

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, under delegation executed on 26 April 2021, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Joanna Bakopanos
Team Leader
Industry Assessments

Sydney

15 June 2021

SCHEDULE 1

Development Consent

Development Consent: SSD-7704 granted by the Executive Director – Regions, Industry and Key Sites Assessments on 14 April 2020

For the following: Construction and operation of the Rushes Creek Poultry Production Farm, including:

- four poultry farms consisting of a total of 54 fully enclosed, tunnel ventilated poultry sheds;
- a maximum operational capacity of 3,051,000 birds at any one time.

Modification 1

Modification Application: SSD-7704-Mod-1

Modification to:

- amend the remediation strategy of the former sheep dip from offsite disposal to *in situ* containment with subsequent relocation of one approved manager's dwelling on Farm 2;
- deletion of Condition B33(e).

Applicant: ProTen Tamworth Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: Lot 1 DP 44215; Part Lot 1 DP 1108119; Lot 1 DP 1132298; Lots 26, 85, 86, 101, 118, 165, 166 and 171 DP 752169; Part Lot 143 DP 752189; Lot 1 DP 1132078; Lot 1 DP 1141148; and an unformed Council public road traversing through Lot 171 DP 752169

SCHEDULE 2

This consent is modified as follows:

1. Insert the following definition in alphabetical order:

Modification Assessments	The document assessing the environmental impact of a proposed modification of consent and any other information submitted with the following modification applications made under the EP&A Act: (a) SSD-7704-Mod-1 - Rushes Creek Poultry Production Farm SSD 7704, Section 4.55(1A) Modification Report, prepared by EME Advisory, dated May 2021 and Aboriginal Cultural Heritage Management Plan, prepared by OzArk Environment and Heritage, dated May 2021
Remedial Action Plan	<i>Revised Remedial Action Plan</i> prepared by SLR Consulting Australia Pty Ltd, Version 2.1, dated 22 April 2021
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Auditor Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>

In Schedule 2 Part A: Administrative Conditions

2. In Condition A2, renumber sub-clauses (d) and (e) as sub-clauses (e) and (f)
3. Insert new sub-clause (d) immediately after (c) as follows:
 - (c) in accordance with the Modification Assessments;
4. In Condition A4, immediately after both references to "A2(c)", delete the words "and A2(e)" and replace with the words ", A2(d) and A2(f)".

In Schedule 2 Part B: Environmental Conditions

5. In Condition B33:
 - (a) delete the words "; and" in (d) and replace with a period; and
 - (b) delete sub-clause (e).
6. In Condition B50:
 - (a) delete the words "the EPA" and replace with "the Site Auditor";
 - (b) insert the words "(including the Sheep Holding Shed)" after the words "potentially contaminated material"; and
 - (c) delete all the words after "condition C2" and replace with the words "and must ensure appropriate management of any material identified as contaminated."

7. Immediately after Condition B50, insert new subheading and new Condition B50A, as follows:

Site Auditor

B50A. Prior to the commencement of earthworks for the development on site, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.

8. In Condition B52, delete the words “and prior to the commencement of construction” and “satisfaction of the”.

9. Immediately after Condition B52, insert new Condition B52A as follows:

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.

10. Immediately after Condition B52A, insert new sub-heading and new Conditions B52B and B52C, as follows:

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.

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.

In the Appendices

11. In Appendix 2 – Replace the ‘Applicant’s Management and Mitigation Measures’ in full with the updated commitments provided in Table 7, Chapter 6 of the Rashes Creek Poultry Production Farm SSD 7704, Section 4.55(1A) Modification Report, prepared by EME Advisory, dated May 2021.
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