

## **ANNUEXURE 6: DRAFT CONDITIONS**

### **Prior to work Commencing**

1. Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of work:
  - i. obtain a construction certificate from either Council or an accredited certifier
  - ii. appoint a Principal Certifying Authority (and advise Council of the appointment, if it is not the Council)
2. Prior to any work occurring on Bridge Street, a Works Authorisation Deed (WAD) is to be obtained from the Roads and Traffic Authority (RTA) and a copy provided to Council.
3. A minimum one (1) week's notice shall be given in writing to Tamworth Regional Council of the intention to commence works, together with the name of the principal contractor and any major sub-contractors engaged to carry out road works.

### **General Conditions**

4. New external building materials to be selected to match those of the existing building in colour, texture and substance, to ensure that the new building work is visually compatible with existing development.
5. A compliance certificate under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority). Council requires the following payments to be made prior to issuing a compliance certificate.
  - i. Sewer Headworks Contribution is \$1,480,445.00
  - ii. Water Headworks Contributions is \$789,040.00

The above contributions have been adopted under the 2010/2011 Council Management Plan. Revised rates adopted in subsequent Management Plans will apply to payments made in later financial years.

The payment or appropriate arrangements for payment of Water and Sewer Headworks Contributions is required prior to the issue of the Liquid Trade Waste Agreement with Council.

6. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

7. Onsite car parking accommodation shall be provided for a minimum of 99 vehicles in accordance with the submitted Traffic Management Plan, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.
8. All parking and loading bays shall be permanently marked out on the pavement surface with loading bays and visitor parking facilities being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of on-site parking and loading/unloading facilities.
9. All proposed works indicated in the submitted Environmental Impact Statement or as otherwise required under the terms of this consent shall be completed prior any increase in poultry processing to ensure compliance with the provisions of the *Environmental Planning and Assessment Act 1979*.
10. The development must be carried out in accordance with the Development Application, the accompanying Environmental Impact Statement and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
11. Hours of processing operations shall comprise those listed in the submitted Environmental Impact Statement, being 2:30am to 6:00pm – 7 days per week, to confirm the terms of Council's approval and to prevent impact on the amenity of the locality.
12. To confirm and clarify the terms of approval, consent is granted for an increase in poultry processing from 90,000 birds per day, to 120,000 birds per day.
13. The facility's Environmental Management Plan shall be amended to reflect the proposed development, prior to any increase in processing capacity and a copy shall be provided to Tamworth Regional Council.

#### **Roadworks**

14. The following road works shall be undertaken by the developer, generally in accordance with Plan No. "Concept Layout Option Two, Drawing Number 19091 Ver. B" (Annexure A), which includes:
  - i. Construction of right hand turn storage lane, capable of accommodating a 19 metre long articulated vehicle;
  - ii. Construction of two separate raised concrete medians along Bridge Street;
  - iii. Construction of channelised left hand turn from Out Street onto Bridge Street.

A Works Authorisation Deed (WAD) is required for these works.

These works are required to be completed in full prior to any increase in production at the facility.

15. The Traffic Management Plan (Annexure B), as prepared by RoadNet Pty Ltd shall be implemented in full before any increase in production at the facility.

#### **Sewer**

16. The effluent discharge rate to Council's reticulated sewerage system shall not exceed the current approved discharge rate of 22 litres per second.
17. A new Liquid Trade Waste Agreement with Council will be required and Council is required to obtain the NSW Office of Water's (NOW) approval to Agreements of this scale. (Note: NOW have previously indicated the possible need for a balancing tank and there may be a need for improvements to existing wastewater treatment components to cater for the extended operating time and reduced maintenance period available.)
18. No increase in production shall commence prior to approval of the new Liquid Trade Waste Agreement and any associated works.
19. The payment or appropriate arrangements for payment of Water and Sewer Headworks Contributions as required by Condition 5 are required prior to the issue of the Liquid Trade Waste Agreement with Council.

#### **GENERAL TERMS OF APPROVAL**

20. The development shall be carried out in accordance with the General Terms of Approval issued by the Department of Environment, Climate Change and Water, attached in Annexure C to this consent.

#### **Inspections**

21. It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the *Environmental Planning and Assessment Regulations 2000*. The owner may appoint either the Council or an accredited certifier to be the PCA.

