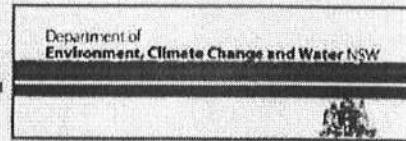


Annexure 2- General Terms of Approval- Department of Environment, Climate Change and Water

Notice No: 1108629

General Manager
Tamworth Regional Council
PO Box 555
TAMWORTH NSW 2340

Attention: Ms Lucy Walker

30 November 2009

Dear Mr Inglis

Proposed Silverweir Poultry Broiler Farm - DA 0156/2010

I refer to the development application and accompanying information provided for the Silverweir Poultry Broiler Farm received by the Department of Environment, Climate Change and Water (DECCW) on 2 October 2009. It is understood that in this instance the approval will be determined by the Joint Regional Planning Panel (JRPP).

DECCW has reviewed the information provided by the proponent in its Environmental Impact Statement and considers that the proponent has met the requirements of its guidelines and generally the proposed mitigation methods are adequate.

The most significant issue in relation to the premises will be the need for the proponent to comply with s129 of the POEO Act in relation to offensive odour. DECCW assumes that all new developments should be sited and designed to avoid offensive odour and acknowledges that the reliance on model predictions alone in determining the likelihood of offensive odour does not guarantee compliance.

DECCW has determined that it is able to issue General Terms of Approval (GTA's) for the proposed development. In coming to its decision, the Department has reviewed the submissions received concerning the development and has also considered its operational experience at existing and most recent intensive poultry developments.

The proposed GTA's include standard operating and initial post construction review programs:

- (a) Odour and meteorological monitoring (GTA condition E1);
- (b) post commissioning assessment after 6 sheds (condition E2);

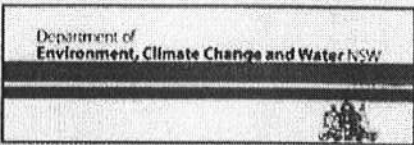
In order to minimise risk of offensive odour, DECCW is recommending that an escalating and systematic program of "trigger and response" be adopted that includes:

- (a) operator commissioned independent field investigations and complaint analysis (condition U1);
- (b) community reporting;
- (c) independent auditing; and
- (d) implementing mitigation measures where there is unsatisfactory performance (condition U2).

In addition to these controls, the JRPP may wish to consider complementary planning tools including but not limited to mandatory buy out, community consultation programs and negotiated solutions with affected receptors.

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Tamworth Regional Council may also wish to consider what planning tools are available to minimise the potential for escalating landuse conflict. For example, minimising the development of further residential premises or other sensitive receptors in areas likely to be affected by offensive odour from the current and proposed poultry premises.

Offensive Odour

DECCW acknowledges that the proponent has addressed gaps in the technical air quality modelling issues identified by DECCW in previous assessments. The key issue for DECCW is the risk that offensive odour may occur as a result of the proposed development.

The salient feature of the detailed odour modelling undertaken by PAE Holmes for the proponent is that the 6OU criterion would be met at all but four (4) sensitive receptors. The odour assessment criteria of 6 OU is consistent with the *"Approved Methods for Modelling and Assessment of Air Pollutants in NSW and Technical Framework: Assessment and management of odour from stationary sources in NSW"* and further guidance on DECCW's website.

Based on the odour modelling, the proponent considered that the cumulative impact of Silverweir on those receptors, would be *"a minor effect and virtually indistinguishable from the predicted impact resulting from the existing Gidley and Taradale developments."* This comment is generally supported by DECCW in that an increase of less than 1 OU (99%ile) at a sensitive receptor is likely to be considered an insignificant increase in the 99%ile odour concentration.

While odour modelling predicts that 6 OU criterion is already exceeded at those four (4) sensitive receptors as a result of odour emissions from the existing Gidley / Taradale broiler farm operations, odour criteria are only a guide to potential compliance for planning purposes and cannot be measured to determine compliance. The submissions have identified that as well as those four (4) receptors other residents may be subject to offensive odour impact.

DECCW's operational experience at the most recent poultry developments in the Tamworth area, informed by analysis of complaint history and meteorological data, indicates that receptors down-gradient from sheds are being exposed to offensive odour during low wind and stable meteorological conditions which are characteristic of the Peel Valley. All odour models have recognised difficulties in these circumstances.

The proposed development is in a constrained area, with the closest receptors located approximately 500m from proposed sheds. There are three (3) receptors that are potentially located in down-gradient drainage paths where odour impacts may be exacerbated under low wind / stable conditions. It is also noted that a development application has been submitted for a new residence on the lot immediately adjoining the existing Gidley operations.

