

JRPP No:	2011NTH007
DA No:	DA0331/2011
PROPOSED DEVELOPMENT:	Increase in Poultry Processing from 90,000 to 120,000 birds per day, and increase in processing hours from 11.5 hours per day to 16 hours per day (2:30am – 6:00pm) Lot 24 DP 832149, Lot 1 DP 799461, Lot 1 DP 81422, Lot 6 DP 557786 and Part Lot 42 DP 1006078, Out Street, Tamworth
APPLICANT:	Baiada (Tamworth) Pty Limited c/o PSA Consulting
REPORT BY:	David Koppers, Senior Development Assessment Planner Alison McGaffin, Director, Environment & Planning

Assessment Report and Recommendation

Application Number:	DA0331/2011
Application is for:	Increase in Poultry Processing from 90,000 to 120,000 birds per day, and increase in processing hours from 11.5 hours per day to 16 hours per day (2:30am – 6:00pm)
Owners name:	Baiada Poultry (Tamworth) Pty Limited
Applicants name:	Baiada Poultry (Tamworth) Pty Limited c/o PSA Consulting
Lodgement date:	9 February 2011
Statutory days:	60 days
Land/Address:	Lot 24 DP 832149, Lot 1 DP 799461, Lot 1 DP 81422, Lot 6 DP 557786, Lot 41 DP 1006078, and Part Lot 42 DP 1006078, Out Street, Tamworth
Land zoning:	IN1 – General Industrial – Tamworth Regional LEP 2010
Value of development:	Nil
Capital Investment Value:	Nil
Current use and development:	Poultry Processing Facility – 90,000 birds per day, administration and office space, and retail sales area.
Report author/s:	David Koppers, Senior Development Assessment Planner Alison McGaffin, Director, Environment & Planning

EXECUTIVE SUMMARY:

Reason for Consideration by Joint Regional Planning Panel:

The development application has been referred to the Joint Regional Planning Panel (JRPP) pursuant to Clause 13B(1)(e) of State Environmental Planning Policy (Major Development) 2005 as the development is classified as being Designated Development pursuant to Schedule 3 of the *Environmental Planning and Assessment Regulation 2000 (EPAR)*.

Brief Description of Proposal:

The development application seeks consent to increase the daily poultry processing level of the existing facility from 90,000 to 120,000 birds per day. This increase in processing capacity shall be achieved by an additional 4.5 hours of processing time, from the existing hours of 3:00am - 2:00pm to 2:30am – 6:00pm.

The proposal does not require the construction of new buildings or installation of additional plant equipment to achieve this increase. However, the development may require the installation of additional plant (i.e. extraction fans) and building elements (i.e. acoustic wall) to achieve compliance with the thresholds of the relevant Environmental Protection License (EPL).

Recent Development History of the Site:

The existing facility was subject to Land & Environment Court proceedings in 2003 (NSWLEC 174) which challenged the continuance and limitations of the existing use rights the development historically sought to rely on. The Court held that whilst the development enjoyed the continuance of the existing poultry killing and processing use of the site, it did not permit any enlargement, expansion or intensification without first seeking development consent. The Court established that as of 3 February 1986 the development was limited in production to 91,350 live kilograms per week (approximately 37201 birds per day), and thus setting a limit on production at the facility.

At its Ordinary Meeting dated 24 February 2004, Council approved DA0327/2004 for an increase in production to 184,000 live kilograms per day (75,000 birds per day).

Council approved a further intensification of the development under DA0015/2006 at its Ordinary Meeting dated 27 September 2005. This approval permitted an increase to 221,000 live kilograms per day (90,000 birds per day).

Compliance with Planning Controls:

The site is zoned IN1 – General Industrial pursuant to the Tamworth Regional Local Environmental Plan 2010 (TRLEP). The proposal is seeking development consent for the intensification of the existing daily kill rate and processing hours within the existing facility which is defined as a “*Livestock Processing Industry*” and is permissible within the IN1 zone.

Integrated Development:

The proposal is integrated development pursuant to Section 91(1) of the *Environmental Planning and Assessment Act 1979 (EPAA)*. The existing license, required by Schedule 1 of the *Protection of the Environmental Operations Act 1997* will need to be updated by the Department of Environment, Climate Change & Water (DECCW). DECCW is now part of the Office of Environment & Heritage (OEH) as referenced hereafter. The General Terms of Approval (GTA) are contained in Annexure 2.

Consultation:

The development application was exhibited and notified in accordance with the relevant provisions of the EPAR for designated development applications.

During the assessment of the application, it was identified that additional traffic control measures may be required at the Bridge/Out Street intersection. The proposed traffic control measures included a constructed, unbroken median which would prevent right turn movements from Bridge Street into Out Street, and right turns from Out Street onto Bridge Street.

These controls would impact properties in Out Street and along parts of Bridge Street, and accordingly these properties were re-notified to highlight the potential changes to provide property owners the opportunity to make a submission on this particular matter.

At the completion of the exhibition period, eight submissions had been received by Council. These consisted of seven objections and one letter of support.

Copies of the submissions are contained within Annexure 1.

Recommendation:

It is recommended that development application DA0331/2011 be approved subject to the conditions of consent contained in Annexure 5.

