



# Operational Compliance Report 2024

**SSD-7704 MOD 5**

**Rushes Creek Poultry Production Farm**

**Reporting Period: 8 September 2023 – 7 September 2024**

**ProTen Tamworth Pty Ltd**

Declared by:  
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## Revision Record

Revision	Date	Prepared By	Checked By	Authorised By
0.1 Draft for client review	20 January 2025	Samuel McDonald / Madeleine Laws / Anna Cochrane	Anna Cochrane	Anna Cochrane
0.2 Draft for client review	28 January 2025	Anna Cochrane	n/a	n/a
1.0 Final report	5 February 2025	Anna Cochrane	Hugh Jones	Anna Cochrane
1.1 Amended Final Report – DPHI RFI Request	17 March 2025	Kristie Stevens	Kate Singh	James Wenworth

## Basis of Report

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

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

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.



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## Acronyms and Abbreviations

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



## Executive Summary

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

This Compliance Report has been developed in accordance with Condition C11 of SSD 7704 and the *Post Approval Requirements: Compliance Reporting* (Department of Planning and Environment 2020), (Compliance PAR). This Compliance Report covers the operational phase of the development from 8 September 2023 to 7 September 2024.

SLR undertook a document review in to determine compliance at the Rushes Creek development.

Of the 581 conditions and sub conditions within SSD 7703 MOD5, 401 were assessed as relevant to the operation stage. Of those, 367 (91.52%) were found to be compliant with SSD 7704 MOD5, while 34 (8.48%) were found non-compliant (**Section 3**).

The 2024 compliance score is an improvement in comparison to the 2023 Compliance Report, where 85.01% of assessable conditions were found to be compliant, and 61 (14.99%) were found non-compliant.

A considerable number of the non-compliances identified in the 2024 Compliance Report represent long-standing issues for which ProTen are actively pursuing corrective actions, including several actions that have previously been highlighted in the Independent Environmental Audit (IEA) undertaken by IEMA in January 2023 and the 2023 Compliance Report. In general, ProTen have demonstrated significant progress and commitment towards addressing all of the required corrective actions.

As the IEA and 2023 Compliance Reports both illustrated, a considerable number of the findings raised in this 2024 Compliance Report are related to the two borrow pits. ProTen are in the process of addressing the actions resulting from the IEA (refer **Appendix B**). The remaining non-compliances identified are generally noted as low risk. ProTen are committed to following up corrective actions to address the identified non-compliances and improve the development's future environmental compliance performance.

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



## 1.0 Introduction

### 1.1 Project Overview

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

Development Consent SSD 7704 was granted 1 July 2022 and allows for the concurrent construction and operation of Stage 1 (Farm 2) of the Rushes Creek project while an alternative power supply solution is approved and installed.

The most recent modification to SSD 7704 (MOD 5) was granted on 22 March 2024 and permitted an extension of three months for generator usage, serving as a contingency measure during the finalisation of commissioning and formal arrangements for electrification.

Construction of the project is staged, and once completed, operations will comprise 54 fully enclosed climate-controlled poultry sheds across four farms, where broiler birds are grown for the purpose of producing poultry meat (for human consumption), and associated support and servicing infrastructure. Each shed will house up to 56,500 birds, with an approved total site population of 3,051,000 birds at any one time.

### 1.2 Compliance Reporting Phase and Period

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

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

For the initial 2023 Compliance Reporting year, the compliance reporting period for the initial Operations phase Compliance Report was identified as between the first day of Operations through to the last day of onsite compliance review, i.e. 23 September 2022 to 7 September 2023.

For this current (2024) reporting year, as per DPHI's letter to ProTen dated September 2024 (DPHI ref SSD-7704-PA-82, *Rushes Creek Poultry Production Farm – Compliance Report 2024 extension request*, this 2024 Compliance Report covers the operational phase of the development from 8 September 2023 to 7 September 2024.

### 1.3 Compliance Reporting Scope and Criteria

In preparing the initial compliance reporting period (2023), guidance was sought from DPE to confirm the scope and criteria for the annual compliance review<sup>1</sup>. Per DPHI's advice, the scope should include review against the items specified in Condition A2 of the Consent where they apply to Operations Phase activities. No changes to the scope of the annual compliance review were requested by DPHI during the 2024 reporting cycle. Therefore, the review criteria are identified as follows:

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



- A2(a) - All Conditions of Consent that are applicable to **Operation** phase activities. (i.e. any Operations-only conditions; plus any conditions that may apply across Operations and one or more other development phases).
- A2(b) – Any written directions of the Planning Secretary.
- A2(c) – EIS, Response to Submissions, Supplementary Response to Submissions.
- A2(d) – Modification Assessments.
- A2(e) – Development Layout in Appendix 1.
- A2(f) - Appendix 2: Applicant's Management & Mitigation Measures (Noting DPE's advice confirming the error in this part of the consolidated Consent referring to mitigation measures in '0' should be read as 'Appendix 2').

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

Outstanding actions arising from the January 2023 Independent Environmental Audit (IEA) of the development, which was completed by Integrated Environmental Management Australia Pty Ltd (IEMA) have also been considered within the scope of the compliance review, as have actions raised in the 2023 Compliance Report.

## 1.4 Compliance Status Descriptors

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

**Table 1: Compliance Status Descriptors**

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

## 1.5 Project Activities During Compliance Reporting Period

During the reporting period the following activities occurred:

- Continued Operations at Sheds 1 to 18.
- Maintenance of tree line vegetation.
- Completion and commissioning of the wheel wash.
- Operation of the wheel wash.



## 1.6 Key Personnel

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

**Table 2: Key Personnel**

Name	Role	Contact Details
Jae St Leon	ProTen Rushes Creek Farm Manager / Construction Site Supervisor (CCS)	Ph: 0476 507 171 Email: jaestl@proten.com.au
Theuns Swart	ProTen Rushes Creek Assistant Farm Manager	Ph: 0412 399 358 Email: theunss@proten.com.au
Kathryn Singh	ProTen Safety, Health, Environment & Quality Manager (SHEQ Advisor)	Ph: 02 6962 1770 / 0434 550 789 Email: kates@proten.com.au
Graeme Attwell	ProTen Regional Operations Manager (ROM)	Ph: 0477 048 321 Email: graema@proten.com.au
Graham Kirby	ProTen Operations Manager NSW/QLD	Ph: 0438 842 459 Email: graham@proten.com.au

## 2.0 Previous Report Actions

An Action Status Table is presented **Appendix B Action Status Table**, and provides a summary and status of actions arising from the following that are applicable to the current Compliance Reporting period:

- 2023 Compliance Report.
- 2023 Independent Environmental Audit (IEA) completed by IEMA (January 2023).

Note that any actions that were identified as 'COMPLETE' status during the previous 2023 Compliance Report review are not shown in this current Action Status Table.

## 3.0 Compliance Status Summary

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

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

Of the 581 conditions and sub conditions within SSD 7703 MOD5, 401 were assessed as relevant to the operation stage. Of those, 367 (91.52%) were found to be compliant with SSD 7704 MOD5, while 34 (8.48%) were found non-compliant (**Section 3**).

The 2024 compliance score is an improvement in comparison to the 2023 Compliance Report, where 85.01% of assessable conditions were found to be compliant, and 61 (14.99%) were found non-compliant.





A considerable number of the non-compliances identified in the 2024 Compliance Report represent long-standing issues for which ProTen are actively pursuing corrective actions, including several actions that have previously been highlighted in the Independent Environmental Audit (IEA) undertaken by IEMA in January 2023 and the 2023 Compliance Report. In general, ProTen have demonstrated significant progress and commitment towards addressing all of the required corrective actions.

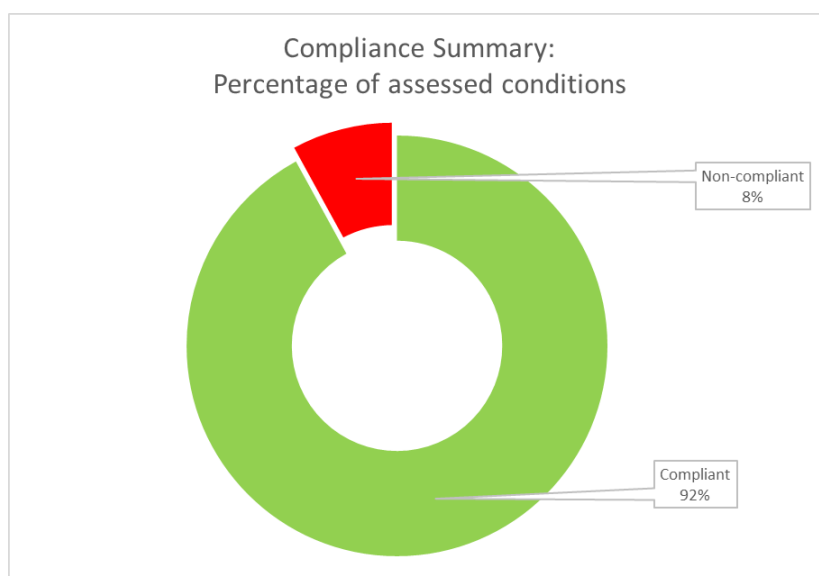
As the IEA and 2023 Compliance Reports both illustrated, a considerable number of the findings raised in this 2024 Compliance Report are related to the two borrow pits. ProTen are in the process of addressing the actions resulting from the IEA (refer **Appendix B**). The remaining non-compliances identified are generally noted as low risk. ProTen are committed to following up corrective actions to address the identified non-compliances and improve the development's future environmental compliance performance.

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

**Table 3: Compliance Reporting Summary**

Compliance Status	Project Approval SSD-7703 MOD5	Total	Percentage of total conditions	Percentage of assessed conditions
<b>Compliant</b>	367	367	63.17%	<b>91.52%</b>
<b>Non-compliant</b>	34	34	5.85%	<b>8.48%</b>
Not Triggered	160	160	27.54%	n/a
Note only	20	20	3.44%	n/a
Total conditions	581	581	100.00%	n/a
Total assessed conditions (excluding not triggered and notes)	401	401	69.02%	100.00%

**Figure 1: Compliance Summary – Assessed Conditions**



**Table 4: Compliance Status Summary**

Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
<b>PART A - ADMINISTRATIVE CONDITIONS</b>						
<b>OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT</b>						
<b>A1</b>	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	All	<p>With the exception of non-compliances as noted against relevant Conditions of this 2024 Compliance Report, during the 2024 Compliance Reporting year, ProTen have implemented measures to comply with the Conditions of this Consent (as varied up to and including SSD-7704 MOD5), and have implemented all reasonable and feasible measures to prevent and minimise any harm to the environment that may result from construction, operation or rehabilitation of the development required under the Consent. However, given the identified non-compliances as noted in this checklist and report, non-compliance with Condition A1 is identified.</p> <p>Noncompliance raised previously against Condition A1 in the IEA dated January 2023 are closed at the time of this 2024 Compliance Report as follows: 1) CLOSED - MOD 5 approved and implemented. 2) CLOSED - Enforceable Undertaking approved &amp; implemented. 3) CLOSED - MOD4, MOD5, and Southwestern Borrow Pit Remediation Plan approved. 4) CLOSED - Environmental compliance management system implemented via 'Environmental Planner'.</p> <p>Non-compliance previously raised for clearing outside approved footprint for southwest &amp; north Borrow Pits are ongoing, relevant evidence of progress and current work sighted including determination of SSD-7704 MOD5 and approval of the remediation plan for the southwest borrow pit. South western borrow pit has been remediated. However, until Water Storage Dam 1 is constructed this condition is non-compliant.</p>	DPHI	Nil	Refer to actions against relevant non-compliances in Table 4 and at Action Status Table (in Appendix B), Condition A1.
<b>TERMS OF CONSENT</b>						
<b>A2</b>	The development may only be carried out:	All				
<b>A2a</b>	In compliance with the conditions of this consent.	All	<p>With the exception of non-compliances as noted against relevant Conditions of this 2024 Compliance Report, during the 2024 Compliance Reporting year, ProTen have operated the facility in general accordance with the Conditions of the Consent, as varied up to and including SSD-7704 MOD5. However, given the identified non-compliances as noted in this checklist and report, non-compliance with Condition A2a is identified.</p> <p>Noncompliance raised previously against Condition A2 in the IEA dated January 2023 are all closed at the time of this 2024 Compliance Report as follows: 1) CLOSED - MOD 5 approved and implemented. 2) CLOSED - Enforceable Undertaking approved &amp; implemented. 3) CLOSED - MOD4, MOD5, and Southwestern Borrow Pit Remediation Plan approved. 4) CLOSED -Environmental compliance management system implemented via 'Environmental Planner'.</p>	DPHI	Nil	Refer to actions against relevant non-compliances in Table 4 and at Action Status Table (in Appendix B), Condition A1.
<b>A2d</b>	In accordance with the Modification	All	As per Condition A2a.	As above	As above	As above
<b>A2f</b>	In accordance with the management and mitigation measures in 0. (Verbal advice provided by DPE indicates '0' = Appendix 2 of the Consent)	All	With the exception of non-compliances as noted against relevant management and mitigation measures, during the 2024 Compliance Reporting year, ProTen have operated the facility in general accordance with the management and mitigation measures defined in Appendix 2 of the Consent, as varied up to and including SSD-7704 MOD5. However, given the identified non-compliances as noted in this checklist and report, non-compliance with Condition A2f is identified.	As above	As above	As above
<b>PART B - ENVIRONMENTAL CONDITIONS</b>						
<b>Air Quality Management Plan</b>						



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
<b>B6</b>	The results of the Odour Monitoring Program required by condition B4 must be submitted to the EPA within two weeks of the carrying out of each odour survey.	Operation	<p>* Email from ProTen to EPA, dated 2/07/2024 submitting the April 26 report on 2 July. Monitoring occurred on 15-17 April 2024. As this period is longer than 2 weeks after completion of the odour monitoring (as per condition B6) this is a non-compliance.</p> <p>* Email receipt from EPA to ProTen, dated 19/03/2024 submitting the February 23 report on 19 March. Monitoring occurred on 12-14 February 2024. As this period is longer than 2 weeks after completion of the odour monitoring (as per condition B6) this is a non-compliance.</p> <p>* Email receipt from EPA to ProTen, dated 27/10/2023 submitting the October 26 report on 27 October. Monitoring occurred on 15 and 16 October 2023. As this period is within the 2 weeks after completion of the odour monitoring (as per condition B6) this is compliant.</p>	EPA DPHI	Nil	<p>Refer to actions at Action Status Table (in Appendix B), Condition B6</p> <p>Include Odour Monitoring Program Reports in environmental compliance management system to ensure timely submission to the correct interested party.</p>
<b>TRAFFIC AND ACCESS</b>						
<b>Construction Traffic Management Plan</b>						
<b>B11A</b>	Prior to the commencement of installation of the solar arrays at the Namoi River water pump, the Applicant must update the Construction Traffic Management Plan to the satisfaction of the Planning Secretary.	Construction	Current version of CMTP on ProTen website is: Construction Traffic Management Plan version 1.0, dated June 2021. No evidence sighted to indicate that the CTMP has been reviewed or updated in accordance with requirements of Condition B11A.	DPHI	Nil	Update the Construction Traffic Management Plan as part of Stage 2 Development to the satisfaction of the Planning Secretary, to reflect installation of the solar arrays at the Namoi River water pump and retain records of the review.
<b>Erosion and Sediment Control</b>						
<b>B18</b>	Clean water diversions shall be constructed and stabilised prior to the commencement of earthworks at each PPU.	Construction	<p>Condition not relevant to Operations phase activities Condition not relevant to Operations Phase activities. However, non-compliance against Condition B18 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. As at the 2024 Compliance Reporting period, progress towards addressing required actions has been made, however are still being implemented.</p> <p>IEA Finding 2023: Clean water diversions present and stable at the time of the site inspection. Site erosion and sediment controls and design in CEMP and LRCE designs. Minimal evidence of stabilisation of drainage structures prior to earthworks was received. Therefore, unable to verify clean water diversions are constructed and stabilised prior to the commencement of earthworks.</p> <p>Note: ProTen has shown intent meet this condition by the approval of DA2024-0171 and the South West Borrow Pit Remediation Plan. DA2024-0171 approved and allows for the non-approved borrow pit to be converted into Water Storage Dam 1 (refer ref. No. 21079-D Bath Stewart Associates).</p> <p>South-West Borrow Pit Remediation Plan dated 19/04/2024' - approved by DPHI on 10 July 2024 which confirmed, the intent of the Secretary's Direction dated 05/10/23 has been met. Remediation completed.</p> <p>However, photo of borrow pit sighted - 2024 showed water was collecting at the bottom of the northern Borrow Pit . By having the non-approved 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. Therefore this condition is considered non-compliant.</p>	DPHI	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition B18
<b>SOIL, WATER QUALITY AND HYDROLOGY</b>						
<b>Stormwater Management System</b>						



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
<b>B20</b>	Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:	Operation	<p>See previous IEA (dated January 2023) evidence and findings ' ii) Based on evidence received, wastewater and recycled water is captured in a closed surface water management system. However, runoff from unapproved Borrow Pits are not included in the development design nor the Stormwater Management System for the site. Therefore, this is a non-compliance'.</p> <p>1) Silt fencing in place to reduce flow of runoff water north of the borrow pit - sighted in photographs. 2) Clean water diversion drain constructed during August 2022 to divert clean water away from north borrow pit.</p> <p>Connection for site water to drain into retention dam has been constructed. Water remains in northern borrow pit.</p> <p>Note: ProTen has shown intent meet this condition by the approval of SSD-7704 MOD5, DA2024-0171 and the South West Borrow Pit Remediation Plan. DA2024-0171 approved and allows for the illegal borrow pit to be converted into Water Storage Dam 1 (refer ref. No. 21079-D Bath Stewart Associates). South-West Borrow Pit Remediation Plan dated 19/04/2024' - approved by DPHI on 10 July 2024 which confirmed, the intent of the Secretary's Direction dated 05/10/23 has been met. Remediation completed.</p> <p>While DA2024-0171 will result in the northern borrow pit being compliant, until Water Storage Dam 1 is constructed and operational this condition is non-compliant.</p> <p>Note** A44 - Stormwater design presumed approved during construction phase.</p>	DPHI	IEA finding response process	Refer to actions at Action Status Table (in Appendix B), Condition B20
<b>B20a</b>	Be designed by a suitably qualified and experienced person(s);	Operation	As above	As above	As above	As above
<b>B20b</b>	Be generally in accordance with the conceptual design in the EIS and RtS;	Operation	As above	As above	As above	As above
<b>B20c</b>	Be in accordance with applicable Australian Standards;	Operation	As above	As above	As above	As above
<b>B20d</b>	Ensure that the system capacity has been designed in accordance with <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines;	Operation	As above	As above	As above	As above
<b>B20f</b>	Be Designed by such that:	Operation				
<b>B20f (i)</b>	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 <sup>-9</sup> m/s, or other material providing an equivalent barrier to percolation;	Operation	ProTen has shown intent meet this condition by the approval of SSD-7703 MOD5, DA2024-0171 and the South West Borrow Pit Remediation Plan. These approved design drawings associated with these approvals demonstrate approved design and permissions to achieve compliance with this condition. South western borrow pit has been remediated. However, non-compliance is identified given that works to convert the northern borrow pit into a permanent dam have not yet been completed.	As above	As above	As above
<b>B20f (ii)</b>	All wastewater, recycled (irrigation) and other contaminated runoff is captured in the closed surface water management system; and	Operation	As above	As above	As above	As above
<b>B20f (iii)</b>	No discharges are to occur from the detention dams for events up to the 1% AEP.	Operation	As above	As above	As above	As above
<b>Water Management Plan</b>						



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
<b>B22c</b>	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:  B22c: Detail water use, metering, disposal and management on-site;	Operation	See previous IEA dated January 2023 'Non-compliance: The Northern Borrow Pit and Southern Borrow Pit are not included in the site water management designs and is outside the approved disturbance footprint. The Northern Borrow Pit contained water during site inspection, functioning as a dam. However, there was no evidence of ProTen using the water collected in the Northern Borrow Pit'.  The latest SWMP (see Condition B22) does not include the Northern Borrow Pit or Southern Borrow pit within the site water management designs.  Note: ProTen has shown intent meet this condition by the approval of SSD-7704 MOD5, DA2024-0171 and the South West Borrow Pit Remediation Plan. DA2024-0171 approved and allows for the illegal borrow pit to be converted into Water Storage Dam 1 (refer ref. No. 21079-D Bath Stewart Associates). South-West Borrow Pit Remediation Plan dated 19/04/2024' - approved by DPHI on 10 July 2024 which confirmed, the intent of the Secretary's Direction dated 05/10/23 has been met. Remediation completed.  While DA2024-0171 will result in the northern borrow pit being compliant, until Water Storage Dam 1 is constructed and operational this condition is non-compliant.	DPHI	IEA finding response process  Compliance Reporting Process	1) Refer to actions at Action Status Table (in Appendix B), Condition B22  2) Update the SWMP include the remediated borrow pit and new dam in northern pit following completion of these works as part of MOD 5.
<b>B22f</b>	Detail the management of wastewater streams on-site;	Operation	As per Condition B22c	As above	As above	As above
<b>B22g (i) (a)</b>	Surface water flows and quality.	Operation	As per Condition B22c	As above	As above	As above
<b>B22g (i) (b)</b>	Surface water storage and use.	Operation	As per Condition B22c	As above	As above	As above
<b>B22g (i) (c)</b>	Sediment basin operation.	Operation	As per Condition B22c	As above	As above	As above
<b>B22g (i) (d)</b>	The surface water discharge point from the two main drainage lines on the site.	Operation	As per Condition B22c	As above	As above	As above
<b>B23b</b>	Implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.	Operation	DPHI issued a letter on 27/06/2024 titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification' (referred to in Table 6 of the Compliance Report as Incident 2). The letter was in response to ProTen's notification dated 22/05/2024 and the Surface Water Investigation Report submitted in response to the NSW Planning request for information (RFI-71178961). NSW Planning reviewed the notification and response to RFI-71178961 and considered them to generally satisfy the conditions of consent in relation to incident reporting. However, NSW Planning did identify several failures to implement the approved Water Management Plan (WMP) dated 2 August 2022: - On 20 March 2023, 12 April 2023, 28 August 2023 and 11 April 2024, Total Suspended Solids (mg/L) was not tested for, as required by Section 7.2.2 of the approved WMP. - On 29 March 2023, Total Nitrogen (mg/L) and Total Phosphorus (mg/L) was not tested for, as required by the approved WMP. - Section 7.2.2 of the approved WMP requires periodic testing every 6 months. There is an interval of nearly 8 months between 28 August 2023 and 11 April 2024 testing events. While some of the failures to implement the approved Water Management Plan as outlined NSW Planning occurred during the previous reporting period the following were within the reporting period and therefor make this condition non-compliant: - TSS not tested for on 11 April 2024 and periodic testing every six months was extended to 8 months between 28 August 2023 and 11 April 2024. In their letter of 27/06/2024, DPHI directed ProTen to revise the WMP to incorporate the recommendations in Section 7 of Surface Water Investigation Report submitted in response to RFI-71178961. The revised WMP must be submitted to NSW Planning for approval no later than 2 November 2024, or as otherwise agreed with the Planning Secretary. As required by Schedule 2, Part B, Condition B22(b), the revised WMP must be prepared in consultation with the NSW Department of Climate Change, Energy, the Environment and Water – Water Group and the Natural Resources Access Regulator. It is noted that at the time of this compliance review, ProTen were undertaking review of the SWMP in consultation with DPHI (per letter from ProTen to DPHI ProTen WMP Recommendations 25.11.24; and DPHI Response dated 12 December 2024).	DPHI	As above	1) Ensure WMP updates are completed to the satisfaction of the Planning Secretary following completion of these works as part of MOD 5. 2) Implement WMP actions, monitor implementation and retain records of monitoring results.



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
<b>ABORIGINAL HERITAGE</b>						
<b>Aboriginal Cultural Heritage Management Plan (ACHMP)</b>						
<b>B34b</b>	Implement the most recent version of the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary for the duration of the development.	All	<p>ACHMP Revision 3.7, dated 2 August 2024</p> <p>Inspections of Aboriginal Heritage Sites not included or provided</p> <p>OzArk Salvage Report for Stage 1 development, 27 July 2021</p> <p>OzArk Salvage Report for Stage 2 development, August 2023</p> <p>Not triggered during Stage 1 construction. Salvage report completed for Stage 1 &amp; 2 prior to works commencing, included inspection, fencing &amp; relocation of identified artefacts.</p> <p>Induction slide sighted as part of 2024 audit - includes site Aboriginal sites inspections - key heritage management measures and process for uncovering any Aboriginal items on site. Sighted show cause documentation from 12/09/24 - stating it is not a DPHI matter and has been handed to National Parks Wildlife.</p> <p>Non-compliance due to failure to implement the ACHMP (refer to Incident 1 (Condition C9).</p>	DPHI	<p>IEA finding response process</p> <p>Compliance Reporting Process</p>	<p>1) Refer to actions at Action Status Table (in Appendix B), Condition B34.</p> <p>2) Implement all commitments in the Show Cause Response Letter dated 27/06/2024. Close out the Show Cause with DPHI.</p>
<b>COMMUNITY ENGAGEMENT</b>						
<b>Community Consultation Plan</b>						
<b>B56f</b>	Advertising the contact details for complaints prior to and during operation, via the local newspaper and through on-site signage;	All	<p>Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K).</p> <p>Environmental Enquiries and Complaints hotline advertised on 'Contact' page of ProTen website - verified 07/11/24.</p> <p>Evidence of onsite signage sighted.</p> <p>Ads were placed during the construction phase and prior to commencement of first shed operation - ProTen no longer advertises complaints information or contact number in the newspaper. As condition states "prior to and during operation" this is identified as a non-compliance.</p>	DPHI	Compliance Reporting Process	<p>1) Ensure contact details for complaints are advertised during operation, via the local newspaper and through on-site signage – Jun 2025.</p> <p>2) Consider applying for an amendment to Condition B56f of SSD-7704 MOD5 to provide relief and/or provide further clarification regarding the means and frequency of advertising required for the community complaints contact details.</p>
<b>PART C - ENVIRONMENTAL MANAGEMENT, REPORTING &amp; AUDITING</b>						
<b>REVISION OF STRATEGIES, PLANS AND PROGRAMS</b>						
<b>C8a</b>	<p>Within three months of:</p> <p>C8a: The submission of a Compliance Report under condition 0;</p>	All	The 2023 Compliance Report was submitted on 22/09/23 (see Condition 12). No evidence was available for review to confirm that strategies, plans or programs were reviewed within three months of the Compliance Report being submitted.	DPHI	Compliance Reporting Process	Ensure that strategies, plans or programs were reviewed to the satisfaction of the Planning Secretary within three months of the Compliance Report being submitted and retain records of the MOD 5 review.
<b>Incident Notification, Reporting and Response</b>						





Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
<b>C9</b>	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 notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.	All	<p><b>Incident 1:</b> On the 22 March 2024 ProTen submitted an Incident Report as required by Condition C9 of SSD 7704. However, given this notification was not provided within the 7 days required by Condition C10, the requirement for 'immediate notification' per Condition C9 is not considered to have been satisfied for this Incident.</p> <p><b>Incident 2:</b> ProTen identified potential exceedance of surface water or groundwater trigger values against the Soil and Water Management Plan and notified DPHI of the potential non-compliance on 22/05/2024. In response, DPHI issued a letter on 27/06/2024 titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification'. The letter was in response to ProTen's notification dated 22/05/2024 and the Surface Water Investigation Report submitted in response to the NSW Planning request for information (RFI-71178961). NSW Planning reviewed the notification and response to RFI-71178961 and considered them to generally satisfy the conditions of consent in relation to incident reporting. Therefore, compliance against Condition C9 is considered to have been achieved in relation to Incident 2.</p>	DPHI	Compliance Reporting Process	<p>Refer to actions at Action Status Table (in Appendix B). Condition C9</p> <p>Review notification procedures and personnel awareness of requirements to ensure processes are in place to provide 'immediate notification' of incidents is provided to DPHI in accordance with the requirements of Condition C9 of SSD-7704 MOD5.</p>
<b>Non-Compliance Notification</b>						
<b>C10</b>	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 non-compliance. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	All	<p><b>Incident 1:</b> Ozark produced a letter of advice dated 12/03/2024 and titled 'ABORIGINAL SITE 20-5-0128 (BONDAH-IF3) AT RUSHES CREEK POULTRY PRODUCTION FARM'. The letter recommended that the harm to the location of Aboriginal site 20-5-0128 (Bondah-IF3) be reported to DPHI as part of the incident and non-compliance associated with the construction of the borrow pit in accordance with the Development Consent. On 22/03/2024 ProTen sent DPHI an Incident Report for the incident at Bondah-IF3.</p> <p>No notification occurred within seven days after ProTen became aware of the incident (12/03/2024 via Ozarks letter of advice. Therefore Incident 1 written notification did not meet the requirements of condition AP3-1.</p> <p><b>Incident 2:</b> ProTen received water quality monitoring results relating to the 6 Monthly monitoring event on 24/04/2024 from the monitoring consultant. ProTen identified potential exceedance of surface water or groundwater trigger values against the Soil and Water Management Plan. ProTen notified DPHI of the potential non-compliance on 22/05/2024. The notification was not within seven days after ProTen became aware of the incident. However, the letter titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification' from DPHI dated 27/06/2024 states NSW Planning has reviewed the notification and response to RFI-71178961 and considers them to generally satisfy the conditions of consent in relation to incident reporting. Based on the above DPHI correspondence, Incident 2 notification and reporting requirements generally satisfy condition C10.</p>	DPHI	Compliance Reporting Process	<p>Refer to actions at Action Status Table (in Appendix B). Condition C10.</p> <p>As per Condition C9.</p>
<b>APPENDIX 1 - DEVELOPMENT LAYOUT PLANS</b>						
<b>Appendix 1</b>	<i>Development layout plans - Refer to figures in Consolidated Consent SSD-7704.</i>	All	ProTen has shown intent meet this condition by the approval of SSD-7703 MOD5, DA2024-0171 and the South West Borrow Pit Remediation Plan. These approved design drawings associated with these approvals demonstrate approved design and permissions to achieve compliance with this condition. Remediation of south western borrow pit completed. However, non-compliance is identified given that works to implement the approved design for the northern borrow pit to be converted to a permanent water storage dam have not yet been completed.	DPHI	Nil	<p>Refer to actions at Action Status Table (in Appendix B). Condition Appendix 1.</p> <p>Complete construction to convert northern borrow pit into a water storage dam as approved in SSD-7704 MOD5 and DA2024-0171.</p>
<b>APPENDIX 2 - APPLICANT'S MANAGEMENT &amp; MITIGATION MEASURES</b>						
<b>SURFACE WATER</b>						
<b>Development Design and Operation</b>						



Condition of Consent Number	Compliance Requirement	Development Phase	Details of non-compliance	Reporting Agency	Formal Enforcement Action	ProTen Response
AP2-97	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation. Each system will be designed to capture the runoff from 200 mm of rainfall, which is equivalent to the depth of rainfall for a 1% AEP 72-hour event.	All	As per Condition B20. The Northern Borrow Pit and Southern Borrow Pits were not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them during the Compliance Reporting period, indicating that they may be capturing overland runoff. SSD-7704 MOD5 and the South West Borrow Pit Remediation Plan have been approved and once fully constructed / implemented will result in the northern borrow pit being compliant. South western borrow pit has been remediated. However, until Water Storage Dam 1 is constructed this condition is non-compliant.	DPHI	Nil	Refer to actions at Action Status Table (in Appendix B). Condition AP2-97  Refer to actions at Appendix 1
AP2-113	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation. Each system will be designed to capture the runoff from 200 mm of rainfall, which is equivalent to the depth of rainfall for a 1% AEP 72-hour event.	All	As per Condition B20. The Northern Borrow Pit and Southern Borrow Pits were not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them during the Compliance Reporting period, indicating that they may be capturing overland runoff. SSD-7704 MOD5 and the South West Borrow Pit Remediation Plan have been approved and once fully constructed / implemented will result in the northern borrow pit being compliant. South western borrow pit has been remediated. However, until Water Storage Dam 1 is constructed this condition is non-compliant.	DPHI	Nil	Refer to actions at Action Status Table (in Appendix B). Condition AP2-113.  Refer to actions at Appendix 1.
<b>BIODIVERSITY</b>						
<b>Operation</b>						
AP2-130	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation.	Operation	As per Condition B20. The Northern Borrow Pit and Southern Borrow Pits were not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them during the Compliance Reporting period, indicating that they may be capturing overland runoff. SSD-7704 MOD5 and the South West Borrow Pit Remediation Plan have been approved and once fully constructed / implemented will result in the northern borrow pit being compliant. South western borrow pit has been remediated. However, until Water Storage Dam 1 is constructed this condition is non-compliant.	DPHI	Nil	Refer to actions at Action Status Table (in Appendix B). Condition AP2-130.  Refer to actions at Appendix 1.
<b>APPENDIX 3 - INCIDENT NOTIFICATION &amp; REPORTING REQUIREMENTS</b>						
AP3-1	A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C9 or, having given such notification, subsequently forms the view that an incident has not occurred.	All	<p><b>Incident 1:</b> On 22/03/2024 ProTen sent DPHI an Incident Report for the incident at Bondah-IF3.</p> <p>No notification occurred within seven days after ProTen became aware of the incident (12/03/2024 via Ozarks letter of advice (see Condition C9). Therefore Incident 1 written notification did not meet the requirements of condition AP3-1.</p> <p><b>Incident 2:</b> ProTen received water quality monitoring results relating to the 6 Monthly monitoring event on 24/04/2024 from the monitoring consultant. ProTen identified potential exceedance of surface water or groundwater trigger values against the Soil and Water Management Plan. ProTen notified DPHI of the potential non-compliance on 22/05/2024. The notification was not within seven days after ProTen became aware of the incident. However, the letter titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification' from DPHI dated 27/06/2024 states NSW Planning has reviewed the notification and response to RFI-71178961 and considers them to generally satisfy the conditions of consent in relation to incident reporting. Based on the above DPHI correspondence Incident 2 notification and reporting requirements generally satisfy condition AP3-1.</p>	DPHI	Nil	Refer to actions at Action Status Table (in Appendix B). Condition AP3-1.  Review incident notification procedures and ensure they align with requirements of Condition C9 and Appendix 3.





