

Development Consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

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

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

Anthea Sargeant
Executive Director
Regions, Industry and Key Sites Assessments

Sydney

14/4/2020

File: OBJ16/06937

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD 7704
Applicant:	ProTen Tamworth Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 1 DP 44215; Part Lot 1 DP 1108119; Lot 1 DP 1132298; Lots 26, 85, 86, 101, 118, 165, 166 and 171 DP 752169; Part Lot 143 DP 752189; Lot 1 DP 1132078; Lot 1 DP 1141148; and an unformed Council public road traversing through Lot 171 DP 752169 Rushes Creek Road, Rushes Creek, Tamworth local government area
Development:	Construction and operation of the Rushes Creek Poultry Production Farm, including: • four poultry farms consisting of a total of 54 fully enclosed, tunnel ventilated poultry sheds; • a maximum operational capacity of 3,051,000 birds at any one time; Additional works, as described in the application include: • eight manufactured homes to accommodate farm managers; • two access driveways from Rushes Creek Road and internal access roads; • water supply infrastructure to extract, transfer, treat and store water from the Namoi River; • reticulated electrical supply infrastructure; • bedding material storage shed; • two dead bird freezers; and • boundary adjustments.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-7704-Mod-1	15 June 2021	Team Leader	• amend the remediation strategy of the former sheep dip from offsite disposal to <i>in situ</i> containment with subsequent relocation of one approved manager's dwelling on Farm 2; • deletion of Condition B33(e).

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DEFINITIONS

Applicant	ProTen Tamworth Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Calendar year	A period of 12 months commencing on 1 January
Certifier	A person who is authorised by or under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	Tamworth Regional Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS, RtS and Supplementary RtS, including the works and activities as modified by the conditions of this consent.
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EES	Environment, Energy and Science Group (former Office of Environment and Heritage, OEH)
EIS	The Environmental Impact Statement titled 'Rushes Creek Poultry Production Farm – SSD 7704', prepared by SLR Consulting Australia Pty Ltd dated August 2018, submitted with the application for consent for the development
Environment	As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the

reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification Assessments	The document assessing the environmental impact of a proposed modification of consent and any other information submitted with the following modification applications made under the EP&A Act: (a) SSD-7704-Mod-1 - Rushes Creek Poultry Production Farm SSD 7704, Section 4.55(1A) Modification Report, prepared by EME Advisory, dated May 2021 and Aboriginal Cultural Heritage Management Plan, prepared by OzArk Environment and Heritage, dated May 2021.
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The use of the poultry sheds and ancillary infrastructure and structures for the purpose of growing chickens as described in the EIS, RtS and Supplementary RtS
Principal Certifier	A person who is authorised by or under section 6.5 of the EP&A Act to issue Part 6 certificates
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PPU	Poultry Production Unit
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled "Aboriginal cultural heritage consultation requirements for proponents 2010" (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Remedial Action Plan	<i>Revised Remedial Action Plan prepared by SLR Consulting Australia Pty Ltd, Version 2.1, dated 22 April 2021.</i>
RtS	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled 'Rushes Creek Poultry Production Farm – SSD 7704', Response to Submissions, prepared by EME Advisory and dated April 2019
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Appendix 1.
Site Auditor	<i>As defined in section 4 of the Contaminated Land Management Act 1997.</i>
Site Auditor Report	<i>As defined in section 4 of the Contaminated Land Management Act 1997.</i>
Site Audit Statement	<i>As defined in section 4 of the Contaminated Land Management Act 1997.</i>
Supplementary RtS	The Applicant's supplementary response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled 'Rushes Creek Poultry Production Farm – SSD 7704, Supplementary Response to Submissions', prepared by EME Advisory and dated November 2019
TfNSW	Transport for New South Wales
Upgrading	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation

VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

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.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, Response to Submissions and Supplementary Response to Submissions;
 - (d) **in accordance with the Modification Assessments;**
 - (e) in accordance with the Development Layout in Appendix 1; and
 - (f) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) 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
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. 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) **and A2(e), A2(d) and A2(f)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) **and A2(e), A2(d) and A2(f)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Lapsing

- A5. 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.

