

Development Consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



18/12/2020

Anthea Sargeant

Executive Director

Key Sites and Regional Assessment

Sydney

2020

SCHEDULE 1

Application Number:	SSD-9394
Applicant:	Baiada (Tamworth) Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	1154 Gunnedah Road, Westdale Lot 100 on DP1097471 Lot 101 on DP1097471 Lot 102 on DP1097471
Development:	Construction and operation of Baiada Integrated Poultry Processing Facility, including: <ul style="list-style-type: none">• Poultry processing facility, with capacity to process up to 3 million birds a week• Protein Recovery Plant, with capacity to render up to 1,680 tonnes of finished product per week• Wastewater treatment plant• Advanced water treatment plant• Road connection to Workshop Lane• Earthworks• Connection to infrastructure
Preamble:	This instrument applies to the Development which is comprised of the Existing Development and the Project on the land (refer to definitions)

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DEFINITIONS

Applicant	Baiada (Tamworth) Pty Ltd, or any person carrying out any development to which this consent applies
AWTP	Advanced water treatment plant
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifier	A person who is authorised by or under section 6 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Tamworth Regional Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The Existing Development and the Project
Development layout	The plans at Appendix 1 of this consent
DPI – Water	DPI – Lands, Water and Department of Primary Industries
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EES	Environment, Energy and Science Group of the Department
EIS	The Environmental Impact Statement titled <i>Oakburn Poultry Processing Plant – Tamworth NSW, prepared by PSA Consulting Australia</i> dated 2 July 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6 pm to 10 pm
Existing Development	The continuation of the existing protein recovery plant with a processing volume of 530 tonnes of raw material per day and 160 tonnes of finished product per day at 1154 Gunnedah Road, Westdale, as described in the EIS and RTS.
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
IBRA	Interim Biogeographic Regionalisation for Australia
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: “material harm” is defined in this consent

Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The use of an integrated poultry processing facility, including poultry processing, rendering and wastewater treatment
PC	Principal Certifier in accordance with the EP&A Act
PCT 599	Blakely's Red Gum - Yellow Box grassy tall woodland
Planning Secretary	The Secretary of the Department, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Project	The construction and operation of an integrated poultry processing facility, including poultry processing, wastewater treatment plant, advanced water treatment plant and the increase to capacity of the Existing Development, as described in the EIS and RTS, and as generally depicted in plans in Appendix 1;
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act, titled <i>Baiada Integrated Poultry Processing Facility (SSD-9394) – Response to Submissions</i> , prepared by PSA Consulting Australia dated 3 July 2020 and the <i>Baiada Integrated Poultry Processing Facility (SSD-9394) – Supplementary Response to Submissions</i> prepared by PSA Consulting Australia dated 18 October 2020.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1.
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
WWTP	Wastewater treatment plant
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, Response to Submissions and Supplementary Response to Submissions;
 - (d) in accordance with the Development Layout in Appendix 1; and
 - (e) in accordance with the management and mitigation measures in Appendix 3.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

LIMITS OF CONSENT

Lapsing

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.

Protein Recovery Plant

- A6. The rendering capacity cannot increase from 1,120 tonnes to 1,680 tonnes of finished rendering product per week in the protein recovery plant until such time that all works associated with the project, are complete and operational, to the satisfaction of the Planning Secretary.

Poultry Processing Facility

- A7. The development is limited to the following limits within the processing plant:
- (a) processing of up to 3 million birds per week; and
 - (b) holding of 90,000 birds (average over 24 hour period) within the live bird area.
- A8. Exhaust fans on the processing areas must be designed to achieve a minimum exit velocity of 15 milliseconds.
- A9. The final design and operation of the plant must not preclude the ability for air pollution and odour emission controls to be retrofitted.

NOTIFICATION OF COMMENCEMENT

- A10. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction;
 - (b) operation; and
 - (c) cessation of operations.

- A11. If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage of the date of commencement and the development to be carried out in that stage, or a timeframe otherwise agreed with the Planning Secretary.

SURRENDER OF EXISTING CONSENTS

- A12. Within 12 months of the date of determination of this development consent, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the consents specified in Appendix 3 in accordance with the EP&A Regulation.
- A13. Upon the commencement of development to which this consent applies, and before the surrender of existing development consents or project approvals as required under condition A12, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

Note: *This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.*

EVIDENCE OF CONSULTATION

- A14. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A15. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A16. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A17. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A18. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- A19. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by A23 of this consent.*

DEMOLITION

A20. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

A21. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

COMPLIANCE

A22. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

DEVELOPMENT CONTRIBUTIONS

A23. Before the issue of an occupation certificate for any part of the project a levy of 1% of the development cost, as determined by a Registered Quantity Surveyor's Detailed Cost Report, must be paid to Council to cater for the increased demand for community infrastructure resulting from the development, in accordance with Section 4.17 and Section 7.12 of the EP&A Act and the Tamworth Regional Council Section 94A (Indirect) Contributions Plan. 2013

OPERATION OF PLANT AND EQUIPMENT

A24. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

EXTERNAL WALLS AND CLADDING

A25. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

A26. Before the issue of:

- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
- (b) an Occupation Certificate,

the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.