## 4.0 Incidents

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

**Table 5: Incidents**

Incident	Incident Description	Action
Impact to Aboriginal site 20-5-0128 (Bondah-IF3)	Aboriginal site 20-5-0128 (Bondah-IF3) was potentially impacted by the construction of a borrow pit.	<p>Ozark Environment and Heritage (Ozark) were engaged by ProTen to conduct an independent assessment on the potential impact to the Bondah-IF3 site. Ozark produced a letter of advice dated 12/03/2024 and titled 'ABORIGINAL SITE 20-5-0128 (BONDAH-IF3) AT RUSHES CREEK POULTRY PRODUCTION FARM'. The letter recommended that the harm to the location of Aboriginal site 20-5-0128 (Bondah-IF3) be reported to DPHI as part of the incident and non-compliance associated with the construction of the borrow pit in accordance with the Development Consent.</p> <p>On 22/03/2024 ProTen notified DPHI of a potential incident at Bondah-IF3.</p> <p>The breach in question is a consequence of a previous non-compliance issue related to the unlawfully constructed southern borrow pit, which is currently subject to an Enforceable Undertaking (UE). ProTen was made aware of the recorded location of the artefact while undertaking lawful remediation works of the borrow pit, in accordance with the EU and a Remediation Plan that has been duly endorsed by the DPHI. This outcome stems from previous actions, and no additional wrongdoings having occurred in relation to the current breach.</p> <p>A Show Cause Letter from the Department of Planning Housing and Infrastructure (DPHI) was issued on 28/05/2024 to James Wentworth requiring a response by 27/06/2024. On 27/06/2024 ProTen responded to the Show Cause outlining a series of proactive and future actions ProTen have taken and will take to address the Show Cause. These actions and their status are outlined in <b>Appendix B</b> of the Rushes Creek Compliance Report.</p>



Surface Water and Groundwater exceedances	<p>Exceedances of surface water and groundwater quality trigger values in the Soil and Water Management Plan. The monitoring event occurred on the 24/04/2024 as part of a 6 monthly monitoring event as required by the Soil and Water Management Plan.</p>	<p>ProTen received water quality monitoring results relating to the 6 monthly monitoring event on 24/04/2024 from the monitoring consultant.</p> <p>ProTen identified potential exceedance of surface water and groundwater trigger values against the Soil and Water Management Plan.</p> <p>ProTen notified DPHI of the potential non-compliance on 22/05/2024.</p> <p>In response, DPHI issued the letter 'Rushes Creek Poultry Production Farm – 240424 SW trigger exceedance notification' on 24/04/2024 which requested a detailed report on the non-compliance be submitted by 21 June 2024.</p> <p>SLR Consulting on behalf of ProTen produced the Surface Water Investigation dated 21/06/2024.</p> <p>DPHI issued a letter on 27/06/2024 titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification'. The letter was in response to ProTen's notification dated 22/05/2024 and the Surface Water Investigation Report submitted in response to the NSW Planning request for information (RFI-71178961). NSW Planning reviewed the notification and response to RFI-71178961 and considered them to generally satisfy the conditions of consent in relation to incident reporting.</p> <p>However, NSW Planning did identify several failures to implement the approved Water Management Plan (WMP) dated 2 August 2022. Only one of the three non-compliances were within the reporting period:</p> <p>*Section 7.2.2 of the approved WMP requires periodic testing every 6 months. There is an interval of nearly 8 months between 28 August 2023 and 11 April 2024 testing events. This has been recorded as a non-compliance against Schedule 2, Part B, Condition B22 of the consent within this Compliance Report.</p> <p>DPHI recorded the breaches with no further action proposed.</p> <p>In the letter DPHI requested the Soil and Water Management Plan be updated to include recommendations in Section 7 of the Surface Water Investigation Report submitted in response to RFI-71178961 as directed by DPHI by 2 November 2024.</p>
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## 5.0 Complaints

**Table 6** shows one complaint was documented during the reporting period.

**Table 6: Complaints**

Total Number of Complaints Received	Number of Complainants	Complainant	Location of Complainant	Nature of Complaint	Mitigating Measure
1	1	Member of the public	Ski Gardens Road	Dust	<p>The contractor and complainant were contacted regarding the investigation following the complaint. The result of the investigation showed the contractor travelling along the Ski Gardens Road via truck had caused minor dust.</p> <p>The complainant was satisfied with the explanation. No further actions are required.</p>





# Appendix A Compliance Table

## Operational Compliance Report 2024

**SSD-7704 MOD 5**  
**Rushes Creek Poultry Production Farm**

**ProTen Tamworth Pty Ltd**

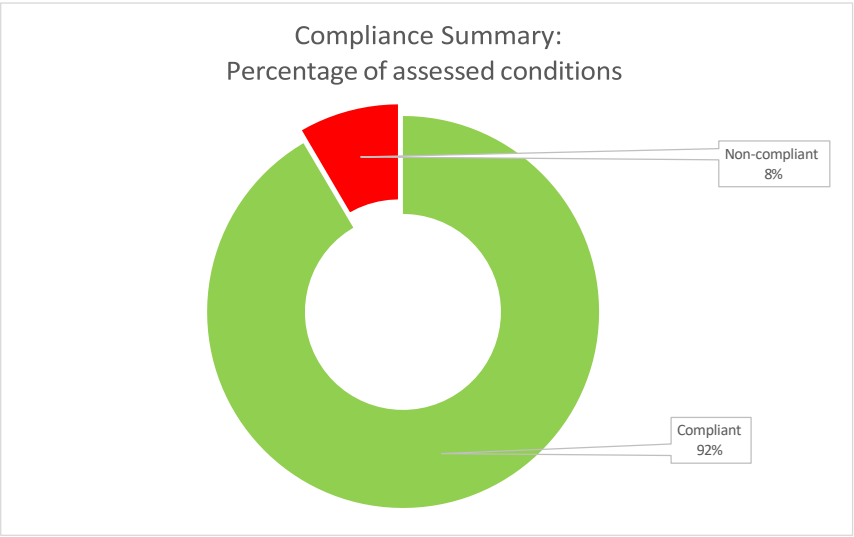
SLR Project No.: 630.031938.00001

17 March 2025

# Post-Approval Compliance Report - 2024

Proponent Approval:	ProTen Tamworth Poultry Production Unit SSD-7704 MOD5	Proponent's Representatives: Graeme Atwell Graham Kirby Jae St Leon Kathryn Singh Theuns Swart
Approval Authority Reviewers	Department of Planning & Environment Anna Cochrane Samuel McDonald	
Review Period	8 September 2023 to 7 September 2024	
Site Visit Dates	Not applicable - Remote review with ProTen site input	

Compliance Status	Project Approval SSD-7703 MOD5	Total	Percentage of total conditions	Percentage of assessed conditions
Compliant	367	367	63.17%	91.52%
Non-compliant	34	34	5.85%	8.48%
Not Triggered	160	160	27.54%	n/a
Note only	20	20	3.44%	n/a
Total conditions	581	581	100.00%	n/a
Total assessed conditions (excluding not triggered and notes)	401	401	69.02%	100.00%



# Post-Approval Compliance Report - 2024

Proponent

Approval:

Approval Authority Reviewers

Review Period

Site Visit Dates

ProTen Tamworth Poultry Production Unit

SSD-7704 MOD5

Department of Planning & Environment

Anna Cochrane

Samuel McDonald

8 September 2023 to 7 September 2024

Not applicable - Remote review with ProTen site input

Proponent's Representatives:

Graeme Atwell

Graham Kirby

Jae St Leon

Kathryn Singh

Theuns Swart

Compliant
Non-compliant
Not triggered
Note only

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
PART A - ADMINISTRATIVE CONDITIONS				
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT				
A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	All	<p>With the exception of non-compliances as noted against relevant Conditions of this 2024 Compliance Report, during the 2024 Compliance Reporting year, ProTen have implemented measures to comply with the Conditions of this Consent (as varied up to and including SSD-7704 MOD5), and have implemented all reasonable and feasible measures to prevent and minimise any harm to the environment that may result from construction, operation or rehabilitation of the development required under the Consent. However, given the identified non-compliances as noted in this checklist and report, non-compliance with Condition A1 is identified.</p> <p>Noncompliance raised previously against Condition A1 in the IEA dated January 2023 are closed at the time of this 2024 Compliance Report as follows:</p> <p>1) CLOSED - MOD 5 approved and implemented.</p> <p>2) CLOSED - Enforceable Undertaking approved &amp; implemented.</p> <p>3) CLOSED - MOD4, MOD5, and Southwestern Borrow Pit Remediation Plan approved.</p> <p>4) CLOSED - Environmental compliance management system implemented via 'Environmental Planner'.</p> <p>Non-compliance previously raised for clearing outside approved footprint for southwest &amp; north Borrow Pits are ongoing, relevant evidence of progress and current work sighted including determination of SSD-7704 MOD5 and approval of the remediation plan for the southwest borrow pit. South western borrow pit has been remediated. However, until Water Storage Dam 1 is constructed this condition is non-compliant.</p>	Non-compliant
TERMS OF CONSENT				
A2	The development may only be carried out:	All		
A2a	In compliance with the conditions of this consent.	All	<p>With the exception of non-compliances as noted against relevant Conditions of this 2024 Compliance Report, during the 2024 Compliance Reporting year, ProTen have operated the facility in general accordance with the Conditions of the Consent, as varied up to and including SSD-7704 MOD5. However, given the identified non-compliances as noted in this checklist and report, non-compliance with Condition A2a is identified.</p> <p>Noncompliance raised previously against Condition A2 in the IEA dated January 2023 are all closed at the time of this 2024 Compliance Report as follows:</p> <p>1) CLOSED - MOD 5 approved and implemented.</p> <p>2) CLOSED - Enforceable Undertaking approved &amp; implemented.</p> <p>3) CLOSED - MOD4, MOD5, and Southwestern Borrow Pit Remediation Plan approved.</p> <p>4) CLOSED -Environmental compliance management system implemented via 'Environmental Planner'.</p>	Non-compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
A2b	In accordance with all written directions of the Planning Secretary.	All	<p>During the 2024 Compliance Reporting year, ProTen have operated the facility in general accordance with DPHI correspondence and written directions, identified as follows:</p> <ul style="list-style-type: none"><li>•22 September 2023: Determination of SSD-7704 MOD4.</li><li>•29 November 2023 – EPL 21569, s.48 variation ref 1635120</li><li>•16 January 2024 – Letter from DPHI, ref SSD-7704-PA-57, Approval of Plan Strategy or Study: Rushes Creek Poultry Production Farm – Updated Soil and Water Management Plan (for approval of SWMP revision 8, dated 7 December 2023).</li><li>•16 January 2024 – Letter from DPHI, ref SSD-7704-PA-59, Approval of Plan Strategy or Study: Rushes Creek Poultry Production Farm – Aboriginal Cultural Heritage Management Plan (for approval of ACHMP revision 3.4, dated 21 December 2023).</li><li>•4 March 2024 – request from DPHI – provide summary of changes made to the Enforceable Undertaking (commenced on 31 July 2023).</li><li>•19 March 2024 - Letter from ProTen to DPHI – responding to DPHI request dated 4 March 2024 to provide a summary of changes made to the Enforceable Undertaking (commenced on 31 July 2023).</li><li>•22 March 2024: Determination of SSD-7704 MOD5.</li><li>•26 March 2024 – EPL 21569, s.48 variation ref 1638011</li><li>•28 May 2024 - Letter from DPHI, ref INV-71243961, Bondah-IF3 ark site disturbance (SSD-7704) – SHOW CAUSE.</li><li>•27 June 2024 - Letter from DPHI, ref SSD-7704-PA-78, Rushes Creek Poultry Production Farm – surface water trigger exceedance notification.</li><li>•30 July 2024 – Letter from DPHI, ref SSD-7704-PA-69, Approval of Plan Strategy or Study: Rushes Creek Poultry Production Farm – Long Term Environmental Management Plan (for approval of LTEMP version 2, dated 31/01/2024)</li></ul> <p>•2 August 2024 – Letter from DPHI, ref SSD-7704-PA-74, Approval of Plan Strategy or Study: Rushes Creek Poultry Production Farm - Construction Environmental Management Plan for Stage 1 (SSD-7704). (for approval of CEMP version 4, dated 7 February 2024). Includes updates of:</p> <ul style="list-style-type: none"><li>oCTMP</li><li>oESCP</li><li>oCCP – updated v5, 16 Aug 2024</li><li>oRevised RAP</li><li>oUnexpected Contamination Procedure</li><li>oACHMP update – sent to DPHI 2 Aug 2024 (by OzArk)</li><li>oUnanticipated Finds Protocol</li><li>oAboriginal Heritage Skeletal Remains Protocol</li><li>oIncident Notification and Reporting Requirements</li><li>oEnvironmental Incident Report Form</li></ul> <p>•29 August 2024 – EPL 21569, s.48 variation ref 1642796</p> <p>Outside reporting period:</p> <ul style="list-style-type: none"><li>•19 September 2024 - Letter from DPHI, ref SSD-7704-PA-72, Approval of Plan Strategy or Study: Rushes Creek Poultry Production Farm – Operational Environmental Management Plan (for approval of OEMP version 2.2, dated 5 September 2024). Includes approval of updated plans:</li><li>oOperational Environmental Management Plan prepared by SLR Consulting Australia, dated 5 September 2024, rev 2.2</li><li>oAboriginal Cultural Heritage Management Plan prepared by OzArk Environment &amp; Heritage, dated 2 August 2024, version v3.7</li><li>oAir Quality Management Plan, prepared by Astute Environmental Consulting, dated 28 June 2024, version R1-6</li><li>oEmergency Disposal and Biosecurity Strategy, prepared by SLR Consulting Pty Ltd, dated 28 June 2024, version v2.0</li><li>oOperational Driver Code of Conduct prepared by SLR Consulting, dated 26 June 2024, ref 620.30288-R02-v3.0</li><li>•24 September 2024– Letter from DPHI, ref SSD-7704-PA-82, Rushes Creek Poultry Production Farm – Compliance Report 2024 extension request</li><li>•25 November 2024 - Letter from ProTen to DPHI; Response to Rushes Creek Poultry Production Farm - Surface Water Trigger Exceedance Water Monitoring – SSD 7704</li><li>•12 December 2024 – Letter from DPHI, ref SSD-7704-PA84, Rushes Creek Poultry Production Farm – Surface Water Management Plan – Water Quality Investigation Recommendations</li></ul>	Compliant
A2c	In accordance with the EIS, Response to Submissions and Supplementary Response to Submissions;	All	Operations during the 2024 Compliance Reporting year are considered to have been in general compliance with Condition A2c.	Compliant
A2d	In accordance with the Modification	All	As per Condition A2a.	Non-compliant
A2e	In accordance with the Development Layout in Appendix 1; and	All	No operations have occurred outside the approved development area during the 2024 Compliance Reporting year.	Compliant
A2f	In accordance with the management and mitigation measures in 0. (Verbal advice provided by DPE indicates '0' = Appendix 2 of the Consent)	All	With the exception of non-compliances as noted against relevant management and mitigation measures, during the 2024 Compliance Reporting year, ProTen have operated the facility in general accordance with the management and mitigation measures defined in Appendix 2 of the Consent, as varied up to and including SSD-7704 MOD5. However, given the identified non-compliances as noted in this checklist and report, non-compliance with Condition A2f is identified.	Non-compliant
A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:	All	n/a	

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>A3a</b>	The content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and	All	As per Condition A2b.	Compliant
<b>A3b</b>	The implementation of any actions or measures contained in any such document referred to in condition A3(a).	All	As per Condition A2b.	Compliant
<b>A4</b>	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) A2(d) and A2(f). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), A2(d) and A2(f), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	All	Management plans & documents in Condition A2	Compliant
<b>LIMITS OF CONSENT</b>				
<b>Lapsing</b>				
<b>A5</b>	This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.	All	Construction commenced on Monday 30 September 2021. Operation commenced 23 September 2022.	Compliant
<b>Farm Operations</b>				
<b>A20</b>	The Applicant must ensure:	Operation		
<b>A20a</b>	The development does not exceed a maximum population of 3,051,000 broilers at any one time;	Operation	iLeader Batch Record Report for Rushes Creek Farm 2, batch 112 Placement Dockets (sheds 1-4) - 13/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 5-8) - 16/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 9-12) - 17/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 13-15) - 19/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 16-18) - 20/01/24 (starter)- 23/02/24 (withdrawal) Batch Verification Schedules (daily), dated 15/09/23, 13/11/23, 24/01/24, 20/04/24, 22/04/24, 15/07/24 Weekly Shed Records Check Cards (batch 114 - Farm 2) - dated 18/05/2024 Tracked via iLeader reports (ProTen). Also tracked through MTEC - use data to determine bird pick up to stay within 34kg/m2 limit.	Compliant
<b>A20b</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;	Operation	As above	Compliant
<b>A20c</b>	The development is not populated with 3,051,000 broilers simultaneously at the commencement of each production cycle;	Operation	As above	Compliant
<b>A20d</b>	The maximum bird density within a shed, expressed as live bird weight, must not exceed 34 kilograms per square metre at any time;	Operation	iLeader Batch Record Report for Rushes Creek Farm 2, batch 112 Tracked via iLeader reports (ProTen). Also tracked through MTEC - use data to determine bird pick up to stay within 34kg/m2 limit.	Compliant
<b>A20e</b>	The maximum number of sheds to be populated per day is a maximum of 12 sheds.	Operation	Placement Dockets (sheds 1-4) - 13/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 5-8) - 16/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 9-12) - 17/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 13-15) - 19/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 16-18) - 20/01/24 (starter)- 23/02/24 (withdrawal) Baiaa Placement Program determines number of sheds, site operator experience, availability limits number of sheds that can be placed in a day.	Compliant
<b>Farm Manager Accommodation</b>				
<b>A21</b>	The residential dwellings for farm manager's accommodation as described in the EIS are only to be occupied by persons employed by the Applicant, their partner and dependants in conjunction with the operation of a poultry farm for the operational life of the development and shall not be occupied or let for any other purpose.	Operation	Housing occupied by Farm manager, assistant farm manager and their families.	Compliant
<b>A22</b>	Upon cessation of operations of the development, the Applicant must demolish the seven farm manager dwellings associated with the development. If the cessation of operations of the development is carried out in a staged manner across the four farms (Farms 1 – 4), demolition of the dwellings associated with each stage must be carried out immediately upon the cessation of operations of that stage.	Construction	Condition not relevant to Operations Phase activities.	Not triggered



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status																					
Concurrent Construction and Operation of Stage 1 (Farm 2)																									
A22A	<div>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.</div> <div><table><tr><th colspan="3">Table A: Farm 2 Concurrent Construction and Operation Timetable</th></tr><tr><th>Sub-Stage</th><th>Construction Activities</th><th>Operational Activities</th></tr><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></table></div>	Table A: Farm 2 Concurrent Construction and Operation Timetable			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	Operation	Construction commenced on Monday 30 September 2021. Operation commenced 23 September 2022. Verified in IEA January 2023 and 2023 Compliance Report. No change in current Compliance Reporting Period.	Compliant
Table A: Farm 2 Concurrent Construction and Operation Timetable																									
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	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 21 months and subject to the following restrictions:	Operation	Operations commenced 23 Sep 2022. Extension for use of backup generators for maximum 21 months (i.e. until 23 June 2024) approved by DPHI as part of MOD 5 - approved 22/03/2024. Reticulated electricity power supply commissioned on 11/04/2024 with the certificate of compliance completed on 14/06/2024.  Evidence cited: System Control: Operating Agreement CEOF6052 dated 29/04/2024. Certificate of Electrical Compliance HV (CEOF6720 dated 23 June 2021 Issue 1). Commission Test Plan Report sighted (SCR 1 - 440kVA) - 13/09/22 (inspection completed), 19/09/22 (verification completed) Commission Test Plan Report sighted (SCR 2 - 440kVA) - 13/09/22 (inspection completed) - 19/09/22 (verification competed) Commission Test Plan Report sighted (45 SCR System) - 13/09/22 (inspection completed) - 19/09/22 (verification completed)	Compliant																					
A22B (a)	The 21 month period commencing from the date of the commencement of operation of the first sub-stage of the development, being poultry sheds 1 – 8 (Sub-Stage 1C, as described in Table A in Condition A22A), notified to the Department under condition A23 of the consent.	Operation	As above	Compliant																					
A22B (b)	No more than two 440 kVA emergency backup diesel generators at Farm 2 and one 45 kVA emergency backup diesel generator at the Namoi River water supply pump operating at any one time during the 21 month period.	Operation	Site inspection - generators installed as per condition of Consent Commission Test Plan Report sighted (SCR 1 - 440kVA) - 13/09/22 (inspection completed), 19/09/22 (verification completed) Commission Test Plan Report sighted (SCR 2 - 440kVA) - 13/09/22 (inspection completed) - 19/09/22 (verification competed) Commission Test Plan Report sighted (45 SCR System) - 13/09/22 (inspection completed) - 19/09/22 (verification completed)	Compliant																					
A22B (c)	Any diesel generator that operates for a period of more than 200 hours or more per year must comply with the nitrogen oxide emission limits specified in Schedule 4 of the Protection of the Environment Operations (Clean Air) Regulation 2021.	Operation	NOx scrubbers fitted to generators, generators monitor Nox levels, preset to alert if Nox outside present parameters that are set within required limit. Alarm goes to Site Manager & main PC. No alarms recorded. Presumed no changes for 2024.	Compliant																					
A22C	In the event an alternate primary operational power supply is not commissioned by the end of the 21 month period specified in condition A22B(a), the Applicant must completely destock all poultry sheds prior to the conclusion of the 21 month period and not place another batch of broilers in any shed at the development until one of the following has been satisfied:	Operation	As per Condition A22B.	Compliant																					
A22C (a)	the originally planned reticulated electricity power supply via the extension of Essential Energy’s overhead infrastructure from Manilla to the development site has been installed and commissioned, or	Operation	Reticulated electricity power supply commissioned on 11/04/2024 with the certificate of compliance completed on 14/06/2024.	Compliant																					
A22C (b)	an alternate primary operational power supply (such as an off-grid solar/battery system) has been approved, installed and commissioned to the satisfaction of the Planning Secretary.	Operation	MOD 4 includes removal of alternative power supply due to scheduled installation of permanent overhead supply by Essential Energy - approved by DPHI 22/09/2023.	Compliant																					
	<b>Note:</b> Condition A22C(b) does not preclude the requirement for the Applicant to seek the appropriate approvals/consent for any alternate primary operational power supply for the development.	All	Note	Note only																					

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>A22D</b>	Notwithstanding condition A22B above, in the event the reticulated electricity power supply via the extension of Essential Energy's overhead infrastructure from Manilla to the development site has been installed and commissioned prior to the conclusion of the <b>21</b> month period, the Applicant must connect to the reticulated electricity supply as soon as practicable following the commissioning of this infrastructure.	Operation	As per Condition A22B.	<b>Compliant</b>
<b>A22E</b>	The Applicant must ensure the flooring of all poultry sheds is constructed using an impermeable material in accordance with the Department of Primary Industry's Best Practice Management for Meat Chicken Production in NSW (2012), being limited to either concrete or a cement treated base with an asphalt overlay top coated with a polymer sealant, as described in the report prepared by Agribiz dated 12 April 2023, Appendix D of the Modification Report for SSD-7704-Mod-4.		Farm 2 poultry shed flooring has been constructed as per the approved alternate construction design (i.e. polymer sealed asphalt top layer over a cement treated base of aggregate). Sheds at Farms 1, 3 and 4 to be constructed utilising the approved alternate construction design.	<b>Compliant</b>
<b>NOTIFICATION OF COMMENCEMENT</b>				
<b>A23</b>	The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:	All		Note only
<b>A23a</b>	Construction.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>A23b</b>	Operation.	Operation	Verified in IEA January 2023 and 2023 Compliance Report. No change in current Compliance Reporting Period.	<b>Compliant</b>
<b>A23c</b>	Cessation of Operations.	Post-Operation	Condition not relevant to Operations Phase activities.	Not triggered
<b>A24</b>	If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	All	Condition not relevant to Operations Phase activities.	Not triggered
<b>Concurrent Construction and Operation of Stage 1 (Farm 2)</b>				
<b>A24A</b>	Prior to the commencement of operation of Sub-Stages 1C, 1D and 1E (as described in condition A22A), the Applicant must notify the Planning Secretary of the commencement date of the relevant sub-stage, in accordance with condition A24, and provide a report on the progress of the proposed alternate primary operational power supply arrangements for the development to the satisfaction of the Planning Secretary.	Operation	Construction commenced on Monday 30 September 2021. Operation commenced 23 September 2022. Verified in IEA January 2023 and 2023 Compliance Report. No change in current Compliance Reporting Period.	<b>Compliant</b>
<b>A24B</b>	The Applicant must not commence operation of Sub-Stages 1C, 1D or 1E until the Planning Secretary has advised in writing it has approved the alternate primary operational power supply progress report submitted prior to the commencement of each relevant sub-stage, as required by condition A24A.	Operation	As above	<b>Compliant</b>
<b>EVIDENCE OF CONSULTATION</b>				
<b>A25</b>	Where conditions of this consent require consultation with an identified party, the Applicant must:	All	Community Consultation Plan last updated - 16 August 2024 Complaints form for ProTen sighted	<b>Compliant</b>
<b>A25a</b>	Consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval.	All	Stage 2 consultation will be carried out as part of approvals process. SEARS submitted to date - submitted 16 September 2024	<b>Compliant</b>
<b>A25b</b>	Provide details of the consultation undertaken including.	All	As above	<b>Compliant</b>
<b>A25b (i)</b>	The outcome of that consultation, matters resolved and unresolved;	All	As above	<b>Compliant</b>
<b>A25b (ii)</b>	Details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	All	As above	<b>Compliant</b>
<b>STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS</b>				
<b>A26</b>	With the approval of the Planning Secretary, the Applicant may:	All		Note only
<b>A26a</b>	Prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);	All	Evidence sighted of management plans being updated and approved by the Department as construction and operation progresses and of consultation / submission in emails / letters where required.	<b>Compliant</b>
<b>A26b</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);	All	As above	<b>Compliant</b>

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
A26c	Update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).	All	As above	Compliant
A27	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	All	Based on evidence provided, not triggered.	Not triggered
A28	If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.	All	Based on evidence provided, relevant documents have been updated and implemented as required at various stages.	Compliant
PROTECTION OF PUBLIC INFRASTRUCTURE				
A29	Before the commencement of construction, the Applicant must:	Construction		
A29a	Consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A30	Unless the Applicant and the applicable authority agree otherwise, the Applicant must:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A30a	Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A30b	Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
DEMOLITION				
A31	All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
STRUCTURAL ADEQUACY				
A32	All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
	<b>Note:</b> <ul style="list-style-type: none"> <li>• Under Part 6 of the EP&amp;A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.</li> <li>• Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the development.</li> </ul>	Construction	Noted	Note only
SUBDIVISION				
A33	Prior to the issue of a Subdivision Certificate, detailed work-as-executed drawings shall be prepared and signed by a Registered Surveyor, which show the finished surface levels of the access road, internal roads, drainage and any areas of fill, carried out under this consent. The work-as-executed drawing must be submitted to the certifier and Council prior to the issue of a Subdivision Certificate.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A34	Prior to the issue of a Subdivision Certificate, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements, have been lodged for registration or registered at the Land Registry Services.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A35	Prior to the issue of a Subdivision Certificate, a certificate from an electricity and telecommunications provider must be submitted to the Certifier certifying that satisfactory service arrangements to the site have been established.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
A36	The Applicant is required to undertake the subdivision to ensure that each farm and the associated manager's accommodation are wholly contained within its own allotment. Evidence of lodgement with the Land Titles Office is to be submitted to the Certifier prior to the issue of any Occupation Certificate for the development.	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>EXTERNAL WALLS AND CLADDING FLAMMABILITY</b>				
<b>A37</b>	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>A38</b>	Prior to the issue of:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>A38a</b>	Any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>A38b</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.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>A39</b>	The Applicant must provide a copy of the documentation given to the Certifier under condition A38 to the Planning Secretary within seven days after the Certifier accepts it.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>COMPLIANCE</b>				
<b>A40</b>	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	All	Contractor Induction (Online Induct) PRT-P&P-HR-023 New Employee Induction Handbook	Compliant
<b>CONTRIBUTIONS TO COUNCIL</b>				
<b>A41</b>	Before the issue of a construction certificate for any part of the development, a contribution under section 7.12 of the EP&A Act of \$579,580.00 (adjusted on a quarterly basis (from the date of this consent), to account for movements in the Australian Bureau of Statistics Consumer Price Index – Building Construction (NSW)), must be paid to Council in accordance with the Tamworth Regional Council Section 7.12 (formerly S94A) Development Contributions Plan  2013 to cater for the increased demand to community infrastructure. The amount payable to Council may be varied, subject to the approval of Council in writing.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
	<b>Note:</b> <i>The Tamworth Regional Council Section 7.12 (formerly 94A) Development Contributions Plan may be viewed at <a href="http://www.tamworth.nsw.gov.au">www.tamworth.nsw.gov.au</a> or a copy may be inspected at Council's Administration Centre during normal business hours .</i>	Construction	Noted	Note only
<b>OPERATION OF PLANT AND EQUIPMENT</b>				
<b>A42</b>	All plant and equipment used on site, or to monitor the performance of the development, must be:	All		Note only
<b>A42a</b>	Maintained in a proper and efficient condition: and	All	<p>*Site Environmental Inspection Checklist does inspect compliance against this condition - sighted checklist dated 16/09/2024.</p> <p>Service checklists and inspection reports sighted during compliance review indicate ongoing proper inspection and maintenance.</p> <p>Environmental Planner 2024 sighted for Rushes Creek Farm 93 - includes planner item, supplier, frequency, due, schedule due date, completed and next due.</p> <p>Issues identified fixed on the spot or managed for repair / maintenance by Site Manager. Site Manager raises POs. POs tracked as planned / unplanned maintenance budget, reviewed by Regional Management monthly.</p> <p>Vehicle &amp; Equipment Pre-Start Checklists sighted - Week commencing 08/07/2024 (daily 14/07/24), 28/08/24 (daily 1/09/24)</p> <p>Generator checks (Gen 3, Back up #1) - Bottom sheds - 1/11/23, 8/11/23, 15/11/23 - weekly until 31/01/24</p> <p>Batch Verification Schedules (daily), dated 15/09/23, 13/11/23, 24/01/24, 20/04/24, 22/04/24, 15/07/24</p> <p>Weekly Shed Records Check Cards (batch 114 - Farm 2) - dated 18/05/2024</p> <p>18/11/24 photo of generators sighted</p>	Compliant
<b>A42b</b>	Operated in a proper and efficient manner.	All	As above	Compliant
<b>UTILITIES AND SERVICES</b>				
<b>A43</b>	Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
WORKS AS EXECUTED PLANS				
A44	Before the issue of the relevant Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
APPLICABILITY OF GUIDELINES				
A45	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	All	Noted and generally compliant. Sighted evidence of reference to applicable standards, guidelines in project documentation including management plans throughout the compliance review.	Compliant
A46	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	All	As above.	Compliant
ADVISORY NOTES				
AN1	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.	All	* SSD-7704 MOD5 approved and evidence sighted indicating implementation of compliance measures by ProTen to reflect updated requirements. * SSD-7704 MOD6 in progress. * DA2024-0171 approved by Tamworth Regional Council on 28/08/2024 allows for the construction and operation of two dams. DA2024-0171 allows for the illegal borrow pit to be converted into Water Storage Dam 1 (refer ref. No. 21079-D Bath Stewart Associates).	Compliant
PART B - ENVIRONMENTAL CONDITIONS				
AIR QUALITY				
Meteorological Monitoring				
B1	Prior to the commencement of any works on the site, and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating on the site that:	All	Installation verified in IEA January 2023 and 2023 Compliance Report. Weather station specifications align with requirements of Conditions B1, B1a and B1b. No change to installation type during the current Compliance Reporting Period.  Weather data collected and monitored daily including all parameters required by EPL 21569. Sighted records for whole month of Sept 23, Oct 23, Nov 23, Dec 23, Jan 24, Feb 24, Mar 24, April 24, May 24, Jun 24, Jul 24. Weather data dropped stopped recording on 23/07/24. Greenbrain (the consultant who manages the weather station) was notified of the weather station issue on 4/10/2024.  Given continuous data was not being recorded from the 23/07/2024 to 4/10/2024 this condition is considered non-compliant.  It is noted the EPA were notified on the 14/10/24 of the failure to continuously monitor data at the weather station.	Non-compliant
B1a	complies with the requirements in the latest version of EPA's <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> (DEC, 2007) (as may be updated or replaced from time to time); and	All	As above	Compliant
B1b	is capable of continuous real-time measurement of the following parameters: air temperature, wind direction, wind speed, solar radiation, rainfall and relative humidity and any other requirements specified in the EPL.	All	As above	Compliant
Dust Minimisation				
B2	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	All	Photos of roads sighted - roadways appear to be in a good condition Site Environmental Inspection Checklist sighted - 16/09/24 - Section 4.0 includes inspections of dust One complaint received related to dust during the reporting period, corrective actions implemented.	Compliant
B3	During construction, the Applicant must ensure that:	Construction	Condition not relevant to Operations Phase activities.	
B3a	Exposed surfaces and stockpiles are suppressed by regular watering.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B3b	All trucks entering or leaving the site with loads have their loads covered.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B3c	Trucks associated with the development do not track dirt onto the public road network.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B3d	Public roads used by these trucks are kept clean.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B3e	Land stabilisation works are carried out progressively on site to minimise exposed surfaces.	Construction	Condition not relevant to Operations Phase activities.	Not triggered