Farm Operations

- A6. The Applicant must ensure:
- (a) the development does not exceed a maximum population of 3,051,000 broilers at any one time;
 - (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;
 - (c) the development is not populated with 3,051,000 broilers simultaneously at the commencement of each production cycle;
 - (d) the maximum bird density within a shed, expressed as live bird weight, must not exceed 34 kilograms per square metre at any time;
 - (e) the maximum number of sheds to be populated per day is a maximum of 12 sheds.

Farm Manager Accommodation

- A7. 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.
- A8. The Applicant must obtain further approval from Council under section 68 of the *Local Government Act 1993* for the installation of the farm manager accommodation.

NOTIFICATION OF COMMENCEMENT

- A9. 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:
- (a) construction;
 - (b) operation;

- (c) cessation of operations.

A10. 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.

EVIDENCE OF CONSULTATION

A11. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A12. With the approval of the Planning Secretary, the Applicant may:

- (a) 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);
- (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); and
- (c) 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).

A13. 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.

A14. 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.

PROTECTION OF PUBLIC INFRASTRUCTURE

A15. Before the commencement of construction, the Applicant must:

- (a) 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;

A16. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

DEMOLITION

A17. All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).

STRUCTURAL ADEQUACY

A18. 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.

Note:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

SUBDIVISION

- A19. 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.
- A20. 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.
- A21. 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.
- A22. 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.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- A23. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A24. Prior to the issue of:
- (a) 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
 - (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.
- A25. The Applicant must provide a copy of the documentation given to the Certifier under condition A24 to the Planning Secretary within seven days after the Certifier accepts it.

COMPLIANCE

- A26. 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.

CONTRIBUTIONS TO COUNCIL

- A27. 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.

Note: The Tamworth Regional Council Section 7.12 (formerly 94A) Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours

OPERATION OF PLANT AND EQUIPMENT

- A28. All plant and equipment used on site, or to monitor the performance of the development, must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

UTILITIES AND SERVICES

- A29. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

WORKS AS EXECUTED PLANS

- A30. 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.

APPLICABILITY OF GUIDELINES

- A31. 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.
- A32. 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.

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.

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:
- (a) complies with the requirements in the latest version of EPA's *Approved Methods for Sampling of Air Pollutants in New South Wales* (DEC, 2007) (as may be updated or replaced from time to time); and
 - (b) 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.

Dust Minimisation

- B2. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B3. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Management Plan

- B4. 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:
- (a) be prepared by a suitably qualified and experienced person(s) in consultation with EPA;
 - (b) detail and rank all emissions from all sources of the development, including particulate emissions;
 - (c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
 - (d) identify the control measures that will be implemented for each emission source;
 - (e) nominate the following for each of the proposed controls:
 - (i) key performance indicator;
 - (ii) monitoring method;
 - (iii) location, frequency and duration of monitoring;
 - (iv) record keeping;
 - (v) complaints register;
 - (vi) response procedures; and
 - (vii) compliance monitoring.
 - (f) include an odour monitoring program which must:
 - (i) be carried out by a suitably qualified and experienced person(s) approved in writing by the EPA;
 - (ii) 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;
 - (iii) 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
 - (iv) be implemented for a period of at least two years from the commencement of operation, or as otherwise agreed to by the Planning Secretary.
- B5. The Applicant must:
- (a) not commence operation until the Air Quality Management Plan required by condition B4 is approved by the Planning Secretary;
 - (b) implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development; and
 - (c) not cease the Odour Monitoring Program required by condition B4(f) without the approval of the Planning Secretary.

Note: 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.

- B6. 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.
- B7. 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.

Odour Management

- B8. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).
- B9. 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.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B10. 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:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and Transport for NSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B11. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B10 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Parking

- B12. 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.

