

Thomas Foods International Bourke – Bourke Small Stock Abattoir (SSD 7268)

Response to Independent Environmental Audit – Non Compliances & Opportunities for Improvement

The audit found eighteen (18) non-compliances from a total of 128 Ministerial Conditions of Consent. Of these 18 non-compliances, only eight (8) are current and remain the responsibility of TFI.

The audit further identified twelve (12) non-compliances with the EPL, noting that ten (10) of these are current, during IEA Report dated 24/08/2023

#	Assessment requirement	Comment	Audit classification	TFI Response
Schedule B				
B2	The Applicant shall carry out the Development in accordance with the: <ul style="list-style-type: none"> (a) SSD 7268; (b) EIS; (c) RTS; (d) Management and Mitigation Measures (see Appendix A); (e) Development layout plans and drawings listed in the Register of Drawings (see Appendix B); and (f) Modification Assessments 	TFI is generally conducting operations in accordance with SSD 7268 and other relevant requirements, however some non-compliances were noted as detailed below. The audit therefore found TFI to be non-compliant with this condition.	NC, current	TFI to undertake actions listed below relevant to each specific non-compliant item. Completion date: 16/8/2024

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B15	<p>Prior to the commencement of earthworks, the Applicant shall:</p> <ul style="list-style-type: none"> (a) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and (b) submit a copy of this report to the Secretary and relevant public authority. 	<p>Deemed non-compliant by findings of the previous Independent Environmental Audit (IEA, 2020).</p> <p>No further evidence was sighted by the auditor to demonstrate that the Dilapidation Report was provided by the previous site owner to the Secretary. The report is not held on the Major Projects Portal - Post Approval. The non-compliant finding was the responsibility of the former site owner.</p>	Closed	<p>The non-compliant finding was the responsibility of the former site owner. However, TFI would consider providing this report to the DPE to close this out.f</p> <p>No date required - condition closed.</p>
Schedule C				
C7	<p>The Applicant shall ensure the following key Q-Fever controls are in place during the operation of the Development:</p> <ul style="list-style-type: none"> (a) ensuring livestock is rested prior to transport to the Development site as detailed in Appendix A of this consent; (b) a driver protocol is in place to ensure drivers transporting livestock to the Development site do not stop in built up areas when carrying livestock; (c) the Meat Livestock Australia’s guide “Is it Fit to Load?” is considered before livestock is transported to the 	<p>C7 (b) and (c) are not addressed in the Standard Operating Procedure (SOP). The auditor was advised that the site works with suppliers and transporters through the procurement process to ensure the requirement that stock are appropriately prepared for transport, and that this aspect is regularly communicated to suppliers. Animal resting is verified by the driver in the Stock Receipt and associated questionnaire.</p>	Closed	<p>TFI would update the most appropriate document (i.e. SOP) to address aspects b) and c) and ensure documentary evidence can be provided that suppliers and drivers have received adequate direction on the requirements for this condition. A separate memo would be designed to be circulated among the suppliers and drivers including these details to be acknowledged.</p> <p>TFI is looking to request extension</p>