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>Air Quality Management Plan</b>				
<b>B4</b>	Prior to the commencement of operation, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by condition C5. The AQMP must:	Operation	AQMP incorporated as Appendix C of the OEMP, v0.1 dated August 2022 and aligns with requirements of Condition B4. Email correspondence about AQMP acceptance from DPHI - emailed 29/08/24.  Note: While outside of the reporting period, the revised AQMP dated 28 June 2024, version 6 was approved by DPHI' letter titled 'Subject: Rushes Creek Poultry Production Farm - Operational Environmental Management Plan' dated 5 September 2024.  Astute Environmental Consulting Report, Rushes Creek Odour Surveys - 26/04/24, Job 22-176 Astute Environmental Consulting Report, Rushes Creek Odour Surveys - 23/02/24, Job 22-176 Astute Environmental Consulting Report, Rushes Creek Odour Surveys - 26/10/23, Job 22-176 (submitted to EPA 27/10/23) Odour Survey Report - April 2024 submitted July 2 2024	Compliant
<b>B4a</b>	Be prepared by a suitably qualified and experienced person(s) in consultation with EPA.	Operation	As above - AQMP completed by Astute Environmental Consulting	Compliant
<b>B4b</b>	Detail and rank all emissions from all sources of the development, including particulate emissions.	Operation	As above	Compliant
<b>B4c</b>	Describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators.	Operation	As above	Compliant
<b>B4d</b>	Identify the control measures that will be implemented for each emission source.	Operation	As above	Compliant
<b>B4e</b>	Nominate the following for each of the proposed controls.	Operation	As above	Compliant
<b>B4e (i)</b>	Key performance indicator.	Operation	As above	Compliant
<b>B4e (ii)</b>	Monitoring method.	Operation	As above	Compliant
<b>B4e (iii)</b>	Location, frequency and duration of monitoring.	Operation	As above	Compliant
<b>B4e (iv)</b>	Record keeping.	Operation	As above	Compliant
<b>B4e (v)</b>	Complaints register.	Operation	As above	Compliant
<b>B4e (vi)</b>	Response procedures.	Operation	As above	Compliant
<b>B4e (vii)</b>	Compliance monitoring.	Operation	As above	Compliant
<b>B4f</b>	Include an odour monitoring program which must:	Operation	As above	Compliant
<b>B4f (i)</b>	Be carried out by a suitably qualified and experienced person(s) approved in writing by the EPA;	Operation	As above	Compliant
<b>B4f (ii)</b>	Be carried out at least once per production cycle during the following periods, under odour enhancing meteorological and stocking conditions: a. 1 February – 30 May inclusive; and b. 1 September – 30 November;	Operation	As above	Compliant
<b>B4f (iii)</b>	Target times that present an increased risk of odour emissions that might impact surrounding sensitive receptors (i.e. periods of peak stocking density in the sheds on the farm, and periods when receptors are most likely to be home) and when meteorological conditions are most likely to transport odour emissions towards receptor locations; and	Operation	As above	Compliant
<b>B4f (iv)</b>	Be implemented for a period of at least two years from the commencement of operation, or as otherwise agreed to by the Planning Secretary.	Operation	As above	Compliant
<b>B5</b>	The Applicant must:	Operation	n/a	
<b>B5a</b>	Not commence operation until the Air Quality Management Plan required by condition B4 is approved by the Planning Secretary;	Operation	AQMP approved prior to operation, as outlined at Condition B4.	Compliant
<b>B5b</b>	Implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development; and	Operation	AQMP implemented via OEMP. Evidence of monitoring results sighted during compliance review, including: Astute Environmental Consulting Report, Rushes Creek Odour Surveys - 26/04/24, Job 22-176 (Submitted to EPA 02/07/24) Astute Environmental Consulting Report, Rushes Creek Odour Surveys - 23/02/24, Job 22-176 (Submitted to EPA 19/03/24) Astute Environmental Consulting Report, Rushes Creek Odour Surveys - 26/10/23, Job 22-176 (Submitted to EPA 27/10/23)	Compliant
<b>B5c</b>	Not cease the Odour Monitoring Program required by condition B4(f) without the approval of the Planning Secretary.	Operation	Odour monitoring has not ceased. 2 years is not completed yet. Operations commenced 23 Sep 2023	Compliant
	<b>Note:</b> The odour monitoring program will be reviewed by the EPA at the completion of two years. At the completion of the review, the EPA will determine if it is appropriate for the program to continue, cease or if additional odour mitigation measures are required at the premises.	Operation	Noted	Note only

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>B6</b>	The results of the Odour Monitoring Program required by condition B4 must be submitted to the EPA within two weeks of the carrying out of each odour survey.	Operation	* Email from ProTen to EPA, dated 2/07/2024 submitting the April 26 report on 2 July. Monitoring occurred on 15-17 April 2024. As this period is longer than 2 weeks after completion of the odour monitoring (as per condition B6) this is a non-compliance. * Email receipt from EPA to ProTen, dated 19/03/2024 submitting the February 23 report on 19 March. Monitoring occurred on 12-14 February 2024. As this period is longer than 2 weeks after completion of the odour monitoring (as per condition B6) this is a non-compliance. * Email receipt from EPA to ProTen, dated 27/10/2023 submitting the October 26 report on 27 October. Monitoring occurred on 15 and 16 October 2023. As this period is within the 2 weeks after completion of the odour monitoring (as per condition B6) this is compliant.	<b>Non-compliant</b>
<b>B7</b>	Should the Odour Monitoring Program required by condition B4 reveal that offensive odour is impacting surrounding sensitive receptors during normal operating conditions, the EPA may require the Applicant to implement odour mitigation technologies.	Operation	No odour complaints received during operational period.	Not triggered
<b>Odour Management</b>				
<b>B8</b>	The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).	All	Complaints log, odour monitoring. No odour related complaints during 2023-2024 reporting period.	<b>Compliant</b>
<b>B9</b>	The development must be designed, constructed, operated and maintained in a manner that does not preclude the retrofit of air quality (including odour) emissions controls and management measures including, but not limited to, stacks to vertically exhaust emissions from the tunnel ventilation fans at height and odour abatement measures such as scrubbers.	All	Complaints log, odour monitoring. No odour related complaints during 2023-2024 reporting period.	<b>Compliant</b>
<b>TRAFFIC AND ACCESS</b>				
<b>Construction Traffic Management Plan</b>				
<b>B10</b>	Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B10a</b>	Be prepared by a suitably qualified and experienced person(s).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B10b</b>	Be prepared in consultation with Council and Transport for NSW.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B10c</b>	Detail the measures that are to be implemented to ensure road safety and network efficiency during construction	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B10d</b>	Detail heavy vehicle routes, access and parking arrangements	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B10e</b>	Include a Driver Code of Conduct to	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B10e (i)</b>	Minimise the impacts of earthworks and construction on the local and regional road network.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B10e (ii)</b>	Minimise conflicts with other road users.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B10e (iii)</b>	Minimise road traffic noise.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B10e (iv)</b>	Ensure truck drivers use specified routes.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B10f</b>	Include a program to monitor the effectiveness of these measures;	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B10g</b>	If necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B11</b>	The Applicant must:	Construction		
<b>B11a</b>	Not commence construction until the Construction Traffic Management Plan required by condition B10 is approved by the Planning Secretary; and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B11b</b>	Implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B11A</b>	<a href="#">Prior to the commencement of installation of the solar arrays at the Namoi River water pump, the Applicant must update the Construction Traffic Management Plan to the satisfaction of the Planning Secretary.</a>	Construction	Current version of CMTP on ProTen website is: Construction Traffic Management Plan version 1.0, dated June 2021. No evidence sighted to indicate that the CTMP has been reviewed or updated in accordance with requirements of Condition B11A.	<b>Non-compliant</b>
<b>Parking</b>				
<b>B12</b>	The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public streets.	All	Site correspondence indicates - adequate onsite parking is provided.	<b>Compliant</b>

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>Operating Conditions</b>				
<b>B13</b>	The Applicant must ensure:	All		
<b>B13a</b>	Internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of <i>AS 2890.1:2004 Parking facilities Off-street car parking</i> (Standards Australia, 2004) and <i>AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities</i> (Standards Australia, 2002);	All	Operational controls implemented via OEMP v2.2 dated 5 September 2024, including Driver Code of Conduct,. SLR dated 26 June 2024.  Signed Operational Drivers Code of Conduct forms by various Multiquip employees - KT 24/09/24, JBV 23/09/24, MB 25/09/24, AR 24/09/24, WT 24/09/24, CP 24/09/24, NM 25/09/24, BP 23/09/24, RT 23/09/24, SB 24/09/24, DF 24/09/24, NP 24/09/24, GB 25/09/24, TG 25/09/24 - indicating communication of requirements to heavy vehicle drivers.  Site Environmental Checklist sighted - 16/09/2024 includes checks of truck loads entering and leaving site, checks of unsealed roads, laydown areas and vehicle parking areas and vehicles adhering to speed limits.	Compliant
<b>B13b</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;	All	As above	Compliant
<b>B13c</b>	The development does not result in any vehicles queuing on the public road network.	All	As above	Compliant
<b>B13d</b>	Heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;	All	As above	Compliant
<b>B13e</b>	All vehicles are wholly contained on site before being required to stop;	All	As above	Compliant
<b>B13f</b>	All loading and unloading of materials is carried out on-site.	All	As above	Compliant
<b>B13g</b>	All trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network.	All	As above	Compliant
<b>B13h</b>	The proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.	All	As above	Compliant
<b>B13i</b>	The transportation of birds, feedstock and waste materials to and from the development are restricted to Rushes Creek Road from the Oxley Highway.	All	As above	Compliant
<b>Operational Driver Code of Conduct</b>				
<b>B14</b>	Prior to the commencement of operation, the Applicant must prepare a Driver Code of Conduct. The Driver Code of Conduct must form part of the OEMP required by condition C6 and be prepared in accordance with condition C1. The Code of Conduct should include but not limited to:	Operation	Driver Code Conduct that addresses requirements of Condition B14 has been incorporated and implemented into OEMP v2.2 dated 5 September 2024, including Driver Code of Conduct,. SLR dated 26 June 2024.  Signed Operational Drivers Code of Conduct forms by various Multiquip employees - KT 24/09/24, JBV 23/09/24, MB 25/09/24, AR 24/09/24, WT 24/09/24, CP 24/09/24, NM 25/09/24, BP 23/09/24, RT 23/09/24, SB 24/09/24, DF 24/09/24, NP 24/09/24, GB 25/09/24, TG 25/09/24 - indicating communication of requirements to heavy vehicle drivers.	Compliant
<b>B14a</b>	Map of the primary transport route/s highlighting critical locations;	Operation	As above	Compliant
<b>B14b</b>	Safety initiatives for transport through residential areas and/or school zones;	Operation	As above	Compliant
<b>B14c</b>	Measures to ensure vehicles used for the transportation of birds use the Oxley Highway and Rushes Creek Road only;	Operation	As above	Compliant
<b>B14d</b>	An induction process for vehicle operators and regular toolbox meetings;	Operation	As above	Compliant
<b>B14e</b>	A complaints resolution and disciplinary procedure;	Operation	As above	Compliant
<b>B14f</b>	A directive to drivers to slow down and provide right-of-way to any livestock and/or farm machinery on the transport routes; and	Operation	As above	Compliant
<b>B14g</b>	A directive to drivers to avoid the use of compression braking along Rushes Creek Road.	Operation	As above	Compliant
<b>B15</b>	The Applicant must:	Operation	As above	Compliant
<b>B15a</b>	Not commence operation until the Driver Code of Conduct required by condition B14 has been approved by the Planning Secretary; and	Operation	As above	Compliant
<b>B15b</b>	Implement the most recent version of the Driver Code of Conduct approved by the Planning Secretary for the duration of the development.	Operation	As above	Compliant
<b>SOIL, WATER QUALITY AND HYDROLOGY</b>				
<b>Imported Soil</b>				
<b>B16</b>	The Applicant must:			
<b>B16a</b>	Ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;	All	No imported soil or other site fill materials required for site operations.	Not triggered
<b>B16b</b>	Keep accurate records of the volume and type of fill to be used; and	All	As above	Not triggered



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B16c	Make these records available to the Planning Secretary upon request.	All	As above	Not triggered
Erosion and Sediment Control				
B17	Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the <i>Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book</i> (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B18	Clean water diversions shall be constructed and stabilised prior to the commencement of earthworks at each PPU.	Construction	<p>Condition not relevant to Operations phase activities Condition not relevant to Operations Phase activities. However, non-compliance against Condition B18 was identified during Jan 2023 IEA, with corrective actions being implemented during the operational reporting period. As at the 2024 Compliance Reporting period, progress towards addressing required actions has been made, however are still being implemented.</p> <p>IEA Finding 2023: Clean water diversions present and stable at the time of the site inspection. Site erosion and sediment controls and design in CEMP and LRCE designs. Minimal evidence of stabilisation of drainage structures prior to earthworks was received. Therefore, unable to verify clean water diversions are constructed and stabilised prior to the commencement of earthworks.</p> <p>Note: ProTen has shown intent meet this condition by the approval of DA2024-0171 and the South West Borrow Pit Remediation Plan. DA2024-0171 approved and allows for the non-approved borrow pit to be converted into Water Storage Dam 1 (refer ref. No. 21079-D Bath Stewart Associates).</p> <p>South-West Borrow Pit Remediation Plan dated 19/04/2024' - approved by DPHI on 10 July 2024 which confirmed, the intent of the Secretary's Direction dated 05/10/23 has been met. Remediation completed.</p> <p>However, photo of borrow pit sighted - 2024 showed water was collecting at the bottom of the northern Borrow Pit . By having the non-approved 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. Therefore this condition is considered non-compliant.</p>	Non-compliant
Discharge Limits				
B19	The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.	All	Site drainage separates clean stormwater from stormwater generated within the operational areas. Site sheds are managed to prevent runoff of wash waters or wastes outside the shed footprint, i.e. largely 'dry' processes used to remove spent bedding materials and minimal water used for washing and sanitising sheds to prevent runoff.	Compliant
Stormwater Management System				
B20	Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:	Operation	<p>See previous IEA (dated January 2023) evidence and findings ' ii) <i>Based on evidence received, wastewater and recycled water is captured in a closed surface water management system. However, runoff from unapproved Borrow Pits are not included in the development design nor the Stormwater Management System for the site. Therefore, this is a non-compliance</i>'.</p> <p>1) Silt fencing in place to reduce flow of runoff water north of the borrow pit - sighted in photographs. 2) Clean water diversion drain constructed during August 2022 to divert clean water away from north borrow pit.</p> <p>Connection for site water to drain into retention dam has been constructed. Water remains in northern borrow pit.</p> <p>Note: ProTen has shown intent meet this condition by the approval of SSD-7704 MOD5, DA2024-0171 and the South West Borrow Pit Remediation Plan. DA2024-0171 approved and allows for the illegal borrow pit to be converted into Water Storage Dam 1 (refer ref. No. 21079-D Bath Stewart Associates). South-West Borrow Pit Remediation Plan dated 19/04/2024' - approved by DPHI on 10 July 2024 which confirmed, the intent of the Secretary's Direction dated 05/10/23 has been met. Remediation completed.</p> <p>While DA2024-0171 will result in the northern borrow pit being compliant, until Water Storage Dam 1 is constructed and operational this condition is non-compliant.</p> <p>Note** A44 - Stormwater design presumed approved during construction phase.</p>	Non-compliant
B20a	Be designed by a suitably qualified and experienced person(s);	Operation	As above	Non-compliant
B20b	Be generally in accordance with the conceptual design in the EIS and RtS;	Operation	As above	Non-compliant
B20c	Be in accordance with applicable Australian Standards;	Operation	As above	Non-compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>B20d</b>	Ensure that the system capacity has been designed in accordance with <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines;	Operation	As above	Non-compliant
<b>B20e</b>	Divert existing clean surface water around operational areas of the site and discharged into natural drainage lines in a manner that prevents scouring; and	Operation	Site drainage separates clean stormwater from stormwater generated within the operational areas. No scouring observed in association with site drainage structures within photos.	Compliant
<b>B20f</b>	Be Designed by such that:	Operation	n/a	
<b>B20f (i)</b>	All vegetated swales and other stormwater conveyances within the controlled drainage areas are underlain by a compacted clay layer of at least 300 mm thickness and with a permeability of less than 1 x 10-9 m/s, or other material providing an equivalent barrier to percolation;	Operation	ProTen has shown intent meet this condition by the approval of SSD-7703 MOD5, DA2024-0171 and the South West Borrow Pit Remediation Plan. These approved design drawings associated with these approvals demonstrate approved design and permissions to achieve compliance with this condition. South western borrow pit has been remediated. However, non-compliance is identified given that works to convert the northern borrow pit inot a permanent dam have not yet been completed.	Non-compliant
<b>B20f (ii)</b>	All wastewater, recycled (irrigation) and other contaminated runoff is captured in the closed surface water management system; and	Operation	As above	Non-compliant
<b>B20f (iii)</b>	No discharges are to occur from the detention dams for events up to the 1% AEP.	Operation	As above	Non-compliant
<b>Water Management</b>				
<b>B21</b>	The detention dams at each PPU are to be inspected annually or following significant rainfall events, and desilted if required.	All	Site Environmental Inspection Checklist (Section 5.0), dated 16/09/2024 - completed by JH - Section 5.2 covers inspections of management systems including drains and silt fencing. Detention dams are inspected as part of site environmental / SHEQ inspections. Photo of detention dam sighted - No evidence of silting in detention dam noted.	Compliant
<b>Water Management Plan</b>				
<b>B22</b>	Prior to the commencement of operation, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by condition C5 and must:	Operation	Latest version of the Soil and Water Management Plan v.8.0 dated 7 December 2023 was approved by DPHI in the letter titled 'Subject: Rushes Creek Poultry Production Farm – Updated Soil and Water Management Plan' dated 16 January 2024. SWMP implemented via the OEMP.  Latest version of the OEMP was approved by DPHI' letter titled 'Subject: Rushes Creek Poultry Production Farm - Operational Environmental Management Plan' dated 5 September 2024.	Compliant
<b>B22a</b>	Be prepared by a suitably qualified and experienced person(s).	Operation	Soil Water Management Plan was prepared by specialist consultant - Sage Environmental Services	Compliant
<b>B22b</b>	Be prepared in consultation with the Department’s Water Group and the Natural Resources Access Regulator;	Operation	SEMP included consultation as required.	Compliant
<b>B22c</b>	Detail water use, metering, disposal and management on-site;	Operation	See previous IEA dated January 2023 ' <i>Non-compliance: The Northern Borrow Pit and Southern Borrow Pit are not included in the site water management designs and is outside the approved disturbance footprint. The Northern Borrow Pit contained water during site inspection, functioning as a dam. However, there was no evidence of ProTen using the water collected in the Northern Borrow Pit</i> '.  The latest SWMP (see Condition B22) does not include the Northern Borrow Pit or Southern Borrow pit within the site water management designs.  Note: ProTen has shown intent meet this condition by the approval of SSD-7704 MOD5, DA2024-0171 and the South West Borrow Pit Remediation Plan. DA2024-0171 approved and allows for the illegal borrow pit to be converted into Water Storage Dam 1 (refer ref. No. 21079-D Bath Stewart Associates). South-West Borrow Pit Remediation Plan dated 19/04/2024' - approved by DPHI on 10 July 2024 which confirmed, the intent of the Secretary's Direction dated 05/10/23 has been met. Remediation completed.  While DA2024-0171 will result in the northern borrow pit being compliant, until Water Storage Dam 1 is constructed and operational this condition is non-compliant.  <b>Recommendation:</b> Update the SWMP include the remediated borrow pit and new dam in northern pit following completion of these works.	Non-compliant
<b>B22d</b>	Detail the number and location of piezometers on-site.	Operation	Included in SWMP.	Compliant
<b>B22e</b>	Detail the water licence requirements for the development;	Operation	Included in SWMP.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B22f	Detail the management of wastewater streams on-site;	Operation	As per Condition B22c	Non-compliant
B22g	Contain a Surface Water Management Plan including.	Operation	Included in SWMP.	Compliant
B22g (i)	A program to monitor.	Operation	Included in SWMP. DPHI issued a letter on 27/06/2024 titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification'. The letter was in response to ProTen's notification dated 22/05/2024 and the Surface Water Investigation Report submitted in response to the NSW Planning request for information (RFI-71178961). DPHI identified the following non-compliance: - <i>Section 7.2.2 of the approved WMP requires periodic testing every 6 months. There is an interval of nearly 8 months between 28 August 2023 and 11 April 2024 testing events.</i> Therefore Condition B22 of the consent has been recorded as a non-compliance within this Compliance Report.	Non-compliant
B22g (i) (a)	Surface water flows and quality.	Operation	As per Condition B22c	Non-compliant
B22g (i) (b)	Surface water storage and use.	Operation	As per Condition B22c	Non-compliant
B22g (i) (c)	Sediment basin operation.	Operation	As per Condition B22c	Non-compliant
B22g (i) (d)	The surface water discharge point from the two main drainage lines on the site.	Operation	As per Condition B22c	Non-compliant
B22g (ii)	A trigger action and response plan (TARP) program to investigate potential adverse surface water impacts, including where surface water quality parameters exceed the Australian and New Zealand Environment Conservation Council (ANZECC) guidelines;	Operation	Included in SWMP - dated 07/12/2023	Compliant
B22g (iii)	A protocol for the investigation and mitigation where the surface water impact assessment criteria has been exceeded; and	Operation	Included in SWMP - dated 07/12/2023	Compliant
B22h	Contain a Groundwater Management Plan, including.	Operation	Included in SWMP - dated 07/12/2023	Compliant
B22h (i)	Baseline data on groundwater levels and quality;	Operation	Included in SWMP - dated 07/12/2023	Compliant
B22h (ii)	A program to monitor groundwater levels and quality (including nutrients and pathogens);	Operation	Included in SWMP - dated 07/12/2023	Compliant
B22h (iii)	Groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and	Operation	Included in SWMP - dated 07/12/2023	Compliant
B22h (iv)	A protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.	Operation	Included in SWMP - dated 07/12/2023	Compliant
B22i	Contain a contingency plan for the operational water supply for the facility during extreme weather events such as heat wave or drought.	Operation	Included in SWMP - dated 07/12/2023	Compliant
B23	The Applicant must:			
B23a	Not commence operation until the Water Management Plan required by condition B22 is approved by the Planning Secretary; and	Operation	As per Condition B22	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>B23b</b>	Implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.	Operation	<p>DPHI issued a letter on 27/06/2024 titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification' (referred to in Table 6 of the Compliance Report as Incident 2). The letter was in response to ProTen's notification dated 22/05/2024 and the Surface Water Investigation Report submitted in response to the NSW Planning request for information (RFI-71178961). NSW Planning reviewed the notification and response to RFI-71178961 and considered them to generally satisfy the conditions of consent in relation to incident reporting.</p> <p>However, NSW Planning did identify several failures to implement the approved Water Management Plan (WMP) dated 2 August 2022:</p> <ul style="list-style-type: none"><li>- On 20 March 2023, 12 April 2023, 28 August 2023 and 11 April 2024, Total Suspended Solids (mg/L) was not tested for, as required by Section 7.2.2 of the approved WMP.</li><li>- On 29 March 2023, Total Nitrogen (mg/L) and Total Phosphorus (mg/L) was not tested for, as required by the approved WMP.</li><li>- Section 7.2.2 of the approved WMP requires periodic testing every 6 months. There is an interval of nearly 8 months between 28 August 2023 and 11 April 2024 testing events.</li></ul> <p>While some of the failures to implement the approved Water Management Plan as outlined NSW Planning occurred during the previous reporting period the following were within the reporting period and therefor make this condition non-compliant:</p> <ul style="list-style-type: none"><li>- TSS not tested for on 11 April 2024 and periodic testing every six months was extended to 8 months between 28 August 2023 and 11 April 2024.</li></ul> <p>In their letter of 27/06/2024, DPHI directed ProTen to revise the WMP to incorporate the recommendations in Section 7 of Surface Water Investigation Report submitted in response to RFI-71178961. The revised WMP must be submitted to NSW Planning for approval no later than 2 November 2024, or as otherwise agreed with the Planning Secretary. As required by Schedule 2, Part B, Condition B22(b), the revised WMP must be prepared in consultation with the NSW Department of Climate Change, Energy, the Environment and Water – Water Group and the Natural Resources Access Regulator. It is noted that at the time of this compliance review, ProTen were undertaking review of the SWMP in consultation with DPHI (per letter from ProTen to DPHI ProTen WMP Recommendations 25.11.24; and DPHI Response dated 12 December 2024).</p>	<b>Non-compliant</b>
<b>Potable Water</b>				
<b>B24</b>	Prior to the commencement of operation, the Applicant must prepare a quality assurance program (or drinking water management system) in accordance with the 'NSW Private Water Supply Guidelines' (NSW Health 2016).	Operation	<p>Verified in Jan 20233 IEA and 2023 Compliance Report. No change during current compliance reporting period.</p> <p>For potable supply, the site continues to rely on potable water service provider to adhere to the NSW Private Water Supply Guidelines and the NSW Guidelines for Water Carters.</p> <p>Evidence of site health and safety QA sighted - Water Supply Quality Assurance Program, QA Dwellings untreated rainwater dated 31/8/22, QA Amenities, untreated rainwater dated 6/12/22</p>	<b>Compliant</b>
<b>NOISE</b>				
<b>Hours of Work</b>				
<b>B25</b>	The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.	All	<p>Operations allowed 24 hours as per Consolidated Consent.</p> <p>Operational controls implemented via Operational Environmental Management Plan, dated 05/09/2024</p> <p>Sighted personnel sign-in / sign-out records providing overview of working hours onsite. Rushes Creek sign in/out log sighted 2024.</p>	<b>Compliant</b>
<b>B26</b>	Works outside of the hours identified in condition B25 may be undertaken in the following circumstances:	All	As above	<b>Compliant</b>
<b>B26a</b>	Works that are inaudible at the nearest sensitive receivers;	All	As above	<b>Compliant</b>
<b>B26b</b>	For the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or	All	Not required	Not triggered
<b>B26c</b>	Where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.	All	Not required	Not triggered
<b>Construction Noise Limits</b>				
<b>B27</b>	The development must be constructed to achieve the construction noise management levels detailed in the <i>Interim Construction Noise Guideline</i> (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in 0 of this consent.	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>Operational Noise Limits</b>				
<b>B28</b>	The Applicant must ensure that noise generated by operation of the development does not exceed 35 dB(A) LAeq(15 minute) at all times (day, evening and night) at all residential receivers.	Operation	No monitoring of operational or construction noise limits was undertaken during the reporting period. However, given that noise mitigation and management measures have been implemented for operations activities, and that no noise complaints have been received for operations activities during 2024, ProTen considers that no further action against this condition to implement ongoing monitoring and verification of compliance with Condition B28 is considered warranted at this time. Site environmental inspection observations have not indicated any excessive or unexpected noise from plant, equipment, vehicles etc onsite, inferring compliance with this condition.  ProTen indicated that they would consider noise monitoring in consultation with EPA in the future if noise complaints are received in relation to operational activities on the site.	<b>Compliant</b>
	<b>Note</b> Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 1 for the location of residential sensitive receivers.	Operation		Note only
<b>Concurrent Construction and Operation Noise Limits</b>				
<b>B28A</b>	The Applicant must ensure that noise generated during concurrent construction and operation of Stage 1 (Farm 2) of the development does not exceed 40 dB(A) LAeq(15 minute) at all times (day, evening and night) at all residential receivers.	All	As per Condition B28.	<b>Compliant</b>
<b>Noise Validation Monitoring</b>				
<b>B28B</b>	Within the first month of Stage 1 (Farm 2) operations commencing, the Applicant must carry out noise validation monitoring. Monitoring must be carried out in accordance with the requirements of the Environment Protection Authority and the EPL, and within the following parameters:	Operation	Compliance verified in 2023 Compliance Reporting period. No change in 2024 reporting period.	<b>Compliant</b>
<b>B28B (a)</b>	At receptors R24 and R25 as identified in Appendix 1 of this consent.	Operation	As above	<b>Compliant</b>
<b>B28B (b)</b>	Within 10 days of operations commencing at Farm 2 while concurrently operating one 440 kVA diesel generator at Farm 2;	Operation	As above	<b>Compliant</b>
<b>B28B (c)</b>	Within 10 days of the commencement of operation of two 440 kVA diesel generators at Farm 2 concurrent with Farm 2 operations; and	Operation	As above	<b>Compliant</b>
<b>B28B (d)</b>	During the night period as defined in the Noise Policy for Industry (EPA, 2017) for a minimum of one hour during the night.	Operation	As above	<b>Compliant</b>
<b>Road Traffic Noise</b>				
<b>B29</b>	Prior to the commencement of construction, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.	All	Driver Code Conduct that addresses requirements of Condition B14 has been incorporated and implemented into OEMP v2.2 dated 5 September 2024, including Driver Code of Conduct,. SLR v.3.0 dated 26 June 2024.  OEMP approved by DPHI 19/09/2024.  Signed Operational Drivers Code of Conduct forms by various Multiquip employees - KT 24/09/24, JBV 23/09/24, MB 25/09/24, AR 24/09/24, WT 24/09/24, CP 24/09/24, NM 25/09/24, BP 23/09/24, RT 23/09/24, SB 24/09/24, DF 24/09/24, NP 24/09/24, GB 25/09/24, TG 25/09/24 - indicating communication of requirements to heavy vehicle drivers.	<b>Compliant</b>
<b>ANIMAL WELFARE AND BIOSECURITY</b>				
<b>Animal Welfare</b>				
<b>B30</b>	The Applicant must ensure the development complies with the relevant requirements for the welfare of livestock, particularly health, housing, watering, feeding, handling and transport, including but not limited to those contained within the latest version of:	All	Site Environmental Inspection Checklist sighted - 16/09/24 Baiaa placement dockets: Placement Dockets (sheds 1-4) - 13/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 5-8) - 16/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 9-12) - 17/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 13-15) - 19/01/24 (starter) - 23/02/24 (withdrawal) Placement Dockets (sheds 16-18) - 20/01/24 (starter)- 23/02/24 (withdrawal) Batch Verification Schedules (daily), dated 15/09/23, 13/11/23, 24/01/24, 20/04/24, 15/07/24 Weekly Shed Records Check Cards (batch 114 - Farm 2) - dated 18/05/2024 Removal and use of spent litter (Batch 114) - RC Bulk Haulage 08/05-14/05/24 (4151m3 removed) Not all evidence provided and  RSPCA Approved Farming Scheme - Meat Chicken Assessment Report evaluation assessment dated 06 Feb 2024. RSPCA Approved Farming Scheme Standard - Meat Chickens - August 2020. Report shows that the facility was compliant with RSPCA requirements. Baiaa animal welfare requirements align with applicable standards and requirements. Facility complies with Baiaa Animal Welfare & RSPCA requirements as conditions of contract. Results; 0 non-conformances, 0 observations. All categories of assessment were classified as 'low risk'.	<b>Compliant</b>