Annexures:

Annexure 1	Submissions (Confidential)
Annexure 2	Office of Heritage & Environment – General Terms of Approval
Annexure 3	Roads & Traffic Authority response
Annexure 4	Proposed Bridge & Out Street Intersection Treatments
Annexure 5	Traffic Management Plan
Annexure 6	Draft Conditions

EVALUATION OF DEVELOPMENT APPLICATION

1 Proposal

The proposal seeks development consent to increase the daily poultry processing limit from the existing 90,000 birds per day, to a maximum total of 120,000 birds per day. This proposed increase in production capacity will not be achieved by the installation of new buildings or plant equipment, but by extending the processing period a further 4.5 hours per day. In summary the proposal will include:

- a. Increase in the maximum daily poultry kill rate from 90,000 to 120,000 birds per day.
- b. An additional 4.5 hours of processing time, increasing from 11.5 hours per day to 16 hours per day (2:30am to 6:00pm). Site operations will continue, 24 hours per day, 7 days per week.
- c. Increase in daily heavy articulated vehicle movements from 110 movements to 152 movements (an increase of 42 movements per day).
- d. Minor increase in daily staff vehicle movements from the existing 300 movements to approximately 330 movements.
- e. Creation of an additional 40 shift positions. 25 positions will be incorporated into existing positions through extension of their shifts, and the remaining 15 will be new positions.
- f. Increase in waste water discharge to Council's sewer from a maximum licensed quantity of 900kL per day at 22 litres per second, up to 1400kL per day at 20 litres per second.
- g. Increase in reticulated water consumption from 1326kL per day to 2000kL per day.
- h. Increase in Dissolved Air Floatation (DAF) sludge waste product disposal of between 2 and 3 tonnes per day.
- i. Increase in odour impact generation from 4.4 odour units to an estimated 4.9 odour units.

2 Site Description

The subject land comprises Lot 24 DP 832149, Lot 1 DP 799461, Lot 1 DP 81422, Lot 6 DP 557786, Lot 41 DP 1006078 and Part Lot 42 DP 1006078. The site is bordered by Out, In and Bridge Streets which are sealed carriageways. It should be noted that Out and In Streets do not connect at the rear of the facility. The thoroughfare (Lot 42) is owned by Australian Rail Track Corporation (ARTC) and leased by Baiada (ATRC owner's consent has been provided).

Diagram 1 and 2 below identifies the location of the development site:

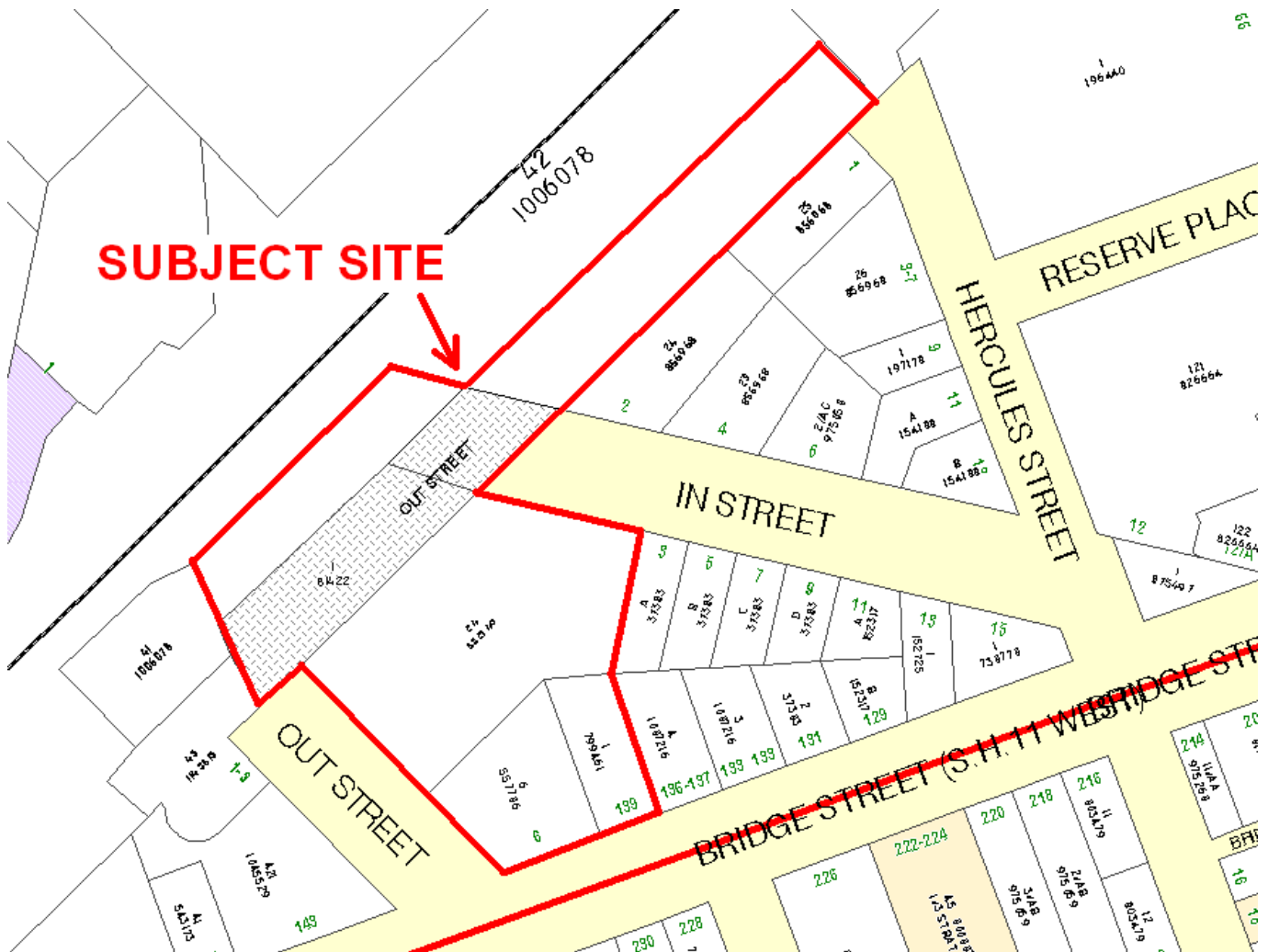


Diagram 1 – Locality Plan



Diagram 2 – Aerial Image

The site is occupied by a variety of existing structures which have been erected over many years. The primary site operation with regard to poultry processing is on Lot 24 DP 832149, located centrally within the overall development site.

