



Rushes Creek Poultry Farm Development

Independent Environmental Audit 2022

SSD-7704 MOD 3

Prepared for:
ProTen Pty Ltd

January 2023

PREPARED BY:



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DOCUMENT CONTROL

Reference	Date	Prepared	Authorised
SSD-7704 Independent Environmental Audit 2022	January 2023	Chris Jones & Olivia O'Shannessy	Draft for site review
SSD-7704 Independent Environmental Audit 2022 – Final Report	31 January 2023	Chris Jones & Olivia O'Shannessy	Final report

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1. INTRODUCTION

1.1. Background

ProTen obtained Development Consent SSD-7704 from the then Department of Planning, Industry and Environment (DPIE) (now DPE) on 14 April 2020 to construct and operate a large-scale poultry farm at Rushes Creek, Tamworth NSW. The Development comprises four individual poultry production units (PPUs), identified as Farms 1 to 4, where broiler birds will be grown for the purpose of producing poultry meat (for human consumption). Each farm will contain between 10 and 18 fully enclosed climate-controlled poultry sheds along with associated support and servicing infrastructure. The development will comprise a total of 54 poultry sheds and house a combined site population of 3,051,000 birds.

A development modification was approved by Department of Planning and Environment (DPE) on 15 June 2021 (MOD 1) allowing for the remediation of a former sheep dip on-site (as opposed to the soil being excavated and transported to Sydney for landfill disposal) and removal of a condition requiring the excavation of an Aboriginal hearth (Bondah H1).

Modification 2 corrected timing outlined in condition B53 of SSD 7704 for the timing of the establishment of the PPU vegetation screens. Modification 2 was approved on 2 September 2021.

The most recent modification (Modification 3) was approved on 9 March 2022 and allowed for concurrent construction and operations, adjusted infrastructure layout, and permitted the use of diesel generators for power supply at Farm 2.

The Environment Protection Authority (EPA) issued an Environment Protection Licence (EPL) 21569 for the project on 11 August 2021.

The Rushes Creek Poultry Farm Development (Rushes Creek) is displayed in **Figure 1**.

1.2. Audit Team

The audit was undertaken by the audit team presented in Error! Reference source not found.. The lead auditor, Chris Jones, is certified as a Lead Environmental Auditor by Exemplar Global. The audit team was endorsed by the DPE on 6 October 2022 as per the approval letter attached in **Appendix A**.

Table 1 – Contact Details for Auditing Personnel

Name	Role	Email
Chris Jones	Lead Auditor	chris.jones@iema.com.au
Olivia O'Shannessy	Assistant Auditor	olivia.oshannessy@iema.com.au

Contact details for the personnel involved in the audit are provided in **Table 1**.

Table 2 – Contact Details for Project Personnel

Name	Role	Email
Kathryn Singh	SHEQ Advisor, ProTen	kates@proten.com.au
Hugh Jones	Senior Consultant, SLR Australia	hcjones@slrconsulting.com

1.3. Audit Objectives

The objectives of the IEA are to, where applicable:

- Assess compliance with SSD-7704 MOD 3 Conditions of Approval;
- Assess the environmental performance of Rushes Creek from the granting of the SSD-7704 into operation;
- Assess the effects of the earthworks, construction, and operational activities on the surrounding environment, including the community;

- Review the adequacy of any document required under SSD-7704;
- Recommend measures or actions to improve the environmental performance; and
- Recommend improvements to any document required under SSD-7704.

1.4. Audit Scope

The IEA covers the period from 14 April 2020 (the granting of SSD-7704) to the date of the IEA site inspection (17 October 2022). The scope of the IEA includes preparation activities for construction, construction of Farm 2 of the development, and the commencement of operations at Farm 2.

The physical boundaries of the audit are defined by the SSD-7704 MOD 3 development layout, which is outlined in **Figure 1**.

1.5. Audit Submission

This IEA Report and the proponent's response to the audit findings is required to be submitted to the DPE no later than 2 months after undertaking the IEA site inspection.

DPE granted an extension on 21 December 2022 for the submission of this IEA report to 31 January 2023. Please find this letter in **Appendix F**.

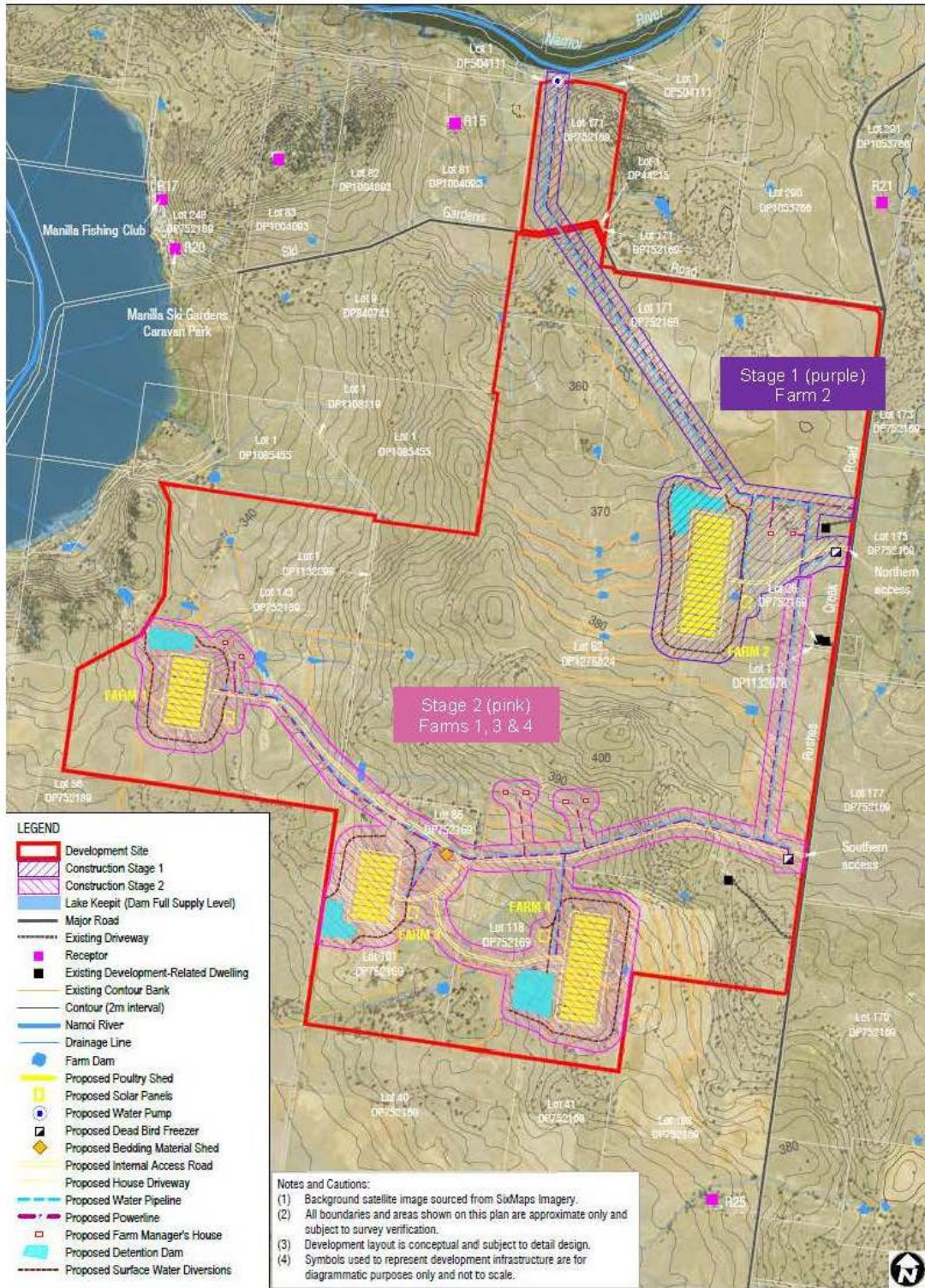


Figure 1 – Rushes Creek Approved Development Layout and Boundary (“Approved Site Layout and Staging Plan” from the SSD Modification 3 Assessment Report).

2. AUDIT METHODOLOGY

2.1. Selection and Endorsement of Audit Team

The audit team presented in **Section 1.2** was endorsed by DPE on 6 October 2022 as per the approval letter attached as **Appendix A**. IEMA confirm that the audit team is independent of the development as defined under Section 3.1.2 of the Independent Audit PAR.

2.2. Audit Scope Development

The audit compliance tables presented in **Appendix C** were prepared to document all conditions to be assessed as part of this audit.

2.3. Audit Methodology and Compliance Evaluation

The audit was undertaken on site by Olivia O'Shannessy (Assistant Auditor) of IEMA, with the site component completed on 17 October 2022.

The methodology for the audit consisted of the following key steps:

- Introductory and close out meetings;
- Reviewing key documents provided by ProTen and sourced via the website prior to the audit;
- Consultation with relevant government agencies as per the audit requirements prior to the site component;
- Preparation of draft Audit Protocols and requests for information provided to ProTen prior to the site audit;
- Site component of the audit on 17 October 2022 including inspections and interviews with key ProTen personnel;
- Review of relevant documentation during the inspection or provided by ProTen after the site inspection; and
- Client review and comment on the draft audit report.

The audit has been completed as per the Independent Audit PAR.

Information requested was provided to auditors on 25 October 2022, 12 December 2022, and 19 December 2022 via file transfer. An additional meeting to discuss information and evidence provided was held on 19 December 2022.

2.4. Site Interviews and Inspection

2.4.1. Introductory and Close Out Meetings

The opening meeting provided the opportunity to outline the audit process, methodology and scope, review the schedule and introduce key personnel responsible for environmental management at the site. ProTen personnel provided an overview of the site, history, construction timeline, operations, and incidents during the audit period.

A close out meeting was held on the afternoon of 17 October 2022 following the site inspection to discuss initial observations and recommendations as well as the process for completion and submission of the audit. The attendees of the meetings are listed in **Table 3**.

Table 3 – Meeting Attendees

Personnel	Role	Comment
Chris Jones	Lead Auditor	Present at opening meeting and closing meeting, via telecon. Present at the 19 December 2022 meeting to discuss further information and compliance status.

Personnel	Role	Comment
Olivia O'Shannessy	Assistant Auditor	Present at opening meeting, site inspection, and closing meeting. Present at the 19 December 2022 meeting to discuss further information and compliance status.
Kathryn Singh	SHEQ Advisor	Present at opening meeting, site inspection, and closing meeting. Present at the 19 December 2022 meeting to discuss further information and compliance status.
Richard Bullock	Site Safety Manager	Present at Site Inspection.
Jae St Leon	Construction Site Supervisor	Present at Site Inspection.
Stephen McGoldrick	Construction Manager	Present at Site Inspection.
Graham Attwell	Regional Manager	Present at Site Inspection.
Hugh Jones	Senior Consultant, SLR	Present at opening meeting and closing meeting via telecon. Present at the 19 December 2022 meeting to discuss further information and compliance status.

2.4.2. Site Inspections and Interviews

The site component of the audit was undertaken on 17 October 2022 including an inspection and interviews with key ProTen personnel. The site inspection was undertaken by Olivia O'Shannessy (Assistant Auditor) accompanied by Kathryn Singh (SHEQ Advisor). Information obtained during the interviews conducted, whilst on site, were directly recorded as evidence. The auditor also used the interviews as an opportunity to gain an appreciation of the extent to which the measures in place to manage environmental impacts from site operations were understood and implemented.

The site inspection included visiting Farm 2 of Rushes Creek, as well as the remediated former sheep dip and Indigenous heritage site on the banks of the Namoi River. Farms 1, 3, and 4 have not yet commenced construction.

Photographs taken during the site inspections are included in **Appendix D**.

2.4.3. Document Review

Information was provided by ProTen during and following the audit. IEMA also sourced information from the ProTen website:

<https://proten.com.au/Sustainability/Environmental-Documents>

A large amount of information was viewed and collected as part of the audit, including monitoring records, reports, and correspondence. While this key evidence has been referenced in Section 3, it has not been attached to this audit report.

2.5. Consultation

2.5.1. Summary of Consultation

Table 4 outlines the stakeholder consultation completed for IEA, undertaken in accordance Independent Audit PAR.

Table 4 – Summary of Consultation

Stakeholder	Contact Details	Response
Department of Planning and Environment (DPE)	Joel Curran Senior Compliance Officer Development Assessment Department of Planning and Environment T: 02 4904 2702 M: 0412 323 331 joel.curran@planning.nsw.gov.au	Email received 21 October 2022 clarifying the scope of the IEA and extend the audit period from the commencement of the granting of SSD-7704. The audit scope should include a focus on compliance from pre-construction, pre-operation, and operational conditions.
Environment Protection Authority (EPA)	Daniel Stokes Senior Operations Officer Regulatory Operations NSW Environment Protection Authority D: 02 4908 6804 M: 0499 000 729	Emailed received 9 November 2022 acknowledging the appointment of the audit team. No further comment was provided.
Tamworth Regional Council	-	Email sent to Tamworth Regional Council representatives on 28 October 2022 and 2 December 2022. No response received.

2.6. Compliance Status Descriptors

In accordance with the Independent Audit PAR, the terms used in the audit to describe compliance of the site with the relevant approval documentation are outlined in

Table 5.

Table 5 – Compliance Status Descriptors

Assessment Status	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that had not been met during the temporal scope of the audit being undertaken, therefore an assessment of compliance is not relevant.
Note	A statement or fact, where no assessment of compliance is required.

3. AUDIT FINDINGS

3.1. Approvals and Documentation Assessed

The following approvals and documents have been assessed as part of this IEA:

- SSD-7704 MOD 3
- Management Plans required under SSD-7704, including
 - Construction Environmental Management Plan
 - Construction Traffic Management Plan
 - Erosion and Sediment Control Plan
 - Community Consultation and Complaints Handling Plan
 - Operations Management Plan
 - Aboriginal Cultural Heritage Management Plan
 - Air Quality Management Plan
 - Soil and Water Management Plan
 - Emergency Disposal and Biosecurity Protocol
 - Long Term Environmental Management Plan
 - Operational Driver Code of Conduct
- Environment Protection Licence (EPL) 21569
- Water Access Licences (WALs) 44397, 41834, and 37794.

3.2. Summary of Assessment of Compliance

Appendix C presents the detailed Assessment of Compliance against the conditions of SSD-7704.

Table 6 presents a summary of the findings of this audit in relation to the conditions of SSD-7704.

Table 6 – Summary Table of Compliance with SSD 7704

Compliance Status	SSD-7704 MOD 3	Percentage of total conditions
Not Triggered	14	13%
Compliant	78	71%
Non-Compliant	18	16%
Total conditions	110	

3.3. Summary of Non-Compliances

Table 7 summarises the non-compliances identified against the conditions of SSD-7704, along with relevant comments and recommendations. It is noted that only the non-compliant aspect of each condition is listed in **Table 7**, the complete assessment of all conditions is included in **Appendix C**.

Table 7 – Summary of Non-Compliances

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Finding	Recommendation
SSD 7704 MOD 3						
1	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.	Non-Compliant	<ul style="list-style-type: none"> All IEA findings 	<p>In SSD-7704 an incident is defined as "An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance".</p> <p>In SSD-7704 "material harm" is defined as "harm that a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)."</p> <p>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>	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).

2	A2	<p>The development may only be carried out:</p> <p>(a) in compliance with the conditions of this consent;</p> <p>(b) in accordance with all written directions of the Planning Secretary;</p> <p>(c) in accordance with the EIS, Response to Submissions and Supplementary Response to Submissions;</p> <p>(d) in accordance with the Modification Assessments;</p> <p>(e) in accordance with the Development Layout in Appendix 1; and</p> <p>(f) in accordance with the management and mitigation measures in 0.</p>	<p style="text-align: center;">Non-Compliant</p>	<ul style="list-style-type: none"> • All MODs • EIS • EPL • Certificates of Title for WAL41834 (date of issue 21/3/2018), WAL37794 (date of issue 24/3/2017), and WAL44397 (date of issue 19/8/2022) • LRCE Drawings Farm 2, 24/08/2021 (issued for construction certificate) • Letter from SLR to DPE dated 7/7/2022 titled "Non-Compliance Report" - notification to DPE regarding the northern Borrow Pit outside approved boundary and approved earthwork activities. • 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. • Letter from SLR to DPE dated 7/10/2022 re: Borrow Pit No.2 - Additional Information to Non-Compliance Report, with description of material excavated from south-western Borrow Pit. • Letter from SLR to DPE dated 20/7/2022 re: Additional Information to Non-Compliance Report, with description of extracted material from northern Borrow Pit, or "Borrow Pit No.1". 	<p>Rushes Creek was issued a Show Cause in the audit period (14/10/22) for the following matters:</p> <ol style="list-style-type: none"> 1. Construction of the North-East and South-West borrow pits at the site (referred to in this IEA as Borrow Pit 1 and 2) (Condition A2 of SSD 7704); 2. Construction of poultry shed flooring in a manner similar to road construction (Condition A2 of SSD 7704); 3. Construction of traditional house at the site (Condition A2 of SSD 7704); and 4. Commencing operations at the site without an Operational Environmental Management Plan approved by the Planning Secretary in place (Condition C7 of SSD 7704). <p>The construction of the Borrow Pits was not included in the EIS nor SSD 7704. The borrow pits on the northern and southern sides of Farm 2 are outside of the disturbance area outlined in the project plans.</p> <p>A brick "traditional" house was constructed on-site to service Farm 2 operations and farm staff, with the requirements of being a "manufactured home" on pre-cast blocks and colourbond steel roofing". This dwelling is subject to the DPE's Show Cause issued on 14 October 2022.</p>
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3	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.	Non-Compliant	<ul style="list-style-type: none"> • Application from ProTen for Interim Occupation Certificate dated 20 September 2022 to Hunter Building Certifications. • Email chain dated 13-14/10/2022 regarding OC-supporting documents. 	<p>ProTen provided documents supplied to the Certifier for this IEA.</p> <p>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 <u>non-compliance</u>.</p>	
4	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.	Non-Compliant	<ul style="list-style-type: none"> • Site inspection • Certificates of Title for WAL41834 (date of issue 21/3/2018), WAL37794 (date of issue 24/3/2017), and WAL44397 (date of issue 19/8/2022) • EPL • Tamworth Regional Council Planning Certificates issued 2016 to previous landowners (Appendix E of Stage 1 Preliminary Site Investigation, July 2018, prepared by SLR) 	<p>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 <u>non-compliant</u> as the site has not 'maintained' the conditions of consent relating to the approved disturbance footprint.</p> <p>Planning certificates appended to the Stage 1 PSI by SLR (2018) outline the land zoning for lands covered by this consent as RU-1 Primary Production. RU-1 Primary Production land zoning states extensive agriculture is permitted without consent. Therefore, based on the information provided for this IEA, the crop-farming occurring in paddocks adjacent to Farm 2 is compliant with this consent.</p>	
5	B18	Clean water diversions shall be constructed and stabilised prior to the commencement of earthworks at each PPU.	Non-Compliant	<ul style="list-style-type: none"> • Site inspection and discussions • Construction Environmental Management Plan • LRCE Soil and Erosion Control Note and Details 	<p>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.</p> <p>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.</p> <p>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 <u>non-compliant</u>.</p>	Refer to NC REC 1.
6	B20	Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must: (a) be designed by a suitably qualified and experienced person(s); (b) be generally in accordance with the conceptual design in the EIS and	Non-Compliant	<ul style="list-style-type: none"> • Stage 1 Soil and Water Management Plan, prepared by Sage Environmental Services, dated 15 September 2022, Revision 5. • Clay Lining of Sedimentation Systems, 	<p>Stormwater Management System contained in OEMP, Section 5.3 "Engineered Surface Water Management System".</p> <p>a) OEMP approved by DPE on 23 September 2022. Section 5.3 references LRCE Plans for civil and stormwater designs. b) Section 1.2 c) Section 2.1 of SWMP reference guidelines. d) Section 5.3. e) Sections 5.3.1 - 5.3.4 outline and summarise design methodologies.</p>	NC REC 2: Investigate the suitability of an internal compliance tracking system for Rushes Creek to track and manage requirements of approvals and improve record-keeping.

		<p>RtS; (c) be in accordance with applicable Australian Standards; (d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines; (e) divert existing clean surface water around operational areas of the site and discharged into natural drainage lines in a manner that prevents scouring; and (f) be designed such that: (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 1×10^{-9}m/s, or other material providing an equivalent barrier to percolation; (ii) all wastewater, recycled (irrigation) and other contaminated runoff is captured in the closed surface water management system; and (iii) no discharges are to occur from the detention dams for events up to the 1% AEP.</p>		<p>Swales, Drains and Retention Ponds, Staged Construction Report 21/09/2022. ProTen, Dern Pease, dated 12/8/2022. • Standard Specification Clay Lining of Sedimentation Systems, Swales, Drains and Retention Ponds, ProTen, Dern Pease, dated 12/8/2022. • Letter from DPE dated 23 September 2022, Rushes Creek Poultry Production Farm - Operational Environmental Management Plan. • Construction stage clay compaction tests, HILF density ratio test reports, East West Enviroag dated 21/7/2022, for site pads, access road, dam wall, and various sampling points on site. • evidence of weekly site inspections from November 2021 to October 2022, including stormwater system checks and sediment controls or notes</p>	<p>During the site inspection there were no instances of scouring observed. f) Table 10 of SWMP. i) Staged Construction Report dated 21/9/2022 by ProTen self reported the need to alter the stormwater system design temporarily in Stage 1B to confirm the clay lining of the retention pond. The Report by Dern Pease (ProTen National Construction Manager) presents the methodology confirming these design requirements as of September 2022. At the time of the site inspection, swales had a low amount of grass cover, however it should be noted the site is still within the construction stage. 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 <u>non-compliance</u>. iii) Discharge occurred from site Detention Pond in October 2022. Evidence received show ProTen notified EPA and DPE in the anticipation of the Detention Pond discharging due to high rainfall in preceding weeks. Based on site discussions and documents received grab samples were taken at Detention pond and downstream when the discharge occurred. Results from grab samples were provided for this IEA. There are no surface water limits within the OEMP, CEMP, nor SWMP to compare results.</p> <p>LRCE Plans display civil and stormwater designs. Sighted erosion controls and drains, with sediment fences used primarily as a temporary sediment and erosion control measure. Some rill erosion occurring at drainage lines and at the northern side of Shed 1. Swales are not yet vegetated. At the time of the site inspection, site layout is generally in accordance with the layout and drainage lines are in sound condition. Weekly site inspection forms record sediment and erosion, water quality, and on-site system status from November 2021 to October 2022.</p>	
7	B22	<p>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: (a) be prepared by a suitably qualified and experienced person(s) (b) be prepared in consultation with the Department's Water Group and the Natural Resources Access Regulator; (c) detail water use, metering, disposal and management on-site; (d) detail the number and location of</p>	Non-Compliant	<p>• Stage 1 Soil and Water Management Plan, prepared by Sage Environmental Services, dated 15 September 2022, Revision 5. • Letter from DPE dated 23 September 2022, Rushes Creek Poultry Production Farm - Operational Environmental Management Plan. • Groundwater sampling</p>	<p>Stage 1 Soil and Water Management Plan, prepared by Sage Environmental Services, dated 15 September 2022, Revision 5. Approval letter from DPE for OEMP and Stage 1 Soil and Water Management Plan on 23/9/2022.</p> <p>SWMP contains a cross-referencing table in Section 1.1.</p> <p>Preparation: a) Section 1.1. b) Section 1.2. Email 5/5/22 from EME Advisory requesting feedback on WMP. c) Section 5.2 d) Section 4.4.1 and Appendix A. e) Section 2.4 f) Sections 5.2.3 - 5.2.4, Table 5.</p>	<p>NC REC 3: Update the SWMP to contain correct cross-references throughout the document.</p>

		<p>piezometers on-site; (e) detail the water licence requirements for the development; (f) detail the management of wastewater streams on-site; (g) contain a Surface Water Management Plan, including; (i) a program to monitor: a. surface water flows and quality; b. surface water storage and use; c. sediment basin operation; and d. the surface water discharge point from the two main drainage lines on the site; (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; (iii) a protocol for the investigation and mitigation where the surface water impact assessment criteria has been exceeded; and (h) contain a Groundwater Management Plan, including: (i) baseline data on groundwater levels and quality; (ii) a program to monitor groundwater levels and quality (including nutrients and pathogens); (iii) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and (iv) a protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria. (i) contain a contingency plan for the operational water supply for the facility during extreme weather events such as heat wave or drought.</p>	<p>(REG 01/02/03) 01/08/2022 • Construction stage clay compaction tests, HILF density ratio test reports, East West Enviroag dated 21/7/2022, for site pads, access road, dam wall, and various sampling points on site. • Certificates of Title for WAL41834 (date of issue 21/3/2018), WAL37794 (date of issue 24/3/2017), and WAL44397 (date of issue 19/8/2022) • Weekly site inspection forms from November 2021 to October 2022, including stormwater system checks and sediment controls or notes • Evidence of water take associated with river pump and WALs (spreadsheet of vols 3/10/22-28/11/22)</p>	<p>g) i) Section 7. Table 14. ii) Section 9.1. iii) Section 9.1 and 10.2. h) Section 8. i) Section 8.1. ii) Section 8.2. iii) Tables 20 and 21. iv) Section 9. i) Section 5.2.2 - four options, including from RTS. It should be noted some cross-references throughout the SWMP are incorrect. Therefore, the following improvement action is recommended.</p> <p>Implementation: Previous document revisions coincide with SSD-7704 modifications and advice from regulators like the EPA. There are no groundwater results to assess from the IEA period - according to the SWMP groundwater monitoring is required every 6 months during operation and the site commenced operation only a few weeks before the end of the IEA period. SWMP requires Monthly surface water management system visual inspection (Table 10 of SWMP). Evidence of weekly visual inspections being undertaken throughout the IEA period (construction and operations) inspected sediment controls.</p> <p>Based on the EPA's letter to ProTen following the EPA Rushes Creek inspection, EPA inspectors observed "an unlined concrete washout area where concrete had been washed out directly to land". This is not consistent with the control measures outlined in the SWMP.</p> <p>Based on site discussions, there was a controlled discharge from the detention pond on 4 October 2022. As per the SWMP, grab samples from the detention pond and downstream of the pond were taken at the time of discharge. Results of the samples were provided for this IEA, except for results for Nitrogen and Phosphorous which were noted as "Awaiting Result". Other results from the discharge were within the limits outlined in Table 15 of the SWMP.</p> <p><u>Non-compliance:</u> 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.</p>	
8	B27	<p>The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC,</p>	<p>Non-Compliant</p>	<p>• Full Complaints log • Stage 1 Construction Environmental Management Plan, dated 3/8/2021</p> <p>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 <u>non-compliance</u> because construction noise levels could not be verified for</p>	<p>NC REC 4: Update the CEMP to include defined frequency for construction noise monitoring as no monitoring in this audit</p>