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>B30a</b>	RSPCA Approved Farming Scheme Standards – Meat Chickens (RSPCA Australia 2013) (RSPCA Standards).	All	As above	<b>Compliant</b>
<b>B30b</b>	National Animal Welfare Standards for Livestock Processing Establishments 2nd edition (Meat and Livestock Australia, 2009);	All	As above	<b>Compliant</b>
<b>B30c</b>	Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock (Animal Health Australia, 2012);	All	As above	<b>Compliant</b>
<b>B30d</b>	National Animal Welfare Standards for the Chicken Meat Industry (Barnett et al. 2008).	All	As above	<b>Compliant</b>
<b>B30e</b>	NSW DPI Best Practice Management for Meat Chicken Production in NSW – Manual 2 (2012);	All	As above	<b>Compliant</b>
<b>B30f</b>	National Farm Biosecurity Manual for Chicken Growers (ACMF, 2000);	All	As above	<b>Compliant</b>
<b>B30g</b>	Model Code of Practice for the Welfare of Animals – Domestic Poultry, 4th Edition (PISC, 2002);	All	As above	<b>Compliant</b>
<b>B30h</b>	Model Code of Practice for the Welfare of Animals, Land Transport of Poultry (PISC, 2006); and	All	As above	<b>Compliant</b>
<b>B30i</b>	Any other relevant document that supersedes the above.	All	As above	<b>Compliant</b>
<b>Emergency Disposal and Biosecurity</b>				
<b>B31</b>	Prior to the commencement of operation, the Applicant must prepare an Emergency Disposal and Bio-security Protocol, detailing the procedures for a biosecurity emergency including a mass mortality event, to the satisfaction of the Planning Secretary. The protocol must form part of the OEMP required by condition C5 and must:	Operation	Emergency Disposal and Biosecurity Strategy (EDBS) dated 28/06/24 addresses requirements of Condition B31 and has been incorporated and implemented into OEMP v2.2 dated 5 September 2024. OEMP approved by DPHI 19/09/2024. Ron Jones Haulage Dockets Sighted: #96383 - 1.8T Morts - dated 02/09/24 #94090 - 600kg Morts - dated 23/07/24 #85383- 1.2T Morts - dated 07/03/24 #90317 - 1000kg Morts - dated 30/06/24	<b>Compliant</b>
<b>B31a</b>	Be prepared in consultation with Council, EPA, DPI and other relevant public authorities;	Operation	Emergency Disposal and Biosecurity Strategy (EDBS) included consultation with Biosecurity and Food Safety Unit of the Department of Primary Industries (DPI), EPA, and Tamworth Regional Council. Has been incorporated and implemented into OEMP v2.2 dated 5 September 2024. Confirmed during 2023-2024 Compliance Review.	<b>Compliant</b>
<b>B31b</b>	Be consistent with the relevant AUSTVETPLAN manuals and supporting documents;	Operation	EDBS has been prepared to in consideration of relevant AUSTVETPLAN Manuals: • Australian Veterinary Emergency Plan, AUSVETPLAN, Operational Manual, Destruction of Animals (Animal Health Australia [AHA] 2015a) • Australian Veterinary Emergency Plan, AUSVETPLAN, Operational Manual, Disposal (AHA 2015b) Verified during 2023-2024 Compliance Review	<b>Compliant</b>
<b>B31c</b>	Describe the notification procedures;	Operation	Notification procedures are described in Section 4.1 and 4.2 of the EDBS, however could be improvise for clarity. These could be improved, for example by provision of a summary table / list of response and notification steps within the strategy. A summary table could also be included within Section 1 of the EDBS to indicate where within the EDBS the various requirements of Condition B31(a) to (f) have been addressed. <b>Recommendation:</b> Update the EDBS to include: 1) A summary table / list of response and notification steps to be taken when EDBS requirements are triggered; and 2) Include a summary table within Section 1 of the EDBS to indicate where within the EDBS the various requirements of Condition B31(a) to (f) have been addressed. notification procedures.	<b>Compliant</b>
<b>B31d</b>	Detail all transport routes to be used in a mass mortality event;	Operation	Approved heavy vehicle transport routes are shown in Figure 3 of the EDBS	<b>Compliant</b>
<b>B31e</b>	Detail any requirements to stage the mass disposal of dead livestock;	Operation	Described in Section 4.7 of the EDBS	<b>Compliant</b>
<b>B31f</b>	Detail the burial location(s) for the disposal of dead livestock, including plans and drawings;	Operation	Described in Section 4.6 of the EDBS Appendix E - Indicative Mass Mortality Burial Plan	<b>Compliant</b>
<b>B31g</b>	Detail the measures to maintain quarantine control.	Operation	Described in Section 4.5 of the EDBS	<b>Compliant</b>
<b>B31h</b>	Detail measures to prevent ground water contamination.	Operation	Described in Section 4.7 of the EDBS	<b>Compliant</b>
<b>B31i</b>	Detail the mass mortality disposal procedures and options.	Operation	Described in Section 4 of the EDBS - Mass Mortality Strategy	<b>Compliant</b>
<b>B32</b>	The Applicant must:	Operation	n/a	
<b>B32a</b>	Not commence operation until the Emergency Disposal and Biosecurity Protocol required by condition B31 is approved by the Planning Secretary; and	Operation	Compliance verified in 2023 Compliance Reporting period. No change in 2024 reporting period.	<b>Compliant</b>



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
B32b	Implement the most recent version of the Emergency Disposal and Biosecurity Protocol approved by the Planning Secretary for the duration of the development.	Operation	<p>Implemented via the OEMP v2.2 dated 5 September 2024. Sighted records and other evidence indicating implementation including signage, batch management &amp; inspection records.</p> <p>Biosecurity Manual dated - 12/08/2022 - as per biosecurity manual wheel wash facilities to be checked and maintained regularly - evidence of these checks sighted during 2023 - 2024.</p> <p>20/4/24 - Slab poured for the wheel wash. Unable to provided exact date of operation, however sprayer jets installed 2 weeks post pour date.</p> <p>Directional signage on site sighted - entrance to site there is a 'traffic flow, one way' sign clearly indicated after the wheel wash.</p> <p>Batch verification schedule form includes bird monitoring, chlorine ppm, dead bird freezer temperature, controllers and footpath monitoring. Form also includes weekly inspections of test alarms, bait stations and test generators. Batch maintenance including inspections of feeders, drinkers, lights, litter management, winches, pumps, fans, fan belt, heaters, gas tanks, cool cells, farm vehicles and water supply.</p> <p>Batch verification schedule forms sighted for dates: 15/09/23, 13/11/23, 27/01/24, 20/04/24, 22/04/24,15/07/24.</p> <p>Ron Jones Haulage Dockets Sighted: #96383 - 1.8T Morts - dated 02/09/24 #94090 - 600kg Morts - dated 23/07/24 #85383- 1.2T Morts - dated 07/03/24 #90317 - 1000kg Morts - dated 30/06/24</p>	Compliant
ABORIGINAL HERITAGE				
Aboriginal Cultural Heritage Management Plan (ACHMP)				
B33	Before the commencement of any clearing or construction works, the Applicant must prepare an ACHMP for the development. The plan must form part of the CEMP required by condition C2 and must:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B33a	Be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties and EES;	Construction	<p>Implemented via the OEMP v2.2 dated 5 September 2024.</p> <p>ACHMP v3.7 dated 02/08/24 following incident review.</p> <p>No visitor and contractor induction sighted.</p>	Not triggered
B33b	Be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development;	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B33c	Describe the management actions for all Aboriginal sites within the development site;	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B33d	Describe the measures to salvage the artefacts in Happy Hills-IF3, Bondah-IF1, Bondah-IF2, Bondah-IF7, Bondah-IF8, Happy Hills-OS3 and Bondah-OS11, including mapping, analysis and collection, and protect them in perpetuity.	Construction	<p>Condition not relevant to Operations Phase activities.</p> <p>Note: As detailed in the ACHMP v.3.7 dated 2 August 2024 'An attempt to salvage Bondah-IF1 and Bondah-IF2 was completed by OzArk on 24 August 2021. These sites are now registered as 'destroyed' on AHIMS.</p>	Not triggered
B34	The Applicant must:	All		
B34a	Not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary; and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
B34b	Implement the most recent version of the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary for the duration of the development.	All	<p>ACHMP Revision 3.7, dated 2 August 2024</p> <p>Inspections of Aboriginal Heritage Sites not included or provided</p> <p>OzArk Salvage Report for Stage 1 development, 27 July 2021</p> <p>OzArk Salvage Report for Stage 2 development, August 2023</p> <p>Not triggered during Stage 1 construction. Salvage report completed for Stage 1 &amp; 2 prior to works commencing, included inspection, fencing &amp; relocation of identified artefacts.</p> <p>Induction slide sighted as part of 2024 audit - includes site Aboriginal sites inspections - key heritage management measures and process for uncovering any Aboriginal items on site.</p> <p>Sighted show cause documentation from 12/09/24 - stating it is not a DPHI matter and has been handed to National Parks Wildlife.</p> <p>Non-compliance due to failure to implement the ACHMP (refer to Incident 1 (Condition C9).</p> <p><b>Recommend:</b> Implement all commitments in the Show Cause Response Letter dated 27/06/2024. Close out the Show Cause with DPHI.</p>	Non-compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>Unexpected Finds Protocol</b>				
<b>B35</b>	If any item or object of Aboriginal heritage significance is identified on site:	All		Note only
<b>B35a</b>	All work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;	All	<p>While the Bondah IF3 incident dated 12/03/2024 occurred during the reporting period (Refer Condition 9). The breach in question is a consequence of a previous non compliance issue related to the unlawfully constructed southern borrow pit, which is currently subject to an EU. ProTen was made aware of the recorded location of the artefact while undertaking lawful remediation works of the borrow pit, in accordance with the EU and a Remediation Plan that has been duly endorsed by the DPHI. This outcome stems from previous actions, and no additional wrongdoings having occurred in relation to the current breach. Non-compliance with this requirement is not triggered in relation to this event, as the incident related to the construction of the borrow pits discussed above occurred outside of the reporting period.</p> <p>Communicated to personnel via site inductions and monitored via site inspections. Evidence sighted including Site Environmental Inspection Checklist records retained.</p> <p>Site interviews and discussions indicate that no unexpected items of Aboriginal cultural heritage significance have been identified at the site in association with operations phase activities Sighted marked areas of known finds associated with construction phase activities, temporary fencing to be replaced with permanent fencing around these areas.</p>	<b>Compliant</b>
<b>B35b</b>	A 10 m wide buffer area around the suspected item or object must be cordoned off; and	All	OzArk inspected the heritage sites in January 2024 and placed star pickets with signage around sites and were satisfied with that at the time of inspection.	<b>Compliant</b>
<b>B35c</b>	The Heritage Division of DPC must be contacted immediately.	All	As above	<b>Compliant</b>
<b>B36</b>	Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the <i>National Parks and Wildlife Act 1974</i> .	All	As above	<b>Compliant</b>
<b>BIODIVERSITY</b>				
<b>B37</b>	Prior to any clearing or construction works, the Applicant must purchase and retire 29 White Box grassy woodlands – derived grassland (PCT 1383) credits to offset the removal/ disturbance of 1.17 hectares of White Box grassy woodlands – derived grassland at the site. The ecosystem credits must be retired in accordance with the requirements of EES’s Biodiversity Offsets Scheme and the Biodiversity Conservation Act 2016.	Construction	Compliance verified in 2023 Compliance Reporting period. No change in 2024 reporting period. Condition is not relevant to Operations phase activities or this reporting period.	Not triggered
<b>B38</b>	The requirement to retire ecosystem credits (see condition B37) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits, as calculated by the EES Group’s Biodiversity Offsets Payment Calculator.	Construction	As above	Not triggered
<b>B39</b>	The Applicant must provide the Planning Secretary with evidence that:	Construction	As above	Not triggered
<b>B39a</b>	The retirement of ecosystem credits has been completed (see condition B37); or	Construction	As above	Not triggered
<b>B39b</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.	Construction	As above	Not triggered
<b>HAZARDS AND RISK</b>				
<b>Pre-construction</b>				
<b>B40</b>	At least one month prior to the commencement of construction of the development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit for the approval of the Planning Secretary the studies set out under subsections (a) to (b) below (the pre-construction studies). Construction, other than of preliminary works, must not commence until approval has been given by the Planning Secretary.	Construction	Condition not relevant to Operations Phase activities.	Not triggered



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>B40a</b>	A Fire Safety Study for the development. This study must cover the relevant aspects of the Department’s Hazardous Industry Planning Advisory Paper No. 2, ‘Fire Safety Study Guidelines’ and the New South Wales Government’s Best Practice Guidelines for Contaminated Water Retention and Treatment Systems (NSW HMPCC, 1994). The study must meet the requirements of Fire and Rescue NSW.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B40b</b>	A Final Hazard Analysis of the development, prepared in accordance with the Department’s Hazardous Industry Planning Advisory Paper No. 6, ‘Hazard Analysis’.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Pre-commissioning</b>				
<b>B41</b>	Prior to commissioning of the development, or within such further period as the Planning Secretary may agree, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development. The plan must be prepared in accordance with the Department’s Hazardous Industry Planning Advisory Paper No. 1, ‘Emergency Planning’.	Operation	An Emergency Plan has been developed and implemented via the OEMP v2.2 dated 5 September 2024. Emergency Plan is dated 19/08/22 Included as Appendix I of the OEMP and details emergency procedures relevant to operations phase activities. References Fire Safety Study Rev 2, 3 April 2023, Project number 12545704, GHD Pty Ltd, which was prepared in accordance with Advisory Paper No 1 as required by Condition B41. Emergency Plan in OEMP - last updated 19/08/22	<b>Compliant</b>
<b>Further Requirements</b>				
<b>B42</b>	The Applicant must store all chemicals, fuels and oils used on-site in accordance with:	All	n/a	Note only
<b>B42a</b>	The requirements of all relevant Australian Standards; and	All	All chemicals were stored on bunded pallets within the designated chemical storage shed based on a photo provided. Site interviews indicate spill kits are located within the storage shed as well as a laminated dangerous goods segregation chart. SDSs are located within the site office approximately 50 metres from the chemical storage shed. These are available to all staff trained to use chemicals. *Site Environmental Inspection Checklist does inspect compliance against this condition - sighted checklist dated 16/09/2024.	<b>Compliant</b>
<b>B42b</b>	The NSW EPA’s Storing and Handling of Liquids: Environmental Protection – Participants Handbook, if the chemicals are liquids.	All	As above	<b>Compliant</b>
<b>B43</b>	In the event of an inconsistency between the requirements B42(a) and B42(b), the most stringent requirement must prevail to the extent of the inconsistency.	All	Note only	Note only
<b>Dangerous Goods</b>				
<b>B44</b>	Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:	All	See condition B42a Photo of chemical shed provided. *Site Environmental Inspection Checklist does inspect compliance against this condition - sighted checklist dated 16/09/2024.	<b>Compliant</b>
<b>B44a</b>	All relevant Australian Standards.	All	As above	<b>Compliant</b>
<b>B44b</b>	For liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and	All	As above	<b>Compliant</b>
<b>B44c</b>	The Environment Protection Manual for Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997).	All	As above	<b>Compliant</b>
<b>B45</b>	<i>In the event of an inconsistency between the requirements B44(a) to B44(c), the most stringent requirement must prevail to the extent of the inconsistency.</i>	All	Note only	Note only
<b>WASTE MANAGEMENT</b>				
<b>Pests, Vermin and Noxious Weed Management</b>				
<b>B46</b>	The Applicant must:	All		
<b>B46a</b>	Implement suitable measures to manage pests, vermin and declared noxious weeds on the site;	All	OEMP v2.2 dated 5 September 2024 - includes pest & weed management measures Site Environmental Inspection Checklist sighted and includes pest and weed management - 16/09/24 Chemical Application and Storage Report sighted: Biosolve E, Virkon S (dates; 9-16/05/24) Chemical Application and Storage Report sighted: Sure Five Blocks (dates; 16/05, 23/05, 30/05) Chemical Application and Storage Report sighted: Weedy Seedy 230 (dates; 30/05) Chemical Application and Storage Report sighted: Hyperox (dates; 10-17 May 2024) Chemical Application and Storage Report sighted: Ele3ctor PSP (dates; 10-15 May 2024)	<b>Compliant</b>
<b>B46b</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.	All	As above	<b>Compliant</b>
	<b>Note:</b> <i>For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.</i>	All	Note only	Note only

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>Composting of Mortalities Onsite</b>				
<b>B47</b>	Composted mortalities cannot be disposed off-site until a Specific Resource Recovery Exemption is granted by the EPA for birds composted at the site.	Operation	Mortalities are not composted onsite, Verified during site inspection in 2023 Compliance Reporting period, no change in current reporting period.  Bird mortalities are kept in dead bird freezer before being collected and taken to rendering plant. Site inspection sited 16/09/24 - indicates inspections of bird mortality collection areas being cleaned to minimise odour.	<b>Compliant</b>
	<b>Note:</b> <i>The general manure composting resource recovery exemption does not permit the inclusion of animal waste.</i>	Operation	Note only	Note only
<b>Waste Management</b>				
<b>B48</b>	The Applicant shall not stockpile, store or utilise spent bedding material in any way within the development., other than for the composing of birds.	Operation	Removal and use of spent litter (Batch 114) - RC Bulk Haulage 08/05-14/05/24 (4151m3 removed). Site inspection checklist 16/09/24 indicates site compliance with this condition.	<b>Compliant</b>
<b>B49</b>	Broiler mortalities shall not be disposed of to land by burial or any other methods at the site, for the life of the development, unless otherwise permitted by a relevant authority during a bio-security emergency at the site.	Operation	Bird mortalities are kept in dead bird freezer before being collected and taken offsite to rendering plant.	<b>Compliant</b>
<b>CONTAMINATION</b>				
<b>Unexpected Finds</b>				
<b>B50</b>	Prior to the commencement of earthworks, the Applicant must revise the unexpected contamination procedure in consultation with the <a href="#">Site Auditor</a> to ensure that potentially contaminated material (including the Sheep Holding Shed) is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C2 and must ensure appropriate management of any material identified as contaminated.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Site Auditor</b>				
<b>B50A</b>	Prior to the commencement of earthworks for the development on site, the Applicant must engage a Site Auditor accredited under the <i>Contaminated Land Management Act 1997</i> NSW Site Auditor Scheme.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Remediation</b>				
<b>B51</b>	The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the <i>Contaminated Land Management Act 1997</i> .	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B52</b>	Within one month of the completion of the remediation works, the Applicant must submit a validation report/letter to the Planning Secretary, which has been prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.	Construction	Not relevant to this reporting period.	Not triggered
<b>B52A</b>	Within six months of the completion of the remediation works and prior to the commencement of operation, the Applicant must obtain from the Site Auditor, a Site Audit Statement and a Site Audit Report. The reports must be prepared in accordance with the relevant guidelines under the CLM Act and must confirm:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B52A (a)</b>	The remedial works approved under this consent have been completed in accordance with the remediation objectives listed in the Remedial Action Plan; and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B52A (b)</b>	The site is suitable for its intended use.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>B52A additional</b>	A copy of the final Site Audit Statement and Site Audit Report must be provided to the Planning Secretary and the EPA.	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>Long Term Environmental Management Plan</b>				
<b>B52B</b>	The Long Term Environmental Management Plan (LTEMP) for the development must be submitted for consideration and approval by the Site Auditor, prior to the finalisation of the Site Audit Statement and Site Audit Report. The LTEMP is to:	All	LTEMP (SLR Consulting) - dated 31 Jan 2024 Approved by DPHI 30/07/2024 pursuant to Condition B52B of Schedule 2. Included in OEMP v2.2 dated 5 September 2024.	<b>Compliant</b>
<b>B52B (a)</b>	Address all environmental impacts of the development's construction and operational phases.	All	As above.	<b>Compliant</b>
<b>B52B (b)</b>	Recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s).	All	As above.	<b>Compliant</b>
<b>B52B (c)</b>	Include a surveyed drawing prepared by a registered surveyor clearly identifying the location and depth of any remaining on-site contamination.	All	As above. Included in LTEMP as Appendix C as approved by DPHI 30/07/2024 pursuant to Condition B52B of Schedule 2.	<b>Compliant</b>
<b>B52B (d)</b>	Incorporate a program for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant environmental standards.	All	As above.	<b>Compliant</b>
<b>B52B (e)</b>	Mechanisms to report results to the Planning Secretary and the EPA.	All	As above.	<b>Compliant</b>
<b>B52C</b>	Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:	All	As above.	<b>Compliant</b>
<b>B52C (a)</b>	Implement the approved LTEMP;	All	Implemented via Appendix J of the OEMP.	<b>Compliant</b>
<b>B52C (b)</b>	Provide evidence to the Planning Secretary the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the EP&A Act, for the development.	All	As above.	<b>Compliant</b>
<b>VISUAL AMENITY</b>				
<b>Landscaping</b>				
<b>B53</b>	The Applicant must:	All		
<b>B53a</b>	Establish a vegetation screen around the perimeter of each PPU a minimum width of 40 metres prior to the commencement of operation.	All	A qualified horticulturalist visited the site on 27/10/2023 and issued an email stating the screen was generally progressing well.	<b>Compliant</b>
<b>B53b</b>	Maintain the vegetation screens on the site for the life of the development.	All	Vegetation screens maintained, horticulturalist visited site 27/10/23 - evidence sighted.	<b>Compliant</b>
<b>Lighting</b>				
<b>B54</b>	The Applicant must ensure the lighting associated with the development:	All	n/a	
<b>B54a</b>	Complies with the latest version of AS 4282-1997 - <i>Control of the obtrusive effects of outdoor lighting</i> (Standards Australia, 1997); and	All	Verified in IEA January 2023 and 2023 Compliance Report. No change in current Compliance Reporting Period.	<b>Compliant</b>
<b>B54b</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.	All	Verified in IEA January 2023 and 2023 Compliance Report. No changes for 2023-24 compliance reporting period. Complaints log - no complaints related to site lighting received.	<b>Compliant</b>
<b>B54A</b>	<a href="#">Prior to the commencement of installation of the solar arrays at the Namoi River water pump, the Applicant must offer further vegetation screening to the landowner of sensitive receiver R15, as identified in Appendix 1, Figure 2 of this consent. Evidence of this consultation must be provided to the Planning Secretary prior to the commencement of installation of the solar arrays at the Namoi River water pump. If further screening is requested, the Applicant must seek the views of the landowner on the species, extent and location of the screening required.</a>	Construction	Site personnel indicated R15 was consulted during the reporting period regarding a screen of the solar panels which have been fully installed and operational. Site personnel indicated R15 did not want a screen as the solar panels would not impact them.	<b>Compliant</b>
<b>COMMUNITY ENGAGEMENT</b>				
<b>B55</b>	The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified in Appendix 2, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.	All	Operational consultation and complaints management procedures are implemented via Community Consultation Plan (CCP), incorporated as Appendix L of the OEMP. Complaints log reviewed - No complaints related to operations received. <b>Complaints log provided for dates:</b> 05/09/24. Complaints log states; date received, person receiving, time received, method of contact, site name, nature of complaint (1x dust), action taken by licensee, follow up contact Community Consultation Plan - 16 August 2024 Complaints form for ProTen sighted	<b>Compliant</b>

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>Community Consultation Plan</b>				
<b>B56</b>	The Applicant must prepare a Community Consultation Plan for the development, to the satisfaction of the Planning Secretary. The Plan must:	All	Community Consultation Plan (CCP) for operations phase activities is implemented via the OEMP v2.2 dated 5 September 2024, DPE approvals provided as required. <b>Complaints log provided for dates:</b> 05/09/24. Complaints log states; date received, person receiving, time received, method of contact, site name, nature of complaint (1x dust), action taken by licensee, follow up contact Community Consultation Plan - 16 August 2024 Complaints form for ProTen sighted	<b>Compliant</b>
<b>B56a</b>	Be approved by the Planning Secretary prior to the commencement of site preparation works;	All	Condition not relevant to Operations Phase activities.	Not triggered
<b>B56b</b>	Be implemented for the life of the development, or as otherwise agreed by the Planning Secretary;	All	Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K). Community Consultation Plan - 16 August 2024	<b>Compliant</b>
<b>B56c</b>	Assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the development;	All	Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K). Section 5.3 - Contact Details for Complaints Environmental hotline also advertised on ProTen website	<b>Compliant</b>
<b>B56d</b>	Detail the mechanisms for regularly consulting with.	All	Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K). Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K). Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K). Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K). Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K). Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K). Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K).	<b>Compliant</b>
<b>B456d (i)</b>	The local community.	All		<b>Compliant</b>
<b>B56d (ii)</b>	Nearby sensitive receivers identified in Appendix 2.	All		<b>Compliant</b>
<b>B56d (iii)</b>	Relevant Regulatory Authorities.	All		<b>Compliant</b>
<b>B56d (iv)</b>	Registered Aboriginal Parties.	All		<b>Compliant</b>
<b>B56d (v)</b>	Other interested stakeholders.	All		<b>Compliant</b>
	Throughout the development, such as holding regular meetings to inform the community of the progress of the development and report on environmental monitoring results;	All		<b>Compliant</b>
<b>B56e</b>	Include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and	All	In Appendix A-C of the CCP dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K).	<b>Compliant</b>
<b>B56f</b>	Include a complaints procedure for recording, responding to and managing complaints, including:	All	Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K). Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K).	<b>Compliant</b>
<b>B56f (i)</b>	Email, toll-free telephone number and postal address for receiving complaints;	All		<b>Compliant</b>
<b>B56f (ii)</b>	Advertising the contact details for complaints prior to and during operation, via the local newspaper and through on-site signage;	All	Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K). Environmental Enquiries and Complaints hotline advertised on 'Contact' page of ProTen website - verified 07/11/24. Evidence of onsite signage sighted. Ads were placed during the construction phase and prior to commencement of first shed operation - ProTen no longer advertises complaints information or contact number in the newspaper. As condition states "prior to and during operation" this is identified as a non-compliance.	<b>Non-compliant</b>
<b>B56f (iii)</b>	A complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and	All	In Section 5.4 of the CCP. Complaints log sighted - Complaints log provided for dates: 05/09/24. Complaints log states; date received, person receiving, time received, method of contact, site name, nature of complaint (1x dust), action taken by licensee, follow up contact	<b>Compliant</b>
<b>B56f (iv)</b>	Procedures to resolve any disputes that may arise during the course of the development.	All	Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K).	<b>Compliant</b>
<b>B57</b>	The Applicant must:			
<b>B57a</b>	Not commence construction until the Community Consultation Plan is approved by the Planning Secretary;	Construction	Condition not relevant to Operations Phase activities. Most updated Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K).	Not triggered
<b>B57b</b>	Implement the approved Community Consultation Plan for the duration of the development.	All	Community Consultation Plan dated 16 August 2024, approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024 (Appendix K).	<b>Compliant</b>

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
PART C - ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING				
ENVIRONMENTAL MANAGEMENT				
Management Plan Requirements				
C1	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:	All	<u>The following management plans approved by DPHI in conjunction with OEMP v2.2 dated 5 September 2024.</u> <b>Emergency Disposal and Biosecurity Strategy (EDBS)</b> dated 28/06/24 <b>Community Consultation Plan (CCP)</b> dated 16 August 2024 (Appendix K of OEMP). <b>Long Term Environmental Management Plan (LTEMP)</b> - 5 September 2024 (Appendix J of OEMP) <b>Emergency Plan in OEMP</b> - last updated 19/08/22 <b>Soil and Water Management Plan (SWMP)</b> - dated 16 January 2024. <b>Driver Code of Conduct (DCC)</b> - dated SLR v.3.0 dated 26 June 2024. <b>Air Quality Management Plan (AQMP)</b> - dated August 2022 (Appendix C of OEMP). <b>Aboriginal Cultural Heritage Management Plan (ACHMP)</b> - August 2024 - reviewed after IH3 incident <b>Greenhouse Gas Assessment (GHA)</b> - 13 March 2023 (Appendix H of OEMP) Updated plans appear to align with Condition C1.	Compliant
C1a	Detailed baseline data;	All	As above, as relevant to particular MPs and DPE requirements.	Compliant
C1b	Details of:	All	As above	Compliant
C1b (i)	The relevant statutory requirements (including any relevant approval, licence or lease conditions);	All	As above	Compliant
C1b (ii)	Any relevant limits or performance measures and criteria; and	All	As above	Compliant
C1b (iii)	The specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;	All	As above	Compliant
C1c	A description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;	All	As above	Compliant
C1d	A program to monitor and report on the:	All	As above	Compliant
C1d (i)	Impacts and environmental performance of the development; and	All	As above	Compliant
C1d (ii)	Effectiveness of the management measures set out pursuant to paragraph (c) above;	All	As above	Compliant
C1e	A contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;	All	As above	Compliant
C1f	A program to investigate and implement ways to improve the environmental performance of the development over time;	All	As above	Compliant
C1g	A protocol for managing and reporting any:	All	As above	Compliant
C1g (i)	Incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);	All	As above	Compliant
C1g (ii)	Complaint.	All	As above	Compliant
C1g (iii)	Failure to comply with statutory requirements.	All	As above	Compliant
C1h	A protocol for periodic review of the plan.	All	As above	Compliant
	<b>Note:</b> <i>the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans .</i>	All	Note only	Note only
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN				
C2	The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
C3	As part of the CEMP required under condition C2 of this consent, the Applicant must include the following:	Construction	Condition not relevant to Operations Phase activities.	Not triggered
C3a	Erosion and Sediment Control Plan.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
C3b	Construction Traffic Management Plan (see Condition B10).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
C3c	Community Consultation and Complaints Handling.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
C4	The Applicant must:	Construction		
C4a	Not commence construction of the development until the CEMP is approved by the Planning Secretary; and	Construction	Condition not relevant to Operations Phase activities.	Not triggered
C4b	Carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.	Construction	Not relevant to this reporting period.	Not triggered



