



DOC22/51327

31 January 2022

The Director - Resource & Energy Assessments  
Planning and Assessment Division  
Department of Planning, Industry and Environment  
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PARRAMATTA NSW 2124  
Email: [sally.munk@planning.nsw.gov.au](mailto:sally.munk@planning.nsw.gov.au)

Attention: Ms Sally Munk

**BY EMAIL**

### **Response to Modification of Development Consent Request – (SSD-7704 Mod 3)**

Dear Ms Munk,

Thank you for the request for advice from Public Authority Consultation (PAE-35240502) requesting the review by the NSW Environment Protection Authority (EPA) of the Modification Application and Report for the Rushes Creek Poultry Production Farm (SSD-7704, as modified).

The EPA has reviewed the following documents;

- *Rushes Creek Poultry Production Farm, SSD7704, Modification 3, Modification Report*, prepared by EME Advisory, dated January 2022.

The EPA understands the modification proposes;

- Minor amendments to the positioning of some of the ancillary infrastructure items at Farm 2;
- Additional emergency standby diesel generator capacity at Farm 2 comprising four 440 kVA generators in place of the currently approved three 390 kVA generators.
- The addition of a 45 kVA emergency standby generator and 2000 Litre bunded diesel storage tank at the water supply pump near the Namoi River;
- Concurrent construction and operation at Farm 2 for up to 10 months to enable partial farm operations to commence earlier; and
- Reliance on the proposed 440 kVA diesel generators to operate Farm 2 and the proposed 45 kVA diesel generator to operate the water supply pump for up to 10 months while an alternative renewable option is finalised, approved and commissioned.

The EPA does not object to the proposal to modify the consent.

The EPA notes that Development Consent SSD-7704 was granted by the NSW Department of Planning, Industry and Environment on 14 April 2020 consistent with the EPA's General Terms of Approval (GTA) dated 19 December 2019 (See Attachment A). The EPA subsequently issued Environment Protection Licence (EPL) No. 21569 on 11 August 2021.

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Conditions specified in the GTA that are not already on existing EPL No. 21569 will need to be added prior to commencing construction and operations at the premises under the modified development consent.

The EPA recommends you also include the following conditions to support the proposed modifications. These will need to be added to the sites existing EPL No. 21569, to enable the proposed modifications to be appropriately regulated by the EPA should the development modification be approved.

## **Conditions**

### **Other Operating Conditions**

O4.9 All above ground storage facilities containing flammable and combustible liquids must be bunded in accordance with the specifications of the relevant Australian Standard and legislative requirements.

O4.10 The licensee must not operate more than two 440 kVA diesel generators at Farm 2 at any one time.

### **Construction Noise Limits**

L3.2 Noise from construction activities at the premises must not exceed an LAeq (15 minute) noise emission criteria of 40dB(A).

### **M8 Requirement to Monitor Noise**

- M8.1 Attended noise monitoring must be undertaken in accordance with Condition 3.4 and must:
- a) occur at receptors R24 and R25 as identified in Figure 3 of '*Rushes Creek Poultry Production Farm – SSD 7704 – Modification 3 – Modification Report*' (EME Advisory, January 2022) and
  - b) occur within 10 days of operations commencing at Farm 2 and
  - c) occur while concurrently operating two 440 kVA generators at Farm 2 and
  - d) occur during the night period as defined in the *Noise Policy for Industry* for a minimum of 1 hour during the night.

### **R4 Noise Compliance Assessment Report**

- R4.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the monitoring required in Condition M8.1. The assessment must be prepared by a competent person and include:
- a) an assessment of compliance with noise limits presented in Condition L3.1; and
  - b) an assessment of modifying factors including Low Frequency Noise in accordance with Fact Sheet C of the *Noise Policy for Industry*; and
  - c) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L3.1.

The EPA recommends that the Applicant contact the EPA directly about any concerns relating to variation of the Applicant's EPL that may result from modification of the consent, should approval be granted.

If you have any questions about this advice, please contact myself or Jasmine Walden on (02) 6773 7000 or via email at [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au), marked to our attention.

