

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

DETERMINATION OF A DEVELOPMENT APPLICATION

**PURSUANT TO SECTION 91 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

I, the Minister for Urban Affairs and Planning, in pursuance of section 91 of the Environmental Planning and Assessment Act 1979 and Clause 8 of State Environmental Planning Policy No 34 - Major Employment Generating Industrial Development (SEPP 34), determine the development application referred to in Schedule 1 by granting consent to that application subject to the conditions set out in Schedule 2 (File No G91/00339/002).

The reasons for the imposition of conditions are to ensure that potential hazards do not pose an unacceptable off-site risk, and to ensure the minimisation of any adverse impact from the construction and operation of the development.



Minister for Urban Affairs and Planning

Sydney,

9.2. 1998.

SCHEDULE 1

Application made by:	Baiada Poultry Pty Ltd
To:	Minister for Urban Affairs and Planning
In respect of land being:	Part Lot 18, DP 865930 and Part Lot 3, DP 857742, referred to as "Oakburn", Oxley Highway, Tamworth.
For the following development:	A poultry processing complex to be developed in four stages.
Development Application:	The Development Application (DA No 53/97) lodged with the Department of Urban Affairs and Planning on 15 September 1997 accompanied by the environmental impact statement (EIS) entitled <i>An Environmental Impact Statement for a Poultry Processing Complex at "Oakburn", Oxley Highway Tamworth, New South Wales</i> prepared by Ellis Environmental Services Pty Ltd.

ABBREVIATIONS

The Department.....	Department of Urban Affairs and Planning
The Director-General.....	Director-General of Urban Affairs and Planning
The Council.....	Tamworth City Council
EPA.....	Environment Protection Authority
DLaWC.....	Department of Land and Water Conservation
NSW Agriculture.....	Department of NSW Agriculture
NPWS.....	NSW National Parks and Wildlife Service
The Complex.....	The chicken processing complex development described under DA 53/97
The Site.....	16.7 ha of land on which the complex is to be constructed - Site Plan in Appendix 8 of the EIS
The Applicant	Baiada Poultry Pty Ltd
DA.....	Development application
BA.....	Building application
EIS.....	Environmental impact statement
TSC Act.....	Threatened Species Conservation Act 1995
EP&A Act.....	Environmental Planning and Assessment Act 1979

SCHEDULE 2

CONDITIONS OF DEVELOPMENT CONSENT

A. GENERAL

1. The Applicant shall carry out the development generally in accordance with:-
 - (a) the development application DA 53/97;
 - (b) the environmental impact statement titled "An Environmental Impact Statement for a Poultry Processing Complex at 'Oakburn', Oxley Highway Tamworth NSW", dated September 1997 prepared by Ellis Environmental Services Pty Ltd;
 - (c) site plans for proposed poultry processing complex, dated 18 August 1997 - prepared by Blekton Pty Ltd;
 - (d) the conditions of this consent.

Note: A building application must be submitted to the Council and approval given for all buildings to be erected on the site prior to the commencement of any building works.

Staging of Development

2. Prior to proceeding to a subsequent stage of the development, the applicant shall certify in writing to the Director-General that the relevant conditions of this consent and any other statutory requirements for the previous stage(s) have been met and receive the Director-General's agreement to proceed.

Operating Capacity

3. The maximum capacity of the protein recovery plant (stage 1 of the complex) shall not exceed 120 tonnes of material per day. The kill capacity of the processing plant (stage 4 of the complex) shall not exceed a total of 750,000 birds per week.

Note: Any increase in capacity beyond 120 tonnes of material per day or 750,000 birds per week will require further assessment under the EP & A Act 1979.

B. ENVIRONMENTAL MANAGEMENT PLANS

Environmental Management Plans listed below shall be prepared by the applicant in accordance with the pertinent condition, and be approved by the relevant agency prior to the applicable stage of the complex proceeding.