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	<p>Development site;</p> <p>(d) implementation of an immunisation program for all abattoir workers;</p> <p>(e) ensuring animal waste is removed from the Development in enclosed containers;</p> <p>(f) ensuring the design (i.e. irrigation, ventilation, dust suppression, fencing) of the Development meets industry best practice for the control of disease as outlined in Appendix H of the EIS; and</p> <p>(g) details of measures for continuous improvement in disease management to be reported in the annual review required under Condition D7.</p>			<p>for Annual Review submission date and currently working on finalizing it by end of October to be submitted to DPE. This has been delayed due to the Independent Audit pending and now TFI is working to adhere to the original deadlines in future.</p> <p>Complete no further action required.</p>
C8	<p>Within 12 months of the operation of this development consent, the Applicant shall purchase and retire 2,068 Ecosystem Credits to offset the removal of 55.3 hectares of native vegetation as calculated in the Biodiversity Assessment Report, prepared by EMM (EIS, Appendix I).</p> <p>The ecosystem credit shall be determined in accordance with the Framework for Biodiversity Assessment (OEH 2014) and the NSW Biodiversity Offsets Policy for Major Projects</p>	<p>This was deemed non-compliant in the previous IEA, 2020 due to the former site owner not meeting the stipulated timeframe for purchasing and retirement of Ecosystem Credits.</p> <p>DPIE (now DPE) highlighted in letter of 15/02/2021 that the previous IEA, 2020 had identified that the former development owner CAPRA Development Pty Ltd (CAPRA) had failed to purchase and retire the offset credits. CAPRA responded requesting a stay of proceedings due financial hardship, stating it would commit to making the outstanding payment</p>	NC old, previous owners	Closed - no further action required.

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	(OEH 2014).	<p>upon entering a binding agreement for sale of the BSSA.</p> <p>Some BCT receipts were able to be provided for two payments of \$89,611.34.</p> <p>BCT confirmed via email that of the 80% TFD required to reach active management: \$268,342.20 that the amount paid up to 13 July 2023 was \$266,964.09 (79.6%) leaving \$1,379.12 outstanding. The auditor was advised that TFI are working to finalise this payment. TFI have now completed the final payment to BCT.</p>		
C18	<p>Prior to the commencement of operation, the Applicant shall provide the Secretary and the EPA with documentary evidence, including a copy of any executed Waste Agreement(s), confirming it has secured a suitably licensed waste collection facility capable of lawfully receiving the relevant waste from the site with consideration to the POEO Act, Protection of the Environment Operations (Waste) Regulation 2014 and the relevant development consents of receiver facilities.</p>	<p>Deemed not compliant in the previous IEA, 2020.</p> <p>General waste, including paunch is collected from site via Bourke Shire Council's waste contractor for disposal at the Council landfill. Council does not required a Waste Agreement for this service.</p> <p>All livestock processing waste is taken off-site to the TFI facility tin Tamworth for rendering.</p> <p>Manure from the dry swept yards and truck wash is temporarily stored on-site in a skip bin prior to land application on surrounding owned lands under the EPA Resource Recovery Exception.</p> <p>TFI operations are now considered to be compliant with this condition on the basis that general waste is</p>	NC old, previous owners	No further action required.

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		<p>managed appropriately, and other waste is beneficially reused rather than disposed.</p>		
C20	<p>Prior to the commencement of operation, the Applicant shall prepare a Waste Management Plan (WMP) for the Development to the satisfaction of the Secretary. The WMP shall form part of the OEMP in Condition D3 and be prepared in accordance with Condition D5. The WMP shall:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with the EPA; (b) detail the type and quantity of waste to be generated during construction and operation of the Development; (c) describe the handling, storage and disposal of all waste streams generated on site, consistent with the POEO Act, Protection of the Environment Operations (Waste) Regulation 2014 and 	<p>Deemed not compliant in the previous IEA, 2020 due to the inclusion of paunch in the compostable waste stream.</p> <p>The updated TFI WasMP does not include paunch in the manure waste stream.</p> <p>The updated TFI WasMP adequately addresses the requirements of this condition.</p>	NC old, previous owners	No further action required.