A27. The Applicant must provide a copy of the documentation given to the Certifier under condition A26 to the Planning Secretary within seven days after the Certifier accepts it.

UTILITIES AND SERVICES

A28. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

A29. Before the issue of a Subdivision Works Certificate or Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:

- (a) the installation of fibre-ready facilities to the development to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to the development demonstrated through an agreement with a carrier.

A30. Before the issue of an Occupation Certificate, the Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

WORKS AS EXECUTED PLANS

A31. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

APPLICABILITY OF GUIDELINES

- A32. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A33. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

- AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Hours of Work

B1. The Applicant must comply with the hours detailed in Table 1.

Table 1: Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation (general)	Monday – Sunday	24 hours

B2. Works outside of the hours identified in condition B1 may be undertaken in the following circumstances:

- (a) works that are inaudible at the nearest sensitive receivers; or
- (b) works agreed to in writing by the Planning Secretary; or
- (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

B3. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 3.

Construction Noise Management Plan

B4. The Applicant must prepare a Construction Noise Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must

- (a) be prepared by a suitably qualified and experienced noise expert whose appointment has been endorsed by the Planning Secretary;
- (b) be approved by the Planning Secretary prior to the commencement of construction of the project
- (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (e) include a complaints management system that would be implemented for the duration of the development.

B5. The Applicant must:

- (a) not commence construction of any relevant stage of the project until the Construction Noise Management Plan required by condition B4 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Noise Management Plan approved by the Planning Secretary for the duration of construction.

Operational Noise Limits

B6. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

Table 2: Noise Limits (dB(A))

Locality	Location	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)	Night L _{AFmax}
R1	Girraween	40	35	35	52
R2	Abbeylands	40	35	35	52
R3	The Billabong	40	35	35	52
R4	Airport South	40	35	35	52

Note: Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 3 for the location of residential sensitive receivers.

Noise Walls

B7. The Applicant must construct the noise walls shown on page 32 of the *Revised Noise Impact Assessment – Oakburn Processing Facility & Rendering Plant dated August 2020*, prior to the commencement of operation of the project.

If construction of noise walls is to be staged, the Applicant must submit a noise verification study to the satisfaction of the Planning Secretary to demonstrate the development will comply with the noise limits in condition B6 at all times.

AIR QUALITY

Operational odour impact management

- B8. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined under the POEO Act) beyond the boundary of the site.
- B9. The site must be maintained in a condition which minimises or prevents the emission of air pollution (including odour and dust) from the site.
- B10. The bird processing buildings must be designed and operated as to contain dust and odour, operating under negative pressure where possible.
- B11. All bird handling and associated cleaning activities are to be carried out so as to contain dust and odour, and where possible contained indoors.

Odour management plan

- B12. Within 6 months of the date of this consent, the Applicant must prepare an updated Odour Management Plan for the existing development to the satisfaction of the Planning Secretary. The Odour Management Plan must form part of the OEMP required by condition C5. The Odour Management Plan must be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary and include:
- (a) objectives and targets;
 - (b) an odour risk assessment;
 - (c) proactive and reactive mitigation measures of all significant and potentially significant emissions sources;
 - (d) key performance indicators;
 - (e) monitoring method(s);
 - (f) location, frequency and duration of monitoring;
 - (g) record keeping;
 - (h) response mechanisms and contingency measures;
 - (i) responsibilities; and
 - (j) compliance reporting.
- B13. Prior to commencement of operation of the project, the Applicant must update the Odour Management Plan as required by condition B12 to incorporate the project and its management to the satisfaction of the Planning Secretary. The updated plan must be prepared in accordance with the requirements of condition B12 and must incorporate the following:
- (a) details of emissions from all sources of the Development;
 - (b) description of the air quality monitoring to measure the performance of the Development against this consent and the EPL; and
 - (c) description of any additional measures that would be implemented to ensure the Development complies with this consent and the EPL.
- B14. The Applicant must:
- (a) not commence operation until the Odour Management Plan required by condition B12 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Odour Management Plan approved by the Planning Secretary for the duration of the development.

Odour audit

- B15. The Applicant must carry out an Odour Audit of the development no later than six months after the commencement of operation of the development. The audit must:

- (a) be carried out by a suitably qualified, experienced and independent person(s);
- (b) audit the development in full operation;
- (c) include a summary of odour complaints and any actions that were carried out to address the complaints;
- (d) assess the operation against odour impact predictions in the EIS;
- (e) review design and management practices in the development against industry best practice for odour management; and
- (f) include an action plan that identifies and prioritises any odour mitigation measures that may be necessary to reduce odour emissions.

