Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.

Joanna Bakopanos
Team Leader
Industry Assessments

Sydney 23 May 2024 File: EF23/11264

SCHEDULE 1

Development Consent

Development Consent:	SSD-9394 granted by the Minister for Planning and Public Spaces on 18 December 2020
For the following	Construction and operation of the Baiada Integrated Poultry Processing Facility.
	Modification 1
Modification Application:	SSD-9394-Mod-1
	Modification involving alterations and addition to the approved Baiada Oakburn Poultry Processing Facility including design changes to the processing and administration buildings
Applicant:	Baiada (Tamworth) Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
The Land:	1154 Gunnedah Road, Westdale Lot 100, DP1097471; Lot 101, DP1097471 and Lot 102, DP1097471

SCHEDULE 2

The consent is modified as follows:

1. Insert the following definitions in alphabetical order:

Modification Assessments	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act:

(a) SSD-9394-Mod-1: Modification Report titled '*Oakburn Processing Facility SSD-9394 Modification Repor*t', prepared by PSA Consulting Pty Ltd, dated 10 August 2023 and all accompanying documents including Request for Information responses.

In Schedule 2: Part A - Administrative Conditions

2. In condition A2, re-number sub-clauses (d) and (e) to (e) and (f), respectively.

3. In condition A2, insert new sub-clause (d) immediately after subclause (c) as follows:

   A2(b) Modification Assessments

4. In condition A4, delete "A2(e)" where occurring and replace with "A2(f)".

5. In condition A8, after the words "velocity of 15" delete the word "milliseconds" and insert instead the words "metres per second (m/s)"

In Schedule 2: Part B- Environmental Performance

6. In condition B7, after the words "Rendering Plant" insert the words "Revision 7" and, delete the date "August 2020" and insert instead the date "July 2023".

7. Insert new Condition B27A, immediately after Condition B27 as follows:

   B27A The requirement to construct and operate the Evaporation Ponds and prepare the management plans as required under Conditions B24 to B27 may be waived, if the Applicant provides written evidence, to the satisfaction of the Planning Secretary, that a formal agreement has been reached with a third party for the provision of off-site evaporation services that will accept reverse osmosis concentrate from the development. The Applicant must:

   (a) ensure any request made to the Planning Secretary is accompanied with an endorsement from the EPA and Council; and

   (b) not operate the project without the written approval of the Planning Secretary confirming it is satisfied a formal agreement for the provision of off-site evaporation services has been reached.

8. Delete condition B53.

9. Delete condition B54 and insert new Condition B54, as follows:

   B54 At least three months prior to the commencement of commissioning of the project (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit for the approval of the Planning Secretary the studies set out under subsections (a) to (b) below. Any retro-fitting that is required from the outcomes of the studies set out under subsection (a) and (b) must be implemented. With respect to the Fire Safety Study, it must demonstrate meeting the requirements of Fire and Rescue NSW.

   (a) a Fire Safety Study of the development. This 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 (NSW HMPCC, 1994). The study must meet the requirements of Fire and Rescue NSW; and

   (b) A Final Hazard Analysis of the development. It must verify the implementations of the safeguards and recommendations that were raised from all versions of the Preliminary Hazard Analysis for the development. If the safeguards and recommendations are not

to be implemented, a clear justification must be provided and demonstrate an equivalent level of safety can be achieved to satisfy the risk criteria as set out in the Department's Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning.

10. Delete Condition B55.

11. In condition B60, delete Table 3 and insert instead new Table 3 as follows:

Description	Dangerous Goods Class	Packing Group	Maximum Storage Quantity
Liquified natural gas (LNG)	2.1		240,000 Litres
Liquified petroleum gas (LPG)	2.1		1,840 kilograms
Methane	2.1		7,000 kilograms
Nitrogen	2.2		12,000 Litres
Liquified oxygen gas (LOX)	2.2 (5.1)		27,000 Litres
Carbon dioxide	2.2		100,000 litres
Anhydrous ammonia refrigerant	2.3 (8)		25,600 kilograms
Methanol	3(6.1)	II	13,000 Litres
Sodium Hypochlorite Solution	8	III	31,000 Litres
Phosphoric Acid	8	III	5,000 Litres
Sodium hydroxide solution	8	III	8,000 Litres
Citric Acid	8	II	1,000 Litres

12. In Condition B61, delete subclause (a) and replace with new subclause (a) as follows:

B61(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* AS 3961 The storage and handling of liquefied natural gas, AS/NZS 5149 Refrigerating systems and heat pumps - Safety and environmental requirements, AS 3780 The storage and handling of corrosive substances; and

13. Insert new conditions B71A to B71C, immediately after Condition B71, as follows:

B71A. Prior to commencement of construction works associated with SSD-9394-Mod-1, the Applicant must purchase and retire 1 ecosystem credit of PCT 3397 to offset the removal of native vegetation at the site. The ecosystem credits must be retired in accordance with the requirements of the Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.

B71B. The requirement to retire ecosystem credits (see condition B71A) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of 1 ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

B71C. Prior to undertaking any construction works associated with SSD-9394-Mod-1, the Applicant must provide the Planning Secretary with evidence that:

(a) the retirement of ecosystem credits has been completed (see condition B71A); or

(b) a payment has been made to the Biodiversity Conservation Fund (see condition B71B),

prior to undertaking any clearing of native vegetation, or activities that have the potential to impact upon this native vegetation.