- **Soil and Water Management Plan;**
- **Waste Management Plan;**
- **Emergency Plan;**
- **Landscape Plan.**

Soil and Water Management Plan

4. Prior to commencing construction on stage 1 of the development, a **Soil and Water Management Plan** shall be prepared that will generally include the aspects contained in the Integrated Soil, Water and Landscape Plan included as Appendix 7 of the EIS. The **Plan** shall be prepared in consultation with the NPWS and the Council and approved by the DLaWC.

The **Plan** shall include the following:-

- (a) the soil and water management controls identified in the EIS and any other relevant controls required to minimise erosion, sedimentation and contamination of ground and surface water;
 - (b) controls for dealing with any increased run-off from the site as a result of the development, including those recommended in the Integrated Soil, Water and Landscaping Concept Plan at Appendix 7 of the EIS;
 - (c) mechanisms for controlling any residual flows draining from the complex after a storm event;
 - (d) details of the rehabilitation works, including those listed on page 31 of the EIS, to be carried out if the operation of the abattoir development ceases.
5. The plan shall be reviewed in consultation with DLaWC prior to subsequent stages of the development proceeding and amended if necessary. Any amended plan should be approved by DLaWC.
 6. The approved **Plan** is to be implemented during the construction and operation of the complex to the satisfaction of the DLaWC. Implementation of the **Plan** is only to cease when the site has been rehabilitated to the satisfaction of the Director-General and in accordance with the **Soil and Water Management Plan**.

Waste Management Plan

7. Prior to stage 1 of the complex commencing operations, a **Waste Management Plan** shall be prepared in consultation with the Council, and be approved by the EPA. The **Plan** shall demonstrate how liquid and solid wastes are to be managed for each stage of the complex and shall be updated, by the addition of greater detail or amendment, prior to the commencement of a subsequent stage of the operations.
8. The **Plan** shall include a program for the design and operation of all the components of the proposed waste management systems for each stage of the complex, in particular the method for treating sodium and fat levels. The waste management system shall generally be in accordance with the process described on page 22 of the EIS and shall meet the requirements of conditions 16 to 22 of this consent.
9. The **Plan** shall include the following for liquid waste management:
 - the dimensions and construction details of the various components of each waste water treatment system including details of any earthen structure for the storage of waste water;

- a chart showing the layout and treatment sequence including the retention times for the effluent polishing tanks;
 - the volume, rate of discharge and method for disposal of waste water;
 - details of the maximum pollutant levels for effluent resulting from each treatment sequence, including figures on hydraulic and organic loading;
 - an estimate of raw or post treatment effluent water quality parameters;
 - details of the methods and equipment proposed to be installed to eliminate odours that may emanate from the treatment system for the complex.
10. The **Plan** shall identify the method for solid waste disposal including effluent sludge. If on-site sludge drying is proposed, the **Plan** shall provide details relating to:
- the location of the operation;
 - the details of the volume, frequency and method of sludge removal and drying;
 - the on-site storage of dried sludge; and
 - the management of the operation.
11. The **Plan** is to be implemented throughout the operation of the complex to the satisfaction of the EPA.

Emergency Plan

12. Prior to stage 1 of the complex commencing operations, an **Emergency Plan** shall be prepared in consultation with the Council and other relevant government agencies and organisations, and approved by the EPA.

The **Plan** shall:

- identify potential emergencies or breakdowns that may occur in each stage of the complex's development and operation;
- include an assessment of the related sewerage treatment system;
- identify the likely impact each breakdown or emergency scenario will have on the environment surrounding the complex;
- identify the fire controls and procedures to be undertaken on the site and the safety related equipment to be installed in the complex;
- detail actions or contingencies to be put in place to deal with each of the identified emergencies or breakdowns. These actions or contingencies must be designed to minimise the impact these emergencies or breakdowns will have on the surrounding environment.

The **Plan** shall be reviewed in consultation with the relevant agencies prior to subsequent stages of the development proceeding and amended if necessary to the satisfaction of the EPA.

13. In the event of an emergency or breakdown identified in the **Plan**, the **Plan** is to be implemented to the satisfaction of the Council.

