspection include site signage, complaints log.	Compliant
PART C - ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING				
ENVIRONMENTAL MANAGEMENT				
Management Plan Requirements				
C1	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:	All	Verified in Jan 2023 IEA Since Jan 2023 IEA, ProTen have: * Reviewed MPs. * SWMP updated * PIRMP updated (Feb 2023) Further MP updates likely during late 2023. Updated plans appear to align with Condition C1.	Compliant
C1a	Detailed baseline data;	All	As above, as relevant to particular MPs and DPE requirements.	Compliant
C1b	Details of:	All	As above	Compliant
C1b (i)	The relevant statutory requirements (including any relevant approval, licence or lease conditions);	All	As above	Compliant
C1b (ii)	Any relevant limits or performance measures and criteria; and	All	As above	Compliant
C1b (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;	All	As above	Compliant
C1c	A description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;	All	As above	Compliant
C1d	A program to monitor and report on the:	All	As above	Compliant
C1d (i)	Impacts and environmental performance of the development; and	All	As above	Compliant
C1d (ii)	Effectiveness of the management measures set out pursuant to paragraph (c) above;	All	As above	Compliant
C1e	A contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;	All	As above	Compliant
C1f	A program to investigate and implement ways to improve the environmental performance of the development over time;	All	As above	Compliant
C1g	A protocol for managing and reporting any:	All	As above	Compliant
C1g (i)	Incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);	All	As above	Compliant
C1g (ii)	Complaint.	All	As above	Compliant
C1g (iii)	Failure to comply with statutory requirements.	All	As above	Compliant
C1h	A protocol for periodic review of the plan.	All	As above	Compliant
	Note: the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans .	All	Note only	Note only
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN				
C2	The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
C3	As part of the CEMP required under condition C2 of this consent, the Applicant must include the following:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
C3a	Erosion and Sediment Control Plan.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
C3b	Construction Traffic Management Plan (see Condition B10).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
C3c	Community Consultation and Complaints Handling.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
C4	The Applicant must:	Construction		
C4a	Not commence construction of the development until the CEMP is approved by the Planning Secretary; and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
C4b	Carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.	Construction	Condition not relevant to Operations Phase activities. However, non-compliance against Condition B27 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. Therefore non-compliance against this condition is identified as relevant to the operational compliance reporting. IEA Jan 2023 Finding: Erosion and sediment controls generally observed during site inspection. The mitigation measures outlined in the Erosion and Sediment Control Plan, CTMP, and CCP were used. Non-compliance: Disturbance outside of the approved disturbance footprint for the Northern Borrow Pit and Southern Borrow Pit occurred in the IEA audit period. See previous recommendations.	Non-compliant
OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN				
C5	The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 to the satisfaction of the Planning Secretary.	Operation	Operational Environmental Management Plan (OEMP), SLR Ref No: 631.30722.00100-R01-v0.1-20220830.docx, August 2022 DPE approval letter for OEMP, dated 23/09/2022	Compliant
C6	As part of the OEMP required under condition C5 of this consent, the Applicant must include the following:	Operation		
C6a	Describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;	Operation	OEMP Section 3.2.2	Compliant
C6b	Describe the procedures that would be implemented to:	Operation		
C6b (i)	Keep the local community and relevant agencies informed about the operation and environmental performance of the development;	Operation	Community Consultation Plan included as Appendix L of OEMP	Compliant
C6b (ii)	Receive, handle, respond to, and record complaints;	Operation	OEMP Section 6 and in CCP (Appendix L of OEMP)	Compliant
C6b (iii)	Resolve any disputes that may arise.	Operation	As above	Compliant
C6b (iv)	Respond to any non compliance.	Operation	OEMP Section 7	Compliant
C6b (v)	Respond to emergencies; and	Operation	OEMP Section 7 and Emergency Plan (Appendix J of OEMP)	Compliant
C6c	Including the following environmental management plans.	Operation		Compliant
C6c (i)	Air Quality (see Condition B4).	Operation	Appendix C of OEMP	Compliant
C6c (ii)	Operational Driver Code of Conduct (see Condition B14).	Operation	Appendix D of OEMP	Compliant
C6c (iii)	Water (see Condition B22).	Operation	Appendix E of OEMP	Compliant
C6c (iv)	Emergency Disposal and Biosecurity Protocol (see Condition B31); and	Operation	Appendix F of OEMP	Compliant
C6c (v)	Aboriginal Cultural Heritage (see Condition B33).	Operation	Appendix G of OEMP	Compliant
C7	The Applicant must:	Operation		
C7a	Not commence operation until the OEMP is approved by the Planning Secretary; and	Operation	Letter from DPE to ProTen, Ref: INV-46299464, dated 14/10/2022, SHOW CAUSE - Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 SLR response - Letter to DPE, Bird Placement - Additional Information to Non-Compliance Report Rushes Creek Poultry Production Farm - SSD 77047 Oct 22, ref 631.30877.02000-L01-20221007.docx ProTen letter to DPE, Show Cause: Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 - Response, dated 3/11/2022 Birds were placed onsite on the morning of 23 Sept 2022, before written approval of the OEMP and associated plans was received during the afternoon of the same day, which is a non-compliance with Condition C7(a). Response actions include implementation of a compliance management system. Non-compliance was recorded and actions verified in Jan 2023 IEA. Progress towards implementation of compliance management system discussed during site visit. Internal budget has been approved for procurement of compliance management system. Product selection and procurement is underway.	Non-compliant
C7b	Operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).	Operation	At the time of the site inspection, the wheel wash, which is a required biosecurity control measure approved for the development and included in the OEMP, had not yet been commissioned, and was not in use. Therefore, this is identified as a non-compliance against this condition. Recommendation: Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity control zone as outlined in the OEMP and supporting plans.	Non-compliant

