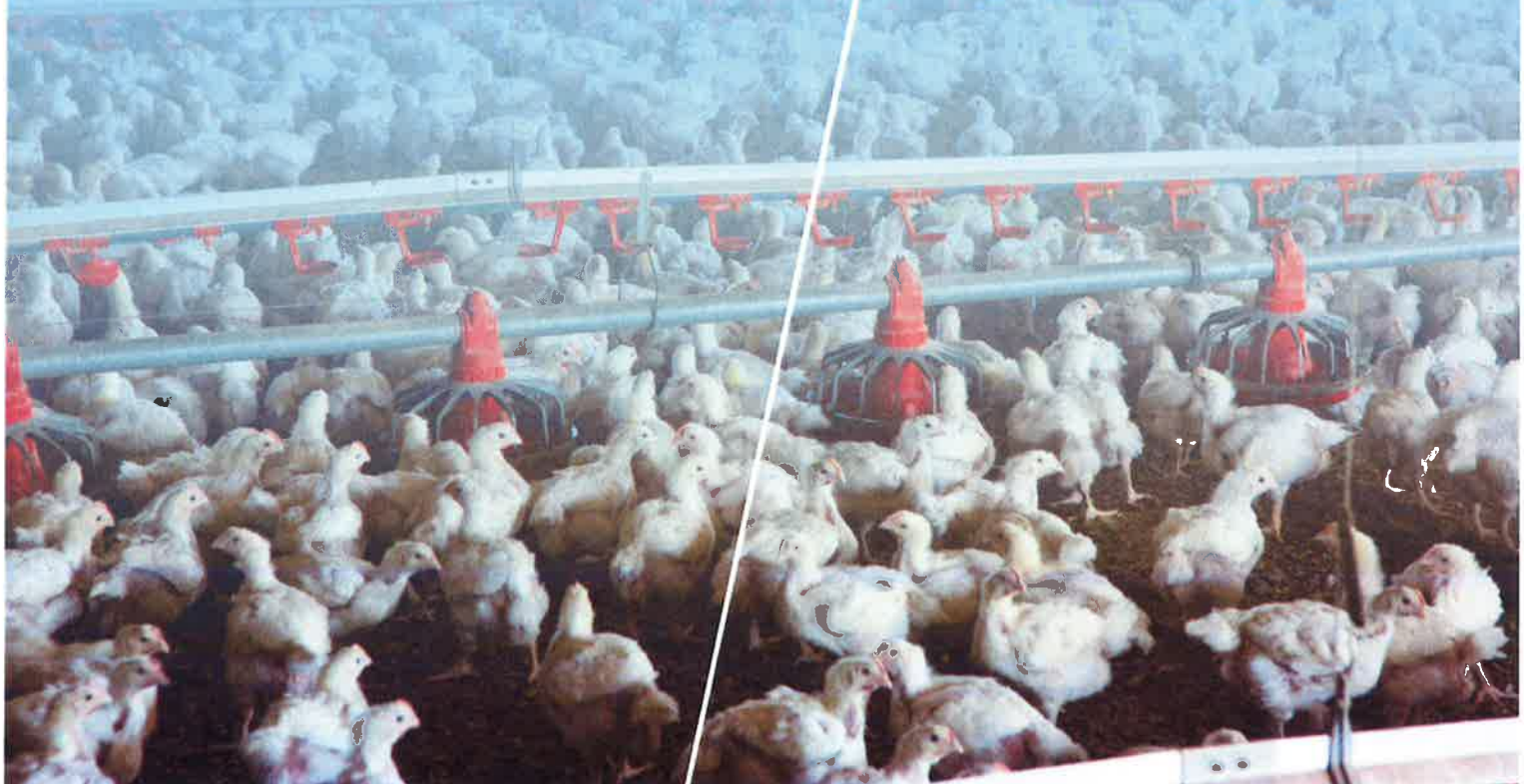


# **Baiada Poultry Processing Plant**

State Significant  
Development  
Modification Assessment  
(DA53/97 MOD 6)



April 2019

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### **Cover photo**

Young free range chickens at Baiada Chicken Hatchery on Country Road, Westdale, Tamworth, NSW (Department of Planning and Environment)

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## Glossary

Abbreviation	Definition
Consent	Development Consent
Council	Tamworth Regional Council
Department	Department of Planning and Environment
Dol	Department of Industry
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence
FRNSW	Fire and Rescue NSW
Minister	Minister for Planning
Regional Plan	<i>New England North West Regional Plan 2036</i>
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



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# 1. Introduction

This report provides an assessment of an application to modify the development approval for the Baiada Poultry Processing Facility.

