

Modification of Development Consent

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

As delegate for the Minister for Planning and Public Spaces, under delegation executed on 9 March 2020, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney

22 April 2020

SCHEDULE 1

Development Consent

Development Consent: DA 220-07-2002-i granted by the then Minister for Planning on 27 February 2003

For the following: Upgrade and expansion of the existing Bomen Beef Abattoir

Modification 11

Modification Application: DA220-07-2002-I-Mod-11 – Blood Plasma Plant, Wastewater Irrigation and Administrative Amendments

Applicant: Teys Australia Southern Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

Land: Teys Australia Abattoir – 1 Dampier Street, Bomen

SCHEDULE 2

This consent is modified as follows:

1. Delete the definitions for “Department”, “Minister”, “NOW”, “OEH” and “RTA” and insert the following definitions in alphabetical order:

CFA High	The 6.4-hectare effluent irrigation area, as described in DA 220-02-2002-i and DA220-07-2002-I-Mod-11
CFA Low	The 28-hectare effluent irrigation area, as described in DA 220-07-220-02-i MOD 5 and DA220-07-2002-I-Mod-11
Department	NSW Department of Planning, Industry and Environment
DPIE Water	NSW Department of Planning, Industry and Environment – Water Division
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
EWMP	Effluent Wastewater Management Plan
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Modification Assessments	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the Act: a) MOD-61-7-2003-i, prepared by HLA-Envirosciences Pty Ltd and dated 23 June 2003, as amended by the document titled ‘Re: Proposed section 96(2) modification – Cargill Abattoir’, prepared by HLA-Envirosciences and dated 27 August 2003; b) MOD-4-1-2004-i, prepared by HLA-Envirosciences Pty Ltd and dated 9 January 2004; c) DA 220-07-2002-i MOD 3, prepared by GHD Pty Ltd and dated January 2009; d) DA 220-07-2002-i MOD 4, prepared by Cargill Beef Australia and dated February 2010, as amended by the document titled ‘Further information on the effluent system upgrade (ESU)’, prepared by Cargill Beef Australia and dated April 2010; e) DA 220-07-2002-i MOD 5, prepared by Claus Environmental Engineering and dated May 2011, as amended by the Response to Submissions report prepared by Cargill Beef Australia and dated 10 August 2011; f) DA 220-07-2002-i MOD 6, prepared by Jensen Bowers Consultants Pty Ltd and dated 25 March 2015 (issue B); g) DA 220-07-2002-i MOD 7, prepared by Claus Environmental Engineering and dated October 2015; h) DA 220-07-2002-i MOD 8, prepared by NGH Environmental Pty Ltd and dated 21 June 2016; i) DA 220-07-2002-i MOD 9, prepared by NGH Environmental Pty Ltd and dated 27 September 2016; j) DA 220-07-2002-i MOD 10, prepared by Ethos Urban and dated 10 September 2018; and k) DA220-07-2002-I-Mod-11, prepared by Teys Australia Southern Pty Ltd and dated 12 November 2019.
Year	A period of 12 consecutive months
2. Delete all references to “NOW” and replace with “DPIE Water”.
3. Delete all references to “OEH” and replace with “EPA”.
4. Delete all references to “shall” and replace with “must”, with the exception of conditions 1.3, 1.5, 1.6, 1.9, 2.2, 5.34 and 5.35 of the consent.