The remaining allotments form an ancillary function with regard to supporting car parking, heavy vehicle parking, administration and storage areas.

3 Referrals

The development application was referred externally to the NSW Roads and Traffic Authority (RTA) on 14 February 2011. A response was received by Council on 21 March 2011 which related to Traffic Control Option One, discussed further in the Report. Council has received additional comments regarding Traffic Control Option Two on 27 April 2011. Both sets of comments are included as Annexure 3.

Council also referred the application to the OEH pursuant to Section 91(1) of the EPAA. Council received OEH GTAs on Tuesday 19 April 2011, a copy of which is included as Annexure 2.

The development application was also referred to Council's internal specialists; Development Engineer, Water Strategy and Assets Manager and Senior Waste Officer, whose comments are included in Section 4 of this Report.

There were no objections to the development application from either State agencies or Council specialists, subject to the imposition of appropriate conditions of consent.

Comments concerning access, traffic, odour and noise implications are discussed in further detail in Section 4 of this Report.

4 **Environmental Planning and Assessment Act 1979**

S79C(1)(a)(i) any environmental planning instrument.

State Environmental Planning Policies:

State Environmental Planning Policy No. 33 – Hazardous & Offensive Development (SEPP 33)

SEPP 33 applies to this development as it triggers the definition of being a “potentially offensive industry”, that is:

a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

The relevant triggers for SEPP 33 in this instance are related to noise and odour outputs from the development site. It has been stated within the submitted Environmental Impact Statement (EIS) that the development does not currently comply with the development's existing EPL with regard to noise and odour. This is however a matter for the licensing authority (OEH) to ensure that compliance is achieved with the existing licence. Should compliance be achieved, the development would ultimately be considered a “*potentially offensive industry*” under SEPP 33.

Therefore, in this instance, it is considered appropriate to form the view that, as OEH have issued GTAs which clearly indicates that appropriate compliance can be achieved, the development is considered to be a “potentially offensive industry” but will be subject to controls which will prevent it from becoming an “offensive industry”.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55)

Pursuant to Clause 7 of SEPP55 the consent authority is to consider whether or not the land is contaminated, and if it is, whether the proposed land use is compatible with the contaminated state, or if the site will be suitable for that use after remediation.

No preliminary contamination hazard assessment was submitted with the development application. However, given the prolonged use of the site for poultry processing, EPA licensing and poultry industry quality control requirements, it is considered unlikely that there is any site contamination within the site that would constrain the current development proposal.

Regional Environmental Plans:

There are no regional environmental plans that apply to this development or the subject land.

Local Environmental Plans:

Tamworth Regional Local Environmental Plan 2010 (TRLEP)

The subject land is zoned IN1 – General Industrial pursuant to the provisions of the TRLEP. The expansion of the poultry processing kill rate and processing hours is not separately defined within the TRLEP. However, the overall use of the site is defined as a “*livestock processing industry*”, as follows:

livestock processing industry means an industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins

or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering plants.

The objectives of the IN1 zone are:

- a. *To provide a wide range of industrial and warehouse land uses.*
- b. *To encourage employment opportunities.*
- c. *To minimise any adverse effect of industry on other land uses.*
- d. *To enable land uses that provide facilities or services to meet the day to day needs of workers in the area.*

Objectives b and c are applicable to the proposed development in the following manner:

- b. The expansion of the development will support continued employment within the development site, and also in the associated poultry industry supply chain within the region.
- c. OEH has satisfied itself, as the licensing authority, that noise and odour impacts can be successfully managed in relation to surrounding land uses. Both Council and the RTA are satisfied that appropriate traffic control measures (discussed separately) can also be implemented to minimise traffic impacts on the surrounding land uses and also the wider community.

S79C(1)(a)(ii) Provisions of any draft environmental planning instrument.

There are no draft environmental planning instruments that apply to the site or development proposal.

S79C(1)(a)(iii) Provisions of any Development Control Plan.

Tamworth Regional Development Control Plan 2010 (TRDCP)

Due to the existing nature of the development, many of the regulatory controls specified within the TRDCP do not apply to this development as there are no new building works taking place. Those controls which do apply relate to only those areas which are affected by the proposal to increase processing capacity, namely:

- a. **Utilities and Services:** Council's internal specialists have reviewed the submitted documentation and are satisfied that the existing services to the development are adequate to cater for the proposed increase in sewer discharge loading. The site operator will be required to seek a new Trade Waste Agreement as a condition of consent. The operator may need to increase the size of the reticulated water supply to cater for projected requirements.
- b. **Traffic & Access:** Traffic & Access is discussed in greater detail later in the Report under **S79C(1)(b) Access, Transport and Traffic**

The TRDCP requires all movements to occur in a forward direction, however, the continuation of the existing movement pattern into the site is considered acceptable having regard to the new traffic management regime for the development (discussed later), and in light of the existing nature of the facility.