REVISION OF STRATEGIES, PLANS AND PROGRAMS

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
C8	Within three months of:	All	Jan 2023 IEA verified compliance, noting that Management Plans were generally compliant in regards to this condition and their preparation requirements and that the OEMP will likely need to be updated based on the outcome of the clearing/Borrow Pits issue. No action for update of the OEMP at this time because the outcome is still being determined by ProTen and DPE. Since the Jan 2023 IEA, Management Plans were reviewed in response to water discharge event reports from 4 & 21 Nov 2022. Submitted to DPE in ProTen letter to DPE, dated 4/2/2023, Management Plan Review, Condition C8 of SSD 7704 - Rushes Creek Poultry Farm.	Compliant
C8a	The submission of a Compliance Report under condition 0;	All	As above	Compliant
C8b	The submission of an incident report under condition C9;	All	As above	Compliant
C8c	The submission of an Independent Audit under condition 0;	All	As above	Compliant
C8d	The approval of any modification of the conditions of this consent; or	All	As above	Compliant
C8e	The issue of a direction of the Planning Secretary under condition A2(b) which requires a review, the strategies, plans and programs required under this consent must be reviewed.	All	As above	Compliant
C8 additional	If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.	All	As above	Compliant
C8 note	Note: <i>This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.:</i>		Note only	Note only
REPORTING AND AUDITING				
Incident Notification, Reporting and Response				
C9	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.	All	Jan 2023 IEA finding: Non-compliance - Evidence received suggest ProTen reported non-compliances or incidents once prompted by authorities, rather than at the time of the incident. There is little evidence to indicate ProTen was aware that these issues were incidents or non-compliances. There is evidence of ProTen providing information when prompted by authorities (DPE and EPA). Compliance review: 3 incidents identified during Operational review period: Incident 1: Water discharge (uncontrolled, unlicensed) – Event date: 30/9/2022. EPA & DPE notified before event, notification & investigation reports sent to DPE as required & within required timeframes. DPE response – no further action. Incident 2: Water discharge (controlled, unlicensed) – Event date: 14/11/2022. EPA & DPE notified 21/11/2022. Notification within 7 days required by Condition C10, however not immediately as required by Condition C9, therefore is non-compliant. DPE issued RFI on 2/12/2022, response provided by ProTen 21/12/2022 within required timeframe. Incident 3: Water discharge (controlled, unlicensed) – Event date: 29/3/2023. EPA & DPE notified 5/4/2023. Notification within 7 days required by Condition C10, however not immediately as required by Condition C9, therefore is non-compliant. Incident report provided to DPE by ProTen on 27/4/2023. DPE response dated 8/5/2023. DPE issued RFI on 21/4/2023, response provided by ProTen 30/4/2023 within required timeframe. Recommendation: Follow up actions arising from Jan 2023 IEA audit and also refer to actions at AP3-1.	Non-compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
			<p>Compliance review evidence sighted:</p> <ul style="list-style-type: none"> •Construction Induction •Contractor Induction (Online Induct) •PRT-P&P-HR-023 New Employee Induction Handbook •Incident register •Email from Hugh Jones (SLR) on behalf of ProTen to DPE & EPA dated 30/9/2022 'Water Release Notification' •INC561.8464 - 05-10-2022 – SINGH, dated 30/9/2022 •'Incident Report Condition C9 of SSD 7704 – Rushes Creek Poultry Production Farm, sent to DPE 4/11/22 •Letter from DPE - 'Rushes Creek Poultry Production Farm (SSD-7704) Incident Report - Water Discharge 5 October 2022', 13/1/2023 •Letter from ProTen to DPE, Notification - SSD 7704 Rushes Creek Poultry Production Complex, dated 31 October 2022 (not incorrect date - letter was transmitted to DPE on 21/11/2022 per email acknowledgment received). •Email DPE 'Rushes Creek Poultry Production Farm - Post Approval Document Received - (SSD-7704-PA-40), dated Monday, 21 November 2022 4:11 PM from no reply@majorprojects.planning.nsw.gov.au to Kate Singh •Letter titled 'Rushes Creek Poultry Production Farm (SSD-7704) SSD-7704-PA-40 - Request for Additional Information dated 2/12/2022 from DPE to Kathryn Singh •Letter titled 'Rushes Creek Poultry Production Farm (SSD-7704) Incident Report - Water Discharge 14 November 2022' dated 13/01/2023 from DPE to Bill Williams •Email titled 'Rushes Creek Poultry Production Farm - Post Approval Document Received - (SSD-7704-PA-53)' dated 5/04/2023 from no reply@majorprojects.planning.nsw.gov.au to Kate Singh •Letter titled 'Rushes Creek Poultry Production Farm (SSD-7704) 230329 Farm 2 detention dam water release' from DPE to Bill Williams, dated 8/05/2023. 	
Non-Compliance Notification				
C10	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	All	See previous IEA dated January 2023 indicating that evidence suggests that ProTen reported non-compliances or incidents once prompted by authorities rather than at the time of the incident. This includes Operations Phase non-compliance relating to placement of birds prior to receipt of approval for the OEMP, as outlined at Condition C7(a), therefore a non-compliance for Operations phase is recorded against Condition C10.	Non-compliant
Compliance Reporting				
C11	Compliance Reports of the development must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020).	All	This Compliance Report was prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020).	Compliant
C12	The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least seven days before this is done.	All	Not yet triggered - review during next Compliance Reporting cycle.	Not triggered
Independent Audit				
C13	Independent auditing of the operation of the development must be carried out in accordance with the Independent Audit Post Approval Requirements (Department, 2020).	Operation	See previous IEA dated January 2023 'Non-compliance with the 2020 Guidelines for the Construction Phase Initial Audit timing/frequency. ProTen was required to engage an IEA within 12 weeks of commencement of construction. Construction commenced 30 September 2021. Therefore, a IEA should have been completed (site inspection component) by 31 March 2022'. Response actions (in IEA findings): 1) Audit schedule to be developed in consultation with DPE to consider frequency of construction and operational phase audits, provided to DPE. 2) Audit schedule to be included in compliance management system once system is implemented (budget approved, software selection in progress).	Non-compliant
C14	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:	Operation		
C14a	Review and respond to each Independent Audit Report prepared under condition C13 of this consent;	Operation	Response to Audit recommendations - Rushes Creek 10.3.2023 - submitted to DPE with final audit report.	Compliant
C14b	Submit the response to the Planning Secretary; and	Operation	Letter from ProTen to DPE 20/3/23, Independent Audit - Public Availability & Email confirming transmission 20/3/23	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
C14c	Make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.	Operation	ProTen website https://proten.com.au/Sustainability/Environmental-Documents , checked 6/9/23 Email from DPE, 22/3/2023 to ProTen, Rushes Creek Poultry Production Farm - S2C-C14 (c) IA1 on website confirming no comments on report upload ProTen internal email from Kate Singh to ProTen website administrator requesting compliance report upload, dated 30/3/23 & response confirming upload dated 30/3/23	Compliant
Monitoring and Environmental Audits				
C15	Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.	All	Noted	Compliant
	Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.		Note only	Note only
ACCESS TO INFORMATION				
C16	At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:	All	Verified in Jan 2023 IEA	Compliant
C16a	Make the following information and documents (as they are obtained or approved) publicly available on its website:	All	ProTen Website reviewed 6 Sep 2023 https://proten.com.au/Sustainability/Environmental-Documents . Documents required by Conditions C16(a)(i) to (xi) appear to be present and updated as required by Condition C16.	Compliant
C16a (i)	The documents referred to in condition A2 of this consent;	All	As above	Compliant
C16a (ii)	All current statutory approvals for the development;	All	As above	Compliant
C16a (iii)	All approved strategies, plans and programs required under the conditions of this consent;	All	As above	Compliant
C16a (iv)	Regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;	All	As above	Compliant
C16a (v)	A comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;	All	As above	Compliant
C16a (vi)	A summary of the current stage and progress of the development;	All	As above	Compliant
C16a (vii)	Contact details to enquire about the development or to make a complaint;	All	As above	Compliant
C16a (viii)	A complaints register, updated monthly;	All	As above	Compliant
C16a (ix)	The Compliance Report of the development;	All	As above	Compliant
C16a (x)	Audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;	All	As above	Compliant
C16a (xi)	Any other matter required by the Planning Secretary; and	All	As above	Compliant
C16b	Keep such information up to date, to the satisfaction of the Planning Secretary.	All	As above	Compliant
APPENDIX 1 - DEVELOPMENT LAYOUT PLANS				
Appendix 1	<i>Development layout plans - Refer to figures in Consolidated Consent SSD-7704.</i>	All	The Northern Borrow Pit and Southern Borrow Pits are not included in the approved site Development Plans and are outside the approved disturbance footprint. Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into a water storage dam and update of approved development layout plans to reflect as-built conditions will close compliance actions against this condition.	Non-compliant
APPENDIX 2 - APPLICANT'S MANAGEMENT & MITIGATION MEASURES				
SOURCE REFERENCE FOR APPENDIX 2: Table 7 - Updated Summary of Commitments in Rushes Creek Poultry Production Farm, SSD 7004 Section 4.55(1A) Modification Report				
DEVELOPMENT CONSTRUCTION				
AP2-1	ProTen will implement all practicable measures to prevent or minimise any harm to the local environment and surrounding populace that may result from the construction of the Development.	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-2	ProTen will construct the Development generally as described in the EIS and RTS and in accordance with detailed design completed following development consent, along with the necessary construction approvals (for example, construction certificates).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-3	A CEMP will be developed for approval prior to commencing construction. It will describe the activities to be undertaken on site during construction, outline construction staging and timing, nominate the roles and responsibilities for all relevant construction personnel, include community and stakeholder consultation requirements and include procedures for complaints and incident management. The CEMP will also specify the environmental management and mitigation measures to be implemented during construction in relation to: <ul style="list-style-type: none"> · Surface water; · Soils; · Traffic; · Biodiversity; · Aboriginal heritage; · Noise; · Dust; and · Waste. 	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-4	Construction workers will be suitably inducted and trained. Training in relation to environmental responsibilities will take place initially through the site induction and then on an on-going basis through toolbox talks (or similar).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
DEVELOPMENT OPERATION				
AP2-5	ProTen will implement all practicable measures to prevent or minimise any harm to the local environment and surrounding populace that may result from operation of the Development.	Operation	Evidence of development, implementation, monitoring and maintenance of environmental management plans and controls for operations phase activities indicates ProTen have implemented practicable measures to prevent or minimise harm to the surrounding populace that may result from operation of the Development. However, at the time of the site inspection, the wheel wash required as an operational biosecurity control measure had not yet been commissioned, and was not in use. Therefore, this is identified as a non-compliance against this condition. Recommendation: Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity control zone as outlined in the OEMP and supporting plans.	Non-compliant
AP2-6	The Development will generally be constructed, operated and managed in accordance with current industry best practice standards, including the relevant requirements/recommendations in the RSPCA Standards (RSPCA Australia 2013) and Best Practice Guidelines (DPI 2012).	Operation	Baida Animal Welfare Policy Baida National Animal Welfare Standard RSPCA Approved Farming Scheme - Meat Chicken Assessment Report, Assessment ID 28149, dated 21 Feb 23 RSPCA Report shows that the facility was compliant with RSPCA requirements. Baida animal welfare requirements align with applicable standards and requirements. Facility complies with Baida Animal Welfare & RSPCA requirements as conditions of contract.	Compliant
AP2-7	ProTen will operate the Development generally as described in this EIS and RTS.	Operation	Evidence of development, implementation, monitoring and maintenance of environmental management plans and controls for operations phase activities indicates ProTen are operating the Development generally as described in the EIS and RTS.	Compliant
AP2-8	An OEMP will be developed for approval prior to commencing operation. It will describe the operational activities to be undertaken on site, nominate the roles and responsibilities for all relevant personnel, include community and stakeholder consultation requirements and include procedures for complaints and incident management. The OEMP will also include the following issue-specific management plans: <ul style="list-style-type: none"> · Air Quality Management Plan; · Surface Water Management Plan; · Biodiversity Management Plan; · Aboriginal Cultural Heritage Management Plan; · Waste Management Plan; · Landscaping Management Plan; · Mass Mortality Disposal Strategy; and · Pollution Incident Response Management Plan. It will also specify the environmental management and mitigation measures to be implemented in relation to traffic, noise, energy efficiency and pest control.	Operation	OEMP developed and implemented, addresses items outlined in Commitment.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-9	The Development will not exceed a maximum population of 3,051,000 broiler birds, and the maximum number of birds placed on any given day will be 636,000 (±6%).	Operation	Verified during site inspection - sighted batch placement reports for Flock 109 indicating compliance with stocking and placement limits.	Compliant
AP2-10	Stocking densities will comply with the RSPCA Standards (2013) specification of 34 kg/m2 .	Operation	Monitored during site operations, birds are progressively reduced as they grow to maintain stocking densities below 34 kg/m2. Monitored via Daily Shed Check Card - 11/1/2023, also monitored by ProTen and used to plan pickups - records sighted during site inspection.	Compliant
AP2-11	Employees and contractors will be suitably inducted and trained. Training in relation to environmental responsibilities will take place initially through the site induction and then on an on-going basis through toolbox talks (or similar).	Operation	Visitor Induction Contractor Induction SHEQ Site-Specific Induction Construction Contractor Induction ProTen Construction Environmental Induction Toolbox Meeting Minutes, 9/12/22 Site inspection Site interviews Inductions include environmental requirements. Completed inductions within audit period sighted (1/9/23, 4/9/23).	Compliant
AP2-12	The Development will be managed in compliance with ProTen's standard operating procedures, including a regular site inspection and maintenance program to minimise the potential for adverse environmental impacts, extend the life of equipment, reduce operating costs and maximise operational efficiency. Emphasis will be placed on keeping the insides of the poultry sheds and surrounding environs as clean as possible.	Operation	iLeader Document Management System - includes training, Work Instructions, SOPs, Policies, Manuals Implementation verified during site inspection, site interviews and the balance of information reviewed during the compliance review.	Compliant
LAND CONTAMINATION				
AP2-13	The Revised Remedial Action Plan (SLR 2021) will be implemented and completed within 12 months of commencing construction to remediate arsenic impacted soil adjacent to the former sheep dip in Lot 165 DP 752169.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-14	A site validation report will be prepared in accordance with Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (OEH 2011) Contaminated Land Guidelines: Consultants Reporting on Contaminated Land (EPA 2020) for submission to Council, EPA and DPIE within 30 days of completing the remediation works.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-15	An EMP will be prepared for the remedial area at the completion of the remediation and validation work. It will document the on-going management requirements for the remedial area and associated responsible parties.	All	A Long Term Environmental Management Program (LTEMP) has been implemented via the OEMP and noted on the property planning certificate to manage residual site contamination.	Compliant
DRINKING WATER SUPPLIES				
AP2-16	Quality assurance programs will be prepared and implemented in accordance with the NSW Health Private Water Supply Guidelines (NSW Health 2014) for the drinking water supplies at the PPU's and farm managers' houses. These programs will be submitted to the HNELHD prior to commencing operation.	Operation	Potable water quality and risk management verified during IEA Jan 2023 (see Condition B24) For potable supply, the site continues to rely on the potable water service provider to adhere to the NSW Private Water Supply Guidelines and the NSW Guidelines for Water Carters. Evidence of site health and safety QA sighted - Water Supply Quality Assurance Program, QA Dwellings untreated rainwater dated 31/8/22, QA Amenities, untreated rainwater dated 6/12/22	Compliant
ODOUR				
Development Design				
AP2-17	The poultry sheds will be tunnel-ventilated to allow control over internal moisture levels and promote optimum growing conditions and bird health.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-18	The poultry sheds will be fully enclosed, have wide eaves and will be surrounded by dwarf concrete bund walls to prevent stormwater entering the poultry sheds and elevated moisture levels.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-19	The poultry sheds will be fitted with nipple drinkers with drip cups to minimise water spillage and elevated moisture levels.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-20	The feed silos will be fully enclosed to prevent the entry of rainwater and elevated moisture levels.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Shed Operations During Bird Growing Phase				
AP2-21	The Development will not exceed a maximum population of 3,051,000 broiler birds.	Operation	Verified during site inspection - sighted batch placement reports for Flock 109 indicating compliance with stocking and placement limits.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-22	Stocking densities will comply with the RSPCA Standards (2013) specification of 34 kg/m2.	Operation	Monitored during site operations, birds are progressively reduced as they grow to maintain stocking densities below 34 kg/m2. Monitored via Daily Shed Check Card - 11/1/2023, also monitored by ProTen and used to plan pickups - records sighted during site inspection.	Compliant
AP2-23	Stocking densities and bird health will be regularly checked and, if necessary, appropriate corrective measures implemented.	Operation	Service Report, 27 Jun 2023, 29 May 2023 Batch Verification Schedules (weekly), dated 6/2/23, 23/1/23, 30/1/23 Broiler Record Cards (Morning mortality walks - conducted daily), 8/8/23 Inspections check bird health and any required actions	Compliant
AP2-24	A minimum depth of 50 mm of fresh bedding material will be laid throughout the poultry sheds at the start of each batch.	Operation	PRT-WI-BRO-015 Work Instruction - Levelling Bedding Material PRT-SOP-BRO-021 Litter Management for Poultry Shedding, v1.5, 28/4/2020 Baiaida Pre-Placement Report - confirms litter depth is appropriate, dated 16 May 2023	Compliant
AP2-25	Bedding material moisture levels will be regularly checked. Any excessively wet material and/or caked material beneath drinking lines will be promptly identified, removed and replaced.	Operation	PRT-SOP-BRO-021 Litter Management for Poultry Shedding, v1.5, 28/4/2020 Service Report, 27 Jun 2023, 29 May 2023 Batch Verification Schedules (weekly), dated 6/2/23, 23/1/23, 30/1/23 Broiler Record Cards (Morning mortality walks - conducted daily), 8/8/23 Inspections report litter management including moisture levels and any required actions	Compliant
AP2-26	Bird drinkers will be maintained to minimise/avoid leakage that will result in wet patches in the bedding material.	Operation	PRT-SOP-BRO-021 Litter Management for Poultry Shedding, v1.5, 28/4/2020 Service Report, 27 Jun 2023, 29 May 2023 Batch Verification Schedules (weekly), dated 6/2/23, 23/1/23, 30/1/23 Broiler Record Cards (Morning mortality walks - conducted daily), 8/8/23 Inspections confirm bird drinkers in service and any required actions	Compliant