Operating Conditions

- B13. The Applicant must ensure:
- (a) 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 AS 2890.1:2004 *Parking facilities Off-street car parking* (Standards Australia, 2004) and AS 2890.2:2002 *Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
 - (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;
 - (c) the development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on site before being required to stop;

- (f) all loading and unloading of materials is carried out on-site;
- (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network;
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times; and
- (i) the transportation of birds, feedstock and waste materials to and from the development are restricted to Rushes Creek Road from the Oxley Highway.

Operational Driver Code of Conduct

- B14. 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:
- (a) map of the primary transport route/s highlighting critical locations;
 - (b) safety initiatives for transport through residential areas and/or school zones;
 - (c) measures to ensure vehicles used for the transportation of birds use the Oxley Highway and Rushes Creek Road only;
 - (d) an induction process for vehicle operators and regular toolbox meetings;
 - (e) a complaints resolution and disciplinary procedure;
 - (f) a directive to drivers to slow down and provide right-of-way to any livestock and/or farm machinery on the transport routes; and
 - (g) a directive to drivers to avoid the use of compression braking along Rushes Creek Road.
- B15. The Applicant must:
- (a) not commence operation until the Driver Code of Conduct required by condition B14 has been approved by the Planning Secretary; and
 - (b) implement the most recent version of the Driver Code of Conduct approved by the Planning Secretary for the duration of the development.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B16. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Planning Secretary upon request.

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 *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.
- B18. Clean water diversions shall be constructed and stabilised prior to the commencement of earthworks at each PPU.

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.

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:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS and RtS;
 - (c) be in accordance with applicable Australian Standards;
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
 - (e) divert existing clean surface water around operational areas of the site and discharged into natural drainage lines in a manner that prevents scouring; and
 - (f) be designed such that:

- (i) 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 1×10^{-9} m/s, or other material providing an equivalent barrier to percolation;
- (ii) all wastewater, recycled (irrigation) and other contaminated runoff is captured in the closed surface water management system; and
- (iii) no discharges are to occur from the detention dams for events up to the 1% AEP.

Water Management

B21. The detention dams at each PPU are to be inspected annually or following significant rainfall events, and desilted if required.

Water Management Plan

B22. 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:

- (a) be prepared by a suitably qualified and experienced person(s)
- (b) be prepared in consultation with the Department's Water Group and the Natural Resources Access Regulator;
- (c) detail water use, metering, disposal and management on-site;
- (d) detail the number and location of piezometers on-site;
- (e) detail the water licence requirements for the development;
- (f) detail the management of wastewater streams on-site;
- (g) contain a Surface Water Management Plan, including:
 - (i) a program to monitor:
 - a. surface water flows and quality;
 - b. surface water storage and use;
 - c. sediment basin operation; and
 - d. the surface water discharge point from the two main drainage lines on the site;
 - (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;
 - (iii) a protocol for the investigation and mitigation where the surface water impact assessment criteria has been exceeded; and
- (h) contain a Groundwater Management Plan, including:
 - (i) baseline data on groundwater levels and quality;
 - (ii) a program to monitor groundwater levels and quality (including nutrients and pathogens);
 - (iii) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and
 - (iv) a protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.
- (i) contain a contingency plan for the operational water supply for the facility during extreme weather events such as heat wave or drought.

B23. The Applicant must:

- (a) not commence operation until the Water Management Plan required by condition B22 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.

Potable Water

B24. 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).

NOISE

Hours of Work

B25. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

Table 1 Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Sunday	24 hours

B26. Works outside of the hours identified in condition B25 may be undertaken in the following circumstances:

- (a) works that are inaudible at the nearest sensitive receivers;
- (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

B27. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (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 Appendix 2 of this consent.

Operational Noise Limits

B28. The Applicant must ensure that noise generated by operation of the development does not exceed 35 dB(A) $L_{Aeq}(15 \text{ minute})$ at all times (day, evening and night) at all residential receivers.

Note 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.

Road Traffic Noise

B29. 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.

