DETERMINATION OF A DEVELOPMENT APPLICATION FOR STATE SIGNIFICANT, DESIGNATED AND INTEGRATED DEVELOPMENT PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

I, the Minister for Infrastructure and Planning, pursuant to section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act") determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

a) minimise any adverse environmental impacts associated with the development;
b) ensure effective on-going environmental and safety management of the development; and
c) provide for regular monitoring and reporting in the development.

Craig Knowles MP
Minister for Infrastructure and Planning

Sydney, 4/5/ 2004

File No. N02/00053

SCHEDULE 1

Application made by:	Proten Karuah Ltd ("the Applicant').
To:	The Minister for Infrastructure and Planning ("the Minister").
In respect of:	Lot 14 DP 1024340 and Lot 50 DP 1036893, Branch Lane, Karuah, Great Lakes local government area.
For the following:	Construction and operation of a poultry broiler farm and associated infrastructure ("the development"), as described in *Environmental Impact Statement, Proposed Poultry Farm, The Branch Lane, via Karuah – Great Lakes* LGA, *ProTen Karuah Ltd* (two volumes) prepared by Barker Harle Pty Ltd and dated October 2002.
Development Application:	Integrated DA No. 390-11-2002-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 14 November 2002, accompanied by *Environmental Impact Statement, Proposed Poultry Farm, The Branch Lane, via Karuah – Great Lakes* LGA, *ProTen Karuah Ltd* (two volumes) prepared by Barker Harle Pty Ltd and dated October 2002;
State Significant Development	Under Section 76A(7) of the Act, the development is classified as State Significant development by virtue of it being a development to which *State Environmental Planning Policy No. 34 – Major-Employment Generating Industrial Development* applies.

BCA Classification:

1a –	Residential houses
10a –	Poultry Sheds, Machine Shed, Lunch Rooms and Fuel Storage
10b –	Freezer and Silo

Note:

1) To ascertain the date upon which this consent becomes effective, refer to section 80 of the Act.
2) To ascertain the date upon which this consent is liable to lapse, refer to section 95 of the Act.
3) If the Applicant is dissatisfied with this determination, section 97 of the Act grants him or her a right of appeal to the Land and Environment Court, which is exercisable within 12 months of receiving notice of this determination.

KEY TO CONDITIONS

SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	*Environmental Planning and Assessment Act, 1979*
AEMR	Annual Environmental Management Report
Applicant	ProTen Karuah Ltd
BCA	Building Code of Australia
construction	any activity requiring a Construction Certificate, significant excavation work, road works, demolition, or any construction related activity as described in DA-390-11-2002-i
Council	Great Lakes Council
EPA	NSW Environment Protection Authority (now part of Department of Environment and Conservation at the time of determination of this consent)
Department	NSW Department of Infrastructure, Planning and Natural Resources (incorporating the former NSW Department of Planning and NSW Department of Land and Water Conservation).
Department (Hunter Regional Office)	specifically relating to the Hunter Regional Office of the former NSW Department of Land and Water Conservation
development	the development to which this consent applies, the scope of which is described in the documents listed under condition 1.2 of this consent
Director-General	Director-General of the NSW Department of Infrastructure, Planning and Natural Resources, or delegate
dust	any solid material that may become suspended in air or deposited
EIS	Environmental Impact Statement for the poultry broiler farm entitled *Environmental Impact Statement, Proposed Poultry Farm, The Branch Lane, via Karuah – Great Lakes* LGA, *ProTen Karuah Ltd* (two volumes) prepared by Barker Harle Pty Ltd and dated October 2002
EPL	Environment Protection Licence issued under the *Protection of the Environment Operations Act, 1997*
Minister	NSW Minister for Infrastructure and Planning, or delegate
NPWS	NSW National Parks and Wildlife Service (now part of Department of Environment and Conservation at the time of determination of this consent)
operation	commissioning of any stage of works as described in he development application for this development
Principal Certifying Authority	the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Regulation	*Environmental Planning and Assessment Regulation, 2000*
POEO Act	*Protection of the Environment Operations Act, 1997*
site	the land to which this consent applies

1. GENERAL

Obligation to Minimise Harm to the Environment

1.1 The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, commissioning, operation and where relevant, the decommissioning of the development.

Scope of Development

1.2 The Applicant shall carry out the development generally in accordance with:

a) Development Application No. 390-11-2002-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 14 November 2002;

b) *Environmental Impact Statement, Proposed Poultry Farm, The Branch Lane, via Karuah – Great Lakes LGA, ProTen Karuah Ltd Volumes 1 and 2,* dated October 2002 and prepared by Barker Harle Pty Ltd;

c) *Environmental Impact Statement, Proposed Poultry Farm, The Branch Lane, via Karuah – Great Lakes LGA, ProTen Karuah Ltd – Response to Submissions*, dated September 2003 and prepared by Barker Harle Pty Ltd;

d) correspondence from Barker Harle Pty Ltd to the Department, titled *Re: Proposed Poultry Farm: ProTen: The Branch Lane, Karuah* and dated 17 September 2003;

e) correspondence from Holmes Air Sciences to the EPA, titled *Subject: Development application for poultry farm at Karuah (DA-390-11-2002-i)* and dated 10 October 2003;

f) correspondence from Holmes Air Sciences to the EPA, titled *Subject: Development application for poultry farm at Karuah (DA-390-11-2002-i) Total predicted PM_{10} and TSP concentrations* and dated 15 October 2003; and

g) the conditions of this consent.

1.3 In the event of an inconsistency between:

a) the conditions of this consent and any document listed from condition 1.2a) to 1.2e) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and

b) any document listed from condition 1.2a) to 1.2e) inclusive, and any other document listed from condition 1.2a) to 1.2e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Statutory Requirements

1.4 The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Dispute Resolution

1.5 In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.

> Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.

2. COMPLIANCE

2.1 The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

2.2 The Applicant shall be responsible for environmental impacts resulting from the actions of all persons on the site, including contractors, subcontractors and visitors.

2.3 At least two weeks prior to each of the events listed from a) to b) below, or within such period otherwise agreed by the Director-General, the Applicant shall certify in writing to the satisfaction of the Director-General, that it has complied with all conditions of this consent applicable prior to that event.

a) commencement of any construction works on the land the subject of this consent; and
b) commencement of operation activities of the development.

2.4 Notwithstanding condition 2.3 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may require.

2.5 The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may require.

3. CONSTRUCTION AND PART 4A CERTIFICATION

3.1 Prior to the commencement of any construction associated with the development, the Applicant shall erect at least one sign at the construction site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:

a) the name, address and telephone number of the Principal Certifying Authority;
b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
c) a statement that unauthorised entry to the construction site is prohibited.

The sign(s) shall be maintained for the duration of construction works, and shall be removed as soon as practicable after the conclusion of the construction works.

Note: The Applicant shall ensure that all works are carried out in accordance with the *Environmental Planning and Assessment Act 1979* (the Act), the *Local Government Act 1993* (Approvals) Regulations and the Building Code of Australia.

In December 2003, the *Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003* commenced. This Act introduces changes to the Act and Regulation, particularly in relation to Part 4A certification. Some provisions have already commenced, however, the remaining provisions will not commence until 1 March 2004.

4. ENVIRONMENTAL PERFORMANCE

Stocking Density

4.1 [1]The total number of birds kept on-site shall not exceed 1.8 million birds at any one time.

Water Quality

4.2 [2]Except as may be expressly provided by an Environment Protection Licence for the development, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.