AP2-27	The poultry shed ventilation systems will be maintained to ensure air movement is at design levels.	Operation	Service Report, 27 Jun 2023, 29 May 2023 Batch Verification Schedules (weekly), dated 6/2/23, 23/1/23, 30/1/23 Broiler Record Cards (Morning mortality walks - conducted daily), 8/8/23 Inspections confirm ventilation conditions and any required actions	Compliant
AP2-28	Where possible, activities that may increase odour emissions (for example, bedding material replacement) will be undertaken during daytime hours.	Operation	Activities involving bedding material removal and replacement are performed during daylight hours.	Compliant
AP2-29	Shed access points will remain closed at all times other than for the purposes of allowing access to the sheds.	Operation	Verified during site inspection - shed doors closed except where access was required for works in sheds (e.g. catching birds, clearing litter & cleaning sheds).	Compliant
AP2-30	Dead birds will be collected from the poultry sheds on a daily basis and stored in the on-site dead bird freezers prior to being removed from site.	Operation	Broiler Record Cards (Morning mortality walks - conducted daily), 8/8/23 Waste contractor pick up dockets (Ron Jones Haulage, dated 8/7/2023 to 6/9/2023) Site inspection - freezers in use, waste contractor sighted collecting dead birds from freezers	Compliant
Shed Operations During Shed Cleanout				
AP2-31	Poultry litter will be promptly removed from the poultry sheds and transported off site in covered trucks at the end of each production cycle.	Operation	Chicken Manure Load Tracking Register, 21/7/23 Site inspection - shed emptied of birds overnight / morning of site inspection, being cleared of spent litter during afternoon	Compliant
AP2-32	Where possible, litter handling will be avoided during adverse climatic conditions, such as times of cold air drainage during early morning or strong winds. The shed ventilation systems will not be used during litter removal.	Operation	Activities involving bedding material removal and replacement are performed during daylight hours. Extraction fans are required during litter removal due to equipment and personal safety requirements. Use of fans is limited to minimum required to safely perform litter removal tasks. Recommendation: Amend Commitment AP2-32 to reflect need for extraction fan use during litter removal, and to reflect appropriate controls to prevent environmental harm.	Non-compliant
AP2-33	Poultry litter will not be stockpiled or spread within the Development Site.	Operation	Site inspection - no stockpiled poultry litter onsite, spent litter being loaded and removed from site immediately upon loading into covered trucks.	Compliant
Vegetation Screens				
AP2-34	Vegetation screens will be established and maintained around the perimeter of each PPU on a progressive basis as soon as practicable following bulk earthworks and construction at each PPU.	All	Verified during site inspection - vegetation screens have been established around Farm 2. However, vegetation screen was not fully established prior to operations commencing, as indicated in Jan 2023 IEA, therefore a non-compliance was identified against Condition B53a during the Jan 2023 IEA and is indicated for this initial Operations Phase Compliance Report. Vegetation screens have since been established around the perimeter of Farm 2 development, verified during site inspection. Plantings are monitored via site inspections, evidence sighted. Site Environmental Inspection Checklist, dated 17/2/2023. A qualified horticulturalist was engaged to advise on the plantings, and has been engaged to return to site and inspect and advise on current growth and establishment of the screening plantings. Recommendation: Continue monitoring and establishment of vegetation screens to comply with Condition B53a. Review compliance status in next Compliance Reporting cycle.	Non-compliant
Weather Station				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-35	A weather station will be installed within the Development Site to collect on-going and up-to-date weather monitoring data, which will assist in investigating and responding to any air quality complaints.	All	Installation verified in IEA January 2023. Met station upgraded following lightning strike April 2023. Verified in site inspection. Viewed real time and daily summaries of site meteorological results, spreadsheets dated 7 Sep 2023.	Compliant
PARTICULATE MATTER				
Construction				
AP2-36	Surface disturbance will be limited to the smallest practicable area possible	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-37	Disturbed areas will be promptly rehabilitated and revegetated to a stable landform.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-38	When necessary, dust will be minimised by “wetting” down surfaces being worked and/or carrying traffic during dry conditions.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-39	Where possible, vehicles on site will be confined to designated roadways.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-40	Internal roads will be appropriately constructed and maintained with a suitably compacted base.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-41	Vehicles will not exceed a general speed limit of 60 km/hr along the internal access roads, with a reduced speed limit of 40 km/hr in the vicinity of work sites.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-42	Plant and equipment will be regularly maintained to ensure optimal operating condition.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-43	Loaded heavy vehicles entering or exiting the Development Site will have their loads covered.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Development Design				
AP2-44	The feed silos will be fully enclosed to minimise emissions of particulate matter when loading and unloading.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-45	The poultry sheds will be tunnel-ventilated, which will allow control over the moisture levels and promote optimum growing conditions and bird health. The increased airflow and improved feed conversion in tunnel-vented sheds helps to maintain bedding material within the optimal moisture range.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Wheel Generated Dust from Unsealed Roadways				
AP2-46	The two site access roads will be bitumen-sealed for a minimum of 50 m from Rushes Creek Road.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-47	Internal roads will be appropriately constructed and maintained with a suitably compacted base.	All	Verified during site inspection - internal roads were well compacted and maintained in good condition.	Compliant
AP2-48	When necessary, internal roads will be “wetted down” during dry conditions.	All	Site inspection - water truck onsite	Compliant
AP2-49	Vehicles will not exceed a general speed limit of 60 km/hr along the internal access roads, with a reduced speed limit of 40 km/hr in the vicinity of the PPUs.	All	Traffic management controls implemented via OEMP, including Heavy Vehicle Driver Code of Conduct. Controls include site speed limits. Site inspection verified speed limit signage - speed signage - 40km/h unsealed roads away from production area; 25 km/h within construction & production areas. Vehicles onsite were observed to be generally travelling slowly, and appeared to be travelling within or below designated speed limits.	Compliant
AP2-50	Internal traffic will be restricted to the designated access roads (except in the event of an emergency or incident).	All	Site inspection - all vehicles onsite were within designated internal access roads	Compliant
Dust Emissions from Poultry Sheds				
AP2-51	The bedding material will be managed to ensure that moisture levels do not drop below approximately 15%.	Operation	Service Report, 27 Jun 2023, 29 May 2023 Batch Verification Schedules (weekly), dated 6/2/23, 23/1/23, 30/1/23 Broiler Record Cards (Morning mortality walks - conducted daily), 8/8/23 Inspections report litter management including moisture levels and any required actions	Compliant
AP2-52	The poultry shed ventilation systems will be maintained to ensure air movement is at design levels.	Operation	Ventilation systems currently maintained as part of building construction - Service checklists / reports not yet in use for Operation phase activities. Batch Verification Schedules (weekly), dated 6/2/23, 23/1/23, 30/1/23, 22/11/23 Daily Shed Check Cards, dated 11/1/2023, include check of ventilation system Service inspection reports and checklists sighted, issues identified fixed on the spot or managed for repair / maintenance by Site Manager. Site Manager raises POs. POs tracked as planned / unplanned maintenance budget, reviewed by Regional Management monthly.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-53	The poultry sheds will be thoroughly cleaned between batches, with a focus on the fan end of the sheds.	Operation	Site inspection - shed cleaning in progress including litter removal, sweeping and washing	Compliant
Emergency Standby Diesel Generators				
AP2-54	The generators will be contained in lockable acoustics enclosures with vertical air discharge and will only be used in emergency situations when mains power from the electricity grid is lost.	All	Generators are enclosed in lockable acoustics enclosures. Site power supply via generators pending approval of MOD 4 application by DPE to remove alternative power supply and install permanent overland reticulated electricity supply (expected late 2023).	Compliant
AP2-55	The generators will meet the relevant emission standards in Schedule 4 of the Clean Air Regulation.	All	No visible emissions from the diesel powered generators was noted during the site visit. Absence of visible emissions suggests compliance with this Commitment given particulates are a primary emission of concern from diesel fuel sources.	Compliant
Materials Handling and Transfer				
AP2-56	When possible, handling bedding material/poultry litter will be limited to daytime hours to avoid adverse weather conditions.	All	Activities involving bedding material removal and replacement are performed during daylight hours.	Compliant
AP2-57	Poultry litter will be promptly transported off site in covered trucks at the end of each batch.	All	Site inspection - no stockpiled poultry litter onsite, spent litter being loaded and removed from site immediately upon loading into covered trucks.	Compliant
Vegetation Screens				
AP2-58	Vegetation screens will be established and maintained around the perimeter of each PPU on a progressive basis as soon as practicable following bulk earthworks and construction at each PPU.	All	<p>Verified during site inspection - vegetation screens have been established around Farm 2. However, vegetation screen was not fully established prior to operations commencing, as indicated in Jan 2023 IEA, therefore a non-compliance was identified against Condition B53a during the Jan 2023 IEA and is indicated for this initial Operations Phase Compliance Report.</p> <p>Vegetation screens have since been established around the perimeter of Farm 2 development, verified during site inspection. Plantings are monitored via site inspections, evidence sighted. Site Environmental Inspection Checklist, dated 17/2/2023.</p> <p>A qualified horticulturalist was engaged to advise on the plantings, and has been engaged to return to site and inspect and advise on current growth and establishment of the screening plantings.</p> <p>Recommendation: Continue monitoring and establishment of vegetation screens to comply with Condition B53a. Review compliance status in next Compliance Reporting cycle.</p>	Non-compliant
Weather Station				
AP2-59	A weather station will be installed within the Development Site to collect on-going and up-to-date weather monitoring data, which will assist in investigating and responding to any air quality complaints.	All	Installation verified in IEA January 2023. Met station upgraded following lightning strike April 2023. Verified in site inspection. Viewed real time and daily summaries of site meteorological results, spreadsheets dated 7 Sep 2023.	Compliant
TRAFFIC				
Construction				
AP2-60	A CTMP will be prepared for approval prior to commencing construction.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-61	The generic traffic control plan will be implemented if the construction of the new site access driveways off Rushes Creek Road and/or the installation of water and electricity supply lines under Ski Gardens Road results in the need to restrict the two-way traffic arrangement on the respective roads to a single lane.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-62	Construction vehicles will enter and exit the Development Site during the initial site preparation works via the existing site access driveways off Rushes Creek Road and subsequently via the two new access driveways to be constructed off Rushes Creek Road at the commencement of construction.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-63	Vehicles will not exceed a general speed limit of 60 km/hr along the main site access roads from Rushes Creek Road, with a reduced speed limit of 40 km/hr in the vicinity of all work sites.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-64	All construction-related traffic and construction plant/equipment will park along the internal access roads and/or on construction sites. There will be no queuing or parking on Rushes Creek Road.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-65	Where possible, vehicles on site will be confined to designated roadways.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-66	Suitable signage will be erected indicating internal traffic direction and speed limits to ensure the orderly and safe use of the site, as well as to minimise the potential for traffic conflict.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-67	Internal roads will be maintained clear of obstruction and used exclusively for the purposes of transport, loading- unloading and parking.	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-68	Loaded heavy vehicles entering or exiting the Development Site will have their loads covered.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-69	Heavy vehicles exiting the Development Site will be cleaned of dirt, sand and other materials (if necessary) to avoid tracking these materials on to the public road network.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-70	The only traffic to enter the Development Site will be construction traffic and, if required, emergency vehicles. There will not be any general public access.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-71	All heavy vehicle drivers will read and sign a Driver Code of Conduct that will include, but not be limited to, the following: <ul style="list-style-type: none"> · A map of the primary transport route(s) highlighting critical locations; · Safety initiatives for transport through residential areas and/or school zones; · A driver induction process and regular toolbox talks (or similar); · A complaints resolution and disciplinary procedure; · A directive to drivers to slow down and provide right-of-way to any livestock and/or farm machinery on the transport routes; and · A directive to drivers to avoid the use of compression braking along Rushes Creek Road. 	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Oxley Highway / Rushes Creek Road Intersection				
AP2-72	Visibility splays at the Oxley Highway / Rushes Creek Road intersection will be checked in both the horizontal and vertical planes via detailed field investigation or survey to confirm, in particular, whether there is a need for any vegetation trimming/clearing on the inside of the horizontal curve immediately to the west of the intersection to ensure SISD.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-73	A review of the line-marking arrangement on Rushes Creek Road at the Oxley Highway intersection will be undertaken to ensure it is consistent with the Give-Way intersection control.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-74	Additional signage will be erected at the Oxley Highway / Rushes Creek Road intersection in the form of advance signposting in both directions to warn of trucks turning at the intersection.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Development Design				
AP2-75	The two new access driveways from Rushes Creek Road will be constructed to accommodate a BAL treatment in accordance with AGRD Part 4A (Austroads 2017). Directional signage will be installed on Rushes Creek Road to assist approaching traffic identify the access points and access control (Give Way) signage and line-marking will be provided to control vehicles exiting the Development Site.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-76	The two new access roads will be bitumen-sealed for a minimum of 50 m from Rushes Creek Road and will be approximately 6.5 m wide. The remaining lengths of the internal access roads within the Development Site will be constructed as all-weather rural-type roads to meet the minimum requirements of AS 2890.2 Part 2 to accommodate the turning movements of B-doubles.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-77	Signage will be installed on the two access driveways near their intersections with Rushes Creek Road instructing heavy vehicle drivers to avoid the use of compression braking within the Development Site and on Rushes Creek Road.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-78	A one-way circulation road (ring road) will be established around the perimeter of each PPU to enable traffic to enter, exit and manoeuvre for loading-unloading and servicing activities in a forward direction.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Operation				
AP2-79	Traffic will enter and exit the Development Site via the two new access driveways off Rushes Creek Road.	Operation	One driveway installed, second driveway to be installed as part of Stage 2 construction	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-80	Heavy vehicles travelling between the Development Site and the poultry industry service facilities located in and around Tamworth will utilise the nominated heavy vehicle route (approved B-double route) comprising the Oxley Highway and Rushes Creek Road (see Figure 19).	Operation	Operational controls implemented via OEMP v0.1 August 2022, including Driver Code of Conduct, SLR dated 11/06/2021. Site inspection verified controls implemented in accordance with OEMP requirements for traffic. Sighted Driver Code of Conduct signed forms dated 6/12/22, 1/11/22, indicating communication of requirements to heavy vehicle drivers. Heavy vehicles associated with farm activities observed during site inspection appeared to be using the approved routes.	Compliant
AP2-81	Vehicles will not exceed a general speed limit of 60 km/hr along the internal access roads, with a reduced speed limit of 40 km/hr in the vicinity of the PPUs.	Operation	Traffic management controls implemented via OEMP, including Heavy Vehicle Driver Code of Conduct. Controls include site speed limits. Site inspection verified speed limit signage - speed signage - 40km/h unsealed roads away from production area; 25 km/h within construction & production areas. Vehicles onsite were observed to be generally travelling slowly, and appeared to be travelling within or below designated speed limits.	Compliant
AP2-82	Suitable signage will be erected indicating internal traffic direction and speed limits to ensure the orderly and safe use of the site, as well as to minimise the potential for traffic conflict.	Operation	Site inspection - speed signage in place, directional signage to be installed on completion of gate installation (target by end Sept 2023)	Compliant
AP2-83	Internal roads will be appropriately maintained to provide safe driving conditions (and also minimise noise and dust emissions).	Operation	Verified during site inspection - internal roads were well compacted and maintained in good condition to minimise dust and provide safe driving conditions.	Compliant
AP2-84	Internal roads will be maintained clear of obstruction and used exclusively for the purposes of transport, loading- unloading and parking.	Operation	Verified during site inspection - internal roads used only for transport, loading-unloading and parking.	Compliant
AP2-85	Internal traffic will be restricted to the designated access roads (except in the event of an emergency or incident).	Operation	Verified during site inspection - internal traffic all remained within designated roadways.	Compliant
AP2-86	Car parking will be provided adjacent to the amenities facility at each PPU for employees and visitors, and adequate area will be available at each PPU and along internal access roads for any heavy vehicle parking requirements. There will be no parking along Rushes Creek Road.	Operation	Verified during site inspection - site parking as outlined in AP2-86.	Compliant
AP2-87	All heavy vehicle drivers will read and sign a Driver Code of Conduct that will include, but not be limited to, the following: · A map of the primary transport route(s) highlighting critical locations; · Safety initiatives for transport through residential areas and/or school zones; · A driver induction process and regular toolbox talks (or similar); · A complaints resolution and disciplinary procedure; · A directive to drivers to slow down and provide right-of-way to any livestock and/or farm machinery on the transport routes; and · A directive to drivers to avoid the use of compression braking along Rushes Creek Road.	Operation	Sighted Driver Code of Conduct signed forms dated 6/12/22, 1/11/22, indicating communication of requirements to heavy vehicle drivers. Driver Code of Conduct addresses elements of Commitment AP2-87.	Compliant
