

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**DETERMINATION OF A DEVELOPMENT APPLICATION
FOR STATE SIGNIFICANT, DESIGNATED & INTEGRATED DEVELOPMENT
UNDER SECTIONS 80(4) OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979**

I, the Minister for Urban Affairs and Planning, under Sections 76A, 80(4), 80A, 91 & 92 of the Environmental Planning and Assessment Act 1979 and Clause 8 of State Environmental Planning Policy No. 34 – Major Employment Generating Industrial development, determine the Development Application referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

The reasons for imposing these conditions to:

- (i) minimise any adverse environmental effects of the development,
- (ii) defer a decision to grant consent to Stage 2 of the proposed development;
- (iii) provide for the on-going environmental management of the development;
and
- (iv) provide for regular environmental monitoring and reporting on the future performance of the development.



Andrew Refshauge MP

Minister for Urban Affairs and Planning

Sydney 9 November 2000

File No. G95/00448

SCHEDULE 1

Application made by:	Environmental Resources Management Pty Ltd, on behalf of Wingham Abattoirs Pty Ltd ("The Applicant")
To:	The Minister for Urban Affairs and Planning ("the Minister")
In respect of:	Lots 404, 409 DP 754454, Lots 2, 3 DP 247394, Lots 1, 2 DP 550291, Lot 1 DP 254566, Lot 1 DP 857939, Lot 1 DP 301704, Lot 39 DP 5885108, Lot B DP 449000, Lot 2 DP 607154, Lots 10, 11 DP 5662988, Lot 102 DP 812008, Lot 125 DP 754422, and Lots 12, 13, 14, 81, 82 DP 754454.
For the following development:	Stage 1: Involves the construction of 6 new beef side chillers, the construction of the previously approved extension of the boning room, the demolition of the old boiler house, the upgrading of the central plant room to provide the refrigeration for the new chillers, the expansion of the land used for irrigation,

and the construction of a new wet-weather storage dam on the irrigation property. These works will enable the kill rate to be increased from between 7-800 to 1,200 cattle a day.

Stage 2: Involves the extension of the existing rendering plant building, the enclosure of the existing boiler house building, and the introduction of additional equipment into the rendering plant to create two parallel systems. These works will enable all rendering to be conducted onsite, and the processing rate of the plant to be increased from 40 to 160 tonnes a day.

Stage 3: Involves the construction of a large, stand-alone blast chiller and freezer complex, the construction of a new cooled conveyor system across the railway line to connect the freezer complex to the abattoir, associated roadworks, and the relocation of an existing sewer main. These works will enable up to 60,000 cartons of finished product to be stored on the site.

Development Application:

DA No. 05-00-173 lodged with the Department of Urban Affairs and Planning on 25 May 2000, accompanied by an Environmental Impact Statement prepared by ERM, dated 10 April 2000.

State Significant Development:

The proposed development is an "intensive livestock operation" that will employ over 20 additional people full-time. It therefore satisfies the criteria in Schedule 1 of *State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development*, and is classified as State Significant Development. Consequently, the Minister for Urban Affairs and Planning is the consent authority for the development application.

Integrated Development:

The proposed development requires separate approvals from the Environment Protection Authority under *Protection of the Environment Operations Act 1997*; the Department of Land and Water Conservation under Part 5 of the *Rivers and Foreshores Improvement Act 1948*; and the Greater Taree City Council under Section 138 of the *Roads Act 1993*. It is therefore classified as Integrated

Development. under Section 91 of the Act. The DLWC and Greater Taree City Council have granted their General Terms of Approval for the proposed development. The EPA, however, has granted its General Terms of Approval for Stages 1 & 3 of the proposed development, but has decided to withhold its General Terms of Approval for the proposed Stage 2 works until the Applicant has provided additional information on the proposed odour control system for the upgraded rendering plant.