#### **During Construction**

22. The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians.

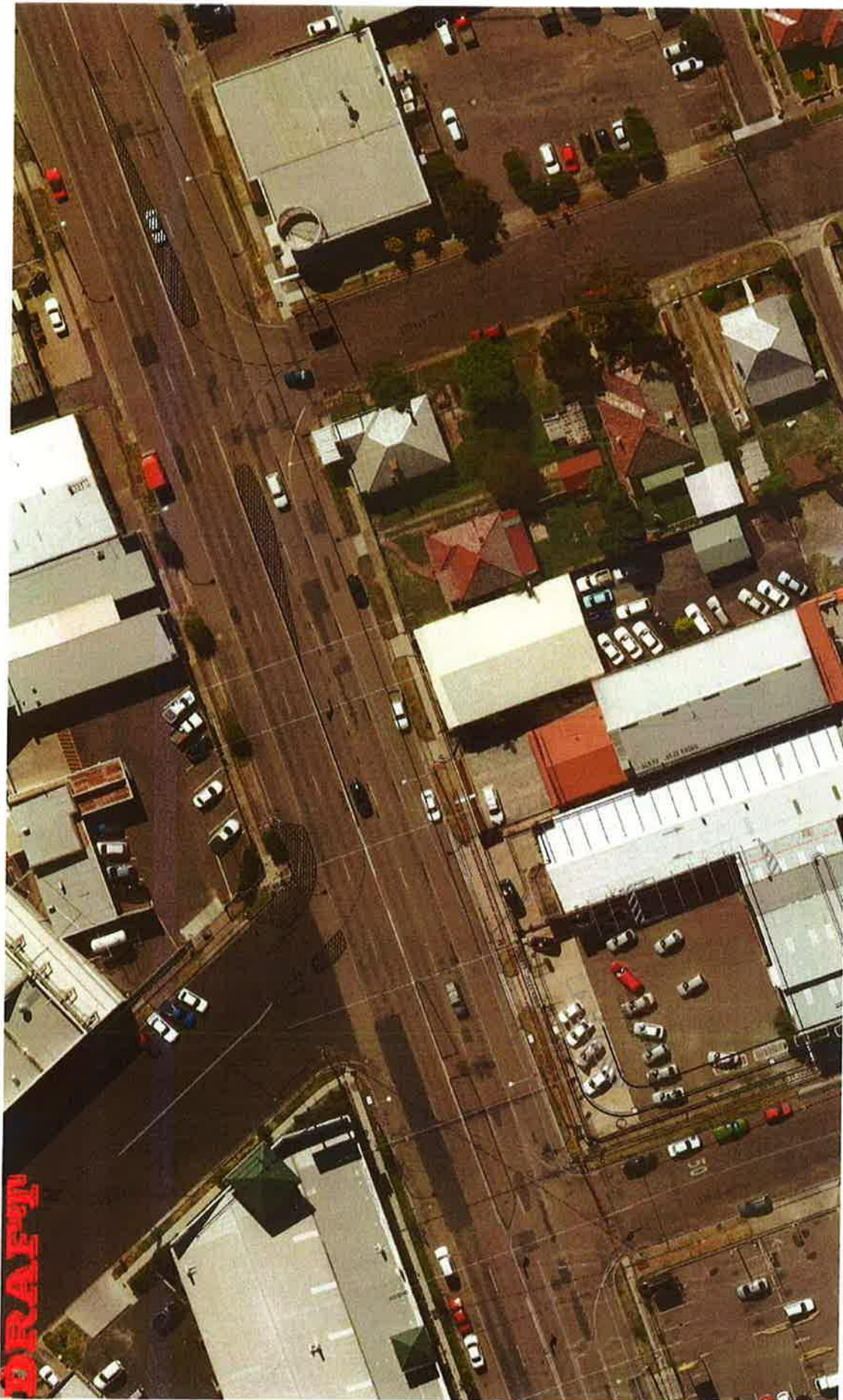
### **Prior to Issue of Occupation Certificate**

23. To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building (or part of the building in the case of alterations and additions) shall not be occupied or used until:
- i. it is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection; or
  - ii. the principal certifying authority gives written permission to allow the building to be occupied or used before it is completed.