AP2-88	Consultation will be undertaken with Council and the local traffic committee in relation to installing signage on Rushes Creek Road near the Development Site and near the Oxley Highway intersection instructing heavy vehicle drivers to avoid compression braking along Rushes Creek Road.	Operation	Signage installed on Rushes Creek Road, sighted during site visit. Evidence indicating consultation with interested parties sighted and discussed during site interviews.	Compliant
SURFACE WATER				
Construction				
AP2-89	Construction works will be planned and coordinated in order to limit the area of disturbance at any one time (as far as practicable).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-90	Erosion and sediment controls will be implemented prior to disturbance activities commencing in accordance with the Blue Book (Landcom 2004) and Erosion and Sediment Control on Unsealed Roads (OEH 2012).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-91	Clean water diversions comprising a deflection bank and swale drain will be installed around the upstream sides of each of the four PPUs to convey clean water run-off around the construction sites. They will be constructed and stabilised prior to earthworks commencing at each PPU and will be designed to convey the runoff from the upstream catchment for rainfall events up to the 1% AEP event.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-92	Stripped topsoil will be appropriately stockpiled and managed for use in future rehabilitation works.	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-93	Disturbed areas will be promptly rehabilitated and revegetated to a stable landform following completion of disturbance activities (see Section 4.3.6 in the EIS).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-94	An on-going inspection and maintenance program will be implemented to ensure the continued integrity of the erosion and sediment control structures throughout the construction period. They will be visually inspected on a monthly basis and following significant rainfall events and any required maintenance work will be promptly undertaken.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Development Design and Operation				
AP2-95	The poultry sheds will be fully enclosed and surrounded by a dwarf concrete bund wall to prevent stormwater entering the sheds and allow for the controlled discharge of wash down water from the sheds.	All	Slab Details 2, Drawing No. D12.2 Concrete bund installed within slope of finished floor levels at entrances to sheds to control water ingress / egress, verified during site inspection.	Compliant
AP2-96	The clean water diversions (comprising a deflection bank and swale drain) installed prior to earthworks around the upstream sides of each of the four PPU's will be maintained to convey clean water run-off around the PPU's and prevent this water from entering the controlled surface water management system. The diversions will be designed and maintained to convey the runoff from the upstream catchment for rainfall events up to the 1% AEP event.	All	Clean water diversions maintained as required by Commitment AP2-96 for Farm 2.	Compliant
AP2-97	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation. Each system will be designed to capture the runoff from 200 mm of rainfall, which is equivalent to the depth of rainfall for a 1% AEP 72-hour event.	All	The Northern Borrow Pit and Southern Borrow Pits are not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them at the time of the site inspection, indicating that they may be capturing overland runoff. Recommendation: Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into a water storage dam and update of approved development layout plans to reflect as-built conditions will close compliance actions against this Commitment.	Non-compliant
AP2-98	AWTSs will be installed to manage the sewage generated by the staff amenities at each PPU and the farm managers' houses in accordance with the manufacturer's specifications and Council approval requirements. Each AWTS (12 in total) will have a treatment capacity of 10 equivalent persons at 200 L/p/d and the treated effluent will be released over an area of approximately 200 m2 via sub-surface irrigation.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-99	The extraction of surface water from the Namoi River to service the Development's water supply requirements will be under the provisions of the two existing water access licences held by ProTen (WAL41834 and WAL37794). Extraction will not exceed the combined licensed allocation of 437.2 units per year under the provisions of the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016.	All	Extraction records indicate compliance with Commitment AP2-99 for review period. WoWtrAccStmnt-20230920-155513 Water Account Statement - Access Licence 90AL835020 WAL No.41834 for Reporting Period 01-Jul-2022 to 30-Jun-2023. WoWtrAccStmnt-20230920-155444 Water Account Statement - Access Licence 90AL835020 WAL No.41834 for Reporting Period 01-Jul-2023 to 20-Sep-2023.	Compliant
AP2-100	An on-going inspection and maintenance program will be implemented to ensure the continued integrity of the surface water management systems, including upstream diversions. They will be visually inspected on a monthly basis and following significant rainfall events and any required maintenance work will be promptly undertaken to ensure the system's design capacity is maintained.	All	Site Environmental Inspection Checklist, dated 17/2/2023 Construction Work Site SHEQ Inspection Checklist, dated 8/12/2022 Site water management systems are inspected as part of site environmental / SHEQ inspections and maintained as required. No evidence of silting in water management systems noted during site visit.	Compliant
AP2-101	The detention dams at each PPU will be visually inspected on an annual basis and, if necessary, will be desilted to ensure the dams maintain their design capacity.	All	Site Environmental Inspection Checklist, dated 17/2/2023 Construction Work Site SHEQ Inspection Checklist, dated 8/12/2022 Detention dams are inspected as part of site environmental / SHEQ inspections. No evidence of silting in detention dam noted during site visit.	Compliant
AP2-102	The grassed swale drains between the poultry sheds will be carefully managed to minimise soil disturbance and maximise infiltration and stormwater treatment potential. They will be regularly slashed to encourage continual grass growth and associated nutrient up-take.	All	Site Environmental Inspection Checklist, dated 17/2/2023 Construction Work Site SHEQ Inspection Checklist, dated 8/12/2022 Site water management systems are inspected as part of site environmental / SHEQ inspections and maintained as required. No evidence of silting in water management systems noted during site visit.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-103	Dry-cleaning practices at the end of each production cycle will be maximised within the poultry sheds prior to washing with water to minimise the volume of wash water and the amount of poultry litter (and associated sediments and nutrients) in the wash down water.	Operation	Cleanout Report 18/11/2022 Site inspection - dry cleaning including sweeping sheds to minimise water required prior to washing	Compliant
AP2-104	Water captured in the detention dams will be reused for regular irrigation of the planted vegetation screens at each PPU. Advice will be sought from an appropriate professional to ensure that the tree and shrub species selected for the vegetation screens can effectively cope with and utilise the anticipated nutrient loads within the irrigation water.	Operation	Horticulturalist advice on suitable plantings was obtained during installation of vegetation screens. High nutrient loading has not been reported in water captured in detention dams.	Compliant
AP2-105	The waste management systems listed in Section 4.18 of the EIS will be implemented to ensure that each waste stream generated is effectively managed and disposed of off site. There will not be any on-site stockpiling or disposal of waste.	Operation	No stockpiled wastes noted onsite during site inspection. Spent litter and dead birds were observed being removed from site during site inspection by third-party waste contractors. Waste contractors engaged to manage transport and disposal of site wastes. Evidence of invoices from waste contractors sighted for works relating to waste removal. Invoice No:34402 from Gunnedah Trade Wastes Pty Ltd to ProTen LTD dated 6/02/2023. Docket 459649 - Gunnedah Shire Council Waste Management Docket (Original) client name Gunnedah Trade Waste - Site: Gunnedah Trade Waste, Transaction:459649, Date:10/08/2023. For ProTen-Rushes Creek.	Compliant
AP2-106	The best management practices and mitigation measures outlined in Section 4.19 of the EIS will be implemented for the storage of chemicals and fuels.	Operation	Statement of Attainment, Prepare and apply chemicals & Transport, handle & store chemicals., Jae StLeon, 4 April 2017 PRT-SOP-SHEQ-007 Chemical Management SOP, v4.4, 3/9/2020 PRT-WI-BRO-012 Triple Rinsing Drums, v2.0, 22/11/22 Evidence of appropriate chemical storage was sighted during site inspection. All chemicals were stored on bunded pallets within the designated chemical storage shed. A spill kit was located within the storage shed as well as a laminated dangerous goods segregation chart. SDS's were located within the site office approximately 50 metres from the chemical storage shed. These are available to all staff trained to use chemicals. Three tins of what appear to be paint thinner were located outside of the chemical storage shed on cardboard. Recommendation: Review site chemical storage arrangements including chemical segregation, bunding and SDS availability.	Non-compliant
Mosquito Control				
AP2-107	The table drains and detention dams will be maintained free of vegetation.	Operation	Site inspection indicated that the table drains and detention dams are maintained free of vegetation.	Compliant
AP2-108	The vegetation screens around the PPUs will not be over-irrigated to avoid water collecting in any depressions for long periods of time.	Operation	Free-standing water was not observed around irrigated vegetation screens during site inspection.	Compliant
AP2-109	If it is identified that mosquitos have become an issue, a larvicide will be applied to the detention dams and surrounds to prevent mosquitoes from maturing to adults and/or the detention dams and surrounds will be fogged.	Operation	Not triggered	Not triggered
GROUNDWATER				
AP2-110	There will not be any groundwater extraction or use by the Development.	All	Groundwater is not extracted or used at the Development.	Compliant
AP2-111	Each poultry shed will be fully enclosed and have concrete flooring.	All	Letter from DPE to ProTen, REF: INV-46299464, dated 14/10/2022, SHOW CAUSE - Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 ProTen letter to DPE, Show Cause: Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 - Response, dated 3/11/2022 Poultry sheds have been constructed with a part-bitumen floor, which is not in accordance with the approved project design. Recommendation: Approval of alternative shed flooring (in MOD 4) will address compliance with Commitment AP2-111.	Non-compliant
AP2-112	Each poultry shed will be surrounded by a dwarf concrete bund wall measuring 400 mm high to prevent rainwater and runoff entering the sheds and to allow for the controlled discharge of wash down water from the sheds.	All	Slab Details 2, Drawing No. D12.2 Concrete bund installed within slope of finished floor levels at entrances to sheds to control water ingress / egress, verified during site inspection.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-113	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation. Each system will be designed to capture the runoff from 200 mm of rainfall, which is equivalent to the depth of rainfall for a 1% AEP 72-hour event.	All	The Northern Borrow Pit and Southern Borrow Pits are not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them at the time of the site inspection, indicating that they may be capturing overland runoff. Recommendation: Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into a water storage dam and update of approved development layout plans to reflect as-built conditions will close compliance actions against this Commitment.	Non-compliant
AP2-114	The internal surfaces of the detention dams will be compacted or lined to provide an impermeable surface.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-115	AWTSs will be installed to manage the sewage generated by the staff amenities at each PPU and the farm managers' houses in accordance with the manufacturer's specifications and Council approval requirements. Each AWTS (12 in total) will have a treatment capacity of 10 equivalent persons at 200 L/p/d and the treated effluent will be released over an area of approximately 200 m2 via sub-surface irrigation.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-116	An on-going inspection and maintenance program will be implemented to ensure the continued integrity of the surface water management systems. They will be visually inspected on a monthly basis and following significant rainfall events and any required maintenance work will be promptly undertaken to ensure the system's design capacity is maintained.	All	Site Environmental Inspection Checklist, dated 17/2/2023 Construction Work Site SHEQ Inspection Checklist, dated 8/12/2022 Site water management systems are inspected as part of site environmental / SHEQ inspections and maintained as required. No evidence of silting in water management systems noted during site visit.	Compliant
AP2-117	The grassed swale drains between the poultry sheds will be carefully managed to minimise soil disturbance and maximise infiltration and stormwater treatment potential. They will be regularly slashed to encourage continual grass growth and associated nutrient up-take.	All	Site Environmental Inspection Checklist, dated 17/2/2023 Construction Work Site SHEQ Inspection Checklist, dated 8/12/2022 Site water management systems are inspected as part of site environmental / SHEQ inspections and maintained as required. No evidence of silting in water management systems noted during site visit.	Compliant
AP2-118	Dry-cleaning practices at the end of each production cycle will be maximised within the poultry sheds prior to washing with water to minimise the volume of wash water and the amount of poultry litter (and associated sediments and nutrients) in the wash down water.	Operation	Cleanout Report 18/11/2022 Site inspection - dry cleaning including sweeping sheds to minimise water required prior to washing	Compliant
AP2-119	The waste management systems listed in Section 4.18 of the EIS will be implemented to ensure that each waste stream generated is effectively managed and disposed of off site. There will not be any on-site stockpiling or disposal of waste.	Operation	No stockpiled wastes noted onsite during site inspection. Spent litter and dead birds were observed being removed from site during site inspection by third-party waste contractors. Waste contractors engaged to manage transport and disposal of site wastes. Evidence of invoices from waste contractors sighted for works relating to waste removal. Invoice No:34402 from Gunnedah Trade Wastes Pty Ltd to ProTen LTD dated 6/02/2023. Docket 459649 - Gunnedah Shire Council Waste Management Docket (Original) client name Gunnedah Trade Waste - Site: Gunnedah Trade Waste, Transaction:459649, Date:10/08/2023. For ProTen-Rushes Creek.	Compliant
AP2-120	The best management practices and mitigation measures outlined in Section 4.19 of the EIS will be implemented for the storage of chemicals and fuels.	Operation	Statement of Attainment, Prepare and apply chemicals & Transport, handle & store chemicals., Jae StLeon, 4 April 2017 PRT-SOP-SHEQ-007 Chemical Management SOP, v4.4, 3/9/2020 PRT-WI-BRO-012 Triple Rinsing Drums, v2.0, 22/11/22 Evidence of appropriate chemical storage was sighted during site inspection. All chemicals were stored on bunded pallets within the designated chemical storage shed. A spill kit was located within the storage shed as well as a laminated dangerous goods segregation chart. SDS's were located within the site office approximately 50 metres from the chemical storage shed. These are available to all staff trained to use chemicals. Three tins of what appear to be paint thinner were located outside of the chemical storage shed on cardboard. Recommendation: Review site chemical storage arrangements including chemical segregation, bunding and SDS availability.	Non-compliant
BIODIVERSITY				
Construction				
AP2-121	Construction areas will be clearly delineated to ensure no native vegetation outside of these areas is cleared.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-122	Erosion and sediment controls will be implemented prior to disturbance activities commencing in accordance with the Blue Book (Landcom 2004) and Erosion and Sediment Control on Unsealed Roads (OEH 2012).	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-123	An on-going inspection and maintenance program will be implemented to ensure the continued integrity of the erosion and sediment control structures throughout the construction period. They will be visually inspected on a monthly basis and following significant rainfall events and any required maintenance work will be promptly undertaken.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-124	Vehicles will not exceed a general speed limit of 60 km/hr along the main site access roads from Rushes Creek Road, with a reduced speed limit of 40 km/hr in the vicinity of work sites.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-125	If considered necessary, vehicles leaving the Development Site will be cleaned to avoid the spread of weeds.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-126	WIRES will be contacted prior to planned tree felling to advise of proposed works and arrange a volunteer wildlife handler (if required and available) to rescue any fauna.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-127	Rubbish, including building material wastes and food scraps, will be properly managed and will not be stockpiled within areas of native vegetation.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-128	Disturbed areas will be promptly rehabilitated and revegetated to a stable landform following completion of disturbance activities (see Section 4.3.6 in the EIS).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-129	Revegetation works and landscape plantings will be regularly inspected and assessed for maintenance requirements, including weed control.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Operation				
AP2-130	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation.	Operation	The Northern Borrow Pit and Southern Borrow Pits are not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them at the time of the site inspection, indicating that they may be capturing overland runoff. Recommendation: Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into a water storage dam and update of approved development layout plans to reflect as-built conditions will close compliance actions against this Commitment.	Non-compliant
AP2-131	If any native fauna are by chance injured during operations, WIRES will be contacted to arrange proper care for the animal. WIRES will also be contacted to remove any bats discovered within the poultry sheds.	Operation	Controls included in OEMP and communicated via site induction and toolbox training. Relevant evidence sighted during site visit. No fauna injuries or need for relocation were reported for the operational review period.	Compliant
AP2-132	Suitable signage will be erected to direct traffic, limit traffic speed and minimise night time noise levels.	Operation	Site inspection - speed signage in place, directional signage to be installed on completion of gate installation (target by end Sept 2023)	Compliant
AP2-133	Vehicles will not exceed a general speed limit of 60 km/hr along the internal access roads, with a reduced speed limit of 40 km/hr in the vicinity of the PPUs.	Operation	Traffic management controls implemented via OEMP, including Heavy Vehicle Driver Code of Conduct. Controls include site speed limits. Site inspection verified speed limit signage - speed signage - 40km/h unsealed roads away from production area; 25 km/h within construction & production areas. Vehicles onsite were observed to be generally travelling slowly, and appeared to be travelling within or below designated speed limits.	Compliant
AP2-134	Internal traffic will be restricted to the designated access roads (except in the event of an emergency or incident).	Operation	Traffic management controls implemented via OEMP, including Heavy Vehicle Driver Code of Conduct. Controls include designated vehicle routes. Site inspection verified vehicles were all within designated site roadways / parking areas..	Compliant
AP2-135	Efforts will be made to ensure the poultry sheds and other site buildings are fully enclosed and maintained in an attempt to exclude bats from roosting within the sheds/buildings.	Operation	Site inspection verified that sheds remained closed except where doors were required to be opened to provide access for works (e.g. litter removal, catching & loading birds)	Compliant