Note: *The Odour Audit may be prepared so that it addresses the requirements of this consent and the EPL for the development.*

- B16. Within six months of commissioning of the Odour Audit required by condition B15, or as otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the Odour Audit report to the satisfaction of the Planning Secretary, together with the Applicant's response to any recommendations contained in the Odour Audit report.

Dust Minimisation

- B17. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B18. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering or alternate suppression methods;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

- B19. The Applicant must install and operate equipment to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B20. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Department upon request.

Erosion and Sediment Control

- B21. Prior to the commencement of any construction the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

Discharge Limits

- B22. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System

- B23. Prior to the commencement of operation of the project, the Applicant must design, install and operate a stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities;
 - (d) be consistent with the Stormwater Management Plan for the catchment;
 - (e) be in accordance with applicable Australian Standards;
 - (f) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Evaporation Ponds

- B24. The evaporation ponds must have liners installed and maintained to achieve a hydraulic conductivity of 1×10^{-9} metres per second or less via a constructed clay liner of at least 1000 mm thickness (or a geosynthetic liner providing equivalent or better protection) or otherwise agreed with the EPA or the Planning Secretary.
- B25. The evaporation ponds must be designed to include, and maintain, a freeboard level of at least 500mm to meet the 7-day rare design rainfall depth for a 1 in 2,000 year-event of 480 mm.
- B26. Prior to the commencement of operation of the project, the Applicant must prepare an Evaporation Pond Management Plan to the satisfaction of the Planning Secretary. The Evaporation Pond Management Plan must form part of the OEMP required by condition C5. The Evaporation Pond Management Plan must:
- be prepared by a suitably qualified and experienced engineer;
 - provide an updated water balance and risk mitigation measures to demonstrate that the design freeboard capacity of the evaporation ponds is restored as soon as practical after significant rainfall events and there is no cumulative storage above the freeboard;
 - identify contingency measures to prevent managed overflows; and
 - describe operational measures to be implemented for salt removal, maintaining liner integrity and maintaining the leak detection system performance.
- B27. Prior to the commencement of operation of the project, the Applicant must submit an Evaporation Ponds Commissioning Report to the Department and EPA that:
- demonstrates the evaporation ponds have been constructed in consultation with a suitably qualified and experienced engineer;
 - demonstrates the liner achieves the specified hydraulic conductivity described in condition B24;
 - addresses the increased risk to groundwater contamination due to high salinity wastewater potentially reacting with the liner; and
 - includes groundwater monitoring requirements to detect potential pond leakage.

Water Management Plan

- B28. Prior to the commencement of operation of the project, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The Water Management Plan must form part of the OEMP required by condition C5. The Water Management Plan must:
- be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - be prepared in consultation with DPI – Water;
 - detail water use, metering, disposal and management on-site;
 - detail the number and location of piezometers on-site;
 - detail the water licence requirements for the development;
 - detail the management of wastewater streams on-site;
 - include an incident response plan with triggers for the National Water Quality Management Strategy (NWQMS) guidelines (ANZECC/ARMCANZ latest issue) should the lagoons be found to be leaking;
 - contain a Groundwater Management Plan, including:
 - the installation of groundwater monitoring bores around the evaporation basins and the existing rendering water treatment lagoon
 - baseline data on groundwater levels and quality;
 - a program to monitor groundwater levels and quality;
 - groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and
 - a protocol for the investigation and mitigation of impacts where the groundwater impact assessment criteria has been exceeded.
- B29. The Applicant must:
- not commence operation of the project until the Water Management Plan required by condition B28 is approved by the Planning Secretary; and
 - implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.

Water Management

- B30. A Compliance Certificate under Section 306 of the *Water Management Act 2000* must be obtained from the Council (as the Local Water Supply Authority) prior to the issue of an Occupation Certificate. All contribution payments, or a formal Agreement with Council for payment of contributions, must be made prior to issue of any Construction Certificate. Council requires the following to be undertaken prior to the issue of a Compliance Certificate.
- B31. Any additional demand for water over the daily limit of 1.6 ML to the site will be subject to an agreement with Council.
- B32. Unless otherwise agreed with the Local Water Supply Authority, a single water service with appropriate metering and backflow prevention device shall be provided to service the development. The existing water service off Gunnedah Road may be utilised if it is adequate.
- B33. The Applicant must engage a hydraulic engineer to determine the fire fighting and other demands and determine an appropriate water service size for the development.
- B34. Works required for water servicing must be undertaken in accordance with Council's Engineering Design Minimum Standards for Subdivisions & Developments.
- B35. Work on live water mains is to be undertaken by Council at full cost to the Applicant.