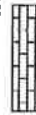
### **Continued Operations**

24. The sealing (where existing) and marking to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

# ANNEXURE A.

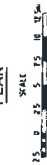


LEGEND



PROPOSED CONCRETE MEDIAN

PLAN



CONCEPT LAYOUT  
OPTION 2

TAMWORTH REGIONAL COUNCIL  
BRIDGE STREET BETWEEN PHILLIP & KING STREET  
INTERSECTIONS - PROPOSED SPLITTERS

DATE	1/10/2010
BY	AND
NO	2
REV	19091
BY	A1

REGIONAL SERVICES DIRECTORATE  
APPROVED  
DATE

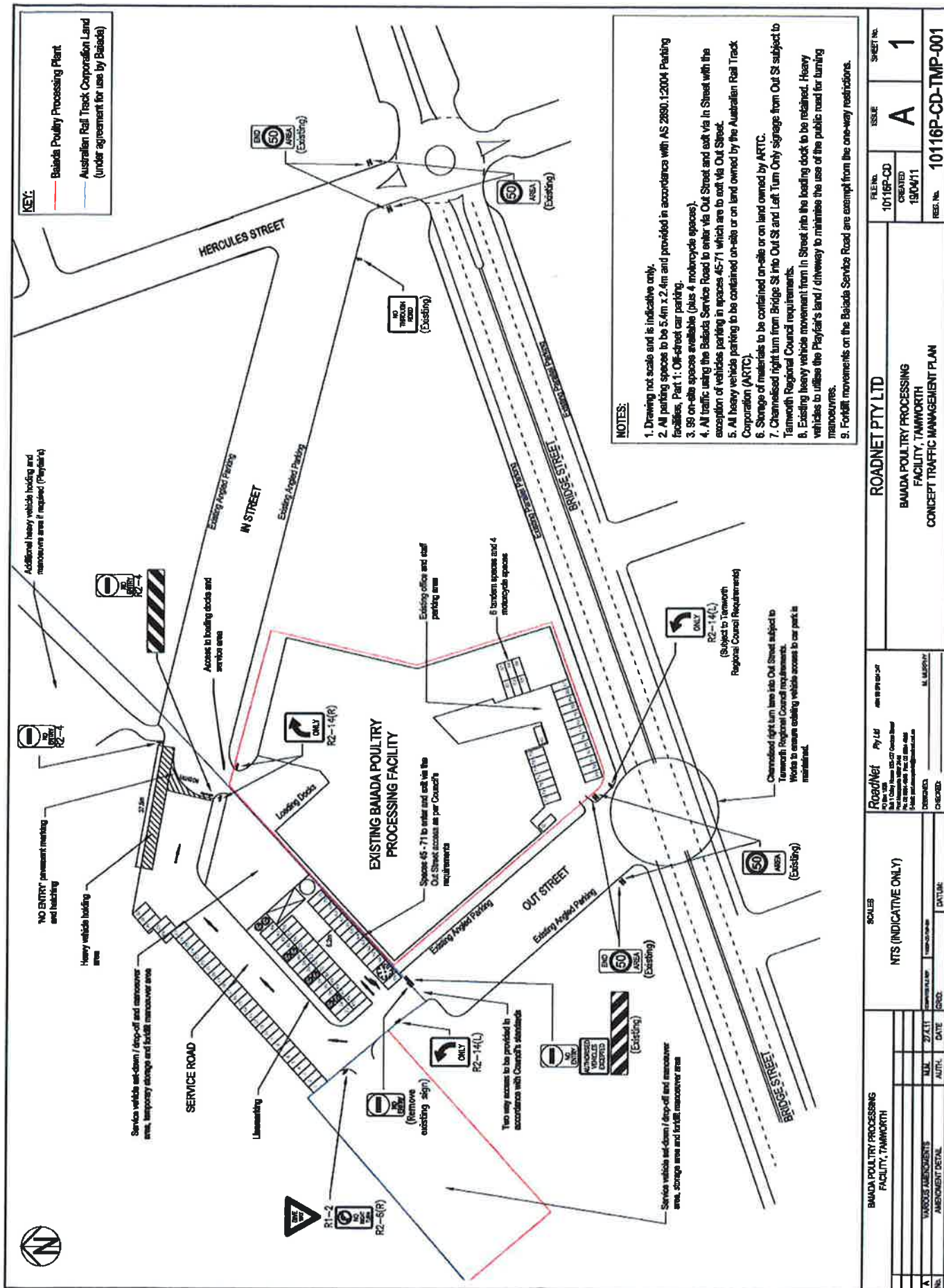
DESIGNED  
CHECKED  
DATE

PROJECT NO.  
DRAWING NO.  
SHEET NO.

NOT FOR CONSTRUCTION



## ANNEXURE B.



ANNEXURE C.

