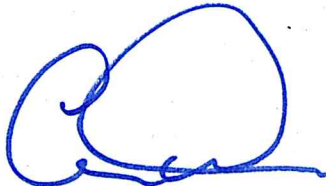


Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, I hereby modify the development consent DA 220-07-2002-i referred to in schedule 1, subject to the conditions in schedule 2.



Chris Wilson
Executive Director
Major Projects Assessment

Sydney **28 September** 2011

SCHEDULE 1

Development Consent (DA 220-07-2002-i), granted by the former 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.

The Development Consent is modified by:

- 1) Replacing the section 'application made by:' with:

Application made by: Teys Australia Southern Property Pty Ltd ("the Applicant");

SCHEDULE 2

- 2) Replacing the definition of 'Applicant' with:

Applicant	Tey Australia Southern Property Pty Ltd (formerly Cargill Foods Australia Pty Ltd)
-----------	--

- 3) Deleting the definition of 'DECC' in the definitions list.

- 4) Inserting a new term in the definitions list as follows:

OEH	Office of Environment and Heritage
-----	------------------------------------

- 5) Replacing all references to 'DECC' with 'OEH'.

- 6) Deleting the definition of 'OEH' in the definitions list.

- 7) Inserting a new term in the definitions list as follows:

NOW	NSW Office of Water
-----	---------------------

- 8) Replacing all references to 'DWE' with 'NOW'.

- 9) Replacing condition 1.2 a) with the following:

- 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, DA No. 220-07-2002-i - Mod 3, DA 220-07-2002-i - Mod 4 and DA 220-07-2002-i - Mod 5;

10) Inserting the following after condition 1.2 t):

- u) Environmental Assessment Report (EA) for DA 220-07-2002-i – Mod 5 entitled *Cargill Beef – CFA Low Environmental Assessment*, prepared by Claus Environmental Engineering and dated May 2011, accompanying Response to Submissions Report prepared by Cargill Beef Australia and dated 10 August 2011; and
- v) the conditions of this consent.

11) Inserting the following conditions after condition 1.5 b):

Limits

- 1.5(c) The Applicant must ensure that no more than 300ML of effluent wastewater is irrigated a year on the CFA Low area, as described in the EA for DA 220-07-2002-i – Mod 5 prepared by Claus Environmental Engineering and dated May 2011, unless otherwise stipulated by the OEH.

Note: irrigation must not commence on the CFA Low area until the ESU is fully operational and producing high quality effluent as described in the EA for DA 220-07-2002-i – Mod 5. The Applicant shall notify the Director-General in writing of its intention to begin irrigating on this land.

- 1.5(d) The Applicant must refrain from irrigating on the land referred to in condition 1.5(c) above in likely flooding events.

Note: the determination of a 'likely flooding event' shall be based on weather forecasting.

- 1.5(e) The Applicant must limit and/or cease irrigation on the land referred to in conditions 1.5(b) to 1.5(c) above at the Director-General's or the OEH's request, to the satisfaction of the Director-General.

12) Replacing condition 5.6 c) with the following:

- c) The Applicant must prepare 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 6 months of the commencement of commissioning of the Effluent System Upgrade and associated flare system, with validated predictive modelling at the final capacity of 1,600 head of cattle per day with all approved on-site irrigation areas in operation;
 - b) be undertaken by a suitably qualified expert;
 - c) be undertaken in consultation with OEH;
 - d) verify if the odour emissions (including cumulative odour) comply with the 4 OU/m³ criteria;
 - 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; and, if necessary
 - f) revise the Odour Management Plan for the site in response to these measures.

13) Replacing condition 7.4 c) with the following:

- c) a revised **Effluent Wastewater Management Plan**. The Plan must:
 - i) be prepared in consultation with OEH and NOW and approved by the Director-General, prior to undertaking any irrigation of effluent on the CFA Low area as described the EA for DA 220-07-2002-i – Mod 5;
 - ii) be consistent with OEH's *Environmental Guidelines Use of Effluent by Irrigation*;
 - iii) identify the areas that have the potential to be impacted by the development's wastewater (such as through irrigation or from spills and/or leaks);
 - iv) include detailed baseline data, and benchmark the existing soil, surface and groundwater conditions in these areas (identified in iii) above);
 - v) provide a water balance accounting for all wastewater streams and describing the quantity and quality of the effluent wastewater;
 - vi) identify the soil, surface water, groundwater and wastewater impact assessment criteria and Council's Trade Waste Limits;

- vii) include a detailed description of the proposed irrigation system, including the infrastructure, flow rates, crop cycling and soil moisture monitoring and management (ensuring the field capacity of the soil is not exceeded and to minimise risk of deep drainage of nutrients);
- viii) describe the monitoring strategy to be implemented for the effluent to be irrigated, the effluent to be discharged to sewer, soil, surface water and groundwater, including details of the:
 - monitoring locations;
 - sampling frequency;
 - sampling methods;
- ix) include justification for the proposed monitoring strategy and demonstrating that this monitoring would provide sufficient information to determine the annual nutrient and salt balance and ensure compliance with the trigger levels for nitrogen and phosphorus;
- x) describe how the monitoring results will be assessed and reported;
- xi) outline the contingency measures that would be implemented in high rainfall events and/or should monitoring identify any exceedance of the impact assessment criteria.