4.3 [3]Wastewater management systems shall be constructed and utilised to manage the collection, storage, treatment, use and disposal of sewage effluent and other wastewater.

4.4 [4]The Applicant shall ensure that the application of liquid waste generated by the poultry operations to the designated irrigation areas on-site is in accordance with the EPA's guideline *Utilisation of Treated Effluent by Irrigation* and industry best practice guidelines.

4.5 [5]The Applicant shall ensure that the quality of the effluent applied to the utilisation/disposal areas must not exceed the capacity of the area to effectively utilise the effluent. This includes use of the effluent for pasture or crop production, as well as the ability of the soil to absorb nutrient, salt, hydraulic load, organic matter and other potential contaminants.

Note: Monitoring of soils at utilisation/disposal areas to determine the impact of wastewater application may be required by the EPA.

Groundwater

4.6 Prior to the commencement of operations at the facility, the Applicant shall install groundwater monitoring bores at the site to monitor groundwater quality and to detect any leakage or accessions to the watertable during operations at the site. The number and location of the groundwater bores shall be determined in consultation with the Department (Hunter Regional Office) prior to the commencement of construction activities at the site and shall take into consideration monitoring requirements of the EPA (as specified in condition 5.3 of this consent).

4.7 [6]The Applicant shall obtain a licence from the Department (Hunter Regional Office) under Part 5 (Section 116) of the *Water Act 1912* for groundwater bores required by condition 4.6 prior to the commencement of works associated with the installation of these bores.

Domestic Effluent

4.8 Prior to the commencement of construction activities at the site, the Applicant shall obtain relevant licence agreements from Council under section 68 of the *Local Government Act 1993* for all domestic effluent disposal and management systems on-site.

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[1] Incorporates a EPA General Term of Approval (L4.1)
[2] Incorporates a EPA General Term of Approval (L1.1)
[3] Incorporates a EPA General Term of Approval (O4.1)
[4] Incorporates a EPA General Term of Approval (O4.1)
[5] Incorporates a EPA General Term of Approval (O4.2)
[6] Incorporates a Department General of Term of Approval (2)

Air Quality

Discharge Limits

4.9 [7]The Applicant shall design, construct, commission and operate the development to ensure that the concentrations of nitrogen oxides (NO_x) discharged at that point do not exceed the limits specified in Table 1 below, at the reference conditions specified.

Table 1: Maximum Allowable Discharge Concentration Limits (Air)

Point	Pollutant	Units of Measure	100 Percentile Limit	Reference Conditions	Averaging Period
Point 1 – Gas Heater	nitrogen oxides	mg/m^3	2000	dry, 273K, 101.3 kPa, 7% O_2	Rolling 1-hour average

Note: Condition 4.9 does not authorise the discharge or emission of any other pollutants

Ventilation Exhausts Stack Feasibility Study

4.10 [8]Prior to the commencement of any construction activities, the Applicant shall submit to the EPA (Regional Manager - Hunter) a feasibility study for the installation of stacks on the shed ventilation exhausts to determine whether it is practical and beneficial for the dispersion of air pollutants, to install stacks to disperse emissions from the poultry sheds.

Dust

4.11 [9]The Applicant shall design, construct, commission, operate and maintain the development in a manner that minimises dust emissions from the site.

4.12 All trafficable areas and vehicle manoeuvring areas on the site shall be maintained in a condition that will minimise the generation or emission of wind blown or traffic generated air pollution from the site at all times.

Odour

4.13 [10]No condition of this consent identifies a potentially offensive odour for the purposes of section 129 of the *Protection of the Environment Operations Act 1997*.

Note: Section 129 of the *Protection of the Environment Operations Act 1997* provides that the Applicant shall not cause or permit the emission of any offensive odours from the site but provides a defence if the emission is identified in the relevant environmental protection licence as a potentially offensive odour and that the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

[7] Incorporates a EPA General Term of Approval (L3.1)
[8] Incorporates a EPA General Term of Approval (E2.1 and E2.2)
[9] Incorporates a EPA General Term of Approval (O1.1)
[10] Incorporates a EPA General Term of Approval (L7.1)

Flora and Fauna

Grey-Crowned Babbler Conservation Management Plan

4.14 The Applicant shall prepare and implement a **Grey-Crowned Babbler Management Plan** consistent with *Supporting Document No.8 – Environmental Management Plan* of Volume 2 of the EIS, prepared by Barker Harle Pty Ltd and dated October 2002. The Plan shall be prepared in consultation with the NPWS and Birds Australia, and shall be approved by the Director-General prior to the commencement of operation. The plan shall include, but not necessarily be limited to:

i) a detailed description of the Grey-Crowned Babbler Conservation Area (GcBCA);

ii) details of the goals/objectives of the GcBCA;

iii) description of conservation actions, including fencing, weed and pest control, revegetation, habitat conservation, habitat maintenance to maintain suitable habitat for the Grey-Crowned Babbler community, controlled grazing, information and signage identifying the conservation area and its ecological significance;

iv) roles and responsibilities for conservation actions;

v) methods for the measurement of the success of the GcBCA, including annual monitoring; and

vi) methods for the annual review of the Management Plan.

4.15 Within 12 months of the commencement of operations, the Applicant shall submit a progress report to the Director-General on the Grey-Crowned Babbler Management Plan. This progress report shall include monitoring results and an assessment of the effectiveness of the Grey-Crowned Babbler Conservation Area. The Director-General may require the Applicant to address certain matters in relation to the performance of the development in response to the Department's review of the above report. Any action required to be undertaken shall be completed within such period as the Director-General may require.

Site Rehabilitation

4.16 Prior to the commencement of operations at the broiler facility, the Applicant shall install suitable fencing to exclude cattle from major drainage lines, wetlands and foreshore areas at the site. This fencing shall achieve a minimum 50 metre protection buffer for these areas and shall be completed generally in accordance with Figure 1 (Internal Fencing Plan) as provided in the report titled *Environmental Impact Statement, Proposed Poultry Farm, The Branch Lane, via Karuah – Great Lakes LGA, ProTen Karuah Ltd – Response to Submissions*, dated September 2003 and prepared by Barker Harle Pty Ltd. The Applicant shall maintain this fencing for the life of the development.

4.17 The Applicant shall prepare and implement a **Vegetation Rehabilitation Strategy** for the rehabilitation of the areas contained by the fencing required by condition 4.16 and areas along riparian zones at the site. This strategy shall be prepared generally in accordance with the Environmental Impact Statement (Volumes 1 and 2), the Vegetation Operational Environmental Management Plan (condition 7.5f)) and the Grey Crowned Babbler Conservation Plan (condition 4.14). This strategy shall be submitted within six months following the commencement of construction work at the site for the Director-General's approval. This strategy shall include, but not necessarily be limited to:

i) identification of areas of 'active' planting at the site, including the details and densities of the locally native flora species to planted within these areas. These areas shall include the Grey-Crowned Babbler Conservation Area, vegetation screens and areas along drainage lines;

ii) identification of areas of 'regrowth' at the site, including the identification of native vegetation communities in these areas;

iii) identification of the criteria to assess the progress of the rehabilitation in 'active' and 'regrowth' areas;

iv) details of management and monitoring protocols to adequately manage the areas of 'regrowth' and 'active' planting to ensure the suitable regeneration of vegetation in these areas and the control of pest flora species; and

v) details of contingency measures to be implemented should the progress of the natural 'regrowth' or 'active' planting fall below the set criteria.