Landscape Plan

14. Prior to stage 1 of the complex commencing operations, a **Landscape Plan** shall be prepared for the site in consultation with and approved by the Council. The **Plan** shall retain as much of the existing vegetation as possible and demonstrate how the proposed sitting, external building materials, design and landscape features will combine to provide an acceptable visual impact. The **Plan** is to include details of the types and location of all species to be used in the landscaping and how these species blend in with the overall theme for the site, and the materials used in the buildings and structures for the complex. The **Plan** shall be integrated with the **Soil and Water Management Plan**.
15. The **Plan** shall detail the staging of the landscaping on the site as it relates to the staging of the construction of the complex. Each stage of the landscaping shall be completed prior to commencing construction of the following stage of the complex.

C. ENVIRONMENTAL STANDARDS

Waste System

16. Waste water from the complex shall be treated in accordance with the **Waste Management Plan**. Effluent discharged from the complex to the Council's sewerage system shall not exceed the following maximum pollutant levels:
 - BOD₅ and suspended solids 300mg/L each;
 - COD not to exceed BOD₅ by more than 3 times;
 - Total dissolved solids up to 4000 mg/L may be accepted;
 - Temperature less than 38 degrees;
 - pH within the range 7.0 to 9.0;
 - Oil and grease 100mg/L;
 - Detergents all to be biodegradable;
 - Colour no visible colour when the waste is diluted to the equivalent dilution afforded by domestic sewerage flow;
17. The waste water treatment system for stages 1, 2 and 3 of the complex is to be designed to cater for at least 215kL of waste water per day. The final treated effluent shall be discharges to the Tamworth sewerage system to the satisfaction of the Council.
18. All waste water from staff and other facilities for stages 1, 2 and 3 of the complex shall be discharged direct to the sewerage system to the satisfaction of the Council.
19. The treatment system installed for stage 4 (processing plant) of the complex shall be designed to cater for at least 655 kilolitres of waste water per day and in accordance with current standards to the satisfaction of the EPA. The final treated effluent shall be disposed to the Tamworth sewerage system to the satisfaction of the Council.

Note: The plant will need to be designed and constructed to the satisfaction of the EPA and any system that includes on-site disposal will be subject to a fresh Development Application accompanied by an EIS.

20. All effluent storage dams or tanks shall be lined and sealed to prevent the infiltration of groundwater.

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21. Solid waste from the complex including any sludge from the sewerage treatment system is to be disposed of in accordance with the **Waste Management Plan** to the satisfaction of the Council.
 22. The waste water treatment systems proposed for the complex shall not be commissioned until the company has signed a Trade Waste Agreement with the Council.

Air Quality/Odour

23. Dust suppression techniques shall be implemented during the construction and operation of the complex to ensure dust generation is kept to a minimum.
24. Potentially odorous air generated from any process or activity (including the waste water treatment system) on the premises shall be controlled and treated to ensure that the development does not cause or permit the emission of any offensive odour from the complex.

For the purpose of this condition, an offensive odour means an odour:

- (a) that by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstance:
 - i. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - ii. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it emitted, or
 - (b) that is of a strength, nature, duration, character or quality, prescribed by the regulations of that is emitted at the time, or in other circumstances, prescribed by the regulations.
25. Prior to proceeding with stages 2, 3 or 4 of the development, an assessment report of the cumulative odour impact from previous stage of the complex shall be prepared. The report shall demonstrate, to the satisfaction of the EPA, that acceptable environmental performance relating to the emission of offensive odours from existing operations have been achieved. The assessment report shall detail control measures required to comply with condition 24 prior to the commencement of each stage.

Stormwater Drainage

26. Provisions for the control of stormwater from the site shall be designed so that the rate of discharge from the site for a 1 in 20 year rainfall event is not greater than the discharge which would flow from the undeveloped land.

Noise

27. The construction and operation of the development shall comply with the EPA's "Environmental Noise Control Manual" in regard to acceptable noise limits for construction and industrial sites.