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	<p>the EPA’s Waste Classification Guideline;</p> <p>(d) detail the materials to be reused or recycled, either on or off site; and</p> <p>(e) include the Management and Mitigation Measures included in Appendix A.</p>			
C22	<p>Dangerous goods, as defined by the Australian Dangerous Goods Code, shall be stored and handled strictly in accordance with:</p> <p>(a) all relevant Australian Standards;</p> <p>(b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and</p> <p>(c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management, technical bulletin (Environment Protection Authority, 1997).</p> <p>(d) In the event of an inconsistency between the requirements listed from (a) to (c) above, the most stringent requirement shall prevail to the extent of the inconsistency.</p>	<p>The following observations were made on site during the audit inspection:</p> <ul style="list-style-type: none"> - Chemicals stored in the main abattoir storage room were appropriately bunded and SDS were readily available. - The large external pump shed contained two Flammable 3 cabinets and a small Flammable 2 aerated cabinet. - One Class 3 Flammable cabinet was empty as it had previously been broken into and subsequently damaged. - The Class 2 Flammable aerated cabinet was not being utilised at the time of the audit inspection. - The Class 3 Flammable cabinet in use was found to be storing Class 3 and Class 2 aerosols. This cabinet was also located immediate next to an operating pump and live battery terminals, representing a potential source of ignition. - Located next to the in use Class 3 Flammable 	NC, current	<p>TFI is considering to allocate a separate storage area for the flammables with properly segregated sections and signage. The auditor responses have been taken into consideration.</p> <p>Completion date: 05/07/2024</p>

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		cabinet were several plastic jerry cans of fuel that were not appropriately banded.		
C32	The irrigation area, four process wastewater treatment ponds, mass-burial area and the manure stockpiling area shall be banded to prevent clean stormwater run-off from entering these areas.	At the time of the audit inspection the auditor was advised that the irrigation area has been surveyed to optimise future drainage design. The large irrigation areas include a vegetation buffer at the up-gradient boundaries. The auditor was advised that proposed drainage design does not include an up gradient bund to prevent clean water run-off from entering these areas as is stipulated by this condition.	NC, current	TFI has finished the irrigation area survey and received the designs for tailwater ponds, diversion bunds and centre pivots. Currently, we are working towards finalizing the contractors and have this work started as soon as possible. All these reports and designs are available for review of DPE, if requested. Completion Date: 30/07/2024
C37	The Applicant shall undertake a soil and water monitoring program during operation of the Development, in consultation with the EPA and may be included in the EPL for the Development, for irrigation water (volume and quality), soils, groundwater and crops based on risk factors that aim to detect when specific water quality, soil or	Soil and Groundwater monitoring was undertaken just prior to the audit with the result later provided for consideration. The sampling was not technically undertaken in compliance with the EPL requirements. Refer EPL Condition M findings.	NC old, previous owners	TFI would take audits findings into consideration and design a comprehensive monitoring plan which includes: 1- Unique identification of all monitoring points as highlighted in EPL

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	crop sustainability trigger values are nearing or have exceeded, trigger values.	Completion Date: 16/08/2024		<p>2- List of the approved methods used for monitoring (sampling and testing).</p> <p>TFI would seek a variation in license after finalizing the soil monitoring point locations after commissioning of tailwater ponds, diversion bunds and centre pivots.</p>
C46	<p>Prior to the commencement of operation, the Applicant shall compensate for the removal of one Gurri tree through:</p> <ul style="list-style-type: none"> (a) the purchase of 12 Gurri trees and funding of the necessary resources for planting the trees, soil and fertiliser, drip line irrigation and maintenance; and (b) ensuring the trees are planted in locations that enable continued access to the Aboriginal community for educational and cultural usage, following consultation with the Registered Aboriginal Parties (RAPs) identified in the EIS. <p>Documentation of consultation with the RAPs including the final location(s) of the trees shall be</p>	<p>The previous IEA, 2020 deemed non-compliant based on the lack of evidence provided by the previous development owner that the Gurri trees had been purchased or planted in accordance with the ACHMP.</p> <p>The auditor was advised that the Gurri tree saplings referred to in the IEA, 2020 have been traced by TFI to the previous owner of "Gidgee House", which has since moved to Mudgee, NSW. TFI are making efforts to regain these saplings. Alternatively, TFI will aim to acquire new saplings for planting.</p>	NC old, previous owners	<p>TFI has acquired two Gurri trees left by previous owners, four saplings from Harvest Seeds and Native Plants and working towards acquiring seeds for the remaining six plants which can be sprouted onsite and then shifted to the agreed location for planting, once feasible.</p>