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
C4A	Prior to the commencement of installation of the solar array at the Namoi River water pump, the Applicant must update the Erosion and Sediment Control Plan in the approved Construction Environmental Management Plan to the satisfaction of the Planning Secretary.		ESCP included within the CEMP. ESCP and CEMP were updated as required and submitted to DPE for approval on 6 February 2024.	Compliant
OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN				
C5	The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 to the satisfaction of the Planning Secretary.	Operation	Most recent version: Operational Environmental Management Plan (OEMP), SLR Project No.: 631.30722.00100 -R01-v2.2 dated 5/09/2024. OEMP approval letter from DPHI - 19/09/2024.	Compliant
C6	As part of the OEMP required under condition C5 of this consent, the Applicant must include the following:	Operation		Note only
C6a	Describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;	Operation	OEMP v2.2 dated 5/09/2024 - Section 3.2.2	Compliant
C6b	Describe the procedures that would be implemented to:	Operation		Compliant
C6b (i)	Keep the local community and relevant agencies informed about the operation and environmental performance of the development;	Operation	Community Consultation Plan included as Appendix K of OEMP	Compliant
C6b (ii)	Receive, handle, respond to, and record complaints;	Operation	OEMP Section 6 and in CCP (Appendix K of OEMP)	Compliant
C6b (iii)	Resolve any disputes that may arise.	Operation	OEMP Section 6 and in CCP (Appendix K of OEMP)	Compliant
C6b (iv)	Respond to any non compliance.	Operation	OEMP Section 7	Compliant
C6b (v)	Respond to emergencies; and	Operation	OEMP Section 7 and Emergency Plan (Appendix I of OEMP)	Compliant
C6c	Including the following environmental management plans.	Operation		Note only
C6c (i)	Air Quality (see Condition B4).	Operation	Appendix C of OEMP v2.2 dated 5/09/2024	Compliant
C6c (ii)	Operational Driver Code of Conduct (see Condition B14).	Operation	Appendix D of OEMP v2.2 dated 5/09/2024	Compliant
C6c (iii)	Water (see Condition B22).	Operation	Appendix E of OEMP v2.2 dated 5/09/2024	Compliant
C6c (iv)	Emergency Disposal and Biosecurity Protocol (see Condition B31); and	Operation	Appendix F of OEMP v2.2 dated 5/09/2024	Compliant
C6c (v)	Aboriginal Cultural Heritage (see Condition B33).	Operation	Appendix G of OEMP v2.2 dated 5/09/2024	Compliant
C7	The Applicant must:	Operation		Note only
C7a	Not commence operation until the OEMP is approved by the Planning Secretary; and	Operation	Prior non-compliance against this requirement was raised and addressed in the 2023 IEA and 2023 Compliance Reports. ProTen have implemented Environmental Planner 2024 for Rushes Creek - includes planner item, supplier, frequency, due, schedule due date, completed and next due. This is considered a sufficient environmental compliance management system. Therefore, the facility is considered compliant against this requirement for the 2024 Compliance Reporting year.	Compliant
C7b	Operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).	Operation	Prior non-compliance against this requirement was raised and addressed in the 2023 IEA and 2023 Compliance Reports.  ProTen have commissioned the permanent wheel wash and also implemented compliance management system via 'Environmental Planner' tool developed for this purpose. Evidence sighted during compliance review indicates OEMP requirements are being implemented and maintained for the operation.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
REVISION OF STRATEGIES, PLANS AND PROGRAMS				
C8	Within three months of:	All	2023 IEA verified that Management Plans are considered generally compliant in regards to this condition and their preparation requirements. Reviews triggered during the 2024 Compliance Reporting period and responses are as noted against applicable sub-parts to Condition C8, as below.	Compliant
C8a	The submission of a Compliance Report under condition 0;	All	The 2023 Compliance Report was submitted on 22/09/23 (see Condition 12). No evidence was available for review to confirm that strategies, plans or programs were reviewed within three months of the Compliance Report being submitted.	Non-compliant
C8b	The submission of an incident report under condition C9;	All	<p><b>Incident 1:</b></p> <p>On the 22 March 2024 ProTen submitted an Incident Report as required by Condition C9 of SSD 7704 and Appendix 3 (Incident 1 (see Condition C9)). A review was undertaken of the relevant Rushes Creek management plans and licences to address the requirements of both SSD 7704 C8 (d) and SSD 7704 C8 (b) and submitted to DPHI on the 21 June 2024 (3 months following the 22 March 2024).</p> <p><b>Incident 2:</b></p> <p>ProTen identified potential exceedance of surface water or groundwater trigger values against the Soil and Water Management Plan. ProTen notified DPHI of the potential non-compliance on 22/05/2024 (Incident 2) (see Condition C9)). In response, DPHI issued the letter ‘Rushes Creek Poultry Production Farm – 240424 SW trigger exceedance notification’ on 24/04/2024 which requested a detailed report on the non-compliance be submitted by 21 June 2024. SLR Consulting on behalf of ProTen produced the Surface Water Investigation dated 21/06/2024. <b>The Surface Water Investigation meets the requirement of Condition C8 as it reviewed the relevant management plan (Soil and Water Management Plan) within three months of the submission of the incident report.</b></p> <p>DPHI issued a letter on 27/06/2024 titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification'. The letter was in response to ProTen's notification dated 22/05/2024 and the Surface Water Investigation Report submitted in response to the NSW Planning request for information (RFI-71178961). NSW Planning reviewed the notification and response to RFI-71178961 and considered them to generally satisfy the conditions of consent in relation to incident reporting.</p>	Compliant
C8c	The submission of an Independent Audit under condition 0;	All	The last Independent Environmental Audit occurred in January 2023, therefore not relevant to this reporting period.	Not triggered
C8d	The approval of any modification of the conditions of this consent; or	All	<p>Modification 4 (MOD 4) was approved on 22 September 2023. In accordance with Condition C8 (d) of SSD 7704 SLR undertook a review of strategies, plans and programs within 3 months of the approval of a modification (20 December 2023).</p> <p>Modification 5 (MOD 5) was approved on 22 March 2024.</p> <p>As part of the MOD 4 management plan update, DPHI requested MOD 5 be incorporated throughout management plans. The review of strategies plans and programs occurred prior to updating the management plans to meet DPHI's request. This review occurred within three months of the approval of Mod 5.</p>	Compliant
C8e	The issue of a direction of the Planning Secretary under condition A2(b) which requires a review, the strategies, plans and programs required under this consent must be reviewed.	All	<p>Request for Information (RFI-74135967) from DPHI dated 29/08/2024 requesting 'As the EPL has been updated since the sub-plan was originally approved, updated consultation should accompany the AQMP' (within 33 days). The updated AQMP to include EPA correspondence (dated 29/08/2024). The updated OEMP was submitted with the revised AQMP attached on 5/09/2024 within the timeframe requested by (RFI-74135967).</p> <p>Request for Information (RFI-71990706) from DPHI dated 29/08/2024 requesting 'Please update the OEMP and all sub-plans to reference Mod 5' (within 7 days). The updated OEMP was revised to include references to MOD 5 noting most management plans from the 2.1 version (dated 16/08/2024) of the OEMP included reference to MOD 5, however some sub-plans had missed the MOD 5 reference. The updated OEMP was submitted on 5/09/2024 within the timeframe requested by (RFI-71990706).</p>	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
C8 additional	If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.	All	<p>Modification 4 (MOD 4) was approved on 22 September 2023. In accordance with Condition C8 (d) of SSD 7704 SLR undertook a review of strategies, plans and programs within 3 months of the approval of a modification (20 December 2023). SLR's review identified updates required to the CEMP, OEMP and PIRMP. In accordance with Condition C8 (d) of SSD 7704, the changes outlined in the review occurred within 6 weeks of the review C8 (d) and were submitted to DPE for approval on 6 February 2024.</p> <p>Modification 5 (MOD 5) was approved on 22 March 2024. In accordance with Condition C8 (d) of SSD 7704 SLR undertook a review of strategies, plans and programs within 3 months of the approval of a modification (20 December 2023). As part of the MOD 4 management plan update, DPHI requested MOD 5 be incorporated throughout management plans.</p> <p>The changes to strategies plans and programs occurred and were submitted to DPE for approval on 16 August 2024. Given the timeframe of 3 months from approval of MOD5 (22 June) plus 6 weeks (3 August 2024), the updates to strategies plans and programs were outside of the required timeframe. However, the RFI-71990706 (see Condition C8e) issued by DPHI in relation to Mod 5 inclusions in the management plans override the original timeframe for updates and review triggered by the Mod 5 approval. Therefore this condition is considered compliant.</p> <p>On the 22 March 2024 ProTen submitted an Incident Report as required by Condition C9 of SSD 7704 and Appendix 3 (Incident 1 (see Condition C9)).</p>	Compliant
C8 note	<b>Note:</b> <i>This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.:</i>		Note only	Note only
REPORTING AND AUDITING				
Incident Notification, Reporting and Response				
C9	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.	All	<p><b>Incident 1:</b></p> <p>On the 22 March 2024 ProTen submitted an Incident Report as required by Condition C9 of SSD 7704. However, given this notification was not provided within the 7 days required by Condition C10, the requirement for 'immediate notification' per Condition C9 is not considered to have been satisfied for this Incident.</p> <p><b>Incident 2:</b></p> <p>ProTen identified potential exceedance of surface water or groundwater trigger values against the Soil and Water Management Plan and notified DPHI of the potential non-compliance on 22/05/2024. In response, DPHI issued a letter on 27/06/2024 titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification'. The letter was in response to ProTen's notification dated 22/05/2024 and the Surface Water Investigation Report submitted in response to the NSW Planning request for information (RFI-71178961). NSW Planning reviewed the notification and response to RFI-71178961 and considered them to generally satisfy the conditions of consent in relation to incident reporting. Therefore, compliance against Condition C9 is considered to have ben achieved in relation to Incident 2.</p>	Non-compliant
Non-Compliance Notification				
C10	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	All	<p><b>Incident 1:</b></p> <p>Ozark produced a letter of advice dated 12/03/2024 and titled 'ABORIGINAL SITE 20-5-0128 (BONDAH-IF3) AT RUSHES CREEK POULTRY PRODUCTION FARM'. The letter recommended that the harm to the location of Aboriginal site 20-5-0128 (Bondah-IF3) be reported to DPHI as part of the incident and non-compliance associated with the construction of the borrow pit in accordance with the Development Consent.</p> <p>On 22/03/2024 ProTen sent DPHI an Incident Report for the incident at Bondah-IF3.</p> <p>No notification occurred within seven days after ProTen became aware of the incident (12/03/2024 via Ozarks letter of advice. Therefore Incident 1 written notification did not meet the requirements of condition AP3-1.</p> <p><b>Incident 2:</b></p> <p>ProTen received water quality monitoring results relating to the 6 Monthly monitoring event on 24/04/2024 from the monitoring consultant. ProTen identified potential exceedance of surface water or groundwater trigger values against the Soil and Water Management Plan. ProTen notified DPHI of the potential non-compliance on 22/05/2024. The notification was not within seven days after ProTen became aware of the incident. However, the letter titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification' from DPHI dated 27/06/2024 states NSW Planning has reviewed the notification and response to RFI-71178961 and considers them to generally satisfy the conditions of consent in relation to incident reporting.</p> <p>Based on the above DPHI correspondence, Incident 2 notification and reporting requirements generally satisfy condition C10.</p>	Non-compliant



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>Compliance Reporting</b>				
<b>C11</b>	Compliance Reports of the <b>development</b> must be <b>prepared</b> in accordance with the Compliance Reporting Post Approval Requirements (Department <b>2020</b> ).	All	This Compliance Report was prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020).	<b>Compliant</b>
<b>C12</b>	The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least seven days before this is done.	All	Compliance Report - Public Availability - Compliance Report of the Rushes Creek Poultry Production Farm dated 22/09/23 was made public on ProTens website on 27/11/23. Lodged 22/09/23. Email Received from DPHI 22/9/23 **UPLOADED Notification of CR to website letter 20/11/23 **UPLOADED.	<b>Compliant</b>
<b>Independent Audit</b>				
<b>C13</b>	<b>Independent auditing of the operation of the development must be carried out in accordance with the Independent Audit Post Approval Requirements (Department, 2020).</b>	Operation	Response actions (in IEA (Jan 2023) findings: 1) Audit schedule to be developed in consultation with DPE to consider frequency of construction and operational phase audits, provided to DPE. 2) Audit schedule to be included in compliance management system once system is implemented (budget approved, software selection in progress).  In response to 1) - Consider future audit timings and communicate with DPHI when required.  In response to 2) - Environmental Planner 2024 for Rushes Creek - includes planner item, supplier, frequency, due, schedule due date, completed and next due. This is considered a sufficient environmental compliance management system.	<b>Compliant</b>
<b>C14</b>	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department <b>2020</b> ), the Applicant must:	Operation		
<b>C14a</b>	Review and respond to each Independent Audit Report prepared under condition C13 of this consent;	Operation	Verified compliant in 2023 Compliance Report. ProTen continue to implement remaining corrective actions, as outlined in Action Status Table within this 2024 Compliance Report.	<b>Compliant</b>
<b>C14b</b>	Submit the response to the Planning Secretary; and	Operation	Verified compliant in 2023 Compliance Report. No changes required in current reporting period.	<b>Compliant</b>
<b>C14c</b>	Make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.	Operation	Verified compliant in 2023 Compliance Report. No changes required in current reporting period.	<b>Compliant</b>
<b>Monitoring and Environmental Audits</b>				
<b>C15</b>	Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.	All	Noted	<b>Compliant</b>
	<b>Note:</b> <i>For the purposes of this condition, as set out in the EP&amp;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.</i>		Note only	Note only
<b>ACCESS TO INFORMATION</b>				
<b>C16</b>	At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:	All	Verified in Jan 2023 IEA	<b>Compliant</b>
<b>C16a</b>	Make the following information and documents (as they are obtained or approved) publicly available on its website:	All	ProTen Website reviewed during 2024 compliance Reporting: <a href="https://proten.com.au/Sustainability/Environmental-Documents">https://proten.com.au/Sustainability/Environmental-Documents</a> . Documents required by Conditions C16(a)(i) to (xi) appear to be present and updated as required by Condition C16.	<b>Compliant</b>
<b>C16a (i)</b>	The documents referred to in condition A2 of this consent;	All	As above	<b>Compliant</b>
<b>C16a (ii)</b>	All current statutory approvals for the development;	All	As above	<b>Compliant</b>
<b>C16a (iii)</b>	All approved strategies, plans and programs required under the conditions of this consent;	All	As above	<b>Compliant</b>
<b>C16a (iv)</b>	Regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;	All	As above	<b>Compliant</b>
<b>C16a (v)</b>	A comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;	All	As above	<b>Compliant</b>
<b>C16a (vi)</b>	A summary of the current stage and progress of the development;	All	As above	<b>Compliant</b>

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
C16a (vii)	Contact details to enquire about the development or to make a complaint;	All	As above	Compliant
C16a (viii)	A complaints register, updated monthly;	All	As above	Compliant
C16a (ix)	The Compliance Report of the development;	All	As above	Compliant
C16a (x)	Audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;	All	As above	Compliant
C16a (xi)	Any other matter required by the Planning Secretary; and	All	As above	Compliant
C16b	Keep such information up to date, to the satisfaction of the Planning Secretary.	All	As above	Compliant
APPENDIX 1 - DEVELOPMENT LAYOUT PLANS				
Appendix 1	Development layout plans - Refer to figures in Consolidated Consent SSD-7704.	All	<p>ProTen has shown intent meet this condition by the approval of SSD-7703 MOD5, DA2024-0171 and the South West Borrow Pit Remediation Plan. These approved design drawings associated with these approvals demonstrate approved design and permissions to achieve compliance with this condition. Remediation of south western borrow pit completed. However, non-compliance is identified given that works to implement the approved design for the northern borrow pit to be converted to a permanent water storage dam have not yet been completed.</p> <p><b>Recommendation:</b> Construct Dam 1 (DA2024-0171).</p>	Non-compliant
APPENDIX 2 - APPLICANT'S MANAGEMENT & MITIGATION MEASURES				
SOURCE REFERENCE FOR APPENDIX 2: Table 7 - Updated Summary of Commitments in <i>Rushes Creek Poultry Production Farm, SSD 7004 Section 4.55(1A) Modification Report</i>				
DEVELOPMENT CONSTRUCTION				
AP2-1	ProTen will implement all practicable measures to prevent or minimise any harm to the local environment and surrounding populace that may result from the construction of the Development.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-2	ProTen will construct the Development generally as described in the EIS and RTS and in accordance with detailed design completed following development consent, along with the necessary construction approvals (for example, construction certificates).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-3	<p>A CEMP will be developed for approval prior to commencing construction. It will describe the activities to be undertaken on site during construction, outline construction staging and timing, nominate the roles and responsibilities for all relevant construction personnel, include community and stakeholder consultation requirements and include procedures for complaints and incident management. The CEMP will also specify the environmental management and mitigation measures to be implemented during construction in relation to:</p> <ul style="list-style-type: none"><li>· Surface water;</li><li>· Soils;</li><li>· Traffic;</li><li>· Biodiversity;</li><li>· Aboriginal heritage;</li><li>· Noise;</li><li>· Dust; and</li><li>· Waste.</li></ul>	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-4	Construction workers will be suitably inducted and trained. Training in relation to environmental responsibilities will take place initially through the site induction and then on an on-going basis through toolbox talks (or similar).	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>DEVELOPMENT OPERATION</b>				
<b>AP2-5</b>	ProTen will implement all practicable measures to prevent or minimise any harm to the local environment and surrounding populace that may result from operation of the Development.	Operation	<p>Prior non-compliance against this requirement was raised and addressed in the 2023 IEA and 2023 Compliance Reports.</p> <p>ProTen have commissioned the permanent wheel wash and also implemented compliance management system via 'Environmental Planner' tool developed for this purpose. Evidence sighted during compliance review indicates OEMP requirements are being implemented and maintained for the operation.</p>	<b>Compliant</b>
<b>AP2-6</b>	The Development will generally be constructed, operated and managed in accordance with current industry best practice standards, including the relevant requirements/recommendations in the RSPCA Standards (RSPCA Australia 2013) and Best Practice Guidelines (DPI 2012).	Operation	RSPCA Approved Farming Scheme - Meat Chicken Assessment Report evaluation assessment dated 06 Feb 2024. RSPCA Approved Farming Scheme Standard - Meat Chickens - August 2020. Report shows that the facility was compliant with RSPCA requirements. Baiada animal welfare requirements align with applicable standards and requirements. Facility complies with Baiada Animal Welfare & RSPCA requirements as conditions of contract. Results; 0 non-conformances, 0 observations. All categories of assessment were classified as 'low risk'.	<b>Compliant</b>
<b>AP2-7</b>	ProTen will operate the Development generally as described in this EIS and RTS.	Operation	Evidence of development, implementation, monitoring and maintenance of environmental management plans and controls for operations phase activities indicates ProTen are operating the Development generally as described in the EIS and RTS.	<b>Compliant</b>
<b>AP2-8</b>	<p>An OEMP will be developed for approval prior to commencing operation. It will describe the operational activities to be undertaken on site, nominate the roles and responsibilities for all relevant personnel, include community and stakeholder consultation requirements and include procedures for complaints and incident management. The OEMP will also include the following issue-specific management plans:</p> <ul style="list-style-type: none"> <li>· Air Quality Management Plan;</li> <li>· Surface Water Management Plan;</li> <li>· Biodiversity Management Plan;</li> <li>· Aboriginal Cultural Heritage Management Plan;</li> <li>· Waste Management Plan;</li> <li>· Landscaping Management Plan;</li> <li>· Mass Mortality Disposal Strategy; and</li> <li>· Pollution Incident Response Management Plan.</li> </ul> <p>It will also specify the environmental management and mitigation measures to be implemented in relation to traffic, noise, energy efficiency and pest control.</p>	Operation	OEMP developed and implemented, addresses items outlined in Commitment.	<b>Compliant</b>
<b>AP2-9</b>	The Development will not exceed a maximum population of 3,051,000 broiler birds, and the maximum number of birds placed on any given day will be 636,000 (±6%).	Operation	<p>iLeader Batch Record Report for Rushes Creek Farm 2, batch 112</p> <p>Placement Dockets (sheds 1-4) - 13/01/24 (starter) - 23/02/24 (withdrawal)</p> <p>Placement Dockets (sheds 5-8) - 16/01/24 (starter) - 23/02/24 (withdrawal)</p> <p>Placement Dockets (sheds 9-12) - 17/01/24 (starter) - 23/02/24 (withdrawal)</p> <p>Placement Dockets (sheds 13-15) - 19/01/24 (starter) - 23/02/24 (withdrawal)</p> <p>Placement Dockets (sheds 16-18) - 20/01/24 (starter)- 23/02/24 (withdrawal)</p> <p>Batch Verification Schedules (daily), dated 15/09/23, 13/11/23, 24/01/24, 20/04/24, 22/04/24, 15/07/24</p> <p>Weekly Shed Records Check Cards (batch 114 - Farm 2) - dated 18/05/2024</p> <p>Tracked via iLeader reports (ProTen). Also tracked through MTEC - use data to determine bird pick up to stay within 34kg/m2 limit.</p>	<b>Compliant</b>
<b>AP2-10</b>	Stocking densities will comply with the RSPCA Standards (2013) specification of 34 kg/m2 .	Operation	<p>Monitored during site operations, birds are progressively reduced as they grow to maintain stocking densities below 34 kg/m2.</p> <p>Daily Shed Check Cards sighted - all stocking densities below 34kg/m2.</p> <p>Placement Dockets (sheds 1-4) - 13/01/24 (starter) - 23/02/24 (withdrawal)</p> <p>Placement Dockets (sheds 5-8) - 16/01/24 (starter) - 23/02/24 (withdrawal)</p> <p>Placement Dockets (sheds 9-12) - 17/01/24 (starter) - 23/02/24 (withdrawal)</p> <p>Placement Dockets (sheds 13-15) - 19/01/24 (starter) - 23/02/24 (withdrawal)</p> <p>Placement Dockets (sheds 16-18) - 20/01/24 (starter)- 23/02/24 (withdrawal)</p>	<b>Compliant</b>
<b>AP2-11</b>	Employees and contractors will be suitably inducted and trained. Training in relation to environmental responsibilities will take place initially through the site induction and then on an on-going basis through toolbox talks (or similar).	Operation	<p>Contractor Induction</p> <p>SHEQ Site-Specific Induction</p> <p>Construction Contractor Induction</p> <p>ProTen Construction Environmental Induction</p> <p>Toolbox Meeting Minutes</p>	<b>Compliant</b>
<b>AP2-12</b>	The Development will be managed in compliance with ProTen’s standard operating procedures, including a regular site inspection and maintenance program to minimise the potential for adverse environmental impacts, extend the life of equipment, reduce operating costs and maximise operational efficiency. Emphasis will be placed on keeping the insides of the poultry sheds and surrounding environs as clean as possible.	Operation	iLeader Document Management System - includes training, Work Instructions, SOPs, Policies, Manuals	<b>Compliant</b>

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>LAND CONTAMINATION</b>				
<b>AP2-13</b>	The Revised Remedial Action Plan (SLR 2021) will be implemented and completed within 12 months of commencing construction to remediate arsenic impacted soil adjacent to the former sheep dip in Lot 165 DP 752169.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-14</b>	A site validation report will be prepared in accordance with Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (OEH 2011) Contaminated Land Guidelines: Consultants Reporting on Contaminated Land (EPA 2020) for submission to Council, EPA and DPIE within 30 days of completing the remediation works.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-15</b>	An EMP will be prepared for the remedial area at the completion of the remediation and validation work. It will document the on-going management requirements for the remedial area and associated responsible parties.	All	A Long Term Environmental Management Program (LTEMP) has been implemented via the OEMP and noted on the property planning certificate to manage residual site contamination. The LTEMP is dated 31 January 2024.	Compliant
<b>DRINKING WATER SUPPLIES</b>				
<b>AP2-16</b>	Quality assurance programs will be prepared and implemented in accordance with the NSW Health Private Water Supply Guidelines (NSW Health 2014) for the drinking water supplies at the PPU's and farm managers' houses. These programs will be submitted to the HNELHD prior to commencing operation.	Operation	Water Supply Quality Assurance Program - Untreated Rainwater document sighted.	Compliant
<b>ODOUR</b>				
<b>Development Design</b>				
<b>AP2-17</b>	The poultry sheds will be tunnel-ventilated to allow control over internal moisture levels and promote optimum growing conditions and bird health.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-18</b>	The poultry sheds will be fully enclosed, have wide eaves and will be surrounded by dwarf concrete bund walls to prevent stormwater entering the poultry sheds and elevated moisture levels.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-19</b>	The poultry sheds will be fitted with nipple drinkers with drip cups to minimise water spillage and elevated moisture levels.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-20</b>	The feed silos will be fully enclosed to prevent the entry of rainwater and elevated moisture levels.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Shed Operations During Bird Growing Phase</b>				
<b>AP2-21</b>	The Development will not exceed a maximum population of 3,051,000 broiler birds.	Operation	Sighted batch placement reports for Batch 114 indicating compliance with stocking and placement limits. Batch verification schedule form includes bird monitoring, chlorine ppm, dead bird freezer temperature, controllers and footpath monitoring. Form also includes weekly inspections of test alarms, bait stations and test generators. Batch maintenance including inspections of feeders, drinkers, lights, litter management, winches, pumps, fans, fan belt, heaters, gas tanks, cool cells, farm vehicles and water supply. Batch verification schedule forms sighted for dates: 15/09/23, 13/11/23, 27/01/24, 20/04/24, 22/04/24,15/07/24.	Compliant
<b>AP2-22</b>	Stocking densities will comply with the RSPCA Standards (2013) specification of 34 kg/m2.	Operation	Monitored during site operations, birds are progressively reduced as they grow to maintain stocking densities below 34 kg/m2. Batch Verification Schedules (daily), dated 15/09/23, 13/11/23, 24/01/24, 20/04/24, 22/04/24, 15/07/24 - monitored by ProTen and used to plan pickups - records sighted during site inspection. RSPCA Approved Farming Scheme - Meat Chicken Assessment Report evaluation assessment dated 06 Feb 2024. RSPCA Approved Farming Scheme Standard - Meat Chickens - August 2020. Report shows that the facility was compliant with RSPCA requirements. Baiada animal welfare requirements align with applicable standards and requirements. Facility complies with Baiada Animal Welfare & RSPCA requirements as conditions of contract. Results; 0 non-conformances, 0 observations. All categories of assessment were classified as 'low risk'.	Compliant
<b>AP2-23</b>	Stocking densities and bird health will be regularly checked and, if necessary, appropriate corrective measures implemented.	Operation	PRT-SOP-BRO-021 Litter Management for Poultry Shedding, v1.5, 28/4/2020 Batch Verification Schedules (daily), dated 15/09/23, 13/11/23, 24/01/24, 20/04/24, 22/04/24, 15/07/24 Weekly Shed Records Check Cards (batch 114 - Farm 2) - dated 18/05/2024 Batch verification schedule form includes bird monitoring, chlorine ppm, dead bird freezer temperature, controllers and footpath monitoring. Form also includes weekly inspections of test alarms, bait stations and test generators. Batch maintenance including inspections of feeders, drinkers, lights, litter management, winches, pumps, fans, fan belt, heaters, gas tanks, cool cells, farm vehicles and water supply. Batch verification schedule forms sighted for dates: 15/09/23, 13/11/23, 27/01/24, 20/04/24, 22/04/24,15/07/24.	Compliant
<b>AP2-24</b>	A minimum depth of 50 mm of fresh bedding material will be laid throughout the poultry sheds at the start of each batch.	Operation	Batch verification schedule form includes bird monitoring, chlorine ppm, dead bird freezer temperature, controllers and footpath monitoring. Form also includes weekly inspections of test alarms, bait stations and test generators. Batch maintenance including inspections of feeders, drinkers, lights, litter management, winches, pumps, fans, fan belt, heaters, gas tanks, cool cells, farm vehicles and water supply. Batch verification schedule forms sighted for dates: 15/09/23, 13/11/23, 27/01/24, 20/04/24, 22/04/24,15/07/24.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-25	Bedding material moisture levels will be regularly checked. Any excessively wet material and/or caked material beneath drinking lines will be promptly identified, removed and replaced.	Operation	Refer to inspections and checks listed above: Batch verification schedule forms sighted for dates: 15/09/23, 13/11/23, 27/01/24, 20/04/24, 22/04/24,15/07/24.	Compliant
AP2-26	Bird drinkers will be maintained to minimise/avoid leakage that will result in wet patches in the bedding material.	Operation	Refer to inspections and checks listed above. Batch verification schedule forms sighted for dates: 15/09/23, 13/11/23, 27/01/24, 20/04/24, 22/04/24,15/07/24.	Compliant
AP2-27	The poultry shed ventilation systems will be maintained to ensure air movement is at design levels.	Operation	Refer to inspections and checks listed above: Batch verification schedule forms sighted for dates: 15/09/23, 13/11/23, 27/01/24, 20/04/24, 22/04/24,15/07/24.	Compliant
AP2-28	Where possible, activities that may increase odour emissions (for example, bedding material replacement) will be undertaken during daytime hours.	Operation	Activities involving bedding material removal and replacement are performed during daylight hours.	Compliant
AP2-29	Shed access points will remain closed at all times other than for the purposes of allowing access to the sheds.	Operation	Shed doors closed except where access was required for works in sheds (e.g. catching birds, clearing litter & cleaning sheds).	Compliant
AP2-30	Dead birds will be collected from the poultry sheds on a daily basis and stored in the on-site dead bird freezers prior to being removed from site.	Operation	Removal and use of spent litter (Batch 114) - RC Bulk Haulage 08/05-14/05/24 (4151m3 removed) Chicken manure load tracking register - 08/05/24, 09/05, 06/05, 10/05, 11/05, 13/05/24, 14/05 *note that not every tracking register has the year marked as part of the date, ensure the year is on each record Batch verification schedule form includes bird monitoring, chlorine ppm, dead bird freezer temperature, controllers and footpath monitoring. Form also includes weekly inspections of test alarms, bait stations and test generators. Batch maintenance including inspections of feeders, drinkers, lights, litter management, winches, pumps, fans, fan belt, heaters, gas tanks, cool cells, farm vehicles and water supply. Batch verification schedule forms sighted for dates: 15/09/23, 13/11/23, 27/01/24, 20/04/24, 22/04/24,15/07/24.	Compliant
<b>Shed Operations During Shed Cleanout</b>				
AP2-31	Poultry litter will be promptly removed from the poultry sheds and transported off site in covered trucks at the end of each production cycle.	Operation	PRT-SOP-BRO-21 v1.5, last review date 28/04/2020 sighted. Batch verification schedule forms sighted for dates: 15/09/23, 13/11/23, 27/01/24, 20/04/24, 22/04/24,15/07/24. Shed emptied of birds overnight / morning of site inspection, being cleared of spent litter during afternoon	Compliant
AP2-32	Where possible, litter handling will be avoided during adverse climatic conditions, such as times of cold air drainage during early morning or strong winds. The shed ventilation systems will not be used during litter removal.	Operation	Activities involving bedding material removal and replacement are performed during daylight hours. Extraction fans are required during litter removal due to equipment and personal safety requirements. Use of fans is limited to minimum required to safely perform litter removal tasks. <b>Recommendation from 2023 Compliance report:</b> Amend Commitment AP2-32 to reflect need for extraction fan use during litter removal, and to reflect appropriate controls to prevent environmental harm.	Compliant
AP2-33	Poultry litter will not be stockpiled or spread within the Development Site.	Operation	No stockpiled poultry litter onsite, spent litter being loaded and removed from site immediately upon loading into covered trucks.	Compliant
<b>Vegetation Screens</b>				
AP2-34	Vegetation screens will be established and maintained around the perimeter of each PPU on a progressive basis as soon as practicable following bulk earthworks and construction at each PPU.	All	A qualified horticulturalist visited the site on 27/10/2023 and issued an email stating the screen was generally progressing well.	Compliant
<b>Weather Station</b>				
AP2-35	A weather station will be installed within the Development Site to collect on-going and up-to-date weather monitoring data, which will assist in investigating and responding to any air quality complaints.	All	Weather data collected and monitored daily including: Minimum, average and maximum air temperature, rainfall, daily weather, logger status, relative humidity, solar radiation, voltage, wind direction and wind speed. Sighted records for whole month of Sept 23, Oct 23, Nov 23, Dec 23, Jan 24, Feb 24, Mar 24, April 24, May 24, Jun 24, Jul 24.	Compliant
<b>PARTICULATE MATTER</b>				
<b>Construction</b>				
AP2-36	Surface disturbance will be limited to the smallest practicable area possible	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-37	Disturbed areas will be promptly rehabilitated and revegetated to a stable landform.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-38	When necessary, dust will be minimised by “wetting” down surfaces being worked and/or carrying traffic during dry conditions.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-39	Where possible, vehicles on site will be confined to designated roadways.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-40	Internal roads will be appropriately constructed and maintained with a suitably compacted base.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-41	Vehicles will not exceed a general speed limit of 60 km/hr along the internal access roads, with a reduced speed limit of 40 km/hr in the vicinity of work sites.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-42	Plant and equipment will be regularly maintained to ensure optimal operating condition.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-43	Loaded heavy vehicles entering or exiting the Development Site will have their loads covered.	Construction	Condition not relevant to Operations Phase activities.	Not triggered