WASTE MANAGEMENT

Sewage

- B36. The existing point of discharge to Council's sewerage system on Gunnedah Road is to be utilised for the discharge of sewage.
- B37. Sewage streams must remain separate from the WWTP/AWTP system at all times.
- B38. Works shall be undertaken in accordance with Council's Engineering Design Minimum Standards for Subdivisions & Developments.
- B39. Work on live sewer mains is to be undertaken by Council at full cost to the Applicant.

Liquid Trade Waste

- B40. Should any details of trade waste treatment or discharge to Council's sewer differ from the existing Trade Waste Application or Agreement, a Trade Waste Application is to be submitted to Council.
- Note: A Trade Waste Agreement is in place for the existing development on the site*
- B41. The reverse osmosis concentrate is not to be discharged to Council's sewerage system (directly or indirectly).

Pests, Vermin and Priority Weed Management

- B42. The Applicant must:
- implement suitable measures to manage pests, vermin and declared priority weeds on the site; and
 - inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or priority weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, priority weeds are those species subject to an order declared under the Biosecurity Act 1915.

Statutory Requirements

- B43. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B44. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.
- B45. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B46. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B47. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B48. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B47 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Roadworks and Access

- B49. Prior to the commencement of operation of project, the Applicant must complete the construction of Workshop Lane to the satisfaction of Council. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.
- B50. Prior to the commencement of operation of project, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the accesses to the site are designed to accommodate the turning path of a 26 m B-Double vehicle.

Parking

- B51. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operating Conditions

- B52. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
 - (c) the development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on site before being required to stop;
 - (f) all loading and unloading of materials is to be carried out on-site;
 - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
 - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

HAZARDS AND RISK

B53. The Applicant must implement all control and safeguards from the *Preliminary Hazard Analysis*, comprising of the following documents, in a timely and appropriate manner:

- (a) SEPP 33 Preliminary Risk Screening & Hazard Analysis, Proposed Baiada Oakburn Poultry Processing Facility, 1154 Gunnedah Road, Westdale NSW 2340, SSD-9394 (document number 6.10.19171-R02, version -v1.2, dated 18 September 2020, prepared by SLR Consulting); and
- (b) Risk Assessment, 1154 Gunnedah Road, Westdale, NSW 2340 (document number 370593-LoteRA-BaiadaPoultryPlant-RevB, revision B, dated 17 September 2020, prepared by Lote Consulting).

Pre-construction

B54. The Applicant must prepare a Fire Safety Study for the project construction, other than of preliminary works that are outside the scope of hazard studies and must not commence construction until study recommendations have been considered and, where appropriate, acted upon. The Applicant must submit the study to the Planning Secretary no later than one month prior to commencement of construction of the project, other than preliminary works, or within such further period as the Planning Secretary may agree. The study must cover the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*, and be prepared in consultation with Fire and Rescue NSW.

Pre-commissioning

B55. Prior to commissioning, the Applicant must develop and implement the plans and systems set in B53 (a) and (b). The Applicant must submit to the Planning Secretary documentation describing the plans and systems no later than two months prior to the commencement of commissioning of the project, or within such further period as the Secretary may agree.

Emergency Plan

B56. Prior to commissioning, a comprehensive Emergency Plan and detailed emergency procedures for the development. The Emergency Plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.

Safety Management System

B57. Prior to commissioning, a document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by Planning Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

Hazard Audit

B58. Twelve months after the commencement of operations of the development and every five years thereafter or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the development and within one month of each audit submit a report to the satisfaction of the Planning Secretary. The audits must be carried out at the Applicant's expense by a qualified person or team, independent of the development and approved by the Planning Secretary prior to commencement of the audit. Hazard Audits must be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit'*. The audit must include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

Further Requirements

B59. The Applicant must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of conditions B53 to B58 inclusive, within such time as the Planning Secretary may agree

Dangerous Goods

B60. The storage of dangerous goods within the development must not exceed the maximum storage quantities listed in Table 3.

Table 3: Maximum storage quantities of dangerous goods and combustible materials

Description	Dangerous Goods Class	Packing Group	Maximum Storage Quantity
Liquified natural gas (LNG)	2.1	n/a	240,000 L
Liquified petroleum gas (LPG)	2.1	n/a	480 kg
Nitrogen	2.2	n/a	10,000 L
Liquified oxygen gas (LOX)	2.2 (5.1)	n/a	10,000 L
Carbon dioxide	2.2	n/a	10,000 L
Anhydrous ammonia refrigerant	2.3	n/a	7 tonnes
Ferric sulphate	8	III	15,000 L
Hypochlorite solution	8	III	13,800 L
Sodium hydroxide solution	8	III	5,400 L
Sulfuric acid (35%)	8	II	4,000 L

B61. The Applicant must store and handle all chemicals, fuels and oils in accordance with:

- (a) the requirements of all relevant Australian Standards, including and not limited to *Australian Standards 1894 The storage and handling of non-flammable cryogenic and refrigerated liquids*; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

In the event of an inconsistency between the requirements in (a) and (b), the most stringent requirement shall prevail to the extent of the inconsistency.