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	included in the ACHMP required by Condition C45 and provided to the Secretary prior to the commencement of operation.			
Schedule D				
D7	<p>Each year, unless otherwise agreed by the Secretary, the Applicant shall review the environmental performance of the Development to the satisfaction of the Secretary. This review shall:</p> <p>(a) describe the Development that was carried out during the reporting period, and the Development that is proposed to be carried out over the next reporting period;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the Development over the previous reporting period, which includes a comparison of these results against the:</p> <p>(i) the relevant statutory requirements, limits or performance measures/criteria;</p> <p>(ii) requirements of any plan or program required under this consent;</p>	<p>The Annual Review, 26 March 2021 did not meeting all the requirements of this condition.</p> <p>The DPIE approved a request for extension for the 2021 reporting period to align with the EPA Annual Return reporting schedule. As such Annual Reviews are to be report on the period 1 May to 30 April, with a submission date of 30 July each year.</p> <p>An Annual Review report for the period 1 May 2021 to 30 April 2022 being the responsibility of the previous development owner was not able to be sighted for this audit, hence the non-compliant finding.</p> <p>The 2022/2023 Annual Review was not triggered for TFI at the time of the site audit inspection. The auditor was advised that TFI is to seek an extension to the deadline for this report to take into account the newly commenced operations and requisite monitoring requirements.</p>	NC old, previous owners	<p>TFI is looking to request extension for Annual Review submission date and currently working on finalizing it by end of October to be submitted to DPE. This has been delayed due to the Independent Audit pending and now TFI is committed to adhere to the original deadlines in future.</p> <p>Complete and no further action required.</p>

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	<p>(iii) the monitoring results of previous years; and</p> <p>(iv) the relevant predictions in the EIS;</p> <p>(c) identify any non-compliance over the previous reporting period, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the Development;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next reporting period to improve the environmental performance of the Development.</p>			
D9	The Applicant shall provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.	<p>Reporting on Environmental Performance was not available on the TFI website at the time of the audit inspection.</p> <p>Some information regarding groundwater monitoring and wastewater quality monitoring was since been provided in Community and Corporate</p>	NC, current	<p>TFI has developed a template in-line with EPA <i>Requirements for Publishing Pollution Monitoring Data</i>.</p> <p>This is to be uploaded quarterly on https://thomasfoods.com/communi</p>

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		Responsibility page of the website.		ty as required by EPL.
D10	<p>The Applicant shall make the following information publicly available on its website and keep the information up to date:</p> <ul style="list-style-type: none"> (a) the EIS; (b) current statutory approvals for the Development; (c) approved strategies, plans or programs; (d) a complaints register, updated on an annual basis; and (e) any other matter required by the Secretary. 	<p>The EIS for the Development was not found on the TFI website at the time of the audit site inspection. The OEMP was on the TFI website, including current statutory approvals, sub-plans and the complaints line and complaints register.</p> <p>The website has since been update with the relevant information provided in Community and Corporate Responsibility page of the website.</p> <p>The auditor recommends separating out the Complaints Register from the OEMP as a standalone live register to be updated annually. It is noted that no complaints had been recorded by TFI since the re-commencement of operation at the site.</p>	NC, current	<p>TFI has uploaded (a), (b), (c) and (d). (e) is also included as part of OEMP uploaded on website.</p> <p>TFI will update the complaints register annually and would take auditors recommendation into consideration to provide it separately on website. .</p> <p>Completion Date: 30/07/2024</p>
Appendix A – Biodiversity				
	Felling of hollow-bearing trees in the disturbance footprint will follow a two-stage clearing protocol, where surrounding non-hollow vegetation is cleared 24 hours prior to the hollow trees to allow fauna time to move	Deemed non-compliant in the previous IEA. This does not fall under the responsibility of TFI and as such no further action is required.	NC old, previous owner	No further action required.
Appendix A – Heritage				
	The identified Gurri tree (wild orange tree – <i>Capparis mitchellii</i>) will be avoided during construction of the site access road. Other Gurri trees identified within the	Gurri Tree replacement has not yet been completed.	NC old, previous owner	TFI has acquired two Gurri trees left by previous owners, four saplings from Harvest Seeds and Native