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>Development Design</b>				
<b>AP2-44</b>	The feed silos will be fully enclosed to minimise emissions of particulate matter when loading and unloading.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-45</b>	The poultry sheds will be tunnel-ventilated, which will allow control over the moisture levels and promote optimum growing conditions and bird health. The increased airflow and improved feed conversion in tunnel-vented sheds helps to maintain bedding material within the optimal moisture range.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Wheel Generated Dust from Unsealed Roadways</b>				
<b>AP2-46</b>	The two site access roads will be bitumen-sealed for a minimum of 50 m from Rushes Creek Road.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-47</b>	Internal roads will be appropriately constructed and maintained with a suitably compacted base.	All	Photos of roads sighted - roadways appear to be in a good condition Site Environmental Inspection Checklist sighted - 16/09/24 - Section 4.0 includes inspections of dust One complaint received related to dust during the reporting period (however related to dust on ski gardens road) Correspondence from site personnel indicate no road maintenance was required within the reporting period.	Compliant
<b>AP2-48</b>	When necessary, internal roads will be “wetted down” during dry conditions.	All	Correspondence from site personnel indicate water trucks have not been required during reporting period as conditions have not been dry enough to result in dust from unsealed internal roadways. Provisions to use water trucks are in place if needed.	Compliant
<b>AP2-49</b>	Vehicles will not exceed a general speed limit of 60 km/hr along the internal access roads, with a reduced speed limit of 40 km/hr in the vicinity of the PPU.s.	All	Traffic management controls implemented via OEMP, including Heavy Vehicle Driver Code of Conduct. Controls include site speed limits. Signed Operational Drivers Code of Conduct forms by various Multiquip employees - KT 24/09/24, JBV 23/09/24, MB 25/09/24, AR 24/09/24, WT 24/09/24, CP 24/09/24, NM 25/09/24, BP 23/09/24, RT 23/09/24, SB 24/09/24, DF 24/09/24, NP 24/09/24, GB 25/09/24, TG 25/09/24 - indicating communication of requirements to heavy vehicle drivers. OEMP v2.2 September 2024, including Driver Code of Conduct,. SLR v3.0 dated 26 June 2024	Compliant
<b>AP2-50</b>	Internal traffic will be restricted to the designated access roads (except in the event of an emergency or incident).	All	Traffic management controls implemented via OEMP, including Heavy Vehicle Driver Code of Conduct. Controls include site speed limits. Signed Operational Drivers Code of Conduct forms by various Multiquip employees - KT 24/09/24, JBV 23/09/24, MB 25/09/24, AR 24/09/24, WT 24/09/24, CP 24/09/24, NM 25/09/24, BP 23/09/24, RT 23/09/24, SB 24/09/24, DF 24/09/24, NP 24/09/24, GB 25/09/24, TG 25/09/24 - indicating communication of requirements to heavy vehicle drivers. OEMP v2.2 September 2024, including Driver Code of Conduct,. SLR v3.0 dated 26 June 2024	Compliant
<b>Dust Emissions from Poultry Sheds</b>				
<b>AP2-51</b>	The bedding material will be managed to ensure that moisture levels do not drop below approximately 15%.	Operation	Service Report, 27 Jun 2023, 29 May 2023 PRT-SOP-BRO-21 v1.5, last review date 28/04/2020 sighted. Batch Verification Schedules (daily), dated 15/09/23, 13/11/23, 24/01/24, 20/04/24, 22/04/24, 15/07/24 Broiler Record Cards (Morning mortality walks - conducted daily), 8/8/23 Batch verification schedule form includes bird monitoring, chlorine ppm, dead bird freezer temperature, controllers and footpath monitoring. Form also includes weekly inspections of test alarms, bait stations and test generators. Batch maintenance including inspections of feeders, drinkers, lights, litter management, winches, pumps, fans, fan belt, heaters, gas tanks, cool cells, farm vehicles and water supply. Batch verification schedule forms sighted for dates: 15/09/23, 13/11/23, 27/01/24, 20/04/24, 22/04/24,15/07/24.	Compliant
<b>AP2-52</b>	The poultry shed ventilation systems will be maintained to ensure air movement is at design levels.	Operation	Correspondence from site personnel indicated the ventilation system is a direct drive and is non-serviceable. Fan Efficiency Test dated 12/11/2023. Batch Verification Schedules (daily), dated 15/09/23, 13/11/23, 24/01/24, 20/04/24, 22/04/24, 15/07/24	Compliant
<b>AP2-53</b>	The poultry sheds will be thoroughly cleaned between batches, with a focus on the fan end of the sheds.	Operation	Weekly Shed Records Check Cards (batch 114 - Farm 2) - dated 18/05/2024 Cleanout Report sighted for May 17th 2024. Report covers submitter name, date and time, address, washing (interior), washing (exterior), general hygiene, biosecurity, documentation and sign off.	Compliant
<b>Emergency Standby Diesel Generators</b>				
<b>AP2-54</b>	The generators will be contained in lockable acoustics enclosures with vertical air discharge and will only be used in emergency situations when mains power from the electricity grid is lost.	All	Generators are enclosed in lockable acoustics enclosures. 18/11/24 photo of generators sighted	Compliant
<b>AP2-55</b>	The generators will meet the relevant emission standards in Schedule 4 of the Clean Air Regulation.	All	Compliance Review 2023: No visible emissions from the diesel powered generators was noted during the site visit. Absence of visible emissions suggests compliance with this Commitment given particulates are a primary emission of concern from diesel fuel sources. Commission Test Plan Report sighted (SCR 1 - 440kVA) - 13/09/22 (inspection completed), 19/09/22 (verification completed) Commission Test Plan Report sighted (SCR 2 - 440kVA) - 13/09/22 (inspection completed) - 19/09/22 (verification competed) Commission Test Plan Report sighted (45 SCR System) - 13/09/22 (inspection completed) - 19/09/22 (verification completed)	Compliant



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>Materials Handling and Transfer</b>				
AP2-56	When possible, handling bedding material/poultry litter will be limited to daytime hours to avoid adverse weather conditions.	All	Activities involving bedding material removal and replacement are performed during daylight hours.	Compliant
AP2-57	Poultry litter will be promptly transported off site in covered trucks at the end of each batch.	All	Correspondence from site personnel indicates no poultry litter was stockpiled onsite. Spent litter is loaded and removed from site immediately upon loading into covered trucks. Removal and use of spent litter (Batch 114) - RC Bulk Haulage 08/05-14/05/24 (4151m3 removed) Chicken manure load tracking register - 08/05/24, 09/05, 06/05, 10/05, 11/05, 13/05/24, 14/05	Compliant
<b>Vegetation Screens</b>				
AP2-58	Vegetation screens will be established and maintained around the perimeter of each PPU on a progressive basis as soon as practicable following bulk earthworks and construction at each PPU.	All	<b>2024:</b> A qualified horticulturalist was engaged to advise on the plantings, and has been engaged to return to site and inspect and advise on current growth and establishment of the screening plantings. - Horticulturalist on site 27/10/23  <b>Recommendation:</b> Continue monitoring and establishment of vegetation screens to comply with Condition B53a. Review compliance status in next Compliance Reporting cycle.	Compliant
<b>Weather Station</b>				
AP2-59	A weather station will be installed within the Development Site to collect on-going and up-to-date weather monitoring data, which will assist in investigating and responding to any air quality complaints.	All	Weather data collected and monitored daily including: Minimum, average and maximum air temperature, rainfall, daily weather, logger status, relative humidity, solar radiation, voltage, wind direction and wind speed. Sighted records for whole month of Sept 23, Oct 23, Nov 23, Dec 23, Jan 24, Feb 24, Mar 24, April 24, May 24, Jun 24, Jul 24.	Compliant
<b>TRAFFIC</b>				
<b>Construction</b>				
AP2-60	A CTMP will be prepared for approval prior to commencing construction.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-61	The generic traffic control plan will be implemented if the construction of the new site access driveways off Rushes Creek Road and/or the installation of water and electricity supply lines under Ski Gardens Road results in the need to restrict the two-way traffic arrangement on the respective roads to a single lane.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-62	Construction vehicles will enter and exit the Development Site during the initial site preparation works via the existing site access driveways off Rushes Creek Road and subsequently via the two new access driveways to be constructed off Rushes Creek Road at the commencement of construction.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-63	Vehicles will not exceed a general speed limit of 60 km/hr along the main site access roads from Rushes Creek Road, with a reduced speed limit of 40 km/hr in the vicinity of all work sites.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-64	All construction-related traffic and construction plant/equipment will park along the internal access roads and/or on construction sites. There will be no queuing or parking on Rushes Creek Road.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-65	Where possible, vehicles on site will be confined to designated roadways.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-66	Suitable signage will be erected indicating internal traffic direction and speed limits to ensure the orderly and safe use of the site, as well as to minimise the potential for traffic conflict.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-67	Internal roads will be maintained clear of obstruction and used exclusively for the purposes of transport, loading- unloading and parking.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-68	Loaded heavy vehicles entering or exiting the Development Site will have their loads covered.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-69	Heavy vehicles exiting the Development Site will be cleaned of dirt, sand and other materials (if necessary) to avoid tracking these materials on to the public road network.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-70	The only traffic to enter the Development Site will be construction traffic and, if required, emergency vehicles. There will not be any general public access.	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-71	All heavy vehicle drivers will read and sign a Driver Code of Conduct that will include, but not be limited to, the following: · A map of the primary transport route(s) highlighting critical locations; · Safety initiatives for transport through residential areas and/or school zones; · A driver induction process and regular toolbox talks (or similar); · A complaints resolution and disciplinary procedure; · A directive to drivers to slow down and provide right-of-way to any livestock and/or farm machinery on the transport routes; and · A directive to drivers to avoid the use of compression braking along Rushes Creek Road.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Oxley Highway / Rushes Creek Road Intersection</b>				
AP2-72	Visibility splays at the Oxley Highway / Rushes Creek Road intersection will be checked in both the horizontal and vertical planes via detailed field investigation or survey to confirm, in particular, whether there is a need for any vegetation trimming/clearing on the inside of the horizontal curve immediately to the west of the intersection to ensure SISD.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-73	A review of the line-marking arrangement on Rushes Creek Road at the Oxley Highway intersection will be undertaken to ensure it is consistent with the Give-Way intersection control.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-74	Additional signage will be erected at the Oxley Highway / Rushes Creek Road intersection in the form of advance signposting in both directions to warn of trucks turning at the intersection.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Development Design</b>				
AP2-75	The two new access driveways from Rushes Creek Road will be constructed to accommodate a BAL treatment in accordance with AGRD Part 4A (Austroads 2017). Directional signage will be installed on Rushes Creek Road to assist approaching traffic identify the access points and access control (Give Way) signage and line-marking will be provided to control vehicles exiting the Development Site.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-76	The two new access roads will be bitumen-sealed for a minimum of 50 m from Rushes Creek Road and will be approximately 6.5 m wide. The remaining lengths of the internal access roads within the Development Site will be constructed as all-weather rural-type roads to meet the minimum requirements of AS 2890.2 Part 2 to accommodate the turning movements of B-doubles.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-77	Signage will be installed on the two access driveways near their intersections with Rushes Creek Road instructing heavy vehicle drivers to avoid the use of compression braking within the Development Site and on Rushes Creek Road.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-78	A one-way circulation road (ring road) will be established around the perimeter of each PPU to enable traffic to enter, exit and manoeuvre for loading-unloading and servicing activities in a forward direction.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Operation</b>				
AP2-79	Traffic will enter and exit the Development Site via the two new access driveways off Rushes Creek Road.	Operation	One driveway installed, second driveway to be installed as part of Stage 2 construction	Compliant
AP2-80	Heavy vehicles travelling between the Development Site and the poultry industry service facilities located in and around Tamworth will utilise the nominated heavy vehicle route (approved B-double route) comprising the Oxley Highway and Rushes Creek Road (see Figure 19).	Operation	OEMP v2.2 dated 5 September 2024, including Driver Code of Conduct,. SLR v3.0 dated 26 June 2024.  Signed Operational Drivers Code of Conduct forms by various Multiquip employees - KT 24/09/24, JBV 23/09/24, MB 25/09/24, AR 24/09/24, WT 24/09/24, CP 24/09/24, NM 25/09/24, BP 23/09/24, RT 23/09/24, SB 24/09/24, DF 24/09/24, NP 24/09/24, GB 25/09/24, TG 25/09/24 - indicating communication of requirements to heavy vehicle drivers.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-81	Vehicles will not exceed a general speed limit of 60 km/hr along the internal access roads, with a reduced speed limit of 40 km/hr in the vicinity of the PPUs.	Operation	Traffic management controls implemented via OEMP (OEMP v2.2 dated 5 September 2024), including Heavy Vehicle Driver Code of Conduct. Controls include site speed limits. No cases of speeding reported within SafeHold.	Compliant
AP2-82	Suitable signage will be erected indicating internal traffic direction and speed limits to ensure the orderly and safe use of the site, as well as to minimise the potential for traffic conflict.	Operation	Directional signage on site sighted - entrance to site there is a 'traffic flow, one way' sign clearly indicated after the wheel wash.	Compliant
AP2-83	Internal roads will be appropriately maintained to provide safe driving conditions (and also minimise noise and dust emissions).	Operation	Photos of roads sighted - roadways appear to be in a good condition Site Environmental Inspection Checklist sighted - 16/09/24 - Section 4.0 includes inspections of dust One complaint received related to dust during the reporting period (however related to dust on ski gardens road) Correspondence from site personnel indicate no road maintenance was required within the reporting period. Directional signage on site sighted - entrance to site there is a 'traffic flow, one way' sign clearly indicated after the wheel wash.	Compliant
AP2-84	Internal roads will be maintained clear of obstruction and used exclusively for the purposes of transport, loading- unloading and parking.	Operation	Photos of roads sighted - roadways appear to be in a good condition and clear of obstruction.	Compliant
AP2-85	Internal traffic will be restricted to the designated access roads (except in the event of an emergency or incident).	Operation	OEMP v2.2 dated 5 September 2024, including Driver Code of Conduct,. SLR v3.0 dated 26 June 2024.  Signed Operational Drivers Code of Conduct forms by various Multiquip employees - KT 24/09/24, JBV 23/09/24, MB 25/09/24, AR 24/09/24, WT 24/09/24, CP 24/09/24, NM 25/09/24, BP 23/09/24, RT 23/09/24, SB 24/09/24, DF 24/09/24, NP 24/09/24, GB 25/09/24, TG 25/09/24 - indicating drivers used internal roadways as stated by AP2-84.	Compliant
AP2-86	Car parking will be provided adjacent to the amenities facility at each PPU for employees and visitors, and adequate area will be available at each PPU and along internal access roads for any heavy vehicle parking requirements. There will be no parking along Rushes Creek Road.	Operation	Compliance Review 2023: Verified during site inspection - site parking as outlined in AP2-86. Site personnel have indicated no change has occurred to parking during the reporting period.	Compliant
AP2-87	All heavy vehicle drivers will read and sign a Driver Code of Conduct that will include, but not be limited to, the following: · A map of the primary transport route(s) highlighting critical locations; · Safety initiatives for transport through residential areas and/or school zones; · A driver induction process and regular toolbox talks (or similar); · A complaints resolution and disciplinary procedure; · A directive to drivers to slow down and provide right-of-way to any livestock and/or farm machinery on the transport routes; and · A directive to drivers to avoid the use of compression braking along Rushes Creek Road.	Operation	Signed Operational Drivers Code of Conduct forms by various Multiquip employees - KT 24/09/24, JBV 23/09/24, MB 25/09/24, AR 24/09/24, WT 24/09/24, CP 24/09/24, NM 25/09/24, BP 23/09/24, RT 23/09/24, SB 24/09/24, DF 24/09/24, NP 24/09/24, GB 25/09/24, TG 25/09/24 - indicating communication of requirements to heavy vehicle drivers. OEMP v2.2 September 2024, including Driver Code of Conduct,. SLR v3.0 dated 26 June 2024  Driver Code of Conduct addresses elements of Commitment AP2-87.	Compliant
AP2-88	Consultation will be undertaken with Council and the local traffic committee in relation to installing signage on Rushes Creek Road near the Development Site and near the Oxley Highway intersection instructing heavy vehicle drivers to avoid compression braking along Rushes Creek Road.	Operation	Signage described in AP2-88 installed prior to the reporting period.	Not triggered
SURFACE WATER				
Construction				
AP2-89	Construction works will be planned and coordinated in order to limit the area of disturbance at any one time (as far as practicable).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-90	Erosion and sediment controls will be implemented prior to disturbance activities commencing in accordance with the Blue Book (Landcom 2004) and Erosion and Sediment Control on Unsealed Roads (OEH 2012).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-91	Clean water diversions comprising a deflection bank and swale drain will be installed around the upstream sides of each of the four PPUs to convey clean water run-off around the construction sites. They will be constructed and stabilised prior to earthworks commencing at each PPU and will be designed to convey the runoff from the upstream catchment for rainfall events up to the 1% AEP event.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-92	Stripped topsoil will be appropriately stockpiled and managed for use in future rehabilitation works.	Construction	Condition not relevant to Operations Phase activities.	Not triggered

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-93	Disturbed areas will be promptly rehabilitated and revegetated to a stable landform following completion of disturbance activities (see Section 4.3.6 in the EIS).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-94	An on-going inspection and maintenance program will be implemented to ensure the continued integrity of the erosion and sediment control structures throughout the construction period. They will be visually inspected on a monthly basis and following significant rainfall events and any required maintenance work will be promptly undertaken.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Development Design and Operation</b>				
AP2-95	The poultry sheds will be fully enclosed and surrounded by a dwarf concrete bund wall to prevent stormwater entering the sheds and allow for the controlled discharge of wash down water from the sheds.	All	Dwarf concrete bunds described in AP2-95 installed prior to the reporting period. Dwarf concrete bunds are free of weeds and dirt and allow for the controlled discharge of wash down water from the sheds.	Compliant
AP2-96	The clean water diversions (comprising a deflection bank and swale drain) installed prior to earthworks around the upstream sides of each of the four PPUs will be maintained to convey clean water run-off around the PPUs and prevent this water from entering the controlled surface water management system. The diversions will be designed and maintained to convey the runoff from the upstream catchment for rainfall events up to the 1% AEP event.	All	Clean water diversions maintained as required by Commitment AP2-96 for Farm 2.	Compliant
AP2-97	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation. Each system will be designed to capture the runoff from 200 mm of rainfall, which is equivalent to the depth of rainfall for a 1% AEP 72-hour event.	All	As per Condition B20. The Northern Borrow Pit and Southern Borrow Pits were not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them during the Compliance Reporting period, indicating that they may be capturing overland runoff. SSD-7704 MOD5 and the South West Borrow Pit Remediation Plan have been approved and once fully constructed / implemented will result in the northern borrow pit being compliant. South western borrow pit has been remediated. However, until Water Storage Dam 1 is constructed this condition is non-compliant.	Non-compliant
AP2-98	AWTSs will be installed to manage the sewage generated by the staff amenities at each PPU and the farm managers' houses in accordance with the manufacturer's specifications and Council approval requirements. Each AWTS (12 in total) will have a treatment capacity of 10 equivalent persons at 200 L/p/d and the treated effluent will be released over an area of approximately 200 m2 via sub-surface irrigation.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-99	The extraction of surface water from the Namoi River to service the Development's water supply requirements will be under the provisions of the two existing water access licences held by ProTen (WAL41834 and WAL37794). Extraction will not exceed the combined licensed allocation of 437.2 units per year under the provisions of the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016.	All	Extraction records indicate compliance with Commitment AP2-99 for review period.  Water Account Statement for Licence 90AL835020 reporting period 01/07/23-30/06/24 created 13/11/24 - includes transaction description, order pumping, extraction site and usage date.	Compliant
AP2-100	An on-going inspection and maintenance program will be implemented to ensure the continued integrity of the surface water management systems, including upstream diversions. They will be visually inspected on a monthly basis and following significant rainfall events and any required maintenance work will be promptly undertaken to ensure the system's design capacity is maintained.	All	Site Environmental Inspection Checklist, dated 16/09/2024.  Site water management systems are inspected as part of site environmental / SHEQ inspections and maintained as required.  No evidence of silting in water management systems noted within photos sighted.	Compliant
AP2-101	The detention dams at each PPU will be visually inspected on an annual basis and, if necessary, will be desilted to ensure the dams maintain their design capacity.	All	Site Environmental Inspection Checklist, dated 16/09/2024.  Site water management systems are inspected as part of site environmental / SHEQ inspections and maintained as required. Photo of detention dam sighted - No evidence of silting in detention dam noted.	Compliant
AP2-102	The grassed swale drains between the poultry sheds will be carefully managed to minimise soil disturbance and maximise infiltration and stormwater treatment potential. They will be regularly slashed to encourage continual grass growth and associated nutrient up-take.	All	Site Environmental Inspection Checklist, dated 16/09/2024.  Site water management systems are inspected as part of site environmental / SHEQ inspections and maintained as required.  No evidence of silting in water management systems noted within photos sighted.	Compliant
AP2-103	Dry-cleaning practices at the end of each production cycle will be maximised within the poultry sheds prior to washing with water to minimise the volume of wash water and the amount of poultry litter (and associated sediments and nutrients) in the wash down water.	Operation	Dry cleaning including sweeping sheds to minimise water required prior to washing. Weekly Shed Records Check Cards (batch 114 - Farm 2) - dated 18/05/2024 Cleanout Report sighted for May 17th 2024. Report covers submitter name, date and time, address, washing (interior), washing (exterior), general hygiene, biosecurity, documentation and sign off.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-104	Water captured in the detention dams will be reused for regular irrigation of the planted vegetation screens at each PPU. Advice with be sought from an appropriate professional to ensure that the tree and shrub species selected for the vegetation screens can effectively cope with and utilise the anticipated nutrient loads within the irrigation water.	Operation	Horticulturalist advice on suitable plantings was obtained during installation of vegetation screens. Analysis Report Water - Eastwest - date of sampling 11/04/24 - sample condition 'acceptable' Sighted non-compliance notification water monitoring - 24/04/24 (indicates high nutrient loading in detention dams - high pH, high total nitrogen, high turbidity, high total nitrogen and high total phosphorus). These elevated results are not considered to result in non-compliance with AP2-104	Compliant
AP2-105	The waste management systems listed in Section 4.18 of the EIS will be implemented to ensure that each waste stream generated is effectively managed and disposed of off site. There will not be any on-site stockpiling or disposal of waste.	Operation	Correspondence from site personnel indicates no poultry litter was stockpiled onsite. Spent litter is loaded and removed from site immediately upon loading into covered trucks. Removal and use of spent litter (Batch 114) - RC Bulk Haulage 08/05-14/05/24 (4151m3 removed) Chicken manure load tracking register - 08/05/24, 09/05, 06/05, 10/05, 11/05, 13/05/24, 14/05  Waste contractors engaged to manage transport and disposal of site wastes. Evidence of invoices from waste contractors sighted for works relating to waste removal. Waste Management Systems align with EIS section 4.18.  Invoice No:34402 from Gunnedah Trade Wastes Pty Ltd to ProTen LTD dated 6/02/2023. Docket 459649 - Gunnedah Shire Council Waste Management Docket (Original) client name Gunnedah Trade Waste - Site: Gunnedah Trade Waste, Transaction:459649, Date:10/08/2023. For ProTen-Rushes Creek.  Cleanaway tax invoices sighted for dates: 30/09/23, 31/10/23, 30/11/23, 31/12/23, 31/01/24, 29/02/24, 31/03/24, 30/04/24, 31/05/24, 30/06/24, 31/07/24, 31/08/24. Tax invoices include service details for: Clear 3.0M Bin, waste Plus (excess weight, fuel surcharge front lift, environmental fee.	Compliant
AP2-106	The best management practices and mitigation measures outlined in Section 4.19 of the EIS will be implemented for the storage of chemicals and fuels.	Operation	Cleanaway tax invoices sighted for dates: 30/09/23, 31/10/23, 30/11/23, 31/12/23, 31/01/24, 29/02/24, 31/03/24, 30/04/24, 31/05/24, 30/06/24, 31/07/24, 31/08/24. Tax invoices include service details for: Clear 3.0M Bin, waste Plus (excess weight, fuel surcharge front lift, environmental fee. *Site Environmental Inspection Checklist covers compliance/check against this condition - sighted checklist dated 17/07/2024. SDS are located within the site office approximately 50 metres from the chemical storage shed. These are available to all staff trained to use chemicals.	Compliant
Mosquito Control				
AP2-107	The table drains and detention dams will be maintained free of vegetation.	Operation	Site Environmental Inspection Checklist, dated 16/09/2024.  Site water management systems are inspected as part of site environmental / SHEQ inspections and maintained as required. Photo of detention dam and table drains sighted - No evidence of silting in detention dam noted.	Compliant
AP2-108	The vegetation screens around the PPUs will not be over-irrigated to avoid water collecting in any depressions for long periods of time.	Operation	Site Environmental Inspection Checklist, dated 16/09/2024.  Site water management systems are inspected as part of site environmental / SHEQ inspections and maintained as required. Photo of depressions near vegetation screens sighted - No evidence of water collecting noted.	Compliant
AP2-109	If it is identified that mosquitos have become an issue, a larvicide will be applied to the detention dams and surrounds to prevent mosquitoes from maturing to adults and/or the detention dams and surrounds will be fogged.	Operation	Not triggered	Not triggered
GROUNDWATER				
AP2-110	There will not be any groundwater extraction or use by the Development.	All	Groundwater is not extracted or used at the Development.	Compliant
AP2-111	Each poultry shed will be fully enclosed and have concrete flooring.	All	Letter from DPE to ProTen, REF: INV-46299464, dated 14/10/2022, SHOW CAUSE - Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 ProTen letter to DPE, Show Cause: Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979 - Response, dated 3/11/2022  Poultry sheds have been constructed with a part-bitumen floor, which was not in accordance with the approved project design prior to MOD 4 approval.  MOD 4 approved by the Planning Secretary on 22/09/2023 regularised Farm 2 poultry shed flooring constructed using an alternate construction design and permitted the alternate poultry shed flooring at Farms 1, 3 and 4 . Note Appendix 2 Applicant's Management and Mitigation Measures has not been included in the consolidated consent (MOD 4) on the major Projects Website. This condition does not now align with Condition A22E.	Compliant
AP2-112	Each poultry shed will be surrounded by a dwarf concrete bund wall measuring 400 mm high to prevent rainwater and runoff entering the sheds and to allow for the controlled discharge of wash down water from the sheds.	All	Dwarf concrete bunds described in AP2-112 installed prior to the reporting period. Dwarf concrete bunds are free of weeds and dirt and allow for the controlled discharge of wash down water from the sheds.	Compliant



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-113	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation. Each system will be designed to capture the runoff from 200 mm of rainfall, which is equivalent to the depth of rainfall for a 1% AEP 72-hour event.	All	As per Condition B20. The Northern Borrow Pit and Southern Borrow Pits were not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them during the Compliance Reporting period, indicating that they may be capturing overland runoff. SSD-7704 MOD5 and the South West Borrow Pit Remediation Plan have been approved and once fully constructed / implemented will result in the northern borrow pit being compliant. South western borrow pit has been remediated. However, until Water Storage Dam 1 is constructed this condition is non-compliant.	Non-compliant
AP2-114	The internal surfaces of the detention dams will be compacted or lined to provide an impermeable surface.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-115	AWTSs will be installed to manage the sewage generated by the staff amenities at each PPU and the farm managers' houses in accordance with the manufacturer's specifications and Council approval requirements. Each AWTS (12 in total) will have a treatment capacity of 10 equivalent persons at 200 L/p/d and the treated effluent will be released over an area of approximately 200 m2 via sub-surface irrigation.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-116	An on-going inspection and maintenance program will be implemented to ensure the continued integrity of the surface water management systems. They will be visually inspected on a monthly basis and following significant rainfall events and any required maintenance work will be promptly undertaken to ensure the system's design capacity is maintained.	All	Site Environmental Inspection Checklist, dated 16/09/2024.  Site water management systems are inspected as part of site environmental / SHEQ inspections and maintained as required.  No evidence of silting in water management systems noted within photos sighted.	Compliant
AP2-117	The grassed swale drains between the poultry sheds will be carefully managed to minimise soil disturbance and maximise infiltration and stormwater treatment potential. They will be regularly slashed to encourage continual grass growth and associated nutrient up-take.	All	Site Environmental Inspection Checklist, dated 16/09/2024.  Site water management systems are inspected as part of site environmental / SHEQ inspections and maintained as required.  No evidence of silting in water management systems noted within photos sighted.	Compliant
AP2-118	Dry-cleaning practices at the end of each production cycle will be maximised within the poultry sheds prior to washing with water to minimise the volume of wash water and the amount of poultry litter (and associated sediments and nutrients) in the wash down water.	Operation	Weekly Shed Records Check Cards (batch 114 - Farm 2) - dated 18/05/2024 Cleanout Report sighted for May 17th 2024. Report covers submitter name, date and time, address, washing (interior), washing (exterior), general hygiene, biosecurity, documentation and sign off.	Compliant
AP2-119	The waste management systems listed in Section 4.18 of the EIS will be implemented to ensure that each waste stream generated is effectively managed and disposed of off site. There will not be any on-site stockpiling or disposal of waste.	Operation	Cleanaway tax invoices sighted for dates: 30/09/23, 31/10/23, 30/11/23, 31/12/23, 31/01/24, 29/02/24, 31/03/24, 30/04/24, 31/05/24, 30/06/24, 31/07/24, 31/08/24. Tax invoices include service details for: Clear 3.0M Bin, waste Plus (excess weight, fuel surcharge front lift, environmental fee. Docket 459649 - Gunnedah Shire Council Waste Management Docket (Original) client name Gunnedah Trade Waste - Site: Gunnedah Trade Waste, Transaction:459649, Date:10/08/2023. For ProTen-Rushes Creek.	Compliant
AP2-120	The best management practices and mitigation measures outlined in Section 4.19 of the EIS will be implemented for the storage of chemicals and fuels.	Operation	Statement of Attainment, Prepare and apply chemicals & Transport, handle & store chemicals., Jae StLeon, 4 April 2017 PRT-SOP-SHEQ-007 Chemical Management SOP, v4.4, 3/9/2020 PRT-WI-BRO-012 Triple Rinsing Drums, v2.0, 22/11/22 *Site Environmental Inspection Checklist covers compliance/check against this condition - sighted checklist dated 16/09/2024.  Photos of chemicals on correct bunding sighted.  Recommendation: Review site chemical storage arrangements including chemical segregation, bunding and SDS availability.	Compliant
<b>BIODIVERSITY</b>				
<b>Construction</b>				
AP2-121	Construction areas will be clearly delineated to ensure no native vegetation outside of these areas is cleared.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-122	Erosion and sediment controls will be implemented prior to disturbance activities commencing in accordance with the Blue Book (Landcom 2004) and Erosion and Sediment Control on Unsealed Roads (OEH 2012).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-123	An on-going inspection and maintenance program will be implemented to ensure the continued integrity of the erosion and sediment control structures throughout the construction period. They will be visually inspected on a monthly basis and following significant rainfall events and any required maintenance work will be promptly undertaken.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-124	Vehicles will not exceed a general speed limit of 60 km/hr along the main site access roads from Rushes Creek Road, with a reduced speed limit of 40 km/hr in the vicinity of work sites.	Construction	Condition not relevant to Operations Phase activities.	Not triggered