BCA Classification:

Chiller Block	Class 7
Boning Room Extension	Class 8
Rendering Plant Extension	Class 8
Freezer Complex	Class 7

NOTE:

- 1) To ascertain the date upon which the consent becomes effective, refer to Section 83 of the Act.
- 2) To ascertain the date upon which the consent is liable to lapse, refer to Section 95 of the Act.
- 3) Section 97 of the Act confers on an Applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after the receipt of notice.

SCHEDULE 2

Conditions of Development Consent

Abbreviation and Interpretation

The Act	Environmental Planning and Assessment Act 1979, as amended
The Applicant	Wingham Beef Exports Pty. Ltd.
Approval from the EPA:	means approval in writing by the EPA or as specified as a condition of a licence.
Council	Greater Taree City Council
C	Degrees Celsius
DA	Development Application
The Department	The Department of Urban Affairs and Planning
The Director-General	The Director-General of the Department of Urban Affairs and Planning, or delegate
DLWC	The Department of Land and Water Conservation
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EPA	Environment Protection Authority

GTA	General Terms of Approval
L _{AEQ15min}	Average noise level, when measured over a 15 minute period.
M	Metres
ML	Megalitres
M/s	metres per second
M ³ /s	cubic metres per second
NPWS	National Parks and Wildlife Service
OU	Odour units

GENERAL

Obligation to Minimise Harm to the Environment

1. The Applicant must implement all practicable measures to prevent or minimise any harm to the environment throughout the life of the development.

Terms of Approval

2. The development must be carried out generally in accordance with:
 - (a) DA No. 05-00-173 submitted to the Department of Urban Affairs and Planning;
 - (b) the Environmental Impact Statement, titled "Wingham Abattoir Upgrade", dated April 2000, and prepared by ERM for Wingham Beef Exports Pty. Ltd.;
 - (c) the additional information supplied to the Environment Protection Authority by ERM in the letter dated 29 June 2000;
 - (d) the relevant prescribed conditions in clause 78 of the *Environmental Planning & Assessment Regulation 1994*; and
 - (e) these conditions.

If there is any inconsistency between the above, these conditions must prevail.

Restrictions on Operations

3. The abattoir kill rate must not exceed 1,200 head of cattle per day.

Note: Any increase in the kill rate above 1,200 head per day will require further assessment under the EP&A Act 1979.

Structural Adequacy

4. Before any construction work starts for Stages 1 or 3, the Applicant shall obtain a construction certificate for the proposed development from the Principal Certifying Authority.
5. Before commissioning Stages 1 or 3 of the development, the Applicant shall obtain an occupation certificate for the development from the Principal Certifying Authority.

STAGED DEVELOPMENT

6. Under Section 80(4) of the Act, this consent is issued only for Stages 1 & 3 of the development.
7. Under Section 80(5) of the Act, the Applicant will require a further consent from the Minister for Stage 2 of the development.
8. A consent granted in accordance with Condition 7 does not require a further development application under Section 78A of the Act. However, the Applicant shall submit the detailed information required in these conditions to the Director-General, who shall consult with any relevant authorities and consider any submissions before Stage 2 of the development is determined.

COMPLIANCE & COMPLIANCE REPORTS

9. Throughout the life of the development, the Applicant must secure, renew, maintain, and comply with all the relevant statutory approvals applying to the development.
10. At least two weeks before increasing the kill rate, the Applicant must certify in writing to the Director-General that it has obtained all the necessary statutory approvals, and complied with all the relevant conditions of this consent, and/or any other statutory requirements for this development.
11. At least two weeks before starting the Stage 3 construction works, the Applicant must certify in writing to the Director-General that it has obtained all the necessary statutory approvals, and complied with all the relevant conditions of this consent, and/or any other statutory requirements for this development.
12. At least two weeks before commissioning each stage of the development, the Applicant must certify in writing to the Director-General that it has obtained all the necessary statutory approvals, and complied with all the relevant conditions of this consent, and/or any other statutory requirements for this development.