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	project site will be managed in accordance with the approved Aboriginal Heritage Management Plan and in consultation with the RAPs.			Plants and working towards acquiring seeds for the remaining six plants which can be sprouted onsite and then shifted to the agreed location for planting (ACHMP), once feasible. Closed no further action required.
Appendix A – Water resources				
	Areas disturbed as part of construction activities that are not part of the final footprint of the project will be promptly revegetated.	The audit found that areas disturbed as part of construction activities had not been promptly revegetated.	NC old, previous owner	TFI to continue to maintain vegetation cover over areas previously disturbed.
	Temporary erosion and sediment control structures used during construction will be regularly inspected and maintained.	During construction, it was found by the previous audit that this condition was not adhered to	NC old, previous owner	TFI would ensure erosion and sediment control measures are regularly inspected and maintained (as relevant to stage of any future works).
	Storage areas for all liquids will be appropriately bunded.	Several plastic jerry cans of fuel that were not appropriately bunded were located next to the in use Flammable 3 cabinet.	NC, current Refer to C32 response.	TFI is considering to allocate a separate storage area for the flammables with properly segregated sections and signage. The auditor responses have been taken into consideration.

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EPL Section A1				
O5.1	All tanks and storage areas for drums containing material that has potential to cause environmental harm must be bunded or have an alternative spill containment system in-place. The bunding and/or spill containment systems must be properly designed, engineered, and constructed to be suitable for the material types and quantities stored therein in accordance with all appropriate standards, including Australian Standards (AS)1940 and AS1596.	Refer approval condition C22 finding – duplicated finding.	NC, current	TFI is considering to allocate a separate storage area for the flammables with properly segregated sections and signage. The auditor responses have been taken into consideration. Refer to C22 response.
O7.1	All above ground storage facilities containing flammable and combustible liquids must be bunded in accordance with Australian Standard AS 1940-2004.	As above under O5.1 – duplicate finding.	NC, current	As above under O5.1 Refer to C22 response.
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: <ul style="list-style-type: none"> a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; 	The dates of the sampling work (1-2 May 2023) are recorded in the draft report. The appended lab reports identify what samples were specifically collected over the two days. However, the time stamp for all samples in the lab report is 00:00. Ensure the final report contains the requisite time of sample collection if available.	NC, current	In future, TFI would follow a comprehensive sampling plan to include all components of this condition clearly. This was included in all effluent monitoring reports and was missing only from the soil monitoring report with all times mentioned as 00:00.

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	and d) the name of the person who collected the sample.			To be updated before soil monitoring due by September 2023.
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.	<p>The audit found not all required sample points were sampled at the time of audit (refer Appendix B for detail).</p> <p>Groundwater sampling has only occurred at MW2, as MW1 was discovered to be damaged in the recent Premise monitoring event. The auditor recommends that this well is repaired or replaced to ensure future compliance with this requirement. This is considered by the auditor to be technically non-compliant.</p> <p>Soil sampling has been undertaken at Points 7 to 12 (referred to as SM1, SM3, SM4, SM11, SM10, SM9 and SM7) which relate to effluent utilisation area. No sampling was conducted at Points 13 to 15 that relate to background soil sampling areas. This is technically non-compliant with the requirements of this condition.</p>	NC, current	<p>TFI has fixed MW1 and working towards installing fences around the irrigation area to eliminate risk of any bore damage by wildlife in future.</p> <p>The soil monitoring conducted in this reporting period covered the current irrigation area in use. With commissioning of final irrigation area works, TFI would update locations of soil monitoring points, seek modification or EPL accordingly and include this in onsite sampling procedures.</p> <p>Refer to C32 response.</p>
M2.4	The monitoring required by Condition M2.1 at points 6 to 15 is only required once the irrigation system is installed and there is sufficient treatable effluent for the irrigation system to be	Irrigation had commenced prior to the above monitoring event, albeit over a reduced small area in the middle of the Irrigation Areas.	NC, current	<p>As above</p> <p>No further action required.</p>

