

NC#	Condition Number	Condition/Commitment	Finding	Corrective Action	Proten Response	Timing of Actions
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.	Based on findings and evidence from site as well as correspondence with authorities, this condition is noncompliant. 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).	Ensure all members of the project group and construction are aware of the Approval and EPL requirements via training, project meetings and inclusion in contracts.	Completed. SSD 7704 issued to project team November 2022. SSD 7704 to be issued to contractors as part of Stage 2 of Development from March 2023.
2	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.	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 precast blocks and Colourbond steel roofing". This dwelling is subject to the DPE's Show Cause issued on 14 October 2022.	Proten to remain within conditions of SSD and EPL. Aboriginal Heritage, Soil Water Management and Biodiversity assessments to be undertaken regarding the borrow pits and their further utilisation.	1) No further operation of borrow pits until DPE has approved utilisation of the North pit into a Dam for water security and south pit to be returned to pasture and serve as a future contingency mass burial site. 2) ProTen to include an Enforceable Undertaking in conjunction with other initiatives to deliver tangible benefits for the environment and community. 3) Modification to SSD 7704 to be applied for to include: – Remediate the North-east borrow pit into a water storage dam. – Remediate the south western borrow pit into a dead bird disposal area as per the Emergency Disposal and Biosecurity Strategy. – Seek approval of shed flooring to be sealed alternative to concrete (currently a sealed asphalt top layer over a cement treated base of aggregate) – Removal of house from SSD and approval for house as constructed by Tamworth Council. All further houses to be transportable. 4) Ensure sufficient time and communication with DPE regarding Management Plan approvals and commencement of operations is implemented into development plans and schedules.	1) June 2022 2) March 2023 3) March 2023 4) Implemented September 2022

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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.	<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>	Implement Compliance Management System to ensure conditions of SSD are identified, communicated and notified with sufficient notice to ensure compliance with timeframes.	<p>1) The Applicant must provide a copy of the documentation given to the Certifier under condition A38 to the Planning Secretary</p> <p>2) Assess and implement Compliance Management System Program to identify and track requirements to ensure timeframes are being met.</p>	<p>1) 10/03/2023</p> <p>2) July 2023</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.	<p>Evidence of ProTen applying for Modifications for SSD7704, 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 SSD7704 (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>	Proten to remain within conditions of SSD and EPL.	<p>Aboriginal Heritage, Soil Water Management and Biodiversity assessments to be undertaken regarding the borrow pits and their further utilisation.</p> <p>No further operation of borrow pits until DPE has approved utilisation of the North pit into a Dam.</p>	April 2023
5	B18	Clean water diversions shall be constructed and stabilised prior to the commencement of earthworks at each PPU.	<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>noncompliant</u>.</p>	Refer to NC REC 1.	<p>1) Mitigations were put in place on the 29 July 2022 to capture silt and reduce flow of runoff water north of the borrow pit.</p> <p>2) Redevelop clean water diversions to ensure water is flowing around northern borrow pit and water is not being detained in this area.</p>	<p>1) July 2022</p> <p>2) March 2023</p>

6	B20	<p>Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:</p> <p>(a) be designed by a suitably qualified and experienced person(s);</p> <p>(b) be generally in accordance with the conceptual design in the EIS and RtS;</p> <p>(c) be in accordance with applicable Australian Standards;</p> <p>(d) ensure that the system capacity has</p>	<p>Stormwater Management System contained in OEMP, Section 5.3 "Engineered Surface Water Management System".</p> <p>f 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>NC REC 2: Investigate the suitability of an internal compliance tracking system for Ruses Creek to track and manage requirements of approvals and improve recordkeeping.</p>	<p>1. Mitigations were put in place on the 29 July 2022 to capture silt and reduce flow of runoff water north of the borrow pit.</p> <p>2. Redevelop clean water diversions to ensure water is flowing around northern borrow pit and water is not being detained in this area.</p>	<p>1. July 2022 2. March 2023</p>
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		<p>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:</p> <p>(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 <math>1 \times 10^{-9} \text{m/s}</math>, or other material providing an equivalent barrier to percolation;</p> <p>(ii) all wastewater, recycled (irrigation) and other contaminated runoff is captured in the closed surface water management system; and</p> <p>(iii) no discharges are to occur from the detention dams for events up to the 1% AEP.</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)</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; (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:</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</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>Based on the EPA's letter to ProTen following the EPA Ruches 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><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>	<p>NC REC 3: Update the SWMP to contain correct cross-references throughout the document.</p>	<p>1) SWMP to be reviewed and updated to include:</p> <ul style="list-style-type: none"> <li>- correct cross-references throughout the document.</li> <li>- Inclusion of the remediated borrow pits</li> </ul>	<p>March 2023</p>
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	<p>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 (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>				
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8	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.	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>noncompliance because construction noise levels could not be verified for this IEA</u> . Auditors cannot confirm construction remained under 40 dB as no independent evidence (monitoring undertaken by noise specialists) of noise results from the construction phase could be provided. ProTen provided photos of hand-held noise level meters from 24 August 2022 when construction was occurring. However this was not undertaken by noise specialists. The scope of the Noise Validation Report noise monitoring did not include the assessment of construction noise against 40 dB. Based on evidence provided there were no constructionnoise related complaints from the community. Toolbox talk records sighted during site inspection mention	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.	There is no requirement to undertake formal noise monitoring regarding construction noise in SSD 7704 or EPL 21569. No noise complaints have been received in relation to Construction since commencement in 2021. Noise monitoring may be considered in consultation with the EPA in the future if noise complaints are received in relation to construction activities on the site.	Not applicable
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			potentially noisy activities and demonstrate noise mitigation measures.			
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.	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.	There is no requirement to undertake formal noise monitoring regarding construction noise in SSD 7704 or EPL 21569. No noise complaints have been received in relation to Construction since commencement in 2021. Noise monitoring may be considered in consultation with the EPA in the future if noise complaints are received in relation to construction activities on the site.	Not applicable
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.	<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.	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.	Permanent fencing to be installed around heritage sites	August 2023