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-125	If considered necessary, vehicles leaving the Development Site will be cleaned to avoid the spread of weeds.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-126	WIRES will be contacted prior to planned tree felling to advise of proposed works and arrange a volunteer wildlife handler (if required and available) to rescue any fauna.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-127	Rubbish, including building material wastes and food scraps, will be properly managed and will not be stockpiled within areas of native vegetation.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-128	Disturbed areas will be promptly rehabilitated and revegetated to a stable landform following completion of disturbance activities (see Section 4.3.6 in the EIS).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-129	Revegetation works and landscape plantings will be regularly inspected and assessed for maintenance requirements, including weed control.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Operation</b>				
AP2-130	Engineered surface water management systems will be installed at each PPU to capture and manage wash down water and stormwater runoff within the PPU environs, providing long-term structural management controls throughout the life of the operation.	Operation	As per Condition B20. The Northern Borrow Pit and Southern Borrow Pits were not included in the approved site Development Plans and are outside the approved disturbance footprint. These pits had water in them during the Compliance Reporting period, indicating that they may be capturing overland runoff. SSD-7704 MOD5 and the South West Borrow Pit Remediation Plan have been approved and once fully constructed / implemented will result in the northern borrow pit being compliant. South western borrow pit has been remediated. However, until Water Storage Dam 1 is constructed this condition is non-compliant.	Non-compliant
AP2-131	If any native fauna are by chance injured during operations, WIRES will be contacted to arrange proper care for the animal. WIRES will also be contacted to remove any bats discovered within the poultry sheds.	Operation	Controls included in OEMP and communicated via site induction and toolbox training. OEMP v2.2 dated 5 September 2024 Correspondence with site personnel indicated no fauna injuries or relocation occurred during the reporting period. Spreadsheet included of all construction, contractors and visitors from online induct system. SHEQ Visitor/Driver induction - 8 page slide via online induct Contactor induction - 31 page slide via online induct Neither inductions have changed within the reporting period Toolbox meeting minutes for safety and environmental - 21/12/23, 01/02/24 and 5/2/24	Compliant
AP2-132	Suitable signage will be erected to direct traffic, limit traffic speed and minimise night time noise levels.	Operation	Site inspection - speed signage in place, directional signage to be installed on completion of gate installation (target by end Sept 2023) Traffic management controls implemented via OEMP (v2.2 dated 5 September 2024), including Heavy Vehicle Driver Code of Conduct. Controls include site speed limits. Site inspection checklist sighted (dated 16/09/24, 15/12/23) - includes inspection of vehicles adherence to speed limits Speed signage verified in 2023 Compliance Review: no changes 2024 Compliance Review- 40km/h unsealed roads away from production area; 25 km/h within construction & production areas. Vehicles onsite were observed to be generally travelling slowly, and appeared to be travelling within or below designated speed limits.	Compliant
AP2-133	Vehicles will not exceed a general speed limit of 60 km/hr along the internal access roads, with a reduced speed limit of 40 km/hr in the vicinity of the PPUs.	Operation	Traffic management controls implemented via OEMP, including Heavy Vehicle Driver Code of Conduct. Controls include site speed limits. Signed Operational Drivers Code of Conduct forms by various Multiquip employees - KT 24/09/24, JBV 23/09/24, MB 25/09/24, AR 24/09/24, WT 24/09/24, CP 24/09/24, NM 25/09/24, BP 23/09/24, RT 23/09/24, SB 24/09/24, DF 24/09/24, NP 24/09/24, GB 25/09/24, TG 25/09/24 - indicating communication of requirements to heavy vehicle drivers. OEMP v2.2 September 2024, including Driver Code of Conduct,. SLR v3.0 dated 26 June 2024	Compliant
AP2-134	Internal traffic will be restricted to the designated access roads (except in the event of an emergency or incident).	Operation	Traffic management controls implemented via OEMP, including Heavy Vehicle Driver Code of Conduct. Controls include site speed limits. Signed Operational Drivers Code of Conduct forms by various Multiquip employees - KT 24/09/24, JBV 23/09/24, MB 25/09/24, AR 24/09/24, WT 24/09/24, CP 24/09/24, NM 25/09/24, BP 23/09/24, RT 23/09/24, SB 24/09/24, DF 24/09/24, NP 24/09/24, GB 25/09/24, TG 25/09/24 - indicating communication of requirements to heavy vehicle drivers. OEMP v2.2 September 2024, including Driver Code of Conduct,. SLR v3.0 dated 26 June 2024	Compliant
AP2-135	Efforts will be made to ensure the poultry sheds and other site buildings are fully enclosed and maintained in an attempt to exclude bats from roosting within the sheds/buildings.	Operation	Verified during site visit on 4/9/24 by the ProTen National SHEQ Co-ordinator. They observed 'shed doors were all closed bar one shed which was being cleanout at the time of visit'.	Compliant
AP2-136	The waste management systems listed in Section 4.18 in the EIS will be implemented to ensure that each waste stream generated is effectively managed and disposed of off site. There will not be any on-site stockpiling or disposal of waste.	Operation	Removal and use of spent litter (Batch 114) - RC Bulk Haulage 08/05-14/05/24 (4151m3 removed) Chicken manure load tracking register - 08/05/24, 09/05, 06/05, 10/05, 11/05, 13/05/24, 14/05 *note that not every tracking register has the year marked as part of the date, ensure the year is on each record" Batch verification schedule form includes bird monitoring, chlorine ppm, dead bird freezer temperature, controllers and footpath monitoring. Form also includes weekly inspections of test alarms, bait stations and test generators. Batch maintenance including inspections of feeders, drinkers, lights, litter management, winches, pumps, fans, fan belt, heaters, gas tanks, cool cells, farm vehicles and water supply. Batch verification schedule forms sighted for dates: 15/09/23, 13/11/23, 27/01/24, 20/04/24, 22/04/24,15/07/24.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-137	External lighting will be aimed downwards and only used when necessary during times of low light and/or heavy fog.	Operation	Verified during 2023 Compliance Review - no site inspection for 2024 Compliance Review. No change to comment made by site personnel. "Site inspection observations indicate external site lighting appeared to be aimed downwards, or else were installed or screened in such a way so as to not present a nuisance to surrounding properties or public roads." (2023)	Compliant
AP2-138	A wheel wash facility will be installed on the access road to each PPU in order to minimise the risk of spread of plant pathogens and weeds.	Operation	The wheel wash is required as an operational biosecurity control measure. Site correspondence indicates the permanent wheel wash is in commission. An exact date of commissioning the wheel wash could not be provided, however the slab was poured 20/4/24 and sprayer jets installed 2 weeks post pour date.	Compliant
AP2-139	Pest control measures (see Section 4.21 in the EIS) will be implemented to prevent and control outbreaks.	Operation	Pest and weed mitigation measures are implemented via the OEMP (OEMP v2.2 dated 5 September 2024) Chemical Application and Storage Report sighted: Biosolve E, Virkon S (dates; 9-16/05/24) Chemical Application and Storage Report sighted: Sure Five Blocks (dates; 16/05, 23/05, 30/05) Chemical Application and Storage Report sighted: Weedy Seedy 230 (dates; 30/05) Chemical Application and Storage Report sighted: Hyperox (dates; 10-17 May 2024) Chemical Application and Storage Report sighted: Ele3ctor PSP (dates; 10-15 May 2024) <b>Recommendation:</b> Ensure the year of application is always included in the date.	Compliant
<b>Biodiversity Offset Strategy</b>				
AP2-140	The Biodiversity Offset Strategy outlined in Section 8.6.5 of the EIS will be implemented to fulfil the offset requirements for the Development.	All	Email from DPIE to ProTen dated 1 Sep 2021, communication regarding B37, B38, B39 conditions fulfilled SSD-7704-PA-14 NSW OEH Biodiversity Banking Credits Retirement Report, Credit Owner ID - 728, Credit owners ProTen Tamworth Pty Ltd - confirmation that biodiversity credits have been paid	Not triggered
AP2-141	The biodiversity offsetting actions and outcomes will be documented in an addendum to the Biodiversity Offset Strategy for submission to the DPE and OEH within 12 months of obtaining development consent.	All	As above - biodiversity conditions fulfilled.	Not triggered
<b>ABORIGINAL HERITAGE</b>				
<b>Aboriginal Cultural Heritage Management Plan (ACHMP)</b>				
AP2-142	Prior to the commencement of construction, an ACHMP will be prepared for approval in consultation with the RAPs and OEH. It will describe the management actions for all Aboriginal sites within the Development Site, including the seven sites within the disturbance footprint, and include an unexpected finds protocol.	All	ACHAR - reviewed August 2024 (OzArk) in response to Bondah IF3 incident.	Compliant
<b>Archaeological Salvage and Fencing</b>				
AP2-143	The seven Aboriginal sites within the disturbance footprint of the Development, being Happy Hills-IF3, Bondah-IF1, Bondah-IF2, Bondah-IF7, Bondah-IF8, Happy Hills-OS3 and Bondah-OS11, will be salvaged by a surface collection and recording of all visible surface artefacts in consultation with the RAPs and OEH. The salvage works will be detailed in the ACHMP and will include the mapping, analysis and collection of all surface artefacts at the seven sites. The results of the salvage will be included in a report to preserve the data in a useable form.	All	Site inspection and discussions ACHMP Revision 3.7, dated 2 August 2024. The ACHMP included an update on salvage works. See below. OzArk Salvage Report for Stage 1 development, 27 July 2021 OzArk Salvage Report for Stage 2 development, August 2023 Not triggered during Stage 1 construction. Salvage report completed for Stage 1 & 2 prior to works commencing, included inspection, fencing & relocation of identified artefacts.  See extract from the ACHMP below summarising the salvage works to date in consultation with the relevant RAPs and agencies.:  <i>Prior to the commencement of Stage 1 works, an attempt was made to salvage the artefacts recorded at 20-5-0126 (Bondah-IF1) and 20-5-0127 (Bondah-IF2) (Figure 6-1) on 24 August 2021. Neither of the artefacts associated with the sites were able to be located. As attempts were made to locate the artefacts, the sites are now registered as ‘destroyed’ on AHIMS and no further management is required.</i>  <i>Prior to the commencement of Stage 1 works, an attempt was made to salvage the artefacts recorded at 20-5-0106 (Bondah-OS11), 20-5-0124 (Bondah-IF7) and 20-5-0125 (Bondah-IF8) (Figure 6-1) on 6 July 2023. No artefacts associated with the sites were able to be located. As attempts were made to locate the artefacts, the sites are now registered as ‘destroyed’ on AHIMS and no further management is required.</i>  ACHMP has been implemented for operations phase activities via the OEMP. Sighted evidence of implementation including induction information, salvage report (from construction phase)s, marked areas of site containing known cultural finds identified during construction activities (to be permanently marked & fenced off). Site inspection checklists indicate regular monitoring of the Aboriginal sites.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-144	The five Aboriginal sites in close proximity to the disturbance footprint of the Development will be fenced with appropriate buffers and signed. Specifically:	All	<p>The ACHMP states:  <i>Permanent fencing required at 20-5-0109 (Bondah-OS9), 20-5-0100 (Happy Hills-IF4) and 20-5-0122 (Bondah-IF5) due to their proximity to the access road was completed on the same day (6 July 2023).</i></p> <p><i>In addition to the salvage, the temporary fencing required at 20-5-0115 (Bondah-OS2) and 20-5-0107 (Bondah-OS3) due to their proximity to the water pipeline and powerline was completed on 3 September 2021.</i></p> <p>OzArk inspected the sites in January 2024 and placed star pickets with signage around sites.</p>	Compliant
AP2-145	Happy Hills-IF4 is located within 50 m of an access road – it will be permanently fenced with a 10 m buffer and signed “Do Not Enter”;	All	As above	Compliant
AP2-146	Bondah-IF5 is located within 30 m of an access road – it will be permanently fenced with a 10 m buffer and signed “Do Not Enter”;	All	As above	Compliant
AP2-147	Bondah-OS2 is located within 50 m of water and electricity supply lines – it will be fenced with a 10 m buffer and signed “Do Not Enter” during construction;	All	<p>The ACHMP states:  <i>In addition to the salvage, the temporary fencing required at 20-5-0115 (Bondah-OS2) and 20-5-0107 (Bondah-OS3) due to their proximity to the water pipeline and powerline was completed on 3 September 2021.</i></p> <p>OzArk inspected the sites in January 2024 and placed star pickets with signage around sites.</p>	Compliant
AP2-148	Bondah-OS3 is located within 60 m of water and electricity supply lines – it will be fenced with a 10 m buffer along its eastern extents and signed “Do Not Enter” during construction; and	All	<p>The ACHMP states:  <i>In addition to the salvage, the temporary fencing required at 20-5-0115 (Bondah-OS2) and 20-5-0107 (Bondah-OS3) due to their proximity to the water pipeline and powerline was completed on 3 September 2021.</i></p> <p>OzArk inspected the sites in January 2024 and placed star pickets with signage around sites.</p>	Compliant
AP2-149	Bondah-OS9 is located within 20 m of water and electricity supply lines – it will be permanently fenced with a 10 m buffer around its northern extent and signed “Do Not Enter”.	All	As above	Compliant
<b>Archaeological Excavation of Bondah-H1</b>				
AP2-150	Consultation with the RAPs will be undertaken to determine the cultural appropriateness of excavating the Aboriginal hearth identified as Bondah-H1 during the preparation of the ACHMP. If the RAPs confirm the appropriateness and potential benefits, archaeological excavation of Bondah-H1 to determine if it is an Aboriginal oven will be included in the ACHMP. The excavation will also be used to determine whether in-situ charcoal remains beneath the cluster of stones for radio carbon C14 dating.	All	<p>ACHAR - reviewed August 2024 (OzArk) in response to Bondah IF3 incident.</p> <p>Consultation with RAPs undertaken, interested parties did not support excavation of he feature known as Bondah-H1. Heritage NSW consented to Condition B33(e), which required a program of excavation and reporting on the feature, being removed from SSD-7704. Condition B33(e) was removed from SSD-7704 by MOD 1 (15 June 2021)</p>	Compliant
<b>General</b>				
AP2-151	No disturbance will occur outside of the disturbance footprint assessed in this EIS. Any alterations to the Development footprint will be assessed in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010).	Construction	Condition not relevant to Operations Phase activities.	Not triggered
AP2-152	The three Aboriginal scarred trees identified within the Development Site will be further examined with reference to the Aboriginal Scarred Trees in New South Wales, A Field Manual (DEC 2005) should the Development’s disturbance footprint change in a manner that potentially threatens these trees.	Construction	<p>Condition not relevant to Operations Phase activities.</p> <p>Induction slide sighted as part of 2024 audit - includes site Aboriginal sites inspections - key heritage management measures and process for uncovering any Aboriginal items on site.</p>	Not triggered
AP2-153	Employees and contractors will be made aware of the presence of the identified Aboriginal sites during site inductions and training.	All	<p>Unexpected finds protocol implemented via OEMP and communicated via site inductions and training.</p> <p>Visitor and contractor site inductions sighted - Aboriginal heritage finds protocol included in site induction.</p> <p>Most current OEMP v2.2 dated 5 September 2024</p>	Compliant
AP2-154	If any Aboriginal sites are uncovered during construction or operation, all work within the vicinity will cease immediately and the unexpected finds protocol in the approved ACHMP will be followed.	All	<p>Unexpected finds protocol implemented via OEMP and communicated via site inductions and training.</p> <p>Visitor and contractor site inductions sighted - Aboriginal heritage finds protocol included in site induction.</p> <p>Most current OEMP for site is dated 16 August 2024.</p>	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>NOISE</b>				
<b>Construction</b>				
<b>AP2-155</b>	Construction activities will be restricted to the following standard daytime hours: · Monday to Friday – 7:00 am to 6:00 pm; · Saturday – 8:00 am to 1:00 pm; and · No audible construction work on Sundays or public holidays.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-156</b>	Plant and equipment operators will be instructed on how to minimise noise generation at all times. If necessary, this may include avoiding the operation of noisy plant and equipment simultaneously.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-157</b>	Plant and equipment will be maintained to meet regulatory and industry standards, as well as ensure optimal operating conditions.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Operation</b>				
<b>AP2-158</b>	Noise generating equipment purchased by the operator will comply with relevant workplace health and safety requirements.	Operation	No changes advised by site personnel for 2024 Compliance Review - Operational equipment purchased meets relevant Australian standards and is not modified for use onsite.	Compliant
<b>AP2-159</b>	Plant and equipment will be maintained to meet regulatory and industry standards and ensure optimal operating conditions.	Operation	Service checklists and inspection reports sighted during compliance review indicate ongoing proper inspection and maintenance: Generator checks (Gen 3, Back up #1) - Bottom sheds - 1/11/23, 8/11/23, 15/11/23 - weekly until 31/01/24 Commission Test Plan Report sighted (SCR 1 - 440kVA) - 13/09/22 (inspection completed), 19/09/22 (verification completed) Commission Test Plan Report sighted (SCR 2 - 440kVA) - 13/09/22 (inspection completed) - 19/09/22 (verification competed) Commission Test Plan Report sighted (45 SCR System) - 13/09/22 (inspection completed) - 19/09/22 (verification completed) Vehicle & Equipment Pre-Start Checklists sighted - Week commencing 08/07/2024 (daily 14/07/24), 28/08/24 (daily 1/09/24)	Compliant
<b>AP2-160</b>	A unidirectional traffic movement system, via a one-way circulation road around each PPU, will be established to minimise the use of reversing beepers.	Operation	One-way traffic management implemented. Verified during site inspection 2023 Compliance Review site inspection - no changes identified by site personnel 2024.	Compliant
<b>AP2-161</b>	Internal roads will be appropriately constructed and maintained with a suitably compacted base.	Operation	Verified during site inspection 2023 Compliance Review site inspection - no changes identified by site personnel 2024.	Compliant
<b>AP2-162</b>	Vehicles will not exceed a general speed limit of 60 km/hr along the internal access roads, with a reduced speed limit of 40 km/hour in the vicinity of the PPUs.	Operation	Traffic management controls implemented via OEMP (v2.2 dated 5 September 2024), including Heavy Vehicle Driver Code of Conduct. Controls include site speed limits. Site inspection checklist sighted (dated 16/09/24) - includes inspection of vehicles adherence to speed limits Speed signage verified in 2023 Compliance Review: no changes 2024 Compliance Review- 40km/h unsealed roads away from production area; 25 km/h within construction & production areas. Vehicles onsite were observed to be generally travelling slowly, and appeared to be travelling within or below designated speed limits.	Compliant
<b>AP2-163</b>	Suitable signage will be erected to direct traffic, limit traffic speed and minimise night time noise levels.	Operation	2024 Compliance Report: No change in signage as indicated by site personnel - signage verified during 2023 Compliance Report. "Directional signage on site sighted - entrance to site there is a 'traffic flow, one way' sign clearly indicated after the wheel wash" (2023)	Compliant
<b>AP2-164</b>	The emergency standby diesel generators will be contained in lockable acoustics enclosures with vertical air discharge and will only be used in emergency situations when mains power from the electricity grid is lost.	Operation	18/11/24 photo of generators sighted.	Compliant
<b>Road Traffic</b>				
<b>AP2-165</b>	A directive to heavy vehicle drivers will be included in the Driver Code of Conduct to avoid the use of compression braking along Rushes Creek Road.	All	Signed Operational Drivers Code of Conduct forms by various Multiquip employees - KT 24/09/24, JBV 23/09/24, MB 25/09/24, AR 24/09/24, WT 24/09/24, CP 24/09/24, NM 25/09/24, BP 23/09/24, RT 23/09/24, SB 24/09/24, DF 24/09/24, NP 24/09/24, GB 25/09/24, TG 25/09/24 - indicating communication of requirements to heavy vehicle drivers. OEMP v2.2 September 2024, including Driver Code of Conduct,. SLR v3.0 dated 26 June 2024Driver Code of Conduct addresses elements of Commitment AP2-165.	Compliant
<b>AP2-166</b>	Signage will be installed on the two access driveways near their intersections with Rushes Creek Road within the Development Site instructing heavy vehicle drivers to avoid the use of compression braking within the Development Site and on Rushes Creek Road.	All	Verified during site visit 2023. Based on site interviews - no changes to signage on site during 2024 reporting period.	Compliant
<b>AP2-167</b>	Consultation will be undertaken with Council and the local traffic committee in relation to installing signage on Rushes Creek Road near the Development Site and near the Oxley Highway intersection instructing heavy vehicle drivers to avoid compression braking along Rushes Creek Road.	All	Signage installed on Rushes Creek Road - verified during 2023 Compliance Review. Based on site interviews - no changes to signage during 2024 reporting period.	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>HAZARD AND RISK</b>				
<b>AP2-168</b>	Diesel and petrol will be stored in aboveground bunded tanks, with the minimum bund volumes being 110% of the respective tank capacity.	All	No storage of diesel or petrol onsite, apart from enclosed bunded tanks for diesel generators that are constructed as part of the generator enclosures. 18/11/24 photo of generators sighted.	<b>Compliant</b>
<b>AP2-169</b>	LPG will be stored in aboveground tanks installed and maintained in compliance with AS/NZS 1596:2014 The Storage and Handling of LP Gas. Minimum separation distances will be maintained.	All	Inspections of LPG tanks sighted - 16/05/2024 (form last reviewed and updated 16/02/2023) - inspection checklist include general tanks and pipework inspections: general housekeeping, servicing and safety of tanks, trip hazards, any maintenance required, check of pressure gauges, internal and external inspection dates, impact protection and fill points and leak testing samples.	<b>Compliant</b>
<b>AP2-170</b>	Chemicals will be stored in the vented chemical store within the amenities and workshop building at each PPU.	All	*Site Environmental Inspection Checklist covers compliance/check against this condition - sighted checklist dated 16/09/2024, 15/12/23. Photos of chemicals on correct bunding sighted.	<b>Compliant</b>
<b>AP2-171</b>	Copies of the SDSs for each chemical and fuel will be kept within the chemical store and/or office at each PPU.	All	*Site Environmental Inspection Checklist covers compliance/check against this condition, however does not specify that SDS must be available within the chemical store and also the site office - sighted checklist dated 16/09/2024, 15/12/23.  <b>Recommendation:</b> Update the Site Environmental Inspection Checklist to specify that SDS must be available within the chemical store and also the site office.	<b>Compliant</b>
<b>AP2-172</b>	Spill kits will also be maintained within the chemical store at each PPU.	All	Spill kit located within chemical storage area.	<b>Compliant</b>
<b>AP2-173</b>	Diesel, petrol and LPG storages will be separated from each other and separated from the chemical store in the amenities and workshop building at each PPU.	All	Site Environmental Inspection checklist (date 16/09/24) - checklist includes checks marked either 'compliant' or 'non-compliant' in relation to storage of chemicals. Compliance Review 2023: Diesel, LPG and chemical storage areas segregated from each other, verified during site inspection.	<b>Compliant</b>
<b>AP2-174</b>	The chemical and fuel storage bunding will be constructed of material sufficiently impervious to the stored chemicals/fuel and be able to prevent the migration of any spillage or leakage to the surrounding environment. Where relevant, the bunding will comply with the relevant requirements of the following Australian Standards and will be approved by a structural engineer: · AS/NZS 1596:2014 The Storage and Handling of LP Gas, where applicable to the proposed LPG storage tanks; · AS 1940:2017 The Storage and Handling of Flammable and Combustible Liquids, where applicable to the proposed petrol and diesel storage tanks; · AS 2507:1998 The Storage and Handling of Agricultural and Veterinary Chemicals, where applicable to the proposed storage of chemicals comprising ADG Classes 3, 6.1, 8 and 9 and non-dangerous goods; and · AS 3780:2008 The Storage and Handling of Corrosive Substances, where applicable to the proposed storage of chemicals comprising ADG Class 8 substances.	All	Site Environmental Inspection Checklist covers compliance/check against this condition - sighted checklist dated 16/09/2024. Inspections of LPG tanks sighted - 16/05/2024 (form last reviewed and updated 16/02/2023) - inspection checklist include general tanks and pipework inspections: general housekeeping, servicing and safety of tanks, trip hazards, any maintenance required, check of pressure gauges, internal and external inspection dates, impact protection and fill points and leak testing samples.	<b>Compliant</b>

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
AP2-175	<p>The following controls will be implemented in relation to LPG storage to reduce risks to an acceptable level -</p> <ul style="list-style-type: none"><li>· Installations will comply with AS/NZS 1596:2014, specifically sections 3, 5, 6, 8, 11, 12 and 13;</li><li>· Tanks will be made of steel and comply with the requirements AS/NZS 1200;</li><li>· Tank filling will comply with section 6.6 of AS/NZS 1596:2014;</li><li>· Tanks will have an automatic fill shutoff when they have reached capacity in accordance with section 6.6 of AS/NZS 1596:2014;</li><li>· Outflow will be controlled in accordance with section 5 of AS/NZS 1596:2014;</li><li>· Appropriate compliant safety shut down and isolation valves will be installed as per sections 5.3 and 6.7 of AS/NZS 1596:2014;</li><li>· Inspections, testing and maintenance will be undertaken is in accordance with section 11.5 of AS/NZS 1596:2014;</li><li>· Separation distances will be maintained as per AS/NZS 1596:2014;</li><li>· Hazard area classification will be in accordance with AS/NZS 60079.10.1:2009;</li><li>· Electrical equipment will comply with AS3000;</li><li>· Fire safety systems will be installed and/or available in accordance with section 13 of AS/NZS 1596:2014;</li><li>· Fire-sensing elements of the emergency shutdown system will be located in a position to sense a fire at the filling/loading connection; and</li><li>· Staff will be trained in how to use firefighting equipment and fire drills should be undertaken.</li></ul>	All	<p>Photo of LPG tank uploaded to OneDrive - sighted 2024: LPG tanks appear bunded and away from fence or at risk bushland which could pose a risk to the environment.</p> <p>Inspections of LPG tanks sighted - 16/05/2024 (form last reviewed and updated 16/02/2023) - inspection checklist include general tanks and pipework inspections: general housekeeping, servicing and safety of tanks, trip hazards, any maintenance required, check of pressure gauges, internal and external inspection dates, impact protection and fill points and leak testing samples.</p>	Compliant
AP2-176	<p>If considered necessary, a Fire Safety Study will be undertaken following development consent, in parallel with development detailed design, for approval prior to commencing construction.</p>	All	<p>An Emergency Plan has been developed and implemented via the OEMP. (v2.2 dated 5 September 2024). Included as Appendix J of the OEMP and details emergency procedures relevant to operations phase activities - Appendix I of OEMP dated 05/09/2024 uploaded on Major Projects Planning Portal - approved and contains Emergency Plan dated 16/08/24</p> <p>References Fire Safety Study Rev 2, 3 April 2023, Project number 12545704, GHD Pty Ltd, which was prepared in accordance with Advisory Paper No 1 as required by Condition B41.</p>	Compliant



Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>VISUAL AMENITY</b>				
<b>Development Design</b>				
<b>AP2-177</b>	The poultry sheds, along with some other infrastructure items, will be constructed using non-reflective materials. The walls will be a eucalyptus green (or similar) colour sympathetic with the surrounding natural environment.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-178</b>	The solar panels will have anti-reflective treatment and there will not be any mirrors or lenses used.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-179</b>	External lighting will comprise individual light fixtures mounted at a height of approximately 4 m over the front and rear of each poultry shed, with no broad area or flood lighting.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Vegetation Screens</b>				
<b>AP2-180</b>	Vegetation screens will be established and maintained around the perimeter of each PPU on a progressive basis as soon as practicable following bulk earthworks and construction at each PPU.	All	2024: A qualified horticulturalist was engaged to advise on the plantings, and has been engaged to return to site and inspect and advise on current growth and establishment of the screening plantings. - Horticulturalist on site 27/10/23 Plantings are monitored via site inspections, evidence sighted. Site Environmental Inspection Checklist sighted - 16/09/24	Compliant
<b>AP2-181</b>	Advice with be sought from an appropriate professional to ensure that the tree and shrub species selected for the vegetation screens can effectively cope with and utilise the anticipated nutrient loads within the irrigation water.	All	Horticulturalist advice obtained on tree and shrub selection. High nutrient load not reported for irrigation water drawn from detention dam. (Dip. Horticulture qualified). 2024: A qualified horticulturalist was engaged to advise on the plantings, and has been engaged to return to site and inspect and advise on current growth and establishment of the screening plantings. - Horticulturalist on site 27/10/23 Plantings are monitored via site inspections, evidence sighted. Site Environmental Inspection Checklist sighted - 16/09/24	Compliant
<b>Operation</b>				
<b>AP2-182</b>	External lighting will be aimed downwards and only used when necessary during times of low light and/or heavy fog.	Operation	Verified during 2023 Compliance Review - no site inspection for 2024 Compliance Review. No change to comment made by site personnel. "Site inspection observations indicate external site lighting appeared to be aimed downwards, or else were installed or screened in such a way so as to not present a nuisance to surrounding properties or public roads." (2023)	Compliant
<b>GREENHOUSE GAS AND ENERGY EFFICIENCY</b>				
<b>Development Design</b>				
<b>AP2-183</b>	The poultry sheds will be insulated with high thermal performing expanded polystyrene with fire-retardant.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-184</b>	The poultry sheds will be tunnel-ventilated, fully-enclosed and climate-controlled, which will reduce power consumption.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-185</b>	Solar panels will be installed at each PPU to generate clean renewable energy to power the PPUs and reduce dependency on reticulated electricity. The panels will produce energy during the day and any surplus energy will be able to be fed into the electricity grid	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>AP2-186</b>	Low lux lighting will be installed within the poultry sheds.	Construction	Condition not relevant to Operations Phase activities.	Not triggered
<b>Operation</b>				
<b>AP2-187</b>	External lighting will only be used when necessary during times of low light and/or heavy fog.	Operation	Verified during 2023 Compliance Review - no site inspection for 2024 Compliance Review. No change to comment made by site personnel. "Site inspection observations indicate external site lighting appeared to be aimed downwards, or else were installed or screened in such a way so as to not present a nuisance to surrounding properties or public roads." (2023)	Compliant
<b>AP2-188</b>	The integrity of the poultry sheds will be regularly checked to identify and rectify any air leaks, which place additional load on ventilation fans.	Operation	Weekly Shed Records Check Cards (batch 114 - Farm 2) - dated 18/05/2024 Cleanout Report sighted for May 17th 2024. Report covers poultry shed cleaning - submitter name, date and time, address, washing (interior), washing (exterior), general hygiene, biosecurity, documentation and sign off.	Compliant
<b>AP2-189</b>	Internal lighting, temperature, humidity and static pressure will be continuously monitored within the poultry sheds and automatically adjusted to suit conditions. This will avoid unnecessary solar, electricity and LPG usage.	Operation	Site Environmental Inspection Checklist covers compliance/check against this condition - sighted checklist dated 16/09/2024, 15/12/23. Linked to sheds which controls temperature - ProTen confirmed they are still using it.	Compliant
<b>AP2-190</b>	Equipment such as ventilation fans and heaters will be regularly maintained and serviced to ensure optimal performance and efficiency.	Operation	Ventilation systems currently maintained as part of building construction - Service checklists / reports not yet in use for Operation phase activities. Batch Verification Schedules (daily), dated 15/09/23, 13/11/23, 24/01/24, 20/04/24, 22/04/24, 15/07/24 Daily Shed Check Cards, dated 11/1/2023, include check of ventilation system Site Environmental Inspection Checklist - sighted checklist dated 16/09/2024, 15/12/23  No visual inspection 2024 however no change as advised by site personnel - "Routine site inspections include inspections of equipment such as fans and heaters. Repairs carried out on the spot, or arranged with external contractors and service providers where necessary via Farm Manager." (2023)	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
<b>SOCIAL</b>				
<b>AP2-191</b>	Shortly following submission of this EIS to the DPE for public exhibition, ProTen will hold a community information session. This session will serve to overview the Development, outline and discuss the findings of key impact assessments and provide an overview of the EIS assessment and determination process, including how to review and comment on the EIS during the exhibition phase.	All	Community information session held 18 September 2018, outcomes considered in Response to Submissions as part of EIA process. Community Consultation Plan (SLR) - 16 August 2024	Not triggered
<b>AP2-192</b>	ProTen will hold subsequent face-to-face meetings if requested by any of the community stakeholders.	All	Not required for operations phase activities to date. Community Consultation Plan (SLR) - 16 August 2024 Consultation processes and commitments for operations phase activities are implemented via the Community Consultation Plan contained in the OEMP.	Not triggered
<b>AP2-193</b>	ProTen will arrange additional community information sessions prior to commencing both construction and operation if desired by the community stakeholders.	All	Not required for operations phase activities to date. Community Consultation Plan (SLR) - 16 August 2024 Consultation processes and commitments for operations phase activities are implemented via the Community Consultation Plan contained in the OEMP (OEMP v2.2 dated 5 September 2024).	Not triggered
<b>AP2-194</b>	Community and stakeholder consultation commitments will be included in both the CEMP and OEMP, which will be publicly available on ProTen's website once approved.	All	Consultation processes and commitments for operations phase activities are implemented via the Community Consultation Plan contained in the OEMP. Community Consultation Plan (SLR) - 16 August 2024	Compliant
<b>AP2-195</b>	Prior to the commencing both construction and operation ProTen will inform the surrounding residents and operators of the surrounding recreational facilities of planned commencement of construction/operation via a letter drop. The letter will advise relevant details, including general construction/operation activities, key dates, staging and hours, and relevant site contact details. These stakeholders will also be informed of any changes to the construction/operation activities in writing.	All	In Section 5.3 of the CCP contained within the OEMP for operations phase activities. Evidence of onsite signage and newspaper notices of operations commencement sighted.  Newspaper Notice - The Land 1/9/2022 Newspaper Notice - Manilla Express 30/8/2022 *Newspaper ads are not required each year - contact number and information is on ProTen website - verified 07/11/24  Evidence of communication with surrounding residents around the proposed date of operational commencement sighted 2023 Compliance Review, site inspection.  Rushes Creek Poultry Farm Development - Community Newsletter, June 2022.  Actions taken above comply with requirements of Condition B56f (ii) - letterbox drop not required.	Compliant
<b>AP2-196</b>	Clearly visible signage will be installed at both the site access driveways off Rushes Creek Road prior to commencing construction and during operation. The signs will advise relevant details, including the site name, site office location, site contact details and any specific access requirements.	All	2024 Compliance Report: No change in signage as indicated by site personnel - signage verified during 2023 Compliance Report. "Directional signage on site sighted - entrance to site there is a 'traffic flow, one way' sign clearly indicated after the wheel wash" (2023)	Compliant
<b>AP2-197</b>	ProTen will continue to operate its freecall environmental hotline number, which is provided on the company's website, to ensure community concerns can be raised and addressed.	All	Confirmed ProTen website 7/11/2024 <a href="https://proten.com.au/Contact">https://proten.com.au/Contact</a> Environmental Enquiries and Complaints - 1800-776-994	Compliant
<b>AP2-198</b>	ProTen will work with the Lake Keepit Soaring Club following development consent to establish an emergency landing strip for gliders within the Development Site.	All	Timing not specified. Not yet started.	Not triggered
<b>AP2-199</b>	ProTen will be levied and pay development contributions to Council pursuant to the EP&A Act and in accordance with the Tamworth Regional Council Section 94A (Indirect) Development Contributions Plan 2013.	All	Evidence of development contributions to Council sighted. 2024 - RCD001 Development Contributions - 04/09/2024 - Sighted PO number and receipt	Compliant