The modification application seeks approval to increase the processing volume of the plant, specifically the volume of protein recovery material, from an approved 120 tonnes per day to an average of 160 tonnes, with a daily maximum of 180 tonnes.

This application has been lodged by PSA Consulting Australia on behalf of Baiada Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

## 1.1 Background

The Applicant has development consent to construct and operate an integrated poultry processing facility. To date, the Applicant has only constructed a rendering plant on site, while its processing operations are located on Out Street in Tamworth.

The 57.6 hectare site (see **Figure 1**) is located to the north of the Tamworth Airport and to the north west of the Tamworth Central Business District. Access to the site is gained off Oxley Highway, which is to the south west of the site.

The surrounding land uses comprise predominately of livestock and food processing activities. To the south and east of the site are activities consisting of, but not limited to, the Tamworth Regional Livestock Exchange, TEYS Beef Abattoir and Thomas Foods Internal Lamb Abattoir.

The closest residential development to the site is located approximately one kilometre north of the site, situated along Bowler's Lane.



**Figure 1** | Site Location and surrounding land uses

The rendering plant is the only component of the DA that currently operates on site and was rebuilt following a fire in 2013 which had destroyed the original rendering plant. The rendering plant operates up to 24 hours a day, seven days per week and currently produces a maximum of 120 tonnes of finished product per day. The plant receives raw material, consisting of offal, blood and feathers, primarily from their hatchery in Tamworth commonly known as Baiada Poultry, additional materials are also received from surrounding farms (livestock mortalities). The finished products from the plant are predominately protein-based oils and protein meals for the purpose of pet food.

The Applicant has advised that the purpose of the modification is to increase the maximum processing volume of raw material from 400 tonnes per day to 530 tonnes per day, and to increase the maximum capacity of finished product per day, from 120 tonnes to an average of 160 tonnes, with a daily maximum of 180 tonnes. This modification is sought as an interim increase to cover the forecasted growth in incoming material prior to the Applicant submitting and seeking approval for an upcoming State Significant Development (SSD) Application, which seeks to establish a new poultry processing facility as well as seek an increase in the processing volumes and finished product capacity of the rendering plant.

## 1.2 Approval History

On 9 February 1998, Development Consent was granted for the site, which consisted of the following:

- a poultry processing complex to be developed in four stages
- rendering capacity of 120 tonnes of finished product per day
- processing capacity of 750,000 birds per week.

A number of modifications have been submitted and approved for the plant, further detailed in **Table 1**, however, the modification of most relevance, approved on 27 February 2009, increased the processing capacity of the plant from 750,000 birds to one million birds per week.

On 16 January 2014, a Modification to the Development Consent (DA 53/97 MOD 5) was granted to permit the construction of a replacement rendering plant following a destructive fire.

On 4 June 2018, the Applicant lodged a Request for Secretary's Environmental Assessment Requirements (SEAR's) for SSD (SSD 9394), for the proposed intensification of the poultry processing plant. On 2 July 2018, the Department of Planning and Environment (Department) issued SEAR's to the Applicant. The Applicant is currently preparing a SSD application for the development of a poultry processing facility on site, with a proposed capacity to process up to three million birds per week.

Other consents also apply to the site, including a Council approval which granted the construction of a new Waste Water Treatment Plant on site.

**Table 1** | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Revisions to site plan	Department	S96(2)	22 February 1999
MOD 2	Revisions to site plan	Department	S96(1A)	13 August 2001
MOD 3	<ul style="list-style-type: none"> <li>• Revisions to site plan</li> <li>• Processing capacity increased to 1 million birds per week</li> </ul>	Department	S96(2)	27 February 2009

MOD 4	Removal of unlawful conditions	Department	S96(1A)	2 December 2009
MOD 5	Construction of a replacement rendering plant after fire	Department	75W	16 January 2014



## 2. Proposed Modification

The Applicant has lodged an application under section 4.55(1A) of the EP&A Act to modify DA 53/97 to increase the processing volume of the rendering plant, specifically the volume of protein recovery material.

As per the original Development Consent, the current rendering plant has a production rate of 400 tonnes of raw material, equating to 120 tonnes of finished product per day. The Applicant has stated that the plant currently has the capability to render up to 240 tonnes per day, however, the approval conditioned a maximum of 120 tonnes per day.

The proposed modification seeks to increase the processing volume to 530 tonnes of raw material, equating to 160 tonnes of finished product per day (within a 24 hour period), averaged over seven days, in the protein recovery plant. The Applicant is proposing a maximum processing volume of 180 tonnes of finished product on any individual day, in the protein recovery plant (see **Table 2**).