Pest Control

4.18 Prior to the commencement of operations, the Applicant shall submit for the approval of the Director-General details of any pest control methods to be used at the site. In seeking this approval, the Applicant shall provide the necessary documentation demonstrating the suitability of the proposed methods with the site operations and how these methods will have a low level risk of death or injury to non-target native fauna species.

Noise Impacts

Construction

4.19 The Applicant shall ensure that all construction activities associated with the development do not exceed the set criteria at the nominated locations specified in conditions 4.23 and 4.24.

4.20 [11]The Applicant shall only undertake construction activities associated with the development, between the following hours:
a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
b) 8:00 am to 6:00 pm on Saturdays; and
c) at no time on Sundays or public holidays.

4.21 [12]Condition 4.20 does not apply in the event of a direction from police or other relevant authority for safety reasons, or to avoid the loss of life, property or damage to the environment. In such circumstances, prior notification must be provided to EPA and affected residents as soon as possible, or within a reasonable period in the case of an emergency.

4.22 [13]The hours of construction activities specified under condition 4.20 of this consent may be varied with the prior written approval of the EPA. Any request to alter the hours of construction activities specified under condition 4.20 shall be accompanied by documentation demonstrating that the amenity of surrounding residents should not be adversely affected by the modified construction periods.

Operation

4.23 [14]The Applicant shall design, construct, operate and maintain the development to ensure that the noise contributions from the development to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 2, at those locations and during those periods indicated.

Table 2: Noise Criteria

Locations	**Day 7am – 6pm Monday to Friday and 7am – 1pm Saturday**	**Evening 6pm – 10pm Monday to Friday**
	$L_{Aeq(15\ minute)}$ (dB(A))	**$L_{Aeq(15\ minute)}$ (dB(A))**
Within 30 metres from any residence or other noise sensitive receptors	35	35

Note: 5dB(A) shall be added to the measured level should the noise be substantially tonal or impulsive in character.

[11] Incorporates a EPA General Term of Approval (L6.4)
[12] Incorporates a EPA General Term of Approval (L6.6)
[13] Incorporates EPA General Term of Approval (L6.7)
[14] Incorporates a EPA General Term of Approval (L6.1 & L6.2)

4.24 [15]At all other times not specified in Table 2, the Applicant shall ensure that noise contributions from the development do exceed 35dB(A)($L_{A10(15\ minutes)}$) at the locations specified in Table 2.

4.25 [16]Noise emission limits specified in conditions 4.23 and 4.24 apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. To address noise emissions from the development that may be enhanced by temperature inversions, the Applicant shall:
(a) document noise complaints received to identify any higher level of noise emissions or patterns of temperature inversions; and
(b) where levels of noise complaints indicate higher level of noise emissions from the development, then actions to quantify and ameliorate any enhanced noise emissions under temperature inversion conditions shall be provided, including details of when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General and the EPA.

Waste Generation and Management

4.26 [17]The Applicant shall not receive waste at the site for storage, treatment, processing or reprocessing, and shall not dispose of waste generated by the development on the site, except as may be expressly permitted by an Environment Protection Licence for the development under the *Protection of the Environment Operations Act 1997.*

Note: The above condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the site if it requires an Environment Protection Licence under the *Protection of the Environment Operations Act 1997.*

Litter Disposal

4.27 [18]Poultry litter shall not be stockpiled or used as fertiliser anywhere on-site.

4.28 Prior to the commencement of construction work associated with the development, the Applicant shall demonstrate to the Director-General that suitable arrangements are in place for the removal and off-site disposal of litter produced during operations at the site.

Incinerator

4.29 The Applicant shall not install or operate an incinerator on-site for the purposes of dead bird disposal.

4.30 Prior to the commencement of construction, the Applicant shall demonstrate to the Director-General that an agreement has been reached with an off-site processor for the suitable disposal of dead birds produced during operations at the site.

[15] Incorporates a EPA General Term of Approval (L.6.1)
[16] Incorporates a EPA General Term of Approval (L6.3)
[17] Incorporates a EPA General Term of Approval (L5.1)
[18] Incorporates a EPA General Term of Approval (O6.1)

On-Site Burial

4.31 Except as otherwise directed by a relevant authority during a bio-security emergency at the site, the Applicant shall not permit the on-site burial of dead birds throughout the life of the development.

4.32 [19]Should the large-scale on-site burial of dead birds be required by a relevant authority during a bio-security emergency at the site, the Applicant shall ensure that this activity is conducted in accordance with the EPA's Environmental Guidelines *Solid Waste Landfills* (1996). The final location of the burial area shall take into consideration quarantine issues and the proximity of the burial area to waterways and neighbouring residences.

4.33 [20]To manage the large-scale burial of dead birds on site during conditions outlined in condition 4.32, the Applicant shall prepare an Emergency Disposal Plan for the broiler facility, as required by 7.5b)b)iii). The Applicant shall provide a copy to the EPA, should it be requested.

Acid Sulfate Soils

4.34 Prior to the commencement of construction of the development, the Applicant shall undertake acid sulfate soil testing for areas to be disturbed during the construction of Dam 3 and Dam 5. Acid sulfate soil testing shall be consistent with the EPA's Environmental Guideline *Assessing and Managing Acid Sulfate Soil* and the Acid Sulfate Soil Management Advisory Committee (ASSMAC) document *Acid Sulfate Soil Manual.* All results of testing for acid sulfate soils shall be submitted to the Director-General.

4.35 Should testing indicate that any acid sulfate soils may be disturbed during works at the site that will disturb soils/ sediments, the Applicant shall prepare and implement an Acid Sulfate Soils (ASS) Management Plan. This Plan shall detail measures to be implemented in relation to the management and handling of any acid sulfate soils identified as a result of the tests required as part of the above condition. The Plan shall be prepared in accordance with the NSW State Government's *Acid Sulfate Soils Manual.* The Plan shall be submitted for the approval of the Director-General prior to the commencement of those works, or as otherwise agreed with the Director-General.

Traffic and Transport

Site Access, Internal Roads and Parking

4.36 All heavy vehicles associated with the development shall only travel to and from the site via The Branch Lane/Pacific Highway intersection.

4.37 Prior to the commencement of any transport to the site involving B-double vehicles, the Applicant shall demonstrate to the satisfaction of the Director-General that the B-double reclassification of The Branch Lane has been approved by Council in consultation with the RTA.

4.38 The Applicant shall not at any time permit access to the site across the common boundary of the site and the Karuah Bypass.

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[19] Incorporates a EPA General Term of Approval (O5.1)

[20] Incorporates a EPA General Term of Approval (O5.1)

Road Works

4.39 [21]Prior to the commencement of any operations at the site, the Applicant shall complete the following works at The Branch Lane intersection to the satisfaction of Council:

(a) Reconstruction of The Branch Lane between the relocated site access point and the Pacific Highway/The Branch Lane intersection to 3 metres wide travelling lanes with 1.2 metre shoulders and 7.2 metre coat bitumen seal;

(b) Construction of a Type B intersection with the bitumen formation extending a minimum of 20 metres past the end of the intersection widening. This intersection shall be designed to cater for B-double turning paths wholly within the travelling lanes; and

(c) Relocation of the site intersection to achieve applicable sight-distances.

The road pavement design for the above road works shall be prepared by a suitably qualified geotechnical consultant, and shall be approved by Council prior to the commencement of any road works.