Condition of Consent Number	Compliance Requirement	Development Phase	Evidence and Comments	Compliance Status
APPENDIX 3 - INCIDENT NOTIFICATION & REPORTING REQUIREMENTS				
AP3-1	A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C9 or, having given such notification, subsequently forms the view that an incident has not occurred.	All	<p><b>Incident 1:</b> On 22/03/2024 ProTen sent DPHI an Incident Report for the incident at Bondah-IF3.</p> <p>No notification occurred within seven days after ProTen became aware of the incident (12/03/2024 via Ozarks letter of advice (see Condition C9). Therefore Incident 1 written notification did not meet the requirements of condition AP3-1.</p> <p><b>Incident 2:</b> ProTen received water quality monitoring results relating to the 6 Monthly monitoring event on 24/04/2024 from the monitoring consultant. ProTen identified potential exceedance of surface water or groundwater trigger values against the Soil and Water Management Plan. ProTen notified DPHI of the potential non-compliance on 22/05/2024. The notification was not within seven days after ProTen became aware of the incident. However, the letter titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification' from DPHI dated 27/06/2024 <i>states NSW Planning has reviewed the notification and response to RFI-71178961 and considers them to generally satisfy the conditions of consent in relation to incident reporting.</i> Based on the above DPHI correspondence Incident 2 notification and reporting requirements generally satisfy condition AP3-1.</p>	Non-compliant
AP3-2	Written notification of an incident must: a. identify the development and application number; b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident); c. identify how the incident was detected; d. identify when the applicant became aware of the incident; e. identify any actual or potential non-compliance with conditions of consent; f. describe what immediate steps were taken in relation to the incident; g. identify further action(s) that will be taken in relation to the incident; and h. identify a project contact for further communication regarding the incident.	All	<p><b>Incident 1:</b> On 22/03/2024 ProTen sent DPHI an Incident Report for the incident at Bondah-IF3. The report met the requirements of Condition AP3-2.</p> <p><b>Incident 2:</b> ProTen notified DPHI of the potential non-compliance on 22/05/2024. The letter titled 'Rushes Creek Poultry Production Farm – surface water trigger exceedance notification' from DPHI dated 27/06/2024 states NSW Planning has reviewed the notification and response to RFI-71178961 and considers them to generally satisfy the conditions of consent in relation to incident reporting. The report met the requirements of Condition AP3-2.</p>	Compliant
AP3-3	Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.	All	<p><b>Incident 1:</b> On 27 June 2024 ProTen responded to DPHI Show Cause Notice, which is considered to equate to compliance under AP3-3 due to the Show Cause Notice setting out the Department's reporting and response requirements in relation to this incident.</p> <p><b>Incident 2:</b> As required by Schedule 2, Part C, Condition C10 of SSD-7704 as modified (the Consent), ProTen submitted a non-compliance notification to DPHI on 22 May 2024. In response, DPHI issued the letter 'Rushes Creek Poultry Production Farm – 240424 SW trigger exceedance notification' (DPHI, 2024) on 24 May 2024 which requests a detailed report on the non-compliance be submitted by 21 June 2024. SLR Consulting on behalf of ProTen undertook the surface water investigation and produced a report titled 'Rushes Creek Poultry Production Farm - Surface Water Investigation - April 2024' dated 21 June 2024. ProTen issued this report to DPHI on the 21 June 2024 as requested by DPHI.</p>	Compliant
AP3-4	The Incident Report must include: a. a summary of the incident; b. outcomes of an incident investigation, including identification of the cause of the incident; c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and d. details of any communication with other stakeholders regarding the incident.	All	<p>See above (Appendix 3-3)</p> <p>Written incident reports included all information required by this condition.</p>	Compliant



# Appendix B    Action Status Table

## Operational Compliance Report 2024

**SSD-7704 MOD 5**

**Rushes Creek Poultry Production Farm**

**ProTen Tamworth Pty Ltd**

SLR Project No.: 630.031938.00001

17 March 2025

Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
IEA 2023 2023 Compliance Report	A1	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.	November 2022	COMPLETE	SSD 7704 issued to the Project Team November 2022. All members of the project group and construction group are aware of the Approval and EPL requirements via training, project meetings and inclusion in contracts.
			As part of Stage 2 of Development	NOT STARTED	SSD 7704 to be issued to contractors as part of Stage 2 of Development.
IEA 2023 2023 Compliance Report	A2	1) No further operation of borrow pits until DPE has approved utilisation of the North pit into a Dam for water security (MOD 4) and southwest pit to be returned to pasture following approval of the remediation plan submitted to DPE on 1 September 2023.	June 2025	IN PROGRESS	Borrow pits have not been 'operated' during the 2024 compliance reporting period. Clean water diversion around northern borrow pit installed. MOD 4 & 5 approved and implemented. Enforceable Undertaking approved & implemented. MOD4, MOD5, and Southwestern Borrow Pit Remediation Plan approved. Remediation of southwestern borrow pit completed. Conversion of northern borrow pit into permanent dam is to be completed, work anticipated to commence 1 <sup>st</sup> quarter 2025. DA2024-0171 approved by Tamworth Regional Council on 28/08/2024 allows for the construction and operation of two dams. DA2024-0171 allows for the northern borrow pit to be converted into Water Storage Dam 1 (refer ref. No. 21079-D Bath Stewart Associates). Construction of the dams have not been completed. The Soil and Water Management Plan will be updated to reflect as-built conditions following completion of the dams.
		2) ProTen to include an Enforceable Undertaking in conjunction with other initiatives to deliver tangible benefits for the environment and community.	March 2023	COMPLETE	Enforceable Undertaking approved & implemented.



Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
		3) applied for to include: <ul style="list-style-type: none"> <li>- Remediate the North-east borrow pit into a water storage dam.</li> <li>- Remediate the south western borrow pit into a dead bird disposal area as per the Emergency Disposal and Biosecurity Strategy.</li> <li>- Seek approval of shed flooring to be sealed alternative to concrete (currently a sealed asphalt top layer over a cement treated base of aggregate)</li> <li>- Removal of house from SSD and approval for house as constructed by Tamworth Council. All further houses to be transportable.</li> </ul>	March 2023	COMPLETE	MOD 4 & 5 approved and implemented which address required actions.
		4) Ensure sufficient time and communication with DPE regarding Management Plan approvals and commencement of operations is implemented into development plans and schedules.	September 2022	COMPLETE	Notifications for Stage 1 works provided to DPE. Dates for future works monitored via weekly meeting, ongoing to be implemented via environmental compliance management (budget allocation approved, project to select and implement suitable software solution in progress).
IEA 2023 2023 Compliance Report	A39	1) The Applicant must provide a copy of the documentation given to the Certifier under condition A38 to the Planning Secretary.	10 March 2023	COMPLETE	Relevant documents submitted.
		2) Assess and implement Compliance Management System Program to identify and track requirements to ensure timeframes are being met.	July 2023	COMPLETE	Environmental Planner 2024 for Rushes Creek - includes planner item, supplier, frequency, due, schedule due date, completed and next due. This is considered a sufficient environmental compliance management system.
IEA 2023 2023 Compliance Report	AN1	Aboriginal Heritage, Soil Water Management and Biodiversity assessments to be undertaken regarding the borrow pits and their further utilisation.	April 2023	COMPLETE	Aboriginal & soil water assessments undertaken. Biodiversity assessment completed. SSD-7704 MOD4, MOD5, and Southwestern Borrow Pit Remediation Plan approved
		No further operation of borrow pits until DPE has approved utilisation of the North pit into a Dam.	June 2025	IN PROGRESS	Borrow pits have not been 'operated' during the 2024 compliance reporting period. Clean water diversion around northern borrow pit installed.





Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
					MOD 4 & 5 approved and implemented. Enforceable Undertaking approved & implemented. MOD4, MOD5, and Southwestern Borrow Pit Remediation Plan approved. Remediation of southwestern borrow pit completed. Conversion of northern borrow pit into permanent dam is to be completed, work anticipated to commence 1 <sup>st</sup> quarter 2025. DA2024-0171 approved by Tamworth Regional Council on 28/08/2024 allows for the construction and operation of two dams. DA2024-0171 allows for the northern borrow pit to be converted into Water Storage Dam 1 (refer ref. No. 21079-D Bath Stewart Associates). Construction of the dams have not been completed. The Soil and Water Management Plan will be updated to reflect as-built conditions following completion of the dams.
2023 Compliance Report	B6	Include Odour Monitoring Program Reports in environmental compliance management system to ensure timely submission to the correct interested party.	July 2023	COMPLETE	Environmental Planner 2024 for Rushes Creek - includes planner item, supplier, frequency, due, schedule due date, completed and next due. This is considered a sufficient environmental compliance management system.
IEA 2023 2023 Compliance Report	B18	NC REC 1: ProTen to implement the actions of the Show Cause Notice and any other requests from DPE relating to undertaking work outside of the approved activities (i.e., Borrow Pits 1 and 2).	July 2022	COMPLETE	Silt fencing and clean water diversion drain installed to reduce flow of runoff water north of the borrow pit.
		2) Redevelop clean water diversions to ensure water is flowing around northern borrow pit and water is not being detained in this area.	June 2025	IN PROGRESS	Clean water diversion drain constructed during August 2022 to divert clean water away from north borrow pit. Connection for site water to drain into retention dam has been constructed. Water remains in northern borrow pit. MOD 5 and DA approved to address conversion into water storage dam. Construction anticipated to commence 1 <sup>st</sup> quarter



Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
					2025. Completion of construction will address compliance with this condition.
IEA 2023 2023 Compliance Report	B20	NC REC 2: Investigate the suitability of an internal compliance tracking system for Rushes Creek to track and manage requirements of approvals and improve recordkeeping.	July 2023	COMPLETE	Environmental Planner 2024 for Rushes Creek - includes planner item, supplier, frequency, due, schedule due date, completed and next due. This is considered a sufficient environmental compliance management system.
		2. Redevelop clean water diversions to ensure water is flowing around northern borrow pit and water is not being detained in this area.	Refer Condition B18	IN PROGRESS	Clean water diversion drain constructed during August 2022 to divert clean water away from north borrow pit. Connection for site water to drain into retention dam has been constructed. Water remains in northern borrow pit. MOD 5 and DA approved to address conversion into water storage dam. Construction anticipated to commence 1 <sup>st</sup> quarter 2025. Completion of construction will address compliance with this condition.
IEA 2023 2023 Compliance Report	B22	1) SWMP to be reviewed and updated to include: - Correct cross-references throughout the document. - Inclusion of the remediated borrow pits	March 2023	COMPLETE	Latest version of the Soil and Water Management Plan v.8.0 dated 7 December 2023 was approved by DPHI in the letter titled 'Subject: Rushes Creek Poultry Production Farm – Updated Soil and Water Management Plan' dated 16 January 2024. SWMP implemented via the OEMP.  Latest version of the OEMP was approved by DPHI' letter titled 'Subject: Rushes Creek Poultry Production Farm - Operational Environmental Management Plan' dated 5 September 2024.



Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
IEA 2023 2023 Compliance Report	B27	NC REC 4: Update the CEMP to include defined frequency for construction noise monitoring as no monitoring in this audit period occurred. This could be based on when construction activities are predicted to be at their most noisy, or at a more defined frequency. Liaise with the EPA on the optimal monitoring method to confirm construction noise levels.	Not applicable	COMPLETE	There is no requirement to undertake formal noise monitoring regarding construction noise in SSD 7704 or EPL 21569. No noise complaints have been received in relation to construction since commencement in 2021. Noise monitoring may be considered in consultation with the EPA in the future if noise complaints are received in relation to construction activities on the site.
IEA 2023 2023 Compliance Report	B28A	NC REC 4: Update the CEMP to include defined frequency for construction noise monitoring as no monitoring in this audit period occurred. This could be based on when construction activities are predicted to be at their most noisy, or at a more defined frequency. Liaise with the EPA on the optimal monitoring method to confirm construction noise levels.	Not applicable	COMPLETE	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.
2023 Compliance Report	B32b	Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity control zone as outlined in the OEMP and supporting plans.	NA	COMPLETE	Slab poured for the wheel wash on 20/04/2024. ProTen were unable to provide the exact date of commissioning, however sprayer jets installed 2 weeks post pour date and at the time of the 2024 Compliance Report, the when wash was in use onsite.
IEA 2023 2023 Compliance Report	B34	Permanent fencing to be installed around heritage sites.	August 2023	COMPLETE	The ACHMP states: Permanent fencing required at 20-5-0109 (Bondah-OS9), 20-5-0100 (Happy Hills-IF4) and 20-5-0122 (Bondah-IF5) due to their proximity to the access road was completed on the same day (6 July 2023).  In addition to the salvage, the temporary fencing required at 20-5-0115 (Bondah-OS2) and 20-5-0107 (Bondah-OS3) due to their proximity to the water pipeline and powerline was completed on 3 September 2021.



Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
					OzArk inspected the sites in January 2024 and placed star pickets with signage around sites. The report indicates the fencing is satisfactory during the reporting period.
2023 Compliance Report	B42a	Review site chemical storage arrangements including chemical segregation, bunding and SDS availability.	NA	COMPLETE	All chemicals are now stored on bunded pallets within the designated chemical storage shed. Spill kits are located within the storage shed as well as a laminated dangerous goods segregation chart. SDS are located within the site office approximately 50 metres from the chemical storage shed. These are available to all staff trained to use chemicals.
2023 Compliance Report	B42b	As above	NA	COMPLETE	As above
IEA 2023 2023 Compliance Report	B44	1. Containers on site to be bunded.	14 February 2023	COMPLETE	Photos from the reporting period as well as Site Environmental Inspection Checklists indicate all chemicals are stored in accordance with Condition B44.
		2. Communicate to all personnel on site requirement to ensure chemicals on site are bunded or removed from site.	3 February 2023	COMPLETE	Chemical storage requirements are communicated to all personnel through onsite inductions.
		3. Weekly site inspections to check chemical storage.	3 February 2023	COMPLETE	Weekly inspections include a check of chemical storage.
IEA 2023 2023 Compliance Report	B52	Assess and implement Compliance Management System Program to identify and track requirements to ensure timeframes are being met.	July 2023	COMPLETE	Environmental Planner 2024 for Rushes Creek - includes planner item, supplier, frequency, due, schedule due date, completed and next due. This is considered a sufficient environmental compliance management system.
IEA 2023	B53	1. At the end of plantings or six months from the end of planting, engage an ecologist or other qualified professional to inspect the vegetation screen as a record of completion of planting as well	June 2023	COMPLETE	A qualified horticulturalist visited the site on 27/10/2023 and issued an email stating the screen was generally progressing well.



Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
2023 Compliance Report		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.	January 2023	COMPLETE	Inspection of vegetation screens included in the monthly environmental inspections.
IEA 2023  2023 Compliance Report	C4	See previous recommendations	2022	COMPLETE	1. Erosion and Sediment controls were put in place on 28 July 2022 as set out in the Layout plan ref.21079. Erosion and sediment control plan completed by SAGE and implemented 21 September 2022.
			June 2025	IN PROGRESS	Borrow pits have not been 'operated' during the 2024 compliance reporting period. Clean water diversion around northern borrow pit installed. MOD 4 & 5 approved and implemented. Enforceable Undertaking approved & implemented. MOD4, MOD5, and Southwestern Borrow Pit Remediation Plan approved. Remediation of southwestern borrow pit completed. Conversion of northern borrow pit into permanent dam is to be completed, work anticipated to commence 1 <sup>st</sup> quarter 2025. DA2024-0171 approved by Tamworth Regional Council on 28/08/2024 allows for the construction and operation of two dams. DA2024-0171 allows for the northern borrow pit to be converted into Water Storage Dam 1 (refer ref. No. 21079-D Bath Stewart Associates). Construction of the dams have not been completed. The Soil and Water Management Plan will be updated to reflect as-built conditions following completion of the dams.



Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
IEA 2023 2023 Compliance Report	C7	1. Temporary wheel wash facilities in place from the commencement of operations which included sanitising spray administered via hand sprayer.	September 2022	COMPLETE	Temporary wheel wash facilities replaced by the permanent wheel wash.
		2. Wheel wash to be installed.	April 2023	COMPLETE	Temporary wheel wash facilities replaced by the permanent wheel wash.
IEA 2023 2023 Compliance Report	C9	Ensure all members of the project group and construction are aware of the Approval and EPL requirements	November 2022	COMPLETE	SSD 7704 issued to project team.
		via training and inclusion in contracts.	As part of Stage 2	NOT YET STARTED	SSD 7704 to be issued to contractors as part of Stage 2.
IEA 2023 2023 Compliance Report	C10	As per C9 above.			
IEA 2023 2023 Compliance Report	C13	1. ProTen to communicate with DPE regarding audit requirements.	February 2023	COMPLETE	Audit timing and requirements to be as per SSD7704 and DPE PAR guideline requirements. Audit included in Environmental Planner compliance tracking spreadsheet implemented for Rushes Creek. No further action considered necessary.
		2. Development audit schedule and implement into compliance management system.	July 2023	COMPLETE	Environmental Planner 2024 implemented for Rushes Creek - includes planner item, supplier, frequency, due, schedule due date, completed and next due. This is considered a sufficient environmental compliance management system.
2023 Compliance Report	Appendix 1	1) Follow up approval of MOD 4, & MOD 5. 2) Complete construction to convert northern borrow pit into a water storage dam. 3) Update approved development layout plans in Consent to reflect as-built conditions.	June 2025	IN PROGRESS	1) MOD 4 & MOD5 approved. 2) Construction of northern borrow pit into Water Storage Dam 1 anticipated to commence 1 <sup>st</sup> quarter 2025. 3) Approved development plans updated in MOD5. Will be reviewed & updated if necessary following construction.
2023 Compliance Report	AP2-5	Commission the wheel wash and operate it for all vehicles entering and leaving the biosecurity	NA	COMPLETE	See Condition B32b





Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
		control zone as outlined in the OEMP and supporting plans.			
2023 Compliance Report	AP2-32	Amend Measure AP2-32 to reflect need for extraction fan use during litter removal, and to reflect appropriate controls to prevent environmental harm.	NA	NOT YET STARTED	To be included in future modification.
2023 Compliance Report	AP2-34	1) Continue monitoring and establishment of vegetation screens to comply with Condition B53a. 2) Review compliance status in next Compliance Reporting cycle.	NA	COMPLETE	A qualified horticulturalist visited the site on 27/10/2023 and issued an email stating the screen was generally progressing well.
2023 Compliance Report	AP2-58	Refer to actions at Measure AP2-34.	NA	COMPLETE	Refer to actions at Measure AP2-34.
2023 Compliance Report	AP2-97	Refer to actions at Appendix 1	June 2025	IN PROGRESS	SSD-7704 MOD5 approved. Construction to convert the northern borrow pit into a permanent dam, and to remediate the southwestern borrow pit to be completed.
2023 Compliance Report	AP2-106	Refer to actions at Condition B42.	NA	COMPLETE	Refer to actions at Condition B42.
2023 Compliance Report	AP2-111	Refer to actions at Measure AP2-34.	NA	COMPLETE	Refer to actions at Measure AP2-34.
2023 Compliance Report	AP2-113	Refer to actions at Measure AP2-34.	NA	COMPLETE	Refer to actions at Measure AP2-34.
2023 Compliance Report	AP2-120	Refer to actions at Condition B42.	NA	COMPLETE	Refer to actions at Condition B42.
2023 Compliance Report	AP2-130	Refer to actions at Measure AP2-34.	NA	COMPLETE	Refer to actions at Measure AP2-34.
2023 Compliance Report	AP2-138	Refer to actions at Measure AP2-5 (Condition B32b).	NA	COMPLETE	See Condition B32b



Source	Condition of Consent Number	Action Proposed	Proposed Completion Date	Status	Action Completed
2023 Compliance Report	AP2-170	Refer to actions at Condition B42.	NA	COMPLETE	Refer to actions at Condition B42.
2023 Compliance Report	AP2-171	Refer to actions at Condition B42.	NA	COMPLETE	Refer to actions at Condition B42.
2023 Compliance Report	AP2-174	Refer to actions at Condition B42.	NA	COMPLETE	Refer to actions at Condition B42.
2023 Compliance Report	AP2-180	Refer to actions at Measure AP2-34.	NA	COMPLETE	Refer to actions at Measure AP2-34.
2023 Compliance Report	AP3-1	Review incident notification procedures and ensure they align with requirements of Condition C9 and Appendix 3.	June 2025	NOT YET STARTED	To be reviewed next Compliance Reporting cycle.
2023 Compliance Report	AP3-2	Refer to actions at AP3-1.	June 2025	NOT YET STARTED	To be reviewed next Compliance Reporting cycle.





# **Appendix C    Compliance Report Declaration Form**

## **Operational Compliance Report 2024**

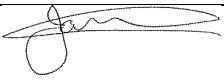
**SSD-7704 MOD 5  
Rushes Creek Poultry Production Farm**

**ProTen Tamworth Pty Ltd**

SLR Project No.: 630.031938.00001

17 March 2025

## Compliance Report Declaration Form

<b>Project Name</b>	Rushes Creek Poultry Production Farm
<b>Project Application Number</b>	SSD 7704 MOD 5
<b>Description of Project</b>	Large scale poultry broiler production farm comprising 54 poultry sheds and associated support and servicing infrastructure. Each shed will house up to 56,500 birds, providing a total site population of 3,051,000 birds.
<b>Project Address</b>	1582 Rushes Creek Road, Rushes Creek NSW 2346
<b>Proponent</b>	ProTen Tamworth Pty Ltd
<b>Title of Compliance Report</b>	Operational Compliance Report. SSD 7704 MOD 5 - ProTen Tamworth Pty Ltd Rushes Creek Poultry Production Farm
<b>Date</b>	17 March 2025
<p>I declare that I have reviewed the contents of the attached Compliance Report and to the best of my knowledge:</p> <ol style="list-style-type: none"><li>The Compliance Report has been prepared in accordance with all relevant conditions of consent;</li><li>The Compliance Report has been prepared in accordance with the Compliance Reporting Requirements;</li><li>The findings of the Compliance Report are reported truthfully, accurately and completely;</li><li>Due diligence and professional judgement have been exercised in preparing the Compliance Report; and</li><li>The Compliance Report is an accurate summary of the compliance status of the development.</li></ol>	
<p><b>Note:</b></p> <ul style="list-style-type: none"><li>Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation \$1 million and for an individual \$250,000; and</li><li>The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).</li></ul>	
<b>Name of Authorised Reporting Officer</b>	James Wentworth
<b>Title</b>	Chief Executive Officer
<b>Signature</b>	
<b>Qualification</b>	Bachelor of Commerce, Accounting, Corporate Finance & Economics Bachelor of Laws Certified Practising Accountant; Chartered Financial Analyst
<b>Company</b>	ProTen Ltd
<b>Company Address</b>	Suite 1103, Level 11, 99 Mount Street North Sydney NSW 2060





# Appendix D   Figures and Photos

## **Operational Compliance Report 2024**

**SSD-7704 MOD 5**

**Rushes Creek Poultry Production Farm**

**ProTen Tamworth Pty Ltd**

SLR Project No.: 630.031938.00001

17 March 2025



**Photo 1 Construction signage at the site entrance**



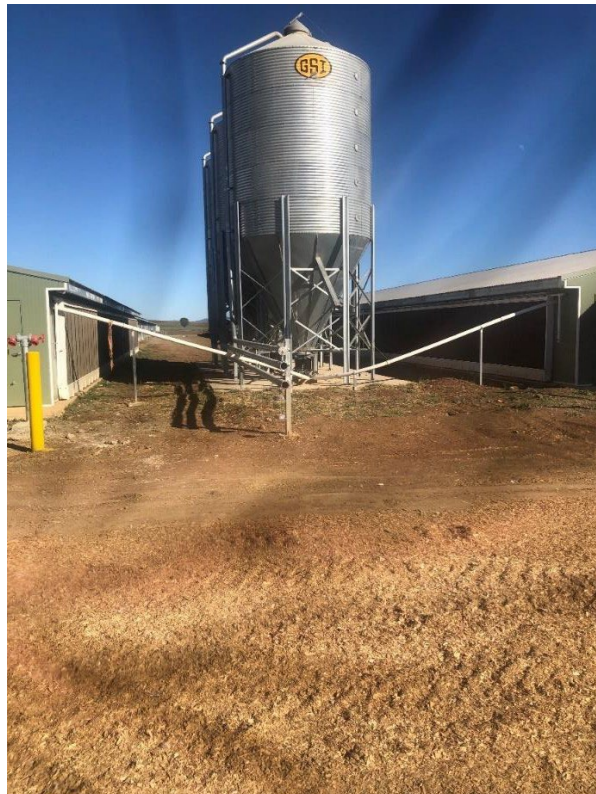
**Photo 2 Quarantine signage at the site entrance**



**Photo 3 Wheel wash (not operational)**



**Photo 4 Sheds and feed silo**





**Photo 5 Gas tanks**



**Photo 6 Shed during the cleanout process**



**Photo 7    Shed cleanout**



**Photo 8    Retention dam**





**Photo 9 Drainage line**



**Photo 10 Dead bird chillers**



**Photo 11 Spill kit within the chemical storage shed**



**Photo 12 Chemical storage**





**Photo 13 Un-bunded chemicals**

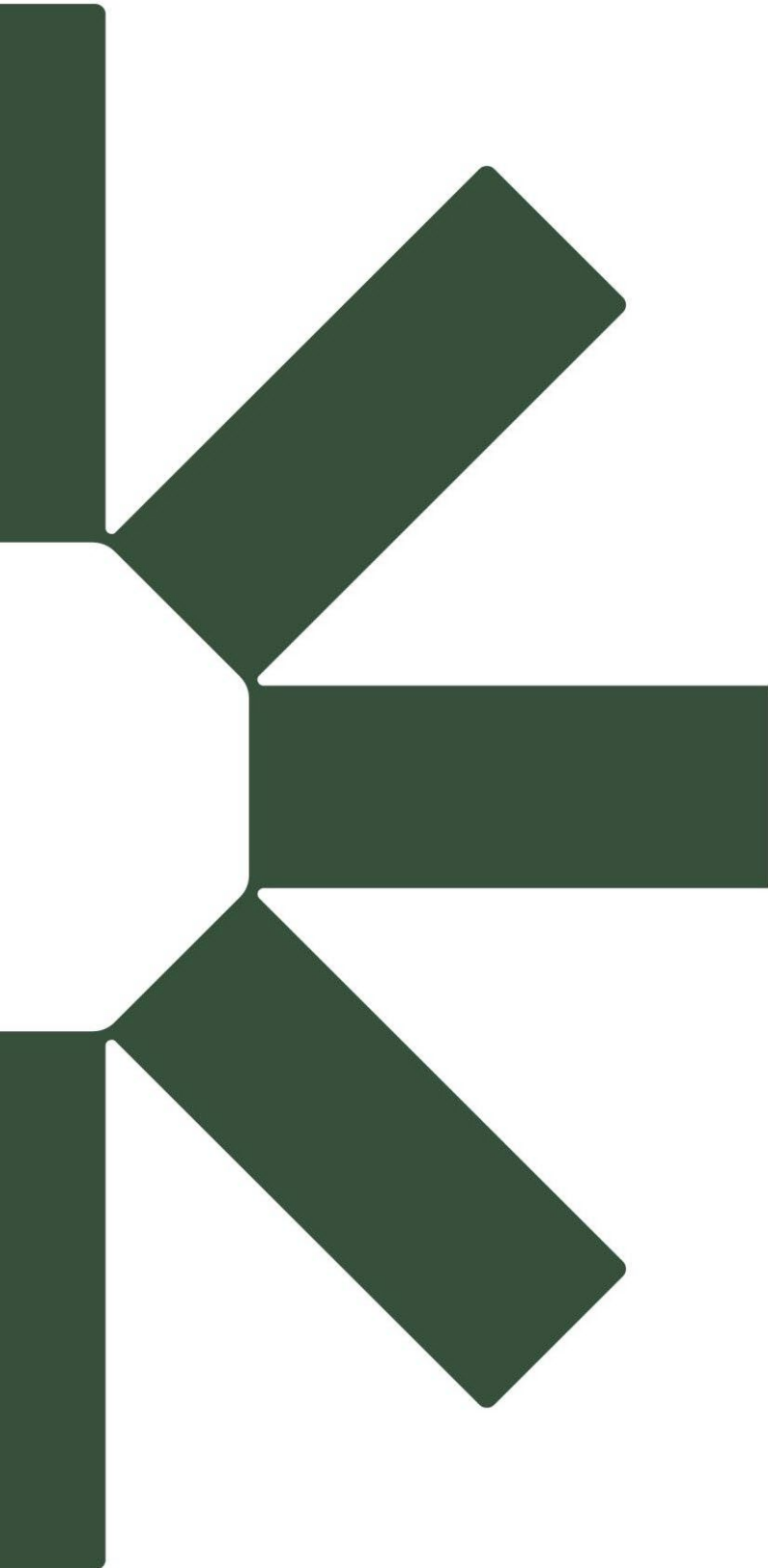


**Photo 14 Fire extinguisher near the chemical storage shed**



**Photo 15 Sediment fencing below the north borrow pit**





Making Sustainability Happen