- c. **Parking:** Due to the continuation of staggered deliveries and pick ups to the site, parking requirements for heavy vehicles will not change. A detailed Traffic Management Plan will provide for clear delineation between staff and delivery vehicle parking areas to prevent parking conflict.

The development will continue to utilise Lot 42 to the north of the facility as truck and trailer parking/waiting area. These vehicles will be restricted to this area to avoid conflict with staff parking spaces.

Under the TRDCP the development is required to provide one car parking space per every two employees. The EIS confirms that maximum staffing levels on site at any given time during maximum processing times will not exceed the current levels of 215 employees. This generates a total maximum parking requirement of 108 spaces. However, because of the staggered nature of shift work due to site operations, there will be times where overlaps of staff occur and more than 215 staff may be onsite. No further information has been received by Council regarding what level of staffing occurs during shift changeover.

The EIS has stated that 99 off-street car parking spaces and 110 on-street car parking spaces are available within the immediate vicinity of the site. The processing facility has always relied on on-street parking throughout the continued re-development of the site since it first commenced operations more than 50 years ago. Off-street parking provisions have gradually increased in more recent times through the acquisition of additional land and leasing of ARTC land. Whilst Council is usually not supportive of utilising on-street car parking spaces, there is no change to the overall peak staffing levels, and associated parking demand. It is considered appropriate to permit the existing arrangement to be maintained.

- d. **Loading/Unloading Facilities:** The existing loading/unloading facilities will be retained without requirements for upgrade works as vehicle movements will remain staggered over the 24 hour operational period. Operations in this area will continue as currently exists, with vehicles reversing into the site to unload live poultry, pick up poultry products, waste materials and other support operations.

S79C(1)(a)(iia) Provisions of any Planning Agreement.

There are no Planning Agreements which are known to apply to the site or development proposal.

S79C(1)(a)(iv) Any matters prescribed by the Regulations

There are no prescribed matters which apply to the development.

S79C(1)(b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

Access, Transport and Traffic

Currently, heavy vehicles access the site from both In and Out Streets. These vehicles then queue/park throughout Lot 42 (including the private road), the gravel area to the north and on In Street. There is no organisation to where these vehicles park and trucks have been noted to obstruct vehicle movements and occupy staff car parking areas.

All heavy vehicles are required to reverse from In Street into the main processing site for all loading and unloading to occur as there is not sufficient land area to permit heavy vehicles to turn around within the loading area.

There are two separate off-street car parking areas for staff. These areas are a small car park along the Bridge Street frontage (accessed from Out Street) and to the north of the site on both ARTC and Baiada owned land, which can be accessed from either In or Out Streets. The submitted EIS states that the site currently provides for 99 off-street car parking spaces, and also relies on 110 on-street car parking spaces in the immediate vicinity. The EIS states that currently the maximum staffing level onsite is 215 staff members.

The development currently generates 110 heavy vehicle and 300 (staff) light vehicle movements over a 24 hour period. It should be noted that vehicle movements are staggered throughout the day and do not

generate significant congestion periods. This occurs as various shifts commence along the processing line at different periods, i.e. the live bird handlers start and leave before cleaning staff. Delivery and product pick up vehicles are also staggered to prevent unnecessary queuing at the facility.

The proposal to increase production will generate an additional 42 heavy vehicle movements and potential 30 staff vehicle movements (15 new staff positions) per 24 hour period. The applicant has stated that additional heavy vehicle movements will not generate any increase in traffic congestion and is consistent with current conditions, as the movements will continue to be spread over the 24 hour period.

Fifteen (15) new staff positions will require the provision of additional car parking spaces, however there are no additional off-street car parking facilities available to accommodate this demand, and therefore on-street car parking will be relied upon. The increase in staff vehicle movements is considered minor and is unlikely to generate any noticeable increase in traffic conflict within the immediate area.

Notable concerns from both Council staff and the RTA regarding the development (existing and proposed) relate primarily to the following issues:

- a. Traffic management for both staff and heavy vehicles to reduce instances of traffic conflict within the development site as a whole and within the public road reserve.
- b. Delineation between the public and private road interface to reduce conflict between development-related traffic and members of the public.
- c. Formalisation of staff and heavy vehicle parking areas to ensure adequate car parking and vehicle waiting areas are provided as required.
- d. Safety of the Bridge and Out Street intersection, and the use of this intersection in particular by heavy vehicles which cross the entire intersection from Bridge Street into Out Street.

The applicant has submitted as part of the EIS a Traffic Impact Report which has been prepared by RoadNet Pty Limited. The Report reviewed both the existing and proposed development and the impacts associated with traffic movements. It was concluded that despite the increase in traffic movements, the proposed development was *“not expected to have a significant impact on the external road network”*.

The Report did however make the following recommendations:

- a. *All existing and proposed heavy vehicles access and leave the site as per the current movement. This is predominately entering the site from Out Street, accessing In Street and loading docks via the private link road, and exiting via In Street.*
- b. *All proposed shift changes continue to be staggered to ensure there is a gradual change in staff over the 24 hour period allowing parking to remain adequate.*
- c. *Formalisation of the area owned by the ARTC to provide a more controlled area.*
- d. *Formalise entry to the area owned by ARTC (Lot 42) to indicate a private road and prevent external through traffic.*
- e. *Consideration be given to improving sight distance for vehicles exiting Out Street by way of restricting parking and trimming vegetation on Bridge Street near the intersection.*
- f. *Consideration be given to banning right turns from Out Street due to long delays experienced by vehicles making right turns from Out Street.*

The recommendations provided in the Report are generally consistent with the views of Council staff and the RTA. In reviewing how to best achieve the recommendations the following options have been reviewed (Annexure 4):

Intersection of Bridge and Out Streets

Option One:

Construction of a 1.8 metre wide concrete median, extending from the existing median at the Bridge and Phillip Street intersection, part way to King Street (east).