Yours sincerely



**Rebecca Scrivener**  
**Head Regional Operations Unit**  
**Regulatory Operations Regional**

*Attachment A: General Terms of Approval, dated 19 December 2021*

**Attachment A - General Terms of Approval, dated 19 December 2021**



Our reference: : SF16/24271; DOC19/1083743  
Contact: : Rebecca Scrivener – 02 6773 7000 – [armidale@epa.nsw.gov.au](mailto:armidale@epa.nsw.gov.au)  
Date : 19/12/2019

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**BY EMAIL**

Attention: Ms Sally Munk

Dear Ms Munk

**EPA Recommended Conditions – Rushes Creek Poultry Production Farm – SSD 7704**

I refer to the Supplementary Response to Submissions report for the Rushes Creek Poultry Production Farm (the project), received by the Environment Protection Authority (EPA) on 27 November 2019, the Response to Submissions report dated April 2019 and the environmental impact statement *Rushes Creek Poultry Production Farm Environmental Impact Statement, August 2018*.

The Supplementary Response to Submissions included an updated *Response to Air Quality Issues* prepared by Astute Environmental Consulting Pty Ltd.

The EPA has reviewed the information provided and has determined it is able to issue an Environment Protection Licence for the proposal, subject to a number of conditions, should approval be granted. The applicant will need to make a separate application to the EPA to obtain this licence.

The recommended conditions of approval for this proposal are provided at **Attachment A**. If Department of Planning, Environment & Industry grants project approval for this proposal, these conditions should be considered and incorporated into the approval. Mandatory environment protection licence conditions are also provided for your information at **Attachment B**.

Our recommended conditions relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of approval or as a result of the conditions proposed to be attached to the approval, it will be necessary to consult with the EPA about the changes before any approval is issued. This will enable the EPA to determine whether its recommended conditions need to be modified in light of the changes.

The following comments are also provided for your consideration of the proposal.

**Air Quality Impact Assessment**

The Supplementary Response to Submissions Report (Supplementary RTS Report) has clarified some of the concerns raised in our letter of 14 June 2019.

The Supplementary RTS Report addresses concerns regarding the CALMET modelling and the influence of wind direction errors on predicted odour concentrations. It also provides a robust argument for use of odour emissions data at Narrandera and Griffith to validate the odour emission rates used in the model. It also demonstrates the ventilation rate provided by the Georgia study and the K Factor method (assuming a K Factor of 2.0) is adequate to estimate realistic odour emission rates from the proposed development.

However, the EPA does not consider the odour risk of the project has been completely addressed. Uncertainty remains in the assessment due to the use of non-default values in CALPUFF and the lack of a sensitivity analysis in the Supplementary RTS Report to demonstrate the impact of assuming non-default values on predicted odour concentrations. The Supplementary RTS Report does not identify additional odour mitigation controls that could be installed should odour impacts occur once operational. The provision of such information may ameliorate some of the risk posed by the uncertainty in the assessment.

The proponent considers further odour mitigation measures, in addition to the vegetation screens, do not warrant consideration due to the modelled odour emissions being higher than actual measured emissions at modern poultry farms. If a lower K factor was applied (as is measured at modern poultry farms), modelled odour emissions would be notably reduced and the number of receptors within the 2 OU contour would reduce.

The EPA considers that the uncertainty associated with odour of the proposed development can be addressed with a condition to design the facility to enable retrofitting of further odour mitigation measures should they be required once the facility is operational. The EPA has also recommended an odour monitoring program be developed and implemented to ascertain odour generation and the effectiveness odour mitigation at the proposed development site.

### **Surface Water**

The large scale of the proposal and close proximity to Lake Keepit, which is used for irrigation, recreation and drinking water, poses potential water pollution risks. The proponent mitigates these risks by the following aspects of the proposal:

- The facility will use a 'dry' production system. At the end of each production cycle (~65 days):
  - litter will be removed from sheds and disposed of off-site
  - sheds will be 'dry cleaned' (blowing and sweeping) before being washed down with high pressure low volume sprays. This is expected to generate relatively low volumes of washdown water and small amounts of sediment and nutrients.
- Clean water diversions will prevent runoff to the controlled drainage area (CDA) of each 'farm'.
- Runoff from the CDA of each 'farm' will drain to a holding pond with capacity to contain runoff from the 1% AEP 72-hour rainfall event.
- Collected wastewater will be used to irrigate vegetated screens within each CDA.

The proponent does not propose to line or compact drains within the CDA. Based on the expected quality and volumes of washdown water estimated in the Response to Submissions report (April 2019), the EPA believes there is residual risk of groundwater pollution from the washdown water percolating through vegetated swales. To minimise the risk of water pollution the EPA recommends a condition requiring a compacted clay layer be provided on vegetated swales and other stormwater conveyances within the CDAs.