In the Appendices

14. In Appendix 1, delete the table and replace with new table as follows:

Drawing No	Rev	Date	Title
A502-TE-AR-DRG-MP-1100	G	14/3/2024	GROUND FLOOR PLAN - MAIN PROCESSING BLDG
A502-TE-AR-DRG-MP-1101	G	14/3/2024	MEZZANINE FLOOR PLAN - MAIN PROCESSING BLDG
A502-TE-AR-DRG-MP-1102	G	14/3/2024	ELEVATIONS - MAIN PROCESSING BLDG
A502-TE-AR-DRG-MP-1103	F	14/3/2024	ELEVATIONS (FEATURE FACADE) - MAIN PROC. BLDG
A502-TE-AR-DRG-MP-1104	G	14/3/2024	SECTIONS - MAIN PROCESSING BLDG
A502-TE-AR-DRG-SW-0105	O	14/3/2024	OVERALL SITE PLAN - GENERAL ARRANGEMENTS
A502-TE-AR-DRG-SW-0107	I	14/03/2024	STAGING PLAN
1000	6	14/03/2024	AD COVER SHEET
1200	6	14/3/2024	AD SITE PLAN
2000	5	14/3/2024	AD GROUND FLOOR PLAN
2001	5	14/3/2024	AD ROOF PLAN
3000	5	14/3/2024	AD ELEVATIONS
4000	5	14/3/2024	AD ADMINISTRATION BUILDING
8401	5	5/10/2023	AD LANDSCAPE PLANS GENERAL ARRANGEMENT

15. Delete Figure 1 titled ‘Site Plan’ and replace with new Figure 1 as shown in Attachment 1 of this modifying instrument.

ATTACHMENT 1

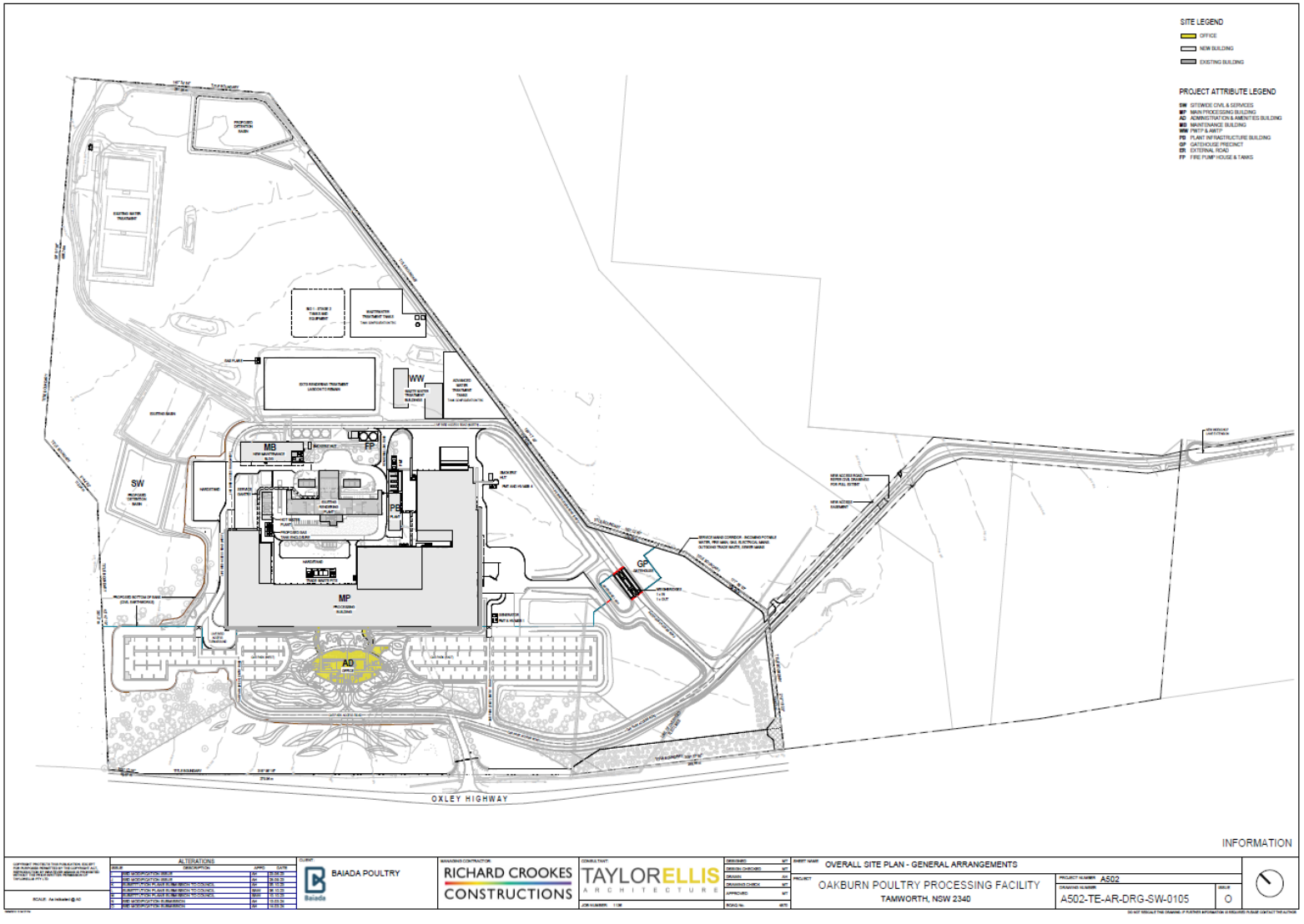

***Figure 1**: Site Plan*

End of Modification
(SSD-9394-Mod-1)