

# Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Ritchie  
Director  
Industry Assessments

Sydney 29 NOVEMBER 2019

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## SCHEDULE 1

<b>Consent No:</b>	DA 261-8-2002-i
<b>Applicant:</b>	Rangers Valley Cattle Station Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Development:</b>	Stage 1, being the expansion from 24,000 to 40,000 head of cattle at any one time and continued operation of a cattle feedlot  Stage 2, being the expansion from 40,000 to 50,000 head of cattle at any one time and continued operation of a cattle feedlot
<b>Date of Original Consent:</b>	7 January 2004
<b>Modification:</b>	DA 261-8-2002-i MOD 2 – Reconfiguration of feedlot pen layout, additional manure and effluent utilisation areas and changes to vehicle restriction hours

## SCHEDULE 2

This consent is modified as follows:

### In Schedule 2:

1. Delete the definitions for the Department, development, Director-General, DECCW, Minister and insert the following definitions in alphabetical order:

Department	Department of Planning, Industry and Environment
Development	activities relating to Stage 1 as described under DA-261-8-2002-i, all additional information submitted in support of the application and as modified by the conditions of consent.
EPA	Environment Protection Authority
Minister	Minister for Planning and Public Spaces
MOD 1	Modification Application No. DA-261-8-2002-i MOD 1, lodged with the Department on 3 August 2009
MOD 2	Modification Application No. DA-261-8-2002-i MOD 2 – Environmental Assessment titled “ <i>Rangers Valley Feedlot DA Modification, Report No: 24072.87581, Rev F</i> ”, prepared by EnviroAg Australia Pty Ltd and dated 18 July 2018, and amended by Response to Submissions titled “ <i>Development Application 261-8-2002-I MOD 2 – Notice of Section 4.55(1A) – Modification to Rangers Valley Cattle Feedlot – Response to Submissions Report, Version V1R2</i> ” prepared by RDC Engineers Pty Ltd and dated 20 June 2019
Planning Secretary	Planning Secretary under the EP&A Act, or nominee

2. Replace all references to “Director-General” with “Planning Secretary”; “DECCW” with “EPA” and “shall” with “must”.
3. Delete Conditions 1.2 and 1.2A, accompanying table and subheading “Scope of Development” and replace with new subheadings and new Conditions 1.2 to 1.2B:

### Terms of Consent

- 1.2 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 documents and additional information outlined in Appendix No. 2;
- d) in accordance with the Development Layout in Appendix No. 3;
- e) in accordance with MOD 1; and
- f) in accordance with MOD 2.

- 1.2A 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 1.2Aa).

- 1.2B 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 1.2c), e) or f). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in conditions 1.2c), e) or f), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

4. Delete Condition 3.29 and replace with the following:

- 3.29 The Applicant must ensure that wastewater is only applied to the ‘effluent utilisation areas’ as identified in Drawing No. A8-114-20-08, Revision B, *Proposed Additional Effluent Irrigation Area*, dated 10 June 2019, included in Appendix No. 3.

5. Insert new Condition 3.29A after Condition 3.29 as follows:

- 3.29A Notwithstanding condition 3.29, the Applicant shall not apply wastewater (effluent) to new effluent utilisation areas approved under MOD 2 within:
  - a) 100 metres of the Severn and Beardy Rivers; or

- b) 25 metres of any internal drainage lines serviced by terminal ponds; or
  - c) 50 metres of any internal drainage lines that do not have terminal ponds; or
  - d) 50 metres of public roads; or
  - e) 50 metres of any public spaces.
- 6. Insert new Condition 3.30A after Condition 3.30 as follows:
 

3.30A The Applicant must only apply effluent to irrigation areas via spray, pivot or drip irrigation methods.
- 7. Delete Condition 3.31 and replace with the following:
 

3.31 The Applicant must ensure that solid wastes (manure) are only be applied to the 'manure utilisation areas' as identified in Drawing No. A8-114-20-09, Revision B, *Proposed Additional Manure Application Area*, dated 10 June 2019, included in Appendix No. 3.
- 8. Delete Condition 3.33c) and insert new Conditions 3.33c) and 3.33d) as follows:
 

3.33 Notwithstanding condition 3.31, the Applicant must not apply solid wastes (manure):

  - a) on any site that may lead to the contamination of groundwater; or
  - b) within 100 metres of any watercourse; or
  - c) within 50 metres of any public road; or
  - d) within 50 metres of any public spaces.
- 9. In Conditions 3.37 and 3.38, replace "7:00am" with "5:00am".
- 10. Insert new Condition 3.49A, 3.49B and 3.49C after Condition 3.49 as follows:
 

3.49A Prior to undertaking any clearing of 'Blakely's Red Gum – Yellow Box grassy woodland (PCT 510)', or activities that have the potential to impact upon this plant community type, the Applicant must purchase and retire **eight (8)** ecosystem credits and **nineteen (19)** species credits to offset the removal/disturbance of 0.59 hectares of native vegetation including the removal of seven paddock trees at the site. The ecosystem credits must be retired in accordance with the requirements of the EES Group's Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.

3.49B The requirement to retire like-for-like ecosystem credits (see Condition A1) 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.