Cumulative odour impacts

DECCW is mindful that if offensive odour occurs a precinct-based solution will be required from all operators contributing to the odour problem. The operators will need to act in a co-ordinated manner to ensure compliance with statutory requirements.

It is noted that the proponent has developed an Environmental Incident and Complaints Management System whereby a co-ordinated investigation of odour complaints is proposed to be undertaken. This approach is supported by DECCW.

While it is not clear what co-ordinated response would be available to the poultry operators, DECCW notes that predicted impact assumes compliance with best practice and modelling assumptions. The poultry



industry has not identified economically acceptable technologies, that can be retrofitted to existing sheds or management strategies that can further reduce odour emissions (at source) and mitigate offensive odour.

As technological and management solutions have not been clearly identified and may not be immediately available, DECCW recommends that the JRPP might wish to consider community based and planning solutions to minimise the risk of offensive odour.

DECCW will regulate the Gidley operations and the Silverweir premises (if approved) under provisions of the Protection of the Environment Operations (POEO) Act to seek compliance with s129 of the POEO Act. Tamworth Regional Council will also need to be involved with any regulatory programs as it is the Appropriate Regulatory Authority for the unscheduled Taradale operation.

Outline of GTA requirements in relation to Offensive Odour

Independent Complaints Investigation

The proponent will be required to commission an independent assessment of odour and complaints including field investigation and discussion with complainants, including all that have made complaints to the proponent's complaints line.

The consultant's brief will require EPA approval, and EPA will receive a copy of the assessment from the consultant directly. One of the roles for the consultant will be to meet with the complainants throughout its investigation to explain the investigating.

Independent Environmental Auditor

The GTAs require the proponent to commission an independent environmental audit of the development at specified timeframes. The audit would:

- be carried out by a suitably qualified, experienced and independent audit team that contains an odour specialist, paid for by the operator, whose appointment and brief has been endorsed by DECCW;
- assess whether the operation is complying with the conditions of the GTA's and the Environment Protection Licence (EPL) for the project;
- recommend measures or actions to improve the environmental performance of the project.

Monitoring performance

The GTAs require at a minimum: odour sampling, meteorological monitoring and retention of all other relevant data. The monitoring would be used to demonstrate that management practices and the shed odour emission rates are in accordance with assumptions used in the odour modelling.

Unsatisfactory odour performance and implementation of mitigation measures

In addition to standard verification of community complaints, the operator will be required to undertake a review of performance once the first 6 sheds become operational or when DECCW officers consider that offensive odour is or likely to be occurring at receptors. The assessment will include requirements for the operator to assess whether the operation is being carried out in accordance with:

- Industry best practice
- commitments made in the document "*Environmental Impact Statement – Intensive Livestock Agriculture – Poultry Broiler Farm, Silverweir, Appleby Lane, Tamworth NSW*"; and
- assumptions used in the odour modelling used for preparation of the Environmental Impact Statement in relation to predicted odour emission rates based on bird density, ventilation rates, odour concentrations and management practices.

Based on the audit and recommendation report, DECCW will require the operator to:

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- implement technical and management measures to comply with the POEO Act, according to a set timeframe; and
- implement other actions to achieve compliance.

The general terms of approval for this proposal are provided at **Attachment A**. If the Joint Regional Planning Panel grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to DECCW. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with DECCW about the changes before the consent is issued. This will enable DECCW to determine whether its general terms need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact me in Armidale on (02) 6773 7000

Yours sincerely

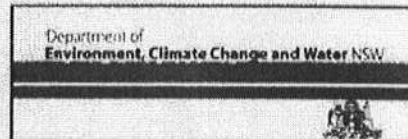
SIMON SMITH
Manager Armidale Region
Environment Protection and Regulation

cc Baiada Poultry P/L

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**1 ADMINISTRATIVE CONDITIONS****A1 What the licence authorises and regulates**

- A1.1 This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2.

Construction of 18 sheds (total bird capacity of 900,000 birds) and associated infrastructure at location identified as PPU1, PPU2 and PPU3 in Figure 10 Conceptual Development Layout, Environmental Impact Statement – Intensive Livestock Agriculture – Poultry Broiler Farm, "Silverweir", Tamworth NSW Volume 1.

- A1.2 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	
Livestock Intensive Industries – poultry	
Fee Based Activity	Scale
Poultry Production (43)	375 - 1000 T accommodated

- A1.3 The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.