5. In Condition 1.2, delete point a) and replace with the following:
- a) Development Application No. 220-07-2002-i, lodged with the Department of Planning on 15 July 2002;
6. In Condition 1.2, delete points o) to z) and replace with the following:
- o) the email titled *Cargills*, prepared by Karen Loomes on behalf of HLA-Envirosciences Pty Ltd and dated 4 February 2003;
 - p) Modification Assessments; and
 - q) the conditions of this consent.
7. Delete Condition 1.5(b) and replace with the following:
- 1.5(b) The Applicant must ensure that no more than:
- a) 40 ML of effluent wastewater is irrigated a year on the CFA High area; and
 - b) 300 ML of effluent wastewater is irrigated a year on the CFA Low area, unless otherwise agreed to in writing by the EPA and the Secretary.
8. Delete Condition 1.5(c) and replace with the following:
- 1.5(c) Irrigation must not commence on the CFA Low area until:
- a) the ESU is operational and producing high quality effluent (as described in DA 220-07-2002-i MOD 5); and
 - b) the Applicant has notified the Secretary in writing of its intention to begin irrigating on this land.
- Note:** *For the purposes of this condition, high quality effluent refers to effluent wastewater which meets the low to medium strength nutrient values described in 'Environmental Guidelines: Use of effluent by irrigation' (DEC, 2004).*
9. In Condition 5.6(d), delete point a) and replace with the following:
- a) immediately notify the EPA; and
10. In Condition 5.6(d), insert a new note immediately after subpoint ii) as follows:
- Note:** *For the purposes of this condition, the EPA must be immediately notified of an offensive odour event in accordance with the requirements of Part 5.7 of the POEO Act.*
11. In Condition 5.14, insert the phrase “, as modified by DA 220-07-2002-i MOD 5 and DA220-07-2002-I-Mod-11” immediately after the phrase “dated July 2002”.
12. Delete Conditions 6.1 and replace with the following:
- 6.1 The Applicant must ensure the development complies with any air quality monitoring requirements specified in the EPL applicable to the site.
13. Delete Conditions 6.2 and replace with the following:
- 6.2 The Applicant must establish a meteorological station for the development in accordance with any requirements specified in the EPL applicable to the site.
14. Delete Conditions 6.3 and replace with the following:
- 6.3 The Applicant must ensure the development complies with any meteorological monitoring requirements specified in the EPL applicable to the site.
15. Delete Conditions 6.4 and replace with the following:
- 6.4 The Applicant must ensure the development complies with any effluent irrigation and pollutant monitoring requirements specified in the EPL applicable to the site.

16. Delete conditions 6.8 to 6.10 and the associated heading “Independent Environmental Auditing” and replace with the following:

Independent Audit

- 6.8 Within 12 months of the date of approval of DA220-07-2002-I-Mod-11, and every three years thereafter, unless the Secretary directs otherwise, the Proponent must carry out an Independent Audit of the development in accordance with the requirements for an Independent Audit Methodology and Independent Audit Report in the *Independent Audit Post Approval Requirements* (Department 2018).
- 6.9 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (Department 2018), the Applicant must:
- a) review and respond to each Independent Audit Report prepared under Condition 6.8 of this consent; and
 - b) submit the response to the Department.

Hazard Audit

- 6.10 Within 24 months of the date of approval of DA220-07-2002-I-Mod-11, and every three years thereafter, or at such intervals as the Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the development. Division 9.4 of Part 9 of the EP&A Act applies to these audits, which are for the purpose of verifying the integrity of safety systems and to ensure the development is being operated in accordance with its hazard-related conditions of consent. Each Hazard Audit must:
- a) be carried out at the Applicant’s expense by a qualified person or team, who have been approved by the Secretary and are independent of the development;
 - b) be carried out in accordance with the Department’s *Hazardous Industry Planning Advisory Paper No. 5, ‘Hazard Audit Guidelines’*; and
 - c) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit.
- 6.11 Within one month of completing each Hazard Audit carried out in accordance with Condition 6.10 of this consent, the Applicant must submit a Hazard Audit report to the satisfaction of the Secretary for approval. The Hazard Audit report must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.
17. Renumber Condition 7.4B as Condition 7.4(b)
18. Insert new conditions 7.4(c) and 7.4(d) immediately after Condition 7.4(b) as follows:

Updated Effluent Wastewater Management Plan

- 7.4(c) Within three months of the date of approval of DA220-07-2002-I-Mod-11, the Applicant must update the development’s Effluent Wastewater Management Plan (EWMP) to the satisfaction of the Secretary. The updated EWMP must:
- a) be prepared in accordance with the requirements of Condition 7.4 of this consent;
 - b) be prepared in consultation with the EPA and DPIE Water; and
 - c) include a detailed description of the development’s effluent irrigation system, including:
 - (i) irrigation infrastructure and flow rates;
 - (ii) crops to be irrigated to (including crop cycling procedures); and
 - (iii) soil moisture monitoring and management (ensuring the field capacity of the soil is not exceeded and to minimise risk of deep drainage of nutrients).
- 7.4(d) The Applicant must implement the most recent version of the EWMP approved by the Secretary for the duration of the development.