AP2-136	The waste management systems listed in Section 4.18 in the EIS will be implemented to ensure that each waste stream generated is effectively managed and disposed of off site. There will not be any on-site stockpiling or disposal of waste.	Operation	No stockpiled wastes noted onsite during site inspection. Spent litter and dead birds were observed being removed from site during site inspection by third-party waste contractors. Waste contractors engaged to manage transport and disposal of site wastes. Evidence of invoices from waste contractors sighted for works relating to waste removal. Invoice No:34402 from Gunnedah Trade Wastes Pty Ltd to ProTen LTD dated 6/02/2023. Docket 459649 - Gunnedah Shire Council Waste Management Docket (Original) client name Gunnedah Trade Waste - Site: Gunnedah Trade Waste, Transaction:459649, Date:10/08/2023. For ProTen-Rushes Creek.	Compliant
AP2-137	External lighting will be aimed downwards and only used when necessary during times of low light and/or heavy fog.	Operation	Site inspection observations indicate external site lighting appeared to be aimed downwards, or else were installed or screened in such a way so as to not present a nuisance to surrounding properties or public roads.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-138	A wheel wash facility will be installed on the access road to each PPU in order to minimise the risk of spread of plant pathogens and weeds.	Operation	At the time of the site inspection, the wheel wash required as an operational biosecurity control measure had not yet been commissioned, and was not in use. Therefore, this is identified as a non-compliance against this condition. Recommendation: Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity control zone as outlined in the OEMP and supporting plans.	Non-compliant
AP2-139	Pest control measures (see Section 4.21 in the EIS) will be implemented to prevent and control outbreaks.	Operation	Pest and weed mitigation measures are implemented via the OEMP. Site inspection observations included sighting stored rodenticide and other pest control chemicals. Observed rodent traps installed around sheds onsite.	Compliant
Biodiversity Offset Strategy				
AP2-140	The Biodiversity Offset Strategy outlined in Section 8.6.5 of the EIS will be implemented to fulfil the offset requirements for the Development.	All	Email from DPIE to ProTen dated 1 Sep 2021, communication regarding B37, B38, B39 conditions fulfilled SSD-7704-PA-14 NSW OEH Biodiversity Banking Credits Retirement Report, Credit Owner ID - 728, Credit owners ProTen Tamworth Pty Ltd - confirmation that biodiversity credits have been paid	Compliant
AP2-141	The biodiversity offsetting actions and outcomes will be documented in an addendum to the Biodiversity Offset Strategy for submission to the DPE and OEH within 12 months of obtaining development consent.	All	As above - biodiversity conditions fulfilled.	Compliant
ABORIGINAL HERITAGE				
Aboriginal Cultural Heritage Management Plan (ACHMP)				
AP2-142	Prior to the commencement of construction, an ACHMP will be prepared for approval in consultation with the RAPs and OEH. It will describe the management actions for all Aboriginal sites within the Development Site, including the seven sites within the disturbance footprint, and include an unexpected finds protocol.	All	ACHMP Revision 3.3, dated 5 September 2022	Compliant
Archaeological Salvage and Fencing				
AP2-143	The seven Aboriginal sites within the disturbance footprint of the Development, being Happy Hills-IF3, Bondah-IF1, Bondah-IF2, Bondah-IF7, Bondah-IF8, Happy Hills-OS3 and Bondah-OS11, will be salvaged by a surface collection and recording of all visible surface artefacts in consultation with the RAPs and OEH. The salvage works will be detailed in the ACHMP and will include the mapping, analysis and collection of all surface artefacts at the seven sites. The results of the salvage will be included in a report to preserve the data in a useable form.	All	Site inspection and discussions ACHMP Revision 3.3, dated 5 September 2022 OzArk Salvage Report for Stage 1 development, 27 July 2021 OzArk Salvage Report for Stage 2 development, August 2023 Not triggered during Stage 1 construction. Salvage report completed for Stage 1 & 2 prior to works commencing, included inspection, fencing & relocation of identified artefacts. ACHMP has been implemented for operations phase activities via the OEMP. Sighted evidence of implementation including induction information, salvage report (from construction phase), marked areas of site containing known cultural finds identified during construction activities (to be permanently marked & fenced off).	Compliant
AP2-144	The five Aboriginal sites in close proximity to the disturbance footprint of the Development will be fenced with appropriate buffers and signed. Specifically:	All	Site inspection indicated temporary fencing / bunting in place around heritage sites. Permanent fencing and signage to be installed for sites where indicated.	Compliant
AP2-145	Happy Hills-IF4 is located within 50 m of an access road – it will be permanently fenced with a 10 m buffer and signed “Do Not Enter”;	All	OzArk Salvage Report for Stage 2 development, August 2023 - site fenced. Permanent signage & fencing to be installed.	Compliant
AP2-146	Bondah-IF5 is located within 30 m of an access road – it will be permanently fenced with a 10 m buffer and signed “Do Not Enter”;	All	OzArk Salvage Report for Stage 2 development, August 2023 - site fenced. Permanent signage & fencing to be installed.	Compliant
AP2-147	Bondah-OS2 is located within 50 m of water and electricity supply lines – it will be fenced with a 10 m buffer and signed “Do Not Enter” during construction;	All	OzArk Salvage Report for Stage 1 development, 27 July 2021 - site fenced. Permanent signage & fencing to be installed.	Compliant
AP2-148	Bondah-OS3 is located within 60 m of water and electricity supply lines – it will be fenced with a 10 m buffer along its eastern extents and signed “Do Not Enter” during construction; and	All	OzArk Salvage Report for Stage 1 development, 27 July 2021 - site fenced. Permanent signage & fencing to be installed.	Compliant
AP2-149	Bondah-OS9 is located within 20 m of water and electricity supply lines – it will be permanently fenced with a 10 m buffer around its northern extent and signed “Do Not Enter”.	All	OzArk Salvage Report for Stage 2 development, August 2023 - site fenced. Permanent signage & fencing to be installed.	Compliant
Archaeological Excavation of Bondah-H1				
AP2-150	Consultation with the RAPs will be undertaken to determine the cultural appropriateness of excavating the Aboriginal hearth identified as Bondah-H1 during the preparation of the ACHMP. If the RAPs confirm the appropriateness and potential benefits, archaeological excavation of Bondah-H1 to determine if it is an Aboriginal oven will be included in the ACHMP. The excavation will also be used to determine whether in-situ charcoal remains beneath the cluster of stones for radio carbon C14 dating.	All	ACHMP Revision 3.3, dated 5 September 2022 Consultation with RAPs undertaken, interested parties did not support excavation of the feature known as Bondah-H1. Heritage NSW consented to Condition B33(e), which required a program of excavation and reporting on the feature, being removed from SSD-7704. Condition B33(e) was removed from SSD-7704 by MOD 1 (15 June 2021)	Compliant
General				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-151	No disturbance will occur outside of the disturbance footprint assessed in this EIS. Any alterations to the Development footprint will be assessed in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-152	The three Aboriginal scarred trees identified within the Development Site will be further examined with reference to the Aboriginal Scarred Trees in New South Wales, A Field Manual (DEC 2005) should the Development's disturbance footprint change in a manner that potentially threatens these trees.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-153	Employees and contractors will be made aware of the presence of the identified Aboriginal sites during site inductions and training.	All	ACHM requirements are included in site inductions and training such as toolbox training. Visitor and contractor site inductions sighted.	Compliant
AP2-154	If any Aboriginal sites are uncovered during construction or operation, all work within the vicinity will cease immediately and the unexpected finds protocol in the approved ACHMP will be followed.	All	Unexpected finds protocol implemented via OEMP and communicated via site inductions and training. Visitor and contractor site inductions sighted.	Compliant
NOISE				
Construction				
AP2-155	Construction activities will be restricted to the following standard daytime hours: · Monday to Friday – 7:00 am to 6:00 pm; · Saturday – 8:00 am to 1:00 pm; and · No audible construction work on Sundays or public holidays.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-156	Plant and equipment operators will be instructed on how to minimise noise generation at all times. If necessary, this may include avoiding the operation of noisy plant and equipment simultaneously.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-157	Plant and equipment will be maintained to meet regulatory and industry standards, as well as ensure optimal operating conditions.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Operation				
AP2-158	Noise generating equipment purchased by the operator will comply with relevant workplace health and safety requirements.	Operation	Operational equipment purchased meets relevant Australian standards and is not modified for use onsite. Site observations verify plant & equipment 'standard' off-the-shelf unmodified type.	Compliant
AP2-159	Plant and equipment will be maintained to meet regulatory and industry standards and ensure optimal operating conditions.	Operation	Verified in IEA - January 2023. Service checklists and inspection reports sighted during compliance review indicate ongoing proper inspection and maintenance: Site Buggy, Kubota (11/4/23) Generator service report (14/3/2023) Batch Verification Schedules (weekly), dated 6/2/23, 23/1/23, 30/1/23 Daily Shed Check Cards, dated 11/1/2023, 8/8/23 Service Reports, dated 7 Jun 2023, 29 May 2023 Service inspection reports and checklists sighted, issues identified fixed on the spot or managed for repair / maintenance by Site Manager. Site Manager raises POs. POs tracked as planned / unplanned maintenance budget, reviewed by Regional Management monthly.	Compliant
AP2-160	A unidirectional traffic movement system, via a one-way circulation road around each PPU, will be established to minimise the use of reversing beepers.	Operation	One-way traffic management implemented. Verified during site inspection.	Compliant
AP2-161	Internal roads will be appropriately constructed and maintained with a suitably compacted base.	Operation	Verified during site inspection - internal roads were well compacted and maintained in good condition.	Compliant
AP2-162	Vehicles will not exceed a general speed limit of 60 km/hr along the internal access roads, with a reduced speed limit of 40 km/hour in the vicinity of the PPUs.	Operation	Traffic management controls implemented via OEMP, including Heavy Vehicle Driver Code of Conduct. Controls include site speed limits. Site inspection verified speed limit signage - speed signage - 40km/h unsealed roads away from production area; 25 km/h within construction & production areas. Vehicles onsite were observed to be generally travelling slowly, and appeared to be travelling within or below designated speed limits.	Compliant
AP2-163	Suitable signage will be erected to direct traffic, limit traffic speed and minimise night time noise levels.	Operation	Site inspection - speed signage in place, directional signage to be installed on completion of gate installation (target by end Sept 2023)	Compliant
AP2-164	The emergency standby diesel generators will be contained in lockable acoustics enclosures with vertical air discharge and will only be used in emergency situations when mains power from the electricity grid is lost.	Operation	Generators are enclosed in lockable acoustics enclosures. Site power supply via generators pending approval of MOD 4 application by DPE to remove alternative power supply and install permanent overland reticulated electricity supply (expected late 2023).	Compliant
Road Traffic				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-165	A directive to heavy vehicle drivers will be included in the Driver Code of Conduct to avoid the use of compression braking along Rushes Creek Road.	All	Sighted Driver Code of Conduct signed forms dated 6/12/22, 1/11/22, indicating communication of requirements to heavy vehicle drivers. Driver Code of Conduct addresses elements of Commitment AP2-165.	Compliant
AP2-166	Signage will be installed on the two access driveways near their intersections with Rushes Creek Road within the Development Site instructing heavy vehicle drivers to avoid the use of compression braking within the Development Site and on Rushes Creek Road.	All	One driveway constructed to date, signage installed, sighted during site visit.	Compliant
AP2-167	Consultation will be undertaken with Council and the local traffic committee in relation to installing signage on Rushes Creek Road near the Development Site and near the Oxley Highway intersection instructing heavy vehicle drivers to avoid compression braking along Rushes Creek Road.	All	Signage installed on Rushes Creek Road, sighted during site visit. Evidence indicating consultation with interested parties sighted and discussed during site interviews.	Compliant
HAZARD AND RISK				
AP2-168	Diesel and petrol will be stored in aboveground bunded tanks, with the minimum bund volumes being 110% of the respective tank capacity.	All	No storage of diesel or petrol onsite, apart from enclosed bunded tanks for diesel generators that are constructed as part of the generator enclosures. Verified during site inspection.	Compliant
AP2-169	LPG will be stored in aboveground tanks installed and maintained in compliance with AS/NZS 1596:2014 The Storage and Handling of LP Gas. Minimum separation distances will be maintained.	All	LPG storage appears to comply with requirements, observed during site inspection.	Compliant
AP2-170	Chemicals will be stored in the vented chemical store within the amenities and workshop building at each PPU.	All	Some chemical containers were observed during site inspection outside of vented chemical storage area, including three containers of what appear to be paint thinner on a sheet of cardboard outside the chemical storage area.	Non-compliant
AP2-171	Copies of the SDSs for each chemical and fuel will be kept within the chemical store and/or office at each PPU.	All	SDS available at the site office. SDSs not observed within the chemical storage area. Recommendation: Review site chemical storage arrangements including bunding and SDS availability.	Non-compliant
AP2-172	Spill kits will also be maintained within the chemical store at each PPU.	All	Spill kit located within chemical storage area, verified during site inspection.	Compliant
AP2-173	Diesel, petrol and LPG storages will be separated from each other and separated from the chemical store in the amenities and workshop building at each PPU.	All	Diesel, LPG and chemical storage areas segregated from each other, verified during site inspection.	Compliant
AP2-174	The chemical and fuel storage bunding will be constructed of material sufficiently impervious to the stored chemicals/fuel and be able to prevent the migration of any spillage or leakage to the surrounding environment. Where relevant, the bunding will comply with the relevant requirements of the following Australian Standards and will be approved by a structural engineer: · AS/NZS 1596:2014 The Storage and Handling of LP Gas, where applicable to the proposed LPG storage tanks; · AS 1940:2017 The Storage and Handling of Flammable and Combustible Liquids, where applicable to the proposed petrol and diesel storage tanks; · AS 2507:1998 The Storage and Handling of Agricultural and Veterinary Chemicals, where applicable to the proposed storage of chemicals comprising ADG Classes 3, 6.1, 8 and 9 and non-dangerous goods; and · AS 3780:2008 The Storage and Handling of Corrosive Substances, where applicable to the proposed storage of chemicals comprising ADG Class 8 substances.	All	Chemical storage area includes commercial portable bunded pallets, generally adequate and compliant with relevant standards. However, not all chemicals were appropriately stored in bunded areas, as observed during site inspection. Recommendation: Review site chemical storage arrangements including chemical segregation, bunding and SDS availability.	Non-compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-175	The following controls will be implemented in relation to LPG storage to reduce risks to an acceptable level - <ul style="list-style-type: none"> · Installations will comply with AS/NZS 1596:2014, specifically sections 3, 5, 6, 8, 11, 12 and 13; · Tanks will be made of steel and comply with the requirements AS/NZS 1200; · Tank filling will comply with section 6.6 of AS/NZS 1596:2014; · Tanks will have an automatic fill shutoff when they have reached capacity in accordance with section 6.6 of AS/NZS 1596:2014; · Outflow will be controlled in accordance with section 5 of AS/NZS 1596:2014; · Appropriate compliant safety shut down and isolation valves will be installed as per sections 5.3 and 6.7 of AS/NZS 1596:2014; · Inspections, testing and maintenance will be undertaken in accordance with section 11.5 of AS/NZS 1596:2014; · Separation distances will be maintained as per AS/NZS 1596:2014; · Hazard area classification will be in accordance with AS/NZS 60079.10.1:2009; · Electrical equipment will comply with AS3000; · Fire safety systems will be installed and/or available in accordance with section 13 of AS/NZS 1596:2014; · Fire-sensing elements of the emergency shutdown system will be located in a position to sense a fire at the filling/loading connection; and · Staff will be trained in how to use firefighting equipment and fire drills should be undertaken. 	All	LPG storage appears to comply with requirements, observed during site inspection.	Compliant
AP2-176	If considered necessary, a Fire Safety Study will be undertaken following development consent, in parallel with development detailed design, for approval prior to commencing construction.	All	An Emergency Plan has been developed and implemented via the OEMP. Included as Appendix J of the OEMP and details emergency procedures relevant to operations phase activities. References Fire Safety Study Rev 2, 3 April 2023, Project number 12545704, GHD Pty Ltd, which was prepared in accordance with Advisory Paper No 1 as required by Condition B41.	Compliant
VISUAL AMENITY				
Development Design				
AP2-177	The poultry sheds, along with some other infrastructure items, will be constructed using non-reflective materials. The walls will be a eucalyptus green (or similar) colour sympathetic with the surrounding natural environment.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-178	The solar panels will have anti-reflective treatment and there will not be any mirrors or lenses used.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-179	External lighting will comprise individual light fixtures mounted at a height of approximately 4 m over the front and rear of each poultry shed, with no broad area or flood lighting.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Vegetation Screens				
AP2-180	Vegetation screens will be established and maintained around the perimeter of each PPU on a progressive basis as soon as practicable following bulk earthworks and construction at each PPU.	All	Verified during site inspection - vegetation screens have been established around Farm 2. However, vegetation screen was not fully established prior to operations commencing, as indicated in Jan 2023 IEA, therefore a non-compliance was identified against Condition B53a during the Jan 2023 IEA and is indicated for this initial Operations Phase Compliance Report. Vegetation screens have since been established around the perimeter of Farm 2 development, verified during site inspection. Plantings are monitored via site inspections, evidence sighted. Site Environmental Inspection Checklist, dated 17/2/2023. A qualified horticulturalist was engaged to advise on the plantings, and has been engaged to return to site and inspect and advise on current growth and establishment of the screening plantings. Recommendation: Continue monitoring and establishment of vegetation screens to comply with Condition B53a. Review compliance status in next Compliance Reporting cycle.	Non-compliant
AP2-181	Advice will be sought from an appropriate professional to ensure that the tree and shrub species selected for the vegetation screens can effectively cope with and utilise the anticipated nutrient loads within the irrigation water.	All	Horticulturalist advice obtained on tree and shrub selection. High nutrient load not reported for irrigation water drawn from detention dam. (Dip. Horticulture qualified). Site inspection indicated planted trees appear to be growing well.	Compliant
Operation				
AP2-182	External lighting will be aimed downwards and only used when necessary during times of low light and/or heavy fog.	Operation	Site inspection observations indicate external site lighting appeared to be aimed downwards, or else were installed or screened in such a way so as to not present a nuisance to surrounding properties or public roads.	Compliant
GREENHOUSE GAS AND ENERGY EFFICIENCY				