		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.		<ul style="list-style-type: none"> • Toolbox talks from construction (Stage 1) • Photos of noise Digital Sound Level Meter from 24/8/22 	<p>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.</p> <p>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.</p> <p>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>	<p>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.</p>
9	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.	Non-Compliant	<ul style="list-style-type: none"> • SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022 • Full Complaints log 	<p>As there has been no construction noise monitoring during the IEA period, this condition cannot be confirmed as compliant.</p> <p>Evidence of the complaints procedure from OEMP being implemented in response to 2 noise complaints at the commencement of Farm 2 operations.</p>	Refer to NC REC 4.
10	B34	The Applicant must: (a) not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary; and (b) implement the most recent version of the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary for the duration of the development.	Non-Compliant	<ul style="list-style-type: none"> • Approval letter from DPE dated 20/09/2022 	<p>a) Evidence provided indicates current ACHMP was implemented throughout the IEA period. Document control tracks previous versions with dates.</p> <p>Based on evidence provided, the ACHMP was not finalised by the time clearing or construction works commenced due to clarification being sought from Heritage NSW regarding the analysis of Bondah-H1. However, this is not considered a non-compliance because the draft AHCMP had been prepared and was in consultation with authorities and RAPs.</p> <p>b) Implementation: During the site inspection, Bondah-OS2 was sighted including the temporary fencing. Based on evidence provided, the ACHMP is being implemented, with evidence maintenance of Group 3 sites and record keeping.</p> <p><u>Non-compliance:</u> 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>	IMP REC 5: Investigate more permanent fence or star pickets erected around the heritage sites currently with temporary fencing (including to avoid damage from flooding or erosion). If temporary fencing remains preferred, include inspection of the heritage fencing and signage for all sites in the weekly site inspection.
11	B44	Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with: (a) all relevant Australian Standards; (b) for liquids, a minimum bund volume requirement of 110% of the	Non-Compliant	<ul style="list-style-type: none"> • Site inspection • Chemical Application and Storage Report form from September-October 2022. • PIRMP 	<p>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 bundled concrete slab.</p>	NC REC 5: Ensure all chemical containers (full or empty) are stored on or in bunds until they are taken off-site for disposal by a licenced waste company.

		volume of the largest single stored volume within the bund; and (c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997).				
12	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.	Non-Compliant	<ul style="list-style-type: none"> • Sage Environmental Services, NSW EPA Site Audit Report Rushes Creek Poultry Production Farm AL005, dated 9/3/2022. • DPE Letter to Proten dated 17/3/2022, Site Audit Statement and Site Audit Report. • Sage Letter "Review of Site Remediation and Validation Report - Rushes Creek Poultry Production Farm, Rushes Creek Road, Rushes Creek, NSW 2346 (16/02/2022) (Doc Ref No: 610.30237.00000-R02-v2.0-20220216.docx", dated 17/02/2022 • SLR Site Remediation and Validation Report, Version 0.1 dated 20 October 2021, and Version 1.1 dated 8/12/2021. • Long Term Environmental Management Plan (LTEMP) 2021 	<p>Site Audit Report prepared by EPA-accredited Sage Environmental Services auditor. Additional letter on Advice on Conflict of Interest (Bartier Perry Lawyers, 11/10/2022) appended to Site Audit Report stating no conflict on interest between auditor and ProTen.</p> <p>Based on information provided, remediation works were completed on 29 October 2021. A site visit from the auditor with final inspections of the remedial works and final capping is recorded as being on 2/11/2021. Sage Report "NSW EPA Site Audit Report Rushes Creek Poultry Production Farm AL005" was dated 9/3/2022.</p> <p>Evidence of the NSW EPA Site Audit Report and Site Audit Statement being <u>lodged to the Major Project Portal on 10 March 2022</u>. Therefore this is a <u>non-compliance</u> as the report was not submitted to DPE within one month of the completion of remediation works (<u>29 October 2021</u>).</p>	
13	B53	The Applicant must: (a) establish a vegetation screen around the perimeter of each PPU a minimum width of 40 metres prior to the commencement of operation. (b) maintain the vegetation screens on the site for the life of the development.	Non-Compliant	<ul style="list-style-type: none"> • Site inspection 	<p>a) <u>Non-compliance</u>: at the time of the site inspection, the vegetation screen was not fully established. The vegetation screen did not surround Farm 2 sheds completely (forming a perimeter of the PPU), with approximately half of the perimeter having vegetation planted at a width of 40 metres. This condition B53 requires the vegetation screen to be established prior to the commencement of operations (23 September 2022), therefore this is a non-compliance with the timing required. During the inspection (17 October 2022) it was sighted that some plants were placed in pots in the area in preparation of planting (with ground rilled). Also observed was a landscaper (Easy Living Landscapes and Design) planting and watering the plants at the vegetation screen area.</p>	<p>NC REC 6: At the end of plantings or six months from the end of planting, engage an ecologist 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.</p> <p>IMP REC 6: Include the</p>

					b) The auditors acknowledge the use of a landscaping contractor for planting during site inspection.	vegetation screen in the weekly site inspection to routinely assess growth and condition of plants to ensure effective screen is established.
14	C4	The Applicant must: (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and (b) 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.	Non-Compliant	<ul style="list-style-type: none"> • 30/08/2021 Approval Letter DPE CEMP • Construction Environmental Management Plan – Stage One, prepared by EME Advisory, version 2, dated 3/08/21. • Site inspection and discussions 	a) Compliant. DPE approved CEMP on 30 August 2021 and construction commenced on 30 September 2021. b) 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. <u>Non-compliance</u> : 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.	
15	C7	The Applicant must: (a) not commence operation until the OEMP is approved by the Planning Secretary; and (b) 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).	Non-Compliant	<ul style="list-style-type: none"> • Show Cause Letter DPE 14/10/2022 • Approval Letter DPE 23/09/2022 OEMP • Site inspection and discussions • OEMP 	a) Based on information summarised in the Show Cause letter, ProTen commenced operations (introducing chickens to sheds at Farm 2) in the morning of 23 September 2022. After correspondence between ProTen, ProTen representatives, and DPE, DPE granted approval of the OEMP on the afternoon of 23 September 2022. Therefore, the timing of this condition is <u>non-compliant</u> . b) Implementation: <u>Non-compliance</u> : OEMP Section 4.7 "Biodiversity" and Section 4.13 "Pests and Weeds" commits to a Wheel wash being present on site at an "ongoing" frequency. The auditors believe this timing includes from the commencement of operations. No wheel wash was present at the time of the site inspection. However, it is noted that the construction phase was yet not complete at Farm 2 and a wheel wash is included in the development plans. <u>Non-compliance</u> : The project has cleared outside the project approval boundary and approved OEMP boundary. Refer to findings under Condition A2.	NC REC 7: Ensure the wheel wash is installed as soon as reasonably practicable to meet the timing requirements of the OEMP.
16	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	Non-Compliant	<ul style="list-style-type: none"> • Incident reports and non-compliance notifications to DPE and EPA 	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).	NC REC 8: Future non-compliances should be reported as per conditions C9 and C10.

		accordance with the requirements set out in Appendix 3.				
17	C10	<p>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.</p> <p>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.</p> <p>A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</p>	Non-Compliant	<ul style="list-style-type: none"> Letter from SLR to DPE dated 7/7/2022 titled "Non-Compliance Report" - notification to DPE regarding the northern Borrow Pit outside approved boundary and approved earthwork activities. 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. Letter from SLR to DPE dated 7/10/2022 re: Borrow Pit No.2 - Additional Information to Non-Compliance Report, with description of material excavated from south-western Borrow Pit. Letter from SLR to DPE dated 20/7/2022 re: Additional Information to Non-Compliance Report, with description of extracted material from northern Borrow Pit, or "Borrow Pit No.1". 	<p>ProTen had several non-compliances during this IEA period. Often, ProTen did not address these issues until the DPE and EPA site inspections held in 2022. DPE's Show Cause describe works undertaken which are outside of the development described in SSD 7704.</p> <p>The following are key notifications from ProTen upon the discovery of non-compliances with SSD-7704:</p> <p>"Non-Compliance Report" Letter from SLR to DPE dated 7/7/2022, with reference to Condition C10 of SSD-7704. The letter notifies DPE of the northern Borrow Pit (SSD-7704 does not contain the earthworks associated with northern Borrow Pit). The letter describes work associated with the northern Borrow Pit has ceased (7 July 2022).</p> <p>The auditors understand further consultation is required between ProTen, ProTen's compliance representatives, DPE, and any other relevant authorities to resolve the non-compliance around works occurring outside of the approved boundary and activities.</p> <p>Letter from SLR to DPE dated 7/10/2022 is regarding additional information requested from DPE regarding the brick dwelling constructed on-site near Farm 2 between January and August 2022. The letter has attached the plans for the brick house, as signed by the Principal Certifier.</p> <p>Letter from SLR to DPE dated 7/10/2022 is regarding additional information requested from DPE regarding the south/south-western Borrow Pit (Borrow Pit 2). Based on this evidence, the southern Borrow Pit commenced excavations November 2021 to retrieve material (topsoil, clay, and brown shale) and ceased October 2022. The letter reports 5,500 tonnes of clay and topsoil removed from the area (stockpiled on site), and 11,000 tonnes of brown shale (screened and used as aggregate for internal roads and sub-base layer for sheds).</p> <p>Letter from SLR to DPE dated 20/7/2022 with additional information requested by DPE in regard to non-compliance related to northern Borrow Pit. The letter summarises that 4,610 metres cubed of clay and topsoil as well as 9,190 metres cubed of brown and blue shale from the area was excavated January - June 2022.</p>	As per NC REC above.
18	C13	Independent auditing of the operation of the development must be carried out in accordance with the Independent Audit Post Approval Requirements (Department, 2020).	Non-Compliant	<ul style="list-style-type: none"> Site Inspection and site discussions 	<p><u>Non-compliance</u> 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.</p>	NC REC 9: ProTen should liaise with DPE to determine if further Construction audits or Initial Operational audits are required for future stages of the Rushes Creek development (Stage 2), or whether the development is

				<p>This is the initial IEA which covers construction as well as the first operational component. The site inspection component occurred on 17 October 2022.</p> <p>The NC recommendation associated with this condition is not related to this Initial Audit non-compliance because the timing of the requirement has passed. The NC recommendation is for ProTen to confirm the expected timing of the next Independent Environmental Audit with DPE to ensure compliance.</p>	<p>correct to proceed with Ongoing Operation audits (every 3 years, until Closure/Rehabilitation Phase). If Rushes Creek proceeds with Ongoing Operation frequency, the next IEA will be October 2025.</p>	
EPL 21569						
19	A1.1	<p>This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2.</p> <p>There are four stages to the scheduled development works of which the following stages are authorised by this licence: Construction of Farm 2 and associated infrastructure.</p>	Non-Compliant		<p>Based on the evidence provided, generally the site has operated within project limits. The activities associated with Borrow Pit 1 and 2 are the exception of this. Borrow Pits 1 and 2 and associated earthworks are outside of the approved development layouts. Therefore, as a result this condition is non-compliant.</p>	
20	L3.7	<p>The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented.</p>	Non-Compliant	<ul style="list-style-type: none"> • Full Complaints log • Stage 1 Construction Environmental Management Plan, dated 3/8/2021 • Toolbox talks from construction (Stage 1) 	<p>The auditors understand no construction noise monitoring was undertaken in the IEA period. Therefore, construction noise cannot be verified as under 40 dB.</p> <p>No evidence provided indicated there were noise issues associated with construction activities in the IEA period.</p>	
21	L3.8	<p>The licensee 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.</p>	Non-Compliant	<ul style="list-style-type: none"> • Full Complaints log • Stage 1 Construction Environmental Management Plan, dated 3/8/2021 • Toolbox talks from September and October 2022 sighted during site inspection - record of noise mitigation by staging noisy equipment • SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022 	<p>There is no evidence of construction noise monitoring during the construction stage of the IEA period. Therefore, construction noise cannot be verified as under 40 dB as outlined in the CEMP. This is a non-compliance because construction noise levels could not be verified for this IEA.</p> <p><u>Refer to Condition B27 in SSD findings.</u></p>	
22	O4.1	<p>Each shed must have fully sealed concrete flooring with 300mm (minimum) high dwarf concrete bund wall.</p>	Non-Compliant	<ul style="list-style-type: none"> • Site inspection • LRCE Plans, CSO Engineers Construction plans, IKC Factory Sign 	<p>Plans collated for submission to Hunter Building Certifications Principal Certifier do not outline 300 mm concrete flooring. Based on the correspondence between ProTen and authorities, this condition has been flagged as an issue. This condition was part of the Show Cause issued by</p>	<p>No further NC REC is proposed.</p>

				off Drawings dated 8/10/2021, Intrax Plans, C-Lines Construction plans - Broiler sheds dated 20/10/2021.	DPE on 14 October 2022 (Matter 2). Because the sheds were not constructed strictly as per this condition, the auditors consider this a <u>non-compliance</u> with this condition. It should be noted ProTen have provided evidence of the actual constructed sheds having fully-sealed, concrete floors.	
23	O4.3	Stormwater/sediment control – Construction Phase The licensee shall prepare and implement a Soil and Water Management Plan (SWMP) for the premises. The plan must describe measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP shall be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (Landcom, 2004) (available from the Department of Housing).	Non-Compliant	<ul style="list-style-type: none"> • CEMP • Site inspection • EPA Letter dated 6 July 2022 to ProTen following site inspection on 27 May 2022. 	CEMP contains Erosion and Sediment controls throughout the document, and Appendix B contains Soil and Erosion Control Plans for Proposed Water and Electricity Supply plans by LRCE. Appendix B contains "Erosion Management Notes" which outline soil erosion, sediment and discharge controls. Based on the EPA's letter to ProTen following the EPA Rushes Creek inspection, EPA inspectors observed "an unlined concrete washout area where concrete had been washed out directly to land". This is not consistent with the control measures outlined in the SWMP. Furthermore, EPA noted the absence of sediment and erosion controls in the Borrow Pit areas and lay down area. Therefore, this is considered a <u>non-compliance for the implementation of the SWMP</u> .	No further NC REC is proposed.
24	O4.7	A vegetation screen shall be planted around the perimeter of each Poultry Production Unit as follows: a) minimum total width of 40 metres; b) contain consistent, yet random plantings of a variety of tree and shrub species of differing growth habits, at a spacing of 4 metres to 7 metres; c) include species with long, thick and rough foliage; d) achieve a porosity of 0.5 (50% of the screen will be air space); e) include species that are hardy and fast growing; f) foliage from base to crown (ie lower and upper storey vegetation).	Non-Compliant	<ul style="list-style-type: none"> • Site inspection • OEMP, including Table 4-1 of AQMP 	There is limited documented parameters such as those in this condition in site documents received. The AQMP in the OEMP speaks to sub-conditions a, b, d and f (Table 4-1 of AQMP). However, requirements from sub-conditions c and e are not explicitly stated in the AQMP nor the rest of the OEMP. Vegetation screen not yet planted out at the time of the site inspection. Auditor sighted landscape contractor planting out the vegetation screen on the eastern side of the sheds (eastern edge of the PPU). Those planted were slightly more mature than tubestock and did not cover the parameter of Farm 2 sheds at 40 metres in width completely. At the time of the site inspection, site discussed finishing planting out the vegetation screen area in the second half of October.	Refer to NC REC 6.

3.4. Previous Audit Recommendations

As this is the first IEA undertaken for the Rushes Creek project, there are no previous audit recommendations.

3.5. Adequacy of Management Plans and Programs

Assessment of adequacy of management plans and programs for this audit included those management plans applicable to construction and operation at Farm 2, as well as any pre-construction commitments. The following management plans have been decided non-compliant in terms of implementation of management plan commitments due to the site undertaking unapproved activities at Farm 2 (borrow pits):

- Soil and Water Management Plan;
- Aboriginal Cultural Heritage Management Plan;
- Construction Environmental Management Plan; and
- Operational Environmental Management Plan.

The compliance assessment is presented in the audit tables in **Appendix C**. Identified non-compliances and recommendations are listed in **Section 3.3**.

3.6. Comparison Against EA Predictions

The predictions made in the Environmental Impact Statement for Rushes Creek focused on and responded to issues related to odour emissions, vegetation and biodiversity, Aboriginal Heritage, traffic, and hazard and risk.

3.7. Summary of Agency Notices, Orders, Penalty Notices or Prosecutions

Based on the documentation provided for this IEA, this section summarises the notices and Show Causes issued by regulatory authorities for Rushes Creek.

ProTen received a Show Cause Notice from DPE on 14 October 2022. Matters of the Show Cause were based on DPE's site inspection on 30 June 2022 and desktop review on 29 August 2022. The letter from DPE outlining the Show Cause Notice, including ProTen's alleged breaches, was provided to auditors in December 2022 for this IEA. The matters outlined in the Show Cause letter included:

1. Construction of the North-East and South-West borrow pits at the site (referred to in this IEA as Borrow Pit 1 and 2) (Condition A2 of SSD 7704);
2. Construction of poultry shed flooring in a manner similar to road construction (Condition A2 of SSD 7704);
3. Construction of traditional house at the site (Condition A2 of SSD 7704); and
4. Commencing operations at the site without an Operational Environmental Management Plan approved by the Planning Secretary in place (Condition C7 of SSD 7704).

DPE required a response to the Show Cause notice be provided by 3 November 2022. As of early January 2023, IEMA understand ProTen are preparing terms as part of an Enforceable Undertaking to be submitted to DPE.

3.8. Complaints

Based on the documentation provided for this IEA, there were two complaints received by the site in the audit period. Both complaints related to noise on the first night two of the site's operational (440 kVA) diesel generators were in use. The first noise complaint was received at 11:00pm on 11 September 2022. The second noise complaint was received at 11:46am on 12 September 2022. The subject of both complaints was noise from the generators. It is understood ProTen followed the complaints procedures once received, followed up with complainants, and both complaints were closed out.

3.9. Incident/Non-Compliance Management

There were incidents and non-compliances at the site during the audit period. These are discussed in **Table 7**.

It is understood, since the issue of the Show Cause from DPE, ProTen have been corresponding with DPE to resolve the relevant non-compliance matters. This correspondence should be assessed in the next IEA (outside of the period of this IEA). IEMA recommend ProTen continue to consult with DPE as the Audit Action Plan associated with this IEA is progressed.

4. RECOMMENDATIONS AND OPPORTUNITIES FOR IMPROVEMENT

Table 8 provides further recommended actions from this audit associated with compliant conditions. Opportunities for improvement are identified as Improvement Recommendations (IMP REC). The recommendations associated with non-compliances are contained in **Table 7** (NC RECs). **Appendix C** contains all recommendations against the associated approval condition. Some recommendations have been included as potential areas of improvement for systems and compliance.

These recommendations may be used to prepare the response to recommendations and audit action plan.

Table 8 – Audit Recommendations

Aspect	Condition	Recommendation
SSD 7704 MOD 3		
Dust Minimisation	B3	IMP REC 1: Re-gravel internal roads of Farm 2 to minimise dust and to prevent mud being tracked onto public road network. It is noted the site is committed to the installation of a wheel wash during operations as well, which was not installed at the time of the site inspection.
Erosion and Sediment Control	B17	IMP REC 2: Update the Development Layout Plan to reflect the location of drainage lines, roads, vegetation screens, and site facilities. Note, other changes relating to the area of clearance outside the boundary will depend upon the outcomes of the Show Cause investigation.
Water Management	B21	IMP REC 3: Update the SWMP to define what constitutes a "significant" rainfall event.
Emergency Disposal and Biosecurity	B31	IMP REC 4: Update the EDBS to include key definitions, including for "mass mortality".
Aboriginal Cultural Heritage Management Plan	B34	IMP REC 5: Investigate more permanent fence or star pickets erected around the heritage sites currently with temporary fencing (including to avoid damage from flooding or erosion). If temporary fencing remains preferred, include inspection of the heritage fencing and signage for all sites in the weekly site inspection.
Visual Amenity - Landscaping	B53	IMP REC 6: Include the vegetation screen in the weekly site inspection to routinely assess growth and condition of plants to ensure effective screen is established.
Access to Information	C16	IMP REC 7: Review the status of documents on the website on a monthly basis to ensure all required information is present.
EPL 21569		
Odour Monitoring Program	M7.2	IMP REC 8: Attach an Odour Log Sheet template to the appendices of the AQMP which outlines the data required from each survey.
		IMP REC 9: Next time the AQMP is updated, include a cross-referencing table within the document to ensure each subcondition is met in the AQMP and relevant information can be found in the AQMP quickly.
General Conditions	G1.1	IMP REC 10: Include a copy of the EPL in the documents on the ProTen Environmental Documents page.

5. CONCLUSION

IEMA was commissioned by ProTen to undertake an Independent Environmental Audit for the Rushes Creek Poultry Farm Development to satisfy condition of MOD 3. This IEA has been completed in accordance with the Independent Audit PAR (2020).

The IEA has assessed compliance with the key approvals and documentation, including:

- SSD 7704 MOD 3;
- EPL 21569;
- Key management plans and post approval documents required under SSD-7704 MOD 3.

Overall, 191 conditions were identified from SSD 7704 approval and EPL for this IEA. Of these, 30 (16%) were not triggered during the audit period. From the remaining conditions 137 (71%) were compliant and 24 (13%) were assessed as non-compliant. Many non-compliances found were related to the issue of the presence of two borrow pits at the site. Other non-compliances found related to the establishment of a vegetation screen and the absence of independent noise monitoring during the construction phase to confirm compliance with the noise limit outlined in the CEMP.

The key recommendations from this IEA comprised of implementing an improved system for compliance tracking and record-keeping, such as compliance tracking software, and continued consultation with the authorities of the Rushes Creek development to resolve non-compliances. IEMA has provided recommendations to address the non-compliances found during the IEA and further improvement recommendations to enhance environmental performance at Rushes Creek in **Section 3.3** and **Section 4**.

APPENDIX A

Auditor Endorsement Letters

Department of Planning and Environment

Hugh Jones
Senior Project Consultant
SLR Consulting Limited
New Lambton New South Wales 2305

By email only: hcjones@slrconsulting.com

06/10/2022

Dear Mr Jones

**Rushes Creek Poultry Production Farm (SSD-7704)
2022 Independent Audit team endorsement request**

Reference is made to your post approval matter, SSD-7704-PA-28, request for the Planning Secretary's approval of suitably qualified, experienced, and independent persons to undertake the 2022 Independent Audit of the Rushes Creek Poultry Production Farm, submitted as required by Schedule 2, Part C, Condition C13 of SSD-7704 as modified (the consent) to the Department of Planning and Environment (the department) on 5 October 2022.

The department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified, experienced, and independent. Consequently, in accordance with Schedule 2, Part C, Condition C13 of the consent and the department's *Independent Audit Post Approval Requirements* (2020), the Planning Secretary has agreed to the following audit team:

- Mr Chris Jones (Lead Auditor)
- Ms Olivia O'Shannessy (Assistant Auditor)

Please ensure this correspondence is appended to the Independent Audit Report. Note that the department reserves the right to request an alternate auditor or audit team for future audits.

The Independent Audit must be prepared, undertaken, and finalised in accordance with the department's *Independent Audit Post Approval Requirements* (2020) and conditions of consent. Failure to meet these requirements will require revision and resubmission.

Should you wish to discuss the matter further, please contact Joel Curran, Acting Team Leader on 02 4904 2702 or compliance@planning.nsw.gov.au

Yours sincerely



Joel Curran
Acting Team Leader
Compliance

As nominee of the Planning Secretary

APPENDIX B

Consultation

From: [Joel Curran](#)
To: [Olivia Oshannessy](#)
Cc: [Chris Jones](#); [Heidi Watters](#)
Subject: RE: Rushes Creek (SSD 7704) Independent Environmental Audit - Request for Consultation
Date: Friday, 21 October 2022 10:19:36 AM
Attachments: [image002.png](#)
[image003.jpg](#)

Hi Olivia

Thank you for getting in touch.

The Department's comments are below.

- Audit Period
 - The audit period must be from the granting of SSD-7704 to the date of the site inspection component of the audit
 - There are several pre-construction related conditions which need to be assessed
- Agency Consultation should include, (but is not limited to)
 - Tamworth Regional Council
 - EPA
- DPE focus areas
 - This development has had a number of non-compliances since construction began, most of which were not reported to the Department at the time of the non-compliance. The Department would like a strong focus on compliance with pre-construction and pre-operational and post operational conditions; and
 - Compliance with reporting conditions

Regards

Joel Curran

Senior Compliance Officer

Development Assessment | Department of Planning and Environment

T 02 4904 2702 | **M** 0412 323 331 | **E** joel.curran@planning.nsw.gov.au

PO Box 1226 | Newcastle NSW 2300

Please direct all email correspondence to compliance@planning.nsw.gov.au

www.dpie.nsw.gov.au



The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

The Department has upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

From: Olivia Oshannessy <olivia.oshannessy@iema.com.au>
Sent: Wednesday, 19 October 2022 3:02 PM
To: Joel Curran <Joel.Curran@planning.nsw.gov.au>
Cc: Chris Jones <chris.jones@iema.com.au>
Subject: Rushes Creek (SSD 7704) Independent Environmental Audit - Request for Consultation

Dear Mr Curran,

As per the attached endorsement letter, Integrated Environmental Management Australia Pty Ltd (IEMA) have been approved to conduct the Independent Environmental Audit (IEA) for Rushes Creek Poultry Farm (SSD 7704). The IEA will be completed in accordance with Condition C13 of SSD 7704, the *Independent Audit Post Approval Requirements* (Department 2020), EPL 21569, and associated Water Access Licences.

The audit will cover the period of 30 September 2021 (date of commencement of construction) to 17 October 2022.