ENVIRONMENTAL MANAGEMENT PLANS

Construction Management Plan

13. The Applicant must prepare and implement a Construction Management Plan for each of the three stages of construction. The Construction Management Plan must:
 - (a) Describe the proposed construction works;
 - (b) Outline the proposed construction work program;
 - (c) Identify the relevant statutory requirements and conditions of consent that apply to the construction phase of the development;
 - (d) Set standards and performance measures for each of the relevant environmental matters associated with the construction works;

- (e) Describe what actions and measures will be implemented to mitigate the potential impacts of the construction works, and to ensure that these works will comply with the relevant standards and performance measures;
- (f) Describe in detail what measures and procedures will be implemented to:
 - Manage construction traffic;
 - Prevent erosion and sediment runoff from the site;
 - Mitigate any potential dust impacts;
 - Prevent soil contamination;
 - Register and respond to complaints during the construction period;
 - Ensure the occupational health and safety of construction workers;
 - Respond to any emergencies; and
 - Respond to the discovery of any archaeological relics or sites during site works.
- (g) Explain how these measures will be monitored, and what actions will be taken if any non-compliance is detected;
- (h) Describe the role, responsibility, authority, accountability, and reporting of key personnel involved in the construction of the development; and
- (i) Include the following components:
 - An Erosion and Sediment Control Plan, prepared in accordance with the Department of Housing's publication "*Managing Urban Stormwater*";
 - A detailed Stormwater Management Scheme;
 - Procedures for the management of hazardous materials (e.g. fuels, oils, asbestos); and
 - A Landscape Management Plan (see Conditions 53-54).

14. No construction work may occur before this plan has been approved by the Director-General.

Environmental Management Plan

15. The Applicant must prepare, implement, and regularly update an Environmental Management Plan for all future operations at the abattoir. The Environmental Management Plan must:
- (a) Describe the proposed operations;
 - (b) Identify all the relevant statutory requirements that apply to the development;
 - (c) Set standards and performance measures for each of the relevant environmental issues;
 - (d) Describe what actions and measures will be implemented to mitigate the potential impacts of the development, and to ensure that the plant meets these standards and performance measures;
 - (e) Incorporate the detailed Environmental Monitoring Program (see below);
 - (f) Describe what measures and procedures will be implemented to:
 - Register and respond to complaints;
 - Ensure the operational health and safety of the workers at the abattoir; and
 - Respond to potential emergencies, such as plant failure;

- (g) Describe the role, responsibility, authority, and accountability of all the key personnel involved in the operation of the development; and
 - (h) Include, but not be limited to:
 - An Odour Control Plan (see Conditions 41-45);
 - A Noise Reduction Plan (see Conditions 46-47);
 - An Irrigation Management Plan (see Conditions 48-51); and
 - A Paunch Disposal Management Plan (see Conditions 51-52).
16. The Applicant must ensure that a copy of the Environmental Management Plan is available for viewing by the public.
17. The kill rate may not exceed 800 cattle a day before this Environmental Management Plan has been approved by the Director-General.
18. The Applicant must review and update this Environmental Management Plan after each stage of construction, and then from time to time, or as directed by Director-General.

ENVIRONMENTAL MONITORING PROGRAM

19. The Applicant must prepare and implement a detailed Environmental Monitoring Program for the development. The program should be prepared in consultation with the Greater Taree Council and the EPA, and must:
- (a) Identify what environmental issues will be monitored.
 - (b) Set standards and performance measures for each of these issues; and
 - (c) Describe in detail how these issues will be monitored, who will conduct the monitoring, how often the monitoring will be conducted, and how the results of this monitoring will be recorded and reported to the Director-General and other relevant authorities; and
 - (d) Indicate what actions will be taken, or procedures followed, if any non-compliance is detected.
20. The Environmental Monitoring Program must include the following:
- (a) An odour monitoring program to evaluate the effectiveness of any odour control devices;
 - (b) A noise compliance monitoring program, to determine the level of compliance with the noise criterion indicated in Condition 30.
 - (c) A wastewater monitoring program;
 - (d) A stormwater monitoring program for stormwater from the abattoir, irrigation area and paunch disposal area. This shall include regular monitoring of surface water upstream and downstream of the three sites. Water quality parameters to be tested should include Biochemical Oxygen Demand, pH, Total Dissolved Solids, Ammonia, Oxidised nitrogen, Total Kjeldahl nitrogen, Total phosphorous, electrical conductivity, chloride and sulphate;
 - (e) A groundwater monitoring program at the irrigation area and the paunch disposal area. The groundwater shall be tested for Biochemical Oxygen Demand, pH, Total Dissolved Solids, Ammonia, Oxidised nitrogen, Total Kjeldahl nitrogen, Total phosphorous, electrical conductivity, chloride and sulphate; and