A2 Premises to which this licence applies

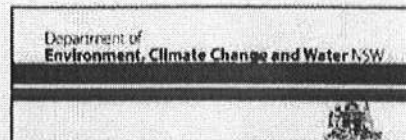
- A2.1 The licence applies to the following premises:

Premises Details
SILVERWEIR POULTRY FARM
448 Appleby Lane
APPLEBY, TAMWORTH
NSW 2340
Lot 17, 18 and 19 DP 95993; Lot 1 and 2 DP 162586; Lot 161 DP 560748; Lot 1 DP 795106

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**A3 Other activities**

A3.1 Not applicable.

A4 Information supplied to the EPA

A4.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- (a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- (b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

A4.2 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- Environmental Impact Statement Volumes 1, and 2 Intensive Livestock Agriculture – Poultry Broiler Farm, "Silverweir", Appleby Lane, Tamworth NSW, September 2009.

2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND**P1 Location of monitoring/discharge points and areas**

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

Air

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Air quality monitoring Volume monitoring	Discharge to air	Exhaust fans located at ends of each of the sheds
2	Air quality monitoring		Ambient air quality at representative location(s).

P1.2 Not applicable.

P1.3 Not applicable.

P2 The following point(s) in the table are identified in this licence for the purpose of the monitoring of weather parameters at the point.

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EPA Identification number	Type of Monitoring Point	Description of Location
W1	Weather monitoring	Representative on-site location to be approved by EPA

3 LIMIT CONDITIONS**L1 Pollution of waters**

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

L2 Load limits

- L2.1 Not applicable.
L2.2 Not applicable.

L3 Concentration limits

- L3.1 Not applicable.
L3.2 Not applicable.
L3.3 Not applicable.

L4 Volume and mass limits

- L4.1 Not applicable.

L5 Waste

- L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.
L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

L6 Noise Limits

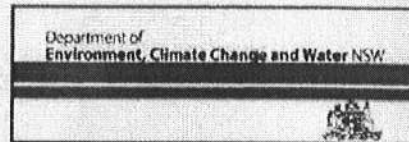
- L6.1 Noise from the premises must not exceed:
- (a) an $L_{Aeq(15 \text{ minute})}$ noise emission criterion of 35dB(A) at all times (day, evening and night time periods); and
 - (b) an $L_{A1(1 \text{ minute})}$ noise emission criterion of 45dB(A) at night.

L6.2 Definitions

L_{Aeq} means the equivalent continuous noise level – the level of noise equivalent to the energy-average of noise levels occurring over a measurement period.

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$L_{A1(1 \text{ minute})}$ is the A-weighted sound pressure level that is exceeded for 1 per cent of the time over a 1 minute measurement period.

Daytime is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and public holidays.

Evening is defined as the period from 6pm to 10pm.

Night is defined as the period from 10pm to 7am Mondays to Saturday and 10pm to 8am Sundays and Public Holidays.

Notes

To determine compliance with the L_{Aeq} (15 minute) noise limits, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30m of a dwelling where the dwelling is more than 30m from the boundary, over a period of 15 minutes using "FAST" response on the sound level meter.

To determine compliance with $L_{A1(1 \text{ minute})}$ noise limits, noise from the project is to be measured at 1 metre from the dwelling façade.

Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Policy).

The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

L6.3 The noise emission limits identified in this licence apply under all meteorological conditions except:

- (a) during rain and wind speeds (at 10m height) greater than 3m/s; and
- (b) under "non-significant weather conditions".

Note: Field meteorological indicators for non-significant weather conditions are described in the NSW Industrial Noise Policy, Chapter 5 and Appendix E in relation to wind and temperature inversions.

L6.4 The noise limits set by condition L6.1 of the licence do not apply where a current legally binding agreement exists between the licensee and the occupant of a residential property that:

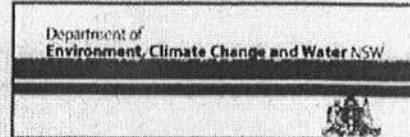
- a) agrees to an alternative noise limit for that property; or
- b) provides an alternative means of compensation to address noise impacts from the premises.

A copy of any agreement must be provided to the EPA before the licensee can take advantage of the agreement.