AIRPORT

B62. The external materials and finishes of the buildings must be non-reflective to the satisfaction of the Planning Secretary, to avoid distraction to air crews.

Wildlife monitoring program

B63. Within six months of the date of determination of this development consent, the Applicant must establish a site wide bird life monitoring program, in consultation with Civil Aviation Safety Authority (CASA). The monitoring program is to include:

- (a) details of bird life that may trigger the need for mitigation measures to manage potential interactions with Tamworth Regional Airport. These triggers and measures should be established in consultation with CASA and the Tamworth Regional Airport;
- (b) be prepared by a suitably qualified consultant;
- (c) identify areas of potential bird attraction;
- (d) details of mitigation measures such as bird netting and other deterrents; and
- (e) procedures for the implementation of any mitigation measures.

A copy of the monitoring program is to be provided to the Planning Secretary.

ANIMAL WELFARE AND BIOSECURITY

Animal Welfare

B64. The Applicant must ensure the development complies with the relevant requirements for the welfare of livestock, particularly health, housing, watering, feeding, handling and transport, including but not limited to those contained within the latest version of:

- (a) *National Animal Welfare Standards for Livestock Processing Establishments 2nd edition* (Meat and Livestock Australia, 2009);
- (b) *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock* (Animal Health Australia, 2012);
- (c) *National Animal Welfare Standards for the Chicken Meat Industry* (Barnett et al. 2008)
- (d) *NSW DPI Best Practice Management for Meat Chicken Production in NSW – Manual 2* (2012);
- (e) *Model Code of Practice for the Welfare of Animals – Domestic Poultry, 4th Edition* (PISC, 2002);
- (f) any other relevant document that supersedes the above; and
- (g) Management and Mitigation Measures described in Appendix 4 of this consent.

Emergency Disposal and Biosecurity

- B65. Prior to the commencement of operation of the project, the Applicant must prepare an Emergency Disposal and Bio-security Protocol, detailing the procedures for a biosecurity emergency including a mass mortality event, to the satisfaction of the Planning Secretary. The protocol must form part of the OEMP required by condition C5 and must:
- (a) be prepared in consultation with Council, EPA and the Department;
 - (b) be consistent with the relevant AUSTVETPLAN manuals and supporting documents;
 - (c) describe the notification procedures;
 - (d) include a Hazard Analysis and Critical Control Points Plan;
 - (e) detail all transport routes to be used in a mass mortality event;
 - (f) detail any requirements to stage the mass disposal of dead livestock;
 - (g) detail the burial location(s) for the disposal of dead livestock, including plans and drawings;
 - (h) detail the measures to maintain quarantine control;
 - (i) detail measures to prevent ground water contamination; and
 - (j) detail the mass mortality disposal procedures and options.
- B66. The Applicant must:
- (a) not commence operation of the project until the Emergency Disposal and Biosecurity Protocol required by condition B65 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Emergency Disposal and Biosecurity Protocol approved by the Planning Secretary for the duration of the development.

ABORIGINAL HERITAGE

Unexpected Finds Protocol

- B67. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - (c) Heritage NSW must be contacted immediately.
- B68. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

BIODIVERSITY

- B69. Prior to any clearing or Construction works the Applicant must purchase and retire 5 ecosystem credits of PCT 599 to offset the removal of native vegetation at the site. The ecosystem credits must be retired in accordance with the requirements of the EES Group's Biodiversity Offsets Scheme and the Biodiversity Conservation Act 2016.
- B70. The requirement to retire ecosystem credits (see condition B69) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of 5 ecosystem credits, as calculated by the EES Group's Biodiversity Offsets Payment Calculator.
- B71. The Applicant must provide the Planning Secretary with evidence that:
- (a) the retirement of ecosystem credits has been completed (see condition B69); or
 - (b) a payment has been made to the Biodiversity Conservation Fund (see condition B70),
- prior to undertaking any clearing of native vegetation, or activities that have the potential to impact upon this native vegetation.

VISUAL AMENITY

Landscaping

- B72. Prior to the commencement of operation of the project, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must form part of the OEMP in accordance with conditions C5. The plan must:
- (a) detail the species to be planted on-site;
 - (b) incorporate plant species that form part of PCT 599 and be stock germinated from within the same IBRA region;
 - (c) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
 - (d) be consistent with the Applicant's Management and Mitigation Measures at Appendix 3.

B73. The Applicant must:

- (a) not commence operation of the project until the Landscape Management Plan is approved by the Planning Secretary.
- (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
- (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B72 for the life of the development.