- (f) A soil quality monitoring program at both the irrigation and the paunch disposal area.
- 21. The kill rate may not exceed 800 cattle a day before this program has been approved by the Director-General.
- 22. The detailed results from the monitoring program must be included in the Annual Environmental Management Report to the Director-General.

ANNUAL ENVIRONMENTAL MANAGEMENT REPORT

- 23. Twelve months after commissioning Stage 1 of the development, and annually thereafter for the duration of the development, the Applicant must submit an Annual Environmental Management Report to the Director-General. This report must:
 - (a) Identify all the standards, performance measures, and statutory requirements the development is required to comply with;
 - (b) Review the environmental performance of the development to determine whether it is complying with these standards, performance measures, and statutory requirements.
 - (c) Identify all the occasions during the previous year when these standards, performance measures, and statutory requirements have not been complied with;
 - (d) Include a summary of any complaints made about the development, and indicate what actions were taken (or are being taken) to address these complaints;
 - (e) Include the detailed reporting from the Environmental Monitoring Program (see Conditions 19-22), and identify any trends in the monitoring over the life of the project; and
 - (f) Where non-compliance is occurring, describe what actions will be taken to ensure compliance, who will be responsible for carrying out these actions, and when these actions will be implemented.
- 24. After reviewing the Annual Environmental Management Report, the Director-General may require the Applicant to address certain matters identified in the report. The Applicant must comply with any reasonable requirements of the Director-General.

INDEPENDENT ENVIRONMENTAL AUDIT

- 25. Within 12 months of increasing the kill rate of the abattoir above 800 cattle a day, and every three years thereafter, unless the Director-General directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit. The Independent Environmental Audit must:
 - (a) Be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;
 - (b) Be consistent with *ISO 14010 – Guidelines and General Principles for Environmental Auditing*, and *ISO 14011 – Procedures for Environmental Auditing*, or updated versions of these guidelines/manuals;

- (c) Assess the environmental performance of the development, and its effects on the surrounding environment;
 - (d) Assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;
 - (e) Review the adequacy of the Applicant's Environmental Management Plan, and Environmental Monitoring Program; and, if necessary,
 - (f) Recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring systems.
26. Within 2 months of commissioning the audit, the Applicant must submit a copy of the audit report to the Director-General. After reviewing the report, the Director-General may require the Applicant to address certain matters identified in the report. The Applicant must comply with any reasonable requirements of the Director-General.

DISPUTE RESOLUTION

27. If the Applicant, the Greater Taree Council, and/or any NSW Government agency, other than the Department of Urban Affairs and Planning, cannot agree on any aspect of this consent, the matter shall be referred by any of these parties to the Director-General, or if necessary the Minister, whose determination on the dispute shall be binding on all parties¹.

ENVIRONMENTAL STANDARDS AND CONDITIONS

Noise

28. Construction activities must be restricted to 7 am to 6pm Monday to Friday, and 8 am to 1pm on Saturdays. No construction activities are permitted on Sundays or public holidays unless they are approved in writing by the EPA.
29. Cattle must not be unloaded on the abattoir site between 10pm and 6am.
30. Following each stage of development, the abattoir must comply with the noise criterion predicted in tables 8.10 and 8.11 on page 8.17 of the EIS, which are summarised in the table below:

Receptor	Noise Criterion ($L_{Aeq15min}$)	
	Day / Night	Evening
139 Gloucester Rd	47	44
1310 Gloucester Rd	45	42
1329 Gloucester Rd	42	40
30 Richardson St	42	40
2 Country Club Drive	36	32
1272 Gloucester Rd	41	40

¹ This condition does not apply to matters governed by any General Terms of Approval.

