

Notice of Modification

Section 96(1A) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1 as set out in Schedule 2.



David Kitto
Director
Major Development Assessment

Sydney **29 JUNE** 2009

SCHEDULE 1

The development consent (DA 220-07-2002), granted by the Minister for Planning on 27 February 2003 for the upgrade and expansion of the existing abattoir at Dampier Road, Wagga Wagga, in the Wagga Wagga local government area.

SCHEDULE 2

The Development consent is modified by:

- 1) Deleting the definition of EPA in Schedule 2.
- 2) Deleting the definition of land in Schedule 2.
- 3) Inserting the following definitions in Schedule 2:

DECC	Department of Environment and Climate Change
DWE	Department of Water and Energy
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Mod 3	Construction and operation of a new wastewater treatment pond 2b and associated flare system, as described in the Statement of Environmental Effects to Support Modification Application No. 3, titled, <i>Proposed Upgrade to Cargill Bomen Abattoir's Wastewater Treatment Ponds</i> , prepared by GHD Pty Ltd and dated January 2009

- 4) Replacing all references to the EPA in the consent with the words "DECC".
- 5) Replacing all references to the DLWC in the consent with the words "DECC".
- 6) Replacing all references to the *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* in the consent with the words "*Environmental Guidelines: Waste Classification Guidelines*".
- 7) Replacing all references to the *Environmental Protection Manual Technical Bulletin Bunding and Spill Management* in the consent with the words "*Storing and Handling Liquids: Environmental Protection manual*".
- 8) Replacing existing condition 1.2(a) with the following:
 - 1.2 (a) Development Application No. 220-07-2002-i, lodged with the Department of Planning on 15 July 2002, as amended by MOD-61-7-2003-I, MOD-4-1-2004-I and DA No. 220-07-2002-i – Mod 3.
- 9) Replacing existing condition 1.2(s) with the following:
 - 1.2 (s) Statement of Environmental Effects to Support Modification Application 3: Bomen Abattoir Expansion Project, Wagga Wagga, prepared by GHD Pty Ltd and dated January 2009.
- 10) Inserting a new condition 1.2(t).
 - 1.2 (t) the conditions of this consent.
- 11) Replacing existing condition 1.3 with the following:
 - 1.3 If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
- 12) Inserting a new condition 5.6(a).
 - 5.6(a) The Applicant shall decommission existing ponds 1 and 2 once the new pond 2b has been commissioned.
- 13) Inserting a new condition 5.6(b).
 - 5.6(b) The Applicant's new flare system must comply with the Group 6 emission limits under the *Protection of the Environment (Clean Air) Regulation 2002*.
- 14) Inserting a new condition 5.6(c).
 - 5.6(c) Prior to the commencement of commissioning of the new pond 2b and associated flare system, the Applicant must install a scrubber or any other appropriate odour control device to control odorous emissions to the satisfaction of DECC.
- 15) Inserting a new condition 5.6(d).
 - 5.6(d) The Applicant must prepare and implement an Air Quality Impact Assessment Verification Report for the project to the satisfaction of the Director-General. This Assessment Verification Report must:

- a) be submitted to the Director-General for approval within 12 months from the commencement of commissioning of the new pond 2b and associated flare system, with validated predictive modelling at the final capacity of 2,000 head of cattle per day, 6 to 7 working days per week;
- b) be undertaken by a suitably qualified expert;
- c) be undertaken in consultation with DECC;
- d) verify if the odour emissions comply with the 4 OU/m³ criteria; and
- e) include proposed contingency measures that would be adopted, in case of non-compliance with the criteria, and the timing for their implementation to ensure that the 4 OU/m³ criteria is met at all private properties.

16) Replacing existing condition 6.1 with the following:

- 6.1 Unless DECC specifies otherwise, the Applicant shall monitor the concentration of each pollutant specified in the Tables 3 and 4.