28. Prior to finalising the design of the relevant stage of the complex, an acoustic assessment of all potential noise sources shall be undertaken to ensure the EPA's Maximum Planning Noise Level is not exceeded.
29. Reversing alarms on vehicles involved in the construction and operation of the complex shall be located behind a panel at the lowest practical height above ground level and be directed towards the ground so that the maximum radiated sound pressure level does not exceed the vehicle's engine noise (including exhaust) by more than 10dB(A).

Archaeology

30. The two artefacts located on the site during the Archaeological survey shall be collected, analysed and stored at the Department of Archaeology and Palaeoanthropology at the University of New England in Armidale or other suitable location to the satisfaction of the NPWS, prior to the area around the artefact being disturbed.
31. The applicant shall meet the cost of the artefact collection and the writing of any subsequent analyses report required by the NPWS which examines the artefact.
32. A representative of the Tamworth Local Aboriginal Land Council shall be given the opportunity, in writing by the applicant, to monitor and investigate any areas disturbed by earthworks during the construction of the development. Should any additional relics be discovered during construction of the complex, works shall cease in the vicinity of that relic until suitable action has been taken in to protect and preserve the relic and an officer of the NPWS Northern Zone advises that work can recommence.

D. CONSTRUCTION

Airport Consideration

33. No buildings or other structures shall be taller than the maximum allowable height of structures for the site as set down in the Tamworth Airport Obstacle Height Limitations Plan.
34. All external lighting on the site shall be directed downwards with appropriate shields installed to the satisfaction of the Council to prevent radiation of glare in an upwards direction so as not to distract pilots on approach to the airport.
35. The materials used for external walls and roofs in the construction of any buildings or other structures on the site shall be non-reflective to the satisfaction of the Council to avoid distraction to air crews.
36. All large water/effluent storage tanks or dams and solid waste receptacles must be constructed and covered so as to not present an attraction to birds.

Fire Protection

37. Bushfire breaks shall be established and maintained around the complex as specified in the **Emergency Plan**.

Contributions

Note: *A compliance certificate under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority) certifying that the requirements of that Division have been complied with. Under S. 27 (1) (d) of that Act, the Council may require a payment towards the cost of such works, or the construction of those works before it grants a compliance certificate.*

All payments must be received prior to release of the Building Application and all works completed prior to the occupation of the development.

Complex Design

38. All equipment installed and used in the complex shall be operated and maintained in accordance with the manufacturers specifications and good engineering practice.
39. Stage 4 of the complex (Poultry Processing Plant) shall be designed and operated in accordance with the Model Code of Practice for Livestock at Slaughtering Establishments prepared by NSW Agriculture as it applies at the time of development of this stage and to the satisfaction of NSW Agriculture.

Dangerous Goods

40. The on-site storage and handling of dangerous goods shall be in accordance with all relevant Acts, Regulations, Australian Standards and Industry Guidelines and is to meet the licence requirements of Workcover.
41. The gas pipeline to the complex shall be installed with an excess flow valve at either the source of the gas or at the property boundary to provide for the shutdown of the line due to excess flow as a result of a break in the line or other cause.
42. Any increase in the quantity of Dangerous goods on the site shall be subject to the screening process of SEPP 33 Hazardous and Offensive Industries as outlined in the Department's publication "Applying SEPP 34" and the necessary approval procedures followed as appropriate.

Note: *For example, the installation of an ammonia refrigeration plant during a subsequent upgrade should be subjected to the above screening procedure. The requirements of other relevant agencies such as WorkCover and the EPA may also need to be met.*