The noise emission levels apply for prevailing meteorological conditions (winds up to 3 m/s) except under conditions of temperature inversions.

Wastewater

31. The wastewater treatment and disposal system proposed in the EIS, including the 80.6 ML wet weather storage dam, must be constructed and fully operational before the kill rate is increased above 800 cattle a day.
32. The Applicant must sustainably manage a minimum area of 192 hectares of land for the irrigation of the treated effluent.
33. The Applicant must establish and maintain buffer areas between all watercourses which run with water during significant rainfall events and the effluent disposal area. The buffer areas must be at least 40 m wide. The location of these buffer areas must be indicated in the Irrigation Management Plan.
34. No wastewater irrigation or disposal is permitted within 100m of Dingo Creek or any permanent watercourse.
35. The Applicant must enter into a trade waste agreement with MidCoast Water before any additional wastewater is discharged to the sewerage system.

Parking & Unloading

36. The applicant must design and construct at least 30 new car parking spaces on the abattoir site, and 18 new parking spaces on the new freezer complex site in accordance with the Council's Parking Development Control Plan. The parking spaces on the abattoir site must be constructed to the satisfaction of Council before the kill rate is increased above 800 cattle a day. The parking spaces on the freezer complex site must be constructed to the satisfaction of Council before the freezer complex is commissioned.
37. The Applicant must ensure that all the parking generated by the abattoir is accommodated on site.
38. All loading and unloading of trucks is to occur wholly within the abattoir, freezer complex, irrigation or paunch disposal sites.

Road Works

39. The applicant must design and construct, or bear the costs of designing and constructing, the following road works:
 - (a) The upgrade of the intersection of Murray Road and Myall Street; and
 - (b) The upgrade of Myall Street between the intersection of Murray Road and Myall Street and the freezer complex driveway.
40. These road works must be capable of handling B-Double traffic, and must be approved by Council and constructed before the Stage 3 construction works begin.

ODOUR CONTROL PLAN

41. The Applicant must prepare and implement a detailed Odour Control Plan for Stage 1 of the development that includes:
 - (a) A detailed evaluation of the efficiency of the blood dryer scrubber;
 - (b) An assessment of the odour impacts associated with the paunch disposal area and the wastewater treatment / irrigation area;
 - (c) Describe what actions and measures will be implemented to reduce the odour impacts associated with the abattoir, paunch disposal area, and wastewater treatment / irrigation area; and
 - (d) An action plan for implementing these proposed odour reduction measures.
42. The kill rate may not exceed 800 cattle a day before the Odour Control Plan for Stage 1 of the development has been approved by the EPA and the Director-General.
43. The Applicant shall comply with any reasonable requirements of the EPA or Director-General with regard to any actions or management measures arising from the assessment of the Odour Control Plan for Stage 1 of the development.
44. The Applicant must prepare a detailed Odour Control Plan for Stage 2 of the development. This plan must include:
 - (a) A detailed description of the proposed odour control system for the rendering plant, which includes a process flow diagram of the odour capture and control system, and the following information for each odour source:
 - The ventilation rate (as m^3/s and air changes per hour), expected odour concentration OU/m^3 , flow rate (OU/s) and temperature ($^{\circ}\text{C}$);
 - Details of the odour capture devices (eg hooding, ducting) and the location of these devices relative to the odour sources; and
 - Details of proposed measures to monitor all relevant air pollution control equipment to ensure efficient operation under all operating conditions.
 - (b) Revised odour dispersion modelling for the proposed works, which includes detailed information on the odour emission rates for all odour sources and meteorological data input files, and justification for any assumptions made in the dispersion modelling
 - (c) Estimates predicting the number of occasions when odours will exceed the levels predicted annually at the most affected residential receivers.
45. The Applicant must submit the Odour Control Plan for Stage 2 of the development to the EPA and the Director-General when it seeks consent for Stage 2 of the development.