### **Contaminated Land**

The proposed site for the project includes an existing Farm Managers residence. In close proximity to the residence is a former sheep dip site, located on Lot 165 DP752169. The property has not been previously notified to the EPA in relation to section 60 of the *Contaminated Land Management Act 1997* and is not currently regulated under this Act.

The contaminated land assessment presented in the Response to Submissions Report (April 2019) identified arsenic concentrations exceeded relevant NEPM guideline criteria adopted for the project site, while other analytes were reported as 'non-detects'. Targeted samples were collected around the sheep dip area. The EPA notes that the number of collected samples were not sufficient to provide a statement on site suitability of the entire 1,016-hectare site.

The investigation levels used (HIL-A) are considered conservative and sufficient for this investigation.

The EPA understands that remediation of the sheep dip site may not be a priority for the project immediately, however, the EPA would expect remediation be carried out to meet the designated landuse criteria at some point in the future.

I note the Remedial Action Plan (RAP) provided in the Response to Submissions report (April 2019) commits the proponent to implement remedial works on Lot 165 DP752169 prior to commencing construction. The proponent also commits to submitting a site validation report to Tamworth Regional Council within 30 days of completing the works.

Section 6.6 of the Remedial Action Plan outlines a generic Unexpected Finds Protocol. Prior to starting works, this protocol needs to be updated to ensure the details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved are clearly identified.

Should approval be granted, it is recommended that all reports relating to contaminated land matters are required to be prepared, or reviewed and approved, by a 'certified consultant'. A 'certified consultant' is a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The quality information section of a report submitted, is to include the details of the consultant's certification, which should include a personalised electronic seal for either the CEnvP(SC) scheme or CPSS CSAM scheme.

The proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination. It should be noted that this would render the proponent the 'person responsible' for the contamination under section 6(2) of CLM Act of a change in risk was identified, should the project proceed.

The processes outlined in State Environmental Planning Policy 55 - Remediation of Land (SEPP55) should also be followed. **Attachment C** provides a list of guidance that should be considered in applying SEPP 55 requirements.

Please contact me on (02) 6773 7000 or by email to [armidale@epa.nsw.gov.au](mailto:armidale@epa.nsw.gov.au) if you would like to discuss this matter further.

Yours sincerely,



**REBECCA SCRIVENER**  
**Head Regional Operations Unit – Armidale**  
**Environment Protection Authority**

Encl: Attachments A, B and C

# ATTACHMENT A – EPA RECOMMENDED CONDITIONS FOR SSD 7704 – RUSHES CREEK POULTY PRODUCTION FARM

## Administrative Conditions

### A1. Information supplied to the EPA

**A1.1** Except as expressly provided by these recommended conditions, works and activities must be carried out in accordance with the proposal contained in:

- the development application SSD 7704 submitted to Department of Planning and Environment on 15 June 2016;
- any environmental impact statement *Rushes Creek Poultry Production Farm Environmental Impact Statement, August 2018* relating to the development; and
- all additional documents supplied to the EPA in relation to the development up until 26 November 2019.

### A2. Fit and Proper Person

**A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

## Discharges to Air and Water and Applications to Land

### P1. Location of monitoring/discharge points and areas

| EPA Identification no. | Type of Monitoring Point | Type of Discharge Point | Description of Location  |
|------------------------|--------------------------|-------------------------|--|
| TBA                    |                          | Weather Analysis        | Meteorological station on 'Rushes Creek Poultry Farm' location to be confirmed |

## Limit conditions

### L1. Pollution of waters

**L1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

### L2. Waste

**L2.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

**L2.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

### L3. Noise limits

**L3.1** Noise from the premises must not exceed:

- an  $LA_{eq}$  (15 minute) noise emission criterion of 35 dB(A) during the day (7am to 6pm) Monday to Friday and 7am to 1pm Saturday; and

- (b) an  $LA_{eq}$  (15 minute) noise emission criterion of 35 dB(A) during the evening (6pm to 10pm) Monday to Friday; and
- (c) at all other times, an  $LA_{eq}$  (15 minute) noise emission criterion of 35 dB(A), except as expressly provided by these recommended conditions.

**L3.2** The noise limits set out in condition L3.1 apply under all meteorological conditions, including inversion meteorological conditions determined by the recommended meteorological station.

**L3.3** For the purposes of condition L3.2:

- a) Data recorded by the meteorological station identified as EPA Identification Point <TBA> must be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in **Fact Sheet D - Accounting for Noise-Enhancing Weather Conditions** in the NSW Noise Policy for Industry.