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
Development Design				
AP2-183	The poultry sheds will be insulated with high thermal performing expanded polystyrene with fire-retardant.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-184	The poultry sheds will be tunnel-ventilated, fully-enclosed and climate-controlled, which will reduce power consumption.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-185	Solar panels will be installed at each PPU to generate clean renewable energy to power the PPUs and reduce dependency on reticulated electricity. The panels will produce energy during the day and any surplus energy will be able to be fed into the electricity grid	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-186	Low lux lighting will be installed within the poultry sheds.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
Operation				
AP2-187	External lighting will only be used when necessary during times of low light and/or heavy fog.	Operation	Site inspection observations indicate external site lighting appeared to be aimed downwards, or else were installed or screened in such a way so as to not present a nuisance to surrounding properties or public roads. External lighting was not in use during site inspection (daylight hours).	Compliant
AP2-188	The integrity of the poultry sheds will be regularly checked to identify and rectify any air leaks, which place additional load on ventilation fans.	Operation	Daily Shed Check Cards, dated 11/1/2023, 8/8/23 Service Reports, dated 7 Jun 2023, 29 May 2023 Site Environmental Inspection Checklist, dated 17/2/2023 Construction Work Site SHEQ Inspection Checklist, dated 8/12/2022 Routine site inspections include elements of shed integrity inspections. Sheds appeared to be in good condition, no obvious leaks or damage noted during site compliance inspection.	Compliant
AP2-189	Internal lighting, temperature, humidity and static pressure will be continuously monitored within the poultry sheds and automatically adjusted to suit conditions. This will avoid unnecessary solar, electricity and LPG usage.	Operation	SKOV online monitoring system sighted in operation during site inspection	Compliant
AP2-190	Equipment such as ventilation fans and heaters will be regularly maintained and serviced to ensure optimal performance and efficiency.	Operation	Daily Shed Check Cards, dated 11/1/2023, 8/8/23 Service Reports, dated 7 Jun 2023, 29 May 2023 Site Environmental Inspection Checklist, dated 17/2/2023 Construction Work Site SHEQ Inspection Checklist, dated 8/12/2022 Service checklists and inspection reports sighted during compliance review indicate ongoing proper inspection and maintenance: Site Buggy, Kubota (11/4/23) Generator service report (14/3/2023) Routine site inspections include inspections of equipment such as fans and heaters. Repairs carried out on the spot, or arranged with external contractors and service providers where necessary via Farm Manager. All equipment appeared to be in good condition during site compliance inspection.	Compliant
SOCIAL				
AP2-191	Shortly following submission of this EIS to the DPE for public exhibition, ProTen will hold a community information session. This session will serve to overview the Development, outline and discuss the findings of key impact assessments and provide an overview of the EIS assessment and determination process, including how to review and comment on the EIS during the exhibition phase.	All	Community information session held 18 September 2018, outcomes considered in Response to Submissions as part of EIA process.	Compliant
AP2-192	ProTen will hold subsequent face-to-face meetings if requested by any of the community stakeholders.	All	Not required for operations phase activities to date. Consultation processes and commitments for operations phase activities are implemented via the Community Consultation Plan contained in the OEMP.	Not triggered
AP2-193	ProTen will arrange additional community information sessions prior to commencing both construction and operation if desired by the community stakeholders.	All	Not required for operations phase activities to date. Consultation processes and commitments for operations phase activities are implemented via the Community Consultation Plan contained in the OEMP.	Not triggered
AP2-194	Community and stakeholder consultation commitments will be included in both the CEMP and OEMP, which will be publicly available on ProTen's website once approved.	All	Consultation processes and commitments for operations phase activities are implemented via the Community Consultation Plan contained in the OEMP.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-195	Prior to the commencing both construction and operation ProTen will inform the surrounding residents and operators of the surrounding recreational facilities of planned commencement of construction/operation via a letter drop. The letter will advise relevant details, including general construction/operation activities, key dates, staging and hours, and relevant site contact details. These stakeholders will also be informed of any changes to the construction/operation activities in writing.	All	In Section 5.3 of the CCP contained within the OEMP for operations phase activities. Evidence of onsite signage and newspaper notices of operations commencement sighted. Newspaper Notice - The Land 1/9/2022 Newspaper Notice - Manilla Express 30/8/2022 Evidence of communication with surrounding residents around the proposed date of operational commencement sighted. Rushes Creek Poultry Farm Development - Community Newsletter, June 2022. Actions taken above comply with requirements of Condition B56f (ii) - letterbox drop not required.	Compliant
AP2-196	Clearly visible signage will be installed at both the site access driveways off Rushes Creek Road prior to commencing construction and during operation. The signs will advise relevant details, including the site name, site office location, site contact details and any specific access requirements.	All	Signage installed at site access driveway, verified during site inspection.	Compliant
AP2-197	ProTen will continue to operate its freecall environmental hotline number, which is provided on the company's website, to ensure community concerns can be raised and addressed.	All	Confirmed ProTen website 7/9/2023 https://proten.com.au/Contact Environmental Enquiries and Complaints - 1800-776-994	Compliant
AP2-198	ProTen will work with the Lake Keepit Soaring Club following development consent to establish an emergency landing strip for gliders within the Development Site.	All	Timing not specified. Not yet started.	Not triggered
AP2-199	ProTen will be levied and pay development contributions to Council pursuant to the EP&A Act and in accordance with the Tamworth Regional Council Section 94A (Indirect) Development Contributions Plan 2013.	All	Evidence of development contributions to Council sighted. Long Service Corporation - Support Ticket - 00006122, Levy: L0000001302 date created 04/08/2022, 03:20pm Status Closed.	Compliant
APPENDIX 3 - INCIDENT NOTIFICATION & REPORTING REQUIREMENTS				
AP3-1	A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C9 or, having given such notification, subsequently forms the view that an incident has not occurred.	All	Written incident notifications were not provided to the compliance@planning.nsw.gov.au email address, and in some cases were not provided within 7 days as required by Appendix 3, Item 1. Incident 1: •Email from Hugh Jones (SLR) on behalf of ProTen to DPE & EPA dated 30/9/2022 'Water Release Notification' The written incident notification was provided immediately that ProTen became aware of potential incident, however the notification was not emailed directly to individual DPE & EPA officers and was not emailed to the compliance@planning.nsw.gov.au email address as required by Appendix 3, Item 1. Incident 2: •Letter from ProTen to DPE, Notification - SSD 7704 Rushes Creek Poultry Production Complex, dated 31 October 2022 (incorrect date - letter was transmitted to DPE on 21/11/2022 per email acknowledgment received). •Email DPE 'Rushes Creek Poultry Production Farm - Post Approval Document Received - (SSD-7704-PA-40), dated Monday, 21 November 2022 4:11 PM from no_reply@majorprojects.planning.nsw.gov.au to Kate Singh The written incident notification was provided within 7 days as required, however it was uploaded to the Major Projects Portal and not emailed to the compliance@planning.nsw.gov.au email address as required by Appendix 3, Item 1. Incident 3: •Email titled 'Rushes Creek Poultry Production Farm - Post Approval Document Received - (SSD-7704-PA-53)' dated 5/04/2023 from no_reply@majorprojects.planning.nsw.gov.au to Kate Singh The Department of Planning and Environment (DPE) were provided an incident report from ProTen on 27 April 2023 in relation to the controlled unlicensed discharge event that occurred between 29 March to 5 April 2023. The written incident notification was not provided within 7 days as required and was uploaded to the Major Projects Portal and not emailed to the compliance@planning.nsw.gov.au email address as required by Appendix 3, Item 1. Recommendation: Review incident notification procedures and ensure they align with requirements of Condition C9 and Appendix 3.	Non-compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP3-2	<p>Written notification of an incident must:</p> <ul style="list-style-type: none"> a. identify the development and application number; b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident); c. identify how the incident was detected; d. identify when the applicant became aware of the incident; e. identify any actual or potential non-compliance with conditions of consent; f. describe what immediate steps were taken in relation to the incident; g. identify further action(s) that will be taken in relation to the incident; and h. identify a project contact for further communication regarding the incident. 	All	<p>Evidence indicates that written incident notifications provided did not always include all of the information required by Appendix 3, Condition 2 as required by Appendix 3, Item 1.</p> <p>Incident 1:</p> <ul style="list-style-type: none"> •Email from Hugh Jones (SLR) on behalf of ProTen to DPE & EPA dated 30/9/2022 'Water Release Notification' <p>The written incident notification provided did not include all of the information required by Appendix 3, Condition 2.</p> <p>Incident 2:</p> <ul style="list-style-type: none"> •Letter from ProTen to DPE, Notification - SSD 7704 Rushes Creek Poultry Production Complex, dated 31 October 2022 (incorrect date - letter was transmitted to DPE on 21/11/2022 per email acknowledgment received). •Email DPE 'Rushes Creek Poultry Production Farm - Post Approval Document Received - (SSD-7704-PA-40), dated Monday, 21 <p>The written incident notification provided was compliant with Appendix 3, Condition 2.</p> <p>Incident 3:</p> <p>Written incident notification not sighted during compliance review.</p> <p>Recommendation:</p> <p>Refer to actions at AP3-1.</p>	Non-compliant
AP3-3	<p>Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.</p>	All	<p>Incident 1:</p> <ul style="list-style-type: none"> • Letter titled 'Rushes Creek Poultry Production Farm (SSD-7704) Incident Report - Water Discharge 5 October 2022' from the Department of Planning and Environment (DPE) o 13/01/2023 to Bill Williams. <p>An incident report was provided to DPE on 4 November 2022 in relation to the controlled unlicensed discharge event on 5/10/2022. Compliant with 30 day requirement.</p> <p>Incident 2:</p> <ul style="list-style-type: none"> • Letter from ProTen to DPE titled 'Incident Report: Condition C9 of SSD 7704 – Rushes Creek Poultry Production Farm', dated 20/12/2022 •Letter titled 'Rushes Creek Poultry Production Farm (SSD-7704) SSD-7704-PA-40 - Request for Additional Information dated 2/12/2022 from DPE to Kathryn Singh •Letter titled 'Rushes Creek Poultry Production Farm (SSD-7704) Incident Report - Water Discharge 14 November 2022' dated 13/01/2023 from DPE to Bill Williams <p>An incident report was provided to DPE on 20 December 2022 in relation to the controlled unlicensed discharge event on 14/11/2022. Compliant with 30 day requirement.</p> <p>Incident 3:</p> <ul style="list-style-type: none"> •'Incident Report Condition C9 of SSD 7704 – Rushes Creek Poultry Production Farm, dated 27/4/2023 •Letter titled 'Rushes Creek Poultry Production Farm (SSD-7704) 230329 Farm 2 detention dam water release' from the Department of Planning and Environment (DPE) on 8/05/2023 to Bill Williams. <p>An incident report was provided to DPE on 27/4/2023 in relation to the controlled unlicensed discharge event on 5 April 2023. Compliant with 30 day requirement.</p>	Compliant
AP3-4	<p>The Incident Report must include:</p> <ul style="list-style-type: none"> a. a summary of the incident; b. outcomes of an incident investigation, including identification of the cause of the incident; c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and d. details of any communication with other stakeholders regarding the incident. 	All	<p>See above (Appendix 3-3)</p> <p>Written incident reports included all information required by this condition.</p>	Compliant