DOU/19369 LIC07/2648

Environment Protection Licence - Protection of the Environment Operations Act 1997

## General Terms of Approval



Environment,  
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& Water

Notice No: 1127300

Mr Paul Bennett  
General Manager  
Tamworth Regional Council  
PO Box 555  
~~ARMIDALE NSW 2350~~ TAMWORTH NSW 2340 *yl.*

Attn: David Koppers

Dear Mr Bennett

**RE: Development Application No. DA0331/2011 – Balada Poultry (Tamworth) Pty Limited**

I refer to the development application and accompanying information provided for the Balada Poultry (Tamworth) Pty Limited, Out Street Processing Plant, Increase in Poultry Processing proposal received by the EPA on 23 February 2011.

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain this licence.

The general terms of approval for this proposal are provided at attachment A. If development consent is granted 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 the EPA. 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 the EPA about the changes before the consent is issued. This will enable the EPA 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 Lindsay Fulloon on (02) 6773 7000.

Yours sincerely

Acting Head Regional Operations - Armidale  
for Director-General

cc Balada Poultry (Tamworth) Pty Limited  
C/- Psa Consulting  
PO Box 15339  
City East QLD 4002

## General Terms of Approval



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### INTRODUCTION

These General Terms of Approval reflect the conditions that will need to be added to, or amended in the current environment protection licence (EPL) No. 10815 for the Baiada Poultry (Tamworth) Pty Limited, Out Street Poultry Processing Plant. The current conditions of EPL 10815 which are not amended by these General Terms of Approval will also be applicable to the proposed development. A separate application to the EPA to amend the licence will need to be submitted prior to scheduled development works being undertaken.

### ADMINISTRATIVE CONDITIONS

#### A1 WHAT THE LICENCE AUTHORISES AND REGULATES

A1.1 Not applicable.

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 processing activities

Fee Based Activity	Scale
Slaughtering or processing of animals	> 30000 - T processed

A1.3 Not applicable.



## General Terms of Approval



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### A2 PREMISES TO WHICH THIS LICENCE APPLIES

A2.1 The licence applies to the following premises:

**Premises Details**

**BAIADA OUT STREET POULTRY ABATTOIR**

**1 OUT STREET**

**TAMWORTH**

**NSW**

**2340**

**LOT 24 DP832149, LOT 6 DP557786, LOT 1 DP799461**

### A3 OTHER ACTIVITIES

A3.1 Not applicable.

### A4 INFORMATION SUPPLIED TO THE EPA

A4.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA0331/2011 submitted to Tamworth Regional Council on 9 February 2011;
- the document entitled "*Balada (Tamworth) Pty Limited, Environmental Impact Statement, Increase in Poultry Processing, Out Street Processing Plant, Tamworth, NSW, 2340, 7 February 2011*" relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including correspondence from David Ireland of PSA consulting dated 9 March 2011 and associated Attachments 1 and 2; and e-mail correspondence from Elaine Dickson of Balada dated 12 April 2011 titled "Live bird fans rev3.JPG; GTAs - revised 12.04.11.doc."

### LIMIT CONDITIONS

#### L8 LIVESTOCK PROCESSING LIMITS

L8.1 The total number of birds processed in any one day at the premises, must not exceed 90,000 until the pollution reduction programs defined at conditions U1.1 and U2.1 have been completed to the satisfaction of the EPA. Once the EPA has formally advised the applicant in writing that the pollution reduction programs defined at conditions U1.1, U2.1 and U2.2 are complete, the total number of birds processed in any one day at the premises, must not exceed 120,000.

# General Terms of Approval



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## POLLUTION STUDIES AND REDUCTION PROGRAMS

### U1 ODOUR MITIGATION PROGRAM

U1.1 The applicant must complete to the satisfaction of the EPA the following odour mitigation works before it commences processing more than 90,000 birds per day and in any case by no later than 1 August 2011:

Item No.	Mitigation Works
a)	Enclosure of the southern side of the live bird holding shed including: <ul style="list-style-type: none"> <li>Sealing all remaining openings in the shed walls; and</li> <li>Closing off one of the existing 3 pedestrian doors and installation of self closing latch to the newest door.</li> </ul>
b)	Implementation of extraction and stack dispersion systems including: <ul style="list-style-type: none"> <li>Construction of 6 roof fans (2 rows of 3 fans) of 1200mm diameter discharging at a vertical velocity of 10 m/s and allowing for an extraction rate of greater than 216,000 m<sup>3</sup>/h to ensure that extraction is greater than ventilation at all times; and</li> <li>Construction of a stack at least 1.5m above roof level to encourage initial vertical direction of dispersion.</li> </ul> <p>Please note: the proposed roof fans must be mounted below existing roof height (i.e. they must be housed within the roof) to ensure they do not represent a significant additional noise source.</p>