The proposed increase in raw material and resultantly increased in the finished product does not require an increase in staff, changes in facilities or introduction of new equipment. The facility currently has capacity to accommodate for the increase in incoming raw material, however, as a result of the increase in raw material there would be a requirement for an increase in vehicle movements to and from the site (see **Table 3**).

**Table 2** | Proposed modification

	Current	Proposed	Difference
Raw Material (per day)	400 tonnes	530 tonnes	+ 130 tonnes
Finished product (per day)	120 tonnes	160 tonnes (average), maximum of 180 tonnes	+ 60 tonnes

**Table 3** | Trip generation comparison

	Current	Proposed	Difference
Light Vehicles	30	30	Nil
Heavy Vehicles	70	92	+ 22
Total Vehicles	100	122	+ 22
Total Trip Generation	200	244	+ 44

*Note: These figures are based off a maximum capacity of 160 tonnes per day, on the occasion where the daily maximum reaches 180 tonnes an additional ten heavy vehicle trips would be generated*





### 3. Strategic Context

The Department has considered the strategic context of the site and is satisfied that the proposed modification is consistent with relevant strategic planning documents, including the 'New England North West Regional Plan 2036' (Regional Plan).

The proposed modification is consistent with the goals, directions and actions outlined in the Regional Plan as it would:

- promote the expansion of agribusiness by providing support to the growing poultry sector, agriculture and food processing, in Tamworth and the surrounding region (Objective 1)
- utilise an existing operational site which is located in an existing area of related industries, where the co-location of the use supports existing intensive agriculture and food processing in the area (Objective 1).

By increasing the volume of the existing plant it avoids the introduction of an additional plant to manage the growing poultry industry of the area, furthermore minimising the potential for conflict between land uses within the zone as the site is located within an area of livestock and food processing activities.

It is considered that the proposed modification would be consistent with the Regional Plan.



## 4. Statutory Context

### 4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved development would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act. The proposed increased in production can be introduced with no need for an increase in staff, no new building work or no new equipment
- there are no potential environmental impacts which could be resultant from the change, and any outstanding environmental impacts of the development would be appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Consent Authority

The Minister will be the consent authority under s. 4.5(a) of the Act unless the Independent Planning Commission is the consent authority under cl.8A(2) of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

#### **Minister's delegate as consent authority**

The Minister for Planning is the consent authority for the application under section 4.5(a) of the Act. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.



## 5. Engagement

### 5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to SSD applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website and was referred to Tamworth Regional Council (Council), Environment Protection Authority (EPA), Department of Industry (Dol) and Roads and Maritime Services (RMS).

### 5.2 Summary of Submissions

**RMS** did not object to the modification application, however, provided comments relating to the maximum daily output of finished product to be capped at 180 tonnes per day. This is to ensure certainty regarding the management of traffic movements to and from the site.

**EPA** did not object to the modification application, however, the agency did provide comments relating to the odour impacts and noise levels associated with the increase in production on site. EPA require that the Applicant modify their existing Environment Protection Licence (EPL) to reflect the approved changes. EPA have provided a copy of the proposed modified conditions for the EPL, and a modification to the condition relating to noise limits was also recommended.

**Dol** did not object to the modification application, however, the agency did request further information on the additional water demands the project would have on the reticulated water network. The Applicant addressed the queries in their response to submissions (RTS) and Dol provided no further comments.

**Council** did not object to the modification application, however, Council did request further information relating to biosecurity impacts and potential bird strikes. The Applicant addressed the queries in their RTS and Council provided no further comments.

### 5.3 Response to Submissions

The Applicant provided an RTS on 4 March 2019. The RTS was provided to Council and Dol and was made available on the Department's website. A copy of the RTS is included in Appendix A.



## 6. Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- SEE provided to support the proposed modification (see **Appendix A**)
- Assessment report for the original development application
- submissions from the public, State government authorities and Council (see **Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of the proposed amendment to processing volumes of the rendering plant is provided in **Table 2**.