The approved Audit Team includes:

- Chris Jones, Principal Environmental Consultant – Lead Auditor
- Olivia O’Shannessy, Environmental Consultant – Assistant Auditor

As per part 3.2 Scope Development of the 2020 Independent Audit Post Approval Requirements, I am emailing to ask which parties or agencies the Department would like consulted for us to obtain their input to inform the scope of the audit.

Furthermore, can I please request the Department’s feedback on the project and/or any key aspects the Department would like reviewed in the IEA?

If you would like to discuss the site or the scope of the IEA, please do not hesitate to contact myself (contact details below) or Chris Jones (0401 800 918).

Kind regards,

Olivia O’Shannessy

Environmental Consultant



E: olivia.oshannessy@iema.com.au

M: 0439 423 702 | **W:** www.iema.com.au

ABN 32 622 237 870

PO Box 3161,

Ground Floor, 41 Llewellyn Street,

MEREWETHER NSW 2291 AUSTRALIA

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From: [Tim Usback](#) on behalf of [EPA West Operations Regional Mailbox](#)
To: [Olivia Oshannessy](#)
Subject: Rushes Creek Poultry Production Farm 2022 IEA Consultation - EPA
Date: Wednesday, 9 November 2022 3:06:00 PM
Attachments: [image001.png](#)

Hi Olivia,

The EPA notes the appointment of the independent audit team. The EPA has no comments to provide on the proposed audit.

Regards Daniel

Daniel Stokes
Senior Operations Officer
Regulatory Operations
NSW Environment Protection Authority
D 02 4908 6804 | M 0499 000 729



www.epa.nsw.gov.au [@NSW_EPA](#)

The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.

Report pollution and environmental incidents 131 555 or +61 2 9995 5555

----- Forwarded Message -----

From: Olivia Oshannessy [olivia.oshannessy@iema.com.au]
Sent: 28/10/2022 12:58 PM
To: info@epa.nsw.gov.au; jasmine.walden@epa.nsw.gov.au
Cc: chris.jones@iema.com.au
Subject: Rushes Creek Poultry Production Farm 2022 IEA Consultation - EPA

To Whom It May Concern,

As per the attached endorsement letter, myself and Chris Jones of Integrated Environmental Management Australia Pty Ltd (the audit team) (IEMA) have been endorsed by the Department of Planning, Industry and Environment (DPE) to undertake the Independent Environmental Audit (IEA, the Audit) for Rushes Creek Poultry Production Farm (SSD-7704, the project). This email has been prepared to request your feedback and comment to draw the audit team's attention to any key issues within the scope of the IEA as summarised below.

The proponent is ProTen Pty Ltd (ProTen) and details of the Rushes Creek Poultry Production Farm is available on the ProTen website as well as the NSW Department of Planning and Environment (DPE) Major Projects website below:

<https://pp.planningportal.nsw.gov.au/major-projects/projects/rushes-creek-poultry-production-farm>

Condition C11 of SSD-7704 requires the project to conduct an IEA in accordance with the *Independent Audit Post Approval Requirements* (DPE, 2020) (IEA Guidelines). This IEA Audit

Period is from the date of SSD-7704 being granted to the day of the site inspection, that is, from **16 April 2020** to **17 October 2022**. The scope of the IEA will include activities associated with pre-construction works, construction, and the commencement of operations. The IEA will be undertaken in accordance with the *Independent Audit Post Approval Requirements* (DPE, 2020). Please provide any feedback you have about the site or any aspects you would like reviewed by responding to this email. If you would prefer to have your input kept confidential, please contact me on 0439 423 702 and the queries will be assessed in the IEA but not attributed to you or your organisation.

To allow for adequate consideration within the IEA it is requested that feedback be provided by Wednesday 9 November 2022.

Kind regards,

Olivia O'Shannessy

Environmental Consultant



E: olivia.oshannessy@iema.com.au

M: 0439 423 702 | **W:** www.iema.com.au

ABN 32 622 237 870

PO Box 3161,

Ground Floor, 41 Llewellyn Street,

MEREWETHER NSW 2291 AUSTRALIA

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ref:_00D7F6iTix._5007F1LE1VC:ref

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If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the Environment Protection Authority.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: [Olivia Oshannessy](mailto:Olivia.Oshannessy@iema.com.au)
To: s.lobsey@tamworth.nsw.gov.au; m.gillogly@tamworth.nsw.gov.au
Subject: RE: Rushes Creek Poultry Production Farm 2022 IEA Consultation - Tamworth Regional Council
Date: Friday, 2 December 2022 2:27:00 PM

Dear Tamworth Regional Council representatives,

I'm writing to enquire about any comments Tamworth Regional Council have on the [Rushes Creek Poultry Production Farm \(SSD-7704\)](#) for the project's Independent Environmental Audit (IEA).

As per the *Independent Audit Post Approval Requirements* (DPE, 2020), we (the auditors) are required to engage with Tamworth Regional Council for any feedback or comments on the development. Please find below my previous email which contains more information on the IEA as well as the site.

The IEA report is nearing finalisation and it would be great to receive a response.

Please let me know if I can forward this email on to anyone else.

Many thanks,

Olivia O'Shannessy

Environmental Consultant



Please note our office will be closed 24 December – 2 January.

E: olivia.oshannessy@iema.com.au
M: 0439 423 702 | **W:** www.iema.com.au
ABN 32 622 237 870
PO Box 3161,
Ground Floor, 41 Llewellyn Street,
MEREWETHER NSW 2291 AUSTRALIA

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From: Olivia Oshannessy
Sent: Friday, 28 October 2022 12:58 PM
To: s.lobsey@tamworth.nsw.gov.au; m.gillogly@tamworth.nsw.gov.au
Cc: Chris Jones <chris.jones@iema.com.au>
Subject: Rushes Creek Poultry Production Farm 2022 IEA Consultation - Tamworth Regional Council

To Whom It May Concern,

As per the attached endorsement letter, myself and Chris Jones of Integrated Environmental Management Australia Pty Ltd (the audit team) (IEMA) have been endorsed by the Department of Planning, Industry and Environment (DPE) to undertake the Independent Environmental Audit

(IEA, the Audit) for Ruses Creek Poultry Production Farm (SSD-7704, the project). This email has been prepared to request your feedback and comment to draw the audit team's attention to any key issues within the scope of the IEA as summarised below.

The proponent is ProTen Pty Ltd (ProTen) and details of the Ruses Creek Poultry Production Farm is available on the ProTen website as well as the NSW Department of Planning and Environment (DPE) Major Projects website below:

<https://pp.planningportal.nsw.gov.au/major-projects/projects/ruses-creek-poultry-production-farm>

Condition C11 of SSD-7704 requires the project to conduct an IEA in accordance with the *Independent Audit Post Approval Requirements* (DPE, 2020) (IEA Guidelines). This IEA Audit Period is from the date of SSD-7704 being granted to the day of the site inspection, that is, from **16 April 2020** to **17 October 2022**. The scope of the IEA will include activities associated with pre-construction works, construction, and the commencement of operations. The IEA will be undertaken in accordance with the *Independent Audit Post Approval Requirements* (DPE, 2020).

If you would like to discuss the site or the scope of the IEA, please send an email with any feedback you have about the site or any particular aspects you would like reviewed. If you would prefer to have your input kept confidential, please contact me on 0439 423 702 and the queries will be assessed in the IEA but not attributed to you or your organisation.

To allow for adequate consideration within the IEA it is requested that feedback be provided by Wednesday 9 November 2022.

Kind regards,

Olivia O'Shannessy

Environmental Consultant



E: olivia.oshannessy@iema.com.au

M: 0439 423 702 | W: www.iema.com.au

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APPENDIX C

Compliance Spreadsheets

Audit Scoring System

Based on 2020 IEA Guidelines

Compliance Assessment Criteria

Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

Audit Period

The Audit period is proposed from **14 April 2020 - 17 October 2022** (from granting of Development Consent to IEA site inspection).

Note - First day of the Audit inspection is 17 October 2022.

Compliance Status	SSD	EPL
Not Triggered	14	16
Compliant	79	58
Non-Compliant	18	6
Total	111	80

SSD-7704-Mod-3 Rushes Creek Poultry Production Farm

Audit Period: 14 April 2020 - 17 October 2022 (from granting of Development Consent to IEA site inspection)

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
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.	Non-Compliant	• Incident reports or self-reporting documents	• All IEA findings	In SSD-7704 an incident is defined as "An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance". In SSD-7704 " material harm " is defined as "harm that a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)." 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.	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).
TERMS OF CONSENT						
A2	The development may only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) in accordance with the EIS, Response to Submissions and Supplementary Response to Submissions; (d) in accordance with the Modification Assessments; (e) in accordance with the Development Layout in Appendix 1; and (f) in accordance with the management and mitigation measures in 0.	Non-Compliant	• Copy of EPL • EIS • MOD Assessments • Project survey/boundary plan	• All MODs • EIS • EPL • Certificates of Title for WAL41834 (date of issue 21/3/2018), WAL37794 (date of issue 24/3/2017), and WAL44397 (date of issue 19/8/2022) • LRCE Drawings Farm 2, 24/08/2021 (issued for construction certificate) • Letter from SLR to DPE dated 7/7/2022 titled "Non-Compliance Report" - notification to DPE regarding the northern Borrow Pit outside approved boundary and approved earthwork activities. • 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. • Letter from SLR to DPE dated 7/10/2022 re: Borrow Pit No.2 - Additional Information to Non-Compliance Report, with description of material excavated from south-western Borrow Pit. • Letter from SLR to DPE dated 20/7/2022 re: Additional Information to Non-Compliance Report, with description of extracted material from northern Borrow Pit, or "Borrow Pit No.1".	Rushes Creek was issued a Show Cause in the audit period (14/10/22) for the following matters: 1. Construction of the North-East and South-West borrow pits at the site (referred to in this IEA as Borrow Pit 1 and 2) (Condition A2 of SSD 7704); 2. Construction of poultry shed flooring in a manner similar to road construction (Condition A2 of SSD 7704); 3. Construction of traditional house at the site (Condition A2 of SSD 7704); and 4. Commencing operations at the site without an Operational Environmental Management Plan approved by the Planning Secretary in place (Condition C7 of SSD 7704). The construction of the Borrow Pits was not included in the EIS nor SSD 7704. The borrow pits on the northern and southern sides of Farm 2 are outside of the disturbance area outlined in the project plans. A brick "traditional" house was constructed on-site to service Farm 2 operations and farm staff, with the requirements of being a "manufactured home" on pre-cast blocks and colourbond steel roofing". This dwelling is subject to the DPE's Show Cause issued on 14 October 2022.	
A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: (a) 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 (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).	Compliant	• All site Management Plans	• Correspondence with authorities.	Based on evidence provided, ProTen has started to undertake actions to address DPE's Show Cause. It should be noted the Show Cause issued by DPE occurred on 14 October 2022, just inside the IEA period and actions to address the Show Cause will take place outside the IEA period.	
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	Compliant	MP's/EIS should be implemented.	• Management plans and documents in Condition A2.	No inconsistency, ambiguity or conflict noted during audit period. However, implementation of work within the approved footprint is covered under Condition A2.	
LIMITS OF CONSENT						
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.	Not Triggered			Noted. Based on evidence provided for this IEA, construction commenced on Monday 30 September 2021.	
Farm Operations						
A20	The Applicant must ensure: (a) the development does not exceed a maximum population of 3,051,000 broilers at any one time; (b) 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; (c) the development is not populated with 3,051,000 broilers simultaneously at the commencement of each production cycle; (d) the maximum bird density within a shed, expressed as live bird weight, must not exceed 34 kilograms per square metre at any time; (e) the maximum number of sheds to be populated per day is a maximum of 12 sheds.	Compliant	• Working site layout plan • Building certificates • EIS • Capacities (daily/weekly) for all times.	• Site inspection. • Supplied Weekly Report 23-27 September stock rates (Baiaada stock).	Compliant based on site discussions and evidence provided. Operations are in the early sub-stages during this IEA period. a), c) Compliant. Approximately 392,382 population at time of site inspection. b), d) Compliant. Based on stock number and weight at Day 14 (10 October) and approximate area of shed. e) Compliant. Sheds 1 - 8 occupied at time of site inspection.	
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.	Not Triggered	• Evidence of occupancy of farm manager dwellings • Construction certificates • Certifier inspection findings	• 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.	Not triggered. No residents currently in those residential dwellings on site and near Farm 2. Based on site discussions, Council is in the process of producing Occupancy Certificate for the primary amenities shed as well as the brick house. The project expects that this house will be removed from the SSD through a Modification and separate approval from Tamworth Council be granted for the brick house.	
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.	Compliant	• Council approval for residential dwellings	• Construction Certificate from Hunter Building Certifications - Appointment of Principal Certifier and Notice to Commence Building Work, dated 7 October 2021. • Approval with start and completion dates-SLR	Based on site discussions, ProTen are in the process of receiving approval from the Council for the additional residence at Farm 2. Evidence of Principal Certifier signing off of construction certificates and design for Farm 2 Sheds 1-18, amenities buildings, and residential buildings (including additional brick residence). Building Certificate dated 7 October 2021.	
Concurrent Construction and Operation of Stage 1 (Farm 2)						

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action																		
A22A	<p>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</p> <p>Table A: Farm 2 Concurrent Construction and Operation Timetable</p> <table border="1"> <thead> <tr> <th>Sub-Stage</th> <th>Construction Activities</th> <th>Operational Activities</th> </tr> </thead> <tbody> <tr> <td>1A</td> <td>Earthworks, northern site access road and internal roads</td> <td>None</td> </tr> <tr> <td>1B</td> <td>Sheds 1 – 8 and ancillary infrastructure</td> <td>None</td> </tr> <tr> <td>1C</td> <td>Sheds 9 – 12</td> <td>Sheds 1 – 8</td> </tr> <tr> <td>1D</td> <td>Sheds 13 – 16</td> <td>Sheds 1 – 12</td> </tr> <tr> <td>1E</td> <td>Sheds 17 - 18</td> <td>Sheds 1 – 16</td> </tr> </tbody> </table>	Sub-Stage	Construction Activities	Operational Activities	1A	Earthworks, northern site access road and internal roads	None	1B	Sheds 1 – 8 and ancillary infrastructure	None	1C	Sheds 9 – 12	Sheds 1 – 8	1D	Sheds 13 – 16	Sheds 1 – 12	1E	Sheds 17 - 18	Sheds 1 – 16	Compliant	<ul style="list-style-type: none"> Proof of construction staging Building certificates 	<ul style="list-style-type: none"> Letter from DPE dated 23/9/2022 regarding acknowledgement of Sub-Stage 1C Progress Report Progress Report SSD 7704 Sub-Stage 1C from SLR on behalf of ProTen dated 26/8/2022. Hunter Buildings Certifications report, dated 7/12/2021. Gary Poole, Principal Certifier, certification of Farm 2 amenities, Sheds 1-18, and associated infrastructure. 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 (Baialda stock) Notification of Stage 1 (Construction) Commencement as a letter to DPE from EME Advisory, dated 19 July 2021. Major projects portal email acknowledging receipt of "Stage 1 commencement of construction for the Rushes Creek Poultry Production Farm" dated 21/7/2021. 	<p>Under the definitions of SSD 7704, "earthworks" is defined as "Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction".</p> <p>Construction is defined under SSD-7704 as "the demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent".</p> <p>Operation is defined under the SSD-7704 as "the use of the poultry sheds and ancillary infrastructure and structures for the purpose of growing chickens as described in the EIS, RfS and Supplementary RfS".</p> <p>Project is currently in Stage 1C (based on site discussions this commenced on 23 September 2022). It is proposed that on 25 November 2022 ProTen will move into Stage 1D. Farm 2 has 18 sheds being constructed or already constructed. Sheds 1 - 8 are occupied with chickens, with operational activities beginning 23 September 2022 at sheds 6-8, 26 September 2022 at sheds 1 and 5, and 27 September 2022 at sheds 2-4 (based on Weekly Supplier report spreadsheet). Sheds 9 to 18 are at various stages of construction. At the time of the site inspection, pads were being prepared for sheds 13 and 18.</p> <p>Because sheds 1-8 became operational on 23 September 2022, ProTen have until 23 July 2023 to finish construction of remaining sheds at Farm 2. This condition is compliant within this IEA period.</p> <p>Based on site communications construction commenced on 30 September 2021.</p>	
Sub-Stage	Construction Activities	Operational Activities																						
1A	Earthworks, northern site access road and internal roads	None																						
1B	Sheds 1 – 8 and ancillary infrastructure	None																						
1C	Sheds 9 – 12	Sheds 1 – 8																						
1D	Sheds 13 – 16	Sheds 1 – 12																						
1E	Sheds 17 - 18	Sheds 1 – 16																						
Use of Emergency Backup Diesel Generators																								
A22B	<p>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:</p> <p>(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</p> <p>(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</p> <p>(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.</p>	Compliant	<ul style="list-style-type: none"> defined date of operations (check EIS/MPs). Noting construction if different to operations. Records of diesel generator use - including hours. Note part c if more than 200 hours. No. of generators. Generator logs. 	<ul style="list-style-type: none"> eci As Built Compliance certificate EN IEC 60204-1:2006 for DeNox MIDI Control System dated 13/09/2022. eci SCR Systems maintenance logs and ITPs for SCR units 1 and 2 dated 13/09/2022. Progress Report SSD 7704 Sub-Stage 1C from SLR on behalf of ProTen dated 26/8/2022. DeNOx Mini 17.2 SCR Operation and Maintenance Manual, dated 24/6/2022. Emission Test Results, eci - Unit SCR 1 dated 8/9/2022; Unit HJS SCR dated 20/11/2022. Generator Check form for Gen 1, 2, and 5 dated 30/9/22 - 30/11/22. "Generator management Ruses Creek 2022" spreadsheet with records of run-time (hrs) and servicing dates, records starting 6/9/2022. 	<p>a) Compliant. Sub-Stage 1C (operations) commenced on 23 September 2022, therefore ProTen has not approached this time requirement yet.</p> <p>b) Compliant. Site inspection sighted 2 back-up generators at Farm 2, between sheds, and primary generators contained at the site workshop. One 45 kVA for pumping from Namoi River - no SCR system is installed on this generator (as per eci SCR System Punchlist dated 13/9/22). Knox scrubbers/SCR Systems installed on the generators at the site workshop.</p> <p>c) Evidence of generator run-time being recorded from 6/9/2022. Generators include Generators 1 and 2, back up generator (Generator 5), and River generator. Knox scrubbers/SCR Systems installed on the generators at the site workshop.</p>																			
A22C	<p>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:</p> <p>(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</p> <p>(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.</p>	Not Triggered	<ul style="list-style-type: none"> defined date of operations. Noting construction if different to operations. Letter or approval from DPE regarding the installation of alternate power supply 	<ul style="list-style-type: none"> Progress Report SSD 7704 Sub-Stage 1C from SLR on behalf of ProTen dated 26/8/2022. 	<p>Based on site discussions, ProTen are planning to proceed with Option b) through MOD 4 (not approved by DPE) as outlined in the Progress Report submitted to DPE on 26/8/2022. This condition is not triggered as the 12 month period specified in Condition A22B(a) is not in this IEA period.</p> <p>MOD 4 will include the proposed solar power system (install and use solar energy infrastructure as the primary energy supply for the development).</p>																			
NOTIFICATION OF COMMENCEMENT																								
A23	<p>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:</p> <p>(a) construction;</p> <p>(b) operation;</p> <p>(c) cessation of operations.</p>	Compliant	<ul style="list-style-type: none"> Letter/email to DPE at beginning of Construction and Operation. 	<ul style="list-style-type: none"> Letter from DPE dated 23/9/2022 regarding acknowledgement of Sub-Stage 1C Progress Report Progress Report SSD 7704 Sub-Stage 1C from SLR on behalf of ProTen dated 26/8/2022. Payment for Construction Certificate 4/12/2021 (approving authority Hunter Building Certifications). EME Letter to DPE, Delayed Community Information Session, dated 22/07/2021. 	<p>a) Sighted EME Advisory letter advising DPE of construction commencement.</p> <p>b) Letter to DPE dated 26 August 2022 advises DPE of ProTen intent to commence operations on Farm 2 (sheds 1-8) on 23/9/2022. This meets the timing requirement of 4 weeks prior to operations commencing.</p> <p>c) Not triggered. Cessation of operations is far in the future.</p>																			
A24	<p>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.</p>	Compliant	<ul style="list-style-type: none"> Letter/email to DPE at beginning of Construction and Operation. 	<ul style="list-style-type: none"> EME Letter to DPE, Delayed Community Information Session, dated 22/07/2021 Progress Report SSD 7704 Sub-Stage 1C from SLR on behalf of ProTen dated 26/8/2022. Letter from DPE dated 23/9/2022 regarding acknowledgement of Sub-Stage 1C Progress Report Notification of Stage 1 (Construction) Commencement as a letter to DPE from EME Advisory, dated 19 July 2021. Major projects portal email acknowledging receipt of "Stage 1 commencement of construction for the Ruses Creek Poultry Production Farm" dated 21/7/2021. 	<p>Notifications were sent to DPE at Stage 1 (commencement of construction) and 1C (commencement of operations at Sheds 1-8). Construction notification submitted to DPE on 19/07/2021. With actual construction works commencing September 2021, this notification is compliant.</p> <p>Progress Report from SLR confirms commencement of operations (Sub-Stage 1C) on 26/8/2022, with operations commencing on 23/9/2022, exactly 4 weeks after the Progress Report submitted to DPE. This timing is considered compliant. DPE accepted the Progress Report, with a letter addressed to ProTen dated 23/9/2022.</p>																			
Concurrent Construction and Operation of Stage 1 (Farm 2)																								
A24A	<p>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.</p>	Compliant	<ul style="list-style-type: none"> Letter/email to DPE at beginning of Construction and Operation. 	<ul style="list-style-type: none"> Letter from DPE dated 23/9/2022 regarding acknowledgement of Sub-Stage 1C Progress Report Progress Report SSD 7704 Sub-Stage 1C from SLR on behalf of ProTen dated 26/8/2022. EME Letter to DPE, Delayed Community Information Session, dated 22/07/2021 	<p>Evidence of notifying DPE of Sub-Stage 1C and updating DPE on operational power supply arrangements provided. Notifications to DPE done by SLR representatives for ProTen. Letter from DPE acknowledging notification progress report dated 23 September 2022, satisfied with the progress report.</p> <p>ProTen proposes the preparation of a Solar Farm Modification (MOD 4) in this progress report.</p>																			
A24B	<p>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.</p>	Compliant	<ul style="list-style-type: none"> Letter/email to DPE at beginning of Construction and Operation. also power supply part if applicable. 	<ul style="list-style-type: none"> Letter from DPE dated 23/9/2022 regarding acknowledgement of Sub-Stage 1C Progress Report 	<p>Letter from DPE dated 23/9/2022 accepts the Progress Report supplied by SLR representative of ProTen with the following statement:</p> <p>"The Department has carefully reviewed the Progress Report and is satisfied that it meets the requirements of condition A24A of the development consent. Accordingly, as nominee of the Planning Secretary, I approve the Sub-Stage 1C Progress Report prepared by SLR Consulting Australia Pty Ltd, dated 26 August 2022, under condition A25A of the development consent."</p> <p>Sub-Stage 1C commenced on 23/9/2022, therefore this is considered compliant.</p>																			
EVIDENCE OF CONSULTATION																								

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
A25	Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and (b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	Compliant	• Evidence of consultation	• All Management Plans, letters or emails provided for this IEA	Consultation undertaken in accordance with the requirements of the condition, as evidenced in applicable conditions.	
A26	With the approval of the Planning Secretary, the Applicant may: (a) 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); (b) 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); and (c) 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).	Compliant	• Management Plans. May not be applicable.	• All Management Plans, letters or emails provided for this IEA	Evidence of updating plans as construction and operations progress. Evidence of consultation attached to Management Plans, and further correspondence provided as emails.	
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.	Not Triggered	• Have any strategy, plan, or program been updated without consultation/request for comment going out to all parties?	• All Management Plans, letters or emails provided for this IEA	Based on evidence provided, 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.	Compliant	• Management Plans	• All Management Plans, letters or emails provided for this IEA	Based on evidence provided, plans have been updated at various stages.	
PROTECTION OF PUBLIC INFRASTRUCTURE						
A29	Before the commencement of construction, the Applicant must: (a) 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;	Compliant	• Evidence of consultation (letters, emails) with relevant stakeholders - if applicable?	• Tamworth Regional Council consultation approval letter 12/01/2021 • Letter from Tamworth Regional Council to ProTen Application for Approval for Installation of Vehicle Access for Lot 171 DP 752169, dated 26/08/2021.	Prior to the commencement of construction, evidence of ProTen applying for modifying vehicle access to Lot 171 DP 752169, which is the main entry to Farm 2. Council's response letter accepting under Roads Act 1993 with conditions.	
A30	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.	Not Triggered	• Evidence of repairing public infrastructure. • Evidence of payment to contractors, relevant stakeholders.	• Site discussions	Based on evidence provided and consultation for this IEA, there have been no road repairs or repair to public infrastructure. This condition is not triggered.	
DEMOLITION						
A31	All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).	Compliant	• Demolition certificates. Eg. Farm houses, what was there. • Evidence around appropriate asbestos removal	• DPE Letter to Proten dated 17/3/2022, Site Audit Statement and Site Audit Report. • Site Audit Statement • Site Audit Report • Remedial Action Plan • Long Term Environmental Management Plan, dated 9/12/2021	In SSD-7704, demolition is defined as "the deconstruction and removal of buildings, sheds and other structures on the site". Evidence provided suggests asbestos (within shed) deposited safely and RAP remedial works closed out in this IEA period. No evidence of other demolition activities on site during the Audit Period.	
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. Note: - 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.	Compliant	• Building certificates	• Site inspection. • Payment for Construction Certificate 4/12/2021 (approving authority Hunter Building Certifications). • Santrev Certification of Farm 2 sheds 5-8 (reference to BCA, Buildwise, and relevant Australian Standards) dated 20/09/2022. • ACS Plumbing Installation Certificate for Fire Hydrant System on Farm 2, dated 20/09/2022. • ACS Plumbing Installation Certificate for LPG Gas Supply System on Farm 2, dated 20/09/2022. • Certificate of Testing and Safety in accordance with Electrical Safety Regulation by BriteSpark Electrical dated 9/09/2022. • Certificate of Compliance from IKC Industries for Sheds 1-4 dated 20/9/2022. • Installation Certificate for Dry Fire Services (Extinguishers & Emergency Lighting) by Jims Test and Tag/Fire Safety dated 14/9/2022. • Certificate of Compliance Electrical Work Essential Energy dated 15/9/2022 (main switchboard, lighting, outlets, motors).	Construction, safety, and compliance certificates provided for equipment and infrastructure across Farm 2 provided. Auditors were advised during site conversations that sheds in Farm 2 have been constructed to two different designs. Sheds 1 - 4 are AGCO sheds. Sheds 5 - 12 are Santrev sheds. Construction certification for Sheds 13 -18 were not provided for this IEA.	
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.	Not Triggered	• Subdivision certificate	• Site discussions and findings	Noted and not triggered. No subdivision certificate issued within the IEA period and at the current stage of the project.	
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.	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.	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.	Not Triggered	• Evidence of submission to the Land Titles Office • Occupation Certificate			
EXTERNAL WALLS AND CLADDING FLAMMABILITY						