4.40 Prior to the commencement of any road works associated with the upgrade and reconstruction of The Branch Lane, the Applicant shall consult with the RTA with respect to the design of the reconstructed roadway at the junction of these works with the Branch Lane and Pacific Highway interchange. The Applicant shall comply with any requirements of the RTA with respect to the design of these works.

4.41 [22]Land occupied by the realigned and widened intersection of the Branch Lane with the site access point and upgraded roadway shall be dedicated as a road reserve at no cost to Council prior to the commencement of operations at the site.

Visual Amenity Impacts

4.42 The Applicant shall ensure that all external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadway. The lighting shall be the minimum level of illumination necessary and shall comply with *AS 4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting.*

4.43 Prior to the commencement of construction activities, the Applicant shall submit details of the landscaping works to be undertaken and the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications). Buildings, structures and additional landscaping shall be designed and constructed so as to present a neat and orderly appearance and to blend the development as far as practicable with the surrounding landscape.

4.44 This consent does not permit the display of any advertisement, or the erection of any advertising structure, on the site. This condition does not apply for any advertisement or structure that cannot be seen from the nearest public space, or any signage specified elsewhere in this consent (refer to condition 3.1).

> **Note:** The Applicant may seek development consent from Council for the erection of advertising structures.

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[21] Incorporates a Great Lakes Council General Term of Approval (G.2)
[22] Incorporates a Great Lakes Council General Term of Approval (G.2)

Dangerous Goods

4.45 [23]All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance the requirements of the EPA's Environmental Protection Manual *Technical Bulletin Bunding and Spill Management.*

Heritage

4.46 Prior to any disturbance to the KCF 1 site (as identified in the Archaeological Report prepared by Insite Heritage, dated March 2003 within the Response to Submissions report dated September 2003), the Applicant shall apply and obtain approval of the Director-General of NPWS, under section 90 of the *National Parks and Wildlife Act 1974.*

4.47 Prior to the commencement of any site preparation works or construction activities that would cause the disturbance of topsoil at the site, the Applicant shall adequately notify and invite the Karuah Local Aboriginal Land Council (KLALC) to be present on the site so that they may be provided with the opportunity to monitor the site for any Aboriginal relic during these activities.

4.48 Should any Aboriginal relics be uncovered during any of the construction activities, all construction work in the vicinity of the relic shall cease and the Applicant shall contact NPWS and the KLALC as soon as practicable. The Applicant shall meet the requirements of the NPWS with respect to the treatment, management and/or preservation of any such relic.

Animal Welfare

4.49 Prior to the commencement of operation of the development, the Applicant shall prepare and implement an Animal Care Statement to address all issues associated with the welfare and supervision of the poultry birds, particularly in relation to poultry health, housing, feeding, and handling. The Statement shall be prepared in accordance with the *Australian Model Code of Practice for the Welfare of Animals – Domestic Poultry.*

4.50 Stocking densities within the poultry sheds shall comply at all times with the *Australian Model Code of Practice for the Welfare of Animals – Domestic Poultry.*

Section 94 Contributions

4.51 Prior to the commencement of construction activities at the site, payment of the following contributions listed in Table 3 shall be paid to Council in accordance with the provisions of Section 94 of the Act and specified Section 94 Contribution Plans.

Table 3: Section 94 Contributions

Section 94 Contributions Plan	Contribution
Great Lakes Section 94 Contributions Plan for Branch Lane	$26,350.00
Great Lakes Wide Section 94 Contributions Plan (Version 3)	$1,615.45

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

4.52 Prior to the commencement of construction activities at the site, payment of a contribution in accordance with the provisions of Section 94 of the Act and *Great Lakes Council Section 94 Contributions Plan – Levy on Road Haulage* shall be paid to Council. This contribution shall be based on the rate of 4.6 cents per cubic metre per kilometre hauled on local roads administered by Council.

[23] Incorporates a EPA General Term of Approval (O7.1)

This rate will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

5. ENVIRONMENTAL MONITORING AND AUDITING

5.1 The Applicant shall undertake all monitoring, including recording and reporting of monitoring results, as required under this consent and as may be specified in an Environment Protection Licence for the development.

General Monitoring Requirements

5.2 [24]The results of all monitoring required under this consent shall be:

a) in a legible form, or in a form that can readily reduced to a legible form;
b) kept for at least four years after the monitoring or event to which the results relate took place;
c) produced in a legible form to any authorised officer of the EPA, the DIPNR or the Director-General, upon request; and
d) kept with the following details for each sample required to be collected:
   i) the date(s) on which the sample was collected;
   ii) the time(s) at which the sample was collected;
   iii) the point at which the sample was collected; and
   iv) the name of the person who collected the sample.

Water Quality Monitoring

5.3 [25]The Applicant shall periodically determine the pollutant concentrations and discharge parameters specified in Table 4,Table 5,Table 6 and at the monitoring points and frequency indicated, employing the sampling method specified.

Table 4: Point/s – Representative sample from discharge to effluent utilisation/disposal areas including wastewater holding ponds

Pollutant	Units of Measure	Frequency	Sampling Method
Total Nitrogen	mg/L	every 3 months	Representative sample
Ammonia N	mg/L	every 3 months	Representative sample
Total Kjeldahl Nitrogen	mg/L	every 3 months	Representative sample
Total Phosphorus	mg/L	every 3 months	Representative sample
Reactive Phosphorous	mg/L	every 3 months	Representative sample
Conductivity	uS/cm	every 3 months	Representative sample
pH	pH	every 3 months	Representative sample
Sodium Adsorption Ration (SAR)	SAR	every 3 months	Representative sample
Nitrate Nitrogen	mg/L	every 3 months	Representative sample
Chloride	mg/L	every 3 months	Representative sample
Potassium	mg/L	every 3 months	Representative sample
Calcium	mg/L	every 3 months	Representative sample
Magnesium	mg/L	every 3 months	Representative sample
Sodium	mg/L	every 3 months	Representative sample
Faecal coliforms	CFU/100mL	every 3 months	Representative sample

Note: The frequency of monitoring and the pollutant/s to be monitored may be varied by the EPA once the variability of the effluent quality is established.

[24] Incorporates a EPA General Term of Approval (M1.2 and M1.3)
[25] Incorporates a EPA General Term of Approval (M2.2)

Table 5: Point/s – Surface Water on premises and within creeks/rivers

Pollutant	Units of Measure	Frequency	Sampling Method
Total Nitrogen	mg/L	special frequency 1	Representative sample
Ammonia N	mg/L	special frequency 1	Representative sample
Total Kjeldahl Nitrogen	mg/L	special frequency 1	Representative sample
Total Phosphorus	mg/L	special frequency 1	Representative sample
Reactive Phosphorous	mg/L	special frequency 1	Representative sample
Conductivity	uS/cm	special frequency 1	Representative sample
pH	pH	special frequency 1	Representative sample
Sodium Adsorption Ration (SAR)	SAR	special frequency 1	Representative sample
Nitrate Nitrogen	mg/L	special frequency 1	Representative sample
Chloride	mg/L	special frequency 1	Representative sample
Potassium	mg/L	special frequency 1	Representative sample
Calcium	mg/L	special frequency 1	Representative sample
Magnesium	mg/L	special frequency 1	Representative sample
Sodium	mg/L	special frequency 1	Representative sample
Suspended Solids	mg/L	special frequency 1	Representative sample
Faecal coliforms	CFU/100mL	special frequency 1	Representative sample

Note:
1. Special Frequency 1 – any overflow event from wastewater holding ponds and at least every 3 months.
2. The final locations of surface water monitoring points are to be approved by the EPA.
3. The frequency of monitoring, location and the pollutant/s to be monitored may be varied by the EPA.

