

Notice of Modification

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

As delegate of the Minister for Planning, I modify the development consent DA 53/97 referred to in Schedule 1, subject to the conditions set out in Schedule 2, 3 and 4.



David Kitto
Director
Mining and Industry

Sydney **2 DECEMBER** 2009

The consent is modified by:

1. Replacing Schedule 1 with the following:

SCHEDULE 1

Development Application:	DA 53/97.
Applicant:	Baiada Poultry Pty Ltd.
Consent Authority:	Minister for Planning.
Land:	Lot 100 DP 1094741, Oakburn, in the Tamworth local government area.
Development:	A poultry processing complex.

DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Baiada Poultry Pty Ltd, or its successor
BCA	Building Code of Australia
Council	Tamworth Regional Council
DA	Development Application DA 53/97
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of the Department (or delegate)
NOW	NSW Office of Water
EIS	Environmental Impact Statement
SEE	Statement of Environmental Effects titled <i>Statement of Environmental Effects, Section 96(2) Modification Application, Oakburn Processing Complex, Lot 100 in DP 1097471, Oxley Highway, Tamworth NSW</i> , volumes 1 and 2, dated 28 May 2008 and additional information dated 29 September 2008 and 13 November 2008.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
EPL	Environmental Protection Licence
Evening	The period from 6pm to 10pm
Minister	Minister for Planning
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Development	A chicken processing facility (with an input capacity of 1 million birds per week), a deboning plant, processed product plant, protein recovery plant and associated infrastructure
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RTA	Roads and Traffic Authority
Applicant	Baiada Poultry Pty Ltd
Site	Land to which the development application applies
Stage 1	Construction and operation of the Protein Recovery Plant
Stage 2	Poultry Processing Facility (includes a processed products plant, deboning plant and processing plant with a kill capacity of 1 million birds per week).

SCHEDULE 2

1. Replacing existing Condition 2 with the following:
 - 2) The development shall be carried out generally in accordance with:
 - i. Development Application 53/97 and supporting Environmental Impact Statement titled "*An Environmental Impact Statement for a Poultry Processing Complex at 'Oakburn', Oxley Highway Tamworth NSW*" prepared by Ellis Environmental Services Pty Ltd. dated September 1997.
 - ii. DA 53/97 Mod 1, dated 22/02/1999;
 - iii. DA 53/97 Mod 2, dated 13/08/2001;
 - iv. DA 53/97 Mod 3 and supporting Statement of Environmental Effects titled "*Statement of Environmental Effects, Section 96(2) Modification Application, Oakburn Processing Complex, Lot 100 in DP 1097471, Oxley Highway, Tamworth NSW*";
 - v. DA 53/97 Mod 4 and supporting Statement of Environmental Effects titled "*Modification of Development Consent (DA 53/97) on Land at Oxley Highway, Tamworth (Lot 100 DP1097471)*";
 - vi. Site plan (see Appendix A); and
 - vii. The conditions of this consent.
2. Delete existing Condition 4:
 - 4) Deleted.

SCHEDULE 3

3. Replacing all references to "DECC" with "DECCW".
4. Replacing all references to "DWE" with "NOW".

SCHEDULE 4

4. Replacing all references to "DECC" with "DECCW".
5. Replacing all references to "DWE" with "NOW".