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
A37	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.	Compliant		<ul style="list-style-type: none"> Site inspection Certificate of Conformity from CertMark International for insulated wall and ceiling panels dated 6/06/2022 Tongue & Groove (T&G) Panel Technical Data Sheet 	Certificate of Conformity from CertMark International certifies the MetecnoPanel product for use as insulated wall and ceiling panel, compliant with Building Code of Australia 2019 Amendment 1. Compliant up to the IEA site inspection, however certifications are ongoing because sheds were being constructed outside of the IEA period (after the site inspection construction is continuing).	
A38	Prior to the issue of: (a) 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 (b) 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.	Compliant	<ul style="list-style-type: none"> Evidence of external wall compliance with BCA 	<ul style="list-style-type: none"> Site inspection Application from ProTen for Interim Occupation Certificate dated 20 September 2022 to Hunter Building Certifications. Email chain dated 13-14/10/2022 regarding OC-supporting documents. Payment for Construction Certificate 4/12/2021 (approving authority Hunter Building Certifications). 	<p>a) Copies of documents provided to Principal Certifier provided in this IEA. Construction Certificate issued by certifying authority Hunter Building Certifications, including Principal Certifier.</p> <p>b) Email chains evidence of supporting document provided to the Principal Certifier prior to the issue of the Occupation Certificate.</p> <p>Compliant up to the IEA site inspection, however certifications are ongoing because sheds were being constructed outside of the IEA period (after the site inspection construction is continuing).</p>	
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.	Non-Compliant	<ul style="list-style-type: none"> Evidence of supplying above documentation to DPE within 7 days of Principal Certifier accepting. 	<ul style="list-style-type: none"> Application from ProTen for Interim Occupation Certificate dated 20 September 2022 to Hunter Building Certifications. Email chain dated 13-14/10/2022 regarding OC-supporting documents. 	<p>ProTen provided documents supplied to the Certifier for this IEA.</p> <p>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.</p>	
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.	Compliant	<ul style="list-style-type: none"> Site inductions, toolbox talks, incident reports. 	<ul style="list-style-type: none"> Driver inductions, site inductions (online and hardcopies sighted) 	Sighted examples of signed site inductions and Driver Code of Conduct. Environmental specific measures and incident procedures are found in inductions. Driver inductions dated Sept 21 and Nov 21. Signed site inductions sighted at site inspection including from September and October 2022.	
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.	Compliant	<ul style="list-style-type: none"> Evidence of payment to Tamworth Council with date Evidence of adjustments of payment Evidence of Council receiving payment 	<ul style="list-style-type: none"> 19/08/2021 - Commonwealth Bank Statement \$194,545.00 to TRC Levy payments - Support tickets dated August 2022. LSL Payments to Council spreadsheet, including construction cost calculations 	Evidence of \$194,000.00 paid to Council. Received email evidence of Council agreeing on \$194,000.00 for stage 1 (this condition states \$579,580.00). It is understood the remaining amount (approx. \$386,000.00) will be paid in stage 2 of the development.	
OPERATION OF PLANT AND EQUIPMENT						
A42	All plant and equipment used on site, or to monitor the performance of the development, must be: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Compliant	<ul style="list-style-type: none"> Maintenance certificates speeds of trucks etc. General operations - chickens freezer, pest. 	<ul style="list-style-type: none"> Two Equipment Service Reports by Generator Power dated 27/9/2022 (Generator #1 and #2) Invoices from North West Onsite Repairs dated August 2022 and October 2022 for equipment services. Service records for SCR Systems 	<p>Sighted approved two dead bird freezers, bedding material storage shed, and 18 sheds (at various stages of construction).</p> <p>a) Evidence of recent servicing of generators. Generator sheds and diesel storage contained. Concrete slab of generator sheds and MSB area does not include a bund, therefore a NC Rec is put forward in this IEA. However, this condition is considered compliant.</p> <p>b) Site inductions provided. All plant and equipment operated in a proper and efficient manner during site inspection, and evidence provided during IEA suggests compliance.</p>	
UTILITIES AND SERVICES						
A43	Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.	Compliant	<ul style="list-style-type: none"> Services approvals 	<ul style="list-style-type: none"> Santrev Certification of Farm 2 sheds 5-8 (reference to BCA, Buildwise, and relevant Australian Standards) dated 20/09/2022. ACS Plumbing Installation Certificate for Fire Hydrant System on Farm 2, dated 20/09/2022. ACS Plumbing Installation Certificate for LPG Gas Supply System on Farm 2, dated 20/09/2022. Certificate of Testing and Safety in accordance with Electrical Safety Regulation by BriteSpark Electrical dated 9/09/2022. Certificate of Compliance from IKC Industries for Sheds 1-4 dated 20/9/2022. Installation Certificate for Dry Fire Services (Extinguishers & Emergency Lighting) by Jims Test and Tag/Fire Safety dated 14/9/2022. Certificate of Compliance Electrical Work Essential Energy dated 15/9/2022 (main switchboard, lighting, outlets, motors). 	Safety certificates provided for fire safety systems (hydrants), gas, and electrical equipment across Farm 2. Certificates provided were primarily from September 2022, recent to the IEA site inspection.	
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.	Compliant	<ul style="list-style-type: none"> Surveyor/Works-as-executed plans Evidence of submission of plans to Principal Certifier 	<ul style="list-style-type: none"> LRCE Engineering drawings, dated 24/8/2021, prior to construction. Email chains regarding documents for the Occupation Certificate dated from 23/9/22, 13/10/22, and 14/10/22 between Principal Certifier and ProTen representatives. CSO Works-as-executed CAD drawings with Certification stamp dated 11/11/21. 	CSO drawings show stormwater drainage and finished ground levels, and are certified by Principal Certifier (stamp on drawings is dated 11/11/21). The LRCE Engineering drawings, dated 24/8/2021, also contained Principal Certifier certification.	
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.	Compliant	<ul style="list-style-type: none"> All project documentation 	<ul style="list-style-type: none"> All Management Plans 	Noted and generally compliant. References to relevant Standards or guidelines are made in Rushes Creek documents, plans, strategies, and programs. Individual Management Plans are assessed below, against conditions in Part C of this Development Consent.	
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.	Compliant	<ul style="list-style-type: none"> Have any plans, etc. required updating to reflect updated guidelines, standards, policies, or protocols? 		Evidence provided indicate that generally management plans, strategies, and documents are updated in a timely manner.	Note, the issue related to the Borrow Pits is described in Condition A2.
ADVISORY NOTES						

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
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.	Non-Compliant		<ul style="list-style-type: none"> Site inspection Certificates of Title for WAL41834 (date of issue 21/3/2018), WAL37794 (date of issue 24/3/2017), and WAL44397 (date of issue 19/8/2022) EPL Tamworth Regional Council Planning Certificates issued 2016 to previous landowners (Appendix E of Stage 1 Preliminary Site Investigation, July 2018, prepared by SLR) 	<p>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 <u>non-compliant</u> as the site has not 'maintained' the conditions of consent relating to the approved disturbance footprint.</p> <p>Planning certificates appended to the Stage 1 PSI by SLR (2018) outline the land zoning for lands covered by this consent as RU-1 Primary Production. RU-1 Primary Production land zoning states extensive agriculture is permitted without consent. Therefore, based on the information provided for this IEA, the crop-farming occurring in paddocks adjacent to Farm 2 is compliant with this consent.</p>	
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: (a) complies with the requirements in the latest version of EPA's Approved Methods for Sampling of Air Pollutants in New South Wales (DEC, 2007) (as may be updated or replaced from time to time); and (b) 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.	Compliant	<ul style="list-style-type: none"> Met station maintenance, installation records Met data 	<ul style="list-style-type: none"> Site inspection Met station servicing records - email chain from GreenBrain June to October 2022 and email from MEA January 2021. Real time and daily summaries of site meteorological results, spreadsheets dated August 2021 - June 2022. 	Meteorological station is installed on site west of Farm 2 - solar-powered with complete met monitoring. Real time (ten minute intervals) data from the IEA period received. Site reported there was a period of weeks where one sensor was not working, however this does not impact monitoring requirements outlined in CEMP or OEMP. Noise Validation monitoring reports indicate meteorological monitoring station at site functions and is used.	
Dust Minimisation						
B2	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	Compliant		<ul style="list-style-type: none"> Complaints log Site inspection Toolbox talks 	Based on evidence provided, ProTen has undertaken dust minimisation practices throughout the IEA period.	
B3	During construction, the Applicant must ensure that: (a) exposed surfaces and stockpiles are suppressed by regular watering; (b) all trucks entering or leaving the site with loads have their loads covered; (c) trucks associated with the development do not track dirt onto the public road network; (d) public roads used by these trucks are kept clean; and (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.	Compliant	<ul style="list-style-type: none"> Pre-starts, toolbox talks Environmental site inspection records/checklists Employee induction, site induction 	<ul style="list-style-type: none"> Site inspection BMR Quarries Plant Hire Dockets for water truck - dated 5/1/2022 - 25/8/2022. Community Consultation Meeting Minutes dated 4/8/2022 	<p>Site inspection found evidence of using water truck on site to minimise dust, site driveway was clean and dirt had not been tracked off-site. Trucks observed entering and leaving sites had loads covered.</p> <p>It was noted there were exposed surfaces with no vegetation or gravel as cover. This included internal roads of the site, with potential for conditions to become dusty on hot, windy days. Community Consultation Minutes dated 4/8/2022 indicate mud has been tracked on to the public road (Rushes Creek Road) previously. Therefore, an improvement recommendation is put forward to the site by the auditors.</p>	IMP REC 1: Re-gravel internal roads of Farm 2 to minimise dust and to prevent mud being tracked onto public road network. It is noted the site is committed to the installation of a wheel wash during operations as well, which was not installed at the time of the site inspection.
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: (a) be prepared by a suitably qualified and experienced person(s) in consultation with EPA; (b) detail and rank all emissions from all sources of the development, including particulate emissions; (c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators; (d) identify the control measures that that will be implemented for each emission source; (e) nominate the following for each of the proposed controls: (i) key performance indicator; (ii) monitoring method; (iii) location, frequency and duration of monitoring; (iv) record keeping; (v) complaints register; (vi) response procedures; and (vii) compliance monitoring. (f) include an odour monitoring program which must: (i) be carried out by a suitably qualified and experienced person(s) approved in writing by the EPA; (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; (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 (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.	Compliant	<ul style="list-style-type: none"> Air Quality Management Plan Any results collected thus far for Air quality, meteorological data, and odour. Complaints register Evidence of consultation with EPA 	<ul style="list-style-type: none"> AQMP approval letter DPE 03/06/2022 Site inspection OEMP including Air Quality Management Plan, prepared by Astute, dated 1/6/2022 Receipts from water truck use from throughout IEA period 	<p>AQMP approved by DPE on 3 June 2022, which is prior to operations commencing.</p> <p>Preparation: a) Appendix B b) Section 3 c) Section 2-8 d) Section 3 e) Sections 3, 5, 6, and 7. f) Section 7</p> <p>Implementation: TPE water truck services the construction activities. Toolbox talks provide evidence of implementing air quality mitigation measures during construction and early stages of operations. Odour Assessments required by Subcondition f) were reported as being done outside of the IEA period on 23 October 2022.</p>	
B5	The Applicant must: (a) not commence operation until the Air Quality Management Plan required by condition B4 is approved by the Planning Secretary; (b) implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development; and (c) not cease the Odour Monitoring Program required by condition B4(f) without the approval of the Planning Secretary.	Compliant	<ul style="list-style-type: none"> Evidence of approval from DPE 	<ul style="list-style-type: none"> AQMP approval letter DPE 03/06/2022 OEMP including Air Quality Management Plan, prepared by Astute, dated 1/6/2022 	<p>a) AQMP approved by DPE on 3 June 2022, which is prior to operations commencing. b) Based on evidence provided, compliant. c) Not triggered - odour monitoring did not commence in IEA period.</p>	
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.	Not Triggered	Check odour reports and timing.		Based on evidence provided, no requirement to perform odour monitoring within the IEA period triggered. As per Condition B4(f)(ii) and Section 7 of the AQMP, odour monitoring must be carried out at least once per production cycle during i) 1 February - 30 May inclusive and ii) 1 September - 30 November. Because operations commenced on 23/9/2022, the odour monitoring occurred just outside of this audit period.	
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.	Not Triggered	Check odour reports and timing.		Based on evidence provided, no requirement to perform odour monitoring within the IEA period 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).	Compliant		<ul style="list-style-type: none"> Site discussions and observations Complaints log 	<p>Under the POEO Act, offensive odour is defined as: "(a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances— (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or (b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations."</p> <p>Based on evidence provided, site is compliant. Vents and fans on sheds during the site inspection. SCR systems on diesel generators observed near workshop/amenities shed. No odour complaints logged in the complaints register.</p>	

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
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.	Compliant	• Presence of tunnel ventilation fans	<ul style="list-style-type: none"> • Site discussions and observations • Complaints log • eci As Built Compliance certificate EN IEC 60204-1:2006 for DeNox MIDI Control System dated 13/09/2022. • eci SCR Systems maintenance logs and ITPs for SCR units 1 and 2 dated 13/09/2022. • DeNOx Mini 17.2 SCR Operation and Maintenance Manual, dated 24/6/2022. • Emission Test Results, eci - Unit SCR 1 dated 8/9/2022; Unit HJS SCR dated 20/1/2022. 	Vents and fans on sheds during the site inspection. SCR systems on diesel generators observed near workshop/amenities shed.	
TRAFFIC AND ACCESS						
Construction Traffic Management Plan						
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: (a) be prepared by a suitably qualified and experienced person(s); (b) be prepared in consultation with Council and Transport for NSW; (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction; (d) detail heavy vehicle routes, access and parking arrangements; (e) include a Driver Code of Conduct to: (i) minimise the impacts of earthworks and construction on the local and regional road network; (ii) minimise conflicts with other road users; (iii) minimise road traffic noise; and (iv) ensure truck drivers use specified routes; (f) include a program to monitor the effectiveness of these measures; and (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.	Compliant	<ul style="list-style-type: none"> • Construction Traffic Management Plan • Signed Driver's Code of Conduct (evidence of acknowledgement and induction) • DPE consultation and approval • Council, TfNSW consultation 	<ul style="list-style-type: none"> • DPE Approval of Traffic Consultant 15/02/2021 • Traffic Consulting Tamworth Regional Council 12/01/2021 • TfNSW Consulting 30/04/2021 • CTMP including Driver Code of Conduct, SLR, dated 11/6/2021. • Approval Letter from DPE 30/8/2021, Construction Traffic Management Plan (Revision 1, dated 11 June 2021) 	<p>Preparation CTMP includes a cross-referencing table to this condition and its subconditions. CTMP was approved on 30 August 2021, which is prior to the commencement of construction on 30 September 2021.</p> <p>a) DPE endorsement of traffic consultant to prepare the CTMP. b) CTMP contains copies of emails asking for consultation with Council and TfNSW in Appendix C. TfNSW provided comments on the CTMP on 30/4/2021. Appendix B of the CTMP explains how no response was received from Council. This is considered compliant, because ProTen made an attempt to consult with authorities. c) Section 6. d) Section 3.3, 4.1. e) Appendix I - Construction Driver Code of Conduct addresses i (Section 1.2), ii (Sections 1.1, 1.2, 2), iii (Section 1.2), and iv (Figure 1). f) Section 7.3 g) Section 6.5</p> <p>Implementation Compliant implementation of the CTMP. Weekly inspections also record traffic observations. Signed Driver inductions sighted at site inspection from various dates from September 2021 to October 2022.</p>	
B11	The Applicant must: (a) not commence construction until the Construction Traffic Management Plan required by condition B10 is approved by the Planning Secretary; and (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.	Compliant		<ul style="list-style-type: none"> • CTMP including Driver Code of Conduct, SLR, dated 11/6/2021. • Approval Letter from DPE 30/8/2021, Construction Traffic Management Plan (Revision 1, dated 11 June 2021) 	CTMP was approved on 30 August 2021, which is prior to the commencement of construction on 30 September 2021.	
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.	Compliant	• Site plans	• Site inspection	At the time of the IEA inspection there were sufficient parking facilities on-site. Based on Site Plans provided from the IEA period, adequate on-site parking was provided and public streets were not utilised for parking.	
Operating Conditions						
B13	The Applicant must ensure: (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of AS 2890.1:2004 Parking facilities Off-street car parking (Standards Australia, 2004) and AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities (Standards Australia, 2002); (b) 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; (c) the development does not result in any vehicles queuing on the public road network; (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site; (e) all vehicles are wholly contained on site before being required to stop; (f) all loading and unloading of materials is carried out on-site; (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times; and (i) the transportation of birds, feedstock and waste materials to and from the development are restricted to Ruses Creek Road from the Oxley Highway.	Compliant		<ul style="list-style-type: none"> • Site inspection • CTMP including Driver Code of Conduct, SLR, dated 11/6/2021. • Operational Driver Code of Conduct 	At the time of the IEA inspection, all traffic and roads appeared compliant. Trucks sighted were covered. Based on site inspection observations, CTMP, OTMP and other evidence for this IEA, roads, driveways and parking is compliant with subconditions.	
Operational Driver Code of Conduct						
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: (a) map of the primary transport route/s highlighting critical locations; (b) safety initiatives for transport through residential areas and/or school zones; (c) measures to ensure vehicles used for the transportation of birds use the Oxley Highway and Ruses Creek Road only; (d) an induction process for vehicle operators and regular toolbox meetings; (e) a complaints resolution and disciplinary procedure; (f) a directive to drivers to slow down and provide right-of-way to any livestock and/or farm machinery on the transport routes; and (g) a directive to drivers to avoid the use of compression braking along Ruses Creek Road.	Compliant	• Driver code of conduct - evidence of training.	<ul style="list-style-type: none"> • Operational Drivers Code of Conduct, dated 20/12/2021. • DPE letter approving Operational Drivers Code of Conduct, dated 13/1/2022. • Proten SHEQ Driver Inductions 14/09/2022, 04/08/2022 	Operational Drivers Code of Conduct contains a cross-referencing table. The Code of Conduct meets the subconditions in the following sections: a) Figure 3 b) Section 3.3.2 c) Section 3.3.2 and Figure 3 d) Section 5 e) Section 4.2.2. Section 4.2.1 references "incident notification, reporting, and response" Appendix 3 of SSD-7704. f) Section 3.3.2 g) Section 3.3.4 Sighted signed driver code of conduct documents from across the IEA period at the site inspection. Evidence of drivers completing the training. Site has no traffic complaints on record.	
B15	The Applicant must: (a) not commence operation until the Driver Code of Conduct required by condition B14 has been approved by the Planning Secretary; and (b) implement the most recent version of the Driver Code of Conduct approved by the Planning Secretary for the duration of the development.	Compliant	• Driver code of conduct	<ul style="list-style-type: none"> • Operational Drivers Code of Conduct, dated 20/12/2021. • DPE letter approving Operational Drivers Code of Conduct, dated 13/1/2022. • Proten SHEQ Driver Inductions 14/09/2022, 04/08/2022 	a) Based on evidence received, operation (stage 1C) commenced after the approval of the Operational Drivers Code of Conduct by DPE. b) Based on copies of completed Drivers Code of Conduct forms sighted at the site inspection and received after the inspection, site has been using the most recent version.	
SOILS, WATER QUALITY AND HYDROLOGY						
Imported Soil						

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
B16	The Applicant must: (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site; (b) keep accurate records of the volume and type of fill to be used; and (c) make these records available to the Planning Secretary upon request.	Compliant	<ul style="list-style-type: none"> Letter/correspondence from EPA Records of imported soil/materials, VENM certificates - during construction 	<ul style="list-style-type: none"> Sage Environmental Services, NSW EPA Site Audit Report Rushes Creek Poultry Production Farm AL005, dated 9/3/2022. DPE Letter to Proten dated 17/3/2022, Site Audit Statement and Site Audit Report. Sage Letter "Review of Site Remediation and Validation Report - Rushes Creek Poultry Production Farm, Rushes Creek Road, Rushes Creek, NSW 2346 (16/02/2022)", dated 17/02/2022 SLR Site Remediation and Validation Report, Version 0.1 dated 20 October 2021, and Version 1.1 dated 8/12/2021. 	<p>Based on evidence provided there were no soils or materials imported within the audit period.</p> <p>Material for the sheep dip cap were sourced on-site. Material from the Borrow Pits were used in earthworks.</p> <p>See issue with Borrow Pits (Condition A2). This is an example of disturbance outside of approved disturbance area. We have called the site non-compliant under Condition A2. we have not called this condition non-compliant as the illegal disturbance was still within the overall project approval boundary (i.e. not brought onto site).</p>	
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 Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2	Compliant	<ul style="list-style-type: none"> References to Blue Book in key management plans and procedure Evidence of installing erosion and sediment control measures prior to construction (photos, etc) clean/dirty water separation. 	<ul style="list-style-type: none"> Letter of Approval Erosion and Sediment Control Plan 30/08/2021 LRCE Soil and Erosion Control Note and Details, reference Blue Book Design Construction Environmental Management Plan 	<p>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. Temporary sediment fences used across site during site inspection. Detention pond and swales sighted.</p> <p>Drainage lines were located at different locations as the approved Development Layout Plan, to surround temporary site office and amenities, however all site water drained to the detention pond.</p>	IMP REC 2: Update the Development Layout Plan to reflect the location of drainage lines, roads, vegetation screens, and site facilities. Note, other changes relating to the area of clearance outside the boundary will depend upon the outcomes of the Show Cause investigation.
B18	Clean water diversions shall be constructed and stabilised prior to the commencement of earthworks at each PPU.	Non-Compliant		<ul style="list-style-type: none"> Site inspection and discussions Construction Environmental Management Plan LRCE Soil and Erosion Control Note and Details 	<p>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.</p> <p>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.</p> <p>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 <u>non-compliant</u>.</p>	Refer to NC REC 1.
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.	Compliant	Records for all discharges	<ul style="list-style-type: none"> Site inspection and discussions EPL findings and Annual Returns 	<p>Noted. Refer to EPL findings.</p> <p>There is no surface water discharge point on the site at this point in the development (construction and early operation of Farm 2). No results exceeding monitoring limits. There was one discharge from the detention pond in the IEA period. Refer to Condition B20(f)iii) below for further findings.</p>	
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: (a) be designed by a suitably qualified and experienced person(s); (b) be generally in accordance with the conceptual design in the EIS and RTs; (c) be in accordance with applicable Australian Standards; (d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines; (e) divert existing clean surface water around operational areas of the site and discharged into natural drainage lines in a manner that prevents scouring; and (f) be designed such that: (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 10-9m/s, or other material providing an equivalent barrier to percolation; (ii) all wastewater, recycled (irrigation) and other contaminated runoff is captured in the closed surface water management system; and (iii) no discharges are to occur from the detention dams for events up to the 1% AEP.	Non-Compliant	<ul style="list-style-type: none"> site stormwater management system evidence on site of diverting clean water away from operational areas evidence of routine assessment of stormwater system evidence of routine maintenance of stormwater system 	<ul style="list-style-type: none"> Stage 1 Soil and Water Management Plan, prepared by Sage Environmental Services, dated 15 September 2022, Revision 5. Clay Lining of Sedimentation Systems, Swales, Drains and Retention Ponds, Staged Construction Report 21/09/2022, ProTen, Dem Pease, dated 12/8/2022. Standard Specification Clay Lining of Sedimentation Systems, Swales, Drains and Retention Ponds, ProTen, Dem Pease, dated 12/8/2022. Letter from DPE dated 23 September 2022, Rushes Creek Poultry Production Farm - Operational Environmental Management Plan. Construction stage clay compaction tests, HILF density ratio test reports, East West Enviroag dated 21/7/2022, for site pads, access road, dam wall, and various sampling points on site. evidence of weekly site inspections from November 2021 to October 2022, including stormwater system checks and sediment controls or notes 	<p>Stormwater Management System contained in OEMP, Section 5.3 "Engineered Surface Water Management System".</p> <p>a) OEMP approved by DPE on 23 September 2022. Section 5.3 references LRCE Plans for civil and stormwater designs.</p> <p>b) Section 1.2</p> <p>c) Section 2.1 of SWMP reference guidelines.</p> <p>d) Section 5.3.</p> <p>e) Sections 5.3.1 - 5.3.4 outline and summarise design methodologies. During the site inspection there were no instances of scouring observed.</p> <p>f) Table 10 of SWMP.</p> <p>i) Staged Construction Report dated 21/9/2022 by ProTen self reported the need to alter the stormwater system design temporarily in Stage 1B to confirm the clay lining of the retention pond. The Report by Dem Pease (ProTen National Construction Manager) presents the methodology confirming these design requirements as of September 2022. At the time of the site inspection, swales had a low amount of grass cover, however it should be noted the site is still within the construction stage.</p> <p>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 <u>non-compliance</u>.</p> <p>iii) Discharge occurred from site Detention Pond in October 2022. Evidence received show ProTen notified EPA and DPE in the anticipation of the Detention Pond discharging due to high rainfall in preceding weeks. Based on site discussions and documents received grab samples were taken at Detention pond and downstream when the discharge occurred. Results from grab samples were provided for this IEA. There are no surface water limits within the OEMP, CEMP, nor SWMP to compare results.</p> <p>LRCE Plans display civil and stormwater designs. Sighted erosion controls and drains, with sediment fences used primarily as a temporary sediment and erosion control measure. Some rill erosion occurring at drainage lines and at the northern side of Shed 1. Swales are not yet vegetated. At the time of the site inspection, site layout is generally in accordance with the layout and drainage lines are in sound condition. Weekly site inspection forms record sediment and erosion, water quality, and on-site system status from November 2021 to October 2022.</p>	NC REC 2: Investigate the suitability of an internal compliance tracking system for Rushes Creek to track and manage requirements of approvals and improve record-keeping.
Water Management						
B21	The detention dams at each PPU are to be inspected annually or following significant rainfall events, and desilted if required.	Compliant	Evidence of maintaining detention dams.	<ul style="list-style-type: none"> Site inspection and discussions Stage 1 Soil and Water Management Plan, prepared by Sage Environmental Services, dated 15 September 2022, Revision 5. evidence of weekly site inspections from November 2021 to October 2022, including stormwater system checks and sediment controls or notes 	<p>Requirement is recorded in SWMP under Table 10. Weekly site inspection forms show record of inspections from 2021 to 2022, including under Water Quality and Erosion and Sediment Controls. Weekly site inspections show evidence of recording when detention dams need to be desilted. This is compliant with the annual inspection requirement of this condition.</p> <p>However "significant rainfall event" is not defined in the checklists provided nor in the SWMP and therefore cannot be checked.</p>	IMP REC 3: Update the SWMP to define what constitutes a "significant" rainfall event.
Water Management Plan						