Lighting

B74. The Applicant must ensure the lighting associated with the development:

- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage and Fencing

B75. The Applicant must not install any signage, advertising or fencing, except for signage and advertising that is exempt development, without the written approval of the Planning Secretary. In seeking this approval, the Applicant must:

- (a) submit detailed plans of the proposed signage, advertising or fencing, which have been prepared in consultation with Council; and
- (b) demonstrate that the proposed signage, advertising or fencing is consistent with the relevant requirements in the DCP.

COMMUNITY ENGAGEMENT

B76. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified on Figure 2: Appendix 2, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development;
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under condition C2 of this consent, the Applicant must include the following:
- (a) Erosion and Sediment Control Plan;
 - (b) Construction Noise Management Plan (see condition B4);
 - (c) Construction Traffic Management Plan (see condition B47); and
 - (d) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. Within 9 months of the date of this consent, the Applicant must prepare an Operational Environmental Management Plan (OEMP) for the existing development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;

- (iii) resolve any disputes that may arise;
- (iv) respond to any non-compliance;
- (v) respond to emergencies; and
- (c) include the following environmental management plans:
 - (i) Evaporation Pond Management Plan (see condition B26);
 - (ii) Water Management Plan (see condition B28);
 - (iii) Emergency disposal and Biosecurity protocol (see condition B65); and
 - (iv) Landscape Management Plan (see condition B72).
- C7. The Applicant must operate the existing development in accordance with the OEMP approved by the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- C8. Prior to commencement of operation of the project, the Applicant must update the OEMP required under condition C5 to incorporate the project and its management to the satisfaction of the Planning Secretary. The updated plan must be prepared in accordance with the requirements of condition C5, and must incorporate the following:
 - (a) procedures, roles and responsibilities of key personnel involved in the environmental management of the Development;
 - (b) community consultation requirements for the Development; and
 - (c) updates to the environmental management sub-plans listed under condition C6.
- C9. The Applicant must not commence operation of the project until the updated OEMP as required by condition C6 is approved by the Secretary.
- C10. The Applicant must implement the most recent version of the OEMP approved by the Planning Secretary for the duration of the Development's operation.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C11. Within three months of:
 - (a) the submission of an incident report under condition C14;
 - (b) the submission of an Independent Environmental Audit under condition C12;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,
- C12. the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.
- C13. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

REPORTING AND AUDITING

Incident Notification, Reporting and Response

- C14. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 5.

Non-Compliance Notification

- C15. The Planning Secretary must be notified in writing to the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C16. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C17. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- C18. Within twelve months of the date of this consent, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary.

Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:

- (a) identify any trends in the monitoring data over the life of the development;
- (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (c) describe what measures will be implemented over the next year to improve the environmental performance of the development

C19. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Independent Audit

C20. Within twelve months of the date of this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:

- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020)
- (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
- (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).

C21. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition C20 **Error! Reference source not found.** of this consent;
- (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
- (c) implement the recommendations to the satisfaction of the Planning Secretary; and
- (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Monitoring and Environmental Audits

C22. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

ACCESS TO INFORMATION

C23. Within six months of the date of this consent and for the life of the development, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vii) a summary of the current stage and progress of the development;
 - (viii) contact details to enquire about the development or to make a complaint;
 - (ix) a complaints register, updated monthly;
 - (x) the Compliance Report of the development;

- (xi) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Job No.	Drawing No.	Rev.	Date	Title
19106	SK10	H	16/10/2020	Site Plan
19106	SK16	B	16/10/2020	Staging Plan
19106	SK11	D	16/10/2020	Ground Floor Plan Processing a Facility
19106	SK12		23/06/2020	Mezzanine Plan Processing Facility
19106	SK14	B	16/06/2020	Sections
19106	SK15	B	15/06/2020	Elevations



Figure 1: Site Plan

APPENDIX 2 SENSITIVE RECEIVERS



Figure 2: Sensitive receivers

APPENDIX 3 EXISTING CONSENTS TO BE SURRENDERED

Reference	Date of determination	Details of approval
DA53/97	9 February 1998	Poultry Processing Complex to be developed in four stages (as modified)
DA0775/2008	10 September 2009	Wastewater treatment plant and extensions to existing industrial shed.
DA0080/2010	4 July 2009	Construction of new equipment/storage shed
DA0571/2010	12 August 2010	Additions to Rendering Plant (Storage tanks, maintenance shed and boiler room)
DA2016/0551	29 July 2016	Alterations and additions to the existing Oakburn Wastewater Treatment Plant
DA2017/0278	23 January 2017	Entrance Signage
DA2017/0282	13 February 2017	Replacement of biofilter and additional air ducting system to existing wastewater treatment plant
DA2018/0443	20 July 2018	Wastewater Treatment Plant