Table 6: Point/s – Overflow points on wastewater holding ponds

Pollutant	Units of Measure	Frequency	Sampling Method
Total Nitrogen	mg/L	every overflow event	Representative sample
Ammonia N	mg/L	every overflow event	Representative sample
Total Phosphorus	mg/L	every overflow event	Representative sample
Conductivity	uS/cm	every overflow event	Representative sample
pH	pH	every overflow event	Representative sample
Nitrate Nitrogen	mg/L	every overflow event	Representative sample
Reactive Phosphorous	mg/L	every overflow event	Representative sample
Total Suspended Solids	mg/L	every overflow event	Representative sample
Faecal coliforms	CFU/100mL	every overflow event	Representative sample

Note: The frequency and sampling method for the monitoring of overflow points on wastewater holding pond/s may be carried out by another method and frequency approved in writing by the EPA.

Table 7: Groundwater Quality Monitoring

Pollutant	Units of Measure	Frequency	Sampling Method
Total Nitrogen	mg/L	Establish background levels then every 6 months	Representative sample
Nitrate Nitrogen	mg/L	Establish background levels then every 6 months	Representative sample
Total Phosphorus	mg/L	Establish background levels then every 6 months	Representative sample
Conductivity	uS/cm	Establish background levels then every 3 months	Representative sample
pH	pH	Establish background levels then every 3 months	Representative sample
Reactive Phosphorous	mg/L	Establish background levels then every 6 months	Representative sample
Total Suspended Solids	mg/L	Establish background levels then every 6 months	Representative sample
Standing Water Level	meters	Establish background levels then every 3 months	In situ
Ammonia N	mg/L	Establish background levels then every 6 months	Representative sample

Note:

1. The frequency of monitoring and the pollutant/s to be monitored may be varied by the EPA once the variability of the groundwater quality is established.
2. The final location of groundwater monitoring points and groundwater monitoring program is to be approved by the EPA. A final plan is to be provided to the EPA illustrating the location of groundwater monitoring points.

Note: Monitoring for the concentration of a pollutant discharged to waters or applied to an utilisation area required by condition 5.3 shall be done in accordance with:

i) the Approved Methods Publication; or

ii) should there be no methodology required by the Approved Methods Publication or as specified in this consent, in a licence issued for the development under the *Protection of the Environment Operations Act 1997* or relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted (unless otherwise expressly provided in any licence for the facility)

Wastewater Monitoring

5.4 [26]The Applicant shall monitor the volume of wastewater discharged or applied at the points specified in Table 8, at the frequency indicated and employing the units of measure and sampling method specified in the table.

Table 8: Wastewater Discharge

Point	Frequency	Units of Measure	Sampling Method
Discharge of poultry shed/s wastewater to effluent utilisation area/s	Daily during discharge	kL/day	By calculation (volume flow rate or pump capacity multiplied by operating time)
Overflow discharge from wastewater storage ponds	Every event	kL/event	Estimate

[26] Incorporates a EPA General Term of Approval (M3.1)

Karuah River Monitoring Program

5.5 Prior to the commencement of operations at the site, the Applicant shall prepare and implement a **Karuah River Monitoring Program** for the development. This Program shall be prepared in consultation with the Port Stephens Local Shellfish Quality Assurance Program Committee, NSW Fisheries and Safefood NSW. The Program shall be approved by the Director-General prior to the commencement of operations and shall include, but not necessarily be limited to the following:

i) details of the monitoring program, including monitoring frequency, sampling and analysis methodology, water quality parameters to be monitored, applicable water quality criteria and monitoring locations. This shall include at least one location upstream and downstream of the development site frontage as well as increased monitoring frequencies following periods of rainfall. The program shall be consistent with the NSW EPA's guideline *Approved Methods for the Sampling and Analysis of Water Pollution in* NSW, ANZECC *Australian and New Zealand Guidelines for Fresh and Marine Water Quality, 2000* and *NSW Shellfish Quality Assurance Program*;

ii) details of a background survey to establish water quality prior to the commencement of operation of the development;

iii) details of the reporting mechanisms, including details on record distribution to relevant authorities and organisations. This mechanism should also provide for the provision of water quality results for the site required under this consent to the Port Stephens Local Shellfish Quality Assurance Program Committee;

iv) costing details of the monitoring program and demonstration that sufficient annual funds are available for the required monitoring, testing and reporting mechanisms; and

v) contingency and notification procedures to be followed by the Applicant should monitoring detect water quality levels above the set criteria as a result of the development or if any emergency occurs on-site that may affect the water quality of Karuah River. This shall include the notification of NSW Fisheries, Safefood NSW and the Port Stephens Local Shellfish Quality Assurance Program Committee.

5.6 The annual results of the above monitoring program shall be made available to NSW Fisheries for the first three years of full operations at the site, and as requested by NSW Fisheries thereafter.

5.7 Samples taken in accordance with condition 5.5 shall be taken to a suitability registered analytical laboratory agreed to by the Applicant and the Port Stephens Local Shellfish Quality Assurance Program Committee. The costs associated with the analytical testing of the monitoring samples shall be borne by the Applicant.

5.8 Within 12 months of the commencement of operations at the site, and annually thereafter or as may be directed by the Director-General, the Applicant shall submit to the Director-General a report detailing the results of the monitoring program conducted in accordance with condition 5.5. This report shall include, but not necessarily be limited to, the following:

i) the results of the monitoring program conducted, clearly indicating any levels detected above the set water quality criteria;

ii) a discussion on the monitoring results, including the explanation for any levels detected above the set criteria and identification of any relationship between these levels and the activities conducted at the site; and

iii) identification of what additional measures would be implemented to correct any non-compliance detected by the monitoring program, including details on who would implement these measures, the timeframe for these measures to be implemented, and how the effectiveness of these measures would be reported to the Director-General.

The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the development in response to the Department's review of the above report. Any action required to be undertaken shall be completed within such period as the Director-General may require.

Note: The above reporting requirement may be incorporated into the Annual Environmental Management Report, required by condition 8.4 of this consent.

Groundwater Monitoring Program

5.9 [27]Prior to the commencement of operations at the site, the Applicant shall prepare and implement a **Groundwater Monitoring Program** for the facility. This program shall take into consideration requirements of the EPA, as outlined in condition 5.3 of this consent. This Plan shall be prepared to the satisfaction of the Department (Hunter Regional Office). The Plan shall include, but not necessarily be limited to:

i) identification of the location of monitoring bores;
ii) details of the watertable levels and baseline groundwater quality levels at the site;
iii) identification of the parameters to be monitored and the set quality criteria for each parameter;
iv) details of the groundwater monitoring program, including frequency of monitoring and sampling methods to be employed; and
v) outline of the contingency measures to be implemented should monitoring detect levels above the set criteria.

Air Quality Monitoring

5.10 [28]The Applicant shall periodically determine the pollutant concentrations and discharge parameters specified in the table below, at the monitoring points indicated and employing the sampling and analysis method specified. All monitoring shall be carried out strictly in accordance with *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (NSW EPA, 2001).