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action											
B22	<p>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:</p> <p>(a) be prepared by a suitably qualified and experienced person(s)</p> <p>(b) be prepared in consultation with the Department's Water Group and the Natural Resources Access Regulator;</p> <p>(c) detail water use, metering, disposal and management on-site;</p> <p>(d) detail the number and location of piezometers on-site;</p> <p>(e) detail the water licence requirements for the development;</p> <p>(f) detail the management of wastewater streams on-site;</p> <p>(g) contain a Surface Water Management Plan, including;</p> <p>(i) a program to monitor:</p> <p>a. surface water flows and quality;</p> <p>b. surface water storage and use;</p> <p>c. sediment basin operation; and</p> <p>d. the surface water discharge point from the two main drainage lines on the site;</p> <p>(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;</p> <p>(iii) a protocol for the investigation and mitigation where the surface water impact assessment criteria has been exceeded; and</p> <p>(h) contain a Groundwater Management Plan, including:</p> <p>(i) baseline data on groundwater levels and quality;</p> <p>(ii) a program to monitor groundwater levels and quality (including nutrients and pathogens);</p> <p>(iii) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and</p> <p>(iv) a protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.</p> <p>(i) contain a contingency plan for the operational water supply for the facility during extreme weather events such as heat wave or drought.</p>	Non-Compliant	• Water Management Plan - mitigation and mon.	<ul style="list-style-type: none"> • Stage 1 Soil and Water Management Plan, prepared by Sage Environmental Services, dated 15 September 2022, Revision 5. • Letter from DPE dated 23 September 2022, Rushes Creek Poultry Production Farm - Operational Environmental Management Plan. • Groundwater sampling (REG 01/02/03) 01/08/2022 • Construction stage clay compaction tests, HILF density ratio test reports, East West Enviroag dated 21/7/2022, for site pads, access road, dam wall, and various sampling points on site. • Certificates of Title for WAL41834 (date of issue 21/3/2018), WAL37794 (date of issue 24/3/2017), and WAL44397 (date of issue 19/8/2022) • Weekly site inspection forms from November 2021 to October 2022, including stormwater system checks and sediment controls or notes • Evidence of water take associated with river pump and WALs (spreadsheet of vols 3/10/22-28/11/22) 	<p>Stage 1 Soil and Water Management Plan, prepared by Sage Environmental Services, dated 15 September 2022, Revision 5. Approval letter from DPE for OEMP and Stage 1 Soil and Water Management Plan on 23/9/2022.</p> <p>SWMP contains a cross-referencing table in Section 1.1.</p> <p>Preparation:</p> <p>a) Section 1.1.</p> <p>b) Section 1.2. Email 5/5/22 from EME Advisory requesting feedback on WMP.</p> <p>c) Section 5.2</p> <p>d) Section 4.4.1 and Appendix A.</p> <p>e) Section 2.4</p> <p>f) Sections 5.2.3 - 5.2.4, Table 5.</p> <p>g) i) Section 7. Table 14. ii) Section 9.1. iii) Section 9.1 and 10.2.</p> <p>h) Section 8. i) Section 8.1. ii) Section 8.2. iii) Tables 20 and 21. iv) Section 9.</p> <p>i) Section 5.2.2 - four options, including from RTS.</p> <p>It should be noted some cross-references throughout the SWMP are incorrect. Therefore, the following improvement action is recommended.</p> <p>Implementation:</p> <p>Previous document revisions coincide with SSD-7704 modifications and advice from regulators like the EPA. There are no groundwater results to assess from the IEA period - according to the SWMP groundwater monitoring is required every 6 months during operation and the site commenced operation only a few weeks before the end of the IEA period. SWMP requires Monthly surface water management system visual inspection (Table 10 of SWMP). Evidence of weekly visual inspections being undertaken throughout the IEA period (construction and operations) inspected sediment controls.</p> <p>Based on the EPA's letter to ProTen following the EPA Rushes Creek inspection, EPA inspectors observed "an unlined concrete washout area where concrete had been washed out directly to land". This is not consistent with the control measures outlined in the SWMP.</p> <p>Based on site discussions, there was a controlled discharge from the detention pond on 4 October 2022. As per the SWMP, grab samples from the detention pond and downstream of the pond were taken at the time of discharge. Results of the samples were provided for this IEA, except for results for Nitrogen and Phosphorous which were noted as "Awaiting Result". Other results from the discharge were within the limits outlined in Table 15 of the SWMP.</p> <p>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.</p>	NC REC 3: Update the SWMP to contain correct cross-references throughout the document.											
B23	<p>The Applicant must:</p> <p>(a) not commence operation until the Water Management Plan required by condition B22 is approved by the Planning Secretary; and</p> <p>(b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.</p>	Compliant		<ul style="list-style-type: none"> • Site inspection and discussions • Stage 1 Soil and Water Management Plan, prepared by Sage Environmental Services, dated 15 September 2022, Revision 5. • Letter from DPE dated 23 September 2022, Rushes Creek Poultry Production Farm - Operational Environmental Management Plan. 	<p>a) Approval letter from DPE for OEMP and Stage 1 Soil and Water Management Plan on 23/9/2022. Operations also commenced on 23/9/2022. This is compliant.</p> <p>b) Refer to the findings for Condition B22. Document control of Soil and Water Management Plan indicates accordance with approved version.</p> <p>Note, we have called the condition above (B22) <u>non-compliant</u> and not this condition.</p>												
Potable Water																	
B24	<p>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).</p>	Compliant	• Evidence of establishing a suitable drinking water system	<ul style="list-style-type: none"> • Site inspection and discussions • Stage 1 Soil and Water Management Plan, prepared by Sage Environmental Services, dated 15 September 2022, Revision 5. • QA Amenities - WATER SUPPLY QUALITY ASSURANCE PROGRAM – UNTREATED RAINWATER, no date. • QA Dwellings - WATER SUPPLY QUALITY ASSURANCE PROGRAM – UNTREATED RAINWATER, no date. • Water carrier licenced with TRC 	<p>Throughout the IEA period, ProTen has used potable water brought by commercial water delivery service to supply site facilities. The site depends on the potable water service provider to adhere to the <i>NSW Private Water Supply Guidelines</i> and the <i>NSW Guidelines for Water Carters</i>.</p> <p>Site also provided evidence of health and safety QA forms regarding Farm 2 amenities and dwellings safe drinking water practices.</p>												
NOISE																	
Hours of Work																	
B25	<p>The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Day</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Earthworks and construction</td> <td>Monday – Friday</td> <td>7 am to 6 pm</td> </tr> <tr> <td>Saturday</td> <td>8 am to 1 pm</td> </tr> <tr> <td>Operation</td> <td>Monday – Sunday</td> <td>24 hours</td> </tr> </tbody> </table>	Activity	Day	Time	Earthworks and construction	Monday – Friday	7 am to 6 pm	Saturday	8 am to 1 pm	Operation	Monday – Sunday	24 hours	Compliant	<ul style="list-style-type: none"> • Noise Management Plan • Complaints register 	<ul style="list-style-type: none"> • Full Complaints log • Stage 1 Construction Environmental Management Plan, dated 3/8/2021 • Operational Environmental Management Plan, dated 23/8/2022. • Rushes Creek sign in/out log spreadsheet Nov-Dec 2021, Mar-May 2022. 	<p>The CEMP outlines construction hours as per those in Table of SSD-7704. Evidence (based on a selection of log in sheets) was provided for the audit to confirm construction remained within these construction hours. Sign in and sign out times generally indicate timing consistent with approved construction hours. Sign-in and out spreadsheets show timing of construction activities against individuals and also record each individuals company, i.e. TPE.</p> <p>It should be noted that the NSW Government's Environmental Planning and Assessment (COVID-19 Development-Construction Work Days) Order 2020 extended construction hours beginning 31 March 2020. This Work Order ended on 31 March 2022.</p> <p>2 noise complaints from 2 different complainants from within 24 hours of each other. Based on site discussions, these complaints occurred when generators were first turned on at the site. The first complaint is recorded as 23:00 on Sunday 11/9/2022. The second complaint was 11:46 Monday 12/9/2022. Preliminary noise assessments using handheld noise monitors were undertaken on 12/9/2022. A formal noise assessment on 29/9/2022 in the form of the Noise Validation Monitoring (required under condition B28B)</p>	
Activity	Day	Time															
Earthworks and construction	Monday – Friday	7 am to 6 pm															
	Saturday	8 am to 1 pm															
Operation	Monday – Sunday	24 hours															
B26	<p>Works outside of the hours identified in condition B25 may be undertaken in the following circumstances:</p> <p>(a) works that are inaudible at the nearest sensitive receivers;</p> <p>(b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or</p> <p>(c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.</p>	Compliant	• Any works outside of approved hours?	<ul style="list-style-type: none"> • Site discussions • Rushes Creek sign in/out log spreadsheet Nov-Dec 2021, Mar-May 2022. 	<p>Based on evidence received, no out-of-hours works were undertaken in the IEA period.</p> <p>It should be noted, as is summarised in the CEMP, the NSW Government's Environmental Planning and Assessment (COVID-19 Development-Construction Work Days) Order 2020 extended construction hours beginning 31 March 2020 due to the Covid-19 pandemic. This Work Order ended on 31 March 2022.</p>												
Construction Noise Limits																	

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
B27	The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (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.	Non-Compliant	• Noise monitoring reports/results - Check CEMP.	<ul style="list-style-type: none"> • Full Complaints log • Stage 1 Construction Environmental Management Plan, dated 3/8/2021 • Toolbox talks from construction (Stage 1) • Photos of noise Digital Sound Level Meter from 24/8/22 	<p>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 <u>non-compliance</u> 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.</p> <p>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.</p> <p>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>	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.
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. <i>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.</i>	Compliant	• Noise monitoring reports/results	<ul style="list-style-type: none"> • Full Complaints log • Site inspection • OEMP 	This IEA covers a small period of the operational phase of the project (3 weeks). Therefore, there is limited evidence to assess the operational noise performance of the project for this IEA. However, during the site inspection, noise related to operational activities was noted as being reasonable (noise from running freezers, buggy vehicles).	
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.	Non-Compliant	• Noise monitoring reports/results	<ul style="list-style-type: none"> • SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022 • Full Complaints log 	As there has been no construction noise monitoring during the IEA period, this condition cannot be confirmed as compliant. Evidence of the complaints procedure from OEMP being implemented in response to 2 noise complaints at the commencement of Farm 2 operations.	Refer to NC REC 4.
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: (a) at receptors R24 and R25 as identified in Appendix 1 of this consent; (b) within 10 days of operations commencing at Farm 2 while concurrently operating one 440 kVA diesel generator at Farm 2; (c) within 10 days of the commencement of operation of two 440 kVA diesel generators at Farm 2 concurrent with Farm 2 operations; and (d) during the night period as defined in the Noise Policy for Industry (EPA, 2017) for a minimum of one hour during the night.	Compliant	• Noise validation monitoring results and Report	<ul style="list-style-type: none"> • SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022 	Noise validation monitoring undertaken on 29-30 September 2022, which is within the first 10 days of operations commencing at Farm 2. Based on evidence provided, monitoring was undertaken as per subconditions a - d. The Report is dated 11/10/2022. a) Monitoring occurred at Receptor 24 and 25. b), c), d) Monitoring undertaken on 22:30 29th to 01:43 30th September 2022 measured noise levels while 2 generators were operating at 260kW.	
Road Traffic Noise						
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.	Compliant		<ul style="list-style-type: none"> • Rushes Creek Poultry Production Farm (Construction Phase): Drivers Code of Conduct, Appendix 1 of CTMP. • Stage 1 Construction Environmental Management Plan, dated 3/8/2021 • SHEQ Driver Inductions, 4/8/22 - 14/9/22 • Drivers Code of Conduct, 11/8/22 - 12/8/22 • SLR, Operational Drivers Code of Conduct, 20/12/2021 	Construction Traffic Management Plan, including the Drivers Code of Conduct, is dated 11 June 2021 and therefore was prepared prior to the commencement of construction on 30 September 2021. Evidence of site personnel being inducted into the Driver Code of Conduct. Evidence of Construction Environmental Management Plan (Revision v2, dated 3 August 2021) and Construction Traffic Management Plan (Revision 1, dated 11 June 2021) being approved by DPE 30 August 2021.	
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: (a) RSPCA Approved Farming Scheme Standards – Meat Chickens (RSPCA Australia 2013) (RSPCA Standards Australia, 2009); (b) National Animal Welfare Standards for Livestock Processing Establishments 2nd edition (Meat and Livestock Australia, 2009); (c) Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock (Animal Health Australia, 2012); (d) National Animal Welfare Standards for the Chicken Meat Industry (Barnett et al. 2008); (e) NSW DPI Best Practice Management for Meat Chicken Production in NSW – Manual 2 (2012); (f) National Farm Biosecurity Manual for Chicken Growers (ACMF, 2000); (g) Model Code of Practice for the Welfare of Animals – Domestic Poultry, 4th Edition (PISC, 2002); (h) Model Code of Practice for the Welfare of Animals, Land Transport of Poultry (PISC, 2006); and (i) any other relevant document that supersedes the above.	Compliant	• Management Plans, inspections	<ul style="list-style-type: none"> • Day Old Delivery Docket Baiada Poultry, 27/9/2022 • ProTen Bio Security Manual, revision dated 12/08/2022 • Baiada Internal reporting • OEMP • All Management Plans 	The OEMP references RSPCA Standards, Animal Health Australia standards, and DPI's 2012 Manual. OEMP also contains ProTen Bio Security Manual which refers to standards and codes of practice for poultry biosecurity. Evidence of implementation of standards and practices, including transportation records noting condition of population, temperatures measured, population count. Folders inside one operational shed were observed and is evidence of record keeping.	
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: (a) be prepared in consultation with Council, EPA, DPI and other relevant public authorities; (b) be consistent with the relevant AUSTVETPLAN manuals and supporting documents; (c) describe the notification procedures; (d) detail all transport routes to be used in a mass mortality event; (e) detail any requirements to stage the mass disposal of dead livestock; (f) detail the burial location(s) for the disposal of dead livestock, including plans and drawings; (g) detail the measures to maintain quarantine control; (h) detail measures to prevent ground water contamination; and (i) detail the mass mortality disposal procedures and options.	Compliant		<ul style="list-style-type: none"> • Proten Biosecurity Manual, revision dated 12/08/2022 • Approval Letter DPE 23/09/2022 - Emergency Disposal & Biosecurity Strategy • Emergency Disposal & Biosecurity Strategy (EDBS) SLR dated 15/9/2022, version 1.1. 	Emergency Disposal and Biosecurity Strategy, prepared by SLR Consulting Australia Pty Ltd, dated 15 September 2022. DPE Approval letter dated 23/9/2022. EDBS does not have a cross-referencing table to identify key sections in terms of the requirements of this Approval. Preparation: a) Table 2 b) Section 1.3. c) Section 4.1. d) Section 4.6 e) Section 4.6 f) Appendix E g) Section 4.4 h) Section 4.6 i) Section 4.6	IMP REC 4: Update the EDBS to include key definitions, including for "mass mortality".
B32	The Applicant must: (a) not commence operation until the Emergency Disposal and Biosecurity Protocol required by condition B31 is approved by the Planning Secretary; and (b) implement the most recent version of the Emergency Disposal and Biosecurity Protocol approved by the Planning Secretary for the duration of the development.	Compliant	• Approval of EDBP from DPE	Approval letter - DPE 23/09/2022	Emergency Disposal and Biosecurity Strategy, prepared by SLR Consulting Australia Pty Ltd, dated 15 September 2022. DPE Approval letter dated 23/9/2022. Operations commenced on 23/9/2022. Based on site discussions no implementation of the EDBS was triggered.	
ABORIGINAL HERITAGE						
Aboriginal Cultural Heritage Management Plan (ACHMP)						

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
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: (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties and EES; (b) be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development; (c) describe the management actions for all Aboriginal sites within the development site; (d) 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.	Compliant	<ul style="list-style-type: none"> ACHMP Evidence of consultation Fenced areas. salvage/CEMP implementation. 	<ul style="list-style-type: none"> Consultation letter 08/03/2021 DPIE. Aboriginal Cultural Heritage Management Plan, Version 3.3, prepared by OzArk Environment and Heritage, dated 5 September 2022. ACHMP Revision 3, dated 4 May 2021. Approval letter from DPE dated 20/09/2022. 	<p>Aboriginal Cultural Heritage Management Plan, Version 3.3, prepared by OzArk Environment and Heritage, dated 5 September 2022 was approved by DPE on 20 September 2022.</p> <p>Preparation: a) Section 3, Appendix 2. b) Section 3.1 c) Section 6, Section 6.2. d) Section 6.1.2</p>	
B34	The Applicant must: (a) not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary; and (b) implement the most recent version of the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary for the duration of the development.	Non-Compliant	<ul style="list-style-type: none"> Letter of approval from DPE 	<ul style="list-style-type: none"> Approval letter from DPE dated 20/09/2022 	<p>a) Evidence provided indicates current ACHMP was implemented throughout the IEA period. Document control tracks previous versions with dates.</p> <p>Based on evidence provided, the ACHMP was not finalised by the time clearing or construction works commenced due to clarification being sought from Heritage NSW regarding the analysis of Bondah-H1. However, this is not considered a non-compliance because the draft ACHMP had been prepared and was in consultation with authorities and RAPs.</p> <p>b) Implementation: During the site inspection, Bondah-OS2 was sighted including the temporary fencing. Based on evidence provided, the ACHMP is being implemented, with evidence maintenance of Group 3 sites and record keeping.</p> <p>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>	IMP REC 5: Investigate more permanent fence or star pickets erected around the heritage sites currently with temporary fencing (including to avoid damage from flooding or erosion). If temporary fencing remains preferred, include inspection of the heritage fencing and signage for all sites in the weekly site inspection.
Unexpected Finds Protocol						
B35	If any item or object of Aboriginal heritage significance is identified on site: (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately; (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and (c) the Heritage Division of DPC must be contacted immediately.	Compliant	<ul style="list-style-type: none"> Report on additional item/object finds (if this occurred in the period). 	<ul style="list-style-type: none"> Site inspection and discussions ACHMP Revision 3, dated 4 May 2021 	<p>ACHMP outlines the Unexpected Finds Protocol in Section 7. Section 7 - Detailed Procedures outlines requirements consistent with subconditions a and b. Heritage NSW is referred to for reporting (sub condition c).</p> <p>The ACHMP outlines the status of heritage sites.</p>	
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 National Parks and Wildlife Act 1974.	Compliant		<ul style="list-style-type: none"> Site inspection and discussions ACHMP Revision 3, dated 4 May 2021 	The ACHMP outlines this requirement more in Section 7, the Unexpected Finds Protocol, and within Section 7.1 and 7.2.2. There was no evidence provided which suggested the UFP required enacting during the IEA period.	
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.	Compliant	<ul style="list-style-type: none"> Evidence of purchase of PCT 1383 c 	<ul style="list-style-type: none"> Approval Letter from DPIE 01/9/2022 re: "Communication regarding B37, B38, B39 conditions fulfilled SSD-7704-PA-14" 	Refer to Condition B38 and findings below. Based on Figure 8 of the CEMP, illegal disturbance for the Northern and Southern Borrow Pits appears to have occurred on Derived and Non-native grass cover vegetation areas.	
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.	Compliant	<ul style="list-style-type: none"> If applicable, proof of payment to the Biodiversity Conservation Fund. 	<ul style="list-style-type: none"> Approval Letter from DPIE 01/9/2022 re: "Communication regarding B37, B38, B39 conditions fulfilled SSD-7704-PA-14" Credit retirement report through BioBanking dated 19/08/2021 for ProTen Tamworth Pty Ltd. 	Credit retirement report (retrieval of report dated 19/08/2021) from BioBanking (OEH) confirms ProTen's purchase of 29 credits for CMA subregion Peel - Namoi.	
B39	The Applicant must provide the Planning Secretary with evidence that: (a) the retirement of ecosystem credits has been completed (see condition B37); or (b) 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.	Compliant	<ul style="list-style-type: none"> If applicable, evidence of sending DPE proof of payment to the Biodiversity Conservation Fund. 	<ul style="list-style-type: none"> Approval Letter from DPIE 01/9/2022 re: "Communication regarding B37, B38, B39 conditions fulfilled SSD-7704-PA-14" Credit retirement report through BioBanking dated 19/08/2021 for ProTen Tamworth Pty Ltd. 	Letter from DPE dated 1 September 2021 (issued through the Major Projects portal) addressed to EME (representative for ProTen) advising Schedule 2, Part B, Conditions B37-39 were met.	
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. (a) 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. (b) A Final Hazard Analysis of the development, prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'.	Compliant	<ul style="list-style-type: none"> Fire Safety Study Final Hazardous Analysis Evidence of approval of the Fire Safety Study and Final Hazardous Analysis from DPE. 	<ul style="list-style-type: none"> DPIE - Final Hazard analysis letter of approval 27/07/2021 DPIE - Fire Safety Study approval 10/08/2021 Fire Safe Study 29/06/2021 	<p>a) DPE Approval letter dated 10 August 2021 for the Fire Safety Study, Study, prepared by GHD, references Fire Safety Study Guidelines and NSW HMPCC. Includes references to the EIS and RTS. Evidence of Fire Safety Study prepared and approved prior to the commencement of construction on 30 September 2021.</p> <p>b) DPE Approval letter dated 27 July 2021 for the Final Hazard Analysis prepared by GHD dated 2021.</p>	
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'.	Compliant	<ul style="list-style-type: none"> Emergency Plan Site inductions 	<ul style="list-style-type: none"> Site inspection Site inductions Emergency Management Response Plan Rushes Creek, last dated 19/08/2022, Appendix F of the OMEP. 	<p>There is no definition of "commissioning of the development" within SSD-7704. The audit team believes this refers to starting operational activities on the site (introduction of poultry on to site). The Emergency Management Response Plan Rushes Creek (dated 19/08/2022) was prepared prior to the commencement of operations at Farm 2. This is compliant.</p> <p>Emergency Management Response Plan Rushes Creek (dated 19/08/2022) prepared by ProTen is current as of the end of the IEA period.</p>	No further recommendation as required timing has passed.
Further Requirements						
B42	The Applicant must store all chemicals, fuels and oils used on-site in accordance with: (a) the requirements of all relevant Australian Standards; and (b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook, if the chemicals are liquids.	Compliant	110% chemical storage.	<ul style="list-style-type: none"> Site inspection Chemical Application and Storage Report form from September-October 2022. PIRMP 	Chemical Application and Storage Report forms record use (handling, mixing rates, batch reference, reason for application) of chemicals/hazardous products. In the newly constructed amenities and workshop building, bunds were present and ready for use during later stages of operation.	
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.	Noted.			Noted.	
Dangerous Goods						