Utility Services

Water

43. The water supply to be used by the development is to be provided by the Council in accordance with its requirements.

Roads, Access and Parking

44. Roadworks are to be carried out in accordance with the specifications listed in the RTA letter dated 8 May, 1997, included in Appendix One of the EIS and to the satisfaction of the RTA.
45. The roadworks for stage 1 of the complex shall be completed prior to any construction works commencing on the site and shall include the following:
 - a type "AUR" right turn treatment constructed on State highway 11 (Oxley Highway) in accordance with figure 4.8.16 of the Authority's Road Design Guide 1991. This design is to be read in conjunction with figure 4.5.3(a), Rural Type Layout, of the above publication;
 - the access road shall be sealed from the property boundary to the bitumen edge of the Oxley Highway;
 - the access road shall be designed in accordance with the Authority's Road Design Guide 1991 "BAL" Figure 4.8.26;
 - the access road must be able to accommodate the turning movements of B-Doubles so that no portion of the B-Double will cross the centre line of the Highway when making left turns into or out of the site.
46. Road works for stages 2, 3 and 4 of the complex shall be completed prior to the completion of any construction for stage 2 of the development and shall include the following:
 - a type "CHR" right turn treatment constructed on State Highway 11 (Oxley Highway) in accordance with figure 4.8.17 of the Authority's Road Design Guide 1991;
 - an acceleration lane discharge will also be required from the access road onto the Oxley Highway in accordance with the Road Design Guide Figure 4.8.11.
47. Parking areas shall be established on site for all vehicles expected to use the site with a minimum of 280 car and 20 truck spaces to be provided for the total complex. A program for the provision and construction of on-site car parking shall be submitted to and approved by the Council prior to each stage. Sufficient parking spaces shall be provided for each stage of the development prior to that stage of the complex commencing.
48. All internal roads, driveways, parking areas, loading bays and vehicular turning areas are to be constructed in accordance with the requirements of the Council.
49. The access road from the Oxley Highway to the complex is to be tar sealed and designed to accommodate two passing semi-trailers to the satisfaction of the Council. A 1 metre wide, graded, gravel shoulder is to be constructed on either side of the road.
50. All parking spaces shall be marked out on the pavement surface and their location clearly indicated by appropriate directional signs.
51. The construction of all road works, access roads and parking areas for each stage of the development shall be completed prior to that stage of the complex commencing operation.

52. Internal roads, driveways, parking areas, loading bays and vehicular turning areas shall be maintained clear of obstruction and used exclusively for the purposes of parking, vehicle access and loading and unloading respectively and under no circumstances are such areas to be used for the storage of goods or waste materials or other purposes.
53. During the construction phase of the new access road and “turnout” to the Oxley Highway, warning signs advising people of road work activities are to be provided in appropriate locations along the Oxley Highway in accordance with the RTA’s publication “Traffic Control at Work Sites”.
54. The cost of all road works and warning signs is to be borne by the applicant.

Electricity

55. Electricity is to be provided to the site in accordance with the requirements of and to the satisfaction of NorthPower.

Note: A connection agreement is to be entered into with NorthPower which complies with the provisions of Chapter 5, Network Rules of the New South Wales Electricity Market Code.

E. MONITORING

Environmental Monitoring Program

56. Prior to stage 1 of the complex commencing operation, an **Environmental Monitoring Program** is to be prepared and approved by the Director-General in consultation with the Council, the EPA and the DLaWC. The **Environmental Monitoring Program** is to include:
 - baseline information on the quality of soil and water on the site (including groundwater) and dust deposition rates prior to any earthworks being undertaken on the site;
 - details of the components in the complex to be monitored;
 - details of the timing and procedures for the monitoring of the complex;
 - information on the people proposed to undertake the monitoring including their qualifications and experience in the particular field relating to the monitoring;
 - details of the periods for monitoring the various components.
57. The **Program** shall monitor the following aspects of the construction and operation of the complex:
 - the quality and quantity of effluent generated by the operation of the complex and being discharged to the Tamworth Sewerage Treatment System at each stage of the development of the complex;
 - air, water, and soil quality at the site during the construction and the operation of the complex;
 - the quality of the groundwater in the vicinity of the site;
 - the residual flows draining from the site after a major storm event to ensure the provisions for catchment drainage is maintained in any adjacent development;