Appendix B Action Status Table

Operational Compliance Report

SSD 7704 MOD 3
Rushes Creek Poultry Production Farm

ProTen Tamworth Pty Ltd

SLR Project No.: 630.030972.00000

22 September 2023

Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
IEA 2023	A1	Ensure all members of the project group and construction are aware of the Approval and EPL requirements	November 2022	Completed November 2022	SSD 7704 issued to the Project Team November 2022. All members of the project group and construction group are aware of the Approval and EPL requirements via training, project meetings and inclusion in contracts.
		via training, project meetings and inclusion in contracts.	As part of Stage 2 of Development	Not yet started	SSD 7704 to be issued to contractors as part of Stage 2 of Development.
IEA 2023	A2	1) No further operation of borrow pits until DPE has approved utilisation of the North pit into a Dam for water security (MOD 4) and southwest pit to be returned to pasture following approval of the remediation plan submitted to DPE on 1 September 2023.	June 2022	In progress	<ul style="list-style-type: none"> - No further operation of borrow pits until DPE has approved utilisation of the North pit into a Dam for water security (MOD 4) - Southwest pit to be returned to pasture following approval of the remediation plan submitted to DPE on 1 September 2023. Note the southwestern borrow pit will not be used for bird disposal due to the area being part of the river catchment.
		2) ProTen to include an Enforceable Undertaking in conjunction with other initiatives to deliver tangible benefits for the environment and community.	March 2023	In progress	EU approved by the DPE on 12/7/2023. Meetings commenced with Poultryhub August 2023.
		3) applied for to include: <ul style="list-style-type: none"> - Remediate the North-east borrow pit into a water storage dam. - Remediate the south western borrow pit into a dead bird disposal area as per the Emergency Disposal and Biosecurity Strategy. - Seek approval of shed flooring to be sealed alternative to concrete (currently a sealed asphalt top layer over a cement treated base of aggregate) - Removal of house from SSD and approval for house as constructed by Tamworth Council. All further houses to be transportable. 	March 2023	In progress	<ul style="list-style-type: none"> - No further operation of borrow pits until DPE has approved utilisation of the North pit into a Dam for water security (MOD 4) - Southwest pit to be returned to pasture following approval of the remediation plan submitted to DPE on 1 September 2023. Note the southwestern borrow pit will not be used for bird disposal due to the area being part of the river catchment. - Pending approval of MOD 4, submission & approval of MOD 5, approval of alternative shed flooring (in MOD 4), - Dwellings changed from 8 to 7 and slab-on-ground from transportable (in MOD 7).
		4) Ensure sufficient time and communication with DPE regarding Management Plan approvals and commencement of operations is implemented into development plans and schedules.	September 2022	Completed September 2022	Notifications for Stage 1 works provided to DPE. Dates for future works monitored via weekly meeting, ongoing to be implemented via environmental compliance management (budget allocation approved, project to select and implement suitable software solution in progress).
IEA 2023	A39	1) The Applicant must provide a copy of the documentation given to the Certifier under condition A38 to the Planning Secretary.	10 March 2023	Completed	Relevant documents submitted.



Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
		2) Assess and implement Compliance Management System Program to identify and track requirements to ensure timeframes are being met.	July 2023	In progress	Environmental compliance management system to be implemented (budget allocation approved, project to select and implement suitable software solution in progress).
IEA 2023	AN1	Aboriginal Heritage, Soil Water Management and Biodiversity assessments to be undertaken regarding the borrow pits and their further utilisation.	April 2023	In progress	Aboriginal & soil water assessments undertaken. Biodiversity assessment completed & submitted to Tamworth City Council - comments / approval pending.
		No further operation of borrow pits until DPE has approved utilisation of the North pit into a Dam.		In progress	No further operation of borrow pits until DPE has approved utilisation of the North pit into a Dam for water security (MOD 4).
IEA 2023	B18	NC REC 1: ProTen to implement the actions of the Show Cause Notice and any other requests from DPE relating to undertaking work outside of the approved activities (i.e., Borrow Pits 1 and 2).	July 2022	Completed 29 July 2022	Silt fencing installed to reduce flow of runoff water north of the borrow pit.
		2) Redevelop clean water diversions to ensure water is flowing around northern borrow pit and water is not being detained in this area.	March 2023	In progress	Clean water diversion drain constructed during August 2022 to divert clean water away from north borrow pit. Connection for site water to drain into retention dam has been constructed. Water remains in northern borrow pit. MOD 5 to address conversion into water storage dam and compliance with this condition is in progress.
IEA 2023	B20	NC REC 2: Investigate the suitability of an internal compliance tracking system for Rushes Creek to track and manage requirements of approvals and improve recordkeeping.	Refer Condition B18	Completed 29 July 2022	Silt fencing installed on 29 July 2022 to reduce flow of runoff water north of the borrow pit.
		2. Redevelop clean water diversions to ensure water is flowing around northern borrow pit and water is not being detained in this area.	Refer Condition B18	In progress	Clean water diversion drain constructed during August 2022 to divert clean water away from north borrow pit. Connection for site water to drain into retention dam has been constructed. Water remains in northern borrow pit. MOD 5 to address conversion into water storage dam & compliance with this condition is in progress.
IEA 2023	B22	1) SWMP to be reviewed and updated to include: <ul style="list-style-type: none"> - Correct cross-references throughout the document. - Inclusion of the remediated borrow pits 	March 2023	In progress	<ul style="list-style-type: none"> - Soil Water Management Plan v6.0, dated 27/3/23 was resubmitted to DPE 5 Sep 23. The SWMP update included correct cross-referencing throughout the document. The Soil and Water Management Plan is awaiting approval.
				In progress	<ul style="list-style-type: none"> - Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into waste storage dam & update of Stormwater Management System to reflect as-built



Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
					conditions will close compliance actions against this condition.
IEA 2023	B27	NC REC 4: Update the CEMP to include defined frequency for construction noise monitoring as no monitoring in this audit period occurred. This could be based on when construction activities are predicted to be at their most noisy, or at a more defined frequency. Liaise with the EPA on the optimal monitoring method to confirm construction noise levels.	Not applicable	Not applicable	There is no requirement to undertake formal noise monitoring regarding construction noise in SSD 7704 or EPL 21569. No noise complaints have been received in relation to construction since commencement in 2021. Noise monitoring may be considered in consultation with the EPA in the future if noise complaints are received in relation to construction activities on the site.
IEA 2023	B28A	NC REC 4: Update the CEMP to include defined frequency for construction noise monitoring as no monitoring in this audit period occurred. This could be based on when construction activities are predicted to be at their most noisy, or at a more defined frequency. Liaise with the EPA on the optimal monitoring method to confirm construction noise levels.	Not applicable	Not applicable	There is no requirement to undertake formal noise monitoring regarding construction noise in SSD 7704 or EPL 21569. No noise complaints have been received in relation to Construction since commencement in 2021. Noise monitoring may be considered in consultation with the EPA in the future if noise complaints are received in relation to construction activities on the site.
IEA 2023	B34	Permanent fencing to be installed around heritage sites.	August 2023	In progress	Temporary site fencing has been installed. The site inspection on 6/9/23 observed temporary fencing was in place. The star pickets were visible, but bunting had been knocked over by animals. Permanent fencing will be installed.
IEA 2023	B44	1. Containers on site to be bunded.	14 February 2023	In progress	The site inspection on 6/9/23 observed some chemical containers were stored outside of the bunded area.
		2. Communicate to all personnel on site requirement to ensure chemicals on site are bunded or removed from site.	3 February 2023	Completed 3 February 2023	Chemical storage requirements are communicated to all personnel through on site inductions.
		3. Weekly site inspections to check chemical storage.	3 February 2023	Completed 3 February 2023	Weekly inspections include a check of chemical storage.
IEA 2023	B52	Assess and implement Compliance Management System Program to identify and track requirements to ensure timeframes are being met.	July 2023	In progress	Environmental compliance management system to be implemented (budget allocation approved, project to select and implement suitable software solution in progress).
IEA 2023	B53	1. At the end of plantings or six months from the end of planting, engage an ecologist or other qualified professional to inspect the vegetation screen as a record of completion of planting as well as to assess the vegetation screen against EPL condition O4.7.	June 2023	Not yet started	Horticulturalist to be engaged to revisit site and inspect plantings.
		2. Inspection of vegetation screens to be undertaken as part of monthly environmental site inspections.	January 2023	Completed January 2023	Inspection of vegetation screens included in the monthly environmental inspections.



Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
IEA 2023	C4	See previous recommendations	2022	Completed 28 July	1. Erosion and Sediment controls were put in place on 28 July 2022 as set out in the Layout plan ref.21079. Erosion and sediment control plan completed by SAGE and implemented 21 September 2022.
			March 2023	In progress	Approval of MOD 4, & MOD 5, construction to convert northern borrow pit into waste storage dam and update of Stormwater Management System to reflect as-built conditions will close compliance actions against this condition.
IEA 2023	C7	1. Temporary wheel wash facilities in place from the commencement of operations which included sanitising spray administered via hand sprayer.	September 2022	In progress	During the site visit on 6/9/23 it was observed a wheel wash was installed but not yet in operation.
		2. Wheel wash to be installed.	April 2023	In progress	During the site visit on 6/9/23 it was observed a wheel wash was installed but not yet in operation.
IEA 2023	C9	Ensure all members of the project group and construction are aware of the Approval and EPL requirements	November 2022	Completed November 2022	SSD 7704 issued to project team.
		via training and inclusion in contracts.	As part of Stage 2	Not yet started	SSD 7704 to be issued to contractors as part of Stage 2.
IEA 2023	C10	As per C9 above.			
IEA 2023	C13	1. ProTen to communicate with DPE regarding audit requirements.	February 2023	In progress	Audit schedule to be developed in consultation with DPE to consider frequency of construction and operational phase audits, provided to DPE.
		2. Development audit schedule and implement into compliance management system.	July 2023	In progress	Audit schedule to be included in compliance management system once system is implemented (budget approved, software selection in progress).





Appendix C Compliance Report Declaration Form

Operational Compliance Report

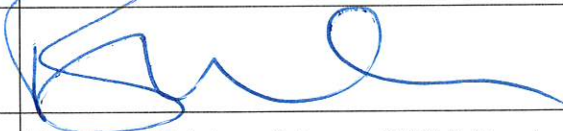
SSD 7704 MOD 3
Rushes Creek Poultry Production Farm

ProTen Tamworth Pty Ltd

SLR Project No.: 630.030972.00000

22 September 2023

Compliance Report Declaration Form

Project Name	Rushes Creek Poultry Production Farm
Project Application Number	SSD 7704 MOD 3
Description of Project	Large scale poultry broiler production farm comprising 54 poultry sheds and associated support and servicing infrastructure. Each shed will house up to 56,500 birds, providing a total site population of 3,051,000 birds.
Project Address	1582 Rushes Creek Road, Rushes Creek NSW 2346
Proponent	ProTen Tamworth Pty Ltd
Title of Compliance Report	Operational Compliance Report. SSD 7704 MOD 3 - ProTen Tamworth Pty Ltd Rushes Creek Poultry Production Farm
Date	22 September 2023
<p>I declare that I have reviewed the contents of the attached Compliance Report and to the best of my knowledge:</p> <ol style="list-style-type: none"> The Compliance Report has been prepared in accordance with all relevant conditions of consent; The Compliance Report has been prepared in accordance with the Compliance Reporting Requirements; The findings of the Compliance Report are reported truthfully, accurately and completely; Due diligence and professional judgement have been exercised in preparing the Compliance Report; and The Compliance Report is an accurate summary of the compliance status of the development. 	
<p>Note:</p> <ul style="list-style-type: none"> Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation \$1 million and for an individual \$250,000; and The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both). 	
Name of Authorised Reporting Officer	William Williams
Title	Chief Executive Officer
Signature	
Qualification	Bachelor of Veterinary Science. B.V.M.S (Hons)
Company	ProTen Ltd
Company Address	Suite 1103, Level 11, 99 Mount Street North Sydney NSW 2060