**L3.4** To determine compliance:

- a) with the noise limits in condition L3.1, the noise measurement equipment must be located:
  - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
  - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
  - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the noise limits in condition L3.1, the noise measurement equipment must be located:
  - at the most affected point at a location where there is no dwelling at the location; or
  - at the most affected point within an area at a location prescribed by conditions L3.4(a).

**L3.5** A non-compliance of condition L3.1 will still occur where noise generated from the premises exceeds the appropriate limit as measured:

- at a location other than an area prescribed by conditions L3.4(a); and/or
- at a point other than the most affected point at a location.

**L3.6** For the purposes of determining the noise generated at the premises, the modification factors in **Fact Sheet C - Corrections for Annoying Noise Characteristics** of the NSW Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

#### ***L4 Hours of operation***

**L4.1** All construction work at the premises must only be conducted between 7:00am and 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday and at no time on Sunday or Public Holidays.

**L4.2** Activities at the premises, other than construction work, may be carried on 24 hours a day, 7 days a week.

**L4.3** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L4.4** The hours of operation specified in conditions L4.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.



## **L5 Other Limit Conditions**

**L5.1** The proponent must ensure that the poultry farm does not exceed a maximum farm population of 3,051,000 birds at any one time.

**L5.2** The proponent must not populate the poultry farm with the permitted number of broilers specified under condition L5.1 simultaneously at the commencement of a production cycle.

**L5.3** The maximum bird density within a shed, expressed as live bird weight, must not exceed 34 kg/m<sup>2</sup> at any time.

## **Operating conditions**

### **O1 Air quality**

**O1.1** No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

**Note:** Section 129 of the Protection of the Environment Operations Act 1997, provides that the proponent must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

**O1.2** Each shed must have fully sealed concrete flooring with a 400mm high dwarf concrete bund wall.

**O1.3** The shed 'down-time' for shed clean out and preparation for the next batch of birds shall be no less than 10 days.

**O1.4** The premises must be designed, constructed, operated and maintained in a manner that does not preclude the retrofit of air quality (including odour) emissions controls and management measures including, but not limited to, stacks to vertically exhaust emissions from the tunnel ventilation fans at height and odour abatement measures such as scrubbers.

### **Maintain an odour complaint logbook**

**O1.5.** In the event of an odour complaint, the proponent must conduct an immediate investigation of the odour sources, take appropriate action to eliminate any identified excessive odour, and document the outcomes and the actions taken.

**O1.6** If the EPA receives odour complaints the EPA may require:

- a) a sensitivity analysis report to be undertaken; and/or
- b) additional odour mitigation works such as outlined in condition O1.4.

### **Air Pollutants and Dust Emission**

**O1.7** The premises must be maintained in a manner that prevents and/or minimises the emission of air pollutants including dust from the premises.

**O1.8** All activities carried out in and on the premises must be undertaken in a manner that prevents and/or minimises the emission of air pollutants including dust from the premises.

## **O2. Stormwater/sediment control - Construction Phase**

**O2.1** A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

### **03. Stormwater/sediment control - Operation Phase**

**03.1** A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

### **04. Other Operating Conditions**

**04.1** Vegetated swales and other stormwater conveyances within the controlled drainage areas must be underlain by a compacted clay layer of at least 300 mm thickness and with a permeability of less than  $1 \times 10^{-9}$  m/s, or other material providing an equivalent barrier to percolation.

**04.2** A vegetation screen shall be planted around the perimeter of each Poultry Production Unit as follows:

- a. Minimum total width of 40 metres
- b. Contain consistent, yet random plantings of a variety of tree and shrub species of differing growth habits, at a spacing of 4 metres to 7 metres
- c. Include species with long, thin and rough foliage
- d. Achieve a porosity of 0.5 (50% of the screen will be air space)
- e. Include species that are hardy and fast growing
- f. Foliage from base to crown (i.e. lower and upper storey vegetation)

**04.3** Once per year, the proponent must engage a 3<sup>rd</sup> party auditor to ensure the operations comply with RSPCA standards.

### **Contaminated Sites**

**04.4** The proponent shall implement remedial works provided in a Remedial Action Plan on Lot 165 DP752169 prior to commencing construction works at the project site.

**04.5** The proponent shall submit a site validation report to Tamworth Regional Council within 30 days of completing the works.

**04.6** All reports relating to contaminated land matters must be prepared, or reviewed and approved, by a 'certified consultant'.

**Note:** A 'certified consultant' is a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The quality information section of a report submitted, is to include the details of the consultant's certification, which should include a personalised electronic seal for either the CEnvP(SC) scheme or CPSS CSAM scheme.