- the drainage control measures during and after major storm events;
 - whether offensive odour, as defined in condition 24, has been emitted from the complex;
 - the effectiveness of the **Soil and Water Management Plan**; the **Waste Management Plan** and the **Emergency Plan** prepared in accordance with conditions of this consent.
58. Prior to the commencement of further stages of the development, the **Environmental Monitoring Program** shall be reviewed and if appropriate amended, in consultation with the relevant government agencies, to include monitoring for the subsequent stages. Any amended **Program** shall be approved by the Director-General.
59. The **Environmental Monitoring Program** shall be implemented during the operation of the development to the satisfaction of the Director-General.
- Note: Base line data to the satisfaction of the EPA and the DLaWC will need to have been obtained prior to any construction occurring on the site.*
60. All monitoring required under the **Environmental Monitoring Program** is to be undertaken by a suitably qualified person agreed to by the Director-General.
61. If monitoring shows that the EPA Pollution Control Licence limits or other pollution requirement are not being met, the relevant agency is to be consulted immediately. Within a time frame set by the agency, amelioration work is to be carried out to their satisfaction as long as the work is generally consistent with this consent.
62. Within 3 months of monitoring showing that an **Environmental Management Plan** or aspects of the **Plan** are not effective, the applicant is to revise the **Plan** and re-submit it to the relevant government agency or Council for approval.

F. MONITORING REPORT

63. An annual **Environmental Monitoring Report** shall be prepared and made available to the EPA, the DLaWC, the Council and the Director-General. The **Report** shall contain all monitoring results arising from the implementation of the **Environmental Monitoring Program** including a review of the development's performance against conditions of this consent and any conditions applying to any EPA licenses. It shall also include a summary of the enquiries and complaints from the public and the dates on which they occurred and the actions taken by the applicant and the date on which the actions were performed.
64. The raw data presented in the **Report** is to be interpreted to a level which identifies the extent of the environmental impacts, if any, caused by the development to the satisfaction of the Director-General.

G. MAINTENANCE

65. All facilities at the development site including effluent pipelines and drains, stormwater and diversion drains, pumps, sumps and bund walls shall be inspected on a weekly basis and after any significant rainfall event. Maintenance work is to be carried out immediately

if any facility is not operating to its design capacity.

66. The development site is to be maintained at all times so health risks to both people and birds are avoided.
67. A record of all maintenance site inspections and any completed maintenance work is to be kept and included in the annual **Environmental Monitoring Report** required by condition 63 of this consent.

H. COMMUNITY CONSULTATION

68. The applicant shall establish a complaints protocol to the satisfaction of the Council, including the appointment of a complaints officer and the maintenance of a complaints and enquiries register which is to be used to record details of all enquiries and complaints received from members of the public and actions taken in response to such complaints. The applicant is to address all enquiries and complaints within 2 weeks of receiving them.

I. INDEPENDENT ENVIRONMENTAL AUDIT REPORT

69. The Director-General may request in writing, that the applicant make arrangements for and bear the cost of, an independent **Environmental Audit** of the development. On receipt of such a request the **Audit** is to be carried out by a qualified independent person or persons approved by the Director-General.
70. The results of any independent **Environmental Audit** are to be documented in a report which includes a review of the development's performance against conditions of consent and the conditions of any other licenses or other approval from the relevant government agency or Council.
71. Within a time frame notified by the Director-General the applicant shall comply with any requirements of the Director-General arising from, or recommended by the **Environmental Audit**.

J. DISPUTES IN CONDITIONS

72. Any dispute arising between the applicant and government agencies or Council over the interpretation of these conditions, shall be referred to the Director-General for final resolution.

General Notes

- *This approval does not relieve the applicant of the obligation to obtain other approvals required under any other Act.*
- *Any agreement referred to in this consent is expected to be implemented and will be followed up by the Department.*
- *To ascertain the date upon which the consent becomes effective refer to section 93 of the EP & A Act.*
- *To ascertain the date upon which the consent is liable to lapse refer to section 99 of the EP & A Act.*
- *Any agreement referred to in this consent is expected to be implemented and will be followed up by the Department and the Council.*

Reasons for conditions:

- *To protect the environment and minimise adverse impact.*
- *To modify details of the poultry processing complex development.*
- *To provide for environmental monitoring and reporting on the performance of the development.*
- *To ensure that concerns by the public about the operation of the complex are adequately addressed.*

Right of appeal:

- *If you are dissatisfied with this decision, section 97 of the EP & A Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.*