ANIMAL WELFARE AND BIOSECURITY

Animal Welfare

B30. 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:

- (a) RSPCA Approved Farming Scheme Standards – Meat Chickens (RSPCA Australia 2013) (RSPCA Standards)
- (b) National Animal Welfare Standards for Livestock Processing Establishments 2nd edition (Meat and Livestock Australia, 2009);
- (c) Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock (Animal Health Australia, 2012);
- (d) National Animal Welfare Standards for the Chicken Meat Industry (Barnett et al. 2008)
- (e) NSW DPI Best Practice Management for Meat Chicken Production in NSW – Manual 2 (2012);
- (f) National Farm Biosecurity Manual for Chicken Growers (ACMF, 2000);
- (g) Model Code of Practice for the Welfare of Animals – Domestic Poultry, 4th Edition (PISC, 2002);
- (h) Model Code of Practice for the Welfare of Animals, Land Transport of Poultry (PISC, 2006); and
- (i) any other relevant document that supersedes the above.

Emergency Disposal and Biosecurity

B31. 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:

- (a) be prepared in consultation with Council, EPA, DPI and other relevant public authorities;
- (b) be consistent with the relevant AUSTVETPLAN manuals and supporting documents;
- (c) describe the notification procedures;
- (d) detail all transport routes to be used in a mass mortality event;

- (e) detail any requirements to stage the mass disposal of dead livestock;
- (f) detail the burial location(s) for the disposal of dead livestock, including plans and drawings;
- (g) detail the measures to maintain quarantine control;
- (h) detail measures to prevent ground water contamination; and
- (i) detail the mass mortality disposal procedures and options.

B32. The Applicant must:

- (a) not commence operation until the Emergency Disposal and Biosecurity Protocol required by condition B31 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Emergency Disposal and Biosecurity Protocol approved by the Planning Secretary for the duration of the development.

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:

- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties and EES;
- (b) be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development;
- (c) describe the management actions for all Aboriginal sites within the development site;
- (d) 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. ~~and~~

~~(e) include a program of excavation and reporting of the feature known as Bondah H1, in consultation with the Registered Aboriginal Parties and EES.~~

B34. The Applicant must:

- (a) not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary; and
- (b) implement the most recent version of the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary for the duration of the development.

Unexpected Finds Protocol

B35. If any item or object of Aboriginal heritage significance is identified on site:

- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
- (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
- (c) the Heritage Division of DPC must be contacted immediately.

B36. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

BIODIVERSITY

B37. 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*.

B38. 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.

B39. The Applicant must provide the Planning Secretary with evidence that:

- (a) the retirement of ecosystem credits has been completed (see condition B37); or
- (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.

HAZARDS AND RISK

Pre-construction

- B40. 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.
- (a) 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.
 - (b) A Final Hazard Analysis of the development, prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'.

Pre-commissioning

- B41. 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'.

Further Requirements

- B42. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook, if the chemicals are liquids.
- B43. 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.

Dangerous Goods

- B44. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards;
 - (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - (c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management – technical bulletin (EPA, 1997).
- B45. 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.

WASTE MANAGEMENT

Pests, Vermin and Noxious Weed Management

- B46. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and
 - (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.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

Composting of mortalities on-site

- B47. Composted mortalities cannot be disposed off-site until a Specific Resource Recovery Exemption is granted by the EPA for birds composted at the site.

Note: The general manure composting resource recovery exemption does not permit the inclusion of animal waste.

Waste Management

- B48. The Applicant shall not stockpile, store or utilise spent bedding material in any way within the development., other than for the composing of birds.

- B49. 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.

CONTAMINATION

Unexpected Finds

- B50. Prior to the commencement of earthworks, the Applicant must revise the unexpected contamination procedure in consultation with ~~the EPA~~ the Site Auditor 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 any material identified as contaminated must be disposed off site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.~~ and must ensure appropriate management of any material identified as contaminated.

Site Auditor

- B50A. Prior to the commencement of earthworks for the development on site, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.

Remediation

- B51. 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 *Contaminated Land Management Act 1997*.
- B52. Within one month of the completion of the remediation works ~~and prior to the commencement of construction~~, the Applicant must submit a validation report/letter to the ~~satisfaction of 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 (CEvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.
- B52A. 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:

- (a) the remedial works approved under this consent have been completed in accordance with the remediation objectives listed in the Remedial Action Plan; and
- (b) the site is suitable for its intended use.