This will have the effect of preventing right turn movements from Bridge Street into Out Street, and from Out Street onto Bridge Street. This option has been considered as there is insufficient turning lane storage capacity to facilitate heavy vehicle movements from Bridge Street without causing significant obstruction. It will also prevent excessive queuing in Out Street of vehicles attempting a right turn, and remove traffic turning across a very busy four lane road.

It is acknowledged that this option will also have the effect of restricting traffic movements to two business locations in Out Street. It does not however, prohibit vehicle access and access is still readily achieved with a roundabout located at the Bridge Street and Mahoney Avenue intersection 270m to the west.

This roundabout is designed so that it is capable of supporting heavy vehicle U-turn manoeuvres as required.

Option Two:

Construction of two separate concrete medians at the intersection of Bridge & King Street, which will channel westbound traffic to the left. This will facilitate the provision of a right hand turn storage lane into Out Street which can cater for a single 19 metre long heavy articulated vehicle.

There will also be a constructed median in Out Street which will create a channelised left turn only into Bridge Street. This will eliminate any right hand movements onto Bridge Street and maintains existing access provisions into Out Street.

It should be noted that "Option Two" has not been notified to adjoining property owners. However, because it retains and improves the right hand turn movement from Bridge Street into Out Street, this option is seen as a solution to concerns raised by Out Street business owners regarding the unbroken median strip proposed in Option One.

Option Two is the preferred option as it applies a level of works which is appropriate for the level of increase in impacts generated by the development, improves the overall safety of the intersection, permits heavy vehicles to continue to utilise the intersection for both west and east bound traffic and has a minimal impact on other properties within the immediate area. The RTA have indicated it raises no objection to this option.

For works required on Bridge Street, further approval will need to be sought by the proponent from the RTA. This approval is known as a Works Authorisation Deed (WAD) and will require the submission of detailed engineering design plans as those included as Annexure 4 are preliminary concept drawings only.

It is recommended that Option 2 be implemented if the Development Application is approved.

Traffic Management

As a consequence of discussions between the applicant's consultant and Council's Planning staff, it is proposed that site traffic management will be altered under a new Traffic Management Plan (Annexure 5) to assist in implementing measures to better regulate traffic movements generated by the site. This Plan will provide the following outcomes:

- a. Delineation of private property (Lot 42) from In Street. Traffic control signage and pavement markings to be incorporated to prevent through traffic.
- b. Creation of a one way traffic environment on Lot 42 in the area adjacent the West Tamworth Train Station (easterly movements only – forklifts exempted).
- c. All staff vehicle movements are to enter via Out Street. Car parking spaces 45 – 99 (see plan - Annexure 5) are required to exit from Out Street to Bridge Street, and are not permitted to proceed through the site to In Street. Spaces 1 – 44 are required to exit from In Street only.
- d. Heavy vehicles are required to queue/park in either the designated holding area or the gravel parking area within the leased ATRC land to the north of the facility.
- e. Heavy vehicle movements are permitted from In Street, but these vehicles are required to queue/park in the gravel area and are not permitted to do so in either the holding area or within the public road area to remove unsafe and irregular reversing manoeuvres.
- f. Heavy vehicles are to utilise the gravel area to assist in reversing manoeuvres in the loading area, and are not permitted to drive further into In Street, and then reverse back down the public road.
- g. All heavy vehicles are required to exit the site from In Street onto Bridge Street. No exit movements permitted from Out Street.
- h. Formalisation of car parking bays to ensure efficient and effective use of the areas available for off-street car parking.

Air & Microclimate

As part of the preparation of the submitted EIS, the applicant's consultants engaged the services of The Odour Unit to prepare a detailed Odour Impact Assessment to determine the current odour impacts which are occurring, the potential change in odour impact as a result of the proposed processing increase and to provide recommendations to offset such impacts in accordance with the requirements of the OEH.

The Odour Unit commenced odour sampling and testing in November 2010 and confirmed that the two primary odour emission sources were the truck loading entrance area and the covered sewer sump.

According to the Odour Impact Assessment, the maximum permissible odour performance criterion at the nearest sensitive receptor is 2.0 odour units, as set by the OEH. Under the current Environmental Protection License No. 10815 issued by the NSW Environmental Protection Authority (EPA) there is no specified odour limit.

The Assessment identified that in 2003 the odour level at the nearest residence was 7.4 odour units whilst the levels detected in 2010 were 4.4 odour units. Whilst there has been a significant change in odour levels since 2003, the existing development does not currently comply with the appropriate performance criteria. The report concluded that there is a predicted increase in odour impacts to 4.9 odour units at the nearest receptor as a result of the proposed increase in production.

The Assessment concluded that available options for further reductions of odour impacts are very limited given the nature of the major emission source and location of the facility in proximity to nearby receptors. Alternative methods to alleviate odour impacts are stated to be limited to stack dispersion, however no information as to what sort of reduction can be achieved by this method has been provided.

The OEH is the licensing authority and primary agency in dealing with odour impacts generated by this development. The development application was referred to the OEH under the provisions of Section 91 of the *Environmental Planning and Assessment Act 1979* as integrated development (being a licensed premise under the *Protection of the Environment Operations Act 1997*).