Table 9: Point 1 – Gas Heater (Discharge to Air) – Pollutant and Parameter Monitoring (Air)

Pollutant	Units of Measures	Frequency	Averaging Period	Method
Nitrogen Oxides	mg/m^3	Post commissioning and annual	As per test method	TM-11
Velocity	m/s	Post commissioning and annual	As per test method	TM-2
Volumetric flow rate	m^3/s	Post commissioning and annual	As per test method	TM-2
Temperature	ºC	Post commissioning and annual	As per test method	TM-2
Moisture content in stack gases	%	Post commissioning and annual	As per test method	TM-22
Dry gas density	kg/m^3	Post commissioning and annual	As per test method	TM-23
Molecular weight of stack gases	g/gmole	Post commissioning and annual	As per test method	TM-23
Oxygen	%	Post commissioning and annual	As per test method	TM-25
Carbon Dioxide	%	Post commissioning and annual	As per test method	TM-24
Selection of Sampling Positions				TM-1

[27] Incorporates a Department General Term of Approval (5)
[28] Incorporates a EPA General Term of Approval (M2.1)

Table 10: Exhaust fan/s at each end of the poultry shed/s– Pollutant and Parameter Monitoring (Air)

Pollutant	Units of Measures	Frequency	Averaging Period	Method
Solid Particles	mg/m^3	Post commissioning	As per test method	TM-15
Particulate matter with an equivalent aerodynamic diameter of 10 micrometres or less (PM_{10})	mg/m^3	Post commissioning	As per test method	OM-5
Odour	OU	Post commissioning	As per test method	OM-7
Velocity	m/s	Post commissioning	As per test method	TM-2
Volumetric flow rate	m^3/s	Post commissioning	As per test method	TM-2
Temperature	ºC	Post commissioning	As per test method	TM-2
Moisture content in stack gases	%	Post commissioning	As per test method	TM-22
Dry gas density	$kg/\ m^3$	Post commissioning	As per test method	TM-23
Molecular weight of stack gases	g/gmole	Post commissioning	As per test method	TM-23

Table 11: Point 2 – Ambient Air Quality Site/s at Most Affected Sensitive Receptor/s– Pollutant and Parameter Monitoring (Air)

Pollutant	Units of Measures.	Frequency	Averaging Period	Method
Particulate matter – total suspended particulate (TSP)	$\mu g/m^3$	Continuous	As per test method	AM-15
Particulate matter with an equivalent aerodynamic diameter of 10 micrometers or less (PM_{10})	$\mu g/m^3$	Continuous	As per test method	AM-18
Additional Requirements a) Siting b) Measurement				AM-1 AM-2

Manufacturer's Performance Guarantee

5.11 [29]Prior to the commencement of construction of the development, the Applicant shall submit the manufacturer's performance guarantees for the gas heaters and generator, demonstrating to the satisfaction of the EPA that emissions from the gas heaters and generator will comply with the emission concentration limits specified in condition 4.9 and the *Clean Air (Plant and Equipment) Regulation 1997.*

[29] Incorporates a EPA General Term of Approval (E1.1)

Noise Monitoring and Auditing

5.12 Within 90 days of commencement of operation of the total development, and during a period in which the development is operating under normal operating conditions, the Applicant shall conduct a **Noise Audit** of its operations. This Audit shall:

(a) be undertaken by a suitability qualified and experienced person;
(b) assess whether the development is complying with the intrusive, amenity, sleep disturbance and traffic noise criteria;
(c) identify what additional measures could be implemented to ensure compliance should any non-compliance be detected; and
(d) provide details of any complaints received relating to noise generated by the development, and action taken to respond to those complaints.

5.13 Within 28 days of conducting the Audit referred to under condition 5.12 of this consent, the Applicant shall provide the Director-General with a copy of the Noise Audit report. If the Audit identifies any non-compliance with the noise limits imposed under this consent, the Applicant shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.

5.14 The Applicant shall prepare and implement a **Noise Monitoring Program** to monitor noise impacts associated with the development. The Program shall be consistent with guidelines provided in *New South Wales Industrial Noise Policy* (EPA, 2000) and shall include, but not necessarily be limited to:

a) identification of noise monitoring locations, with relevant noise limits for each location provided;
b) noise monitoring frequencies;
c) methodologies for noise monitoring;
d) a protocol for implementing contingency measures to ensure the site meets the relevant noise limits, should the relevant noise criteria be exceeded.

The Noise Monitoring Program shall be submitted for the approval of the Director-General prior to the commencement of operation of the development, or within such period as the Director-General may agree.

Note: The results of the **Noise Monitoring Program** shall be provided as part of the AMER (refer to Condition 8.4) and shall include details of any non-compliance with the noise limits set by this development consent and details of the measures implemented to ensure compliance occurs.

Meteorological Monitoring

5.15 [30]The Applicant shall monitor the parameters specified in Table 12, using the units of measure, averaging period, frequency, and sampling method specified in the table.

Table 12: Meteorological monitoring

Parameter	Units of Measure	Averaging Period	Frequency	Method
Rainfall	mm	1 Day	Daily	AM-4
Wind Speed @ 10m	m/s	15 minute	Continuous	AM-2 and AM-4
Wind Direction @ 10m	º	15 minute	Continuous	AM-2 and AM-4
Temperature @ 10m	ºC	15 minute	Continuous	AM-4
Temperature @ 2m	ºC	15 minute	Continuous	AM-4
Sigma Theta @ 10m	º	15 minute	Continuous	AM-2 & AM-4
Solar Radiation	W/m2	15 minute	Continuous	AM-4
Additional Requirements - Siting - Measurement				AM-1 & AM-4 & special method 2. AM-2 and AM-4& special method 2.

Note: For the purposes of condition 5.15, 'special method 2' shall require the Applicant to install a permanent meteorological monitoring station and logger. The details of siting, equipment, measurement and maintenance/service/calibration procedures and schedules to be installed and maintained shall be retained by the Applicant and be made available on request of the EPA. The equipment and logger installed should be configured such that modem access to meteorological data can be provided to the EPA if requested by the EPA.

Independent Environmental Auditing

5.16 Within two years of the commencement of construction of the development, and then as may be directed by the Director-General, the Applicant shall commission an independent person or team to undertake an Environmental Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Audit shall:

a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/or Environmental Management Systems Auditing*;

b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;

c) assess the environmental performance of the development against the predictions made and conclusions drawn in the documents referred to under condition 1.2 of this consent; and

d) review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.

An **Environmental Audit Report** shall be submitted to the Director-General within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Applicant to any of the recommendations contained in the Report.

The Director-General may require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Director-General may require.

[30] Incorporates a EPA General Term of Approval (M5.1)

6. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

6.1 Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection on request.

Complaints Procedure

6.2 Prior to the commencement of construction of the development, the Applicant shall ensure that the following are available for community complaints:

a) a 24-hour, toll-free telephone number on which complaints about the development may be registered;
b) a postal address to which written complaints may be sent; and
c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be advertised on at least one occasion prior to the commencement of construction of each stage of the development, through a medium approved by the Director-General. These details shall also be provided on the Applicant's internet site, should one exist. The telephone number, the postal address and the email address shall be maintained throughout the life of the development.