A copy of the final Site Audit Statement and Site Audit Report must be provided to the Planning Secretary and the EPA.

Long Term Environmental Management Plan

- B52B 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:
- (a) address all environmental impacts of the development's construction and operational phases
 - (b) recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s)
 - (c) include a surveyed drawing prepared by a registered surveyor clearly identifying the location and depth of any remaining on-site contamination
 - (d) incorporate a program for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant environmental standards
 - (e) mechanisms to report results to the Planning Secretary and the EPA.
- B52C. Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:
- (a) implement the approved LTEMP;
 - (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.

VISUAL AMENITY

Landscaping

- B53. The Applicant must:
- (a) establish a vegetation screen around the perimeter of each PPU a minimum width of 40 metres prior to the commencement of construction

- (b) maintain the vegetation screens on the site for the life of the development.

Lighting

B54. The Applicant must ensure the lighting associated with the development:

- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (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.

COMMUNITY ENGAGEMENT

B55. 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.

Community Consultation Plan

B56. The Applicant must prepare a Community Consultation Plan for the development, to the satisfaction of the Planning Secretary. The Plan must:

- (a) be approved by the Planning Secretary prior to the commencement of site preparation works;
- (b) be implemented for the life of the development, or as otherwise agreed by the Planning Secretary;
- (c) assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the development;
- (d) detail the mechanisms for regularly consulting with:
 - (i) the local community;
 - (ii) nearby sensitive receivers identified in Appendix 2;
 - (iii) relevant regulatory authorities;
 - (iv) Registered Aboriginal Parties; and
 - (v) other interested stakeholders,throughout the development, such as holding regular meetings to inform the community of the progress of the development and report on environmental monitoring results;
- (e) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and
- (f) include a complaints procedure for recording, responding to and managing complaints, including:
 - (i) email, toll-free telephone number and postal address for receiving complaints;
 - (ii) advertising the contact details for complaints prior to and during operation, via the local newspaper and through on-site signage;
 - (iii) 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
 - (iv) procedures to resolve any disputes that may arise during the course of the development.

B57. The Applicant must:

- (a) not commence construction until the Community Consultation Plan is approved by the Planning Secretary;
- (b) implement the approved Community Consultation Plan for the duration of the development.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (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;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) 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;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

Note: the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

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.
- C3. As part of the CEMP required under condition C2 of this consent, the Applicant must include the following:
- (a) Erosion and Sediment Control Plan;
 - (b) Construction Traffic Management Plan (see condition B10); and
 - (c) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) 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.

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.
- C6. As part of the OEMP required under condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;

- (v) respond to emergencies; and
- (c) include the following environmental management plans:
 - (i) Air Quality (see condition B4);
 - (ii) Operational Driver Code of Conduct (see condition B14);
 - (iii) Water (see condition B22)
 - (iv) Emergency Disposal and Biosecurity Protocol (see condition B31); and
 - (v) Aboriginal Cultural Heritage (see condition B33).

C7. The Applicant must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (b) 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).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of a Compliance Report under condition C12;
- (b) the submission of an incident report under condition C9;
- (c) the submission of an Independent Audit under condition C15;
- (d) the approval of any modification of the conditions of this consent; or
- (e) 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

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.

Note: *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.*

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.

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.

Compliance Reporting

- C11. No later than 6 weeks before the date notified for the commencement of operation, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary.
- C12. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- C13. 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.

Independent Audit

C14. No later than 4 weeks before the date notified for the commencement of operation, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the satisfaction of the Planning Secretary.

- C15. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Planning Secretary under condition C14 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C16. 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 C15 of this consent;
 - (b) submit the response to the Planning Secretary; and
 - (c) 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.

Monitoring and Environmental Audits

- C17. 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.