Table 3 – Monitoring Requirements

Pollutant	Units of Measure	Frequency	Duration	Number	Method
Odour (dynamic olfactometry)	OU or OU.m ³ /s	Quarterly	1 hour	Duplicate	OM-7
Odour (sampling from point sources)	OU or OU.m ³ /s	Quarterly	1 hour	Duplicate	OM-7
Parameter	Units of Measure	Frequency	Duration	Number	Method
Dry Gas Density	kg/m ³	Quarterly	1 hour	Duplicate	TM-23
Moisture Content	%	Quarterly	1 hour	Duplicate	TM-22
Molecular Weight	g/g-mole	Quarterly	1 hour	Duplicate	TM-23
Oxygen	%	Quarterly	1 hour	Duplicate	TM-25
Temperature	K	Quarterly	1 hour	Duplicate	TM-2
Velocity	m/s	Quarterly	1 hour	Duplicate	TM-2
Volumetric Flow Rate	m ³ /s	Quarterly	1 hour	Duplicate	TM-2
Selection of Sampling Procedures	-	-	-	-	TM-1

Table 4 –Sampling and analysis methods for diffuse sources

Pollutant	Units of Measure	Frequency	Duration	Number	Method
Odour (dynamic olfactometry)	OU or OU.m ³ /s	Quarterly	1 hour	Duplicate	OM-7
Odour (sampling from diffuse sources)	OU or OU.m ³ /s	Quarterly	1 hour	Duplicate	OM-8

17) Replacing existing condition 6.3 with the following:

- 6.3 Unless DECC specifies otherwise, the Applicant shall undertake meteorological monitoring specified in the Table 5.

Table 5 – Meteorological monitoring

Parameter	Units of Measure	Averaging Period	Frequency	Method
Rainfall	mm/hr	1 hour	Continuous	AM-4
Sigma Theta @ 10m	°	1 hour	Continuous	AM-2
Siting	-	-	-	AM-1
Temperature @ 10m	K	1 hour	Continuous	AM-4
Temperature @ 2m	K	1 hour	Continuous	AM-4

Total Solar Radiation @ 10m	w/m ²	1 hour	Continuous	AM-4
Wind Direction @ 10m	°	1 hour	Continuous	AM-2
Wind Speed @ 10m	m/s	1 hour	Continuous	AM-2

18) Replacing existing condition 6.4 with the following:

6.4 Unless DECC specifies otherwise, the Applicant shall monitor the concentration of each pollutant specified in the Table 6.

Table 6– Periodic Pollutant Monitoring (Water)

Point of Discharge	Pollutant	Type of Monitoring	Frequency
Discharge of stormwater from the first flush pond	▪ Nitrogen ▪ Phosphorous ▪ Potassium ▪ BOD ▪ Suspended solids	Grab sample	Annually
Groundwater under the irrigation area	▪ Nitrogen ▪ Electrical Conductivity ▪ Standing Water Level ▪ pH	Groundwater sample	Annually
Soils within the effluent irrigation area	▪ Available Phosphorous ▪ Cation Exchange Capacity ▪ Chloride Conductivity ▪ Exchangeable Sodium Percentage ▪ Exchangeable Calcium ▪ Exchangeable Magnesium ▪ Exchangeable Potassium ▪ Exchangeable Sodium ▪ Nitrate ▪ Phosphorous Sorption Capacity ▪ Total Nitrogen ▪ Total Phosphorous ▪ Total Organic Carbon ▪ Water Stable Aggregates ▪ pH.	Soil monitoring	Annually

19) Replacing existing condition 6.8 with the following:

6.8 Within 12 months of the commencement of operations, and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:

- a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
- b) be undertaken in consultation with DECC, DWE and Council;
- c) include a Hazard Audit in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5 – Hazard Audit Guidelines*. The audit shall include a review of the Safety Management System and of all incidents recorded and be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, justification must be included.
- d) assess whether the project is being carried out in accordance with industry best practice;

- e) assess the environmental performance of the project, and its effects on the surrounding environment and sensitive receivers;
- f) assess whether the project is complying with the relevant standards, performance measures, and statutory requirements;
- g) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
- h) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.