APPENDIX 4 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

IDENTIFIED IMPACT	MITIGATION MEASURES AND MANAGEMENT MEASURES										
<p align="center">TRAFFIC</p>	<ul style="list-style-type: none"> • Staff and processing plant traffic are to be directed to use the proposed driveway connecting to Workshop Lane. • Direct access to the Oxley Highway is to be maintained for visitors to the site and emergency access only. • 820 car parking spaces are to be provided on site with a minimum of 8 spaces be designated for people with a disability. • Car park design and line-marking is to be undertaken in accordance the Australian Standard 2890.1 (2004). • Due to the length of aisles, speed humps be provided in in accordance with AS2890.1 to provide positive speed control. • Detailed design of the car park to incorporate minor amendments to the kerb line near the northern end of the staff car park to ensure fire truck access is available through the car park if required. • The Internal T-intersection between the staff car park access road and the weighbridge access road be designed as a standard priority T-intersection to reflect the dominant traffic flow. 										
<p align="center">AIR QUALITY</p>	<ul style="list-style-type: none"> • Filling of the SBR is to be programmed to take place outside of daylight hours where practical. • Implement the Odour Management Plan for the site to prevent or minimise the potential for odour generation through a hierarchy of controls, in the form of, but not limited to, engineered, administration and/or management practices. 										
<p align="center">NOISE</p>	<p>Noise Mound/Barrier Adjacent to Live Bird Area</p> <ul style="list-style-type: none"> • An acoustic mound or barrier are to be erected at the following locations: <table border="1" data-bbox="558 1216 1420 1579"> <thead> <tr> <th data-bbox="558 1216 989 1265">Location</th> <th data-bbox="989 1216 1420 1265">Height above FGL (mm)</th> </tr> </thead> <tbody> <tr> <td data-bbox="558 1265 989 1344">West side Live Bird Area and Hardstand</td> <td data-bbox="989 1265 1420 1344">3000</td> </tr> <tr> <td data-bbox="558 1344 989 1422">North side Rendering Building loop road</td> <td data-bbox="989 1344 1420 1422">2100</td> </tr> <tr> <td data-bbox="558 1422 989 1500">North side Cooling towers & associated plant</td> <td data-bbox="989 1422 1420 1500">2100</td> </tr> <tr> <td data-bbox="558 1500 989 1579">North side Cold Store distribution dock</td> <td data-bbox="989 1500 1420 1579">2400 (above truck FGL)</td> </tr> </tbody> </table> <p>General Noise Control Recommendations</p> <ul style="list-style-type: none"> • All access roads should be kept in good condition, i.e. no potholes, etc. • Trucks and other machines should not be left idling for extended periods unnecessarily. Machines found to produce excessive noise compared to industry best practice should be removed from the site or stood down until repairs or modifications can be made. • A regular maintenance schedule should be adopted for all mobile and fixed plant items. Items found producing high noise should be stood down until repairs are completed. • A noise monitoring program, during commissioning, or in the early life of the site is recommended. This program will verify our predictions and in the unlikely event that complaints may arise, enable noise control strategies to be implemented, where required. 	Location	Height above FGL (mm)	West side Live Bird Area and Hardstand	3000	North side Rendering Building loop road	2100	North side Cooling towers & associated plant	2100	North side Cold Store distribution dock	2400 (above truck FGL)
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IDENTIFIED IMPACT	MITIGATION MEASURES AND MANAGEMENT MEASURES
	<p>Noise Monitoring Program</p> <ul style="list-style-type: none"> Noise monitoring should be carried out at the commencement of each process/activity that has the potential to produce excessive noise. <p>Acoustic Barriers/Screening</p> <ul style="list-style-type: none"> Place acoustic enclosures or screens directly adjacent to stationary noise sources that are likely to result in unacceptable off-site noise impacts (such as compressors, generators, drill rigs, etc). <p>Consultation/Complaints Handling Procedures</p> <ul style="list-style-type: none"> The construction contractor should analyse proposed noise control strategies in consultation with the Acoustic Consultant as part of project pre-planning. <p>Equipment Selection</p> <ul style="list-style-type: none"> All combustion engine plant, such as generators, compressors and welders, should be carefully checked to ensure they produce minimal noise, with particular attention to residential grade exhaust silencers and shielding around motors, where necessary. <p>Risk Assessment</p> <ul style="list-style-type: none"> A risk assessment should be undertaken for all noisy activities and at the change of each process.
<p>ECOLOGICAL</p>	<p>Should any works need to be conducted within the Peel River Tributary, in order to minimise any impact to amphibians, works are to be:</p> <ul style="list-style-type: none"> Undertaken during the winter months when movement of amphibian species is not occurring; or Undertaken during periods of no ephemeral pooling of water in the tributary; or Undertaken after a pre-clearance inspection by a qualified ecologist determines no amphibian presence at that time. <p>Preclearance Surveys: In order to avoid impacts to fauna species during construction, pre-clearance surveys will be conducted in all areas that are required to be cleared.</p> <ul style="list-style-type: none"> Pre-clearing surveys will be undertaken ahead of clearing, to limit fauna injury and mortality and to identify habitat features to be relocated. Pre-clearance surveys will be conducted by suitably qualified ecologists and all fauna found during these surveys will be encouraged to move on or relocated by the ecologists in areas of similar habitat nearby that will not be impacted. <p>Delineation of Clearing Areas:</p> <ul style="list-style-type: none"> Areas that require clearance will be flagged and clearly delineated by temporary fencing to ensure that no areas intended for conservation will be inadvertently cleared during the construction process. <p>Weed Management:</p> <ul style="list-style-type: none"> Undertake, appropriate weed control activities in accordance with all state, regional and local weed management plans. <p>Pre-clearance Surveys (Structures):</p> <ul style="list-style-type: none"> In order to mitigate or avoid impacts to fauna species, (In particular the Eastern Bentwing-bat) during demolition of structures, pre-clearance checks will be conducted of all human made structures proposed to be demolished prior to construction. Pre-clearance surveys will be conducted by suitably qualified ecologists and all fauna found during these surveys will be encouraged to move on

