



The Secretary
Department of Planning Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
Locked Bag 5022, Parramatta NSW 2124

28/11/2024

Response to Rushes Creek Poultry Production Farm - Surface Water Trigger Exceedence
Water Monitoring – SSD 7704

Dear Sally

On 7 May 2024, ProTen received advice a potential exceedance of the surface water trigger values at the Rushes Creek Poultry Farm had occurred and engaged SLR to complete an investigation in accordance with the site SWMP in response to the NSW Planning request for information (RFI-71178961).

On the 27 June 2024, ProTen received a directive from DPHI to revise the WMP to incorporate the recommendations in Section 7 of the Surface Water Investigation Report submitted in response to RFI-71178961.

Upon further review of the recommendations in Section 7 of the Surface Water Investigation Report, the initial Non-conformance lodged on 7 May 2024 was a non-conformance to the SWMP as opposed to a non-conformance of the EPL. The sample points that triggered the non-conformance were the Detention Dam and the Namoi River. The Namoi River is not an approved sampling point as outlined in the SWMP, EIS, SSD and/or the EPL, and without GPS co-ordinates ProTen is not able to determine where this sample had been collected. ProTen also has no authority to implement control measures or preventative measures if further exceedances are to occur. The Detention Dam was being monitored six-monthly for the first 24 months of operation to establish baseline conditions. The Detention Dam, as outlined in the EPL and EIS would be tested reactively in overflow events at the approved discharge point. ProTen can confirm this was not an overflow event/reactive sampling.

ProTen has concluded that not all recommendations from the investigation report are necessary/relevant or will be effective to ensure consistent compliance with the SWMP, EPL and the SSD.

On 5 November 2024, ProTen requested an extension of time to submit the revised Rushes Creek Production Farm Surface Water Management Plan (SWMP) from 2 November 2024 to 31 December which was granted by Heidi Watters on the 12 November 2024.

On 22 November 2024, myself and Kate Singh, requested guidance and clarity from Joel Curran and Heidi Watters via a Teams Meeting call in relation to the response from DPHI received via the portal. During this meeting they had advised we send a letter in response with a table as set out below in relation to our findings. This was also confirmed via our phone conversation the same day.

ProTen proposes the following in relation to the recommendations as set out in Section 7 of the SW Investigation report completed by SLR-

Recommendation	ProTen Propose To	Amendment	Reasoning
Update references to government/authority bodies where necessary, such as DPE to DPHI;	Approve	n/a	
Update the 'Regulatory Consultation' section with any new correspondence including for this investigation;	Approve	n/a	
Update the 'Meteorology' section with data from a source more proximal to the Development, such as the Manilla (Fern Hill) BoM station discussed in the investigation, and incorporate data gathered from the site weather station;	Amend	Update the 'Meteorology' section with data gathered from the site weather station; The site currently has continuous monitoring (24/7) weather station as outlined in the OEMP that correlates data in 15 minute intervals at the Rushes Creek complex. These capture all data requirements as outlined in Condition M4 of the EPL and Condition B1 of the consent.	
Review the frequency of periodic sampling to establish suitable baseline water quality data for the Development, and if modified, review the requirements within the 'Surface Water and Groundwater Response Plan';	Remove	ProTen has reviewed the frequency against Condition M2 of the EPL – Point 24 being the Wet Weather Discharge point – frequency at which is Each Overflow Event. The Non-conformance that had been reported in April 2024 was not an overflow event. As outlined in the current SWMP, as there are no predicted impacts to nearby surface water bodies, sampling will be restricted to periods of high rainfall during an overflow event.	
Include the requirement to monitor the ephemeral drainage line under Ski Gardens Rd and the Namoi River when both are in flow within the 'Surface Water Quality Monitoring Schedule', with specified assessment parameters and sampling frequency. Water depths and flows through the ephemeral drainage line under Ski Gardens Rd would be noted during sampling opportunities to characterise the flow regime;	Amend	The ephemeral drainage line under Ski Gardens Rd is approximately 2.7km from the Detention Dam. ProTen proposes to incorporate the testing of the ephemeral drainage line under Ski Gardens Rd in reactive testing/overflow events where required. ProTen proposes that regular testing of the Namoi River be removed as it is not an approved sampling point and ProTen have no authority to implement controls or preventative measures if further exceedances are to occur as this is a government controlled body.	