## **Monitoring and recording conditions**

### **M1 Monitoring records**

**M1.1** The results of any monitoring required to be conducted by the EPA's recommended conditions, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- a) the time(s) at which the sample was collected;
- b) the point at which the sample was taken; and
- c) the name of the person who collected the sample.

## **M2 Weather Monitoring**

**M2.1** The proponent must maintain and calibrate the meteorological monitoring station in accordance with the reference test methods and manufacturer's specifications. Records of the calibration and maintenance must be made available to EPA upon request.

**M2.2** The proponent must monitor the parameters specified in Column 1. The proponent must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

### **Point TBA – Onsite Weather Station**

| Parameter                   | Units of measure       | Frequency  | Averaging Period | Sampling Method <sup>1 2</sup> |
|-----------------------------|------------------------|------------|------------------|--------------------------------|
| Rainfall                    | mm/hour                | continuous | 1 hour           | AM-4                           |
| Sigma theta                 | degrees                | continuous | 10 minute        | AM-2 and AM-4                  |
| Siting                      |                        |            |                  | AM-1                           |
| Temperature at 2 metres     | kelvin                 | continuous | 10 minute        | AM-4                           |
| Temperature at 10 metres    | kelvin                 | continuous | 10 minute        | AM-4                           |
| Total solar radiation       | watts per square metre | continuous | 10 minute        | AM-4                           |
| Wind Direction at 10 metres | degrees                | continuous | 10 minute        | AM-2 and AM-4                  |
| Wind Speed at 10 metres     | metres per second      | continuous | 10 minute        | AM-2 and AM-4                  |

Note 1 – Any other method approved in writing by the EPA

Note 2 – The weather monitoring instrumentation installed and operated at the site must be have a stall speed or lower limit of measure for measuring wind speed less than 0.2 m/s.

## **M3 Odour Monitoring Program**

**M3.1** The proponent must develop and implement an odour monitoring program, prepared by a suitably qualified and experienced person, that applies field based ambient odour assessment survey methods and is consistent with the following standards:

- (a) Verein Deutscher Ingenieure (VDI)-Richtlinien (2006a). *Measurement of odour impact by field inspection – Measurement of the impact frequency of recognizable odours; Grid measurement*, VDI 3940 Part 1, Kommission Reinhaltung der Luft im VDI und DIN, Dusseldorf.
- (b) Verein Deutscher Ingenieure (VDI)-Richtlinien (2006c). *Measurement of odour impact by field inspection – Measurement of the impact frequency of recognizable odours; Plume measurement*, VDI 3940 Part 2, Kommission Reinhaltung der Luft im VDI und DIN, Dusseldorf.
- (c) Verein Deutscher Ingenieure (VDI)-Richtlinien (2010). *Measurement of odour impact by field inspection - Determination of odour intensity and hedonic odour tone*, VDI 3940 Part 3, Kommission Reinhaltung der Luft im VDI und DIN, Dusseldorf.

**M3.2** The odour monitoring program referred to in condition M3.1 must include but is not limited to the following:

- (a) More than one person to undertake the field survey;

- (b) Prior to conducting the field survey, a consideration of whether the persons' sense of smell is temporarily compromised by factors including, but not limited to, illness, hayfever, pregnancy and wearing strong perfume;
- (c) Strategically located, publicly accessible, odour monitoring locations in the vicinity of the nearest sensitive receptors to the premises and recorded on a map;
- (d) A 360 degree circuit to check for the presence of other odour sources;
- (e) A rapid screening survey to locate any odour plumes, including the odour plume centreline, where odour intensity, character and consistency are recorded at several locations for one minute;
- (f) A 10 minute odour assessment where:
  - i. odour intensity and odour character are recorded at 10 second intervals for 10 minutes at the plume centreline and each odour monitoring location;
  - ii. wind speed and wind direction are recorded at the beginning and end of each 10 minute assessment period; and
  - iii. each person conducting the assessment records results independently.
- (g) An odour log sheet for the rapid screening survey that records odour intensity and character for 1 minute at several locations, including the plume centreline;
- (h) An odour log sheet for the 10 minute odour assessment that records the following information:
  - a. Odour monitoring location
  - b. Time and date of survey
  - c. Name of person conducting the assessment
  - d. Character and intensity of odour at the monitoring location at 10 second intervals for 10 minutes
  - e. Meteorological conditions including temperature, wind speed and wind direction at the monitoring location at the start and end of the 10 minute assessment period
  - f. Any changes in wind direction and wind speed during the 10 minute assessment period.
- (i) Stocking densities and activities occurring at the premises at the time of the survey