**Table 2** | Assessment of Issues

Issue	Findings	Recommended Condition
Traffic generation	<ul style="list-style-type: none"><li>• Condition 6 sets out maximum daily processing volumes for the rendering plant, where the development is to not exceed a maximum processing volume of 120 tonnes of material per day in the protein recovery plant.</li><li>• This modification application seeks to increase the processing volume to an average of 160 tonnes per day (calculated over a seven-day period), not exceeding a maximum of 180 tonnes per day in the protein recovery plant.</li><li>• The proposed modification will result in the increase in trip generation to and from the site, specifically for heavy vehicles trips. The increase in vehicle trips would be an additional 44 trips per day, with an additional 10 trips on days where the volume reaches the maximum of 180 tonnes per day.</li><li>• The increase in production would require 12 additional trips for raw material delivery, four additional trips for finished rendered material and six additional trips for general deliveries and waste collection.</li><li>• The Applicant undertook a transport assessment to assess the impact of the increased trip generation upon the local road network. The assessment found the increase in vehicular trips would have a negligible impact on the surrounding road network, particularly as access to the site is gained off a major haulage route, the Oxley Highway.</li><li>• RMS reviewed the information and did not object to the proposed increase in processing volumes, provided that the maximum daily cap is at 180 tonnes per day.</li><li>• The Department's assessment concludes the amendment to Condition 6 can be managed appropriately as the increase in trip generation is minor in nature.</li></ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"><li>• ensure the development does not exceed an average of 160 tonnes per day and maximum of 180 tonnes per day.</li></ul>

Issue	Findings	Recommended Condition
Odour impacts	<ul style="list-style-type: none"> <li>The increase in processing volumes has the potential to generate additional odour impacts.</li> <li>The plant has three main odour emission sources, two biofilters to treat processing air, fugitive emissions from the rendering building and the emissions from existing wastewater treatment plant system.</li> <li>The Applicant undertook an odour impact assessment to assess any potential increases in odour generation from the increased processing on site.</li> <li>Emissions from the plant were based on a worst-case scenario, being the maximum processing capacity of 180 tonnes per day. However, in reality the plant will not process 180 tonnes of finished product per day frequently as an average processing capacity of 160 tonnes per day, calculated across a week, must be met.</li> </ul>	No additional conditions required.
	<ul style="list-style-type: none"> <li>The site is in close proximity to an existing industrial area, with the closest residential receiver located 1.0 km to the north of the site. The increase in processing volume can be efficiently managed through the existing equipment on site, with the current operation not in receipt of any complaints registered with the EPA. As such, there would be minimal likelihood of off-site adverse odour impacts from the proposed increase in production.</li> <li>EPA were satisfied that sufficient information was provided by the Applicant to ensure that the development can operate in compliance with the existing consent conditions relating to odour management.</li> <li>The Department agrees with the EPA and concludes that the proposed increase in production will not generate odour impacts.</li> <li>No additional conditions are recommended.</li> </ul>	
Noise impacts	<ul style="list-style-type: none"> <li>The Applicant submitted an acoustic report assessing the increase in processing volumes and any potential noise associated with the increase in truck movements to and from the site.</li> <li>The report assessed road traffic noise, background noise and industrial noise, considering the existing and proposed operation on site.</li> <li>An assessment of the proposed modification against the <i>Noise Policy for Industry (2017)</i> was undertaken, which concluded that the road traffic noise and industrial noise would be within, or below, the required criterion and existing background noise levels.</li> <li>EPA considered the information provided by the Applicant and confirmed the predicted noise levels proposed would be compliant. Furthermore, EPA intend to place the project specific noise levels on the EPL. The Department recommends, condition 28 be modified to reflect the revised noise requirements of the <i>Noise Policy for Industry (2017)</i> which are to be met by the development.</li> <li>The Department's assessment concludes that the proposed increase in production, and the resultant increase in traffic, will not generate unreasonable noise impacts.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>ensure the development meets the revised noise requirements.</li> </ul>





## 7. *Evaluation*

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. On balance, the Department considers the proposed modification is appropriate on the basis that the:

- proposed modification is substantially the same development as that originally approved
- will result in minimal environmental impacts beyond the approved Baiada Poultry Processing Plant
- proposed increase in processing volumes do not require an increase in staff, no new building work or no new equipment.

The Department is satisfied the modification should be approved for DA 53/97 MOD 6.



## 8. Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **Determines** that the application DA 53/97 MOD 6 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modify** the consent DA 53/97
- **signs** the attached approval of the modification Attachment A.

Recommended by:

**Ania Dorocinska**

Senior Planning Officer  
Industry Assessments

Recommended by:

**Pamela Morales**

A/Team Leader  
Industry Assessments



## 9. Determination

The recommendation is: **Adopted by:**

**Chris Ritchie**

Director

Industry Assessments

10/4/19



# Appendices

## Appendix A – List of Documents

Statement of Environmental Effects –

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9861](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9861)

Submissions –

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9861](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9861)

Response to Submissions –

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9861](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9861)

## **Appendix B – Consolidated Consent**



**Appendix C – Notice of Modification**