



Mr Bill Williams
Chief Executive Officer
Proten Pty Limited
99 Mount Street
NORTH SYDNEY NSW 2060
04/02/2022

Dear Mr Williams

**Modification to Rushes Creek Poultry Production Farm (SSD-7704-Mod-3)
Request for Additional Information**

I refer to the application to modify the Rushes Creek Poultry Production Farm development consent (SSD-7704-Mod-3). The Department of Planning and Environment (Department) has reviewed the modification application in consultation with relevant government authorities. You are requested to review the government advice and respond to the issues raised. Please note that a response has not yet been received from Tamworth Regional or Gunnedah Shire Councils. This advice will be forwarded to you when received.

In addition to responding to the matters raised by the government authorities, we require additional information that effectively addresses the issues in **Attachment 1**.

Please provide the information or notify the Department that the information will not be provided, by **Wednesday 16 February 2022**. If you cannot meet this deadline, please provide and commit to an alternative timeframe for providing this information.

If you have any questions, please contact Sally Munk, Principal Planner, on 9274 6431 or via email at sally.munk@planning.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Ritchie'.

Chris Ritchie
Director
Industry Assessments

Enclosed/Attached: Department's Issues

ATTACHMENT A

Department's Request for Additional Information (SSD-7704-Mod-3)

Strategic Context and Objectives

Section 1.2.2 of the modification report states that the need for Modification 3 (Mod-3) stems from a number of matters, including ProTen's proposed alternate approach to operational power requirements. It is understood that ProTen is currently pursuing an option to take the development completely off-grid with a solar and battery solution, which is to be subject to a separate modification application.

It is understood a key objective of Mod-3 is to enable operational power requirements of Farm 2 to be met via diesel generators for up to 10 months while the alternative renewable power option is finalised, approved and commissioned.

Consideration of the current modification application ahead of securing approval for the off-grid power option may not represent orderly development.

Additionally, the modification does not discuss any contingencies (e.g. cessation of operations) in the event the assessment process for the off-grid power solution takes longer than the estimated 10 months and/or the approval of the off-grid solar and battery power solution is not granted.

Recommendation:

The Department recommends ProTen consider amending the current modification application to include the off-grid solar and battery operational power solution such that the assessment to modify the operational power requirements of the development can be assessed holistically.

Alternatively, ProTen must provide further justification on how the current modification promotes orderly development, in accordance with the Objects of the *Environmental Planning and Assessment Act 1979* and provide further details of proposed contingencies in the event the off-grid solution is not determined within the 10 month time period or consent is not granted for the off-grid modification application.

Air Quality Impact Assessment (AQIA) – Compliance with Criteria

The AQIA prepared by Astute (2021) concludes that the modelling indicates the predicted ground level concentrations of nitrogen dioxide (NO₂), particulate matter less than 10 microns (PM₁₀), particulate matter less than 2.5 microns (PM_{2.5}) and carbon monoxide (CO) 'easily comply' with the relevant air quality criteria.

However, this conclusion is inconsistent with Sections 5.2 and 5.3 of the AQIA which state that the predicted annual average concentrations for PM_{2.5} and PM₁₀, including background (cumulative), are predicted to be in non-compliance with the impact assessment criteria at all sensitive receptors due to the elevated background concentrations being above the EPA's impact assessment criteria of 8µg/m³ and 25µg/m³, respectively. Further explanation and justification as to why these non-compliances are considered acceptable is required.

Recommendation:

The non-compliances for annual average PM_{2.5} and PM₁₀ concentrations must be further explained and justified as part of the conclusions of the AQIA rather than stating they 'easily comply' and merely relying on the elevated background levels as justification.

Community Consultation

It is noted that ProTen issued a Community Newsletter in October 2021 as part of its consultation requirements under the development consent. This newsletter has not been uploaded to the ProTen webpage for the development.

Recommendation:

Please ensure all documentation required by the development consent is made available to the public on the project webpage.

ProTen is reminded of its obligations under the approved Community Consultation Plan to keep the community informed about the progress of the development. This includes issuing a newsletter two weeks prior to all construction and operational stages.