20) Inserting a new condition 6.9.

- 6.9 Within 8 weeks of completing the audit as required under Condition 6.8, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.

21) Inserting a new condition 6.10.

- 6.10 Within 3 months of submitting an audit report to the Director-General, the Applicant shall review and if necessary revise the strategy/plans/programs required under this approval to the satisfaction of the Director-General.

22) Inserting a new condition 7.2(a).

- 7.2(a) The Applicant must update the Construction Environmental Plan for the project to the satisfaction of the Director-General. The Plan must:
- a) be submitted to the Director-General for approval before the commencement of construction of the new pond 2b and associated flare system;
 - b) be updated having regards to the requirements specified under condition 7.1 of this consent; and
 - c) include:
 - Erosion and Sedimentation Management Plan;
 - Dust Management Plan;
 - Waste Management Plan;
 - Fire Safety Study, prepared in accordance with 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. The study shall also be submitted to the NSW Fire Brigade for approval; and
 - a Final Hazards Analysis (FHA) prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.6 'Guidelines for Hazard Analysis'*.

23) Inserting a new condition 7.4(a).

- 7.4(a) The Applicant must update the Operation Environmental Plan for the project to the satisfaction of the Director-General. The Plan must:
- a) be submitted to the Director-General for approval before the commencement of commissioning of the new pond 2b and associated flare system;
 - b) be updated having regards to the requirements specified under condition 7.3 of this consent; and
 - c) include:
 - Odour Management Plan;

- Water Management Plan;
- Waste Management Plan;
- Energy Savings Action Plan prepared in accordance with the requirements of the DWE and the Guidelines for Energy Savings Action Plans, DEUS 2005;
- Emergency Plan detailing emergency procedures for the project, including detailed procedures for the safety of people outside of the project who may be at risk from the project. The Emergency Plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1 'Industry Emergency Planning Guidelines'*; and
- Safety Management System covering all on-site operations and associated transport activities involving hazardous materials. The Safety Management System must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.9 'Safety Management'* and must specify all safety related procedures, responsibilities and policies, along with mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and be available for inspection by the Director-General upon request.

24) Replacing existing condition 8.1 with the following:

- 8.1 Within 24 hours of detecting the occurrence of an incident that causes (or may cause) material harm to the environment, the Applicant shall notify the Department and other relevant agencies of the incident.

25) Replacing existing condition 8.2 with the following:

- 8.2 Within 7 days of notifying the Department and other relevant agencies of such an incident, the Applicant shall provide the Department and these agencies with a written report that:
- a) describes the date, time, and nature of the incident;
 - b) identifies the cause (or likely cause) of the incident;
 - c) describes what action has been taken to date; and
 - d) describes the proposed measures to address the incident.

26) Replacing existing condition 8.3 with the following:

- 8.3 Within 12 months of this approval, and annually thereafter, the Applicant shall submit an AEMR to the Director-General and relevant agencies. This report must:
- a) identify the standards and performance measures that apply to the project;
 - b) describe the works carried out in the last 12 months;
 - c) describe the works that will be carried out in the next 12 months;
 - d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
 - e) include a summary of the monitoring results for the project during the past year;
 - f) include an analysis of these monitoring results against the relevant:
 - impact assessment criteria/limits;
 - monitoring results from previous years; and
 - predictions in the Mod 3 SEE (2009) or other documents listed in condition 1.2 of schedule 2;

- g) identify and discuss all exceedances of approval and licence conditions and other applicable standards and performance measures;
- h) identify any trends in the monitoring results over the life of the project;
- i) identify any non-compliance during the previous year; and
- j) describe what actions were, or are being, taken to ensure compliance.

Note: The AEMR may be submitted to the Director-General for approval, at the same time as the Annual Return is submitted to DECC.

27) Deleting the existing condition 8.4.