6.3 The Applicant shall record details of all complaints received through the means listed under condition 6.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:

a) the date and time, where relevant, of the complaint;
b) the means by which the complaint was made (telephone, mail or email);
c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
d) the nature of the complaint;
e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

Community Communication Strategy

6.4 Prior to the commencement of operations at the site, the Applicant shall prepare and implement a Community Communication Strategy for the development. This strategy shall be designed to enable the Applicant to respond to any community enquiries and to provide mechanisms to inform the local community as to the nature and operational environmental performance of the facility. The Strategy shall be prepared in consultation with Council and shall include, but does not necessarily be limited to:

a) mechanisms through which the Applicant can report to the local community on the operations of the development and its environmental performance.
b) mechanisms through which the community can provide feedback to the Applicant in relation to the environmental management of the development; and
c) mechanisms through which the Applicant can respond to any enquires or feedback from the community in relation to the environmental performance and the nature of operations at the development.

The Strategy shall be approved by the Director-General prior to the commencement of any operations at the site.

7. ENVIRONMENTAL MANAGEMENT

Environmental Representative

7.1 Prior to the commencement of construction of the development, the Applicant shall nominate a suitably qualified and experienced Environmental Representative(s) whose appointment is to receive prior approval of the Director-General. The Applicant shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Director-General, during the construction, commissioning and operation of the development. The Environmental Representative shall be:

a) the primary contact point in relation to the environmental performance of the development;
b) responsible for all Management Plans and Monitoring Programs required under this consent;
c) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the development;
d) responsible for receiving and responding to complaints in accordance with condition 6.2 of this consent; and
e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Applicant shall notify the Director-General of any changes to that appointment that may occur from time to time.

Construction Environmental Management Plan

7.2 The Applicant shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the site preparation and construction activities during each stage of the development. The Plan shall include, but not necessarily be limited to:

a) a description of all activities to be undertaken on the site during site preparation and construction activities, including an indication of stages of construction, where relevant;
b) statutory and other obligations that the Applicant is required to fulfil during site preparation and construction activities of the development, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
c) details of how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
d) a description of the roles and responsibilities for all relevant employees involved in the construction of the development;
e) the Management Plans listed under condition 7.3 of this consent; and
f) complaints handling procedures during construction and demolition.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any site preparation and construction works associated with the development, or within such period otherwise agreed by the Director-General. Site preparation and construction works associated with any stage of the development shall not commence until written approval has been received from the Director-General for that stage.

7.3 As part of the Construction Environmental Management Plan for the development, required under condition 7.2 of this consent, the Applicant shall prepare and implement the following Management Plans:

a) [31]a **Traffic Management Plan** to detail measures to ensure road works and construction activities are undertaken in a manner that does not adversely impact on the performance and safety of the surrounding road network. This shall include measures to provide for the safe and efficient movement of vehicles associated with the construction (and subsequent operations) of the development prior to the commissioning of The Branch Land/Pacific Highway interchange. The Plan shall meet RTA and Council requirements, and shall include, but not necessarily be limited to:

(i) be prepared with reference to the RTA's Manual *Traffic Control at Work Sites;*

(ii) details of construction and operation traffic volumes and peak delivery times;

(iii) measures to be implemented to adequately mitigate the impact on the performance and safety of The Branch Lane during construction works associated with condition 4.39 of this consent;

(iv) measures to ensure the safe movement of vehicles at the Pacific Highway/Branch Lane intersection prior to the completion of the interchange in accordance with RTA requirements;

(v) provide for the monitoring of the performance of the implemented measures; and

(vi) details of any additional measures that would be implemented should any non-compliance be detected.

b) [32]an **Erosion and Sedimentation Management Plan** to detail measures to minimise dust, erosion and the discharge of sediment and other pollutants to lands and/or waters during construction works associated with the development. The Plan shall include, but not necessarily be limited to:

i) results of investigations into soils associated with the site, in particular the stability of the soil and its susceptibility to erosion;

ii) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the development;

iii) a description of what actions and measures would be implemented to minimise dust generation during the proposed works, including from traffic movements;

iv) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements of the Department of Housing's *Managing Urban Stormwater: Soils and Construction* (1998) and Council's *Erosion and Sediment Control Policy*;

v) design specifications for diversionary works, banks and sediment basins;

vi) an erosion monitoring program during construction and demolition works associated with the development; and

vii) measures to address dust or erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.

c) A **Noise Management Plan** to detail measures to minimise noise generated during construction activities associated with the development. The Plan shall include, but not necessarily be limited to:

i) identification of the potential sources of noise during the proposed works;

ii) specification of the noise criteria for the proposed works;

iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise criteria. This should include measures as recommended by AS 2436-1981;

iv) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating who would conduct the monitoring, how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected; and

v) a description of what procedures would be followed to ensure compliance.

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[31] Incorporates a Council General Term of Approval (G.2e)

[32] Incorporates a EPA General Term of Approval (O2.1)

Operation Environmental Management Plan

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

i) be consistent with NSW Agriculture's *NSW Meat Chicken Farming Guideline*;

ii) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to the operation of the development, including all consents, licences, approvals and consultations;

iii) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;

iv) overall environmental policies and principles to be applied to the operation of the development;

v) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;

vi) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;

vii) the Management Plans listed under condition 7.5 of this consent;

viii) the environmental monitoring requirements outlined under conditions 7.5a) and 7.5h) of this consent, inclusive.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the development, or within such period otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval of the Plan, the Applicant shall provide a copy of the Plan to the EPA and Council as soon as practicable.

7.5 As part of the Operation Environmental Management Plan for the development, required under condition 7.4 of this consent, the Applicant shall prepare and implement the following Management Plans:

a) an **Odour Management Plan** to outline measures to minimise odour impacts associated with the entire broiler operation. The Plan shall include, but not necessarily be limited to:

  i) identification of all point and diffuse sources of odour associated with the entire broiler operation;

  ii) a detailed description of the odour mitigation methods and management practices that will be used throughout the entire broiler operation to ensure offensive odour impacts do not occur off site;

  iii) details of the implementation of industry best practice management measures to ensure potential odour impacts are managed;

  iv) a detailed description of the methods used for monitoring the effectiveness of the odour mitigation methods and management practices for all point and diffuse sources of odour associated with the entire broiler operation;

  v) details of proposed contingency measures should odour impacts occur;

  vi) details of the proposed maintenance procedures for the farm sheds to ensure potential odour impacts are managed; and

  vii) a procedure for handling potential odour complaints that includes recording, investigating, reporting and acting

b) an **Emergency and Bio-security Response Plan**, which will include management procedures that would be undertaken to maintain bio-security during normal operations, measures undertaken during bio-security scenarios (and the management of associated flow-on environmental issues), and other emergency situations including loss of power, flooding and fire. This plan shall be prepared in consultation with relevant authorities, including NSW Agriculture, NSW Rural Fire Brigades and Council. The Plan shall include, but not necessarily be limited to, the following sub-management plans:

   i) a ***Bush Fire Management Plan*** – this plan shall outline measures and procedures to be implemented at the site during a bushfire emergency to protect the broiler facility and on-site personnel. These measures shall take into consideration any requirements of local fire brigades and the NSW Rural Fire Service;

   ii) a ***Quarantine Protocol*** – this protocol shall detail procedures that would be implemented to maintain pest-control, on-going bio-security and measures that would be implemented during a bio-security situation at the broiler facility. This protocol shall address all issues associated with the outbreak of a disease during operations and shall be prepared in consultation with NSW Agriculture and any other relevant authority;

   iii) [33]an ***Emergency Disposal Plan*** – The plan shall demonstrate how the design, construction, operation, monitoring and rehabilitation of the disposal site would meet all of the environmental goals specified in the EPA's Environmental Guidelines *Solid Waste Landfills* (1996). The plan shall also demonstrate how the final location of the burial site takes into consideration quarantine issues, and proximity to neighbouring residences and waterways; and

   iv) details on general emergency response and contingency procedures to be followed during unforseen operational emergencies such as power or system failure, water supply issues, flooding, fire and chemical spills.