**NOTE:** In ranking the intensity of the odour, the method used must be consistent with the following German standards:

- Verein Deutscher Ingenieure (VDI)-Richtlinien (1992). *Olfactometry - Determination of Odour Intensity*. VDI 3882 Part 1, Kommission Reinhaltung der Luft im VDI und DIN, Dusseldorf.
- Verein Deutscher Ingenieure (VDI)-Richtlinien (2010). *Measurement of odour impact by field inspection - Determination of odour intensity and hedonic odour tone*, VDI 3940 Part 3, Kommission Reinhaltung der Luft im VDI und DIN, Dusseldorf.

**M3.3** The odour monitoring program and the suitably qualified and experienced person(s) carrying out the odour monitoring program must be approved in writing by the EPA prior to commencement of operations.

**M3.4** The odour monitoring program must be carried out at least once per production cycle during the following periods, under odour enhancing meteorological and stocking conditions:

- i. 1 February – 30 May inclusive; and
- ii. 1 September – 30 November.

**M3.5** The odour monitoring program must 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.

**M3.6** The results of the odour monitoring program, including the survey data sheet are to be submitted to the Armidale office of the EPA within 2 weeks of the carrying out of each odour survey. Submission is to be via email to: [armidale@epa.nsw.gov.au](mailto:armidale@epa.nsw.gov.au)

**NOTE:** The odour monitoring program will be reviewed by the EPA at the completion of two years (where one year is considered to be the period identified in condition M3.3 a) and b) ) of surveys. 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.

**NOTE:** Should the monitoring program reveal that offensive odour is impacting surrounding sensitive receptors during normal operating conditions, the EPA may require the proponent to implement odour mitigation technologies that include, but may not be limited to, the application of short stacks or air filtration systems to treat emissions from the fans at the end of some or all of the sheds on the premises.

## Reporting conditions

**R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

## General Conditions

### ***G1. Community liaison***

**G1.1** The applicant must establish a community environment liaison committee, comprising representatives of the community and the proponent, that will meet at least six-monthly. Discussion at the meetings must include implementation of the development consent and other statutory approvals, and provide adequate time for the community to raise matters of concern associated with the environmental impact of the development, with a view to achieving mutually satisfactory solutions.

## **Attachment B – Mandatory Conditions for all EPA licences**

### **Operating conditions**

#### **Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

#### **Maintenance of plant and equipment**

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

### **Monitoring and recording conditions**

#### **Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- ☐ the date and time of the complaint;
- ☐ the method by which the complaint was made;
- ☐ any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- ☐ the nature of the complaint;
- ☐ the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- ☐ if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

#### **Telephone complaints line**

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## Reporting conditions

### Annual Return documents

#### ***What documents must an Annual Return contain?***

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### ***Period covered by Annual Return***

An Annual Return must be prepared in respect of each reporting, except as provided below

*Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the*

*Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee:

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

#### ***Deadline for Annual Return***

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the ‘due date’).

#### ***Licensee must retain copy of Annual Return***

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

#### ***Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary***

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

### ***Notification of environmental harm***

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### ***Written report***

Where an authorised officer of the EPA suspects on reasonable grounds that where this licence applies to premises, an event has occurred at the premises; or where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## **General conditions**

### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.



## Attachment C – SEPP 55 - Contaminated Sites Guidance Documents

The following guidance should be considered, when assessing contamination at the site and preparing environmental reports, including remediation action plans and environment management plans:

- Guidelines for the NSW Site Auditor Scheme (3<sup>rd</sup> edition) 2017  
<https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition>
- Guidelines for Consultants Reporting on Contaminated Sites, 2011  
[www.epa.nsw.gov.au/resources/clm/20110650consultantsqlines.pdf](http://www.epa.nsw.gov.au/resources/clm/20110650consultantsqlines.pdf)
- NSW EPA Sampling Design Guidelines  
[www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf](http://www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf)
- Guidelines for the Assessment and Management of Groundwater Contamination; NSW Department of Environment and Conservation (DEC) 2007  
[www.epa.nsw.gov.au/resources/clm/groundwaterguidelines07144.pdf](http://www.epa.nsw.gov.au/resources/clm/groundwaterguidelines07144.pdf)
- The National Environment Protection (assessment of contamination) Measures 2013 as amended.
- Managing Land Contamination- Planning Guidelines (1998)