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
B44	Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with: (a) all relevant Australian Standards; (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and (c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997).	Non-Compliant	• Hazardous materials logbook/records.	• Site inspection • Chemical Application and Storage Report form from September-October 2022. • PIRMP	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 bunded concrete slab.	NC REC 5: Ensure all chemical containers (full or empty) are stored on or in bunds until they are taken off-site for disposal by a licenced waste company.
B45	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.	Noted.			Noted.	
WASTE MANAGEMENT						
Pests, Vermin and Noxious Weed Management						
B46	The Applicant must: (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and (b) 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. Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993	Compliant	• Evidence of pest/vermin inspections • Proof of purchase for pesticides, herbicides, or other pest/vermin management measures.	• Site inspection • Receipts for pesticides and herbicides (Collins Brothers 27/09/2022, 28/9/2022) • Internal Forms - Rodent Control (19/9/2022, 28/09/2022, 12/10/2022)	a) Evidence of vermin management, particularly use of pesticides in September and October 2022, around when operation at the site commenced. No vermin or other pests sighted during the site inspection. Bait stations sighted around each shed during site inspection. Weeds present surrounding the Farm 2 development included <i>Argemone ochroleuca</i> (Mexican poppy), <i>Lactuca serriola</i> (Prickly lettuce), <i>Erodium moschatum</i> (Musky Stork's bill), and <i>Hirschfeldia incana</i> (Shortpod mustard). Paddocks surrounding Farm 2 have maintained wheat crops and therefore are maintained for weeds and pests. b) Based on site discussion weekly site inspections are undertaken across the development area. These weekly inspections include safety and environmental management aspects.	
Composting of mortalities on-site						
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. Note: The general manure composting resource recovery exemption does not permit the inclusion of animal waste.	Compliant	• Any composted dead birds?	• Site inspection, including dead bird freezers.	No evidence of composted mortalities leaving the site within the IEA period. Mortalities were sighted in the two dead bird freezers.	
Waste Management						
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> .	Compliant		• Sage Environmental Services "NSW EPA Site Audit Report Rushes Creek Poultry Production Farm AL005" report, dated 9/03/2022.	Site Audit Report prepared by Sage Environmental Services auditor. Auditor was a NSW EPA Accredited Contaminated Site Auditor (1504). Auditor approved by NSW EPA Reference DOC21/716966. Additional letter on Advice on Conflict of Interest (Bartier Perry Lawyers, 11/10/2022) appended to Site Audit Report stating no conflict of interest between auditor and ProTen, including under the <i>Contaminated Land Management Act 1997</i> .	
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.	Non-Compliant	• Any remediation required prior to construction? • Remediation validation report and approval from DPE	• Sage Environmental Services, NSW EPA Site Audit Report Rushes Creek Poultry Production Farm AL005, dated 9/3/2022. • DPE Letter to Proten dated 17/3/2022, Site Audit Statement and Site Audit Report. • Sage Letter "Review of Site Remediation and Validation Report - Rushes Creek Poultry Production Farm, Rushes Creek Road, Rushes Creek, NSW 2346 (16/02/2022) (Doc Ref No: 610.30237.00000-R02-v2.0-20220216.docx", dated 17/02/2022 • SLR Site Remediation and Validation Report, Version 0.1 dated 20 October 2021, and Version 1.1 dated 8/12/2021. • Long Term Environmental Management Plan (LTEMP) 2021	Site Audit Report prepared by EPA-accredited Sage Environmental Services auditor. Additional letter on Advice on Conflict of Interest (Bartier Perry Lawyers, 11/10/2022) appended to Site Audit Report stating no conflict of interest between auditor and ProTen. Based on information provided, remediation works were completed on 29 October 2021. A site visit from the auditor with final inspections of the remedial works and final capping is recorded as being on 2/11/2021. Sage Report "NSW EPA Site Audit Report Rushes Creek Poultry Production Farm AL005" was dated 9/3/2022. Evidence of the NSW EPA Site Audit Report and Site Audit Statement being <u>lodged to the Major Projects Portal on 10 March 2022</u> . Therefore this is a <u>non-compliance</u> as the report was not submitted to DPE within one month of the completion of remediation works (29 October 2021).	
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: (a) the remedial works approved under this consent have been completed in accordance with the remediation objectives listed in the Remedial Action Plan; and (b) the site is suitable for its intended use. A copy of the final Site Audit Statement and Site Audit Report must be provided to the Planning Secretary and the EPA.	Compliant	• Remediation Site Auditor, Site Audit Statement, and Site Audit Report • Remedial Action Plan	• Sage Letter "Review of Site Remediation and Validation Report - Rushes Creek Poultry Production Farm, Rushes Creek Road, Rushes Creek, NSW 2346 (16/02/2022) (Doc Ref No: 610.30237.00000-R02-v2.0-20220216.docx", dated 17/02/2022 • DPE Letter to Proten dated 17/3/2022, Site Audit Statement and Site Audit Report. • Major Projects email receipt of Long Term Environmental Management Plan 20/4/2022.	DPE Letter (dated 17/3/2022) acknowledges the submission of the Site Audit Statement and Site Audit Report on 10 March 2022. This timing between completion of remedial works (29 October 2021) and the submission of the SAS and SAR (10/3/2022) is less than six months and is therefore compliant. Evidence of submission of Long Term Environmental Management Plan through Major Projects in April 2022. Evidence of SAS and SAR being sent to EPA as per the distribution lists of the documents. The Sage Letter Report (17/02/2022) confirms the remediation works were completed in accordance with the RAP (a) and the site is suitable for residential uses subject to the LTEMP (b).	
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: (a) address all environmental impacts of the development's construction and operational phases (b) recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s) (c) include a surveyed drawing prepared by a registered surveyor clearly identifying the location and depth of any remaining on-site contamination (d) incorporate a program for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant environmental standards (e) mechanisms to report results to the Planning Secretary and the EPA.	Compliant	• Long Term Environmental Management Plan	• LTEMP 2021 • Sage Environmental Services "NSW EPA Site Audit Report Rushes Creek Poultry Production Farm AL005" report, dated 9/03/2022. • Incident Report, Asbestos Unexpected Find, Proposed Poultry Production Farm, prepared by SLR 2021. • Automated email from Major Projects Portal on 20 April 2022 • Weekly site inspection forms from November 2021 to October 2022, including stormwater system checks and sediment controls or notes	Long Term Environmental Management Plan dated 9/12/2021. Email provided confirmed LTEMP submitted to the Major Projects Portal on 20 April 2022. This is not regarded as an Approval from DPE. Therefore, it is recommended ProTen request DPE review the LTEMP in order to gain approval. The Sage Letter Report (17/02/2022) confirms the remediation works were completed in accordance with the RAP (a) and the site is suitable for residential uses subject to the LTEMP (b). LTEMP does not contain a cross-reference table for Condition B52B subconditions. Preparation: a) Section 2. b) Section 3. c) Appendix C d) Section 7. e) Section 8.5 Implementation: The report 'Incident Report, Asbestos Unexpected Find, Proposed Poultry Production Farm, Rushes Creek Road, Rushes Creek, NSW' is evidence of an incident report being prepared by SLR and being provided to regulators. Based on evidence received, there were no other instances of hazardous materials being detected within the IEA period. Weekly inspections make note of the asbestos/remediation area and cap condition.	

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
B52C	Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must: (a) implement the approved LTEMP; (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.	Compliant		<ul style="list-style-type: none"> LTEMP 2021 Sage Environmental Services "NSW EPA Site Audit Report Rushes Creek Poultry Production Farm AL005" report, dated 9/03/2022. Incident Report, Asbestos Unexpected Find, Proposed Poultry Production Farm, prepared by SLR 2021. Automated email from Major Projects Portal on 20 April 2022 	a)-b) Based on evidence provided, LTEMP has been implemented since MOD 1 of SSD-7704 (June 2021). Evidence indicates that upon completion of the SAS and SAR, LTEMP document was finalised and submitted to the Major Projects portal for approval.	
VISUAL AMENITY						
Landscaping						
B53	The Applicant must: (a) establish a vegetation screen around the perimeter of each PPU a minimum width of 40 metres prior to the commencement of operation. (b) maintain the vegetation screens on the site for the life of the development.	Non-Compliant		<ul style="list-style-type: none"> Site inspection 	<p>a) Non-compliance: at the time of the site inspection, the vegetation screen was not fully established. The vegetation screen did not surround Farm 2 sheds completely (forming a perimeter of the PPU), with approximately half of the perimeter having vegetation planted at a width of 40 metres. This condition B53 requires the vegetation screen to be established prior to the commencement of operations (23 September 2022), therefore this is a non-compliance with the timing required. During the inspection (17 October 2022) it was sighted that some plants were placed in pots in the area in preparation of planting (with ground filled). Also observed was a landscaper (Easy Living Landscapes and Design) planting and watering the plants at the vegetation screen area.</p> <p>b) The auditors acknowledge the use of a landscaping contractor for planting during site inspection.</p>	<p>NC REC 6: At the end of plantings or six months from the end of planting, engage an ecologist 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.</p> <p>IMP REC 6: Include the vegetation screen in the weekly site inspection to routinely assess growth and condition of plants to ensure effective screen is established.</p>
Lighting						
B54	The Applicant must ensure the lighting associated with the development: (a) complies with the latest version of AS 4282-1997 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.	Compliant	<ul style="list-style-type: none"> Complaints register 	<ul style="list-style-type: none"> Site inspection Complaints Register Construction Environmental Management Plan, dated 3/8/2021 Operational Environmental Management Plan, dated 23/8/2022. 	Lighting appeared compliant during the site inspection. It should be noted that construction is permitted during the hours of 7am-6pm on weekdays and 8am-1pm on Saturdays, therefore, no outdoor lighting should be required for construction activities. No outdoor lighting/light towers were observed on site during the site inspection.	
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.	Compliant	<ul style="list-style-type: none"> Evidence of consultation with external stakeholder, including Registered Aboriginal Parties 	<ul style="list-style-type: none"> Rushes Creek Community Consultation Meeting 04/08/2022 CCP Approval Letter DPE 23/09/2022 Newspaper notice in local paper with address, telephone and email 01/09/2022 ProTen website Community Newsletters June 2022 and October 2021. 	Evidence of two community meetings, one prior to construction and one prior to operations. Complaints log is evidence of some communication with sensitive receivers from Appendix 2 resulting from noise complaints.	
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: (a) be approved by the Planning Secretary prior to the commencement of site preparation works; (b) be implemented for the life of the development, or as otherwise agreed by the Planning Secretary; (c) assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the development; (d) detail the mechanisms for regularly consulting with: (i) the local community; (ii) nearby sensitive receivers identified in Appendix 2; (iii) relevant regulatory authorities; (iv) Registered Aboriginal Parties; and (v) other interested stakeholders, throughout the development, such as holding regular meetings to inform the community of the progress of the development and report on environmental monitoring results; (e) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and (f) include a complaints procedure for recording, responding to and managing complaints, including: (i) email, toll-free telephone number and postal address for receiving complaints; (ii) advertising the contact details for complaints prior to and during operation, via the local newspaper and through on-site signage; (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 (iv) procedures to resolve any disputes that may arise during the course of the development.	Compliant	<ul style="list-style-type: none"> Community Consultation Plan 	<ul style="list-style-type: none"> Approval letter DPE 23/09/2022 of Community Consultation Plan Rushes Creek Community Consultation Meeting 04/08/2022 CCP Approval Letter DPE 23/09/2022 Newspaper notices in local papers with address, telephone and email 01/09/2022 ProTen website Community Newsletters June 2022 and October 2021. 	<p>Community Consultation Plan by EME Advisory, dated 15 July 2021. Approved by DPE in letter dated 23 September 2022.</p> <p>Preparation: a) No evidence of the CCP being submitted to DPE for approval prior to the commencement of site preparation works. This is an administrative non-compliance. c) Section 2.1-2.2 d) Section 4 e) Appendix A - C f) Section 5</p> <p>Implementation: Evidence of implementing CCP during life of development with two community meetings held, one prior to construction and one prior to operations. Evidence of stage-appropriate Communication tools from Section 4.2 being implemented. Evidence of Section 5 Complaints Management Strategy being followed in response to two noise complaints during the IEA period.</p>	
B57	The Applicant must: (a) not commence construction until the Community Consultation Plan is approved by the Planning Secretary; (b) implement the approved Community Consultation Plan for the duration of the development.	Compliant	<ul style="list-style-type: none"> Evidence of meetings with community stakeholders Evidence of displaying the complaint phone number, email, and postal address to the public 	<ul style="list-style-type: none"> DPE Approval Letter for CEMP including Community Consultation Plan dated 30/8/2021. Rushes Creek Community Consultation Meeting 04/08/2022 CCP Approval Letter DPE 23/09/2022 Newspaper notice in local paper with address, telephone and email 01/09/2022 	<p>a) Community Consultation and Complaints Handling Plan (Revision v2, dated 15 July 2021) within the Construction Environmental Management Plan approved by DPE on 30/8/2021. This was prior to construction commencing.</p> <p>b) Community Consultation and Complaints Handling Plan Revision for the OEMP. Evidence from the IEA period included implementation of Section 4.2 Communication Tools and Complaints Management Strategy.</p>	
PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING						
ENVIRONMENTAL MANAGEMENT						
Management Plan Requirements						
C1	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include: (a) detailed baseline data; (b) details of: (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions); (ii) any relevant limits or performance measures and criteria; and (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; (d) a program to monitor and report on the: (i) impacts and environmental performance of the development; and (ii) effectiveness of the management measures set out pursuant to paragraph (c) above; (e) 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; (f) a program to investigate and implement ways to improve the environmental performance of the development over time; (g) a protocol for managing and reporting any: (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); (ii) complaint; (iii) failure to comply with statutory requirements; and (h) a protocol for periodic review of the plan. Note: the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans	Compliant		<ul style="list-style-type: none"> All Management Plans. 	<p>All Management Plans approved by DPE. Several Management Plans have cross-referencing tables against condition requirements.</p> <p>It is noted that the Show Cause notice may require ProTen to update site management plans. We have not recommended any changes to management plans at this moment because the investigation is still ongoing.</p>	

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
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.	Compliant	• Construction Environmental Management Plan - implementation.	• 30/08/2021 Approval Letter DPE CEMP • Construction Environmental Management Plan – Stage One, prepared by EME Advisory, version 2, dated 3/08/21.	DPE Approval Letter dated 30 August 2021 approves the CEMP. CEMP includes subheadings consistent with condition C1.	
C3	As part of the CEMP required under condition C2 of this consent, the Applicant must include the following: (a) Erosion and Sediment Control Plan; (b) Construction Traffic Management Plan (see condition B10); and (c) Community Consultation and Complaints Handling.	Compliant		• 30/08/2021 Approval Letter DPE CEMP • Construction Environmental Management Plan – Stage One, prepared by EME Advisory, version 2, dated 3/08/21.	Preparation: a) Appendix B b) Appendix A c) Appendix C	
C4	The Applicant must: (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and (b) 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.	Non-Compliant	• Approval of CEMP	• 30/08/2021 Approval Letter DPE CEMP • Construction Environmental Management Plan – Stage One, prepared by EME Advisory, version 2, dated 3/08/21. • Site inspection and discussions	a) Compliant. DPE approved CEMP on 30 August 2021 and construction commenced on 30 September 2021. b) 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.	
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.	Compliant	• Operational Environmental Management Plan	• Approval Letter DPE 23/09/2022 OEMP	OEMP was prepared prior to the commencement of operations. OEMP was approved on the day operations commenced (first birds introduced to sheds at Farm 2).	
C6	As part of the OEMP required under condition C5 of this consent, the Applicant must include the following: (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; (b) describe the procedures that would be implemented to: (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development; (ii) receive, handle, respond to, and record complaints; (iii) resolve any disputes that may arise; (iv) respond to any non-compliance; (v) respond to emergencies; and (c) include the following environmental management plans: (i) Air Quality (see condition B4); (ii) Operational Driver Code of Conduct (see condition B14); (iii) Water (see condition B22) (iv) Emergency Disposal and Biosecurity Protocol (see condition B31); and (v) Aboriginal Cultural Heritage (see condition B33).	Compliant		• Approval Letter DPE 23/09/2022 OEMP • Operational Environmental Management Plan (OEMP) prepared by SLR, dated 23 September 2022. • Site inspection and discussions	Approval letter from DPE for OEMP dated 23/9/2022. Preparation: a) Section 3. b) i) Section 3.2.5. ii-iii) Section 6. iv-v) Section 7. c) i) Appendix C. ii) Appendix D. iii) Appendix D. iv) Appendix F. v) Appendix G.	
C7	The Applicant must: (a) not commence operation until the OEMP is approved by the Planning Secretary; and (b) 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).	Non-Compliant	• Letter from DPE approving the OEMP	• Show Cause Letter DPE 14/10/2022 • Approval Letter DPE 23/09/2022 OEMP • Site inspection and discussions • OEMP	a) Based on information summarised in the Show Cause letter, ProTen commenced operations (introducing chickens to sheds at Farm 2) in the morning of 23 September 2022. After correspondence between ProTen, ProTen representatives, and DPE, DPE granted approval of the OEMP on the afternoon of 23 September 2022. Therefore, the timing of this condition is non-compliant . b) Implementation: Non-compliance: OEMP Section 4.7 "Biodiversity" and Section 4.13 "Pests and Weeds" commits to a Wheel wash being present on site at an "ongoing" frequency. The auditors believe this timing includes from the commencement of operations. No wheel wash was present at the time of the site inspection. However, it is noted that the construction phase was yet not complete at Farm 2 and a wheel wash is included in the development plans. Non-compliance: The project has cleared outside the project approval boundary and approved OEMP boundary. Refer to findings under Condition A2.	NC REC 7: Ensure the wheel wash is installed as soon as reasonably practicable to meet the timing requirements of the OEMP.
REVISION OF STRATEGIES, PLANS AND PROGRAMS						
C8	Within three months of: (a) the submission of a Compliance Report under condition 0; (b) the submission of an incident report under condition C9; (c) the submission of an Independent Audit under condition 0; (d) the approval of any modification of the conditions of this consent; or (e) 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. 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. Note: 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.	Compliant		• All Environmental Management Plans, Strategies, or Procedural documents	Management Plans were generally compliant in regards to this condition and their preparation requirements. Compliant, however note under subclause b, the OEMP will likely need to be updated based on the outcome of the clearing/Borrow Pits issue. No action at this time because the outcome is still being determined by ProTen and DPE.	
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.	Non-Compliant	Incident or non-compliance reports sent to DPE.	• Incident reports and non-compliance notifications to DPE and EPA	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).	NC REC 8: Future non-compliances should be reported as per conditions C9 and C10.
Non-Compliance Notification						

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action									
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.	Non-Compliant	Incident reports and non-compliance notifications to DPE, EPA, and any other relevant authority	<ul style="list-style-type: none"> Letter from SLR to DPE dated 7/7/2022 titled "Non-Compliance Report" - notification to DPE regarding the northern Borrow Pit outside approved boundary and approved earthwork activities. 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. Letter from SLR to DPE dated 7/10/2022 re: Borrow Pit No.2 - Additional Information to Non-Compliance Report, with description of material excavated from south-western Borrow Pit. Letter from SLR to DPE dated 20/7/2022 re: Additional Information to Non-Compliance Report, with description of extracted material from northern Borrow Pit, or "Borrow Pit No.1". 	<p>ProTen had several non-compliances during this IEA period. Often, ProTen did not address these issues until the DPE and EPA site inspections held in 2022. DPE's Show Cause describe works undertaken which are outside of the development described in SSD 7704.</p> <p>The following are key notifications from ProTen upon the discovery of non-compliances with SSD-7704:</p> <p>"Non-Compliance Report" Letter from SLR to DPE dated 7/7/2022, with reference to Condition C10 of SSD-7704. The letter notifies DPE of the northern Borrow Pit (SSD-7704 does not contain the earthworks associated with northern Borrow Pit). The letter describes work associated with the northern Borrow Pit has ceased (7 July 2022).</p> <p>The auditors understand further consultation is required between ProTen, ProTen's compliance representatives, DPE, and any other relevant authorities to resolve the non-compliance around works occurring outside of the approved boundary and activities.</p> <p>Letter from SLR to DPE dated 7/10/2022 is regarding additional information requested from DPE regarding the brick dwelling constructed on-site near Farm 2 between January and August 2022. The letter has attached the plans for the brick house, as signed by the Principal Certifier.</p> <p>Letter from SLR to DPE dated 7/10/2022 is regarding additional information requested from DPE regarding the south/south-western Borrow Pit (Borrow Pit 2). Based on this evidence, the southern Borrow Pit commenced excavations November 2021 to retrieve material (topsoil, clay, and brown shale) and ceased October 2022. The letter reports 5,500 tonnes of clay and topsoil removed from the area (stockpiled on site), and 11,000 tonnes of brown shale (screened and used as aggregate for internal roads and sub-base layer for sheds).</p> <p>Letter from SLR to DPE dated 20/7/2022 with additional information requested by DPE in regard to non-compliance related to northern Borrow Pit. The letter summarises that 4,610 metres cubed of clay and topsoil as well as 9,190 metres cubed of brown and blue shale from the area was excavated January - June 2022.</p>	As per NC REC above.									
Compliance Reporting															
C11	Compliance Reports of the development must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020).	Not Triggered	Compliance Reports since commencement of construction	Compliance Reporting Post Approval Requirements (Department 2020).	<p>The 2020 Compliance Reporting guidelines state "At intervals, no greater than 52 weeks from the date of commencement of operation (annually) or if in care & maintenance, from the commencement date of care and maintenance (annually)."</p> <p>As operations commenced on 23 September 2022, Compliance Reporting is not yet triggered.</p>										
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.	Not Triggered			As above (refer to findings for C11). Compliance Reporting is not yet 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).	Non-Compliant		<ul style="list-style-type: none"> Site Inspection and site discussions 	<p>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. (See the Audit Frequency table from the 2020 IA Post Approvals Guideline below for reference).</p> <p>This is the initial IEA which covers construction as well as the first operational component. The site inspection component occurred on 17 October 2022.</p> <p>The NC recommendation associated with this condition is not related to this Initial Audit non-compliance because the timing of the requirement has passed. The NC recommendation is for ProTen to confirm the expected timing of the next Independent Environmental Audit with DPE to ensure compliance.</p> <p>Table 1 - Audit frequency</p> <table border="1"> <thead> <tr> <th>Phase</th> <th>Initial Independent Audit</th> <th>Ongoing Independent Audit Intervals</th> </tr> </thead> <tbody> <tr> <td>Construction</td> <td>Within 12 weeks of the commencement of construction</td> <td>At intervals, no greater than 26 weeks from the date of the initial Independent Audit or as otherwise agreed by the Secretary.</td> </tr> <tr> <td>Operation</td> <td>Within 26 weeks of the commencement of operation</td> <td>At intervals, no greater than 3 years or as otherwise agreed by the Secretary.</td> </tr> </tbody> </table>	Phase	Initial Independent Audit	Ongoing Independent Audit Intervals	Construction	Within 12 weeks of the commencement of construction	At intervals, no greater than 26 weeks from the date of the initial Independent Audit or as otherwise agreed by the Secretary.	Operation	Within 26 weeks of the commencement of operation	At intervals, no greater than 3 years or as otherwise agreed by the Secretary.	NC REC 9: ProTen should liaise with DPE to determine if further Construction audits or Initial Operational audits are required for future stages of the Rushes Creek development (Stage 2), or whether the development is correct to proceed with Ongoing Operation audits (every 3 years, until Closure/Rehabilitation Phase). If Rushes Creek proceeds with Ongoing Operation frequency, the next IEA will be October 2025.
Phase	Initial Independent Audit	Ongoing Independent Audit Intervals													
Construction	Within 12 weeks of the commencement of construction	At intervals, no greater than 26 weeks from the date of the initial Independent Audit or as otherwise agreed by the Secretary.													
Operation	Within 26 weeks of the commencement of operation	At intervals, no greater than 3 years or as otherwise agreed by the Secretary.													
C14	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must: (a) review and respond to each Independent Audit Report prepared under condition C13 of this consent; (b) submit the response to the Planning Secretary; and (c) 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.	Not Triggered			<p>This IEA inspection was undertaken on 17 October 2022.</p> <p>There have been no previous IEAs to assess this condition.</p>										
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. 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.	Compliant			Noted.										

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
C16	<p>At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:</p> <p>(a) make the following information and documents (as they are obtained or approved) publicly available on its website:</p> <p>(i) the documents referred to in condition A2 of this consent;</p> <p>(ii) all current statutory approvals for the development;</p> <p>(iii) all approved strategies, plans and programs required under the conditions of this consent;</p> <p>(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;</p> <p>(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;</p> <p>(vi) a summary of the current stage and progress of the development;</p> <p>(vii) contact details to enquire about the development or to make a complaint;</p> <p>(viii) a complaints register, updated monthly;</p> <p>(ix) the Compliance Report of the development;</p> <p>(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;</p> <p>(xi) any other matter required by the Planning Secretary; and</p> <p>(b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	Compliant		ProTen website	<p>a)</p> <p>(i) Site plan, CEMP, copy of EPL, MOD 1, SSD-7704-PA-18.</p> <p>(ii) SSD present.</p> <p>(iii) Compliant, documents were online when checked on 17 October 2022.</p> <p>(iv)-(v) Environmental management plans are published on the website, there are no commitments to publishing groundwater results or other environmental performance measures online.</p> <p>(vi) Yes, listed on OEMP Construction Activities</p> <p>(vii) Construction site contacts available.</p> <p>(viii) Complaints register complete to beginning of October 2022.</p> <p>(ix) Yes, Remediation Audit report for March 2022 available on website.</p> <p>(x) Yes, based on evidence provided.</p> <p>(xi) Based on evidence provided, compliant.</p> <p>b) Based on evidence provided, information on website is up to date with advise from DPE.</p>	IMP REC 7: Review the status of documents on the website on a monthly basis to ensure all required information is present.