The OEH and Council have been involved in further discussions with the applicant and the applicant's consultant during the assessment process in order to best ascertain what odour impacts are currently occurring, how greater compliance may be achieved and what further mitigation measures will be required to maintain compliance should the proposed production increase be approved.

The applicant's consultant provided additional information to the OEH in its letter dated 9 March 2011. In this correspondence the following points are noted:

- a. The nearest sensitive receptor location was moved closer to an adjoining business premise on the request of OEH.
- b. The original two odour sources identified were confirmed as the only odour sources.
- c. Detail regarding occurring and proposed mitigation measures:
 - i. Sealing openings in the southern side of the live bird shed.
 - ii. Closing off one of the existing pedestrian access doors and installation of a self closing latch on newest door.
- d. Installation of six roof extraction fans (within roof structure) with minimum extraction rates of 216,000 m³/hr and vertical velocity of not less than 10 m/s.
- e. Construction of a stack a minimum of 1.5m above roof level to encourage initial vertical dispersion.
- f. Amended odour modelling at the new receptor indicates an impact of 1.1 odour units – significantly below the 2.0 odour unit requirement.

The OEH has provided their General Terms of Approval (GTAs) for the development. These GTAs will form part of the existing EPL. The primary purpose of the GTAs is to ensure that the existing development achieves compliance with the existing licensing provisions before any increase in production capacity is approved and subsequently modified in the EPL. The control measures stated above are included within the GTAs which are reproduced as Appendix 2.

Noise

As part of the preparation of the submitted EIS, the applicant's consultants engaged the services of Global Acoustics to prepare a detailed Noise Impact Assessment to determine the existing noise levels generated by the development, the impact the proposal will have on existing noise levels, the level of compliance with the current EPL and to make appropriate recommendations to achieve licence compliance.

Under the current EPL No. 10815 the following licence requirements with regard to noise emissions apply:

Noise from the premises must not exceed:

- (a) *an LAeq noise emission criterion of 65 dB(A) (7am – 6pm) Monday to Friday; and*
- (b) *an LAeq noise emission criterion of 55 dB(A) during the evening (6pm – 10pm) Monday to Friday; and*
- (c) *at all other times an LAeq noise emissions criterion of 50 dB(A).*

The Assessment has determined that against the existing criterion, there are significant non compliances (up to 33 dB) at the various receptors during both daytime and night-time operations. The Assessment has concluded that the proposed development will generate an insignificant increase of 0.1 dB.

The Assessment makes reference to the Industrial Noise Policy (INP) published in 2000 by the EPA, which sets more contemporary standards than those used in the EPL. An assessment conducted based on INP standards indicates a significant reduction in non-compliances over the EPL, with the maximum non-compliance of 13 dB. Discussions with OEH have indicated that, whilst the INP is the more current standard for assessing noise impacts, the Assessment has not provided sufficient justification or documentation to vary the acceptable levels from those currently set in the EPL.

Due to the predicted exceedances, the Assessment has recommended the following:

- a. A detailed design investigation of possible noise controls to be undertaken and that all technically reasonable and economically feasible noise attenuation measures be adopted. This would address the following noise sources:
 - i. Fans along the wall of the live bird holding shed;
 - ii. Numerous noise sources situated on the roof of the facility.

The OEH is the licensing authority and primary agency responsible for dealing with noise impacts generated by this development.

The development application was referred to the OEH under the provisions of Section 91 of the *Environmental Planning and Assessment Act 1979* as integrated development (being a licensed premise under the *Protection of the Environment Operations Act 1997*).

OEH and Council staff have been involved in further discussions with the applicant and the applicant's consultant during the assessment process in order to best ascertain what noise impacts are currently occurring, how these impacts are to be mitigated and compliance achieved and what further mitigation measures will be required to maintain compliance should the proposed production increase be approved.

As a result of this investigation, the consultant proposes further noise attenuation measures, as follows:

- a. Progressive installation of numerous noise attenuation measures including, but not limited to, relocation and redirection of plant equipment, installation of acoustic pipe lagging and the erection of acoustic walls.

The OEH has provided their GTAs for the development. These GTAs will form part of the existing EPL. The primary purpose of the GTAs is to ensure that the existing development achieves compliance with the existing licensing provisions before any increase in production capacity is approved and subsequently modified in the EPL. The control measures stated above are included within the GTAs which is reproduced as Appendix 2.

Waste

The applicant has submitted, as part of the EIS documentation, a copy of the facility's Environmental Management Plan (EMP). The EMP details amongst other items, the facility's procedures with regard to waste management – in both liquid and solid waste form (non oil based liquid waste is discussed in more detail below under Sewer Drainage).

Waste generated by the development can be generally categorised as putrescible and non-putrescible waste. The EMP states that the majority of putrescible waste is recycled at the Oakburn Rendering Facility and turned into other usable animal products. Whilst it is acknowledged that some putrescible waste may enter the non-recycling waste stream it is minimal as it can otherwise become a value added waste product.

Non-putrescible wastes generated by the development, such as cardboard boxes and plastic tubs, is recycled by contractors where possible. Waste oil from equipment maintenance is also collected for recycling.

Approximately five tonnes per week of non-recyclable waste (such as dirty plastics, worn Personal Protection Equipment and general staff refuse) is generated at the facility. It is estimated that this will increase by approximately 1 – 2 tonnes per week.

Sewer Drainage

The current facility is limited under DA0015/2006 to a maximum sewer discharge rate of 900kL per day. As a result of the proposed processing increase, sewer discharge will increase to approximately 1400kL per day.