IDENTIFIED IMPACT	MITIGATION MEASURES AND MANAGEMENT MEASURES
	<p>or relocated by the ecologists in areas of similar habitat nearby that will not be impacted.</p> <p>Native vegetation:</p> <ul style="list-style-type: none"> • Provide an offset of a total of 5 ecosystem credits for PCT 599.
CULTURAL HERITAGE	<p>Aboriginal Objects Find Procedure: If suspected Aboriginal material has been uncovered as a result of development activities within the Project Area:</p> <ul style="list-style-type: none"> • work in the surrounding area is to stop immediately; • a temporary fence is to be erected around the site, with a buffer zone of at least 10 meters around the known edge of the site; • an appropriately qualified archaeological consultant is to be engaged to identify the material; and • If the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)</i>. <p>Aboriginal Human Remains: In the unlikely event that Remains are found, all works should halt. Once the site is cordoned off the nearest police station should be contacted in conjunction with the Tamworth LALC and the Heritage NSW – Aboriginal Cultural Heritage Office. If no investigation is sought and the remains are of Aboriginal origin then the Aboriginal community and Heritage NSW – Aboriginal Cultural Heritage Office should be consulted as to how the remains are to be dealt with. Work may resume once all parties are in agreement.</p> <p>Notifying the Heritage NSW – Aboriginal Cultural Heritage: If Aboriginal cultural materials are uncovered as a result of development activities within the Project Area, they are to be registered as Sites on the AHIMS, managed by the Heritage NSW – Aboriginal Cultural Heritage.</p>
STORMWATER	<ul style="list-style-type: none"> • Provide all stormwater management treatment actions in accordance with the project Stormwater Management Plan prepared by MPN Consulting Engineers (dated 18 June 2020). • During prior to commencement of construction, prepare and implement a detailed Erosion and Sediment Control Plan to ensure compliance with the <i>Protection of the Environment Operations Act 1997</i>.
WASTE	<ul style="list-style-type: none"> • Commercial arrangements are to be made with an appropriately licenced facility for the disposal of each of the different types of waste produced at the site prior to the issue of an Occupation Certificate. • Prepare and implement a Site Based Waste Management Plan consistent with Baiada’s Australian Packaging Covenant Action Plan.
CHEMICAL USE	<ul style="list-style-type: none"> • Chemical handling and storage procedures will be undertaken in accordance with the Applicable Material Safety Data Sheets (MSDS) and all relevant Australian Standards. <p>LNG Storage:</p> <ul style="list-style-type: none"> • The hoses for the transfer of LNG shall be inspected monthly and pressure tested annually in accordance with the Australian Dangerous Goods Code. • All equipment shall be inspected and tested in accordance with the Australian Goods Code. • The over pressurisation shut off for the supply will be set at not more than 200 kPa.

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<p>CONSTRUCTION MANAGEMENT</p>	<p>The Construction Management Plan could address potential social impacts, including reducing stress and inconvenience to neighbouring businesses and residents, by</p> <ul style="list-style-type: none"> • Identifying construction vehicle traffic routes that minimise impacts to neighbours, as far as possible; • Providing arrangements for parking of worker and construction vehicles on-site; • Storing all equipment on site; • Identifying management practices to minimise and manage interruptions to traffic flows; • Establishing practices to maintain traffic and pedestrian safety to local residents; • Minimising disruption proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres; • Providing queueing space onsite for the standing of vehicles; • Providing clear signage to direct construction vehicles; and • Provide signage on site that provides a contact number for residents to direct enquiries and report incidents (e.g. theft or break and enter to the site while unattended), should they occur
<p>ENVIRONMENTAL MANAGEMENT</p>	<ul style="list-style-type: none"> • Prepare an implemented a detailed Environmental Management System for the Oakburn Processing Plant for certification in accordance with the AS/NZS/ISO 14001: 2015 Standard.

APPENDIX 5 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C14 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.