Environment Protection Licence 21569

Anniversary: 11 August

Audit Period Audit Period: 14 April 2020 - 17 October 2022 (from granting of Development Consent to IEA site inspection)

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action																																																																																
1 Administrative Conditions																																																																																						
A1 - What the licence authorises and regulates																																																																																						
A1.1	This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2. There are four stages to the scheduled development works of which the following stages are authorised by this licence: Construction of Farm 2 and associated infrastructure.	Non-Compliant			Based on the evidence provided, generally the site has operated within project limits. The activities associated with Borrow Pit 1 and 2 are the exception of this. Borrow Pits 1 and 2 and associated earthworks are outside of the approved development layouts. Therefore, as a result this condition is non-compliant.																																																																																	
A1.2	This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition. <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Livestock intensive activities</td> <td>Bird accommodation</td> <td>> 1000 T accommodation capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Livestock intensive activities	Bird accommodation	> 1000 T accommodation capacity	Compliant		<ul style="list-style-type: none"> Site inspection and site communications Annual Return 2022 	Evidence of project being within these limits. One Annual Return was required and submitted by ProTen within the IEA period.																																																																											
Scheduled Activity	Fee Based Activity	Scale																																																																																				
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A2 - Premises or plant to which this licence applies																																																																																						
A2.1	The licence applies to the following premises Premises Details RUSHES CREEK RUSHES CREEK ROAD RUSHES CREEK NSW 2346 LOT 1 DP 44215, LOT 26 DP 752169, LOT 86 DP 752169, LOT 101 DP 752169, LOT 118 DP 752169, LOT 171 DP 752169, LOT 143 DP 752189, LOT 1 DP 1108119, LOT 1 DP 1132078, LOT 1 DP 1132298, LOT 62 DP 1276824	Compliant		<ul style="list-style-type: none"> Site inspection and site communications General evidence 	Based on evidence provided it is understood all activities of the project in the IEA period occurred within the premises. Activities not described in SSD and EPL (Borrow Pits) remain within these Lots.																																																																																	
A3 - Information supplied to the EPA																																																																																						
A3.1	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to: a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.	Noted.			Noted.																																																																																	
A4 - Other administrative conditions																																																																																						
A4.1	The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.	Noted.																																																																																				
PART 2 - Discharges to Air and Water and Applications to Land																																																																																						
P1 - Location of monitoring/discharge points and areas																																																																																						
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Compliant		<ul style="list-style-type: none"> Site inspection and site communications 	Site tunnel ventilation fans at site inspection for Sheds 1 - 16 (constructed sheds). Evidence received for certification of tunnel ventilation on finished sheds, however Sheds 12, 13, 14, 15, 16, 17, and 18 require final construction certifications to be completed once construction is finished. Compliant at this point in time.	
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Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action																				
P1.2	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point</p> <table border="1"> <thead> <tr> <th colspan="4">Water and land</th> </tr> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>Groundwater Monitoring</td> <td></td> <td>Piezometer REG001 as shown on Figure 5 Proposed Surface Water and Groundwater Monitoring Locations (SLR, 2022) and as submitted to the EPA on 05 August 2022 (refer CM9 DOC22739443).</td> </tr> <tr> <td>4</td> <td>Groundwater Monitoring</td> <td></td> <td>Piezometer REG002 as shown on Figure 5 Proposed Surface Water and Groundwater Monitoring Locations (SLR, 2022) and as submitted to the EPA on 05 August 2022 (refer CM9 DOC22739443).</td> </tr> <tr> <td>5</td> <td>Groundwater Monitoring</td> <td></td> <td>Piezometer REG003 as shown on Figure 5 Proposed Surface Water and Groundwater Monitoring Locations (SLR, 2022) and as submitted to the EPA on 05 August 2022 (refer CM9 DOC22739443).</td> </tr> </tbody> </table>	Water and land				EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	3	Groundwater Monitoring		Piezometer REG001 as shown on Figure 5 Proposed Surface Water and Groundwater Monitoring Locations (SLR, 2022) and as submitted to the EPA on 05 August 2022 (refer CM9 DOC22739443).	4	Groundwater Monitoring		Piezometer REG002 as shown on Figure 5 Proposed Surface Water and Groundwater Monitoring Locations (SLR, 2022) and as submitted to the EPA on 05 August 2022 (refer CM9 DOC22739443).	5	Groundwater Monitoring		Piezometer REG003 as shown on Figure 5 Proposed Surface Water and Groundwater Monitoring Locations (SLR, 2022) and as submitted to the EPA on 05 August 2022 (refer CM9 DOC22739443).	Compliant		<ul style="list-style-type: none"> Site inspection and site communications Email thread re: "Well survey" between SLR and ProTen, dated 11/7/22-5/9/22 Groundwater Sampling results, SLR, 1/8/22 	<p>Based on site discussions, these groundwater monitoring points are in place. Based on the Construction Environmental Management Plan (CEMP) and Operations Environmental Management Plan (OEMP), there was no groundwater monitoring triggered in the IEA period. Evidence to confirm all GW piezos established and SLR as the groundwater specialist being used.</p> <p>Table 4 of the SWMP refer to Condition P1.2. Table 18 and 19 of the SWMP requires aquifer and regolith monitoring "Six-monthly for the first 24 months of operation" and then annually if no adverse impacts are identified.</p>	
Water and land																										
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P1.3	<p>The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.</p> <table border="1"> <thead> <tr> <th colspan="3">Noise/Weather</th> </tr> <tr> <th>EPA Identification no.</th> <th>Type of monitoring point</th> <th>Location description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Meteorological Station</td> <td>Weather station located at GPS coordinates: -30.9139424 South, 151.5815648 East</td> </tr> </tbody> </table>	Noise/Weather			EPA Identification no.	Type of monitoring point	Location description	1	Meteorological Station	Weather station located at GPS coordinates: -30.9139424 South, 151.5815648 East	Compliant		<ul style="list-style-type: none"> Site inspection Letter to ProTen from MEA "Site Visit Report ProTen Rushes Creek Weather Station" dated 27/01/2021 regarding service of the met station. 	Evidence of meteorological monitoring station installed at required location near Farm 2 of Rushes Creek.												
Noise/Weather																										
EPA Identification no.	Type of monitoring point	Location description																								
1	Meteorological Station	Weather station located at GPS coordinates: -30.9139424 South, 151.5815648 East																								
PART 3 - Limit Conditions																										
L1 - Pollution of waters																										
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Compliant		<ul style="list-style-type: none"> Site inspection and site communications Water sampling Correspondence with DPE and EPA Annual Return 2022 	<p>Results of the Detention Pond discharge grab samples were received.</p> <p>Evidence of groundwater monitoring received show groundwater bores were dry.</p> <p>Note, IEMA called the site non-compliant in Condition A1 of the Project Approval. This condition referred to material harm, but the wording differed. The A1 condition related to 'implementing measures to prevent material harm'. This condition does not.</p>																					
L2 - Waste																										
L2.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	Compliant		<ul style="list-style-type: none"> Site inspection and site communications Water sampling Correspondence with DPE and EPA 	Designed, enclosed system for waste streams (site water, sewerage).																					
L2.2	This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.	Noted.			Noted.																					
L3 - Noise Limits																										
Operational Noise Limits																										
L3.1	Noise from the premises must not exceed: a) an LAeq (15 minute) noise emission criterion of 35 dB(A) during the day (7am to 6pm) Monday to Friday and 7am to 1pm Saturday; and, b) an LAeq (15 minute) noise emission criterion of 35 dB(A) during the evening (6pm to 10pm) Monday to Friday; and, c) at all other times, an LAeq (15 minute) noise emission criterion of 35 dB(A), except as expressly provided by a condition of this licence.	Not Triggered	Operational Noise monitoring	<ul style="list-style-type: none"> SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022 Full Complaints log Stage 1 Construction Environmental Management Plan, dated 3/8/2021 Toolbox talks from construction (Stage 1) 	<p>In the IEA period, one noise monitoring event has occurred. This was noise validation monitoring required under Condition B28B of SSD-7704. This monitoring satisfied requirements to monitor upon commencement of operations.</p> <p>Based on frequencies outlined in the Management Plans, EPL, and SSD-7704 requirements no other noise monitoring has been triggered.</p>																					
L3.2	The noise limits set out in condition L3.1 apply under all meteorological conditions, including inversion meteorological conditions determined at the meteorological station.	Compliant		<ul style="list-style-type: none"> SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022 	Noise monitoring presented in the Noise Validation Monitoring Summary Noise Report references meteorological conditions recorded from site met station.																					
L3.3	For the purposes of condition L3.2: a) Data recorded by the meteorological station identified as EPA Identification Point 1 must be used to determine meteorological conditions; and b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Fact Sheet D - Accounting for Noise-Enhancing Weather Conditions in the NSW Noise Policy for Industry.	Compliant		<ul style="list-style-type: none"> SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022 	Noise Validation Report undertaken by noise monitoring consultants and observed conditions.																					
L3.4	To determine compliance with the noise limits in condition L3.1, the noise measurement equipment must be located: a) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or b) within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or c) within approximately 50 metres of the boundary of a National Park or Nature Reserve; or d) at the most affected point at a location where there is no dwelling at the location; or e) at the most affected point within an area at a location prescribed by conditions L3.4a.	Compliant		<ul style="list-style-type: none"> SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022 	Noise Validation Report undertaken by noise monitoring consultants and observed conditions.																					
L3.5	A non-compliance of condition L3.1 will still occur where noise generated from the premises exceeds the appropriate limit as measured: • at a location other than an area prescribed by condition L3.4(a), L3.4(b) and L3.4(c); and/or • at a point other than the most affected point at a location.	Not Triggered		<ul style="list-style-type: none"> SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022 	Based on noise monitoring results for the Noise Validation Report, there were no non-compliant results.																					
L3.6	For the purposes of determining the noise generated at the premises, the modification factors in Fact Sheet C - Corrections for Annoying Noise Characteristics of the NSW Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.	Not Triggered		<ul style="list-style-type: none"> SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022 	Noted. Noise monitoring undertaken by noise specialist consultants.																					
Construction Noise Limits																										
L3.7	The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented.	Non-Compliant		<ul style="list-style-type: none"> Full Complaints log Stage 1 Construction Environmental Management Plan, dated 3/8/2021 Toolbox talks from construction (Stage 1) 	<p>The auditors understand no construction noise monitoring was undertaken in the IEA period. Therefore, construction noise cannot be verified as under 40 dB.</p> <p>No evidence provided indicated there were noise issues associated with construction activities in the IEA period.</p>																					
Concurrent Construction and Operation Noise Limits - Stage 1 (Farm 2)																										
L3.8	The licensee 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.	Non-Compliant		<ul style="list-style-type: none"> Full Complaints log Stage 1 Construction Environmental Management Plan, dated 3/8/2021 Operational Environmental Management Plan, dated 23/8/2022 Toolbox talks from September and October 2022 sighted during site inspection - record of noise mitigation by staging noisy equipment SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022 	<p>There is no evidence of construction noise monitoring during the construction stage of the IEA period. Therefore, construction noise cannot be verified as under 40 dB as outlined in the CEMP. This is a non-compliance because construction noise levels could not be verified for this IEA.</p> <p>Refer to Condition B27 in SSD findings.</p>																					
L4 - Hours of Operation																										
L4.1	Standard construction hours Unless otherwise specified by any other condition of this licence, all construction activities are: a) restricted to between the hours of 7:00am and 6:00pm Monday to Friday; b) restricted to between the hours of 8:00am and 1:00pm Saturday; and c) not to be undertaken on Sundays or Public Holidays.	Compliant		<ul style="list-style-type: none"> Full Complaints log Stage 1 Construction Environmental Management Plan, dated 3/8/2021 Operational Environmental Management Plan, dated 23/8/2022 Rushes Creek sign in/out log spreadsheet Nov-Dec 2021, Mar-May 2022. 	<p>The CEMP outlines construction hours as per those in Table of SSD-7704. Evidence provided for the audit to confirm construction remained within these construction hours was received. Sign in and sign out times generally indicate timing consistent with approved construction hours.</p> <p>It should be noted that the NSW Government's Environmental Planning and Assessment (COVID-19 Development-Construction Work Days) Order 2020 extended construction hours beginning 31 March 2020. This Work Order ended on 31 March 2022.</p>																					
L4.2	This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible or within a reasonable period in the case of emergency.	Compliant		<ul style="list-style-type: none"> Site inspection and discussions Full Complaints log Stage 1 Construction Environmental Management Plan, dated 3/8/2021 	<p>Based on evidence received, no out-of-hours works were undertaken in the IEA period.</p> <p>However, it should be noted that the NSW Government's Environmental Planning and Assessment (COVID-19 Development-Construction Work Days) Order 2020 extended construction hours beginning 31 March 2020. This Work Order ended on 31 March 2022.</p>																					

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
L4.3	The hours of construction specified in condition L4.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.	Not Triggered		• Site inspection and site discussions	Based on evidence received, not triggered.	
L4.4	Activities at the premises, other than construction work, may be carried on 24 hours a day, 7 days a week	Noted.			This applies to operational activities.	
L5 - Potentially offensive odour						
L5.1	No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997. Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour	Compliant		• Site discussions and observations • Complaints log	Under the POEO Act, offensive odour is defined as: "(a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances— (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or (b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations." Based on evidence provided, site is compliant. Vents and fans on sheds during the site inspection. SCR systems on diesel generators observed near workshop/amenities shed. No odour complaints logged in the complaints register.	
L6 - Other Limit Conditions						
L6.1	The total number of poultry meat birds accommodated on the premises must not exceed 3,051,000 birds at any one time.	Compliant			Farm 2 is at the preliminary stage of operations. Only Sheds 1 - 8 are occupied with birds. Based on evidence provided, the approx bird population at the time of the site inspection equalled 392,382.	
L6.2	The maximum bird density within a shed, expressed as live bird weight, must not exceed 34 kilograms per square meter at any time.	Compliant		• Site inspection and site discussions • Supplied Weekly Report 23-27 September stock rates (Baiaida stock)	Based on stock number and average weight at Day 14 (10 October 2022) and approximate area of shed, this is compliant.	
L6.3	The maximum number of sheds to be populated per day is a maximum of 12 sheds.	Compliant			Farm 2 Sheds 1 - 8 were occupied from 23 September 2022 to 17 October 2022 (last day of IEA period). This is compliant.	
PART 4 - Operating Conditions						
O1 - Activities must be carried out in a competent manner						
O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity	Compliant		• Servicing and waste collection records • Site inspection	a) Evidence of processing, handling, movement of materials associated with the approved activities. b) Evidence of general competency for activities related to waste.	
O2 - Maintenance of plant and equipment						
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Compliant		• Two Equipment Service Reports by Generator Power dated 27/9/2022 (Generator #1 and #2) • Invoices from North West Onsite Repairs dated August 2022 and October 2022 for equipment services. • Service records for SCR Systems	Sighted approved two dead bird freezers, bedding material storage shed, and 18 sheds (at various stages of construction). a) Evidence of recent servicing of generators. b) Site inductions provided. All plant and equipment operated in a proper and efficient manner during site inspection, and evidence provided during IEA suggests compliance.	
O3 - Dust						
O3.1	The premises must be maintained in a manner that prevents and/or minimises the emission of air pollutants including dust from the premises.	Compliant		• Complaints log • Site inspection • BMR Quarries Plant Hire Dockets for water truck dated 5/1/2022 - 25/8/2022.	Based on evidence provided, ProTen has undertaken dust minimisation practices throughout the IEA period. At the time of the site inspection, there was some dust caused by traffic however was low. Evidence suggests water trucks are used on site to minimise dust. Trucks observed entering and leaving sites had loads covered.	
O3.2	All activities carried out in and on the premises must be undertaken in a manner that prevent and/or minimises the emission of air pollutants, including dust, from the premises.	Compliant		• Complaints log • Site inspection and site discussions • BMR Quarries Plant Hire Dockets for water truck dated 5/1/2022 - 25/8/2022. • Copies of Site inductions	As above, evidence provided for this IEA indicated the site has been implementing dust mitigation measures during construction and operational phases of the development. Inductions suggest personnel are trained to identify dusty conditions and respond appropriately.	
O4 - Other Operating conditions						
Shed Design						
O4.1	Each shed must have fully sealed concrete flooring with 300mm (minimum) high dwarf concrete bund wall.	Non-Compliant		• Site inspection • LRCE Plans, CSO Engineers Construction plans, IJC Factory Sign off Drawings dated 8/10/2021, Intrax Plans, C-Lines Construction plans - Broiler sheds dated 20/10/2021.	Plans collated for submission to Hunter Building Certifications Principal Certifier do not outline 300 mm concrete flooring. Based on the correspondence between ProTen and authorities, this condition has been flagged as an issue. This condition was part of the Show Cause issued by DPE on 14 October 2022 (Matter 2). Because the sheds were not constructed strictly as per this condition, the auditors consider this a <u>non-compliance</u> with this condition. It should be noted ProTen have provided evidence of the actual constructed sheds having fully-sealed, concrete floors.	No further NC REC is proposed.
O4.2	The premises 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 include, but not limited to: • stacks vertically exhaust emissions from the tunnel ventilation fans at height; and • odour abatement measures such as scrubbers	Compliant		• Site inspection • LRCE Plans • eci As Built Compliance certificate EN IEC 60204-1:2006 for DeNox MIDI Control System dated 13/09/2022. • eci SCR Systems maintenance logs and ITPs for SCR units 1 and 2 dated 13/09/2022. • DeNox Mini 17.2 SCR Operation and Maintenance Manual, dated 24/6/2022. • Emission Test Results, eci - Unit SCR 1 dated 8/9/2022; Unit HJS SCR dated 20/1/2022.	Ventilation sighted on sheds during the site inspection. SCR systems on diesel generators observed near workshop/amenities shed.	
O4.3	Stormwater/sediment control – Construction Phase The licensee shall prepare and implement a Soil and Water Management Plan (SWMP) for the premises. The plan must describe measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP shall be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (Landcom, 2004) (available from the Department of Housing).	Non-Compliant		• CEMP • Site inspection • EPA Letter dated 6 July 2022 to ProTen following site inspection on 27 May 2022.	CEMP contains Erosion and Sediment controls throughout the document, and Appendix B contains Soil and Erosion Control Plans for Proposed Water and Electricity Supply plans by LRCE. Appendix B contains "Erosion Management Notes" which outline soil erosion, sediment and discharge controls. Based on the EPA's letter to ProTen following the EPA Rushes Creek inspection, EPA inspectors observed "an unlined concrete washout area where concrete had been washed out directly to land". This is not consistent with the control measures outlined in the SWMP. Furthermore, EPA noted the absence of sediment and erosion controls in the Borrow Pit areas and lay down area. Therefore, this is considered a <u>non-compliance for the implementation of the SWMP</u> .	No further NC REC is proposed.
O4.4	Stormwater/sediment control - Operation Phase A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent the guidance contained in the Managing Urban Stormwater: Council Handbook (available from the EPA)	Compliant		• OEMP • Site inspection	Stormwater Management System contained in OEMP, Section 5.3 "Engineered Surface Water Management System". Section 2.1 of SWMP reference relevant guidelines and documents including LRCE Plans for stormwater design.	
O4.5	Vegetated swales and other stormwater conveyances within the controlled drainage areas must be underlain by a compacted clay layer of at least 300mm thickness and with a permeability of less than 1x10 ⁻⁹ m/s, or other material providing an equivalent barrier to percolation.	Compliant		• Table 10 of SWMP • Staged Construction Report dated 21/9/2022	Specification outlined in OEMP - Soil and Water Management Plan. Staged Construction Report dated 21/9/2022 by ProTen reported the need to alter the stormwater system design temporarily in Stage 1B to confirm the clay lining of the retention pond. The Report by Dern Pease (ProTen National Construction Manager) presents the methodology confirming these design requirements as of September 2022. At the time of the site inspection, swales had a low amount of grass cover, however it should be noted the site is still within the construction stage.	
O4.6	Prior to operations commencing at each sub-stage, the licensee must submit to the EPA records that demonstrate that vegetated swales and other stormwater conveyances within the controlled drainage areas have been constructed in accordance with Condition O4.5.	Compliant		• Annual Return • Correspondence with EPA dated 20/10/2022	Based on evidence required, CEMP and OEMP submitted to EPA as well as DPE. Evidence of permeability testing being submitted to EPA on 21 September 2022. Further testing on the remaining swales is required to be submitted to EPA once completed (this occurred outside of this IEA period and was delayed due to wet weather).	
O4.7	A vegetation screen shall be planted around the perimeter of each Poultry Production Unit as follows: a) minimum total width of 40 metres; b) contain consistent, yet random plantings of a variety of tree and shrub species of differing growth habits, at a spacing of 4 metres to 7 metres; c) include species with long, thick and rough foliage; d) achieve a porosity of 0.5 (50% of the screen will be air space); e) include species that are hardy and fast growing; f) foliage from base to crown (ie lower and upper storey vegetation).	Non-Compliant		• Site inspection • OEMP, including Table 4-1 of AQMP	There is limited documented parameters such as those in this condition in site documents received. The AQMP in the OEMP speaks to sub-conditions a, b, d and f (Table 4-1 of AQMP). However, requirements from sub-conditions c and e are not explicitly stated in the AQMP nor the rest of the OEMP. Vegetation screen not yet planted out at the time of the site inspection. Auditor sighted landscape contractor planting out the vegetation screen on the eastern side of the sheds (eastern edge of the PPU). Those planted were slightly more mature than tubestock and did not cover the parameter of Farm 2 sheds at 40 metres in width completely. At the time of the site inspection, site discussed finishing planting out the vegetation screen area in the second half of October.	Refer to NC REC 6.

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action																		
O4.8	Contaminated Sites The proponent shall implement remedial works provided in a Remedial Action Plan on Lot 165 DP752169 at the premises.	Compliant		<ul style="list-style-type: none"> DPE Letter to Proten dated 17/3/2022, Site Audit Statement and Site Audit Report. SLR Remedial Action Plan, v2.1, April 2021 Sage Environmental Services "NSW EPA Site Audit Report Ruses Creek Poultry Production Farm AL005" report, dated 9/03/2022. Long Term Environmental Management Plan, dated 9/12/2021 	Based on evidence provided, SLR prepared the Remedial Action Plan in 2021. A Site Audit Report was prepared by Sage Environmental Services auditor. The Auditor was a NSW EPA Accredited Contaminated Site Auditor (1504). The Auditor was approved by NSW EPA Reference DOC21/716966.																			
O4.9	The proponent shall submit a site validation report to the Environment Protection Authority and Tamworth Regional Council within 30 days of completing remedial works.	Compliant		<ul style="list-style-type: none"> Sage Environmental Services, NSW EPA Site Audit Report Ruses Creek Poultry Production Farm AL005, dated 9/3/2022. DPE Letter to Proten dated 17/3/2022, Site Audit Statement and Site Audit Report. Sage Letter "Review of Site Remediation and Validation Report - Ruses Creek Poultry Production Farm, Ruses Creek Road, Ruses Creek, NSW 2346 (16/02/2022)", dated 17/02/2022 SLR Site Remediation and Validation Report, Version 0.1 dated 20 October 2021, and Version 1.1 dated 8/12/2021. 	Based on information provided, remediation works were completed on 29 October 2021. Report "NSW EPA Site Audit Report Ruses Creek Poultry Production Farm AL005" was dated 9/3/2022.																			
O4.10	All reports relating to contaminated land matters must be prepared, or review and approved, by a 'certified consultant'. "Certified consultant" is defined as 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. The quality information section of a report submitted, is to include the details of the consultant's certification, which should include a personalised electronic seal for either the CEnvP(SC) scheme or CPSS CSAM scheme.	Compliant		<ul style="list-style-type: none"> SLR Site Remediation and Validation Report, Version 0.1 dated 20 October 2021, and Version 1.1 dated 8/12/2021. 	The reports received related to the site's Detailed Site Investigation contamination findings were completed by Sage Environmental Services auditor, a NSW EPA Accredited Contaminated Site Auditor (1504). The Auditor was approved by NSW EPA Reference DOC21/716966.																			
Concurrent Construction and Operation - Stage 1 (Farm 2)																								
O4.11	Concurrent construction and operation of Stage 1 (Farm 2) of the development must not exceed a maximum period of 10 months, and must be carried out in accordance with the timetable detailed below. <table border="1" data-bbox="222 703 736 829"> <thead> <tr> <th>Sub-Stage</th> <th>Construction Activities</th> <th>Operational Activities</th> </tr> </thead> <tbody> <tr> <td>1A</td> <td>Earthworks, northern site access road and internal roads</td> <td>None</td> </tr> <tr> <td>1B</td> <td>Sheds 1-4 and ancillary infrastructure</td> <td>None</td> </tr> <tr> <td>1C</td> <td>Sheds 9-12</td> <td>Sheds 1-8</td> </tr> <tr> <td>1D</td> <td>Sheds 13-16</td> <td>Sheds 1-12</td> </tr> <tr> <td>1E</td> <td>Sheds 17-18</td> <td>Sheds 1-16</td> </tr> </tbody> </table>	Sub-Stage	Construction Activities	Operational Activities	1A	Earthworks, northern site access road and internal roads	None	1B	Sheds 1-4 and ancillary infrastructure	None	1C	Sheds 9-12	Sheds 1-8	1D	Sheds 13-16	Sheds 1-12	1E	Sheds 17-18	Sheds 1-16	Compliant	<ul style="list-style-type: none"> Proof of construction staging Building certificates 	<ul style="list-style-type: none"> Letter from DPE dated 23/9/2022 regarding acknowledgement of Sub-Stage 1C Progress Report Progress Report SSD 7704 Sub-Stage 1C from SLR on behalf of ProTen dated 26/8/2022. Hunter Buildings Certifications report, dated 7/12/2021. Gary Poole, Principal Certifier, certification of Farm 2 amenities, Sheds 1-18, and associated infrastructure. 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) 	Based on the letters provided and discussions with site, the site is compliant. Because sheds 1-8 became operational on 23 September 2022, ProTen have until 23 July 2023 to finish construction of remaining sheds at Farm 2. It is noted approx. seven months of concurrent construction and operations remain according to this condition. Therefore, it is recommended (see right) that ProTen note this and consult with authorities if it is expected the project won't meet the deadlines outlined in this condition.	
Sub-Stage	Construction Activities	Operational Activities																						
1A	Earthworks, northern site access road and internal roads	None																						
1B	Sheds 1-4 and ancillary infrastructure	None																						
1C	Sheds 9-12	Sheds 1-8																						
1D	Sheds 13-16	Sheds 1-12																						
1E	Sheds 17-18	Sheds 1-16																						
O4.12	The use of emergency backup diesel generators as the primary operational power supply for Stage 1 (Farm 2) must not exceed a period of 12 months.	Compliant		<ul style="list-style-type: none"> Site visit and site discussions Progress Report SSD 7704 Sub-Stage 1C from SLR on behalf of ProTen dated 26/8/2022. 	Sub-Stage 1C commenced on 23 September 2022 (commencement of the use of back-up diesel generators), therefore ProTen has not approached this time requirement yet.																			
O4.13	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 shall operate at any one time during the 12 month period.	Compliant	<ul style="list-style-type: none"> defined date of operations (check EIS/MPs). Noting construction if different to operations. Records of diesel generator use - including hours. Note part c if more than 200 hours. No. of generators. Generator logs. 	<ul style="list-style-type: none"> Site visit and site discussions Progress Report SSD 7704 Sub-Stage 1C from SLR on behalf of ProTen dated 26/8/2022. MOD Reports 	Site inspection sighted 2 back-up generators at Farm 2, between sheds, and primary generators contained at the site workshop. One 45 kVA for pumping from Namoi River - no SCR system is installed on this generator (as per eci SCR System Punchlist dated 13/9/22). Knox scrubbers/SCR Systems installed on the generators at the site workshop.																			
O4.14	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.	Compliant		<ul style="list-style-type: none"> Emission Test Results, eci - Unit SCR 1 dated 8/9/2022; Unit HJS SCR dated 20/1/2022. Generator Check form for Gen 1, 2, and 5 dated 30/9/22 - 30/11/22. "Generator management Ruses Creek 2022" spreadsheet with records of run-time (hrs) and servicing dates, records starting 6/9/2022. 	Evidence of generator run-time being recorded from 6/9/2022. This is consistent with the beginning of using the back-up generator. Documents record service history.																			
Maintain an Odour Complaint Logbook																								
O4.15	In the event of an odour complaint, the licensee must conduct an immediate investigation of the odour sources, take appropriate action to eliminate any identified excessive odour, and document the outcomes and the actions taken.	Not Triggered		<ul style="list-style-type: none"> Site visit and discussions Complaints log 	Based on evidence provided, it is understood the site received no odour complaints in this IEA period.																			
O4.16	If the EPA receives odour complaints the EPA may require: a) a sensitivity analysis report to be undertaken; and/or b) additional odour mitigation works such as outlined in Condition O4.2.	Not Triggered		<ul style="list-style-type: none"> Site visit and discussions Complaints log 	Based on site discussions, EPA consultation, and evidence provided, this condition has not been triggered.																			
PART 5 - Monitoring and Recording Conditions																								
M1 - Monitoring records																								
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Compliant		<ul style="list-style-type: none"> Site visit and discussions Met station servicing records - email chain from GreenBrain June to October 2022 and email from MEA January 2021. 	Generally monitoring data (e.g. meteorological results, October 2022 surface water discharge) was provided for the IEA. Evidence of servicing and maintenance of the met station near Farm 2 was provided.																			
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Compliant		<ul style="list-style-type: none"> Site visit and discussions Email and Letter correspondence with EPA 	a) Auditors found all records provided for this IEA were organised and in a legible form. Of the records provided for this IEA, records were legible. b) ProTen retain records on file for at least 4 years, and c) Based on site discussions it is understood ProTen provided records to EPA when requested. The monitoring data requested for meteorology and water could not be provided for this IEA.																			
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Compliant		<ul style="list-style-type: none"> Site visit and discussions 	Generally monitoring data was provided for this IEA with these details.																			
M2 - Requirement to monitor concentration of pollutants discharged																								
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Not Triggered	Groundwater monitoring	<ul style="list-style-type: none"> Site inspection and site discussions Soil and Water Management Plan 	The groundwater monitoring has not yet been triggered. The frequency outlined in the Soil and Water Management Plan requires groundwater monitoring to occur every 6 months during operation. Because the site commenced operation only a few weeks before the end of the IEA period it is not considered the site was obligated to do the initial groundwater monitoring within the IEA period. Based on site discussions, groundwater monitoring had been planned to be undertaken in 2022.																			