3.49C The Applicant must provide the Planning Secretary with evidence that:

  - c) the retirement of ecosystem credits has been completed (see Condition A1); or
  - d) a payment has been made to the Biodiversity Conservation Fund (see Condition A2), prior to undertaking any clearing of PCT 510, or activities that have the potential to impact upon this plant community type.
- 11. Delete Condition 6.3h) and insert new Condition 6.3h) as follows:
 

6.3 The Applicant shall prepare and implement an **Operational Environmental Management Plan (OEMP)** to detail an environmental management framework, practices and procedures to be followed during operation of the development. The plan shall include, but not necessarily be limited to:

  - h) the environmental monitoring requirements outlined under conditions 4.1 to 4.8 of this consent, inclusive; and
- 12. Insert new subheading and Conditions 6.7, 6.8 and 6.9 after Condition 6.6 as follows:

#### **Revision of Strategies, Plans and Programs**

- 6.7 Within three months of:
  - a) the submission of a Annual Environmental Management Report under condition 7.3;
  - b) the submission of an incident report under condition 7.1;
  - c) the submission of an Environmental Audit under condition 4.11;
  - 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 1.2(b) which requires a review,
- 6.8 the strategies, plans and programs required under this consent must be reviewed.
- 6.9 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.

13. Insert new Appendix No. 2 after Appendix No. 1 titled "EIS and Supporting Documentation" as shown in Attachment A of this modifying instrument.
14. Insert new Appendix No. 3 after Appendix No. 2 titled "Development Site Layout Plans" as shown in Attachment B of this modifying instrument.

## ATTACHMENT A: EIS and Supporting Documentation

Drawing No. or Document	Dated	Prepared or Drawn By
Rangers Valley Feedlot Expansion – Environmental Impact Statement, Volumes One to Three	August 2002	E.A. Systems Pty Ltd
Rangers Valley Feedlot Expansion – Environmental Impact Statement Appendix	21 February 2003	E.A. Systems Pty Ltd
Additional information supplied to the Department regarding odour modelling	18 December 2002	Holmes Air Sciences
Additional information supplied to the Department regarding odour modelling	21 February 2003	Holmes Air Sciences
Revised Threatened Species Assessment Rangers Valley Feedlot Expansion	21 November 2002	E.A. Systems Pty Ltd
Environmental Assessment – Rangers Valley Feedlot DA Modification, Report No: 24072.87581, Rev F	23 July 2018	EnviroAg Australia Pty Ltd
Development Application 261-8-2002-i MOD 2 – Notice of Section 4.55(1A) – Modification to Rangers Valley Cattle Feedlot – Response to Submissions Report, Version V1R2	20 June 2019	RDC Engineers Pty Ltd
Biodiversity Development Assessment Report – Rangers Valley Feedlot – Proposed manure and effluent utilisation areas – Version V3.3	20 September 2019	AREA Environmental Consultants & Communication Pty Ltd
Revised NW/SW Catchment Design and Modelling, Revision 0	14 December 2018	EnviroAg Australia Pty Ltd
Aboriginal Heritage Assessment Review – Proposed cattle feedlot expansion – Rangers Valley Cattle Station Pty Ltd	November 2018	Artefact and Aspect Pty Ltd

## ATTACHMENT B: Development Site Layout Plans

Drawing No.	Issue	Date	Title
<b>Rangers Valley Feedlot Catchment Plans by RDC Engineering Pty Ltd</b>			
A8-114-20-01	Rev B	10 June 2019	Locality Plan
A8-114-20-08	Rev B	10 June 2019	Proposed Additional Effluent Irrigation Areas
A8-114-20-09	Rev B	10 June 2019	Proposed Additional Manure Application Area
A8-114-20-10	Rev B	10 June 2019	Proposed Additional Manure Application Area – Middle Swamp
A8-114-20-11	Rev B	10 June 2019	Proposed Additional Manure Application Area – Top Sugarloaf
A8-114-20-12	Rev B	10 June 2019	Proposed Additional Manure Application Area – Perkins 3 & 4
A8-114-20-13	Rev B	10 June 2019	Proposed Additional Manure Application Area – Rixons
A8-114-20-14	Rev B	10 June 2019	Proposed Additional Manure Application Area – Back Paddock
A8-114-20-15	Rev B	10 June 2019	Proposed Additional Manure Application Area – Four Mile
A8-114-200-02	Rev B	4 March	Reconfiguration of Southwest Catchment Holding Ponds, Holding Pond 2 – Layout Plan
A8-114-300-02	Rev B	4 March	Reconfiguration of Southwest Catchment Holding Ponds, Holding Pond 3 – Layout Plan
<b>Rangers Valley Feedlot Pen Configuration Plans by Osborn Consulting Engineers Pty Ltd</b>			
WK19-0023/ C0	Rev B	26 April 2019	General Arrangement
WK19-0023/ C1	Rev B	26 April 2019	Earthworks Layout – Zone 7
WK19-0023/ C11	Rev A	10 May 2019	Earthworks Layout – Zone 6
WK19-0023/ C21	Rev A	10 May 2019	Earthworks Layout – Zone 2