Due Date: 1 August 2011

### U2 NOISE MITIGATION PROGRAM

U2.1 The applicant must prepare and submit to the EPA's Armidale office a noise mitigation work validation monitoring protocol in order to assess noise emissions from the premises against the noise limits (applying during each of the three time periods) defined at condition L6.1 of Environment Protection Licence No. 10815 in a consistent and representative manner at the times defined in the table below, by no later than 1 June 2011:

Item	Timing
a)	Upon completion of the mitigation works a) through g) defined in condition U2.2 (below) in order to determine whether mitigation work h) needs to be implemented;
b)	At the completion of all mitigation works implemented in accordance with condition U2.2, and to determine whether condition U2.3 (below) has been triggered;
c)	If condition U2.3 is not triggered, and the premises achieves compliance with the noise limits defined at condition L6.1 of Environment Protection Licence No. 10815, then another round of compliance monitoring must be completed 6 months after the monitoring required at b) above was undertaken.

Due Date: 1 June 2011

U2.2 The applicant must complete, to the satisfaction of the EPA, noise mitigation works a) through to g) as shown in the table below before it commences processing more than 90,000 birds per day, and in any case by no later than 1 August 2011. Should the completion of mitigation works a) through to g) not result in the premises achieving compliance with the noise limits contained in the premises Environment Protection Licence (No.

## General Terms of Approval



Environment,  
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& Water

10815), and noise validation monitoring confirms that roof top noise sources significantly contribute to the noise limit contravention, then the applicant must also complete mitigation work h) as defined in the table below, by no later than **31 August 2011**.

Item No.	Mitigation Works
a)	Enclosure of the elevated feather press
b)	Self closing mechanisms to be installed on all external factory doors
c)	Workshop external speakers to be volume adjusted (reduced) or relocated
d)	The roof top EV 1950mm fan to be relocated and directed away from the residential receivers
e)	Sound attenuating acoustic pipe lagging material (e.g. Acoustiflex ® PL) to be applied to the pipes transferring feathers and offal to the collection area in the live bird shed
f)	An acoustic wall is to be constructed around the west and north faces of the cooling towers at approximately 2100mm in height (to match the existing brick wall). This wall is to be constructed of a material with an acoustic coefficient of 0.6 or higher.
g)	The live bird intake fans are to be housed within an enclosed external structure constructed of insulated panel and lined with 50mm perforated foil faced insulation with a minimum rating of NRC 0.65. The structure is to be opened on top to allow air to be drawn through the live bird fans. This opening is to be covered with wire mesh to restrict vermin and located under an awning to prevent rainfall ingress.
h)	Construction of a 2500mm high, rooftop parapet wall spanning the extent of the building along the leading edges of the roof lines facing south towards the nearest residences. The parapet wall is to be lined with 50mm Woodtex panels with an acoustic absorption coefficient of 0.6 or higher.

**Due Date:** Mitigation works a) through g) - 1 August 2011; and  
Mitigation work h) (if required) – 31 August 2011.

U2.3 If the completion of U2.2 above does not result in noise emissions from the premises complying with the noise limits established in Environment Protection Licence No. 10815, then the applicant must engage a suitably qualified acoustic specialist consultant to complete a full and thorough noise assessment for the premises in accordance with the requirements of the *NSW Industrial Noise Policy* that incorporates the following by no later than **30 November 2011**:

- An assessment of all reasonable and feasible noise mitigation options that could potentially be applied at the premises;
- An assessment of the noise levels that could be achieved (once all reasonable and feasible mitigation measures have been applied) at all relevant receptors within each of the surrounding amenity zones (e.g. industrial, industrial/urban interface & urban);
- An assessment of the impact of adverse meteorological conditions (e.g. Temperature Inversions and winds blowing towards receptors) and the significance of temperature inversions and wind conditions;
- Clearly defined project specific noise levels for the premises operations at a capacity of 120,000 birds per day; and
- In the event that the fully mitigated noise level predictions provided further to the above (including those likely during adverse meteorological conditions) exceed the project specific noise levels (required further to d) above), the applicant must provide evidence to the EPA that it has made bona-fide attempts to negotiate suitable agreements (to the satisfaction of the EPA) with affected receptors.

**Due Date:** (if triggered) 30 November 2011.