The composition of the liquid waste which is discharged into Council's sewer will be the same as is currently being discharged. This takes the form of all the waste water utilised in the processing of the chicken products (and related products such as excess marinades) and the internal cleaning processes.

The waste water is first directed into a Dissolved Air Flotation (DAF) unit which operates on a continual basis and involves the following three processes:

- a. Chemical Treatment System: Utilises a high speed agitator and the addition of chemical compounds (ferric chloride, sodium hydroxide and polymer) to permit effective coagulation and flocculation to occur and to ensure correct pH balance.
- b. Aeration and Solids Separation: Aerated water under pressure is released into this section whilst rotating blades continuously remove solids that have accumulated as a result of the flocculation.
- c. Sludge Removal: Sludge is transferred via a belt press for de-watering and is then transferred offsite for use as a soil amendment in the Uralla Shire Council area and is currently exempt from licensing requirements. Remaining water is then discharged via a ground pit for pH balancing before controlled release into Council's sewer. Currently between nine to ten tonnes of DAF sludge are removed per day. It is anticipated that this will increase to approximately twelve tonnes per day.

Council's Water Enterprises Directorate (as the local Water Supply Authority) has reviewed the proposed development and subsequent increase in discharge to Council's sewer and will require the applicant to seek approval for a new Liquid Trade Waste Agreement prior to any increase in production capacity. The discharge rate will also be capped at the current maximum discharge of 22 litres per second.

Sewer headworks charges of \$1,480,445.00 have also been applied to the development. This headworks charge is required to be paid prior to Council issuing a new Liquid Trade Waste Agreement (LTWA) for the development, unless an alternative payment arrangement has been put in place. This shall be applied as a condition of consent.

All current treatment methods would continue to be employed by the development, and the EIS states that this current arrangement will be adequate in ensuring an appropriate level of pre-treatment is achieved prior to discharge to Council's sewer system. It should be noted that Council will also be required to seek the approval from the NSW Office of Water (NOW) for a LTWA of this size.

NOW have previously advised Council that there may be a possible need for the installation of a balancing tank and other improvements to the existing waste water system.

There will be no changes to the existing stormwater collection regime from hardstand areas within the development site. A first flush system was installed in 1999 to prevent potentially contaminated stormwater entering Council's stormwater system. This water is processed through the DAF process.

Water

The development currently utilises approximately 1326kL per day according to information provided by the applicant. With the increase in production rates it is proposed that water consumption within the facility will increase to approximately 2000kL per day.

Water headworks charges of \$789,040.00 have also been applied to the development. This headworks charge is required to be paid prior to Council issuing a new Liquid Trade Waste Agreement (LTWA) unless an alternative payment arrangement has been put in place for the development. This shall be applied as a condition of consent.

Heritage

The West Tamworth Railway Station (non operational) is identified as an item of local heritage significance and is located wholly within Lot 42 DP 1006078 (ATRC land) and no public access to the site is permissible. The proposed development will not impact on this building.

Context and Setting

The locality surrounding the site consists of a variety of mixed land use types including; industry, commercial, residential and transport infrastructure, with significant variations in building density.

The three primary concerns with regard to potential impacts in the neighbourhood relate to odour, noise and traffic. These issues have been discussed previously in this report and it has been established that, subject to conditions of consent, and those conditions being met, the proposed development will not further impact on the immediate locality beyond what is considered reasonable and currently experienced.

The intent of the GTAs is to ensure that the existing development achieves licence compliance with the existing level of production before additional processing can commence. This will assist in mitigating odour and noise impacts on the locality.

Social Impact

The development as it currently exists is seen to have significant negative social impacts associated with noise and odour, as seen in the submissions made with regard to the development. These impacts have arisen due to the applicant not complying with the requirements of the existing EPL as applied under previous development consents.

As part of the assessment conducted by the OEH, priority has been given to ensuring the existing activities are brought to compliance before any increase in production capacity is permitted. It is anticipated that the new licensing requirements issued by the OEH will minimise the odour and noise impacts within the locality to an appropriate threshold.

It is considered appropriate to take the view, that provided all required mitigation measures have been implemented, the identified odour and noise impacts will be at such a level to be considered acceptable, and to allow for the favourable determination of the application.

Economic Impact

The EIS states that the facility directly employs 287 staff members. The proposed production increase will generate an additional 40 positions, with 25 of those positions being extensions of existing staff shifts, and the remaining 15 being new positions.

Other economic benefits that can be associated with the proposed development will be its contribution to the overall expansion of the poultry industry within the region.

Cumulative Impacts

With the implementation of suitable development controls to ensure the effective regulation of noise and odour impacts generated by the development to an appropriate level there are no further impacts that, when considered, generate a cumulative effect which would support a negative determination of the application.

S79C(1)(c) *The Suitability of Site for the Development*

The site is occupied by an existing "livestock processing facility" which has the relevant local government approvals (DA0015/2006) and licensing (EPL No. 10815) to process poultry (chickens) at a rate of 90,000 birds per day. These approvals listed relevant matters requiring compliance to ensure that the development did not have an unacceptable level of impact on the locality.

As these requirements have not been complied with, negative impacts have occurred and generated significant concern amongst residents and businesses in the area.

As part of this assessment process it has been determined that, with appropriate regulatory controls, the development can significantly reduce its impact profile to what would be considered acceptable levels by the relevant statutory authorities. It is therefore determined that with the implementation and appropriate regulation of these statutory requirements, the development will have an acceptable level of impact, and that the development proposal and site operations in general, whilst not ideal in this location, are in fact still suitable for the site.