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	commissioned. Monitoring at these points must commence prior to any irrigation.			
M3.1	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	<p>No reference is made to the Approved Methods Publication or otherwise in the Environmental Monitoring report.</p> <p>The auditor suggests that the draft Environmental Monitoring report be updated to reference and demonstrate compliance with the Approved Methods Publication.</p>	NC, current	All the testing was done in accordance with EPA <i>Approved methods for the sampling and analysis of water pollutants in NSW</i> . This is outlined in the onsite sampling procedure also. The point raised by auditor would be taken into consideration and a reference would be made to approved methods publication in Environmental Monitoring Report.
M6.1	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.	Signage at the entrance to the site includes a phone number (02 6865 4430) to contact site. The OEMP includes a complaints line (02 6865 0400). The auditor attempted to call the latter on 15 August 2023 and found this line to be disconnected. Calling the number on the site signage refers you to a site administrator, who advised they were able to take a complaint, if needed.	NC, current	TFI is seeking to update OEMP as part of review after this audit to include the Environment Advisor contact number as the complaints contact and update it on our website accordingly. Complaint line 02 6865 0400 will be used forthwith.
M6.2	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	As above	NC, current	As above No further action required.

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	community knows how to make a complaint.			
R1.2	An Annual Return must be prepared in respect of each reporting period, 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.	Annual Returns for the preceding period 2020-2021 were not sighted. This was the responsibility of the previous development owner.	NC old, previous owner	Closed. No further action is considered necessary as this was the responsibility of the previous owner.
R1.3	Where this licence is transferred from the licensee to a new licensee: <ul style="list-style-type: none"> 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. 	As above	NC old, previous owner	As above No further action required.
U1.3	The licensee must undertake the installation of	Low volume irrigation had commenced at site at the	NC, current	TFI has finished the irrigation area

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	the works identified in the table below prior to treated effluent being applied to the irrigation utilisation area.	<p>time of the audit as part of commission of the system. Temporary travelling irrigators were in use over a small central portion of the broader Irrigation Area.</p> <p>b) and c) had not been completed at the time of the audit, awaiting a detailed survey to best achieve the required drainage outcomes.</p>		<p>survey and received the designs for tailwater ponds, diversion bunds and centre pivots. Currently, we are working towards finalizing the contractors and have this work started as soon as possible. All these reports and designs are available for review of DPE, if requested. See condition C32 response.</p> <p>* The survey indicates that the land is very flat and there are no significant areas upslope of the proposed irrigation areas that would generate significant overland flow.</p>
U1.4	The licensee must submit a report including photographs documenting the completion of the works required by Condition U1.3 to the EPA prior to treated effluent being applied to the irrigation utilisation area.	Refer above	NC, current	<p>TFI would submit a report including photographs upon completion of the works required by Condition U1.3 to the EPA.</p> <p>See condition C32 response.</p>
U1.7	The licensee must inform the EPA of recommencing the undertaking scheduled activity of livestock processing activities at the premises within seven days of recommencing on-site operations.	As above	NC	<p>As above</p> <p>No further action required.</p>

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TFI is committed to resolving all the non-compliances in a timely manner and resolve all the pending issues within current reporting period. Most of the works are already underway to be completed and would further elevate TFI's compliance to all obligations.