Note: *For the purposes of this condition, as set out in the EP&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.*

ACCESS TO INFORMATION

- C18. At least 48 hours before the commencement of construction until the completion of all works under this consent, , the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) 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;
 - (v) 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;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) the Compliance Report of the development;
 - (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;
 - (xi) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

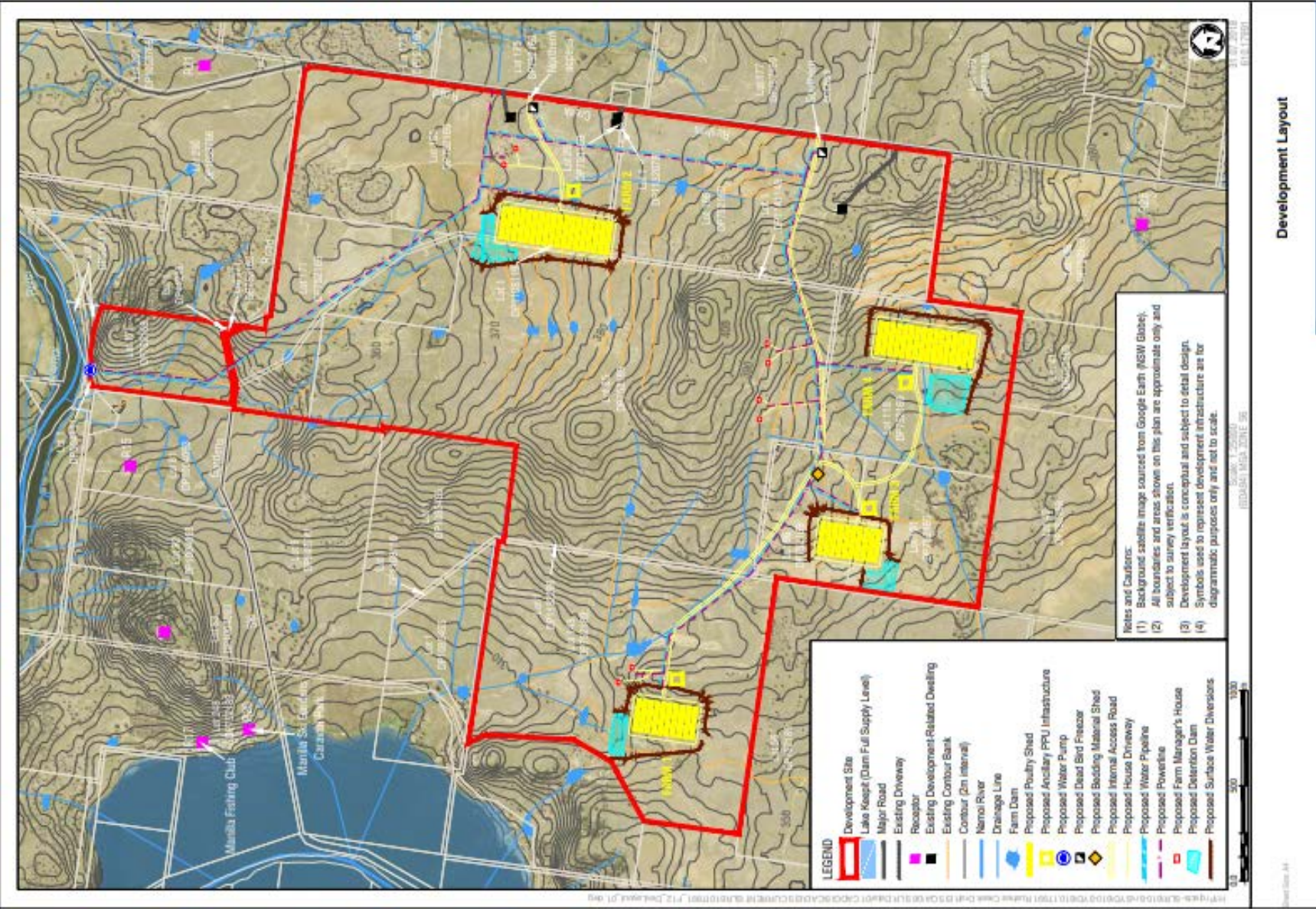


Figure 1: Site Plan(s)