Appendix D Figures and Photos

Operational Compliance Report

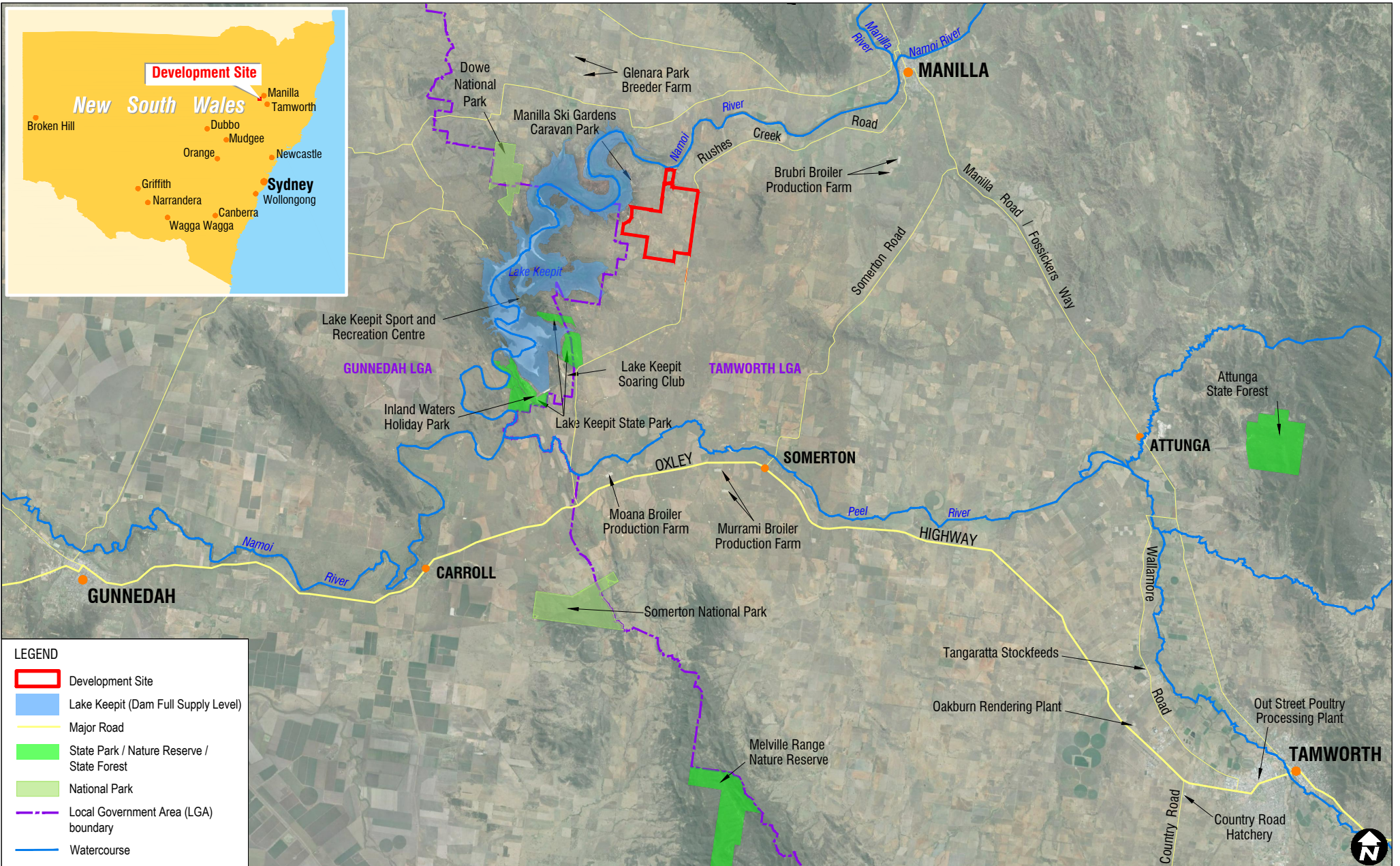
SSD 7704 MOD 3

Rushes Creek Poultry Production Farm

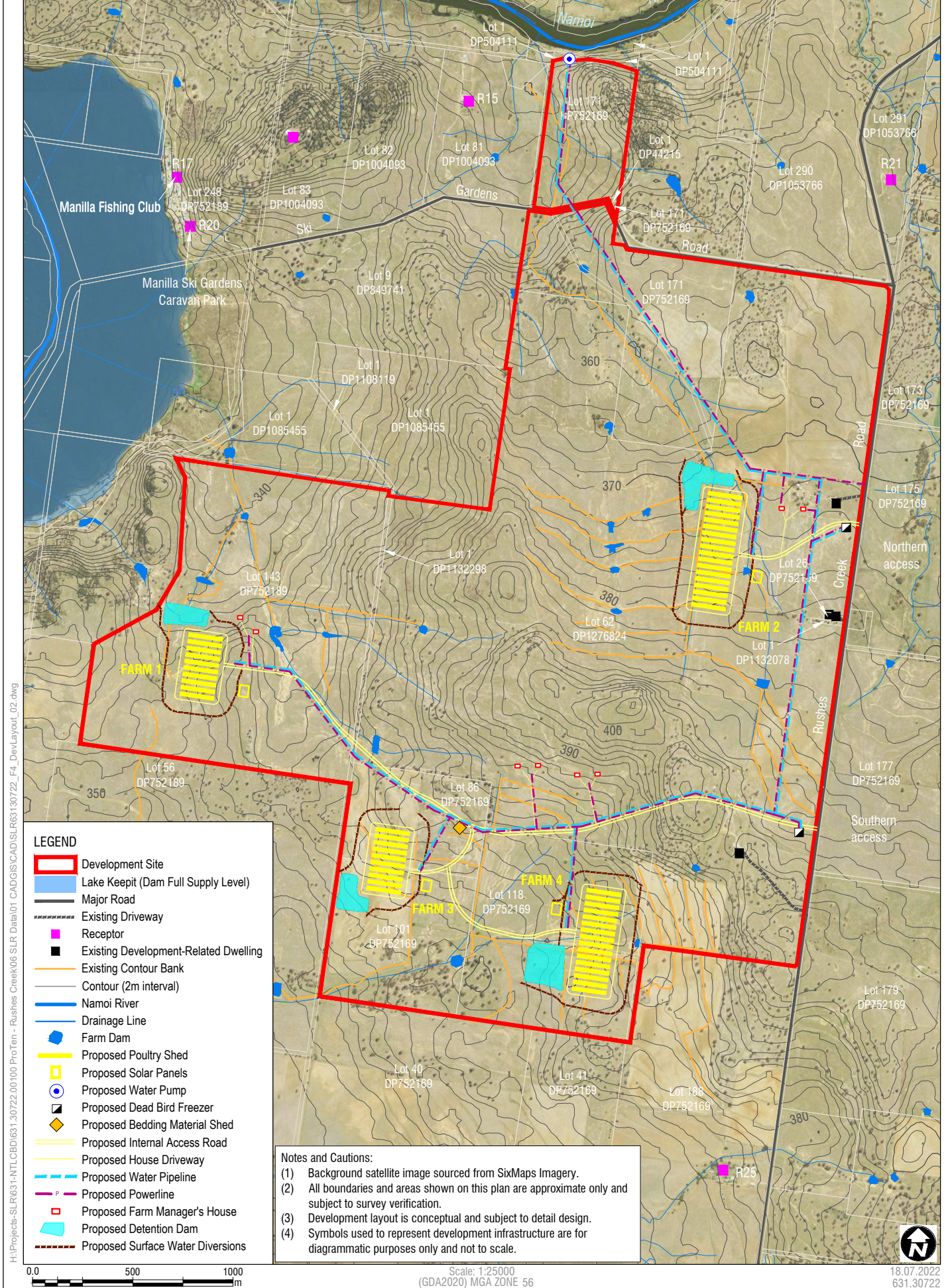
ProTen Tamworth Pty Ltd

SLR Project No.: 630.030972.00000

22 September 2023



H:\Projects-SLR\631-NTL-CBD\631-30722-00100 ProtTen - Rushes Creek\05 SLR Data\01 CAD\GIS\CAD\SLR\631\30722_F1_Reguloc_02.dwg



LEGEND

- Development Site
- Lake Keepit (Dam Full Supply Level)
- Major Road
- Existing Driveway
- Receptor
- Existing Development-Related Dwelling
- Existing Contour Bank
- Contour (2m interval)
- Namoi River
- Drainage Line
- Farm Dam
- Proposed Poultry Shed
- Proposed Solar Panels
- Proposed Water Pump
- Proposed Dead Bird Freezer
- Proposed Bedding Material Shed
- Proposed Internal Access Road
- Proposed House Driveway
- Proposed Water Pipeline
- Proposed Powerline
- Proposed Farm Manager's House
- Proposed Detention Dam
- Proposed Surface Water Diversions

Notes and Cautions:

- (1) Background satellite image sourced from SixMaps Imagery.
- (2) All boundaries and areas shown on this plan are approximate only and subject to survey verification.
- (3) Development layout is conceptual and subject to detail design.
- (4) Symbols used to represent development infrastructure are for diagrammatic purposes only and not to scale.

0.0 500 1000
m

Scale: 1:25000
(GDA2020) MGA ZONE 56

18.07.2022
631.30722

Photo 1 Construction signage at the site entrance



Photo 2 Quarantine signage at the site entrance



Photo 3 Wheel wash (not operational)



Photo 4 Sheds and feed silo

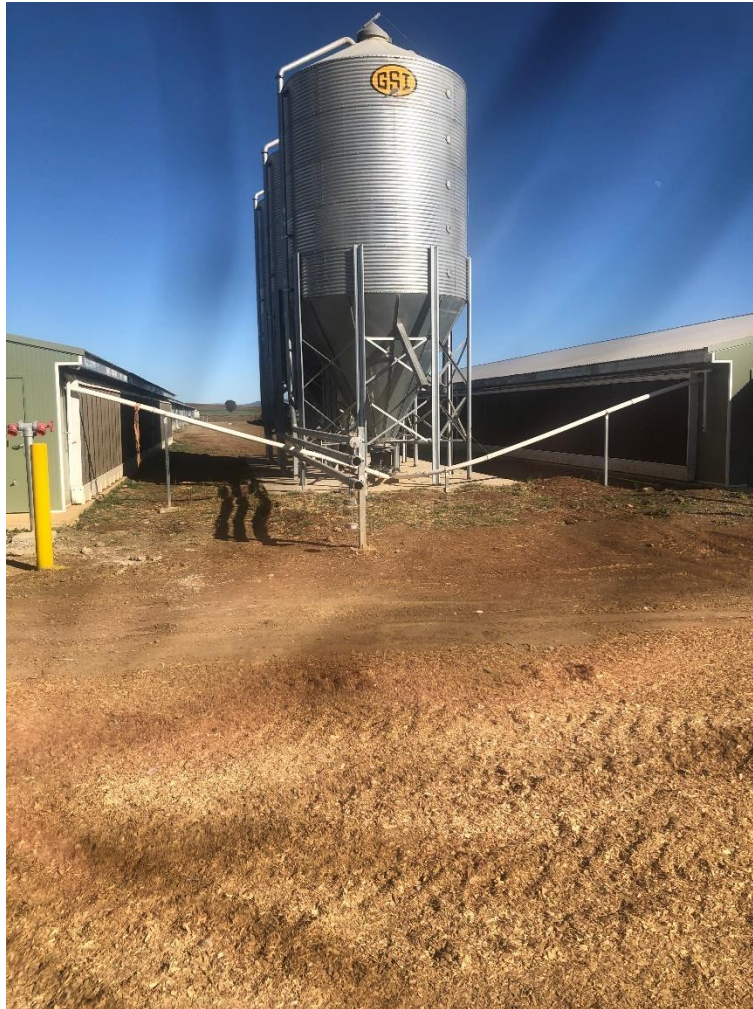


Photo 5 Gas tanks



Photo 6 Shed during the cleanout process



Photo 7 Shed cleanout



Photo 8 Retention dam



Photo 9 Drainage line



Photo 10 Dead bird chillers



Photo 11 Spill kit within the chemical storage shed



Photo 12 Chemical storage



Photo 13 Un-banded chemicals

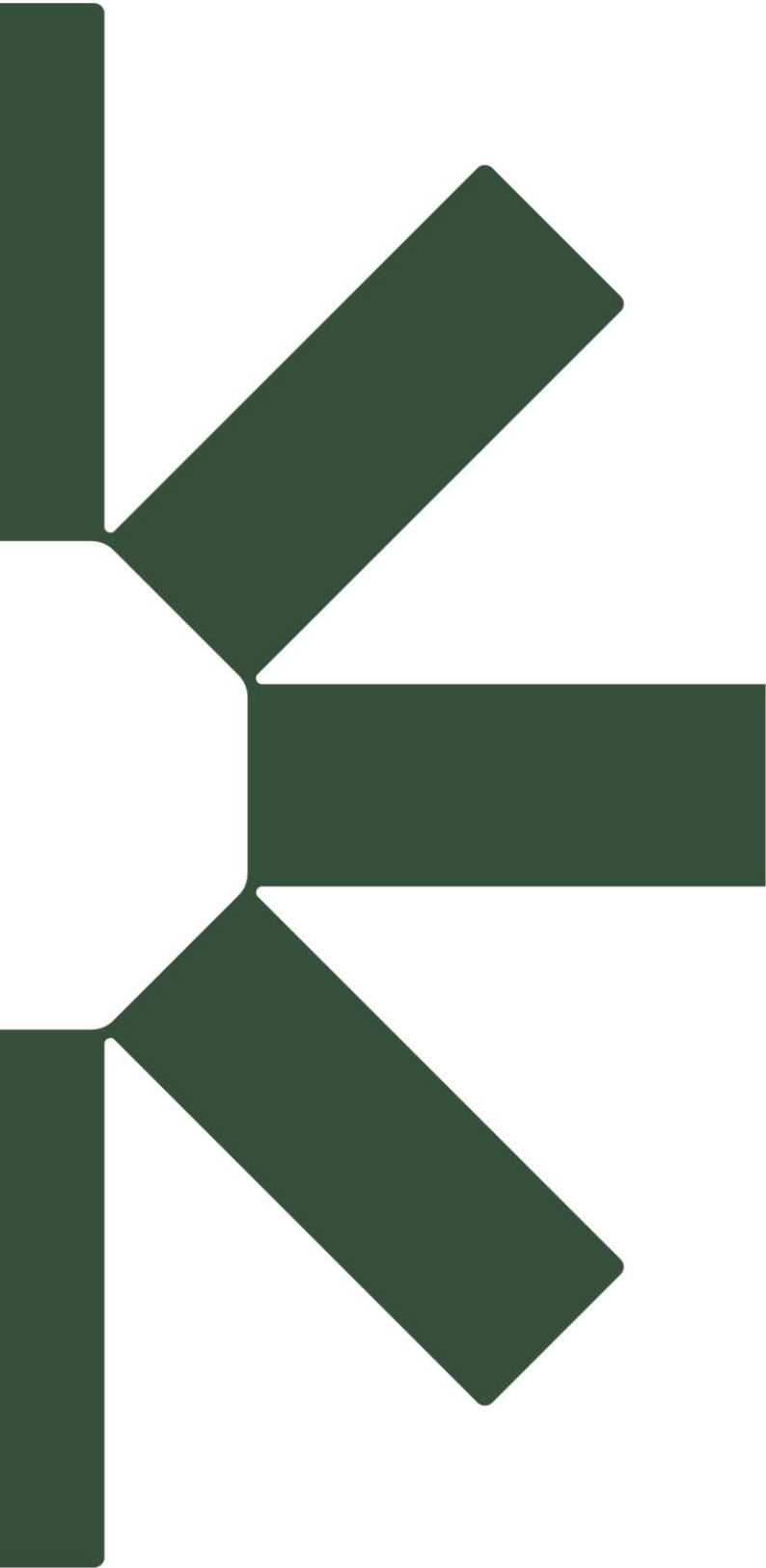


Photo 14 Fire extinguisher near the chemical storage shed



Photo 15 Sediment fencing below the north borrow pit





Making Sustainability Happen