L7 Potentially offensive odour

L7.1 No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

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Note :Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

- L7.2** If in the opinion of an EPA authorised officer odour emissions from the premises have caused offensive odour at sensitive receptors then the licensee must undertake the Pollution Reduction Program as identified in condition U2.
- L8 Hours of Operation**
- L8.1** All construction work at the premise must only be conducted between 7:00am and 6:00pm Monday to Friday, 8:00am and 1:00pm Saturday and at no time on Sunday or Public Holidays.
- L8.2** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L8.1, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible or within a reasonable period in the case of emergency.
- L8.3** The hours of operation specified in condition L8.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality of the premise will not be adversely affected.
- L9 Livestock limits**
- L9.1** The total number of poultry meat birds accommodated within the poultry sheds on the premises, at any one time must not exceed 900,000 birds.

4 OPERATING CONDITIONS**O1 Activities must be carried out in a competent manner**

- O1.1** Licensed activities must be carried out in a competent manner.

This includes:

- (a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- (b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

- O2.1** All plant and equipment installed at the premises or used in connection with the licensed activity:
- (a) must be maintained in a proper and efficient condition; and
 - (b) must be operated in a proper and efficient manner.

O3 Dust

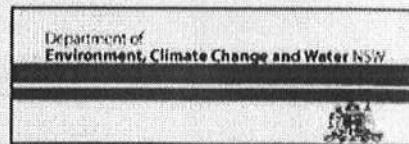
- O3.1** All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

O4 Solids Waste

- O4.1** Solids waste from the broiler shed cleaning must not be stored, stockpiled or disposed of on the premises except as otherwise approved by the EPA in writing.

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5 MONITORING AND RECORDING CONDITIONS

M1 Monitoring records

- M1.1** The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2** All records required to be kept by this licence must be:
 (a) in a legible form, or in a form that can readily be reduced to a legible form;
 (b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 (c) produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3** The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
 (a) the date(s) on which the sample was taken;
 (b) the time(s) at which the sample was collected;
 (c) the point at which the sample was taken; and
 (d) the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

- M2.1** For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Air

POINT 1 (Representative discharge points from ventilation fans on sheds)

Pollutant	Units of measure	Frequency	Sampling Method
Odour (dynamic olfactometry)	OU/m3	Special Frequency 1	Special Method 1
PM10	mg/m3	Special Frequency 1	Special Method 1
Total Particulates	mg/m3	Special Frequency 1	Special Method 1

POINT 2 (Ambient Air Monitoring)

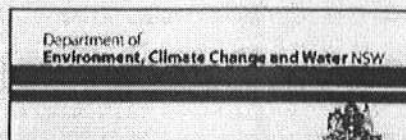
Pollutant	Units of measure	Frequency	Sampling Method
PM10	ug/m3	Special Frequency 2	Special Method 1
Total particulates	ug/m3	Special Frequency 2	Special Method 1

For the purposes of the table(s) above Special Frequency 1 means the collection of samples in accordance with the monitoring plan developed as part of requirements under condition E1.

For the purposes of the table(s) above Special Frequency 2 means the collection of samples in accordance with the monitoring plan developed as part of requirements under condition E1.

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For the purposes of the table(s) above Special Method 1 means method to be approved in writing by the EPA prior to collection of the samples.

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- (a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- (b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
- (c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Protection of the Environment Operations (Clean Air) Regulation 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M3.2 Not applicable.

M4 Recording of pollution complaints

M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M4.2 The record must include details of the following:

- (a) the date and time of the complaint;
- (b) the method by which the complaint was made;
- (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the licensee, the reasons why no action was taken.

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

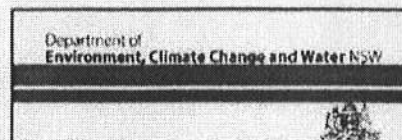
M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M5.3 Conditions M5.1 and M5.2 do not apply until 3 months after

- (a) the date of the issue of this licence or

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- (b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

M6 Requirement to monitor volume or mass

- M6.1 For each monitoring point below, the licensee must monitor the total ventilation rate from each shed at the frequency and using the method and units of measure specified below.

POINT 1 (Total ventilation rate from each shed)

Frequency	Averaging Period	Units of Measure	Sampling Method
Continuous	hourly	m ³ /s	Calculate (based on rated ventilation rate of fans and number of fans operating per shed)

M7 Requirement to monitor weather

- M7.1 For each monitoring point specified in the table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.
- M7.2 The licensee must establish each monitoring point specified below prior to commencement of construction works.