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action																																																																												
M2.2	<p>Water and/ or Land Monitoring Requirements</p> <p>POINT 3.4.5</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr><td>Ammonia</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Bicarbonate</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Calcium</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Carbonate</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Chloride</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Conductivity</td><td>microsiemens per centimetre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Magnesium</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Nitrogen (nitrate)</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Nitrogen (nitrite)</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Nitrogen (total)</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>pH</td><td>pH</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Phosphorus</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Potassium</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Sodium</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Standing Water Level</td><td>metres (Australian Height Datum)</td><td>Every 3 months</td><td>In situ</td></tr> <tr><td>Sulfide (total)</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Total dissolved solids</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> <tr><td>Total organic carbon</td><td>milligrams per litre</td><td>Every 3 months</td><td>Representative sample</td></tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Ammonia	milligrams per litre	Every 3 months	Representative sample	Bicarbonate	milligrams per litre	Every 3 months	Representative sample	Calcium	milligrams per litre	Every 3 months	Representative sample	Carbonate	milligrams per litre	Every 3 months	Representative sample	Chloride	milligrams per litre	Every 3 months	Representative sample	Conductivity	microsiemens per centimetre	Every 3 months	Representative sample	Magnesium	milligrams per litre	Every 3 months	Representative sample	Nitrogen (nitrate)	milligrams per litre	Every 3 months	Representative sample	Nitrogen (nitrite)	milligrams per litre	Every 3 months	Representative sample	Nitrogen (total)	milligrams per litre	Every 3 months	Representative sample	pH	pH	Every 3 months	Representative sample	Phosphorus	milligrams per litre	Every 3 months	Representative sample	Potassium	milligrams per litre	Every 3 months	Representative sample	Sodium	milligrams per litre	Every 3 months	Representative sample	Standing Water Level	metres (Australian Height Datum)	Every 3 months	In situ	Sulfide (total)	milligrams per litre	Every 3 months	Representative sample	Total dissolved solids	milligrams per litre	Every 3 months	Representative sample	Total organic carbon	milligrams per litre	Every 3 months	Representative sample	Not Triggerred	Groundwater monitoring	<ul style="list-style-type: none"> Site inspection and site discussions Soil and Water Management Plan Annual Return 2022 	The frequency outlined in the Soil and Water Management Plan requires groundwater monitoring to occur every 6 months during operation. Groundwater monitoring was undertaken and reported in the Initial Annual Return.	
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M3.1	<p>M3 - Testing methods - concentration limits</p> <p>Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.</p>	Compliant		<ul style="list-style-type: none"> Site visit and discussions 	<p>Based on site discussions there was a discharge from the detention dam at Farm 2. It is understood grab samples were taken prior to discharge as well as downstream while the discharge was occurring. The results were provided.</p> <p>There are no surface water criteria outlined for surface water for Rushes Creek, so these results have not been compared to any limits.</p>																																																																													
M4.1	<p>M4 - Weather monitoring</p> <p>At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Sampling method</th> <th>Units of measure</th> <th>Averaging period</th> <th>Frequency</th> </tr> </thead> <tbody> <tr><td>Rainfall</td><td>AM-4</td><td>millimetres per hour</td><td>1 hour</td><td>Continuous</td></tr> <tr><td>Sigma Theta</td><td>AM-2 & AM-4</td><td>Degrees</td><td>10 minutes</td><td>Continuous</td></tr> <tr><td>Siting</td><td>AM-1</td><td>-</td><td>-</td><td>-</td></tr> <tr><td>Temperature at 2 metres</td><td>AM-4</td><td>degrees Celsius</td><td>10 minutes</td><td>Bi-Monthly</td></tr> <tr><td>Temperature at 10 metres</td><td>AM-4</td><td>degrees Celsius</td><td>10 minutes</td><td>Continuous</td></tr> <tr><td>Total Solar Radiation</td><td>AM-4</td><td>Watts per square metre</td><td>10 minutes</td><td>Continuous</td></tr> <tr><td>Wind Direction at 10 metres</td><td>AM-2 & AM-4</td><td>Degrees</td><td>10 minutes</td><td>Continuous</td></tr> <tr><td>Wind Speed at 10 metres</td><td>AM-2 & AM-4</td><td>metres per second</td><td>10 minutes</td><td>Continuous</td></tr> </tbody> </table>	Parameter	Sampling method	Units of measure	Averaging period	Frequency	Rainfall	AM-4	millimetres per hour	1 hour	Continuous	Sigma Theta	AM-2 & AM-4	Degrees	10 minutes	Continuous	Siting	AM-1	-	-	-	Temperature at 2 metres	AM-4	degrees Celsius	10 minutes	Bi-Monthly	Temperature at 10 metres	AM-4	degrees Celsius	10 minutes	Continuous	Total Solar Radiation	AM-4	Watts per square metre	10 minutes	Continuous	Wind Direction at 10 metres	AM-2 & AM-4	Degrees	10 minutes	Continuous	Wind Speed at 10 metres	AM-2 & AM-4	metres per second	10 minutes	Continuous	Compliant		<ul style="list-style-type: none"> Site visit and discussions Met monitoring records and results 	Based on site discussions and evidence received, this is compliant. meteorological monitoring records show results for all parameters listed at the required frequency in appropriate units/sampling method.																																
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M4.2	Alternate sampling methods specified in condition M4.1 may be used provided the alternate method is approved in writing by the EPA.	Not Triggerred			Meteorological station installed at site and collecting data as per Condition M4.1.																																																																													
M4.3	The weather monitoring instrumentation installed and operated at the site must have a stall speed, or lower limit of measure, for measuring wind speed less than 0.2 metres per second.	Compliant		<ul style="list-style-type: none"> Real time and daily summaries of site meteorological results, spreadsheets dated August 2021 - June 2022. 	Meteorological data provided show compliance. Wind speeds less than 0.2m/s are recorded in real-time/continuous data.																																																																													
M5.1	<p>M5 - Recording of pollution complaints</p> <p>The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.</p>	Compliant		<ul style="list-style-type: none"> Site visit and discussions Complaints log 	Based on evidence provided, this is compliant.																																																																													
M5.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Compliant		<ul style="list-style-type: none"> Site visit and discussions Complaints log 	Complaints log provided for this IEA contained these details (subconditions a-f).																																																																													
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant		<ul style="list-style-type: none"> Site visit and discussions Complaints log 	Based on evidence provided, this is compliant.																																																																													
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Compliant		<ul style="list-style-type: none"> Site visit and discussions 	Based on evidence provided, this is compliant.																																																																													
M6.1	<p>M6 - Telephone complaints line</p> <p>The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.</p>	Compliant		<ul style="list-style-type: none"> Site visit and discussions ProTen website Newspaper entries 	Based on evidence provided as well as the ProTen website and site inspection, the complaints line is operational and freely available to stakeholders and the general public.																																																																													
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint	Compliant			Based on newspaper notices, community meeting minutes, and the ProTen website, the site has communicated the complaints line in a satisfactory manner.																																																																													
M6.3	The preceding two conditions do not apply until one month from the date of the issue of this licence.	Compliant			Based on the date of the newspaper entries and the ProTen website, the timing of making this complaints line available is compliant																																																																													
M7.1	<p>M7 - Other monitoring and recording conditions</p> <p>Odour Monitoring Program</p> <p>The licensee must develop and implement an odour monitoring program, prepared by a suitably qualified and experienced person, that applied field based ambient odour assessment survey methods and is consistent with the following standards: a) Verein Deutscher Ingenieure (VDI)-Richtlinien (2006a). Measurement of odour impact by field inspection - Measurement of the impact frequency of recognizable odours; Grid measurement, VDI 3940 Part 1, Kommission Reinhaltung der Luft im VDI und DIN, Dusseldorf. b) Verein Deutscher Ingenieure (VDI)-Richtlinien (2006c). Measurement of odour impact by field inspection - Measurement of the impact frequency of recognizable odours; Plume measurement, VDI 3940 Part 2, Kommission Reinhaltung der Luft im VDI und DIN, Dusseldorf. c) Verein Deutscher Ingenieure (VDI)-Richtlinien (2010). Measurement of odour impact by field inspection - Determination of odour intensity and hedonic odour tone; VDI 3940 Part 3, Kommission Reinhaltung der Luft im VDI und DIN, Dusseldorf</p>	Compliant		<ul style="list-style-type: none"> Site visit and discussions SSD-7704 and associated Management Plans DPE Approval letter 23/09/2022. 	<p>The Air Quality Management Plan, including Odour Monitoring Program, references VDI standards (Section 11). The AQMP was prepared by a qualified expert and approved by DPE on 23 September 2022.</p> <p>Based on the information provided, conditions associated with the Odour Monitoring Program are not yet triggered. Odour monitoring did not commence until after this IEA period.</p>																																																																													
M7.2	<p>The odour monitoring program referred to in condition M7.1 must include but is not limited to the following: a) More than one person to undertake the field survey; b) Prior to conducting the field survey, a consideration of whether the persons' sense of smell is temporarily compromised by factors including, but not limited to, illness, hayfever, pregnancy and wearing strong perfume; c) Strategically located, publicly accessible, odour monitoring locations in the vicinity of the nearest sensitive receptors to the premises and recorded on a map; d) A 360 degree circuit to check for the presence of other odour sources; e) A rapid screening survey to locate any odour plumes, including the odour plume centreline, where odour intensity, character and consistency are recorded at several locations for one minute; f) A 10 minute odour assessment where: i. odour intensity and odour character are recorded at 10 second intervals for 10 minutes at the plume centreline and each odour monitoring location; and ii. wind speed and wind direction are recorded at the beginning and end of each 10 minute assessment period; and iii. each person conducting the assessment records results independently. g) An odour log sheet for the rapid screening survey that records odour intensity and character for 1 minute at several locations, including the plume centreline;</p>	Compliant		<ul style="list-style-type: none"> DPE Approval letter 23/09/2022. 	<p>Section 7 of the Air Quality Management Plan contains the Odour Monitoring Program. The AQMP does not contain a cross-referencing table against these subconditions. A cross-referencing table in Management Plans is recommended to ensure all conditions are met and the information is easily accessible.</p> <p>a) Sections 7.4.6 - 7.4.8 b) Section 7.4.1 c) Section 7.4.4 d) Locations outlined in Section 7.4.4 are strategically located around the site. e) Section 7.4.3 and Section 7.4.2 f) Section 7.4.2 g) Section 7.4.3 describes the protocol for undertaking a rapid screening survey. Section 7.4.2 lists the data that must be recorded in the results (in the odour log sheet). However, an example or template for the odour log sheet is not included in this section or the rest of the document. h) Section 7.4.2 outlines the data that is required during the odour assessments. Requirement 1, the location of the monitoring point, is described in Section 7.4.4. Requirements 2-6 are listed in Section 7.4.2. It is recommended (see right) that a template should be created and appended to the AQMP to ensure all requirements are recorded during the surveys. i) The AQMP references stocking densities in terms of the required frequency of odour surveys being undertaken.</p>	<p>IMP REC 8: Attach an Odour Log Sheet template to the appendices of the AQMP which outlines the data required from each survey.</p> <p>IMP REC 9: Next time the AQMP is updated, include a cross-referencing table within the document to ensure each subcondition is met in the AQMP and relevant information can be found in the AQMP quickly.</p>																																																																												

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
	<p>h) An odour log sheet for the 10 minute odour assessment that records the following information:</p> <ol style="list-style-type: none"> 1. Odour monitoring location. 2. Time and date of survey. 3. Name of person conducting the assessment. 4. Character and intensity of odour at the monitoring location at 10 second intervals for 10 minutes. 5. Meteorological conditions including temperature, wind speed and wind direction at the monitoring location at the start and end of the 10 minute assessment period. 6. Any changes in wind direction and wind speed during the ten minute assessment period. <p>i) Stocking densities and activities occurring at the premises at the time of the survey.</p> <p>NOTE: In ranking the intensity of the odour, the method used must be consistent with the following German standards:</p> <ul style="list-style-type: none"> • Verein Deutscher Ingenieure (VDI)-Richtlinien (1992). Olfactometry - Determination of Odour Intensity. VDI 3882 Part 1, Kommission Reinhaltung der Luft im VDI und DIN, Dusseldorf. • Verein Deutscher Ingenieure (VDI)-Richtlinien (2010). Measurement of odour impact by field inspection - Determination of odour intensity and hedonic odour tone, VDI 3940 Part 3, Kommission Reinhaltung der Luft im VDI und DIN, Dusseldorf. 			• AQMP June 2022 (OEMP)	Based on the odour monitoring frequency defined in Section 7.4.5 of the AQMP, and site discussions there has been no odour monitoring or surveys completed for the project within the IEA period. Based on site discussions, the Odour Assessments required were planned to be held on 23 October 2022. Therefore, no odour monitoring or surveys have been assessed as part of this IEA.	
M7.3	The odour monitoring program and the suitably qualified and experienced person(s) carrying out the odour monitoring program must be approved in writing by the EPA prior to commencement of operations.	Compliant		• DPE Approval letter 23/09/2022.	The AQMP was approved by DPE on 23/09/2022 via a letter to ProTen.	
M7.4	The odour monitoring program must be carried out at least once per production cycle during the following periods, under odour enhancing meteorological and stocking conditions: <ol style="list-style-type: none"> i. 1 February - 30 May inclusive; and ii. 1 September - 30 November inclusive. 	Compliant		• AQMP	This frequency is outlined in the AQMP. Odour monitoring has not yet been triggered (triggered at maximum stocking density). No odour monitoring has been undertaken within the IEA period.	
M7.5	The odour monitoring program must target times that present an increased risk of odour emissions that might impact surrounding 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.	Compliant		• AQMP	Section 7.4.5 "Periods of Surveys" of the Air Quality Management Plan outlines the time periods for odour surveys to occur.	
M7.6	<p>The results of the odour monitoring program, including the survey data sheet must be submitted to the EPA within 2 weeks of the carrying out of each odour survey. Submission is to be via email to: info@epa.nsw.gov.au and marked to the attention of the Armidale EPA Office.</p> <p>Note: The odour monitoring program will be reviewed by the EPA at the completion of two years of surveys (where one year is considered to be the period identified in condition M7.4 i) and ii)). 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.</p> <p>Note: Should the monitoring program reveal that offensive odour is impacting surrounding sensitive receptors during normal operating conditions, the EPA may require the licensee to implement odour mitigation technologies that include, but may not be limited to, the application of short stacks or air filtration systems to treat emissions from the fans at the end of some or all of the sheds on the premises.</p>	Not Triggered		• AQMP • Complaints log	No odour surveys have been triggered in the IEA period. Based on evidence provided, there have been no odour complaints in the IEA period.	
M8 - Noise monitoring						
Noise Validation Monitoring - Stage 1 (Farm 2) Operations						
M8.1	<p>Attended noise monitoring must be undertaken in accordance with Condition L3.4 and must:</p> <ol style="list-style-type: none"> a) occur at receptors R24 and R25 as identified in Figure 3 of "Rushes Creek Poultry Production Farm - SSD 7704 - Modification 3 - Modification Report (EME Advisory, January 2022)"; and b) occur within 10 days of operations commencing at Farm 2; and c) occur while operating two 440 kVA generators at Farm 2 concurrent with Farm 2 operations; and d) occur during the night period as defined in the Noise Policy for Industry (EPA, 2017) for a minimum of 1 hour during the night. 	Compliant		• SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022	<ol style="list-style-type: none"> a) Noise validation monitoring occurred at Receptor 24 and 25. b) Noise validation monitoring undertaken on 29-30 September 2022, which was within the first 10 days of operations commencing at Farm 2 (23 September 2022). The Noise Validation Monitoring Summary Noise Report is dated 11/10/2022. c) Noise levels were measured while two 440 kVA generators at Farm 2 were operating at 260kW. d) Monitoring undertaken on 22:30 29 September 2022 to 01:43 30 September 2022. 	
PART 6 - Report Conditions						
R1 - Annual return documents						
R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. <p>At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.</p>	Compliant		• Annual Return	2022 Annual Return supplied for this IEA addresses 1-7.	
R1.2	<p>An Annual Return must be prepared in respect of each reporting period, except as provided below.</p> <p>Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.</p>	Compliant		• EPA website - Licence summary page	Based on evidence provided and freely available (EPA website), the first Annual Return covered the reporting period 11 August 2021 to 10 August 2022. It is understood that this was the first reporting period (beginning prior to the commencement of the construction phase).	
R1.4	<p>Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:</p> <ol style="list-style-type: none"> a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates. 	Not Triggered		• Site discussions • EPA website - Licence summary page	The licence is still in effect and has not been revoked or surrendered during the IEA period.	
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Compliant		• EPA website - Licence summary page	Based on the EPA licence summary page, the projects Annual Return was received on 5 October 2022, which is within 60 days of 11 August (this EPL anniversary).	
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Compliant		• Site discussions	Based on site discussions, ProTen keep Annual Returns on file for at least 4 years.	
R1.6	<p>Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:</p> <ol style="list-style-type: none"> a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder. 	Compliant		• Annual Returns	Annual Return 2022 is signed.	
R2 - Notification of environmental harm						
R2.1	<p>Notifications must be made by telephoning the Environment Line service on 131 555.</p> <p>Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</p>	Compliant		• PIRMP dated August 2022 • OEMP and CEMP	The PIRMP outlines incident notification procedures in Section 4. The relevant regulatory authorities for notifications are listed with their relevant contact information (including the EPA Environment Line) in Table 10. The OEMP and CEMP contain contact details for EPA and incident response procedures.	
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.	Not Triggered		• Site inspection and discussions	Based on information provided for the IEA, there were no incidents of environmental harm during the IEA period at the site. Therefore this is not triggered.	
R3 - Written report						
R3.1	<p>Where an authorised officer of the EPA suspects on reasonable grounds that:</p> <ol style="list-style-type: none"> a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event. 	Not Triggered			Based on evidence provided, a written report was not requested during the audit period.	
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Not Triggered			Based on evidence provided, a written report was not requested during the audit period.	

Condition Number	Condition	Compliance	Evidence Requested	Source of Evidence	Finding	Recommended Action
R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.	Not Triggered			Based on evidence provided, a written report was not requested during the audit period.	
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	Not Triggered			Based on evidence provided, a written report was not requested during the audit period.	
R4 - Other reporting conditions						
Noise Compliance Assessment Report - Stage 1 (Farm 2)						
R4.1	A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the monitoring required in Condition M8.1. The assessment must be prepared by a competent person and include: a) an assessment of compliance with noise limits presented in Condition L3.1; and, b) an assessment of modifying factors including Low Frequency Noise in accordance with Fact Sheet C of the Noise Policy for Industry; and, c) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L3.1.	Compliant		• SLR, Mod 3 Stage 1 (Farm 2) Noise Validation Monitoring Summary Noise Report, dated 11/10/2022	Noise validation monitoring undertaken on 29-30 September 2022, which is within the first 10 days of operations commencing at Farm 2. The Report is dated 11/10/2022, with the monitoring completed 29-30 September 2022.	
PART 7 - General Conditions						
G1 - Copy of licence kept at the premises or plant						
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Compliant		• Site inspection and site communications	Based on site discussions and evidence provided for this IEA, ProTen can produce the EPL when asked. A copy of the EPL is available on site. However, the EPL is not included in the environmental documents uploaded to the ProTen website.	IMP REC 10: Include a copy of the EPL in the documents on the ProTen Environmental Documents page.
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Noted.		• Site inspection and site communications	Based on site discussions and evidence provided for this IEA, ProTen can produce the EPL when asked. A copy of the EPL is available on site.	
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Noted.		• Site inspection and site communications	Based on site discussions and evidence provided for this IEA, ProTen can produce the EPL when asked. A copy of the EPL is available on site.	

APPENDIX D

Photographs



Photo 1: Site office demountable.



Photo 2: Main entry to Rushes Creek from Rushes Creek Road.



Photo 3: Aboriginal Heritage site along Namoi River.



Photo 4: Marker indicates boundary between ProTen land and Crown Lands near Namoi River, north of Farm 2.



Photo 5: Repair of sediment fencing along Namoi River due to recent flooding in the Tamworth region.



Photo 6: Internal roads – some require reapplication of gravel to minimise dust.



Photo 7: Remediation site fully fenced and capping intact.



Photo 8: View of Farm 2 from Northern Borrow Pit, including rock material from borrow pit.



Photo 9: Water monitoring equipment on-site, to be installed.



Photo 10: Northern Borrow Pit containing water.



Photo 11: Truck exiting site at its most dusty.



Photo 12: Enclosed diesel generators as power supply for Farm 2.



Photo 13: Amenities, office, and operations shed for Farm 2.



Photo 14: Water processing equipment in the process of being installed adjacent to the amenities/office shed.



Photo 15: Bunding area inside amenities/office shed at Farm 2.



Photo 16: Spill kit inside Farm 2 amenities/office shed.



Photo 17: *Argemone ochroleuca* (Prickly Poppy or Mexican Poppy) weeds located between the sheds and drainage line around Farm 2. Extent of weeds on site was reasonable. Records indicate weeds are sprayed with herbicide.



Photo 18: Tidy area around silos – no spilled feed sighted.



Photo 19: Generator between sheds.



Photo 20: Oil drum near Southern Borrow Pit.



Photo 21: Main internal road into Southern Borrow Pit area.



Photo 22: ELGAS tank area.



Photo 23: Storage containers for construction.



Photo 24: Inside shipping container used for storage during construction. Small fuel container on floor of container presents a risk of minor spills. It is noted appropriate bunds are present and in use inside the amenities/office shed of Farm 2.



Photo 25: Photo taken from the northern side of Shed 1 of pad area being prepared for storage shed at Farm 2.



Photo 26: Detention Pond at the north-western side of Farm 2. Photo taken from Shed 1.



Photo 27: Cleanaway bins and equipment on western side of Farm 2.




Photo 28: Construction of Shed 18 at Farm 2. Water truck in use.




Photo 29: Two dead bird freezers located on-site.

APPENDIX E

Independent Audit Report Declaration Form

Independent Audit Report Declaration Form	
Project Name	Rushes Creek Independent Environmental Audit
Consent No.	SSD-7704 MOD 3
Description of Project	Independent Environmental Audit (IEA) for Rushes Creek Poultry Production Farm
Project Address	1582 Rushes Creek Road, Rushes Creek NSW
Proponent	ProTen Pty Ltd
Operator Address	Level 11/99 Mount St, North Sydney NSW 2060
Title of Audit	17 October 2022
Date	17 October 2022
<p><i>I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:</i></p> <ul style="list-style-type: none"> <i>i) The audit has been undertaken in accordance with relevant condition(s) of consent and the Independent Audit Compliance Requirements (Department 2019);</i> <i>ii) The findings of the audit are reported truthfully, accurately and completely;</i> <i>iii) I have exercised due diligence and professional judgement in conducting the audit;</i> <i>iv) I have acted professionally, objectively and in an unbiased manner;</i> <i>v) I am not related to any proponent, owner or operator of the project, neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;</i> <i>vi) I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;</i> <i>vii) Neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and</i> <i>viii) I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i> <p>Notes:</p> <ul style="list-style-type: none"> <i>a) 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) 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</i> <i>b) The Crimes Act 1990 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)</i> 	
Name of Auditor	Chris Jones
Signature	 31 January 2023
Qualifications	Bachelor of Environmental Science
Company	Integrated Environmental Management Australian (IEMA) Pty Ltd
Company Address	41 Llewelyn Street Merewether NSW 2291 Australia

Independent Audit Report Declaration Form	
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Name of Auditor	Olivia O'Shannessy
Signature	 31 January 2023
Qualifications	Bachelor of Environmental Science and Management
Company	Integrated Environmental Management Australian (IEMA) Pty Ltd
Company Address	41 Llewelyn Street Merewether NSW 2291 Australia

APPENDIX F

DPE Extension for IEA Report Submission

Kathryn Singh
SHEQ Advisor – Proten

By email only: kates@proten.com.au

21/12/2022

Dear Ms Singh

**Rushes Creek Poultry Production Farm (SSD-7704)
2022 IA extension request**

Reference is made to your post approval matter, SSD-7704-PA-45, request for an extension of time to submit the 2022 Independent Audit (IA) and Response to Auditor Recommendations (RAR), submitted to the Department of Planning and Environment (the department) on 19 December 2022.

The department notes submission of the report has been delayed due to the following:

- The auditor required further information into the Show Cause notification
- The assistant auditor had Covid in the week of 12 December 2022
- The Christmas shutdown period for the auditing company from 23 December 2022 to 9 January 2023

After careful consideration, the Planning Secretary has granted an extension of time until 31 January 2023 to submit the 2022 IA and RAR.

Finally, please note that future requests for extensions to due dates should be submitted to the department prior to the original due date.

Should you wish to discuss the matter further, please contact Joel Curran, Senior Compliance Officer on 02 4904 2702 or compliance@planning.nsw.gov.au

Yours sincerely



Ann Hagerthy
Team Leader Northern
Compliance

As nominee of the Planning Secretary