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 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).	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.	1. Containers on site to be bunded. 2. Communicate to all personnel on site requirement to ensure chemicals on site are bunded or removed from site. 3. Weekly site inspections to check chemical storage.	1. 14 <sup>th</sup> February 2023 2. 3 <sup>rd</sup> February 2023 3. 3 <sup>rd</sup> February 2023
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.	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> ).		Assess and implement Compliance Management System Program to identify and track requirements to ensure timeframes are being met.	July 2023

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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.	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.	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.  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.	1. At the end of plantings or six months from the end of planting, engage an ecologist or other qualified professional to inspect the vegetation screen as a record of completion of planting as well as to assess the vegetation screen against EPL condition O4.7.  2. Inspection of vegetation screens to be undertaken as part of monthly environmental site inspections.	1. June 2023 2. January 2023

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.	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.		1. Erosion and Sediment controls were put in place on 28th July 2022 as set out in the Layout plan ref.21079. Erosion and sediment control plan completed by SAGE and implemented 21st September 2022.  2. Erosion and sediment controls checked weekly during site inspection.	
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).	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.	1. Temporary wheel wash facilities in place from the commencement of operations which included sanitising spray administered via hand sprayer.  2. Wheel wash to be installed.	1. September 2022 2. April 2023
16	C9	The Planning Secretary must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> immediately after the Applicant becomes aware of an incident. The	Evidence received suggest ProTen reported noncompliances 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	NC REC 8: Future non-compliances should be reported as per conditions C9 and C10.	Ensure all members of the project group and construction are aware of the Approval and EPL requirements via training and inclusion in contracts.	Completed. SSD 7704 issued to project team November 2022. SSD 7704 to be issued to contractors as part of Stage 2

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		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.	ProTen providing information when prompted by authorities (DPE and EPA).			of Development from March 2023.

17	C10	The Planning Secretary must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> 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 noncompliance. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	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.  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.	As per NC REC above.	Ensure all members of the project group and construction are aware of the Approval and EPL requirements via training and inclusion in contracts.	Completed. SSD 7704 issued to project team November 2022. SSD 7704 to be issued to contractors as part of Stage 2 of Development from March 2023.
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).	<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. This is the initial IEA which covers construction as well as the first operational component. The site inspection component occurred on 17 October 2022. 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 .	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.	1. Proten to communicate with DPE regarding audit requirements. 2. Development audit schedule and implement into compliance management system.	1. February 2023 2. July 2023
19	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	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.		Remediation of Borrow pits as part of Modification to SSD 7704	March 2023

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		licence: Construction of Farm 2 and associated infrastructure.				

20	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.	The auditors understand no construction noise monitoring was undertaken in the IEA period. Therefore, construction noise cannot be verified as under 40 dB.  No evidence provided indicated there were noise issues associated with construction activities in the IEA period.		There is no requirement to undertake formal noise monitoring regarding construction noise in SSD 7704 or EPL 21569. No noise complaints have been received in relation to Construction since commencement in 2021. Noise monitoring may be considered in consultation with the EPA in the future if noise complaints are received in relation to construction activities on the site.	Not applicable
21	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.	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.  <u>Refer to Condition B27 in SSD findings.</u>		There is no requirement to undertake formal noise monitoring regarding construction noise in SSD 7704 or EPL 21569. No noise complaints have been received in relation to Construction since commencement in 2021. Noise monitoring may be considered in consultation with the EPA in the future if noise complaints are received in relation to construction activities on the site.	Not applicable
22	O4.1	Each shed must have fully sealed concrete flooring with 300mm (minimum) high dwarf concrete bund wall.	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>noncompliance</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.	Modification to SSD 7704 to be applied for to include approval of shed flooring to be sealed alternative to concrete (currently a sealed asphalt top layer over a cement treated base of aggregate)	March 2023
23	O4.3	Stormwater/sediment control – Construction Phase  The licensee shall prepare and implement a <b>Soil and Water Management Plan (SWMP)</b> 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	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	No further NC REC is proposed.	1. Mitigations were put in place on the 29 July 2022 to capture silt and reduce flow of runoff water north of the borrow pit.  2. Redevelop clean water diversions to ensure water is flowing around northern borrow pit and water is not being detained in this area.  3. Lined Concrete wash pit put in place with erosion and sediment controls 29 July 2022.	1. July 2022 2. March 2023 3. July 2022
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		Stormwater: Soils and Construction (Landcom, 2004) (available from the Department of Housing).	area. Therefore, this is considered a <u>non-compliance for the implementation of the SWMP.</u>			
24	O4.7	<p>A vegetation screen shall be planted around the perimeter of each Poultry Production Unit as follows:</p> <p>a) minimum total width of 40 metres;</p> <p>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;</p> <p>c) include species with long, thick and rough foliage;</p> <p>d) achieve a porosity of 0.5 (50% of the screen will be air space);</p> <p>e) include species that are hardy and fast growing;</p> <p>f) foliage from base to crown (ie lower and upper storey vegetation).</p>	<p>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 41 of AQMP). However, requirements from sub-conditions c and e are not explicitly stated in the AQMP nor the rest of the OEMP.</p> <p>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.</p>	Refer to NC REC 6.	At the end of plantings or six months from the end of planting, engage an ecologist or other qualified professional to inspect the vegetation screen as a record of completion of planting as well as to assess the vegetation screen against EPL condition O4.7.	June 2023