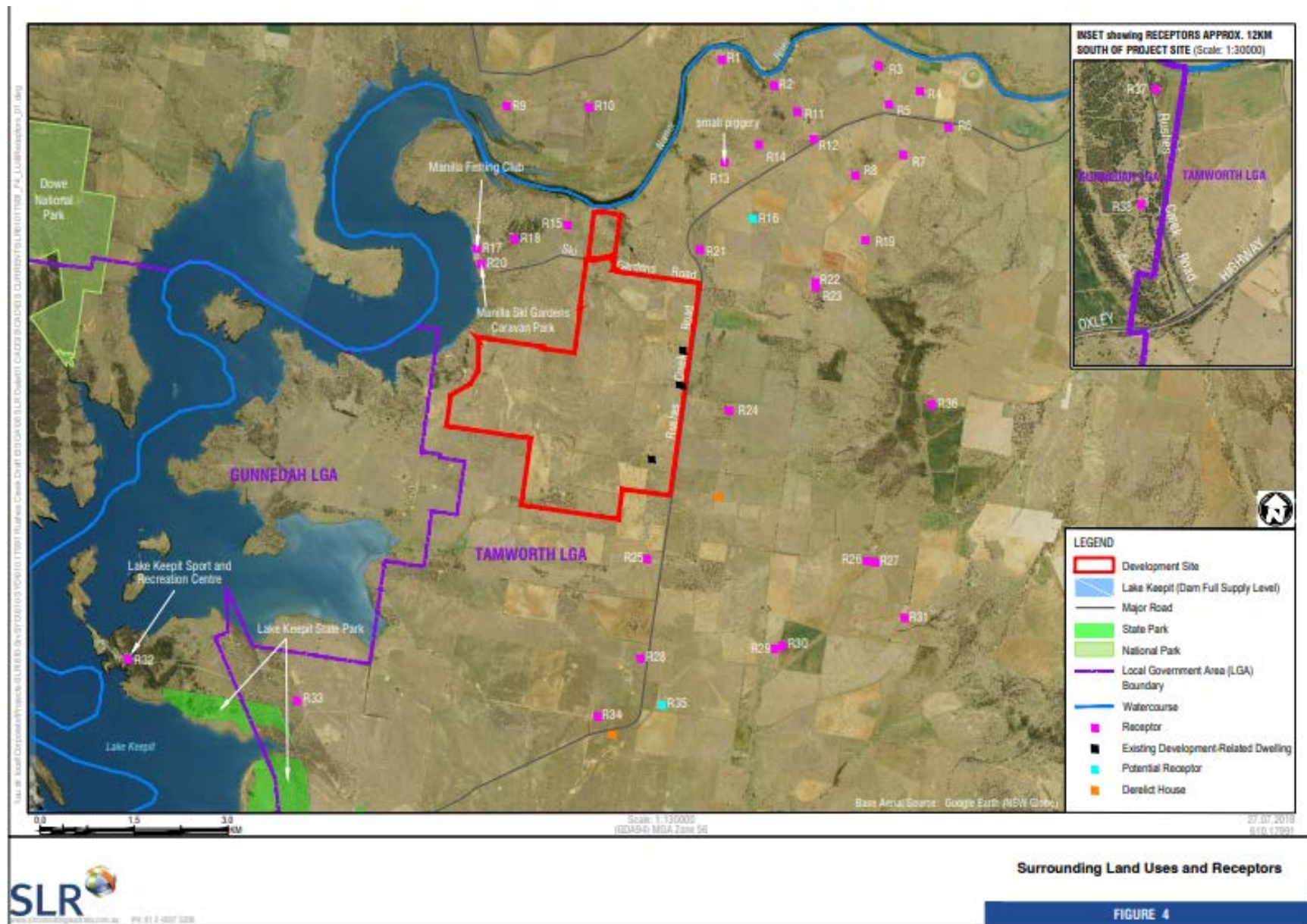


Figure 2: Sensitive Receptors

APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: compliance@planning.nsw.gov.au 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.
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.

INCIDENT REPORT REQUIREMENTS

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.
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.