NOISE REDUCTION PLAN

46. The Applicant must prepare and implement a Noise Reduction Plan for the development that includes:

- (a) An assessment of the potential noise impacts associated with introducing a second kill shift at the abattoir, and intensifying the boning operations after 3pm, following the Stage 1 works;
 - (b) Proposals to mitigate the potential noise impacts of Stage 1 so that the abattoir is able comply with the noise criterion in tables 8.10 and 8.11 of the EIS; and
 - (c) A description of the proposed procedures for minimising the potential noise impacts associated with stock handling and employees leaving work at 11.30pm.
47. The kill rate must not exceed 800 cattle a day before the Noise Reduction Plan has been approved by the Director-General.

IRRIGATION MANAGEMENT PLAN

48. The Applicant must prepare and implement an Irrigation Management Plan for the irrigation area. The Plan must:
- (a) Describe the irrigation system in detail, including the location of the proposed buffer areas, and the location of the proposed bunds;
 - (b) Identify standards and performance measures for evaluating the performance of the irrigation system;
 - (c) Describe what actions and measures will be implemented to minimise any adverse impacts associated with the irrigation system, particularly on the area's surface water, groundwater and soils;
 - (d) Describe how the irrigation system will be managed and maintained;
 - (e) Explain how the performance of the irrigation system will be monitored; and
 - (f) Describe what actions or procedures will be implemented if the system fails.
49. The Irrigation Management Plan must include a Nutrient Reduction Strategy, which describes what measures will be implemented to reduce the nutrient load in the treated wastewater, and includes an investigation of measures proposed in the EIS and the letter to the Environment Protection Authority from ERM dated 29 June 2000.
50. The Irrigation Management Plan must be forwarded to the EPA, DLWC and the Director General, and approved by the Director-General before the kill rate may be increased above 800 cattle a day.
51. The Applicant shall comply with any reasonable requirements of the Director-General with regards to any actions or management measures arising from the assessment of the Irrigation Management Plan.

PAUNCH DISPOSAL MANAGEMENT PLAN

52. The Applicant must prepare and implement a Paunch Management Plan for the development. The Plan must:
- (a) Describe the paunch disposal system in detail;
 - (b) Identify standards and performance measures to evaluate the performance of the paunch disposal system;

- (c) Investigate in detail the potential health risks associated with the disposal of paunch;
 - (d) Describe what actions and measures will be implemented to minimise any adverse impacts or potential health risks associated with the disposal of paunch;
 - (e) Describe how the paunch disposal system will be managed and maintained;
 - (f) Explain how the performance of the paunch disposal system will be monitored; and
 - (g) Describe what actions or procedures will be implemented if the paunch disposal system is not complying with the identified standards and performance measures.
53. The paunch disposal rate must not exceed 6 tonnes a day before the Paunch Disposal Management Plan has been approved by the Director-General.
54. The Applicant shall comply with any reasonable requirements of the Director-General with regards to any actions or management measures arising from the assessment of the Paunch Disposal Management Plan.

LANDSCAPE MANAGEMENT PLAN

55. The Applicant must prepare and implement a Landscape Management Plan for the development. This Plan should be prepared in consultation with the Council, and must:
- (a) Describe what actions and measures will be implemented to minimise the potential flora and fauna impacts associated with the removal of vegetation before the construction of the freezer complex in Stage 3;
 - (b) Explain how the existing vegetation on the freezer complex site will be protected during the Stage 3 construction works;
 - (c) Describe in detail what landscaping and planting will be provided on the freezer complex site to screen the complex from the residential area to the west, and to replace the vegetation removed during the Stage 3 construction works; and
 - (d) Describe how this landscaping will be managed and maintained over time.
56. The Stage 3 construction works may not begin before the Landscape Management Plan has been approved by the Director-General.
57. The Applicant shall comply with any reasonable requirements of the Director-General with regards to any actions or management measures arising from the assessment of the Landscape Management Plan.

LIGHTING

58. The Applicant must ensure that any external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting must be the minimum level of illumination necessary.