Point W1

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm	Continuous	1 hour	AM-4
Wind speed @ 10 metres	m/s	Continuous	15 minute	AM-2 & AM-4
Wind direction @ 10 metres	°	Continuous	15 minute	AM-2 & AM-4
Temperature @ 2 metres	°C	Continuous	15 minute	AM-4
Temperature @ 10 metres	°C	Continuous	15 minute	AM-4
Sigma theta @ 10 metres	°	Continuous	15 minute	AM-2 & AM-4
Solar radiation	W/m ²	Continuous	15 minute	AM-4
Additional requirements				
- Siting				AM-1 & AM-4
- Measurement				AM-2 & AM-4

- M7.2 The weather station must be configured to provide the EPA with 24 hour 7 day per week direct communications access to the recorded meteorological data. The meteorological monitoring station must be calibrated at least once every 12 months.

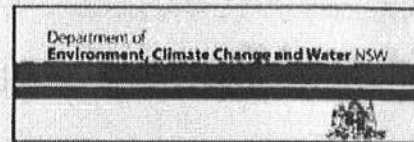
6 REPORTING CONDITIONS

R1 Annual return documents

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What documents must an Annual Return contain?

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- (a) a Statement of Compliance; and
- (b) a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee,

- (a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- (b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

- (a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- (b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

Deadline for Annual Return

R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

R1.6 Not applicable.

Licensee must retain copy of Annual Return

R1.7 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

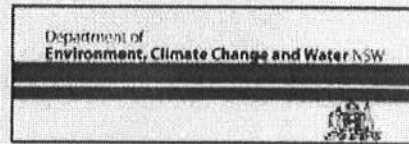
Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

R1.8 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

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- R1.9** A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.

R2 Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

- R2.1** Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

- R2.2** The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

R3 Written report

- R3.1** Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

- R3.2** The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

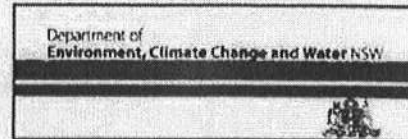
- R3.3** The request may require a report which includes any or all of the following information:

- (a) the cause, time and duration of the event;
- (b) the type, volume and concentration of every pollutant discharged as a result of the event;
- (c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- (d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- (e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- (f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- (g) any other relevant matters.

- R3.4** The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

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Notice No. 1108629

GENERAL CONDITIONS

G1 Copy of licence kept at the premises

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

POLLUTION STUDIES AND REDUCTION PROGRAMS

U1 Complaints investigation and monitoring requirements

- U1.1 If in the opinion of an EPA authorised officer the premises are likely to be causing or contributing to offensive odour then the licensee must commission an appropriately qualified and experienced consultant to undertake an independent assessment of odour and complaints including field investigation and discussion with complainants (identified on licensee's complaints line set up under condition M4).

The licensee must provide a copy of the consultant's brief prior to the EPA for approval prior to engagement. The assessment scope must (at a minimum but not be limited to):

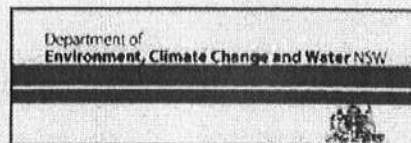
- (a) implement the approved odour and dust monitoring plan developed under condition E1;
- (b) include issue of odour diaries or logs to complainants to facilitate the identification and characterisation of odour from the premises;
- (c) undertake a detailed analysis of available data such as complaints history and location, odour logs/diaries, meteorological data, shed operational parameters, information from other poultry operators within 3 months of written advice from the EPA that condition U1 has been triggered;
- (d) provide the consultant's report directly to the EPA Armidale office within 3 months documenting the results of the complaints investigation and provide recommendations; and
- (e) provide feedback on investigation to complainants.

U2 Investigation of offensive odour as a result of operations from the premises

- U2.1 If in the opinion of an EPA authorised officer emissions of offensive odour have been released from the premises, this PRP must be implemented upon written request from the EPA. On triggering of this condition, the odour impact assessment will be included as a Pollution Reduction Program (PRP) on the licence.
- U2.2 Within 6 months of the date of the written request as determined in condition U2.1, the Licensee must develop a program to investigate and implement works and/or management actions to ensure compliance with s129 of the POEO Act, and submit a report to the EPA Armidale office.
- U2.3 The program must include the following as a minimum:
 - (a) Implement the approved odour and dust monitoring program developed under condition E1;
 - (b) Undertake community consultation with complainants and potentially affected sensitive receptors including advising of proposed investigations and actions;
 - (c) Undertake the environmental audit as specified under condition E2;
 - (d) Undertake a technical review of all identified odour mitigation options and the potential reduction (quantitatively evaluated) in odour impacts associated with each odour mitigation option;
 - (e) Undertake a cost/benefit analysis of all odour mitigation options; and
 - (f) Identify the most cost effective odour mitigation option(s) to enable compliance with s129 of the POEO Act.