S79C(1)(d) *Any Submissions Made in Accordance with the Act or Regulations*

The application was advertised and notified in accordance with Division 5 of the EPAR. The application was advertised on two separate occasions in the primary local newspaper and all adjoining and adjacent properties were directly notified in writing.

At the completion of the exhibition period eight (8) submissions were received, seven (7) were in objection to the development and one (1) in support of the development. It should be noted that one objection comprised a petition which contained 74 signatures. The submissions referred to the following issues:

1. Odour: *Offensive, reduces trade/rental for adjoining properties, potential for increased impacts.*

Comment: The submitted EIS acknowledges that there are instances where the existing premise does not comply with the conditions in the existing EPL in relation to odour emissions. The applicant's consultant as formulated a range of mitigation measures aimed at significantly reducing odour impacts (as discussed previously). The OEH, in the issuing of their GTAs for this development have clearly stated that before any increase in production is permitted, all mitigation measures must be implemented before production is permitted to increase.

The proposed mitigation measures are projected to generate a significant projected reduction from 4.4 odour units to 1.1 odour units (1.5 odour units with production increase). This is well below the regulatory standard of 2.0 odour units and is considered satisfactory in minimising odour impacts to an acceptable level, and has been accepted by the regulatory authority.

2. Noise: *Offensive, reduces amenity of locality.*

Comment: The submitted EIS acknowledges that there are instances where the existing premise does not comply with the conditions in the existing EPL in relation to noise emissions. The applicant's consultant has formulated a range of mitigation measures aimed at significantly reducing noise impacts (as discussed previously). The OEH, in the issuing of their GTAs for this development have clearly stated that before any increase in production is permitted, all mitigation measures must be implemented before production is permitted to increase.

Furthermore, should the proposed mitigation measures not be sufficient to achieve the current licence requirements a detailed noise assessment will be required to be conducted with alternative mitigation measures to be implemented.

3. Non compliance: Not meeting the appropriate standards, how will this improve.

Comment: The intent of the GTAs is to ensure that the existing development achieves licence compliance for the existing level of production before additional processing can commence. This will assist in mitigating odour and noise impacts on the locality. Compliance monitoring will be maintained by OEH staff.

4. Traffic: Existing congestion, safety issues with vehicles entering the site, nature of existing traffic controls

Comment: Overall traffic densities for heavy vehicle movements will not change, but rather be extended over a longer period of time through a 24 hour period. The applicant will be required to implement a detailed Traffic Management Plan which will include the formalisation and delineation of staff car and heavy vehicle parking and manoeuvring areas, formalise the movement of vehicles which access the facility in a 'loop' movement and to better define the private/public road interface. The implementation of this Plan will help to improve traffic related impacts in the locality whilst maintaining adequate vehicle access to Out Street businesses.

5. Proposed Traffic Management Controls

Comment: The proposed traffic management controls are acknowledged to have some impact on vehicle movements between Bridge and Out Streets. Two separate options have been suggested to ensure better regulation and safety of the intersection, whilst maintaining consistency with the long term strategy for Bridge Street as adopted by the NSW Roads and Traffic Authority.

It is considered that the minor inconvenience created by either option to the travelling public is significantly offset by the safety improvements gained by either proposal. The recommended solution (Option Two) includes a new right hand turn provision for vehicles entering Out Street from Bridge Street.

6. Re-location of Facility

Comment: Re-location of the existing facility to an alternative location is not a matter for consideration in the assessment of this Development Application.

7. Inadequate Consultation by Developer

Comment: Whilst pre-lodgement consultation by a developer with surrounding land owners is encouraged, it is not a statutory requirement, nor a matter for consideration in the assessment of this Development Application.

8. Inadequate Consultation by Council

Comment: Tamworth Regional Council has notified and advertised the Development Application in complete compliance with the statutory requirements of the *Environmental Planning and Assessment Act 1979*, and the *Environmental Planning and Assessment Regulations 2000*. Furthermore Council elected to specifically inform nearby land owners of the proposed "Option One" traffic control measure to ensure transparency of the assessment process.

9. Economic Benefits

Comment: As stated previously the proposed development will generate an additional 40 equivalent shift positions, as well as support continued growth of the poultry industry with the region.

Submissions made by the public and public authorities have been addressed in the preceding sections of the report. The public interest has been considered throughout the assessment of this development application and it is considered that the positive determination of this application will not be against the public interest subject to the implementation of the recommended conditions of consent.

CONCLUSION:

The development application seeks development consent to increase the daily poultry processing level of the existing facility from 90,000 to 120,000 birds per day. This increase in processing capacity shall be achieved by an additional 4.5 hours of processing time, and shall not require the construction of new buildings or installation of additional plant equipment.

The application has been assessed pursuant to the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. The evaluation of the application has demonstrated that the proposal is satisfactory in terms of the matters for consideration as identified by the legislation.

The assessment and public submissions have identified significant noise and odour impacts that require the implementation of specific mitigation measures to achieve compliance for the existing development and the additional production increase.

It is recommended that, in relation to Development Application No. DA0331/2011 for the intensification of Poultry Processing from a maximum of 90,000 birds per day, to a maximum of 120,000 birds per day and increase in processing hours from 11.5 hours per day to 16 hours per day (2:30am – 6:00pm), within the existing *Livestock Processing Industry*, located at Out Street, Tamworth, be approved subject to the Conditions of Consent in Annexure 6.