c) a **Dust Management Plan** to detail measures to minimise the generation of dust on the site during operation, and the impacts of dust on surrounding land uses. The Plan shall include, but not necessarily be limited to:

   i) measures to manage the spread of airborne dust material (including feathers and other poultry related particulate matter) from the farm sheds;

   ii) measures to manage dust emissions during the handling and removal of poultry litter at the site, including limitations in activities during certain weather conditions.

   iii) measures to reduce the potential for wind erosion from exposed surfaces, particularly the use of techniques that increase the surface roughness and reduce the potential for dust entrainment;

   iv) measures to ensure that potential air quality impacts associated with the loading, unloading and general handling of poultry birds is managed;

   v) details of vegetation screens to mitigate dust emissions from the poultry sheds, including details of the local species to be used, final growth heights to ensure a consistent and appropriate vegetation screen is achieved, and maintenance program to ensure long-term performance;

   vi) a description of what procedures would be followed to ensure compliance with relevant air quality criteria;

   vii) details of proposed contingency measures should dust impacts occur; and

   viii) the establishment of a protocol for handling dust complaints that include recording, reporting and acting on complaints

[33] Incorporates a EPA General Term of Approval (O5.1)

d) [34]a **Stormwater Management Plan** to outline measures to mitigate impacts of stormwater run-off from and within the premises during operations. This plan shall address the requirements of Council and shall include, but not necessarily be limited to:

i) details of all relevant stormwater control infrastructure, and procedures for the installation and maintenance of measures to screen stormwater generated at the site;

ii) a demonstration of consistency with the stormwater management plan for the catchment and any relevant stormwater guidelines prepared by Council. Should a stormwater management plan not exist for the catchment, the plan shall be consistent with the EPA guideline *Managing Urban Stormwater: Council Handbook*;

iii) details of the maintenance of stormwater systems to ensure the on-going efficiency of the system and to ensure the protection of surrounding environments from polluted discharges; and

iv) details of any contingency measures that would be followed to ensure the protection of neighbouring waterways and wetlands should an accident or emergency occur at the site.

e) an **Irrigation Management Plan** to outline measures to manage soil, surface water and groundwater impacts associated with the irrigation of wastewater during the operation of the development. The Plan shall include, but not necessarily be limited to:

i) description of the proposed irrigation systems and associated infrastructure;

ii) a detailed outline of measures to manage or mitigate the potential impacts on soil, surface water runoff and groundwater from irrigation practices. This includes measures to contain runoff from irrigation areas at the site;

iii) demonstration of consistency with the EPA's *Utilisation of Treated Effluent by Irrigation* and industry best practice guidelines

iv) a strategy for maintaining the capacity of storage dams (including de-silting practices) and details of the revegetation plan for the dams in order to develop and maintain biological water control of these structures;

v) details of monitoring programs for soil, surface water and groundwater quality to ensure the sustainability of the irrigation practices and compliance with set criteria. This includes requirement specified in Section 5of this consent;

vi) a detailed description of what contingency measures would be implemented for irrigation practices on site should any non-compliance be detected.

f) a **Vegetation Management Plan** to detail measures to manage and maintain vegetation on-site, including vegetation screens and areas within specified buffer zones. This plan shall be prepared in consultation with relevant authorities, including NPWS and Council, and shall include, but not necessarily be limited to:

i) details of all landscaping or rehabilitation works to be undertaken on the site with specific reference to the revegetation of riparian zones (refer to condition 4.17) and additional landscape plants to minimise visual intrusion of the operations (refer to condition 4.43)

ii) maximisation of locally native species in the landscaping and rehabilitation works;

iii) details of noxious weed controls to eradicate and control the spread of weeds at the site, particularly the Giant Parramatta grass species;

iv) a program to ensure that all landscaped and rehabilitated areas on the site are maintained over time. This shall include additional plantings in the event of significant vegetation dieback.

g) a **Grey-Crowned Babbler Conversation Area Management Plan**, as required by condition 4.14 of this consent; and

[34] Incorporates a EPA General Term of Approval (O3.1)

h) a **Waste Management Plan** to outline measures to minimise the production and impact of wastes generated at the development. The Plan shall include, but not necessarily be limited to:

i) identification of the types and quantities of waste that would be generated during operations, and the standards and performance measures for dealing with this waste. This shall include amounts of waste generated during bio-security emergencies;

ii) a detailed description of how this waste would be reused, recycled, and if necessary, appropriately treated and disposed of in accordance with the EPA's guidelines on the *Assessment, Classification & Management of Liquid and Non-Liquid Waste*. This shall include protocols on how dead birds would be frequently removed for off-site;

iii) a description of how the effectiveness of these actions and measures would be monitored over time; and

iv) a description of what procedures would be followed to ensure compliance if any non-compliance is detected.

7.6 At least one month prior to the operation of the development, the Applicant shall update and submit for the approval of the Director-General, the Operation Environmental Management Plan referred to under condition 7.4 of this consent. Operation of the development shall not commence until the Director-General has approved the updated Plans.

8. ENVIRONMENTAL REPORTING

Incident Reporting

8.1 The Applicant shall notify the EPA and the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident ("initial notification"). The Applicant shall provide written details ("written report") of the incident to the EPA and the Director-General within seven days of the date on which the incident occurred.

8.2 The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 8.1 of this consent, within such period as the Director-General may require.

> Note: Condition 8.2 of this consent does not limit or preclude the EPA from requiring any action to address the cause or impact of any incident, in the context of the EPA's statutory role in relation to the development.

Annual Return

8.3 [35]The Applicant shall provide an **Annual Return** to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997*. In the Annual Return, the Applicant shall report on the:

a) annual monitoring undertaken (where the activity results in pollutant discharges);
b) provide a summary of complaints relating to the development;
c) report on compliance with licence conditions; and
d) provide a calculation of licence fees (administrative fees, and where relevant, load based fees) that are payable. If load based fees apply to the activity, the Applicant shall be required to submit load-based fee calculation worksheets with the return.

[35] Incorporates an EPA General Term of Approval (R1.1)

Annual Performance Reporting

8.4 The Applicant shall, throughout the life of the development, prepare and submit for the approval of the Director-General, an **Annual Environmental Management Report** (AEMR). The AEMR shall review the performance of the development against the Operation Environmental Management Plan (refer to condition 7.4 of this consent), the conditions of this consent and other licences and approvals relating to the development. The AEMR shall include, but not necessarily be limited to:

a) details of compliance with the conditions of this consent;
b) a copy of the Complaints Register (refer to condition 0 of this consent) for the preceding twelve-month period (exclusive of personal details), and details of how theses complaints were address and resolved;
c) a comparison of the environmental impacts and performance of the development against the environmental impacts and performance predicted in those documents listed under condition 1.2 of this consent;
d) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person; and
e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.

8.5 The Applicant shall submit a copy of the AEMR to the Director-General, EPA and Council every year, with:

i) the first AEMR to be submitted within twelve months after the commencement of operation of the development;
ii) the second and subsequent AEMRs to be submitted concurrently with the EPA's Annual Return; and

shall be made available to the public upon request.

8.6 The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the development in response to review of the Annual Environmental Report and any comments received from the EPA and/or Council. Any action required to be undertaken shall be completed within such period as the Director-General may agree.