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- U2.4 A formal report on the findings of U2.3 must be submitted to the EPA for approval. The report must present a timeframe for implementing the most cost effective mitigation measure identified in U2.3 (e).
- U2.5 Upon receiving written EPA agreement with the report at U2.4, the licensee must implement the necessary mitigation option at U2.3 (e) or other action approved by EPA.
- U2.6 If following implementation of mitigation options identified at U2.3(e) or other actions approved by EPA, emissions of offensive odour continue to be released from the premises, further appropriate mitigation measures must be implemented by the licensee.

SPECIAL CONDITIONS

E1 Odour and dust monitoring program

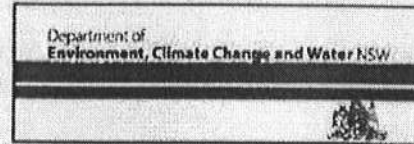
- E1.1 Prior to commencing operations, the licensee must submit to the EPA Armidale office for approval an odour and dust monitoring plan prepared by a suitably qualified and experienced person. The monitoring plan must include but not be limited to:
- a) point source odour and dust (PM10/ TSP) monitoring at representative shed ventilation fans to provide shed performance data as an input into environmental audits triggered under condition E2;
 - b) point source (odour, PM10 and TSP) and ambient air monitoring to provide assessment data for odour investigations if triggered under conditions U1 or U2;
 - c) a sampling program targeting peak odour and dust emission periods based on shed cycle, shed lighting and thinning programs and bird activity;
 - d) details on proposed monitoring methodology in accordance with the document "Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales," or other methods as approved by the EPA;
 - e) consideration into the use of electronic nose type continuous odour loggers and continuous dust monitoring stations (for example TEOM PM10/ TSP) as part of investigations into odour impacts; and
 - f) incorporating opportunities for the monitoring program to be used to investigate and assess cumulative odour impacts in conjunction with Gidley and Taradale poultry operations; and

The monitoring plan will be reviewed and assessed by the EPA and will be used to incorporate formal odour and dust monitoring requirements in the licence. The submitted plan may need to be modified prior to approval based on review and input from the EPA. The licensee will be required to implement the odour and dust monitoring plan as an input into the environmental audit required in E2 to assess performance after construction and operation of 6 sheds.

E2 Environmental Audit

- E2.1 The licensee must commission an independent environmental audit of the development following construction and operation of 6 sheds or triggering of condition U2. The audit must:
- be carried out by a suitably qualified, experienced independent audit team that contains an odour specialist whose appointment has been endorsed by EPA. The lead auditor must be accredited as a lead auditor through RABQSA.
 - assess whether the project is complying with the conditions of these General Terms of Approval and the Environment Protection Licence for the premises;
 - assess whether the operation is being carried out in accordance with industry best practice and commitments made in the *Environmental Impact Statement – Intensive Livestock Agriculture – Poultry Broiler Farm, Silverweir, Appleby Lane, Tamworth NSW*;

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- assess whether the operations are being carried out in accordance with assumptions used in the odour modelling used for preparation of the *Environmental Impact Statement – Intensive Livestock Agriculture – Poultry Broiler Farm, Silverweir, Appleby Lane, Tamworth NSW* in relation to predicted odour emission rates based on bird density, ventilation rates, odour concentrations, K-factor and management practices; and
- recommend and prioritise measures or actions to improve the environmental performance of the premises.

An audit report must be submitted to the EPA Armidale office within 4 months of triggering this condition. Any recommendations for additional mitigation measures to improve environmental performance may be required to be undertaken as part of continuing construction and operation of additional sheds or retrofitting of constructed sheds. The EPA may incorporate formal Pollution Reduction Programs into the licence based on recommendations from the audit.

E3 Noise Management and Impacts

E3.1 If in the opinion of an EPA authorised officer adverse noise impacts occur from operations at the premises than the licensee must:

- undertake targeted and/or routine noise monitoring (frequency and location to be approved in writing by the EPA prior to commencement of monitoring) to demonstrate compliance against noise criterion specified in condition L6.1; and
- develop reasonable and feasible noise mitigation measures and management strategies to comply with the noise criterion specified in condition L6.1

If condition E3.1 is triggered then the noise monitoring, investigations and development of noise mitigation measures will be incorporated into the licence as a formal Pollution Reduction Program.