Include a map showing the nominated surface water monitoring locations at the Development;	Remove	Not required as there will be no additional testing points other than those already approved. The EPL and consent would remain as it is currently.
Confirm the elevation at nominated surface water monitoring locations within the 'Surface Water Monitoring Program' to inform estimates for dissolved oxygen as percent saturation;	Remove	A review of the EIS, EPL, SSD and Soil and Water Management Plan (SWMP) does not have Dissolved Oxygen as a required test. DO has been intermittently tested twice only. Dissolved oxygen (DO) is a measure of how much oxygen is dissolved in the water - the amount of oxygen available to living aquatic organisms. The water re-use strategy for the Detention Dam is for regular irrigation of vegetation screens and therefore confirming elevation for DO% saturation is not relevant.
Include temperature as a periodic monitoring parameter in the 'Surface Water Quality Monitoring Schedule' to inform estimates for dissolved oxygen as percent saturation;	Remove	As per above. DO has not been tested in-situ in the 2 previous results. The water re-use strategy for the Detention Dam is for regular irrigation of vegetation screens and DO testing is irrelevant.
Update the 'Surface Water Quality Monitoring Schedule' and 'Surface Water Quality Trigger Values' to ensure consistency;	Approved	The current trigger values for the Gwydir and Namoi Surface Water Resource Plan have been withdrawn as of April 2023 and April 2024. ProTen will keep the current Basin Plan 2012 Trigger values for each overflow event at Point 24 in line with the EPL and consent until the Resource Plans have been amended and released the NSW Government
Include surface water and groundwater monitoring data collected to date alongside any other relevant monitoring data;	Approved	n/a
Include the findings of this investigation.	Approved	To be include also noting that the investigation had been completed from a non-conformance to Management Plan and not a condition of the consent, DA, EPL, and/or EIS.
The suite of analytes reported from surface water monitoring campaigns should be consistently reviewed to ensure sampling is performed in accordance with the SWMP.	Approved	The testing locations and suite in the SWMP does not align with the requirements of the EPL. Consultation has been sort with both the EPA and DPHI on 10 October 2024 to ascertain if the SWMP should be the same or exceed the EPL requirements. In addition, the EIS completed in December 2023 was reviewed in this instance to understand why the testing suite in the SWMP exceeded the EPL. There was no reasoning given other than to establish baseline data. Therefore the SWMP is to be amended to align with the conditions of the consent and the EPL to

		establish consistency and accuracy for baseline data collection.
If not already doing so, ProTen should ensure water level data is collected at the detention dam to characterise water level response to climate and to enable potential correlation with future water quality results	Remove	Standing Water Level is not a requirement for Point 24 as outlined in Condition M4 of the EPL. Point 24 being the Wet weather discharge Point only. As outlined in the EIS the dams are measured in capacity not SWL – Farm 2 Dam - 35,149m3 storage capacity.
ProTen to continue to monitor the detention dam for signs of excessive sedimentation	Approved	n/a

In addition to the approved recommendation above, ProTen propose the following additional strategies to be included in the amendment to the Soil and Water Management Plan-

- The monitoring and frequency in the Soil and Water Management Plan (SWMP) are to be amended and updated to reflect the requirements of the EPL and the Consent.
- All results received from Testing Reports that return results outside of parameters set out in the SWMP are to be resampled within 5 days of receiving the water testing results and retested to confirm non-conformance. This applies for regular routine testing of the Groundwater samples and Surface water discharge Point 24 where regular non-periodic discharge or overflow events have occurred. ProTen takes into consideration that resampling a reactive point may not be possible 5 days after occurrence and will act as per the Impact/Incident Investigation process.

We are committed to upholding our obligations under SSD 7704 and are committed to updating the Management Plan with the above considerations within the extended timeframe.

Thankyou for your assistance in this matter to review the recommendations in which ProTen are submitting for the Soil and Water Management Plan. We sincerely appreciate your consideration of our request and look forward to your response.

Should you require any additional information or documentation to process this request, please do not hesitate to contact me at your earliest convenience.

Sincerely,



Kristie Stevens

National SHEQ Coordinator

ProTen Pty Limited